

Groton Daily Independent

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81st Annual

Carnival of Silver Skates

Sunday, January 27th—2:00 and 6:30
Groton Ice Rink—West Side of Groton, SD

Join us for a fun “Road Trip”!

Admission: 13 & older—\$3.00 / 6-12—\$2.00

Parking: Provided around the rink and on the ice or cozy up on the bleachers
(Ice parking begins at 10 am, then again at 4:30 pm)

**Check us out on Facebook at “Silver Skates”

OPEN: Recycling Trailer in Groton

The recycling trailer is located at 10 East Railroad Ave. It takes cardboard, papers and aluminum cans.

- 2- Skating Rink opens today
- 2- Groton Area Schedule of Events
- 2- GROW SD Supporting Homeless Count January 22, 2019
- 2- Help Wanted Ads
- 3- Doeden steal and shot propels Groton Area to win over Webster Area; DeHoet has double-double night
- 4- Fiegen begins new term on South Dakota Public Utilities Commission with oath of office
- 5- SDSU Extension Provides Facts On Aging In New Report
- 6- Names Released In Pennington County Fatal Crash
- 7- GDILIVE.COM - Girls at Waubay
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Skating Rink Hours

Open Monday - Thursday: 4 p.m. to 9 p.m.

Friday: 4 p.m. to 10 p.m.

Saturday: 10 a.m. to 10 p.m.

Sunday: 1 p.m. to 9 p.m.

Groton Area Schedule of Events

Tuesday, January 8, 2019

6:30pm: Girls Basketball vs. Waubay-Summit at Waubay.

Thursday, January 10, 2019

6:00pm: Girls Basketball at Sisseton

Friday, January 11, 2019

Debate Silver Bowl at Sioux Falls

5:15pm: Boys Basketball hosts Sisseton. (C game at 5:15 p.m. followed by junior varsity and varsity)

Saturday, January 12, 2019

Debate Silver Bowl at Sioux Falls

9:00am MT: Varsity Wrestling Tournament at Philip

10:00am: Basketball: Boys 7th/8th Jamboree vs. Leola-Frederick, Northwestern @ Groton Area School

1:00pm: Basketball: Boys Varsity Classic vs. Little Wound @ Redfield Jr-Sr High School

Homecare Services Caregivers

Flexible, part time positions available in the Groton area. Home Care Services is looking for friendly dependable people to provide care and companionship for elderly and disabled people in their homes. You will be assisting our clients with personal care needs, meal preparations, light housekeeping, errands and other tasks. If you have a passion for helping others and need a flexible schedule, please call our office at (605) 225-1076 or 1-800-899-2578. (1218.0101)

Front Porch Manager Wanted

Immediate opening for Restaurant General Manager at The Front Porch Bar & Grill in Langford SD. Hiring bonus available! Salary DOE. Must be 21 years old. Contact Suzie Easthouse at (605) 493-6570 or email resume by to langfordfrontporch@venture-comm.net. (1227.0111)

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Doeden steal and shot propels Groton Area to win over Webster Area; DeHoet has double-double night

Jonathan Doeden stole the ball with less than 10 seconds left in the game and went down and made a tough shot to propel Groton Area to a 50-48 win over Webster Area.

Groton Area jumped out to a 14-9 lead after the first quarter, but Webster Area would go on a 14 point run to take a 23-14 lead midway in the second quarter. The Tigers would then score 10 straight points to reclaim the lead, 24-23. The lead changed hands twice before Groton Area took a 29-25 lead into the locker room at half time.

Webster Area tied the game at 29 before the Tigers scored nine straight points to take a 38-29 lead and held a 40-34 advantage going into the fourth quarter. The Bearcats chipped away at the lead and held a 48-47 advantage with 1:54 left in the game. Kaden Kurtz made one of two free throws to tie the game at 48 with 1:32 left. The Doeden steal and shot gave the Tigers the win, 50-48.

Brodyn DeHoet had a double-double night, leading all scorers with 25 points and he had 16 rebounds. Kaden Kurtz added eight points followed by Doeden with seven, Treyton Diegel six and Cade Guthmiller and Tristan Traphagen each had two points.

Webster Area was led by Matthew Block with 15 points followed by Kalab Marx and Jhett Prins with 10 points apiece, Braden Holland had eight and Jaydan Keller had five points.

Both teams shot about 31 percent from the field. The Tigers made 26 percent of their three-pointers, making six of 23, while the Bearcats made 12 percent, making two of 16. DeHoet and Diegel each made two three-pointers while Doeden and Kurtz each made one.

The Tigers made four of five free throws for 80 percent of of Webster Area's eight team fouls. Webster Area made 10 of 17 free throws for 59 percent off of Groton Area's 13 team fouls. Groton Area had 12 turnovers with five of them being steals. Webster Area had 11 turnovers with six of them being steals. Diegel had two steals. Groton Area had more assists, 9-5, with Diegel having four.

The Tigers, now 3-3 on the season, will host Sisseton on Friday. The game was broadcast live on GDILIVE.COM, sponsored by the Aberdeen Chrysler Center.

Groton Area won the junior varsity game, 29-24. Scoring for Groton Area: Cyruss DeHoet 9, Jace Kroll 7, Jayden Zak 6, Chandler Larson 4, and Abdimalik Mohamed 3.

The Tigers made it a clean sweep with a 36-12 win in the C game. Scoring for Groton Area: Jackson Cogley 7, Jordan Bjerke 6, Kannon Coats 6, Wyatt Hearnen 6, Tate Larson 6, Lane Tietz 3, Pierce Kettering 2.

Fiegen begins new term on South Dakota Public Utilities Commission with oath of office

PIERRE, S.D. – South Dakota Public Utilities Commissioner Kristie Fiegen was sworn in to office on Saturday, Jan. 5 to officially begin her new term. South Dakota Supreme Court Justice Janine Kern administered the oath at a ceremony held in the State Capitol in Pierre.

Fiegen began serving on the PUC in August 2011 when Gov. Dennis Daugaard appointed her to fill a vacancy. She was elected to her first full, six-year term in November 2012 and was re-elected in November 2018. She served as the commission's chairperson in 2017 and 2018 and vice chairperson in 2012, 2015 and 2016.

"South Dakota is my passion. It's the state I grew up in and the state I'm raising my family in. That's why protecting South Dakota consumers is so important to me," said Fiegen. "I'm grateful to the people of South Dakota for the confidence they have instilled in me and I look forward to continuing to dive deep into the issues that impact utility consumers in our state."

Fiegen currently serves as secretary/treasurer of the Southwest Power Pool's Regional State Committee and is a member of the National Association of Regulatory Utility Commissioners' Committee on Gas and Subcommittee on Pipeline Safety. She is also a member of the Gas Technology Institute's Public Interest Advisory Committee where she provides guidance related to the interests of the public and gas consumers.

Prior to her time at the PUC, Fiegen was the president of Junior Achievement of South Dakota for 17 years, spent nine years as the South Dakota area manager for the National Multiple Sclerosis Society and served four terms as a legislator in the South Dakota House of Representatives.

During the oath ceremony, Fiegen's husband, Tim, held the Bible that belonged to the commissioner's mother, Evelyn Olson. Several other family members were also in attendance at the event.

SDSU Extension Provides Facts On Aging In New Report

BROOKINGS, S.D. - South Dakotans are living longer than at any point in history. "This is a global trend," said Leacey E. Brown, SDSU Extension Gerontology Field Specialist.

To help communities better serve this aging population, SDSU Extension released a Profile of Older South Dakotans which provides facts on aging South Dakotans.

"Many communities have a pool of older South Dakotans eager to strengthen South Dakota for future generations. Older South Dakotans are not often considered as an asset as communities plan for the future," Brown said.

Brown said that although typical discussions about aging community members focus on services and healthcare, older South Dakotans need so much more to be happy and well. "All members of the community want to feel like they are helping build a strong South Dakota for future generations," Brown said. "We can be older and healthy, but we have to start with the facts on aging."

The SDSU Extension's Profile of Older South Dakotans provides information about income, poverty levels, age, race/ethnicity, housing, education, health and more.

"By using this information, community members can work together to improve areas that are affecting South Dakotans. By looking at current solutions and exploring opportunities, we can build a South Dakota that will be an ideal to place where future generations of older people can flourish. Ultimately, improving quality of life for all South Dakotans," Brown said.

To read the publication, please visit the SDSU Extension website: <https://extension.sdstate.edu/profile-older-south-dakotans>.

Names Released In Pennington County Fatal Crash

What: Three-vehicle crash
Where: Interstate 90, mile marker 106
Four miles west of Wall, S.D.
When: 3:47 p.m., Tuesday, Jan. 1, 2019

Driver No. 1: Nathan Fjelstad, 19, Groton, S.D., Serious Non-Life Threatening
Passenger: Katie Kloos, 19, Pierre, S.D., Fatal
Vehicle: 2007 Saturn Ion

Driver No. 2: Melissa Ulrich, 37, Sturgis, S.D., Serious Non-Life Threatening Injuries
Passenger: Alan Bakeberg, 36, Piedmont, S.D., Minor Injuries
Vehicle: 2014 Cadillac Escalade

Driver No. 3: Nicole Doerr, 24, Vermillion, S.D., No Injuries
Vehicle: 2016 Hyundai

WALL, S.D. – A Pierre, S.D., woman has been identified as the person who died in a three-vehicle crash Tuesday afternoon west of Wall.

All three vehicles were westbound on Interstate 90. At the time, the road was covered by snow and ice.

A 2007 Saturn Ion lost control while attempting to pass a 2014 Cadillac Escalade. The Saturn slid into the right driving lane where it was hit by the Escalade. The third vehicle, a 2016 Hyundai, also struck the Saturn.

Katie Kloos, the 19-year-old female passenger, in the Saturn was pronounced dead at the scene. The 19-year-old male driver, Nathan Fjelstad of Groton, S.D., sustained serious non-life threatening injuries and was taken to a Rapid City hospital. Charges are pending against the driver.

Both occupants of the Escalade were injured and transported to a Rapid City hospital. There were no injuries in the Hyundai.

Seatbelt used by the deceased is under investigation. All of the others involved were wearing seatbelts.

South Dakota's Highway Patrol continues to investigate the crash.

The Highway Patrol is part of the South Dakota Department of Public Safety.

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It's Girls' Basketball Action on GDILIVE.COM



Waubay-
Summit VS
Mustangs



Groton Area Tigers

Tuesday, Jan. 8, 2019

8:00 p.m.

At Waubay

Broadcast of this game is sponsored by the

Aberdeen
Chrysler Center

901 Auto Plaza Drive
Aberdeen, SD

800.874.9173

www.aberdeenchrysler.com

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It's Girls' Basketball Action on GDILIVE.COM



**Sisseton
Redmen**

VS



Groton Area Tigers

Thursday, Jan. 10, 2019

7:30 p.m.

At Sisseton

Broadcast of this game is sponsored by the

Aberdeen
Chrysler Center

901 Auto Plaza Drive
Aberdeen, SD

800.874.9173

www.aberdeenchrysler.com

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It's Boys' Basketball Action on GDILIVE.COM



**Sisseton
Redmen**

VS



Groton Area Tigers

Friday, Jan. 11, 2019

8:00 p.m.

At the Groton Area Arena

Broadcast of this game is sponsored by

Allied Climate Professionals
Bahr Spray Foam
Blocker Construction
Doug Abeln Seed Company
James Valley Seed - Doug Jorgensen
John Sieh Agency
Locke Electric
Milbrandt Enterprises, Inc.
Northeast Chiropractic Clinic
Professional Management Services, Inc.
Sanford Health
Weber Landscaping

It's Boys' Basketball Action on GDILIVE.COM



**Little Wound
Mustangs** VS



Groton Area Tigers

Saturday, Jan. 12, 2019

1:00 p.m.

At the Redfield Classic

Broadcast of this game is sponsored by the

Aberdeen
Chrysler Center

901 Auto Plaza Drive
Aberdeen, SD

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Today in Weather History

January 8, 1969: Winds of 30 whipped new snowfall of 3 to 5 inches on top of 10 to 20 inches of previous snow cover to 50 mph. Temperatures fell to around five below zero resulting in dangerous wind chills. This storm halted all traffic from early on the 8th to midday on the 9th, closed all schools, and stranded motorists.

January 8, 2010: Arctic high pressure combined with strong northwest winds resulting in extreme wind chills from 35 to nearly 50 degrees below zero across central and northeast South Dakota. Some of the lowest wind chills included, -40 in Aberdeen; -41 in Watertown; -42 in Highmore; -43 in Leola and Faulkton; -44 in Eagle Butte, Herreid, and Gettysburg; and -47 in Bowdle. Several record lows were also tied or broken during the morning hours of the 8th including, -22 degrees NW of Gann Valley and Victor; -23 degrees at Pierre and Sisseton; -24 degrees at Roscoe; and -34 degrees at Pollock.

1973: Georgia's worst ice storm since 1935 occurred on from the 7th through the 8th. Freezing rain and sleet began during the early morning hours on Sunday the 7th and ended in most areas during the day on Monday. Total damage was estimated at well over \$25 million. The electric power companies suffered losses estimated at \$5 million and telephone companies had another \$2 million in damages. Some schools were closed for more than a week.

1953 - A severe icestorm in the northeastern U.S. produced up to four inches of ice in Pennsylvania, and two to three inches in southeastern New York State. In southern New England the ice coated a layer of snow up to 20 inches deep. The storm resulted in 31 deaths and 2.5 million dollars damage. (David Ludlum)

1973 - A severe icestorm struck Atlanta GA. The storm paralyzed the city closing schools and businesses, and damage from the storm was estimated at 25 million dollars. One to four inches of ice coated northern Georgia leaving 300,000 persons without electricity for up to a week. Between 7 PM and 9 PM on the 7th, 2.27 inches (liquid content) of freezing rain, sleet and snow coated Atlanta, as the temperature hovered at 32 degrees. (7th-8th) (David Ludlum) (The Weather Channel)

1987 - A winter storm moving out of the Southern Rockies into the Central Plains Region produced 14 inches of snow at Red River NM, and 17 inches in the Wolf Creek ski area of Colorado. Wichita KS was blanketed with seven inches of snow. (National Weather Summary) (Storm Data)

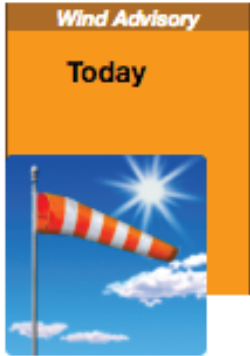
1988 - A winter storm spread heavy snow across the northeastern U.S., with up to ten inches reported in southern New Jersey. (National Weather Summary) (Storm Data)

1989 - Strong northwesterly winds and bitterly cold temperatures prevailed in the north central U.S. Winds in the Great Lakes Region gusted to 58 mph at Chicago IL, and reached 63 mph at Niagara Falls NY. Squalls in western New York State produced 20 inches of snow at Barnes Corners and Lowville. Snow squalls in Upper Michigan produced 26 inches around Keweenaw. (National Weather Summary) (Storm Data)

1990 - High winds plagued the northwestern U.S., with the state of Oregon hardest hit. Two persons were killed in Oregon, and nine others were injured, and the high winds downed fifty-five million board feet of timber, valued at more than twenty million dollars. Winds gusted to 90 mph near Pinehurst ID, and wind gusts reached 96 mph at Stevenson WA. (National Weather Summary) (Storm Data)

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Sunny and Blustery

High: 26 °F ↓



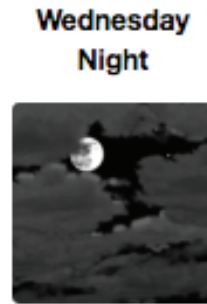
Mostly Clear

Low: 3 °F



Mostly Sunny

High: 11 °F



Mostly Cloudy

Low: 4 °F



Partly Sunny

High: 23 °F

NWS ABERDEEN

JANUARY 8, 2018

Strong Winds Today

Northwest 20 to 30 mph, with gusts over 45 mph possible

Peak Wind Gusts

Strongest this Afternoon

Highest Winds over and east of the **Leola Hills**, and **Sisseton Hills** of eastern SD

Published on: 01/08/2019 at 4:59AM

Strong winds today: 20 to 30 mph, with gusts around 45 mph possible. Expect the strongest winds this afternoon over and east of the Leola Hills and Sisseton Hills of eastern South Dakota.

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Yesterday's Weather

High Outside Temp: 37 °F at 1:43 PM

Low Outside Temp: 31 °F at 8:54 AM

High Gust: 14 mph at 7:11 AM

Precip:

Today's Info

Record High: 55° in 1963

Record Low: -33° in 1912

Average High: 22°F

Average Low: 1°F

Average Precip in Jan.: 0.13

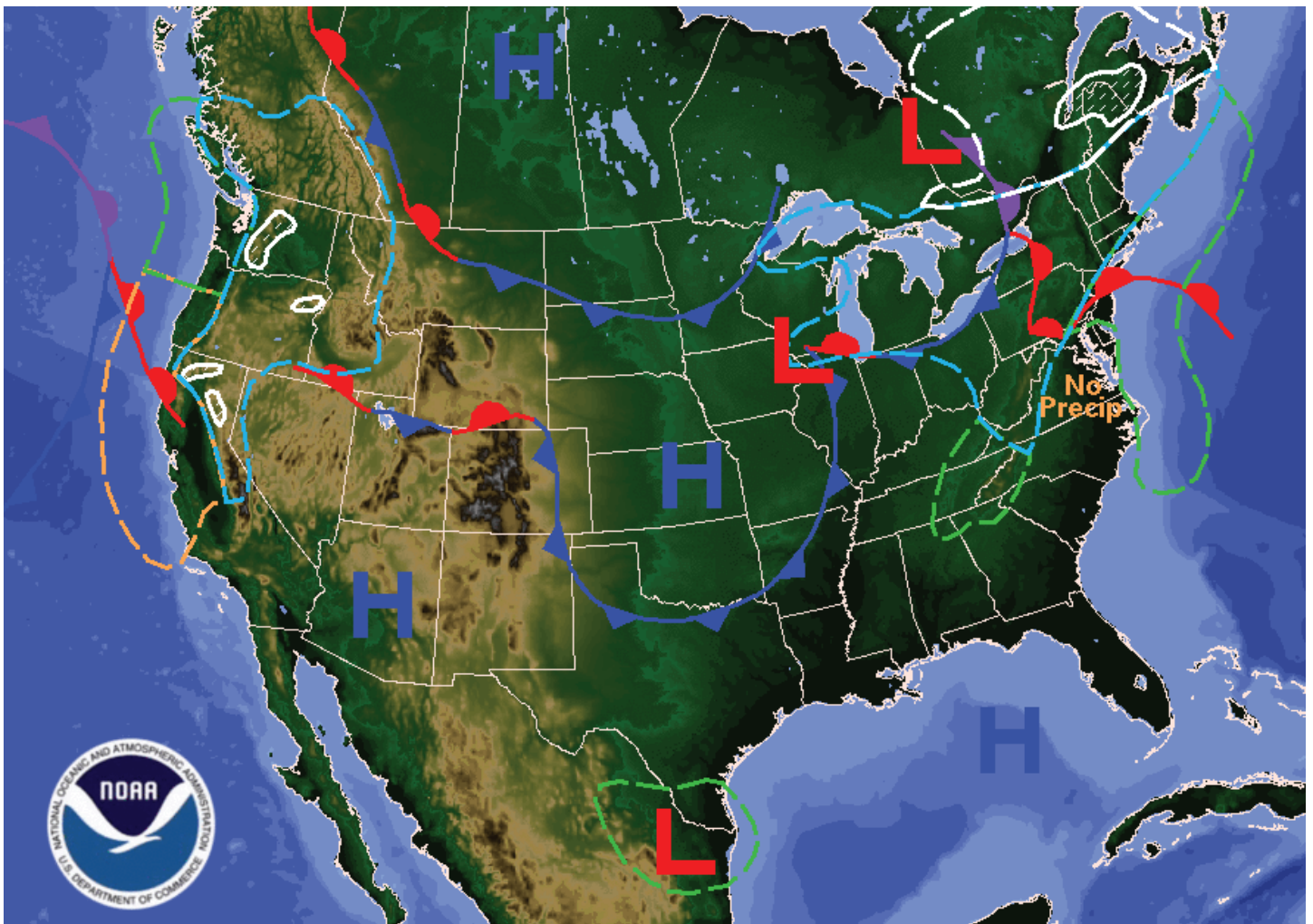
Precip to date in Jan.: 0.00

Average Precip to date: 0.13

Precip Year to Date: 0.00

Sunset Tonight: 5:08 p.m.

Sunrise Tomorrow: 8:13 a.m.



Day 1 National Forecast Chart

Valid Tue, Jan 08, 2019, issued 4:02 AM EST
DOC/NOAA/NWS/NCEP/Weather Prediction Center
Prepared by Mcreynolds with WPC/SPC/NHC forecasts

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

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FROM DARKNESS COMES LIGHT

This may be hard to believe...

A thief, running through a crowded street, caught the eye of a police officer after a person shouted, Help! Instinctively, the officer ran after him and caught him. While searching his pockets, he found hundreds of dollars that he had taken from a Mini-Market.

How foolish of you to steal in broad daylight! Most thieves steal at night when its dark, said the officer.

I know, sir, came the reply. But, Im afraid of running when its dark. I might trip.

The fear of darkness is one of the greatest fears in the world. But darkness was not created by God. Darkness is the absence of light.

There was a time when the earth was chaotic and dark. Then God said, Let there be light! And there was.

Man does not receive true light from the darkness of the world when he is born. That Light, the Light that man needs to guide him through life and into eternity, comes only from Gods Son. But, that Light must be received if man is to find his way into eternal life through Christ.

My God, said the Psalmist, turns my darkness into light! But, as brightly as that Light shines, and as necessary as it is for man to follow for eternal life, it must be accepted.

John wrote, In Him was life, and that life was the light of men. The light shines in the darkness, but the darkness has not understood it.

The way to the light that leads to eternal life is to accept Christ.

Prayer: Thank You, Father, for providing us that Light. May we accept the Light that comes from You to save us. In Jesus Name, Amen.

Scripture For Today: Psalm 18:28 You, Lord, keep my lamp burning; my God turns my darkness into light.

2019 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)
- 6/14/2019 SDSU Golf Tournament at Olive Grove Golf Course
- 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)
- 9/8/2019 Sunflower Classic at Olive Grove Golf Course
- 10/12/2019 Pumpkin Fest (Saturday before Columbus Day)
- 10/11/2019 Lake Region Marching Band Festival (2nd Friday in October)
- 10/31/2019 Trunk or Treat/Halloween on Main
- 11/9/2019 Groton American Legion Post #39 Turkey Shoot (Saturday closest to Veteran's Day)
- 12/07/2019 Olive Grove Golf Course 2019 Holiday Party
- Best Ball Golf Tourney
- Santa Claus Day
- Fireman's Stag
- Crazy Dayz/Open Houses
- School Events

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News from the Associated Press

Kristi Noem to give first State of the State address

PIERRE, S.D. (AP) — Republican Gov. Kristi Noem is set to give her first State of the State address to lawmakers in Pierre.

The speech will be held Tuesday, when lawmakers gather for the 2019 legislative session. The session runs until lawmakers adjourn in late March.

It's Noem's first session as governor. She was sworn in to office over the weekend.

Noem has said she'll release legislative priorities in the address and propose a state budget in the coming weeks.

Republicans hold supermajorities in both the House and the Senate.

Monday's Scores By The Associated Press

BOYS PREP BASKETBALL

Brandon Valley 64, Sioux Falls Roosevelt 53

Britton-Hecla 63, Waubay/Summit 40

Dupree 56, Wakpala 54

Grand Forks Central, N.D. 70, Lennox 64

Groton Area 50, Webster 48

Herreid/Selby Area 67, Linton-HMB, N.D. 60

Langford 58, Edmunds Central 47

Tri-State, N.D. 61, Waverly-South Shore 44

Viborg-Hurley 70, Alcester-Hudson 24

GIRLS PREP BASKETBALL

Brandon Valley 55, Sioux Falls Roosevelt 41

Britton-Hecla 41, Aberdeen Christian 21

Cheyenne-Eagle Butte 57, St. Francis Indian 40

Corsica/Stickney 70, Platte-Geddes 31

Dupree 74, Wakpala 58

Florence/Henry 50, Castlewood 47

Howard 58, Elkton-Lake Benton 28

Lake Preston 70, Iroquois 24

Lennox 64, Dell Rapids 45

Mobridge-Pollock 51, Standing Rock, N.D. 31

Sioux Valley 58, Oldham-Ramona/Rutland 21

Viborg-Hurley 68, Alcester-Hudson 36

Wolsey-Wessington 62, Highmore-Harrold 61

Some high school basketball scores provided by Scorestream.com, <https://scorestream.com/>

Couple files lawsuit for daughter's death in Fairburn fire

RAPID CITY, S.D. (AP) — The parents of a 26-year-old woman killed in a fire at their home in Fairburn filed a lawsuit against the small town and a neighbor, alleging a grass fire that sparked the deadly blaze was fueled by the remains of a nearby shed.

The lawsuit was filed last month in Custer County, the Rapid City Journal reported. The suit claimed a pile of wooden debris on the neighbor's property fed the 2017 fire that killed Julie Pawelski.

The suit further asserted Fairburn officials had ordered that the shed be demolished, but the debris hadn't been cleaned up.

"The subject fire consumed the wooden structure," the plaintiff's attorney, George Nelson, wrote, causing the fire to become "greater in size and fury."

The suit alleges unlawful death and seeks damages from the town and the neighbor. A Fairburn legal representative couldn't be reached and a voicemail left for the neighbor by the newspaper was not returned.

The blaze began when a 7-year-old child playing with a lighter started the grass fire. Wind pushed the fire to the demolished shed on the neighbor's property and then to the Pawelski's two-story residence.

Joe Harbach, Custer Fire Department Chief, was quoted at the time as saying the fire had the potential to destroy the entire town.

A state fire marshal report said the neighbor's wooden structure had collapsed "from lack of maintenance." Crews took an hour to contain the fire that burned two acres in town, damaging buildings and vehicles.

The summer of 2017 saw a drought across much of South Dakota, increasing fire risks and reducing crop production.

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

New governor, AG among top 2019 legislative session players

By JAMES NORD, Associated Press

PIERRE, S.D. (AP) — South Dakota's 2019 legislative session will be Kristi Noem's first as governor, but she's not the only state official stepping into a new role.

Lawmakers gather Tuesday for the session that will run into late March. They'll set the state budget and debate issues ranging from criminal justice to online sales taxes.

Here's a look at some of the key political players this session:

GOV. KRISTI NOEM

A state legislator before she served in Congress, Noem is headed into her inaugural session leading the executive branch. It's unclear which parts of Noem's wide-ranging campaign platform — she had proposals on issues spanning public safety to government transparency — will top her to-do list, which will be the main force that shapes the session. Noem has said she'll release legislative priorities in her State of the State address and propose a state budget in the coming weeks.

In a speech at her swearing-in ceremony over the weekend, Noem said she wants to be remembered as a governor for the next generation. She is the first woman to serve in the office.

Some of the most conservative lawmakers in the Republican-controlled Legislature have been waiting for Noem's term, hoping she will sign into law priorities such as allowing people to carry concealed handguns without a permit in South Dakota.

ATTORNEY GENERAL JASON RAVNSBORG

Ravnsborg, who is also new to his office, has made ending the state's presumptive probation policy for some lower-level felonies the cornerstone of his legislative agenda. The practice is credited with helping stop expensive prison population growth, but critics say it ties judges' hands.

The proposed changes are set to be among the most consequential that lawmakers debate this year. South Dakota in 2013 passed a Republican-led justice system overhaul to tackle prison overcrowding that the latest state analysis credits with saving taxpayers more than \$30 million.

Ravnsborg, an Army Reserve officer and former lawyer in Yankton, campaigned as the candidate favored by the law enforcement community.

His other campaign proposals included expanding programs allowing lower-level prisoners to work and establishing a meth-specific prison and mental health facility in the central or western part of the state. His high-profile office takes on the state's top legal cases and has been a springboard for gubernatorial hopefuls.

REPUBLICAN LEADERS

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Republicans have nominated Rep. Steven Haugaard, an attorney from Sioux Falls, as House speaker and elected Lee Qualm to another term as their majority leader. Qualm said House Republicans will be establishing priorities during the first week of session.

Qualm counted mental health, special education, online sales taxes and the juvenile and criminal justice systems among the top issues lawmakers will tackle this year. The farmer from Platte plans to bring legislation that would allow concealed pistols inside the state Capitol.

In the Senate, Republicans nominated Brock Greenfield to be president pro tempore and chose Kris Langer as their majority leader. Greenfield said lawmakers in South Dakota and other states must do whatever they can to solve opioid and methamphetamine abuse problems.

It will be Langer's first term leading the Senate Republican caucus.

She said officials need to ensure that residents are getting access to mental health services after a legislative task force studied the issue ahead of session. Langer said lawmakers would also focus on workforce development and maintaining the state's friendly business climate.

"I think we can do lots of big and good things together," said Langer, a real estate agent from Dell Rapids.

DEMOCRATIC LEADERS

Democrats won't have much power in the supermajority Republican Legislature. They've selected real estate agent Jamie Smith to be House minority leader and rancher Troy Heinert as Senate minority leader.

After Noem's inauguration, the state's Democratic party urged her to work across the aisle on priorities including funding early childhood education, removing the sales tax on food and expanding Medicaid.

LT. GOV. LARRY RHODEN

A former state representative and House majority leader, Rhoden will preside over the state Senate as lieutenant governor after serving in the Legislature for 16 years. Rhoden is a Union Center rancher who also runs a custom welding business.

Judge allows tribes to challenge Corps' Dakota Access study

By **BLAKE NICHOLSON, Associated Press**

BISMARCK, N.D. (AP) — A federal judge is allowing four Native American tribes in the Dakotas to challenge the recent conclusion of federal officials that a Dakota Access oil pipeline spill wouldn't unfairly affect them, further prolonging a court case that has lingered for more than two years.

The Standing Rock, Cheyenne River, Yankton and Oglala Sioux sued in July 2016 and are still fighting even though the \$3.8 billion pipeline began moving North Dakota oil to Illinois in 2017. They fear environmental harm should the pipeline spill into the Missouri River, which they rely on for drinking water, fishing and religion.

U.S. District Judge James Boasberg in June 2017 ordered the Army Corps of Engineers to do more study on the pipeline's impacts on tribes. The agency last fall completed more than a year of additional work that it said backed up its earlier determination that the pipeline does not pose a higher risk of adverse impacts to minorities.

The tribes contend the Corps has simply rubber-stamped earlier conclusions that were welcomed by President Donald Trump after he took office. The tribes maintain the Corps either didn't allow them adequate input or didn't give enough weight to the information they provided. The Corps has said the tribes have been difficult to work with.

Tribes late last year asked to challenge the Corps' 140-page report on its additional work. Boasberg, in a ruling dated Thursday, said he will allow it but that the Corps and Texas-based pipeline developer Energy Transfer Partners can oppose the introduction of any new tribal claims not specifically related to the additional study.

The Corps and ETP had said in late December that they would not try to block tribal challenges as long as the judge made that stipulation.

Boasberg has set a Jan. 31 deadline for the Corps to give the tribes access to all of the documents it used in making its decision.

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The four tribes want a full environmental study that includes consideration of route alternatives. Standing Rock attorney Jan Hasselman has estimated the legal dispute will linger into at least the summer.

Follow Blake Nicholson on Twitter at: <http://twitter.com/NicholsonBlake>

Boy's Basketball Polls By The Associated Press

SIOUX FALLS, S.D. (AP) — The South Dakota Sportswriters Association high school boy's preseason poll, with first-place votes in parentheses, records, total points and last week's ranking.

Class AA

Rank-School	FPV	Rcd	TP	Pvs
1. Lincoln (23)	7-0	115	2	
2. Yankton -	7-1	91	1	
3. Huron -	6-1	63	3	
4. Stevens -	6-2	46	4	
5. Brandon Valley -	4-2	13	NR	

Others receiving votes: Sturgis 8, O'Gorman 6, Washington 3.

Class A

Rank-School	FPV	Rcd	TP	Pvs
1. Tea Area (19)	7-1	109	1	
2. SF Christian (4)	6-0	96	2	
3. St. Thomas More	-	6-0	69	3
4. Red Cloud	-	8-1	43	5
5. Pine Ridge	-	6-2	19	4

Others receiving votes: Parker 4, Tiospa Zina 2, Aberdeen Roncalli 2, Dakota Valley 1.

Class B

Rank-School	FPV	Rcd	TP	Pvs
1. Bridgewater-Emery	(17)	7-1	104	1
2. Clark-Willow Lake	(6)	6-0	94	2
3. White River	-	7-0	76	3
4. Timber Lake	-	6-0	44	4
5. Aberdeen Christian	-	8-0	23	5

Others receiving votes: Sully Buttes 4.

Girl's Basketball Polls By The Associated Press

SIOUX FALLS, S.D. (AP) — The South Dakota Sportswriters Association high school girl's poll, with first-place votes in parentheses, records, total points and last week's ranking.

Class AA

Rank-School	FPV	Rcd	TP	Pvs
1. O'Gorman	(12)	5-1	98	2

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2. Harrisburg	(9)	6-0	97	3	
3. Brandon Valley	(2)	5-1	68	1	
4. Rapid City Stevens	-	7-1	57	4	
5. Washington	-	6-1	19	5	

Others receiving votes: Brookings 19, Lincoln 2.

Class A

Rank-School	FPV	Rcd	TP	Pvs	
1. Lennox (17)	7-1	107	2		
2. Winner (3)	7-0	84	3		
3. St. Thomas More	(3)	6-1	76	1	
4. Vermillion	-	6-0	37	5	
5. Hamlin -	6-0	21	RV		

Others receiving votes: Belle Fourche 8, McCook Central-Montrose 8, Miller 2, Aberdeen Roncalli 2.

Class B

Rank-School	FPV	Rcd	TP	Pvs	
1. Ethan (21)	5-0	113	1		
2. Warner (2)	6-1	82	2		
3. De Smet -	7-0	68	3		
4. Corsica-Stickney -		6-0	55	4	
5. Faith -	6-0	24	5		

Others receiving votes: Tripp-Delmont/Armour 2, White River 1.

Lawmakers seek to stop state officials from hiring relatives

PIERRE, S.D. (AP) — Several Republican lawmakers say they're seeking to block state officials from hiring relatives after GOP Gov. Kristi Noem's daughter was hired to work in her administration.

Republican Sen. Stace Nelson, the bill's sponsor, says outraged residents contacted him after the hiring. Noem announced in December that her daughter would be a policy analyst in the governor's office.

Nelson says state employment should be based on merit, not on "political family power." A spokeswoman for Noem says the administration hasn't analyzed the bill's text, but says the governor should be able to develop a team who will deliver results for the state "regardless of their last name."

Nelson's bill would prohibit state officials and employees from serving in a supervisory capacity over relatives including parents, spouses, children and siblings.

The 2019 legislative session starts Tuesday.

National champ North Dakota State tops final polls of season

FARGO, N.D. (AP) — National champion North Dakota State tops the final Football Championship Sub-division polls of the season.

NDSU beat Eastern Washington on Saturday for its record seventh FCS title. The Bison finished No. 1 in both the coaches and media polls released Monday.

Eastern Washington is second and South Dakota State third in both the American Football Coaches Association poll and the STATS media poll. Kennesaw State and Maine flip-flop the final two Top Five positions in the polls.

Police; Suspect arrested in fatal shooting in Sioux Falls

SIoux FALLS, S.D. (AP) — Police say a suspect is in custody for a fatal shooting in Sioux Falls.

Capt. Blaine Larsen on Monday identified the victim in Sunday's shooting as 37-year-old Jeremy Flynn, a parolee who had been living at the St. Francis House homeless shelter. Larsen says Flynn had been shot in the "facial area" and was dead by the time officers arrived on the scene.

Officers were called to an alley near Sunshine Foods about 3:30 p.m. Sunday. Witnesses told police they spotted a gray sedan and a white pickup driving away from the scene.

Police say the man in custody is also on parole.

Yankton woman killed in van-train collision identified

SCOTLAND, S.D. (AP) — Authorities have identified a Yankton woman who died when the van she was driving collided with a train in Bon Homme County.

The Highway Patrol says 21-year-old Isabelle Plath died at the scene Thursday night at a BNSF Railway crossing on state Highway 25 near Scotland.

No one on the train was hurt.

Air travelers start to feel effects of government shutdown

By DAVID KOENIG, AP Airlines Writer

DALLAS (AP) — The partial government shutdown is starting to affect air travel.

Over the weekend, some airports had long lines at checkpoints, apparently caused by a rising number of security officers calling in sick while they are not getting paid.

Safety inspectors aren't even on the job. A Federal Aviation Administration spokesman said Monday that inspectors are being called back to work on a case-by-case basis, with a priority put on inspecting airline fleets.

So far, the impact of the shutdown — entering its 18th day on Tuesday — has been most visible for some government buildings and national parks being closed, and trash piling up on the National Mall in front of the Capitol. If the shutdown continues, food stamp recipients will go without aid.

By increasingly affecting air travel, however, the pain is being felt more widely.

Here are some common questions about the shutdown's impact on airports and travel, along with the answers:

WHO IS SUPPOSED TO KEEP WORKING?

About 10,000 air traffic controllers who work for the Federal Aviation Administration and about 51,000 Transportation Security Administration officers have been told to keep reporting to work because they are deemed essential. Those workers at airport checkpoints, control towers and FAA radar stations aren't being paid.

ARE THEY SHOWING UP?

TSA admits that more screeners are calling in sick at some airports, including Dallas-Fort Worth International. It gave few numbers but issued a statement Friday saying that more have been missing work since the Christmas and New Year's holidays. The TSA said the effect was "minimal."

Then over the weekend, travelers reported longer checkpoint lines at some airports, including LaGuardia in New York. On Monday, TSA tweeted that agents screened 2.22 million passengers nationwide on Sunday, which it called a "historically busy day due to holiday travel." TSA said only about 220,000 travelers waited at least 15 minutes at checkpoints, while 0.2 percent — fewer than 5,000 — waited at least 30 minutes.

HOW WILL TSA RESPOND TO NO-SHOWS?

TSA spokesman Jim Gregory said officials are managing. "If we don't have appropriations by midweek or so, (officers) will miss their first paycheck. That's obviously where it becomes more difficult," he said.

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Gregory said the agency has a team of officers who can go to airports facing a shortage, a tactic developed in case natural disasters prevented screeners from getting to work.

WHAT ABOUT TRAFFIC CONTROLLERS?

About 1,900 air traffic controllers — nearly one in every five — are eligible to retire right now and it's not clear how many of them will stick around. They won't get paychecks later this week despite working over the holidays.

"I don't know how long they're going to stay on the job if they're not getting a paycheck," said Paul Rinaldi, president of the National Air Traffic Controllers Association.

There is an even larger group of recently hired trainees and apprentices and Rinaldi said the prospect of a long shutdown could lead some of them to take other jobs.

WILL A SHORTAGE OF CONTROLLERS LEAD TO FLIGHT DELAYS?

The largest pilots' union wrote to President Donald Trump last week urging a quick end to the shutdown, which it said was threatening the safety of the nation's airspace.

Rinaldi, the controllers' leader, said safety is not being compromised, but that capacity to manage traffic could be reduced, leading to flight delays. Others see that as less likely.

"It would have to get pretty bad before the government said (to airlines), 'Hey, start scaling back your plans for service,'" said Richard Aboulafia, an aviation analyst. "You could see that in a worst-case scenario."

An early test of the air traffic system could come around the Feb. 3 Super Bowl in Atlanta, when an influx of corporate jets and private planes will further crowd the sky above the nation's busiest airport. Planning for handling that traffic has been put on hold, Rinaldi said.

WHO HAS BEEN FURLOUGHED?

Workers who aren't deemed essential. That ranges from technicians who maintain equipment used in airport towers to clerical staff. Federal aviation safety inspectors have also been furloughed.

SO WHO IS INSPECTING PLANES?

FAA spokesman Gregory Martin said the agency has been recalling inspectors for certain jobs including assignments at the airlines, as it did in previous government shutdowns.

"We're going to continue to prioritize with the resources that we have," Martin said. "Our focus is on the commercial air carriers and volumes of people they carry."

Martin did not say how many inspectors are working or how the number of inspections being done compared with pre-shutdown levels.

Chuck Banks, one of those furloughed inspectors, said colleagues are being called in when an airline needs something, like a plane certified for flight. The routine, normal oversight of operations at airlines and repair shops is not being done, leaving companies to regulate themselves, he said.

"Do you like the fox watching the hen house?" he said. "Every day the government stays shut down, it gets less safe to fly."

WHAT OTHER GOVERNMENT SERVICES ARE AFFECTED?

The National Transportation Safety Board is delaying accident investigations and hearings. While there have not been any fatal airline crashes, the board has delayed other investigations, including an examination of a Florida highway accident that killed five children on their way to Walt Disney World.

NTSB representatives did not answer phone calls or reply to emails Monday. A recorded message for the public affairs office said nobody would respond until the shutdown ends.

Some people who applied for Global Entry, a program that lets travelers get expedited clearance into the U.S., have had interviews canceled. Gary Leff, who writes about travel on his View from the Wing blog, said that some airports are still processing applications.

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The program is run by U.S. Customs and Border Protection. Spokespeople at the agency did not respond for comment.

David Koenig can be reached at <http://twitter.com/airlinewriter>

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. TRUMP TO MAKE WALL CASE TO NATION

The president will argue that a "crisis" at the U.S.-Mexico border requires the barrier he's demanding before ending the partial government shutdown; Senior Democrats call for chance to a televised response.

2. AIR TRAVELERS FEEL EFFECTS OF SHUTDOWN

Longer lines at security checkpoints and a reduction in safety inspections are the early signs of how the partial government shutdown is affecting air travel.

3. KIM ARRIVES IN BEIJING FOR TALKS

The North Korean leader begins a four-day visit in what's likely an effort to coordinate with his only major ally, China's Xi Jinping, ahead of a summit with Trump that could happen early this year.

4. ACTIVISTS MAKE PLEA FOR SAUDI WOMAN

Human Rights Watch calls on Australia to allow entry to Rahaf Mohammed Alqunun, who's being processed by U.N. refugee authorities in Thailand after fleeing her homeland.

5. WHO APPEARED TO SNUB BOLTON

The U.S. national security adviser is departing Turkey without meeting with President Erdogan, an apparent rebuke over disagreements about Kurdish fighters in Syria as Ankara readies for a cross-border military operation.

6. POMPEO BEGINS MIDEAST TOUR

America's top diplomat will visit Jordan, Egypt and Gulf nations to talk to regional leaders about ramping up pressure on Iran.

7. GHOSN ASSERTS INNOCENCE IN TOKYO COURT

The former Nissan Chairman defends his honor in his first public appearance since he was arrested in November and charged with false financial reporting.

8. WHAT IS GOING LARGELY UNUSED IN ECUADOR

The Union of South American Nations' headquarters is suffering as the region takes a conservative political shift.

9. KEVIN SPACEY PLEADS NOT GUILTY

The former "House of Cards" star is accused of groping an 18-year-old busboy in 2016 at a Nantucket bar in the first criminal case brought against the disgraced actor.

10. CLEMSON MAKES COLLEGE FOOTBALL HISTORY

With stunning ease and freshman quarterback Trevor Lawrence, the Tigers topple Alabama — college football's greatest dynasty — to become the first perfect playoff champion.

Kim Jong Un travels to China ahead of possible 2nd US summit

By CHRISTOPHER BODEEN, Associated Press

BEIJING (AP) — North Korean leader Kim Jong Un was expected to meet Tuesday with China's president at the start of a visit to Beijing believed to be an effort to coordinate with his only major ally ahead of a possible second summit with U.S. President Donald Trump.

Kim's trip, announced earlier by both sides, comes after U.S. and North Korean officials are thought to have met in Vietnam to discuss the site of a second summit.

Chinese foreign ministry spokesman Lu Kang gave no details about Kim's schedule or China's role as an intermediary between the U.S. and North Korea. But he said Beijing remains supportive of efforts to end

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tensions over U.S. demands for a halt to North Korea's nuclear and missile programs.

"We always believe that, as key parties to the Korean Peninsula issue, it's important for the two sides to maintain contact and we always support their dialogue to achieve positive outcomes," Lu told reporters at a daily briefing.

He said further information about Kim's activities, the outcome of his meetings and a possible visit by Chinese President Xi Jinping to North Korea would be "released in due course."

A long motorcade thought to be carrying Kim, including motorcycle outriders reserved for state leaders, left a Beijing train station shortly after the arrival of an armored train consisting of 20 to 25 cars — most of whose windows were blacked-out — along tracks lined by police and paramilitary troops.

The North's Korean Central News Agency said Kim departed Monday afternoon with his wife, Ri Sol Ju, and other top officials. It said Kim is visiting China at the invitation of Chinese President Xi Jinping. Tuesday also happens to be Kim's birthday.

Kim is expected to stay at the highly secure Diaoyutai State Guest House in the capital's west, with meetings held at the Great Hall of the People, the hulking seat of the legislature that sits next to Tiananmen Square.

The trip marked a break with past practice in that it was announced in advance of Kim's arrival, a possible sign of growing confidence on the part of North Korea and China, the North's most important trading partner and a key buffer against pressure from Washington.

After years of cool relations following Kim's assumption of power 2011, ties have improved remarkably over the past year as Xi seeks to maintain his influence in the region.

Kim's trip comes as the U.S. and North Korea look to settle the North's decades-long pursuit of a nuclear arsenal.

The U.S. and North Korea seemed close to war at points during 2017 as the North staged a series of increasingly powerful weapons tests that brought it closer to its nuclear goal of one day being able to target anywhere on the U.S. mainland.

Possibly fearing the economic effect of crushing outside sanctions imposed over his weapons tests, Kim abruptly turned to diplomacy with Seoul and Washington last year. He also visited China three times, notably without a reciprocal visit from Xi in a break with diplomatic convention.

But even after what was seen as a blockbuster summit between Kim and Trump in Singapore last June — the first ever between the leaders of the war enemies — there's been little real progress in nuclear disarmament.

Washington is pressing North Korea to offer up a detailed accounting of its nuclear arsenal, while the North says it has already done enough and it's time for the U.S. to ease the harsh international sanctions that hold back the North Korean economy.

South Korean presidential spokesman Kim Eui-kyeom said Tuesday that Seoul hopes Kim's trip to China will act as a "stepping stone" for a second Trump-Kim summit.

Trump has offered assurances that another summit will allow him and Kim to make a grand deal to settle the nuclear standoff and change a relationship marked by decades of animosity and mistrust.

However, outside analysts are highly skeptical that North Korea will easily abandon a nuclear arsenal constructed in the face of deep poverty and likely seen by Kim as his only guarantee of regime survival.

Instead, Kim may be seeking to gauge China's attitude toward sanctions ahead of the talks, including what North Korea would have to concede in order to win Beijing's support at the U.N.

China, a veto-wielding permanent member of the U.N. Security Council, has agreed to several rounds of punishing economic sanctions against the North. However, Xi has called on the sides to "meet each other halfway," and China's foreign minister in September urged some form of sanctions relief in response to any positive outcomes from the first Kim-Trump summit.

North Korea has held off on additional nuclear weapons and missile tests for more than a year, possibly in response to China's displeasure, while carrying out its new diplomatic offensive.

"The two leaders will further communicate over the issue of sanctions to further refine their previously

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general and vague attitudes," said Cheng Xiaohu, professor at Renmin University's School of International Studies in Beijing.

"It is impossible to see the cancellation of all sanctions, but what kind of sanctions can be canceled and what are China and North Korea's views on that will be discussed," Cheng said.

Trump has pushed heavily for Chinese support in convincing North Korea to give up its weapons programs, suggesting that could win Beijing better terms in a trade deal with Washington.

Kim's arrival in Beijing coincides with U.S.-China trade talks in Beijing that seek to end the trade dispute between the world's two largest economies ahead of a March deadline.

Asked whether China was linking the two issues in an interview Monday with CNBC, U.S. Secretary of State Mike Pompeo said, "The Chinese have been very clear to us that these are separate issues."

"Their behavior has demonstrated that as well and we appreciate that," Pompeo said. "China has actually been a good partner in our efforts to reduce the risk to the world from North Korea's nuclear capability. I expect they will continue to do so."

Lu echoed those sentiments in his response to a similar question, saying trade talks and the North Korean issues are "not the same thing."

"Our positions on the trade talks are very consistent and clear and we don't need any other techniques to help the U.S. to get our message."

Associated Press writers Foster Klug and Hyung-jin Kim in Seoul, South Korea, contributed to this report.

Trump to take his case to build wall to prime-time audience

By **MATTHEW DALY, CATHERINE LUCEY and JILL COLVIN, Associated Press**

WASHINGTON (AP) — With no breakthrough in sight, President Donald Trump will argue his case to the nation Tuesday night that a "crisis" at the U.S.-Mexico border requires the long and invulnerable wall he's demanding before ending the partial government shutdown. Hundreds of thousands of federal workers face missed paychecks Friday as the shutdown drags through a third week.

Trump's Oval Office speech — his first as president — will be followed by his visit Thursday to the southern border to highlight his demand for a barrier. White House press secretary Sarah Huckabee Sanders tweeted that he will use the visit to "meet with those on the front lines of the national security and humanitarian crisis."

The administration is also at least talking about the idea of declaring a national emergency to allow Trump to move forward on the wall without Congress approving the \$5.6 billion he wants. Vice President Mike Pence said the White House counsel's office is looking at the idea. Such a move would certainly draw legal challenges, and Trump — who told lawmakers he would be willing to keep the government closed for months or even years — has said he would like to continue negotiations for now.

Trump's prime-time address will be carried live by ABC, CBS, CNN, Fox Broadcasting, Fox News Channel, Fox Business Network, MSNBC and NBC.

House Speaker Nancy Pelosi and top Senate Democrat Chuck Schumer called on the networks to give Democrats a chance to respond. "Now that the television networks have decided to air the President's address, which if his past statements are any indication will be full of malice and misinformation, Democrats must immediately be given equal airtime," they wrote in a joint statement released Monday night.

As Trump's speech and border visit were announced, newly empowered House Democrats — and at least a few Republican senators — stepped up pressure on GOP lawmakers to reopen the government without giving in to the president's demands. The closure, which has lasted 17 days, is already the second-longest in history and would become the longest this weekend.

Leaning on Senate Republicans, some of whom are growing anxious about the impact of the shutdown, Pelosi said the House would begin passing individual bills this week that would reopen federal agencies, starting with the Treasury Department to ensure Americans receive their tax refunds.

The White House moved to pre-empt the Democrats, telling reporters Monday that tax refunds would

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be paid despite the shutdown. That shutdown exemption would break from the practice of earlier administrations and could be challenged.

"There is an indefinite appropriation to pay tax refunds. As a result ... the refunds will go out as normal," said Russell Vought, acting director of the White House budget office.

There were other signs that administration was working to control the damage from the shutdown, which has furloughed 380,000 federal workers and forced another 420,000 to work without pay. The National Park Service said it was dipping into entrance fees to pay for staffing at some highly visited parks to maintain restrooms, clean up trash and patrol the grounds, after reports of human waste and garbage overflowing in some spots.

Over the weekend, the federal agency tasked with guaranteeing U.S. airport security acknowledged an increase in the number of its employees missing work or calling in sick.

But Trump and the Transportation Security Administration pushed back on any suggestion that the callouts at the agency represented a "sickout" that was having a significant effect on U.S. air travel. TSA said it screened more than 2.2 million passengers Sunday, a historically busy day due to holiday travel. Ninety percent waited less than 15 minutes, the agency said.

"We are grateful to the more than 51,000 agents across the country who remain focused on the mission and are respectful to the traveling public," said TSA spokesman Michael Bilello.

The talks over ending the shutdown have been at an impasse over Trump's demand for the wall. He has offered to build the barrier with steel rather than concrete, billing that as a concession to Democrats' objections. They "don't like concrete, so we'll give them steel," he said.

But Democrats have made clear that they object to the wall itself, not how it's constructed. They see it as immoral and ineffective and prefer other types of border security funded at already agreed-upon levels.

"Maybe he thinks he can bully us. But I'm from Brooklyn. You let a bully succeed, you'll be bullied again worse," Schumer said at a breakfast with the Association for a Better New York.

At the White House, spokeswoman Mercedes Schlapp complained that Democratic leaders have yet to define what they mean when they say they are for enhancing border security.

"Democrats want to secure the border? Great. Come to the table," she said Monday. "We are willing to come to a deal to reopen the government."

Trump has tasked Pence during the shutdown fight to negotiate with Democrats, including during talks over the weekend with Democratic staffers. But the vice president is increasingly being called upon to prevent defections in the GOP ranks.

Asked whether cracks were forming between the White House and Republicans eager for the shutdown to end, Pence told reporters, "We've been in touch with those members and others."

He said that he and Homeland Security Secretary Kirstjen Nielsen would be at the Capitol on Tuesday and Wednesday to brief lawmakers.

Among the Republicans expressing concern was Sen. Susan Collins, R-Maine, who said Senate Majority Leader Mitch McConnell should take up funding bills from the Democrat-led House.

"Let's get those reopened while the negotiations continue," Collins said Sunday on NBC's "Meet the Press." However, McConnell has said he won't take up funding bills without Trump's support.

Adding to concerns of lawmakers, federal workers who are still on the job apparently will miss this week's paychecks. Acting chief of staff Mick Mulvaney said on NBC's "Meet the Press" that if the shutdown continues into Tuesday, "then payroll will not go out as originally planned on Friday night."

Trump asserted that he could relate to the plight of the federal workers who aren't getting paid, though he acknowledged they will have to "make adjustments" to deal with the shutdown shortfall.

Not so easy, many of them say.

Derrick Padilla, a corrections officer with the Federal Bureau of Prisons in Colorado, has worked without pay for two weeks and said he's nearly depleted his savings.

"It's now becoming a game of, 'OK, who's going to get paid? How am I going to make this payment? What's the most important thing I have to pay for this month?'" he said.

"The bills don't go away," Padilla added. "We're expected to meet our financial obligations, and we're being put in a position to not be able to meet those obligations."

For furloughed federal workers in Washington, some at least could enjoy the prospect of baseball in a few months. The Washington Nationals said season ticket holders who are laid off or not being paid by the federal government could postpone monthly ticket payments until the government is back up and running.

Associated Press writers Lisa Mascaro, Kevin Freking and Juliet Linderman in Washington, Alex Sanz in Atlanta and David R. Martin in New York contributed to this report.

Nissan's ex-chair Ghosn appears in court, asserts innocence

By YURI KAGEYAMA, AP Business Writer

TOKYO (AP) — The former chairman of Japan's Nissan Motor Co., Carlos Ghosn, denied any wrongdoing and proclaimed his loyalty to the company at a court hearing in Tokyo on Tuesday.

It was Ghosn's first public appearance since he was arrested on Nov. 19 and charged with false financial reporting.

"Your honor, I am innocent of the accusations against me," Ghosn told the judge, speaking firmly and calmly as he read from a statement. "I am wrongfully accused."

Prosecutors have charged Ghosn, who led a dramatic turnaround at the Japanese automaker over the past two decades, with falsifying financial reports in underreporting his income by about 5 billion yen (\$44 million) over five years through 2015.

They also say he is suspected of having Nissan temporarily take on his investment losses from the financial crisis.

Wearing plastic slippers and a dark suit without a tie, Ghosn rebutted the allegations against him point-by-point and said he had the option to leave Nissan but had decided to stay on.

"A captain doesn't jump ship during a storm," said Ghosn, who was visibly thinner than before his arrest.

The veteran auto executive, a familiar face at the World Economic Forum in Davos, Switzerland, and other elite gatherings, was handcuffed and led into the courtroom with a rope around his waist as the hearing began. Officers removed his handcuffs and seated him on a bench.

Presiding judge Yuichi Tada then read out the charges and said Ghosn, a Brazilian-born Frenchman of Lebanese ancestry, was considered a flight risk — he was arrested on his arrival in Tokyo by private jet — and might try to hide evidence.

In Japan, suspects are routinely held without bail, often due to fears about evidence tampering.

During Tuesday's hearing, Go Kondo, one of Ghosn's lawyers, argued he was not a flight risk.

"He's widely known so it's difficult for him to escape. There is no risk that the suspect will destroy evidence," he said.

Facing the courtroom, Ghosn spoke proudly of the automaker's — and his own — achievements, such as reviving iconic models like the GT-R and the Z, expanding operations in China, Russia, Brazil and India and pioneering electric cars and autonomous driving.

"I have a genuine love and appreciation for Nissan," he said.

Ghosn has been held in Spartan conditions at a Tokyo detention facility since he was taken into custody. However, Ghosn's defense lawyer Motonari Ohtsuru told reporters at the Foreign Correspondents' Club late Tuesday that Ghosn was transferred to a bigger room with a bed at his request.

In keeping with Japanese regulations, he has been allowed visits only from his lawyers and consular officials.

Ghosn said he had "acted honorably, legally and with the knowledge and approval of the appropriate executives inside the company with the sole purpose of supporting and strengthening Nissan," according to a statement released to some media including The Associated Press before the hearing and confirmed by his legal team.

It said he had not failed to disclose any of his income from Nissan.

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Ghosn also defended payments questioned by prosecutors and by Nissan that were made to Khaled Juffali, a Saudi businessman. He said the money was paid to Juffali for real work that he did to sort out problems with a local distributor.

Before the hearing, the Khaled Juffali Company issued a statement saying the \$14.7 million in payments over four years from Nissan "were for legitimate business purposes."

Other Nissan executives approved the payment, Ohtsuru said.

Ghosn said his personal investment losses stemmed from being paid in Japanese yen and that he had only asked Nissan to temporarily provide collateral for foreign exchange contracts. The company suffered no losses, he said.

Sent to Japan by Nissan's alliance partner Renault SA of France in 1999, Ghosn led a spectacular turnaround at the Yokohama-based automaker over two decades, during which he mostly served as chief executive.

Renault owns 43 percent of Nissan, while Nissan owns 15 percent of Renault. The alliance, which in recent years has added smaller Japanese automaker Mitsubishi Motors Corp., has risen to be one of the most successful in the industry, rivaling Volkswagen AG of Germany and Japan's Toyota Motor Corp.

Ghosn remains the head of Renault and is still on Nissan's board of directors.

His courtroom appearance drew worldwide attention, with throngs of cameras set up outside the Tokyo Detention Center to capture his departure. No cameras or audio recordings are allowed in Japanese court sessions.

Authorities also arrested a fellow Nissan executive and aide to Ghosn, Greg Kelly, charging him with collaborating with Ghosn to underreport his income. Kelly, an American, was released on bail on Dec. 25. He also has maintained his innocence.

Tokyo prosecutors have repeatedly extended Ghosn's detention by adding new allegations. The latest is suspicion of breach of trust stemming from the claim he had Nissan temporarily shoulder his personal investment losses.

Formal charges on those allegations have not been filed and no trial dates have been set for Ghosn or Kelly.

Ghosn's detention now runs through Friday.

Ohtsuru said that preparations for a trial on charges of breach of trust could take months. He said he would continue to appeal Ghosn's detention.

Ghosn's protege and successor, Nissan Chief Executive Hiroto Saikawa, has denounced Ghosn, claiming he used company assets and money for personal gain and falsified financial reports.

Nissan spokesman Nicholas Maxfield said an investigation by the company that found "substantial and convincing evidence of misconduct" prompted prosecutors to act.

Under Japanese law, falsifying financial reporting carries the maximum penalty of 10 years in prison, a 10 million yen (\$89,000) fine, or both. But some experts have questioned the allegations against Kelly and Ghosn since Nissan itself, not individual executives, should be responsible for filing such financial reports.

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Orange Crush: Clemson topples No. 1 'Bama for national title

By RALPH D. RUSSO, AP College Football Writer

SANTA CLARA, Calif. (AP) — Dabo Swinney kissed the championship trophy and proclaimed this Clemson team the greatest of all time.

He's got a case.

With stunning ease — and a freshman quarterback — Clemson toppled college football's greatest dynasty again to become the first perfect playoff champion.

Trevor Lawrence passed for 347 yards and three touchdowns and the second-ranked Tigers beat No. 1

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Alabama 44-16 on Monday night in the College Football Playoff national championship game.

In the fourth consecutive playoff meeting between the Tigers and Tide, Clemson evened the series and beat 'Bama for the national championship for the second time in three years. Clemson is the first college football team to finish 15-0 since the 1800s, and the first team since the playoff started five seasons ago to get through a season unscathed.

"I mean, our guys had the eye of the tiger, but I'm so proud, and then for our seniors to be able to go out 15-0 and truly be the best ever — there was a lot of talk about best ever all year long," Swinney said, talking about Alabama. "We were never in that conversation. But tonight, there's no doubt. First 15-0 team, to beat Notre Dame and to beat Alabama to do it, this team won 13 games by 20 points or more and led by an unbelievable group of seniors, amazing group. I'm just thankful to be a part of it."

Alabama coach Nick Saban and the Tide (14-1) were looking for a sixth national championship in 10 years, trying to add to an already unprecedented run in the sport. Instead, Clemson crushed Alabama, becoming the first opponent to beat the Tide by more than 14 points since Saban became coach in 2007.

Swinney's Tigers sealed their status as a superpower, no longer just 1A to Alabama's 1.

"We're 15-0, we beat the best team ever, nobody's taking that away from us," Clemson All-American defensive tackle Christian Wilkins said.

Two seasons ago it was Deshaun Watson dethroning the Tide with a last-second touchdown pass. Clemson's new star quarterback didn't need the late-game heroics. The long-haired Lawrence cut through Alabama's defense with the help of another fabulous freshman. Justyn Ross made a juggling grab, a one-handed snare and broke a 74-yard touchdown about midway through the third quarter that made it 37-16 and had Swinney high-stepping down the sidelines.

Ross, who scored two touchdowns in the semifinal rout of Notre Dame, had six catches for 153 yards against his home-state team.

Swinney takes a different approach than Saban, running a more fun-loving program than Alabama's all-business organization. But the results have been every bit as good. And on Monday night at Levi's Stadium, in a championship game played more than 2,000 miles away from Clemson's South Carolina campus, the Tigers were way too much for an Alabama team that had spent the season mauling its opposition. The Tide won their first 14 games by an average of 31 points.

Alabama's Tua Tagovailoa threw two crucial interceptions in the first half, the first returned 44 yards for a touchdown by A.J. Terrell to put Clemson up 7-0. The Tide came in scoring 48 points per game, but was shut out over the final 44 minutes by an opportunistic Clemson defense.

Saban lamented numerous mistakes: blown coverages on third down (Clemson was 10 for 15), stall outs in the red zone and special teams mishaps, including a fake field goal that flopped on the first possession of the second half.

He laid the blame on himself. The Alabama program has set a championship-or-bust standard under Saban, but he didn't want this season looked at as a failure.

"One game doesn't define who you are," Saban said. "But I also told the players that sometimes we learn more when things don't go well, when we lose."

Tagovailoa, the sophomore who came off the bench to win the championship game last year for the Tide, went 22 for 34 for 295 yards and two touchdowns.

"We had a great season, but five words: Good is not good enough," Tagovailoa said. "We didn't finish the way we wanted to finish. We didn't do the things we needed to do to execute and be successful in this game, and that's all it is."

The Heisman runner-up was also the second-best quarterback on the field in the championship game. Lawrence finished 20 for 32, and went 18 for 25 for 277 yards over the final three quarters.

The teenager who took over as the starter four games into the season raised the Tigers' play, giving them an explosive offense to match a suffocating defense, led by All-American linemen Clelin Ferrell and Wilkins.

"Just these seniors, just taking me in, and they kind of dragged me along until I got my feet under me, and they just — they're awesome people as well as players," said Lawrence, the first freshman starting quarterback to lead his team to a national title since Oklahoma's Jamelle Holieway in 1985.

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Clemson hit Alabama with a 31-point first half, capitalizing on the Tide's mistakes and unleashing Lawrence's rocket arm.

Tagovailoa threw a second interception in the second quarter, this time into triple coverage, and Trayvon Mullen's 46-yard return put Clemson in Alabama territory. That led to Travis Etienne's third touchdown of the half, a 5-yard shovel pass from Lawrence.

With a chance to stamp itself as the best team in Saban's remarkable 12 seasons at Alabama, the Crimson Tide played maybe the worst half of the coach's tenure. The 15-point halftime deficit was the largest the Tide has ever faced under Saban.

Alabama seemed panicked in the third quarter, running a fake field goal into a waiting Clemson defense instead of kicking from 40. Three plays later, Lawrence faced down a pass rush and slung a pass to Ross, who was alone after Alabama defensive back Saivion Smith went down with an apparent leg injury.

Ross sprinted away and the shocking rout was on.

Almost as shocking as Clemson, a program that promoted an obscure receivers coach to lead the program 10 years ago, climbing over the traditional powers to the top of college football. Clemson finished No. 1 in the AP poll for the third time.

"Our goal is not to win a national championship. People don't believe that. Our goal is to win the closer right there. The national championship is just a byproduct of that. It's never been my goal," said Swinney, who now has as many titles as Hall of Famers Bobby Bowden and Joe Paterno. "I don't measure teams by that, and I know we've got some rabid people that that drives them crazy, but I measure our team based on did we get better, did we reach our potential."

Follow Ralph D. Russo at <https://twitter.com/ralphDrussoAP> and listen at <https://podcastone.com/AP-Top-25-College-Football-Podcast>

More AP college football: <https://apnews.com/Collegefootball> and https://twitter.com/AP_Top25

South America bloc's woes leave architectural gem forlorn

By JOSHUA GOODMAN, Associated Press

SAN ANTONIO DE PICHINCHA, Ecuador (AP) — It's a gravity-defying edifice that befits the lofty ambitions of what was supposed to be a symbol of South American unity.

Set against an arid moonscape on the equatorial line, two cantilevered glass wings soar dramatically above a reflecting pool, symbolizing freedom and transparency and looking like something out of a science-fiction movie.

But for all its architectural grandeur, the headquarters of the Union of South American Nations outside Ecuador's capital seems as moribund as the group itself. What was once an aspiring diplomatic hub bustling with official translators and cocktail parties for visiting dignitaries looks more like a ghost building, with barely half the staff it had when it was inaugurated to great fanfare in 2014.

The group's chief architect, former Brazilian President Luiz Inacio Lula da Silva, is in jail on corruption charges while another big booster, Venezuela's Hugo Chavez, has died.

Meanwhile, a rightward shift in politics has left the region more polarized than it has been in decades, dampening enthusiasm for the group's anti-imperialist anthem: "Soy del Sur," or "I'm from the South."

"Unasur was a good idea, but ultimately didn't deliver concrete results," said Michael Shifter, president of the Washington-based think tank Inter-American Dialogue.

In April, half of Unasur's 12 member-states — Argentina, Brazil, Chile, Colombia, Paraguay and Peru — stopped paying dues and suspended their membership. Then in August, newly elected Colombian President Ivan Duque renounced the treaty altogether, paving the way for his country's withdrawal in February.

The result is a \$20 million deficit that has led to across-the-board budget cuts. At the current rate, the group, which has been without a secretary-general for two years, will burn through all of its cash reserves by April. That's around the same time that Brazil, whose incoming President Jair Bolsonaro has criticized

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UNASUR, takes over the group's rotating presidency.

For critics who see Unasur as little more than a wasteful monument to leftist overreach during the previous decade's commodities boom, its headquarters make a convenient target.

Designed by Ecuadorian architect Diego Guayasamin, the \$43 million building was built and donated to the group by former Ecuadorian President Rafael Correa, a protege of Chavez.

The prize-winning building, 75 percent of which is underground, is equipped with a state-of-the-art assembly hall, an impressive art collection and salons named for leftist icons like Chilean poet Pablo Neruda and Nobel Prize-winning novelist Gabriel Garcia Marquez. Just like in public buildings in socialist-ruled Venezuela, Chavez's bright-red signature and fiery citations dominate the hallways.

"It's absurd that a building that cost several dozens of millions of dollars has no usefulness," Ecuadorian President Lenin Moreno said in July while announcing that he would demand — illegally, it turns out — that Unasur return the building so that it could be repurposed as an indigenous university.

But for critics perhaps the biggest eyesore is the giant bronze statue at the entrance showing a striding Nestor Kirchner, the first secretary-general of the bloc. Since his death in 2010, the former Argentine president has seen his legacy tarnished by allegations of corruption. Supporters of Moreno are leading a campaign to have it removed.

Unasur was created in 2008 to breathe life into independence hero Simon Bolivar's dream two centuries earlier of a giant, borderless South American "homeland" to deter U.S. and European designs on the continent.

While ambitious plans to create a common currency fell flat, other proposals like creating a common Unasur work visa — which has helped nations absorb the masses of Venezuelans fleeing their crisis-wracked country — have had more success.

Decisions required the consensus of all members, which was easy when the so-called "pink tide" of leftist leaders was sweeping across the region, mistrust of the U.S. was running high and governments were flush with cash.

But in identifying so closely with the left and fixating on the U.S., it inevitably lost support when the political tide shifted, Shifter said.

He said the fatal blow was Unasur's failure to deal effectively with Venezuela's crisis.

During 2015 and 2016, Unasur's then-Secretary-General Ernesto Samper frequently traveled to Caracas accompanied by representatives from the Vatican to promote talks between the government and opposition as tensions on the streets were running high.

When those talks collapsed, many blamed Samper, a former Colombian president, for not doing more to extract concessions from the government.

Samper, in an interview, acknowledged that for Unasur to survive it needs to adopt a less-progressive agenda, but argued that dismantling it would be a huge mistake.

He said there's a vital need for the region to speak with a common voice as the Trump administration threatens military action against Venezuela, stigmatizes Latino migrants trying to enter the U.S. and withdraws from international efforts to fight climate change.

"The sad thing," he said, "is that at the same time the region desperately needs unity, we are more fragmented than ever."

Follow Goodman on Twitter: <https://twitter.com/APjoshgoodman>

AP Explains: Can Trump declare emergency to build his wall?

By JILL COLVIN, Associated Press

WASHINGTON (AP) — The Trump administration is weighing using a national emergency declaration to circumvent Congress and the budget stalemate and force construction of the president's long-promised southern border wall.

"We're looking at a national emergency because we have a national emergency," President Donald

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Trump told reporters Sunday amid stalled negotiations. He said during a press conference Friday that he would prefer to win the money he's demanding via Congress, but could "absolutely" call an emergency "and build it very quickly."

Such a move would be a dramatic escalation of the current showdown, which has forced a partial government shutdown that's now in its third week. Here's what we know:

WHY AN EMERGENCY DECLARATION?

The administration has spent months trying to figure out how the president might be able to move forward with the wall — the central promise of his 2016 campaign — if Congress refuses to give him the money.

As early as last March, Trump was publicly floating the idea of using the military for the task. "Building a great Border Wall, with drugs (poison) and enemy combatants pouring into our Country, is all about National Defense. Build WALL through M!" he tweeted then.

But it's Congress — not the president — that controls the country's purse strings and must appropriate money he wants to spend.

Enter the emergency declaration, an option the White House counsel's office is currently reviewing. Among the laws Trump could turn to is Section 2808 of the Title 10 U.S. Code pertaining to military construction.

According to the statute, if the president declares an emergency "that requires use of the armed forces," the Defense secretary "may undertake military construction projects, and may authorize the Secretaries of the military departments to undertake military construction projects, not otherwise authorized by law that are necessary to support such use of the armed forces."

Pentagon budget officials are analyzing the 2019 construction budget to determine how many unobligated dollars would be available to use for the wall if Trump settles on a declaration. Under the provision, only those construction budget funds that are not already obligated to other construction projects could be used for the wall.

There are more than 100 such provisions giving the president access to special powers in emergencies. And Congress has typically afforded the president broad authority to determine what constitutes an emergency and what does not, said Elizabeth Goitein, co-director of the liberty and national security program at the Brennan Center for Justice.

"Absolutely it's an abuse of power for the president to declare a national emergency when none exists and to use it to try to get around the democratic process," she said. "But we are in a situation where our legal system for emergency powers almost invites that kind of abuse."

WHAT WOULD HAPPEN THEN?

Such a move is sure to spark a flood of legal challenges questioning the president's authority as well as whether the situation at the border really constitutes an emergency. Trump has been trying to press that case in recent days, insisting the situation qualifies as a security and humanitarian "crisis."

He'll also run into other questions.

"The problem for the Trump administration is that border security is fundamentally a law enforcement issue that does not require the use of the military," said Todd Harrison, a defense budget expert at the Center for Strategic and International Studies, via email. "So I think they would be on shaking legal ground trying to use emergency authorities this way, and it is almost certain that they would end up in court."

Sen. Jack Reed, the ranking Democrat on the Senate Armed Services Committee, said it would be inappropriate for Trump to use Section 2808.

"We are not at war with Mexico, and the proposed border wall has no core (Defense Department) function. Indeed, the Pentagon's most recent National Defense Strategy doesn't mention the southern border as a national defense priority," said Reed, D-R.I.

House Armed Services Committee Chairman Adam Smith, speaking on CNN, said that even if Trump could declare an emergency, it would be a "huge mistake."

"There clearly is no national emergency. But they asked me, 'Can he do it?' Yeah he can. It would be wrong, it would be horrible policy and I'm totally and completely against it. But from a legal standpoint he can do it," said Smith, D-Wash.

He and others agreed that any declaration would surely be challenged in court.

SO WILL HE DO IT?

It's unclear. Back when Trump dispatched active-duty troops to the southern border ahead of the mid-term elections in what critics panned as a politically-motivated abuse of power, he described the situation as a "national emergency," but never signed an official proclamation.

But Trump is now under growing pressure to find a way to end the shutdown without appearing as though he's caved on the wall.

Trump "needs to use every tool available to him as the commander-in-chief of our armed services to go and enforce our laws by putting the military on our southern border, by having them build the wall if they need to," his former campaign manager Corey Lewandowski urged on Fox News.

White House press secretary Sarah Huckabee Sanders said the president remains "prepared to do what it takes to protect our borders, to protect the people of this country."

"We're looking and exploring every option available that the president has," she said.

Associated Press National Security Writer Robert Burns contributed to this report.

Follow Colvin on Twitter at <https://twitter.com/colvinj>

Gov. Newsom points to California exceptionalism, challenges

By KATHLEEN RONAYNE, Associated Press

SACRAMENTO, Calif. (AP) — California Gov. Gavin Newsom boldly declared his state a model for the nation Monday but said its leaders have failed to rein in the soaring cost of living and stem inequalities that are making it harder for people to achieve what he called the "California dream."

"We face serious challenges — some that have been deferred for too long," Newsom said in his inaugural address. "We face a gulf between the rich and everyone else — and it's not just inequality of wealth, it's inequality of opportunity."

Still, Newsom said it's California that can best defend U.S. values in the face of "incompetence and corruption" in Washington. He never mentioned President Donald Trump by name, but his speech was laced with sharp rebukes of Trump's policies, particularly on immigration.

"The future depends on us," he said. "And we will seize this moment."

Hours after taking the oath of office, Newsom proposed state-funded health care coverage for 138,000 young people living in the country illegally and reinstating a mandate for everyone to buy insurance or pay a fine — part of former President Barack Obama's health care law that was eliminated by Republicans in Congress last year.

The outgoing governor, fellow Democrat Jerry Brown, and other political dignitaries packed into a tent outside the Capitol in Sacramento for Newsom's address. A church choir from Compton and a Mexican-American band energized the crowd in a display of the 51-year-old Newsom's flashier style.

The crowd became hushed and somewhat subdued when Newsom first began his speech, but laughter soon broke out when Newsom's 2-year-old son, Dutch, wandered on stage dragging a blanket.

Newsom held him for part of the speech and, when he put him down, the 2-year-old alternated between hiding behind the podium and evading his mother's grasp while walking across the stage. Newsom's wife, Jennifer Siebel Newsom, eventually carried him off stage.

Newsom praised Brown, a longtime family friend, for his fiscal restraint but signaled an unmistakable shift in priorities. He barely mentioned climate change — one of Brown's signature issues — water or the high-speed rail line Brown has championed.

Instead, he focused on policies benefiting children and families, including early childhood education, health care and housing. He suggested California has failed to adequately care for suffering families. California is the world's fifth-largest economy but also has the nation's highest child poverty rate and largest homeless population.

"We have the resources to ensure a decent standard of living for all," he said. "It's not a question of

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whether we can do this, but whether we will.”

He indicated he will be more willing to invest in those pricey priorities than Brown, who focused on saving money for a future recession and warned before leaving office that Democrats would overspend.

Newsom will deliver his first budget address Thursday, offering a look at whether he can make fresh investments while keeping California’s reserves stocked, as he’s pledged.

“For eight years, California has built a foundation of rock,” he said. “Our job now is not to rest on that foundation. It is to build our house upon it.”

Democratic lawmakers praised Newsom for his focus on early childhood education, while Republicans, who are in the minority, held off on harshly criticizing the new governor. Other statewide elected officials also were sworn in Monday, including Eleni Kounalakis, the state’s first elected female lieutenant governor.

“Today California turns a page in its history,” Assembly Speaker Anthony Rendon said. “With a new governor, we have the chance to reaffirm our commitment to be bold on behalf of the people who have elected us to serve.”

Senate President Pro Tempore Toni Atkins said Newsom was “true to his word to bring big and bold ideas to the table,” particularly his emphasis on affordable housing.

Republican Sen. Jim Nielsen said he is eager to work with Newsom on wildfire threats but is skeptical that California can afford his other proposals.

Newsom was light on specifics, but he brought a relatable touch to the speech by sharing life experiences. His parents divorced when he was young, and Newsom primarily lived with his mother, who he said worked three jobs. His father, William Newsom III, was a judge and friend of the wealthy Getty family.

Newsom pledged to launch a “Marshall plan” for affordable housing and invest in early childhood and higher education. Newsom and his wife, an actress and documentary filmmaker, have four children.

“All kids — not just the children of a governor and a filmmaker — should have a good life in California,” he said. “No one should live in constant fear of eviction or spend their whole paycheck to keep a roof overhead.”

While Brown was prone to quoting philosophers and peppering his speeches with Latin phrases, Newsom quoted labor icon Cesar Chavez and a young, unnamed immigrant woman he met in Los Angeles. He told the crowd that he will strive to bring together all Californians, from rural to urban, citizen to immigrant, Democrat to Republican.

“We will build one house for one California,” he said.

Associated Press writers Don Thompson and Jonathan J. Cooper in Sacramento contributed to this report.

Trump heads to TV, border as fed workers face paycheck sting

By **MATTHEW DALY, CATHERINE LUCEY and JILL COLVIN, Associated Press**

WASHINGTON (AP) — With no breakthrough in sight, President Donald Trump will argue his case to the nation Tuesday night that a “crisis” at the U.S.-Mexico border requires the long and invulnerable wall he’s demanding before ending the partial government shutdown. Hundreds of thousands of federal workers face missed paychecks Friday as the shutdown drags through a third week.

Trump’s Oval Office speech — his first as president — will be followed by his visit Thursday to the southern border to highlight his demand for a barrier. White House press secretary Sarah Huckabee Sanders tweeted that he will use the visit to “meet with those on the front lines of the national security and humanitarian crisis.”

The administration is also at least talking about the idea of declaring a national emergency to allow Trump to move forward on the wall without Congress approving the \$5.6 billion he wants. Vice President Mike Pence said the White House counsel’s office is looking at the idea. Such a move would certainly draw legal challenges, and Trump — who told lawmakers he would be willing to keep the government closed for months or even years — has said he would like to continue negotiations for now.

Trump’s prime-time address will be carried live by ABC, CBS, CNN, Fox Broadcasting, Fox News Channel,

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Fox Business Network, MSNBC and NBC.

House Speaker Nancy Pelosi and top Senate Democrat Chuck Schumer called on the networks to give Democrats a chance to respond. "Now that the television networks have decided to air the President's address, which if his past statements are any indication will be full of malice and misinformation, Democrats must immediately be given equal airtime," they wrote in a joint statement released Monday night.

As Trump's speech and border visit were announced, newly empowered House Democrats — and at least a few Republican senators — stepped up pressure on GOP lawmakers to reopen the government without giving in to the president's demands. The closure, which has lasted 17 days, is already the second-longest in history and would become the longest this weekend.

Leaning on Senate Republicans, some of whom are growing anxious about the impact of the shutdown, Pelosi said the House would begin passing individual bills this week that would reopen federal agencies, starting with the Treasury Department to ensure Americans receive their tax refunds.

The White House moved to pre-empt the Democrats, telling reporters Monday that tax refunds would be paid despite the shutdown. That shutdown exemption would break from the practice of earlier administrations and could be challenged.

"There is an indefinite appropriation to pay tax refunds. As a result ... the refunds will go out as normal," said Russell Vought, acting director of the White House budget office.

There were other signs that administration was working to control the damage from the shutdown, which has furloughed 380,000 federal workers and forced another 420,000 to work without pay. The National Park Service said it was dipping into entrance fees to pay for staffing at some highly visited parks to maintain restrooms, clean up trash and patrol the grounds, after reports of human waste and garbage overflowing in some spots.

Over the weekend, the federal agency tasked with guaranteeing U.S. airport security acknowledged an increase in the number of its employees missing work or calling in sick.

But Trump and the Transportation Security Administration pushed back on any suggestion that the call-outs at the agency represented a "sickout" that was having a significant effect on U.S. air travel. TSA said it screened more than 2.2 million passengers Sunday, a historically busy day due to holiday travel. Ninety percent waited less than 15 minutes, the agency said.

"We are grateful to the more than 51,000 agents across the country who remain focused on the mission and are respectful to the traveling public," said TSA spokesman Michael Bilello.

The talks over ending the shutdown have been at an impasse over Trump's demand for the wall. He has offered to build the barrier with steel rather than concrete, billing that as a concession to Democrats' objections. They "don't like concrete, so we'll give them steel," he said.

But Democrats have made clear that they object to the wall itself, not how it's constructed. They see it as immoral and ineffective and prefer other types of border security funded at already agreed-upon levels.

"Maybe he thinks he can bully us. But I'm from Brooklyn. You let a bully succeed, you'll be bullied again worse," Schumer said at a breakfast with the Association for a Better New York.

At the White House, spokeswoman Mercedes Schlapp complained that Democratic leaders have yet to define what they mean when they say they are for enhancing border security.

"Democrats want to secure the border? Great. Come to the table," she said Monday. "We are willing to come to a deal to reopen the government."

Trump has tasked Pence during the shutdown fight to negotiate with Democrats, including during talks over the weekend with Democratic staffers. But the vice president is increasingly being called upon to prevent defections in the GOP ranks.

Asked whether cracks were forming between the White House and Republicans eager for the shutdown to end, Pence told reporters, "We've been in touch with those members and others."

He said that he and Homeland Security Secretary Kirstjen Nielsen would be at the Capitol Tuesday and Wednesday to brief lawmakers.

Among the Republicans expressing concern was Sen. Susan Collins, R-Maine, who said Senate Majority

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Leader Mitch McConnell should take up funding bills from the Democratic-led House.

"Let's get those reopened while the negotiations continue," Collins said Sunday on NBC's "Meet the Press." However, McConnell has said he won't take up funding bills without Trump's support.

Adding to concerns of lawmakers, federal workers who are still on the job apparently will miss this week's paychecks. Acting chief of staff Mick Mulvaney said on NBC's "Meet the Press" that if the shutdown continues into Tuesday, "then payroll will not go out as originally planned on Friday night."

Trump asserted that he could relate to the plight of the federal workers who aren't getting paid, though he acknowledged they will have to "make adjustments" to deal with the shutdown shortfall.

Not so easy, many of them say.

Derrick Padilla, a corrections officer with the Federal Bureau of Prisons in Colorado, has worked without pay for two weeks and said he's nearly depleted his savings.

"It's now becoming a game of, 'OK, who's going to get paid? How am I going to make this payment? What's the most important thing I have to pay for this month?'" he said.

"The bills don't go away," Padilla added. "We're expected to meet our financial obligations, and we're being put in a position to not be able to meet those obligations."

For furloughed federal workers in Washington, some at least could enjoy the prospect of baseball in a few months. The Washington Nationals said season ticket holders who are laid off or not being paid by the federal government could postpone monthly ticket payments until the government is back up and running.

Associated Press writers Lisa Mascaro, Kevin Freking and Juliet Linderman in Washington, Alex Sanz in Atlanta and David R. Martin in New York contributed to this report.

Kevin Spacey pleads not guilty to groping young man at bar

By ALANNA DURKIN RICHER, Associated Press

NANTUCKET, Mass. (AP) — Kevin Spacey pleaded not guilty Monday to groping an 18-year-old busboy in 2016 in the first criminal case brought against the disgraced actor following a string of sexual misconduct allegations that crippled his career.

Spacey's court appearance came more than a year after former Boston TV anchor Heather Unruh accused the former "House of Cards" star of sexually assaulting her son in a bar on the Massachusetts resort island of Nantucket.

Nantucket District Court Judge Thomas Barrett ordered Spacey to stay away from his accuser and the man's family. Spacey will not have to appear at his next hearing on March 4, but he must be available by phone, Barrett said.

The judge also ordered Spacey's accuser and the man's then-girlfriend to preserve text messages and other data on their cellphones from the day of the alleged assault and six months after. Spacey's attorney Alan Jackson told the judge they believe the cellphones contain information that is "likely exculpatory" for Spacey.

The actor and his lawyers declined to comment as they left the courthouse amid a crush of reporters. Spacey, wearing a gray suit, navy vest and polka dot tie, didn't speak during the hearing and his lawyers entered the not-guilty plea on his behalf.

In court documents, Spacey's lawyers called the accusations "patently false" and noted that prosecutors have no witnesses to the alleged groping. Spacey's lawyers wrote that the teen lied about his age, "welcomed" drinks bought by Spacey, left the bar with him to smoke a cigarette and gave Spacey his phone number.

"At best, this describes two people engaged in mutual and consensual flirtation, nothing more," his attorneys wrote.

If convicted of felony indecent assault and battery, the 59-year-old two-time Oscar winner could face as many as five years in prison.

Unruh's son told police that he wanted to get a picture with the former "House of Cards" star and went

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over to talk to him after his shift ended at the Club Car, a popular island bar and restaurant, according to court documents. The man said Spacey bought him several drinks and tried to convince him to come home with him before unzipping the man's pants and groping him for about three minutes.

The accuser told police that he tried to move Spacey's hands, but the groping continued, and he didn't know what to do because he didn't want to get in trouble for drinking. The man said he fled when Spacey went to the bathroom.

The Associated Press does not typically identify people alleging sexual assault.

The civil attorney for the accuser said in a statement ahead of the hearing that his client is "leading by example."

"By reporting the sexual assault, my client is a determined and encouraging voice for those victims not yet ready to report being sexually assaulted," said lawyer Mitchell Garabedian, who has represented hundreds of clergy sexual abuse victims. Garabedian is not a part of the criminal case against Spacey.

Media trucks lined the street before dawn, and locals on the island, which teems with tourists in the summer but quiets down in the winter, drove by slowly to take photos of reporters standing in line in the cold. When the doors opened, more than two dozen journalists packed the courtroom hours before Spacey was scheduled to appear.

A judge denied Spacey's bid to avoid appearing in person Monday. Spacey had argued that his presence would "amplify the negative publicity already generated" by the case.

Hours after the court appearance, Spacey was pulled over for speeding as he exited Washington's Reagan National Airport and given a warning, said Athena Hernandez, a spokeswoman for the Metropolitan Washington Airports Authority.

After the sexual assault charge was announced last month, Spacey released a video in the voice of Frank Underwood, his character on "House of Cards," in which he said, "I'm certainly not going to pay the price for the thing I didn't do." It was unclear whether he was referring to the charge.

Spacey was ousted from the Netflix series and other productions after he was accused of sexual assault and inappropriate behavior by numerous people amid the #MeToo movement.

His first accuser, actor Anthony Rapp, said Spacey climbed on top of him on a bed when Rapp was 14 and Spacey 26. Spacey said he did not remember such an encounter but apologized if the allegations were true.

Spacey remains under investigation on suspicion of sexual assault in Los Angeles for an incident that allegedly occurred in 2016. Prosecutors declined to file charges over a 1992 allegation because the statute of limitations had expired.

Associated Press writer Matthew Barakat contributed to this report from Falls Church, Va.

This story has been corrected to show that Spacey's lawyers entered a not guilty plea on his behalf instead of Spacey not entering a plea.

Administration: Government shutdown won't delay tax refunds

By MARCY GORDON and JILL COLVIN, Associated Press

WASHINGTON (AP) — Taxpayers who are owed refunds will be paid on time, despite the government shutdown that has closed many federal agencies, a Trump administration official said Monday as concern mounted over the risk that the payments could be delayed.

The acting director of the White House budget office, Russell Vought, said customary rules will be changed to make the payments possible. He told reporters that an "indefinite appropriation" was available for the refunds, which would go out as normal.

As it dragged through a third week, the partial government shutdown could not have come at a worse time for the Internal Revenue Service. Tax-filing season officially begins Jan. 28, and while those who owe Uncle Sam will still have to pay up by April 15, people who are due to receive money back have worried

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about whether the closure could postpone their payments.

About three-quarters of taxpayers receive annual refunds, giving them an incentive to file their returns early. Many lower-income people count on refunds as their biggest cash infusion of the year.

The IRS said late Monday that it will recall a large number of furloughed employees to process returns. They will probably work without pay. Under the previous rules, hundreds of billions of dollars in refunds could be delayed because funding would not be available.

Some experts question whether the Trump administration has the legal authority to reverse those earlier policies to allow the government to issue refunds during a shutdown. Vought framed the move as part of President Donald Trump's goal to make the shutdown "as painless as possible."

The administration's announcement came as House Speaker Nancy Pelosi signaled her intention to begin passing individual bills to reopen federal agencies in the coming days, starting with the Treasury Department, which includes the IRS, to ensure Americans receive their refunds.

Some Senate Republicans have been growing increasingly anxious about the extended shutdown and could support such legislation from the Democratic-led House.

With the White House announcement on refunds, "They're reversing a long-standing legal position," said Howard Gleckman, senior fellow and tax expert at the Urban Institute. But, he added, "Who's going to sue? It would be hard to show damages. ... So they might be able to get away with it."

In 2011, the chief counsel at the IRS concluded that such payments were legally allowed during a shutdown. At the time, the White House Office of Management and Budget, under President Barack Obama, rejected that position and directed the IRS not to pay refunds during a shutdown. But the IRS said Monday in a news release that the OMB had reviewed the issue at the Treasury's Department's request and now agrees with the IRS counsel's position.

The IRS said it will recall a "significant portion" of its roughly 52,000 furloughed employees to work on tax returns. The agency also announced the Jan. 28 date to start processing returns. That's within the normal timeframe.

"We are committed to ensuring that taxpayers receive their refunds notwithstanding the government shutdown," IRS Commissioner Charles Rettig said in a statement. "I appreciate the hard work of the employees and their commitment to the taxpayers during this period."

If the shutdown weren't enough to contend with, taxpayers and the IRS have to grapple with the most sweeping overhaul of the U.S. tax code in three decades. Enacted by Republicans in December 2017, the changes provided for \$1.5 trillion in tax cuts mainly financed by government deficits. The package was signed into law by Trump as his signature legislative achievement.

The new law, which took effect Jan. 1, 2018, gave generous tax cuts to corporations and the wealthiest Americans and more modest reductions to middle- and low-income households.

Nonpartisan tax experts have projected that the law will bring lower taxes for the great majority of Americans, though not all. According to the Tax Policy Center, a middle-income household should on average get a \$930 tax cut for 2018, lifting its after-tax income by 1.6 percent.

The IRS' challenges come as the agency is hobbled by what is widely viewed as a skimpy budget. Republicans controlling the congressional purse strings for years accused the IRS of having a liberal bias and unfairly targeting conservative tax-exempt groups. Last year, with the new tax law looming, Congress was more willing to open its wallet for the IRS and rejected to an extent the Trump administration's proposed cuts. But it ended up cutting in other areas, with the result that the agency budget is about the same — \$11.4 billion — as in recent years.

Amazon emerges as most valuable US firm amid market turmoil

SAN FRANCISCO (AP) — Amazon has eclipsed Microsoft as the most valuable publicly traded company in the U.S. as a see-sawing stock market continues to reshuffle corporate America's pecking order.

The shift occurred Monday after Amazon's shares rose 3 percent to close at \$1,629.51 and lifted the e-commerce leader's market value to \$797 billion. Meanwhile, Microsoft's stock edged up by less than 1

percent to finish at \$102.06, leaving the computer software maker's value at \$784 billion.

It marks the first time Amazon has held the top spot and ends Microsoft's brief return to the pinnacle after it surpassed Apple in late November .

The repositioning has been triggered by mounting concerns that the Trump administration's trade war with China and rising interest rates will bog down the worldwide economy. If that were to happen, it's likely to slow the growth of companies in technology and other industries that generate a substantial chunk of their revenue outside the U.S.

That's one reason most technology stocks are well off their peaks. Amazon, for instance, remains 21 percent below its high reached in September when the company's stock value stood above \$1 trillion. Apple was worth even more back then, but its stock has plunged by 37 percent since early October to erase about \$400 billion of its market value.

Apple confirmed some of investors' worst fears last week when it warned that disappointing demand for iPhones, especially in China, caused its revenue for its most recent quarter to fall well below the projections of its management and industry analysts.

Man pleads guilty to killing 6 in between driving for Uber

KALAMAZOO, Mich. (AP) — A Michigan man charged with killing six strangers between picking up rides for Uber pleaded guilty to murder on Monday, just before attorneys were set to interview jurors for his trial.

Jason Dalton's surprise move came about three years after the shootings, which occurred over the course of a few hours in and around Kalamazoo. Dalton pleaded guilty to murder and attempted murder over his attorney's objections, triggering a mandatory sentence of life in prison with no chance for parole on Feb. 5.

"Yes, I've wanted this for quite a while," Dalton replied when a judge asked if the pleas were voluntary.

The 48-year-old Dalton answered "yes" to a series of questions, admitting that he shot eight people at three locations. After his arrest, police quoted Dalton as saying a "devil figure" on Uber's app was controlling him on the day of the shootings.

Four women were killed in the parking lot of a Cracker Barrel restaurant: Barbara Hawthorne, Dorothy "Judy" Brown, Mary Lou Nye and her sister-in-law, Mary Jo Nye. Rich Smith and his 17-year-old son, Tyler Smith, were fatally shot while looking at a pickup truck in a dealer's lot.

Abigail Kopf, who was 14 at the time, was shot in the head during the restaurant shooting and survived. Tiana Carruthers was injured in a residential area.

Dalton had been deemed competent to stand trial and last week dropped an insanity defense. In court, he didn't explain why he randomly shot eight people.

Dalton, the father of two children, had worked as an insurance adjuster and had no previous criminal record before the February 2016 shootings.

Prosecutor Jeff Getting said the motive behind the shootings is a question that "haunts us."

"Everybody wants to know," he said during a news conference after the court hearing.

Defense attorney Eusebio Solis said he advised Dalton not to plead guilty.

"But in speaking to Mr. Dalton, there are reasons" for the plea, Solis told Judge Alexander Lipsey. "There are personal reasons for him. He does not want to put his family through that, or the victims' families, through the trial. It's his decision."

A gun shop owner said Dalton bought a jacket with an inside pocket designed to hold a gun just hours before the rampage. Shop owner Jon Southwick recalled Dalton "laughing and joking," and giving a "one-armed hug" to the manager before making the purchase.

Following the guilty pleas, Getting praised investigators and others who helped during the case, especially Alexis Cornish. She was dating Tyler Smith and was in a vehicle when he and his father were shot while looking at pickup trucks.

Cornish was "extraordinarily brave" to immediately get a phone from her boyfriend's pocket and call 911, the prosecutor said.

Dalton's relatives and former wife released a statement, expressing condolences to Kopf, Carruthers and the victims' families for "this senseless tragedy."

"Nothing that we can say is adequate, but please know that our hearts are broken by the suffering which has resulted from the actions of our son and former husband," the statement said.

Woman sentenced to life as teen in killing wins clemency

By KIMBERLEE KRUESI, Associated Press

NASHVILLE, Tenn. (AP) — A woman who says she was a 16-year-old sex trafficking victim when she killed a man in 2004 was granted clemency Monday by Tennessee's governor and will be released from prison later this year.

Tennessee Gov. Bill Haslam granted clemency to Cyntoia Brown, who had been serving a life sentence but who will be released on parole on Aug. 7 — 15 years from the date she was first arrested.

"Cyntoia Brown committed, by her own admission, a horrific crime at the age of 16. Yet, imposing a life sentence on a juvenile that would require her to serve at least 51 years before even being eligible for parole consideration is too harsh, especially in light of the extraordinary steps Ms. Brown has taken to rebuild her life," Haslam said in his statement.

Brown, 30, will remain on parole supervision for 10 years on the condition she does not violate any state or federal laws, holds a job, and participates in regular counseling sessions.

Brown's case has attracted national attention from criminal justice reform advocates, and the attention has amped up as Haslam's second and final term nears an end. He leaves office Jan. 19.

While law enforcement officials had opposed clemency, arguing Brown was not justified in killing 43-year-old Johnny Allen, celebrities like Kim Kardashian West and singer Rihanna spoke out for Brown. The governor's office received thousands of phone calls and emails from supporters.

"Thank you Governor Haslam," Kardashian West tweeted soon after news of the clemency decision broke, which was followed by similar high-profile responses from former Georgia Democratic gubernatorial candidate Stacey Abrams, actresses Alyssa Milano and Viola Davis.

Brown was convicted in 2006 of murdering Allen, a Nashville real estate agent. Police said she shot Allen in the back of the head at close range with a gun she brought to rob him after he picked her up at a drive-in theater in Nashville to have sex with her.

Brown's lawyers contended she was a sex trafficking victim who not only feared for her life but also lacked the mental capability to be culpable in the slaying because she was impaired by her mother's alcohol use while she was in the womb.

According to court documents, Brown ran away from her adoptive family in Nashville in 2004 and began living with a man known as "Cut Throat" in a hotel, who then forced her to become a prostitute. Court documents say the man verbally, physically and sexually assaulted her.

One night, Allen picked up Brown at a Sonic Drive-In and she agreed to engage in sexual activity for \$150. Once at his place, Brown eventually got into Allen's bed. Brown told law enforcement officials she thought he was reaching for a gun, so she shot him with a handgun from her purse.

She took two of his guns and his money from his wallet before fleeing the scene.

Brown expressed thanks in a statement released Monday by her legal team.

"I am thankful for all the support, prayers, and encouragement I have received. We truly serve a God of second chances and new beginnings. The Lord has held my hand this whole time and I would have never made it without him," Brown said. "Let today be a testament to his saving grace."

The U.S. Supreme Court has ruled against life-without-parole sentences for juveniles. Yet, the state of Tennessee argued successfully in lower courts that it was not in violation of federal law because Brown did have a possibility for parole: She was sentenced to serve at least 51 years of her life sentence.

"We need to see this as a national awakening to change the draconian laws that allow juveniles, children, to be placed in adult prisons when they're just children. They're not little adults," said Houston Gordon, one of Brown's lead attorneys.

While in prison, Brown completed her GED and took college classes. She is currently one course away from finishing a bachelor's degree at Lipscomb University.

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Nashville Mayor David Briley praised Haslam's decision, calling it a "great day for social justice and our city." Democratic state Sen. Raumesh Akbari said the clemency announcement shows that Tennessee "can show love, compassion and mercy" for people who have experienced trauma.

Haslam's decision comes at a time when he's considering his next political move in Tennessee now that U.S. Sen. Lamar Alexander announced he won't seek re-election in 2020.

Yet compared to Democrats, Tennessee's Republican lawmakers remained markedly quiet on Haslam's decision.

Gov.-elect Bill Lee offered a brief statement, saying he "respected" Haslam's choice in the complex case and Lt. Gov. Randy McNally said he "appreciated" the process the governor went through to arrive at his decision.

Ed Yarbrough, another attorney for Brown, joked at a Monday press conference that he was brought on as the "token Republican" in Brown's case.

"I have to give a lot of credit to Gov. Haslam for having the wisdom and the compassion to do what he did today," he said. "It will not be popular with everyone in Tennessee, but he did the right thing and we praise him for that."

To date, Haslam has granted five commutations, 15 pardons, and one exoneration. The Republican says he is continuing to review and consider additional clemency requests.

Reporter Jonathan Mattise contributed to this report.

Expert: Census citizenship question would hurt Latino count

By SUDHIN THANAWALA, Associated Press

SAN FRANCISCO (AP) — Asking people whether they are U.S. citizens on the 2020 census would worsen the undercount of Latinos and non-citizens compared with other groups, an expert in surveys said Monday at the start of a trial over the Trump administration's decision to include the question for the first time in 70 years.

Colm O'Muircheartaigh, a professor at the University of Chicago, said the question would reduce the percentage of Latinos and non-citizens who respond to the census questionnaire. He testified in federal court for California and numerous cities that argue that asking about citizenship is politically motivated. The state and cities are suing the U.S. government to keep the question off the population count that is done every decade.

California has the largest number of foreign-born residents and non-citizens of any state, so an undercount would jeopardize its federal funding and congressional representation, the state said in the lawsuit.

Figures from the census are used to determine the distribution of congressional seats to states and billions of dollars in federal funding.

The U.S. Justice Department argues that census officials take steps to guard against an undercount, including making follow-up visits in person, so the final numbers will be accurate. Households that skip the citizenship question but otherwise fill out a substantial portion of the survey will still be counted, government attorneys said in court documents.

O'Muircheartaigh, who has served as an adviser to the Census Bureau, said the bureau's additional efforts to count those people would not "remediate the damage caused by the introduction of the citizenship question," referring to an undercount of certain groups.

It's the latest battle between California and President Donald Trump's administration, with both sides suing the other over immigration and other issues. The government has cracked down on immigration and border security, while California has some protections for immigrants in the country illegally.

U.S. Judge Richard Seeborg is scheduled to hear a week of testimony from experts and other witnesses in the census case before deciding whether to allow the question. Seeborg is the second federal judge considering the issue, with a ruling by the first judge expected soon after a trial in New York ended in November.

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The Commerce Department announced the addition of a citizenship question in March, saying the Justice Department had requested it and it would improve enforcement of a 1965 law meant to protect minority voting rights.

Government attorney Carlotta Wells said in an opening statement that Commerce Secretary Wilbur Ross considered a range of opinions and evaluated data from census officials before making his decision.

The move sparked an outcry from Democrats, who said it would disproportionately affect states favoring their party. All households were last asked whether individuals were U.S. citizens in the 1950 census.

Documents in the litigation in New York appear to show that Ross was pushing for the question well before the Justice Department's request and spoke about it in spring 2017 with former senior White House adviser Steve Bannon and then-Attorney General Jeff Sessions.

There was enough evidence "to infer that Secretary Ross was motivated to add the citizenship question for the partisan purpose of facilitating the exclusion of non-citizens from the population count for congressional apportionment," California and other plaintiffs told Seeborg in court documents.

Ross' interest in pursuing the question and his discussions with other people are not evidence of an improper motive, Wells said.

O'Muircheartaigh's testimony is part of the plaintiffs' effort to show the citizenship question would result in a costly undercount that they say would violate the constitutional requirement that the census include everyone in the U.S., even non-citizens.

The Justice Department plans to rely on its expert, Stuart Gurrea, to argue that the question would cause no change in congressional apportionment in any state and only a negligible dip in the distribution of federal funds to California.

Ginsburg misses Supreme Court arguments for the 1st time

By MARK SHERMAN, Associated Press

WASHINGTON (AP) — Justice Ruth Bader Ginsburg is missing arguments for the first time in more than 25 years as she recuperates from cancer surgery last month, the Supreme Court said.

Ginsburg was not on the bench as the court met Monday to hear arguments. It was not clear when she would return to the court, which will hear more cases Tuesday and Wednesday, and again next week.

Court spokeswoman Kathy Arberg said the 85-year-old justice is continuing to recuperate and work from home after doctors removed two cancerous growths from her left lung on Dec. 21.

Ginsburg was discharged from a New York hospital on Dec. 25.

Chief Justice John Roberts said in the courtroom Monday that Ginsburg would participate in deciding the argued cases "on the basis of the briefs and transcripts of oral arguments."

Ginsburg had two earlier cancer surgeries in 1999 and 2009 that did not cause her to miss court sessions. She also has broken ribs on at least two occasions.

The court said doctors found the growths on Ginsburg's lung when she was being treated for fractured ribs she suffered in a fall at her office on Nov. 7.

After past health scares, Ginsburg has come back to work relatively quickly. In 2009, she was at the court for arguments on Feb. 23, 18 days after surgery for pancreatic cancer.

Weeks after her fall in November, Ginsburg was asking questions at high court arguments, speaking at a naturalization ceremony for new citizens and being interviewed at screenings of the new movie about her, "On the Basis of Sex."

Her latest surgery was a procedure called a pulmonary lobectomy at Memorial Sloan Kettering Cancer Center in New York. The court said in a release issued the day of the surgery that doctors found "no evidence of any remaining disease" and scans taken before the surgery showed no cancerous growths elsewhere in her body. No additional treatment is currently planned, the court said.

Appointed by President Bill Clinton in 1993, Ginsburg rebuffed suggestions from some liberals that she should step down in the first two years of President Barack Obama's second term, when Democrats controlled the Senate and would have been likely to confirm her successor.

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She already has hired clerks for the term that extends into 2020, indicating she has no plans to retire. If she did step down, President Donald Trump would have another opportunity to move a conservative court even more to the right. On the day she had surgery, Trump tweeted his wishes for Ginsburg's "full and speedy recovery!"

Asian shares mixed amid silence on China-US trade talks

By ELAINE KURTENBACH, AP Business Writer

BANGKOK (AP) — Shares were mixed in Asia on Tuesday as officials kept silent on talks in Beijing aimed at resolving trade tensions with the U.S.

KEEPING SCORE: Japan's Nikkei 225 index gained 1.1 percent to 20,251.42 and the Hang Seng in Hong Kong added 0.3 percent to 25,905.82. Australia's S&P ASX 200 gained 0.6 percent to 5,716.90 and the South Korean Kospi gave up 0.2 percent to 2,033.62. Shares fell in Taiwan and Thailand but rose in Singapore and Indonesia.

WALL STREET: Stocks extended gains Monday, lifted by buying of retailers and smaller companies after a report showed strong orders last month for service-sector companies, where most Americans work. That helped stocks build on the huge gains they made Friday. The U.S. economy has been a top concern for investors over the last three months, and the strong report on service companies showed that banks, health care and construction companies were holding up well. The S&P 500 added 0.7 percent to 2,549.69. The Dow Jones Industrial Average climbed 0.4 percent to 23,531.35 and the Nasdaq gained 1.3 percent, to 6,823.47. The Russell 2000 jumped 24.62 points, or 1.8 percent, to 1,405.37.

CHINA-US TRADE: Investors were encouraged by the resumption of talks between Beijing and Washington on a dispute over technology that has resulted in both sides imposing penalty tariffs on billions of dollars' of each other's exports. Those duties are likely to rise in March if no progress is made. The two-day working level talks were due to wrap up Tuesday and officials did not release any details about the discussions.

ANALYST'S VIEWPOINT: "This is the biggest wild card, because you don't know exactly how these parties are going to reach an agreement," said Jason Pride, chief investment officer of private clients at Glenmede. "Just keeping the tariffs that have been announced so far and not going ahead with new ones would be a positive surprise for the market."

ENERGY: Oil prices continued their recent rally. U.S. crude gained 8 cents to \$48.60 per barrel in electronic trading on the New York Mercantile Exchange. It rose 1.2 percent to \$48.52 per barrel in New York. After sinking to an 18-month low of \$42.53 a barrel on Dec. 24, the price of U.S. crude has risen for seven of the last eight trading days. Brent crude, used to price international oils, also added 8 cents to \$57.41 per barrel after rising 0.5 percent in London.

CURRENCIES: The dollar rose to 108.92 yen from 108.73 yen. The euro slipped to \$1.1438 from \$1.1475.

AP Markets Writer Marley Jay contributed from New York.

Today in History By The Associated Press

Today in History

Today is Tuesday, Jan. 8, the eighth day of 2019. There are 357 days left in the year.

Today's Highlight in History:

On Jan. 8, 2011, U.S. Rep. Gabrielle Giffords, D-Ariz., was shot and critically wounded when a gunman opened fire as the congresswoman met with constituents in Tucson; six people were killed, 12 others also injured. (Gunman Jared Lee Loughner (LAWF'-nur) was sentenced in November 2012 to seven consecutive life sentences, plus 140 years.)

On this date:

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In 1815, the last major engagement of the War of 1812 came to an end as U.S. forces defeated the British in the Battle of New Orleans, not having gotten word of the signing of a peace treaty.

In 1912, the African National Congress was founded in Bloemfontein, South Africa.

In 1918, President Woodrow Wilson outlined his Fourteen Points for lasting peace after World War I. Mississippi became the first state to ratify the 18th Amendment to the Constitution, which established Prohibition.

In 1935, rock-and-roll legend Elvis Presley was born in Tupelo, Mississippi.

In 1968, the Otis Redding single "(Sittin' On) The Dock of the Bay" was released on the Volt label almost a month after the singer's death in a plane crash.

In 1975, Judge John J. Sirica ordered the early release from prison of Watergate figures John W. Dean III, Herbert W. Kalmbach and Jeb Stuart Magruder. Democrat Ella Grasso was sworn in as Connecticut's first female governor.

In 1976, Chinese premier Zhou Enlai, 77, died in Beijing.

In 1982, American Telephone and Telegraph settled the Justice Department's antitrust lawsuit against it by agreeing to divest itself of the 22 Bell System companies.

In 1987, for the first time, the Dow Jones industrial average closed above 2,000, ending the day at 2,002.25.

In 1998, Ramzi Yousef (RAHM'-zee YOO'-sef), the mastermind of the 1993 World Trade Center bombing, was sentenced in New York to life in prison without the possibility of parole.

In 2004, A U.S. Black Hawk medivac helicopter crashed near Fallujah, Iraq, killing all nine soldiers aboard.

In 2008, Sen. Hillary Rodham Clinton powered to victory in New Hampshire's 2008 Democratic primary in a startling upset, defeating Sen. Barack Obama and resurrecting her bid for the White House; Sen. John McCain defeated his Republican rivals to move back into contention for the GOP nomination.

Ten years ago: President-elect Barack Obama urged lawmakers to work with him "day and night, on weekends if necessary" to approve the largest taxpayer-funded stimulus ever. Obama named Virginia Gov. Tim Kaine the next Democratic National Committee chairman. The U.N. Security Council called for an immediate cease-fire in Gaza by a 14-0 vote, with the United States abstaining. No. 1 Florida beat No. 2 Oklahoma 24-14 for the BCS national title. Cornelia Wallace, former wife of Alabama Gov. George Wallace, died in Sebring, Fla. at age 69.

Five years ago: Emails and text messages obtained by The Associated Press and other news organizations suggested that one of New Jersey Gov. Chris Christie's top aides engineered traffic jams in Fort Lee in Sept. 2013 to punish its mayor for not endorsing Christie for re-election; Christie responded by saying he'd been misled by the aide, and he denied involvement in the apparent act of political payback. Greg Maddux, Tom Glavine and Frank Thomas were elected to baseball's Hall of Fame.

One year ago: The Trump administration said it was ending special protections for immigrants from El Salvador, an action that could force nearly 200,000 to leave the U.S. by September, 2019 or face deportation. Alabama beat Georgia in overtime, 26-23, to claim the College Football Playoff national championship after freshman quarterback Tua Tagovailoa (tag-oh-vay-LOH'-ah) came off the bench to spark a comeback. A judge in Las Vegas dismissed criminal charges against Nevada rancher Cliven Bundy and his sons, who were accused of leading an armed uprising against federal authorities.

Today's Birthdays: Actor-comedian Larry Storch is 96. Broadcast journalist Sander Vanocur is 91. CBS newsman Charles Osgood is 86. Singer Shirley Bassey is 82. Game show host Bob Eubanks is 81. Country-gospel singer Cristy Lane is 79. Rhythm-and-blues singer Anthony Gourdin (Little Anthony and the Imperials) is 78. Actress Yvette Mimieux is 77. Singer Juanita Cowart Motley (The Marvelettes) is 75. Actress Kathleen Noone is 74. Rock musician Robby Krieger (The Doors) is 73. Movie director John McTiernan is 68. Actress Harriet Sansom Harris is 64. Education Secretary Betsy DeVos is 61. Singer-songwriter Ron Sexsmith is 55. Actress Michelle Forbes is 54. Actress Maria Pitillo (pih-TIHL'-loh) is 53. Singer R. Kelly is 52. Rock musician Jeff Abercrombie (Fuel) is 50. Actress Ami Dolenz is 50. Reggae singer Sean Paul is 46. Actor Donnell Turner is 46. Country singer Tift Merritt is 44. Actress-rock singer Jenny Lewis is 43. Actress

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Amber Benson is 42. Actor Scott Whyte is 41. Singer-songwriter Erin McCarley is 40. Actress Sarah Polley is 40. Actress Rachel Nichols is 39. Actress Gaby Hoffman is 37. Rock musician Disashi Lumumbo-Kasongo (dih-SAH'-shee LUHM'-uhm-boh kuh-SAHN'-goh) (Gym Class Heroes) is 36. Actor Freddie Stroma is 32.

Thought for Today: "Contempt for happiness is usually contempt for other people's happiness, and is an elegant disguise for hatred of the human race." — Bertrand Russell, English philosopher and mathematician (1872-1970).

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