

# Groton Daily Independent

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## Groton Area Schedule of Events

### Friday, February 22, 2019

Wrestling: Boys Varsity State @ Rapid City (Combined State Tourney (Class A & B))

6:30pm: Basketball: Girls Varsity Game (Rescheduled from 02-12-19) vs. Webster Area High School @ Groton Area High School

### Saturday, February 23, 2019

Robotics at Harrisburg High School

Show Choir at Vermillion

Wrestling: Boys Varsity State @ Rapid City (Combined State Tourney (Class A & B))

- 1- Groton Care & Rehab Help Wanted Ad
- 1- Help Wanted
- 2- GBB: Webster Area
- 3- Teams beat Deuel
- 3- SD Farmers Union Calls Out GM on Weak Octane Proposals
- 4- Updated regional ratings
- 4- Morton's 80th Birthday Card Shower
- 5- Winter Weather Advisory
- 6- Today in Weather History
- 7- Weather Pages
- 9- Daily Devotional
- 10- 2019 Groton Events
- 11 - News from the Associated Press

## Help Wanted

Looking for a fun, part-time job? Groton Dairy Queen is now hiring. Stop in for an application. (0216.0316)

## HELP WANTED

# Director of Nursing



**Current RN licensure in SD  
BSN/MSN degree preferred  
Sign on bonus available  
Full benefits included.**

**Contact Brynn Pickrel**



# GROTON

CARE & REHABILITATION CENTER

**1106 North Second Street  
605.397.2365**

## **OPEN:** Recycling Trailer in Groton

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

## 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.**

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It's Girls Basketball Action on GDILIVE.COM



**Webster  
Bearcats**

**VS**



**Groton Area Tigers**

**Friday, Feb. 22, 2019**

**8:00 p.m.**

**at 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  
Tyson DeHoet Trucking  
Weber Landscaping

## Groton Area teams win

Both the boys and the girls basketball teams won Thursday night in a double header with Deuel.

The girls won their game, 59-52, and the boys won their game, 58-49.

Gracie Traphagen led the Lady Tigers with 15 points while Payton Maine had 11, Jennie Doeden 10, Eliza Wanner nine, Miranda Hanson had eight, Kaycie Hawkins four and Allyssa Locke had two points. Britney Lovre led the Cardinals with 18 points while Jaydyn TeGantvoort had 16 and Saycia Sime 13.

Brodyn DeHoet led the boys team, tying a season high of 29 points. Jonathan Doeden had 10 points, Treyton Diegel had eight, Kaden Kurtz seven and Cade Guthmiller had four points. Kellan Bench led the Cardinals with 18 points while Scott Lovre added 14.

The girls will host Webster Area tonight in a make-up game. The boys are done until next week for regional action.

## SD Farmers Union Calls Out GM on Weak Octane Proposals

HURON, S.D. - In a letter to General Motors Chair and CEO Mary Barra today (February 21, 2019), South Dakota Farmers Union President Doug Sombke challenged the automaker on its claim that 98 RON (Research Octane Number) or higher gasoline was not feasible and called on them to look at their own historical position of identifying 100 RON fuels as the right fuel for the 2020-2025 time frame.

Sombke took issue with remarks by GM's Dan Nicholson at the National Ethanol Conference last week where Nicholson said a 98 RON fuel was a bridge too far and cited numerous obstacles, all of which can be easily addressed according to Sombke.

With the Safe Affordable Fuel Efficiency (SAFE) rule currently being developed by EPA, the opportunity to raise the minimum octane standard and achieve significant mileage increases can be realized with a 100 RON/E30 fuel according to Sombke. Furthermore, he said the requirement that these fuels reduce carbon emissions is easily met with higher ethanol blends that are increasingly recognized as low carbon fuels. In his letter he cited previous positions of GM and other automakers that a 100 RON fuel in optimized conventional vehicles could provide a 7% mileage increase while reducing CO2 emissions.

"The internal combustion engine is going to be the primary propulsion technology for decades, and the octane in today's fuel is increasingly toxic and polluting", said Sombke. "Ethanol is the most cost effective and cleanest source of octane available and automakers need to join us in calling for higher blends, not lower."

In his letter Sombke addressed a number of issues such as the ability of the industry to produce enough starch derived fuel, the emerging science showing improvements in carbon sequestration, and the ability to effectively distribute E30 blends.

He also cited the tremendous success of E30 tests and demonstrations such as the E30 challenge in South Dakota, and Governor Kristi Noem directing the state fleet to use E30. With millions of gallons sold and hundreds of thousands of trouble free miles logged, consumers are choosing this cleaner, efficient fuel mix, he said.

"We commend GM for being the first automaker to warrant ethanol blends, now it is time to help take the next step to doubling the current market for both corn and ethanol while helping themselves meet regulatory requirements."

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Region 1	Boys	Seed Points	W-L
<a href="#">Tiospa Zina</a>		43.850	17-3
<a href="#">Aberdeen Roncalli</a>		42.950	14-6
<a href="#">Redfield/Doland</a>		40.053	10-9
<a href="#">Groton Area</a>		39.550	7-13
<a href="#">Milbank</a>		39.421	7-12
<a href="#">Sisseton</a>		39.278	7-11
<a href="#">Webster Area</a>		37.389	5-13

Region 1	Girls	Seed Points	W-L
<a href="#">Aberdeen Roncalli</a>		42.895	15-4
<a href="#">Redfield/Doland</a>		41.947	13-6
<a href="#">Milbank</a>		39.722	8-10
<a href="#">Groton Area</a>		39.684	8-11
<a href="#">Tiospa Zina</a>		37.450	7-13
<a href="#">Webster Area</a>		36.000	3-15
<a href="#">Sisseton</a>		35.842	3-16



**Card Shower  
for  
Darlene Morton's  
80th Birthday  
on Feb. 24, 2019  
Send to:  
320 Grant Ave. NE  
Conde, SD 57434**

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## WINTER WEATHER ADVISORY

Issue Date:2:00 AM Fri, Feb 22, 2019

Expiration:6:00 AM Sat, Feb 23, 2019

...WINTER WEATHER ADVISORY IN EFFECT FROM NOON TODAY TO 6 AM CST SATURDAY...

\* WHAT...Mixed precipitation expected. Total snow accumulations of 2 to 5 inches and ice accumulations of a light glaze expected.

\* WHERE...Brown, Marshall, Day, Spink and Clark Counties.

\* WHEN...From noon today to 6 AM CST Saturday.

\* ADDITIONAL DETAILS...Plan on slippery road conditions. The hazardous conditions could impact the evening commute.

A Winter Weather Advisory means that periods of snow, sleet or freezing rain will cause travel difficulties. Expect slippery roads and limited visibilities, and use caution while driving.

The latest road conditions can be obtained by calling 5 1 1.



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## Today in Weather History

February 21, 1918: An amazing warm-up of 83 degrees in just 12 hours at Granville, North Dakota from Chinook winds. The temperature soared from an early morning low of 33 degrees below zero to an afternoon temperature of 50 degrees. Chinook winds are caused by the compression of Pacific air descending the Rockies. Compressing the air causes it to heat up resulting in the dramatic temperature rises.

February 21, 1969: Heavy snow along with winds of 15 to 25 mph caused blowing and drifting snow which closed many roads. Snowfall amounts of 5 to 12 inches were common across eastern South Dakota from the 20th into the 22nd. Some snowfall amounts included, 5 inches at Clear Lake and Brookings, 6 inches at Wilmot, 7 inches at Milbank, Redfield and Mitchell, 8 inches at Conde, 9 inches at Webster, Sioux Falls, and Huron.

1971: A massive tornado outbreak occurred in the Delta region of northeastern Louisiana and Mississippi. The first major tornado touched down at about 2:50 p.m. in Louisiana and crossed into Mississippi. 46 were killed by this twister, which struck the towns of Dehli and Inverness. 121 people lost their lives that day, including 110 in Mississippi. A total of 1600 people were injured, 900 homes severely damaged or destroyed. The total loss was around 19 million dollars.

1918 - A spectacular chinook wind at Granville, ND, caused the temperature to spurt from a morning low of 33 degrees below zero to an afternoon high of 50 degrees above zero. (David Ludlum)

1935 - Frequent duststorms occurred in eastern Colorado during the month, forcing schools to close and people to stay indoors. A fatality occurred on this date when two section cars collided on the railroad near Arriba CO, due to poor visibility. (The Weather Channel)

1936 - The temperature at Langdon, ND, climbed above zero for the first time in six weeks. Readings never got above freezing during all three winter months. (David Ludlum)

1971 - An outbreak of tornadoes hit northeastern Louisiana and northern and central Mississippi. The tornadoes claimed 121 lives, including 110 in Mississippi. Three tornadoes accounted for 118 of the deaths. There are 1600 persons injured, 900 homes were destroyed or badly damaged, and total damage was 19 million dollars. (David Ludlum)

1971 - Elk City, OK, was buried under 36 inches of snow to establish a 24 hour snowfall record for the state. (David Ludlum)

1987 - Low pressure over central California produced gale force winds along the coast, and produced thunderstorms which pelted Stockton, Oakland and San Jose with small hail. (The National Weather Summary) (Storm Data)

1988 - A storm tracking across southern Canada produced high winds in the north central U.S., with gusted to 90 mph reported at Boulder CO. The high winds snapped trees and power lines, and ripped shingles off roofs. The Kentucky Fried Chicken Bucket was blown off their store in Havre MT. An eighteen foot fiberglass bear was blown off its stand along a store front in west Cody WY, and sailed east into downtown Cody before the owners were able to transport their wandering bear back home in a horse trailer. (The National Weather Summary) (Storm Data)

1989 - Thunderstorms developing during the morning hours spread severe weather across Georgia and the Carolinas. Strong thunderstorm winds caused one death and thirteen injuries in North Carolina, and another four injuries in South Carolina. (The National Weather Summary) (Storm Data)

1990 - Overnight thunderstorms produced heavy rain in central Texas. Rainfall totals ranged up to 2.80 inches at Camp Verde, with 2.20 inches reported at Leakey. Thunderstorms early in the day produced high winds in southern Texas, with wind gusts to 60 mph reported at Alice. Daytime thunderstorms in eastern Texas

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**Winter Weather Advisory**

Today		Tonight		Saturday	Saturday Night	Sunday
50% → 100%	100% → 50%	20%	10%			
Chance Snow then Snow	Wintry Mix then Chance Wintry Mix	Slight Chance Snow then Mostly Cloudy	Mostly Cloudy then Patchy Blowing Snow and Blustery	Patchy Blowing Snow and Blustery		
High: 20 °F	Low: 16 °F	High: 24 °F	Low: 7 °F	High: 12 °F		

## Snow Today – Change To Light Ice Tonight Strong Winds Sunday

	FRI 6am to noon	FRI noon to 6pm	FRI 6pm to midnight	SAT midnight to 6am	SAT 6am to noon	SAT noon to 6pm	SAT 6pm to midnight	SUN midnight to 6am	SUN 6am to noon
Mobridge & surrounding area	Snow		Ice						Blowing Snow
Pierre & surrounding area	Snow		Ice						Blowing Snow
Redfield & surrounding area		Snow	Ice						Blowing Snow
Aberdeen & surrounding area		Snow	Ice						Blowing Snow
Sisseton & surrounding area		Snow	Ice						Blowing Snow
Watertown & surrounding area		Snow	Ice						Blowing Snow

**Intensity Legend:** light, moderate, highest, moderate, light

**Timing Legend:** light, moderate, highest, moderate, light

Aberdeen, SD [www.weather.gov/abr](http://www.weather.gov/abr) 2/22/2019 4:49 AM

A weak system crossing the region could generate 2-5 inches of new snow today/tonight. There will be some light freezing drizzle on the back side of the system tonight into Saturday morning before clearing out. Then, winds will pick up late Saturday and early Sunday, causing blowing and drifting snow.

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## Yesterday's Weather

**High Outside Temp: 10 °F at 3:55 PM**

**Low Outside Temp: -6 °F at 5:21 AM**

**High Gust: 16 mph at 1:17 PM**

**Precip:**

## Today's Info

**Record High: 59° in 2000, 1958**

**Record Low: -24° in 1918**

**Average High: 30°F**

**Average Low: 10°F**

**Average Precip in Feb.: 0.37**

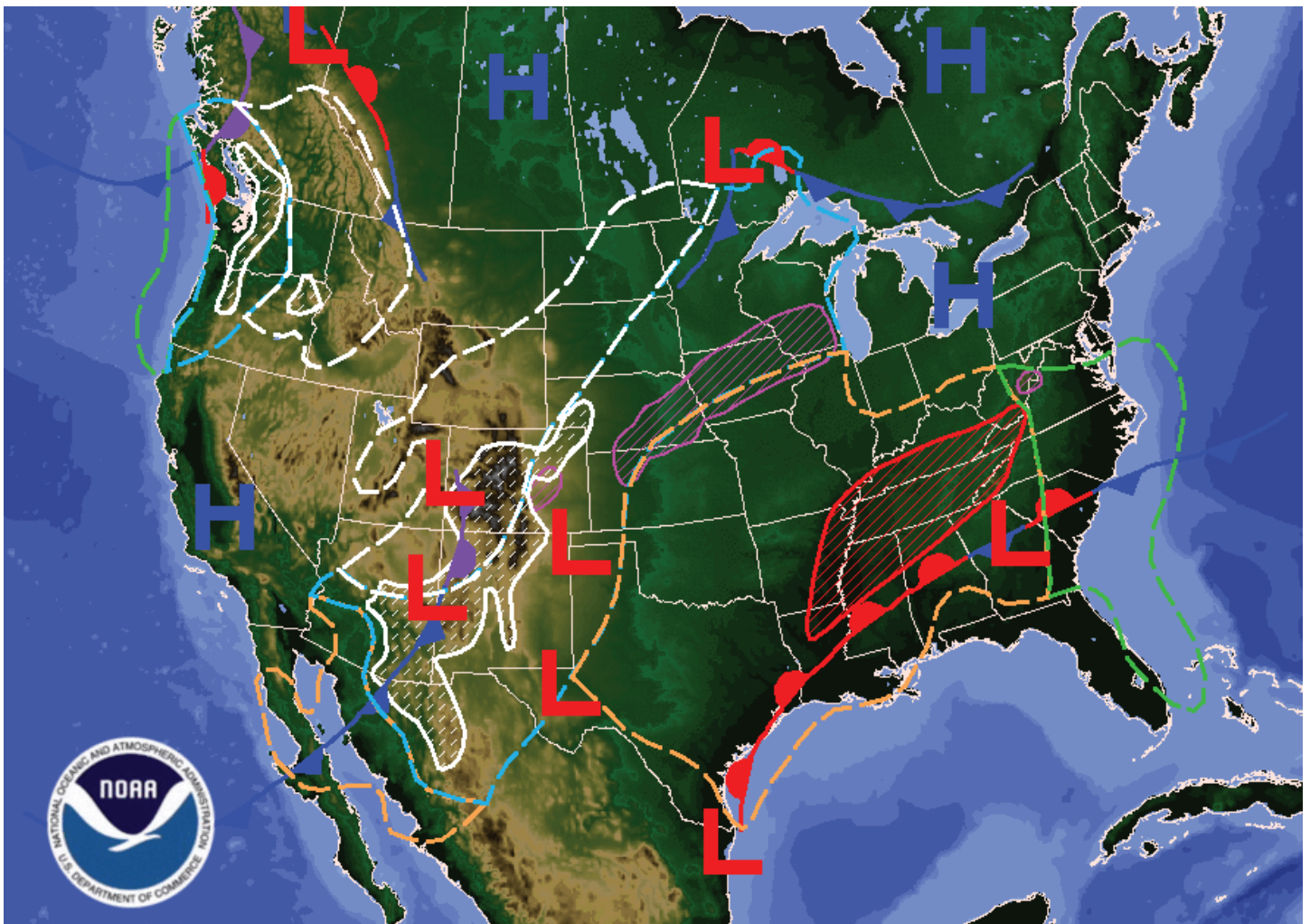
**Precip to date in Feb.: 0.00**

**Average Precip to date: 0.84**

**Precip Year to Date: 0.00**

**Sunset Tonight: 6:11 p.m.**

**Sunrise Tomorrow: 7:23 a.m.**



### Day 1 National Forecast Chart

Valid Fri, Feb 22, 2019, issued 4:40 AM EST  
DOC/NOAA/NWS/NCEP/Weather Prediction Center  
Prepared by McCreynolds with WPC/SPC/NHC forecasts

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



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## IM SORRY, BUT I FORGOT ABOUT...

Sound familiar? Its an often used phrase that most of us have used on many occasions. There are times when we do forget some things. And there are times when we use that phrase when we did not forget anything - we simply did not want to do what we had agreed to do.

Forgetfulness is a way of life for many. Rather than doing what they said they would do, they use it as an excuse for an unpleasant task. For some, it just happens now and then. For all, however, it started as part of a promise or agreement that was at one time important. And, some promises are, indeed, more important than others. Especially the promises we make to God. Our very life may depend on the promises we make to Him.

Solomon reminded us of this fact when he wrote, My son, do not forget my teaching...keep my commands in your heart...for they will prolong your life many years and bring you prosperity. Notice the two approaches to the same issue - one is negative: Do not forget and the other is positive: keep them in your heart.

Forget in this instance is more than allowing an obligation to escape our memory. It involves disregarding the commandments of God, replacing Him with false gods and idols, and a lack of faith and trust.

Notice where Gods teachings and commandments are to be kept - in our hearts. The heart, in Scripture, is the center and seat of our inner life, including our mind, our emotions and our will. Submitting our hearts to God is a declaration to Him that His Word rules our lives.

Prayer: Lord, grant each of us a willingness and desire to enthrone You in our hearts and never waiver or stray from Your teachings. In Jesus Name, Amen.

## 2019 Groton SD Community Events

- 01/27/2019 Carnival of Silver Skates 2pm & 6:30pm
- 03/17/2019 Groton American Legion Spring Fundraiser
- 04/13/2019 Easter Egg Hunt (Saturday a week before Easter Weekend)
- 04/27/2019 Fireman's Stag
- 05/04/2019 Spring City-Wide Rummage Sales (1st Saturday in May)
- 05/27/2019 Groton American Legion Post #39 Memorial Day Program
- 06/13/2019 Transit Fundraiser (Middle Thursday in June)
- 06/14/2019 SDSU Golf Tournament at Olive Grove Golf Course
- 06/15/2019 Triathlon (Saturday before Father's Day)
- 06/21/2019 Best Ball Golf Tourney
- 07/04/2019 Firecracker Golf Tourney (4th of July)
- 07/14/2019 Summer Fest
- 08/22/2019 First Day of School
- 09/07/2019 Fall City-Wide Rummage Sales (1st Saturday after Labor Day)
- 09/08/2019 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
- 11/09/2019 Groton American Legion Post #39 Turkey Shoot (Saturday closest to Veteran's Day)
- 12/07/2019 Olive Grove Golf Course 2019 Holiday Party
- 12/07/2019 Santa Claus Day at Professional Management Services

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News from the  Associated Press

## Nuclear medicine semi driver killed in crash

DELL RAPIDS, S.D. (AP) — The South Dakota Highway Patrol says a semi driver has died in a crash near Dell Rapids.

The health system Avera McKennan says the 34-year-old woman was one of its employees and was driving a nuclear medicine truck, a vehicle that transports radioactive material.

Avera McKennan says its experts are working with the Highway Patrol and other agencies to ensure there are no public safety issues that have not been addressed.

The patrol says the crash happened Thursday morning when the semi went over a guardrail and struck a bridge pillar along Interstate 29. The driver was the only person involved and has not been identified.

## Thursday's Scores

By The Associated Press

### BOYS PREP BASKETBALL

Aberdeen Roncalli 77, Chamberlain 63  
Andes Central/Dakota Christian 68, Freeman Academy/Marion 62  
Cheyenne-Eagle Butte 47, Mobridge-Pollock 45  
Dell Rapids 75, Garretson 57  
Groton Area 58, Deuel 49  
Lake Preston 57, Oldham-Ramona/Rutland 49  
Marty Indian 91, Crazy Horse 67  
Miller 73, McLaughlin 70  
O Gorman 50, Sioux Falls Washington 32  
Parker 61, Parkston 46  
Platte-Geddes 56, Mt. Vernon/Plankinton 54  
Potter County 67, Ipswich 64  
Rapid City Central 83, Spearfish 43  
Rapid City Stevens 64, Sturgis Brown 63  
Redfield/Doland 59, Webster 45  
Sioux Falls O'Gorman 50, Sioux Falls Washington 32  
Sisseton 76, Britton-Hecla 56  
Tri-Valley 54, Baltic 53  
Vermillion 74, Canton 48  
Watertown 48, Pierre 42  
West Central 63, Elk Point-Jefferson 60  
Winner 76, Stanley County 62

### GIRLS PREP BASKETBALL

Dell Rapids 75, Garretson 52  
Groton Area 59, Deuel 51  
Harrisburg 61, Sioux Falls Lincoln 51  
Milbank 46, Tiospa Zina Tribal 26  
Miller 62, McLaughlin 28  
Mt. Vernon/Plankinton 69, Platte-Geddes 36  
Parker 43, Parkston 37  
Pierre 58, Watertown 44  
Rapid City Central 59, Spearfish 48

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Redfield/Doland 48, Webster 24  
Sioux Falls Washington 43, Sioux Falls O'Gorman 35  
Tri-Valley 55, Baltic 15  
Vermillion 50, Canton 35  
West Central 59, Elk Point-Jefferson 34  
Winner 77, Stanley County 27

## **Class B Region 1 State Qualifier**

Warner 50, Waubay/Summit 35  
Waverly-South Shore 52, Clark/Willow Lake 45

## **Class B Region 2 State Qualifier**

Faulkton 46, Herreid/Selby Area 24  
Ipswich 42, Sully Buttes 41

## **Class B Region 3 State Qualifier**

Castlewood 55, Deubrook 41  
DeSmet 59, Arlington 27

## **Class B Region 4 State Qualifier**

Ethan 69, Chester 20  
Sanborn Central/Woonsocket 49, Hanson 46

## **Class B Region 5 State Qualifier**

Bridgewater-Emery 57, Irene-Wakonda 39  
Freeman 61, Menno 37

## **Class B Region 6 State Qualifier**

Avon 59, Tripp-Delmont/Armour 55, OT  
Corsica/Stickney 61, Andes Central/Dakota Christian 29

## **Class B Region 7 State Qualifier**

New Underwood 51, Lower Brule 34  
White River 77, Kadoka Area 60

## **Class B Region 8 State Qualifier**

Dupree 50, Timber Lake 38  
Faith 59, Newell 27

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

## **Daum now among to 10 career scorers, SDSU gets 92-83 win**

BROOKINGS, S.D. (AP) — Mike Daum had 38 points, which pushed him past Oscar Robertson for the No. 10 spot in NCAA's Division I career points, and South Dakota State rallied to beat Purdue Fort Wayne 92-83 on Thursday night.

Daum, who now has 2,981 points in his career at SDSU, also took over the Summit League record for career rebounds, pulling down 20 against the Mastodons to total 1,197. He finished out his record-setting night by posting a career-high five blocks.

David Jenkins, who was 6 of 12 from beyond the arc, finished with 22 points and Alex Arians added 13 with eight rebounds for SDSU (22-7, 12-2) which secured the No. 2 seed in the Summit League Conference tournament.

The Jackrabbits rallied from a 9-point deficit in the second half to take a 67-65 lead with 12:51 remaining after Jenkins drained a 3 and took the lead for good, 81-78, following another Jenkins' trey.

John Konchar led Purdue Fort Wayne (17-12, 9-5) with 27 points and nine rebounds. Matt Holba chipped in 15 points while grabbing nine rebounds.

The Jackrabbits evened the season series against the Mastodons with the win. Purdue Fort Wayne defeated South Dakota State 104-88 on Jan. 3. South Dakota State plays South Dakota at home on Saturday.



Purdue Fort Wayne plays North Dakota at home next Thursday.

For more AP college basketball coverage: <https://apnews.com/Collegebasketball> and [http://twitter.com/AP\\_Top25](http://twitter.com/AP_Top25)

Elements of this story were generated by Automated Insights, <http://www.automatedinsights.com/ap>, using data from STATS LLC, <https://www.stats.com>

## No. 23 South Dakota women avenge only Summit League loss

VERMILLION, S.D. (AP) — Ciara Duffy scored 16 points and Monica Arens 12, with both sinking four 3-pointers, and No. 23 South Dakota avenged its only Summit League loss this season with a 73-58 victory over Denver on Thursday night.

Hannah Sjerven added 11 points and a game-high nine rebounds for the Coyotes (23-3, 12-1), who have won 11 straight games since losing at Denver 104-99 on Jan. 3. The Coyotes shot 49 percent, made 10 of 23 from the arc for 43.5 percent and outscored the Pioneers 20-9 off turnovers.

Denver's final lead came at 18-17 early in the second quarter before being outscored 15-6 the rest of the period, including nine points by Arens. Duffy had nine points in the third quarter when the Coyotes outscored the Pioneers 31-21.

Samantha Romanowski scored 12 points, Madison Nelson 12 and Lauren Loven 10 for Denver (14-12, 7-6). Loven came in with the most 3-pointers and the top percentage from the arc (47.2) in the nation. She was just 1 of 6 from distance against the Coyotes.

## South Dakota House approves bill to cut early voting window

PIERRE, S.D. (AP) — The South Dakota House narrowly approved a bill Thursday to cut the time allowed for early voting in the state.

Representatives voted 36-33 for the bill, the minimum margin required for it to advance. The measure would reduce the absentee voting window from 46 days to 32 days.

House Majority Leader Lee Qualm, the bill's sponsor, said some early voters have told him they regret going early because they say most information comes out in the final weeks before Election Day.

"I believe in an informed electorate," Qualm said. "People will go vote if they want to vote, and I don't see how this hinders anybody at all."

Democratic Rep. Kelly Sullivan, an opponent, said officials need to give people every opportunity they can to vote. Republican Rep. Jean Hunhoff said the state should stay at 46 days.

"We want to encourage people to vote," Sullivan said.

The average beginning point for early voting is 22 days prior to an election, according to the National Conference of State Legislatures.

The proposal now heads to the Senate. Republican Gov. Kristi Noem last week didn't offer a position on the bill.

"We want to make sure everybody gets the chance to vote, so when it gets to my desk we'll see what the debate has brought apart," Noem said.

## Survey: Banks raising farm loan collateral requirements

OMAHA, Neb. (AP) — A monthly survey of rural bankers in parts of 10 Plains and Western states shows nearly two-thirds of banks in the region have raised farm loan collateral requirements on fears of weakening farm income.

The Rural Mainstreet survey for February showed nearly one-third of banks report an increase in the farm loan rejection rate for the same reason.

The survey's overall index dropped to 50.2 from January's 51.5. Any score above 50 suggests a growing

economy in the months ahead, while a score below 50 indicates a shrinking economy.

Creighton University economist Ernie Goss, who oversees the survey, says the rural economy appears to be expanding outside of agriculture, but that tariffs and low agriculture commodity prices continue to weaken the farm sector.

Bankers from Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wyoming were surveyed.

## SD high court rules against woman in same-sex benefits case

PIERRE, S.D. (AP) — South Dakota's Supreme Court ruled this week against a retired police official seeking state retirement system survivor benefits after her wife, a former police captain, died of cancer.

The high court said in a Wednesday opinion that retired Rapid City officer Debra Anderson isn't entitled to the benefits because she and former Capt. Deb Cady weren't married before Cady retired in 2012 with breast cancer.

Anderson argued the couple would have been married earlier if not for the state's prohibition against gay marriage. Attorney James Leach said he's "very disappointed" the high court rejected Anderson's appeal.

The couple had been together for many years when Cady retired, but weren't married because it wasn't legal in South Dakota at the time. They married in 2015, when the U.S. Supreme Court legalized gay marriage nationwide, and Cady died two years later.

A 1996 law passed by the South Dakota Legislature and a voter-approved 2006 constitutional amendment banned gay marriage.

"The South Dakota law that forbade same-sex marriage was unconstitutional, and as a result Deb Anderson is entitled to benefits as a surviving spouse, just as she would be if she were a man," Leach said in an interview in January, shortly before oral arguments before the court.

But the state contended Anderson was asking the court to create a marriage in 2012 when one didn't exist. Retirement system attorney Robert Anderson argued to justices that if Cady and Debra Anderson had gotten married in a state that allowed same-sex marriage before Cady's 2012 retirement, then "today we would not be in this courtroom."

According to a court document, the couple discussed getting married when Massachusetts legalized gay marriage in 2003 and hoped it would be an option for them when Iowa legalized it in 2009. That year, Cady surprised Anderson with matching rings.

"We agreed that we would marry," Anderson previously testified, according to the document. "But for us it was going to have to be when it was either recognized by the State of South Dakota, which is where we resided and worked, or by the Federal Government, you know, as a nation as a whole."

The Supreme Court opinion says Anderson isn't entitled to the survivor benefits under South Dakota law, which in part defines a spouse as someone married to a retirement system member before they stopped working.

## Analysts say reversing presumptive probation would cost \$53M

By JAMES NORD, Associated Press

PIERRE, S.D. (AP) — South Dakota would spend more than \$53 million over the next decade to reverse a law largely compelling judges to sentence certain lower-level felons to probation rather than prison, according to a legislative analysis released Thursday as a Senate panel advanced the change.

The Senate Judiciary Committee voted 5-2 to send the cornerstone of Attorney General Jason Ravnsborg's legislative agenda to the floor. The move comes a day after Republican Gov. Kristi Noem said she's asking that lawmakers hold off on reversing the policy, citing the cost.

Ravnsborg said he hopes the committee's vote sends a strong message to the rest of the Senate. Ravnsborg said he and Noem may not be on the "same page exactly," but he believes they both want safety for South Dakota citizens.

"I do believe that we are having a good discussion, and I think that we're all seeking a solution and to give more tools to law enforcement and our local communities," said Ravnsborg, whose platform also

focuses on prevention, rehabilitation and bolstering work programs.

The state's presumptive probation law requires judges to sentence people who have committed certain nonviolent, lower-level felonies — including drug possession and use — to probation rather than prison, unless there's a "significant risk" to the public. It's credited with helping avert expensive prison population growth, but critics say it ties judges' hands.

The policy was part of a 2013 Republican-led justice overhaul to tackle prison overcrowding, cut costs and expand drug addiction treatment options. The push to end presumptive probation has put South Dakota's top law enforcement officer at odds with the state's chief executive over legislation that two estimates released this week projected would come with a huge price tag. Noem and Ravensborg both took office last month.

The legislative analysis predicted that repealing presumptive probation would result in more people getting sent to prison at an annual cost of nearly \$4 million. Housing those inmates would spur about \$14 million in one-time construction costs, according to the estimate.

But Noem's administration previously outlined projections that anticipated far higher construction expenses and annual operating costs. Officials projected the measure could add yearly costs ranging from more than \$8.7 million to \$35 million annually, depending on the number of presumptive probation offenders who would instead get sent to prison. Building costs to house the additional inmates could range from \$33.3 million to \$150 million, according to the analysis.

"I would like to have us have a discussion on the best approach to this rather than just repealing the entire presumptive probation," Noem told reporters Wednesday.

Despite Noem's words of caution, the Senate panel pressed ahead. Committee Chairman Lance Russell called the 2013 justice overhaul an "unmitigated failure," saying the state foisted a huge unfunded mandate on counties in South Dakota and then walked away from its responsibility.

Supporters of ending presumptive probation contend it's driven up county jail budgets across the state as judges send offenders to jail rather than state prison terms. Law enforcement representatives back the change.

A 2016 report from the Urban Institute found presumptive probation and other changes played a major role in avoiding growth in the state prison population, and the latest state analysis credits the overhaul with saving taxpayers about \$28 million. In an unusual alliance, local chapters of the ACLU and Americans for Prosperity have opposed the attorney general's bill.

"The concept of putting fewer people behind bars may seem like a difficult stance to take in a state as conservative as South Dakota, but tough-on-crime policies can't fix society's problems — especially in regards to addiction," ACLU of South Dakota policy director Libby Skarin said in a statement after the vote.

## Senate panel endorses bill to repeal presumptive probation

PIERRE, S.D. (AP) — A South Dakota Senate panel favors ending presumptive probation, a priority for the state attorney general that legislative analysts predict will cost more than \$53 million over the next decade.

The Judiciary Committee voted 5-2 Thursday to send the cornerstone of Attorney General Jason Ravensborg's legislative agenda to the floor. The move comes a day after Gov. Kristi Noem said she's asking that lawmakers hold off on reversing the policy, citing the cost.

Presumptive probation requires judges to sentence people who have committed certain nonviolent, lower-level felonies to probation rather than prison, unless there's a "significant risk" to the public.

Republican Sen. Stace Nelson, a bill supporter, says the practice gives offenders "a pass."

The legislative analysis shows that repealing presumptive probation in favor of prison time would come at an annual cost of nearly \$4 million and about \$14 million in one-time construction costs.

## Worry about US-SKorea alliance grows before Trump-Kim summit

By HYUNG-JIN KIM, Associated Press

SEOUL, South Korea (AP) — As President Donald Trump seeks a nuclear deal with North Korean leader Kim Jong Un next week in Vietnam, some in Seoul are wondering if the fate of Washington's decades-long military alliance with South Korea could be at stake.

Much of this worry is linked to Trump's repeated assertions that the U.S. military deployment in South Korea is too costly, and to his surprise suspension of some U.S. military exercises with South Korea — including a major summertime drill — as a concession to Kim after their first summit in Singapore last year. Added to this concern are policies by South Korea's liberal President Moon Jae-in that critics say favor engagement with North Korea at the expense of the alliance with Washington.

The broader U.S.-South Korean alliance, sealed during the bloodshed of the 1950-53 Korean War, won't be on the negotiating table during the summit in Hanoi on Feb. 27-28. But some observers say its long-term future could be in doubt and that Trump may eventually withdraw some of the 28,500 U.S. troops deployed in South Korea.

"The Korea-U.S. alliance is seriously ill now," Kim Taewoo, the former head of the government-funded Korea Institute for National Unification in South Korea, said in a recent speech.

U.S. and South Korean officials maintain that everything is fine.

After agreeing to increase its contribution to the cost of the U.S. military presence this year, South Korea's Foreign Ministry said last week that Washington insists it has no plans to adjust troop levels. During a phone call with Moon on Tuesday, Trump also said that U.S.-South Korea relations are better than ever, according to Moon's office.

Trump said earlier this month that he had no plans to withdraw troops, but he has previously threatened to pull them from South Korea and Japan if those nations refused to pay more. After the Singapore summit, Trump also told reporters: "I want to bring our soldiers (in South Korea) back home." While announcing the suspension of a major summertime military drill, Trump called the exercises "very provocative" and "tremendously expensive."

U.S. defense officials are not planning any troop reductions but some have indicated that they would not be surprised if Trump puts reductions on the table as part of his negotiations with Kim. Other possibilities that worry many in Seoul include that Trump will suspend or drastically downsize another major set of military drills this spring, or that he'll settle for a deal where the North abandons its long-range missile program aimed at the U.S. while not addressing the North's shorter-range missiles targeting Seoul and Tokyo.

An extended stoppage of comprehensive training between the allies could weaken the militaries' fighting capacity, especially since many U.S. soldiers rotate out of South Korea after less than a year of service, some experts say.

"Soldiers' fighting power comes from training. If there aren't any (big) joint drills for one year, we'll have (U.S.) soldiers who have never experienced such drills," said Moon Seong Mook, an analyst for the Seoul-based Korea Research Institute for National Strategy.

North Korea, on the other hand, which has described the drills as preparation for invasion and responded with its own costly exercises, would likely benefit. North Korea has said it was forced to develop nuclear weapons to cope with what it calls American hostility.

During the Singapore summit, Kim said he was committed to the "complete denuclearization of the Korean Peninsula," which has previously meant the North would only denuclearize when the United States withdraws all its troops from South Korea and stops military drills with the South. In December, North Korea's state media said it would never unilaterally abandon its nuclear program unless Washington first removes its nuclear threat.

Some are also concerned about reports that Trump may agree to declare the end of the Korean War, which ended with an armistice, as a security guarantee for the North. Such a declaration, considered as a preliminary step before signing a peace treaty to formally end the war, could provide the North with a basis to step up its calls for a U.S. troop pullout.

"If our security is shaken, foreign investments will be driven out of the country and stock prices will



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plummet," said the analyst Moon, a retired brigadier general who took part in numerous military talks with North Korea.

Part of the debate in South Korea reflects a deep historical division over the U.S. military.

For some, the U.S. military rescued South Korea from the surprise North Korean invasion that started the Korean War. Others blame the United States for the 1945 division of the Korean Peninsula. Rallies that focus on the United States, both pro and anti, routinely take place in Seoul, but surveys show a majority of South Koreans support the U.S. troop deployment.

On Wednesday in a central Seoul neighborhood, placards that read "Let's protect the Korea-U.S. alliance, our lifeline, with our lives!" could be seen along with about 20 U.S. and South Korean flags. Nearby, about a dozen people rallied behind a banner calling for Washington not to threaten peace on the Korean Peninsula. "Are we America's colony?" one participant shouted.

Since the war, the U.S. has stationed tens of thousands of troops in South Korea to guard against North Korean attack. Meanwhile, South Korea has grown into an economically prosperous, faithful ally that has taken part in U.S.-led wars in Vietnam, Iraq and elsewhere.

U.S. troop numbers have gradually fallen over the decades.

After then President Richard Nixon withdrew about one third of the 60,000 U.S. troops in South Korea in 1971, South Korean President Park Chung-hee ordered officials to covertly pursue a nuclear weapons program, which was later scrapped because of fear of U.S. sanctions.

Former President Jimmy Carter, a critic of Park's suppression of human rights, sought to implement a campaign promise to bring back all 40,000 troops from South Korea. But he was opposed by many advisers and ended up bringing back about 3,000.

The departure of even several thousand U.S. troops could weaken the situation militarily because of the loss of both the soldiers and their weapons and equipment. But it could also hurt the U.S. military's efforts to counter a rising China.

"If (Trump) pulls back some of troops because of money issues ... he'd have more to lose than he'd gain," said analyst Kim Dong-yeop at the Institute for Far Eastern Studies in Seoul. "Under the viewpoint of a U.S.-China security framework, I wonder if (Trump's troop drawdown comments) are anything more than just rhetoric."

AP national security writer Robert Burns In Washington contributed to this report.

## 10 Things to Know for Today

By The Associated Press

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

### 1. LIGHTS, CAMERA, CLUES

Chicago's vast network of surveillance cameras, with more than 32,000 mounted on buildings, poles, train tunnels and elsewhere, helped police break the case of "Empire" actor Jussie Smollett.

### 2. REAL CHANGE AT LONG LAST?

Cardinals attending Pope Francis' summit on preventing clergy sex abuse have called for a new culture of accountability in the Catholic Church to punish bishops and religious superiors who fail to protect their flocks from predator priests.

### 3. VENEZUELAN BATTLE OF THE BANDS

Musicians demanding President Nicolas Maduro allow in humanitarian aid and those supporting his refusal will sing in rival concerts being held at both sides of a border bridge where tons of donated food and medicine are stored.

### 4. TWIN BOY OF GAY COUPLE FOLLOWS BROTHER TO CITIZENSHIP

A federal judge in California has ruled that a twin son of a gay married couple has been an American citizen since birth. The government had only granted the status to his brother. Each boy was conceived with donor eggs and the sperm from a different father — one an American, the other Israeli— but born

by the same surrogate mother minutes apart.

## 5. PLEASE PUT AWAY YOUR CELLPHONES

Claims of jury misconduct in the trial of drug lord Joaquin "El Chapo" Guzman have drawn new attention to the digital-age challenge courts face in preventing jurors from scouring media accounts or conducting their own research before rendering a verdict.

## 6. A COMPLICATED RELATIONSHIP

As President Donald Trump seeks a nuclear deal with North Korean leader Kim Jong Un next week in Vietnam, some in Seoul are wondering if the fate of Washington's decades-long military alliance with South Korea could be at stake.

## 7. THE FATE OF THE MUELLER REPORT

Attorney General William Barr is on the cusp of staring down what will almost certainly be the most consequential decision of his long career: how much to make public of the special counsel's findings of the investigation into Russian interference in the 2016 U.S. presidential election and possible coordination with the Trump campaign.

## 8. EXTREMISTS TAKING THEIR BATTLES ELSEWHERE

Islamic State fighters facing defeat in Syria are slipping across the border into Iraq, where they are destabilizing the country's fragile security.

## 9. AIMING FOR THE MOON

An Israeli spacecraft has rocketed into space for the country's first attempted lunar landing.

## 10. FROM FIDEL TO THE DIGITAL AGE

In the 2 1/2 months since Cuba allowed its citizens internet access via cellphones, fast-moving changes are subtle but palpable.

## Judge grants citizenship to twin son of gay couple

**CHRISTOPHER WEBER, Associated Press**

LOS ANGELES (AP) — A federal judge in California ruled Thursday that a twin son of a gay married couple has been an American citizen since birth, handing a defeat to the U.S. government, which had only granted the status to his brother.

The State Department was wrong to deny citizenship to 2-year-old Ethan Dvash-Banks because U.S. law does not require a child to show a biological relationship with their parents if their parents were married at the time of their birth, District Judge John F. Walter found.

A lawsuit filed by the boys' parents, Andrew and Elad Dvash-Banks, sought the same rights for Ethan that his brother, Aiden, has as a citizen.

Each boy was conceived with donor eggs and the sperm from a different father — one an American, the other an Israeli citizen — but born by the same surrogate mother minutes apart.

The government had only granted citizenship to Aiden, who DNA tests showed was the biological son of Andrew, a U.S. citizen. Ethan was conceived from the sperm of Elad Dvash-Banks, an Israeli citizen.

The suit was one of two filed last year by an LGBTQ immigrant rights group that said the State Department is discriminating against same-sex binational couples by denying their children citizenship at birth. The cases filed in Los Angeles and Washington by Immigration Equality said the children of a U.S. citizen who marries abroad are entitled to U.S. citizenship at birth no matter where they are born, even if the other parent is a foreigner. Only the Los Angeles case was decided Thursday.

The State Department did not immediately respond to an email seeking comment on the ruling. Previously the department pointed to guidance on its website that said there must be a biological connection to a U.S. citizen to become a citizen at birth.

"This family was shocked and appalled and angry when they were told their family wasn't legal," said Aaron Morris, executive director of Immigration Equality. "They wanted their twin boys to be treated exactly the same."

Morris said the government wrongly applied a policy for children born out of wedlock to married same-

sex couples.

Walter agreed, writing that the State Department statute does not contain language "requiring a 'blood relationship between the person and the father' in order for citizenship to be acquired at birth."

"This is justice! We are hopeful that no other family will ever have to go through this again. It's like a giant rock has been removed from our hearts," Andrew and Elad Dvash-Banks said in a statement provided by Immigration Equality.

Andrew Dvash-Banks was studying in Israel when he met his future husband, Elad, an Israeli citizen. Because they couldn't marry at the time in the U.S. or in Israel, they moved to Canada, where they wed in 2010. The children were born by a surrogate in September 2016.

Everything seemed fine until the couple brought their cranky infants to the American consulate in Toronto a few months later to apply for citizenship and the woman at the counter began asking probing questions they found shocking and humiliating.

The consular official told them she had discretion to require a DNA test to show who the biological father was of each boy and without those tests neither son would get citizenship. The men knew that Andrew was Aiden's biological father and Elad was Ethan's but they had kept it a secret and hadn't planned on telling anyone.

After submitting the DNA test results that proved who fathered each boy, the couple received a large and small envelope from the U.S. on March 2. The big one included Aiden's passport. The other was a letter notifying Andrew that Ethan's application had been denied.

The family has since moved to Los Angeles to be closer to Andrew Dvash-Banks' family.

The other case involves two women, one from the U.S., and one from Italy, who met in New York, wed in London and each gave birth to a son. The State Department didn't recognize the couple's marriage, the lawsuit said, and only granted citizenship to the boy whose biological mother was born and raised in the U.S.

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## At Kraft Heinz, a fed investigation and a \$15.4B write-down

PITTSBURGH (AP) — Kraft Heinz has disclosed an investigation by federal regulators and will slash the value of its Oscar Mayer and Kraft brands by \$15.4 billion.

Shares plunged more than 20 percent before the opening bell Friday after the company posted a stunning \$12.6 billion loss for the fourth quarter.

Kraft Heinz divulged the receipt of a subpoena in October from the U.S. Securities and Exchange Commission related to its procurement operations. Those operations handle interactions with outside suppliers. The company said that it is fully cooperating with the SEC.

Kraft Heinz completed its own investigation into the matter and recorded a \$25 million charge to account for higher costs and expenses that should have been accounted for previously.

The Pittsburgh company said that it is making improvements to its internal controls and taking other actions to prevent similar mistakes going forward.

The nearly \$13 billion loss in the most recent quarter is a devastating recognition that efforts to change the trajectory of the company have not been as successful as once thought. The loss follows an \$8 billion profit in the same period last year.

Kraft Heinz and other food makers that dominated grocery shelves for a good portion of the last century have been whipsawed by a seismic shift in what consumers want.

Families, particularly in the U.S., have pivoted sharply away from processed foods and toward more simple and fresh ingredients. That has clashed directly with some of Kraft Heinz' most well-known brands like Jell-O and Kool-Aid and Oscar Mayer hot dogs.

Details of the investigation emerged in the company's fourth-quarter earnings report late Thursday.

## Chicago's vast camera network helped solve Smollett case

By TAMMY WEBBER, Associated Press

CHICAGO (AP) — Police tapped into Chicago's vast network of surveillance cameras — and even some homeowners' doorbell cameras — to track down two brothers who later claimed they were paid by "Empire" actor Jussie Smollett to stage an attack on him, the latest example of the city's high-tech approach to public safety.

Officers said they reviewed video from more than four dozen cameras to trace the brothers' movements before and after the reported attack, determining where they lived and who they were before arresting them a little more than two weeks later.

Smollett reported being beaten up by two men who shouted racist and anti-gay slurs and threw bleach on him. But his story fell apart when Abimbola and Olabinjo Osundairo — bodybuilders and aspiring actors whom Smollett knew from the "Empire" set and the gym — told police that Smollett paid them \$3,500 to stage the attack because he was unhappy with his salary and wanted to promote his career.

Smollett was arrested Thursday and made his first court appearance. He was later released after posting the required 10 percent of the \$100,000 bond.

Police Commander Edward Wodnicki, who heads the detective division that led the investigation, credited the camera network but also residents who shared information from their own cameras for helping to solve the case.

"That was super useful in this investigation," he said of residents' cooperation. "The city came together to investigate and help the police with this crime."

The search went beyond surveillance cameras to include other electronic records. Detectives also reviewed in-car taxi videos, telephone logs, ride-share records and credit card records, according to a summary of the case released by prosecutors.

At first, police were puzzled when they could not find footage of the attack, which Smollett said occurred around 2 a.m. on Jan. 29 while he was walking home from a Subway sandwich shop.

Chicago has the most extensive video surveillance network in the U.S., with access to more than 32,000 cameras mounted on buildings, poles, train tunnels and buses — and even in businesses and private residences whose owners agree to opt into the system full-time. What's more, authorities can track someone by linking those cameras at a sophisticated emergency command center, police stations or even from tablets in officers' squad cars.

Police say Smollett deliberately staged the attack in a spot where he believed it would be captured on video, but "that particular camera wasn't pointed in that direction," Police Superintendent Eddie Johnson said Thursday.

But police soon found footage of two men walking in the area of the attack and interviewed more than 100 people seeking witnesses.

Using 35 police cameras and more than 20 private-sector cameras, investigators were able to trace the men's movements after the attack, including footage of them getting into a cab, Wodnicki said. Detectives interviewed the cab driver, got video from inside the vehicle and followed it along a trail of cameras to the city's North Side, where the brothers got out and began walking.

The private footage offered by residents included video from cameras embedded in doorbells that showed the men walking, police spokesman Anthony Guglielmi said.

After that, police tracked the men's movements "backward to where they came from" before the attack, Wodnicki said — first walking, then to a cab and back to a ride-share car.

"That was the lead we needed to identify a person of interest," Wodnicki said. "We were able to put a name to both individuals."

Police found out the men had flown to Nigeria the same day as the reported attack and would return on Feb. 13. In the meantime, police executed more than 50 search warrants and subpoenas, including for phone and social media records.



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The Osundairos were arrested when they got off the plane. Within two days, they were released without charges after detailing the alleged plot orchestrated by Smollett.

Although the camera network — which has raised privacy concerns among some civil liberties groups — was key, it was only one part of the investigation, Guglielmi said.

“Then they just did the police work,” he said. “It was a lot of digging.”

Check out the AP’s complete coverage of the Jussie Smollett case.

## **Battle of the bands: Venezuela power struggle turns to music**

**By CHRISTINE ARMARIO and LUIS ANDRES HENAO, Associated Press**

CUCUTA, Colombia (AP) — Venezuela’s power struggle is set to become a battle of the bands Friday when musicians demanding President Nicolas Maduro allow in humanitarian aid and those supporting his refusal sing in rival concerts being held at both sides of a border bridge where tons of donated food and medicine are stored.

The dueling concerts will literally set the stage for a showdown between Venezuela’s beleaguered government and opposition leaders who are pledging to draw masses of people to the country’s western border Saturday to try to usher in aid that Maduro has vowed not to accept into the country.

British billionaire Richard Branson is sponsoring a Live Aid-style concert featuring dozens of musicians including Latin rock star Juanes on one side of the border crossing that Colombian officials have renamed the “Unity Bridge,” while Maduro’s socialist government is promising a three-day festival deemed “Hands Off Venezuela” on the other.

“The eyes of the world will be on Venezuela,” opposition leader David Smolansky said in advance of the concert as he spoke with Venezuelan migrants at a soup kitchen in the border city of Cucuta where the aid is being stored. “We hope that everything that has happened these last few weeks is the beginning of the end.”

As Venezuela’s political turmoil drags on, allies of Juan Guaido, who is being recognized by over 50 nations as the country’s rightful president, are hoping the massive concert and aid push mark a turning point from which a transitional government is consolidated. But Maduro has shown no signs of backing down, and analysts warn that whatever happens over the next two days may not yield a conclusive victory for either side.

“I think one of the government’s aims is to confuse the whole thing, possibly to create some kind of chaos that makes the opposition look bad,” Phil Gunson, a senior analyst with the Crisis Group based in Caracas, said of Maduro’s rival concert. “It’s a propaganda war.”

Branson agreed to back a concert in early February after being approached by Guaido, Leopoldo Lopez, an opposition leader under house arrest, and others including Colombian entrepreneur Bruno Ocampo, who said the magnate is now so committed to getting humanitarian aid into Venezuela that he will personally stay until Saturday to help ensure that food and medical supplies make it across the border.

Similar to the original 1985 Live Aid concert, which raised funds to relieve the Ethiopian famine, Branson has set a goal to raise \$100 million within 60 days.

“We didn’t know what we were getting into at the time,” Ocampo said Thursday. “But in less than 24 hours we are going to witness something historic.”

Friday’s concert won’t be the first time artists have used music to try and simmer tensions at the restive Colombia-Venezuela border. A concert known as Paz Sin Fronteras — Peace Without Borders — was held in 2008 after a diplomatic flare-up that drew Venezuelan troops to the Colombia border. That event was held on the Simon Bolivar International Bridge, which 33,000 people now use to enter Colombia each day.

“Throughout history, art has had a big role in fostering change,” said Miguel Mendoza, a Venezuelan musician who will be performing Friday and won a Latin Grammy in 2010 as part of the pop duo Chino & Nacho. “Music, above all, has a magnificent power.”

Six hundred tons of aid, largely donated by the U.S., has been sitting in a storage facility at what is widely

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known as the Tienditas International Bridge for two weeks. Even as several million Venezuelans flee and those who remain struggle to find basic goods like food and antibiotics, Maduro denies that a crisis exists. He contends the aid is a ploy by the Trump administration to overthrow his government. The military has placed a large tanker and two containers in the middle of the bridge to block it.

"Trump should worry about the poor in his own country," Maduro said this week.

Days after Branson launched his concert, Maduro's government announced that not only would they hold a rival festival but that they would also deliver over 20,000 boxes of food for poor Colombians in Cucuta Friday and Saturday.

The sharp rhetoric from both sides has put many in this border city of 700,000 on edge.

Paola Quintero, an activist for Venezuelan migrants, said that while the concert has had a positive, short-term impact on Cucuta's economy, many are worried about what might happen Saturday when thousands try to move aid across the border.

"What awaits those who will be on the bridge, trying to get aid through?" she said.

Venezuelans like Rosa Mora, 40, said they were still debating whether to heed the opposition's call for a mass mobilization at three bridges in the Cucuta area Saturday, fearful that they might be met with resistance by the military.

"I'm terrified of what's going to happen," she confided.

Still, when she thinks about her children and a sister with diabetes that has gone untreated for the last year, she leans toward participating.

"It won't be for me," she said. "But for our children."

On Thursday afternoon, organizers on the Colombia side of the border bridge were doing sound checks while in Venezuela a dozen workers sat idly in white plastic chairs chatting and listening to Venezuelan folk music on small speakers.

Riding by the bridge on his bike, college student Frander Duenas said he hoped to sneak into Colombia to see Branson's Venezuela Aid Live because he's a fan of the musicians performing. The government's festival didn't entice him in the least.

"This concert is for old people," he said. "No one is going to come here."

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Henao reported from Urena, Venezuela.

## Case against Jussie Smollett resembles detailed movie script

By DON BABWIN, Associated Press

CHICAGO (AP) — As authorities laid out their case against "Empire" actor Jussie Smollett, the narrative that emerged Thursday sounded like that of a filmmaker who wrote, cast, directed and starred in a short movie.

Prosecutors said Smollett gave detailed instructions to the accomplices who helped him stage a racist, anti-gay attack on himself, including telling them specific slurs to yell, urging them to shout "MAGA country" and even pointing out a surveillance camera that he thought would record the beating.

"I believe Mr. Smollett wanted it on camera," Police Superintendent Eddie Johnson told reporters. "But unfortunately that particular camera wasn't pointed in that direction."

Police said Smollett planned the hoax because he was unhappy with his salary and wanted to promote his career. Before the attack, he also sent a letter that threatened him to the Chicago studio where "Empire" is shot, police said.

Smollett, who is black and gay, turned himself in on charges that he filed a false police report last month when he said he was attacked in downtown Chicago by two masked men who hurled derogatory remarks and looped a rope around his neck.

The actor "took advantage of the pain and anger of racism to promote his career," police, Johnson said.

"This publicity stunt was a scar that Chicago didn't earn and certainly didn't deserve," Johnson added.

The attack reverberated well beyond Chicago and swiftly took on political overtones, with liberals call-

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ing it a shocking example of Trump-era hate. Republicans seized on the criminal charges as proof that Democrats had rushed to judgment and unfairly disparaged the president's supporters as bigots.

Smollett's legal team issued a statement Thursday night, calling the actor a "man of impeccable character and integrity who fiercely and solemnly maintains his innocence." The statement also said Johnson's Thursday afternoon press conference was "an organized law enforcement spectacle."

"The presumption of innocence, a bedrock in the search for justice, was trampled upon at the expense of Mr. Smollett," the statement read.

Prosecutors released a four-page document that outlined their case against Smollett, who plays a gay character on the show that follows a black family as they navigate the ups and downs of the recording industry.

For the alleged hoax, Smollett solicited the help of two muscular brothers. One of them was Abindola "Abel" Osundairo, a friend he worked out with and who worked on the show as a stand-in for another character. He also supplied Smollett with the drug ecstasy, prosecutors said.

"He probably knew he needed somebody with bulk," Johnson said of Smollett's decision to hire the pair.

A few days before Osundairo and his brother, Olabinjo "Ola" Osundairo, were scheduled to fly to Nigeria, Smollett sent him a text that prosecutors said set the scheme in motion.

"Might need your help on the low," he wrote his friend, according to the document.

During a meeting with the brothers, Smollett told them he wanted the attack to happen Jan. 28 near his apartment in the city's Streeterville neighborhood, and that he wanted them to get his attention by calling out slurs, prosecutors said. He is accused of instructing them to put the rope around his neck, pour gasoline on him and yell the MAGA remark, an apparent reference to President Donald Trump's slogan during the 2016 campaign.

Smollett then gave one of the brothers \$100 to buy the rope, ski masks, gloves and red baseball caps that resemble those worn by Trump supporters, according to prosecutors. He drove them to the spot where he wanted the attack to take place, taking time to show them the camera that he said would capture it.

He drove them home, wrote a check to one of the brothers for \$3,500 and flew to New York, prosecutors said.

The time of the "attack" was pushed back to 2 a.m. Jan 29 because Smollett's return flight was delayed. The brothers ordered an Uber ride to pick them up at their apartment and climbed into the vehicle toting their supplies, including bleach because there was a decision to use that instead of gasoline, according to prosecutors' summary.

Police know much of this, they said, because Chicago has one of the world's most extensive video surveillance systems. Investigators, in effect, pieced together the route the two men took by cab and foot to and from the scene, Johnson said.

The encounter lasted about 45 seconds. The brothers, Johnson said, "punched him a little bit," but the scratches and bruises that Smollett had on his face were "most likely self-inflicted."

When police arrived, he told them what happened and pointed out the nearby surveillance camera, prosecutors said at the court hearing.

Smollett also tried to mislead police about the suspects, telling them that the area around one attacker's eyes was white skinned, even though the brothers are black, prosecutors said.

Johnson said Smollett used the one of the most terrifying symbols of racial hatred — a noose — that is synonymous with lynchings.

"I'm offended by what happened and I'm also angry," he said.

By the time Smollett appeared on "Good Morning America" on Feb. 14, police already had a pretty good idea that he was lying, thanks to dozens of search warrants, subpoenas and extensive analysis of camera and phone records. They also knew the names of the brothers, and the fact that they had flown to Nigeria and were scheduled to return to Chicago on Feb. 13.

The men were arrested and questioned for hours. At hour 47 — one hour before police had to either charge the men or release them — Johnson said the two confessed to what they had done. They were

subsequently released without being charged.

Prosecutors charged Smollett late Wednesday with felony disorderly conduct — the charge that is used for filing a false police report. He turned himself in to police Thursday and was jailed until an afternoon court appearance.

Smollett's attorneys asked that the actor be freed on his own recognizance, but Cook County Judge John Fitzgerald Lyke Jr. rejected that idea. Lyke, who is also black, said he was bothered by the allegations involving the noose.

"The most vile and despicable part of it, if it's true, is the noose," he said. "That symbol conjures up such evil in this country's history."

The judge set Smollett's bond at \$100,000, and the actor soon walked out of jail after posting the necessary \$10,000. He declined to comment to reporters.

Smollett is earning more than \$100,000 per episode, according to a person familiar with the situation. The person spoke on condition of anonymity because salary details were involved. The studio declined to comment on the actor's salary.

As is customary with a successful TV series, regular cast members on "Empire" received a boost in pay as part of contract extensions that followed the drama's renewal for a second season, the person said.

Smollett is counted among the series regulars.

The companies that make "Empire," Fox Entertainment and 20th Century Fox Television, issued a statement Thursday saying that they were "evaluating the situation" and "considering our options."

Smollett has been active in LBGQT issues, and initial reports of the assault drew outrage and support for him on social media. Referring to a published account of the attack, Trump said last month that "it doesn't get worse, as far as I'm concerned."

On Thursday, he tweeted to Smollett: "What about MAGA and the tens of millions of people you insulted with your racist and dangerous comments!?! #MAGA."

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AP Television Writer Lynn Elber in Los Angeles contributed to this report.

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Check out the AP's complete coverage of the Jussie Smollett case.

## Judge considers expanding child separation case

By **NOMAAN MERCHANT** and **JULIE WATSON**, Associated Press

SAN DIEGO (AP) — Months after the Trump administration announced an end to its widescale separation of migrant parents and children, the policy remains a heated issue in the courts and at the border as critics contend the government started breaking up immigrant families as far back as 2017 and is still doing so.

In San Diego, a federal judge on Thursday indicated he was considering a request by the American Civil Liberties Union to hold the government accountable for the separation of potentially thousands more children after a watchdog report revealed the government's policy was implemented as far back as July 2017.

Judge Dana Sabraw, who ordered the administration to end to the family separation policy on June 26, 2018, and reunify 2,700 children being held in government custody at the time, said that date is now arbitrary in light of the inspector general's report that found the family separation policy started as a pilot program in El Paso in 2017.

Sabraw said the public has the right to know what the government did and the scope of it. He asked why wouldn't the case "include everyone who has been allegedly unlawfully separated? Why would it be tethered to an arbitrary date of June 26, 2018?"

He said there may be thousands more parents and children who were separated.

"We simply don't know," Sabraw said. "There was no tracking. That's the harsh reality."

Department of Justice attorney Scott Stewart objected, saying it would be a "significant burden" on the government to add the other families and "blow the case into some other galaxy" after the administration has "done all things to correct the wrong."



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The judge says he will issue his ruling soon.

The Texas Civil Rights Project, meanwhile, released a report Thursday indicating the government is still separating immigrant families. The report counts 272 separations at a single Texas courthouse since June, when President Donald Trump issued an executive order ending widespread separations amid public outrage.

The bulk of those cases involve children who cross the U.S.-Mexico border with relatives other than their parents, such as grandparents, uncles and aunts, or adult siblings.

Thirty-eight cases involved a parent or legal guardian, the majority of whom had criminal convictions, the group said.

In a statement, U.S. Customs and Border Protection argued the group incorrectly categorized cases involving other relatives because the Homeland Security Act "does not make concessions for anyone other than a parent or legal guardian." CBP includes the Border Patrol, which apprehends people entering the U.S. illegally.

"What's happening is the government is doing separations unilaterally without any process to contest the separations and without a child welfare expert overseeing the separations," ACLU lawyer Lee Gelernt said.

One concern, Gelernt and others said, is the fate of children cared for by relatives in arrangements that were never formalized.

In one case discovered by the Texas Civil Rights Project, an 11-year-old boy from Guatemala was separated from his uncle, who was his caretaker because his father had not been involved in his life and his mother had died of cancer, said Efen Olivares, a lawyer for the project.

"Those are very difficult situations, especially because the government takes the position that it is not their responsibility to reunite them because they are not the legal guardian," he said.

Lawyers from the project have gone almost every day since last spring to the courthouse in McAllen to find adults charged with illegally entering the U.S. and ask them if they had brought any children. McAllen is in South Texas' Rio Grande Valley, the busiest corridor for illegal border crossings.

U.S. immigration authorities say that under anti-trafficking law, children crossing the border without a parent or legal guardian must be processed as "unaccompanied," even if they are with an adult who isn't their parent or legal guardian.

"Absent verification that an adult is the parent or legal guardian of a minor, CBP will continue to prioritize the safety of a minor and comply with the statutory requirements," the agency said.

Unaccompanied children and teenagers from Central America are generally sent to government facilities, while the adults could face detention and prosecution for illegally entering the U.S. Authorities can also separate parents and children if it considers separation to be in the child's best interest, with a parent's criminal history often being a factor.

Gelernt said the government should work to determine if an adult relative is the child's caretaker.

"There can't be a presumption that you just take the child away if it's not the biological or adoptive parent," Gelernt said.

Members of Congress on Tuesday visited an emergency facility for migrant children in Homestead, Florida, which has expanded after the U.S. Department of Health and Human Services closed a facility in Tornillo, Texas, under public pressure.

U.S. Rep. Debbie Mucarsel-Powell, a Florida Democrat, said she had spoken to a girl who had been detained for nine months after being separated from her aunt. There were 1,575 children at the facility last week.

Another Florida Democrat, U.S. Rep. Donna Shalala, said the government's definition of an "unaccompanied minor" was too narrow and leads to unnecessary separations.

"If you don't come with a parent, but you come with an aunt, an uncle, a cousin, or a brother, you are defined as unaccompanied," said Shalala, a former health and human services secretary. "We need to get these children to family members much more quickly."

The government said in December it had separated 81 migrant children at the border since the June executive order. According to the government data, 197 adults and 139 minors were separated from April



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19 through Sept. 30 because they were found to not be related, though that could include grandparents or other relatives if there was no proof of relationship.

The Health and Human Services Department's inspector general said last month that 118 children were separated from their parents from July 1 through Nov. 7.

Merchant reported from Houston. Associated Press journalists Colleen Long in Washington and Adriana Gomez Licon and Josh Replogle in Miami contributed to this report.

## Zion's freak injury ripples in basketball, business worlds

By JOEDY McCREARY, AP Sports Writer

DURHAM, N.C. (AP) — Soon after Zion Williamson's shoe ripped apart, Nike's stock price took a hit.

The freak injury during one of the college basketball season's marquee games immediately sparked debates about everything from the shoe manufacturer to insurance issues and whether the likely NBA lottery pick should risk his professional future by continuing to play for the top-ranked-for-now Blue Devils.

Williamson is day to day with a mild right knee sprain and is progressing as expected, team spokesman Mike DeGeorge said Thursday night.

By Thursday morning, Nike, which manufactured the shoes Williamson was wearing, also was feeling the impact of the injury.

The company's stock closed down 89 cents at \$83.95 on Thursday as the sportswear manufacturer became the target of ridicule on social media. A spokesman said Nike has begun an investigation into what it called an "isolated" event.

"Shoes have failed before, but not as visibly," said Matt Powell, a senior industry adviser for sports for the NPD Group, a market research firm.

Playing before a crowd littered with celebrities — from Spike Lee to former President Barack Obama — Williamson was hurt in the opening minute of the game as his Nike PG 2.5, from Oklahoma City Thunder star Paul George's signature sneaker line, tore apart. Williamson wears that model frequently during games and hadn't had any obvious problems.

The 280-pound Williamson is one of the most powerful players in the game, and he tried to plant with his left foot as his right foot was slipping. The blue rubber sole ripped loose from the white shoe and Williamson's foot came all the way through the large gap. He ended up in an awkward-almost-split, clutching the back of his right knee. He walked to the bench and a few minutes later headed to the locker room, leaving the wrecked shoe under his chair.

George said Thursday that he has talked with Nike to see what went wrong and what happened to the shoe.

"It hasn't happened to me as long as I've been in this shoe," George said. "We've made three generations, going on four now of my shoe, of being successful. So I didn't necessarily feel any way about that part — the negative part of it. My only concern was for Zion, honestly."

Since Duke is a Nike-sponsored school, Williamson has his choice of that company's footwear.

"I've seen guys bust through shoes but not sprain their knee," coach Mike Krzyzewski said. "He's gone down a couple times where he's slipped and saved the ball. That's what I thought happened. He goes so fast that maybe if there's something slippery, that happened."

The injury also set off a fresh round of debate about whether Williamson — the possible No. 1 overall pick in the NBA draft, should he leave Duke after his freshman season — would be wise to end his college season in an attempt to avoid an injury that could jeopardize his pro career. NBA Hall of Famer Scottie Pippen made the case for it a month ago, saying on ESPN that "I would shut it down."

Asked to respond on Feb. 5 to those comments, Williamson turned to his locker room sidekick, walk-on Mike Buckmire, and asked, "Buck, would you hate me if I shut down the season?"

"I couldn't do that to my teammates," Williamson continued. "Again, thank you for, like, seeing the confidence in me and the type of player I can become. But I love college too much to stop playing. I wouldn't

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give this up.”

Now that he’s actually hurt, it’s unknown if his feelings have changed.

It’s also unclear, if he decides to continue his college career, whether Williamson has an insurance policy to protect him in case of injury like many other elite college athletes have purchased.

DeGeorge on Thursday could not confirm a report by Action Network that Williamson had an \$8 million loss of value policy written by Winston-Salem-based International Specialty Insurance that would pay out if he slipped past the 16th pick in this June’s draft. Officials at ISI did not return telephone and email messages Thursday.

Loss of value policies are not offered by the NCAA, but the governing body does offer disability insurance.

Spokeswoman Stacey Osburn said the NCAA allows schools to purchase loss of value policies on a player’s behalf. She added that the NCAA also facilitates a disability insurance program for players in five sports, including men’s basketball, in which athletes can purchase policies with preapproved financing to protect against future loss of earnings due to injuries suffered in college. Duke spokesman Jon Jackson said the university does provide the resource for athletes to purchase policies in limited cases but declined to comment on specific instances.

There are no NCAA restrictions on how much insurance a player can purchase, or if the player wants both types of policies, Osburn said.

A few years ago, former South Carolina running back Marcus Lattimore took out a disability insurance policy.

He purchased a \$1.8 million insurance policy through the NCAA program. Lattimore had a clause in his policy that it would pay out if he did not play four NFL games. Lattimore never played in an NFL game but only received about \$270,000 from the policy, in part because he did get a signing bonus when he was drafted by the San Francisco 49ers in the fourth round.

He purchased the policy prior to his sophomore season in 2011 then renewed it the following year. That season he dislocated his knee in a game suffered several torn ligaments when he was tackled. Lattimore currently works as the director of football player development at his alma mater.

AP Basketball Writer Aaron Beard in Raleigh, North Carolina; AP Sports Writer Cliff Brunt in Oklahoma City, Oklahoma; AP Sports Writer Steve Reed in Charlotte, North Carolina; and AP Retail Writer Anne D’Innocenzio in New York contributed to this report.

More AP college basketball: <https://apnews.com/Collegebasketball> and [https://twitter.com/AP\\_Top25](https://twitter.com/AP_Top25)

## White House ends California talks on mileage dispute

By ELLEN KNICKMEYER and TOM KRISHER, Associated Press

WASHINGTON (AP) — The Trump administration on Thursday broke off talks on vehicle mileage standards with California, increasing the chances of a court battle that threatens to unsettle the auto industry.

The White House, which has proposed freezing the standards, said it would now move unilaterally to finish its own mileage rule later this year “with the goal of promoting safer, cleaner, and more affordable vehicles.”

The administration’s action challenges California’s decades-old authority to set its own, tougher mileage standards. California has used a waiver that Congress granted it under the 1970s Clean Air Act to help deal with its punishing smog. About a dozen states follow California’s mileage standards; that group accounts for about one-third of U.S. auto sales.

Lawmakers and automakers had urged a settlement and warned that different standards could bring years of court battles and raise costs for automakers and consumers.

“The industry requires certainty about future regulatory obligations,” Honda said in a statement. State and federal government rules should aim for “continuous progress” on cutting fossil-fuel emissions and promoting electric vehicles, the automaker added.

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It urged the two sides to find middle ground.

California officials and the administration accuse each other of failing to present any acceptable compromise. The dispute comes as President Donald Trump feuds with the Democrat-led state over his proposed U.S.-Mexico border wall and his threats to take back federal money from a high-speed rail project. California has taken a leading role in a 16-state lawsuit against Trump's declaration of a national emergency to get money for the wall after Congress refused to provide it.

"Another targeted attack on CA by the Trump administration," tweeted Gov. Gavin Newsom, D-Calif. "Clean air should be the most basic of human rights. This is a reckless political stunt that puts the health of MILLIONS of kids, families, and communities across America at risk."

The administration last year proposed freezing mileage standards for cars and light trucks after slightly tougher 2020 levels go into effect. Doing so would scrap an Obama-era rule that would have improved fuel efficiency in 2025 to a fleet average of 36 mpg on the road. The Obama standard would have raised fuel efficiency by 10 mpg over current levels.

Trump's move is one of a series of rollbacks targeting Obama administration efforts against pollution and climate change.

Janet McCabe, an acting assistant administrator for air at the Environmental Protection Agency under President Barack Obama, said California's years of technological and regulatory efforts to lower pollution have pushed the auto industry to make cleaner-burning vehicles.

The conservative American Energy Alliance asserted that the state's politicians long have taken a stand against "affordable, abundant energy, no matter the impact on California families."

The auto industry hasn't given up hope for an agreement on one national standard.

A major industry organization said automakers still support gradual increases in fuel economy that account for the shift from cars to SUVs and trucks.

"We encourage everyone to keep focusing on how we get there, because this is in the best interests of all parties, including consumers," the Alliance of Automobile Manufacturers said in a statement.

Because it takes several years to design vehicles, automakers have been planning to meet higher mileage requirements under Obama-era standards, as well as those in other countries.

For the 2020 model year and beyond, automakers already are designing many cars, trucks and SUVs that can be powered by conventional gasoline engines as well as more efficient gas-electric hybrid systems, auto industry analyst Sam Abuelsamid of Navigant Research said.

For now, "essentially the industry is ignoring what Trump wants to do," Abuelsamid said. "We know at least until this thing gets settled in the courts, we have to deal with California and the other states and have product that can sell there as well as products that can sell overseas."

Krisner reported from Detroit. Associated Press writer Kathleen Ronayne in Sacramento, California, contributed to this report.

## Prosecutors: Smollett paid brothers \$3,500 for staged attack

By JEFF McMURRAY, Associated Press

CHICAGO (AP) — Two brothers who told police that Jussie Smollett paid them \$3,500 to help stage an attack on himself were linked to the actor through the "Empire" television series, and court documents filed Thursday allege one of the men provided Smollett with designer drugs.

Smollett appeared in court for a bond hearing one day after prosecutors charged him with a felony for allegedly concocting a story about being attacked by two men who shouted racist and homophobic slurs, doused him with a chemical and draped a noose around his neck.

In a four-page court document laying out the allegations against Smollett, prosecutors allege Smollett hired the brothers, Abimbola "Abel" Osundairo and Olabinjo "Ola" Osundairo, to buy masks and a rope — transactions recorded on surveillance video. As for the alleged attack, the actor instructed Abel Osundairo to "not hurt him too badly and give him a chance to appear to fight back," according to the filing.

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The Osundairos, who are of Nigerian descent, have said they were born and raised in Chicago.

Chicago Police Superintendent Eddie Johnson said at a news conference Thursday that investigators reviewed extensive phone records between Smollett and the brothers, including calls from when the brothers were in Nigeria after the allegedly staged attack.

Gloria Schmidt, an attorney for the brothers, spoke to reporters Wednesday outside a Chicago courthouse where they met with the grand jury, which was collecting evidence in the case. Schmidt said the two men wanted to come clean and weren't motivated by any promises from prosecutors.

"There was never a change of heart," Schmidt said. "There was a point where this story needed to be told, and they manned up and they said, 'We're gonna correct this.' Plea deal, immunity, all of that — they don't care about that."

Prosecutors said Smollett's friendship with Abel Osundairo dates to fall 2017. He had served as a stand-in for a character named "Kai", who is Smollett's love interest on "Empire." Osundairo's brother also appeared as an extra in the show, according to the court document.

Citing text messages between Smollett and Abel Osundairo, who also exercised and socialized together, prosecutors say Smollett had requested that his friend provide him with the drug ecstasy.

Attorneys for Smollett and Abimbola Osundairo didn't immediately respond to messages The Associated Press left Thursday evening seeking comment about that claim.

The brothers are bodybuilders who have developed an online following and have dabbled in acting and at least one failed business venture, according to social media posts and news reports.

Abimbola Osundairo, 25, graduated from Lake View High School in Chicago, where he participated in football, track and field, soccer, and wrestling, before joining the football team at Quincy University in western Illinois, according to a football profile on the university's website. Olabinjo Osundairo, 27, also was on the Quincy football team and had attended Latmos Comprehensive College in Lagos, Nigeria, according to his football profile.

Smollett said he was attacked by two masked men in downtown Chicago early on Jan. 29. He also said they yelled, "This is MAGA country" — an apparent reference to President Donald Trump's campaign slogan, "Make America Great Again."

Chicago police said they reviewed video of Smollett walking downtown but found nothing showing an attack. They released images of two people, later identified as the brothers, whom they called "persons of interest" in the case because they were in the area at the time.

The Osundairos were arrested on Feb. 13 at O'Hare International Airport after returning from Nigeria when police learned at least one of them worked on "Empire." Police said they left for Nigeria on the day of the attack. Police released them after two days, saying the "investigation had shifted" following interviews with the brothers.

A man identified on some videos as the Osundairos' business partner, Leland Stanford, did not respond Wednesday to a Facebook message. The Osundairos did not respond to a message on their "Team Abel" Facebook page or to an email posted on their YouTube page, and a voice message left at a phone number listed for their father also was not returned.

Smollett's lawyers had said the actor was angered and "victimized" by reports that he may have played a role in staging the attack.

"As a victim of a hate crime who has cooperated with the police investigation, Jussie Smollett is angered and devastated by recent reports that the perpetrators are individuals he is familiar with," the weekend statement read, adding that one of the brothers was Smollett's personal trainer.

The Osundairos, who promote a fitness and diet program under the title "Team Abel," have more than 20,000 Instagram followers and more than 1,600 followers on Facebook. They also have a "Team Abel" YouTube channel.

The Chicago Tribune reported that neither brother has been credited for work on "Empire," though the older brother said in a 2015 interview that he played the prison bodyguard for Chris Rock's character. Rock guest-starred on the show's second season premiere in 2015.

The newspaper also reported that the brothers signed in 2016 with Hinsdale, Illinois-based Babes 'N



Beaus Model and Talent Agency, according to one of the owners, Don Underwood.

Each appeared on an episode of NBC's "Chicago P.D." last year, and both had roles in the 2017 independent movie "The Worst Nightmare," the Tribune reported. One had a small part in Spike Lee's 2015 film, "Chi-Raq."

State records showed the Osundairos established a party and decoration store in 2015 that was dissolved last year, the Tribune reported. Federal court records show they filed for bankruptcy in 2016 with tens of thousands of dollars in student loan debt and their store "operating at a loss."

The newspaper reported that the older brother pleaded guilty in 2012 to aggravated battery and was sentenced to two years of probation for a stabbing that occurred a year earlier about a block away from the brothers' home, according to Cook County records. His brother was ticketed for a DUI in 2015.

Check out the AP's complete coverage of the Jussie Smollett case.

## Oregon housing squeeze sets stage for statewide rent control

By **ANDREW SELSKY, Associated Press**

SALEM, Ore. (AP) — Faced with a housing shortage and skyrocketing rents, Oregon is poised to become the first state to impose mandatory rent controls, with a measure establishing tenant protections moving swiftly through the Legislature.

Many residents have testified in favor of the legislation, describing anxiety and hardship as they face higher rents. Some have gone up by as much as almost 100 percent — forcing people to move, stay with friends or even live in their vehicles.

The Oregon housing shortage is getting worse because of a big influx of people moving to the state — lured by the state's job opportunities and its forests, mountains, coastline and relaxed lifestyle. Many move from California, where the cost of living is often more expensive.

Cities across the West Coast are struggling with soaring housing prices and a growing homelessness problem. The small southern Oregon city of Medford recently authorized churches to offer car camping for the homeless on their parking lots.

A state legislative House committee on Wednesday backed the measure, sending it to the full chamber for a vote as soon as next week. The state Senate passed it last week.

Gov. Kate Brown told reporters she expected the full House to approve the measure. "I look forward to signing the bill," said Brown, a Democrat.

The committee rejected an amendment that would have exempted cities with populations under 150,000 and another that would have delayed the measure from becoming law until Jan. 1, 2020, instead of immediately after Brown signs it.

"We've waited too long as it is, and there are too many people living in tents. It is an emergency," said Rep. Tawna Sanchez, a Portland Democrat and member of the House Committee on Human Services and Housing that endorsed the legislation.

Lawmakers said Oregon will be a pioneer in statewide rent control if the measure becomes law. New York has a statewide rent control law, but cities can choose whether to participate.

California restricts the ability of cities to impose rent control. Last November, voters defeated a ballot initiative that would have overturned that law.

"Homelessness and affordability have no boundaries," said Rep. Mark Meek, a Democrat from a Portland suburb. "We're going to be leading the nation now with this legislation."

Oregon's measure prohibits landlords from terminating month-to-month leases without cause after 12 months of occupancy and limits rent hikes to once per year. Those increases are limited to 7 percent above the annual change in the consumer price index.

Landlords can terminate tenancies only with 90 days' written notice and payment of one month's rent, with exemptions in some cases. A landlord can refuse to renew a fixed-term lease if the tenant receives



three lease violation warnings within 12 months and the landlord gives 90 days' notice.

The Oregon Rental Housing Association, which represents small-scale landlords, said the measure protects good tenants while not encouraging landlords to leave the business and invest their money elsewhere.

"I believe most landlords will be able to adapt and operate within the parameters," said Jim Straub, the group's legislative director.

Eric Lint, who lives in Bend, one of the fastest-growing cities in the U.S., urged lawmakers to pass the protections because of spiraling rents. The medical lab where he works is chronically understaffed because potential hires say there is a lack of affordable housing.

Lint said his hourly pay has risen 8 percent over five years. Meanwhile, his rent has increased 66 percent. He plans to move away in the fall but did not say where in his testimony.

Anna Pena, a senior at the University of Oregon in Eugene who works full time, described living in a house smaller than 1,200 square feet (111 square meters) with five roommates and spending over half her income on rent that then increased by 15 percent.

"Ultimately, housing insecurity has been one of the biggest setbacks for my education and personal health," she said.

Sen. Tim Knopp, a Republican from Bend, said before he voted against the measure last week that it does not address the housing supply issue.

Another measure aiming to deal with that issue would require cities and counties to allow duplexes and some higher-density housing in lands zoned for single-family homes.

House Speaker Tina Kotek, a Democrat, said 30,000 housing units must be built per year to meet the state's current housing deficit and to build for the future as more people move to Oregon.

Oregon ranked second to Vermont as the top moving destination in 2018, according to a study by United Van Lines, the largest U.S. household goods mover.

About 60 percent of Oregon's new arrivals come for jobs or because they're looking for work, said Josh Lehner, a state economist. At least one-third of the new arrivals are from California, he said.

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This version corrects that the committee's name is the Committee on Human Services and Housing, not Committee of Services and Housing.

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Mary Esch in Albany, New York, contributed to this report.

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Follow Andrew Selsky on Twitter at <https://twitter.com/andrewselsky>

## Syracuse coach Boeheim strikes, kills pedestrian on highway

By JOHN KEKIS and MICHAEL HILL

SYRACUSE, N.Y. (AP) — Longtime Syracuse basketball coach Jim Boeheim struck and killed a man along an interstate late Wednesday night as he tried to avoid hitting the man's disabled vehicle, police say.

Syracuse police say Jorge Jimenez, 51, was an occupant in a black Dodge Charger with three others when they apparently lost control on a patch of ice and hit a guardrail before midnight Wednesday on I-690 in Syracuse.

Boeheim struck Jimenez with his GMC Acadia while trying to avoid the disabled car, which was resting perpendicular on the darkened highway. The group had been heading toward the median for safety. Jimenez was taken to a hospital, where he was pronounced dead. Another man in the group suffered minor injuries in the accident, police said.

"I am heartbroken that a member of our community died as the result of last night's accident," Boeheim said in a prepared statement. The 74-year-old Basketball Hall of Fame coach said he and his wife Juli "extend our deepest sympathies to the Jimenez family."

He said he would not comment further "out of respect for those involved."

Police said Boeheim has been cooperating with the investigation. He even used his cell phone light to

warn other drivers of the disabled car after the accident, police said.

"At this time we have no reason to believe that there are criminal charges that will be coming for anyone," Syracuse Police Chief Kenton T. Buckner said at a news conference.

Police said sobriety tests administered to Boeheim and the unidentified driver of the other vehicle were negative for any signs of impairment. Onondaga County District Attorney William Fitzpatrick said he has known Boeheim for 40 years and that the coach does not drink.

No tickets have been issued to Boeheim at this time and the investigation is continuing.

"This story obviously is newsworthy because of the notoriety of the coach," Fitzpatrick said. "But this is the loss of a human being. It was an accident in the purest sense of the word."

Jimenez's daughter told the Post-Standard he was with friends buying cigarettes when he was killed. Yurisandy Jimenez Arrastre described her father — a native of Cuba who lived in the United States for 20 years — as a family man who loved to cook and tell jokes.

"My father was a man who was very sociable, very happy. He loved to help everybody without question," Arrastre told the newspaper in Spanish. "He loved having friends."

Just hours before, Boeheim's team defeated 18th-ranked Louisville 69-49 at the Carrier Dome.

He met his wife, his daughter and some friends for a dinner out after the game and was driving alone from the restaurant, Fitzpatrick said. The scene of the accident is between the dome and Boeheim's suburban home.

Syracuse University athletic director John Wildhack said in a statement the university sent its condolences to "all impacted by this tragic accident." Wildhack echoed police, saying Boeheim "is in contact with local authorities and cooperating fully." Wildhack said Boeheim met briefly with his team Thursday but did not attend or participate in practice.

Boeheim has coached at Syracuse, his alma mater, since 1976 and is one of the most accomplished coaches in the country. He ranks second all-time in wins in Division I with 944, behind only Duke's Mike Krzyzewski. Over his 43 years at Syracuse, Boeheim has led the team to a national title in 2003 and five Final Four appearances.

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Associated Press writer Hill contributed from Albany, N.Y.

## Monkees' lovable bass-guitar player Peter Tork dead at 77

By JOHN ROGERS, Associated Press

LOS ANGELES (AP) — Peter Tork, a talented singer-songwriter and instrumentalist whose musical skills were often overshadowed by his role as the goofy, lovable bass guitarist in the made-for-television rock band The Monkees, has died at age 77.

Tork's son Ivan Iannoli told The Associated Press his father died Thursday at the family home in Connecticut of complications from adenoid cystic carcinoma, a rare cancer of the salivary glands. He had battled the disease since 2009.

"Peter's energy, intelligence, silliness, and curiosity were traits that for decades brought laughter and enjoyment to millions, including those of us closest to him," his son said in a statement. "Those traits also equipped him well to take on cancer, a condition he met like everything else in his life, with unwavering humor and courage."

Tork, who was often hailed as the band's best musician, had studied music since childhood. He was accomplished on guitar, bass guitar, keyboards, banjo and other instruments, and Michael Nesmith, the Monkees' lead guitarist, said Tork was actually the better of the two.

He had been playing in small clubs in Los Angeles when a friend and fellow musician, Stephen Stills, told him TV casting directors were looking for "four insane boys" to play members of a struggling rock band.

Stills, a member of Buffalo Springfield and Crosby, Stills, Nash and Young, reportedly told Tork he had been rejected because his teeth were ugly. He thought the handsome Tork might fare better.

When "The Monkees" debuted in September 1966, Tork and fellow Monkees Nesmith, Micky Dolenz and

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Davy Jones became overnight teen idols.

Producers Bob Rafelson and Bert Schneider modeled the show after the Beatles' popular musical comedies "A Hard Day's Night" and "Help!," seeking to create a band that would mirror them in cheekiness if not musical talent.

In the Monkees iteration, Nesmith was the serious one, Jones the cute one and Dolenz the zany one.

Tork said he adopted his "dummy" persona from the way he'd get audiences to engage with him at Greenwich Village folk clubs in the early 1960s.

He knew only one member of the Monkees before the show's debut, Nesmith who had been running "Hoot Nights" at the Troubadour nightclub, where Tork would occasionally perform after moving to L.A.

"As I write this my tears are awash, and my heart is broken," Nesmith posted on his Facebook page Thursday. "PT will be a part of me forever."

During its two-year run "The Monkees" would win an Emmy for outstanding comedy series and the group would land seven songs in Billboard's Top 10. "I'm a Believer," "Daydream Believer" and "Last Train to Clarksville," would reach No. 1.

Initially, the Monkees was a band whose members didn't play their instruments or write many of their songs, something that infuriated both Tork and Nesmith.

Tork would tell of going to an early recording session, only to be told dismissively that session musicians were laying down the musical tracks and all the Monkees had to do was sing.

"I was a hired hand, and I didn't quite know that, and I didn't quite get it," he told The Associated Press in 2000. "I had fantasies of being more important than it turns out I was."

Eventually he and Nesmith wrested control of the band's musical fate from Don Kirshner, who had been brought in as the show's music producer. By the group's third album, "Headquarters," the Monkees were playing their instruments and even performed live in Hawaii.

After the show concluded in 1968 the band went on a lengthy concert tour that at one point included Jimi Hendrix as the opening act. But music critics had turned on them. They were dismissed as the PreFab Four, a mocking comparison to the Beatles.

That and creative differences led Tork to leave soon after the group's 1968 movie and album "Head."

For several years he struggled financially and creatively, working for a time as a waiter and a schoolteacher.

By the mid-1980s, thanks to TV reruns and album reissues, the Monkees gained a new, younger following, and Tork rejoined the others for reunion tours. All four produced a new album, "Justus," in 1996 featuring them on all of the instrumentals and including songs they had written.

In the 1990s Tork also formed the group Shoe Suede Blues and toured and recorded frequently.

Later albums included the solo work "Stranger Things Have Happened" and the Shoe Suede Blues albums "Cambria Hotel," "Step By Step" and "Relax Your Mind."

Tork begged off a Monkees reunion tour with Nesmith and Dolenz just last year to finish "Relax Your Mind." Jones died in 2012.

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This story has corrected the spelling of Stephen Stills, and adenoid cystic carcinoma.

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Associated Press Writer Pat Eaton-Robb in Hartford, Connecticut contributed to this story.

## Trump ally Stone gets gag order after 'crosshairs' post

By MICHAEL BALSAMO, Associated Press

WASHINGTON (AP) — A federal judge issued a broad gag order forbidding Roger Stone to discuss his criminal case with anyone and gave him a stinging reprimand Thursday over the longtime Trump confidant's posting of a photo of the judge with what appeared to be crosshairs of a gun.

She promised to throw him behind bars if he violates the court order in any way.

U.S. District Judge Amy Berman Jackson said that it would be "foolhardy" for her not to take any action over the Instagram post and that Stone would "pose a danger" to others in the case if the conditions of

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his release weren't modified to include a gag order.

"Roger Stone fully understands the power of words and the power of symbols and there's nothing ambiguous about crosshairs," the judge said. "How hard was it to come up with a photo that didn't have a crosshairs in the corner?" she quipped at one point.

Stone has pleaded not guilty to charges he lied to Congress, engaged in witness tampering and obstructed a congressional investigation into possible coordination between Russia and Donald Trump's 2016 presidential campaign. The charges stem from conversations he had during the campaign about WikiLeaks, the anti-secrecy group that released material stolen from Democratic groups, including Hillary Clinton's campaign.

The political operative and self-described dirty trickster is the sixth Trump aide or adviser charged in special counsel Robert Mueller's investigation. He was arrested last month and has remained free on a \$250,000 personal recognizance bond. Stone has maintained his innocence and blasted the special counsel's investigation as politically motivated.

During Thursday's tense and animated hearing in federal court in Washington, Stone took the witness stand to try to explain his Instagram post and apologize to the judge, repeatedly telling her he had made an egregious and inexcusable mistake.

"Thank you, but the apology rings quite hollow," she shot back before instituting the gag order.

The judge said she doubted Stone had learned his lesson and it was clear he needed "clear boundaries" about what he can and can't say to prevent potential jurors from being prejudiced.

She said she was not reassured by "the defense suggestion that Mr. Stone is all talk and no action and this is all a big mistake."

Jackson told Stone that he made "deliberate choices" to post the photo of her and created a very real risk.

"No, Mr. Stone, I am not giving you another chance," she said.

The 66-year-old Stone said the image had been selected by a volunteer who was working for him, though he couldn't say who picked the photo or list the five or six volunteers who have been working for him when he was asked by prosecutors.

He said he had several photos to choose from and posted the image himself to his profile.

"You had a choice?" the judge interjected.

Stone said he picked the photo "randomly," a suggestion the judge almost immediately dismissed.

"It was an egregious mistake. I obviously wish I could do it over again, but I cannot," Stone said. "I recognize I let the court down, I let you down, I let myself down. ... It was a momentary lapse in judgment."

He has said the photo was "misinterpreted," the symbol was actually the Celtic cross, not crosshairs of a gun, and he was not trying to threaten the judge.

Last week, Judge Jackson had implemented a limited order that prevented Stone from discussing his case near the courthouse and generally prohibited his lawyers, prosecutors and witnesses from making public comments that could "pose a substantial likelihood" of prejudicing potential jurors. But that order stopped short of imposing a broad ban on public comments, as Thursday's order does.

After Stone posted and then deleted the photo on Instagram, the judge ordered him to return to Washington and appear in court for Thursday's hearing. He and his lawyers filed a notice with the court that said they recognized the photo was "improper and should not have been posted."

Stone's lawyers argued, unsuccessfully, that placing any limits on his public comments would infringe on his constitutionally protected right to free speech.

His attorney, Bruce Rogow, said Stone's post was inexcusable but argued his client should have another chance to comply with the judge's initial gag order.

Special counsel Mueller's team has been dwindling in recent weeks and lawyers from the U.S. attorney's office in Washington were assigned to Stone's case from the beginning, which could be an indication that Mueller is planning to hand off the investigation.



## New election ordered in disputed North Carolina House race

By EMERY P. DALESIO, Associated Press

RALEIGH, N.C. (AP) — North Carolina's elections board Thursday ordered a new election in the nation's last undecided congressional race after the Republican candidate conceded his lead was tainted by evidence of ballot-tampering by political operatives working for him.

The State Board of Elections voted 5-0 in favor of a do-over in the mostly rural 9th Congressional District but did not immediately set a date.

In moving to order a new election, board chairman Bob Cordle cited "the corruption, the absolute mess with the absentee ballots."

The board action came after GOP candidate Mark Harris, in a surprising turn, dropped his bid to be declared the winner and instead called for a new election. He reversed course on the fourth day of a board hearing at which investigators and witnesses detailed evidence of ballot fraud by operatives on his payroll.

"Through the testimony I've listened to over the past three days, I believe a new election should be called," Harris said. "It's become clear to me that the public's confidence in the 9th District seat general election has been undermined to an extent that a new election is warranted."

At the same time, Harris denied any knowledge of the illegal practices allegedly used by those working on his behalf.

Harris left the hearing room without answering questions. It was not immediately clear whether he intends to run in a new election.

The Democrat in the race, Dan McCready, hailed the board decision as "a great step forward for democracy in North Carolina."

"From the moment the first vote was stolen in North Carolina, from the moment the first voice was silenced by election fraud, the people have deserved justice," McCready, the Harvard-educated founder of a solar energy company, said in a statement.

The decision could leave the congressional seat empty for months, perhaps until the fall, board attorney Josh Lawson said. New primaries will be held in addition to a new general election, with the dates set by the elections board.

Harris' reversal and the board's subsequent decision averted the possibility of a drawn-out court battle, had either candidate disagreed with the outcome of the hearing. The move also spared the new Democratic leadership of the House from having to intervene under its constitutional power to decide who can be seated as a member.

Harris led McCready by 905 votes out of about 280,000 cast last fall in a district that includes part of Charlotte and extends eastward through several counties along the southern edge of the state. But the state refused to certify the outcome as allegations surfaced that Harris political operative Leslie McCrae Dowless may have tampered with mail-in absentee ballots.

According to testimony and other findings detailed at the hearing, Dowless conducted an illegal "ballot harvesting" operation: He and his assistants gathered up absentee ballots from voters by offering to put them in the mail.

Dowless' workers in rural Bladen County testified that they were directed to collect blank or incomplete ballots, forge signatures on them and even fill in votes for local candidates.

It is generally against the law in North Carolina for anyone other than the voter or a family member to handle someone's completed ballot.

No criminal charges have been filed in the case.

Harris, former pastor of a Baptist church, testified that Dowless had assured him that he wouldn't collect absentee ballots in violation of state law.

"I'll never forget. He said it again and again. He said, 'We do not take the ballot,'" the candidate testified. Harris also insisted: "Neither I nor any of the leadership of my campaign were aware of or condoned the improper activities that have been testified to in this hearing."

Harris admitted hiring Dowless over his own son's warnings. While Dowless was known for getting results, he went to prison in the 1990s for fraud and was dogged by suspicions of political chicanery in his



get-out-the-vote efforts in 2016.

Harris appeared to tear up on Wednesday when his son testified that he warned his father not to do business with Dowless.

The congressional seat has been in Republican hands since 1963.

The board is made up of three Democrats and two Republicans.

Follow Emery P. Dalesio on Twitter at <http://twitter.com/emerydalesio> . His work can be found at <https://apnews.com/search/emery%20dalesio> .

## Deadly Bangladesh fire shows lapses in development

By **EMILY SCHMALL and JULHAS ALAM, Associated Press**

DHAKA, Bangladesh (AP) — A fire in Bangladesh that killed at least 67 people in the oldest part of the capital shows the lapses in public safety that still plague the South Asian country despite its rapid economic growth.

While the government of Prime Minister Sheikh Hasina touts the garment factories and gleaming office towers in Dhaka's north side as signs of progress, illegal shops and overcrowding in Chawkbazar, one of the city's many warren-like southern districts, impeded firefighters' ability to put out Wednesday night's blaze, illustrating the country's uneven development.

The government has zoning laws and regulations on the books, but has met public resistance when it tried to enforce them, Bangladesh planning experts said Thursday.

Business owners in old Dhaka routinely bribe government employees responsible for building oversight, they said.

After a warehouse storing flammable material caught fire in 2010 in Nimtoli, a district near Chawkbazar, killing at least 123 people, authorities promised to bring the area into compliance with building codes, and evict chemical warehouses from buildings where people lived.

Industrial facilities can't legally exist in areas that are zoned residential, said Mohammed Manjur Morshed, an assistant professor of urban planning at Khulna University of Engineering and Technology.

"This type of thing happens, there's a big initiative to move everything out, and then after some time people forget about it and the government is really not interested any more. It's like that," Morshed said.

"Corruption buys building permits, and then there's very little oversight to see whether anyone is building according to the submitted plan," he said.

In 2014, three people were killed and three others severely burned when a perfume warehouse on the third floor of a building in Chawkbazar caught fire. The following year, a fire gutted eight plastic factories.

Morshed said government regulations are sufficient, but are routinely flouted in Chawkbazar.

The contrast between new and old Dhaka - the city's north and south sides - is stark, said Shafiq-Ur Rahman, an urban planning professor at Jahangirnagar University in Dhaka.

"As the area was developed continuously, there is very high population density and haphazard growth," he said. "You need to consider preservation to maintain the heritage, but this is not the first time. We have an unfortunate history, and we need in redevelopment to figure how to provide services, like access for firefighters."

Denizens of the Muslim-majority nation throng to Chawkbazar each year for Mughal foods to celebrate iftar, when Muslims break their fast during Ramadan.

In the festive atmosphere, makeshift stalls and itinerant vendors sell spices, sweets, minced mutton, kebabs and other delicacies in tight passageways teeming with the faithful.

Thousands of animals are slaughtered in the open during Eid-ul-Azha, a sacrificial festival, near Chawkbazar Shahi Mosque.

A government eviction drive in 400-year-old Chawkbazar and other areas of old Dhaka to clear makeshift stalls from walkways was met with protests last May on the eve of Ramadan by business owners and residents.

According to local reports, some 500 illegal stands were evicted from the narrow streets. In response, hundreds of legal shops closed in protest.

It was not clear whether the death toll from Wednesday's blaze would affect the status quo in Dhaka.

Fire officials had initially reported that 81 people died, but later lowered the number to 67.

Russel Shikder, a fire department duty officer, said first responders had counted each body bag taken to the morgue as one victim, but that some bags contained only body parts, prompting a recount.

On Thursday afternoon, shops had opened and the streets were crowded in much of Chawkbazar, except for within a police cordon where authorities continued to comb through the destruction left by the blaze.

The fire was about 500 meters (550 feet) away from Dhaka's 18th-century Central Jail, a former Mughal fort where ex-Prime Minister and opposition leader Khaleda Zia has been held since February last year on corruption charges. Since 2016, the jail has only been used to hold opposition figures, and Zia is currently the only inmate. It was not threatened by the fire.

Schmall reported from New Delhi.

## **Feds: El Chapo's sons indicted on drug conspiracy charges**

**By MICHAEL BALSAMO, Associated Press**

WASHINGTON (AP) — Two sons of notorious drug lord Joaquin "El Chapo" Guzman have been indicted on drug conspiracy charges, the Justice Department said Thursday.

Joaquin Guzman Lopez, 34, and Ovidio Guzman Lopez, 28, are charged in a single-count indictment that was unsealed last week in Washington.

Prosecutors allege the two brothers conspired to distribute cocaine, methamphetamine and marijuana into the U.S. from Mexico and elsewhere in the world from 2008 to 2018. They are both believed to be living in Mexico and remain fugitives.

Their father was convicted earlier this month on drug and conspiracy charges in New York. During a trial that lasted more than three months, prosecutors portrayed El Chapo as the calculating leader of a bloodthirsty smuggling operation that funneled tons of cocaine and other drugs into American cities. The offenses could put him behind bars for the rest of his life.

Prosecutors have said Guzman, who twice escaped from prison in Mexico and was extradited to the U.S. last year for his trial, had amassed a multibillion-dollar fortune smuggling tons of cocaine and other drugs in a vast supply chain that reached well north of the border.

His lawyers raised concerns of potential juror misconduct after a juror told VICE News that several members of the panel looked at media coverage of the case and followed Twitter feeds of reporters, against a judge's orders, making them aware of potentially prejudicial material that jurors weren't supposed to see.

## **Smollett reactions epitomize polarized state of US politics**

**By DAVID CRARY, AP National Writer**

Democratic politicians and celebrities called it a shocking instance of Trump-era racism and hate. Republicans now depict it as yet another example of liberals and mainstream media rushing to judgment while disparaging the president's supporters as bigots.

The case of "Empire" actor Jussie Smollett encapsulates the polarized state of political discourse in America.

With Smollett now accused of staging a racist, anti-gay attack on himself, the case seemed to inflame political tensions even more while creating potentially damaging consequences for genuine hate crime victims in the future.

"The danger is that it will cause people to respond with skepticism whenever they hear reports of hate violence, even though the overwhelming majority of those reports are completely true," said Shannon Minter, legal director of the National Center for Lesbian Rights.

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Smollett, who is black and gay, is accused of filing a false police report last month asserting that he was attacked in Chicago by two men who beat him, targeted him with slurs, and yelled "This is MAGA country" — an apparent reference to President Donald Trump's "Make America Great Again" slogan.

Democratic presidential candidates Kamala Harris and Cory Booker were among those who sided with Smollett early on and called the incident a "modern-day lynching." They soon found themselves under attack from the right as Smollett's story began to fall apart.

Trump initially called reports of the attack "horrible." On Thursday, he tweeted, "what about MAGA and the tens of millions of people you insulted with your racist and dangerous comments!?"

Editor and commentator Jarrett Stepman of The Daily Signal, an online publication of the conservative The Heritage Foundation, faulted left-of-center pundits and politicians for seizing immediately on Smollett's claims in a bid to score political points.

"Instead of just treating this as a serious crime, it was used as a political bludgeon to malign large swaths of Americans," he said. "There was a rush to find a story to attack half the country."

However, Stepman said he shared concerns that the case might have unfortunate consequences for real victims who deserve support and compassion.

"Heinous hate crimes do exist in this country, but it's the 'boy who cried wolf' thing," Stepman said. "People become cynical, and that's not a healthy thing for American society."

Chicago Police Superintendent Eddie Johnson had a hard time holding back his frustration over the allegation that a gay black man like Smollett would concoct such a story given the real struggles in the city with racial divisions and hate crimes.

He expressed similar concerns about how hate crimes are handled in the future because of this case while recognizing how his city became a participant in a national political debate.

"Celebrities, news commentators and even presidential candidates weighed in on something that was choreographed by an actor," said Johnson, who is black and grew up in Chicago.

In the debate over the Smollett case, critics of Trump have pointed out that hate crimes have soared since his election, but the statistics are nuanced.

The most recent official figures from the FBI show that there was a 17 percent spike in hate crimes in 2017. But that data isn't complete because it's based in part on voluntary reporting by police agencies across the country.

Non-government researchers have come up with a variety of findings. The Center for the Study of Hate and Extremism in Cal State San Bernardino looked at hate crimes in the nation's 10 biggest cities and found a 12 percent increase in 2017. There were similar annual increases during the Obama administration.

Shannon Minter said hate crimes already are underreported, and worried that the Smollett case would aggravate that problem.

However, Minter said he was heartened by some recent moves across the political spectrum to address racism and hate violence. He cited efforts by the Southern Baptist Convention, a generally conservative denomination, to acknowledge its past legacy of racism.

Robin Valeri, a psychology professor at St. Bonaventure University who has researched hate crimes, said the Smollett case reminded her of the 1987 case involving Tawana Brawley, a black teenager from New York state who falsely alleged that she was abducted and raped by a gang of white men.

"These cases make people skeptical," Valeri said. "The assumption is going to be, 'Oh, they're just making it up.'"

Among the black activists who championed Brawley's case before it unraveled was civil rights leader Al Sharpton.

Speaking Thursday on MSNBC, Sharpton called the hoax claims against Smollett "horrific" and said the actor, if proven guilty, "ought to face accountability to the maximum."

Alvin Tillery, a political science professor who directs Northwestern University's Center for the Study of Diversity and Democracy, said racial hoaxes — including the Brawley case — have a long history in the United States.

"The Smollett case is likely to have an even larger impact on our politics and culture than those infamous hoaxes because of Mr. Smollett's celebrity status and our deeply troubling political climate," said Tillery, who is black.

The wall-to-wall media coverage that the case generated also left some people frustrated.

"There's a lot of racial and anti-Semitic violence in this country that we didn't even know about," said Heidi Beirich, who heads the Southern Poverty Law Center's Intelligence Project. "It outweighs one sensational fake crime."

The Chicago police chief began his news conference Thursday by acknowledging the throng of reporters in front of him and declaring, "I just wish that the families of gun violence got this much attention."

Check out the AP's complete coverage of the Jussie Smollett case.

## Venezuela's Maduro closes Brazil border to block aid entry

By **SCOTT SMITH and JOSHUA GOODMAN, Associated Press**

CARACAS, Venezuela (AP) — As a showdown looms over humanitarian aid destined for Venezuela, President Nicolas Maduro closed off his country's border with Brazil, vowing on Thursday to block the emergency food and medicine that has rallied his opponents and which he claims is part of a U.S.-led coup plot.

Amid the mounting tensions, opposition leader Juan Guaido set off in a cross-country caravan for the border with Colombia, where much of the U.S.-supplied aid is warehoused and where he has called on thousands of ordinary Venezuelans to assemble Saturday to help bring it across.

A group of lawmakers also headed to the Colombian border were stopped a few hours outside Caracas by national guardsmen in anti-riot gear who positioned a trailer truck in front of a tunnel, blocking the highway westward. A shouting match and scuffle ensued, with the guardsmen firing tear gas before the lawmakers eventually forced their way through and resumed their journey.

Meanwhile, Hugo Chavez's longtime spy chief became the latest and perhaps most-influential military figure to declare his loyalty to Guaido.

Maduro's decision to close the vast, jungle border with Brazil came a day after he blocked air and sea travel between Venezuela and the nearby Dutch Caribbean island of Curacao, where the first cargo of relief supplies arrived Thursday, sent by the large Venezuelan exile community in Miami.

Maduro said he was also weighing whether to shut the border with Colombia, where the bulk of aid is being stockpiled and exiled leaders have been gathering ahead of a fundraising concert Friday organized by British entrepreneur Richard Branson, in which several major Latin American pop artists will perform.

"They are committing an international crime because they are endorsing a military invasion," Maduro said of the U.S., speaking Thursday on state TV flanked by his top military commanders. "They wanted to generate a great national commotion, but they didn't achieve it."

Saturday's aid showdown comes exactly a month after Guaido declared himself interim president in a mass rally, immediately drawing the support of the U.S. and 50 other countries.

But while he's managed to bring hope to Venezuelans crushed by years of recession, food shortages and hyperinflation, he's so far been unable to win over the military, which has shown little sign of abandoning Maduro.

In declaring his support for Guaido on Thursday, retired Maj. Gen. Hugo Carvajal said Venezuela's military was in as ramshackle a state as the nation as a whole.

Reading prepared remarks in a video on social media, Carvajal, who spent a decade running Chavez's military intelligence agency before stepping down in 2012, urged his former comrades to redeem themselves and abandon their support for Maduro.

"You carry on your shoulders the weight of an army that gave liberty to people in more than five countries," he said, referring to the Venezuelan-born Simon Bolivar's role as the father of South American independence from Spain.

"We can't allow an army, in the hands of a few generals subjugated to Cuban instructions, to become



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the biggest collaborator of a dictatorial government that has plagued people with misery," he added.

It's not clear what impact, if any, Carvajal's statement will have on the troops. Arrested briefly on a U.S. drug warrant in 2014 while serving as consul general in Aruba, Carvajal broke with the government in 2017 over Maduro's plans to create a constitutional assembly to gut what was left of the opposition-controlled congress.

For now the military continues to obey Maduro's orders even as Guaido tries to bring international attention to the country's hardships.

In recent days, residents of the remote town of Santa Elena de Uairen have reported seeing convoys of military vehicles and troops amassing along Venezuela's southern border with Brazil. Residents of the town, including members of a militant indigenous tribe, are vowing to somehow cross into Brazil to fetch the aid, although it's not clear how they will be able to surmount the military blockade.

"There's a lot of uncertainty because people don't know what's going to happen," said opposition lawmaker Americo de Grazia, who is on the ground in the state.

There were also troop deployments at the opposite end of the country, where workers were busily assembling stages for Branson's "Venezuela Aid Live" fundraiser and a rival concert being put on by the government Friday and Saturday on the Venezuelan side of the border.

Near the Tienditas International Bridge, a worker for the Venezuelan state-owned electricity company said that he was worried that the government's "Hands Off Venezuela" concert would not be ready on time.

"We lack the resources," the man complained, speaking on condition of anonymity because he was not allowed to publicly criticize the project. About a dozen organizers sat idly in white plastic chairs chatting and listening to Venezuelan folk music on small speakers.

A much-larger stage being built on the outskirts of the Colombian border city of Cucuta is expected to host artists including Spain's Alejandro Sanz, Argentina's Diego Torres and Colombia's Carlos Vives.

Luis Vicente Leon, a Caracas-based pollster, downplayed expectations for any immediate shakeup as a result of the weekend's confrontation.

But he said the Trump administration's surprisingly strong commitment to forcing out Maduro, even if it means inflicting more economic pain on Venezuelans through amped up financial sanctions, means the status quo can't hold.

"In 20 years of Chavismo the chances of a change in government taking place have never been so high," he told a group of business leaders in Caracas, referring to Chavez's socialist revolution.

Associated Press writers Fabiola Sanchez in Caracas, Pableysa Ostos in Ciudad Bolivar and Luis Henao in San Antonio de Tachira contributed to this report

## Waiting for final Mueller report? It may be short on detail

By CHAD DAY and ERIC TUCKER, Associated Press

WASHINGTON (AP) — Robert Mueller's Russia investigation has to end with a report. But anyone looking for a grand narrative on President Donald Trump, Russian election interference and all the juicy details uncovered over the past 21 months could end up disappointed.

The exact timing of Mueller's endgame is unclear. Attorney General William Barr, who oversees the investigation, has said he wants to release as much information as he can about the inquiry into possible coordination between Trump associates and Russia's efforts to sway the 2016 election. But during his confirmation hearing last month, Barr also made clear that he ultimately will decide what the public sees, and that any report will be in his words, not Mueller's.

Some key questions:

WHAT HAPPENS WHEN THE INVESTIGATION ENDS?

Mueller will have to turn in a report of some kind when he's done. It could be pretty bare-bones.

Justice Department regulations require only that Mueller give the attorney general a confidential report that explains the decisions to pursue or decline prosecutions. That could be as simple as a bullet point list



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or as fulsome as a report running hundreds of pages.

Mueller has given no guidance on what or when it will be, but there are signs a conclusion is coming soon. The number of prosecutors working for Mueller has dwindled, and his team, which had sought an interview with the president, has not had meaningful dialogue with Trump's lawyers in the past two months. Deputy Attorney General Rod Rosenstein, who appointed Mueller, is expected to leave the Justice Department in mid-March. That's a likely indication that Rosenstein expects the special counsel's work to be wrapping up. Matthew Whitaker, who was acting attorney general before Barr was confirmed, also has said the investigation is nearly done.

## WHAT DOES BARR SAY HE'LL DO?

Barr said he envisions two reports, and only one for congressional and public consumption.

Barr has said he takes seriously the "shall be confidential" part of the regulations governing Mueller's report. He has noted that department protocol says internal memos explaining charging decisions should not be released.

During his confirmation hearing, Barr said that he will draft, after Mueller turns in his report, a second one for the chairman and ranking members of the House and Senate Judiciary committees. But here again, the regulations provide little guidance for what such a report would say.

The attorney general is required only to say the investigation has concluded and describe or explain any times when he or Rosenstein decided an action Mueller proposed "was so inappropriate or unwarranted" that it should not be pursued.

Barr indicated that he expects to use his report to share the results of Mueller's investigation with the public, which the regulations allow him to do. But he hedged on specifics and said his plans could change after speaking with Mueller and Rosenstein.

## WHAT WILL TRUMP DO?

Trump's lawyer, Rudy Giuliani, has said the president's legal team wants to review any report before it's released. Giuliani also raised the prospect that Trump lawyers could try to invoke executive privilege to prevent the disclosure of any confidential conversation the president has had with his aides.

It's not clear whether the president's lawyers will get an advance look at Mueller's conclusions. Mueller, after all, reports to the Justice Department, not the White House.

Barr himself seemed to dismiss that idea. When Sen. Patrick Leahy, D-Vt., asked Barr whether Trump and his lawyers would be able to correct the report before its release and put their own spin on it, Barr replied: "That will not happen."

## WILL THERE BE A FINAL NEWS CONFERENCE?

It seems unlikely, especially if prosecutors plan to discuss people they never charged.

Then-FBI Director James Comey broke from Justice Department protocol in extraordinary fashion with his July 2016 news conference announcing the FBI would not recommend criminal charges against Democratic presidential candidate Hillary Clinton for her use of a private email server. Barr has made clear his disapproval of Comey's public move.

"If you're not going to indict someone, you don't stand up there and unload negative information about the person," Barr said.

There have been times when the department has elaborated on decisions not to pursue criminal charges. Also, there is some precedent for special counsels appointed by the Justice Department to hold news conferences.

Patrick Fitzgerald, the special counsel who investigated the outing of CIA officer Valerie Plame and who was granted even broader authority than Mueller, held a 2005 news conference when he charged I. Lewis "Scooter" Libby, former chief of staff to Vice President Dick Cheney. But even then, Fitzgerald drew a clear line.

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"One of the obligations of the prosecutors and the grand juries is to keep the information obtained in the investigation secret, not to share it with the public," Fitzgerald said then. "And as frustrating as that may be for the public, that is important because, the way our system of justice works, if information is gathered about people and they're not charged with a crime, we don't hold up that information for the public to look at. We either charge them with a crime or we don't."

## CAN DEMOCRATS IN CONGRESS SUBPOENA MUELLER AND HIS REPORT?

Sure. The chairman of the House Judiciary Committee, Rep. Jerrold Nadler, D-N.Y., has said as much. "We could subpoena the final report. We could subpoena Mueller and ask him in front of the committee what was in your final report. Those are things we could do," Nadler told ABC's "This Week" in October. But Trump, as the leader of the executive branch, could direct the Justice Department to defy the subpoena, setting the stage for a court fight that would almost certainly go to the Supreme Court.

## WILL TRUMP BE ABLE TO SEE THE REPORT?

It is unclear whether Trump will ask to see the report and under what circumstances he or his attorneys might be able to view it, especially because the document is meant to be confidential for Justice Department leadership.

Barr said at his confirmation hearing that he would not permit White House interference in the investigation. But he also has voiced an expansive view of executive power in which the president functions as the country's chief law enforcement officer and has wide latitude in giving directives to the FBI and Justice Department.

Democrats could seize on any disclosure to the president to argue that the report really isn't confidential and should be immediately provided to them as well.

Associated Press writer Mary Clare Jalonick contributed to this report.

## Asian shares mostly lower as investors watch trade talks

By YURI KAGEYAMA, AP Business Writer

TOKYO (AP) — Asian shares were mostly lower Friday after a slide on Wall Street as investors nervously watched the U.S.-China trade talks in Washington.

Japan's benchmark Nikkei 225 slipped 0.5 percent to 21,368.54 in morning trading. Australia's S&P/ASX 200 gained 0.5 percent to 6,170.30. South Korea's Kospi fell 0.4 percent to 2,220.12. Hong Kong's Hang Seng lost 0.6 percent to 28,446.32, while the Shanghai Composite shed 0.4 percent to 2,742.10.

Health care and energy companies led U.S. stocks lower. The S&P 500, which has risen for the past three weeks, fell 9.82 points, or 0.4 percent, to 2,774.88. The Dow Jones Industrial Average lost 103.81 points, or 0.4 percent, to 25,850.63. The Nasdaq composite declined 29.36 points, or 0.4 percent, to 7,459.71. The Russell 2000 index of smaller companies gave up 6.11 points, or 0.4 percent, to 1,575.55.

A mix of recent economic data is fueling concern about a possible global slowdown. The U.S. Labor Department said fewer workers applied for unemployment benefits last week than economists expected, an encouraging sign that layoffs are low. Investors are cautious about business conditions going forward as signs of weakness in the global economy emerge. The long-running, costly trade dispute between the U.S. and China has also clouded the outlook.

The world's two biggest economies are locked in a trade war after President Donald Trump alleged that China deploys predatory tactics to try to overtake U.S. technological dominance. Beijing's unfair tactics, trade analysts agree, include pressuring American companies to hand over trade secrets and in some cases stealing them outright.

The Trump administration has warned it will increase its import taxes on \$200 billion in Chinese goods from 10 percent to 25 percent if the two sides haven't reached a resolution by March 2. But Trump in recent days has signaled a willingness to extend the deadline if negotiators are making progress.

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"The trade talks do appear to have made some progress, however, but a run of weak data from Japan, Europe and the U.S. yesterday took the wind out of the equity market sails," said Jeffrey Halley, senior market analyst at OANDA.

ENERGY: Benchmark U.S. crude fell 10 cents to \$56.86 a barrel. It slid 0.3 percent to settle at \$56.96 a barrel in New York. Brent crude, used to price international oils, slid 14 cents to \$66.93 a barrel.

CURRENCIES: The dollar inched down to 110.72 yen from 110.82 yen on Thursday. The euro weakened to \$1.1335 from \$1.1341.

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## Today in History By The Associated Press

### Today in History

Today is Friday, Feb. 22, the 53rd day of 2019. There are 312 days left in the year.

### Today's Highlight in History:

On Feb. 22, 1997, scientists in Scotland announced they had succeeded in cloning an adult mammal, producing a lamb named "Dolly." (Dolly, however, was later put down after a short life marred by premature aging and disease.)

### On this date:

In 1630, English colonists in the Massachusetts Bay Colony first sampled popcorn brought to them by a Native American named Quadequina for their Thanksgiving celebration.

In 1732 (New Style date), the first president of the United States, George Washington, was born in Westmoreland County in the Virginia Colony.

In 1862, Jefferson Davis, already the provisional president of the Confederacy, was inaugurated for a six-year term following his election in November 1861.

In 1909, the Great White Fleet, a naval task force sent on a round-the-world voyage by President Theodore Roosevelt, returned after more than a year at sea.

In 1935, it became illegal for airplanes to fly over the White House.

In 1959, the inaugural Daytona 500 race was held; although Johnny Beauchamp was initially declared the winner, the victory was later awarded to Lee Petty.

In 1965, former Supreme Court Justice Felix Frankfurter, 82, died in Washington D.C.

In 1967, more than 25,000 U.S. and South Vietnamese troops launched Operation Junction City, aimed at smashing a Vietcong stronghold near the Cambodian border. (Although the communists were driven out, they later returned.)

In 1974, Pakistan officially recognized Bangladesh (formerly East Pakistan).

In 1980, the "Miracle on Ice" took place in Lake Placid, New York, as the United States Olympic hockey team upset the Soviets, 4-3. (The U.S. team went on to win the gold medal.)

In 1984, David Vetter, a 12-year-old Texas boy who'd spent most of his life in a plastic bubble because he had no immunity to disease, died 15 days after being removed from the bubble for a bone-marrow transplant.

In 1987, pop artist Andy Warhol died at a New York City hospital at age 58.

Ten years ago: "Slumdog Millionaire" won best picture and seven other Academy Awards; the late Heath Ledger won the best supporting actor Oscar for "The Dark Knight." A gas explosion in a coal mine in northern China killed more than 70 miners.

Five years ago: Retired Pope Benedict XVI joined Pope Francis in a ceremony in St. Peter's Basilica creating the cardinals who will elect their successor in an unprecedented blending of papacies past, present and future. Ukraine's former prime minister Yulia Tymoshenko (YOOL'-yah tee-moh-SHEN'-koh) left prison as her arch foe, President Viktor Yanukovich, decamped to the country's east, vowing to remain

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in power. At the Sochi Olympics, Marit Bjoergen became the most decorated female Winter Olympian in history, winning her sixth career gold medal by leading a Norwegian sweep in the women's 30-kilometer cross-country race. Mario Matt of Austria won the men's slalom to become at age 34 the oldest Alpine champion in Olympic history.

One year ago: Defying his supporters in the National Rifle Association, President Donald Trump said the nation should keep assault rifles out of the hands of anyone under 21. Authorities announced that the armed officer who was on duty at the Parkland, Florida school where a shooter killed 17 people never went into the building to engage the gunman. A grand jury indicted Missouri Gov. Eric Greitens (GRY'-tenz) on a felony charge of invasion of privacy for allegedly taking a compromising photo of a woman with whom he had an affair in 2015; Greitens responded that he made a mistake but committed no crime. (He would resign on June 1 while facing potential impeachment over allegations of sexual and political misconduct.) The U.S. women's hockey team won the gold medal at the Winter Olympics in South Korea, beating Canada 3-2 after a shootout tiebreaker.

Today's Birthdays: Actor Paul Dooley is 91. Actor James Hong is 90. Actor John Ashton is 71. Actress Miou-Miou is 69. Actress Julie Walters is 69. Basketball Hall of Famer Julius Erving is 69. Actress Ellen Greene is 68. Former Sen. Bill Frist, R-Tenn., is 67. Former White House adviser David Axelrod is 64. Actor Kyle MacLachlan is 60. World Golf Hall of Famer Vijay Singh is 56. Actress-comedian Rachel Dratch is 53. Actor Paul Lieberstein is 52. Actress Jeri Ryan is 51. Actor Thomas Jane is 50. TV host Clinton Kelly is 50. Actress Tamara Mello is 49. Actress-singer Lea Salonga (LAY'-uh suh-LONG'-guh) is 48. Actor Jose Solano is 48. International Tennis Hall of Famer Michael Chang is 47. Rock musician Scott Phillips is 46. Singer James Blunt is 45. Actress Drew Barrymore is 44. Actress Liza Huber is 44. Rock singer Tom Higgenson (Plain White T's) is 40. Rock musician Joe Hottinger (Halestorm) is 37. Actor Zach Roerig is 34. Actor Daniel E. Smith is 29.

Thought for Today: "Authority without wisdom is like a heavy ax without an edge, fitter to bruise than polish." — Anne Bradstreet, American poet (1612-1672).

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