

ANGRY MOM: HIDING THE TRUMPIAN GENOCIDE'S RECORDS

When I think can't get any angrier at this miserable excuse for governance, the Trump administration proves there isn't a limit to how low they will go.

Sleazy, unlawful executive action without adequate oversight followed by a fog of obfuscation and prevarication is bad enough. The administration will now double down now to hide what it's done and hope like hell nobody notices.

It doesn't help that members of Congress, journalists, and the public still haven't grasped the true nature of the crimes before them.

The Trump administration hasn't merely ignored or broken existing U.S. laws on handling of asylum seekers. See 8 U.S. Code § 1158:

(a) Authority to apply for asylum

(1) In general

Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum in accordance with this section or, where applicable, section 1225(b) of this title.

(2) Exceptions

(A) Safe third country

Paragraph (1) shall not apply to an alien if the Attorney General determines that the alien may be removed, pursuant to a bilateral or multilateral agreement, to a country (other than the

country of the alien's nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence) in which the alien's life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, unless the Attorney General finds that it is in the public interest for the alien to receive asylum in the United States.

(B) Time limit

Subject to subparagraph (D), paragraph (1) shall not apply to an alien unless the alien demonstrates by clear and convincing evidence that the application has been filed within 1 year after the date of the alien's arrival in the United States.

There's more but the key part in boldface above. The "zero tolerance" approach to border protection violated this code. Asylum seekers do not have to apply from outside the country; they can apply once inside the country. I'm not a lawyer but I don't see anything here that indicates asylum seekers are suddenly not eligible to apply for asylum because they crossed the border.

And nothing in the entirety of 8 U.S. Code § 1158 indicates the government may take custody of asylum seekers' minor children with or without force.

Note also where the asylum seekers may apply – they are NOT limited to designated ports.



Sec. Kirstjen Nielsen 
@SecNielsen

This misreporting by Members, press & advocacy groups must stop. It is irresponsible and unproductive. As I have said many times before, if you are seeking asylum for your family, there is no reason to break the law and illegally cross between ports of entry

5:51 PM - Jun 17, 2018

DHS Secretary Nielsen's claim that border crossers had not applied through ports of entry is a lie because it wasn't required of them.

What happens to the children appears to fit the description of kidnapping (18 U.S. Code § 1201), including section (a)(3), an "*act against the person is done within the special aircraft jurisdiction of the United States as defined in section 46501 of title 49*" for those children who are flown by aircraft to other destinations in the U.S. out of their parents' physical custody. It's no wonder carriers like United Airlines and American Airlines wrote and published letters yesterday telling DHS to stop using their services for moving the children across the country.

The conditions in which many of the children have been placed also appear to be abusive; based on the children seen so far there are reports of not enough food, sedation, restraints, disruption to sleep habits, etc.

But that's not the end of it. The entire separation of children from their families appears to be genocide under The Convention on the Prevention and Punishment of the Crime of Genocide which the U.S. has signed (1948) and ratified (1988):

Article 2

In the present Convention, genocide means any of the following acts committed

with intent to destroy, in whole or in part, a national, ethnical, racial or religious

group, as such:

(a) Killing members of the group;

- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

We have not yet seen evidence of child deaths, but section (b) is likely and (e) of Article 2 is definite – the children are now in custody of the United States government and disbursed to others' care.

Wednesday's executive order does nothing to remedy the situation. It doesn't even stop the separation of children from families due to its murky wording. It exacerbates the problem by foisting some of the responsibility on the military, placing the Defense Department at odds with the Posse Comitatus Act (18 U.S. Code § 1385) as the EO expects the military to perform a domestic function – DHS' border patrol and immigration services – which is not in response to a natural disaster.

(Oh, this is definitely a disaster, but it is human made.)

Ordering the military to provide assistance also draws defense resources away from where they may be needed, potentially creating security risks.

And yet this is not enough insult. DHS' Immigration and Customs Enforcement (ICE) asked the National Archives and Records Administration (NARA) last year if it could change its record retention practices, according to The Memory Hole:

Immigration and Customs Enforcement (ICE) has asked for permission to destroy all its documents about the deaths of detained immigrants in custody

20 years after a case is “closed.”
(Deaths in ICE custody are almost always investigated by ICE itself. A minority are investigated by the Department of Homeland Security’s Inspector General. [report])

Similarly, ICE wants to destroy all its documents about sexual assaults of detained immigrants in custody. The time frame is 20 years after a case is “closed.” (Again, ICE almost always investigates itself in these cases. The Department of Homeland Security’s Inspector General investigates around 1% of complaints/reports. [article]) NARA argues that this information is “sensitive,” implying that documents containing the identities of victims and the accused should not be kept indefinitely. ICE itself did not offer this (or any) justification.

Thankfully The Memory Hole followed up and asked for status on ICE’s request, to which NARA replied:

No final action has been taken on this schedule. NARA appraisal staff have reviewed the comments received, and held several meetings with ICE records management and program staff regarding the records being scheduled.

Proposed changes to the schedule are being reviewed internally by NARA stakeholders for internal concurrence, after which NARA will inform ICE of the required changes. NARA will then publish a follow-up Federal Register notice responding to the public comments we received. This notice will be open for public comment for 15 days from the date of publication.

But it is not yet impossible that records

related to the current human-made disaster affecting thousands of children may be destroyed prematurely, depriving them of justice.

There's simply no way that ICE should be allowed to change its records retention given the scale of the separated families disaster. And yet I have a horrible, angry feeling the Trump administration will do whatever it can to hide its role in this genocidal activity along the U.S. southwest border.

EDIT – 5:45 P.M. EDT –

I meant to add one more thing to this post. It's imperative I add this now that the White House has tried to change the subject by using FLOTUS as a human shield with a target literally painted on her back. Do not be derailed by their bullshit. Keep asking:

Where are the girls?

Where are the babies?

Where are ALL the bodies???

ANGRY MOM: I SEE DEAD CHILDREN

I see dead children.

There is no way to reconcile what the Trump administration has done – seizing children from their parents, some so young they are still breastfeeding – and the facilities they've established to house them without coming to the conclusion there are dead children.

@Asher_Wolf explains the situation in this Twitter thread, beginning with this tweet:



Asher Wolf

@Asher_Wolf

I'm going to let you in on a big old secret no one talks about enough: it's not that easy keeping little kids alive, even when you love them with every cell in your body. Putting toddlers and young children in cages is a sure-fire recipe to kill a bunch of them

5:45 AM - 20 Jun 2018

Only people who've never had or cared for infants and children would not know this already. If you are a parent you know this; you've already had to keep a child cool, calm, hydrated which can be challenging while traveling even under the best conditions.

The circumstances which drove these refugees to the border for asylum placed these children under enormous stress, unrelieved by travel across Central America and Mexico, worsened by heat across the southwest. Add the stress of interception and detention by Border Patrol on top of separation from parents – these children and babies are extremely vulnerable.

Stuff them in cages inside buildings not built to specifications for human occupation, or warehouse them in goddamned tents in unrelenting summer heat, with who knows how many qualified personnel to care for them.

There are reports some children have not received adequate food. Have they received enough water and other fluids? If they can't feed themselves, have personnel offered the infants and toddlers enough bottles?

Looking at the best infant and child mortality rates in other countries, there would be several deaths. This is the U.S., though, which is the worst among the top 20 wealthiest countries. Looking at the recent history of refugees fleeing Syria and other parts of the middle east for EU states, there are likely more deaths than normal. We must face this truth and begin to account for all the children, alive or dead.

But so far no facilities with infants, toddlers,

and preschoolers have been opened to members of Congress or journalists. Only boys have been seen on camera. Where are the girls? Where are the children under five years of age?

Journalists have asked where they are.

REPORTER: A couple of questions. One, why is the government only releasing images of the boys being held? Where are the girls? Where are the young toddlers?

NIELSEN: I don't know. I'm not familiar with those particular images so I would have –

REPORTER: Do you know where they are? Do you know where the girls are? Do you know where the young toddlers are?

NIELSEN: We have children in D.H.S. care both, but as you know, most of the children after 72 hours are transferred to H.H.S. So I don't know what pictures you're referencing but I would have to refer you to H.H.S.

REPORTER: We've seen images of boys but we just haven't seen any of the girls, any of the young toddlers and you're saying they are being well cared for. So how could you make that claim if you don't know where they are?

NIELSEN: It is not that I don't know where they are. I'm saying that the vast majority of children are held by Health and Human Services. We transfer them after 72 hours.

I don't know what pictures you're speaking about. But perhaps they're –

REPORTER: Pictures have been released to the public, they've been aired all over national television.

NIELSEN: O.K., by D.H.S. or H.H.S.?

REPORTER: By [inaudible] .H.S.

NIELSEN: So let's find out from H.H.S. I don't think there is anything other than [cross talk] the pictures –

REPORTER: [cross talk] released by your department. I mean, they've have been aired all over national television throughout the day, the kids being held in the cages. We've only seen the boys.

NIELSEN: I will, I will look into that. I'm not aware that there's another picture. Yes.

That DHS Secretary Nielsen can't offer a coherent answer when asked is ridiculous and absolutely unacceptable.

That the entire administration cannot offer a consistent response to any questions is doubly so.

None of this assures me they aren't hiding something behind all this prevarication. At this point the lack of a unified response to questions is deliberate; they've had ample time to get their shit together. The inconsistency itself might be a means to create a smoke screen, forcing journalists, Congress, and the public to track and compare their answers rather than storm the facilities and get the truth.

Right now, on the face of it, this administration is hiding children's bodies, alive and possibly dead.

I don't care about Trump's bullshit kabuki gesture that he'll sign something about the families separation policy. I don't care who they point to within the administration to blame for this willful humanitarian disaster, this ethnic cleansing, this genocide waiting full disclosure, though the buck ultimately stops at the desk in the Oval Office. Until they show us otherwise and account for every single tiny human being which they have taken and for whom they are acting in parents' or guardians' stead, I see dead children.

THE NY TIMES, SEKULOW AND DOWD'S SOPHISTRY AND TRUMP'S KING LIKE VIEWPOINT

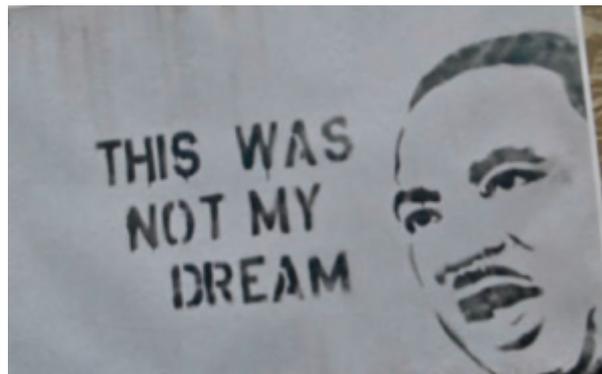
I have obligations that I seriously must run out the door for, but this need to be posted so that it can be dissected. The inestimable crew of Haberman, Schmidt et. al have posted a rather amazing letter 20 page letter issued on behalf of Trump by his attorneys at the time, Jay Sekulow and John Dowd. There is a minimum of mockery of the effort, which I will attribute to the contributions of Charlie Savage and Matt Apuzzo, who have the curious, too often for the Times, habit of actually appropriately reading legal things with an eye to what they really represent.

This "letter" is one of the most ridiculous pieces of legal sophistry I have ever seen in my life. It, without an iota of shame or self reflection, brazenly place Trump as not just a King, but a God like entity that far outstrips the importance of the rule of law or separation of powers the Founders intended.

So, I am leaving this here until either Marcy or I come back to it later. Read the damn thing. Weep for your country and the shreds of its Constitution before Trump and his lackeys burn what's left.

THE MOUSE THAT ROARED, THE BIGOTRY ROSEANNE PERPETRATED AND IGNORANT RACISM OF TRUMP

Tonight, the ABC network, obviously owned and controlled



led by the Disney Mouse, has fired Roseanne Barr. It is a fine step. The better question is why they ever rebooted her ignorant racist act. The answer is, like the relentless quest of the New York Times to connect with “real America Trump Country voters”, they were more concerned about selling shit and getting eyeballs than they were about morality and truth.

Yeah, it is that simple.

ABC knew exactly what kind of ignorant racist bigot Roseanne Barr was, but they rolled the dice on the crap table of television because they cravenly thought there was a market for low brow bigotry in the age of Donald Trump.

For a bit, it seemed they were right. Heck, maybe they still are, maybe this country has fallen that far.

But when the pet star of ABC and Donald Trump, Roseanne, compared an accomplished woman like Valerie Jarrett to things I will not even cite here, even the Disney Mouse of ABC canceled her on the spot. How heroic.

It is fine to harsh on Roseanne. She has earned it for a long time. A long enough time that ABC and the oh so socially responsible "Disney Mouse" completely understood and, still, signed up to renew the platform for gross bigotry that Roseanne Barr represented in a heartbeat when they thought they could catch the wave of Trumpian bigotry and racism.

It was like candy for the media monsters, much like the acceptance of the New York Times and other major media, although to a less obviously crass extent. Make no mistake though, it is all of the same cloth of go along to get along "let's get maximum eyeballs" theory by major media that feeds the message fed to the United States and world. They know better, and they owe better. And, yes, I am talking to you Maggie Haberman. She is certainly not the only one, just a common and un-rehabilitated symbol at this point. But Mag Habs and the Times "political team" have come to this point the old fashioned way: They have earned it.

But, hey, the Times are not alone, CNN is similarly still sending out Salena Zito to interact with revanchist bigotry in "real America" like that bunk should be celebrated and normalized, not scorned and attempted to be informed.

This country should not celebrate ignorance, bigotry and stupidity. We should fight and overcome that.

ABC and the Disney Mouse may be unconscionably late to this game as to the attempt to ride the ignorance and bigotry of Roseanne Barr, but maybe there is a better day ahead.

Today, Howard Schultz and Starbucks took the step back to rethink and do better. ABC and the Mouse made a late, but needed step.

One step at a time. It is better than the original knee jerk reaction of the ABC network to piggyback on the bigotry of Roseanne Barr.

Belated Update: The title to this post was not

meant just to be descriptive of the Disney action as to Roseanne, it was also an homage to the thoroughly wonderful classic movie *"The Mouse That Roared"*. If you have not seen it, you should. I think it is occasionally on TCM, but not sure. It is a wonderfully subtle early tour de force by the great Peter Sellers.

RE: THE BOGUS MANAFORT CHALLENGE TO MUELLER'S JURISDICTION

I said
from the
outset
that the
Manafort
challenge
s to
Mueller's
authority
, both in



DC District and Eastern District of Virginia were bogus and ill taken. Not that his attorneys should be faulted for protecting that record for later appeal, that is simply what decent criminal defense lawyers do. But the siamesed motions were never the compelling "legitimate question" the press made them out to be. Even taking into account the cantankerous probing of Judge T.S. Ellis in EDVA at oral argument on May 4, 2018, the claims of Manafort, and later blithely parroted by Trump that same day, Manafort's arguments were discredited by Dreeben's argument. Even at that hearing, that Trump Parroted, Judge Ellis indicated there could well not exist a convincing argument in the long run.

Well, okay. We still don't know how Judge Ellis will rule, but we do now know how Judge Amy Berman Jackson ruled on pretty much the identical argument in DDC. Her decision was handed down yesterday.

This was a spanking of Manafort's dismissal motion, from top to bottom. On every prong, and at every turn, Berman Jackson dismissed Manafort's arguments. She even went so far as to opine that Mueller would have been effectively derelict *not* to have pursued these matters. The matter will proceed to trial in DDC, before Judge Berman Jackson, currently set for September 7, 2018.

So, that leaves the EDVA matter in front of the aforementioned cantankerous Judge Ellis. The decision by Berman Jackson will have to weigh heavily on Ellis as he drafts his decision on the parallel arguments in EDVA. Despite all the probing and disdain Ellis displayed at oral argument on May 4, Ellis is famous for just that. Over decades. Ellis could certainly find differently than Berman Jackson, that is his prerogative, but it is hard to see how he is going to. First off, the facts, pleadings and scope of authority demonstrated by Mueller, via Dreeben, simply do not warrant it. But, secondly, there is now a marker by Berman Jackson. Judge T.S. Ellis III may be commonly known as cantankerous, but he is not commonly known as a fool.

We shall see, but if I were Paul Manafort, I would not be sleeping easy. And Trump might want to stop cackling. So, enjoy the decision by Berman Jackson, it is worth the read if you are interested. And it is exactly why a few of us here were more than skeptical of Manafort's motions.

WILBUR ROSS LETS HIS INNER TRUMPIAN GEORGE WALLACE BIGOT FREAK FLAG FLY

The real Mr. Magoo of the Trump Administration, Wilbur Ross, this morning went on a full court press, with the press, to promote the latest push from the Trump



Administration. When did the US seek out pointed bigotry and otherism on the official census? 1950. Magoo Ross and his Commerce Department issued a racist manifesto:

“The reinstatement of a citizenship question will not decrease the response rate of residents who already decided not to respond. And no one provided evidence that there are residents who would respond accurately to a decennial census that did not contain a citizenship question but would not respond if it did (although many believed that such residents had to exist). While it is possible this belief is true, there is no information available to determine the number of people who would in fact not respond due to a citizenship question being added, and no one has identified any mechanism for making such a determination.”

Actually, that is exactly what it is going to do, and what will occur. Facts and intelligence no longer matter.

From Hansi Lo Wang at NPR:

“A lot of census watchers, former census bureau directors, other census experts have said that they are very, very concerned that there already is a lot of anti-immigrant sentiment, that already folks are very concerned about giving personal information to the federal government, that now if there is a citizenship question added as the Commerce Department is announcing that ... a lot of immigrants, not only those who are undocumented, but anyone who maybe has ties to folks who are undocumented, may not want to ... participate in the census and therefore they would not be counted, and that has direct impacts on how people are represented in this country.

“All census numbers are used to reapportion seats in Congress, specifically the House of Representatives, and also these numbers have an impact on how billions of dollars are distributed around the country ... from the federal level all the way down to the local level of how school districts figure out how to divide up resources. So this could have a really big impact if immigrants are not participating in the census in 2020.”

And thank you Vanita Gupta, in the New York Times (also reinforced in an interview with MSNBC):

“Adding this question will result in a bad census – deeply flawed population data that will skew public and private sector decisions to ensure equal

representation, allocate government resources and anticipate economic growth opportunities – for the next 10 years,” Vanita Gupta, the chief executive of the Leadership Conference on Civil and Human Rights and a deputy attorney general in the Obama administration, said in a statement Monday night. “The stakes are too high to allow this. We urge Congress to overturn this error in judgment.”

Dianne Feinstein issued a, for once, spot on press release:

“An accurate count of everyone living in the United States is vital to our democracy. Adding a question designed to depress participation in certain communities is an assault on the foundations of this country.

“Given President Trump’s toxic rhetoric and aggressive policies toward immigrants, it’s clear his administration wants to include this question to discourage participation in immigrant communities. Individuals living in mixed-status households may be afraid to participate, fearing their responses would be used to target them or their families.

“This is particularly troubling in states like California with high immigrant populations. Without an accurate census, our state will lose federal funding for infrastructure, schools and social welfare programs we are rightly owed. Even more troubling, an undercount of our population could lead to California losing seats in Congress, disenfranchising millions of California voters.

“The administration’s claim that this question is needed to ‘permit more effective enforcement’ of the Voting

Rights Act is simply not true. A citizenship question has not been included on the census since 1950, 15 years before the Voting Rights Act was passed. Instead, that data is already collected on the American Community Survey, a longer set of questions sent to more than 3.5 million American households every year.

“The census should not be a political football, used to depress responses from immigrant communities and target states like California. I’m committed to ensuring an accurate census in 2020 and will work with California’s leaders to have this citizenship question removed from the census.”

Yes. And it is a real issue. Not since George Wallace tried to block the schools from the minorities he hated, has there been such an immoral and unmitigated assault, for craven political purposes, as Trump and his merry band of bigot henchmen are putting forth now. It is the sickness that is killing America, not that which will make us great.

Can’t wait for the “Constitutional scholars” of the Federalist Society to weigh in with their full throated support of yet more rank Trump Administration bigotry and hatred. And some more “Liberal Media” stories about racist hicks in diners that support this revanchism. This is Trump’s America. And, yes, Vlad Putin must be chomping on popcorn and loving it.

STORMY WEATHER AHEAD

As you
may
have
heard,
there
is an
interv
iew on
CBS 60
Minute



s tonight of former Trump paramour Stormy Daniels. In the last 48 hours, there have been a slew of Stormy biographies. From the New York Times, the Washington Post, and CNN. All worth a check if you are interested, but all paint a similar picture.

It is a picture of a modern empowered and self assured woman. She is no slouch, she is bright and ready. It was been all too casual for the press to early on slough her off and characterize her as a “porn star” like that automatically makes some throw away bimbo. Clearly, nothing is further from the case.

The picture that emerges on closer inspection is far different. She is an informed and savvy woman in full. She is a mother and businesswoman, and one who understands and worries about the conflicts between the two. Karen McDougal, in her Thursday interview on CNN came off as genuine and honest, even if somewhat lost in why she is here with all of the public now. Daniels has none of that. And her story is, within the salacious category Trump brings us to consider, far more compelling.

The stories of Daniels and McDougall were literally concurrent, starting with a golf tournament tete a tete at the Tahoe Pro Am. But McDougall presents as a jilted woman once in love, Daniels is flat out a smarter woman who knew then, and knows now, what was up, then and now, and just isn't going to stand for the rank hypocrisy and lying by Trump and his goons like Michael Cohen.

The rushed out bios linked above largely track

each other, but to my eye, the New York Times is the best:

Those who know her well have registered the moment differently. Ms. Clifford has subsisted amid the seamier elements of a business often rife with exploitation and unruly fare; more than a few of her film titles are unprintable. But for most of her professional life, Ms. Clifford has been a woman in control of her own narrative in a field where that can be uncommon. With an instinct for self-promotion, she evolved from “kindergarten circuit” stripper to star actress and director, and occasional mainstream success, by her late 20s. Why would a piece of paper and an executive legal team set her back?

...

“She was a very serious businesswoman and a filmmaker and had taken the reins of her career,” said Judd Apatow, who directed her cameos in the R-rated comedies “Knocked Up” and “The 40-Year-Old Virgin.” “She is not someone to be underestimated.”

...

She has a daughter, a third husband and an expensive hobby: equestrian shows. “She blends right in,” said Packy McGaughan, a trainer on the competition circuit.

...

“Just as these misguided arbiters of the mainstream view an adult entertainment star as an anathema to the political process,” she said, when she eventually decided against a bid, “so too do they view the dishwasher, the cashier or the bus driver.”

This woman is real. Please go read at least the NY Times story, if not the others linked. She is everything you think she is, and far, far, more. And she has no fear. Not of her career, and not

of Trump. That has to terrify Trump.

Here is the other thing that is different: Stormy Daniels has Michael Avenatti as her lawyer. Never met or talked to Avenatti before, but I have heard of him in cases (and from auto racing things), and from friends, for several years. He is good.

After three years at O'Melveny, he joined Greene Broillet & Wheeler, a Los Angeles boutique litigation firm. While there, Michael spearheaded many high-profile cases, including a \$10 million defamation case against Paris Hilton; a successful idea theft lawsuit involving the reality show The Apprentice and its producer, Mark Burnett, as well as Donald Trump; and a large corporate multi-national embezzlement case involving in excess of \$42,000,000.

In 2007, Michael formed the law firm Eagan Avenatti, LLP (fka Eagan O'Malley & Avenatti, LLP), with offices in Newport Beach, Los Angeles and San Francisco. Since co-founding the firm, Michael has been responsible for securing a number of large verdicts and settlements as lead counsel, including an April 2017 \$454 Million verdict after a jury trial in Federal Court in Los Angeles in a fraud case against Kimberly-Clark (NYSE: KMB) and Halyard Health (NYSE: HYH) that was featured on 60 Minutes (won every jury question as to every defendant); a \$80.5 million class action settlement against Service Corporation International (NYSE: SCI) in another case featured on 60 Minutes and in the international press (settlement reached in the middle of trial); a \$41 million jury verdict after a nearly five-week trial in New Jersey; a \$39 million settlement in a case involving the alleged theft of trade secrets; and a \$13 million plus verdict after a six

week jury trial in Palm Beach, Florida (won every jury question as to every defendant). In 2015, Michael prevailed against the National Football League after a two-week jury trial in Federal District Court in Dallas, Texas after obtaining a court order requiring Jerry Jones to attend trial and be cross-examined.

I had heard of him before, but really first watched Avenatti when he took on the National Football League and Jerry Jones. Because of some sports law friends, some of whom were closer to that story, I paid attention. Avenatti is seriously that good, and he has the extra bonus of knowing how to be a good trial lawyer AND play the PR game, personally, well. There are not many such lawyers, and ones tending to the PR more than the law are routinely panned mercilessly here at this blog. For good reason.

If you don't have a winning strategy with the press, don't talk to the press. Even if you think you do, think twice and thrice before doing so. Or, by my book, just don't do it. But Avenatti has a really special combination of savvy, and has proven it long before Stormy Daniels.

Nobody knows how it all ends up, and playing the press is a risky game even for those genuinely good at it. But, so far, Avenatti and Stormy have played Trump and the press like a Stradivarius.

And, if as Trump is reportedly contemplating, Trump decides to get personally aggressive, watch out. He may well have met his match with Ms. Daniels and Michael Avenatti. By my guess, they are almost making bank Trump will try that ill advised tact. Let it be. Please, let it be.

DOWD AND OUT

John Dowd is not just a bull in a china shop, he is a



raging

bull in a china shop. He blows things up. Still, he is a longtime, and big time, defense lawyer. He can be more than abrasive, but, unlike Jay Sekulow, he is a serious lawyer. And now he is gone.

From the New York Times:

The president's lead lawyer for the special counsel investigation, John Dowd, resigned on Thursday, according to two people briefed on the matter, days after the president called for an end to the inquiry.

Mr. Dowd, who took over the president's legal team last summer, had considered leaving several times in recent months and ultimately concluded that Mr. Trump was increasingly ignoring his advice, one of the people said. Under Mr. Dowd's leadership, Mr. Trump's lawyers had advised him to cooperate with the special counsel, Robert S. Mueller III, who is investigating Russia's election interference and possible ties to Trump associates as well as whether the president obstructed the inquiry.

Mr. Dowd's departure comes as the president has made clear he is seeking a more aggressive response to Mr. Mueller's investigation. The president has in recent days begun publicly

assailing Mr. Mueller, a shift in tone that appears to be born of Mr. Trump's concern that the investigation is bearing down on him more directly. He has also privately insisted he should sit for an interview with the special counsel's office, even though Mr. Dowd believed it was a bad idea.

Mr. Trump now is veering toward the combative approach supported by his longtime personal lawyer, Marc E. Kasowitz, who stepped back last summer but was still in contact with the president occasionally over the past several months.

There are bulls in china shops, like Dowd, and then there is bullshit in the house. In this case, the White House. That would be Donald J. Trump.

When a client is so full of shit and uncontrollable that even John Dowd has had enough and gives up.....then what?

What if that client is the President of the United States? Then what? And who is the real raging bull in the china shop? I always had a question as to how much Dowd was Trump's "lead lawyer". From the start.

But, if not Dowd, then who? Joe DiGenova?? Sekulow? Ty Cobb that was supposed to walk even before Dowd? Who do they got? And, you know, this question matters. Even "dream teams" need leaders. Johnnie Cochran could do that. Several others could too. But who does Trump have?

THREE THINGS: FLYING

MOOCHIN' MNUCHIN AIR

Usually when I pull together a Three Things post they're unrelated topics worth a quick look but not necessarily a full-blown post. This time these three things are related and I can't write a post on each one because my blood pressure won't handle it, thanks to Mochin' Mnuchin.

~ 3 ~

Citizens for Responsibility and Ethics in Washington (CREW) recently FOIAd Treasury Secretary Steve Mnuchin's travel data. You've probably heard by now about his use of military aircraft for eight trips costing nearly one million dollars. CREW looked at the regulations covering government travel and authorization for spending. Take the time to read their work, it's worth the effort.

And then read the FOIAd records CREW shares, but only after you've taken your blood pressure medications and/or prepared for a tooth-grinding tension migraine. There were repeated indications to Mnuchin and staff these trips were expensive – one cost \$26,953.33 when commercial airfare for the same trip was \$688 per person.

It's this trip which first made me do a double take, because Mnuchin's plane was on the ground in Miami on June 15, 2017, for a mere two hours and 45 minutes or less.

From: [REDACTED]
Sent: Thursday, June 15, 2017 12:37 PM
To: Smith, Joseph
Subject: FAA quote for Miami - June 15
Attachments: H6 Treat Quote 1843 (15 Jun) FL.PDF

Per your request I have asked FAA for a quote for the use of the G-IV for the Miami day trip on June 15. Times estimated and can be updated as needed. Total cost for the flight would be approx \$26,953.33.

Outbound flight: 2hrs 15 min
Return: 2 hrs 10 min

While I understand that current availability of commercial flights do not accommodate scheduling needs, for your awareness, the cost per person on commercial air is approx. \$688 roundtrip.

[REDACTED]
Director, Travel Policy and Operations
US Department of the Treasury | Office of Budget and Travel
2000 Pennsylvania Ave, NW | Washington, DC 20220 | USA

Office: [REDACTED] Call: [REDACTED]
[REDACTED] Assistant

Departmental Offices (DO) Travel Services Customer Site

15-JUN-2018 Washington DC to Miami FL
roundtrip -- less than 2:45 on the ground

DEP 8:00 am ARR 10:15 am
DEP 1:00 pm ARR 3:10 pm

Mnuchin traveled to Miami to attend the Conference on Prosperity and Security in Central America held at FIU's campus, roughly 15 minutes

by car from Miami International Airport. Assuming the travel times were prompt and on the mark, Mnuchin made it to the conference for a fucking two-hour lunch.

An institutionally-prepared \$13,476-an-hour lunch.

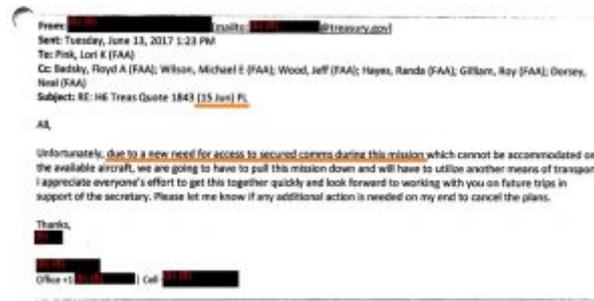
But get this – here are the other U.S. attendees at this event:

U.S. Vice President Mike Pence, Secretary of State Rex Tillerson, Secretary of Homeland Security John Kelly, and Secretary of Treasury Steven Mnuchin co-hosted the Conference on Prosperity and Security in Central America in Miami, Florida on June 15-16, 2017 with Mexican Foreign Secretary Videgaray Caso, Interior Secretary Osorio Chong, and Secretary of Finance José Antonio Meade Kuribeña, and attended by President Jimmy Morales of Guatemala, President Juan Orlando Hernández of Honduras, and Vice President Oscar Ortiz of El Salvador. Other meeting participants included U.S. and Latin American private sector leaders, senior government representatives from Belize, Canada, Chile, Colombia, Costa Rica, the European Union, Nicaragua, Panama, and Spain, and leaders from the Inter-American Development Bank, the International Monetary Fund, and the World Bank. ...

Mnuchin was a bloody co-host. Why did he not travel with one of the other co-hosts? Why did he have to commission his own military aircraft instead of tagging along with another cabinet member? Or even the vice-president?

Mnuchin's use of military aircraft was repeatedly justified by the need for secure communications. The June 15 trip to Miami was one such occasion; a call on the return leg

needed an aircraft on which persons without adequate security clearance would be traveling.



CREW noted this as well:

Two days before the scheduled departure, Treasury advised the FAA that “due to a new need to access to secured comms during this mission, which cannot be accommodated on the available aircraft, we are going to have to pull this mission down and will have to utilize another means of transport.” (UST 00024). The call was scheduled during the two and one-half hour return flight (UST 000063). The use of a military aircraft increased the cost of the approximately two-hour flight to \$45,136 (UST 00003). In other words, a scheduling conflict that the Secretary apparently did nothing to avoid cost the government an additional \$18,000. Of note, the five listed individuals on the manifest could have made the same trip on a commercial aircraft for approximately \$3,440 (or \$688 per person, UST 00001). ...

Again, Mnuchin was a conference co-host. There were other cabinet members traveling to Miami. What was so bloody important that he couldn't travel earlier with the rest of the U.S. co-hosts? Why did Mnuchin schedule a call needing secure communications two days before the trip?

And why over the last year was there repeated insistence on the availability of secure communications, unlike Mnuchin's predecessors? What changed so dramatically about the Treasury

Secretary's job?

What might have been happening on June 15 about which Mnuchin knew more than 48 hours in advance?

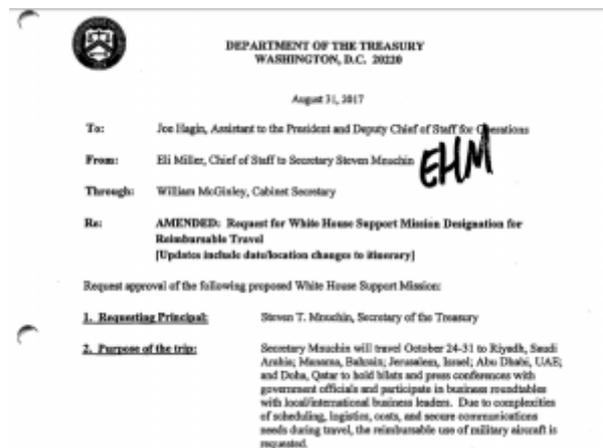
~ 2 ~

Remember last year when I noted the odd timing of Jared Kushner's unannounced, unpublicized trip to Saudi Arabia during which he had a pajama party of sorts with Crown Prince Mohammed bin Salman where they discussed who knows what?

It seemed quite the coincidence that Kushner arrived during Treasury Secretary Mnuchin's publicized trip to Saudi Arabia. What incredible timing!

Except it wasn't a coincidence. Our forgetful Boy Wonder was on the same goddamned military aircraft with Mnuchin, who had insisted on a military plane for access to secure communications.

Here's a screenshot from page 57/126 (from document 2018-2-15-Production-redactions-applied.pdf via CREW), an amended request to White House by Treasury for mission support, required to obtain a military aircraft. Note the Requesting Principal and the trip's purpose as well as the date, August 31:



Here's a screenshot of page 59/126 from the manifest included with the same amended request:

12:30 pm Depart Doha, Qatar en route to Joint Base Andrews, Washington, D.C.
8:30 pm Arrive Joint Base Andrews Washington, D.C.

5. Manifest:

- LBG 1: JOINT BASE ANDREWS TO RIYADH, SAUDI ARABIA
1. Steven Mnuchin, Secretary of the Treasury
 2. Jerad Kushner, Assistant to the President, The White House
 3. Dina Powell, Deputy National Security Advisor, The White House
 4. Sigal Mandelker, Undersecretary, Terrorism & Financial Intelligence
 5. David Malpass, Undersecretary, International Affairs
 6. Eli Miller, Chief of Staff
 7. Tony Sayegh, Assistant Secretary, Public Affairs
 8. Joey Smith, Director of Operations
 9. Eric Meyer, Deputy Assistant Secretary, Middle East and Africa
 10. Seth Unger, Deputy Assistant Secretary, Public Affairs
 11. [REDACTED], Senior Advisor to the Undersecretary, TFI
 12. [REDACTED], Personal Aide to the Secretary

Kushner isn't mentioned in the request or the agenda except as a line item in the manifest; he appeared to be included in every leg of this trip, including a visit to United Arab Emirates and Qatar. There's an awful lot of redacted material related to this trip, too, big swaths blanking out what could be entire emails or attachments.

Worth noting the FOIA documents dated July 25 reflect this Middle East trip was originally scheduled for September; by August 31 the trip has been pushed back to October. The mission requested a plane with secure communications capability from the first, which does make sense in this case given the level of discussions being held between Treasury Department, Saudi Arabia, UAE, and Qatar.

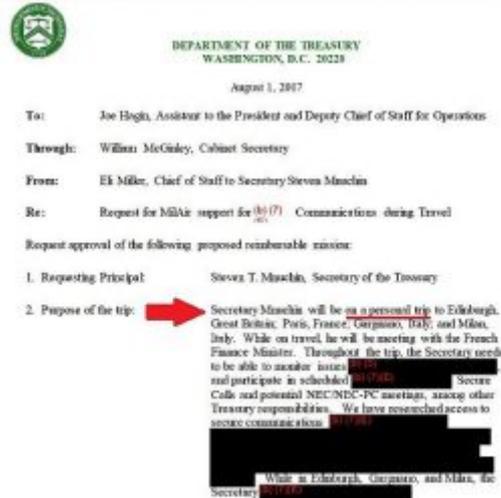
But the frequent insistence on secure communications capability and Kushner's presence on this October trip spawns several questions: is the use of military aircraft a flying backchannel? Is Mnuchin equally invested in the use of a backchannel?

Was this trip really another negotiation related to the blockade of Qatar and was Kushner involved for that reason? Is this why his presence wasn't openly communicated?

~ 1 ~

And then there's the possibility Mnuchin's spouse, our generation's Marie Antoinette, for a vacation in Edinburgh, Scotland and other European locations using one of our military aircraft. I may have an aneurysm if I don't stop here. Just look at the itinerary

on page 66/126 and tell me what you make of it. I can't find coincident formal events scheduled for Scotland or Italy, or for virtual attendance during this trip's time frame. CREW reported the trip was their goddamned honeymoon (modifying epithet all mine).



Did Mnuchin and Linton seriously tie up a military aircraft so they could go walkabout in Scotland? Let me guess Linton is a big fan of the premium cable show Outlander and she wanted to take in the show's shooting locations. The sole argument presented for the use of our military aircraft is "to be able to monitor issues [redacted], and participate in scheduled [redacted]" and the need for access to secure communications.

Don't we have an undersecretary or a deputy to do whatever [redacted] so Mnuchin can take his honeymoon on his own time, on his own dime? Or is [redacted] something in which nobody else should be involved?

Go ahead and argue this trip request says it's a "reimbursable mission." This request is dated August 1, and his trip was from August 3 through August 12. This means our government personnel had to drop everything else they were doing during what is traditionally a short-staffed month and scramble to get this aircraft and crew and flight plan together *for his damned honeymoon.*

I suppose I should be less surprised by this

wasteful crap bordering on theft after Mnuchin unnecessarily flew by military plane with the same high maintenance prima donna spouse to Fort Knox, just in time on August 8 to observe the rare complete solar eclipse.

I'm still suspicious of Mnuchin's need for an entire bloody military plane and crew for his honeymoon so he has access to secure communications. Again, is this a flying backchannel he's using? Does his wife have a security clearance necessary to hear whatever it is that's so secret that he has to do it while on his honeymoon?

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This is an open thread. Bring your pitchforks and torches.

SHORTING THE US-DPRK MEETING [UPDATED]

[NB: Update at the bottom. / ~Rayne]

At 5:08 pm ET / 7:08 am Tokyo / 6:08 am Shanghai / 1:08 am Moscow time, Trump tweeted:

Kim Jong Un talked about denuclearization with the South Korean Representatives, not just a freeze. Also, no missile testing by North Korea during this period of time. Great progress being made but sanctions will remain until an agreement is reached. Meeting being planned!

At 7:49 pm ET / 9:49 am Tokyo / 8:49 am Shanghai / 3:49 am Moscow time, Press Secretary Sanders tweeted:

.@POTUS greatly appreciates the nice words of the S. Korean delegation & Pres

Moon. He will accept the invitation to meet w/ Kim Jong Un at a place & time to be determined. We look forward to the denuclearization of NK. In the meantime all sanctions & maximum pressure must remain

The stock market in Tokyo looked like this in response:



And Shanghai's stock market looked like this:



Chinese investors have been bullish this week; the news about Trump meeting Kim Jong-un hasn't really fazed them yet though if someone in the SSE Index knew about the announcement early enough, they could have made money shorting an index fund.

Japanese investors aren't happy, which was predictable. It took them a bit to digest the news but they don't appear comfortable. If someone knew about the announcement early

enough, they could have made some money in the Nikkei using shorts.

Barring any other big news with international impact, I think we'll see similar reactions as the sun rises over successive markets in the west. Again, somebody could probably make some money.

Call me cynical, but I think this anticipated US-North Korea meeting is just another means for making somebody cash.

Like investors with cash positions after dumping steel and aluminum bets last week – wouldn't be surprised if they shorted Asian index funds overnight, and maybe EU and US funds in the morning local time.

UPDATE – 1:40 PM EST –

Note the markets at 9:30 am ET / 2:30 pm London / 3:30 pm Paris and Frankfurt / 5:30 pm Moscow time:





I proved I would be complete fail at shorting in US markets if I wasn't immersed in market news; I missed the impending release of jobs data which skewed the NYSE. The FTSE (London), CAC 40 (Paris), and DAX (Frankfurt) all waited patiently to see what the NYSE would do on open. I suspect the difference between European market upticks and NYSE open time I've indicated is due to early trading in the U.S.; some brokerage accounts allow trades an hour or two before open.

In hindsight I wonder if the Hang Seng didn't react like Tokyo because of a more closed market and less open media?

How interesting, though, that MICEX (Moscow) looked more like the Hang Seng throughout its day, hmm?

And imagine what one could do if they had advance indication of U.S. employment figures. If only all this was as harmless as watching Dan Akroyd and Eddie Murphy try to short orange

juice futures on the CBOE in Trading
Places (video excerpt, 1983).