



BROOKS BAWDEN LLC

Weekly Update

November 7 - 11, 2016

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Latest News

- **Congressional Update** - The House and Senate are expected to return next week. Given the Republican victories at the polls, Congress may consider a continuing resolution (CR) to fund the government through the swearing in of President-elect Trump in late January. At that time, a measure to fund the government through the rest of FY2017 may be considered. Still unclear is the congressional agenda for lame-duck session in November and December. The prospect of one-party rule starting in January makes it less likely that any major legislation will be considered during the lame-duck session, including many of the pending criminal justice reform proposals. Read more on the election and what might be next for Congress on [page 2](#).

- **Presidential Commutations** - On November 4, President Obama commuted the sentences of 72 federal inmates. You can view the White House release [here](#). You can read the Major County Sheriffs' Association response to the recent commutations [here](#).

ARTICLES OF INTEREST:

Brace for terrorism ripples from Mosul: Column

USA Today | Michael P. Downing and Matt A. Mayer

The Islamic State is suffering setbacks in Syria and Iraq, especially as the Iraqi government reasserts control of Mosul, which is good news. But the advances also mean that many foreign fighters are expected to return to Europe, where they will join a group that represents a less publicized threat to the West: thousands of frustrated fighters who wanted to go to the war zones but couldn't. At recent security briefings in England, France, Belgium, the Netherlands and Germany, government officials told us time and again about a growing threat from what they estimate will be 1,500 returning and 10,000 frustrated fighters. The "Uberization" of terrorism adopted by ISIL and its adherents makes this threat ever-present, widely dispersed, and inevitably headed to America. The ability of European intelligence agencies to identify and monitor these individuals is lacking due to a shortage of trained personnel and the rapid adoption of encryption technology shielding their activities. Pessimism among security groups runs high. **Continue reading [here](#).**

The President Needs to Show More Caution in Commuting Felons' Sentences

National Review | Sen. Orrin Hatch (R-UT)

Last week, President Obama commuted the sentences of 98 federal drug and firearm felons. These commutations were the latest in a long line of executive clemency actions. President Obama has now commuted the sentences of 872 federal offenders — more than the last eleven presidents combined. No doubt there are instances where a guilty defendant receives an overly harsh sentence. Perfect justice is not possible in an imperfect world. But we need to be very careful about letting convicted criminals out of jail early, particularly ones convicted of serious drug and firearm offenses. Illegal drugs such as heroin, methamphetamine, and cocaine inflict incalculable harm on our communities, destroying lives and ravaging families. Gun violence similarly shatters the lives of victims and their families

and has a profoundly negative impact on community well-being. **Continue reading [here](#).**

Election Coverage & Congressional Outlook

Trump Administration

Between now and inauguration day on January 20, the Trump transition team will be working to fill top political appointments and lay out its policy priorities. One thing the new administration will do is examine past executive orders by the Obama Administration to determine which ones will stay and which ones will be rescinded.

The Trump campaign made headlines the day before the election by suggesting names being considered for key cabinet posts. Among them were Rudy Giuliani for Attorney General. Other prognosticators - and even Trump himself - dropped hints about possible nominations during the campaign. The following names have been suggested publicly, but it's likely the lists are much bigger.

We don't expect the campaign to wait too long before announcing the main picks. President Obama had most of his cabinet picks selected before Christmas in 2008. In addition to the top-dog posts, there are dozens of presidential nominations for leadership positions in component agencies (ATF, Marshals, DEA, OJP, COPS, and others at DOJ; ICE, CBP, CIS, FEMA, USSS, and others at DHS). The transition team will be active in the coming weeks to identify candidates for all of these nominated posts.

Of note, two former Republican secretaries of homeland security in the George W. Bush administration - Michael Chertoff and Tom Ridge - actively campaigned against Trump.

Department of Justice (Attorney General)

Rudy Giuliani (former NYC mayor)
Trey Gowdy (representative from South Carolina)
Chris Christie (NJ governor)
Pam Bondi (Florida Attorney General)
Jeff Sessions (senator from Alabama)

Department of Homeland Security (Secretary)

Chris Christie (NJ governor)
Asa Hutchinson (Arkansas governor)
Will Hurd (representative from Texas)
David Clarke (sheriff of Milwaukee County Wisconsin)

Obama Administration

With the final days of the Obama Administration around the corner, and Hillary Clinton losing, expect to see various regulatory and executive actions. Additionally, we anticipate the administration will continue its flurry of presidential sentence commutations up until the swearing in of President-elect Trump.

Lame Duck & Government Funding

Congress returns on November 14, with Republicans retaining control of both the House and Senate. The House and Senate are scheduled to be in session until December 16, with a deadline of December 9 to determine the path forward to fund the government through FY 2017. The new Congress will be sworn in on January 3, and President-elect Trump will be sworn in on January 20. Expect to see a Continuing Resolution to fund the government through January, at which time the new Congress and Administration will have to deal with a long-term funding measure.

Additionally, Congress will have to consider the conference report of the FY 2017 National Defense Authorization

Act, which may include provisions affecting the Department of Defense's 1033 excess equipment sharing program with law enforcement. You can view the July letter from multiple law enforcement associations on this issue [here](#).

Criminal Justice Reform

It remains to be seen whether criminal justice reform measures will be considered in the lame duck Congress, however, it is unlikely a large sweeping measure will be considered. If anything is considered, it would most likely consist of smaller bipartisan measures.

House & Senate Control: The House Republican Conference will meet next week, and will consider potential conference rules changes, as well as elect their party leadership.

Senate: Current Congress: 54 Republicans, 44 Democrats, 2 Independents
Next Congress: 51 Republicans, 45 Democrats, 2 Independents, *LA will have a runoff on December 10 & possible recount in NH

Leadership:

Majority Leader - Mitch McConnell (R-KY)
Minority Leader - Chuck Schumer (D-NY)

Committee on Homeland Security & Government Affairs:

Chairman - Ron Johnson (R-WI)
Ranking Member - Tom Carper (D-DE) or Claire McCaskill (D-MO)

Committee on the Judiciary:

Chairman - Chuck Grassley (R-IA)
Ranking Member - Patrick Leahy (D-VT) or Dianne Feinstein (D-CA) or Sheldon Whitehouse (D-RI)

Committee on Appropriations:

Chairman - Thad Cochran (R-MS) or Richard Shelby (R-AL)
Ranking Member - Patrick Leahy (D-VT) or Patty Murray (D-WA)

* Chairmanships of the subcommittees are unknown at this point.

House: Current Congress: 246 Republicans, 186 Democrats
Next Congress: 239 Republicans, 192 Democrats

Leadership:

Speaker of the House - Paul Ryan (R-WI) **could be opposition from Freedom Caucus members
Majority Leader - Kevin McCarthy (R-CA)
Minority Leader - Nancy Pelosi (D-CA)

Committee on Homeland Security: Aside from the retirements of Candice Miller and Curt Clawson, current Republican members of the committee will be back for the 115th Congress, although some may receive new committee assignments.

Chairman - Mike McCaul (R-TX)
Ranking Member - Bennie Thompson (D-MS)

Committee on the Judiciary: Most current Republican members of the committee will be back for the 115th Congress, although there will likely be changes in some subcommittee chairmanships.

Chairman - Bob Goodlatte (R-VA)
Ranking Member - John Conyers (D-MI)

Committee on Appropriations: Aside from the retirement of Ander Crenshaw (FL) and the election loss by Dave Jolly (FL), the current Republican members of the committee will return in the 115th Congress.

Chairman - Rodney Frelinghuysen (R-NJ)

Ranking Member - Nita Lowey (D-NY)

* Chairmanships of the subcommittees are unknown at this point.

Marijuana Recreational Use Ballot Initiatives: Voters went to the polls on Tuesday in 5 states to consider ballot initiatives to legalize the recreational use of marijuana.

- Arizona - Rejected
- California - Approved
- Maine - Approved
- Massachusetts - Approved
- Nevada - Approved

Medical Marijuana Initiatives:

- Florida - Approved
- Arkansas - Approved
- North Dakota - Approved
- Montana - Approved



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