

# Appeals court sides with states on Trump travel ban

‘See you in court,’ president tweets

By **SUDHIN THANAWALA**  
*Associated Press*

SAN FRANCISCO — The legal fight over President Donald Trump’s ban on travelers from seven predominantly Muslim nations is on hold after the 9th U.S. Circuit Court of Appeals refused to reinstate the order, unanimously rejecting the administration’s claim of presidential authority, questioning its motives and concluding that the order was unlikely to survive legal challenges.

In a rebuke to the Trump administration Thursday, the three federal appellate judges sided with the states of Washington and Minnesota on nearly every matter, opening the possibility that the case could shift to the U.S. Supreme Court.

In a tweet Friday, Trump called the decision disgraceful. Trump quoted an article by Benjamin Wittes, editor-in-chief of the Lawfare blog. It reads, “Remarkably, in the entire opinion, the panel did not bother even to cite this (the) statute.” Trump tweeted, “A disgraceful decision!”

Moments after the ruling Thursday, Trump tweeted, “SEE YOU IN COURT,” adding that “THE SECURITY OF OUR NATION IS AT STAKE!”

## Next step unclear

But it is unclear what Trump’s next move will be. The Justice Department said it is reviewing the decision and considering its options. It was the first day on the job for new Attorney General Jeff Sessions.

The lower court action so far is temporary and hasn’t resolved broader questions about the legality of Trump’s order. While the ban is on hold, refugees and people from seven majority-Muslim nations identified in the president’s Jan. 27 executive order can continue traveling to the U.S.

The appellate judges noted compelling public interests on both sides.

“On the one hand, the public has a powerful interest in national security and in the ability of an elected president to enact policies. And on the other, the public also has an interest in free flow of travel, in avoiding separation of families, and in freedom from discrimination.”

The administration could appeal the ruling to a larger 9th Circuit panel or bypass that step and go straight to the U.S. Supreme Court. That could

put the decision over whether to keep the temporary restraining order suspending the ban in the hands of a divided court that has a vacancy. Trump’s nominee, Neil Gorsuch, cannot be confirmed in time to take part in any consideration of the ban, which would expire in 90 days unless it is changed.

The ban also faces dozens of other lawsuits, some filed by would-be refugees directly affected by it.

## Lack of evidence

Stephen Vladeck, a professor at the University of Texas School of Law, said two footnotes near the end of the opinion struck him as most significant because they challenged the government’s assertion that national security was at stake. Without evidence of the threat migrants would pose to security, the court couldn’t balance that assertion against harm they would suffer if not allowed to enter the country.

“It’s not enough for the president to simply proclaim that the executive order is necessary to protect national security,” Vladeck said, paraphrasing the ruling. “He needs to give us at least some basis for agreeing with him.”

The 9th Circuit judges rejected the administration’s argument that courts did not have the authority to review the president’s immigration and national security decisions. They said the administration failed to show that the order met constitutional requirements to provide notice or a hearing before restricting travel. And they said the administration presented no evidence that any foreigner from the seven countries was responsible for a terrorist attack in the U.S.

Last week, U.S. District Judge James Robart in Seattle issued a temporary restraining order halting the ban after Washington state and Minnesota sued. The ban temporarily suspended the nation’s refugee program and immigration from countries that have raised terrorism concerns.

Asked to respond to Trump’s tweet, Washington Attorney General Bob Ferguson said, “We have seen him in court twice and we’re two for two, that’s number one. And in my view, the future of the constitution is at stake.”

*Associated Press writers Brian Melley in Los Angeles, Gene Johnson and Martha Bellisle in Seattle, Rachel La Corte in Olympia, Washington, and Eric Tucker in Washington, D.C., contributed to this report.*

# Ex-girlfriend doesn’t have to pay Schnitzer for attorney fees

Squabble over surrogate baby arrangement

By **AIMEE GREEN**  
*The Oregonian*

Portland real estate mogul Jordan Schnitzer has lost his attempt to force his ex-girlfriend to pay \$269,000 in attorneys’ fees — money that he spent last year trying to keep her from seeing the son created with his sperm and her egg.

Multnomah County Circuit Judge Katherine Tennyson said Wednesday she won’t order Cory Sause to pay Schnitzer’s hefty legal bills, generated by at least 10 lawyers he hired.

The decision came in part, the judge said, because she didn’t want to “reward” either side for a major mistake: failing to draw up adequate legal documents outlining their parental rights to the boy born by surrogate 13 months ago.

Both sides racked up considerable legal fees leading up to and through three days of hearings last June and July as Sause sought to undo a legal declaration that Schnitzer was the boy’s sole legal parent.

In August, Tennyson ruled in favor of Schnitzer — failing to undo the declaration — but at the same time left the door open for Sause to take up the matter again by filing new court papers.

Schnitzer has said the plan was always for him to be the only parent in the boy’s life if his romantic

relationship with Sause didn’t work out. Schnitzer hasn’t let Sause see the boy since the day he was born in December 2015.

Sause has said the plan was always that the boy would live with Schnitzer but she would be a part of his life.

After the ruling last summer, Schnitzer claimed Sause needlessly cost him \$269,000 in attorneys’ fees, plus about \$7,500 in other costs, for her “frivolous claim.”

Schnitzer’s lawyers state in court papers that they billed him from \$165 an hour to \$400 an hour.

Since the hearing, both Schnitzer and Sause have filed new court papers to try to settle the question of parental rights once and for all. A nine-day trial is scheduled for September and October.

# Hotel aims to draw golfers to Gearhart

McMenamins Gearhart Hotel to expand old barn

By **R.J. MARX**  
*The Daily Astorian*

GEARHART — An eyesore “held together by paint” is coming down after the Planning Commission approved a new 16-room hotel with a golf teaching facility adjacent to the Gearhart Golf Course and McMenamins Gearhart Hotel.

Portland architect George Signori displayed plans for altering and expanding the existing cart barn structure to a new building with guest rooms, golf training room and cart storage.

Since the original cart barn was built partially over the front property line, commission approval for a nonconforming structure was necessary.

The barn “is held together by paint,” General Manager and Director of Golf Jason Bangild said. “Its condition is deplorable. When you come down from Astoria, it’s the first thing you see and the last thing you see.”

The proposed three-story structure increases the size of the cart barn by 85 percent, for a total area of more than 13,000 square feet.

Design of the new building was based on the existing English manor house style of the neighboring McMenamins Gearhart Hotel, with



R.J. Marx/The Daily Astorian

The golf cart building next to McMenamins Gearhart Hotel will see a modification and expansion after Planning Commission approval.

a main house and a “dependency,” Signori said. “What we’ve done here is really beautify the golf course.”

The proposed structure includes a virtual golf training facility on the first floor, guest rooms on the first and second floors and golf cart storage in the basement, Signori said.

Forty-two new parking spaces are proposed on the building’s east side.

One design alteration drawing comment was a plan to install Verizon relay equipment in two faux chimneys atop the mansard roof.

Relays were necessary to increase coverage and the chimneys pro-

vided an aesthetically pleasing way to accomplish that goal, Signori said.

David Smith asked fellow commissioners to determine if there was a demand for the new building, one of the criteria in Gearhart’s master plan for a conditional use permit.

“I’ve talked to the constituents in my neighborhood, and I’ve yet to find anybody who lives here who can find a need for an increased presence on the Gearhart golf course,” Smith said. “Who defines the demand and how is that determined?”

“We can tell you there’s a need from the owner’s side,” Signori said.

# Astoria post office struggles to cope with staff shortages

Customers have complained about service

By **JACK HEFFERNAN**  
*The Daily Astorian*

Staff shortages have caused service issues at the U.S. Post Office in Astoria in the past few months.

Since late last year, five postal carriers have either resigned or quit, Peter Hass, a spokesman, said.

“We apologize for any inconvenience customers may have with their delivery, but we do want to hear from them as soon as possible about problems with their mail delivery,” Hass said.

Two carriers have been hired since then, while other positions have been transitioned from part time to full time. Two more job openings will be posted next week, Hass said.

Part of the problem has been that the staff shortages came around the holiday season, which typically is the busiest time of the year for the post office, Hass said.

A Daily Astorian Facebook post in late January asked readers to describe their experiences with the post office over the past few months. Included in the more than 85 comments were complaints of inconsistent delivery times, rude service and long lines at the post office, carriers not knocking on doors when delivering packages, incor-

rect delivery locations and mail boxes left open.

Customers hoping to avoid long lines may wish to avoid the post office near its busiest times — weekdays at 8:30 a.m., noon and 5 p.m. — Hass said.

Employees have been made aware of the complaints, Hass said. Questions, comments or concerns can be directed to usps.com, 1-800-ask-USPS or the consumer affairs office in Portland at 503-294-2536.

# Astoria man guilty of attempted arson

*The Daily Astorian*

A man who set an Astoria apartment building ablaze last June has been found guilty on two counts of attempted arson.

Christopher Ray Young, 44, of Astoria, pleaded no contest Thursday to the two counts as part of a plea agreement with the Clatsop County District Attorney’s Office.

Young was originally charged with four counts

of first degree arson after starting a fire at the Emerald Heights Apartments that completely engulfed the building. He lit a gas can on fire while visiting an apartment in the two-story, four-plex apartment. According to police, Young appeared to be under the influence

of methamphetamine at the time of arrest.

Young’s sentencing hearing is scheduled for later this month. The plea agreement recommends a five-year jail sentence. Had the case gone to trial, Young may have faced up to 30 years in prison.

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