

Trump replaces Tillerson with Pompeo in dramatic shake-up

Fired in a tweet

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Associated Press

WASHINGTON — President Donald Trump unceremoniously dumped Secretary of State Rex Tillerson by tweet today and picked CIA Director Mike Pompeo to take his place, abruptly ending Tillerson's turbulent tenure as America's top diplomat and escalating the administration's chaotic second-year shake-up.

Tillerson was ousted barely four hours after he returned from an Africa mission and with no face-to-face conversation with the president, the latest casualty of an unruly White House that has seen multiple top officials depart in recent weeks. Citing the Iran nuclear deal and other issues, Trump said he and Tillerson were "not really thinking the same."

"We disagreed on things," Trump told reporters at the White House — a diplomatic take on a fractious relationship that included reports that Tillerson had privately called the president a "moron."

In an illustration of the gulf that has long separated Tillerson and Trump, aides to both couldn't even agree on the circumstances of his firing.

Undersecretary of State Steve Goldstein and other State Department officials said that Tillerson hadn't learned he was dismissed until he saw Trump's early-morning tweet, and hadn't discussed it directly with the president. Goldstein said the former Exxon Mobil CEO was "unaware of the reason" he was fired and "had had every intention of staying," feeling he was making progress on national security.

Hours later, Goldstein was fired, too.

Multiple White House officials said that Tillerson had been informed of the decision Friday, while he was in Ethiopia. One official said chief of staff John Kelly had called Tillerson on Friday and again on Saturday to warn him that Trump was about to take imminent action if he did not step aside, and that a replacement had already been identified. When Tillerson didn't act, Trump fired him, that official said.

All of the officials demanded anonymity because they weren't authorized to speak publicly.

Trump's change puts Pompeo, an ardent foe of the Iran nuclear deal, in charge of U.S. diplomacy as the president decides whether to withdraw the U.S. from the agreement.



AP Photo/Andrew Harnik
President Donald Trump speaks to reporters before boarding Marine One on the South Lawn of the White House today.

Trump faces another deadline in May to decide whether to remain in the Obama-era nuclear agreement that he campaigned aggressively against.

Tillerson has pushed Trump to remain in the agreement and had been pursuing a delicate strategy with European allies and others to try to improve or augment it to Trump's liking. The president mentioned differences over how to handle the Iran agreement, "so we were not really thinking the same."

Though Trump and other officials said he'd been considering replacing Tillerson for some time, the president said he made the decision only recently and "by myself." Tillerson will be "much happier now," he said.

Top economic adviser Gary Cohn announced his resignation last week, not long after communications director Hope Hicks and staff secretary Rob Porter both departed near the start of Trump's second year in office.

The president said he was nominating the CIA's deputy director, Gina Haspel, to take over for Pompeo at the intelligence agency. If confirmed, Haspel would be the CIA's first female director.

Pompeo, a former Republican congressman from Kansas, has already been confirmed by the Senate for his current role at the CIA, making it extremely likely that he will be confirmed for the State Department role. Trump tweeted, "He will do a fantastic job!"

Pompeo said he was "deeply grateful" to be nominated and looked "forward to guiding the world's finest diplomatic corps" if confirmed. He also praised Trump.

"His leadership has made America safer, and I look forward to representing him and the American people to the rest of the world to further America's prosperity," Pompeo said.

U.S. Sen. Ron Wyden, an Oregon Democrat who serves on the Senate Intelligence Committee, said in a statement that he would oppose

the nominations of Pompeo and Haspel. "Before and after his confirmation as CIA director, Mike Pompeo has demonstrated a casual relationship to truth and principle," the senator said. "He has downplayed Russia's attack on our democracy, at times contradicting the intelligence community he is supposed to lead. He has also made inconsistent and deeply concerning statements about torture and mass spying on Americans."

"Ms. Haspel's background makes her unsuitable to serve as CIA director. Her nomination must include total transparency about this background, which I called for more than a year ago when she was appointed deputy director. If Ms. Haspel seeks to serve at the highest levels of U.S. intelligence, the government can no longer cover up disturbing facts from her past."

U.S. Sen. Jeff Merkley, an Oregon Democrat, said in a post on Twitter: "Nothing in Pompeo's record indicates he believes in diplomacy as an effective tool. He's acted as a hardline partisan, defended torture & warrantless surveillance, and tried to blow up the deal that has kept Iran from developing nuclear weapons. So this news is deeply concerning."

Waiver trials: Marquis says prosecutors will no longer do waiver trials

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A hook

Clatsop County used the waivers for years as a hook to persuade misdemeanor defendants to honor their court dates.

The 60-bed jail in Astoria is chronically overcrowded, with as many as 70 percent of inmates awaiting trial. People accused of misdemeanors are often released when the jail approaches capacity.

The waivers were a reflection of jail overcrowding and the high percentage of defendants who live outside the county. The Daily Astorian found that roughly 40 percent of drunken-driving cases, for example, involve visitors to the coast.

Up until about a year ago, the court would enforce waivers signed by defendants — like Medina, the Washington state woman — who were in custody after an arrest but not yet arraigned on charges, a process some found troubling. Someone arrested after a night of drinking or a fight with a loved one and eager to get out of jail may not realize the risks of waiving their right to appear at trial.

Waivers signed by defendants after arraignment in court, by contrast, came with explicit warnings from judges about the possible consequences. The waiver form — in bold, capital letters — stated: "I authorize the court to go ahead without me and to have the trial on the original date or on any other date."

Defendants were advised that if they signed the waiver and did not show up for trial, they gave up the right to be represented by an attorney, to

challenge evidence, to question witnesses and to mount a defense.

Even though judges explained the gravity, Wintermute doubts defendants — some who appear at arraignment from a video link from jail — fully understood. The choice was especially cloudy for people with drug or alcohol problems, mental health issues, or precarious job or housing situations.

"I wonder how much it gets through to some people when they're sitting there, on a camera, and they just want to get the hell out of jail," he said.

For prosecutors, the waivers provided some assurance that misdemeanor cases would inch toward conclusion even if defendants repeatedly missed court dates.

"The question is, do they knowingly, voluntarily and freely weigh in their minds — with legal representation, although it's not absolutely necessary — that getting out of jail without paying a dime is worth it?" Marquis said.

Defendants who waived their right to appear at trial were almost always convicted if their cases reached the courtroom in their absence, since prosecutors had the luxury of arguing against an empty chair.

The Circuit Court used the waivers to help close misdemeanor cases rather than keeping them open indefinitely. On reflection, Judge

Brownhill said it looks as if the waivers did not achieve that goal. Of the 11 waiver trials last year, the judge said, seven are still on warrant status.

Judges do not sentence defendants convicted in absentia, so, until they are arrested again or turn themselves in, the convictions stay in the background, like a shadow.

Five years after Medina, the Washington state woman, was found guilty after she didn't show up for her drunken-driving trial, she still has not been sentenced.

'Outrageous'

The Oregon Court of Appeals ruled in 2006 that Clatsop County's use of the waivers was legal. The opinion — in *State of Oregon v. Skillstad*, written by Ellen Rosenblum, now the state's attorney general — hinged on whether the waiver in a criminal mischief trial was valid and voluntary.

The state Legislature took up the issue this year as part of a wider discussion on plea bargains.

State House Majority Leader Jennifer Williamson, D-Portland, said she heard about the waivers in Clatsop County after one of the misdemeanor convictions bubbled up on appeal.

Williamson, an attorney, called the practice "outrageous," since courts can issue warrants when defendants fail

to appear for trial.

"This idea of trial in absentia is just so un-American," she said. "I think people would be hard-pressed to believe that we try people without them being there and without their lawyers being there."

House Bill 4149, which Williamson sponsored, would ban the waivers. The bill would also bar prosecutors from requiring defendants to agree that a law is unconstitutional as a condition of a plea offer.

The state House voted 56-0 in favor of the bill in February. The Senate voted 27-1

earlier this month, with state Sen. Betsy Johnson, D-Scappoose, the only "no" vote.

Johnson spoke with Marquis about the potential downside for Clatsop County. "This bill, the way that it's written, would give criminal defendants — including those accused of domestic violence — an easy way to avoid consequences," the senator said.

'Wrong thing to do'

Marquis, in anticipation of Gov. Kate Brown allowing HB 4149 to become law, informed judges last week that prosecutors will no longer do waiver trials.

"My lawyers will be asking for warrants if a defendant fails to appear and we will urge the jail to seriously consider whether to release people who have shown over and over again their refusal to follow court orders to appear," the district attorney wrote in an email.

Wintermute said defendants often have to choose between a bad outcome and a worse one, and should not be coerced into giving up important rights so the courts might function more efficiently.

"It's the wrong thing to do, is what it comes down to," the defense attorney said.

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