

ARTICLES FOR 2-9-17 ROUNDUP

Patt Morrison asks: Xavier Becerra, California's new attorney general and point man in its battle with Trump

Patt Morrison

Longtime Democratic congressman Xavier Becerra has come home to California — and to a battle, one at least as big as any he's fought in Washington, D.C. He was Gov. Jerry Brown's surprise appointment to fill the job of California attorney general, after Kamala Harris left the post when she was elected a United States senator. California has been in President Donald Trump's crosshairs. He told Fox News that "California in many ways is out of control," and that defunding "sanctuary cities" could be a "weapon" to bring them to heel. He lost the state to Hillary Clinton by more than 4 million votes — many of which he claims, wrongly, were cast illegally. His immigration policies could restore widespread workplace sweeps. All of this has generated new states'-rights thinking, very different from the one more than a half-century ago, and as the chief lawyer for the nation's biggest state, Becerra is at its forefront.

The 10th Amendment says "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Has that one taken on new significance for you?

Not new significance, but certainly significance because traditionally, we've seen the 10th Amendment used to try to keep people away from exercising their rights. In this case we're trying to keep the federal government away from depriving people of their rights.

We will stand up and defend the people of the state of California from any intrusion that is unconstitutional by the federal government. So if the federal government would like to tell us how to perform our public safety requirements, we'll tell them, thanks but that's up to us. If they want to tell us how we should go about providing for the general welfare for the people of California, we'll tell them, thanks for the advice but that's up to us.

We have any number of areas where it seems like the new administration in Washington, D.C., has decided that it can tell the states best how to run the lives of their people. We're going to be sure to let them know, you're welcome to help us, but that's up to us.

President Trump ordered that so-called "sanctuary cities" like Los Angeles be punished by withholding federal money, and he intends to carry out a mass deportation of undocumented immigrants.

First, the role of immigration is one that is the province of the federal government, and I respect that, and recognize that we have a broken immigration system. We are prepared to work with the federal government to make sure that our country and our state operate in a reasonable way when it comes to immigration. On the second point, it's important to note that we pay federal taxes to the treasury in Washington, D.C., in a far greater amount than we ever get back, so we're not interested in being deprived of even more resources simply because the new administration may

not like the way we are handling the affairs of the state of California. We respect what the federal government is entitled to do when it involves the issue of immigration, so long as they do it and abide by the Constitution of the United States.

As an Angeleno, you know that the LAPD issued Special Order 40 decades ago under Chief Daryl F. Gates, which said it is not the job of the LAPD to stop people and question their immigration status.

What we should be doing is letting law enforcement take care of public safety day to day. I think most of us would agree we don't have enough police patrolling our streets and getting to know the people in our neighborhoods. The last thing we need is for the federal government to say, Oh, by the way, can you take on the duties that are really things we should be doing?

So for all the different reasons, we have a right to say to the federal government, hands off.

How far do you think this is going to go?

That's really more up to the federal government. An executive order by the president of the United States is not a statute, it's not a law, it doesn't rise anywhere close to being like a law, and it certainly comes nowhere close to being similar to the Constitution.

So we're going to make sure California abides by federal law and abides by the Constitutions of the United States and California, but we're not required to abide by an edict by a president simply because the president says he wants us to do something.

Did any of this come up when Gov. Jerry Brown talked to you about taking the appointment as attorney general?

There was no doubt that where we would head as a state was on the governor's mind when we discussed this. It just so happens I agreed with pretty much everything he wanted to raise with me. I know that the governor has made it very clear he's going to take a very impassioned stand in protecting all the gains that California has made.

We didn't become the sixth economic power in the world as a standalone state simply by sitting back and letting others do something for us. We're going to grow in our vitality and diversity. We're just not going to stop.

There are some in California, as you know, who think seceding would be a good idea. Standalone California sounds good to them.

I'm not interested in watching California break up or break away. I just want to make sure that when we're doing something that's worked, that someone doesn't get in the way simply because they think they've got a better idea. We have our warts and we continue to perfect some of the things that we've done that haven't been right, but I will tell you this — the sun does shine in California.

There's another area where as you know federal and state law are at loggerheads and that's legal marijuana. What plans are ramping up for defending that particular state law against federal policy?

Just remember, when it comes to marijuana, I think we're talking about two issues. One is — how can I put this? — progress. It's catching up with the times. Fifty years ago, no one would have expected any jurisdiction in the country to legalize marijuana. Today, we've realized it's better to regulate than criminalize marijuana use.

So California has moved in that direction; several states have moved in that direction. And I think you're going to continue to see the country move in that direction.

The second part is the one that California is going to help the rest of the country grapple with in the future and that is, how do you determine if someone is driving under the influence if they happen to have smoked some marijuana? How do you make sure that whoever gets behind the wheel of a vehicle will be a safe driver?

Those kinds of things that we haven't tackled before because you can't measure impairment with marijuana the same way you measure impairment with alcohol. And just as we allow alcohol to be sold, we've come into the 21st century and announced that it's better to regulate marijuana than criminalize it.

Even so, marijuana remains a schedule 1 drug as far as the DEA is concerned. What about the prospect of the federal government using California as an example and saying, Nope, you can't legalize this for medical or any other reasons?

The federal government has to catch up and get into the 21st century, first. Secondly, we have to make sure the federal government is helping us, not hindering us, when it comes to coming up with a good way to regulate it. Because the real work falls upon law enforcement to do this right, and we have to give them clear direction so they know what they're doing.

So it behooves the federal government to pull its head from underneath the sand and start to figure out how to do this the right way. Are they going to come in, descend on California because of this law? I don't think so, because they didn't do it to Colorado. They haven't done it to a few of the states that have moved in this direction.

There are far more important things to worry about than whether someone's smoking marijuana for medicinal purposes or not.

On pollution regulations, California's always been ahead of the curve. Even before there was a federal Environmental Protection Agency, California had emissions standards and other regulations. Now there's a question whether the federal government may pressure California to conform to the rest of the country, which could mean rolling back our standards.

The last thing I believe that the people of California and its forward-leaning leaders want is to have a race to the bottom where we decide we're not going to not only enforce our environmental

standards and push to have clean energy become the source of the next generation of good-paying jobs, but instead have us go back to the days when smog alerts were pervasive in the basin of Los Angeles, and when in San Bernardino you couldn't see beyond your home because of all the smog that came from L.A.

So maybe in Washington, D.C., they don't get it. They don't realize that Californians have seen what a future of pollution would mean for kids. We're not interested in having our children grow up with asthma. We're not interested in having our eyes burn because of the smog. And we're not interested in people saying, No, I don't think I want to take my PhD and work in California because I hear it's really a difficult place to live with all the smog.

We're going to do what we need to do to keep our air clean and our water safe and I believe that the federal government can't stop us from moving in that direction. They may try to cause us some trouble but I think they'll find that it's better to work with us.

Have you been hearing from Californians about what they want you to do to be a firewall, as other Democratic attorneys general have cast themselves?

What kind of tweets are you seeing?

"Don't let those executive orders hold you down ... please protect the people who work hard for our country ... don't let my neighbor be taken away ... please don't let us roll back our gains on the environment" -- any number of things.

Think about it. So much of our economic sectors, whether it's the tech industry, healthcare, entertainment — they rely on the things we now take for granted: the cleaner air, the effort to deal with conservation of our water, with the treatment of immigrants in a dignified and respectful way.

Speaking of tweets, Donald Trump tweeted about possibly cutting off federal funds after protests about a speaker at UC Berkeley turned violent.

There's a difference between a tweet and a law, and while I think all of us would agree that never in the exercise of free speech should you engage in violence to express that speech, Donald Trump should read the Constitution and start with the 1st Amendment of the Bill of Rights, so he will understand why what he said is so offensive to those who believe in free speech.

Speeding up the death penalty is something 51% of Californians voted in favor of in the last election. What role is your office taking in that?

I can't say too much because it is in litigation and we are involved. We take very seriously when the people of the state of California vote a particular proposition into our laws, and we'll do everything we can to make sure the state of California moves forward respecting the will of the people. If the courts find the proposition constitutional, then it will be my job working with law enforcement and the leaders in the state to put the laws in place and make them work.

AG FERGUSON OBTAINS COURT ORDER HALTING TRUMP IMMIGRATION ACTION

Judge grants nationwide Temporary Restraining Order against President's Executive Order

SEATTLE — A federal judge in Seattle today granted Attorney General Bob Ferguson's request to immediately halt implementation of President Donald Trump's Executive Order on immigration nationwide.

Attorney General Bob Ferguson speaks to reporters after a federal judge granted his request to immediately halt implementation of President Donald Trump's Executive Order on immigration nationwide.

The Temporary Restraining Order will remain in place until U.S. District Court Senior Judge James L. Robart considers the Attorney General's lawsuit challenging key provisions of the President's order as illegal and unconstitutional. If Ferguson prevails, the Executive Order would be permanently invalidated nationwide.

To obtain the Temporary Restraining Order, the state needed to prove that its underlying lawsuit was likely to succeed, that irreparable harm was likely to occur without the restraining order, and that halting the President's order immediately is in the public interest. The state also needed to establish that the potential injury to Washington residents caused by leaving the President's order in place outweighs any potential damage from halting it.

Judge Robart, who was nominated to the court by President George W. Bush in 2003, ruled that Ferguson had met the high standards necessary to block the Executive Order until the court reaches the merits of the lawsuit.

"The Constitution prevailed today," Ferguson said. "No one is above the law — not even the President."

Washington became the first state to challenge the President's order on Monday. Ferguson argues that the Executive Order violates the U.S. Constitution's guarantee of Equal Protection and the First Amendment's Establishment Clause, infringes individuals' constitutional right to Due Process and contravenes the federal Immigration and Nationality Act.

Major Washington state institutions supported the Attorney General's lawsuit through declarations filed alongside the complaint. In their declarations, for example, Amazon and Expedia set forth the detrimental ways the Executive Order impacts their operations and their employees.

Minnesota, led by Attorney General Lori Swanson, joined Ferguson's amended complaint filed Thursday. In addition, since Washington brought its action, Massachusetts, New York and Virginia intervened in similar lawsuits challenging the Executive Order in their respective jurisdictions.

Solicitor General Noah Purcell, Deputy Solicitor General Anne Egeler and Solicitor General's Office Fellow Kelly Paradis, as well as members of the Wing Luke Civil Rights Unit, including

Unit Chief Colleen Melody and Assistant Attorneys General Patricio Marquez and Marsha Chien, are handling the case.

Michael Truman Greely, “Mike”, 76, of Helena, MT, passed away on January 26th

Michael Truman Greely, “Mike”, 76, of Helena, MT, passed away on January 26th at his family cabin on the Missouri River with his loyal companion, Rudy, by his side.

Mike was born to Myril J. and Laura Lee Greely on February 28th, 1940 in Great Falls, MT. Mike graduated from Great Falls High before attending Yale University. After college Mike taught High School in Oklahoma and served in the Army Reserve, before heading to the University of Montana law school.

After his law degree Mike served as an Assistant Attorney General under Forest Anderson and then became a Deputy Cascade County Attorney in 1969. While in Great falls, Mike represented the area as both a state representative and state senator. Part of his terms were the first under Montana’s new constitution in 1972. Mike was elected Montana’s Attorney General in 1976 serving 3 terms, the last longest serving Attorney General in Montana. He ran for Governor in 1988 and Montana Supreme court justice in 1992, losing both elections.

Mike finished his career in private practice, before retiring to the cabin on the Missouri River. He was passionate about Fly-Fishing and the tranquility of the Missouri River. He also enjoyed golf, crosswords, cribbage and sweets.

Mike was preceded in death by his parents, Myril J and Laura Lee Greely. He is survived by his wife Marilyn Greely (Myhre), his children Winston Greely, Morgen Heckford (Greely), and Anna Lee Greely, his daughter-in-law Lorelle Berkeley, son-in-law Damian Heckford, his grandchildren Adelaide and Keaton Heckford, his sister Nancy Souder (Greely) and many nieces and nephews. A memorial service will be held at 11 a.m. Saturday February 11th in the old Supreme Court chamber located in the Capitol. Memorials in Mike’s memory can be made to the Missouri River Watershed Alliance, P.O. Box 11, Wolf Creek, MT 59648 or Quality of Life Concepts, P.O. Box 2506, Great Falls, MT 59403. To offer condolences or to share a story about Mike please visit www.helenafunerals.com.

Court Grills Lawyers on Donald Trump’s Immigration Order

Judges fired tough questions at both sides in hearing over Trump’s travel ban; ruling expected within days

By DEVLIN BARRETT, BRENT KENDALL and ARUNA VISWANATHA

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1602 COMMENTS

An appeals court pressed a Justice Department lawyer Tuesday on whether President Donald Trump’s executive order on immigration is discriminatory, while also pushing an attorney for the two states fighting the order to explain how it could be unconstitutional to bar entry of people from terror-prone countries.

August Flentje, the Justice Department lawyer arguing on behalf of the administration, urged the appeals court to rescind a restraining order issued by a lower court, arguing the judge who issued it was wrong to second-guess the president on a question of national security.

The executive order, Mr. Flentje told a three-judge panel of the San Francisco-based Ninth U.S. Circuit Court of Appeals, struck a balance between security concerns and the practice of allowing people to enter the country.

“The president struck that balance, and the district court’s order has upset that balance,” he said. “This is a traditional national security judgment that is assigned to the political branches and the president and the court’s order immediately altered that.”

The oral arguments on whether to reinstate some, all, or none of President Donald Trump’s executive order on immigration represented a crucial test in the fast-moving legal battle over White House efforts to restrict entry into the U.S. The Jan. 27 order suspended U.S. entry for visitors from seven predominantly Muslim countries for at least 90 days, froze the entire U.S. refugee program for four months and indefinitely banned refugees from Syria. The administration argues the action was needed to keep terrorists from domestic soil.

The president weighed in on Twitter on Wednesday morning: “If the U.S. does not win this case as it so obviously should, we can never have the security and safety to which we are entitled. Politics!”

The appeal challenges the broad restraining order issued late last week by a Seattle judge who temporarily halted enforcement of the president’s order, after the states of Washington and Minnesota sued. The Ninth Circuit Court earlier Tuesday said it would likely issue a ruling later this week.

The legal clash, which is also playing out in other courts around the country, represents a remarkable test of the powers of a new president determined to act quickly and aggressively to follow up on his campaign promises. Mr. Trump, who promised repeatedly on the campaign trail to tighten what he called lax immigration policies, issued his executive order a week after taking office, generating widespread protests as well as plaudits and setting off an immediate debate over the extent of executive branch authority.

The judges pressed Mr. Flentje to explain why the executive order shouldn’t be considered a violation of constitutional protections against religious discrimination. During the campaign, Mr. Trump called for a temporary shutdown of Muslim entry into the U.S., though the White House says the current executive order is in no way a Muslim ban.

“Could the president simply say in the order we’re not going to let any Muslims in?” asked Judge William Canby.

“That’s not what the order does,” Mr. Flentje replied. “This is a far cry from that situation.”

The judges also asked Mr. Flentje for any evidence that the countries cited in the executive order were connected to terrorism. He responded that a previous Congress and former President Barack Obama had found that they were.

At one point, Mr. Flentje, conceding that “I’m not sure I’m convincing the court,” asked that if the judges didn’t overturn the lower court ruling completely, at least they could rule that it went too far.

Noah Purcell, the attorney for Washington state, argued that there was clear evidence of religious discriminatory intent behind Mr. Trump’s order. “There are statements that...are rather shocking evidence of intent to harm Muslims,” Mr. Purcell told the court.

The court isn’t making a final determination on the legality of Mr. Trump’s order for now. Instead, it must decide what immigration rules will be in effect during the coming months while court proceedings on the substance of the president’s restrictions continue.

Another judge on the panel, Richard Clifton, voiced skepticism about claims that the executive order was discriminatory.

“I have trouble understanding why we’re supposed to infer religious animus,” said Judge Clifton. “The concern for terrorism with those connected to radical Islamic sects is kind of hard to deny.”

Mr. Purcell answered that the president’s own statements and those of some of his advisers indicated the executive order grew out of a desire to keep Muslims out of the country.

“At this point it’s now the federal government that’s asking the courts to upset the status quo,” Mr. Purcell said. “Things are slowly returning to normal before the chaos of the executive order.”

Mr. Purcell also found himself defending the states’ standing to bring the case in the first place. Pressed on whether states have the right to bring lawsuits on behalf of their citizens, he said legal precedents have established that they do.

At times, the judges appeared to consider whether the order could be scaled back so that it didn’t affect those who had already lived in the U.S. and wanted to return. Mr. Purcell argued that it would be a very difficult and complicated task trying to draw broad new rules and restrictions among foreign students, workers and their relatives.

Mr. Trump has vigorously defended the executive order and criticized in unusually blunt terms the Seattle judge, U.S. District Judge James Robart, who put the executive order on hold nationwide while courts sort out its legality. On Sunday Mr. Trump said the judiciary should be blamed if there is a terrorist attack.

Washington and Minnesota are making a variety of legal claims in their case, including that the executive order is discriminatory and that it violates constitutional guarantees of due process and equal protection under the law.

The states also have said the president's order has harmed thousands of noncitizen residents of their states, and that individuals traveling abroad were unable to return, including faculty and students from state universities. They also said the restrictions cost them tax revenue and created travel impediments for businesses based within their borders.

Several variables could affect the Ninth Circuit's deliberations. The states say the appeals court has no jurisdiction to consider the restraining order because of its temporary nature; the Justice Department says the states have no legal standing to bring a lawsuit on behalf of their residents against the federal government.

The appeals court may have the option to choose a middle ground, and isn't limited to an all-or-nothing pronouncement on whether the Trump order can be enforced in the coming months. For example, the judges could find that the lower court's ruling suspending Mr. Trump's order was appropriate in some ways but overly broad in others.

The Justice Department indirectly floated a potential compromise in its legal papers, arguing that at a minimum the executive order must be enforced against aliens who have never set foot in the country or have no specific connections to Washington or Minnesota.

If the Ninth Circuit appeals court rules broadly in favor of Washington and Minnesota after Tuesday's hearing, the executive order would continue to be suspended nationwide.

It is likely that the losing party will ask the Supreme Court to intervene on an emergency basis. Any such request, however, could be complicated by the fact that the current court is evenly divided between four liberal justices and four conservatives. A 4-4 deadlock would leave the Ninth Circuit's decision intact.

Despite the flurry of litigation, the courts are far from issuing a final ruling on the underlying merits of the president's executive order. Full court proceedings are expected to take many months, and a lengthy appeals process could mean it is well over a year before courts fully resolve the legality of Mr. Trump's approach. It is likely that the final word on the matter will come from the Supreme Court.

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Viewpoints: Wall or not, Arizona needs to work with Mexico

Attorney general: There's a good reason why my office isn't about to wall off relations with Mexico. We need each other to fight crime.

Our policymakers are facing some complicated decisions on immigration reform and the proposal to build a new security wall along the border shared by the United States and Mexico.

It's a politically charged, hot-button topic, to say the least. Regardless of where you stand on those issues, we can all agree that it's important for Arizona and Mexico to be good neighbors, with a strong working relationship.

It's been said that good fences make good neighbors. But whether we are talking about countries or city blocks, neighbors can always fight crime more effectively by working together.

One of my priorities at the Arizona Attorney General's Office has been to expand the communication and cooperation between Arizona and Mexico's law enforcement officials. Acting bilaterally to fight human and drug trafficking, we can also be more effective in combating corruption, money laundering and in dismantling organized crime.

Following the money to catch launders

The most effective approach to tracking and battling organized crime has always been to follow the money. Billions of dollars from the sale of illegal drugs and human trafficking routinely flow across the Southwest border and straight into the pockets of the Mexican drug cartels.

The Arizona Attorney General's Office is currently able to monitor and track that flow of money with access to an international money laundering database through the Southwest Border Anti-Money Laundering Compliance Program. This program is the result of a settlement funded by Western Union. It's been successful, but there is still significant work to be done.

Court report: Western Union successfully protecting wire transfers against money-laundering
The fact is that human smugglers, drug traffickers and human trafficking rings frequently launder money across the international border to conceal their criminal activity.

Tactic led to possible terrorist network

The Arizona Attorney General's Office continues to work with Mexico to track human smugglers including those with possible ties to terrorism operating along our border.

Last year, our office launched a groundbreaking investigation involving Middle Eastern human smuggling networks. We conducted a comprehensive geographic analysis of possible terrorist-related transactions and identified thousands of dollars being transferred from the Middle East to human smugglers in Mexico.

By sharing this information with our law enforcement counterparts, we discovered human smugglers were transporting people from Middle Eastern countries through Central America, Mexico, and then attempting to cross the Arizona border.

10 detained at Arizona checkpoints in human-smuggling cases

Human smugglers aren't the only criminals operating at the border - so are human traffickers. Many trafficking victims that are rescued in Arizona have ties to Mexico.

Every day in Mexico, unsuspecting women are recruited into sex trafficking networks. We are currently working with government officials and non-profit groups in Mexico to disrupt and dismantle these illegal operations that prey on women and children.

It all starts by following the money

The money laundering tactics used by transnational organizations continue to evolve rapidly, usually in response to law enforcement actions to curb the flow of illegal proceeds into Mexico. As a result, new law enforcement strategies to address these ever-changing tactics are needed, often requiring more equipment and manpower.

Most importantly, education for law enforcement organizations is vital to employing effective countermeasures.

As we identify new ways to advance our investigations in both countries, regularly meeting with our law enforcement partners in Mexico helps to identify tools and best practices to better achieve our goals.

I've personally met one-on-one with attorneys general from various states in Mexico, including Sonora, Baja California, Guanajuato and Guerrero. Face-to-face meetings help foster respect and build trust.

We will achieve greater success in dismantling criminal organizations operating at the border through increased coordination and an open dialogue with our neighbor to the south.

It is my duty as the attorney general of Arizona to uphold the rule of law and utilize every available resource to protect the citizens of our great state.

State Senate Passes Attorney General Sponsored SB 27 to Address Criminal Self-Dealings and Conflicts of Interest

PIERRE, S.D. – Under current South Dakota law, it is only a misdemeanor to engage in self dealings of taxpayer money for personal benefit or gain. See SDCL 5-18A-17.4.

“Public officials that illegally take taxpayer money that has been entrusted to them, violate the public trust and should be held responsible and treated as any other criminal thief. This legislation further removes the presumption for probation that limits the sentencing discretion for both the prosecutors and the courts in EB-5 and GEAR UP type financial cases. It also provides whistleblower protections for employees that report any inappropriate self dealings and conflicts of interest. I appreciate how the Senate has improved and strengthened this bill,” said Attorney General Jackley.

SB 27 passed the Senate on a vote of 33 to 0 and 2 excused. It previously passed the Senate Judiciary on a vote of 7 to 0.

A public official who commits a criminal conflict of interest would be guilty of theft as set forth under existing law. Under current theft law, when the value of the theft is \$1,000 or less, it's a misdemeanor. If the value is greater than \$1,000, it is a felony that further increases based up on the amount.

State Rep. Brian Banks Resigns, Pleads Guilty to Making False Financial Statements

LANSING – Following his resignation from the Michigan House of Representatives, Brian Banks, 40, of Harper Woods, today pleaded guilty to a misdemeanor charge of filing financial false statements.

Attorney General Bill Schuette first charged Banks in June of 2016 with four criminal charges related to falsifying documents to obtain a loan from a Detroit-area credit union.

“As an elected official, you carry a higher burden of responsibility and are expected to act as a role model in your community,” said Schuette. “Former Representative Banks violated the trust placed in him by his neighbors and constituents.”

The misdemeanor charge of financial condition; false statements carries up to a one-year prison sentence. Sentencing has not yet been set.

The resignation letter submitted by Banks to Speaker of the House Tom Leonard was effective immediately.

As a result of his resignation and his guilty plea, the remaining charges have been dropped.

Case Background

The Department of Attorney General filed felony charges against Banks in June 2016. The charges stemmed from Banks' application for a \$7,500 loan using pay statements from his alleged employer, IHI Attorneys + Consultants of Farmington. Banks claimed to work for the company, but through the course of the investigation, it was discovered that he had never worked at or with IHI Attorneys + Consultants, and the check issued originated with a payroll company the firm never used.

Attorney General Fox Encourages Montanans To Review On-Line Safety

Attorney General Tim Fox invites Montanans to join internet users and organizations across the United States and around the world to celebrate Safer Internet Day on February 7. This is the fifth year Safer Internet Day has been recognized in the United States, and Attorney General Fox is marking the occasion with a new public service announcement (PSA) detailing several ways to stay safe online.

“Today’s technology keeps us constantly connected, whether we are on our computers at work, our tablets at home, or our smartphones when out and about,” said Attorney General Tim Fox. “While that increased connectivity lets us do wonderful things like find highly-rated restaurants in

new cities, or video-chat with our loved ones who live far away, it can also give scammers a point of access to our personal information and accounts.”

The new PSA is designed to increase public awareness that a safe and positive internet experience depends on us all. Montana consumers can make a few simple adjustments to their online habits to make every day a safer internet day, including:

- Know who you’re dealing with – ID thieves can pose as anyone online or over the phone. If you have doubts about the legitimacy of the person on the other end of the line, end the conversation and contact the organization in a way you trust, like calling them at the phone number listed on your billing statement, or on their website. Don’t follow the link in a suspicious email.
- Take advantage of privacy settings – businesses, websites and apps often have different levels of account privacy and security to choose from. Learn what your choices are, and employ the setting you feel comfortable with.
- Think before you share – limit information that could be used to steal your identity or answer security questions on your accounts, such as your date and place of birth, a detailed work history and other personally identifying material. This applies to sites for business networking, too. Also refrain from posting status updates or photos that share your location, especially if you’re out of town. You don’t want to advertise that your house is unattended and make it a possible target for burglars.
- Report dangerous behavior – posts on social media run the gamut from light and funny to serious and personal. If someone is making aggressive posts or comments, or writing that he or she plans to commit an act of violence in real life, assess the situation. If you believe the threat is real and your or another person or people could be in danger, contact your law enforcement officials right away.
- Guard your personal information – credit card, bank account and social security numbers can be stolen online, or from documents you throw out. Shred or destroy any forms that contain personal identifying information when you dispose of them. This includes old tax documents, prescriptions, receipts, bank deposit slips, pay stubs, expired credit cards, insurance policies, and credit card applications.

For more tips, visit the Montana Office of Consumer Protection online at <https://dojmt.gov/consumer/identity-theft/>.

RUTLEDGE FOCUSES ON LAW ENFORCEMENT PARTNERSHIPS TO CATCH CYBER CRIMINALS

‘These offenses have no geographic, age, race or economic boundaries.’

LITTLE ROCK – Arkansas Attorney General Leslie Rutledge today announced that the Cyber Crimes Unit assisted local law enforcement agencies in more than double the number of investigations in 2016 than 2015.

Special agents of the Cyber Crimes Unit focused last year on providing training for law enforcement officers across Arkansas. This commitment led to the Attorney General’s office assisting local law enforcement agencies in mobile device forensics and other investigations in

more than 90 criminal investigations. Staff members also provided free training for law enforcement, prosecutors and the judiciary at the Attorney General's annual Law Enforcement Summit and other trainings on topics including obtaining information from electronic service providers, presenting digital evidence in court, open source intelligence gathering techniques, electronic evidence seizure and the proper use of legal process in high tech crime investigations. "Cyber predators continue to walk our streets and lurk on the internet," said Attorney General Rutledge. "The number of cyber crimes continues to rise, and these offenses have no geographic, age, race or economic boundaries. But the agents and attorneys in the Cyber Crimes Unit, along with law enforcement across the State, work tirelessly to bring these criminals to justice."

In addition to assisting law enforcement agencies with 52 cases, the Cyber Crimes Unit closed nine cases, with three leading to trials and six plea agreements. These cases resulted in 466 years behind bars for offenders. The unit also made seven arrests in 2016 and assisted local law enforcement agencies in another seven arrests. They also conducted 24 cybertip investigations.

The Attorney General's office metal theft prevention initiative conducted 113 inspections in 2016, resulting in 2 citations to recyclers and the training of 140 law enforcement personnel across the State.

Meanwhile, the Attorney General's office Special Investigations Division also serves as the National Center for Missing and Exploited Children clearinghouse for Arkansas (NCMEC). Officers investigated 82 leads in 2016 and took information on 91 new missing children. The NCMEC Tipline is (800) THE-LOST (843-5678).

New Jersey List Broker Barred from Selling Names of Defrauded Elderly Iowans to Con Artists, Pays State \$40,000

Miller alleges Saavoy List Management Inc. supplied scammers with "sucker lists" that included vulnerable Iowa residents

DES MOINES – A Fairfield, New Jersey customer list broker late last week completed a \$40,000 payment to the state and will remove Iowans from customer lead lists tied to sweepstakes and psychic scams, through an agreement with Attorney General Tom Miller.

The agreement reached in December with Saavoy List Management Inc., called an assurance of voluntary compliance, requires the company to carefully monitor its lead lists. If Iowans appear on a lead list, Saavoy must ensure that no fraud was involved in creating the list, and that no fraud would be committed by anyone using the list. The company's only alternative, according to Miller, is to remove all Iowa residents.

"We allege that Saavoy was trading in so-called 'sucker lists,' renting out the names of fraud victims to scammers," Miller said, noting that customer lists associated with psychics and sweepstakes are frequently abused. "This sort of cynical conduct results in feeding frenzies, as a host of con artists descends upon each susceptible person on the list."

The agreement is related to a December 13 settlement with Waverly Direct Inc. and its owner, Gordon Shearer.

“Waverly Direct used psychic- and prize-related mailings to create lists of vulnerable older Iowans, and coordinated with Saavoy to rent the lists out to a variety of dubious operations,” Miller said. “Now both companies must steer clear of Iowa with these schemes.”

In addition to barring Saavoy from including Iowans on lead lists involving sweepstakes or psychics, the agreement required the company to pay \$40,000 to support future efforts to protect older Iowans from consumer fraud.

Miller urges Iowans to be vigilant in protecting elderly Iowans from this form of fraud. “We’ve seen a number of older Iowans hit by a barrage of bogus mail solicitations after responding to just one or two,” Miller said. “Stopping operations like these from targeting Iowans will mean fewer victims, but the best protection is for older Iowans—and their families and friends—to be on guard and not let their savings be drained by a flurry of scam mailings.”

TIPS FOR CONSUMERS

Sweepstakes and similar jackpot-oriented schemes are commonly used to generate excitement and get people to spend money chasing a prize that never comes. Don’t be taken in!

Personalized letters from supposed psychics or the like promise wealth and well-being, but sending them a check will probably put you on a “sucker list” that makes you a target for a host of scammers. Don’t take the bait!

These “feeding frenzies” through the mails can quietly victimize older relatives, neighbors, or friends. Be on guard, and report such incidents to the Consumer Protection Division.

For more information or to file a complaint, contact the Consumer Protection Division through the Attorney General’s website at www.IowaAttorneyGeneral.gov or email directly to consumer@iowa.gov. Consumers can also call the Consumer Protection Division at 515-281-5926, or outside the Des Moines area, toll free, at 1-888-777-4590.

AG Paxton Leads Multi-State Coalition in U.S. Supreme Court Amicus Brief Against Abusive Patent Litigation

Leading a coalition of 17 states, Texas Attorney General Ken Paxton today filed an amicus brief in the U.S. Supreme Court on the question of where patent owners can file claims – a case that may shake-up national patent practice. The attorney general’s brief stresses the harm to Texans from abusive claims of patent infringement, which are a drag on economic growth. The high court has agreed to hear *TC Heartland v. Kraft Food Brands Group* sometime this year.

In his friend-of-the-court brief, Attorney General Paxton explains that the U.S. Court of Appeals for the Federal Circuit wrongly departed from the Supreme Court’s interpretation of the patent-venue statute by no longer requiring businesses to be sued in the district where they reside (e.g., are incorporated) or where the alleged infringement occurred and the defendant has a place of business. Instead, the Federal Circuit’s case law allows these lawsuits in any judicial district in the nation where personal jurisdiction exists. This expansion of patent venue has contributed to

rampant venue shopping for plaintiff-friendly jurisdictions, especially by firms that buy patents in order to use the cost of litigation to force payment of license fees.

The brief centers on the Eastern District of Texas – one of 94 federal judicial districts in the United States – which has attracted anywhere between 25 and 50 percent of all patent infringement lawsuits in recent years. In that district, the average patent damages award is \$38 million above the average awarded outside the district. The brief highlights some unusual results of this concentration of patent cases in the Eastern District, such as one technology company’s purchase of a prize bull in a town’s livestock auction or another’s sponsorship of an ice-skating rink.

“The Federal Circuit’s misinterpretation of the patent venue law undermines public confidence in the judicial system and has, as it was once described, turned the Eastern District of Texas into an intellectual property ‘speed trap,’” Attorney General Paxton said. “Patent trolls know full well that the cost of litigating cases there makes it cheaper for many companies to just pay them to go away. That’s why it’s so important for the Supreme Court to reverse the lower court.”

Texas is joined in the amicus brief by Arizona, Colorado, Connecticut, Hawaii, Illinois, Iowa, Maine, Maryland, Michigan, Nebraska, North Carolina, Ohio, South Carolina, Vermont, Virginia, and Wisconsin.

AG Schimel Renews Rebate Agreement with Manufacturer of Lifesaving Opiate Antidote
Feb 1 2017

MADISON, Wis. – Attorney General Brad Schimel today announced he has renewed the State’s agreement with Amphastar Pharmaceuticals, which established a rebate program for the heroin and prescription painkiller antidote naloxone. Naloxone, often branded as Narcan, can be administered as a nasal spray or injection and works within minutes to reverse the effects of an opioid overdose.

“When an individual has overdosed on prescription painkillers or heroin, we only have a few minutes to intervene and save that person’s life,” said Attorney General Schimel. “I appreciate Amphastar’s willingness to partner with the State and provide those on the frontlines of this battle with financial relief.”

Amphastar Pharmaceuticals has agreed to continue providing a \$6 rebate for each Amphastar naloxone syringe purchased by public entities in Wisconsin from now until February 1, 2018.

“Since 2013, we have been working to expand access to lifesaving opioid antagonists like naloxone,” said Rep. John Nygren. “While these medications can be expensive, our state has worked with Amphastar on an agreement that ensures the affordability of these important medications. Measures like this save lives, and I’m looking forward to working with my legislative colleagues, the medical community, law enforcement and the Attorney General, and recovery advocates statewide on more efforts that will help combat Wisconsin’s opioid epidemic.”

State, county, and local government agencies, as well as law enforcement and other public and government entities that distribute naloxone are eligible for the Amphastar naloxone rebate.