

Title: **Senator set to sue over succession**
 Author: AMANDA COYNE THE GREENVILLE NEWS
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Senator set to sue over succession

Selection of next lieutenant governor at issue

AMANDA COYNE
THE GREENVILLE NEWS

State Sen. Tom Davis is prepared to file suit over the selection process of the next lieutenant governor.

If his fellow senators do not unanimously agree on Tuesday to resolve a discrepancy between a constitutional amendment and the way it appeared on voters' ballots in 2012, the Beaufort County Republican will file a petition for original jurisdiction with the South Carolina Supreme Court.

In 2012, South Carolina voters chose to elect the governor and lieutenant governor on a joint ticket starting in 2018. Since the 1800s, candidates for governor and lieutenant governor have been elected separately. The new system would ensure that the governor and lieutenant governor were members of the same party. Under the old system, a Republican could be elected governor and a Democrat could be elected lieutenant governor, or vice versa. The constitutional amendment also allows a

governor to select his or her own lieutenant governor with the advice and consent of the senate if the position becomes vacant.

When the 2012 constitutional question passed, it specified that the change would not take place until the 2018 election. But when it was added to the South Carolina Constitution, the phrase "beginning with the general election of 2018" was omitted.

That omission could allow Lt. Gov. Henry McMaster to choose his own successor when he assumes the governorship in 2017. He will replace Gov. Nikki Haley upon her confirmation to the post of U.S. ambassador to the United Nations.

Davis requested Friday that Senate President Pro Tempore Hugh Leatherman and House Speaker Jay Lucas move on Tuesday for a unanimous "Sense of the Senate" and "Sense of the House," respectively, with the intent of changing the amendment's language when the General Assembly convenes on Jan. 10. If those motions do not succeed, Davis has prepared petitions to deliver to the state Supreme Court the same day.

"The General Assembly has included within

the South Carolina Constitution an amendment that is materially different, both in text and effect, from the text the General Assembly authorized for consideration by the electors and the text those electors approved," Davis wrote in an email to Leatherman and Lucas. "This goes to the very heart of constitutional governance; the people's will, legitimately exercised, has not been effected, and this wrong must be corrected, immediately."

As president pro tempore, Leatherman is next in line for the lieutenant governorship, according to the South Carolina line of succession. Leatherman said last week that he would not take the position of lieutenant governor. That would require him to resign his role as president pro tempore if the amendment's language is clarified.

If the language is not changed, the amendment could be interpreted to mean that McMaster can choose whoever he wants as lieutenant governor and Leatherman could retain his senate leadership position.

Leatherman could not be immediately reached for comment Friday afternoon.

Title: **Dems plot to portray nominees as 'swamp creatures'**
 Author: BY JENNIFER STEINHAEUER The New YorkTimes
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Dems plot to portray nominees as 'swamp creatures'

■ Senate Democrats are mocking Trump's "drain the swamp" rhetoric and plan to reveal inconsistencies in his Cabinet choices. But they concede they have little leverage to stop his nominees.

BY JENNIFER STEINHAEUER

The New York Times

WASHINGTON

Senate Democrats concede they have little leverage to stop Donald Trump's Cabinet nominees. But that will not discourage them from trying to make life as uncomfortable as possible for many of his choices, with the hope of forcing their Republican colleagues and Trump to squirm along the way.

With nominees like Rep. Tom Price, R-Ga., a proponent of fundamental changes to Medicare, to be health secretary, and Steven Mnuchin, a Goldman Sachs trader turned hedge fund manager, as Treasury secretary, Democrats hope to use the confirmation hearings to highlight the wide river of incongruities

between Trump's campaign promises and much of the team he is assembling. The goal: to fuel a narrative that the incoming president, and the Republicans who support him, cannot be trusted.

"President-elect Trump promised that he was going to clean up the swamp," said Sen. Chuck Schumer, D-N.Y., the incoming Democratic leader, "and a whole lot of his nominees have had their career in the swamp."

One by one, Schumer said, Democrats will use the confirmation process to highlight positions held by nominees that are either inconsistent with

Trump's campaign promises or raise the sorts of ethical ques-

tions Democrats tried in vain to hang around Trump's neck during the campaign, like refusing to release his tax returns. Sen. Elizabeth Warren, D-Mass., who serves on committees that are likely have contentious hearings, can be counted on to work over many nominees.

"We should know what direction this administration is headed in," Schumer said. "They didn't win the election by saying they were going to hire people who want to cut Social Security and Medicare. I will also be looking for any ethical transgressions."

For starters, Democrats an-

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NOMINEES

nounced last week they would push for a rule requiring all Cabinet-level nominees to provide Congress with their tax returns, a move made to suggest some of Trump's selections might share conflict-of-interest and tax issues with the incoming president.

Democrats have themselves to blame for their weakened position in challenging a nominee. In 2013, the Senate voted largely along party lines to remove the 60-vote threshold on Cabinet-level and non-Supreme Court judicial nominees.

Trump's nominees will now need the support of only 51 senators to be confirmed; Republicans are expected to hold 52

seats next year.

"At the end of the day, we were the ones who changed it to 51," said Sen. Claire McCaskill, D-Mo., who voted for the measure. "I think it's important to remember how righteous we were."

It is highly unusual for Congress, even in an era of divided government, to outright filibuster Cabinet nominees. Republicans have shown broad support for Trump's choices so far, even those lawmakers who have been otherwise critical of him.

In one telling move, Sen. Susan Collins, R-Maine, gave a fast nod to Trump's choice of attorney general, Sen. Jeff Sessions, R-Ala., who

came under immediate fire by Democrats for his decades-old positions on civil rights issues and his hard-line immigration stance that made him an early Trump ally.

In short, Republicans say bring it on. "Responsible Democrats responded to the election by saying they heard the message of the American people and pledged to work with the incoming administration and Republicans in Congress to move America forward," said Antonia Ferrier, a spokeswoman for Sen. Mitch McConnell, R-Ky., the majority leader. She added, "We hope responsible Democrats won't be bullied by the radical left

to turn the confirmation process into some political side show."

But Democratic lawmakers can make the process afflictive. Price is expected to receive a particularly hot grilling. As a congressman from Georgia, Price has been the chief architect of a plan to repeal the Affordable Care Act and has long desired to transform Medicare into a voucherlike program for future participants.

Sessions is likely to undergo tough questioning about accusations of racially insensitive comments from the 1980s that doomed his nomination to be a federal judge and his tentative embrace of Trump's call for a ban on Muslim immigration. That

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effort seems most likely to backfire because Sessions has served in the Senate for more than a decade and has a complex record on civil rights back home in Alabama, and his Republican colleagues will likely be quick to defend him.

"Our friend," said Sen. John Cornyn, R-Texas, the No. 2 Senate Republican, referring to Sessions, "is undoubtedly qualified and prepared for this role as attorney general because of the long career he spent protecting and defending our Constitution and the rule of law."

Betsy DeVos, the Michigan billionaire Trump chose to lead the Education Department, will also be questioned by Democrats for her unwavering support of charter schools, many of which have fared poorly in her state, and tax issues concerning her

summer home.

"There are a lot of pointed questions I plan to ask," said Sen. Ron Wyden, D-Ore., the highest ranking Democrat on the Senate Finance Committee, which oversees the Medicare program and requires tax returns from nominees. "These nomination hearings are extremely important in that they are going to provide a key opportunity to lay out the concerns we have."

Democrats hope that moderate Republicans, especially those up for re-election in two years, will face an uncomfortable vote on someone like Price, given the popularity of the Medicare program. "Are Republicans going to want to vote for a guy who wants to raise the Medicare eligibility age?" said Sen. Sherrod Brown, D-Ohio. "I don't think it's a

done deal." (It probably is a done deal.)

But most Democrats seem more interested in pointing out that Trump's nominees largely stand out of step with his campaign promises to "drain the swamp" of lobbyists, former bankers and Washington insiders. Mnuchin is a 17-year veteran of

Goldman Sachs, and the billionaire investor Wilbur Ross, the choice for commerce secretary, signed a letter in support of the Trans-Pacific Partnership trade deal, which Trump has ridiculed as disastrous.

Democrats plan to use the nomination process to underscore the dichotomy. "He's filling it with bigger swamp creatures," said Sen. Patty Murray, D-Wash., who is pressing for nominees to be required to disclose tax returns.

And for whatever

bumps Price or Sessions might face, other nomi-

nees will probably breeze through confirmation. Gov. Nikki R. Haley, R-S.C., whom Trump has chosen to be his ambassador to the United Nations, and Elaine L. Chao, a former labor secretary whom he has nominated for secretary of transportation, have encountered little opposition.

McConnell is especially excited for Chao, his wife. "I think it was an outstanding choice," he said.

“

THERE ARE A LOT OF POINTED QUESTIONS I PLAN TO ASK.”

Sen. Ron Wyden, D-Ore.



AL DRAGO NYT

Sen. Chuck Schumer (D-N.Y.) celebrates being named minority leader after the Senate Democratic organizing meeting on Nov. 16.

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STEPHEN CROWLEY NYT

Sen. Chuck Grassley with attorney general nominee Sen. Jeff Sessions, who is expected to get a tough grilling.



AL DRAGO NYT

Senate Majority Leader Mitch McConnell, R-Ky., meets with Betsy DeVos, Donald Trump's pick for education secretary, in Washington on Dec. 1.

Title: **Lt. Gov. McMaster predicts smooth hand-over from Gov. Haley**
 Author: BY SUSANNE M. SCHAFER Associated Press
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Lt. Gov. McMaster predicts smooth hand-over from Gov. Haley

BY SUSANNE M. SCHAFER

Associated Press

COLUMBIA

As he prepares to take over South Carolina's top job, Lt. Gov. Henry McMaster said Friday there is "much work to be done" on the state's crumbling roads, struggling schools and challenged water supplies, but he shied away from offering any concrete solutions.

"We will make progress, great progress," McMaster predicted in his first public comments since Gov. Nikki Haley was tapped last week to become President-elect Donald Trump's U.N. ambassador. She must be confirmed to the post by the U.S. Senate.

McMaster will assume the governor's role upon Haley's formal resignation. He would serve out the remaining two years of Haley's current term in office.

The lieutenant governor said he and Gov. Haley have staff members meeting in order to plan for the change.

"When she becomes

Ambassador Haley, we will have a very smooth transition," he said. He declined to answer queries about whom he would like to see serve as his lieutenant governor, and avoided answering a question about whether he'd support an increase in the gas tax to help rebuild the state's roads.

"I think everyone recognizes that our infrastructure, in terms of roads, bridges, highways, are critical to our future, as well as our schools, education, clean water and strong people," McMaster said. "We have much work to be done."

He spoke after standing in for Haley at the governor's annual session with top U.S. military commanders in the state sponsored by her Military Base Task Force. The group was founded to help stave off Pentagon base-closure moves to shed unneeded infrastructure as the size of the uniformed military forces was slashed in the

post-Cold War era.

Most of the seven military commanders who spoke asked McMaster for help in getting Congress to reject new Pentagon budget cuts, known by the term "sequestration." Many South Carolina Republican members of Congress have backed the automatic, across-the-board cuts as a means of controlling government spending.

Several of the military commanders also said their service members are looking for improvements in local schools attended by their children.

Although not outright critical of local schools, several officers pointed out that their service families rely on local education because they can't afford private schools. The state's Supreme Court has ruled that South Carolina has denied educational opportunities to poor rural schools and has ordered lawmakers to fix the system.

Fort Jackson commander Maj. Gen. Pete Johnson noted that two-thirds of his military families don't live on his installation, and all service members' middle and high school age children attend local schools.

"Education remains one of the most important factors" for military families as they ponder their constant moves about the country, he said. Military children must transfer six to a dozen times during their early school years, the two-star general said.

Shaw Air Force Base commander Col. Daniel Lasica pointed out that many of his installation's families have chosen to live an hour away in Columbia instead of near the installation so they could have more school choices. Private schools are too expensive for many military families, he said.

They officers represented the Army, Marine Corps, Air Force, Navy and Coast Guard and the South Carolina National Guard.

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MARY ANN CHASTAIN AP

South Carolina Lt. Gov. Henry McMaster will assume the governor's role upon current Gov. Nikki Haley's formal resignation, after she is appointed as ambassador to the United Nations. He would serve out the remaining two years of Haley's current term in office. McMaster said Friday in public comments that there is "much work to be done" on the state's crumbling roads, struggling schools and challenged water supplies, but he shied away from offering any concrete solutions.

Title: **Soon-to-be Gov. McMaster mum on gas-tax hike, his successor**
 Author: BY CASSIE COPE ccope@thestate.com
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Soon-to-be Gov. McMaster mum on gas-tax hike, his successor

■ Lt. Gov. McMaster will become governor if the U.S. Senate confirms Gov. Nikki Haley as U.S. ambassador to the United Nations.

BY CASSIE COPE
ccope@thestate.com

Lt. Gov. Henry McMaster was silent Friday on whether he would support an increase to the state's gas tax and who should succeed him as lieutenant governor.

McMaster will rise to the governor's office if the U.S. Senate confirms Gov. Nikki Haley to be ambassador to the United Nations.

Who will become lieutenant governor if McMaster ascends to the Governor's Mansion is unclear.

Historically, the president pro tempore of the Senate rises to lieutenant governor, as state law has said in the past. However, some say a 2014 change to the state Constitution enables

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progress," he said.

McMaster would not say whether he supports increasing the state's 16.75-cent-a-gallon gas tax to pay for road repairs. South Carolina's gas tax is the second lowest in the nation.

On Thursday, the head of the state's roads commission said McMaster has the opportunity to be an "infrastructure governor."

"Everyone recognizes that our infrastructure, in terms of roads, bridges,

McMaster to appoint a lieutenant governor.

"That's not up to me," McMaster said, adding, "It's up to the law."

McMaster would not say how he interprets the law.

The Columbia Republican addressed reporters after a meeting with the commanders of S.C. military bases, a gathering normally chaired by the governor. It was the first time McMaster has addressed reporters since news broke that President-elect Donald Trump would nominate Haley, a Lexington Republican

who is midway through her second and final term as governor, for the U.N. post.

McMaster was the first statewide elected official nationwide to endorse Trump for the GOP presidential nomination. He also delivered a speech nominating Trump for the GOP nomination at the Republican National Convention in July.

When asked about top issues Friday — funding S.C. schools, including rural schools that sued the state for more money, and the state's crumbling roads and bridges, McMaster was vague.

"We will make progress — great

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highways, are critical to the future," McMaster said.

Ed McMullen, a Columbia businessman who is assisting McMaster in his transition to the governor's office after also working on Trump's transition, said the goal is for a "seamless transition between Gov. Haley and Gov. McMaster."

"This is a very different transition (than Trump's)," McMullen said

Thursday, adding he expects there to be less turn-

over in the state's executive agencies than in Washington, where Trump has to appoint some 4,000 officials.

"He will fulfill his constitutional role with a very qualified team," McMullen said of McMaster. "This is very different than if it had been after an election.

"We'll meet on setting a timeline over the next couple days. ... We're trying to make sure we have a seamless transition between Gov. Haley and

Gov. McMaster."

Bristow Marchant contributed. Cassie Cope: 803-771-8657, @cassielcope

MCMASTER ENDORSED TRUMP FOR REPUBLICAN NOMINEE EARLY IN PRIMARY SEASON

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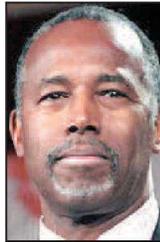


Title: **Trump taps Carson for HUD secretary**
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Trump taps Carson for HUD secretary

NEW YORK — Donald Trump chose retired neurosurgeon Ben Carson on Monday to be secretary of the Department of Housing and Urban Development, raising fresh concerns about the lack of experience some of Trump's Cabinet picks have with agencies they're now being chosen to lead.



BEN CARSON

Carson, who opposed Trump in the Republican primaries, has no background in government or running a large bureaucracy.

In addition, South Carolina Gov. Nikki Haley, Trump's choice to be ambassador to the United Nations, has no foreign policy experience. Steve Mnuchin, a former Goldman Sachs partner and Hollywood executive, is Trump's man to lead the Treasury Department but has never worked in government. And retired Gen. James Mattis, a widely praised battlefield commander, spent decades in the Marines but now is tapped to run the nation's largest government agency, the Defense Department, with 740,000 civilian employees in addition to 1.3 million service personnel.

Title: **Mistrial declared in motorist's shooting**
 Author: By BRUCE SMITH and SEANNA ADCOX Associated Press
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Mistrial declared in motorist's shooting

By **BRUCE SMITH**
 and **SEANNA ADCOX**

Associated Press

CHARLESTON — A South Carolina judge declared a mistrial Monday after a jury deadlocked in the murder trial of a white former police officer charged in the shooting death of an unarmed black motorist.

A panel of one black and 11 white jurors — who had seemed close to a verdict to convict Friday, with apparently only one holdout — said Monday they were unable to reach a unanimous decision after deliberating more than 22 hours over four days.

“We as a jury regret to inform the court that despite the best efforts of all parties we are unable to come to a unanimous decision,” said Circuit Judge Clifton Newman, reading a

note from the jury before declaring a mistrial.

Former patrolman Michael Slager was charged with murder in the April 4, 2015, shooting death of 50-year-old Walter Scott. The judge had said the jury could also consider a lesser charge of voluntary manslaughter.

Outside the courtroom, Scott's mother and brother said justice will eventually prevail.

“I'm not sad, because I know justice will be served,” Judy Scott said.

Asked whether he could forgive Slager, Anthony Scott said he could eventually “find the peace” to forgive the ex-officer but not before justice is served.

“He gets to spend Christmas with

his family,” he said of Slager.

Cellphone video taken by a bystander that showed Scott being shot in the back five times was shown widely in the media and on the internet and shocked the country, inflaming the national debate about how blacks are treated by law enforcement officers.

After the video went public, Slager was fired by the police department and charged with murder. Scott's family called for peace in the North Charleston community. Their calls for calm are believed to have helped prevent the kind of violence that

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erupted elsewhere when black men were killed in encounters with law enforcement.

It's the second time in recent weeks a jury has deadlocked in an officer-involved shooting. A mistrial was declared Nov. 12 when a jury in Cincinnati couldn't reach a verdict in the case of a former campus police officer who was also charged with shooting a black motorist.

The video in the Scott slaying renewed debate about how blacks are treated by white law officers. There have been similar debates over race and policing in places from New York to Ferguson, Missouri, and from Tulsa, Oklahoma, to North Carolina.

Slager's wife, Jamie, cried after the jurors were dis-

missed and briefly put her head on the bench in front of her. She said “thank you for everything” to the defense lawyers as they left the courtroom. She did not respond when reporters asked if she wanted to comment.

One female juror wiped away tears with her hands and a tissue as the attorneys addressed them and thanked them for their hours of work.

There were no outbursts in the courtroom. Slager's lawyer, Andy Savage, did not comment.

Scott's family again called for peaceful protests.

“We're not going to tear up this city,” Anthony Scott said. “We're not happy. But we're not sad.”

Solicitor Scarlett Wilson praised Scott's family for their patience and understanding.

“They have not received the credit they deserve in their calm leadership for the community,” she said in a statement. “The Scotts have been a sterling example of dignity and grace in extraordinary circumstances.”

Slager also faces trial next year in federal court on charges of depriving Scott of his civil rights.

Gov. Nikki Haley said that she understood there will be “a new trial where the Scott family and all of South Carolina will hopefully receive the closure that a verdict brings. Justice is not always immediate, but we must all have faith that it will be served I certainly do.”

While Slager is white and Scott was black, the video, not the races of the men, dominated the trial.

Scott was pulled over in North Charleston for having a broken taillight on his 1990 Mercedes and then fled the car, running into a vacant lot. Family members have said he may have run because he was worried about going to jail because he was \$18,000 behind on child support.

The prosecution argued that the 35-year-old Slager let his sense of authority get the better of him.

The defense maintained that the two men wrestled on the ground, that Scott got control of Slager's stun gun and then pointed the weapon at the officer before the shooting. The defense also contended there was no way the officer could tell if Scott was unarmed.

Last year, the city of North Charleston reached a \$6.5

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million civil settlement with review of its police depart-
Scott's family. In the wake ment policies with an eye
of the shooting, the city toward how the department
also asked that the U.S. Jus- can improve its relationship
tice Department conduct a with residents.



ASSOCIATED PRESS

Michael Slager, left, walks from The Mills House Hotel to the Charleston County Courthouse under the protection from the Charleston County Sheriff's Department during a break in the jury deliberations for his trial Monday in Charleston, S.C.



ASSOCIATED PRESS

Pastor Thomas Dixon, left, prays during a prayer vigil in front of the Charleston County Courthouse as the jury deliberates in the Michael Slager trial Monday in Charleston, S.C.



Title: Leatherman's call
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Leatherman's call

Thumbs up to S.C. Sen. Hugh K. Leatherman for passing on a chance to ascend to a statewide office as lieutenant governor so he can continue to represent the people of Florence County who have elected him again and again (and again and again and again ...). He said this week that he wants to stay where he is, which means he will remain as chairman of the Senate Finance Committee. In that role, Leatherman holds as much power as anyone in the state....

South Carolina voters decided two years ago to stop electing a lieutenant governor. Rather, the governor will get to appoint a lieutenant governor. But that law is not supposed to go into effect until 2018. It could be a court has to decide who will replace Henry McMaster, who will replace departing Gov. Nikki Haley (if the U.S. Senate approves her appointment as the United States' ambassador to the United Nations).

- Morning News Florence