

Dems warn against funding border wall in spending bill

By ANDREW TAYLOR
Associated Press

WASHINGTON

Top Senate Democrats are warning Republicans controlling Congress against adding billions of dollars for President Donald Trump's U.S.-Mexico border wall to a coming \$1 trillion-plus spending package.

The warning from Senate Minority Leader Chuck Schumer and others came in a letter Monday to Majority Leader Mitch McConnell of Kentucky. The letter also warns against adding other "poison pills" such as provisions to roll back environmental or consumer protections and urges additional money for domestic programs to match the administration's planned Pentagon increases.

"We believe it would be inappropriate to insist on the inclusion of (wall) funding in a must-pass appropriations bill that is needed for the Republican majority in control of the Congress to avert a government shutdown so early in President Trump's administration," said the letter, which was provided to The Associated Press. Trump's proposal for the wall was a centerpiece of his presidential campaign and he claimed he could persuade Mexico to pay for it.

The letter from Democrats implicitly threatens a filibuster showdown — and potential government shutdown — if Republicans try to attach controversial Trump agenda items to the must-do legislation.

At issue is a huge package of leftover spending bills for the budget year that began in October. Congress faces an April 28 deadline to complete



In this Nov. 10, 2016 file photo, workers continue work raising a taller fence in the Mexico-US border area separating the towns of Anapra, Mexico and Sunland Park, N.M. U.S.

the measure and avert a partial government shutdown. It's separate from Trump's coming partial budget submission for the 2018 budget year that begins on Oct. 1. That proposal is expected on Thursday and itself is sure to roil Washington.

The funding issue will be difficult to solve — with the potential government shutdown increasing the political pressure — and would require a capacity for bipartisan compromise that hasn't been on display yet in the Trump era.

Schumer voted to authorize the existing border fence a decade ago during the Bush administration and voted for legislation funding its construction. The letter says it's premature to rush Trump's upgrades through.

"The Administration, put simply, has no plan," the letter says.

While the letter says it would be "inappropriate" to include money for the border wall, it says Democrats would "strongly oppose" other provisions, including moves against Wall Street regulations or even an attempt to "defund" Planned Parenthood. Schumer demurred when asked last week whether he would lead a filibuster over money for the wall, but Monday's letter appears intended to show that Democrats are unified against the idea. Trump also is preparing a request for additional border control and immigration agents.

"All 12 appropriations bills should be completed and they should not include poison pill riders such as those that roll back protections for our veterans, environment, consumers and workers and prohibit funds for critical health care services for women through

Planned Parenthood," the letter says. "We strongly oppose the inclusion of such riders in any of the must-pass appropriations bills that fund the government."

Democrats' votes are needed to pass the measure through the Senate. But talks have barely begun, and the undermanned Trump administration has yet to weigh in with its expected request for money for the wall and Pentagon buildup.

Money for Trump's border wall is just the beginning of the political complications facing the measure, which would advance as Republicans and Trump are grappling with their controversial health care law repeal. It could be difficult to avert a clash between Trump and Schumer, and tea party GOP forces are sure to be upset with whatever outcome Democrats eventually agree to get behind.



In this March 9 photo, Washington State Attorney General Bob Ferguson speaks at a news conference about the state's response to President Trump's revised travel ban in Seattle.

States aiming to block travel ban from taking effect

By CHRIS GRYGIEL
Associated Press

SEATTLE — More than a half-dozen states trying to block President Donald Trump's revised travel ban moved forward Monday with a pair of lawsuits while the government asked that the order be allowed to take effect this week.

Washington state Attorney General Bob Ferguson, joined in his lawsuit by heavily Democratic California, Maryland, Massachusetts, New York and Oregon, asked for a hearing with a federal judge in Seattle before the administration plans to implement the ban Thursday on new visas for people from six predominantly Muslim nations.

A hearing in a separate lawsuit by Hawaii already has been scheduled for Wednesday.

Ferguson said the revised ban is still unconstitutional and harms residents, universities and businesses, especially tech companies such as Washington state-based Microsoft and Amazon who rely on foreign workers.

"No one is above the law, not even the president — and I will hold him accountable to the Constitution," Ferguson said in a statement. "Cutting some illegal aspects of President Trump's original travel ban does not cure his affront to our Constitution."

Ferguson filed new court documents after the judge who put Trump's original order on hold said last week he would not immediately rule on whether his decision applies to the new version. U.S. District Judge James Robart told the federal government to quickly respond to Ferguson's claims but said he would not hold a hearing before Wednesday.

California Attorney General Xavier Becerra announced the most populous U.S. state was joining Washington state's challenge, saying the order, despite its changes, is an attack on people based on their religion or national origin.

In Hawaii, which is alone in its lawsuit, the U.S. government asked a federal court Monday to deny the state's request to temporarily block the ban from going into effect.

"No one is above the law, not even the president — and I will hold him accountable to the Constitution."

— Bob Ferguson,
Washington state attorney general

A judge will hear arguments Wednesday, with the heavily Democratic state claiming the new order will harm its Muslim population, tourism and foreign students. Ismail Elshikh, a plaintiff in Hawaii's challenge, said the ban will prevent his Syrian mother-in-law from visiting.

The government says Hawaii's allegations that the ban will negatively affect tourism and universities are pure speculation. It also says neither Elshikh nor his mother-in-law have been harmed because she has not been denied a waiver for a visa to visit the United States.

Trump's revised ban applies to Somalia, Iran, Syria, Sudan, Libya and Yemen and temporarily shuts down the U.S. refugee program. Unlike the original order, it says people with visas won't be affected and removes language that would give priority to religious minorities.

Ferguson acknowledged the changes to the order but said it still "bars entry for virtually all other individuals from the listed countries," including relatives of U.S. citizens and students who have been admitted to state universities and people who might seek work at schools and businesses.

"This court's original injunction protected these individuals and institutions," Washington state's new court filing said.

It said the federal government can't enforce the new travel ban unless it asks Judge Robart to modify his original restraining order.

"Until they do so, they cannot escape the injunction and continue their illegal conduct," the filing said.

White House spokesman Sean Spicer said last week that the administration believes the revised travel ban will stand up to legal scrutiny.

Few clues on how a Gorsuch would vote on immigration

By HOLBROOK MOHR
and SUDHIN THANAWALA
Associated Press

If Neil Gorsuch wins confirmation to the Supreme Court, he could cast the deciding vote on President Donald Trump's travel ban against immigrants from certain countries. But it's far from certain how he would vote.

According to an Associated Press review of Gorsuch's rulings, he has not written extensively about immigration policy during a decade on the 10th U.S. Circuit Court of Appeals. And the few rulings he has been involved in do not reveal how he might decide if given the opportunity to consider an immigration ban.

Many of the cases involved people challenging their prison sentences for returning to the U.S. illegally after having been deported. He has often been deferential to immigration authorities, but has also sided with immigrants.

"His record on immigration is a mixed bag, so it's hard to predict how he would rule on any challenge to the executive order," says Melissa Crow, legal director for the American Immigration Council, which challenged Trump's original ban.

That order, which would have banned, people from seven majority Muslim countries, was put on hold last month by a federal appeals court, but Trump signed a new version March 6. That one removed Iraq from the list and eliminated a provision to give priority to religious minorities in allowing immigrants in.

The new order is to take effect Thursday, pending the outcome of legal challenges. It would not affect current visa holders but would bar new visas for people from Iran, Syria, Somalia, Sudan, Yemen and Libya. And it would temporarily shut down the U.S. refugee program.

There have been eight justices on the court since the death of Justice Antonin Scalia last year. So for now there's the possibility of a tie vote, which means the lower court ruling would stand.

If Gorsuch makes the ninth vote, which way would he go?

While his rulings on major immigration policy are limited, they do offer insight



In this Feb. 6 photo, Supreme Court Justice nominee Neil Gorsuch, escorted by former New Hampshire Sen. Kelly Ayotte, arrives for meeting on Capitol Hill in Washington.

into his thinking.

In a 2013 case, he wrote, "No doubt, we can and will strike down regulations that defy Congress' statutes or the Constitution's guarantees. We do not, however, amend, revise or undo administrative regulations just because they may not be to a litigant's liking or our own."

"Unless some violation of law is involved, the business of deciding the sometimes hard, often fine and nearly always contestable questions of immigration policy belongs to the legislature and executive, not the courts."

Michael Dorf, a constitutional law professor at Cornell University, says Gorsuch's sympathy for people in religious cases, a general skepticism of executive power and a history of ruling for immigrants give some reason to think he could be sympathetic to plaintiffs challenging a ban on people from certain countries.

But, Dorf added, "At this point it's still sort of a guessing game."

Gorsuch has shown sympathy for religious freedom, notably siding with employers who objected to providing employees coverage for contraceptives. He also found it was wrong for a Wyoming prison to deny use of an existing prison sweat lodge to an inmate who wanted to use it to exercise his Native American religious beliefs. But it's not clear how those considerations would factor into a ban on people from majority Muslim countries.

In one immigration case, Gorsuch sided with a

Somalian convicted of lying under oath during grand jury questioning about his asylum application, saying the immigrant should have been provided an interpreter. In another case, he was part of a decision that found the court lacked jurisdiction to consider an appeal from Mexican immigrants who argued deportation would create an undue hardship because their teenage kids were U.S. citizens.

In one of Gorsuch's most noted immigration cases, he sided with an immigrant over the application of a law requiring some people who enter the country illegally to wait 10 years outside the U.S. before they can obtain legal residency.

In response to a Senate questionnaire that is part of the confirmation process, Gorsuch put that 2016 case at the top of a list of his most important rulings, saying it dealt with conflicting provisions in immigration law. One provision gave the attorney general power to grant residency to people who enter the country illegally, while another required the 10-year waiting period.

An appeals court had said the first provision trumped, allowing immigrants to apply to the attorney general to stay. But an immigration board said the 10-year rule took precedence. Gorsuch objected to the immigration board applying the 10-year rule for a man who applied for residency when the appeals court decision still stood.

In a concurring opinion, however, Gorsuch took aim at the longstanding Chevron doctrine, which gives deference to federal agencies' interpretations of ambiguous statutes, calling it "an elephant in the room."

He wrote that the doctrine and another ruling, often referred to as Brand X, allow "executive bureaucracies to swallow huge amounts of core judicial and legislative power and concentrate federal power in a way that seems more than a little difficult to square with the Constitution of the framers' design."

BRASS FIRE Jazz

March 17th, St. Patricks Day • 7:00pm
541-276-6111
Red Lion Lounge • 304 SE Nye, Pendleton

RED LION HOTELS
EST. 1909

March 17-18-19, 2017

Custer's 18th Annual Spring

ARTS & CRAFTS SHOW

OVER 150 NORTHWEST ARTISANS
FINE ART | HAND CRAFT | SPECIALTY FOODS

TRAC Center
Pasco, WA
FREE PARKING

Friday 10AM-8PM
Saturday 10AM-6PM
Sunday 10AM-4PM

Admission \$7 Kids 12 and under free!

CusterShows.com 509.924.0588