

Groton Daily Independent

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UpComing Events

Tuesday, Nov. 30

Groton Novice Debate
JH GBB hosting Clark/Willow Lake (7th at 6 p.m. with 8th to follow)

Wednesday, Dec. 1

8:30 a.m. to Noon: ACT Practice Test

Thursday, Dec. 2

LifeTouch Pictures Retake at Elementary, 8 a.m. to 11 a.m.

8:30 a.m. to Noon: ACT Practice Test

JH GBB at Northwestern (7th at 6:30 p.m. followed by 8th)

Friday, Dec. 3

State Oral Interp at Huron

8:30 a.m. to Noon: ACT Practice Test

Groton Daily Independent
PO Box 34, Groton SD 57445
Paul's Cell/Text: 605-397-7460

*"The best advice I ever received
came from my mother:*

*'Do at least
one fun thing
every day.'"*

-Clifford Cohen



*Chicken Soup
for the Soul*

Saturday, Dec. 4

State Oral Interp at Huron

10 a.m.: JH GBB Jamboree in Groton

10 a.m.: Wrestling Invite at Clark-Willow Lake

Monday, Dec. 6

4 p.m.: School Board planning/work session

JH GBB hosts Langford. 7th at 6 p.m. with 8th to follow

Tuesday, Dec. 7

GBB hosts Flandreau Indian. Varsity only at 6 p.m.

JHGBB at Tiospa Zina (7th at 4 p.m. with 8th to follow)

Thursday, Dec. 9

7 p.m.: MS/HS Christmas Concert

Friday, Dec. 10

GBB hosts Britton-Hecla. JV at 6 p.m. with Varsity to follow

Saturday, Dec. 11

8 a.m. to Noon: ACT testing at GHS

10 a.m.: Wrestling Tourney at LaMoure

Boys Basketball at Britton-Hecla. JV at 1:30 p.m. followed by varsity game.

OPEN: Recycling Trailer in Groton

The recycling trailer is located west of the city shop. It takes cardboard, papers and aluminum cans.
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JVT/NVC HOLIDAY OPEN HOUSES

Groton - Tuesday, Nov. 30th 10am-4pm

Redfield - Wednesday, Dec. 1st 11am-2pm

Aberdeen - Thursday, Dec. 2nd 10am-4pm

DOOR PRIZES - TREATS - SPECIALS

*Plus, register in stores or online at nvc.net for the
12 Days of Christmas Giveaway!*

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*Olive Grove's
5th Annual*

*Christmas
Tour of Homes
& Holiday
Party*

**Weston & Emily Dinger
Cassels House Inn & Events
Julie Schaller (3 of Life)
Wage Memorial Library & City Office
Olde Bank N Café B & B**

**SATURDAY,
DEC. 4, 2021**

**TOUR OF
HOMES
4-7 P.M.**

**HOLIDAY
PARTY**

4-CLOSE

**Silent Basket Items
Bidding closes at 8:30 p.m.
Live Auction begins at 8:30 p.m.**

Coffee, Apple Cider and Goodies at the Club House
A variety of snacks served.

**\$15 tickets available at
Lori's Pharmacy, Groton
Groton Ford**

Hair & Company, Aberdeen

Come on out for a fun evening!

Support your local golf course!

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Northeast Conference All-Conference Volleyball Team

Two Groton Area players were named to the Northeast Conference All-Conference Team. They are Madeline Flihs and Sydney Leicht.

Others named to the team are Ella Hanson and Olivia Hanson from Aberdeen Roncalli, Jenna Werner from Britton-Hecla, Hallie Schulte and Rachel Schulte from Milbank, Hailey Nelson from Sisseton, Gerica Redday from Tiospa Zina, Haley Winter from Deuel, Morgan Jager from Webster, Ally Abraham, Grace Iverson and Kami Wadsworth from Hamlin, and Gracie Fast, Camryn Rohlf and Katie Rozell from Redfield. No one was named on the team from Clark/Willow Lake.

Service Notice: Spike Nehls

Funeral services for Carroll "Spike" Nehls, 86, of Groton will be 10:30 a.m., Thursday, December 2nd at St. John's Lutheran Church. Rev. Larry Johnson will officiate. Burial with military honors will follow in Groton Union Cemetery under the direction of Paetznick-Garness Funeral Chapel, Groton.

Visitation will be held for one hour prior to services at the church.

Spike passed away November 27, 2021 at his home in Groton.

Service Notice: Guy Hanlon

The funeral service for Guy Hanlon, 65, of Verdon, SD, will be 2:00pm, Saturday, December 4, 2021, at Spitzer-Miller Funeral Home. Burial will follow at Sunset Memorial Gardens, Aberdeen. Guy passed away Saturday, November 27, at Avera McKennan Hospital, Sioux Falls, SD.

Visitation will be 3:00-7:00pm, followed by a prayer service at 7:00pm, at Spitzer-Miller Funeral Home, 1111 South Main Street, Aberdeen.

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That's Life by Tony Bender

Roadside Assistance

Things seem to go in streaks. Celebrity deaths. Baseball. Here, back at the ranch last week, the dishwasher died, the furnace quit, and my Roomba, RoboCop, threw himself down the stairs in a desperate plea for help. But how would you feel if it was your job to bump around in the night sucking up pet fur?

Well, my long lucky streak with tires has come to an end, too. I had another flat last week. I'm guessing it had been 25 years since I'd had one, but then, in October, I took a trip to West River country, and those infamous scoria roads got me the first day.

When I lived in Hettinger, ND, I got flats regularly, especially when we lived out in the country. I bought a new Explorer from RZ Motors one day and had a flat on the way home. (Roland Zimmerman was kind enough to give me a new tire.) But when I replaced the tires on my Bronco with a lesser quality, those scoria roads and their sharp rocks, taught me a hard lesson. Don't cheap out on tires. My God, I became NASCAR-quick from all the practice.

The flat in October took place at sort of a think tank retreat. I suppose you're wondering how I came to be invited. Me, too. It was about problem-solving. I may have been there as an example of what's wrong with the world.

Anyway, immediately after arrival at the main cabin, I noticed a rear tire on my Ford truck had gone flat. As I was staring at it, Clay Jenkinson walked up to greet me. He's an Oxford alum and noted historian who's appeared in countless Ken Burns films. Clay graciously offered to help me change the tire.

Well, thaaat was a bit uncomfortable because earlier this year, I publicly excoriated Clay after his appearance on CBS Sunday Morning during which he kiddingly called North Dakota "a loser state." But he was so nice I figured he hadn't read my column. I didn't turn my back when he had the tire iron in his hand, though.

As you might imagine, after a quarter of a century in retirement, I was unfamiliar with all the new places they hide jacks and tires these days, and the convoluted process involved just to lower the tire. I won't bore you with the excruciating details of our feeble yet eventually-successful effort, but I will say if I ever meet a Ford engineer, there's going to be a fight.

As Clay and I were struggling with the aluminum rim that seemed welded tight to the hub, someone walked by and cracked, "How many Rhodes Scholars does it take to change a tire?" At that point, we weren't even sure it was possible.

The emotional scars and feelings of inadequacy hadn't even healed when last week, a couple of miles from Ashley, I got a flat on my Audi. If Ford's process had been torturous, can you imagine what the Germans have up their sleeves? I immediately tapped out.

My chances of finding a Rhodes Scholar were zilch, so I called Triple J Auto, just two miles down the road, because I know Jesse Kaseman often works Saturdays. No answer. So, I hitched a ride to town and bought some Fix-A-Flat, which I usually keep in my car, anyway. Tire fixers hate the stuff, but with small holes, it works, and it's better than changing a tire when it's -30F and the wind is howling.

While I was at Link's Do It Best Hardware, my cell rang. It was Jesse. I hadn't even left a message, but he'd seen Caller I.D. and guessed correctly that I could use a hand.

Why do we live here? That's why.

The Krautmobil's hub gave Jesse momentary pause but he figured it out way faster than a Rhodes Scholar would've. The jack wasn't up to the reputation of German engineering so Jesse used a floor jack that was probably made in China. I feel like we're surrounded.

I used to change tires daily when I worked for the Cenex station back home as a teenager. That's when everyone was still riding around on polyester tires which were nothing more than glorified balloons. Plus, there was a gravel pit nearby so I often had to fix split rim and solid rim tires.

Hated it. Don't miss it one bit.

With my car outfitted with a new set of quality radials, I hope to slink back into retirement. I'm better at that, anyway.

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Weekly Vikings Roundup

By Jack & Duane Kolsrud

Going into week 12, the Minnesota Vikings were tied with the San Francisco 49ers with 5-5 records and looking at a wild card playoff spot. Outside of a playoff win in that amazing Anthony Carter game in 1987, winning in San Francisco has never been easy.

The Vikings looked sharp in the first half, with Adam Thielen scoring two touchdowns - one on fourth down and another on a back-handed grab, the first time in his career where he scored twice in the first half. Once again, the defense fails to stop the opposition before halftime, only to give up a late touchdown in the first half to allow the Niners to tie the game at 14-14.

Taking that momentum into the locker room, the Niners returned in the third quarter to quickly move the ball down the field, running the ball effectively and scoring in the first two minutes to take a 21-14 lead.

On the very next play, Kirk Cousins throws an interception, and the Niners return it to the 3-yard line. One play later, it was 28-14. This three touchdown scoring surge all happened within four minutes off the clock.

The Vikings put together a nice drive to make it 28-20. Highlighted by a long Dalvin Cook run and then some uncharacteristic trickery- Cousins throws a screen to Justin Jefferson, who then throws across the field to Cook, who followed a convoy down to the 5-yard line. One play later, Alexander Mattison runs it in.

The Vikings give up a field goal on the next drive. Then the excitement begins. Kene Newangu, the rookie from Iowa State, houses the kickoff from 99 yards and the Vikings cut the lead to 31-26.

The Vikings stopped the Niners on their next possession. On the Viking's first play, Dalvin Cook gets hit in the backfield, fumbles, and Niners recover. More importantly, Dalvin went down and had to be carted off the field with an apparent shoulder injury. The third quarter ends with a Niner field goal and a total of 32 points scored. Time to catch our breath and see if the heart medication is working for another Viking close game.

The fourth quarter begins with a long, seven-minute drive only to end on a fourth-down pass incomplete to Justin Jefferson from 4-yards out.

The Niners marched it down the field to get to the 2-minute warning, only to see Robbie Gould push a field goal to the right and give the Vikings a breath of hope. After moving the ball down past mid-field, Kirk Cousins misses Jefferson over the middle on fourth down and, the game is over. After the flurry of scoring in the third, there was no scoring in the fourth, and the game ends 34-26. The Vikings fall to 5-6, while the Niners move ahead in the wild card race.

Takeaways from the game;

1. The Vikings gave up over 200 yards on the ground and three rushing touchdowns. Being without their starting defensive line proved costly.
2. Kirk Cousins sets a new Viking record with his 25th consecutive game with a touchdown pass.
3. Adam Thielen ties two other receivers with his 10th touchdown of the year.
4. Injuries continue to mount as Anthony Barr, Dalvin Cook, and Christian Darrisaw leave the game due to injuries.

Onto next week, and a visit with the Motor City Kitties (aka Detroit Lions). The Lions come into the game looking for their first victory, which is never a fun environment for a team like the Vikings needing to win at least five of their last six to assure themselves a playoff berth.

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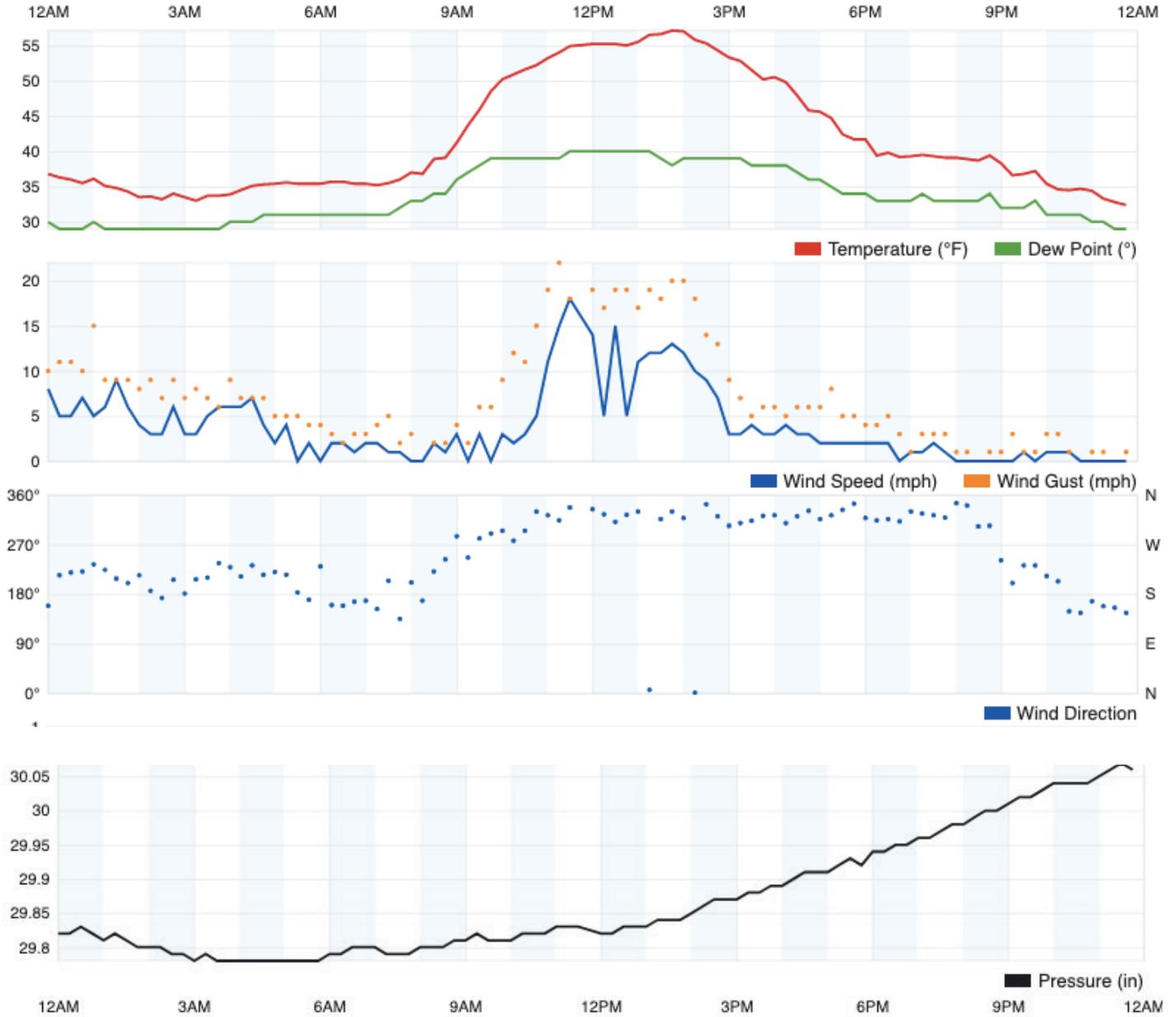
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Yesterday's Groton Weather Graphs



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Today



Increasing
Clouds

High: 46 °F

Tonight



20%
Slight Chance
Rain then
Mostly Clear

Low: 33 °F

Wednesday



Mostly Sunny

High: 65 °F

Wednesday
Night



Mostly Cloudy

Low: 37 °F

Thursday



Partly Sunny

High: 53 °F

Today

Cooler
Increasing Clouds
Highs in the 40s
to the mid 50s.

Light Rain
Possible this
Evening in
Northeast SD
Western MN

Wednesday

Very Mild
Partly Sunny
Highs upper 50s,
to the low 70s!

Updated 3:00 AM CST



Cooler temperatures will move into the area today, with highs mainly in the 40s. A storm system crossing the region later this evening will bring a chance for light rain to eastern South Dakota and western Minnesota. Expect very mild temperatures on Wednesday, with highs reaching the 60s to the low 70s.

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Today in Weather History

November 30, 1981: A two-day winter storm, beginning as rain, changing to freezing rain and then to snow, completely paralyzed the eastern half of South Dakota, as well as west central Minnesota Monday, November 30 through Tuesday, December 1, 1981. Snow accumulations of between eight and twelve inches were common in South Dakota. Wind with gusts to near 50 mph whipped the snow into blizzard conditions. The Governor of South Dakota closed east-west Interstate 90 to all traffic. Hundreds of motorists were stranded. One person died during snow removal after the storm. Some storm total snowfall amounts included 8 inches at Kennebec, 7 inches at Pierre and Faulkton, 4 inches at Aberdeen, and 2 inches at Watertown. The winter precipitation was caused by a storm center that moved from Kansas Monday through Iowa Monday night and into Wisconsin Tuesday morning, December 1st. The same storm produced heavy snow and blizzard conditions over a large area of the central Plains. Travel was especially difficult because of the snow. Many roads were impassible and motorists were forced to find shelter.

November 30, 1991: The third major winter storm of the season moved from the central plains to eastern South Dakota. The storm generally dropped between 4 and 8 inches of snow over the eastern third of South Dakota from the 28th to the 30th. New snow accumulations of 2 to 5 inches occurred over most of the rest of the state. Some specific snow reports across the area included Aberdeen with 2 inches and Watertown with 3 inches. Five inches fell at Clear Lake and 3 inches fell near Summit. Strong winds developed after the snow fell, producing widespread blowing and drifting snow, especially across the northeast corner of South Dakota.

November 30, 2000: Heavy snow of 6 to 12 inches fell across a large part of northern South Dakota and into western Big Stone County in Minnesota, causing travel problems and school closings. Several accidents also occurred due to the slippery roads. Some snowfall amounts included 6 inches at Milbank and Ortonville; 8 inches at McLaughlin, Ipswich, Summit, and Mellette; 9 inches northwest of Britton, Clear Lake, and Pollock; 10 inches at Leola and Faulkton; 11 inches at Aberdeen and Webster; and 12 inches at Houghton.

November 30, 1925: An extremely rare late November hurricane began to affect the west coast of Florida as it strengthened during the day. The storm made landfall very early on December 1st south of Tampa Bay, weakened to a tropical storm as it crossed central Florida, and exited around St. Augustine. The storm regained Hurricane strength off Jacksonville late on the 1st. Heavy rain continued over northeast Florida on the 2nd. Gale force winds were reported from the Keys to Jacksonville and over 50 people lost their lives, mostly on ships at sea. Damage along the coast south of Jacksonville was heavy and excessive rain and wind seriously damaged citrus and truck crops.

1875 - A severe early season cold wave set November records in the northeastern U.S. The temperature dipped to 5 above zero at New York City, 2 below at Boston MA, and 13 below at Eastport ME. (David Ludlum)

1957 - Lee slope winds enhanced by Hurricane Nina gusted to 82 mph at Honolulu, Hawaii, a record wind gust for that location. Wainiha, on the island of Kauai, was deluged with 20.42 inches of rain, and 35 foot waves pounded some Kauai beaches, even though the eye of the hurricane was never within 120 miles of the islands. (30th-1st) (The Weather Channel)

1967 - A record November snowstorm struck the Washington D.C. area. It produced up to a foot of snow in a 12 hour period. (David Ludlum)

1976 - MacLeod Harbor, AK, reported a precipitation total for November of 70.99 inches, which established a state record for any month of the year. (The National Weather Summary)

1987 - Showers produced heavy rain in the northeastern U.S. Up to three inches of rain drenched the Brandywine Creek Basin of Pennsylvania, and rainfall totals in Vermont ranged up to two inches at Dorsett. Snow fell heavily across Upper Michigan as gale force winds prevailed over Lake Superior. A storm moving into the northwestern U.S. produced gale force winds along the northern and central Pacific coast. (The National Weather Summary) (Storm Data)

1988 - Snow in the Upper Great Lakes Region pushed the precipitation total for the month at Marquette, MI, past their previous November record of 7.67 inches. Santa Anna winds in southern California gusted to 75 mph at Laguna Peak. (The National Weather Summary) (Storm Data)

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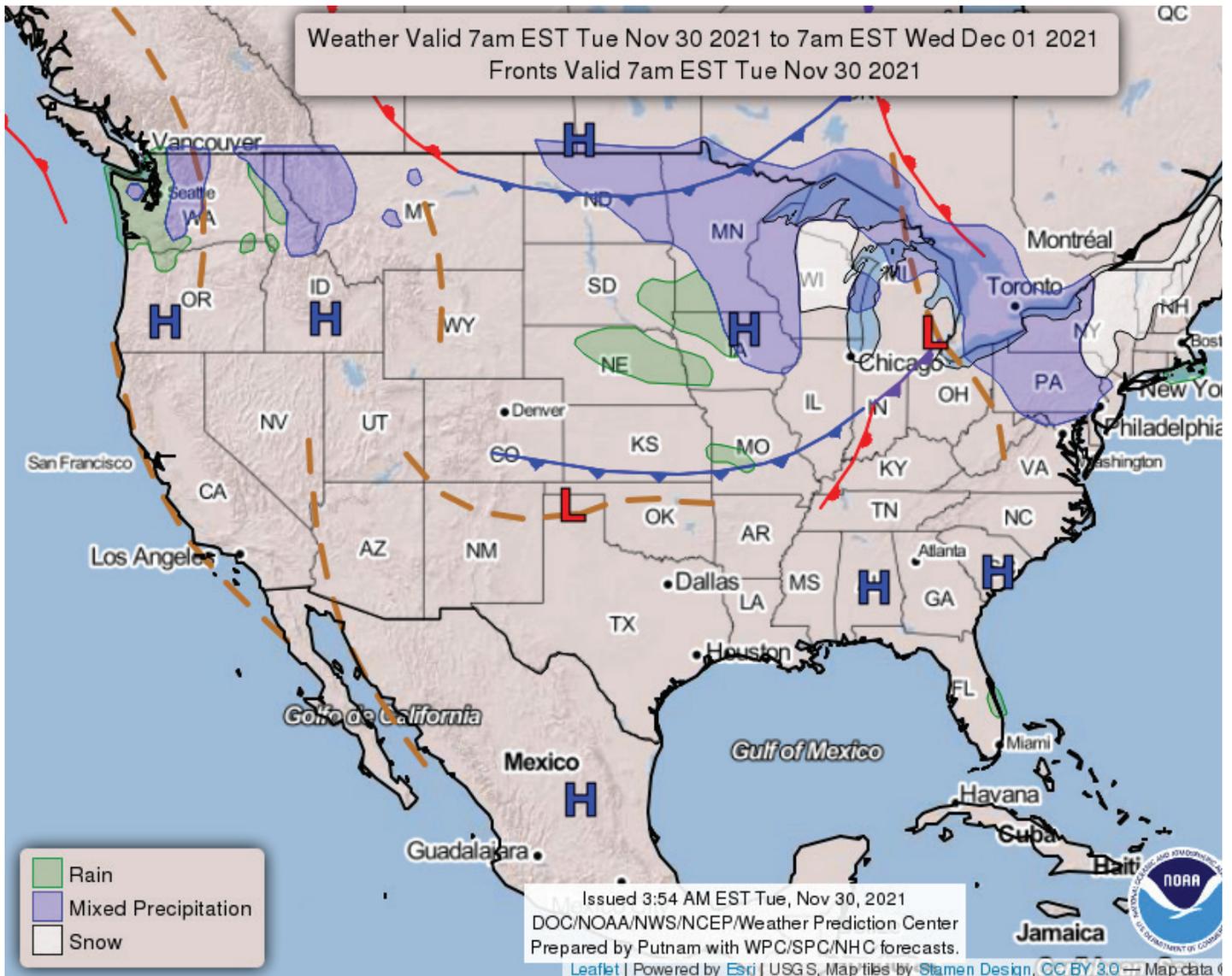
Yesterday's Groton Weather Today's Info

High Temp: 57.1 °F at 1:45 PM
Low Temp: 32.4 °F at 11:45 PM
Wind: 22 mph at 11:15 AM
Precip: 0.00

Record High: 66° in 1995
Record Low: -27° in 1964
Average High: 35°F
Average Low: 13°F
Average Precip in Nov.: 0.74
Precip to date in Nov.: 0.16
Average Precip to date: 21.21
Precip Year to Date: 19.88
Sunset Tonight: 4:52:53 PM
Sunrise Tomorrow: 7:50:42 AM

Record High

The National Weather Service in Aberdeen recorded a high yesterday of 60 degrees, topping the previous record of 57 degrees set in 2017.



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HE SATISFIES

God did not create any need He could not satisfy! He did not create food that would simply taste good. He created food that would taste good and satisfy our hunger – food that would nourish and sustain us, comforts us, and brings us enjoyment. Every hunger or need that we have - whether spiritual, emotional, physical, or social - can be fulfilled out of the abundance of His creation. That includes this life and the life to come. He is a needs-meeting God.

Listen to the Psalmist: "For He satisfies the thirsty and fills the hungry with good things." If we are thirsty, we must drink the water that He provides to quench our thirst through His Son. If we are hungry, we must eat the Bread of Life which is His Son. Unless we ask the Lord to become our Savior, we will live lives that are empty, unsatisfied, and unfulfilled. Only when we are willing to allow Him to fill the needs He has placed deep within us with His Son will we become complete.

There is a story of a little boy returning home from the store with a jar of honey. After struggling for quite some time to open it, he finally succeeded. He stuck his finger into the jar to taste its contents. An older man watching him from a distance approached him.

"Is it sweet?" he asked. "Yes, Sir," came the reply. "How sweet?" asked the man. "Well, Sir, I can't describe it. It's so sweet it more than satisfies my need for candy. But I'll tell you what. You stick your finger in the jar and taste it for yourself, and then you'll know."

'Oh, taste and see that the Lord is good!' He alone can satisfy our every need.

Prayer: Lord, fill the emptiness in our lives with Your presence as You become our Redeemer, Savior and Lord. In Jesus' Name, Amen.

Scripture For Today: For He satisfies the thirsty and fills the hungry with good things. Psalm 107:9

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2021 Community Events

- Cancelled** Legion Post #39 Spring Fundraiser (Sunday closest to St. Patrick's Day, every other year)
03/27/2021 Lions Club Easter Egg Hunt 10am Sharp at the City Park (Saturday a week before Easter Weekend)
04/10/2021 Dueling Pianos Baseball Fundraiser at the American Legion Post #39 6-11:30pm
04/24/2021 Firemen's Spring Social at the Fire Station 7pm-12:30am (Same Saturday as GHS Prom)
04/25/2021 Princess Prom (Sunday after GHS Prom)
05/01/2021 Lions Club Spring City-Wide Rummage Sales 8am-3pm (1st Saturday in May)
05/31/2021 Legion Post #39 Memorial Day Services (Memorial Day)
6/7-9/2021 St. John's Lutheran Church VBS
06/17/2021 Groton Transit Fundraiser, 4-7 p.m.
06/18/2021 SDSU Alumni & Friends Golf Tournament at Olive Grove
06/19/2021 U8 Baseball Tournament
06/19/2021 **Postponed to Aug. 28th:** Lions Crazy Golf Fest at Olive Grove Golf Course, Noon
06/26/2021 U10 Baseball Tournament
06/27/2021 U12 Baseball Tournament
07/04/2021 Firecracker Golf Tournament at Olive Grove
07/11/2021 Lions Club Summer Fest/Car Show at the City Park 10am-4pm (Sunday Mid-July)
07/22/2021 Pro-Am Golf Tournament at Olive Grove Golf Course
07/30/2021-08/03/2021 State "B" American Legion Baseball Tournament in Groton
08/06/2021 Wine on Nine at Olive Grove Golf Course
08/13/2021 Groton Basketball Golf Tournament
Cancelled Lions Club Crazy Golf Fest 9am Olive Grove Golf Course
08/29/2021 Groton Firemen Summer Splash Day at GHS Parking Lot (4-5 p.m.)
09/11/2021 Lions Club Fall City-Wide Rummage Sales 8am-3pm (1st Saturday after Labor Day)
09/12/2021 Sunflower Classic Golf Tournament at Olive Grove
09/18-19 Groton Fly-In/Drive-In, Groton Municipal Airport
10/08/2021 Lake Region Marching Band Festival (2nd Friday in October)
10/09/2021 Pumpkin Fest at the City Park 10am-3pm (Saturday before Columbus Day)
10/29/2021 Downtown Trick or Treat 4-6pm
10/29/2021 Groton United Methodist Trunk or Treat (Halloween)
11/13/2021 Legion Post #39 Turkey Party (Saturday closest to Veteran's Day)
11/11/2021 Veteran's Day Program at the GHS Arena
11/21/2021 Groton Area Snow Queen Contest
11/25/2021 Community Thanksgiving at the Community Center 11:30am-1pm (Thanksgiving)
11/30/2021 James Valley Telecommunications Holiday Open House 10am-4pm
12/04/2021 Olive Grove Tour of Homes
12/11/2021 Santa Claus Day at Professional Management Services 9am-Noon

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News from the Associated Press

cloudPWR Delivers South Dakota's New Cloud-Based Medical Cannabis Registry

SEATTLE, Wash.--(BUSINESS WIRE)--Nov 30, 2021--

cloudPWR, a leading cloud software provider for government agencies and enterprise business, in partnership with Accela, another leading provider of cloud-based solutions for government, launches a cloud-based medical cannabis program registry for the South Dakota Department of Health. The fully digital registry system will be used for processing and managing applications from patients and their caregivers, as well as cannabis license applications from businesses.

South Dakota voters approved legalizing medical cannabis in November 2020. The new internet-based medical cannabis registry program became available to the public November 8. Patients can register for medical cannabis cards, which will be available starting no later than November 18, and businesses can apply for licenses through the online platform.

"It's not every day organizations in the public sector get the opportunity to deliver a solution designed for users first. We are very excited to have found that unicorn of a public sector IT project in South Dakota and to have the opportunity to create a product that will benefit the community," said Shadrach White, Founder and CEO of cloudPWR. "The South Dakota Department of Health was a tremendous partner in this project, providing clear workflow and business requirements, and clear communication on user experience improvements and policy alignment."

The cloudPWR and Accela platform is purpose-built to provide the ideal solution for state and HIPAA compliant medical cannabis registries. Core attributes of the platform that further streamline and automate agency capabilities include:

Software design for customer ease of use
Online, paperless submission of previously in-person paperwork
Ability for law enforcement and licensed businesses to verify identity of card holders
State-of-art applications from Microsoft Azure integrated in platform
cloudPWR and Accela delivered the platform under the designated legislation deadlines, completing the project from contract to go-live in under eight weeks.

"cloudPWR's software has made significant improvements to the new cannabis registry system," said Geno Adams, Medical Cannabis Program Administrator for the South Dakota Department of Health. "We've been especially impressed with the ease of use for patients and efficiencies woven into the features, such as the autofill features for home cultivation and caregiver information. We are very proud of the collaboration on the project."

More about the platform and what led to the success of this project here.

cloudPWR's case management solutions and medical cannabis registries have helped hundreds of agencies throughout the United States securely modernize to better serve the needs of their communities. Follow cloudPWR on Twitter and LinkedIn for the latest news and information.

SD Lottery

By The Associated Press undefined

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

Mega Millions

Estimated jackpot: \$102 million

Powerball

18-26-28-38-47, Powerball: 17, Power Play: 2

(eighteen, twenty-six, twenty-eight, thirty-eight, forty-seven; Powerball: seventeen; Power Play: two)

Estimated jackpot: \$253 million

Biden vaccine rule for health workers blocked in 10 states

By DAVID A. LIEB Associated Press

JEFFERSON CITY, Mo. (AP) — A federal judge on Monday blocked President Joe Biden's administration from enforcing a coronavirus vaccine mandate on thousands of health care workers in 10 states that had brought the first legal challenge against the requirement.

The court order said that the federal Centers for Medicare & Medicaid had no clear authority from Congress to enact the vaccine mandate for providers participating in the two government health care programs for the elderly, disabled and poor.

The preliminary injunction by St. Louis-based U.S. District Judge Matthew Schelp applies to a coalition of suing states that includes Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota and Wyoming. All those states have either a Republican attorney general or governor. Similar lawsuits also are pending in other states.

The federal rule requires COVID-19 vaccinations for more than 17 million workers nationwide in about 76,000 health care facilities and home health care providers that get funding from the government health programs. Workers are to receive their first dose by Dec. 6 and their second shot by Jan. 4.

The court order against the health care vaccine mandate comes after Biden's administration suffered a similar setback for a broader policy. A federal court previously placed a hold on a separate rule requiring businesses with more than 100 employees to ensure their workers get vaccinated or else wear masks and get tested weekly for the coronavirus.

Biden's administration contends federal rules supersede state policies prohibiting vaccine mandates and are essential to slowing the pandemic, which has killed more than 775,000 people in the U.S. About three-fifths of the U.S. population already is fully vaccinated.

But the judge in the health care provider case wrote that federal officials likely overstepped their legal powers.

"CMS seeks to overtake an area of traditional state authority by imposing an unprecedented demand to federally dictate the private medical decisions of millions of Americans. Such action challenges traditional notions of federalism," Schelp wrote in his order.

Even under an exceedingly broad interpretation of federal powers, Congress did not clearly authorize CMS to enact "this politically and economically vast, federalism-altering, and boundary-pushing mandate," wrote Schelp, who was appointed to the bench by former President Donald Trump.

While a vaccine requirement might make sense for long-term care facilities, Schelp wrote, CMS lacks evidence for imposing it on other health care providers and ignored evidence that the mandate could jeopardize understaffed facilities. The judge also said CMS improperly bypassed public notice and comment requirements when issuing the emergency rule, which "feeds into the very vaccine hesitancy CMS acknowledges is so daunting."

A CMS spokesperson said the agency was reviewing the court order.

"Staff in any health care setting who remain unvaccinated pose both direct and indirect threats to patient safety and population health," CMS said in a statement Monday. "That is why it is critical for health care providers to ensure their staff are vaccinated against COVID-19."

Missouri Attorney General Eric Schmitt, who spearheaded the lawsuit, said the ruling "pushes back on the overreach of power" by those who are "using the coronavirus as a tool" for control over people.

Officials in several states also praised the court ruling. New Hampshire Gov. Chris Sununu said "nursing homes were at risk of closure" if the mandate remained.

Iowa Gov. Kim Reynolds said the vaccine is the best defense against COVID-19, but medical providers "deserve the freedom and ability to make their own informed health care decisions."

Noem wants to push anti-abortion argument to Supreme Court

By STEPHEN GROVES Associated Press

SIOUX FALLS, S.D. (AP) — South Dakota Gov. Kristi Noem on Monday sought a leading role in a pair of

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legal battles over abortion access as the U.S. Supreme Court neared a potentially defining moment on the issue.

The Republican governor promised that if the state loses an appeal in a legal fight over a state law that would require women seeking abortions to first consult with crisis pregnancy centers, which generally advise women not to get abortions, she would try to get the Supreme Court to consider the case. The case had laid dormant for nearly 10 years, but with the high court's ideological make-up tilting to conservatives, Republicans are trying to get such cases before the justices.

Noem, who has positioned herself for a 2024 White House bid, has already signed on to a legal argument in a separate case the Supreme Court will hear Wednesday over Mississippi abortion restrictions.

"We have a couple of opportunities here to make a case to undermine and remove Roe v. Wade," Noem said during a call with the Susan B. Anthony List, a group that opposes abortion rights.

A federal judge declined to lift a decade-old injunction on the South Dakota law this year, ruling that it would infringe on women's rights to freedom of speech and access to abortion. Noem has appealed to the 8th Circuit Court of Appeals and said she's ready to appeal to the Supreme Court if that court doesn't lift the injunction.

"This law was passed 10 years ago, and has been enjoined ever since because it is transparently unconstitutional," said Dina Anderson, a spokeswoman for Planned Parenthood.

South Dakota is one of 12 states that has enacted a so-called abortion trigger law that would take effect and ban all or nearly all abortions if the Supreme Court overturns its landmark Roe v. Wade ruling, which established the right to abortion nationwide up to the point where the fetus could viably survive outside the womb, which is typically around the 24th week of pregnancy.

In Iowa, Republican Gov. Kim Reynolds, who released a video message as part of the Susan B. Anthony List call, cast this week's Supreme Court hearing as an opportunity for the justices to toss the abortion debate to state lawmakers. Such a move would ignite already fractious state-by-state battles.

"Here in Iowa, I'm not alone among elected leaders who are eager to finally have this overdue democratic debate and protect life," she said.

Sioux Falls officer fires at van that rammed squad car

SIoux FALLS, S.D. (AP) — Sioux Falls police shot at a fleeing minivan after its driver rammed a squad car and nearly hit two officers, according to authorities.

The incident happened about 5:30 p.m. Sunday after an officer tried to stop the minivan for a traffic violation. Sioux Falls police spokesman Sam Clemens said the driver did not stop and fled at a high rate of speed.

The officer did not pursue the driver, Clemens said.

While officers were checking an address possibly linked to the minivan, the vehicle drove up and officers attempted to speak to the driver. Clemens says the driver backed up, rammed a squad car and drove toward two officers, narrowly missing them, the Argus Leader reported.

One officer fired at the minivan as it drove off, police said. The driver remains at large.

The Minnehaha County Sheriff's Office was asked to investigate because an officer fired his or her weapon.

Top adviser to Ellsworth AFB commander removed from post

ELLSWORTH AIR FORCE BASE, S.D. (AP) — The primary adviser to the commander of the 28th Bomb Wing at Ellsworth Air Force Base in South Dakota has been removed from his post for what officials described Monday as inappropriate conduct.

Chief Master Sgt. Just Deisch, the wing command chief, showed behavior that demonstrated a lack of respect, judgment and professionalism expected of a senior non-commissioned officer, base commander Col. Joseph Sheffield said. Base officials declined to release details.

"All Airmen should be treated with dignity and respect, and senior leaders should set the example for subordinates by exercising sound judgement and decision-making both on and off duty," Sheffield said in

a statement.

A phone number for Deisch could not be found. Base officials did not immediately respond to a message from The Associated Press.

Base officials said the command chief is responsible for advising the commander on matters such as morale, welfare, warfighting effectiveness and professional development of the nearly 3,200 enlisted airmen at the base.

Ellsworth Air Force Base is the largest B-1 bomber combat wing in the Air Force.

Rapid City police investigate two separate shooting deaths

Rapid City police say they're investigating two separate shooting deaths that occurred within 12 hours of each other, but don't believe the two cases are related.

The latest shooting early Monday involved three victims, including a man who died at a residence where two others were shot and wounded. Police spokesman Brendyn Medina says officers were dispatched to the scene about 4:15 a.m.

Medina says the first shooting about 4:30 p.m. Sunday happened at a residence where officers found a man with a gunshot wound. He was transported to the hospital where he died, the Rapid City Journal reported.

Investigators found drugs and drug paraphernalia at both residences, Medina said.

Police Chief Don Hedrick released a statement Monday saying the most recent gun deaths in Rapid City are part of a nationwide trend.

"Officers and deputies have been working around the clock to investigate these incidents and we are dedicated to working with the community and our fellow law enforcement partners to ensure we hold the perpetrators of gun violence accountable through the criminal justice system," Hedrick said.

Omicron was in Netherlands days earlier than first thought

By RAF CASERT Associated Press

BRUSSELS (AP) — The omicron variant was already in the Netherlands when South Africa alerted the World Health Organization about it last week, Dutch health authorities said Tuesday, adding to fear and confusion over the new version of the coronavirus in a weary world hoping it had left the worst of the pandemic behind.

The Netherlands' RIVM health institute found omicron in samples dating from Nov. 19 and 23. The WHO said South Africa first reported the the variant to the U.N. healthy agency on Nov. 24.

It remains unclear where or when the variant first emerged — but that hasn't stopped wary nations from rushing to impose travel restrictions, especially on visitors coming from southern Africa. Those moves have been criticized by South Africa and the WHO has urged against them, noting their limited effect.

Much is still not known about the variant — though the WHO warned that the global risk from the variant is "very high" and early evidence suggests it could be more contagious.

The Dutch announcement Tuesday further muddies the timeline on when the new variant actually emerged. Previously, the Dutch had said they found the variant among passengers who came from South Africa on Friday — but these new cases predate that.

Authorities in the eastern German city of Leipzig, meanwhile, said Tuesday they had confirmed an infection with the omicron variant in a 39-year-old man who had neither been abroad nor had contact with anyone who had been, news agency dpa reported. Leipzig is in the eastern state of Saxony, which currently has Germany's highest overall coronavirus infection rates.

Meanwhile, Japan and France announced their first cases of the new variant on Tuesday.

French authorities confirmed its presence in the French island territory of Reunion in the Indian Ocean. Patrick Mavingui, a microbiologist at the island's research clinic for infectious diseases, said the person who has tested positive for the new variant is a 53-year-old man who had traveled to Mozambique and stopped in South Africa before returning to Reunion.

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The man was placed in quarantine. He has "muscle pain and fatigue," Mavingui said, according to public television Reunion 1ere.

A day after banning all foreign visitors as an emergency precaution against the variant, Japan also confirmed its first case, in a visitor who had traveled from Namibia. A government spokesperson said the patient, a man in his 30s, tested positive upon arrival at Narita airport on Sunday and was isolated and is being treated at a hospital.

Travel bans also continued to fall Tuesday.

Cambodia barred entry to travelers from 10 African countries, citing the threat from the variant. The move came just two weeks after Cambodia reopened its borders to fully vaccinated travelers.

While it has urged against border closures, the WHO has stressed that while scientists are hunting evidence to better understand this variant, countries should accelerate vaccinations as quickly as possible.

WHO said there are "considerable uncertainties" about the omicron variant. But it said preliminary evidence raises the possibility that the variant has mutations that could help it both evade an immune-system response and boost its ability to spread from one person to another.

Despite the global worry, doctors in South Africa are reporting patients are suffering mostly mild symptoms so far. But they warn that it is early and most of the new cases are in people in their 20s and 30s, who generally do not get as sick from COVID-19 as older patients.

Follow AP's coverage of the coronavirus pandemic at <https://apnews.com/hub/coronavirus-pandemic>

'The Lost Daughter' wins big at 31st Gotham Awards

By JAKE COYLE AP Film Writer

NEW YORK (AP) — Maggie Gyllenhaal's Elena Ferrante adaptation "The Lost Daughter" won four Gotham Awards including best feature film at the 31st Gotham Awards, the annual New York independent film celebration that serves as a boozy kickoff to Oscar season.

Gyllenhaal won breakthrough director and best screenplay for her directorial debut, and star Olivia Colman shared the award for outstanding lead performance with Frankie Faison, "The Killing of Kenneth Chamberlain," a drama based on the 2011 police shooting in White Plains, New York. "The Lost Daughter," a Netflix release, opens in theaters Dec. 17.

As one of the first stops in the long march to the Oscars, Monday evening's Gothams was the first real attempt since the pandemic began to summon all the season's usual glitz and pomp. Stars including Kristen Stewart, Tessa Thompson and Dakota Johnson walked the red carpet. Inside the crowded banquet hall, attendees were required to provide proof of vaccination and a negative COVID-19 test. Last year's Gotham Awards (where "Nomadland" won the top award) was held virtually, with winners accepting awards by Zoom and an online poker platform deployed to digitally sit guests at tables.

This year, even with the recent discovery of the omicron variant spooking a film industry still trying to rebound from the pandemic, the Gothams got back to normal — even while tweaking traditions.

For the first time, the Gothams were presented without gendered acting categories. While the season's top award shows — the Oscars, the Emmys, the Tonys — haven't yet embraced such a move, the Gothams are part of a growing number of awards bodies, including the Grammys and the MTV Film and TV Awards, to ditch "best actor" and "best actress."

Several times during Monday night's show that was applauded. Ethan Hawke, a co-winner for his performance in the series "The Good Lord Bird," said he never understood the separate categories in the first place.

"True talent shines through the divisions meant to separate us," said "Billions" actor Asia Kate Dillon, a presenter, who identifies as nonbinary.

Other borders seemed to disintegrate at the Gothams, once a more narrow celebration of independent film. Among the series winners was Netflix's "Squid Game," the pop-culture sensation that has been watched for more than 2 billion hours, according to the streaming service. At the Gothams, speeches have often

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exalted the hard work and sometimes lesser-seen rewards of indie film.

"CODA," the celebrated coming-of-age drama about a hearing daughter in a deaf family, won several awards. Troy Kotsur, the veteran deaf actor who plays the film's fisherman father, won outstanding supporting performance. Emilia Jones, who stars as the daughter, won breakthrough performer. After an award-winning debut at a virtual Sundance Film Festival, the film's awards hopes had seemed to lag somewhat after a muted streaming debut on Apple TV+ in August. But the Gothams gave "CODA" a boost.

"First off, I'm absolutely handless right now," Kotsur said through sign language, shaking his hands.

Nominees and winners (except for best film) are chosen by juries for the Gothams. In a few categories, they elected multiple winners — like for outstanding lead performance where Colman and Faison both won from a pool of 10 nominees.

Other winners included Ryusuke Hamaguchi's intimate epic "Drive My Car" for best international film and Jonas Poher Rasmussen's "Flee," an animated film about an Afghanistan migrant's life, for best documentary.

But the Gothams also trot out a number of tribute awards, some of them going to a handful of filmmakers and performers expected to play starring roles throughout awards season. Those included honors for Jane Campion, director of "The Power of the Dog"; Stewart for her performance at Princess Diana in "Spencer"; Peter Dinklage for the upcoming "Cyrano"; and the cast of Jeymes Samuel's Black Western "The Harder They Fall."

Often, the tribute introductions are as dramatic as the acceptance speeches. "Spencer" director Pablo Larraín, alongside Julianne Moore, told Stewart that she changed his life and called her "a miracle of cinema."

"I feel so visible to him," Stewart said.

Dinklage, introduced with exuberance by Hawke ("If he was British, he'd be a knight"), stood aside and went "off-podium" for his speech because, he noted, the lectern was too high for him.

"The podium, not me," he said. "Although..."

But Dinklage, who plays Cyrano de Bergerac in the film, spoke warmly about his life in movies and his love of "you tribe of weirdos."

"When it's good, it's not precious," said Dinklage of acting. "It's work."

Follow AP Film Writer Jake Coyle on Twitter at: <http://twitter.com/jakecoyleAP>

Iran strikes hard line as talks over nuclear deal resume

By NASSER KARIMI Associated Press

TEHRAN, Iran (AP) — Iran struck a hard line Tuesday after just one day of restarted talks in Vienna over its tattered nuclear deal, suggesting everything discussed in previous rounds of diplomacy could be renegotiated.

Speaking to Iranian state television, Ali Bagheri, Iran's top nuclear negotiator, referred to everything discussed thus far as merely a "draft." It remained unclear whether that represented an opening gambit by Iran's new president or signaled serious trouble for those hoping to restore the 2015 deal that saw Tehran strictly limit its enrichment of uranium in exchange for the lifting of economic sanctions.

The United States left the deal under then-President Donald Trump's "maximum pressure" campaign against Tehran in 2018. Since the deal's collapse, Iran now enriches small amounts of uranium up to 60% purity — a short step from weapons-grade levels of 90%. Iran also spins advanced centrifuges barred by the accord, and its uranium stockpile now far exceeds the accord's limits.

President Joe Biden has said America's willing to re-enter the deal, though the negotiations continue with U.S. officials not in the room as in previous rounds of talks since Washington's withdrawal.

"Drafts are subject to negotiation. Therefore nothing is agreed on unless everything has been agreed on," Bagheri said. "On that basis, all discussions that took place in the six rounds are summarized and are subject to negotiations. This was admitted by all parties in today's meeting as well."

That directly contradicted comments Monday by the European Union diplomat leading the talks.

"The Iranian delegation represents a new administration in Tehran with new understandable political

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sensibilities, but they have accepted that the work done over the six first rounds is a good basis to build our work ahead, so no point in going back," Enrique Mora said.

Another state TV segment saw Bagheri in Vienna saying Iran demanded a "guarantee by America not to impose new sanctions" or not re-impose previously lifted sanctions.

Mohammed Eslami, the country's civilian nuclear chief, reiterated that demand in comments to Iran's state-run IRNA news agency.

"The talks (in Vienna) are about return of the U.S. to the deal and they have to lift all sanctions and this should be in practice and verifiable," he said. He did not elaborate.

The U.S. has imposed a slew of sanctions on Iran since the 1979 takeover of the U.S. Embassy in Tehran. Some eventually directly dealt with the country's nuclear program, while others targeted Tehran for what Washington describes as destabilizing actions in the Mideast. Under the 2015 nuclear deal, the U.S. lifted nuclear sanctions, which returned when Washington pulled out of the accord.

Iran maintains its atomic program is peaceful. However, U.S. intelligence agencies and international inspectors say Iran had an organized nuclear weapons program up until 2003. Nonproliferation experts fear any brinkmanship could push Tehran toward even more extreme measures to try to force the West to lift sanctions.

Making matters more difficult, United Nations nuclear inspectors remain unable to fully monitor Iran's program after Tehran limited their access. A trip to Iran last week by the head of the International Atomic Energy Agency, Rafael Grossi, failed to make any progress on that issue.

Talks in Vienna aimed at re-imposing curbs on Iran's nuclear program resumed Monday after a more than five-month hiatus as hard-line President Ebrahim Raisi took power. Raisi, a protégé of Supreme Leader Ayatollah Ali Khamenei, campaigned on getting sanctions lifted. However, fellow hard-liners within Iran's theocracy long have criticized the nuclear deal as giving too much away to the West.

Mikhail Ulyanov, Russia's top representative to the talks, tweeted Tuesday that the resumption of negotiations was "quite successful."

"Participants decided to continue without delay the drafting process in two working groups — on sanctions lifting and nuclear issues," he wrote. "This work starts immediately."

Israel, Iran's regional, nuclear-armed rival, kept up its own pressure amid the negotiations. Israeli Prime Minister Naftali Bennett, in a video address delivered to nations negotiating in Vienna, warned that he saw Iran trying to "end sanctions in exchange for almost nothing."

"Iran deserves no rewards, no bargain deals and no sanctions relief in return for their brutality," Bennett said in the video that he later posted to Twitter. "I call upon our allies around the world: Do not give in to Iran's nuclear blackmail."

Associated Press writer Jon Gambrell in Dubai, United Arab Emirates, contributed to this report.

Appeals court to weigh Trump arguments to withhold records

By NOMAAN MERCHANT Associated Press

WASHINGTON (AP) — Former President Donald Trump's lawyers will try to persuade a federal appeals court to stop Congress from receiving call logs, drafts of speeches and other documents related to the Jan. 6 insurrection at the U.S. Capitol led by his supporters.

The U.S. Court of Appeals for the District of Columbia Circuit will hear arguments Tuesday from lawyers for Trump and the House committee seeking the records as part of its investigation into the riot.

Trump's attorneys want the court to reverse a federal judge's ruling allowing the National Archives and Records Administration to turn over the records after President Joe Biden waived executive privilege. Judge Tanya Chutkan rejected Trump's claims that he could exert executive privilege overriding Biden, noting in part, "Presidents are not kings, and Plaintiff is not president." The appeals court issued an administrative stay after Chutkan's ruling to review the case.

Democratic presidents nominated all three judges who will hear arguments Tuesday. Patricia Millett and

Robert Wilkins were nominated by President Barack Obama, and Ketanji Brown Jackson is a Biden appointee. Given the stakes of the case, either side is likely to appeal to the Supreme Court.

In their appeal to the circuit court, Trump's lawyers said they agreed with Chutkan that presidents were not kings. "True, but in that same vein, Congress is not Parliament — a legislative body with supreme and unchecked constitutional power over the operations of government," they wrote.

Trump has argued that records of his deliberations on Jan. 6 must be withheld to protect executive privilege for future presidents and that the Democrat-led House is primarily driven by politics. The House committee's lawyers rejected those arguments and called Trump's attempts to assert executive privilege "unprecedented and deeply flawed."

"It is difficult to imagine a more critical subject for Congressional investigation, and Mr. Trump's arguments cannot overcome Congress's pressing need," the committee's lawyers said.

Omicron brings COVID-19 vaccine inequity 'home to roost'

By MARIA CHENG and LORI HINNANT Associated Press

LONDON (AP) — The emergence of the new omicron variant and the world's desperate and likely futile attempts to keep it at bay are reminders of what scientists have warned for months: The coronavirus will thrive as long as vast parts of the world lack vaccines.

The hoarding of limited COVID-19 shots by rich countries — creating virtual vaccine deserts in many poorer ones — doesn't just mean risk for the parts of the world seeing shortages; it threatens the entire globe.

That's because the more the disease spreads among unvaccinated populations, the more possibilities it has to mutate and potentially become more dangerous, prolonging the pandemic for everyone.

"The virus is a ruthless opportunist, and the inequity that has characterized the global response has now come home to roost," said Dr. Richard Hatchett, CEO of CEPI, one of the groups behind the U.N.-backed COVAX shot-sharing initiative.

Perhaps nowhere is the inequality more evident than in Africa, where under 7% of the population is vaccinated. South African scientists alerted the World Health Organization to the new omicron variant last week, though it may never be clear where it first originated. Researchers are now rushing to determine whether it is more infectious or able to evade current vaccines.

COVAX was supposed to avoid such inequality — but instead the initiative is woefully short of shots and has already abandoned its initial goal of 2 billion doses.

Even to reach its scaled-back target of distributing 1.4 billion doses by the end of 2021, it must ship more than 25 million doses every day. Instead, it has averaged just over 4 million a day since the beginning of October, with some days dipping below 1 million, according to an Associated Press analysis of the shipments.

Shipments in recent days have ramped up, but nowhere near the amount needed.

Meanwhile, richer nations often have a glut of shots, and many are now offering boosters — something the WHO has discouraged because every booster is essentially a dose that is not going to someone who's never even gotten their first shot. Despite the U.N. health agency's appeal to countries to declare a moratorium on booster shots until the end of the year, more than 60 countries are now administering them.

"What it highlights are the continuing and fundamental risks to everyone associated with not seriously addressing the inequalities still at play globally in the fight against disease and poor health," said Dr. Osman Dar, director of the One Health Project at the Chatham House think tank.

Anna Marriott, health policy manager for Oxfam, said COVAX was limited from the outset after being pushed to the back of the vaccine queue by rich countries.

"The COVAX team may be delivering as fast as they can, but they can't deliver vaccines they haven't got," Marriott said.

Just 13% of vaccines COVAX contracted for and 12% of promised donations have actually been delivered, according to calculations by the International Monetary Fund from mid-November. About a third of the vaccines dispensed by COVAX have been donations, according to the vaccine alliance known as Gavi, and the initiative is now partly a clearinghouse for those donated doses, the very situation it was set up to avoid.

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Last week, COVAX sent out a news release praising a European Union pledge to ship 100 million vaccines to Africa by the end of the year — but only 1/20 of that amount was actually on planes.

Asked about the logistical challenges of distributing the other 94 million doses in only six weeks, Aurelia Nguyen, managing director of COVAX maintained that arrangements “are in place to move a vast number of doses between now and the end of the year.”

In a statement, she said the issue was ensuring that “conditions are right on the ground for doses to be administered.”

In minutes released ahead of an executive meeting this week, Gavi fretted that the perception that rich countries are dumping older or lesser vaccines on poor countries could undermine the whole project. On Monday, in a joint statement with WHO and the African Union among others, it admonished that “the majority of the donations to date have been ad hoc, provided with little notice and short shelf lives.”

Fury over dose dumping is already very real. In Malawi and South Sudan, tens of thousands of out-of-date doses were destroyed.

But it’s not just getting the vaccines into poorer countries that’s a problem, according to some experts. COVAX is “falling short on getting vaccines from the (airport) tarmac into people’s arms,” said Dr. Angela Wakhweya, senior director for health equity and rights at CARE.

Authorities in Congo, for instance, returned their entire COVAX shipment this summer when they realized they would not be able to administer doses before they expired.

In a “risk management” report on COVAX, Gavi warned that “poor absorption” of vaccines by developing countries could lead to “wastage” of some doses. One problem is logistics — just getting the doses in the right country at the right time. But just as important is the ability of often underfunded national health systems to distribute the shots where they’re most needed, along with syringes and other necessary gear. A third issue is persuading sometimes hesitant people to get the vaccines.

World Health Organization Director-General Tedros Adhanom Ghebreyesus, however, has disputed distribution is a problem, saying the only obstacle to immunization in poor countries is supply.

Most COVAX doses distributed so far have been AstraZeneca’s vaccine, a shot that has yet to be authorized in the U.S. and whose botched rollout in Europe helped fuel anti-vaccine sentiment when the vaccine was linked to rare blood clots. The vaccines mostly used in the U.S. and much of Europe — made by Pfizer-BioNTech and Moderna — have only been available in tiny amounts via COVAX.

The U.S., which blocked vaccine sales overseas and exports of key ingredients for months, has donated 275 million doses in all, more than any other country, but the vast majority of the Biden administration’s 1.1 billion pledge has a deadline of September 2022. The European Union, which has in general allowed vaccines manufactured in the bloc to be sold anywhere in the world, has actually delivered about a third of its 500 million promised doses.

Efforts to ramp up global production beyond a select group of manufacturers have stalled, which many activists and scientists blame on pharmaceutical companies’ opposition to waive intellectual property rights for the highly lucrative vaccines.

COVAX’s failure to deliver anywhere close to enough vaccines has led some to wonder if it’s worth the effort to fight for the shots, given that the pandemic has so far not devastated Africa as many had initially feared — and has often been the worst in richer nations. That’s a strategy few public health officials would endorse.

“I think what Africa could do to really shame the world is to stop asking for vaccines,” said Christian Happi, a Nigerian virologist who sat on the scientific advisory board of CEPI. “The vaccines have not arrived, and anyways it may turn out that we don’t need them as much as the West.”

Hinnant reported from Paris. Associated Press writer Zeke Miller contributed from Washington.

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Black artist Josephine Baker honored at France's Pantheon

By SYLVIE CORBET and JEFFREY SCHAEFFER Associated Press

PARIS (AP) — The voice of Josephine Baker, speaking and singing, will resonate Tuesday in front of the Pantheon monument in Paris, where she is to symbolically be inducted — becoming the first Black woman to receive France's highest honor.

French President Emmanuel Macron made the decision in August to honor the "exceptional figure" who "embodies the French spirit," making Baker also the first American-born citizen and the first performer to be immortalized into the Pantheon. She will join scientist Marie Curie, philosopher Voltaire, writer Victor Hugo and other French luminaries.

The move aims to pay tribute to "a woman whose whole life is looking towards the quest of both freedom and justice," Macron's office said.

Baker is not only praised for her world-renowned artistic career but also for her active role in the French Resistance during World War II, her actions as a civil rights activist and her humanist values, which she displayed through the adoption of her 12 children from all over the world.

Born in St. Louis, Missouri, Baker became a megastar in the 1930s, especially in France, where she moved in 1925 as she was seeking to flee racism and segregation in the United States.

"The simple fact to have a Black woman entering the pantheon is historic," Black French scholar Pap Ndiaye, an expert on U.S. minority rights movements, told The Associated Press.

"When she arrived, she was first surprised like so many African Americans who settled in Paris at the same time ... at the absence of institutional racism. There was no segregation ... no lynching. (There was) the possibility to sit at a cafe and be served by a white waiter, the possibility to talk to white people, to (have a) romance with white people," Ndiaye said.

"It does not mean that racism did not exist in France, but French racism has often been more subtle, not as brutal as the American forms of racism," he added.

Baker was among several prominent Black Americans, especially artists and writers, who found refuge in France after the two World Wars, including famed writer and intellectual James Baldwin.

They were "aware of the French empire and the brutalities of French colonization, for sure. But they were also having a better life overall than the one they had left behind in the United States," Ndiaye, who also directs France's state-run immigration museum, told The Associated Press.

Baker quickly became famous for her banana-skirt dance routines and wowed audiences at Paris theater halls.

Her shows were controversial, Ndiaye stressed, because many anti-colonial activists believed she was "the propaganda for colonization, singing the song that the French wanted her to sing."

Baker knew well about "the stereotypes that Black women had to face," he said. "She also distanced herself from these stereotypes with her facial expressions ... a way for her to laugh in some ways at the people watching her."

"But let's not forget that when she arrived in France she was only 19, she was almost illiterate ... She had to build her political and racial consciousness," he said.

Baker became a French citizen after her marriage to industrialist Jean Lion in 1937. The same year, she settled in southwestern France, in the castle of Castelnaud-la-Chapelle.

"Josephine Baker can be considered to be the first Black superstar. She's like the Rihanna of the 1920s," said Rosemary Phillips, a Barbados-born performer and co-owner of Baker's park in southwestern France.

Phillips said one of the ladies who grew up in the castle and met with Baker said: "Can you imagine a Black woman in the 1930s in a chauffeur-driven car — a white chauffeur — who turns up and says, 'I'd like to buy the 1,000 acres here?'"

In 1938, Baker joined what is today called LICRA, a prominent antiracist league and longtime advocate for her entry in the Pantheon.

The next year, she started to work for France's counter-intelligence services against Nazis, notably collecting information from German officials who she met at parties. She then joined the French Resistance, using her artistic performances as a cover for spying activities during World War II.

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In 1944, Baker became second-lieutenant in a female group in the Air Force of the French Liberation Army of Gen. Charles De Gaulle.

After the war, she got involved in anti-racist politics. A civil rights activist, she was the only woman to speak at the 1963 March on Washington before Martin Luther King's famed "I Have a Dream" speech.

Toward the end of her life, she ran into financial trouble, was evicted and lost her properties. She received support from Princess Grace of Monaco, the U.S.-born actress who offered Baker a place for her and her children to live.

Tuesday's ceremony has closely been prepared with her family, and several relatives will be present, the Elysee said. A coffin carrying soils from the U.S., France and Monaco will be deposited inside the Pantheon. Her body will stay in Monaco at the request of her family.

Albert II, the prince of Monaco and Grace's son, honored Baker as a "great lady" in a ceremony Monday at the cemetery where she is buried. Paraphrasing French poet Louis Aragon, he said Baker was French "not by birth, but by preference."

AP journalists Jamey Keaten and Arno Pedram in Castelnau-la-Chapelle, France, and Bishr Eltouni in Monaco contributed.

Migrant crisis front and center in pope's Greece-Cyprus trip

By DERÉK GATOPOULOS and THEODORA TONGAS Associated Press

LESBOS, Greece (AP) — When Pope Francis visited the Greek island of Lesbos in 2016, he was so moved by the stories he heard from families fleeing war in Iraq and Syria that he wept and brought a dozen refugees home with him.

Speaking to reporters on the way home that day, he held up a drawing handed to him by a child from the island's sprawling refugee camp.

"Look at this one," he said, revealing a bird neatly decorated in colored pencil, the word "peace" scrolled in English underneath it. "That's what children want: Peace."

Francis is returning to Lesbos this week for the first time since that defining day of his papacy, making a repeat visit to the island where hundreds of thousands of refugees and migrants have passed through on their journey to Europe.

But he will find attitudes toward migrants here have only hardened in the intervening five years, as they have elsewhere in Europe, with tensions flaring on the border between European Union country Poland and Belarus and more deadly crossings — most recently in the English Channel.

Francis will first stop in Cyprus, another predominantly Orthodox Christian country in the Mediterranean that is also coping with a rise in refugees so significant that the government is seeking to stop processing asylum claims. As he did in Lesbos five years ago, Francis has arranged for several would-be refugees in Cyprus to travel to Italy after his visit, Cypriot officials say.

"They are our brothers and sisters," Francis said in a video message to Greek and Cypriot faithful before the trip. "How many have lost their lives at sea! Today our sea, the Mediterranean, is a great cemetery."

The pontiff starts his five-day trip on Thursday in Cyprus before heading to Greece on Saturday. He returns home on Monday.

While Francis' renewed messages of compassion and welcome for migrants isn't quite resonating in European capitals, they are a welcome salvo for the migrants themselves.

"His presence here will strengthen us, spiritually, and give us hope, some comfort," said Christian Tango Muyaka, a 30-year-old asylum-seeker from Congo who is due to participate in a Sunday service with the pope at a new migrant camp on Lesbos.

"It gives us faith, it strengthens our faith," he said.

Muyaka was separated from his wife and youngest daughter a year ago on the Turkish coast when they scrambled to board a boat bound for Greece. He has had no news of what happened to them since.

The north coast of Lesbos, just 10 kilometers (six miles) from Turkey, served as the main landing point

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for boats crossing into Europe during the 2015-16 migration crisis.

Piles of discarded orange life vests covered beaches, local fishermen helped daily rescue operations, and island residents took pride in setting up campaigns to provide hundreds of refugees arriving daily with food and clothing.

Fast forward five years, and the welcome mat is gone.

Migrants reaching the eastern Greek islands are now being held in detention camps, newly built and funded by the EU. Coast guard patrols are instructed to intercept dinghies and boats heading west and send them back to Turkey.

The overcrowded camp on Lesbos that Francis was taken to in 2016 burnt to the ground last year during protests against pandemic restrictions.

And along Greece's land border with Turkey, a new steel wall and hi-tech sensor network have been installed to stop illegal crossings.

Eva Cosse at Human Rights Watch said Francis' visit will serve as an urgent reminder of the human nature of the crisis.

"At a time when people are suffering and their rights are threatened, having the pope standing up for them and expressing these concerns is more important than ever," she told The Associated Press. "Since the pope's last visit, Greece continues to host large numbers of asylum-seekers while failing to protect their rights.

"Thousands seeking refuge in Greece are violently pushed back to Turkey. Migrant children face homelessness and a lack of access to health care, education and food. And nongovernmental groups face legislative restrictions and criminal harassment by officials."

Greek authorities deny allegations of summary deportations. They argue that tougher border policing is necessary to counter hostility by several EU neighbors accused of exploiting the crisis and to limit arrival numbers to manageable levels.

"(Francis') message is that we are one world, that we don't have borders, that everybody is a child of God. Look, this is the religious point of view," said Dimitris Vafeas, the deputy director of Mavrovouni migrant camp on Lesbos where the pope will visit.

"In practical terms, I think Greece has delivered ... so I think (Francis) will see calm faces. I don't dare say happy faces, but calm for sure."

Derek Gatopoulos reported from Athens. Nicole Winfield, in Rome, and Vangelis Papantonis, on Lesbos contributed to this report.

Follow AP's global migration coverage at <https://apnews.com/hub/migration>

Myanmar court postpones verdict for ousted leader Suu Kyi

By GRANT PECK Associated Press

BANGKOK (AP) — A court in Myanmar postponed its verdict on Tuesday in the trial of ousted leader Aung San Suu Kyi to allow testimony from an additional witness, a senior member of her political party.

The court agreed with a defense motion that it allow Zaw Myint Maung, who had previously been unable to come to court for health reasons, to add his testimony, a legal official said.

The court had been scheduled to deliver a verdict on Tuesday on charges of incitement and violating coronavirus restrictions.

The verdict would have been the first for the 76-year-old Nobel laureate since the army seized power on Feb. 1, arresting her and blocking her National League for Democracy party from starting a second term in office.

She also is being tried on a series of other charges, including corruption, that could send her to prison for dozens of years if convicted.

The judge adjourned the proceedings until Dec. 6, when Zaw Myint Maung is scheduled to testify, said

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the legal official, who spoke on condition of anonymity because the government has restricted the release of information about the trial. It was unclear when a verdict will be issued.

The cases are widely seen as contrived to discredit Suu Kyi and keep her from running in the next election. The constitution bars anyone sentenced to prison from holding high office or becoming a lawmaker.

Zaw Myint Maung, who was chief minister of the Mandalay region, a major state-level post, was also detained when the army took over. He is vice chairman of Suu Kyi's party and a medical doctor, and like her faces several criminal charges, including corruption. He is 69 years old and reportedly suffers from leukemia.

He accompanied Suu Kyi during campaigning for last year's election, including in Naypyitaw, where her presence was the basis for one of the charges of violating coronavirus restrictions.

Suu Kyi's party won a landslide victory in last year's polls. The army, whose allied party lost many seats, claimed there was massive voting fraud, but independent election observers did not detect any major irregularities.

Suu Kyi remains widely popular and a symbol of the struggle against military rule.

The army's takeover was met by nationwide nonviolent demonstrations which security forces quashed with deadly force, killing nearly 1,300 civilians, according to a tally by the Assistance Association for Political Prisoners.

With severe restrictions on nonviolent protest, armed resistance has grown in the cities and the countryside to the point where U.N. experts have warned the country is sliding into civil war.

Suu Kyi, who received the Nobel Peace Prize in 1991 for her nonviolent struggle for democracy, has not been seen in public since being taken into custody on the day of the military's takeover. She has appeared in court at several of her trials, which are closed to the media and spectators.

In October, Suu Kyi's lawyers, who had been the sole source of information on the legal proceedings, were served with gag orders forbidding them from releasing information.

Expo 2020's workers face hardships despite Dubai's promises

By ISABEL DEBRE and MALAK HARB Associated Press

DUBAI, United Arab Emirates (AP) — Intent on making a flawless impression as the first host of the world's fair in the Middle East, Dubai sought to leave nothing to chance.

It poured billions of dollars into its pristine fairgrounds and jubilant festivities that opened last month, aiming for 25 million visits to the pandemic-delayed Expo 2020.

Propping up the world's fair is the United Arab Emirates' contentious labor system that long has drawn accusations of mistreating workers. Highly sensitive to its image and aware that Expo attracts more attention to its labor practices, Dubai has held companies on the project to higher-than-normal standards of worker treatment. Contractors offer benefits and better wages to Expo workers, compared with elsewhere in the country, and many are grateful for the jobs.

Yet according to human rights groups and interviews with over two dozen workers, violations have persisted, underpinned by the UAE's labor sponsorship system. It relies on complicated chains of foreign subcontracts, ties workers' residency to their jobs and gives outsized power to employers.

Among the complaints are workers having to pay exorbitant and illegal fees to local recruiters in order to work at the world's fair; employers confiscating their passports; broken promises on wages; crowded and unsanitary living conditions in dormitories; substandard or unaffordable food; and up to 70-hour workweeks in sometimes brutal heat.

"You can have the best standards in the world, but if you have this inherent power imbalance, workers are in a situation where they're at risk of exploitation all the time," said Mustafa Qadri, executive director of Equidem Research, a labor rights consultancy that recently reported on the mistreatment of Expo workers during the pandemic.

When questioned by The Associated Press, Expo organizers did not comment but referred to their previous statement in response to Equidem's report, saying Expo takes worker welfare "extremely seriously"

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and requires all contractors to comply with standards "formulated from international best practice."

Expo's statement acknowledged the workers' "most regularly raised topics of concern" involved "wage payments and food," without elaborating. It said authorities have "worked directly with contractors to remedy both immediately."

"Some cases have been identified where accommodation facilities have been found to not be in line with UAE legal requirements," it added. "In such cases we work with a contractor to move workers to adequate accommodation facilities."

Citing labor abuses at Expo and other human rights concerns, the European Parliament has urged a boycott of the event. The UAE called the resolution "factually incorrect," without elaborating.

Emirati authorities did not respond to the AP's repeated requests for comment.

PAYING A HIGH PRICE TO WORK

Mohammed, 27, is among scores of workers who clean the fairgrounds eight hours a day. A ceramic-tile salesman in Ghana, he'd dreamed of life in the skyscraper-studded cities of the Persian Gulf and the chance to send badly needed cash to his parents and six brothers and sisters.

A recruiter in Ghana's southern city of Kumasi had promised him over \$500 a month, including food and housing, Mohammed said. But to get the job, he'd have to pay a fee of \$1,150, using years of savings. The agent assured him that he'd make that back in no time.

When he arrived, however, Mohammed learned he was to earn as little as \$190 a month, and the promised food was undercooked rice and sausage he couldn't stomach, forcing him to buy meals. He said the Abu Dhabi-based contractor that sponsored his work visa appeared to have no idea he had paid a small fortune to recruiters, a common practice in the UAE despite a government ban.

For six months of work, he would make less than what he paid to get the job.

"If I had known, I never would have come," said Mohammed, who asked to be identified by only his first name because he feared reprisals. Most workers interviewed by the AP spoke on condition of anonymity out of fear of losing their jobs after Expo officials warned them against talking to journalists.

Thousands of low-wage laborers from Africa, Southeast Asia and the Middle East, barred from forming unions, toil up to 70 hours a week at Expo, living in crowded, dormitory-style housing, according to the workers and labor rights researchers.

They're among millions from poor countries who come to Gulf Arab sheikhdoms to create massive government projects and serve small local populations as construction and domestic workers, janitors, cooks, garbage collectors and guards.

PACKED DORMS, ONE TOILET FOR 80 WORKERS

Equidem documented multiple cases of abuse at Expo's construction site when the pandemic began. Workers described going hungry as employers withheld up to five months of wages and termination benefits.

Some were deprived of their identification documents, unable to change jobs or leave the country. Others were fired without warning and got stranded in the UAE. Several told of plunging into debt over high recruiting fees.

Those interviewed for Equidem's report were primarily from India and Pakistan, attracted by average salaries of \$300 a month, along with room and board. Many lived in packed accommodations that in one case saw 12 people crammed in a room and in another had over 80 people sharing a single toilet as the coronavirus coursed across the country.

Equidem reported that these issues specifically plagued four major UAE-based service and construction contractors: Ghantoot Gulf Contracting, Transguard Security, Al Naboodah Construction Group and JML Facades. All continue to operate at Expo.

Transguard said it complied fully with UAE labor laws and "makes every effort to ensure that all our practices are legal and ethical," including "strict adherence to regulations that require salaries be paid in full and on time." Transguard Group is a subsidiary of the state conglomerate that also owns the long-haul airline Emirates.

The other three companies did not respond to requests for comment.

In interviews with the AP, over two dozen workers described other forms of exploitation, with inadequate

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food a central concern. Many complained of long hours in hazardous heat. Several workers from West Africa and Pakistan said they'd paid hundreds of dollars in recruiting fees to unscrupulous agents, as Mohammed did. Others said employers confiscated their passports.

Expo's worker welfare policy demands employers "ensure fair and free recruitment" and "respect the right of employees to retain their personal documents."

'WORK, SLEEP, WORK, SLEEP'

Eric, a cleaner from Cameroon, said he and his colleagues protested to Dubai-based Emrill Services about the lack of kitchen access and affordable food but got no response. They make less than \$300 a month, with no food allowance.

Desperate to cover his younger brothers' school fees at home, Eric said he can't buy more than a plate or two of spaghetti from the canteen, and three meals a day would cost over half his salary.

"Everyone is complaining that the food is too expensive," he said. "We don't eat to our satisfaction because if you do, you will have no salary by the month's end."

In response to a request for comment, Emrill promised to investigate the complaints, saying it "takes employee well-being very seriously."

Various companies at Expo offer workers free food or allow them to cook their own. Others provide a food allowance of some \$80 a month, although several workers said that without refrigerators or easy kitchen access, they live on sour milk and store-bought bread.

Guards at the Expo entrance working for Abu Dhabi-based construction company Arkan said they were promised hot meals at a cafeteria during the break in an eight-hour shift. Despite repeatedly asking supervisors in the past three months, the guards received nothing, leaving them hungry throughout the day. Arkan did not respond to requests for comment.

In other cases, management has been more responsive. When one staffer from Malawi said he mobilized workers angered by their monotonous rice diet to complain to their bosses at ADN Compass, the food improved, with meat options added.

"It's a strange feeling," said a 30-year-old janitor from Togo. "Your mother, your father, your nephew, your uncle, they call you and think (because) you travel, you're a rich man. They don't know you're not eating."

Expo's security guards are ubiquitous — predominantly African men in black polo shirts, stationed across the vast, sunbaked grounds. They work the longest hours — typically 13-hour shifts, including a 40-minute lunch. The grind begins at dawn when buses pull up to their enormous dormitories near Dubai's port and airport.

Aside from brief breaks, they spend hours in the withering weather. Many began in July and August, as the fair prepared to open, when temperatures exceeded 50 degrees Celsius (120 degrees Fahrenheit) with high humidity. Recent research published in the *Cardiology Journal* on workers building stadiums for Qatar's 2022 World Cup cited potentially fatal effects of heat on young laborers.

Adding to the pressures is the constant surveillance, many guards said, with managers threatening penalties and salary deductions for breaks that stretch too long, or accidental dozing.

"If you show up late for attendance, if you close your eyes on the job, if you go inside too many times, you'll lose pay for a day at least," said one Indian guard with Dubai-based First Security Group, describing his manager's threats at roll call. "We deserve more than 2,400 dirhams (\$650 a month) for this kind of stress."

Workers have little say over how they spend their days, shuttling back and forth between fairgrounds and dormitories, where four to six people share a room. For many, that lack of freedom is a core complaint of the labor system, where absconding from employers is grounds for arrest and deportation.

"Work, sleep, work, sleep. There's no freedom," said a 40-year-old guard from Kenya. "The pressure is the same all over the UAE. You just need to try to survive one day to another."

Although most workers interviewed said their employers returned their identity documents after applying for their visas, at least six people who wanted to keep their passports said they could not — another common practice outlawed in the UAE. A few cleaners with Emrill said they'd apparently signed consent

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forms they didn't understand, allowing the company to hold their documents.

Emrill told the AP it respects workers' right to keep their documents, but "offers employees the option to keep any identification document, including passports, in the company safe for safekeeping."

Dozens of other workers declined to talk to the AP, fearing revocation of their contract and other reprisals if they spoke about their concerns, even though Expo's policy requires companies to "allow employees freedom to exercise their legal rights without fear of reprisal."

One parking attendant said he was "bound by protocol not to answer a question from a journalist."

Ahead of the global event, authorities failed to answer questions from journalists about worker deaths and injuries. As the fair opened, Expo officials gave conflicting figures for how many workers had been killed during construction.

Despite the difficult conditions, most cleaners, guards and parking attendants said they're grateful for jobs that allow them to help their families back home. Their salaries far exceed what they'd make there or even what they'd earn for the same job in the parking lots of Dubai's skyscrapers and marbled malls. Security guards at Expo earn about \$55 more per month than they would outside it.

Many also feel they're contributing to the event's efforts to unite countries and cultures.

At the fair's Jubilee Park, nestled between a stage and popular pub, a somber tribute to workers rises from the pavement. A roll call of the 200,000 people who worked at Expo over the years wraps around stone columns.

Although it is easy to miss, a small plaque on the monument reads: "Expo 2020 Dubai dedicates this monument to all our brothers and sisters who built the site."

In shadow of Texas gas drilling sites, health fears escalate

By CATHY BUSSEWITZ and MARTHA IRVINE Associated Press

ARLINGTON, Texas (AP) — At a playground outside a North Texas day care center, giggling preschoolers chase each other into a playhouse. Toddlers scoot by on tricycles. A boy cries as a teacher helps him negotiate over a toy.

Uphill from the playground, peeking between trees, is a site where Total Energies is pumping for natural gas. The French energy giant wants to drill three new wells on the property next to Mother's Heart Learning Center, which serves mainly Black and Latino children. The three wells, along with two existing ones, would lie about 600 feet from where the children planted a garden of sunflowers.

For the families of the children and for others nearby, it's a prospect fraught with fear and anxiety. Living too close to drilling sites has been linked to a range of health risks, especially to children, from asthma to neurological and developmental disorders. And while some states are requiring energy companies to drill farther from day cares, schools and homes, Texas has taken the opposite tack: It has made it exceedingly difficult for localities to fight back.

The affected areas go beyond day care centers and schools close to drilling sites. They include communities near related infrastructure — compressor stations, for example, which push gas through pipelines and emit toxic fumes, and export facilities, where gas is cooled before being shipped overseas.

On Tuesday night, the City Council in this city situated between Dallas and Fort Worth is scheduled to vote on Total's latest drilling request. Last year, the council denied Total's request. The rejection came at a time when Black Lives Matter protests after George Floyd's murder by police had led many American communities to take a deeper look at racial disparities. But with time having passed and with some turnover on the City Council, many residents worry that this time Total will succeed.

And they fear the consequences.

"I'm trying to protect my little one," said Guerda Philemond, whose 2-year-old, Olivia Grace Charles, attends the day care. "There's a lot of land, empty space they can drill. It doesn't have to be in the backyard of a day care."

Total declined a request for an interview to discuss the matter. But in a statement, the company said it has operated near Mother's Heart for more than a decade without any safety concerns expressed by the

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City of Arlington.

"We listen to and do understand the concerns of the local communities with whom we interact frequently to ensure we operate in harmony with them and the local authorities," the statement said.

The clash in Arlington comes against the backdrop of pledges from world leaders to reduce emissions, burn less fossil fuel and transition to cleaner energy. Yet the world's reliance on natural gas is growing, not declining. As soon as next year, the United States is set to become the world's largest exporter of liquid natural gas, or LNG, according to Rystad Energy.

As a result, despite pressure for energy companies to shift their spending to cleaner technologies, there will likely be more drilling for natural gas in Arlington and other communities. And children who spend time near drilling sites or natural gas distribution centers — in neighborhoods that critics call "sacrifice zones" — may face a growing risk of developing neurological or learning problems and exposure to carcinogens. A report by Physicians for Social Responsibility and Concerned Health Professionals of New York, which reviewed dozens of scientific studies, found that the public health risks associated with these sites include cancers, asthma, respiratory diseases, rashes, heart problems and mental health disorders.

Most vulnerable are non-white families. Many of the wells Total has drilled in Arlington are near Latino and Black or low-income communities, often just a few hundred feet from homes. A statistical analysis by The Associated Press of the locations of wells Total operates in Arlington shows that their density is higher in neighborhoods that many people of color call home.

Asked about that finding, Total did not respond directly but said its "decisions on future drilling are driven by the geological data."

"America is segregated, and so is pollution," said Robert Bullard, director of the Bullard Center for Environmental and Climate Justice at Texas Southern University. "The dirty industries, and what planners call locally unwanted land uses, oftentimes followed the path of least resistance. Historically, that's been poor communities and communities of color."

The pattern is evident well outside the Arlington area, too. When gas pumped in Texas is shipped out for export, it goes to liquid natural gas facilities along the Gulf Coast. Many of those facilities are near communities, like those in Port Arthur, Texas, that are predominantly non-white.

"There's constant talk of expansions here," said John Beard, founder of the Port Arthur Community Action Network, which opposes the expansion of export facilities. "When you keep adding this to the air, the air quality degrades, and so does our quality of life and so does our health.

"Once again, we're being sacrificed."

At the Arlington day care, Wanda Vincent, the owner, has been cautioning parents about the health risks and gathering signatures to petition the City Council to reject Total's drilling request. When she opened the facility nearly two decades ago, Vincent wanted to provide a refuge for children in her care, some of whom suffer from hunger and poverty.

That was before natural gas production accelerated in the United States. Around 2005, energy companies discovered how to drill horizontally into shale formations using hydraulic fracturing techniques. With this technique, known as fracking, water and chemicals are shot deep underground into a well bore that travels horizontally. It is highly effective. But fracking is known to contribute to air and water pollution and to raise risks to people and the environment.

Vincent worries that the political winds in Arlington have shifted since last year and that the council will approve Total's new request.

"The world was dealing with what happened with George Floyd," she said. "The meeting was emotional, just listening to the speakers that were talking and then sharing their hearts and saying, 'Well, we want to do more. We want to, you know, racially do better.' And I was encouraged. But you know what? Nothing has really changed since then."

Some states have acted to force fracking away from residents. Colorado last year required new wells to be drilled at least 2,000 feet from homes and schools. California has proposed a limit of 3,200 feet. Los Angeles has taken steps to ban urban drilling. Vermont and New York state banned fracking years ago.

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In Arlington, drilling is supposed to occur no closer than 600 feet from day care centers or homes. But companies can apply for a waiver from the City Council to drill as close as 300 feet.

France, Total's home country, bars fracking. But that ban is largely symbolic because no meaningful oil or gas supplies exist in France. So Total, one of the world's largest players in natural gas, drills in 27 other countries. It turns much of that gas into liquid, then ships it, trades it and re-gasifies it at LNG terminals worldwide.

The gas wells next to Mother's Heart represent just a tiny fraction of Total's global operations. Yet the company holds tight to its plans to drill there despite the community's resistance.

"Nobody should have a production ban unless they have a consumption ban, because it has made places like Arlington extraction colonies for countries like France, and they have shifted the environmental toll, the human toll, to us," said Ranjana Bhandari, director of Liveable Arlington, the group leading the opposition to Total's drilling plans.

In Arlington, companies that are rejected for a drilling permit may reapply after a year. Some Arlington council members have said they fear litigation if they don't allow the drilling. That's because a Texas law bars localities from banning, limiting or even regulating oil or gas operations except in limited circumstances. (Arlington officials declined to be interviewed.)

"If I'm able to reach out to the French and speak to them directly, I would let them know, 'Would you be able to allow somebody to go in your back yard and do natural gas drilling where you know your wife lays her head or your kids lay their head?'" said Philemond, the day care center parent. "And the answer would absolutely be 'No' within a second."

A mile or so from the day care, in the back yard of Frank and Michelle Meeks, a high-pitched ringing blares like a school fire alarm as the sun sets. Just beyond their patio and grill looms the wall of another Total well site, where one of the wells was in the "flowback" stage, according to the City of Arlington. Flowback occurs when fracking fluids and debris are cleared from the wellbore before gas production begins. This site, which stretches behind many neighborhood houses, is near two day care centers.

The ringing goes on and on. When the wells were initially drilled, Michelle Meeks said, the sound and vibrations were a full-body experience. At this point, she and her husband barely notice it.

After the drilling started a decade ago at the site, a few hundred feet behind their house, they noticed cracks in their foundation and across their backyard patio. They now receive royalty checks for \$15 or \$20 a few times a year. That money wouldn't make a dent in the cost of repairing the cracks in their foundation. But when the oil and gas developers came knocking years ago, the couple thought that saying no would have been futile.

"In Texas, you really can't fight oil and gas production," said Frank Meeks, a 60-year-old machine operator. "We don't have the money to go and get big-time lawyers to keep them out of our back yards."

A few miles away, Pamela Polk cares for her autistic 21-year-old grandson in a modest home she rents across the fence from another Total gas well site. She has chronic obstructive pulmonary disease. And since they moved in a decade ago, her grandson developed asthma.

Arlington's air quality exceeds federal ozone pollution standards set by the EPA. In 2012, at the height of the fracking boom, asthma rates for school-age children in Tarrant County were 19%-25% — far above national and state norms.

"You'd think they would at least put a flyer in the mailbox or something, you know?" Polk said. "I'm frustrated. I mean, we pay taxes, you know, even though we're renters, we still pay taxes."

The site is a quarter-mile from two day cares. Polk notices teenagers playing on the other side of the fence in the field adjacent to the drill site.

"The biggest thing that worries me," she said, "is kids."

Around Arlington, drilling has imposed higher costs — literally — on lower-income neighborhoods than on more affluent areas. As the fracking boom took off, "land men" from the oil and gas companies went door to door in Arlington, asking permission to drill beneath homes of those who owned mineral rights.

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Some homeowners were offered signing bonuses and royalties. Renters like Polk, and others who don't own the rights to the minerals beneath their homes, had no choice but to yield to drilling — and received nothing for it.

By contrast, when land men came knocking in Bhandari's wealthier neighborhood 15 years ago, she and her neighbors, a lawyer among them, joined forces. Some opposed fracking. Others wanted higher royalty payments. In the end, the company, which had sought to drill next to a park, situated its well pad a mile away. Now, Bhandari is trying to help less affluent neighborhoods push back on drilling.

Arlington sits atop the Barnett Shale, one of the largest on-land natural gas fields in the United States. Gas production, which peaked in the Barnett Shale a decade ago, has been declining. Even with natural gas prices rising, few large U.S. companies plan to drill new wells at a time when investors are increasingly seeking environmentally responsible companies.

"Total is a publicly traded company. They claim to be very interested in the energy transition and so forth," said Bruce Bullock, director of the Maguire Energy Institute at Southern Methodist University. "If a U.S. company were to do that here that was publicly traded, their stock would be hammered."

Not only is Total among the few operators that are actively seeking new wells in the Barnett Shale. It's also drilled closer to population centers than have other companies over the past eight years, according to an analysis by S&P Global Platts.

Some in Arlington have managed to benefit from the drilling. At Cornerstone Baptist Church recently, a dozen choir members belted out hymns while congregants clapped and waved hands. A rainbow of lights illuminated a cross hanging above. Balloons and ferns decorated the stage, flanked by outsize screens showcasing the singers.

The church, which allowed Total to drill for gas on its land about a decade ago, collected royalties that helped support food giveaways, as well as other churches, said Jan Porter, a former church elder.

"It's enabled us," he said, "to do ministries that we might not have been able to do."

After natural gas is pumped from underground, it moves through pipelines, passing through compressor stations, which help keep the gas moving. About a half-mile west of Polk's house is a compressor station. Occasionally, a sour smell wafts through the air. As the gas moves through a series of curved pipes, a sound like a giant vacuum arises constantly.

Exposure to emissions of volatile organic compounds from natural gas pipeline compressor stations has been linked to higher death rates, according to a study by Indiana University. When released, these compounds can create ozone, which may exacerbate asthma, bronchitis, emphysema or cause chest pain, throat irritation or reduced lung function, especially in children and older adults. Compressor stations in New York state emitted 39 carcinogenic chemicals, including benzene and formaldehyde, according to a study by the University of Albany. Compressor stations also release methane, a potent climate-warming gas.

A few blocks away, the same sour smell clings to the air as Patrick Vancooper prunes tomato plants and okra he grows on a strip of land between the street and a fence. Many of his neighbors, in a community with pockmarked roads and weathered apartments, don't know they live near a compressor station.

Greg and Gloria Allen were among them. They noticed a smell like raw eggs or a skunk, with a chemical odor too pungent to be an animal. They didn't know the cause.

When the couple drives down the block near the compressor station, hidden behind a row of commercial properties and a doctor's office, the fumes are so severe that Gloria Allen, a 59-year-old bus driver for the City of Dallas, gets headaches.

"If they build something like that over there, they should tell us," she said. "Any time that can be a danger to me and my family, that's not a place for me."

After two years living on the block, in a home they share with their 14-year-old grandson, Gloria Allen was diagnosed with asthma. On her day off, she visited her doctor to discuss her symptoms.

"It's driving me crazy," she said of the odor. "It's coming through the fence. I smell it in the house. I'm going to move. I can't take it."

After the fracking boom reshaped communities like Arlington, America wound up with too much natural gas. Yet at the same time, the world's thirst for it grew. Developers, Total among them, poured billions of dollars into expanding LNG export terminals along the U.S. Gulf Coast, often near communities made up predominantly of people of color.

The nation's largest LNG export facility sits just outside Port Arthur, which is three-quarters non-white. A second export facility is being expanded in Port Arthur. And a third export facility has been proposed.

Beard, of the Port Arthur Community Action Network, worries that chemical leaks could cause a devastating explosion. An LNG export terminal just outside Port Arthur was recently fined for safety violations after hundreds of barrels of liquid natural gas escaped through cracks, vaporized and released 825,000 cubic feet of natural gas into the atmosphere.

Back in Arlington, where the gas supply chain begins, Rosalia Tejeda worries about her three children, who live with her a few blocks from the well site at Mother's Heart. She spoke against the drilling plan at an Arlington planning board meeting in October. She was crushed when the panel voted to approve it, setting up this week's City Council vote.

"Why don't you be the one standing up for my children — for all these children that are going to suffer in the future?" Tejeda asked. "I mean, it's crazy to me."

AP staffers Angeliki Kastanis in Los Angeles and Francois Duckett in New York contributed to this report.

Prosecutors to begin case against Jussie Smollett in Chicago

By DON BABWIN and SARA BURNETT Associated Press

CHICAGO (AP) — Testimony is set to begin Tuesday in the trial of ex-"Empire" actor Jussie Smollett, who prosecutors say staged a homophobic and racist attack in Chicago but whose defense attorney says is "a real victim" of a "real crime."

Special prosecutor Dan Webb told jurors during opening statements late Monday that Smollett recruited two brothers — who worked with him on the TV show — to help him carry out a fake attack in January 2019 because he believed the television studio didn't take hate mail he had received seriously.

Smollett then reported the alleged attack to Chicago police, who classified it as a hate crime and spent 3,000 staff hours on the investigation, Webb said. The actor told police he was attacked by supporters of then-President Donald Trump — igniting political divisions around the country.

"When he reported the fake hate crime that was a real crime," Webb said.

Defense attorney Neny Uche said the two brothers attacked Smollett because they didn't like him and that a \$3,500 check the actor paid the men was for training so he could prepare for an upcoming music video. Uche also suggested a third attacker was involved and told jurors there is not a "shred" of physical and forensic evidence linking Smollett to the crime prosecutors allege.

"Jussie Smollett is a real victim," Uche said.

Smollett is charged with felony disorderly conduct. The class 4 felony carries a prison sentence of up to three years, but experts have said it's likely that if Smollett is convicted he would be placed on probation and perhaps ordered to perform community service.

Webb told jurors Smollett was unhappy about how the studio handled a letter he received that included a drawing of a stick figure hanging from a tree and "MAGA," a reference to Trump's Make America Great Again campaign slogan. Webb said police have not determined who wrote that letter.

However, Uche countered that Smollett had turned down extra security when the studio offered it.

Webb said Smollett then "devised this fake crime," holding a "dress rehearsal" with the two brothers, Abimbola and Olatinjo Osundairo, including telling them to shout racial and homophobic slurs and "MAGA." Smollett also told the brothers to buy ski masks, red hats and "a rope to make it look like a hate crime," Webb told jurors. The brothers used a \$100 bill that Smollett gave them to buy the supplies, Webb said.

He said Smollett wanted the attack captured on surveillance video, but the camera he thought would

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record the hoax was pointed in the wrong direction. He also said the original plan called for the men to throw gasoline on Smollett but that they opted for bleach instead because it would be safer.

Whether Smollett, who is Black and gay, will testify remains an open question. But the siblings will take the witness stand.

Uche portrayed the brothers as unreliable, saying their story has changed while Smollett's has not, and that when police searched their home they found heroin and guns.

"They are going to lie to your face," Uche told the jury.

Uche also said evidence "will show a tremendous rush to judgment by various police officials," and he said prosecutors' claim about paying for a fake attack by check doesn't make sense.

"At the end of the day they want you to believe Jussie was stupid enough to pay for a hoax with a check but was smart enough to pay (for supplies) with a \$100 bill," he said.

As for Uche's suggestion that another attacker may have been involved, buried in nearly 500 pages of Chicago Police Department reports is a statement from an area resident who says she saw a white man with "reddish brown hair" who appeared to be waiting for someone that night. She told a detective that when the man turned away from her, she "could see hanging out from underneath his jacket what appeared to be a rope."

Her comments could back up Smollett's contention that his attackers draped a makeshift noose around his neck. Further, if she testified that the man was white, it would support Smollett's statements — widely ridiculed because the brothers, who come from Nigeria, are Black — that he saw pale or white skin around the eyes of one of his masked attackers.

Twelve jurors plus two alternates were sworn in late Monday for a trial that Judge James Linn said he expects to take about one week. Cameras are not allowed inside the courtroom and the proceedings are not being livestreamed, unlike in other recent high-profile trials.

Webb was named as special prosecutor after Cook County State's Attorney Kim Foxx's office dropped the original charges filed against Smollett, and a new indictment was returned in 2020. The prosecutor said Monday that testimony will get underway Tuesday with a Chicago police officer taking the witness stand.

Jurors also are expected this week to see surveillance video from more than four dozen cameras that police reviewed to trace the brothers' movements before and after the reported attack, as well as a video showing the brothers purchasing supplies hours earlier.

Webb told jurors prosecutors have hundreds of hours of video, and a still shot from a camera near Smollett's condo that shows him walking up stairs after the alleged attack, with a clothesline around his neck and still carrying a sandwich he bought that evening.

[Check out the AP's complete coverage](#) of the Jussie Smollett case.

Boebert in call refuses to apologize for anti-Muslim remarks

By BRIAN SLODYSKO Associated Press

WASHINGTON (AP) — Days after firebrand conservative Rep. Lauren Boebert of Colorado was harshly criticized for making anti-Muslim comments about Rep. Ilhan Omar, a Minnesota Democrat whom she likened to a bomb-carrying terrorist, the two spoke by phone.

By both lawmakers' accounts, it did not go well.

Monday's conversation, which Boebert sought after issuing a tepid statement last Friday, offered an opportunity to extend an olive branch in a House riven by tension. Instead, it ended abruptly after Boebert rejected Omar's request for a public apology, amplifying partisan strife that has become a feature, not a bug, of the GOP since a mob of Donald Trump supporters stormed the Capitol on Jan. 6.

Boebert previously apologized "to anyone in the Muslim community I offended," but not directly to Omar.

It's just the latest example of a GOP lawmaker making a personal attack against another member of Congress, an unsettling trend that has gone largely unchecked by House Republican leaders. It also offers a test of Democrats' newfound resolve to mete out punishment to Republicans.

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Earlier this month conservative Rep. Paul Gosar of Arizona was censured over a violent video. In February Rep. Marjorie Taylor Greene of Georgia was booted from congressional committees for her inflammatory rhetoric.

After Monday's phone call, Omar and Boebert quickly issued statements condemning each other.

"I believe in engaging with those we disagree with respectfully, but not when that disagreement is rooted in outright bigotry and hate," Omar said in a statement. She said she "decided to end the unproductive call."

Boebert shot back in an Instagram video: "Rejecting an apology and hanging up on someone is part of cancel culture 101 and a pillar of the Democrat Party."

The chain of events was set in motion over a week ago when a video posted to Facebook showed Boebert speaking before constituents, describing an interaction with Omar — an interaction that Omar maintains never happened.

In the video, the freshman Colorado lawmaker claims that a Capitol Police officer approached her with "fret on his face" shortly before she stepped aboard a House elevator and the doors closed.

"I look to my left and there she is — Ilhan Omar. And I said, 'Well, she doesn't have a backpack. We should be fine,'" Boebert says with a laugh.

Omar is Muslim. Boebert's comment about Omar not wearing a backpack was an apparent reference to her not carrying a suicide bomb.

Reaction to the video was swift. Omar called on House Speaker Nancy Pelosi and Republican Minority Leader Kevin McCarthy to "take appropriate action" because "normalizing this bigotry not only endangers my life but the lives of all Muslims. Anti-Muslim bigotry has no place in Congress."

House Democratic leadership also issued a joint statement condemning "Boebert's repeated, ongoing and targeted Islamophobic comments and actions," while calling on McCarthy "to finally take real action to confront racism."

Yet McCarthy, who is in line to become House speaker if Republicans retake the majority next year, has proven reluctant to police members of his caucus whose views are often closely aligned with the party's base.

Pelosi spokesman Drew Hammill said the speaker had nothing new to add Monday and pointed to the statement issued by Democratic leaders last week calling on McCarthy to act.

Boebert tweeted Friday that "I apologize to anyone in the Muslim community I offended with my comment about Rep. Omar," adding that "there are plenty of policy differences to focus on without this unnecessary distraction."

It's not Boebert's first brush with controversy — nor Omar's. Since Boebert's election to Congress in 2020, she has leaned in to provocative broadsides that delight the party's base. Omar has drawn her focus in particular. She has previously called Omar and others "full time propagandists" for "state sponsored terrorism," and "politicians with suicide belts strapped their body."

In May, she tweeted that Omar was "a full-time propagandist for Hamas." She has also called Omar and Michigan Rep. Rashida Tlaib "evil" while also referring to them as the "jihad squad." Tlaib, like Omar, is Muslim.

Omar too has drawn scrutiny for her comments, often in reference to Israel, some of which have been blasted as anti-Semitic.

In 2019, she suggested that Israel's supporters are pushing U.S. lawmakers to take a pledge of "allegiance to a foreign country." She was also pressured to apologize "unequivocally" for suggesting that congressional support for Israel was "all about the Benjamins baby," a longstanding trope about Jews buying influence.

House Democratic leadership directly rebuked Omar over the remarks.

Home of Marilyn Manson searched in abuse investigation

By ANDREW DALTON AP Entertainment Writer

LOS ANGELES (AP) — Authorities searched the home of rocker Marilyn Manson on Monday after allega-

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tions of physical and sexual abuse by several women.

Los Angeles County sheriff's Deputy Eva Jimenez said a search warrant was served on the home of Manson, whose legal name is Brian Hugh Warner. She would give no further details.

The Sheriff's Department said in February that its detectives had begun investigating Manson over reports of domestic violence between 2009 and 2011 in West Hollywood, where he lived at the time.

The women involved were not identified, but several women have publicly alleged this year that they were physically, sexually and emotionally abused by Manson around the time of the incidents under investigation, and some have filed lawsuits.

Manson's attorney Howard E. King declined immediate comment. Manson has denied the allegations, and King has called them "provably false."

The search of Manson's home was first reported by TMZ.

The 52-year-old shock rocker's former fiancée, "Westworld" actor Evan Rachel Wood, named him as her abuser for the first time in an Instagram post in February.

Manson called Wood's statements "horrible distortions of reality."

In May, "Game of Thrones" actor Esmé Bianco sued Marilyn Manson in federal court, alleging sexual, physical and emotional abuse. Bianco says that Manson violated human trafficking law by bringing her to California from England for non-existent roles in music videos and movies.

Manson deprived Bianco of food and sleep, locked her in a bedroom, whipped her, gave her electric shocks and threatened to enter her room and rape her during the night, the lawsuit alleges.

Bianco's attorney said she also was interviewed by law enforcement.

And Manson's former assistant accused him of sexual assault, battery and harassment in her own lawsuit, saying he used "his position of power, celebrity and connections to exploit and victimize during her employment."

Manson emerged as a musical star in the mid-1990s, known as much for courting public controversy as for hit songs like "The Beautiful People" and hit album's like 1996's "Antichrist Superstar" and 1998's "Mechanical Animals."

Follow AP Entertainment Writer Andrew Dalton on Twitter: <https://twitter.com/andyjamesdalton>

Chris Cuomo's off-air role: Brother Andrew's strategist

By MICHAEL R. SISAK and MARINA VILLENEUVE Associated Press

NEW YORK (AP) — CNN anchor Chris Cuomo had a bigger role than previously known in helping defend his brother, former New York Gov. Andrew Cuomo, from sexual harassment allegations that forced him out of office, newly released transcripts and text messages show.

The TV journalist offered to reach out to "sources," including other reporters, to find out whether more women were going to come forward and relayed what he was hearing to his brother's advisers, according to the materials made public Monday.

He also sparred with the former governor's aides over strategy, urging an apologetic tone and critiquing an early statement that he saw as downplaying the allegations. He accused a top aide of hiding information from his brother.

At the same time, Chris Cuomo told investigators he spoke regularly with his brother, coaching him on his response and admonishing him for "bad judgment."

Chris Cuomo previously acknowledged it was a "mistake" to act as his brother's unofficial adviser, but the full extent of his involvement — including using journalistic contacts to scope out accusers — only became clear with Monday's release of his July interview with investigators and 169 pages of text messages, emails and other communications.

"I was worried that this wasn't being handled the right way, and it's not my job to handle it, okay?" Chris Cuomo told investigators, according to the transcript. "I don't work for the governor."

Andrew Cuomo resigned in August to avoid a likely impeachment trial, after an investigation led by

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state Attorney General Letitia James found he sexually harassed at least 11 women.

Chris Cuomo, the host of CNN's "Cuomo Prime Time," did his show Monday night without mentioning the topic. In the past, he's said he's never reported on his brother's situation for the network and never tried to influence coverage. On-air in August, he said: "I tried to do the right thing," adding he "wasn't in control of anything."

CNN issued a statement saying the transcripts and exhibits "deserve a thorough review and consideration." "We will be having conversations and seeking additional clarity about their significance as they relate to CNN over the next several days," it said.

Jane Kirtley, director of the Silha Center for the Study of Media Ethics and Law at the University of Minnesota, said journalists must understand they're working for the public, not politicians.

Kirtley said the extent of Chris Cuomo's involvement in advising his brother is inappropriate, and since they're brothers, "Maybe it's time for him to find another line of work."

She urged CNN to address the matter promptly, saying: "You can't act like this is not happening. You're a news organization."

Monday's releases show Chris Cuomo growing frustrated with his brother's advisers as they scrambled to respond as more women came forward with harassment allegations.

The anchor pressed for greater involvement in crafting his brother's message and offered up his journalistic sleuthing to find out what other allegations might be looming.

On March 4, Chris Cuomo texted the governor's top aide, Melissa DeRosa, saying "I have a lead on the wedding girl," referring to a woman who accused his brother of unwanted touching at a wedding reception.

On March 7, as rumors swirled that more women were about to come forward, DeRosa texted Chris Cuomo: "Can u check your sources." He replied, "On it."

"When asked, I would reach out to sources, other journalists, to see if they had heard of anybody else coming out," Chris Cuomo said in the July deposition.

In one instance, Chris Cuomo said he called a journalist who regularly worked with reporter Ronan Farrow to get information about Farrow's upcoming article, and didn't tell anyone at CNN what he was doing. He let DeRosa know the article wasn't ready for publication yet.

In a March 10 text message, Chris Cuomo lashed out at DeRosa, accusing her of keeping information from his brother after the Albany Times-Union published an interview with an accuser.

"Stop hiding s---," Chris Cuomo wrote. "We are making mistakes we can't afford."

Asked in his deposition about that text, Chris Cuomo explained he was telling her: "Don't not tell Andrew things."

"There were conversations that he wasn't a part of that I thought it was important for him to stay very locked in on these," Chris Cuomo testified.

Among this latest batch of investigative materials released by James' office is a video of Andrew Cuomo's deposition from July — a transcript was made public about three weeks ago — and transcripts or videos of interviews with several Cuomo aides and advisers.

James' office said it didn't initially release these because local prosecutors were reviewing them for potential criminal conduct. After a criminal complaint was filed against Cuomo last month, giving him access to the materials through discovery, James' office said it would make them public "in an effort to provide full transparency."

The releases were being done on a rolling basis — first with transcripts of the former governor and accusers on Nov. 10 and Monday with his brother, aides and other figures — to allow time for redactions to protect individual privacy, James' office said.

DeRosa, in her interview released Monday, recalled confronting Andrew Cuomo during a car ride about the allegations. She told investigators that after one accuser came forward, they decided Cuomo would no longer be left alone with junior staff.

Asked about her exchanges with Chris Cuomo, DeRosa testified: "I talked to Chris pretty regularly. He was on some calls that we did, and he advised us on how to respond."

Villeneuve reported from Albany. Associated Press reporters Jennifer Peltz, David Bauder and Thalia Beaty in New York and Michael Hill in Albany contributed to this report.

On Twitter, follow Michael Sisak at twitter.com/mikesisak and Marina Villeneuve at twitter.com/reportermarina

Lawyer: Jussie Smollett 'a real victim' of attack in Chicago

By DON BABWIN and SARA BURNETT Associated Press

CHICAGO (AP) — Jussie Smollett "is a real victim" of a "real crime," his attorney said as the ex-"Empire" actor's trial started Monday, rejecting prosecutors' allegation that he staged a homophobic and racist attack in Chicago after the television studio where he worked didn't take hate mail he had received seriously.

Defense attorney Neny Uche said two brothers attacked Smollett in January 2019 because they didn't like him and that a \$3,500 check the actor paid the men was for training so he could prepare for an upcoming music video — not as payment for staging a hate crime, as prosecutors allege. Uche also suggested a third attacker was involved and told jurors there is not a "shred" of physical and forensic evidence linking Smollett to the crime prosecutors allege.

"Jussie Smollett is a real victim," Uche said.

Uche made his opening statement after special prosecutor Dan Webb told jurors that the actor recruited the brothers to help him carry out a fake attack, then reported it to Chicago police, who classified it as a hate crime and spent 3,000 staff hours on the investigation. Smollett told police he was attacked by supporters of then-President Donald Trump — igniting political divisions around the country.

"When he reported the fake hate crime that was a real crime," said Webb, who was named as special prosecutor after Cook County State's Attorney Kim Foxx's office dropped the original charges filed against Smollett. A new indictment was returned in 2020.

Smollett, who arrived at the courthouse in Chicago Monday with his mother and other family members, is charged with felony disorderly conduct. The class 4 felony carries a prison sentence of up to three years, but experts have said it is likely that if Smollett is convicted he would be placed on probation and perhaps ordered to perform community service.

Webb told jurors Smollett was unhappy about how the studio handled a letter he received that included a drawing of a stick figure hanging from a tree and "MAGA," a reference to Trump's Make America Great Again campaign slogan. Webb said police have not determined who wrote that letter.

However, Uche countered that Smollett had turned down extra security when the studio offered it.

Webb said Smollett then "devised this fake crime," holding a "dress rehearsal" with the two brothers, Abimbola and Olabinjo Osundairo, including telling them to shout racial and homophobic slurs and "MAGA." Smollett also told the brothers — who worked on the "Empire" set — to buy ski masks, red hats and "a rope to make it look like a hate crime," Webb told jurors. The brothers used a \$100 bill that Smollett gave them to buy the supplies, Webb said.

He said Smollett wanted the attack captured on surveillance video, but the camera he thought would record the hoax was pointed in the wrong direction. He also said the original plan called for the men to throw gasoline on Smollett but that they opted for bleach instead because it would be safer.

Whether Smollett, who is Black and gay, will testify remains an open question. But the siblings will take the witness stand.

Uche portrayed the brothers as unreliable, saying their story has changed while Smollett's has not, and that when police searched their home they found heroin and guns.

"They are going to lie to your face," Uche told the jury.

Uche also said evidence "will show a tremendous rush to judgment by various police officials," and he said prosecutors' claim about paying for a fake attack by check doesn't make sense.

"At the end of the day they want you to believe Jussie was stupid enough to pay for a hoax with a check but was smart enough to pay (for supplies) with a \$100 bill," he said.

As for Uche's suggestion that another attacker may have been involved, buried in nearly 500 pages of

Chicago Police Department reports is a statement from an area resident who says she saw a white man with "reddish brown hair" who appeared to be waiting for someone that night. She told a detective that when the man turned away from her, she "could see hanging out from underneath his jacket what appeared to be a rope."

Her comments could back up Smollett's contention that his attackers draped a makeshift noose around his neck. Further, if she testified that the man was white, it would support Smollett's statements — widely ridiculed because the brothers, who come from Nigeria, are Black — that he saw pale or white skin around the eyes of one of his masked attackers.

Twelve jurors plus two alternates were sworn in late Monday for a trial that Judge James Linn said he expects to take about one week. Cameras are not allowed inside the courtroom and the proceedings are not being livestreamed, unlike in other recent high-profile trials.

Jurors may see surveillance video from more than four dozen cameras that police reviewed to trace the brothers' movements before and after the reported attack, as well as a video showing the brothers purchasing supplies hours earlier. Webb told jurors prosecutors have hundreds of hours of video, and a still shot from a camera near Smollett's condo that shows him walking up stairs after the alleged attack, with a clothesline around his neck and still carrying a sandwich he bought that evening.

This story has been corrected to show that two alternates were sworn in, not three.

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

Biden vaccine rule for health workers blocked in 10 states

By DAVID A. LIEB Associated Press

JEFFERSON CITY, Mo. (AP) — A federal judge on Monday blocked President Joe Biden's administration from enforcing a coronavirus vaccine mandate on thousands of health care workers in 10 states that had brought the first legal challenge against the requirement.

The court order said that the federal Centers for Medicare & Medicaid had no clear authority from Congress to enact the vaccine mandate for providers participating in the two government health care programs for the elderly, disabled and poor.

The preliminary injunction by St. Louis-based U.S. District Judge Matthew Schelp applies to a coalition of suing states that includes Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota and Wyoming. All those states have either a Republican attorney general or governor. Similar lawsuits also are pending in other states.

The federal rule requires COVID-19 vaccinations for more than 17 million workers nationwide in about 76,000 health care facilities and home health care providers that get funding from the government health programs. Workers are to receive their first dose by Dec. 6 and their second shot by Jan. 4.

The court order against the health care vaccine mandate comes after Biden's administration suffered a similar setback for a broader policy. A federal court previously placed a hold on a separate rule requiring businesses with more than 100 employees to ensure their workers get vaccinated or else wear masks and get tested weekly for the coronavirus.

Biden's administration contends federal rules supersede state policies prohibiting vaccine mandates and are essential to slowing the pandemic, which has killed more than 775,000 people in the U.S. About three-fifths of the U.S. population already is fully vaccinated.

But the judge in the health care provider case wrote that federal officials likely overstepped their legal powers.

"CMS seeks to overtake an area of traditional state authority by imposing an unprecedented demand to federally dictate the private medical decisions of millions of Americans. Such action challenges traditional notions of federalism," Schelp wrote in his order.

Even under an exceedingly broad interpretation of federal powers, Congress did not clearly authorize

CMS to enact “this politically and economically vast, federalism-altering, and boundary-pushing mandate,” wrote Schelp, who was appointed to the bench by former President Donald Trump.

While a vaccine requirement might make sense for long-term care facilities, Schelp wrote, CMS lacks evidence for imposing it on other health care providers and ignored evidence that the mandate could jeopardize understaffed facilities. The judge also said CMS improperly bypassed public notice and comment requirements when issuing the emergency rule, which “feeds into the very vaccine hesitancy CMS acknowledges is so daunting.”

A CMS spokesperson said the agency was reviewing the court order.

“Staff in any health care setting who remain unvaccinated pose both direct and indirect threats to patient safety and population health,” CMS said in a statement Monday. “That is why it is critical for health care providers to ensure their staff are vaccinated against COVID-19.”

Missouri Attorney General Eric Schmitt, who spearheaded the lawsuit, said the ruling “pushes back on the overreach of power” by those who are “using the coronavirus as a tool” for control over people.

Officials in several states also praised the court ruling. New Hampshire Gov. Chris Sununu said “nursing homes were at risk of closure” if the mandate remained.

Iowa Gov. Kim Reynolds said the vaccine is the best defense against COVID-19, but medical providers “deserve the freedom and ability to make their own informed health care decisions.”

Amazon workers in Alabama get a do-over in union election

By ANNE D’INNOCENZIO AP Retail Writer

NEW YORK (AP) — The National Labor Relations Board has ordered a new union election for Amazon workers in Bessemer, Alabama, based on objections to the first vote that took place in April.

The move announced Monday is a blow to Amazon, which spent about a year aggressively campaigning for warehouse workers in Bessemer to reject the union, which they ultimately did by a wide margin.

The board has not yet determined the date for the second election and it hasn’t determined whether it will be conducted in person or by mail.

The rare call for a do-over was first announced by the Retail, Wholesale and Department Store Union, which spearheaded the union organizing movement.

In a 20-page decision, the regional director for the NLRB Lisa Henderson focused much attention on Amazon’s installation of a U.S. Postal Service mail box at the main employee entrance, which may have created the false impression that the company was the one conducting the election process. Henderson also rejected Amazon’s argument that it was making voting easier and was trying to encourage as high a turnout as possible.

“The employer’s flagrant disregard for the board’s typical mail-ballot procedure compromised the authority of the board and made a free and fair election impossible,” Henderson said in her decision. “By installing a postal mailbox at the main employee entrance, the employer essentially highjacked the process and gave a strong impression that it controlled the process. This dangerous and improper message to employees destroys trust in the board’s processes and in the credibility of the election results.”

The RWDSU charged Amazon with illegal misconduct during the first vote. In August, the NLRB hearing officer who presided over the case determined that Amazon violated labor law and recommended Henderson set aside the results and direct another election.

About 53% of the nearly 6,000 workers cast ballots during the first election.

Amazon spokesperson Kelly Nantel called the decision “disappointing.”

“Our employees have always had the choice of whether or not to join a union, and they overwhelmingly chose not to join the RWDSU earlier this year,” Nantel said. “It’s disappointing that the NLRB has now decided that those votes shouldn’t count.”

Stuart Appelbaum, president of the RWDSU, saw the NLRB decision as a victory.

“Today’s decision confirms what we were saying all along — that Amazon’s intimidation and interference prevented workers from having a fair say in whether they wanted a union in their workplace — and as the

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Regional Director has indicated, that is both unacceptable and illegal," he said in a statement. "Amazon workers deserve to have a voice at work, which can only come from a union."

The order for a new election stands unless Amazon files a request within the next 10 days for a review with the full board of NLRB. That could set up one of several scenarios, including a stop to the election altogether if the full board reverses the regional director's decision, or a nullification of the results if the board sides with Amazon after the union vote has already occurred.

But even if a second election is allowed to move forward, labor experts say a union victory remains a long shot. Seattle-based Amazon will likely appeal and try to delay another vote. And even when an election is held, workers may choose to vote against joining a union again. Last time around, 1,798 workers rejected the union and 738 voted in favor of it.

A repeat of the election means another battle for Amazon with the RWDSU. The first election garnered nationwide attention and put a spotlight on how Amazon treats its workers. It was the biggest union push in Amazon's history and only the second time that an organizing effort from within the company had come to a vote.

Pro-union employees at the Bessemer facility said they spent 10-hour shifts on their feet in the warehouse, where online orders are packed and shipped, and didn't have enough time to take breaks. A union could force Amazon to offer more break time or higher pay, those workers said. Amazon, meanwhile, argued that it already offered more than twice the minimum wage in Alabama plus benefits without workers having to pay union dues.

Amazon has been fighting two different attempts by workers to unionize in the past year.

Former Amazon employee Christian Smalls is organizing an effort at a distribution center in Staten Island, New York, without the help of a national sponsor. The labor board was expected to hold a hearing to determine whether there was sufficient interest to form a union there but less than two weeks earlier, the group led by Smalls withdrew its petition. The workers, however, can refile.

Other organizing efforts are afoot beyond Amazon, including by workers at three separate Starbucks stores in and around Buffalo, New York. Meanwhile, thousands of unionized workers at Kellogg Co. remain on strike amid widespread worker unrest across the country.

Follow Anne D'Innocenzio: <http://twitter.com/ADInnocenzio>

Elizabeth Holmes accuses ex-lover, business partner of abuse

By MICHAEL LIEDTKE AP Technology Writer

SAN JOSE, Calif. (AP) — Disgraced entrepreneur Elizabeth Holmes described herself as the abused puppet of her former lover and business partner Sunny Balwani in tearful testimony Monday, part of her attempt to refute accusations that she lied about a flawed blood-testing technology she had hailed as a major breakthrough.

After recounting how she met Balwani while she was still in high school, Holmes said she eventually fell under his sway after she dropped out of Stanford University in 2003 to found Theranos, a Silicon Valley startup she led as CEO for the next 15 years.

A weeping Holmes, now 37, testified she was raped at Stanford — a factor she believes played a role in what she characterized as her later subservience to Balwani, now 56. The two became romantically involved in 2005 before Balwani became chief operating officer at Theranos, a position he held from 2009 to 2016.

Even before joining Theranos, Balwani was regularly berating Holmes as an inept executive who needed to "kill" her former self in an effort to become more disciplined and focused, according to her testimony and contemporaneous notes with strict instructions for Holmes handwritten by Balwani.

"He felt like I came across as a little girl and thought I needed to be more serious and more pointed," Holmes explained as she read through Balwani's demands. They included spending at least 30 minutes each morning writing out her daily goals and never spending more than five minutes meeting with anyone unless she had written down a reason justifying the additional time.

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If she didn't do what Balwani said, Holmes said, he would yell and tell her he was "so disappointed in my mediocrity."

At other times, Holmes said, Balwani would liken her to a "monkey flying a space ship" and tried to cut her off from her family in an alleged effort to ensure that she devoted herself full-time to Theranos. She also said he controlled her diet in an attempt to keep her "pure." Sometimes after Balwani belittled her, Holmes testified, he would force her to have sex against her will to show he loved her.

The dramatic turn came during the fourth day of Holmes' testimony before a jury weighing fraud charges that include swindling investors and customers while putting patients at risk by telling elaborate lies about the company's development of an allegedly revolutionary blood-testing device. Holmes could face a prison sentence of up to 20 years if convicted.

The 14 jurors, including two alternates, listened attentively but with little visible emotion as Holmes described her relationship with Balwani.

Balwani faces fraud allegations mirroring those against Holmes in another trial scheduled to begin early next year. He and Holmes ended their relationship in May 2016 after she moved out of the Silicon Valley home that they shared for years while keeping their romantic relationship concealed.

Federal prosecutors wanted to try Balwani alongside Holmes, but U.S. District Judge Edward Davila separated the proceedings because of the possibility that Holmes would blame some of her behavior on "intimate partner abuse."

Jeffrey Coopersmith, Balwani's lawyer, has vehemently denied Holmes' abuse allegations. Although Coopersmith was present for Holmes' testimony Monday, Balwani couldn't be there because he is prohibited from being in the courtroom in Holmes' presence.

Holmes' portrait of Balwani stood in sharp contrast to other testimony indicating that he always deferred to Holmes — the subject of flattering business profiles likening her to a female version of Apple co-founder Steve Jobs, who she adopted as one of her role models.

Holmes briefly became a paper billionaire while promising that Theranos could provide more convenient and cheaper tests scanning for hundreds of potential health problems using just a few drops of blood. Conventional tests typically require a vial of blood drawn from a vein.

Her pitch helped Theranos raise nearly \$1 billion from sophisticated investors and attract an impressive board of directors including former Cabinet secretaries from the administrations of presidents from Richard Nixon to Donald Trump. The company collapsed after a series of explosive articles in the Wall Street Journal and regulatory audits revealed rampant inaccuracies in Theranos' blood tests.

In her testimony, Holmes said most people didn't realize how much Balwani controlled her because most of his alleged abuse occurred outside the office. Her condemnation of Balwani contrasted with some of the treacherous texts she sent addressing him as "tiger."

During a flurry of texts in April 2016, about a month before her romance with Balwani ended, Holmes quoted the poet Maya Angelou. "In all the world, there is no heart for me like yours. In all the world there is no love for you like mine," Holmes told him.

Under questioning by one of her attorneys, Holmes acknowledged that Balwani never told her what to say to the investors she is now accused of deceiving. She also testified that Balwani didn't influence her discussions with Walgreens and Safeway, two major retailers that agreed to use Theranos' blood-testing technology before backing out after discovering it wasn't performing as she promised.

Holmes instead says she did everything she could to clean up the problems at Theranos in an effort to realize her ambitions. But she also said she couldn't explain all the different ways Balwani affected her during the years they were together.

"He wasn't who I thought he was," Holmes said, adding that Balwani "impacted everything about who I was and I don't fully understand that."

Holmes will return to the witness stand Tuesday when prosecutors will get their first chance to grill her under oath.

White House holiday decor honors COVID-19 frontline workers

By DARLENE SUPERVILLE Associated Press

WASHINGTON (AP) — Holiday decorations unveiled Monday for Joe and Jill Biden's first White House Christmas honor frontline workers who persevered during the COVID-19 pandemic.

Nurses, doctors, teachers, grocery store workers and others are recognized in this year's gigantic Gingerbread White House, which was made into a 350-pound (158.76 kilograms) gingerbread village with the addition of a school and police, fire and gas stations as well as a hospital, a post office, a grocery store and a warehouse to honor workers who stayed on the job.

Fewer people are likely to see the decked-out mansion in person this year, with public tours still suspended because of the continuing threat from COVID-19. But videos, photos and other details are available at [WhiteHouse.gov/Holidays](https://www.whitehouse.gov/holidays).

"Gifts from the Heart" is the theme.

In remarks thanking volunteers for decorating, the first lady explained the vision behind her theme, speaking of unity and her view that everyone comes together around faith, family and friendship, gratitude and service, and love for one's community.

"For all of our differences, we are united by what really matters," she said. "Like points on a star, we come together at the heart. That is what I wanted to reflect in our White House this year. In each room, we tell a story of gifts from the heart."

The first lady, a longtime community college professor, invited Maryland second graders for Monday's unveiling of the holiday decorations. They were inspired by people the president and first lady met while traveling around the country this year, according to the White House.

Frontline workers are also represented in the iridescent doves and shooting stars that illuminate the East Colonnade hallway, "representing the peace and light brought to us by all the front-line workers and first responders during the pandemic," the guidebook says.

The COVID-19 pandemic has affected the White House holiday season in other ways, though it remained unclear how parties and receptions may be tweaked to compensate for it.

White House press secretary Jen Psaki has said parties will be held, though they will be "different" from years past. Some indication will come Wednesday when the president and first lady and Vice President Kamala Harris and her husband, Doug Emhoff, light a menorah to celebrate Hanukkah. Emhoff, who is Jewish, helped light the National Menorah on the Ellipse on Sunday.

Volunteers who decorated the White House came only from the surrounding area, instead of from all over the United States as in past years, because of COVID-19 concerns.

The White House also wasn't spared the supply shortages that many Americans are contending with. Some topiary trees took a little longer to arrive, said social secretary Carlos Elizondo.

The other showstopper of holidays at the White House is the official Christmas tree, an 18-foot-tall (5.5-meter-tall) Fraser fir that commands the Blue Room and is trimmed with white doves and ribbon bearing the names of all U.S. states and territories to celebrate peace and unity.

More than 100 volunteers decorated the White House, including the Oval Office, while the Bidens spent Thanksgiving week in Nantucket, Massachusetts. They trimmed 41 Christmas trees and hung some 6,000 feet (1,800 meters) of ribbon and more than 10,000 ornaments.

Twenty-five wreaths adorn the exterior of the White House, and nearly 79,000 lights illuminate the Christmas trees, garlands, wreaths and other holiday displays.

Christmas stockings for each of the Biden grandchildren — Naomi, Finnegan, Maisy, Natalie, Hunter and baby Beau — hang from the fireplace mantel in the State Dining Room, which celebrates family, while two trees in that stately room are decorated with framed Biden family photos and photos of other first families during the holiday season.

Many of the photos are personal favorites of Jill Biden, who picked them out of old family albums on trips home to Delaware, said Elizabeth Alexander, the first lady's communications director.

The decorations are the product of months of work by the first lady and her staff in the White House

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East Wing, starting as far back as June.

A second grade class from Malcolm Elementary School in Waldorf, Maryland, was invited to the White House and bantered with PBS Kids characters Martin and Chris Kratt from "Wild Kratts" and costumed characters Miss Elaina, Daniel Tiger, Molly of Denali, Arthur and Rosita from "Sesame Street."

The first lady then read her children's book, "Don't Forget, God Bless Our Troops."

"Let's move on to happier things," she said after stopping to ask the kids about their pets and one boy started talking about his dogs that had died.

She invited a local National Guard family whose daughter was among the second graders to highlight the role the Guard has played in the U.S. response to COVID-19, and military families spending the holidays away from loved ones.

Boebert in call refuses to apologize for anti-Muslim remarks

By BRIAN SLODYSKO Associated Press

WASHINGTON (AP) — Days after firebrand conservative Rep. Lauren Boebert of Colorado was harshly criticized for making anti-Muslim comments about Rep. Ilhan Omar, a Minnesota Democrat whom she likened to a bomb-carrying terrorist, the two spoke by phone Monday.

By both lawmakers' accounts, it did not go well.

The conversation, which Boebert sought after issuing a tepid statement last Friday, offered an opportunity to extend an olive branch in a House riven by tension. Instead, it ended abruptly after Boebert rejected Omar's request for a public apology, amplifying partisan strife that has become a feature, not a bug, of the GOP since a mob of Donald Trump supporters stormed the Capitol on Jan. 6.

Boebert previously apologized "to anyone in the Muslim community I offended," but not directly to Omar.

It's just the latest example of a GOP lawmaker making a personal attack against another member of Congress, an unsettling trend that has gone largely unchecked by House Republican leaders. It also offers a test of Democrats' newfound resolve to mete out punishment to Republicans.

Earlier this month conservative Rep. Paul Gosar of Arizona was censured over a violent video. In February Rep. Marjorie Taylor Greene of Georgia was booted from congressional committees for her inflammatory rhetoric.

After Monday's phone call, Omar and Boebert quickly issued statements condemning each other.

"I believe in engaging with those we disagree with respectfully, but not when that disagreement is rooted in outright bigotry and hate," Omar said in a statement. She said she "decided to end the unproductive call."

Boebert shot back in an Instagram video: "Rejecting an apology and hanging up on someone is part of cancel culture 101 and a pillar of the Democrat Party."

The chain of events was set in motion over a week ago when a video posted to Facebook showed Boebert speaking before constituents, describing an interaction with Omar — an interaction that Omar maintains never happened.

In the video, the freshman Colorado lawmaker claims that a Capitol Police officer approached her with "fret on his face" shortly before she stepped aboard a House elevator and the doors closed.

"I look to my left and there she is — Ilhan Omar. And I said, 'Well, she doesn't have a backpack. We should be fine,'" Boebert says with a laugh.

Omar is Muslim. Boebert's comment about Omar not wearing a backpack was an apparent reference to her not carrying a suicide bomb.

Reaction to the video was swift. Omar called on House Speaker Nancy Pelosi and Republican Minority Leader Kevin McCarthy to "take appropriate action" because "normalizing this bigotry not only endangers my life but the lives of all Muslims. Anti-Muslim bigotry has no place in Congress."

House Democratic leadership also issued a joint statement condemning "Boebert's repeated, ongoing and targeted Islamophobic comments and actions," while calling on McCarthy "to finally take real action to confront racism."

Yet McCarthy, who is in line to become House speaker if Republicans retake the majority next year, has

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proven reluctant to police members of his caucus whose views are often closely aligned with the party's base.

Pelosi spokesman Drew Hammill said the speaker had nothing new to add Monday and pointed to the statement issued by Democratic leaders last week calling on McCarthy to act.

Boebert tweeted Friday that "I apologize to anyone in the Muslim community I offended with my comment about Rep. Omar," adding that "there are plenty of policy differences to focus on without this unnecessary distraction."

It's not Boebert's first brush with controversy — nor Omar's. Since Boebert's election to Congress in 2020, she has leaned in to provocative broadsides that delight the party's base. Omar has drawn her focus in particular. She has previously called Omar and others "full time propagandists" for "state sponsored terrorism," and "politicians with suicide belts strapped their body."

In May, she tweeted that Omar was "a full-time propagandist for Hamas." She has also called Omar and Michigan Rep. Rashida Tlaib "evil" while also referring to them as the "jihad squad." Tlaib, like Omar, is Muslim.

Omar too has drawn scrutiny for her comments, often in reference to Israel, some of which have been blasted as anti-Semitic.

In 2019, she suggested that Israel's supporters are pushing U.S. lawmakers to take a pledge of "allegiance to a foreign country." She was also pressured to apologize "unequivocally" for suggesting that congressional support for Israel was "all about the Benjamins baby," a longstanding trope about Jews buying influence.

House Democratic leadership directly rebuked Omar over the remarks.

Jan. 6 panel sets contempt vote for former DOJ official

By MARY CLARE JALONICK Associated Press

WASHINGTON (AP) — A House committee investigating the Jan. 6 Capitol insurrection will vote Wednesday to hold a former Justice Department official in contempt, demanding criminal charges against a defiant witness for a second time as lawmakers seek answers about the violent attack.

The committee on Monday scheduled a vote to pursue contempt charges against Jeffrey Clark, a former Justice Department lawyer who aligned with President Donald Trump as he tried to overturn his election defeat. If approved by the panel, the recommendation of criminal contempt charges would then go to the full House for a vote and then to the Justice Department.

Clark appeared for a deposition Nov. 5 but told lawmakers that he would not answer questions based partly on Trump's legal efforts to block the committee's investigation.

The vote will come as the panel is also considering contempt charges against former White House Chief of Staff Mark Meadows, who was Trump's top aide the day that hundreds of his supporters violently attacked the U.S. Capitol and interrupted the certification of President Joe Biden's victory. Meadows was subpoenaed in September but has not yet sat for an interview with the committee.

The panel has vowed to aggressively seek charges against any witness who doesn't comply as they investigate the worst attack on the Capitol in two centuries, and the Justice Department has signaled it is willing to pursue those charges, indicting longtime Trump ally Steve Bannon earlier this month on two federal counts of criminal contempt. Attorney General Merrick Garland said then that Bannon's indictment reflects the department's "steadfast commitment" to the rule of law after Bannon outright defied the committee and refused to cooperate.

Clark's case could be more complicated since he did appear for his deposition and, unlike Bannon, was a Trump administration official on Jan. 6. Trump has sued to block the committee's work and has attempted to assert executive privilege over documents and interviews, arguing that his conversations and actions at the time should be shielded from public view.

A report issued by Democrats on the Senate Judiciary Committee detailed how Clark championed Trump's efforts to undo the election results and clashed as a result with Justice Department superiors who resisted the pressure, culminating in a dramatic White House meeting at which Trump ruminated about elevating

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Clark to attorney general. He did not do so after several aides threatened to resign.

In a somewhat similar case, the Justice Department in 2015 declined to prosecute former IRS official Lois Lerner on contempt of Congress charges. Lerner delivered an opening statement at a congressional hearing in which she denied any wrongdoing, but then refused to answer questions from lawmakers, citing her Fifth Amendment right to not incriminate herself.

With little precedent to go on, it's unclear what the department would do in Clark's case.

Clark is one of more than 40 people the committee has subpoenaed so far. The panel's chairman, Mississippi Rep. Bennie Thompson, wrote in Clark's subpoena that the committee's probe "has revealed credible evidence that you attempted to involve the Department of Justice in efforts to interrupt the peaceful transfer of power" and his efforts "risked involving the Department of Justice in actions that lacked evidentiary foundation and threatened to subvert the rule of law."

After Clark refused to answer questions, Thompson said it was "astounding that someone who so recently held a position of public trust to uphold the Constitution would now hide behind vague claims of privilege by a former President, refuse to answer questions about an attack on our democracy, and continue an assault on the rule of law."

Lawmakers on the committee have said that they will decide as soon as this week whether to hold Meadows in contempt, as well. Thompson said earlier this month that the committee "won't rush the effort" to make it clear it has given the former North Carolina congressman multiple opportunities to cooperate.

Meadows' lawyer has repeatedly made clear that he won't comply with the September subpoena, arguing that Trump has said he will assert executive privilege over the testimony. The committee has rejected those arguments, especially as the White House has said that Biden would waive any privilege over Meadows' interview and as courts have so far shot down Trump's efforts to stop the committee from gathering information.

The House panel has argued that they have questions for Meadows and Clark, as they did with Bannon, that do not directly involve conversations with Trump and couldn't possibly be blocked by privilege claims.

In the committee's September subpoena, Thompson cited Meadows' efforts to overturn Trump's defeat in the weeks prior to the insurrection and his pressure on state officials to push the former president's false claims of widespread voter fraud.

Despite Trump's false claims about a stolen election — the primary motivation for the violent mob that broke into the Capitol and interrupted the certification of Biden's victory — the results were confirmed by state officials and upheld by the courts. Trump's own attorney general, William Barr, had said the Justice Department found no evidence of widespread fraud that could have changed the results.

Associated Press writers Eric Tucker and Michael Balsamo contributed to this report.

Cyber Monday caps holiday shopping weekend as virus lingers

By ANNE D'INNOCENZIO AP Retail Writer

NEW YORK (AP) — Americans are spending freely and going back to store shopping, knocking out some of the momentum in online sales from last year when Americans were making many of their purchases exclusively via the internet.

Shopper traffic roared back on Black Friday, but it was still below pre-pandemic levels, in part because retailers spread out big deals starting in October. The early buying is expected to also take a bite out of online sales on Monday, coined Cyber Monday by the National Retail Federation in 2005.

In fact, Adobe Digital Economy Index said that it was the first time online sales on Thanksgiving and Black Friday hadn't grown, and Cyber Monday could likewise see a decline compared with a year ago. Adobe, which tracks more than one trillion visits to U.S. retail sites, had previously recorded healthy online sales gains since it first began reporting on e-commerce in 2012.

Still, Cyber Monday should remain the biggest online spending day of the year. For the overall holiday season, online sales should increase 10% from a year ago, compared with a 33% increase last year, ac-

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ording to Adobe.

A possible game changer is the omicron variant of the coronavirus, which could put a damper on shopping behavior and stores' businesses. The World Health Organization warned Monday that the global risk from the omicron variant is "very high" based on early evidence, saying the mutated coronavirus could lead to surges with "severe consequences."

Jon Abt, co-president and a grandson of the founder of Abt Electronics, said that holiday shopping has been robust, and so far overall sales are up 10% compared to a year ago. But he said he thinks Cyber Monday sales will be down at the Glenview, Illinois-based consumer electronics retailer after such robust growth from a year ago. He also worries about how the rest of the season will fare given the new variant.

"There are so many variables," Abt said. "It's a little too murky."

Here is how the season is shaping up:

CYBER MONDAY STILL KING BUT COOLING

Consumers are expected to spend between \$10.2 billion and \$11.3 billion on Monday, making it once again the biggest online shopping day of the year, according to Adobe. Still, spending on Cyber Monday could drop from last year's level of \$10.8 billion as Americans are spreading out their purchases more in response to discounting in October by retailers, according to Adobe.

Both Black Friday and Thanksgiving Day online shopping came in below Adobe's prediction. On Black Friday, online sales reached \$8.9 billion, down from the \$9 billion in 2020, the second largest day of the year. On Thanksgiving Day, online sales reached \$5.1 billion, even from the year-ago period.

Harley Finkelstein, president of Canadian e-commerce platform Shopify, which has 1.7 million independent brands on its site, said that so far, Cyber Monday is off to a strong start. Sales on his platform were up 21% on Black Friday compared with 2020 and more than double compared with 2019. He said he believes that independent brands will see better percentage sales gains online than big national chains, as shoppers gravitate more toward direct-to-consumer labels and look for brands with social conscience. And he says these brands have been able to get the inventory. Among some of the hot items on Shopify are children's couches from Nugget and luxurious linens from Brooklinen.

"I think it is a tale of two different worlds," he added.

BLACK FRIDAY BACK BUT NOT THE SAME

Overall, Black Friday store traffic was more robust than last year but was still below pre-pandemic levels as shoppers spread out their buying in response to earlier deals in October and shifted more of their spending online. Sales on Friday were either below or had modest gains compared with pre-pandemic levels of 2019, according to various spending measures.

Black Friday sales about 30%, compared with the year-ago period, according to Mastercard SpendingPulse, which tracks all types of payments, including cash and credit cards. That was above its 20% growth forecast for the day. Steve Sadove, senior adviser for Mastercard, said the numbers speak to the "strength of the consumer." For the Friday through Sunday period, sales rose 14.1% compared with the same period in 2020 and were up 5.8% compared to 2019, Mastercard reported.

Customer counts soared 60.8% on Black Friday compared with a year ago, but were down 26.9% on the same day in 2019, according to RetailNext, which analyzes store traffic with monitors and sensors in thousands of stores. Sales rose 46.4% on Black Friday but were down 5.1% in 2019, according to RetailNext. Sensormatic, another firm that tracks customer traffic, reported a 47.5% surge in traffic on Black Friday compared with a year ago but that number fell 28.3% compared with 2019.

THE CHANGING DISCOUNT LANDSCAPE

Unlike in years past, many big box stores like Walmart didn't market their discounted goods as "doorbusters," in their Black Friday ads, choosing instead to stretch the deals out throughout the season or even the day. And the discounts are smaller this season as well.

Shoppers were also expected to pay on average between 5% to 17% more for toys, clothing, appli-

ances, TVs and others purchases on Black Friday this year compared with last year, according to Aurelien Duthoit, senior sector advisor at Allianz Research. That's because whatever discounts are offered will be applied to goods that already cost more.

And for the first time, discounts on Cyber Monday compared with a year ago are expected to be weaker, according to Adobe. Still, Cyber Monday remains the best day to buy TVs with discount levels at 16%, compared with 19% discounts last year. Other categories where consumers will find deals include clothing at a 15% markdown, compared with 20% last year. Computers are being discounted at 14%, compared with 28% last year, according to Adobe.

Overall holiday sales could be record breaking. For the November and December period, the National Retail Federation predicts that sales will increase between 8.5% and 10.5%. Holiday sales increased about 8% in 2020 when shoppers, locked down during the early part of the pandemic, spent their money on pajamas and home goods.

Follow Anne D'Innocenzio: <http://twitter.com/ADInnocenzio>

New Twitter CEO steps from behind the scenes to high profile

By BARBARA ORTUTAY AP Technology Writer

Newly named Twitter CEO Parag Agrawal has emerged from behind the scenes to take over one of Silicon Valley's highest-profile and politically volatile jobs.

But his prior lack of name recognition coupled with a solid technical background appears to be what some big company backers were looking for to lead Twitter out of its current morass.

A 37-year-old immigrant from India, Agrawal comes from outside the ranks of celebrity CEOs, which include the man he's replacing, Jack Dorsey, Facebook's Mark Zuckerberg, and Elon Musk of SpaceX and Tesla. Those brand-name company founders and leaders have often been in the news — and on Twitter — for exploits beyond the day-to-day running of their companies.

Having served as Twitter's chief technology officer for the last four years, Agrawal's appointment was seen by Wall Street as a choice of someone who will focus on ushering Twitter into what's widely seen as the internet's next era — the metaverse.

Agrawal is a "safe' pick who should be looked upon as favorably by investors," wrote CFRA Research analyst Angelo Zino, who noted that Twitter shareholder Elliott Management Corp. had pressured Dorsey to step down.

Elliott released a statement Monday saying Agrawal and new board chairman Bret Taylor were the "right leaders for Twitter at this pivotal moment for the company." Taylor is president and chief operating officer of the business software company Salesforce.

Agrawal, whose name is pronounced (PUH-rag AH-gur-wahl), joins a growing cadre of Indian-American CEOs of large tech companies, including Sundar Pichai of Google parent Alphabet, Microsoft's Satya Nadella and IBM's Arvind Krishna.

He joined San Francisco-based Twitter in 2011, when it had just 1,000 employees, and has been its chief technical officer since 2017. At the end of last year, the company had a workforce of 5,500.

Agrawal previously worked at Microsoft, Yahoo and AT&T in research roles. At Twitter, he's worked on machine learning, revenue and consumer engineering and helping with audience growth. He studied at Stanford and the Indian Institute of Technology, Bombay.

While Twitter has high-profile users like politicians and celebrities and is a favorite of journalists, its user base lags far behind old rivals like Facebook and YouTube and newer ones like TikTok. It has just over 200 million daily active users, a common industry metric.

As CEO, Agrawal have to step beyond the technical details and deal with the social and political issues Twitter and social media are struggling with. Those include misinformation, abuse and effects on mental health.

Agrawal got a fast introduction to life as CEO of a high-profile company that's one of the central plat-

forms for political speech online. Conservatives quickly unearthed a tweet he sent in 2010 that read "If they are not gonna make a distinction between muslims and extremists, then why should I distinguish between white people and racists."

As some Twitter users pointed out, the 11-year-old tweet was quoting a segment on "The Daily Show," which was referencing the firing of Juan Williams, who made a comment about being nervous about Muslims on an airplane.

Twitter did not immediately respond to a message for comment on the tweet.

Cosby prosecutors urge Supreme Court to restore conviction

By MARYCLAIRE DALE Associated Press

PHILADELPHIA (AP) — Prosecutors urged the U.S. Supreme Court to reinstate Bill Cosby's sexual assault conviction, complaining in a petition released Monday the verdict was thrown out over a questionable agreement that the comic claimed gave him lifetime immunity.

They said the Pennsylvania Supreme Court decision in June to overturn Cosby's conviction created a dangerous precedent by giving a press release the legal weight of an immunity agreement.

Montgomery County District Attorney Kevin Steele called the court's decision "an indefensible rule," predicting an onslaught of criminal appeals if it remains law.

"This decision as it stands will have far-reaching negative consequences beyond Montgomery County and Pennsylvania. The U.S. Supreme Court can right what we believe is a grievous wrong," Steele wrote in the filing, which seeks review under the due process clause of the U.S. Constitution.

Cosby's lawyers have long argued that he relied on a promise that he would never be charged when he gave damaging testimony in an accuser's civil suit in 2006. The admissions were later used against him in two criminal trials.

The only written evidence of such a promise is a 2005 press release from then-prosecutor Bruce Castor, who said he did not have enough evidence to arrest Cosby.

The release included an ambiguous "caution" that Castor "will reconsider this decision should the need arise." The parties have since spent years debating what that meant.

Steele's bid to revive the case is a long shot. The U.S. Supreme Court accepts fewer than 1% of the petitions it receives. At least four justices on the nine-member court would have to agree to hear the case. A decision on the petition, filed Wednesday but only made public Monday, is not expected for several months.

Castor's successors, who gathered new evidence and arrested Cosby in 2015, doubt Castor ever made such a deal. Instead, they say Cosby had strategic reasons to give the deposition rather than invoke his Fifth Amendment right to remain silent, even if it backfired when "he slipped up" in his rambling testimony.

Cosby's spokesperson called Steele "obsessed" with the actor and said he only hoped to please "the #MeToo mob." Defense lawyers have long said the case should never have gone to trial because of what they call a "non-prosecution agreement."

"This is a pathetic last-ditch effort that will not prevail. The Montgomery's County's DA's fixation with Mr. Cosby is troubling to say the least," spokesperson Andrew Wyatt said in a statement.

Cosby, 84, became the first celebrity convicted of sexual assault in the #MeToo era when the jury at his 2018 retrial found him guilty of drugging and molesting college sports administrator Andrea Constand in 2004.

He spent nearly three years in prison before Pennsylvania's high court ordered his release.

Legal scholars and victim advocates will be watching closely to see if the Supreme Court takes an interest in the #MeToo case.

Two justices on the court, Clarence Thomas and Brett Kavanaugh, were accused of sexual misconduct during their bitterly fought confirmation hearings.

Appellate judges have voiced sharply different views of the Cosby case. An intermediate state court upheld the conviction. Then the seven justices on the Pennsylvania Supreme Court wrote three separate opinions on it.

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The majority found that Cosby relied on the decision not to prosecute him when he admitted giving a string of young women drugs and alcohol before sexual encounters. The court stopped short of finding that there was such an agreement, but said Cosby thought there was — and that reliance, they said, marred his conviction.

But prosecutors call that conclusion flawed. They note that Cosby's lawyers objected strenuously to the deposition questions rather than let him speak freely.

Cosby himself has never testified about any agreement or promise. The only alleged participant to come forward is Castor, a political rival of Steele's who went on to represent President Donald Trump in his second impeachment trial. Castor said he made the promise to a now-dead defense lawyer for Cosby, and got nothing in return.

He never mentioned it to his top assistant, who reopened the case in 2015 after a federal judge unsealed Cosby's deposition.

At a remarkable pretrial hearing in February 2016, Castor spent hours testifying for the defense. The judge found him not credible and sent the case to trial.

The Pennsylvania Supreme Court, in its ruling, called Cosby's arrest "an affront to fundamental fairness."

Weeks later, the ruling prompted the state attorney general to dismiss charges against a jail guard accused of sexually abusing female inmates, because of an earlier agreement with county prosecutors that let him resign rather than face charges.

Cosby, a groundbreaking Black actor and comedian, created the top-ranked "Cosby Show" in the 1980s. A barrage of sexual assault allegations later destroyed his image as "America's Dad" and led to multimillion-dollar court settlements with at least eight women. But Constand's case was the only one to lead to criminal charges.

Five of Cosby's accusers testified for the prosecution to support Constand's claims, testimony that Cosby's lawyers also challenged on appeal. However, the state's high court declined to address the thorny issue of how many other accusers should be allowed to take the stand in a criminal case before the testimony becomes overkill.

In a recent memoir, Constand called the verdict less important than the growing support for sexual assault survivors inspired by the #MeToo movement.

"The outcome of the trial seemed strangely unimportant. It was as if the world had again shifted in some much more significant way," Constand wrote in the book, "The Moment."

The Associated Press generally does not name alleged victims of sexual assault unless they speak publicly, as Constand has done.

Cheryl Carmel, who served as jury foreperson at Cosby's retrial, said she was glad to see Steele ask for the review.

"I firmly believe that what we decided was correct, or else I wouldn't have made that decision ... with the group. Having it overturned because of something that was outside of the facts of what we were given is disappointing," Carmel told The AP on Monday.

Follow Maryclaire Dale on Twitter at <https://twitter.com/Maryclairedale>.

Maxwell, Epstein were 'partners in crime,' prosecutor says

By LARRY NEUMEISTER and TOM HAYS Associated Press

NEW YORK (AP) — Ghislaine Maxwell and Jeffrey Epstein were "partners in crime" in the sexual abuse of teenage girls, a prosecutor said Monday, while Maxwell's lawyers said she was being made a scapegoat for a man's bad behavior as the British socialite's sex trafficking trial got underway in New York.

Assistant U.S. Attorney Lara Pomerantz said at the start of Maxwell's sex trafficking trial that the British socialite and Epstein enticed girls as young as 14 to engage in "so-called massages" in which sex abuse came to be seen as "casual and normal" after vulnerable victims were showered with money and gifts.

The prosecutor sought to make clear to a jury of 12 that there was no confusion about whether Maxwell, Epstein's longtime companion, was his puppet or accomplice.

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She described Maxwell, 59, as central to Epstein's sex abuse scheme, which prosecutors say lasted over a decade.

"She was in on it from the start. The defendant and Epstein lured their victims with a promise of a bright future, only to sexually exploit them," Pomerantz said, as U.S. Attorney Damian Williams looked on from a spectator bench.

Maxwell "was involved in every detail of Epstein's life," the prosecutor said. "The defendant was the lady of the house."

Even after Maxwell and Epstein stopped being romantically involved, the pair "remained the best of friends," Pomerantz said.

She said Maxwell "helped normalize abusive sexual conduct" by making the teenagers feel safe and by taking them on shopping trips and asking them about their lives, their schools and their families.

The prosecutor spoke from an enclosed plastic see-through box that allowed her to take off her mask as Maxwell, in a cream-colored sweater and black pants, at times wrote and passed notes to her lawyers.

When she finished, attorney Bobbi Sternheim said her client was a "scapegoat for a man who behaved badly," just like so many women all the way back to Adam and Eve.

"She's not Jeffrey Epstein. She's not like Jeffrey Epstein" or any of the powerful men, moguls and media giants who abuse women, Sternheim said.

She called Epstein "the proverbial elephant in the room."

"He is not visible, but he is consuming this entire courtroom and overflow courtrooms where other members of the public are viewing," she said.

Sternheim said the four women who would testify that Maxwell recruited them to be sexually abused were suffering from quarter-century-old memories and the influence of lawyers who guided them to get money from a fund set up by Epstein's estate after his August 2019 suicide in a Manhattan federal jail as he awaited his own sex trafficking trial.

The lawyer said "accusers have shaken the money tree, and millions of dollars have fallen their way."

The openings set the scene for a six-week trial that Maxwell settled into with frequent gazes at her sister in the front row of a spectator section diminished in space by coronavirus restrictions.

Maxwell — who once dated the financier — is accused of acting as Epstein's chief enabler, recruiting and grooming young girls for him to abuse. The charges against her stem from the allegations of four women who say she and Epstein victimized them as teens from 1994 to 2004.

Pomerantz said the abuse occurred at Epstein's homes, including his estate in Palm Beach, Florida; his posh Manhattan townhouse; a Santa Fe, New Mexico, ranch; a Paris apartment; and a luxury estate in the Virgin Islands.

The government's first witness was Lawrence Paul Visoski Jr., who worked for Epstein starting in the 1990s as a pilot on the private jets that shuttled Epstein, Maxwell and others between his various homes.

A prosecutor had Visoski start by describing the layout of the New York residence that he regularly visited to pick up luggage and do other chores. He was to return to the stand Tuesday.

Authorities charged Maxwell in July 2020, arresting her after tracking her to a \$1 million New Hampshire estate where she had been holed up during the coronavirus pandemic.

Maxwell has pleaded not guilty and vehemently denies wrongdoing. She has been jailed in Brooklyn since her arrest, calling the claims against her "absolute rubbish." Maxwell's lawyers and family say she was Epstein's pawn, now paying "a blood price" to satisfy public desire to see someone held accountable for his crimes.

The wealthy, Oxford-educated Maxwell is the daughter of British newspaper magnate Robert Maxwell, who died in 1991 after falling off his yacht — named the Lady Ghislaine — near the Canary Islands. Robert Maxwell, whose holdings at the time included the New York Daily News, was facing allegations that he had illegally looted his businesses' pension funds.

Ghislaine Maxwell holds U.S., British and French citizenships and was repeatedly denied bail in the run-up to her trial.

Inside the 'big wave' of misinformation targeted at Latinos

By AMANDA SEITZ and WILL WEISSERT Associated Press

WASHINGTON (AP) — Before last year's presidential election, Facebook ads targeting Latino voters described Joe Biden as a communist. During his inauguration, another conspiracy theory spread online and on Spanish-language radio warning that a brooch worn by Lady Gaga signaled Biden was working with shadowy, leftist figures abroad.

And in the final stretch of Virginia's election for governor, stories written in Spanish accused Biden of ordering the arrest of a man during a school board meeting.

None of that was true. But such misinformation represents a growing threat to Democrats, who are anxious about their standing with Latino voters after surprise losses last year in places like South Florida and the Rio Grande Valley in Texas.

Heading into a midterm election in which control of Congress is at stake, lawmakers, researchers and activists are preparing for another onslaught of falsehoods targeted at Spanish-speaking voters. And they say social media platforms that often host those mistruths aren't prepared.

"For a lot of people, there's a lot of concern that 2022 will be another big wave," said Guy Mentel, executive director of Global Americans, a think tank that provides analysis of key issues throughout the Americas.

This month's elections may be a preview of what's to come.

After Democratic incumbent Phil Murphy won New Jersey's close governor's race, Spanish-language videos falsely claimed the vote was rigged, despite no evidence of widespread voter fraud — a fact the Republican candidate acknowledged, calling the results "legal and fair."

In Virginia, where Republican Glenn Youngkin campaigned successfully on promises to defend "parental rights" in classrooms, false headlines around a controversial school board meeting emerged.

"Biden ordenó arrestar a padre de una joven violada por un trans," read one of several misleading articles, translating to "Biden ordered the arrest of a father whose daughter was raped by a trans."

The mistruth was spun from an altercation during a chaotic school board meeting months earlier in Loudoun County that resulted in the arrest of a father whose daughter was sexually assaulted in a bathroom by another student. The father claimed the suspect was "gender fluid," which sparked outcry over the school's policy allowing transgender students to use bathrooms matching their gender identity.

In reality, the White House wasn't involved with the meeting. The man was arrested by the local sheriff's department. It's also unclear how the suspect identifies.

Loudoun County was already the epicenter of a heated political debate over how the history of racism is taught in schools — another issue that became fodder for misinformation and political attacks on Spanish-language websites this summer, said Maria Teresa Kumar, president and CEO of Voto Latino, a nonprofit that mobilizes Hispanics to become politically engaged.

"It has everything to do with trust in institutions. Trust in government," said Kumar, whose group works to combat the misinformation. "Eroding that trust will transfer not just to voting in the midterms, but just overall disengagement from your government."

Stretched truths accusing some Democrats of being socialists or communists could also dominate the online narrative, said Diego Groisman, a research analyst at New York University's Cybersecurity for Democracy project.

During the 2020 election, Groisman flagged Facebook ads targeting Latino voters in Texas and Florida that described Biden as a "communist." The ads in Florida — where a majority of the country's Venezuelan population is concentrated — compared Biden to that country's socialist President Nicolás Maduro.

"There were clearly specific Spanish-speaking communities that were being targeted," said Laura Edelson, the lead researcher for NYU's program.

Evelyn Pérez-Verdía, a Florida Democratic strategist who watches Spanish misinformation patterns, says many online narratives intentionally stoke "fear in the Spanish-speaking communities."

One conspiracy theory mentioned on talk radio grew out of Lady Gaga's golden bird brooch at Biden's

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inauguration. Some spreading the claim noted a similar brooch once worn by Claudia López Hernandez, the first openly gay mayor of Bogota, Colombia, signaled the new president was working with foreign leftists.

"They're not going to stop. They're going to double down on it," Pérez-Verdía said of the misinformation.

Critics argue that social media companies like Meta, which owns Facebook, Instagram and WhatsApp, have placed outsize attention on removing or fact-checking misinformation in English over other languages like Spanish.

Facebook's own documents, leaked by ex-Facebook employee turned whistleblower Frances Haugen earlier this year, echo those concerns. Haugen said the company spends 87% of its misinformation budget on U.S. content — a figure that Meta spokesperson Kevin McAllister said is "out of context."

An internal Facebook memo, written in March, revealed the company's ability to detect anti-vaccine rhetoric and misinformation was "basically non-existent" in non-English comments.

Last year, for example, Instagram and Facebook banned "#plandemic," a hashtag associated with a video full of COVID-19 conspiracy theories. Yet users were spreading misinformation on the platforms using "#plandemia," the Spanish version of the hashtag, until just last month.

An analysis last year by Avaaz, a left-leaning advocacy group that tracks online misinformation, also found Facebook failed to flag 70% of Spanish-language misinformation surrounding COVID-19 compared to just 29% of such information in English.

McAllister said the company removes false Spanish-language claims about voter fraud, COVID-19 and vaccines. Four news outlets, including The Associated Press, also fact-check Spanish-language falsehoods circulating around U.S. content on Instagram and Facebook.

Meanwhile, researchers at the nonpartisan Global Disinformation Index estimated that Google will make \$12 million this year off ads on websites that peddled COVID-19 disinformation in Spanish. Google has "stopped serving ads on a majority of the pages shared in the report," company spokesperson Michael Aciman said in an email.

"Spanish-language misinformation campaigns are absolutely exploding on social media platforms like Facebook, WhatsApp, etc.," New York Democratic Rep. Alexandria Ocasio-Cortez, one of the party's top progressive voices, tweeted after the Nov. 2 election.

That explosion is fueled in part by a U.S.-Latin America feedback loop that allows falsehoods to fester.

Misinformation that starts on U.S. websites is sometimes translated by social media pages in Latin American countries like Colombia and Venezuela. The inaccuracies are shared back through YouTube videos or messaging apps with Spanish speakers in expatriate communities like those in Miami and Houston.

Those falsehoods are more likely to reach U.S. Latinos because they tend to spend more time on sites such as YouTube, WhatsApp, Instagram and Telegram, according to an October Nielsen report.

"We see YouTube accounts or radio stations churning out mis- or disinformation regarding a whole range of things that they pick up from fringe U.S. outlets," Mentel said.

Some are working to fill the void of reliable information in those communities.

The Oakland, California, news service El Timpano delivers a text message of local news in Spanish to roughly 2,000 subscribers every week. Subscribers can text back with questions that staffers work to answer, said Madeleine Bair, who launched El Timpano.

The news service has fielded more than 1,500 questions over the past year, including ones about hoax COVID-19 cures.

"We really ramped up because it was clear that the communities we were serving were most in need of basic public health information," Blair said, "and that information wasn't reaching them."

Others have urged the government to take on a watchdog role. Federal Trade Commission commissioner Rebecca Kelly Slaughter, a Democrat, said the regulator may look at disparities in how Big Tech monitors English-language disinformation compared to other languages.

"The first thing I think we need to do is investigate," Slaughter said during a November panel with lawmakers.

Associated Press writers Marcos Martínez Chacón in Monterrey, Mexico, Abril Mulato in Mexico City and

Marcy Gordon in Washington contributed to this report.

Barbados prepares to bid farewell to queen as head of state

By DÁNICA COTO Associated Press

SAN JUAN, Puerto Rico (AP) — The Caribbean island of Barbados on Monday prepared to wave goodbye to Queen Elizabeth II as head of state as it cuts ties with its colonial past and becomes a republic for the first time in history.

The preparations come a month after the Parliament of the former British colony once nicknamed "Little England" elected its first ever president in a two-thirds majority vote following a push to become a republic that began in the 1990s.

Thousands of people were expected to watch the late-night event on TV, listen to it on the radio or see it in person at a popular square where the statue of a well-known British lord was removed last year amid a worldwide push to eradicate symbols of oppression.

"It should be a historic moment," said Dennis Edwards, a property manager who was born in Guyana but lives in Barbados.

His son was born on the island, so Edwards said he plans to take him to see the once-in-a-lifetime event: "He's a Bajan."

The most high-profile guest will be Prince Charles, who arrived Sunday in Barbados, an island of more than 300,000 people and one of the wealthier nations in the Caribbean, dependent on tourism, manufacturing and finance. The Prince of Wales was greeted with a 21-gun salute and is scheduled to speak ahead of the president-elect.

Barbados Governor General Sandra Mason, who was appointed by the queen, is scheduled to be sworn in as president shortly after midnight on Tuesday, which marks the island's 55th independence from Britain.

"The time has come to fully leave our colonial past behind," Mason said in a speech to Parliament last month, adding that the move to become a republic should not be seen as a condemnation of anyone and that Barbados looked forward to continuing its relationship with the British monarch.

Prime Minister Mia Mottley praised the vote at the time, saying, "We have just elected among us a woman who is uniquely and passionately Barbadian....I can think therefore of no better person at this juncture of our nation."

Mottley added that the "responsibilities and rights come with the understanding that there is no one else to look over us... This is our moment."

Mason, 72, is an attorney and judge who also has served as ambassador to Venezuela, Colombia, Chile and Brazil.

Barbados has slowly distanced itself from its colonial past after gaining independence from the United Kingdom in November 1966, more than three hundred years after English settlers arrived and turned the island into a wealthy sugar colony based on the work of hundreds of thousands of African slaves.

In 2005, Barbados dropped the London-based Privy Council in favor of the Trinidad-based Caribbean Court of Justice as its final court of appeal. Then in 2008, it proposed a referendum on the issue of becoming a republic, but it was pushed back indefinitely. Last year, Barbados announced plans to stop being a constitutional monarchy and removed a statue of British Vice-Admiral Horatio Nelson from National Heroes Square, the location of the event to celebrate the looming republic status.

During a ceremony to remove the statue last year, the prime minister said it was an important step to develop Barbados as a nation.

"If we do not know who we are, if we are not clear what we will fight for, then we are doomed to be exploited and to be colonized again, not necessarily in the same way that led to the ships coming in, but in the way that will allow the mental spaces to be dominated by stories, songs and messages that are not our own," she said.

Barbados did not need permission from the U.K. to become a republic, although the island will remain a member of the Commonwealth Realm.

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British Prime Minister Boris Johnson said in a statement Monday that Britain and Barbados would remain friends and allies: "Ours is a partnership built to last as we tackle shared global challenges like the climate crisis and global recovery from the pandemic together."

The transformation into a republic is an event the Caribbean has not seen since the 1970s, when Guyana, Dominica and Trinidad and Tobago became republics.

Edwards, the Bajan property manager born in Guyana, said his native country faced a difficult time after becoming a republic because a lot of British-owned businesses pulled out at the time.

"It was a very rough patch for years," he recalled, adding that he expects the results to be much different for Barbados. "It was a different time back then."

WHO warns that new virus variant poses 'very high' risk

By JAMEY KEATEN, RAF CASERT and MARI YAMAGUCHI Associated Press

GENEVA (AP) — The World Health Organization warned Monday that the global risk from the omicron variant is "very high" based on the early evidence, saying the mutated coronavirus could lead to surges with "severe consequences."

The assessment from the U.N. health agency, contained in a technical paper issued to member states, amounted to WHO's strongest, most explicit warning yet about the new version that was first identified days ago by researchers in South Africa.

It came as a widening circle of countries around the world reported cases of the variant and moved to slam their doors in an act-now-ask-questions-later approach while scientists race to figure out just how dangerous the mutant version might be.

Japan announced it is barring entry to all foreign visitors, joining Israel in doing so. Morocco banned all incoming flights. Other countries, including the U.S. and members of the European Union, have moved to prohibit travelers arriving from southern Africa.

WHO said there are "considerable uncertainties" about the omicron variant. But it said preliminary evidence raises the possibility that the variant has mutations that could help it both evade an immune-system response and boost its ability to spread from one person to another.

"Depending on these characteristics, there could be future surges of COVID-19, which could have severe consequences, depending on a number of factors, including where surges may take place," it added. "The overall global risk ... is assessed as very high."

The WHO stressed that while scientists are hunting evidence to better understand this variant, countries should accelerate vaccinations as quickly as possible.

While no deaths linked to omicron have been reported so far, little is known for certain about the variant, including whether it is more contagious, more likely to cause serious illness or more able to evade vaccines. Last week, a WHO advisory panel said it might be more likely to re-infect people who have already had a bout with COVID-19.

Scientists have long warned that the virus will keep finding new ways to exploit weaknesses in the world's vaccination drive, and its discovery in Africa occurred in a continent where under 7% of the population is vaccinated.

"The emergence of the omicron variant has fulfilled, in a precise way, the predictions of the scientists who warned that the elevated transmission of the virus in areas with limited access to vaccine would speed its evolution," said Dr. Richard Hatchett, head of CEPI, one of the founders of the U.N.-backed global vaccine sharing initiative COVAX.

Spain on Monday became one of the latest countries to report its first confirmed omicron case, detected in a traveler who returned Sunday from South Africa after making a stopover in Amsterdam.

While the majority of omicron infections recorded around the world have been in travelers arriving from abroad, cases in Portugal and Scotland have raised fears that the variant may already be spreading locally.

"Many of us might think we are done with COVID-19. It's not done with us," warned Tedros Adhanom Ghebreyesus, WHO's director-general.

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Days after the variant sent a shudder through the financial world nearly two years into the pandemic that has killed over 5 million people, markets had a mixed reaction Monday. European stocks rebounded and Wall Street steadied itself, while Asian markets fell further.

U.S. President Joe Biden called the omicron variant a cause for concern but "not a cause for panic." He said he is not considering any widespread U.S. lockdown and instead urged mask-wearing and vaccinations, even as a federal judge blocked his administration from enforcing a requirement that thousands of health care workers in 10 states get the shot.

Dr. Rochelle Walensky, director of the U.S. Centers for Disease Control and Prevention, reacted to the potential threat by urging everyone 18 and older to get booster shots, because "strong immunity will likely prevent serious illness." Earlier this month, the U.S. opened boosters to all adults but recommended them only for those 50 and older or people in long-term care.

The omicron infections have underscored the difficulty in keeping the virus in check in a globalized world of jet travel and open borders. Yet many countries are trying to do just that, against the urging of the WHO, which noted that border closings often have limited effect and can wreak havoc on lives and livelihoods.

Some have argued that such restrictions can buy valuable time to analyze the new variant.

While the initial global response to COVID-19 was criticized as slow and haphazard, the reaction to the omicron variant came quickly.

"This time the world showed it is learning," said EU Commission President Ursula von der Leyen, singling out South African President Cyril Ramaphosa for praise. "South Africa's analytic work and transparency and sharing its results was indispensable in allowing a swift global response."

Late last week, von der Leyen successfully pushed the 27-nation EU to agree to ban flights from seven southern African nations, similar to what many other countries are doing.

Cases have been reported in such places as Canada, Germany, Britain, Belgium, Denmark, the Netherlands and Portugal, where authorities identified 13 omicron infections among members of the Belenenses professional soccer team.

Taking no chances, Japan, which has yet to detect any omicron cases, reimposed border controls that it had eased earlier this month.

"We are taking the step as an emergency precaution to prevent a worst-case scenario in Japan," Prime Minister Fumio Kishida said.

Israel likewise decided to bar entry to foreigners, and Morocco said it would suspend all incoming flights for two weeks.

Britain reacted by expanding its COVID-19 booster program to everyone 18 and older, making millions more people eligible. Up until now, booster shots were available only to those 40 and over and people particularly vulnerable to the virus. The U.K. has reported about a dozen omicron cases.

Despite the global worry, doctors in South Africa are reporting patients are suffering mostly mild symptoms so far. But they warn that it is early. Also, most of the new cases are in people in their 20s and 30s, who generally do not get as sick from COVID-19 as older patients.

Yamaguchi reported from Tokyo, Casert from Brussels. Associated Press journalists from around the world contributed to this report.

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Powell says COVID variant clouds inflation, economic outlook

By CHRISTOPHER RUGABER AP Economics Writer

WASHINGTON (AP) — Federal Reserve Chair Jerome Powell says that the appearance of a new COVID-19 variant could slow the economy and hiring, while also raising uncertainty about inflation.

The recent increase in delta cases and the emergence of the omicron variant "pose downside risks to employment and economic activity and increased uncertainty for inflation," Powell said Monday in prepared

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remarks to be delivered to the Senate Banking Committee on Tuesday. The new variant could also worsen supply chain disruptions, he said.

Powell's comments come after other Fed officials in recent weeks have said the central bank should consider winding down its ultra-low interest rate policies more quickly than it currently plans. They cited concerns about inflation, which has jumped to three-decade highs.

Yet Powell's remarks suggest that the additional uncertainty raised by the omicron variant may complicate the Fed's next steps.

"Greater concerns about the virus could reduce people's willingness to work in person, which would slow progress in the labor market and intensify supply-chain disruptions," Powell said.

While little is known definitively about the health effects of the omicron variant. If it were to cause Americans to pull back on spending and slow the economy, that could ease inflation pressures in the coming months.

Yet if the new variant causes another wave of factory shutdowns in China, Vietnam or other Asian countries, that could worsen supply chain snarls, particularly if Americans keep buying more furniture, appliances and other goods. That, in turn, could push prices even higher in the coming months.

Powell acknowledged that inflation "imposes significant burdens, especially on those less able to meet the higher costs of essentials like food, housing, and transportation."

He said most economists expect inflation to subside over time, as supply constraints ease, but added that, "factors pushing inflation upward will linger well into next year." At a news conference last month, Powell said high inflation could persist into late summer.

At their last meeting November 2-3, Fed policymakers agreed to start reducing the central bank's \$120 billion in monthly bond purchases by \$15 billion a month. That would bring the purchases to an end in June.

Those bond buys, an emergency measure that began last year, are intended to hold down longer-term interest rates to encourage more borrowing and spending. The Fed has pegged its short-term interest rate, which influences other borrowing costs such as for mortgages and credit cards, at nearly zero since last March, when COVID-19 first erupted.

Last week, the Fed released minutes from the November meeting that showed some of the 17 Fed policymakers supported reducing the bond purchases more quickly, particularly if inflation worsens. That would give the Fed the opportunity to hike its benchmark rate as early as the first half of next year.

At that time, investors expected three rate hikes next year, but the odds of that many hikes have fallen sharply since the appearance of the new coronavirus variant.

New variant cause for concern, not panic, Biden tells US

By ZEKE MILLER Associated Press

WASHINGTON (AP) — President Joe Biden called the new coronavirus variant omicron a cause for concern but "not a cause for panic" Monday and said he was not considering any widespread U.S. lockdown. He urged Americans anew to get fully vaccinated, including booster shots, and return to face masks indoors in public settings to slow any spread.

Speaking Monday at the White House, Biden said it was inevitable that the new variant would reach the U.S., but he also said the country has the tools necessary to protect Americans — particularly the approved vaccines and booster shots.

When omicron arrives, and it will, Biden said, America will "face this new threat just as we've faced those that have come before it."

He appealed to the roughly 80 million unvaccinated Americans aged 5 and up to get their shots, and for the rest of the country to seek out booster shots six months after their second dose. He also encouraged everyone to get back to wearing face masks in all indoor public settings — a pandemic precaution that has fallen out of use across much of the country.

Separately, the Centers for Disease Control and Prevention broadened its recommendation for COVID-19 booster shots to include all adults because of the new variant. The agency had previously approved boosters

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for all adults, but only recommended them for those 50 years and older or living in long-term care settings.

"Everyone ages 18 and older should get a booster shot either when they are six months after their initial Pfizer or Moderna series or two months after their initial J&J vaccine," CDC Director Dr. Rochelle Walensky said in a statement.

Biden was joined by Dr. Anthony Fauci, the nation's top infectious disease expert and the president's COVID-19 adviser, who said earlier Monday that scientists hope to know in the next week or two how well the existing COVID-19 vaccines protect against the variant, and how dangerous it is compared to earlier strains.

"We really don't know," Fauci told ABC's "Good Morning America," calling speculation premature.

The new variant poses the latest test to Biden's efforts to contain the pandemic, mitigate its impacts on the economy and return a sense of normalcy to the U.S. during the holiday season.

"This variant is a cause for concern, not a cause for panic," Biden said, as U.S. financial markets rebounded Monday after falling sharply on Friday. The White House said there were no plans to curtail Biden's travel as a result of the new variant.

Biden last week moved to restrict travel from South Africa and seven other countries in southern Africa, effective Monday, in a bid to give scientists time to learn more about the new variant, and for more Americans to get vaccinated before it hits the U.S. South African officials have argued they are being punished for speedily identifying and reporting the new variant.

As omicron spreads across the globe, White House press secretary Jen Psaki said Monday, "we will continue to assess what steps we need to take to protect the American people."

Some other nations are reinstating severe travel and business lockdowns to prevent the omicron variant from spreading, but Biden indicated the U.S. was not following suit.

"If people are vaccinated and wear their mask, there's no need for lockdowns," he said.

Fauci said earlier on "CBS Mornings" that limiting travel from the countries where omicron was first identified "buys you a couple of weeks because if you can keep things out in force for a couple of weeks you can do a lot of things."

Pharmaceutical companies are already adjusting their existing COVID-19 vaccines to better attack the omicron variant, but Fauci said Americans should make it a priority to get either their first shots or a booster dose now, rather than waiting for a new formulation.

"I would strongly suggest you get boosted now," he said.

He added that depending on what scientists learn about the omicron variant in the coming weeks "we may not need" targeted boosters to contain that strain of the virus.

Biden said his administration was "sparing no effort at removing all roadblocks to keep the American people safe," including working with drug manufacturers on potential new boosters and testing targeted specifically at the new variant.

Any omicron-specific vaccine probably could not begin to be produced for another two or three months, so getting boosters now is a "very important initial line of defense," Dr. Paul Burton, chief medical officer for the vaccine-maker Moderna, said Monday.

Burton said Moderna and other vaccine companies are testing existing COVID-19 vaccines to determine how effective they are against the omicron variant.

"If we need to manufacture an omicron-specific variant, it's going to take some weeks, two to three months is probably what we're looking at to be able to really begin to manufacture," Burton told ABC.

Noting that the new variant, like earlier ones, sprang up overseas in areas with lower vaccination rates, Biden said it was both a moral imperative and in America's self-interest to speed up global vaccinations. He noted that the U.S. has already donated more than 275 million doses — more than the rest of the world combined — and is on pace to deliver more than 1.1 billion doses globally by September 2022.

"Now we need the rest of the world to step up as well," Biden said. "We can't let up until the world is vaccinated."

As the holiday season got underway, Biden tried to reassure shoppers that his administration was working to ease supply chain problems. Businesses are working to overcome lingering effects of COVID-related

shutdowns and now issues arising from the strong recovery that has generated more demand than many ports, manufacturers and retailers can handle.

The president spoke Monday with the CEOs of Best Buy, Food Lion, Samsung, Etsy and Walmart, among companies. The corporate leaders reassured Biden.

"While we're all concerned about the supply chain, we have more inventory than we did a year ago, and we have the inventory that we need to be able to support the business," said Walmart CEO Doug McMillon. "And we are seeing progress. The port and transit delays are improving."

Lee Elder, 1st Black golfer to play Masters, dies at age 87

By PAUL NEWBERRY AP National Writer

Lee Elder played through the scourge of racism. He broke down enormous barriers. He carved a path for Tiger Woods and others to follow.

Finally, in the waning months of his life, he took his rightful place at Augusta National.

Alongside the greats.

Elder, who fought through numerous obstacles to become the first Black golfer to play in the Masters, died at the age of 87, the PGA Tour announced Monday.

"The game of golf lost a hero," 18-time major champion Jack Nicklaus said.

His death was first reported by Debert Cook of African American Golfer's Digest. No cause was given, but Elder had been in poor health and wore an oxygen tube when he attended the Masters in April.

The tour said he died early Sunday in Escondido, California.

At this year's Masters, Elder was given the honor of hitting a ceremonial opening tee shot alongside Nicklaus, a six-time Masters champion, and Gary Player, who won the green jacket three times.

Sadly, Elder was not well enough to take a swing at a ball he once hit with so much power.

But he stood briefly to acknowledge the cheers of the gallery, holding up his driver, and watched proudly from a chair at the first tee as Nicklaus and Player hit the shots that traditionally open the first major championship of the year.

"For me and my family, I think it was one of the most emotional experiences that I have ever witnessed or been involved in," Elder said.

"That morning, you could see the joy in Lee's face," Nicklaus said Monday. "Gary Player and I were honored to enjoy that moment with him."

A Texan who developed his game during segregated times while caddying and hustling for rounds, Elder made history in 1975 at Augusta National, which had held an all-white tournament until he received an invitation after winning the Monsanto Open the previous year.

Elder missed the cut at his first Masters but forever stamped himself as a groundbreaking figure in a sport that had never been known for racial tolerance.

Twenty-two years later, Woods became the first Black golfer to capture the green jacket, launching one of the greatest careers in golf history.

"Lee Elder was a pioneer, and in so many ways," Nicklaus wrote on his Twitter account. "Yes, he was the first Black golfer to play in the Masters Tournament, but that simply underlined the hard work Lee put in to further the cause of everyone who has a dream to play on the PGA Tour and perhaps thinks there were too many barriers before them."

After Woods' record 12-stroke victory in 1997 — the first of his five Masters titles and 15 major championships overall — he reflected on the contributions of Black golfers such as Elder and Charlie Sifford, the tour's first Black player.

"I thought about those guys coming up 18," Woods said that evening. "I said a little prayer and said thanks. I wasn't the first. I wasn't the pioneer. I thank them. I think that's why this victory is even more special. Lee, because of what he did, I was able to play here. Because of Charlie, I was able to play on the PGA Tour. I lived my dream because of those guys."

Fred Ridley, chairman of Augusta National and the Masters, called Elder "a true pioneer in the game of

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golf.”

“Lee was an inspiration to so many young men and women of color not only through his play, but also through his commitment to education and community,” Ridley said in a statement. “His presence will be sorely missed, but his legacy will continue to be celebrated.”

Elder got into golf as a caddie, since that essentially was the only conduit Black players had to be permitted on the course. He was able to polish his game while serving in the Army and, after his discharge, joined the United Golf Association Tour for Black players in the early 1960s.

He developed into one of the UGA’s best players, winning 18 of 22 tournaments in one dominating stretch, but meager prize money made it tough to earn a living. Finally, at the age of 33, Elder had saved up enough to afford PGA qualifying school, where he earned his first tour card for the 1968 season.

The highlight of his rookie year was a memorable loss to Nicklaus on the fifth hole of a sudden-death playoff at Firestone Country Club in Akron, Ohio.

Elder would go on to capture four PGA Tour victories and eight more wins on the PGA Tour Champions for 50-and-over players. He played in all four major championships, tying for 11th at both the 1974 PGA Championship and the 1979 U.S. Open.

His best finish in six Masters appearances was a tie for 17th in 1979. That same year, he was a member of the winning U.S. team at the Ryder Cup.

But Elder’s impact on the game went far beyond wins and losses, even if it took decades for his legacy to be fully appreciated.

“It always amazed me that presidents of the United States would be giving these different awards to athletes for their athletic prowess, and here was a man that ... was never given the awards that he actually duly deserved,” Player said.

Elder was 40 when he played in his first Masters, so many of his prime years already stolen from him by racism and prejudice.

The PGA had a Caucasian-only rule until 1961 — 14 years after Jackie Robinson broke baseball’s color barrier.

It took another 14 years before the Masters finally accepted a Black player, though Elder’s appearance was reportedly accompanied by death threats that shook him so badly he rented two houses in Augusta so no one would be quite sure where he was staying for the week.

Last November, after racial protests roiled the nation and the pandemic-delayed Masters was finally played, Augusta National formally recognized Elder’s enormous contributions by setting up two scholarships in his name at Paine College, a historically Black school in the east Georgia city.

The club also planned for him to take part in the ceremonial tee shot with Nicklaus and Player at this year’s Masters.

“That is one thing that’s going to be significant to me, because 1975 was just an ordinary shot playing a golf tournament, even though it was the Masters,” Elder said at the time. “It’s not as significant as this shot will be come April 8, 2021. Because my heart and soul will be into this shot.”

His health didn’t cooperate, but it was clear that Elder was deeply moved just to be in the company of Nicklaus and Player at such a hallowed spot.

Past Masters champions Bubba Watson and Phil Mickelson, both in their green jackets, made sure they were there for the ceremony. So was Cameron Champ, one of four players of Black heritage on the PGA Tour.

“It’s a great honor, and I cherish it very much, and I will always cherish it,” Elder said.

Added Nicklaus, “It was long overdue.”

Robert Lee Elder was born on July 14, 1934, in Dallas, Texas, the youngest of 10 children.

His father was killed in action during World War II when Elder was 9, and his mother died three months later. He was taken in by an aunt, Sarah, when he was 11 and lived for a time in Los Angeles before returning to Texas.

“My aunt was an incredible person,” Elder wrote in Golf Digest in 2019. “She gave me love and discipline, didn’t let me get too far out of line. Her resources were limited, but she carried herself with great dignity,

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communicated well with people and taught me right from wrong. I was on my own after about age 16, but she got me to a point where I could care for myself.”

That was about the time Elder played a full 18-hole round for the first time, stoking his love for golf even more.

He caddied, hustled games whenever he could and further developed his skills in the Army while serving under a golf-loving colonel who assigned him to a special unit where he could play regularly.

“It’s remarkable to look back on Lee’s life and career and realize the hardships he endured and the sacrifices he made to reach golf’s highest level,” PGA Tour Commissioner Jay Monahan said. “To have the success he had, while paving the way for others to dream big and achieve, is a testament to the type of man he was and how much talent he possessed.”

Elder knew Robinson, who died in 1972, and was close with Hank Aaron, who endured racist threats throughout his stellar baseball career, particularly as he approached Babe Ruth’s home run mark.

Aaron hit his record-breaking 715th homer on April 8, 1974.

Twelve days later, Elder won the Monsanto Open to qualify for the following year’s Masters.

Elder visited with Aaron shortly before the Hammer died in January.

“We talked about several things ... our sports, our particular sport and the involvement that we felt that we could help other young Blacks that was coming up behind us,” Elder said. “And I certainly hope that the things that I have done have inspired a lot of young Black players and they will continue on with it.”

Elder, who is survived by his wife, Sharon, was at Augusta National for Woods’ historic win in 1997. He wasn’t about to miss seeing a Black golfer win the tournament for the first time.

After all, it was Elder who paved the way.

More AP golf: <https://apnews.com/hub/golf> and https://twitter.com/AP_Sports

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Xiomara Castro de Zelaya, Honduras’ 1st female president?

By MARLON GONZALEZ Associated Press

TEGUCIGALPA, Honduras (AP) — Xiomara Castro de Zelaya, the wife of ousted former president Mel Zelaya, has taken a commanding lead in Honduras’ elections, capping a 12-year effort.

If preliminary tallies from the election Sunday are confirmed, Castro de Zelaya would become the Central American country’s first female president.

Her victory would also mark the return of her family to the presidential residence that they were ousted from in a 2009 coup.

The 62-year-old, three-time candidate has long said, “the third try is the charm.”

She grew up in the capital, Tegucigalpa, but moved to her husband’s rural province of Olancho, known for its cattle ranches, when the couple wed.

Together they raised four children, and during her husband’s 2006-2009 tenure, she played a relatively minor role, overseeing programs for women and children.

But it was after the 2009 coup, which forced her husband into exile, that Castro de Zelaya came to the forefront. With Mel Zelaya running a sort of government in exile in Costa Rica and later in Nicaragua, it was up to his wife to lead the string of protests demanding his return and re-instatement.

By the time Zelaya formed the Libre, or Free Party, Castro de Zelaya’s popularity was evident among followers of the movement. Besides, the country’s Constitution prohibited her husband from running for re-election.

Since 2013, the first time she ran, Castro de Zelaya has been the principal thorn in the side of Juan Orlando Hernández, the current president who won elections in 2013, and then gained the blessings of the country’s supreme court to run for re-election in 2017.

Castro de Zelaya ceded her candidacy in 2017 to Salvador Nasralla, a TV personality who ran at the

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head of an opposition coalition, and claimed to have narrowly defeated Hernández.

After a protracted election filled with irregularities in 2017, protesters filled the streets and the government imposed a curfew. Three weeks later, Hernández was declared the winner despite the Organization of American States observation mission calling for an election re-do. At least 23 people were killed.

Since then, Castro de Zelaya's movement has focused laser-like on getting Hernández out of office.

Hernández became a national embarrassment with U.S. federal prosecutors in New York accusing him of running a narco state and fueling his own political rise with drug money. Hernández has denied it all and has not been formally charged, but that could change once he leaves office.

Castro de Zelaya sees it as a campaign to free her country.

"Honduras has been described as a narco-state because of the mafia that governs us, and we have also been described as the most corrupt country in Latin America," Castro de Zelaya said at a recent campaign event. "People of Honduras, now is the time to say enough of the misery, poverty and exclusion that our country suffers."

But Castro de Zelaya will also have to overcome distrust caused by Mel Zelaya's sometimes headstrong and erratic governing style during his 2006-2009 administration.

Luis León, the director of the Netherlands Institute for Multiparty Democracy in Honduras, said despite the bad blood between Libre and the long-dominant National and Liberal parties, Castro de Zelaya and her husband will have to be open to listening to others.

"It seems to me that the Libre party is clear that they should co-govern, because if they act autocratically, there would be a high level of ungovernability," León said.

The Libre party "would not risk closing the doors to dialogue and giving other parties a piece of the pie, in its first administration," León said. "It will be a flexible government, so that it can survive its first four years and go on to be a viable option in 2025."

Late Sunday, Castro promised a permanent dialogue with the Honduran people and said beginning Monday she wanted to open conversations with all sectors of society and international organizations to seek solutions for the Central American country, which is recovering from two major hurricanes, troubled by gangs and enduring corruption and high poverty.

AP source: Scherzer and Mets agree to \$130M, 3-year contract

By RONALD BLUM AP Baseball Writer

NEW YORK (AP) — Max Scherzer has shattered baseball's record for highest average salary, agreeing Monday to a \$130 million, three-year contract with the New York Mets, a person familiar with the negotiations told The Associated Press.

The person spoke on condition of anonymity because the agreement is subject to a successful physical.

The \$43.33 million average salary is 20% higher than the previous mark, the \$36 million Yankees pitcher Gerrit Cole is averaging in his \$324 million, nine-year contract with New York.

Scherzer would have the right to opt out after the 2023 season to become a free agent once again. Scherzer also receives a full no-trade provision, requiring his approval for any deals. The agreement also includes award bonuses.

Scherzer lives in West Palm Beach, Florida, about an hour's drive from the Mets spring training complex in Port St. Lucie. He was planning to take a physical Monday that is needed for the deal to be completed.

A three-time Cy Young Award winner and eight-time All-Star, the 37-year-old right-hander was 15-4 with a 2.46 ERA last season for the Washington Nationals and Los Angeles Dodgers, who acquired him on July 30. He struck out 236 and walked 36 in 179 1/3 innings, averaging 94.4 mph with his fastball in the final season of a \$210 million, seven-year contract that included \$105 million in deferred money payable from 2022-28.

He is 190-97 with a 3.16 ERA in 14 major league seasons for Arizona (2008-09), Detroit (2010-14), Washington and the Dodgers. He has distinctive eyes, blue on the right, brown on the left, a condition known as Heterochromia Iridis.

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A workhorse who helped the Nationals win the 2019 World Series title, Scherzer won the AL Cy Young in 2013 and consecutive NL Cy Youngs in 2016 and 2017. He finished third in this year's voting behind Milwaukee's Corbin Burnes and Philadelphia's Zack Wheeler.

He has pitched a pair of no-hitters, in 2015 against Pittsburgh and at the Mets.

Scherzer gets \$43,333,333 annually. The Mets deal will raise his career earnings to more than \$370 million.

He joins a rotation headed by two-time Cy Young Award winner Jacob deGrom, who didn't pitch after July 7 because of right forearm tightness. Carlos Carrasco and Taijuan Walker also return under club control.

Noah Syndergaard, returning from Tommy John surgery, left for a \$21 million, one-year contract with the Los Angeles Angels. The Mets lost out on left-hander Steven Matz, whose \$44 million, four-year contract with the St. Louis Cardinals was to be finalized Monday.

New York also has pending deals with center fielder Starling Marte (\$78 million for four years), outfielder/first baseman Mark Canha and infielder Eduardo Escobar, all contingent on successful physicals.

The Mets had baseball's third-highest payroll on Aug. 31 at \$196 million, trailing the Dodgers (\$261 million) and Yankees (\$204 million). They could emerge as the top spender following their first full offseason under owner Steven Cohen, who bought the team in November 2020 from the Wilpon and Katz families in a deal that valued the Mets at a baseball-record \$2.42 billion.

As baseball heads to a likely lockout when the collective bargaining agreement expires Wednesday night, Scherzer is a member of the union's eight-player executive subcommittee.

His agreement, like Cole's, was negotiated by agent Scott Boras.

More AP MLB coverage: <https://apnews.com/hub/MLB> and https://twitter.com/AP_Sports

Talks to revive Iran nuclear deal resume; US stays distant

By KIYOKO METZLER Associated Press

VIENNA (AP) — Negotiators in Vienna resumed talks Monday over reviving Iran's 2015 nuclear deal with world powers, with the United States taking part at arm's length as in previous rounds since the Trump administration pulled out of the accord three years ago.

Hopes of quick progress were muted after a hard-line new government in Tehran led to a more than five-month hiatus in negotiations. But the European Union official chairing the talks sounded an upbeat note after the first meeting concluded.

"I feel positive that we can be doing important things for the next weeks," EU diplomat Enrique Mora told reporters.

All participants showed a willingness to listen to the positions and "sensibilities" of the new Iranian delegation, Mora said. At the same time, Tehran's team made clear it wanted to engage in "serious work" to bring the accord back to life, he said.

The remaining signatories to the nuclear deal formally known as the Joint Comprehensive Plan of Action — Iran, Russia, China, France, Germany and Britain — convened at the Palais Coburg, a luxury hotel where the agreement was signed six years ago.

A U.S. delegation headed by the Biden administration's special envoy for Iran, Robert Malley, stayed at a nearby hotel where it was being briefed on the talks by diplomats from the other countries.

President Joe Biden has signaled he wants to rejoin the talks. The last round, aimed at bringing Iran back into compliance with the agreement and paving the way for the U.S. to rejoin, was held in June.

"There is a sense of urgency in putting an end to the suffering of the Iranian people," said Mora, referring to the crippling sanctions the U.S. re-imposed on Iran when it quit the accord.

"And there is a sense of urgency in putting the Iranian nuclear program under the transparent monitoring of the international community," he said.

"What has been the norm over the first six rounds will be again the practice in this seventh round," Mora added. "Nothing new on working methods."

The United States left the deal under then-President Donald Trump's "maximum pressure" campaign

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against Tehran in 2018.

The nuclear deal saw Iran limit its enrichment of uranium in exchange for the lifting of economic sanctions. Since the deal's collapse, Iran now enriches small amounts of uranium up to 60% purity — a short step from weapons-grade levels of 90%. Iran also spins advanced centrifuges barred by the accord, and its uranium stockpile now far exceeds the accord's limits.

Iran maintains its atomic program is peaceful. However, U.S. intelligence agencies and international inspectors say Iran had an organized nuclear weapons program up until 2003. Nonproliferation experts fear the brinkmanship could push Tehran toward even more extreme measures to try to force the West to lift sanctions.

Making matters more difficult, United Nations nuclear inspectors remain unable to fully monitor Iran's program after Tehran limited their access. A trip to Iran last week by the head of the International Atomic Energy Agency, Rafael Grossi, failed to make any progress on that issue.

Russia's top representative, Mikhail Ulyanov, said he held "useful" informal consultations with officials from Iran and China on Sunday. That meeting, he said, was aimed at "better understanding ... the updated negotiating position of Tehran." He tweeted a picture of a meeting Monday he described as a preparatory session with members before Iran joined the discussions.

A delegation appointed by new Iranian President Ebrahim Raisi is joining the negotiations for the first time. Iran has made maximalist demands, including calls for the U.S. to unfreeze \$10 billion in assets as an initial goodwill gesture, a tough line that might be an opening gambit.

Ali Bagheri, an Iranian nuclear negotiator, told Iranian state television late Sunday that the Islamic republic "has entered the talks with serious willpower and strong preparation." However, he cautioned that "we cannot anticipate a timeframe on the length of these talks now."

Iranian Foreign Ministry spokesman Saeed Khatibzadeh, meanwhile, suggested Monday that the U.S. could "receive a ticket for returning to the room" of the nuclear talks if it agrees to "the real lifting of sanctions." He also criticized a recent opinion piece written by the foreign ministers of Britain and Israel, who pledged to "work night and day to prevent the Iranian regime from ever becoming a nuclear power."

Israeli Prime Minister Naftali Bennett, in a video address delivered to nations negotiating in Vienna, warned that he saw Iran trying to "end sanctions in exchange for almost nothing."

"Iran deserves no rewards, no bargain deals and no sanctions relief in return for their brutality," Bennett said in the video that he later posted to Twitter. "I call upon our allies around the world: Do not give in to Iran's nuclear blackmail."

British Foreign Secretary Liz Truss called the meeting "the last opportunity for the Iranians to come to the table" after a meeting with Israeli Foreign Minister Yair Lapid.

"We want those talks to work," Truss said. "But if they don't work, all options are on the table."

In an interview with NPR broadcast Friday, U.S. negotiator Malley said signs from Iran "are not particularly encouraging."

Russia's Ulyanov said there's pressure to get the process moving after "a very protracted pause."

"The talks can't last forever," he tweeted on Sunday. "There is the obvious need to speed up the process."

Mora, the EU official, said participants in Monday's meeting agreed on an agenda for the coming days. Diplomats planned to discuss the issue of sanctions on Tuesday, followed by a meeting on Iran's nuclear commitments Wednesday.

Associated Press writers Nasser Karimi in Tehran, Iran, Jill Lawless in London, and Frank Jordans and Geir Moulson in Berlin contributed to this report.

Acquitted and in demand, Rittenhouse ponders what's next

By MICHAEL TARM and AMY FORLITI Associated Press

KENOSHA, Wis. (AP) — When he was acquitted of murder in shootings during unrest in Wisconsin, Kyle Rittenhouse went from staring at possible life behind bars to red-hot star of the right: an exclusive inter-

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view with Tucker Carlson and a visit with Donald Trump at Mar-a-Lago capped by a photo of both men smiling and snapping a thumbs-up.

For Rittenhouse, a year of legal uncertainty over whether his claim of self-defense would stand up has given way to uncertainty over what's next. He told Carlson, in an appearance that spiked the host's ratings by some 40%, that he hoped to become a nurse or maybe even a lawyer. He planned to "lay low" but would for sure leave the Midwest.

Even as Rittenhouse figures out his next moves, fundraising continues on his behalf, ostensibly to retire legal bills from his trial but perhaps in recognition that he may face civil lawsuits over the shootings. Rittenhouse has hinted he may bring defamation claims of his own, and could seek possession of \$2 million in bail money raised by his supporters.

And some marketing experts say Rittenhouse — at least for a short while — may be able to leverage his story into lucrative paid appearances and even a book.

"I wouldn't go near it on a number of levels," Ric Bachrach, CEO of branding and marketing company Celebrity Focus, said. "But somebody out there is going to want to tell his story."

"He could easily secure a seven-figure book contract," said Andrew M. Stroth, a former talent agent and an attorney in Chicago with no ties to Rittenhouse. Rittenhouse, he said, "could monetize his brand and potentially make in the millions."

Rittenhouse could get the \$2 million that was raised for his bail, though there is a legal battle for it. In Kenosha County, where he was tried, if a defendant is acquitted, the entire bail amount is typically refunded to whomever posted it, upon a judge's order. The poster of the bail is not necessarily the defendant, said Rebecca Matoska-Mentink, the clerk of courts for Kenosha County.

Rittenhouse's bail was posted by his former attorney, John Pierce, who said he has relinquished claim to the money. Mark Richards, Rittenhouse's current attorney, said in a Friday filing it should go to his client. Fightback Foundation, the organization that raised the funds and transferred them to Pierce so bail could be paid, argues that the money should be refunded to the organization.

Other fundraising opportunities have opened up.

After his acquittal, GoFundMe lifted a ban on Rittenhouse fundraisers that had been in place as part of a policy blocking fundraising for the legal defense of someone accused of a violent crime. There didn't appear to be any new fundraising efforts for Rittenhouse on the GoFundMe website.

But there are at least three efforts to raise money for Rittenhouse or his family on GiveSendGo, one of which has raised more than \$625,000 — including thousands since his acquittal. It's not clear how much an additional website, freekyleusa.org, has raised.

One email Tuesday from "Free Kyle USA," sent under the name of Rittenhouse's mother, Wendy, called his acquittal "a victory for the truth, for justice, and for every American's God-given and unalienable right of self-defense." It said funds would go toward case-related debts, legal bills and then toward a scholarship fund for Rittenhouse so he can graduate from college without debt.

He may not have to wait around for donations. Stroth estimated Rittenhouse could command a speaker's fee on the lecture circuit of anywhere between \$2,500 and \$25,000 a speech.

Both Stroth and Bachrach said they would never seek to represent Rittenhouse, and that many speakers' agents and publishers would consider him too toxic. But some who cater to conservatives could jump at the chance to sign him.

Former Illinois Gov. Rod Blagojevich, who was released from prison last year after then-President Donald Trump commuted his sentence, told reporters in August that money he earns sending personalized greetings via the Cameo app is "surprisingly lucrative." A personal video greeting from Blagojevich costs \$100 and messages for business use are \$500.

Blagojevich also started a podcast, another possible option for Rittenhouse.

There's also merchandise. "Free Kyle" T-shirts and other items that were sold online after the shootings were eventually dropped by the vendor after prosecutors criticized the sales. Acquittal might re-open that market.

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In his interview with Fox News, Rittenhouse hinted that he was looking into possible libel lawsuits. "I feel like my life has been extremely defamed," he said, adding: "I have really good lawyers who are taking care of that right now."

It's not at all clear whether Rittenhouse has a strong libel case. The threshold for proving libel is far higher for figures in the public eye and those charged with crimes, even if they were later acquitted.

And Rittenhouse could be open to some civil liability of his own.

The man who was shot and wounded by Rittenhouse and the family of one of the two men killed are suing Kenosha officials. Neither lawsuit names Rittenhouse as a defendant, and it wasn't immediately clear if claims would be filed against him. The standard of proof is lower in civil trials than in criminal ones.

As Rittenhouse weighs his next moves, many conservatives are rushing to tie themselves to him as a symbol of the vindicated right to self-defense.

Besides Carlson's exclusive interview, the host has a documentary on Rittenhouse upcoming in December, with footage from an embedded camera crew. Trump talked up Rittenhouse's visit to Mar-a-Lago on Sean Hannity's show, complete with photo.

Some of the most conservative members of Congress — Reps. Madison Cawthorn, Paul Gosar and Matt Gaetz — took to social media to dangle internship offers for Rittenhouse, though it's not clear whether they were serious or if Rittenhouse even has an interest in such work. Rep. Marjorie Taylor Greene introduced a bill to award him the Congressional Gold Medal.

Rittenhouse himself may need to move fast for the most gain from his story, Bachrach said.

Of Rittenhouse's fame, he said: "I think it has a shelf life, but I don't think it will ever go away."

Forliti reported from Minneapolis.

This story has been corrected to show that Rep. Marjorie Taylor Greene introduced a bill to award Rittenhouse the Congressional Gold Medal, not the Congressional Medal of Honor.

Find AP's full coverage on the trial of Kyle Rittenhouse at: <https://apnews.com/hub/kyle-rittenhouse>

Doctor: Many South Africans ill in surge have mild symptoms

By ANDREW MELDRUM Associated Press

JOHANNESBURG (AP) — South Africa's rapid increase in COVID-19 cases attributed to the new omicron variant is resulting in mostly mild symptoms, doctors say.

"We've seen a sharp increase in cases for the past 10 days. So far they have mostly been very mild cases, with patients having flu-like symptoms: dry coughs, fever, night sweats, a lot of body pains," said Dr. Unben Pillay, a general practitioner in Gauteng province where 81% of the new cases have been reported.

"Most of these patients have been treated at home," Pillay told an online press briefing Monday. "Vaccinated people tend to do much better. We have not seen a vast increase in hospitalizations, but this is still early days. Hospitalizations often come several days after a rise in confirmed cases."

Most of the new cases in South Africa have been among people in their 20s and 30s, and doctors note that age group generally has milder symptoms of COVID-19 in any case. They warn that older people infected by the new variant could have more severe symptoms.

Learning more about the omicron variant is important as nations around the world sought Monday to keep the new variant at bay with travel bans and further restrictions, even as it remains unclear what the variant means for the COVID-19 pandemic.

Japan announced it would suspend entry for all foreign visitors, while new cases of the variant identified days ago by researchers in southern Africa appeared as far away as Hong Kong, Australia and Portugal. Portuguese authorities were investigating whether some infections there could be among the first reported cases of local transmission of the variant outside of southern Africa.

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South Africa has seen its seven-day average of new cases over the past two weeks surge from about 200 per day to more than 2,000.

Omicron appears to be more transmissible than previous variants and the surge in South Africa could bring the daily number of new cases to 10,000 by the end of the week, infectious diseases specialist Salim Abdool Karim, told the briefing.

"Our biggest challenge will be to stop super-spreading events, particularly indoors," he said, suggesting that it might be necessary to restrict indoor gatherings to those who are vaccinated.

The hotspot for the new surge is Gauteng's Tshwane metropolitan area, incorporating the capital, Pretoria. The "vast majority" of those hospitalized there have been unvaccinated people, said Waasila Jassat of the National Institute for Communicable Diseases.

"Of recent hospitalizations 87% have been unvaccinated, 13% have been vaccinated," Jassat said of the 455 hospital admissions in the Tshwane area in the past two weeks.

Vaccination appears to have also helped people avoid infection, she said.

Of South Africa's 60 million people, 16.5 million are vaccinated and the number of fully vaccinated who are testing positive is very small, said Nicholas Crisp, the acting director general of the department of health. "It is a very small number of those people who tested positive. It's minute in comparison to unvaccinated people."

To combat the surge of COVID-19 cases attributed to the omicron variant, South Africa is urging vaccinations and is weighing making vaccines mandatory to enter indoor areas, the minister of health said Monday.

The government is not planning to impose centralized vaccine mandates, but will support businesses and organizations that seek proof of vaccination to enter indoor areas, Minister of Health Joe Phaahla told reporters.

The government is considering requiring vaccines for health workers, including those who work at state hospitals, he said.

"We are looking at concrete proposals on how to deal with vaccine mandates in workplaces and health care workplaces," Phaahla said.

A few African countries, including Angola, Egypt, Mauritius and Rwanda, have joined the slew of nations that have placed travel restrictions on South Africa and other countries in southern Africa.

"It's quite regrettable, very unfortunate and I'll even say sad to be talking about travel restrictions imposed by a fellow African country," said Clayson Monyela, spokesman for the Department of International Affairs and Cooperation. He called the decisions "unwarranted and unjustified because it's not based on science,"

Follow all AP stories on the pandemic at <https://apnews.com/hub/coronavirus-pandemic>.

French honor for Josephine Baker stirs conflict over racism

By ARNO PEDRAM Associated Press

PARIS (AP) — On the surface, it's a powerful message against racism: a Black woman will, for the first time, join other luminaries interred in France's Pantheon. But by choosing a U.S.-born figure -- entertainer Josephine Baker -- critics say France is continuing a long tradition of decrying racism abroad while obscuring it at home.

While Baker is widely appreciated in France, the decision has highlighted the divide between the country's official doctrine of colorblind universalism and some increasingly vocal opponents, who argue that it has masked generations of systemic racism.

Baker's entry into the Pantheon on Tuesday is the result of years of efforts from politicians, organizations and public figures. Most recently, a petition by Laurent Kupferman, an essayist on the French Republic, gained traction, and in July, French President Emmanuel Macron announced Baker would be "pantheonized."

"The times are probably more conducive to having Josephine Baker's fights resonate: the fight against racism, antisemitism, her part in the French Resistance," Kupferman told The Associated Press. "The Pantheon is where you enter not because you're famous but because of what you bring to the civic mind

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of the nation.”

Her nomination has been lauded as uncontroversial and seen as a way to reconcile French society after the difficulties of the pandemic and last year’s protests against French police violence, as George Floyd’s killing in the U.S. echoed incidents in France involving Black men who died in police custody.

Baker represented France’s “universalist” approach, which sees its people as simply citizens and does not count or identify them by race or ethnicity. The first article of the constitution says the French Republic and its values are considered universal, ensuring that all citizens have the same rights, regardless of their origin, race or religion.

In 1938, Baker joined what is today called LICRA, a prominent antiracist league and longtime advocate for her entry in the Pantheon.

“She loved universalism passionately and this France that does not care about skin color,” LICRA President Mario Stasi told The Associated Press. “When she arrived from the United States, she understood she came from a ‘communautarist’ country where she was reminded of her origin and ethnicity, and in France, she felt total acceptance.”

Universalists pejoratively call opposing anti-racism activists “communautarists,” implying that they put community identity before universal French citizenry. Radical anti-racist groups, meanwhile, say that France first needs a reckoning with systemic racism — a term that is contested here — and the specific oppression experienced by different communities of color.

The term “communautarist” is also used to describe American society, which counts race in official censuses, academic studies and public discourse, which is taboo in France and seen as reducing people to a skin color.

For Rokhaya Diallo, a French commentator on issues related to race, “universalism is a utopia and myth that the republic tells about itself that does not correspond to any past or present reality,” she told The AP. “For Black and non-white people, the Republic has always been a space of inequality, of othering through the processes triggered by colonization.”

Lawyers, activists and academics have chronicled discrimination in police violence, in housing and in employment in France, notably against people with African or Arab origins. Universalists say this isn’t a structural part of French society, however, identifying racism as a moral matter and not inscribed within the state.

Kévi Donat, a Black French guide who gives tours of Black Paris, said Baker is the “most controversial” figure he highlights in his tours, in part because she initially earned fame in France for dancing in a banana belt that “played into stereotypes around Black and African people.”

“Sometimes Josephine Baker is used to say ‘in the U.S. there was racism, (but) all these Black Americans were welcomed in France,’ meaning we’re ahead, that we don’t have that problem here,” Donat said.

Baker was among several prominent Black Americans, especially artists and writers, who found refuge from American racism in France after the two World Wars, including the famed writer and intellectual James Baldwin.

But Françoise Vergès, a political scientist on questions of culture, race and colonization, said “symbolic gestures” like putting Baker in the Pantheon aren’t enough to extinguish racial discrimination in France.

“In 2021, even if it’s morally condemned, racism still exists and still has power over people’s lives,” she said.

In addition to her stage fame, Baker also spied for the French Resistance, marched alongside Martin Luther King Jr. in Washington, and raised what she called her “rainbow tribe” of children adopted from around the world.

For Stasi, the LICRA president, her “fight is universalist, so nationality in some way is irrelevant. ... She perfectly inscribes herself in the (French) fight for ‘Liberty, Equality, Fraternity.’”

“Of course there was racism in France, but it wasn’t institutionalized like it was in America during segregation,” Kupferman said.

For Vergès, this obscures France’s own history of racism and colonialism, which includes a brutal war with Algeria, a former French colony, when it fought for independence from 1954 to 1962.

"It's always easier to celebrate people who aren't from your country," she said. "It avoids questioning your own situation at home."

Verges explained that moving abroad for anyone may offer some protection from racism, simply because you are seen by locals as different anyway, more American or French or Nigerian than Black.

"A country's racism is in relationship with its own history," Vergès said. "You also have French Black people in the U.S. who find it less racist than France, because being French protects them from being treated like Black Americans."

Baldwin, the American writer, noted the same thought in a 1983 interview with the French news magazine *Le Nouvel Observateur*.

"In France, I am a Black American, posing no conceivable threat to French identity: in effect, I do not exist in France. I might have a very different tale to tell were I from Senegal — and a very bitter song to sing were I from Algeria," he said.

Follow all AP stories on racial issues at <https://apnews.com/hub/Racialinjustice>.

EXPLAINER: What we know and don't know about omicron variant

By JAMEY KEATEN and MARIA CHENG Associated Press

GENEVA (AP) — The World Health Organization says it could still take some time to get a full picture of the threat posed by omicron, a new variant of the coronavirus as scientists worldwide scramble to assess its multiple mutations.

Stock markets swooned, some public gatherings got canceled, and countries across the globe suspended incoming flights after scientists in South Africa last week identified the new version that appears to have been behind a recent spike in COVID-19 infections in the country's most populous province.

Over the weekend, the list of countries that have spotted the new variant in travelers grew. Portugal detected 13 cases linked to the new variant among members of a single soccer club — only one of whom had recently traveled to South Africa.

On Friday, WHO designated it as a "variant of concern," its most serious designation of a COVID-19 variant, and called it "omicron" as the latest entry into its Greek alphabet classification system designed to avoid stigmatizing countries of origin and simplify understanding.

WHAT DO WE KNOW ABOUTOMICRON?

By Sunday, U.N. health agency issued a statement on omicron that boiled down to: We don't know much yet.

It said it wasn't clear whether omicron is more transmissible — more easily spread between people — compared to other variants like the highly transmissible delta variant. It said it wasn't clear if infection with omicron causes more severe disease, even as it cited data from South Africa showing rising rates of hospitalization there — but that could just be because more people are getting infected with COVID-19, not specifically omicron.

From just over 200 new confirmed cases per day in recent weeks, South Africa saw the number of new daily cases rocket to more than 3,200 on Saturday, most in Gauteng, the country's most populous province.

Now, up to 90% of the new cases in Gauteng are caused by it, according to Tulio de Oliveira, director of the KwaZulu-Natal Research Innovation and Sequencing Platform.

"There is currently no information to suggest that symptoms associated with omicron are different from those from other variants," WHO said. It said there's no evidence — yet — that COVID vaccines, tests and treatments are any less effective against the new version.

WHY ARE SCIENTISTS WORRIED ABOUT THIS NEW VARIANT?

So far, the main difference with other variants appears to be that there may be an increased risk of reinfection with omicron — in other words, that people who've already had COVID-19 could get reinfected

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more easily.

The variant appears to have a high number of mutations — about 30 — in the coronavirus' spike protein, which could affect how easily it spreads to people.

Some experts say that could mean that vaccine makers may have to adapt their products at some point.

Sharon Peacock, who has led genetic sequencing of COVID-19 in Britain at the University of Cambridge, said the data so far suggest the new variant has mutations "consistent with enhanced transmissibility," but said that "the significance of many of the mutations is still not known."

Lawrence Young, a virologist at the University of Warwick, described omicron as "the most heavily mutated version of the virus we have seen," including potentially worrying changes never before seen all in the same virus.

WHAT SETSOMICRON APART?

Scientists know that omicron is genetically distinct from previous variants including the beta and delta variants, but don't know if these genetic changes make it any more transmissible or dangerous. So far, there is no indication the variant causes more severe disease.

It will likely take weeks to sort out if omicron is more infectious and if vaccines are still effective against it.

Peter Openshaw, a professor of experimental medicine at Imperial College London said it was "extremely unlikely" that current vaccines wouldn't work, noting they are effective against numerous other variants.

Even though some of the genetic changes in omicron appear worrying, it's still unclear if they will pose a public health threat. Some previous variants, like the beta variant, initially alarmed scientists but didn't end up spreading very far.

"We don't know if this new variant could get a toehold in regions where delta is," said Peacock of the University of Cambridge. "The jury is out on how well this variant will do where there are other variants circulating."

To date, delta is by far the most predominant form of COVID-19, accounting for more than 99% of sequences submitted to the world's biggest public database.

HOW DID THIS NEW VARIANT ARISE?

The coronavirus mutates as it spreads and many new variants, including those with worrying genetic changes, often just die out. Scientists monitor COVID-19 sequences for mutations that could make the disease more transmissible or deadly, but they can't determine that simply by looking at the virus.

Peacock said the variant "may have evolved in someone who was infected but could then not clear the virus, giving the virus the chance to genetically evolve," in a scenario similar to how experts think the alpha variant — which was first identified in England — also emerged, by mutating in an immune-compromised person.

ARE TRAVEL RESTRICTIONS JUSTIFIED?

Depends on who you ask.

Israel is banning foreigners from entering the country and Morocco stopped all incoming international air travel. Scores of countries in Europe, North America, Africa and beyond restricted flights from southern Africa.

Given the recent rapid rise in COVID-19 in South Africa, restricting travel from the region is "prudent" and would buy authorities more time, said Neil Ferguson, an infectious diseases expert at Imperial College London.

But WHO noted that such restrictions are often limited in their effect and urged countries to keep borders open.

South Africa's government said the country was being treated unfairly because it has advanced genomic sequencing and could detect the variant quicker and asked other countries to reconsider the travel bans.

AP Medical Writer Maria Cheng reported from London.

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Today in History

By The Associated Press undefined

Today in History

Today is Tuesday, Nov. 30, the 334th day of 2021. There are 31 days left in the year.

Today's Highlight in History:

On Nov. 30, 1993, President Bill Clinton signed the Brady Bill, which required a five-day waiting period for handgun purchases and background checks of prospective buyers.

On this date:

In 1782, the United States and Britain signed preliminary peace articles in Paris for ending the Revolutionary War; the Treaty of Paris was signed in September 1783.

In 1803, Spain completed the process of ceding Louisiana to France, which had sold it to the United States.

In 1835, Samuel Langhorne Clemens — better known as Mark Twain — was born in Florida, Missouri.

In 1874, British statesman Sir Winston Churchill was born at Blenheim Palace.

In 1900, Irish writer Oscar Wilde died in Paris at age 46.

In 1965, "Unsafe at Any Speed" by Ralph Nader, a book highly critical of the U.S. auto industry, was first released in hardcover by Grossman Publishers.

In 1981, the United States and the Soviet Union opened negotiations in Geneva aimed at reducing nuclear weapons in Europe.

In 1982, the Michael Jackson album "Thriller" was released by Epic Records.

In 2000, Al Gore's lawyers battled for his political survival in the Florida and U.S. Supreme Courts; meanwhile, GOP lawmakers in Tallahassee moved to award the presidency to George W. Bush in case the courts did not by appointing their own slate of electors.

In 2010, the Obama administration announced that all 197 airlines that flew to the U.S. had begun collecting names, genders and birth dates of passengers so the government could check them against terror watch lists before they boarded flights.

In 2013, Paul Walker, 40, the star of the "Fast & Furious" movie series, died with his friend, Roger W. Rodas, who was at the wheel of a Porsche sports car that crashed and burned north of Los Angeles.

In 2018, former President George H.W. Bush, a World War II hero who rose through the political ranks to the nation's highest office, died at his Houston home at the age of 94; his wife of more than 70 years, Barbara Bush, had died in April.

Ten years ago: The central banks of the wealthiest countries, trying to prevent a debt crisis in Europe from exploding into a global panic, swept in to shore up the world financial system by making it easier for banks to borrow American dollars. Police in Los Angeles and Philadelphia dismantled Occupy Wall Street encampments. An Arizona jury sentenced convicted "Baseline Killer" Mark Goudeau (goo-DOH') to death for killing nine people in the Phoenix area.

Five years ago: Air conditioning company Carrier Corp. said it had reached a deal with President-elect Donald Trump to keep nearly 1,100 jobs in Indiana instead of moving them to Mexico; however, some 600 other jobs were still eliminated by outsourcing. House Democrats reelected Nancy Pelosi as their leader. A prosecutor cleared a Charlotte, North Carolina, police officer in the killing of a Black man whose death touched off civil unrest, saying the officer was justified in opening fire on Keith Scott.

One year ago: Two battleground states, Wisconsin and Arizona, certified their presidential election tallies in favor of Joe Biden, even as President Donald Trump's legal team continued to dispute the results; Biden's victory in Wisconsin was certified following a partial recount that only added to his 20,600-vote margin over Trump. Moderna Inc. said it would ask U.S. and European regulators to allow emergency use of its COVID-19 vaccine as new study results confirmed the shots offered strong protection. Americans

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returning from Thanksgiving break faced strict new coronavirus measures as health officials braced for a disastrous worsening of the nationwide surge because of holiday gatherings; Los Angeles County imposed a stay-at-home order for its 10 million residents.

Today's Birthdays: Country singer-recording executive Jimmy Bowen is 84. Movie director Ridley Scott is 84. Screenwriter Geoffrey C. Ward is 81. Movie writer-director Terrence Malick is 78. Rock musician Roger Glover (Deep Purple) is 76. Playwright David Mamet (MA'-meht) is 74. Actor Mandy Patinkin is 69. Musician Shuggie Otis is 68. Country singer Jeannie Kendall is 67. Singer Billy Idol is 66. Historian Michael Beschloss is 66. Rock musician John Ashton (The Psychedelic Furs) is 64. Comedian Colin Mochrie is 64. Former football and baseball player Bo Jackson is 59. Rapper Jalil (Whodini) is 58. Actor-director Ben Stiller is 56. Rock musician Mike Stone is 52. Music producer Steve Aoki is 44. Singer Clay Aiken is 43. Actor Billy Lush is 40. Actor Elisha Cuthbert is 39. Actor Kaley Cuoco (KWOH'-koh) is 36. Model Chrissy Teigen (TY'-gihn) is 36. Actor Christel Khalil is 34. Actor Rebecca Rittenhouse is 33. Actor Adelaide Clemens is 32. World chess champion Magnus Carlsen is 31. Actor Tyla Harris is 21.