

**From:** POLITICO Pro Energy  
**To:** [megan\\_bloomgren@ios.doi.gov](mailto:megan_bloomgren@ios.doi.gov)  
**Subject:** Afternoon Energy, presented by the National Wildlife Federation: EPA administrator Scott Pruitt — EPA tweets — Trump's DOJ defends coolant rule  
**Date:** Friday, February 17, 2017 2:30:56 PM

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By Kelsey Tamborrino | 02/17/2017 03:27 PM EDT

**MEET YOUR NEW EPA ADMINISTRATOR:** Scott Pruitt was confirmed as EPA administrator today in a 52-46 vote. Sens. [Joe Manchin](#) of West Virginia and [Heidi Heitkamp](#) of North Dakota were the only Democrats voting yes, while Republican [Susan Collins](#) of Maine voted no. Pruitt, who has been a divisive pick for months, joins a Cabinet already marked by its affinity for the fossil fuel industry, including former Exxon Mobil CEO Rex Tillerson as secretary of State. As a candidate, Trump pledged to "[get rid of](#)" EPA "in almost every form," leaving only "little tidbits left," and he may have found the man for the job in Pruitt. It is expected he would carry out Trump's agenda of dismantling the agency's regulatory powers, having filed multiple lawsuits against the agency as Oklahoma attorney general.

**Pruitt faces a daunting challenge:** The new EPA head will face the task of rolling back years of regulations issued under President Barack Obama, defending those actions in court and trying to scale back his agency's power, budget and workforce. And that's on top of issues that vexed his predecessors, such as the Flint water crisis, contentious ethanol mandates, a much-attacked regulation on wetlands and waterways, and ever-prickly Superfund clean-up operations, Alex Guillén [reports](#). The Trump administration intends to also issue directives scaling back EPA regulations, including a rule cutting carbon emissions from power plants and another bringing more bodies of water under federal jurisdiction, [according to](#) The Wall Street Journal.

**Republicans 'will rue' today:** Last night an Oklahoma judge [ordered](#) Pruitt's office release potentially thousands of emails relating to the energy companies he will be regulating — but not until Tuesday. Democrats attempted to use that as a motive to halt the vote and continue with more debate on Pruitt, but Republicans defeated that motion in a 51-47 vote. "This is an egregious cover-up that must not stand," said [Jeff Merkley](#), who asked for another 10 days of debate on Pruitt. [Sheldon Whitehouse called](#) today's Pruitt vote "an epic ram job," and said Pruitt himself is "the tool and the minion of the fossil fuel industry." Time will tell, Whitehouse said, "but I believe our Republican friends will rue the day that they had this nomination rammed through the Senate on the very day that the emails were being litigated in Oklahoma, in order to get ahead of any counter-pressure."

**Majority Leader [Mitch McConnell](#), meanwhile, [said Democrats](#)** have engaged in "truly historic, unprecedented and harmful obstruction" over Pruitt and other candidates. "Democrats' obstruction has just kept many of our nation's most critical agencies without a leader for too long — needlessly delaying the President from fully standing up this new administration," he said. Alex has more [here](#).

**Welcome to Afternoon Energy.** Happy Friday! I'm your host Kelsey Tamborrino. Send your thoughts, news and tips to [ktamborrino@politico.com](mailto:ktamborrino@politico.com), [mdaily@politico.com](mailto:mdaily@politico.com) and [njuliano@politico.com](mailto:njuliano@politico.com), and keep up with us on Twitter at [@kelseyam](#), [@dailyml](#), [@nickjuliano](#), [@Morning\\_Energy](#) and [@POLITICOPro](#).

**PROGRAMMING NOTE** — Due to the Presidents Day recess, Afternoon Energy will not

publish on Monday, Feb. 20. Our next Afternoon Energy will publish on Tuesday, Feb. 21. Please continue to follow Pro Energy issues [here](#).

**\*\* A message from the National Wildlife Federation:** America's 40 million hunters and anglers depend upon our nation's public lands. Some in Congress want to overturn National Monument protections or even sell-off the places Americans hunt, fish, hike, and camp. Join us as we urge President Trump and Congress to defend America's public lands for future generations: <http://bit.ly/2lhONxJ> \*\*

**IT TWEETS:** EPA, which has been on a social media blackout since Trump's inauguration, tweeted today for the first time since Jan. 19. The tweet? Welcoming Pruitt, of course. "We'd like to congratulate Mr. Pruitt on his confirmation! We look forward to welcoming him to EPA," the official EPA account [tweeted](#) after news of Pruitt's confirmation.

**UNDER PRESSURE:** Pruitt hasn't even been sworn in yet, but he's already got an [ethanol-related letter](#) from five Republican senators in his inbox. The Midwest lawmakers urge him to grant a waiver needed to sell higher-ethanol blend gasoline in summer months. At issue is gasoline's volatility as measured by Reid Vapor Pressure, which determines how the fuel evaporates and emits ozone-forming chemicals. Ten-percent ethanol gasoline can be sold year round, but EPA has not issued a waiver for E15 or higher blends, meaning it cannot be sold in summer months. That discourages gas stations from installing the necessary infrastructure to sell those higher blends, they argue.

**TRUMP'S DOJ DEFENDS EPA COOLANT RULE:** The Department of Justice defended an EPA rule to limit use of global warming-inducing coolants at the D.C. Court of Appeals today. Judges Janice Rogers Brown, Brett Kavanaugh and Robert Wilkins heard a challenge from Mexican chemical manufacturer Mexichem and French chemical company Arkema to a rule that calls for reduction in the use of hydrofluorocarbons, which damage the ozone layer. The companies argued that EPA only has authority to make substitutions for ozone damaging chemicals, not to the list of substitutes. DOJ argued that the law permitted EPA to make changes when the older chemicals pose a danger to health or the environment, revealing some nuance into how Trump's administration may handle climate issues. More [here](#).

**EU INVESTS MILLIONS IN ENERGY INFRASTRUCTURE:** EU countries signed off on a €444 million investment in energy infrastructure aimed "at linking up the bloc's energy markets, boosting security of supply and promoting renewables," POLITICO Europe's Kalina Oroschakoff reports. The money will go primarily to projects in the electricity and gas sectors, including liquefied natural gas terminals and a new smart grid for Slovenia and Croatia. Read [more](#). (h/t [Europe Brief](#))

**EIA KIDS WEBSITE GETS ALTERED:** The Energy Information Administration's "Energy Kids" educational website is a kid-friendly home for information about energy sources and the science behind them. During the Obama administration, the website won multiple international awards for its content and design, reports ProPublica, but the Trump administration "wasn't altogether impressed with the site or its awards. In recent weeks, language on the website describing the environmental impacts of energy sources has been reworked, and two pie charts concerning the link between coal and greenhouse gas emissions have been removed altogether." More [here](#).

**RIG COUNT UP:** The U.S. oil rig count increased by six this week, [Baker Hughes](#) said, bring the total to 597. The gas rig count is also up, by four, to 153. One miscellaneous rig remained

in use, taking the total rig count up by 10 to 751, Business Insider [reports](#). "The tally of oil rigs, which plunged with oil prices in 2014, rose by eight last week. The count is more than 80 percent above the low reached in May 2016."

## QUICK HITS:

- Diehard coders just rescued NASA's earth science data, [Wired](#).
- Energy companies face crude reality: Better to leave it in the ground, [The Wall Street Journal](#).
- EPA workers try to block Pruitt in show of defiance, [The New York Times](#).
- Sportsmen fight Trump energy plans alongside environmental left, [Reuters](#).

## WIDE WORLD OF POLITICS:

- Trump flees Washington as he [seeks a reset](#)
- Donald Trump: [28 days later](#)
- Trump anti-leak drive could [prompt prosecutions](#)

**\*\* A message from the National Wildlife Federation:** America's 40 million hunters and anglers depend upon our nation's public lands. Many of these lands have been protected over the past century by both Republican and Democratic Presidents through the Antiquities Act - a bedrock conservation law enacted by President Theodore Roosevelt - so that every American can enjoy our nation's outdoor treasures. These majestic places help define us as Americans. They are indispensable to America's hunting and fishing heritage - and serve as powerful economic engines for local communities. Yet right now, some in Congress want to overturn National Monument protections for iconic places, like Bears Ears in Utah. Others want to allow more pollution or even sell-off special places where Americans hunt, fish, hike, and camp. President Trump has strongly supported keeping America's public lands public and we need Congress to do the same for America's hunters and anglers. Help us defend America's public lands: <http://bit.ly/2lhONxJ> \*\*

*To view online:*

<https://www.politicopro.com/tipsheets/afternoon-energy/2017/02/epa-administrator-scott-pruitt-021463>

## Stories from POLITICO Pro

### Senate confirms Pruitt to head EPA [Back](#)

By Alex Guillén | 02/17/2017 01:24 PM EDT

The Senate handed the Environmental Protection Agency to one of its most determined foes on Friday, confirming Scott Pruitt as administrator despite public opposition from hundreds of EPA employees and Democrats' demands for thousands of his still-undisclosed emails.

Senators voted 52-46, almost entirely on party lines, to confirm Pruitt, who as Oklahoma's attorney general has repeatedly sued the EPA to attack many of its highest-profile regulations.

Sens. [Joe Manchin](#) of West Virginia and [Heidi Heitkamp](#) of North Dakota were the only Democrats voting yes, while Republican Sen. [Susan Collins](#) of Maine voted no.

Pruitt has been one of the most divisive Cabinet picks of President Donald Trump, who as a candidate pledged to "[get rid of](#)" the EPA "in almost every form," leaving only "little tidbits left." Pruitt has attracted fierce criticism for his own skepticism of mainstream climate science, as well as widespread expectations that he would carry out Trump's agenda of dismantling the agency's regulatory powers.

"Obviously there is some trepidation about how the new administration is going to go about enforcing and implementing the laws that EPA is bound to implement," said Nicole Cantello, a Chicago-based EPA attorney and a union official there. "There's a lot of anxiety around that because there's been reports about what the incoming administrator stands for and what he's done in his state that he was attorney general for."

Trump is rumored to be planning a trip to EPA's headquarters, just blocks from the White House, to sign executive orders on climate change or other EPA issues. The White House and EPA have remained mum about any such plans for a visit or any forthcoming orders.

Democrats also complained that Pruitt has yet to meet their demands for the release of emails he exchanged with the fossil fuel companies whose cause he often took up in court as attorney general. An Oklahoma judge on Thursday [ordered](#) Pruitt to release thousands of emails by early next week, acting on a suit filed by a liberal activist group.

Pruitt has accused EPA of siphoning power away from the states while handcuffing the coal, oil and natural gas industries and achieving only questionable environmental and public health benefits. His supporters made it clear they have high expectations for his reign in the agency's headquarters — in a building just across the street from Trump's hotel in downtown Washington, D.C.

"He's going to be a great administrator, and hopefully he'll begin to form a team who will get EPA back to the business of regulating air and water and not the extra-legal stuff they've been doing the past few years," said Tom Pyle, president of the American Energy Alliance, a conservative think tank backed by the oil and gas industry.

"Quite candidly, this president ran on an agenda that is very different from the person he beat, which was remarkably similar to the person who previously occupied the White House," Pyle added. "So nobody should expect there to be no differences or changes in the focus of this administration."

He joins a Cabinet already marked by strong affinity for the fossil fuel industry, including former Exxon Mobil CEO Rex Tillerson as secretary of state.

Pruitt faces a daunting challenge: rolling back years of regulations issued under Obama, defending those actions in court and trying to scale back EPA's power, budget and workforce. And that's on top of issues that vexed his predecessors, such as the Flint water crisis, contentious ethanol mandates, a much-attacked regulation on wetlands and waterways, and ever-prickly Superfund cleanup operations.

He will also face a challenge no previous EPA administrator has ever faced — outspoken opposition from the agency's rank and file before he's even sworn in, including dozens of

current employees who have held [public protests](#) against his nomination and 773 former employees who have signed onto a [letter](#) panning him.

Other career agency staffers are also fearful of what Pruitt will bring, said Christine Todd Whitman, former President George W. Bush's first EPA administrator.

"They're nervous and hunkering down," she said.

Democrats contend that, policy aside, Pruitt is fraught with conflicts both from his role as one of EPA's biggest antagonists and because of his close political connections to fossil fuel companies.

Pruitt has for now sidestepped the question of whether he can or will participate in any of the many issues he has sued EPA over, including its greenhouse gas regulations, restrictions on smog-creating ozone and limits on toxic mercury pollution from power plants. He has said he will consult with agency ethics experts on a rolling basis about the potential need to recuse himself — although he noted that as EPA administrator, he will not be acting as an attorney representing the government.

Pruitt also emerged relatively unscathed over his connections to oil and gas companies.

In 2014, The New York Times connected him to a "[secretive alliance](#)" with oil and gas companies designed to fight the Obama administration's regulations. Pruitt denied raising money from fossil fuel interests for the Republican Attorneys General Association or the Rule of Law Defense Fund, a nonprofit offshoot of RAGA that he once chaired. He also had connections to a super PAC and a leadership PAC, both of which [received major donations](#) from energy interests but have since shut down operations.

Pruitt denied specifically fundraising from the companies that gave to those groups, and Republicans waved away concerns about his ties, saying he was only doing his job to represent the interests of his oil- and gas-heavy state.

Whitman said that once he's settled in at EPA, Pruitt might find it's not as easy to run an agency with national responsibilities as it is to throw rocks from Oklahoma City. She said she learned of similar constraints during her first days in the administrator's office in 2001.

"What really struck me was the extent to which the agency was constrained by the enabling legislation," she said.

Pruitt's critics hope that EPA's career staff will stand up to Pruitt if he weakens or slow-walks environmental protections.

"EPA is composed of civil servants who have been there a long time and believe in the mission of EPA and believe in the work they've done," said Ken Kimmell, president of the Union of Concerned Scientists. "I don't expect they'll go quietly into that good night and just wave a white flag and surrender."

Whitman said she found that some EPA staffers were "staunch Democrats," but that "for the most part they just wanted to protect human health and the environment, and they'd work with you if they thought that's what you wanted to do."

She also called on Pruitt to stand up to Trump if he feels an order goes too far.

"You do work for the president and at some point you have to salute. But if you really don't believe in what the action is, you step aside yourself," said Whitman, who left EPA in 2003 following [repeated clashes](#) with the Bush White House.

Pruitt represents an especially sharp departure from Obama's approach to climate change, which relied heavily on EPA's regulations to reduce carbon pollution from cars, trucks and power plants.

Scientists "continue to disagree about the degree and extent of global warming and its connection to the actions of mankind," Pruitt [wrote](#) last May in National Review — disagreeing with the overwhelming consensus of climate researchers, who say warming driven by human-caused pollution is a gathering threat to civilization. He co-wrote the article with then-Alabama Attorney General Luther Strange, who was recently appointed to fill Jeff Sessions' Senate seat and plans to vote on Pruitt's nomination.

Pruitt walked a finer line during his confirmation hearing, [saying](#) human activity contributes in some way to climate change but that the degree of that connection is "subject to more debate." That still amounts to climate change denial, his critics say.

Scientists have long held that human activity, chiefly the burning of fossil fuels, has been the primary driver of climate change, and that the only way to stave off the worst effects is to drastically curb emissions now. A recent peer-reviewed [study](#) calculated that Earth is warming 170 times faster than it would without contributions from human activity.

Pruitt said at his hearing that he feels no need to revisit the EPA's scientific finding that carbon pollution threatens human health and safety, the legal underpinning for a suite of climate regulations. But EPA's critics hold out hope that Trump will order him to repeal the finding — noting that if it remains in place, Pruitt will eventually face a legal obligation to [regulate carbon](#).

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### **Judge orders Pruitt to release emails by Tuesday [Back](#)**

By Alex Guillén | 02/16/2017 05:48 PM EDT

A state judge in Oklahoma today ordered Scott Pruitt to release by Tuesday potentially thousands of emails he exchanged with fossil fuel interests in his job as state attorney general, according to the watchdog groups that sued seeking the communications.

That deadline will come after the vote in the Senate on Friday that is expected to confirm Pruitt as the next administrator of the Environmental Protection Agency.

The lawsuit was brought last week by the Center for Media and Democracy, a left-leaning group that has several outstanding records requests before Pruitt's office dating back to January 2015. They argued Pruitt was slow-walking the releases and improperly withholding emails to and from oil, gas and coal companies, and conservative organizations. Pruitt's office says it is answering requests in the order in which they are received.

The order from Judge Aletia Haynes Timmons of the District Court in Oklahoma County does not necessarily mean all 2,600 emails sought by the CMD will be released, as Pruitt's office

can still withhold certain documents that are subject to exemptions in the state's records law.

Pruitt's office released more than 400 documents to CMD last Friday, after the lawsuit was filed.

Senate Democrats have latched onto the court case in a last-ditch attempt to delay Friday afternoon's expected vote.

"Sometime — a week from now, maybe days from now — my fear is that a number of members, especially on the other side, will have been put in a very bad position and asked to vote for a nominee that they otherwise may not have supported had they known," Sen. Tom Carper (D-Del.) said on Thursday.

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### **Democrats move to delay Pruitt vote after email release [Back](#)**

By Alex Guillén | 02/17/2017 10:39 AM EDT

Senate Democrats plan to push for another 10 days of debate time on EPA nominee Scott Pruitt in an effort to delay today's nomination vote until after potentially thousands of his emails with oil and gas interests are released by the Oklahoma attorney general's office.

However, Republicans appear prepared to stop Democrats' delay effort in its tracks.

Sen. [Jeff Merkley](#) will make a motion ahead of Pruitt's planned vote early this afternoon seeking 248 more hours of debate on Pruitt. A state judge on Thursday said delays by Pruitt's office in answering records requests was an "abject failure" and ordered as many as 3,000 emails turned over by Tuesday, with more due within 10 days.

But it will take only a simple majority to override Merkley's motion, and Republicans are counting 52 votes in support of Pruitt, including two Democratic cross-overs.

Speaking on the floor this morning, Majority Leader [Mitch McConnell](#) said Democrats have engaged in "truly historic, unprecedented and harmful obstruction" over Pruitt and other candidates.

"Democrats' obstruction has just kept many of our nation's most critical agencies without a leader for too long — needlessly delaying the President from fully standing up this new administration," he said.

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### **Democrats: GOP will 'rue the day' it pushed Pruitt vote for EPA [Back](#)**

By Alex Guillén | 02/17/2017 11:08 AM EDT

The Senate is set to confirm Oklahoma Attorney General Scott Pruitt as the head of the EPA Friday, installing one of the agency's fiercest critics as the nation's leading environmental regulator just hours after an Oklahoma judge ordered the release of his email conversations with oil, gas and coal groups.

On the eve of his confirmation, the state judge [ordered](#) Pruitt's office release the potentially thousands of emails relating to the energy companies he will soon be regulating — but not until Tuesday, days after his confirmation vote.

Pruitt is among the group of President Donald Trump's most controversial nominees, including Education Secretary Betsy DeVos, HHS Secretary Tom Price and Attorney General Jeff Sessions. And like those others tapped by Trump, Pruitt's nomination is likely to narrowly pass in the Senate — with the help of a pair of Democrats.

The controversy around Pruitt's contacts with oil, natural gas and coal companies has given Democrats a rallying point to call for a delay of his final vote on the Senate floor, but which Majority Leader [Mitch McConnell](#) has insisted will take place Friday.

"This is an egregious cover-up that must not stand," said Sen. [Jeff Merkley](#) (D-Ore.), who is planning to ask for another 10 days of debate on Pruitt — a move that's virtually certain to be rejected.

It's not clear whether Pruitt's unreleased emails actually contain any damaging surprises, particularly since his ties to the oil and gas industry are already well known. But Democrats — already incensed that Pruitt had [told them](#) to go through the public records request process if they wanted his emails or other documents from his time as attorney general — were apoplectic Thursday night when GOP leaders said Pruitt's vote would take place today as scheduled.

Sen. [Sheldon Whitehouse](#) (D-R.I.) called the Pruitt vote "an epic ram job," and said Pruitt himself is "the tool and the minion of the fossil fuel industry."

Given Pruitt's industry ties, "I don't see any way his tenure at the Environmental Protection Agency ends well," Whitehouse said. "Time will tell and facts will out, but I believe our Republican friends will rue the day that they had this nomination rammed through the Senate on the very day that the emails were being litigated in Oklahoma, in order to get ahead of any counter-pressure."

Sen. [Tom Carper](#) (D-Del.), who led a boycott of Pruitt earlier this month before the Environment and Public Works Committee, warned that Republicans could be tying themselves to a time bomb.

"Sometime — a week from now, maybe days from now — my fear is that a number of members, especially on the other side, will have been put in a very bad position and asked to vote for a nominee that they otherwise may not have supported had they known," Carper told reporters shortly before the judge ordered the emails released.

Republican leadership, with 52 votes secured to approve Pruitt, including Democratic Sens. [Joe Manchin](#) and [Heidi Heitkamp](#), have no plans to change course on confirming him.

"Despite Democrat efforts to delay his confirmation vote, we need to be responsible and move forward to confirm Attorney General Pruitt," Sen. [Jim Inhofe](#) (R-Okla.) said on the Senate floor shortly before the judge's order came down. "The longer we postpone this vote, the longer it is going to take for things to get done at the EPA, which will not help anyone."

Speaking on the floor this morning, McConnell said Democrats have engaged in "truly

historic, unprecedented and harmful obstruction" over Pruitt and other candidates.

"Democrats' obstruction has just kept many of our nation's most critical agencies without a leader for too long — needlessly delaying the president from fully standing up this new administration," he said.

Whitehouse argued that prior to the election, Republicans "had a fixation with emails," particularly Hillary Clinton's, NOAA scientists' message on climate change and the Obama administration's EPA administrators.

"They were desperate for emails. But now suddenly emails between a nominee's office and the major players in the industry that he will be regulating as EPA administrator, all they do is look at the ceiling tiles," he said.

The judge who ordered the emails released, Aletia Haynes Timmons, said the two-year delay in releasing emails sought by the left-leaning watchdog Center for Media and Democracy was an "abject failure to provide prompt and reasonable access to documents" by Pruitt's office. Pruitt's lawyers had argued that his office processes requests in the order they are filed, indicating at least a two-year backlog.

She ordered Pruitt's office turn over up to 2,500 emails that are in dispute in CMD's oldest request, and said that any documents thought to be privileged be brought to her for review by close of business Tuesday.

Timmons also ordered Pruitt's office release emails responsive to five more records requests filed by CMD before Pruitt was nominated to run EPA within 10 days.

"The Office of Attorney General remains committed to following the letter and spirit of the Open Records Act," Pruitt spokesman Lincoln Ferguson said in a statement. "In light of that, we are reviewing all of our options in order to ensure fairness to all requestors rather than elevating the importance of some requests over others."

Pruitt's coordination with oil and gas companies is already well known since a 2014 New York Times [story](#) that detailed his "secretive alliance" with fossil fuel interests to combat Obama administration rules. Pruitt [defended that alliance](#) as in the best interest of Oklahomans who live in one of the biggest oil- and gas-producing states.

He also belonged to groups, including the Republican Attorneys General Association, that received major contributions from energy interests, although Pruitt [denied](#) ever soliciting the donations himself.

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**Senate confirms Pruitt to head EPA** [Back](#)

By Alex Guillén | 02/17/2017 01:24 PM EDT

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attorney general has repeatedly sued the EPA to attack many of its highest-profile regulations. Sens. [Joe Manchin](#) of West Virginia and [Heidi Heitkamp](#) of North Dakota were the only Democrats voting yes, while Republican Sen. [Susan Collins](#) of Maine voted no.

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## **Trump's Justice Department defends EPA rule on coolants [Back](#)**

By Eric Wolff | 02/17/2017 11:42 AM EDT

The Department of Justice defended an EPA rule to limit use of global warming-inducing coolants at the D.C. Court of Appeals today, revealing some nuance in how President Donald Trump's administration may handle climate issues.

Judges Janice Rogers Brown, Brett Kavanaugh, and Robert Wilkins heard a challenge from Mexichem, a Mexican chemical manufacturer, and Arkema, a French chemical company, to a rule that calls for reduction in the use of hydrofluorocarbons, a coolant originally introduced as a substitute for the use of chlorofluorocarbons, which damage the ozone layer.

The companies argued that EPA only has authority to make substitutions for ozone damaging chemicals, not to the list of substitutes. DOJ argued that the law permitted EPA to make changes when the older chemicals pose a danger to health or the environment. HFCs have many times the heat trapping potential of carbon dioxide, and EPA justified taking them off the list for that reason.

U.S. manufacturers are likely to benefit from the transition away from HFCs, and they support the changeover, as well as an international agreement that would accelerate the change globally.

"Chemicals are different from fossil fuels. The industry is American, and Congress and the incoming Trump team knows they've put a lot of money into the transition," to new coolants, said David Doniger, head of the climate program for the Natural Resources Defense Council. "Also, the challengers in this case are Mexican and French. I don't think Trump is going to rescue of foreign companies."

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## **EU agrees on millions for energy infrastructure projects** [Back](#)

By Kalina Oroschakoff | 02/17/2017 11:55 AM EDT

EU countries today [signed off](#) on Commission proposals to invest €444 million in infrastructure projects aimed at linking up the bloc's energy markets, boosting security of supply and promoting renewables.

The Commission selected [18 priority electricity, smart grid and gas projects](#) — so-called projects of common interest (PCIs) — to benefit from the financing.

Natural gas will benefit the most from today's agreement, accounting for 10 of the 18 projects worth €228 million. Just over €100 million of that will go for building an off-shore liquefied natural gas terminal on the Croatian island of Krk.

Seven electricity sector projects will get €176 million, including the SuedLink underground power line connecting Germany's north with cities in the south.

The funds are taken from the EU's infrastructure support program, the Connecting Europe Facility, which has allocated a total of €5.4 billion for energy infrastructure projects for the period of 2014-2020.

*This article first appeared on [POLITICO.EU](#) on Feb. 17, 2017.*

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## **Trump flees Washington as he seeks a reset** [Back](#)

By Josh Dawsey | 02/17/2017 05:09 AM EDT

Since Donald Trump became president last month, Robert Rabon says his company selling mobile homes in Conway, South Carolina, is booming — and he credits Trump. "I've sold 50 mobile homes since the beginning of the year because the people feel good about the country, they feel excited about it again."

He expects to pay less for insurance when the Affordable Care Act is repealed and says his friends are hurting because of high fees and deductibles; the owner of a local barbecue restaurant is paying \$3,200 per month because he has diabetes, Rabon said. He thinks taxes will drop because he won't have to "pay for all these other people who have never worked and

sit on their butts for their whole lives," even though Trump has resisted some calls to rein in entitlement spending.

"If Hillary Clinton had won, I was going to shut down my business. I really was," Rabon said. "We just had to have a change after the last eight years. We have a president who's pro-America, not anti-America. I just thought Barack Obama hated America. He wanted to do everything he could do to destroy America."

Trump travels to South Carolina Friday, ostensibly for the rollout of Boeing's new 787-10 Dreamliner jet, but it will probably be just as much an ego boost for a president pummeled by Washington.

Not only will Trump likely hear rapturous applause as he crows about American-made products, but it will also give him a chance to revel in his victory — one of his favorite topics. He won 55 percent of South Carolina's vote to Clinton's 41 percent in the general election, and about 32 percent of the primary tally, besting his nearest rival by 10 points.

It will be a welcome respite for Trump, who has largely been holed up in the White House, careening from one controversy to the next during his first month in office. In a stunning sign of his frustration, Trump unloaded on the "dishonest media" during an hour-plus-long news conference on Thursday for not giving him the credit his administration deserves. And while Trump cited a recent Rasmussen poll during the news conference that shows his approval rating at 55 percent, the average has hovered more around 46 percent — a historic low for a new president.

But in South Carolina, he's getting rave reviews.

Interviews with lawmakers, activists and political observers in the state indicate they aren't nearly as concerned about his erratic phone calls with foreign leaders, his Twitter attacks on senators, celebrities and others, his shifting and sometimes uninformed opinions on issues, his campaign's questionable ties to Russia, and his administration's struggles to fill the government and effectively implement his policy ideas.

The biggest problem, Republicans here say, is the Charleston event is private and they all can't get in. "The people who supported him support him more than ever," said Joel Sawyer, a Columbia consultant with deep ties across the state.

Trump has told allies it is important to be among "my people" and that the "dishonest" news media needed to see his support. After South Carolina, he will head to Florida for a campaign rally, even though his reelection bid is four years away.

That workers at the Boeing plant Trump is visiting overwhelmingly rejected an attempt this week to unionize has further energized Trump's supporters, say Cindy Costa, a Lowcountry Republican and national committeewoman. "Unions have served their purpose and are no longer needed," she said. "They protect lazy people and keep them hired when they need to be fired. You have these union bosses and criminal elements that run unions, and I think the president would agree with me." Trump recently met with unions in the Oval Office and often dealt with them as a New York real estate mogul.

During the campaign, religious conservatives, which dominate the state, were skeptical about Trump, a thrice-married, philandering billionaire. Now, they believe he will stand up against

abortion and for the rights of churches.

South Carolina Republicans have also learned to love the unilateral power of the presidency. Republicans, Sawyer said, hated President Obama's executive orders and called them "overreach" but now embrace Trump's orders. Consistency, he joked recently on Twitter, is so 2012. While Trump's executive orders were widely derided in Washington for being vague, symbolic and ill-crafted, supporters saw them as proof he would get to work immediately.

While South Carolina Republicans derided Obama for playing golf, Trump's trips to the course don't seem to bother them. "He is working his butt off," Rabon, a lifelong Republican who had never attended an inauguration before Trump's, said. "He will figure it out but he is getting battered at every turn."

Supporters also say they liked his Cabinet choices, which they deemed conservative. Asked about various allegations that have swirled around nominees, from not paying taxes to domestic abuse allegations, supporters shrugged and in some cases, blamed the media. "These are people who know the world, not the academics that Obama appointed. None of these people were based on identity politics. They were just the best people for the jobs," said Larry Kobrovsky, chairman of the Charleston County Republican Party. "In the media, you have this relentless over-the-top hysteria. No matter what he does, the media says he's terrible. Every time he opens his mouth, he's the worst in the world. You just learn to discount it."

Allegations about Russia are largely overblown, too, his supporters say, and are an attempt to delegitimize his victory. They largely agree with Trump on the executive order travel ban that has since been frozen by the courts. "He was smacked down by an activist judge," Sawyer said, of how Trump's supporters see it.

And whereas many inside the Beltway are cringing at Trump's rhetoric, his impolitic or unpolished remarks are expected in South Carolina. "You hear people saying they wish he wouldn't tweet, but I think 98 percent of the people here think he's doing great," Costa said. "I wish some of his tweets were better crafted and had a better message, but I'm in politics. They're not being written for me."

Streets remain lined with Trump signs in Horry County, a conservative bastion on the northeast coast of the state. Billboards have kept his face along the interstate. While some in Washington joke about his impeachment, many here say they are looking forward to Trump's second term.

"They basically say, we sent him to shake things up in Washington; is he doing that?" said Rep. Mark Sanford, a Charleston Republican who has criticized the president. "And they basically think yes. A lot of the things that are causing grave concern among some in Washington are not noticed by supporters at home. They don't care about the ins and outs."

He is not without his opponents or problems here. In some of the state's bigger cities — like Charleston and Greenville — an influx of Fortune 500 companies have brought an influx of Democrats who want to mount protests against Trump in South Carolina, said Jaime Harrison, chairman of the Democratic state party. He says Trump is alienating every Democrat in the state and even some who voted for him, and he is heartened by polls in other states that show Trump's popularity declining. "He's in the 30s in Michigan now," Harrison said.

Harrison also said Republicans would be howling if accusations swirled that Clinton's

campaign worked covertly with Russian officials during the election. The double standard is infuriating, he said, and watching Republicans defend Trump amid chaos is difficult to swallow. "I have never seen anything like this," he said.

Trump could have other issues, Sanford and some critics say. Sanford expects protests at his town hall this weekend. They worry about Trump's anti-free trade policies hurting the state, particularly the large port in Charleston near where Trump is appearing. If the economy doesn't turn around, and he can't bring jobs back to the faded mill towns that dot the interstate between booming cities, people could tire of him. "The anti-trade talk could be a real double-edge sword — if some of that stuff took hold and trade barriers begin to go up around the world and it hurts companies like Boeing, that will have a consequence," Sanford said. "People are really expecting the economy to boom."

And if it was ever substantiated that Russians were paid to help him win the presidency, Sanford said that would hurt Trump. Still, Harrison seemed unsure of how many people would actually show up to the protests — in a nearby parking lot — given that South Carolina ain't Michigan. "I think there will be a number of people," he said.

Protests may bother Trump, who has grown privately upset when detractors greet him. But they won't bother many of his supporters, who universally say the protests make them like him more. Kobrovsky, the Charleston Republican, said watching the protests against Betsy DeVos, the new education secretary, and the "crazies in Wisconsin and Michigan" made him glad Trump is in office and "those people were not." Rabon said the protesters were paid by George Soros — an unsubstantiated claim.

"Republicans work and raise families. They aren't going to be out in the streets or at rallies during the day," Kobrovsky said. "If you see people on the other side, they don't. They've never had so much fun in their life doing these protests."

Costa said Democrats are acting wildly inappropriate when it comes to Trump. "He's being obstructed by the Democrats. They are hateful. They are mean-spirited. They are just made that way. I don't even understand how their brains work. I don't see how they can't understand the obvious. Their minds are much different than ours," she said.

Sawyer and other longtime political observers in South Carolina say the partisan division worries them because Trump's supporters and detractors don't seem to care about the facts. Both Democrats and Republicans should keep an open mind to Trump, he said, and be willing to change positions from he is "the greatest president ever" to the "end of Western civilization as we know it."

"Regardless what you think of Donald Trump, we should as human beings hold open the possibility that our minds could be changed," he said. "If we're determined as an electorate to think what we think, facts be damned, our country is screwed."

Costa said there is a way Trump could lose support in South Carolina. "If he goes out and mass murders people, I think he'd lose support. But that's not going to happen," she said.

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**Donald Trump: 28 Days Later** [Back](#)

Donald Trump will hit the four-week-mark Friday on a presidency that has begun like no other — full of big promises, constant controversy, the ever-present encroaching of major scandal, and zero regard for the previous norms of American politics.

Beneath the noise, however, there has been a march, however halting and disorganized, toward Trump's promised radical remaking of American policy, foreign and domestic. The border wall his critics said he'd never build has been ordered, his promised rollback of regulations is in full swing, his Supreme Court pick that will likely sit on the bench for decades, and even the "Muslim ban" he promised during the Republican primary was put in place, however briefly, in altered form.

The dual track is familiar to those who watched his campaign, during which a series of controversies and scandals garnered mass attention while few foresaw Trump's success in building a winning coalition. But a presidency is a longer race than even the campaign, and it remains to be seen whether Trump can outrun his missteps the way he did last fall.

So far, Trump has signed at least 23 executive actions, signed five bills into law, seen 12 members of his Cabinet confirmed, nominated one justice to the Supreme Court, sent 168 (undelivered) tweets, fired one acting attorney general and demanded one resignation: that of his own national security adviser.

It has been 28 days. Here they are.

### **Inauguration Day: Jan. 20**

#### **Where things went according to plan:**

**The speech:** In a [short address](#), Trump stuck to the themes that won him the election, painting a scene of current "American carnage" — claims of economic decay and rising crime that are contradicted by a considerable volume of statistical evidence — as well as his own promise to usher in a new American glory.

**First executive actions:** Trump signed an [executive order](#) that allowed for the delay or waiver of certain Affordable Care Act provisions, and another that [froze pending regulations](#) until they won approval from the White House or a newly appointed agency head — early moves toward core promises of his campaign.

**Cabinet confirmations kick off:** Two of Trump's best-received Cabinet picks, retired Marine Gen. James Mattis for Defense Secretary and John Kelly for Homeland Security, both won easy confirmation in the Senate. Vice President Mike Pence [swore them in that evening](#).

#### **Where things went off the rails:**

**The crowd size:** The crowds for the inauguration and ensuing parade were bested by the audience that attended former President Barack Obama's first inauguration, a disparity unveiled both by Metro rail ridership numbers and, more immediately, by aerial [photographs](#).

### **Day 2: Jan. 21**

#### **According to plan:**

**First foreign leader visit is announced:** Press secretary Sean Spicer [announced the first visit from a foreign leader](#), with the Prime Minister Theresa May of the United Kingdom scheduled to visit Trump at the White House during his first week in office.

#### **Off the rails:**

**The Women's March:** Hundreds of thousands of [protesters descended on Washington](#) and cities around the nation (as well as internationally) in massive numbers to demonstrate against

the new president, opening questions about whether his election would galvanize progressives into a more politically effective resistance.

**The CIA speech:** Trump visited the CIA headquarters to show his support for their work, but while standing before the Agency's wall honoring the 117 CIA officers who died in service, he [delivered a campaign-style address](#) that stepped on his message.

**Sean Spicer:** The new press secretary called a news conference, but instead of taking questions, he offered a searing critique of the news media's accuracy while delivering no fewer than [five demonstrably \(at times even obviously\) false statements in five minutes](#). The appearance won Spicer widespread mockery as his inaccuracy became the subject of a [short-lived](#) but [widely shared](#) meme.

### Day 3: Jan. 22

#### According to plan:

**Conversation with Netanyahu:** Trump spoke by phone with Israeli Prime Minister Benjamin Netanyahu, [extending the invitation](#) for him to visit the United States in February and taking an early step toward a promise of warmer U.S.-Israeli relations.

**Trump's second response to the Women's March:** After initially complaining about the protests (see below), Trump took a more measured tone in [a follow-up tweet](#): "Peaceful protests are a hallmark of our democracy. Even if I don't always agree, I recognize the rights of people to express their views."

#### Off the Rails:

**"Alternative facts":** White House counselor Kellyanne Conway defended Spicer's Saturday night falsehoods by telling NBC's Chuck Todd that Spicer was simply presenting "[alternative facts](#)." The phrase was widely mocked and cast further doubt on White House credibility just days into the administration.

**The beginning of the end of Flynn:** Sunday night, The Wall Street Journal [published an article](#) with an eyebrow-raising lede: "U.S. counterintelligence agents have investigated communications that President Donald Trump's national security adviser had with Russian officials, according to people familiar with the matter." The problem would not go away quietly.

### Day 4: Jan. 23

#### According to plan:

**More executive actions:** Trump [signed three more](#) executive actions aimed at fulfilling campaign promises on what the White House billed as the first work day of the administration. The orders officially withdrew the U.S. from negotiations over the Trans-Pacific Partnership, froze federal hiring (except for the military and in certain security situations) and barred federal funds from going to international groups that provide abortions. The move on trade was the final nail in the coffin for U.S. participation in TPP, which had been slowly careening toward doom during the presidential campaign in which Trump and Clinton both voiced opposition to it. The hiring and abortion orders represented two more boxes checked on the conservative wish list.

**Spicer, take 2:** Spicer's much-anticipated Monday briefing was mostly drama-free, and the press secretary pledged the administration's "intention is never to lie to you."

**Tillerson on the move:** Rex Tillerson [won a party line vote](#) in the Senate Foreign Relations Committee to advance his nomination for secretary of state. His prospects were uncertain after a rocky confirmation hearing and doubts voiced by Sen. Marco Rubio (R-Fla.), who ended up supporting the former ExxonMobil CEO nonetheless.

#### Off the Rails:

**Trump's meeting with lawmakers:** In a meeting with bipartisan congressional leadership at

the White House, Trump [repeated his false claim](#) that widespread voter fraud cost him the popular vote in the general election.

**Conway on tax returns:** Conway walked back a claim she made Sunday — in which she seemed to indicate Trump never had any intention of releasing his tax returns — and returned to the line repeated throughout the campaign, that his returns would be released after the completion of an audit.

#### **Day 5: Jan. 24**

##### **According to plan:**

**More executive orders:** Trump signed five more executive actions: Two encouraged [the construction of pipelines](#), one sought to expedite the approval of infrastructure projects, one called for material used to build pipelines to be made in America "to the maximum extent possible," and another called for swifter permitting for domestic manufacturers.

**Nikki Haley:** Trump's pick for ambassador to the United Nations, former South Carolina Gov. Nikki Haley, [was confirmed by the Senate 96-4](#).

##### **Off the Rails:**

**Spicer on voter fraud:** Spicer defended Trump's voter fraud claims [by incorrectly citing a widely debunked study](#). He did not say whether he agreed with Trump's claim, though he claimed that Trump had based his belief on "[studies and evidence](#)."

I will be asking for a major investigation into VOTER FRAUD, including those registered to vote in two states, those who are illegal and....

— Donald J. Trump (@realDonaldTrump) [January 25, 2017](#)

#### **Day 6: Jan. 25**

##### **According to plan:**

**Immigration orders, Part 1:** Trump [signed two orders](#) on immigration. One included a call for the beginning of planning and construction of the border wall and the hiring of 5,000 more border patrol agents, another pushed for the hiring of 10,000 additional Immigration and Customs Enforcement officers and aimed to cut off federal funding to "sanctuary cities."

**Paul Ryan's Philly speech:** [In a speech](#) at congressional Republicans' retreat in Philadelphia, House Speaker Paul Ryan said the Republican-led Congress would replace Obamacare, cut taxes and fund Trump's border wall by August. It's usually the White House making grand predictions and Congress coming in with the cold water, but Ryan's statements represented a show of unity.

##### **Off the Rails:**

**Voter fraud tweet:** While his administration worked to steer the conversation toward Trump's policy, the president himself — possibly still upset over focus on his loss in the popular vote — couldn't resist relitigating the election. "I will be asking for a major investigation into VOTER FRAUD, including those registered to vote in two states, those who are illegal and.... even, those registered to vote who are dead (and many for a long time). Depending on results, we will strengthen up voting procedures!"

#### **Day 7: Jan. 26**

##### **According to plan:**

**Bannon bashes the press:** From the campaign trail into the White House, Trump and his team have grown fond of attacking the news media — a move that seems always to rile up their base. Trump's chief strategist Steve Bannon added his voice to the chorus, [telling The New](#)

[York Times](#) that the media is "the opposition party" and that the press should "keep its mouth shut and just listen for awhile." Trump would later repeat the "opposition party" phrase to describe the press.

#### **Off the Rails:**

**Spicer, again:** On a flight back from Philadelphia, where Trump addressed the Republican congressional retreat, Spicer [suggested a 20 percent tax](#) on imports from countries "like Mexico" could be used to pay for the border wall. But Spicer quickly walked back the proposal, saying it was not a policy proposal but rather "one idea" for how the wall could be paid for. The idea was out there long enough to get panned by some Republicans, including Sens. Ben Sasse and Lindsey Graham.

**Mexico responds:** Mexican President Enrique Peña Nieto canceled a planned visit to the U.S. in response to Trump's Jan. 25 executive actions.

#### **Day 8: Jan. 27**

##### **According to plan:**

**March for Life:** The March for Life [came to Washington](#) with anti-abortion activists feeling a sense of renewed vigor now that Trump has been elected. Pence, in particular, won plaudits by being the first sitting vice president to address the annual event — a hometown crowd for him if there ever was one.

**First presidential presser:** Donald Trump [welcomed](#) British Prime Minister Theresa May, an event that went smoothly and showcased a tight partnership between the two nations. Trump answered his first questions from reporters as president.

##### **Off the Rails:**

**Refugee executive order stumbles out of the gate:** Trump signed a far-reaching executive order that temporarily halted the admission of new refugees into the United States, imposed an indefinite ban on the entry of refugees from Syria, and suspended the entry of citizens of seven Muslim-majority countries. The executive order, signed late on a Friday afternoon, prompted immediate confusion about its enforcement, including chaos at points of U.S. entry. And, within hours, it met resistance in court, including legal challenges that would eventually succeed in putting the order on ice.

**Holocaust Remembrance Day statement:** The White House released a statement to honor International Holocaust Remembrance Day, but [made no explicit mention](#) Jewish people. Later in the weekend, two Republican [groups joined in criticism](#) of the statement. The White House later called criticism of its statement "pathetic."

**Senate pushback:** Senate Majority Leader Mitch McConnell felt compelled to warn Donald Trump not to lift sanctions on Russia, ahead of a scheduled Saturday morning call between Trump and Russian President Vladimir Putin.

#### **Day 9, Jan. 28**

##### **According to plan:**

**Executive orders:** Trump [signed](#) three executive actions — a reorganization of the National Security Council; a five-year ban on lobbying for administration appointees and a lifetime ban on lobbying the government for other countries; and an order tasking the Department of Defense with coming up with a plan to defeat the Islamic State within 30 days. The NSC order proved the most significant, as it moved Trump's chief strategist, Steve Bannon, onto the principals committee of the National Security Council.

**Putin on the line:** Trump's first phone call with Russian President Vladimir Putin was ["positive,"](#) the White House said, and involved discussions of how the nations could cooperate to combat terrorism. The White House made no announcement regarding election interference-related sanctions after the call, assuaging the fears of some who worried Trump

would roll back the sanctions.

### **Off the Rails:**

**Travel ban fallout rulings:** A series of rulings from federal courts Saturday night significantly curtailed Trump's order. A judge in Brooklyn suspended deportations, a Boston judge issued a temporary restraining order on the action and a Virginia judge blocked the deportation of green-card holders.

**Travel ban fallout optics:** As some travelers from the seven affected countries found themselves detained at American airports — even if they had valid visas — and government officials scrambled to make sense of the order, civil liberties lawyers, protesters and Democratic [politicians descended on airports](#). The backlash marked a spontaneous rebuke to Trump's order and raised questions about how much planning went into the sweeping action.

**Australia calling:** Trump's phone call with Australian Prime Minister Malcolm Turnbull went off the rails after Trump bragged about his election win, expressed anger over a deal to take refugees from Australia and told Turnbull it was his "worst call by far" of the day. Details of the contentious conversation emerged in a [Washington Post report](#) a few days later.

## **Day 10, Jan. 29**

### **According to plan:**

**Order rewrite:** The Department of Homeland Security attempted to modify the travel order by saying it no longer applied to green-card holders from the seven targeted countries. That portion of the ban had been especially troubling to the courts.

**Clarification:** Trump posted a statement on Facebook defending his travel ban, saying the order was "not a Muslim ban," and stressing the temporary nature of it.

### **Off the Rails:**

**Yemen raid:** A special operations raid ordered by Trump in Yemen resulted in the death of a U.S. service member, Chief Petty Officer William "Ryan" Owens, the wounding of three others and significant civilian casualties. The White House argued that the raid, which targeted fighters from a branch of Al Qaeda, was successful because 14 militants were killed and intelligence was gathered.

**Continued protests:** [Protesters continued to rally](#) against the travel ban with protests in cities and at airports around the country, and at a large, impromptu march from the White House to the Capitol.

**ACLU money haul:** The American Civil Liberties Union, a nonprofit spearheading legal challenges to Trump's immigration ban, raised more than \$24 million in online donations over the weekend — about six times what they typically receive annually in online donations.

## **Day 11, Jan. 30**

### **According to plan:**

**One in, two out:** Rolling ahead with executive orders to fulfill campaign promises, [Trump signed](#) an order decreeing that for every new federal regulation, two existing regulations must be repealed. Conservative groups cheered the move.

**You're fired:** Trump took authoritative action Monday night in defense of his travel ban, [firing](#) acting Attorney General Sally Yates for refusing to defend it. Trump also swiftly replaced Yates, an Obama administration appointee, with Dana Boente, the U.S. attorney in Alexandria, Virginia, ensuring essential functions of the Justice Department remained intact.

### **Off the Rails:**

**'Betrayal' attack:** The White House statement on Yates' firing was inflected with personal attacks and sounded less like a presidential statement than a piece of campaign rhetoric. ""The acting Attorney General, Sally Yates, has betrayed the Department of Justice by refusing to enforce a legal order designed to protect the citizens of the United States. This order was

approved as to form and legality by the Department of Justice Office of Legal Counsel. Ms. Yates is an Obama Administration appointee who is weak on borders and very weak on illegal immigration."

**Spicer vs. State:** As State Department employees registered dissent with the travel ban, Spicer announced from the White House that career employees who disagree with the new administration ["can go."](#)

**Behind the scenes:** A Monday night [report](#) revealed Hill staffers had aided the drafting of the controversial immigration order — but without informing party leadership, explaining some of the initial confusion and crossed wires after the order dropped.

## **Day 12, Jan. 31**

### **According to plan:**

**LGBT order:** Making good on another campaign theme, Trump pledged to keep in place an Obama order barring federal contractors from discriminating on the basis of sexual orientation. Trump ran as the most outspoken supporter of LGBT rights to win the Republican nomination.

**Gorsuch for SCOTUS:** In a crowning moment for Trump and the conservative movement — not to mention Sen. Mitch McConnell, who made it possible — the president [announced Neil Gorsuch](#) as his pick for the Supreme Court in a prime-time unveiling from the White House. For many Republicans who disliked Trump but voted for him anyway with the Supreme Court in mind, this was a moment of vindication. The announcement went off without a hitch, and Gorsuch was quickly the recipient of praise, at least some of it [bipartisan](#).

### **Off the Rails:**

**A ban, or not a ban?:** Spicer [told the press](#) that the travel ban — which both he and the president had referred to previously as a "ban" — was not, in fact, a ban. His attempted explanation would later be mocked on "Saturday Night Live."

**Wisconsin trip nixed:** Trump's planned trip to the Harley-Davidson factory in Milwaukee was canceled in part over concerns about protests, [CNN reported](#). Trump ended up hosting Harley-Davidson executives at the White House later, instead.

## **Day 13, Feb. 1**

### **According to plan:**

**Tillerson gets in:** Rex Tillerson, among the more controversial of Trump's Cabinet picks due to allegations of excessive coziness with the Putin regime, was confirmed as secretary of state by the Senate in a 56-43 vote.

**Saber rattling:** Trump ran on taking a tougher stance against Iran, and his White House made good on the pledge. National security adviser Michael Flynn announced the White House was officially putting Iran ["on notice"](#) for recent provocative behavior, and senior officials later would not rule out military action in response.

**Getting to know you:** Paul Ryan and Trump's son-in-law/senior adviser Jared Kushner dined together at the Capitol Hill Club.

### **Off the Rails:**

**DeVos by a thread:** Two Republican senators, Lisa Murkowski of Alaska and Susan Collins of Maine, [announced](#) they would oppose Trump's pick to lead the Education Department, Betsy DeVos. With Democrats unanimously opposed to the Michigan billionaire, that left DeVos headed for a 50-50 vote if the status quo held. The White House voiced confidence that she would be confirmed, which she later was with Pence casting the tie-breaking vote.

## **Day 14, Feb. 2**

### **According to plan:**

**On message:** Trump told the National Prayer Breakfast that he would "totally destroy" the

Johnson Amendment, which restricts political activity by religious groups. The message was one he and Pence trumpeted often on the campaign trail, and it went over well with the Prayer Breakfast crowd.

#### **Off the Rails:**

**Bowling Green outrage:** Trump counselor Kellyanne Conway cites a fictitious "Bowling Green massacre" in an interview on MSNBC's "Hardball" as she presses the case for Trump's immigration ban, an attack she said "most people" weren't aware of "because it didn't get covered." The next day, after [the Internet](#) had a lot to say about it, Conway apologized saying she got her facts scrambled.

**Talking Arnold:** In a move that struck some as tone deaf, Trump used a speech at the National Prayer Breakfast [to mock](#) the ratings of *The Celebrity Apprentice* ratings with its new host, Arnold Schwarzenegger.

**Uber out:** Uber CEO Travis Kalanick quit Trump's business council after some questioned whether his presence with the group represented an endorsement of Trump's policies.

### **Day 15, Feb. 3**

#### **According to plan:**

**Dodd-Frank pull back:** Trump signed an executive order that backed sweeping changes to U.S. financial regulations, in what was viewed as a first step toward undoing Obama's signature financial regulatory reforms. Trump also moved to revamp a controversial conflict-of-interest rule for financial advisers.

**Court victory:** Trump's travel ban won a legal battle — albeit a fleeting one. A [21-page decision](#) from U.S. District Court Judge Nathaniel Gorton offered preliminary backup for the ban, concluding that Trump's executive order was legally sound.

#### **Off the Rails:**

**Judge halts ban:** Late Friday, U.S. District Judge James Robart, a George W. Bush appointee, granted a temporary restraining order that halted Trump's travel ban and restrictions on a nationwide basis, setting up a protracted legal fight. Robart rejected arguments from Justice Department attorneys who said the ban was within the president's national-security powers.

**Viola drops out:** Vincent Viola, Trump's pick to serve as Army secretary abruptly quit, saying he was concerned he couldn't disentangle extensive financial ties. Viola, who had been nominated in mid-December, said he concluded he couldn't clear all of his conflicts. He is the founder of trading firm Virtu Financial and owner of the National Hockey League's Florida Panthers.

### **Day 16, Feb. 4**

#### **According to plan:**

**Ukraine promise:** In a call with Ukrainian President Petro Poroshenko, Trump promised that the U.S. would work to restore peace on the border between the Ukraine and Russia, according to a readout released by the White House. "We will work with Ukraine, Russia, and all other parties involved to help them restore peace along the border," Trump said during the 5 p.m. call, which was described by the White House as "a very good call."

#### **Off the Rails:**

**Judge assault:** Reacting to a court ruling late on Friday night, Trump assailed a federal judge who issued a broad block on his executive order restricting immigration from seven Muslim-majority countries. In a series of tweets, Trump called the ruling from Robart "ridiculous" and lashed out at him. "The opinion of this so-called judge, which essentially takes law-enforcement away from our country, is ridiculous and will be overturned!" Trump tweeted.

**'Saturday Night Live' hits:** A pair of skits that focused on the Trump White House quickly went viral with their scathing portrayals of Trump's relationship with world leaders (and top

aide Steve Bannon) and White House press secretary Sean Spicer. Spicer, played by Melissa McCarthy, is lampooned as a combative, inarticulate press basher. In another skit, Trump, portrayed by Alec Baldwin, calls world leaders as Steve Bannon, dressed as the Grim Reaper, coaches him — before relegating Trump to a child's desk.

### **Day 17, Feb. 5**

#### **Off the Rails:**

**Putin problem:** Trump shook up an otherwise quiet day when, in an interview with Fox News' Bill O'Reilly, he seemed to equate Russian President Vladimir Putin with American leadership. O'Reilly said to Trump: "Putin's a killer." And Trump responded, "A lot of killers. We got a lot of killers. What, you think our country's so innocent?" Critics, including GOP Sen. Marco Rubio, pounced on Trump's apparent moral equivalence.

**More judge attacks:** Trump took to Twitter on Sunday afternoon to rip a federal judge and warn that he would be at fault if the U.S. was attacked. "Just cannot believe a judge would put our country in such peril. If something happens blame him and court system. People pouring in. Bad!"

### **Day 18, Feb. 6**

#### **According to plan:**

**Hearing set:** The 9th Circuit Court of Appeals gave the Trump administration hope — ultimately short-lived — that the travel ban could resume. The court agreed to hear arguments for and against a stay on Trump's executive action that temporarily halted entry by refugees, including those from Syria, and banned travel from seven Muslim-majority nations.

#### **Off the Rails:**

**Media cover-up speech:** Speaking to U.S. troops at Central Command in Tampa, Florida, Trump delivered an overtly political address that accused the news media of covering up terrorist attacks. Later, Spicer told reporters on a flight back to Washington that Trump was merely suggesting some attacks don't receive the coverage they deserve, and that things like protests receive too much coverage.

**Terror pushback:** The White House [released](#) a list of 78 terrorist attacks later that night that it said had been underreported by the U.S. media. The list was riddled with misspellings and typos, and included dozens of attacks that received significant, in some cases, blanket U.S. media coverage. Among the "under covered" attacks cited: A shooting at an Orlando, Florida, nightclub that left dozens dead; an attack in San Bernardino, California, and large-scale attacks in Paris and Brussels.

**Bowling Green continued:** White House counselor Kellyanne Conway came under fire after news emerged she cited the fictitious "Bowling Green massacre" in at least two previous interviews. In interviews with Cosmopolitan and "TMZ" Conway made reference to fictitious events in Bowling Green.

**Melania lawsuit:** A lawyer for first lady Melania Trump argued in a lawsuit filed Monday that an article falsely alleging she once worked for an escort service hurt her chance to establish "multimillion dollar business relationships" during the years in which she would be "one of the most photographed women in the world."

### **Day 19, Feb. 7**

#### **According to plan:**

**DeVos confirmed:** Education Secretary Betsy DeVos [won](#) Senate confirmation by the narrowest possible margin, with Vice President Mike Pence casting the deciding vote. Two Republican senators, Lisa Murkowski of Alaska and Susan Collins of Maine voted against DeVos, who faced criticism for past comments and lack of background in public education, and had a rocky confirmation hearing. Pence's vote was the first time a vice president was

called upon to help confirm a member of the Cabinet.

**Off the Rails:**

**Teleconference in court:** The Trump administration was able to argue the merits of the travel ban on a teleconference with the 9th Circuit Court of Appeals. A Justice Department lawyer argued that presidents have broad authority when it comes to decisions involving national security.

**Murder claims:** Trump held two listening sessions at the White House to kick off the day, one with county sheriffs and one with veterans' advocates. But the message was stepped on by Trump's false claim that the U.S. murder rate is at its highest level in more than four decades and by his offer to help "destroy" the career of a Texas state lawmaker who opposes asset forfeiture.

**Kelly regrets:** Testifying on Capitol Hill, Homeland Security Secretary John Kelly said he should have delayed the implementation of the travel ban.

**Yemen fallout:** Yemen withdrew permission for American special operations forces to conduct ground operations in the country, The New York Times [reported](#). The move came in the aftermath of a U.S. raid — the first commando raid ordered by Trump — that resulted in the death of one U.S. service member and significant civilian casualties.

**Faux pas avec la France:** Word leaked of a rocky phone call between Trump and French President Francois Hollande, with Trump veering into [rants](#) about the U.S. getting shaken down by other countries.

My daughter Ivanka has been treated so unfairly by [@Nordstrom](#). She is a great person -- always pushing me to do the right thing! Terrible!

— Donald J. Trump (@realDonaldTrump) [February 8, 2017](#)

**Day 20, Feb. 8**

**According to plan:**

**Sessions in:** Trump's pick for attorney general, Jeff Sessions, won confirmation by a 52-47 vote.

**Off the Rails:**

**Nevertheless, she persisted:** In another galvanizing event for Democratic critics of Trump and Republicans, Sen. Elizabeth Warren was reprimanded and told to sit down and be quiet during debate on Sessions after reading a letter critical of sessions written by Coretta Scott King. Mitch McConnell said that Warren was warned but "nevertheless, she persisted," a phrase that spawned thousands of Facebook posts and tweets, T-shirts and more.

**Supreme discontent:** In a meeting with Sen. Richard Blumenthal, Supreme Court nominee Neil Gorsuch lambasted the president's pointed criticisms of a federal judge who put a stay on his travel ban. Gorsuch said Trump's remarks were "disheartening" and "demoralizing." The comments marked an extraordinary break between a top White House nominee and the president.

**Nordstrom attack:** President Trump [used Twitter](#) to blast luxury retail store Nordstrom for dropping the clothing line of his daughter Ivanka Trump from its stores. Ethics experts and others immediately criticized Trump for using his Twitter account (and the bully pulpit) to attack an individual business. Nordstrom had previously announced it was dropping Ivanka Trump's clothing line due to poor sales numbers.

**Day 21, Feb. 9**

**Off the Rails:**

**Flynn in free fall:** The Washington Post [published a report](#) citing nine sources stating Flynn had discussed U.S. sanctions in a phone call with the Russian ambassador, contrary to Flynn's and the administration's statements about the call.

**Ban on ban upheld:** A federal appeals court unanimously rejected the Trump administration's request to reinstate a travel ban that blocked refugees from entering the U.S. as well as citizens of seven Muslim-majority countries. Trump responded to the ruling by tweeting, in all caps, "SEE YOU IN COURT, THE SECURITY OF OUR NATION IS AT STAKE!"

**Nordstrom problems:** House adviser Kellyanne Conway [came under](#) fire for encouraging people to buy Ivanka Trump's clothing line, a likely violation of ethics rules that bar such advocacy from White House officials.

## **Day 22, Feb. 10**

### **According to plan:**

**Diplomatic display:** Trump held a joint news conference and met with Japanese Prime Minister Shinzo Abe.

**Keeping options open:** After legal setbacks for his travel and refugee ban, Trump alluded to future action on the issue: Twice during the day, Trump suggested that the White House would try to redraft the order in order to [strengthen](#) it against legal challenges.

### **Off the Rails:**

**Flynn fallout:** Vice President Mike Pence became [entangled](#) in reports that national security adviser Mike Flynn discussed sanctions with Russia before President Trump was sworn in. Pence had denied on national television that sanctions had been discussed. The Pence camp insists Pence was speaking based on what Flynn told him — raising the possibility that Flynn had lied to the vice president.

**Abrams tanked:** President Trump [blocked](#) Elliott Abrams' appointment to a top post at the State Department because of his criticisms of Trump during the campaign. Newly sworn-in Secretary of State Rex Tillerson had favored Abrams, a veteran Republican foreign policy hand, for the role because of his breadth of knowledge.

**Conspiracy theorist:** Reports emerged that Trump once again espoused conspiracy theories about illegal voters — with no evidence. In a closed-door meeting with congressional leaders, Trump asserted that he, and former Sen. Kelly Ayotte, would have won in New Hampshire without illegal [votes](#).

## **Day 23, Feb. 11**

### **According to plan:**

**Getting in a round:** Trump continued a diplomatic visit with Japanese Prime Minister Shinzo Abe by hitting the links with him in Palm Beach, Florida.

**Diplomatic partnership:** Trump and Abe showcased a tight, on-message partnership in the face of an apparent missile test by North Korea. The two worked closely together to craft a denunciation of the launch. Appearing with Trump at a hastily called news conference at in Florida, Abe called the attack "intolerable."

### **Off the Rails:**

**North Korea problem:** North Korea's decision to test the missile is another implicit challenge to Trump — and seemed designed to rattle Trump and Abe's otherwise feel-good meeting.

**Public diplomacy:** Trump and Abe came under fire for apparently reacting to the launch in public view at Mar-a-Lago. Members took pictures of the two world leaders, huddled over documents lit by cellphone flashlights, in plain view of diners at the Trump-owned property. Rep. Jason Chaffetz, chairman of the House Oversight and Government Reform Committee, [called](#) for a review of the security protocols at Mar-a-Lago after images popped up on Facebook and elsewhere.

## Day 24, Feb. 12

### According to plan:

**Quiet-ish day:** After a day of golf and a night of diplomatic crisis the night before, Trump avoided much spectacle. He met with his Treasury nominee, Steve Mnuchin, and casino magnate Steve Wynn at Mar-a-Lago before flying back to Washington.

**Miller impresses the boss:** White House senior policy adviser Stephen Miller did a round of Sunday shows — which Trump cheered on, via Twitter.

### Off the Rails:

**But Miller fails with others:** Miller was ripped as shaky and dissembling on Twitter and faced sharp questions from his Sunday-morning show inquisitors, including this back-and-forth with NBC's Chuck Todd about national security adviser Michael Flynn: **TODD:** "Let me ask you this, if you were caught misleading the vice president of the United States, would that be considered a fireable offense in the Trump White House?" **MILLER:** "It's not for me to answer hypothetical. It wouldn't be responsible. It's a sensitive matter." But Trump was satisfied with the performance.

**Tweeting the morning away:** Trump started his Sunday with a rapid-fire string of tweets targeting critics and got into a back and forth with fellow billionaire Mark Cuban. "I know Mark Cuban well," Trump tweeted. "He backed me big-time but I wasn't interested in taking all of his calls. He's not smart enough to run for president!" Notably, Cuban campaigned for former Secretary of State Hillary Clinton and aided her campaign.

## Day 25, Feb. 13

### According to plan:

**Welcome, neighbor:** Trump and Canadian Prime Minister Justin Trudeau had a productive meeting, reaffirming the warm relations between the U.S. and Canada. Trudeau talked about the two nations' [common ground](#) and avoided talk of Trump's controversial travel ban. Trump said that U.S. trade issues with Canada [are less](#) egregious than those with Mexico.

**Growing Cabinet:** Trump's pick for Veterans Affairs secretary, David Shulkin, was [unanimously confirmed by the Senate](#). His pick to lead the Treasury Department, Steven Mnuchin, [was confirmed in a 53-47 vote](#).

### Off the Rails:

**Out like Flynn:** As night fell in Washington, so did the ax on Flynn, who resigned over reports he misled Pence about his discussions of sanctions with the Russian ambassador to the United States.

**Lingering questions:** Flynn's ouster didn't end the story. There were an array of questions: Who knew what, and when? Why did Trump wait weeks after he learned about his calls with the Russian ambassador to relieve him of his post? And will Flynn eventually be asked to testify to Congress about his tenure?

**Pudzer problems:** Problems continued to emerge for Trump's embattled Labor nominee, Andy Pudzer. Talk show host Oprah Winfrey gave the Senate committee [considering](#) his nomination a 1990 tape of a show in which Pudzer's wife, in disguise, discussing allegations of domestic violence.

## Day 26, Feb. 14

### According to plan:

**Regulatory blow:** In a tangible strike at regulations, Trump [signed a bill](#) that killed SEC regulations requiring companies to disclose payments made to foreign governments.

### Off the Rails:

**Bombshells:** The New York Times [reported](#) that members of Trump's campaign staff had regular contacts with Russian security officials. About an hour later, CNN [largely matches](#) the

development. The stories come hours after Spicer denied that Trump's campaign had any contact with Russians.

**Conway conflict:** The Office of Government Ethics said it [wanted](#) White House lawyers to investigate Conway after she called on people to buy Ivanka Trump's clothing line during a television appearance.

## **Day 27, Feb. 15**

### **According to plan:**

**Netanyahu's visit:** Trump and Israeli Prime Minister Benjamin Netanyahu had an amiable meeting and a joint news conference. Trump also seemed to affirm his commitment to the Jewish State's conservative governing coalition by abandoning the U.S. commitment to the two-state solution.

**Shifting the conversation:** Trump took to Twitter in response to allegations his associates had been in contact with the Russians during the campaign, writing: "The real scandal here is that classified information is illegally given out by 'intelligence' like candy. Very un-American!" Conservative media outlets added their voice to the argument, slamming leakers within the government.

### **Off the Rails:**

**Puzder pulls out:** Andy Puzder, Trump's pick for Labor secretary, withdrew from consideration after POLITICO [published a tape](#) of his ex-wife discussing abuse allegations on "Oprah" and a number of Senate Republicans urged his withdrawal.

## **Day 28, Feb. 16**

### **According to plan:**

**The accomplishment-touting part of the presser:** At his first solo news conference as president, Trump ticked through his accomplishments so far, touting his first four weeks in the White House as the most productive of any presidency.

**The media-bashing part of the presser:** Trump's base loves when he attacks the media, and he served up the red meat at his news conference, deploying his favorite insults for the press: "fake news" and "dishonest people."

**Signing a bill into law:** Trump signed into law a bill nullifying a Department of Interior rule, much loathed by Republicans, aimed at protecting streams.

### **Off the Rails:**

**The [rest](#) of the presser:** Trump warned about the dangers of ["nuclear holocaust."](#) He [asked](#) a black reporter if she was "friends" with the Congressional Black Caucus, and if she could set up a meeting with its members. He bragged, falsely, about the historic margin of his election win, only to be [corrected on the spot](#) — then blamed his staff for giving him bad information. And he said never instructed Flynn to talk about sanctions with the Russian ambassador but said that he would have.

At one point in the presser, Trump said he didn't think "there's ever been a president who in a short period of time has done what we've done."

*Zach Montellaro and Diana D'Abruzzo contributed to this report.*

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**Trump anti-leak drive could prompt prosecutions** [Back](#)

President Donald Trump's threats of criminal prosecution over the flood of leaks that has plagued the early weeks of his administration may turn out to be far from empty talk.

By far, the most potentially serious disclosures in the view of attorneys who've handled such cases are the leaks of details about phone calls the U.S. government intercepted between Russian Ambassador Sergei Kislyak and just-fired National Security Adviser Mike Flynn.

"If somebody disclosed the contents of intercepted phone conversations to a reporter, I could see a prosecution, for sure," said Ed MacMahon, a northern Virginia defense attorney. "That is plainly a felony."

Leaks of intelligence-related intercepts are typically treated more seriously than disclosures of other classified information, experts say. There's also a criminal statute directly aimed at that issue, imposing a potential prison term of up to ten years for each violation.

The idea of jailing someone who leaks transcripts of conversations intercepted at foreign embassies is not theoretical. In 2009, a Hebrew contract translator for the FBI, Shamai Leibowitz, was charged with disclosing classified communications intelligence to a blogger.

Leibowitz was sentenced to 20 months in prison at a somewhat bizarre [proceeding](#) where the Maryland-based federal judge said he was "in the dark" about just what was disclosed and the defendant said he acted because he thought some things he saw were illegal.

The blogger involved, Richard Silverstein, later confirmed that the records he received from Leibowitz were about 200 pages of transcripts of conversations involving Israeli embassy officials. Silverstein [told](#) the New York Times he burned the records in his backyard after Leibowitz came under investigation.

Trump was on a tear Thursday over the recent flurry of leaks, using Twitter to denounce "low-life leakers."

"They will be caught!" Trump vowed. Later, at a press conference, he said he'd asked the Justice Department and other agencies to investigate.

"I've gone to all of the folks in charge of the various agencies ... I've actually called the Justice Department to look into the leaks. Those are criminal leaks," Trump said, repeatedly calling the leaks illegal and blaming some of them on partisan supporters of former Democratic nominee Hillary Clinton.

Spokespeople for the Justice Department and the FBI declined to comment on whether any leak investigations were ongoing, but Trump indicated they were.

"We are looking into that very seriously," he said.

Intelligence officials said little about the leaks, but moved aggressively to knock down reports that distrust of Trump and his team was so intense that analysts and briefers were holding back details from the White House.

"It is CIA's mission to provide the President with the best intelligence possible and to explain the basis for that intelligence," CIA Director Mike Pompeo said in a blunt statement Thursday

evening calling one prominent report to the contrary "dead wrong."

"The CIA does not, has not, and will never hide intelligence from the President, period ... We are not aware of any instance when that has occurred," Pompeo added.

Several former officials called the Flynn-related leaks illegal and deplorable, although there were differences about how unusual the current wave of disclosures really is.

Many veterans of Washington and the secret intelligence world doubt that the current trend is abnormal by Washington standards, given the leakage of highly classified information on eavesdropping programs, intelligence in the lead-up to the 2003 invasion of Iraq, and many other examples.

"I don't have reason to believe there is a peculiarity here that indicates something exceptional," said retired Army Lt. Gen. Patrick Hughes, a former director of the Defense Intelligence Agency who also served as assistant secretary of Homeland Security for information analysis. "The circumstantial timing is suspect. We just had this contentious election and we have a new president trying to get his feet under him, which makes it seem like it may be something different. But in totality this problem has been going on for many, many years in Washington."

"I deplore it," said retired Adm. James Stavridis, a former NATO commander who was vetted as a possible vice presidential running mate by Clinton and interviewed by Trump to be secretary of state. "It is illegal."

But Stavridis, too, who served six tours in Washington during his military career, said so far nothing in the content of the information shared with the media strikes him as out of the historical norm.

For example, he said when he was the military assistant to then-Secretary of Defense Donald Rumsfeld the content of private phone calls was routinely leaked to the press.

"I don't see an unusual level of leaks," he said. "I have yet to see anything that really shocks me."

What would be jarring, in his view, would be leaks that divulged the ways the intelligence was collected. "As far as I can tell no sources and methods, no cryptographic tools have been revealed."

"Snowden was shocking," he added, in reference to Edward Snowden, the former National Security Agency contractor who in 2013 leaked hundreds of thousands of documents that included details of how intelligence agencies gathered sensitive information.

A former senior CIA official who served during multiple administrations said the series of leaks "has to be disturbing to everyone."

The former official, who spoke on condition of anonymity, theorized that in the wake of the Snowden disclosures some who have security clearances may be de-sensitized to how serious it is for closely held national security information to be so widely and egregiously shared.

"Maybe it is because of Snowden," he said.

But the former official also believes it is "too early to say whether it is ahistorical or that this leaking is out of the ordinary."

Some Democratic lawmakers said Trump appeared to be using the leak issue to divert attention from more serious questions about contacts with the Russians by Flynn and other Trump aides.

"It's very Trump-esque that he loved leaks during the campaign and now he thinks leaks are the problem," said Sen. Claire McCaskill (D-Mo.) "Certainly, we don't want anyone leaking sensitive information. On the other hand, if everyone would have just focused on 'Deep Throat' in Watergate, I'm not sure we ever would have gotten to the bottom of Watergate. I think the same analogy would hold here. We need to look at the underlying behavior -- not just the fact that we found out about it."

"Having the [Defense Intelligence Agency] take away [Flynn's] security clearance is not the result of some media leak. It is frankly remarkable that anyone even would make that claim. We need to see the transcript of that conversation," said Sen. Mark Warner of Virginia, the ranking Democrat on the Senate Intelligence Committee.

But Sen. Mike Rounds (R-S.D.) decried the leaks.

"If the intelligence agency employees are leaking classified information, that is a serious issue and it will have to be dealt with," Rounds said. "There is no reason why anybody in the intelligence agencies should be leaking information ... It doesn't matter what the classified information is. It's not their responsibility to make a decision that, 'I will release this.'"

In his epic press conference Thursday, Trump acknowledged that not all leaks are equal. He told reporters Thursday that he was not as troubled by the substance of leaks about his conversations with leaders of Mexico and Australia as by the possibility more sensitive diplomatic talks might be publicly disclosed in the future.

"I said that's terrible that it was leaked, but it wasn't that important. But then I said to myself: what happens when I'm dealing with the problem of North Korea?" Trump said. "What happens when I'm dealing with the problems in the Middle East? Are you folks going to be reporting all of that very, very confidential information ... I mean at the highest level? Are you going to be reporting about that too?"

Experts said it was not clear that the leaks of details on Trump's calls with the Mexican president or the Australian prime minister violated federal felony statutes, like the Espionage Act. The main anti-leak provisions in that statute cover not all classified information, but solely that related to the "national defense."

Disclosure of a broader category of classified information is covered by a misdemeanor statute, but that is rarely invoked except in plea deals where prosecutors believe they could pursue a more serious charge.

"There'll be no prosecution over any of that stuff," MacMahon said, referring to the awkward Trump talks with the Mexican and Australian leaders.

Still, any individuals determined to have leaked classified information about Trump's calls could be fired and stripped of their security clearances.

"They are risking their career, their livelihood and their future employment," said Steven Aftergood, who studies government secrecy policy for the Federation of American Scientists. "I doubt they're risking jail, but they are almost certainly putting their own career in jeopardy."

Even if Trump and others are convinced crimes were committed, there are many potential obstacles to any prosecution, including finding sufficient evidence to finger the leakers.

In that respect, a policy change President Barack Obama ordered just before leaving office could complicate investigators' work in the Flynn case or other cases.

Transcripts of intercepted calls have historically been "minimized" to remove the identities of U.S. citizens and residents before those transcripts are passed to other agencies. However, Obama's directive late last year allowed more raw intercepts to be passed to more people at more agencies.

One of the key questions agencies reporting leaks to the Justice Department must answer is; "What is the extent of official circulation of the information?" If information was distributed widely within the government, even if considered "Top Secret," extended investigations are rare and prosecutions even rarer.

"By saying unminimized records can circulate more broadly, you're creating a new hurdle for investigators to locate the leaks," Aftergood said.

Prosecutors also tend to take some account of a leaker's motivations in considering whether to file charges. Judges have refused to allow defendants to argue that their conduct should be excused because the disclosures were in the public interest.

Former Justice Department lawyer Thomas Tamm appeared on the cover of Newsweek in 2008, confirming that he was a source for the New York Times in its disclosure of President George W. Bush's warrantless wiretapping program. Tamm was never charged, although the decision to drop the matter came under the Obama administration, which also viewed Bush's effort as legally suspect.

In prosecuting leakers, the Trump administration could cite the aggressive treatment of leakers under Obama. Such cases were a rarity in prior years, with only three filed in the course of nearly a century. However, at least eight were brought during Obama's time in office, leading to criticism from First Amendment and whistleblower advocates.

Still, there is the question of whether a jury — likely in Washington or northern Virginia — would convict someone who appeared to be motivated by genuine concern that Trump aides were too close to Russian government officials.

"You could try a jury nullification defense, but you're never going to get a judge to formally allow it," MacMahon said. "Leak prosecutions just depend on whose ox is being gored ... The government can destroy somebody's life in one of these cases. It just comes down to whether the government wants to prosecute the case."

*Austin Wright and Josh Meyer contributed to this report.*

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