

NEWS ANALYSIS

Openly Killing Suspected Smugglers, Close-Mouthed on Law

By CHARLIE SAVAGE

WASHINGTON — Since he returned to office nine months ago, President Trump has sought to expand executive power across numerous fronts. But his claim that he can lawfully order the military to summarily kill people accused of smuggling drugs on boats off the coast of South America stands apart.

A broad range of specialists in laws governing the use of lethal force have called Mr. Trump’s orders to the military patently illegal. They say the premeditated extrajudicial killings have been murders — regardless of whether the 43 people blown apart, burned alive or drowned in 10 strikes so far were indeed running drugs.

The administration insists that the killings are lawful, invoking legal terms like “self-defense” and “armed conflict.” But it has offered no legal argument explaining how to bridge the conceptual gap between drug trafficking and associated crimes, as serious as they are, and the kind of armed attack to which those terms can legitimately apply.

The irreversible gravity of killing, coupled with the lack of a substantive legal justification, is bringing into sharper view a structural weakness of law as a check on the American presidency.

It is becoming clearer than ever that the rule of law in the White House has depended chiefly on norms — on government lawyers willing to raise objections when merited and to resign in protest if ignored, and on presidents who want to appear law-abiding. This is especially true in an era when party loyalty has defanged the threat of impeachment by Congress, and after the Supreme Court granted presidents immunity from prosecution for crimes committed with official powers.

Every modern president has occasionally taken some aggressive policy step based on a stretched or disputed legal interpretation. But in the past, they and their aides made a point to develop substantive legal theories and to meet public and congressional expectations to explain why they thought their actions were lawful, even if not everyone agreed.

Around 15 years ago, intense



HAIYUN JIANG/THE NEW YORK TIMES

The Trump administration has used legal terms like “armed conflict” to defend the strikes on boats.

legal controversy surrounded President Barack Obama’s drone strikes targeting Al Qaeda militants in places where the United States did not have ground troops, like Yemen and tribal Pakistan. Those included the killing of a U.S. citizen, Anwar al-Awlaki, who was deemed an operational terrorist leader whose capture was infeasible.

Behind the scenes, Obama administration lawyers wrestled with the scope and limits of how the congressionally authorized armed conflict against Al Qaeda could apply to such scenarios. They developed lengthy and detailed memos citing Supreme Court precedents, and systematically worked through issues of domestic and international law.

The details of its legal rationale became known to Congress and the public not only through unauthorized disclosures and Freedom of Information Act lawsuits, but also because the administration delivered speeches and produced a white paper summarizing its reasoning, which it gave to Congress.

Continued on Page 23

Costly Radio System Faltered When Texas Needed It Most

This article is by **Mike Baker**, **Danny Hakim** and **Blacki Migliozi**.

After a deadly flash flood swept through Kerr County in central Texas this summer, rescuers combed dozens of miles along the Guadalupe River, looking for survivors. The grueling job was made more difficult because the radio system they needed to coordinate the response was not up to the task.

Some rescuers got busy signals. Others got garbled messages. At Camp Mystic, the summer camp where 25 children died in the flooding, there was little to no coverage. Temporary radio towers eventually were brought in to extend service into the disaster zone.

It was a frustrating mix of problems, made even more troubling because Kerr County had just spent \$7 million to overhaul its radio communication system. But the deficiencies were no accident: The new network, installed by Motorola Solutions, excluded about a quarter of the county’s sprawling territory from reliable coverage for portable radios, leav-

ing dead zones around Camp Mystic and other areas along the river.

To identify the system’s shortcomings, The New York Times digitized proposed coverage maps for Kerr County, reviewed contracting records and obtained data about the radio network’s performance through public records law. The Times found that a nonprofit public utility had also sought to bid on the project and had proposed more extensive portable radio coverage that would have reached more than 90 percent of the county’s territory, including the Camp Mystic area.

The alternative system proposed by the utility, the Lower Colorado River Authority, would also have offered more capacity. And it could have been cheaper. But Motorola won the contract anyway, aided by a process that was tilted in the company’s favor.

Thomas Gilbert, a radio system manager who was brought in by the state to help coordinate communications, said a combination of coverage shortfalls and compatibility problems proved frustrating for responders who were

Continued on Page 18



LAUREN DeCICCA FOR THE NEW YORK TIMES

Families of P.O.W.s Turn to Trump

Kruoch Ya, with her son Ros Soveayo, trusts that the U.S. president will push Thailand to release Cambodian troops. Page 10.

Canada Faces Higher Tariffs Over Ad Spat

Trump Adds 10% After Ending Trade Talks

By MATINA STEVIS-GRIDNEFF

TORONTO — President Trump doubled down on Saturday in his feud with Canada over a television ad that used audio of former President Ronald Reagan denouncing tariffs, saying he would punish the country with an additional 10 percent tariff on its goods.

Mr. Trump had already suspended monthslong trade talks with Canada, the United States’ second-largest trading partner, on Thursday night because of the ad, which had been paid for by Ontario. Though the ad faithfully reproduced Mr. Reagan’s words, just in a different order, Mr. Trump has insisted it was “fraudulent” after the Ronald Reagan Presidential Foundation and Institute said it had made “selective” use of the five-minute original address.

The latest twist in the Canada-United States saga comes as the two countries have been locked in intensive talks over lowering some U.S. tariffs on key Canadian goods. The countries’ relationship has dramatically deteriorated since Mr. Trump’s election, as he has menaced the close U.S. ally with tariffs and spoken of making Canada the 51st state.

Canadians have reacted with anger and have rallied around the flag in a rare burst of patriotism, but the Canadian economy has been suffering the consequences of the dispute. Ontario, in particular, has much at stake in trade relations with the United States, and its premier on Friday posted the entire Reagan address online.

The audio used in the province’s ad was authentic, and minor edits to the original 1987 address did not alter the substance of Mr. Reagan’s remarks, which were highly critical of tariffs’ consequences. Following Mr. Trump’s outrage, though, the province pulled it from the airwaves, effective Monday.

Still, the commercial was shown during the first World Series game on Friday, during which the Toronto Blue Jays defeated the Los An-

Continued on Page 12

U.S. SEEKS A WAY TO BYPASS CHINA ON RARE EARTHS

DEVELOPING RESERVES

Concern About the Time Required to Create a New Supply Chain

By ANA SWANSON

WASHINGTON — The Trump administration is pursuing an array of unconventional measures to shore up mineral supplies that are vital for makers of cars, jet engines, weaponry and data centers, as the Chinese government leverages its control of rare earth exports in ways that could cripple global industry.

In recent months, the administration has taken stakes in several mining and minerals firms. It has talked of establishing a strategic reserve of rare earths, and supporting domestic producers with price controls and tariffs. On Monday, the United States announced a strategic agreement with Australia to invest billions of dollars to develop mineral supplies. The topic is expected to be on the agenda for a Group of 7 meeting in Canada at the end of the month.

Some analysts have praised the administration’s effort to find new approaches to reduce a dependence on China that has persisted through the terms of many U.S. presidents. But they have cautioned that the measures are not likely to provide a quick fix to a deep reliance on Chinese mineral supplies.

Constructing the mines, refineries and factories needed to provide a real alternative to Chinese supplies will most likely take years — even if foreign producers can obtain the machinery and technology they need, which the Chinese government has also proposed controlling. These investments will also require substantial capital, creating the risk that some taxpayer funds will go to unproven companies that could fail.

China mines 70 percent of the world’s rare earths, and does chemical processing for 90 percent of the global supply. When

Continued on Page 12

U.S. Details How the Mob Lured High Rollers Into Rigged Poker

By MICHAEL WILSON

The squat, brick building on Lexington Avenue in Manhattan looked like any other on the block, with no hint of the elaborate trap within.

In the summer of 2023, a man — we’ll call him, as prosecutors do, John Doe #1 — walked into the building and sat down at an invitation-only, back-room poker table.

The game was Texas hold ’em. The stakes were high. Standing by was a security guard known as Albanian Bruce or, alternately and more tellingly, Big Bruce.

Other players joined. John Doe #1 believed he had as good a chance as any of them.

The others, as described by federal prosecutors in Brooklyn in a case unsealed on Thursday, knew better. They were not just card players. Sometimes, retired N.B.A. players were at the table — “face cards” there to attract high rollers. Others included members and associates of the Gambino and Lucchese organized crime families, old-school crews sitting down to a cutting-edge hustle.

When the dealer ran decks of cards through a shuffling machine, the trap was set.

This was no ordinary shuffling machine, according to the indictment. It contained hidden technology that read the cards in the deck and instantly predicted which player would be dealt the best hand, prosecutors said.

That information was transmitted outside the building to someone known as the operator. The operator, in turn, alerted a player at the table who was in on the scheme — “the quarterback” or “the driver.” Finally, that player told his comrades what was about to happen, prosecutors said, through a system of secret signals. The signals included touching certain poker chips to communicate different outcomes while appearing to be

Continued on Page 30

METROPOLITAN

A Stark Lack of Seating

Looking for a place to rest or watch your fellow city dwellers? Don’t rely on public benches, which often have little or no room to sit down.

PAGE 1

SUNDAY STYLES

Risky Humor Is Paying Off

Though Leslie Jones got a late start to fame, her third special continues a decade-long streak forging a career that appeals to the masses.

PAGE 10

ARTS & LEISURE

Taking On a War, and a Battle

The 12-hour documentary by Ken Burns about the American Revolution, which debuts on PBS on Nov. 16, will arrive in the middle of a culture war.

PAGE 12

SUNDAY BUSINESS

Curriculum of Chatbots

The California State University system wants to become “A.I.-empowered,” so it invited tech companies to run a boot camp for students.

PAGE 6

SUNDAY OPINION

Finn Brunton

PAGE 6



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