**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MARYLAND**
**SOUTHERN DIVISION**

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| INTERNATIONAL REFUGEE ASSISTANCE PROJECT, et al., | Civil Action No.: 8:17-CV-00361-TDC |
| Plaintiffs, | **PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION AND/OR TEMPORARY RESTRAINING ORDER OF THE EXECUTIVE ORDER & MEMORANDUM OF LAW IN SUPPORT THEREOF** |
| v. | |
| DONALD TRUMP, et al, | |
| Defendants. | |

Plaintiffs hereby seek a preliminary injunction and/or temporary restraining order enjoining Executive Order 13780 in its entirety.

## INTRODUCTION

Executive Order 13780 (the "Executive Order" or the "March 6 Order"), signed on March 6, 2017, shares the same core constitutional problems as its predecessor issued five weeks earlier: it discriminates on the basis of religion and nationality, violating the Constitution and the Immigration and Nationality Act ("INA"). The government "may not adopt programs or practices . . . which . . . oppose any religion." *Larson v. Valente*, 456 U.S. 228, 246 (1982) (citation and punctuation omitted). "This prohibition is absolute." *Id*. Voluminous evidence—including public statements by the President and his close associates—demonstrates that the March 6 Order, both in purpose and effect, discriminates against Muslims and their religion, Islam. It also violates the clear statutory prohibition on nationality-based discrimination by the executive branch. Moreover, the Executive Order causes severe and irreparable injury to the individual plaintiffs, the organizational plaintiffs, and the organizational plaintiffs' clients, separating family members from one another, stranding people in unsafe locations overseas, and stigmatizing and demeaning one religious group. The government's own actions demonstrate that there is no legitimate justification for this discriminatory Order. Accordingly, Plaintiffs respectfully request that this Court enjoin its enforcement during the pendency of this case by issuing either a temporary restraining order or a preliminary injunction prior to the Order's effective date of March 16, 2017.

## BACKGROUND

President Donald Trump was inaugurated on January 20, 2017, having promised that, if elected, he would enact a "shutdown of Muslims entering the United States." *See, e.g.*, Hausman

Decl. Ex. E (Statement by Donald J. Trump on Preventing Muslim Immigration (Dec. 7, 2015) [hereinafter Trump Statement on Preventing Muslim Immigration]). One week later, on January 27, 2017, he signed Executive Order No. 13769. Among other things, the January 27 Executive Order barred all admissions of individuals from seven Muslim-majority countries for an initial 90-day period; provided for the possibility of an indefinite extension of the ban on those countries; banned Syrian refugees indefinitely; banned all other refugees for 120 days; lowered the annual level of refugee admissions from 110,000 to 50,000; and created a mechanism to give preference to Christian refugees living in Muslim-majority countries.

The January 27 Order created massive chaos and confusion in its short period of full operation. It placed people at risk of persecution and torture, separated families, disrupted workplaces, and interfered with courses of study. It was immediately challenged in several courts, and was quickly enjoined in large part, most significantly by a nationwide injunction issued by the District Court for the Western District of Washington on February 3, 2017. *See Washington v. Trump,* No. C17–0141–JLR, 2017 WL 462040 (W.D. Wash. Feb. 3, 2017) (enjoining Sections 3(c), 5(a)-(c), and 5(e) of the January 27 Executive Order); *Darweesh v. Trump*, No. 17 CV 480, 2017 WL 388504 (E.D.N.Y. Jan. 28, 2017) (prohibiting the government from removing individuals pursuant to the Order); *Aziz v. Trump*, ___ F. Supp. 3d ___, 2017 WL 580855 (E.D. Va. Feb. 13, 2017) (granting preliminary injunction of portions of Order on Establishment Clause grounds). The Ninth Circuit Court of Appeals issued an opinion declining to stay the Washington injunction on February 9, 2017. *Washington v. Trump*, 847 F.3d 1151 (9th Cir. 2017).

On February 16, 2017, the government informed the Ninth Circuit that "the President intends in the near future to rescind the Order and replace it with a new, substantially revised

Executive Order." Gov't en banc brief, *Washington v. Trump*, Doc. 154. A senior White House official explained that the "revised" order would include "mostly minor technical differences" from the original order, resulting in "the same basic policy outcome for the country." [1]

Notwithstanding the claimed national security risk allegedly caused by the decisions enjoining the first Order, the revised Order—Executive Order 13780—was not issued until March 6, 2017, more than a month later.[2] The revised Order shares the same basic design as the original: it bans individuals from six of the seven Muslim-majority countries banned in the January 27 Order for 90 days, with additional bans or restrictions possible after the initial period ends; and it bans all refugees for 120 days and reduces the annual level of refugee admissions from 110,000 to 50,000. The revisions to the Order, such as exempting green card holders and individuals who currently hold a valid visa, removing Iraq from the list of banned countries, no longer indefinitely banning Syrian refugees, and removing an explicit preference for certain refugees who are religious minorities do not, and cannot, cure the constitutional defects of the original Order.

On February 7, 2017, Plaintiffs filed a complaint for declaratory and injunctive relief, challenging the January 27 Executive Order. *See* Compl. (doc. #1). Because a nationwide injunction had been previously entered in the *Washington* litigation, Plaintiffs moved for a preliminary injunction only as to the provision of the Order limiting refugee admissions to 50,000 for the current fiscal year, and only on the basis of that provision's violation of the Refugee Act. *See* Mot. for Prelim. Inj. (doc. # 64). Following the issuance of the March 6

[1] Hausman Decl. Ex. B (Matthew Nussbaum, Josh Gerstein and Cristiano Lima, *White House creates confusion about future of Trump's travel ban*, Politico, Feb. 21, 2017).

[2] At least part of that delay was attributed to the desire to avoid cutting short the positive press the President received in the days following the President's address to Congress. Hausman Decl. Ex. FF (Laura Jarrett, Ariane de Vogue, and Jeremy Diamond, "*Trump delays new travel ban after well-reviewed speech*," CNN.com, March 1, 2017).

Executive Order, Plaintiffs amended their Complaint, *see* FAC (doc. # 89), and—in light of the irreparable injury they will suffer because of the new Order—now file this motion, seeking to immediately enjoin implementation of the new Order in its entirety.

## LEGAL STANDARD

Motions for temporary restraining orders and preliminary injunctions are governed by the same four-factor test: Courts consider whether plaintiffs have shown: (1) a likelihood of success on the merits, (2) that they are likely to suffer irreparable harm in the absence of such relief, (3) that the balance of equities tips in their favor, and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008); *see also Centro Tepeyac v. Montgomery Cty.*, 722 F.3d 184, 188-89 (4th Cir. 2013) (en banc) (outlining *Winter* standard). To show a likelihood of success on the merits, plaintiffs "need not show a certainty of success." *Pashby v. Delia*, 709 F.3d 307, 321 (4th Cir. 2013).

## ARGUMENT

### I. PLAINTIFFS ARE LIKELY TO SUCCEED ON THEIR CLAIMS THAT THE EXECUTIVE ORDER VIOLATES THE ESTABLISHMENT CLAUSE, THE FIFTH AMENDMENT'S GUARANTEE OF EQUAL PROTECTION, AND THE IMMIGRATION AND NATIONALITY ACT

The Executive Order's purpose is to prevent Muslims from coming to the United States. Overwhelming evidence establishes this impermissible discriminatory purpose, including repeated statements by the President and his closest advisors, the text of the Order itself, the process leading up to its issuance, and the disconnect between its provisions and its stated purposes.

When the government discriminates on the basis of religion, it violates both the Establishment Clause and the equal protection component of the Fifth Amendment's Due Process Clause. Those provisions impose slightly different doctrinal requirements, as explained

below, *see infra* Part I.B, but they share a common underlying rule: The government may not target a particular religion for disfavored treatment. *See Lemon v. Kurtzman*, 403 U.S. 602, 612 (1971) (enactment "must have a secular legislative purpose" under the Establishment Clause); *Larson*, 456 U.S. at 244 ("The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another."); *City of New Orleans v. Dukes*, 427 U.S. 297, 303 (1976) (per curiam) (describing "inherently suspect distinctions such as . . . religion" under the Equal Protection Clause). As Justice O'Connor put it, "the Religion Clauses . . . and the Equal Protection Clause as applied to religion [] all speak with one voice on this point: Absent the most unusual circumstances, one's religion ought not affect one's legal rights or duties or benefits." *Bd. of Educ. of Kiryas Joel Village Sch. Dist. v. Grumet*, 512 U.S. 687, 715 (1994) (O'Connor, J., concurring in part and concurring the judgment). The Executive Order violates this basic rule.

### A. The Executive Order Was Motivated By Anti-Muslim Bias and Intended to Target Muslims.

"Determining whether invidious discriminatory purpose was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available." *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266 (1977); *see also Hunter v. Underwood*, 471 U.S. 222, 227-28 (1985). Courts look to a number of factors in assessing the purpose behind challenged governmental conduct, including, among others, the nature and degree of disparate impact; the historical background and specific series of events leading to enactment; the legislative or administrative history, contemporaneous statements made by the decisionmakers; previous versions of the policy; and any departures from normal processes or substantive considerations. *See Hunter*, 471 U.S. at 227-28; *Arlington Heights*, 492 U.S. at 266-68; *McCreary Cty. v. ACLU of Ky.*, 545 U.S. 844, 861-66 (2005); *Church of the*

*Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 540 (1993). In other words, this Court must consider not only the text and effect of the Order, but also the "the contemporaneous legislative history," "the historical context," and "the specific sequence of events leading to [its] passage." *McCreary*, 545 U.S. at 862 (internal quotation marks omitted); *accord Washington*, 847 F.3d at 1167 ("It is well established that evidence of purpose beyond the face of the challenged law may be considered."). Here, these factors all point to one conclusion, and overwhelmingly so—that Defendants' predominant purpose was to target Muslims and single them out for disfavor.

First, the direct evidence of intent in this case is striking and unusually extensive. *Cf. Smith v. Town of Clarkton*, 682 F.2d 1055, 1064 (4th Cir. 1982) (noting that elected officials "seldom, if ever, announce on the record that they are pursuing a particular course of action because of their desire to discriminate against a racial minority"). As a candidate, President Trump expressly stated numerous times that he intended, if elected, to ban Muslim immigrants from entering the United States.[3] Hausman Decl. Ex. E (Statement by Donald J. Trump on Preventing Muslim Immigration (Dec. 7, 2015) [hereinafter Trump Statement on Preventing Muslim Immigration]) (stating that "Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on"). Indeed, the President's campaign website, which he continues to update and maintain as President, to this day contains the same "statement on preventing Muslim

[3] *See also id*. (asserting that "there is great hatred towards Americans by large segments of the Muslim population," and "it is obvious to anybody the hatred is beyond comprehension"); *id*. at Ex. V (Donald J. Trump (@realDonaldTrump), Twitter (December 7, 2015, 1:47 PM)); *id*. at Ex. W (Jenna Johnson, *Trump calls for 'total and complete shutdown of Muslims entering the United States'*, Wash. Post (Dec. 7, 2015)) (noting that in addition to the call for the complete shutdown of Muslims entering the United States, President Trump had signaled his support for "heavy surveillance of mosques" and that he "would consider establishing a database to track all Muslims in the country").

immigration."[4] These statements are highly probative. *See id*.; *see also, e.g*., *Washington v*. *Seattle Sch*. *Dist*. *No*. *1*, 458 U.S. 457, 471 (1982) (considering statements made by proponents during an initiative campaign to determine whether voters adopted an initiative for an improper purpose); *Rivera v*. *Inc*. *Vill*. *of Farmingdale*, 784 F. Supp. 2d 133, 148-49 (E.D.N.Y. 2011) (considering campaign materials as probative of an illicit intent); *cf*. *Edwards v*. *Aguillard*, 482 U.S. 578, 587-93 (1987) (examining statements by law's sponsor to determine intent); *Busbee v*. *Smith*, 549 F. Supp. 494, 500 (D.D.C. 1982) (three-judge district court) (considering attitudes and remarks of elected official who "played the instrumental role" in the challenged action), *aff'd* 459 U.S. 1166 (1983). He has never repudiated that commitment.

When confronted with widespread objections to his ban, President Trump began to use territory as a proxy for religion, but confirmed that it was still the same scheme.[5] These statements continued after the election. When asked almost two months later whether he still intended to ban Muslim immigrants from the United States, President-elect Trump indicated that his plans had not changed.[6] Indeed, two days after the original Executive Order was issued, Rudolph Giuliani, an advisor to President Trump, stated that then-candidate Trump had asked Mr. Giuliani for help in "legally" creating a "Muslim ban"; that in response, Mr. Giuliani and others decided to use territory as a proxy; and that this idea was reflected in the signed Order.[7]

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[4] Hausman Decl. Ex. E (Trump Statement on Preventing Muslim Immigration).

[5] Hausman Decl. Ex. X (*Meet the Press* (NBC television broadcast July 24, 2016) (in response to being asked if a plan similar to the now-enacted Order was a "rollback" from "[t]he Muslim Ban," then-candidate Trump stated: "I actually don't think it's a rollback. In fact, you could say it's an expansion. . . . I'm looking now at territory. People were so upset when I used the word Muslim. Oh, you can't use the word Muslim. Remember this. And I'm OK with that, because I'm talking territory instead of Muslim.").

[6] Hausman Decl. Ex. Y (Katie Reilly, *Donald Trump on Proposed Muslim Ban: 'You Know My Plans*,' Time (Dec. 21, 2016)).

[7] Hausman Decl. Ex. Z (Amy B. Wang, "*Trump asked for a 'Muslim ban,' Guiliani says – and ordered a commission to do it 'legally*'", Wash. Post (Jan. 29, 2017)) (Mr. Giuliani explaining

*Compare with Hunter*, 471 U.S. at 229-33 (rejecting attempt to launder discriminatory motive by choosing facially-neutral criteria that would, when applied, have the desired discriminatory effect).

The same intent animates the revised Executive Order, which carries on the purpose of the original Order. In a press conference on February 16, 2017, President Trump, discussing the Ninth Circuit decision leaving the previous Order enjoined, said, "[W]e can tailor the order to that decision and get just about everything, in some ways, more."[8] Days later, White House advisor Stephen Miller affirmed President Trump's statement, explaining that any changes to the first Executive Order would be "mostly minor, technical differences" with "the same, basic policy outcome for the country."[9] White House spokesperson Sean Spicer echoed these comments on March 6, explaining, after President Trump signed the revised Order, "The principles of the executive order remain the same."[10]

Thus, while the revised Order differs in some respects from the first, it is no less a reflection of discriminatory intent than the previous version. *Cf. United States v. Fordice*, 505 U.S. 717, 729-30 (1992) ("If policies traceable to the [unconstitutionally discriminatory] system are still in force and have discriminatory effects, those policies too must be reformed to the extent practicable . . . ."). Indeed, even without the President's and his advisors' explicit statements to that effect, the progression of the policies makes this plain. The Orders have identical titles, enact the same basic 90- and 120-day travel bans, and cite the same purported

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that "when [then-candidate Trump] first announced it, he said, 'Muslim ban.' He called me up. He said, 'Put a commission together. Show me the right way to do it legally.").

[8] Hausman Decl. Ex. G (*Full Transcript: President Donald Trump's News Conference*, CNN, February 17, 2017).

[9] Hausman Decl. Ex II (Matt Zapotsky, *A new travel ban with 'mostly minor technical differences'? That probably won't cut it, analysts say*, Wash. Post, Feb. 22, 2017).

[10] Hausman Decl. Ex. H (William Gallo & Victoria Macchi, Trump Signs New Travel Ban Order, VOA News, Mar. 6, 2017).

need to review vetting procedures. The Supreme Court has explained that the "development of the . . . [challenged policy] should be considered when determining its purpose." *McCreary*, 545 U.S. at 850-51; *see Wallace v. Jaffree*, 472 U.S. 38, 56-60 (1985) (concluding that statute had improper religious purpose after weighing legislative history and text of related, predecessor statute). In *McCreary*, the Court rejected the suggestion that a court could only examine "the last in a series of governmental actions, however close they may all be in time and subject." 545 U.S. at 866. It explained, "the world is not made brand new every morning," and "our precedents sensibly forbid an observer to turn a blind eye to the context in which [the] policy arose." *Id*. *See also Aziz*, 2017 WL 580855, at *8 (rejecting government's request to limit the "temporal scope of the purpose inquiry" to President Trump's post-inauguration statements, noting, "a person is not made brand new simply by taking the oath of office").

Second, the language of both the January 27 and March 6 Orders are replete with exactly the kind of language the Supreme Court has found to indicate intent to discriminate on the basis of religion. *See, e.g.*, *Lukumi*, 508 U.S. at 534-35 (holding that, in context, statutory references to "sacrifice" and "ritual" bespoke intent to target a particular religion, noting that "on this record it cannot be maintained[] that city officials had in mind a religion other than Santeria"). The January 27 Order employed multiple barely veiled references to stereotypes regarding Islam. The Order referred to "honor killings," Order §§ 1, 10(a)(iii); "violent ideologies," Order § 1; "persecution of those who practice religions different from their own," Order § 1; and "foreign nationals" being "radicalized," Order § 10(a)(ii). Although two of these references were scrubbed from the revised Order, two others—pertaining to "honor killings" and "foreign

nationals" being "radicalized"—remain. Revised Order § 11(ii), (iii).[11] And while these references are clear enough on their own terms, their meaning is undeniable when read against the backdrop of the President's prior statements regarding Islam, which invoked the same false stereotypes about Muslims.[12]

Moreover, while the revised Order exempts LPRs and other individuals, *see* Revised Order § 3(a), (b), it retains the first Order's focus on banning travel from certain Muslim-majority countries. With the exception of Iraq, the original and revised Orders bar travel into the United States by foreign nationals of the same countries. *Id*. § 2(c). All of them—Iran, Libya, Somalia, Sudan, Syria, and Yemen—are over 90% Muslim. *See* Hausman Decl. Ex. R (Central Intelligence Agency's World Factbook). No non-Muslim majority countries are designated in either the original or revised Order, and thus the Order will disproportionately affect Muslims seeking to travel or enter the United States,[13] which is of course probative of intent. *See, e.g*., *Reno v*. *Bossier Parish Sch*. *Bd*., 520 U.S. 471, 487 (1997) ("[I]mpact of an official action is often probative of why the action was taken in the first place since people usually intend the natural consequences of their actions (citing *Arlington Heights*, 429 U.S. at 266)).

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[11] Unsurprisingly, the March 6 Order's targeting of Muslims was apparent to those who supported the Order, as well as those who opposed it. For example, a Breitbart article published the same day indicated that "honor killings" are exclusively committed by Muslims, describing them as "a brutal practice wherein Muslim males will murder or mutilate female family members accused of bringing shame and dishonor to their families and Islam," and predicted that the March 6 Order "will likely increase the broad support Trump's immigration policies enjoy." Hausman Decl. Ex. NN (Katie McHugh, *Trump's Executive Order Mandates Government Reports on Honor Killings Committed by Migrants*, Breitbart.com, Mar. 6, 2017).

[12] Hausman Decl. Ex. JJ (*Transcript of Donald Trump's Aug. 21, 2016 Immigration Speech*, N.Y. Times, Sept. 1, 2016) (mentioning "honor killings" in the same sentence as "Radical Islam").

[13] The revised Order does provide for some exceptions to this six-country ban, Revised Order § 3(c), but the waiver is subject to individual CBP officers' unfettered discretion. In any case, the possibility of discretionary waivers for some cannot cure the Order's discriminatory purpose and effect.

Third, the Orders are riddled with indications that the proffered security rationale neither shaped the Order's contours nor motivated its development. When the government proffers a secular reason for challenged conduct, a court must assess whether the reason is "genuine, not a sham, and not merely secondary to a religious objective." *McCreary*, 545 U.S. at 864; *see Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000) (explaining "the duty of the courts to distinguish a sham secular purpose from a sincere one") (internal quotation marks and alteration omitted); *cf. Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133, 147 (2000) (noting "the general principle of evidence law that the factfinder is entitled to consider a party's dishonesty about a material fact as 'affirmative evidence of guilt.'" (citation omitted)).

To begin, the White House adopted the January 27 Order without consulting *any* of the agencies tasked with protecting national security—including the Departments of State, Justice, Homeland Security, and Defense.[14] In other words, if security was the goal, the government used a patently irrational and highly irregular process for achieving that goal. This is strong evidence of improper intent. *See, e.g.*, *Arlington Heights*, 429 U.S. at 267 ("Departures from the normal procedural sequence also might afford evidence that improper purposes are playing a role."); *Smith*, 682 F.2d at 1066 ("[D]eviations from the procedural norm by governmental decisionmakers . . . are suspect when they lead to results impacting more harshly on one race than on another"); *Pac. Shores Properties, LLC v. City of Newport Beach*, 730 F.3d 1142, 1164 (9th Cir. 2013) ("procedural irregularities" evidence of discriminatory intent). If the January 27 Order had actually been an effort to devise a policy response to a security concern, it is inconceivable that its sweeping changes would have received *no* input from those in the

[14] This fact was widely reported. *See, e.g.*, Hausman Decl. Ex. I (Evan Perez et al., *Inside the Confusion of the Trump Executive Order and the Travel Ban*, CNN, Jan. 30, 2017); Hausman Decl. Ex. J (Michael D. Shear et al., *Judge Blocks Trump Order on Refugees Amid Chaos and Outcry Worldwide*, N.Y. Times, Jan. 28, 2017).

executive branch with expertise in homeland security, visa processing, or refugee admissions.[15] But that is what all the evidence suggests, and, as the court in *Aziz* put it, the government has never "described the process by which the [P]resident concluded that this action was necessary." *Aziz*, 2017 WL 580855, at *3.

The original Order's scope also belies its stated purpose. Despite its professed aim "[t]o temporarily reduce investigative burdens" and improve "the screening of foreign nationals," January 27 Order § 3(c), the Order barred entry by LPRs and people who had already been issued visas. Put simply, LPRs and visa holders impose no "investigative burdens" because they are not subject to any further "screening." There is no way that their exclusion could have advanced the goals stated in the text of the Order. This disconnect between the Order's stated purposes and its actual provisions further bespeaks pretext. *See, e.g.*, *Arlington Heights*, 429 U.S. at 267 ("Substantive departures too may be relevant, particularly if the factors usually considered important by the decisionmaker strongly favor a decision contrary to the one reached."); *Greater New Orleans Fair Hous. Action Ctr.*, 648 F. Supp. 2d 805, 814-19 (E.D. La. 2009) (evaluating the city's proffered justifications for its actions, finding them factually unsupported, and concluding that the challenged governmental action therefore was pretextual and an invidious motive could be inferred); *Doe v. Village of Mamaroneck*, 462 F. Supp. 2d 520, 549, 552 (S.D.N.Y. 2006) (same); *see also Cent. Ala. Fair Housing Center v. Magee*, 835 F. Supp. 2d 1165, 1188-91 (M.D. Ala. 2011) (discussing at length how state law that had a disparate impact on Latino children substantively departed from historical treatment of children

[15] As one commentator put it, "in the rational pursuit of security objectives, you don't marginalize your expert security agencies and fail to vet your ideas through a normal interagency process." Hausman Decl. Ex. K (Benjamin Wittes, *Malevolence Tempered by Incompetence: Trump's Horrifying Executive Order on Refugees and Visas*, Lawfare, Jan. 28, 2017) ("This is the first policy the United States has adopted in the post-9/11 era about which I have ever said this.").

in general, thereby providing evidence of an intent to discriminate), *vacated as moot*, 2013 WL 2372302 (11th Cir. May 13, 2013).

The revised Order introduces additional inconsistencies and irrationalities. It removes Iraq from the list of banned countries. But because the primary reasons it points to were just as true on January 27 as they are on March 6, *see* Revised Order § 1(g), by removing Iraq, the government has fundamentally undermined any argument that either the seven-country list, or a selective subset of it, is inherently well-suited to the Order's purported non-discriminatory aims. Further, the government can no longer claim that the list is insulted from any discriminatory purpose because Congress or a previous administration compiled it.

In the March 16 Order, the government also spotlights a case—presumably one of the best the administration could find—in which a former refugee from Somalia was convicted of a terrorism-related offense. *See* Revised Order § 1(h). But that person entered the United States as a toddler;[16] improved refugee screening obviously could not have predicted his behavior more than a decade later.

The revised Order also resets the clock to zero, announcing fresh three- and four-month bans for covered countries and refugees, respectively. Critically, the 30-day deadline for the government to have completed and reported on its country-by-country analysis of available vetting information under section 3(a) of the January 27 Order had already passed by the time the March 6 Order was signed—and section 3(a) was never enjoined by any court. Yet the March 6 Order simply starts an entirely new 30 day period for the government to conduct the analysis that it was supposed to have already completed. *See* Revised Order, § 2(a), (b). The government's apparent failure to take any real steps toward implementing this portion of the January 27 Order

[16] Hausman Decl. Ex. HH (Nicolas Medina Mora & Mike Hayes, *The Big (Imaginary) Black Friday Bombing*, Buzzfeed, Nov. 15, 2015).

suggests that the Orders' purpose is what the President and his advisors have said all along—to reduce Muslim immigration to the United States—not some national security purpose divorced from most of the actions the government has actually taken.

In a post-hoc attempt to justify the Orders, the revised Order points to several pieces of evidence that supposedly provide a security rationale for the ban. *See* Revised Order § (d), (e), (f), (h). At the outset, these newfound explanations carry no weight in the intent analysis, because they came about after the underlying policy was already chosen. After-the-fact investigations by the implementing agencies are not probative of the decision-makers' pre-investigation motives.[17] Nevertheless, it is striking how little those investigations produced. The revised Order explains how the banned countries were selected, *see id*. § 1(b)(i), but it gives virtually no explanation for why the President concluded that already-heightened screening procedures for those countries might be inadequate. *See Aziz*, No. 2017 WL 580855, at *3.

The Order's other pieces of evidence likewise present implausibly thin security reasons for such a drastic change in immigration policy. Like its precursor, the Order identifies zero people from any of the banned categories who have committed an act of terrorism. The only conviction it cites—beyond the Somali refugee who arrived as a toddler—is a conviction that took place in the context of a government-designed sting operation. *See id*. The defendants in that case were from Iraq, which is no longer subject to the ban, and were never accused of planning or carrying out an attack in the United States. The Order also claims that "more than

[17] Moreover, the Secretary of Homeland Security acknowledged in an interview that the six banned countries were not even the majority of those that might raise security concerns. "There's probably thirteen or fourteen other countries—not all of them Muslim countries, not all of them in the Middle East—that have very questionable vetting procedures that we can rely on." Hausman Decl. Ex. L (Daniella Diaz, *Kelly: There are "13 or 14" more countries with questionable vetting procedures*, CNN.com, Mar. 7, 2017). The Secretary offered no explanation for why, given these apparent security concerns, only Muslim countries were targeted in the Executive Order.

300 persons who entered the United States as refugees are currently subjects of counterterrorism investigations by the Federal Bureau of Investigation." *Id*. § 1(h). This statement is virtually meaningless without further context, because the FBI opens thousands of terrorism assessments each month. For instance, the FBI began 11,667 assessments in just *four months* from December 2008 to March 2009.[18] Of those, only 427—less than 4%—led to more intensive investigations. The government has declined to publish any further information about its FBI statistic.

Nor has the government even attempted to refute multiple internal documents suggesting that the Order is irrational as a security measure. One recent DHS study concluded that an individual's "country of citizenship is unlikely to be a reliable indicator of potential terrorist activity" and that "few of the impacted countries [under the EO] have terrorist groups that threaten the West."[19] Another study by the DHS Office of Intelligence and Analysis, disclosed publicly last week, determined that "most foreign-born, U.S.-based violent extremists likely radicalized several years after their entry to the United States, limiting the ability of screening and vetting officials to prevent their entry because of national security concerns."[20]

In fact, numerous security, foreign policy, and intelligence officials have submitted evidence that the Orders in fact "undermine[] the national security of the United States, rather than making us safer," and "cannot be justified on national security or foreign policy grounds." Hausman Decl. Ex. MM (Joint Declaration of Madeleine K. Albright, et al.). Four of the signatories to that declaration "were current on active intelligence regarding all credible terrorist threat streams directed against the U.S. as recently as one week before the issuance of the"

[18] Hausman Decl. Ex. M (Charlie Savage, *F.B.I. Casts Wide Net Under Relaxed Rules for Terror Inquiries, Data Show*, N.Y. Times, Mar. 26, 2011).
[19] Hausman Decl. Ex. N (Ron Nixon, *People From 7 Travel-Ban Nations Pose No Increased Terror Risk, Report Says*, N.Y. Times, Feb. 25, 2017).
[20] Hausman Decl. Ex. O (*TRMS Exclusive: DHS document undermines Trump case for travel ban*, The Maddow Blog, Mar. 2, 2017).

Order, and yet know of no "specific threat that would justify the travel ban." *Id*. As these experts have pointed out, "[t]he Administration has identified no information or basis for believing there is now a heightened or particularized future threat from the seven named countries." *Id*. Instead, the Order "will aid ISIL's propaganda effort and serve its recruitment message by feeding into the narrative that the United States is at war with Islam," and will harm troops deployed abroad, the ability to gather intelligence, and law enforcement operations. *Id*.; *see also Aziz*, 2017 WL 580855, at *3, *9 (extensively citing similar declaration); Hausman Decl. Ex. LL (Amicus Brief of Former National Security Officials).

Here, as in *McCreary*, "[n]o reasonable observer could swallow the claim that the . . . [defendants] ha[ve] cast off the objective so unmistakable" in their public statements and in the original Executive Order. 545 U.S. at 872. To uphold the Order, the Court would have to ignore a mountain of evidence that the Order's primary purpose is to exclude Muslims from the United States. The Supreme Court has not hesitated to strike down enactments where the record was "wholly barren" of evidence that the policy would serve the proffered neutral purpose. This Court should therefore enjoin the Executive Order in its entirety.[21]

[21] The proper remedy is to enjoin the entire Order because discriminatory intent underlies the whole thing. When an "entire policy [is] tainted with the vice of illegality," courts usually enjoin the entire action. *United States v. Parke, Davis & Co.*, 362 U.S. 29, 46 (1960) (quotation marks and alteration omitted). *See, e.g.*, *City of Richmond v. United States*, 422 U.S. 358, 378 (1975) ("An official action . . . taken for the purpose of discriminating . . . has no legitimacy at all."); *United Gas Pipeline Co. v. Terrebonne Parish Police Jury*, 319 F. Supp. 1138, 1141 (E.D. La. 1970) ("Because every section is interwoven and infected with this feature, this court finds that the entire statute . . . is invalid."). In this case, the Order does not offer separate justifications for other provisions beyond the two bans. For example, it provides no explanation whatsoever for why its drastic reduction in FY 2017 refugee admissions is in "the interests of the United States." Revised Order § 6(b). These ancillary provisions are part and parcel with the Order's basic discriminatory goals. *Cf*. Hausman Decl. Ex. KK (Jens Krogstad & Jynnah Radford, Pew Res. Ctr., *Key Facts About Refugees to the U.S.*, Jan. 30, 2017) ("Muslims made up nearly half (46%) of refugee admissions" in FY 2016.). In addition, the Court should enjoin the refugee-cap

## B. By Intentionally Discriminating Against Muslims, The Executive Order Violates Multiple Establishment Clause and Equal Protection Prohibitions

The Executive Order's discriminatory purpose violates all of the tests imposed by the Religion Clauses, which protect people of all faiths. *See Awad v. Ziriax*, 670 F.3d 1111, 1133 (10th Cir. 2012) (upholding preliminary injunction against state constitutional amendment that would have banned state courts from considering Sharia law and prevented Muslims from seeking effective relief from state courts in family law and other matters). As described above, *see* Part I.A, the primary purpose of the Order is to disadvantage Muslims. It must therefore be enjoined under any one of the following tests.

### 1. The Executive Order fails the *Lemon* test.

The Order violates the Establishment Clause because it fails the three-part test set forth in *Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971). Under this standard, government action: (1) must have a secular primary purpose, (2) may not have the principal effect of advancing or inhibiting religion, and (3) may not foster excessive entanglement with religion. *Id*. The test is disjunctive, so that failure to satisfy any one prong violates the Establishment Clause. *Freiler v. Tangipahoa Parish Bd. of Educ.*, 185 F.3d 337, 343 (5th Cir. 1999). The Executive Order runs afoul of both the first and second prongs.

Under *Lemon*, the Court must "inquire as to the purpose of the government action to determine whether it is predominantly secular in nature." *See Trunk v. City of San Diego*, 629 F.3d 1099, 1107 (9th Cir. 2011); *cf. McCreary*, 545 U.S. at 845 (holding that "there can be no neutrality when the government's ostensible object is to take sides").

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reduction for the reasons stated in Plaintiffs' previous motion for preliminary injunction. *See* ECF No. 64.

When the government acts with the purpose of promoting or inhibiting a particular faith, the resulting conduct or law is unconstitutional, regardless of the effect. *McCreary*, 545 U.S. at 869 (holding Ten Commandments displays by counties unconstitutional, where the evidence showed that the counties posted the displays with the intent of promoting their religious dictates); *see also Edwards v. Aguillard*, 482 U.S. 578, 585-86, 596-97 (1987) (rejecting state's claimed purpose—to protect academic freedom—for law requiring equal time for public-school instruction in creationism and evolution and holding that the law violated *Lemon*'s purpose prong). Purpose can be dispositive because, as the Supreme Court has explained, "the purpose apparent from government action can have an impact more significant than the result expressly decreed." *McCreary*, 545 U.S. at 860-61.

The facts and analysis of *McCreary* are particularly illuminating in this case. At issue there were displays of the Ten Commandments in two county courthouses. 545 U.S. at 851. As initially posted, the Ten Commandments hung, standing alone, in the hallways of the County courthouse. The unveiling of one display featured the county executive's minister, who "testified to the certainty of the existence of God." *Id*. at 868-69. After a lawsuit was filed, the counties modified their displays, posting other historical documents with "highlighted references to God as their sole common element." *Id*. at 870. A third version of the display was mounted when the county hired new attorneys. *Id*. The "Foundations of American Law and Government" exhibit "placed the Commandments in the company of other documents the Counties thought especially significant in the historical foundation of American government," and the counties argued that the third display resulted from permissible purposes, "including a desire 'to educate the citizens of the county regarding some of the documents that played a significant role in the foundation of our system of law and government.'" *Id*. at 870-71.

In analyzing whether the third display was constitutional, the Court rejected the counties' demand that it "abandon concern with purpose wholesale," *id*. at 863, and explained, "When the government acts with the ostensible and predominant purpose of advancing religion, it violates that central Establishment Clause value of official religious neutrality, there being no neutrality when the government's ostensible object is to take sides." *Id*. at 860. Nor was the Court willing, as the county suggested, to trivialize the purpose inquiry so that "any transparent claim to secularity would satisfy it . . . to the point of ignoring history, no matter what bearing it actually had on the significance of current circumstances." *Id*. at 863-64. The Court explained that

> the world is not made brand new every morning, and the Counties are simply asking us to ignore perfectly probative evidence; they want an absentminded objective observer, not one presumed to be familiar with the history of the government's actions and competent to learn what history has to show . . . The Counties' position just bucks common sense: reasonable observers have reasonable memories, and our precedents sensibly forbid an observer "to turn a blind eye to the context in which [the] policy arose."

*Id*. at 866 (quoting *Santa Fe Independent School Dist*. *v*. *Doe*, 530 U.S. 290 (2000); other internal citations omitted). And, in *McCreary*, notwithstanding the "new statements of purpose . . . presented only as a litigating position," 545 U.S. at 871, the history and context, the history and context in which the third display arose pointed to one conclusion: [T]he "Counties were simply reaching for any way to keep a religious document on the walls of courthouses constitutionally required to embody religious neutrality." *Id*. at 873.

Under this analysis, the Order likewise fails the purpose prong of the *Lemon* test. As described in Part I.A, the ample indicia of intent—the President's statements both before and after the election, his advisor's statements both before and after the Orders, the Orders' stereotyping language, their targeting of majority-Muslim countries only, the complete absence of any security-focused process, and the numerous ways in which the Orders' provisions do not

rationally advance their stated objectives—all make plain that the purpose of the Orders all along has been to disadvantage Muslims. Moreover, Defendants have ensured that a clear line continues to connect the two Orders: The March 6 Order directly references and defends the January 27 Order, they share clear provisions and language, and President Trump and his aides have made clear that the new Order is intended as a mere revision, with only minor tweaks to aide in defending the Order in court. As in *McCreary*, the government here is grasping at straws for any way it can continue to advance its unconstitutional purpose.

Though the Court could end its inquiry with *Lemon*'s purpose prong, the Executive Order also fails *Lemon*'s effects prong and its sister inquiry, the endorsement test.[22] These related standards consider "whether, irrespective of government's actual purpose, the practice under review in fact conveys a message of endorsement or disapproval" of religion. *Mellen v. Bunting*, 327 F.3d 355, 374 (4th Cir. 2003) (internal quotation marks and other alterations omitted). In applying these tests to statutes, this Court would determine whether an objective observer, "acquainted with the text, legislative history, and implementation of the statute," would perceive it as a state endorsement of a religion or state-sponsored disapproval of religion. *Santa Fe*, 530 U.S. at 308. Here, an objective and informed reasonable observer—aware of the context in which the revised Order was conceived and signed, as discussed at length above—would perceive it as conveying a message of hostility and condemnation toward Islam and Muslims. *Cf. Larson*, 456 U.S. at 253 (holding state law violated *Lemon*'s "principal effect" prong because it authorized "the selective legislative imposition of burdens and advantages upon particular

[22] Federal appellate courts have concluded that the endorsement test is the same, or very similar to, *Lemon*'s effects prong and typically have treat the endorsement inquiry as informing the *Lemon* analysis. *See, e.g., Doe v. Indian River Sch. Dist.*, 653 F.3d 256, 282 (3d Cir. 2011) ("The endorsement test and the second *Lemon* prong are essentially the same.").

denominations"); *Awad*, 670 F.3d at 1123 (recognizing the harm imposed by an official message of "exclusion and disfavored treatment" and condemnation of the Islamic faith).

**2. The Order fails the *Larson* test.**

Under *Larson*, a law that is designed "to burden or favor selected religious denominations" is subject to strict scrutiny. *See Larson*, 456 U.S. at 255; *Lukumi v. Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 533 (1993) (holding that such a law "is invalid unless it is justified by a compelling interest and is narrowly tailored to advance that interest"). Because, by intent and design, the Executive Order will disfavor Muslim visa applicants, *see supra* Part I.A, it must survive strict scrutiny. The government must demonstrate that the revised Order is closely fitted to furthering a compelling governmental interest. *See*, *e.g.*, *Larson*, 456 U.S. at 247; *accord Lukumi*, 508 U.S. at 531 (law must be narrowly tailored to advance a compelling governmental interest). This standard is exacting, and the government has not met it here.

In analyzing the government's asserted compelling interest in cases involving strict scrutiny, courts have recognized that it not enough merely to assert a compelling interest without showing that the challenged policy "actually furthers" that interest. *See Holt v. Hobbs*, 135 S. Ct. 853, 864 (2015) (reversing prison's denial of religious accommodation for Muslim prisoner's beard); *Rich v. Fla. Dep't. of Corrs.*, 716 F.3d 525, 533 (11th Cir. 2013) ("While safety and cost can be compelling governmental interests, the Defendants have not carried their burden to show that Florida's policy [denying Jewish inmates kosher meals] in fact furthered these two interests.").

Even examining only the security rationale, the government has not met its heavy burden of showing that the Order actually furthers the asserted compelling interest. As discussed above,

*supra* ___, the Department of Homeland Security and numerous national security experts have concluded that the travel bans Defendants seek to impose do not advance national security interests; on the contrary, they may harm the very interests Defendants claim to protect. Moreover, the examples that the Executive Order provides as evidence for its security rationale are inapposite. Finally, the government's actions—in delaying the vetting assessment called for by the original order, in delaying the release of the new order for press purposes, and in stating that it could have applied the ban to other, non-Muslim countries, but chose not to—all indicate that the national security justification for the ban is pretextual.

With no evidence that the Order actually furthers its asserted compelling interest, the government is left to rely on conjecture and blatant appeals to stereotypes, like those repeated by President Trump and his aides. But these are insufficient and, indeed, prohibited. *See, e.g., Exodus Refugee Immigration, Inc. v. Pence*, 838 F.3d 902, 904-05 (7th Cir. 2016) (Posner, J.) (rejecting then-Governor Pence's argument that excluding Syrians from state refugee assistance program was not discriminatory because it was "based solely on the threat he thinks they pose to the safety of residents of Indiana" and comparing it an invalid argument that "forbid[ding] black people to settle in Indiana" would not be discriminatory if ostensibly based on fear, rather than race); *Hassan*, 804 F. 3d at 309 ("'[T]o infer that examples of individual disloyalty prove group disloyalty and justify discriminatory action against the entire group is to deny that under our system of law individual guilt is the sole basis for deprivation of rights.'" (quoting *Korematsu* dissent)).

**3. The Order violates equal protection.**

The Constitution's guarantee of equal protection also prohibits the Order's discrimination on the basis of religion. *See City of New Orleans v. Dukes*, 427 U.S. 297, 303 (1976) (per

curiam) (describing "inherently suspect distinctions such as race, religion, or alienage"); *United States v. Brown*, 352 F.3d 654, 668 (2d Cir. 2003) ("Religion, like race and gender, is an impermissible consideration in government decisionmaking.") (citation and internal quotation marks omitted)*; see also Washington*, 847 F.3d at 1167-68; *Brown*, 352 F.3d at 669 n. 18.[23] For the same reasons that the Order is invalid under the Establishment Clause, it fails strict scrutiny under the equal protection component of the Fifth Amendment's Due Process Clause.

### C. The Revised Order Violates INA § 202 and Is Not Authorized by INA § 212(f).

By suspending visa issuance to nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen, the Order contravenes the INA's prohibition on nationality discrimination and therefore exceeds the President's statutory authority to exclude noncitizens. Section 202(a)(1)(A) of the INA, 8 U.S.C. § 1152(a)(1)(A), provides, with limited and immaterial exceptions, that "no person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of," among other things, the person's "nationality." Passed in 1965, at the height of the civil rights movement, Section 202 was an explicit repudiation of nationality discrimination in immigration policy. *See Olsen v. Albright*, 990 F. Supp. 31, 37 (D.D.C. 1997) ("The legislative history surrounding the 1965 Act is replete with the bold anti-discriminatory principles of the Civil Rights Era."). President Johnson, in his signing statement, declared that "for over four decades the immigration policy of the United States has been twisted and has been distorted by the harsh injustice of the national origins quota system." Lyndon B. Johnson, Remarks at the Signing of the Immigration Bill (October 3, 1965).

[23] Courts rely on the shared principles of these constitutional provisions in adjudicating claims. *See Lukumi*, 508 U.S. at 532, 534, 540 (discussing common thread in equal protection and the Religion Clauses).

The Order violates Section 202's anti-discrimination command by relying on nationality to suspend the issuance of visas and to ban entry. The Order explicitly acknowledges, multiple times, that it is regulating "the visa-issuance process." Revised Order §§ 1(a), 1(g), 3(c). This directly contravenes Section 202(a)(1)(A)'s prohibition on "discriminat[ion] . . . in the issuance of an immigrant visa because of . . . nationality." Courts have interpreted this prohibition broadly. *See, e.g.*, *Legal Assistance for Vietnamese Asylum Seekers v. Dep't of State*, 45 F.3d 469, 473 (D.C. Cir. 1995) (striking down a "nationality-based regulation" under Section 202 because "Congress has unambiguously directed that no nationality-based discrimination shall occur") (vacated on other grounds); *Olsen*, 990 F. Supp. at 38 (applying Section 202 to the issuance of "nonimmigrant visa[s]"). And while the claimed source of authority—Section 212(f) of the INA—speaks to barring "entry," the revised Order does not bar "entry" at all. Nationals of the six banned countries with valid visas can enter the country at any time, even while the Order is in effect. *See* Revised Order § 3(a). As to people from those countries, the Order's *only* effect is to discriminate in the issuance of visas. By denying visas to "certain groups solely on the basis of their nationality," *id.*, the Order does precisely what Section 202 prohibits.

Nor can Section 212(f) override Section 202's nondiscrimination requirement. Section 202 was enacted in 1965, thirteen years after Section 212(f). Section 212(f) provides a general authority, whereas Section 202 imposes a specific restriction. *See_Radzanower v. Touche Ross & Co.*, 426 U.S. 148, n.2 (1976) ("[T]he more specific legislation will usually take precedence over the more general."); *United States v. Juvenile Male*, 670 F.3d 999, 1008 (9th Cir. 2012) (explaining that "[w]here two statutes conflict, the later-enacted, more specific provision generally governs"). As the Supreme Court has cautioned, "the words of a statute must be read in their context and with a view to their place in the overall statutory scheme." *Davis v.*

*Michigan Dep't of Treasury*, 489 U.S. 803, 809 (1989). Read together, Section 202 limits the authority granted in Section 212(f).

Allowing the President to disregard Section 202 here would imply that, under Section 212(f), the President could override *any* of the INA's visa criteria or inadmissibility grounds. Indeed, that is exactly what the Order purports to do: It erases the normal immigration rules as to the six countries, and it replaces them with categories of the President's choosing. *See* Revised Order § 3(c)(i)-(ix) (establishing which categories of people may be issued visas). That cannot be what Section 212(f) allows. *Cf*. *Clinton v*. *City of New York*, 524 U.S. 417, 443 (1998) (holding that Congress may not give the President "the power to cancel portions of a duly enacted statute"). The INA carefully spells out its grounds for admissibility. *See* 8 U.S.C. § 1182. While Section 212(f) provides authority to block entry beyond those categories, it does not allow the President to "nullif[y]" the contours of existing inadmissibility grounds or "evade the limitations Congress" has imposed. *Abourezk v*. *Reagen*, 785 F.2d 1043, 1061 (D.C. Cir. 1986) (rejecting attempt to expand exclusion grounds beyond Congress's "specified categories of excludable aliens").

Moreover, interpreting Section 212(f) to permit the President to engage in group discrimination is inconsistent with the overall scheme Congress created to deal with potential terrorism cases. The INA contains detailed substantive provisions that make *individual* noncitizens inadmissible on the basis of terrorism related-concerns. Section 1182(a)(3)(B) states that an alien may be denied admission if, among other things, that alien "has engaged in a terrorist activity"; there is "reasonable ground to believe" that the alien "is engaged in or is likely to engage after entry in any terrorist activity"; or the alien is "a member of a terrorist organization." 8 U.S.C. § 1182(a)(3)(B)(i)(I)-(II), (V)(VI). *See also Kerry v*. *Din*, 135 S. Ct.

2128, 2140 (2016) (Kennedy, J., concurring in the judgment) (noting that Congress has "establish[ed] specific criteria for determining terrorism-related inadmissibility"). Thus, Congress itself did not envision that terrorism-related concerns would be addressed through religious or nationality discrimination banning entire groups wholesale, without any evidence that a specific individual presented a threat. Rather, insofar as particular individuals present a threat—regardless of their religion or nationality—they can be denied admission under the provisions enacted by Congress to address these concerns.[24]

In its 60 year existence prior to the Executive Order, Section 212(f) has never been invoked to justify so broad a nationality-based restriction on entry. The vast majority of Executive Orders citing 212(f) in the past have suspended the entry not of all foreign nationals from a given country, but rather of noncitizens who have contributed to a specific, harmful situation abroad. *See* Kate M. Manuel, *Executive Authority to Exclude Aliens: In Brief*, Congressional Research Service, January 23, 2017 (listing Presidential actions pursuant to Section 212(f)).

Furthermore, section 212(f) says nothing of religion, has never been invoked to justify religiously discriminatory exclusion, and should not be read to authorize exclusion of a "class" of noncitizens on the basis of religion.[25] Indeed, Section 212(f)'s text simply does not allow the President to impose a restriction on entry that is religiously discriminatory. Rather, in addition to the clear limitations on 212(f) authority imposed by other statutes and the Constitution, Section 212(f) itself requires that it be in "the interests of the United States" to impose the restriction at

[24] *Din*, 135 S. Ct.at 2140 (Kennedy, J., concurring in the judgment) (noting that the decision to deny a noncitizen entry under the INA's "terrorism bar" is "legitimate" where there is a "determination" that the particular individual does "not satisfy the statute's requirements" ).

issue. The Constitution establishes that the United States has no "interest" in denying entry on a religiously discriminatory basis, *cf. Romer,* 517 U.S. at 634-35, and Section 212(f) therefore cannot be read to authorize the President to impose the ban at issue here.

In subsequent statutes, moreover, Congress has shown particular concern for religious freedom, further undercutting an interpretation of 212(f) that would authorize exclusion of members of a particular faith. *See, e.g.*, Religious Freedom Restoration Act of 1993 (RFRA), 42 U.S.C. §2000bb *et seq*.; *City of Boerne v. Flores*, 521 U.S. 507, 516 (1997) (explaining that RFRA's application is "universal" across the federal government, including all federal statutes, whether adopted before or after its enactment); *see also*, *e.g.*, Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc *et seq*. Section 212(f) should be understood against the backdrop of these laws and our Constitution's unique emphasis on religious nondiscrimination, and thus should be read to avoid the serious constitutional questions that would be presented by a statute authorizing discrimination on the basis of religion. *See Zadvydas v. Davis*, 533 U.S. 678, 689 (2001) (explaining that "[w]e have read significant limitations into . . . immigration statutes in order to avoid their constitutional invalidation" and describing constitutional avoidance as a "cardinal principle" of statutory interpretation

In light of these considerations, any suggestion that Congress has authorized the President to order a ban disfavoring Muslims is simply wrong. At minimum, because the statute should be read to avoid the serious constitutional problems that permitting religious discrimination would raise, the Court can rule for Plaintiffs on statutory grounds without reaching the constitutional claims advanced here. But if Congress did, *sub silentio*, authorize religious discrimination in § 212(f), that application of the provision is unconstitutional. Neither

Congress nor the President can override the Constitution. *See Washington*, 847 F.3d at 1164-68; *Aziz*, No. 17-0116 at 10-12.

**D. The Order Is Reviewable.**

Despite the government's power in the context of immigration, courts have already roundly rejected its view that the earlier version of the ban was unreviewable, explaining that "it is beyond question that the federal judiciary retains the authority to adjudicate constitutional challenges to executive action." *Washington*, 847 F.3d at 1164; *see also Aziz*, 2017 WL 580855, at *5 ("This is a familiar judicial exercise.") (citation and internal quotation marks omitted). Indeed, "the Supreme Court has repeatedly and explicitly rejected the notion that the political branches have unreviewable authority over immigration or are not subject to the Constitution when policymaking in that context." *Washington*, 847 F.3d at 1162 (citing *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001); *INS v. Chadha*, 462 U.S. 919, 940-41 (1983)); *accord Aziz*, 2017 WL 580855, at *6 ("Every presidential action must still comply with the limits set by Congress' delegation of power and the constraints of the Constitution, including the Bill of Rights.").

Having failed to convince courts to simply rubber-stamp the Order, the government has at times argued for application of the deferential "facially legitimate and bona fide" standard applicable to certain immigration actions. *See Washington*, 2017 WL 526497 at *6; *Aziz*, No. 17-0116 at 16. Such deference is inappropriate in a case, like this one, involving compelling evidence of religious discrimination. *Cf. Aziz*, 2017 WL 580855, at *9 (observing that in light of "the direct evidence of animus presented by the Commonwealth . . . a different picture emerges"). Indeed, the Supreme Court has *never* relied on the government's immigration powers to uphold religious discrimination. *Cf. Lamont v. Woods*, 948 F.2d 825, 835 (2d Cir. 1991) (noting that the Supreme Court "itself has suggested that the constitutional prohibition

against establishments of religion targets the competency of Congress to enact legislation of that description—irrespective of time or place").

In any event, the Order could not survive even under deferential review. As Judge Brinkema explained in *Aziz*, if the government's proffered reason "has been given in 'bad faith,' it is not 'bona fide,'" meaning the Court must determine "whether the proffered reason . . . is the real reason." *Aziz*, 2017 WL 580855, at *8 (citing *Am. Acad. of Religion v. Napolitano*, 573 F.3d 115, 126 (2d Cir. 2009); *accord Kerry v. Din*, 135 S. Ct. 2128, 2141 (2015) (Kennedy, J., concurring in the judgment). Here, as set forth above, there is ample evidence that the purported distinction drawn on the basis of nationality is pretext for religious discrimination, and is therefore not bona fide.

## II. PLAINTIFFS HAVE STANDING AND WILL SUFFER IRREPARABLE HARM ABSENT AN INJUNCTION.

"To establish standing under Article III of the Constitution, a plaintiff must 'allege (1) an injury that is (2) fairly traceable to the defendant's allegedly unlawful conduct and that is (3) likely to be redressed by the requested relief.'" *Bostic v. Schaefer*, 760 F.3d 352, 370 (4th Cir. 2014) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 590 (1992)). While standing is necessary, "the Supreme Court has made it clear that the presence of one party with standing is sufficient to satisfy Article Ill's case-or-controversy requirement." *Id.* (internal quotation marks omitted). Here, all plaintiffs have standing. Moreover, absent a temporary restraining order halting its implementation, the Executive Order will irreparably harm plaintiffs by, among other things, violating their constitutional rights, placing at risk their family members, clients, and members, and preventing or delaying their reunification with loved ones.

Plaintiffs have standing to assert their Establishment Clause claim based on the dignitary and stigmatizing harms that flow from the government's effort to target Muslims for opprobrium

and expose them to disfavored treatment. *See id*. at 372 (relying in part on stigmatic harms to establish standing). When the government "condemns . . . [a Muslim Plaintiff's] religion and exposes him and other Muslims . . . . to disfavored treatment . . . [it] suffices to establish the kind of direct injury-in-fact necessary to create Establishment Clause standing." See *Awad v. Ziriax*, 670 F.3d 1111, 1123 (10th Cir. 2012); *see also Catholic League for Religious and Civil Rights v. City and Cty. of San Francisco*, 624 F.3d 1043, 1048 (9th Cir. 2010) (holding that Catholic residents had standing to challenge city's resolution condemning Catholic Church's directive relating to adoption by same-sex couples). As a result of the Executive Order's anti-Muslim animus, the individual Muslim Plaintiffs, as well as the Muslim clients and members of HIAS, IRAP, and MESA, have been marginalized and isolated in their communities, in addition to their other injuries discussed above. They and their loved ones have been subjected to baseless suspicion and scrutiny, all because Defendants have used their official positions and the Executive Orders as vehicles to condemn Islam and carry out their deep prejudice against Muslims. *See* Doe #1 Decl. ¶ 11; Meteab Decl. ¶ 14.

In addition to satisfying the requirements of standing, this kind of harm—arising from the unconstitutional condemnation of one's religion—qualifies as a paradigmatic irreparable injury. *Awad*, 670 F.3d at 1131 ("Damages would be inadequate or difficult to ascertain . . . for a claim of government condemnation of one's religion")(internal citation and quotation marks omitted); *see also, e.g., Am. Civil Liberties Union of Ky. v. McCreary Cty.*, 607 F.3d 439, 449 (6th Cir. 2010) ("The fact that Defendants seek to minimize the residue of religious purpose does not mean that Plaintiffs do not suffer continuing irreparable injury so long as the display remains on the walls of the county courthouses."); *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 304 (D.C. Cir. 2006) (holding that "a party alleging a violation of the Establishment

Clause per se satisfies the irreparable injury requirement of the preliminary injunction calculus"); *Am. Civil Liberties Union of Ill. v. City of St. Charles*, 794 F.2d 265, 275 (7th Cir. 1986) (holding that damages were inadequate to address Establishment Clause injuries); *accord Centro Tepeyac v. Montgomery Cty.*, 722 F.3d 184, 191 (4th Cir. 2013) (noting that the "loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury") (citations and internal quotation marks omitted); *Newsom v. Albemarle Cnty. Sch. Bd.*, 354 F.3d 249, 261 (4th Cir. 2003) (same). Indeed, more generally, the violation of plaintiffs' constitutional rights amounts to irreparable injury. *See Ross v. Meese*, 818 F.2d 1132, 1135 (4th Cir. 1987).

The individual plaintiffs also have standing based on the delay or denial of their loved ones' visas, which will imminently and irreparably harm them, as described in more detail for each Plaintiff below. *See Bostic*, 760 F.3d at 372 (holding that same-sex couple had standing to challenge statute prohibiting their marriage, in part based on their allegation that their marital status had hindered one from visiting the other in the hospital); *Covenant Media Of SC, LLC v. City Of N. Charleston*, 493 F.3d 421, 428 (4th Cir. 2007) (holding that "the injury of not having an application processed timely is distinct from the injury of ultimate denial of that application"). Damages cannot adequately address this kind of injury.

Plaintiff John Doe #1's wife currently lives in Tehran, where she has been alone since her mother's unexpected death in 2013. Doe #1 Decl. ¶ 3. Her spousal visa application was approved on November 3, 2016, and as of January 9, 2017, she had submitted all necessary documentation and fees, and was awaiting scheduling of an interview, which was expected in approximately six weeks at the time the Executive Order went into effect. Doe #1 Decl. ¶¶ 5-6. Her visa will now be denied or, at least, delayed in order to seek a waiver, and they will remain separated.

Plaintiff John Doe #3's wife, who lives in Iran, completed her visa interview in May 2016, and was told at the time that she only needed to await administrative processing. Doe #3 Decl. ¶ 5. Her visa will not likewise be denied or delayed. Delay has already placed extraordinary stress on their relationship; communicating by phone is difficult, and visiting Iran is expensive and impractical, particularly given Plaintiff Doe #3's fifteen days of leave per year. Doe #3 Decl. ¶ 7.

Jane Doe #2 is a U.S. citizen and a Syrian national. After the Syrian government bombed her home in Damascus, Jane Doe #2's sister fled with her husband and young children, first to relatives and then, because her husband feared conscription to the Syrian Army, to Yemen. Jane Doe #2 Decl. ¶¶ 3-4. In Yemen, her sister's family registered with the United Nations High Commissioner for Refugees and received a temporary protection certificate; however, the area where her family was living in Yemen was subsequently taken over by insurgents. *Id*. ¶¶ 5-6. The family then fled to Saudi Arabia, where they remain, living in a refugee hotel near the border with Yemen, often without power and in deplorable conditions, with constant shelling from the Yemeni side of the border, and subject to severe discrimination because they are Syrian. *Id*. ¶¶ 7-8. Their visas will likewise be denied or delayed. Moreover, they will have little chance of traveling to the United States as a refugee given the Order's changes to the USRAP.

Plaintiff Meteab's two brothers, who are currently living as refugees in Jordan, both learned in November, 2016 that their refugee applications for the United States had been approved, but that they would have to wait longer for the travel documents. Meteab Decl. ¶ 11. Plaintiff Meteab's brothers' permission to enter the United States will be denied or delayed because of the Executive Order's suspension and reduction of the refugee program will delay their reunion as a family, and the reduction in the number of refugees who can be resettled each

year may create an even longer backlog in the system and delay for Mr. Meteab's family. If they are not able to obtain a waiver they will not be able to travel to the United States for the full length of the suspension of the refugee program. They are currently living in insecurity in Jordan. Meteab Decl. ¶ 13.

Plaintiff Harrison's fiancé is an Iranian national who lives in Tehran, where he has been harassed and assaulted by morality police as a result of his homosexuality. Harrison Decl. ¶ 11. Plaintiff Harrison petitioned for a K-1 visa on behalf of his fiancé, and his fiancé had a visa interview in Ankara, Turkey on November 7, 2016. Harrison Decl. ¶ 3. On January 17, 2016, Plaintiff Harrison's fiancé received notification that the visa processing was complete. Harrison Decl. ¶ 4. However, on January 30, Plaintiff Harrison's fiancé received a second email informing him that, due to the January 27 Order, the processing of his visa was on hold. Harrison Decl. ¶ 6. On February 7, 2017, the Embassy sent another email, this time informing Plaintiff Harrison's fiancé that, because of the Washington court's order, he could submit his passport for processing. Harrison Decl. ¶ 7. Plaintiff Harrison and his fiancé therefore made plans to meet in Turkey in early March. Harrison Decl. ¶ 8. They are currently in Turkey, and they submitted Plaintiff Harrison's fiancé's passport to the embassy by express mail on March 8, 2017. Harrison Decl. ¶ 9. The March 6 Order takes effect, will result in the denial or delay of the visa.

Plaintiff Ibrahim Mohomed's wife and children fled Somalia and have been in Ethiopia since 2011. They are currently living in Ethiopia where his children are unable to attend school as they do not speak the language and have limited access to health care. *Id*. ¶ 5. They were approved for refugee resettlement in 2013 but their travel to the United States has not yet been booked. *Id*. ¶ 3. The Executive Order suspends the arrival of refugees like Mr. Mohomed's family whose travel dates have not been set, and will delay or prevent their reunion as a family.

Organizational plaintiffs IRAP, HAIS, and MESA, are all likewise harmed by the Executive Order in ways that not only confer Article III standing, but that also constitute irreparable injury necessitating preliminary injunctive relief. *See Winters*, 129 S. Ct. at 375. Here, the organizational plaintiffs will be harmed because the new Executive Order is "perceptibly impair[ing]" their programs, making it more difficult to carry out their mission. *Action NC v. Strach*, 2016 WL 6304731, at *29 (M.D.N.C. Oct. 27, 2016) (citation omitted); *Lane v. Holder*, 703 F.3d 668, 674-75 (4th Cir. 2012)); *see also Multi-Channel TV Cable Co. v. Charlottesville Quality Cable Operating Co.*, 22 F.3d 546, 551 (4th Cir. 1994) (injury is irreparable when monetary damages are inadequate or difficult to ascertain), *abrogated on other grounds by Winter*, 555 U.S. 7 (2008).

HAIS and IRAP have previously described some of the injuries caused by what is now § 6(d) in the second Executive Order, *see* Dkt. No. 64 p. 20-23, and those injuries will be exacerbated if the additional provisions in the latest Executive Order go into effect. *See* Heller Decl. ¶¶ 7-8, 17; Hetfield Decl. ¶ 12. The Executive Orders, for example, have and continue to cause IRAP to divert resources away from its core mission to undertake activities that are far afield from the legal representation that it typically provides its clients. *See* Heller Decl. ¶¶ 9-10. Similarly injurious is that IRAP's growth has been impeded by the Order's directives freezing refugee processing and drastically cutting annual refugee admissions. *Id.* ¶ 12-16; *see Equal Rights Ctr. v. Equity Residential*, 798 F. Supp. 2d 707, 724 (D. Md. 2011) ("An organization's activities can be 'impeded' from growing as quickly as they would have absent a diversion of resources").

The Executive Order will also inflict a direct harm to MESA by preventing many of its members from attending its annual meeting, which is a central part of MESA's organizational

mission. *See* Barron Decl. ¶¶ 12-20. In addition to injuring MESA itself, the Order also directly and irreparably injuries its members, which are properly considered here as well. *See Virginia Hospital Ass'n v. Baliles*, 868 F.2d 65, 663 (4th Cir. 1989); *Assoc. Utility Contractors of Maryland, Inc. v. Mayor & City Council of Baltimore*, 218 F. Supp. 2d 749, 753 (D. Md. 2002). Many MESA members are Muslim, and many understand the message of the prior and current versions of the Order to be an attack on Islam, and have justifiably believe that the second Order will negatively impact them, their travel, and their work. *See* Baron Decl. ¶¶ 5-11.

Additionally, IRAP and HIAS have standing to vindicate the rights of their clients, who will be irreparably injured absent immediate injunctive relief. *See* Heller Decl. ¶¶ 19-23, 26 (explaining injuries to IRAP's clients); Hetfield Decl. ¶¶ 22-38 (same regarding HIAS' clients). Although litigants typically can only assert their own rights, the Supreme Court has "recogniz[ed] that there may be circumstances where it is necessary to grant a third party standing to assert the rights of another." *Kowalski v. Tesmer*, 543 U.S. 125, 129-30 (2004) (citation omitted). Establishing third-party (or *jus tertii*) standing requires demonstrating three elements:

> The litigant must have suffered an "injury in fact," thus giving him or her a "sufficiently concrete interest" in the outcome of the issue in dispute; the litigant must have a close relation to the third party; and there must exist some hindrance to the third party's ability to protect his or her own interests.

*Powers v. Ohio*, 499 U.S. 400, 410-11 (1991) (citation omitted). As discussed above, the first element—IRAP and HIAS' own constitutional standing—is plainly present here. As discussed below, the other two elements, which are factual matters of prudential standing, are met as well.

With regard to the relationship element, courts consider whether enjoyment of the third party's right asserted by the litigant is "inextricably bound up with the activity the litigant wishes to pursue," such that the court can be assured that enjoyment of that right will be affected by the

outcome of the suit. *Singleton v. Wulff*, 428 U.S. 106, 114-14 (1976). In this case, IRAP and HIAS seek to vindicate the rights of their clients, with whom they have pre-existing relationships, and to whom they provide legal and social services. *See, e.g.*, Heller Decl. ¶¶ 4-7, 21; Hetfield Decl. ¶¶ 5-9. HIAS additionally seeks to vindicate the rights of the refugee clients to whom, but for the Executive Order, it would be providing a variety of services related to their resettlement in the United States. Hetfield Decl. ¶¶ 10-12. The rights IRAP and HIAS seeks to vindicate, moreover—the constitutional and statutory rights not to be discriminated against because of religion and/or nationality, including in the issuance of visas and other immigration benefits—are "inextricably bound up with the activity" IRAP and HIAS wish to pursue: the continued delivery of legal and social services related to the travel, immigration, and resettlement of their clients. Courts routinely find that relationships of this nature are sufficiently close to meet this element of the third-party standing standards. *See, e.g.*, *Exodus Refugee Immigration, Inc. v. Pence*, 165 F. Supp. 3d 718, 732 (S.D. Ind. 2016) (holding that refugee resettlement agency had sufficiently close relationship with incoming Syrian refugee clients that it could assert their equal protection rights), *aff'd* 838 F.3d 902 (7th Cir. 2016).[26]

Moreover, there are significant practical obstacles to IRAP and HIAS' clients' ability to protect their own interests, including language and cultural barriers, as well as reasonable concerns regarding the public and governmental scrutiny that would accompany them doing so. *See generally* Heller Decl. ¶ 27. The obstacles need not be "insurmountable" to meet this

[26] *See also, e.g.*, *U.S. Dep't. of Labor v. Triplett*, 494 U.S. 715, 718-72 (1990) (attorney-client relationship); *Caplin & Drysdale, Chartered v. United* States, 491 U.S. 617, 624 n.3 (1989) (same), *aff'ing sub. nom. United States v. Harvey*, 837 F.2d 637, 642-43 (4th Cir. 1987) (en banc); *Sec'y of State of Md. v. Joseph H. Munson Co., Inc.*, 467 U.S. 947, 958 (1984); *Metromedia, Inc. v. City of Sanddd Diego*, 453 U.S. 490, 504 n.11 (1981) (vendor-customer); *Craig v. Boren*, 429 U.S. 190, 195 (1976) (same); *Scott v. Greenville County*, 716 F.2d 1409, 1414-16 (4th Cir. 1983) (developer and prospective tenants).

element of the third-party standing doctrine,[27] *Singleton*, 428 U.S. at 117; it is sufficient, rather, that there is "*some* hindrance to the third party's ability to protect his or her own interests," *Powers*, 499 U.S. at 411 (emphasis added)); *see, e.g.*, *id*. (lack of incentive to bring suit a sufficient hindrance); *Singleton*, 428 U.S. at 117 (same regarding privacy interests). The various barriers facing HIAS and IRAP's clients face in asserting their own rights meet this element as well. *See, e.g.*, *Exodus*, 165 F. Supp. 3d at 732-33.

## III. THE BALANCE OF HARMS AND PUBLIC INTEREST MILITATE HEAVILY IN FAVOR OF A TEMPORARY RESTRAINING ORDER & PRELIMINARY INJUNCTION.

The balance of harms and public interest weigh strongly in favor of granting a temporary restraining order and preliminary injunction. *See Winter*, 555 U.S. at 24. In contrast to the irreparable injury facing plaintiffs, the government has presented no evidence of harm resulting from an injunction. The federal government's interest in enforcing laws related to national security, absent any evidence of a threat, cannot outweigh these real harms. *See Washington*, 847 F.3d at 1168 (dismissing the government's claim of irreparable injury and noting that "the Government has done little more than reiterate" its general interest in combatting terrorism) (internal citations omitted). Likewise, the Eastern District of Virginia found that "[i]ronically, the only evidence of in this record concerning national security indicates that the EO may actually make the country less safe." *Aziz*, 2017 WL 580855, at *10; *see also* Hausman Decl. Ex. MM (Joint Declaration of Madeleine K. Albright, et al.); *id*. Ex. LL (Amicus Brief of Former National Security Officials).

[27] Nor does it matter that one of the obstacles facing HIAS and IRAP's clients could be mitigated by proceeding under pseudonyms. *See Singleton*, 428 U.S. at 117.

Finally, the public interest also strongly favors a preliminary injunction. As the Ninth Circuit found, "the public . . . has an interest in free flow of travel, in avoiding separation of families, and in freedom from discrimination." *Washington*, 847 F.3d at 1169. The Court should therefore issue a temporary restraining order and preliminary injunction.

**CONCLUSION**

The Court should grant the motion for a temporary restraining order and preliminary injunction.

Dated: March 10, 2017

Respectfully submitted,

/s/ Omar Jadwat

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 10, 2017, I electronically filed this Motion for Plaintiffs with the Court Clerk using the ECF system, which will send notification to Defendants' registered counsel.

Dated: March 10, 2017

/s/ Omar Jadwat
Omar Jadwat

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MARYLAND**
**SOUTHERN DIVISION**

| | |
|---|---|
| INTERNATIONAL REFUGEE ASSISTANCE PROJECT, et al.,<br><br>Plaintiffs,<br><br>v.<br><br>DONALD TRUMP, et al.,<br><br>Defendants. | Civil Action No.: 8:17-CV-00361-TDC<br><br>**SECOND DECLARATION OF REBECCA HELLER, DIRECTOR OF IRAP, IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** |

## SECOND DECLARATION OF REBECCA HELLER

I, Rebecca Heller, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. §1746 and declare as follows:

1. I am the Director and co-founder of the International Refugee Assistance Project ("IRAP"), a project of the Urban Justice Center, Inc., a Plaintiff in the above-captioned case. I have been with IRAP since August 2008.

2. As IRAP's Director, I oversee all of IRAP's operations and activities, including programming and development. I am in constant, regular communication with my staff who provide legal representation to vulnerable individuals and consult with pro bono attorneys and law students working on IRAP cases. I also represent a number of refugee and visa cases myself, consult with numerous attorneys working on related cases, monitor field conditions on the ground in the Middle East/North Africa Region, liaise with the U.S. government and the United Nations around refugee and visa processing issues, and coordinate partnerships with numerous NGOs working with and advocating for refugees and immigrants in the U.S. and abroad.

Throughout my eight and a half years working on Middle East refugee issues, I have overseen, consulted on and/or represented thousands of cases.

3. I also teach a seminar on refugee law and practice at Yale Law School.

4. Founded in 2008, IRAP's mission is to provide and facilitate free legal services for vulnerable populations around the world, including refugees, who seek to escape persecution and find safety in the United States and other Western countries. IRAP has a staff of over 25 individuals based in offices in New York, Lebanon, and Jordan. IRAP works with 29 law school chapters and over 75 firms to provide pro bono assistance to persecuted individauls around the world. IRAP relies on the volunteer and pro bono assistance to meet the needs of its client base.

5. IRAP lawyers provide legal assistance to refugees and other immigrants to the United States throughout the resettlement process. IRAP also assists many individuals (including refugees, asylees, Lawful Permanent Residents and U.S. Citizens) inside the United States who need assistance filing family reunification petitions for family members overseas. IRAP has provided legal counseling and assistance to nearly 20,000 individuals.

6. Since its inception, IRAP has helped to resettle over 3,200 individuals from 55 countries of origin, with the majority resettled to the United States.

7. IRAP's client base includes refugees from Iraq, Afghanistan, Egypt, Eritrea, Ethiopia, Iran, Jordan, Kuwait, Libya, Pakistan, Palestine, Somalia, Sudan, Syria, Turkey, and Yemen. Of IRAP's current 599 open cases, 402 families are from one of the six countries targeted in the new Executive Order or are refugees from other countries and therefore potentially affected by the Executive Order. The overwhelming majority of IRAP's clients, including clients abroad and those within the United States, identify as Muslim.

8. Implementation of the Executive Order has frustrated and will continue to frustrate IRAP's mission and imposes a significant burden on its work. By drastically reducing the number of resettlement slots available for this fiscal year and freezing the resettlement process for at least 120 days, the Executive Order will force IRAP to invest significant time and energy exploring alternative routes to safety for its clients (many of whom are in imminent and life-threatening danger) and educating its network of over 2,000 pro bono attorneys and law students about those alternate routes. IRAP attorneys must also counsel their own clients about the changes in law as well as pursue other resettlement options for them, even though many were already being processed in the U.S. Refugee Admissions Program ("USRAP"). The first Executive Order has already wasted significant resources (typically hundreds of hours of legal representation over the course of many years navigating USRAP), forcing IRAP and our clients to make the Hobson's choice between starting the process over with another country, attempting to shelter in place in spite of life-threatening circumstances, or undertaking dangerous journeys to reach safety across other borders. Because the new Executive Order mirrors the first in terms of its effect on IRAP's refugee and immigrant clients, it too places IRAP and its clients at imminent risk of irreparable harm.[1]

9. Following the signing of the first Executive Order, on January 27, 2017 at 4:42 P.M. EST, two IRAP clients, Mr. Hameed Khalid Darweesh and Mr. Haider Sameer Abdulkhaleq Alshawi, were detained at John F. Kennedy Airport ("JFK") despite having valid entry documents. As a result, IRAP attorneys were present at JFK from 2 am to 6:30 pm on

[1] Since I do not anticipate any material difference in the effect of the new Executive Order Section 6(b)'s reduction by more than half of the refugee resettlement allotment for fiscal year 2017, which follows verbatim the first Executive Order's Section 5(d), I incorporate by reference my declaration submitted in support of Plaintiffs' Motion for a Preliminary Injunction Against Section 5(d). *See* Declaration of Rebecca Heller, Dkt. No. 64-1 (J.R. 26-35).

January 28, 2017 attempting to secure their lawful release. Furthermore, together with co-counsel, IRAP filed a habeas petition on behalf of those two clients, together with a motion for class certification (*Darweesh et al. v. Trump et al.*, No. 1:17-cv-480 (E.D.N.Y. filed Jan. 28, 2017)). That litigation is ongoing. These actions are not in the scope of normal IRAP legal assistance, as previous IRAP clients were allowed to enter at U.S. Ports of Entry after receiving final approval to travel.

10. Both the first and the new Executive Order have also diverted IRAP resources as IRAP has become the focal point organization for volunteer attorneys all across the country who have gone to airports to attempt to secure the release of individuals detained pursuant to the first Executive Order. In addition to being the first organization to put out a call to volunteer attorneys, IRAP created and maintains a unique hotline email address (airport@refugeerights.org) to advise attorneys and affected individuals. Since the creation of this email address on January 28, 2017, IRAP has received and responded to nearly 800 email messages. IRAP has also developed templates and informational materials for attorneys, affected family members in the United States, and individuals overseas who have been denied travel pursuant to the Order. These actions are not in the normal scope of IRAP's work. I anticipate that this work will continue for IRAP under the new Executive Order as the need will continue to exist.

11. As a result of this Executive Order, our attorneys anticipate that their current caseload will take much longer to be resolved which has resulted in their limited capacity to take on the full representation of new clients. Thus, they now are providing limited representation in certain new cases, which prior to the Executive Order would have received full representation,

given the likely exorbitant delays in USRAP processing. This both diverts resources and frustrates our core mission.

12. Furthermore, because of the drastic decrease in refugee admissions and freeze in refugee processing, IRAP has significantly limited ability to open new law school chapters or begin new relationships with law firms to place cases for direct representation. We also are unable to place new cases with existing chapters or law firms because there is no movement on any refugee cases. We risk losing hundreds of volunteers, and relationships with numerous law firms, because we are unable to provide them with a way to partner with us on cases.

13. Our law firm partners also provide financial support with us. If we no longer have cases to place at law firms, and thus have to decrease our number of law firm partners, it will significantly cut into the corporate funding we receive.

14. In 2016, IRAP had been designated as a Priority 1 non-governmental organization (NGO) with the ability to make referrals of vulnerable refugees to USRAP. This authorization will now not be of any benfit to our clients if the USRAP is frozen or individuals from particular countries are ineligible.

15. As less than 1% of refugees are referred to countries for resettlement by the United Nations High Commissioner for Refugees (UNHCR), IRAP has significantly limited ability to draft referrals for our clients currently in USRAP to be sent to other safe countries because of the limited resettlement slots worldwide.

16. As a result of the Executive Order, IRAP's Resettlement Deployment Scheme with UNHCR, which allows IRAP resettlement experts since early 2016 to be deployed to UNHCR for assisting with their resettlement operations, may be terminated due to the drastic

decrease in resettlement slots available in the US and worldwide. This would lead to the termination of three IRAP staff as well as a revenue loss of approximately $260,000.

17. IRAP provides safe housing for clients whose lives are in immediate danger while they await the outcomes of USRAP. Clients in urgent situations who face additional four-month delays on their applications (at a minimum) will require significant funding expenditures to ensure continued safe housing.

18. The new Executive Order will continue the significant backlog in the USRAP that resulted from the first Executive Order, delaying the processing of many of IRAP's clients' cases. This delay will force IRAP to exhaust more of its resources, as the average lifespan of a case now grows significantly. IRAP has a legal department composed of staff attorneys who advise and provide consultation to its network of pro bono legal volunteers on their casework. Because of delays in processing, IRAP's attorneys must spend significantly more time on each case, providing guidance about alternative routes to safety and possible exemptions. In addition to IRAP's staff attorneys' existing and ongoing responsibilities, they must now also draft and review additional submissions to State and to the Department of Homeland Security ("DHS"), such as waiver requests for admission to the United States for their clients, which will be reviewed by a case-by-case basis under the new Executive Order. Further, IRAP's field staff must largely give up their work on refugee case processing and focus primarily on ensuring the local safety of refugees who thought their lives would be saved for resettlement, and who are now caught in life-threatening limbo.

19. The Executive Order puts IRAP's refugee and immigrant clients in grave danger, because the longer it takes for their cases to be decided, the longer they are in life-threatening environments. All of IRAP's clients are in limbo and irreparably harmed because their cases

have been indefinitely stalled. Many are at imminent risk of persecution and death where they currently reside, and many others now face indefinite separation from family members already in the United States.

20. Many of IRAP's clients have been referred to the US for resettlement by the UN refugee agency, the United Nations High Commissioner for Refugees ("UNHCR"). UNHCR only refers the most vulnerable refugees for resettlement, such as unaccompanied minors, women-at-risk, and individuals with urgent medical or protection concerns. Less than 1% of refugees worldwide are referred for resettlement by UNHCR. If UNHCR refers an individual to USRAP, they are likely extremely vulnerable and have strong, pre-vetted refugee claims. Further, once UNHCR refers a refugee to USRAP, it precludes them from referring the refugee to another country until the USRAP process is completed.

21. IRAP works with some of the most vulnerable individuals in the world, including U.S.-affiliated refugees, LGBTI refugees, women who have survived trafficking, sexual and gender-based violence, and children with emergency medical needs. We estimate that approximately 700 IRAP clients are now trapped in the limbo of a halted U.S. Refugee Admissions Program as a result of the first Executive Order. The cases will continue in their freezed state under the new Executive Order and their prospects of coming to the U.S. any time soon have evaporated.

22. Furthermore, while the revised Executive Order takes off Iraq from the list of barred countries, Iraqis are still part of the suspension of USRAP processing. Over 50,000 U.S.-affiliated Iraqis are negatively impacted by this new Executive Order, including interpreters for the U.S. Army and for U.S. media organizations, NGO workers, fixers, engineers, and

physicians. These are Iraqis who supported the U.S. mission in Iraq and are now being targeted by militias and terrorist groups as a result.

23. Although the revised Executive Order allows for waivers in certain cases, these waivers will not be available to the vast majority of our clients. DHS interviews are currently only taking place in Vienna and Nauru. Based on my understanding of the refugee process and the language of the Executive Order, waivers will not be available for refugees who have not had DHS interviews. Therefore, hundreds of our clients (and thousands of refugees in the USRAP pipeline) throughout the Middle East and North Africa region (not to mention anyone who is not in Vienna or Naru) will be ineligible for a waiver regardless of circumstances.

24. While we have been told by some government officials that a waiver process will exist, we have yet to receive any details about how to refer cases, how long waivers will take, or how many waivers are available. We have been told that waivers will only be considered on an individual basis and the Executive Order requires the designation of new personnel to review the waivers.

25. It is also my understanding based on my knowledge of refugee processing that at the end of the 120-day period, even if the refugee program reopens, under the terms of the Executive Order there will be a new security process that most of our clients must go through. In the past, security clearances typically take anywhere from one to five years. Thus, even *if* the refugee process goes back online following the Executive Order, under the terms of the order our clients are likely to be delayed for several additional years (even those already post-approval).

26. Both the first Executive Order and the new Executive Order that will replace it marginalize IRAP's Muslim clients and subject them to suspicion, scrutiny, and social isolation on account of their religious beliefs and national origin. Clients who are already inside the U.S.

are afraid and fear they are not welcome. Some have been subjected to harassment by law enforcement agencies allegedly conducting "new" security checks. Others have been detained at airports, or rejected from flights multiple times even though they are presenting valid visas. Our clients in USRAP and our Special Immigrant Visa programs are seeking resettlement ot the U.S. as a safe haven but now feel threatened by the only safe option available to them.

27. Many of IRAP's clients, including those living in the United States are fearful of asserting their legal rights through participation in lawsuits or otherwise. In addition to fears around possible retaliation from the government or private parties given the current anti-refugee and anti-Muslim climate in the United States, they face multiple barriers to doing so, including language barriers and unfamiliarity with American law and customs, including many customs we take for granted. For example, many of our clients have difficulty completing forms that seem basic and simple to Americans; a form that has a line for "address line two," for example, confuses our clients, who do not understand why the form is asking for a second address. Moreover, a significant number of our clients have suffered extreme trauma, often at the hands of government officials; this trauma has predictable and understandable consequences,

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often including a desire to avoid calling attention to themselves, particularly from government officials, both in the United States and in their home countries. Many also feel shame or stigma associated with what has happened to them in their home countries, and avoid situations where they may have to talk about it, such as through participation in a lawsuit.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed at in Los Angeles, California, on March 10, 2017.

Rebecca Heller

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MARYLAND**
**SOUTHERN DIVISION**

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| INTERNATIONAL REFUGEE ASSISTANCE PROJECT, et al.,<br><br>Plaintiffs,<br><br>v.<br><br>DONALD TRUMP, et al.,<br><br>Defendants. | Civil Action No.: 8:17-CV-00361-TDC<br><br>**DECLARATION OF MARK HETFIELD, PRESIDENT AND CEO OF HIAS, INC., IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION OF THE SECOND EXECUTIVE ORDER** |

**DECLARATION OF MARK HETFIELD, PRESIDENT AND CEO OF HIAS, INC.**

I, Mark Hetfield, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am the President and Chief Executive Officer of HIAS, Inc., a Plaintiff in the above-captioned case.

2. HIAS was founded in 1881 as the Hebrew Immigrant Aid Society to assist Jews fleeing pogroms in Russia and Eastern Europe. It is the world's oldest—and only Jewish—refugee resettlement agency. Today, HIAS serves refugees and persecuted people of all faiths and nationalities around the globe. Since HIAS's founding, the organization has helped more than 4.5 million refugees start new lives. In 2016 alone, HIAS provided services to more than 350,000 refugees and asylum seekers globally.

3. HIAS has offices in twelve countries worldwide, including its headquarters in Silver Spring, Maryland, its principal place of business, and additional domestic offices in New York City and Washington, D.C.

4. HIAS's refugee resettlement work is grounded in, and an expression of, the organization's sincere Jewish beliefs. The Torah, Judaism's central and most holy text, commands followers to welcome, love, and protect the stranger. The Jewish obligation to the stranger is repeated in various ways throughout the Torah, more than any other teaching or commandment. HIAS believes that this religious commandment demands concern for and protection of persecuted people of all faiths. The Torah also teaches that the Jewish people are to welcome, protect, and love the stranger because "we were strangers in the land of Egypt" (Leviticus 19:34). Throughout their history, violence and persecution have made the Jewish people a refugee people. Thus, both our history and our values lead HIAS to welcome all refugees in need of protection. A refusal to aid persecuted people of any one faith, because of stigma attached to that faith, violates HIAS's deeply held religious convictions.

5. HIAS's client base includes refugees and their families abroad and those located in the United States. Hundreds of these clients hail from the six countries singled out in Section 2(c) of the March 6 Executive Order, including Syria, Iran, Sudan, Somalia, and Yemen. Other clients, who will also be affected by the 120-day ban on refugees in Section 6(a) of the Order, hail from countries that include Iraq, Ukraine, Bhutan, the Democratic Republic of the Congo, Afghanistan, Eritrea, Tanzania, Ethiopia, Central African Republic, Burundi, South Sudan, Uganda, Russia, Belarus, Burma, and El Salvador. Its overseas clients are seeking refugee status, and do so precisely because they face a real risk of persecution at home. They remain in precarious situations often in third countries. HIAS also provides services to individuals entering the United States under the Special Immigrant Visa ("SIV") program available to persons who worked with the U.S. Armed Forces as a translator or interpreter in Iraq or Afghanistan.

6. HIAS is one of nine non-profit organizations, called "Resettlement Agencies," designated by the federal government to undertake this humanitarian work through cooperative agreements with the U.S. Department of State and the U.S. Department of Health and Human Services. To serve these refugees, HIAS currently holds sub-agreements with 18 local organizations ("affiliates") who operate and oversee 21 resettlement sites across the country. A resettlement site is an office of one of the Resettlement Agencies; it could be either an affiliate or a sub-office of an affiliate. There may be more than one resettlement site in a single city, depending on how many national agencies have offices there. HIAS itself also directly operates a resettlement site in New York City, and, before the Executive Order was signed, was on the verge of expanding to an additional resettlement site in Westchester County, New York, which had been approved by the Department of State.

7. HIAS is assigned clients via the Department of State's allocation process, which determines which refugee clients will be resettled by HIAS. Other clients—already residing in the United States—connect with HIAS when they come to one of HIAS's local affiliates to file paperwork to initiate requests for refugee status for their relatives abroad.

8. HIAS's work with the federal government occurs pursuant to several different cooperative agreements, including a cooperative agreement with the Department of State that provides funding for the Reception and Placement program. In Federal Fiscal Year ("FFY") 2017, HIAS's approved budget through this agreement was $11.4 million, including funding for headquarters, affiliates, and direct assistance to refugees. Through headquarters staff, HIAS interfaces with the Department of State's contractor for refugee processing, places cases with local affiliates, monitors the refugees' travel to the United States and their final destination in the United States, monitors affiliates for ongoing compliance, and works with the affiliates to ensure

effective and timely service delivery to the new arrivals. The total budget under the cooperative agreement is approved at the beginning of the fiscal year, although the Department of State allocates the funds in portions throughout the year, depending on the amount of funding approved by Congress.

9. The largest source of funding for refugee resettlement by HIAS and its affiliates is the funding for Reception and Placement services for new refugee arrivals. These funds are provided by the government on a per capita basis, currently at the rate of $2,075 per refugee. That amount includes $1,125 of direct assistance per refugee and $950 for affiliate staff support per refugee. The funding provided by the Department of State through the Reception and Placement program is intended to cover expenses for the refugees' initial period of resettlement, up to three months after arrival. With this funding, HIAS and its affiliates must find housing for the refugees, provide them with money for rent and utilities for up to three months, and supply them with initial food and medical care before government-funded benefits begin. In addition, with this funding, the affiliates pay for case management services for the refugees, which include meeting the refugees at the airport and bringing them to their new homes, providing initial safety orientation followed by weeks of extensive cultural orientation to adjust them to life in America, and assisting them in enrolling in ESL classes, school, employment services, and benefits programs (including Medicare, food stamps and Supplemental Security Income for the elderly and disabled).

10. In FFY 2016, HIAS's cooperative agreement with the Department of State provided that HIAS and its affiliates would resettle 3,768 refugees and SIVs in the United States. However, as the number of refugees and SIV's approved for admission increased, HIAS eventually resettled 4,191 individuals that year. The Department of State, aware that it would

significantly increase capacity for refugees in FFY 2017, then requested that HIAS apply for higher numbers of arrivals as the refugee program expanded. As a result, in its cooperative agreement for FFY 2017, HIAS was engaged to resettle 4,794 refugees and SIVs.

11. The Presidential Determination on Refugee Admissions for Fiscal Year 2017, signed in September 2016, authorized the admission of up to 110,000 refugees. Under the March 6 Executive Order, however, that number will be drastically reduced by the 90-day and 120-day bans in Sections 2(c) and 6(a), respectively, and Section 6(b)'s extreme reduction in refugee admissions overall to 50,000. As a result, HIAS and its affiliates will not be able to resettle a significant portion of planned-for arrivals. Indeed, in February, the Department of State notified HIAS that, because of the reduction in refugee admission levels in Section 5(d) of the January 27 Executive Order, HIAS's resettlement obligation for FFY 2017 would be reduced by 39 percent to 2,912 refugees and SIVs. Attached hereto as Exhibits 1 and 2 are true and correct copies of two email communications sent to HIAS staff by the Department of State, dated February 16, 2017, and February 17, 2017, respectively, outlining the changes mandated as a result of Section 5(d) of the January 27 Executive Order. That reduction in the level of refugee admissions remains in Section 6(b) the Revised Executive Order, and thus HIAS will still experience a 39 percent reduction in planned refugee resettlement, and a reduction in funding for its program.

12. Because HIAS had already resettled 1,941 refugees and SIVs for this fiscal year by the end of February, it will be permitted to resettle only 971 additional refugees and SIVs for the remainder of the year. The financial losses to HIAS and its affiliate network—up to $2.2 million—will be crippling, especially for many of HIAS's affiliates, which are heavily dependent on funding that flows through HIAS. And, those losses will be hastened by the 120-day ban on refugee admissions. On March 6, 2017, the Department of State informed HIAS that only

refugees who are already booked for travel to the United States arriving at their port of entry through the end of March 15, 2017, i.e., before the March 6 Order's effective date of March 16, 2017 at 12:01 am, will be permitted to enter the United States. Defendant Department of State has indicated that no further bookings may be made. Attached hereto as Exhibit 3 is a true and correct copy of the pertinent email communication sent to HIAS staff by the Department of State, dated March 6, 2017. The email also informed HIAS that all DHS screening interviews will continue to be suspended until further notice, unless exceptions are arranged on an individual basis and that no new Interagency Checks (IAC) and Security Advisory Opinion (SAC) security checks may be requested.

13. The risk that the Executive Order poses to the viability of HIAS, its affiliates, and the vital services they provide to refugees is very real. World Relief, one of the other nine resettlement agencies that partners with the government, has already announced that it will be forced to lay off 140 staff members and close five of its offices due to the Executive Order. The Executive Order will likewise significantly impede HIAS's work for the government and the services provided to refugees, causing irreparable harm to HIAS, its affiliates, and its clients. HIAS itself has already been precluded from refilling key positions. HIAS has been compelled by President Trump's two immigration executive orders to dedicate substantial resources to finding other sources of support for its work, and will likely find itself in the same position as World Relief vis-à-vis layoffs if the Executive Order is allowed to be implemented. These staff losses negatively impact the services that HIAS is able to provide to refugees.

14. Affiliates, who hold sub-agreements under HIAS, operate and oversee a number of resettlement sites and are an integral part of the resettlement process; indeed, without them, it would be nearly impossible to ensure that refugees are properly resettled and integrated into

communities. However, as a result of the financial losses stemming from the 90-day and 120-day bans and the reduction in admission of refugees to 50,000, some of HIAS's affiliates may be forced to shut down permanently or significantly pare back their resettlement programs and sites. Affiliates have already laid off staff in response to the Executive Order. For example, HIAS's affiliate in Ohio—US Together—has already laid off more than six employees at just one resettlement site. Many of the staff who have lost their jobs or are likely to be laid off are staff who work directly with refugee clients, and are often former refugees themselves. HIAS also operates a direct resettlement site out of its New York office. If the Executive Order remains in place, it is likely that reductions in funding will require HIAS to lay off employees at its New York site.

15. When sites are shuttered or their capacity significantly decreased through staff layoffs and cut resources, the local expertise and relationships—developed by affiliate staff, often over years and years—is lost entirely or substantially diminished. Building a new resettlement site can take months or years of relationship-building, including cooperation with local government and elected officials, businesses who would be potential employers, landlords, and the refugee communities themselves.

16. In particular, in establishing and operating these sites, affiliates depend heavily on volunteer networks and support within interfaith religious communities to assist in carrying out resettlement; once sites close or are reduced in size, these volunteer networks will become disengaged and eventually dissipate. In Wilmington, Delaware, for example, a site that opened in FFY 2017, the Jewish Family Services office has developed a coalition of 28 organizations and faith communities. The coalition consists of large numbers of local churches, including Presbyterian, Mormon, and Methodist churches, as well as mosques and synagogues—all eager

to support refugees. They have, in fact, already prepared to welcome newcomers to their communities. Building these relationships, which are key to a site's operation, took months of staff time and resources before the site even opened. Thus, once a resettlement program or site is shut down or reduced in capacity, reopening or re-expanding it could take months or years, if it is able to be done at all. And, if an influx of refugees were later allowed in, HIAS and its affiliates would be left with a diminished ability to serve that influx of refugees all at once.

17. Moreover, the existence of fewer sites within HIAS's resettlement affiliate network limits the type of assistance refugees can receive because it results in less variety in terms of specialization by site and ability within the network to welcome different kinds of refugees with different vulnerabilities. For example, one of the affiliate sites with which HIAS currently works has been specially set up to address the unique challenges faced by LGBTI refugees. The Jewish Family and Community Services East Bay in Walnut Creek, California, has developed a specialization in serving this population by connecting them to appropriate, available community resources. As another example, the Jewish Family Services of Buffalo and Erie County operates a program to serve deaf refugees, offering services otherwise unavailable from other HIAS affiliates. And the US Together site in Toledo is managed by a Resettlement Director who is from the Syrian community, and the site has staff with language and cultural competency to specifically serve this population. If some of these sites are forced to close due to funding and arrival cuts, the quality and range of specialized services that HIAS can provide to refugees facing special challenges will be diminished.

18. For these reasons, and in reliance on the Department of State's representation that it needed HIAS to take on increased numbers of refugees, HIAS began developing a formal plan to add new resettlement sites to its network and to expand existing sites. HIAS secured private

funding and allocated funding from HIAS's private fundraising to support affiliate program expansion. For example, prior to securing any public funding for new sites, HIAS gave some affiliates grant funding of between $50,000 and $100,000 to build their capacity. These were typically matched by local fundraising, all through private fundraising dollars.

19. In addition, in reliance on the Department of State's representation that it needed HIAS to take on increased numbers of refugees, two staff members were hired to develop new partnerships and conduct a thorough review to identify and develop strong new resettlement sites. This process included developing an index to measure a locality for its strength as a potential resettlement site, including analyses of affordable housing, job growth, and involvement in welcoming community efforts. HIAS's staff then developed relationships with various local organizations to gauge interest in site development over a period of several months. The process culminated in the selection of six new sites in Wilmington, Delaware; Pittsfield, Massachusetts; Niagara Falls, New York; Tacoma, Washington; Westchester, New York; and Madison, Wisconsin — all of which were approved by the Department of State to host 50 refugees each. While timelines may vary, a typical site may require an initial investment of approximately 9-12 months of effort and then additional years to strengthen the site and cultivate additional resources and relationships, allowing the site to scale to accept greater numbers of refugee arrivals. In addition, HIAS's staff invests considerable time into training and coaching employees and volunteers at new sites, which is necessary because the refugee program is complex, involving extensive, detailed requirements.

20. Because of the Executive Orders' directives to drastically cut refugee admissions, several of these sites, which took months or even years to develop, already have suspended operations and may be forced to close. The resources expended to identify and establish these

new sites, as well to expand several other existing sites, are not recoverable. For example, the new site in Wilmington invested in new staff, built community and volunteer relationships, and established the infrastructure for the new program. The program had expected to receive 50 refugees but has received only nine refugees so far, and anticipates just fourteen more. These numbers are insufficient to justify a continuing staff, and the agency faces a loss of initial funding.

21. Because of the devastating toll that the Executive Order will take on HIAS, its affiliates, and the services they provide, the injury and harm that HIAS will suffer is irreparable, HIAS cannot be made whole by a payment of damages at the end of this litigation.

22. HIAS's clients will also suffer irreparable injury as a result of the Executive Order. Clients already in the United States and clients who are allowed to enter will received diminished and more limited services than would otherwise be available through HIAS and its affiliates. Meanwhile, if the Executive Order remains in place, many clients will be denied entry entirely or their entry will be substantially delayed, leaving them in precarious situations.

23. At the time that the new Executive Order was signed on March 6, 2017, there were 61,467 approved refugees in the U.S. pipeline. This included 13,302 Somalis, 9,886 Iraqis, 7,879 Syrians, 1,666 Sudanese, 597 Iranians, and 28 Yemenis. These refugees were spread across the nine Resettlement Agencies, including HIAS.

24. Specifically, HIAS has identified 1,395 clients worldwide who were allocated through the Department of State process, have been vetted, and have been approved for refugee status. These refugees have already been allocated and assured to one of HIAS's resettlement sites. Of these, 512 are nationals of one of the six banned countries. Thus, these individuals—the overwhelming majority of whom are Muslim—will likely be ineligible for the case-by-case

exception to the 120-day ban on refugee applicants set forth in Section 6(c) of the March 6 Executive Order.

25. Of the 1,395 HIAS clients worldwide who have been vetted, approved for refugee status, and allocated and assured to a HIAS site, only 58 (including 3 refugees from the six banned countries) have been scheduled for travel. This also includes 99 individuals who were intended to be booked for travel, and 338 individuals who were cleared for departure but are not yet scheduled to travel. These individuals will be prevented from travel as a direct result of the Executive Order, leaving them in precarious situations.

26. Even after the 120-day suspension on refugee admissions expires, most of these individuals will still be prevented or delayed from entering the United States, despite the fact that they have been vetted and determined to be refugees. Under the Executive Order, the earliest that refugee resettlement could resume would be early July 2017. This would leave Resettlement Agencies, at most, with only two-and-a-half months before the end of the fiscal year to resettle hundreds or thousands of refugees who were supposed to be resettled over a much longer period of time. Refugee processing would be impacted by the 120-day ban since security checks and processing would be suspended during that time. Because security and medical clearances have expiration dates, it is likely that some refugees would lose their readiness for travel during the suspension period and lengthy checks would need to be repeated. In addition, because of the recent notice that HIAS's resettlement commitment will be cut by 39 percent, some of these refugees will simply not be able to enter the country in FFY 2017. Every day that these individuals' entry is delayed, they remain in precarious situations.

27. Many of HIAS's clients abroad whose refugee status has been approved but have yet to be scheduled for travel, including clients from the six banned countries, have family

members in the United States, also HIAS clients, who will suffer as a result of the delay in reuniting with their family members. Some of these U.S. ties are, in fact, individuals who petitioned, applied, or sponsored their family members for refugee status (often through HIAS). For example, some HIAS clients have been granted refugee status through the Central American Minors program, which permits U.S. relatives of persecuted children in Central America to petition for these children to immigrate here. These children remain in vulnerable and dangerous situations in their home countries, despite having been approved for refugee status, and their U.S. family members are forced to endure continued separation from and concern for these children.

28. More than 1,300 refugee applications initiated through HIAS by family members residing in the United States remain pending for HIAS clients abroad. Many include individuals living in the six Muslim-majority countries subject to the order's 90-day ban. The adjudication of these applications has been or will be substantially delayed because of the Executive Orders. In fact, since the orders were signed, consideration of most refugee applicant cases in need of security checks have been suspended. This means that, for many refugees in the pipeline, security checks that typically lasted 18-24 months will now be paused and restarted, potentially adding years to their wait for stable resettlement. The delay in processing of these applications will subject these clients to further risk of persecution and abuse in their current situations, and their family members who petitioned for them to come to the United States will remain in limbo as to whether they will ever be reunited.

29. The refugees that HIAS assists in entering the country are well-vetted by the U.S. government. These are individuals and families who are granted refugee status because they have fled their own countries due to persecution. These refugees are selected for third-country resettlement precisely because they have vulnerabilities that make continued residence in first

countries of asylum or repatriation to their home countries unsafe. They are people who simply want to live a life in safety and freedom, and, to my knowledge, none who have been assisted by HIAS has ever been implicated in any terrorist act. I've set forth in the paragraphs below just a few examples of HIAS clients who have been affected by the Executive Order and will likely be harmed by the drastic cut in the number of refugees that will be allowed to enter the United States this year.

30. Fawzia[1] is a Muslim Somali refugee who fled her country in 2011 because of the ongoing persecution. Her sister was raped and her brother was shot by armed groups in Somalia. Her family originally fled Somalia to India where she met and married her husband, another refugee of the civil war in Somalia. Fawzia, however, was resettled to the United States without her husband and has not seen him for two years. She talks to him every day and finds it extremely hard to live without him. Her husband is not yet scheduled to enter the United States.

31. Yessenia is a Salvadoran woman who has been living in the United States since 1999. She left her daughter behind in El Salvador and has created a new life for herself in this country. Yessenia, who has lawful status here, expects to soon marry her U.S. citizen fiancé. Her daughter Maria, however, has faced increased risk from the gangs in El Salvador. They have targeted her because she has family in the United States and have been extorting her. The gangs are threatening to kill Maria, her older brother, her grandmother (Yessenia's mother), and the rest of the family living in El Salvador. Children like Maria are victims of gang violence every day in El Salvador. Maria has been approved as a refugee through the Central American Minors program but is not yet scheduled to travel to the United States.

[1] All refugee and family names in this affidavit have been changed to protect client identities. Declarations are on file in HIAS' headquarters in Silver Spring, Maryland.

32. Magan is an elderly refugee from Somalia who has been in the United States for more than a year. He is waiting for his daughter and her children, his grandchildren, to join him in the United States through the refugee program. He reports that he has not been able to sleep since learning of the January 27 Executive Order for fear that they will be blocked from finally finding safety in the United States. Magan's family was scheduled to travel to the United States in February but their flight was cancelled after the first Executive Order was signed. Magan worries that he will die without seeing his daughter again, and as a Muslim, he reads the Quran and makes extra prayers for his family's health and safety. Magan feels that he has already suffered enough as he lost his first wife in the conflict in Somalia. He is waiting in the hope that he will be reunited with his family.

33. Elias, his sister, and his sister's children are Muslim refugees in the United States who fled the conflict in Syria. Elias and his sister arrived here without their mother and father, who fled Syria to Jordan four years ago when their lives were endangered. It is illegal for Elias's parents to work in Jordan so they are struggling financially, and heartbroken over being separated from their children and grandchildren. They are only able to pay rent for an apartment because Elias sends them money. Elias knows his parents have already been interviewed three times by the UNHCR and the U.S. government but is waiting for further information.

34. Sunam is a lawful permanent resident, originally from Nepal, whose brother remains in a refugee camp in Eastern Nepal. Sunam's brother has been in the camp his entire life. Sunam knows how difficult life is in the camp, which she left in 2014 after being resettled in the United States. Sunam and her brother talk on the phone nearly every week. Sunam understands that the basic rations being delivered to the refugee camp have been cut off. Sunam does not know when they will come in again. Sunam's brother was fully approved to enter the

United States as a refugee and was supposed to travel in June of 2016, but his travel was delayed for medical reasons and has not been rescheduled. Sunam hopes that her brother is able to join her soon.

35. Eden is a lawful permanent resident who came to the United States from Eritrea in 2010. She taught herself English, attends nursing school and has just applied for citizenship. Eden recently had her first child, a joyful occasion that was tinged with sadness because her mother could not be with her. Eden's mother remains in a precarious situation in Ethiopia, where she has been waiting to come to the United States as a refugee. She had to flee from Eritrea after being harassed for her religion as a Pentecostal Christian. Eden's mother has been fully vetted and approved as a refugee, but her travel was cancelled around the time of the Executive Order and has not been rescheduled. Eden has not seen her mother for seven years. She worries about her getting older, with worsening health, and is desperate for her son to meet his grandmother.

36. Maung is a legal permanent resident who came to the United States three years ago as a refugee from Burma. He now owns and operates his own sushi business. Maung is waiting for his wife to join him in the United States. He does not remember the last time he saw her. Maung is very worried that his wife's refugee status will be rejected and her departure from Malaysia will be delayed. Maung's wife's refugee status has been approved, and she was assigned to HIAS for resettlement in the United States; however she is still waiting for travel to be scheduled.

37. Like Fawzia, Magan, and Elias, many of HIAS's clients here in the U.S. and abroad are Muslim. The Executive Order has taken a particular toll on them because of its anti-Muslim motivation and message. HIAS's Muslim clients have been marginalized in their

communities as a result of the Executive Order. Clients report feeling that everyone wants to fight with them, and describe rumors of various attacks on mosques and other Muslims. Fawzia. for example, reports that her niece and sister, who are both in middle school, were attacked at school. Other students harassed the girls, called them names, told them to go back where they came from, and even pulled off their headscarves. HIAS clients report feeling isolated and anxious about their situation and the future for their refugee relatives.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Mark Hetfield

Executed this 10th day of March 2017

# EXHIBIT 1
# to Hetfield Declaration

[redacted]

**From:** O'Connor, Margaret R <OconnorMR@state.gov>
**Sent:** Thursday, February 16, 2017 5:27 PM
**To:** [redacted] Mark Hetfield;
**Cc:** PRM-Admissions-Domestic; Day, Barbara J; Santos, Carol T
**Subject:** FY 2017 RA Revised Budget Request
**Attachments:** RP Budget Summary and Detail Template - FY 2017 revisions.xls; RP Consolidated Placement Plan_FY2017 Revisions.xlsx

Dear colleagues,

With the adoption of Executive Order (EO) 13769, Protecting the Nation from Terrorist Activities by Foreign Nationals, PRM is implementing the revised target of 50,000 refugee arrivals and an estimated 15,000 SIVs for FY 2017.

Each agency's overall capacity will remain at the proportion of arrivals approved at the beginning of FY 2017 (for instance, if your agency was approved to resettle 10% of 107,000, you will now receive 10% of 65,000 arrivals). In order to issue funding for the remainder of FY 2017, PRM requires the submission of updated program and budget documents to reflect the revised ceiling of the U.S. Refugee Admissions Program. Your Program Officer will notify you of your revised approved network capacity for FY 2017.

We expect the updated Headquarters Management budget to reflect a careful assessment of the funding necessary to fulfill the revised workload expectations in a cost-efficient manner. It should be based on requirements to manage arrivals for the balance of FY 2017. Please consider if any currently planned program activities should be canceled or postponed. Proposals should include an outline of the specific actions being taken to adjust staffing, organizational structure and management, and other activities to appropriate levels. We understand that significant changes to affiliate networks, headquarters staffing, and other program requirements may have associated costs, however, we expect that revised full-year budgets will reflect savings from the significant reductions in estimated arrivals.

Please include the following documents by **Friday, March 3, 2017**:

- FY 2017 budget showing funds awarded to date (October 2016 – March 2017), Q3 and Q4 projected needs, and full-year funding requirements
    - Please use the attached template and submit as an excel spreadsheet
- Revised budget narrative (with changes tracked) detailing any new or updated activities to right-size the network (e.g. travel costs associated with restructuring or closing a site)
- Updated consolidated placement plan (attached) reflecting your revised capacity
    - Include a narrative detailing the strategy used in determining the revised plan
- Executive Summary outlining all changes from the originally-approved proposal, including staffing and operational changes and their associated impact on the budget
- Signed completed SF-424 and SF-424A
- Most recent Negotiated Indirect Cost Rate Agreement (NICRA)
- Signed and dated cover letter

PRM plans to issue additional per capita awards in early March given the robust arrivals through February. We will provide additional details in the coming weeks. Quarter 3 Headquarters Management awards will be issued after the proposed program adjustments have been finalized.

Please contact your Program Officer with any questions. Send your revised proposals to me and your Program Officer by **March 3, 2017**.

Sincerely,
Margaret

**Margaret O'Connor**
**Budget Analyst, Refugee Admissions • Bureau of Population, Refugees, and Migration • U.S. Department of State**
2025 E Street NW, Washington, DC 20520 | phone: 202.453.9262| fax: 202.453.9393| email: oconnormr@state.gov

**Official**
**UNCLASSIFIED**

# EXHIBIT 2
# to Hetfield Declaration

[redacted]

**From:** Jones, J Irving <JonesJI2@state.gov>
**Sent:** Friday, February 17, 2017 10:37 AM
**To:** [redacted]
**Subject:** HIAS Revised FY 2017 Capacity

Hi [redacted]

Your revised capacity for FY 2017 is below. This includes SIVs

| CAPACITY & ARRIVALS | ESTABLISHED AGENCY CAPACITY | % by agency | REVISED CAPACITY - 65,000 |
|---|---|---|---|
| **HIAS** | 4,794 | 4.5% | **2,912** |

Let me know if you have any questions.

Regards,
Irving

**Irving Jones**
**Program Officer for Domestic Resettlement, Refugee Admissions • Bureau of Population, Refugees, and Migration**
**U.S. Department of State**
2025 E Street NW, Washington, DC 20520 | phone: 202.453.9248| fax: 202.453.9393| email: JonesJI2@state.gov

This email is UNCLASSIFIED.

**Official**
**UNCLASSIFIED**

# EXHIBIT 3
# to Hetfield Declaration

**From:** Gauger, Kelly A [GaugerKA@state.gov]
**Received:** Monday, 06 Mar 2017, 1:56PM
**To:** [redacted]; Havana - Refugee [Havana-Refugee@state.gov]; [redacted]
**CC:** Ruken, Stephen I (Istanbul) [RukenSI@state.gov]; Ward, Robert C [WardRC@state.gov]; Sen, Anjalina M [SenAM@state.gov]; Johnson, Courtney E [JohnsonCE3@state.gov]; Lane, Nathan P [LaneNP@state.gov]; Dowl, Aimee M (Kampala) [DowlAM@state.gov]; Stalis, Emil R [StalisER@state.gov]; Anderson, Todd D (Havana) [AndersonTD@state.gov]; Kassem, Gina B (Amman) [KassemGB@state.gov]; Pilch, Jacquelyn J [PilchJJ@state.gov]; Bongiovanni, Kristin (Baghdad) [BongiovanniK2@state.gov]; Aguilo, Patricia M (Erbil) [AguiloPM@state.gov]; Munson, Jessica N [MunsonJN@state.gov]; Shaw, Gregory (Bangkok) [SHAWGJ@state.gov]; Garmize, Kristina X (Amman) [GarmizeKX@state.gov]; Wingate, Patrick R [WingatePR@state.gov]; Tikvart, Daniel J (Kabul) [TikvartDJ@state.gov]; [redacted]; Van Brandt, Danna J [VanBrandtdj@state.gov]; Pickering, Margaret S [PickeringMS@state.gov]; PRM-Admissions Office [PRM-AdmissionsOfficeDL@state.gov]
**Subject:** Message #8: Update on Refugee Admissions and Operations

Dear colleagues,

A new Executive Order was signed today calling for, among other things, a suspension of the USRAP program for 120 days, to take effect on March 16 at 12:01 am Eastern Daylight Time. All passengers (including refugees and visa 93 holders of all nationalities) already on ABN for arrival at their port of entry through the end of March 15 are permitted to travel as planned. No further bookings may be made.

Iraqi and Afghan SIVs are exempt from the Executive Order and may travel as usual.

In addition, RSCs should adhere to the following processing guidance.

-UNHCR has halted referrals, with several exceptions already agreed between PRM and individual RSCs. During the 120-day pause, RSCs are authorized to continue to pre-screen referrals that are already in the pipeline. RSCs may also accept urgent protection/medical referral requests from UNHCR during the 120-day period, with the approval of their PRM Program Officer. These cases should mainly be those with U.S. ties.

-Direct application programs may continue accepting new applications during the 120-day pause. Employment verification and pre-screening activities may continue.

-DHS interviews continue to be suspended until further notice, unless exceptions are arranged with individual RSCs. When requesting DHS interviews for urgent protection/medical cases, please consult your PRM Program Officer first.

-No new IAC or SAO security checks may be requested, except for urgent protection/medical cases or other cases approved by PRM/A to travel on an exceptional basis during the 120-day period. IAC and SAO re-requests as a result of new/additional information (biodiffs) should not be requested unless cases are approved by PRM/A for travel. All CLASS checks (new or re-requests) can continue to be requested.

-RSCs should request new assurances only for cases that have been approved for travel during the 120-day period. No other new assurances should be requested at this time. Assurance requests already in process will continue.

-Until further guidance is provided, RSCs may continue the following processing activities:

-Employment verification

-Pre-screening

-Class requests

-Medicals, as required for cases that have been approved by PRM for travel (either before and after the EO implementation date)

-Cultural orientation, as required for cases that have been approved by PRM for travel (either before and after the EO implementation date)

-Communications/responses to case inquiries

-The freeze on all hiring and expansion activities remains in effect until further notice.

-Cleared messaging for all RSCs to use with refugees and USRAP partners regarding the suspension is below. Please continue to clear ALL media/press requests with PRM/Admissions and PRM/Press in Washington.

**Message to all RSCs for posting on websites or in public areas:**

- **As stated in the Executive Order signed by the President, the United States government has suspended all refugee admissions for 120 days, effective March 16 at 12:01 a.m., eastern daylight time. Certain limited exceptions when in the national interest and when admission of the applicant would not pose a risk to U.S. security or welfare will be considered on a case-by-case basis.**

- **The suspension does not impact the cases of refugees already approved for refugee status who have been extensively screened, approved for admission to the United States, and scheduled for departure through March 15. Those individuals will continue to enter the United States through end of March 15.**

- **The Resettlement Support Center (RSC) is currently maintaining all case information and biodata on file for all refugees who have been referred for resettlement to the United States.**

- **For questions from refugees in XXX assisted by RSC XXX, you may write to XXX@XX if you wish to provide information on emergency situations or update your contact information.**

- **As we receive additional guidance, we will update this website xxxxx.com.**

Official

UNCLASSIFIED

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MARYLAND**
**SOUTHERN DIVISION**

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|---|---|
| INTERNATIONAL REFUGEE ASSISTANCE PROJECT, et al.,<br><br>Plaintiffs,<br><br>v.<br><br>DONALD TRUMP, et al.,<br><br>Defendants. | Civil Action No.: 8:17-CV-00361-TDC<br><br>**DECLARATION OF BETH BARON, PRESIDENT OF MIDDLE EAST STUDIES ASSOCIATION, IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** |

**DECLARATION OF BETH BARON, PRESIDENT OF MIDDLE EAST STUDIES ASSOCIATION**

I, Beth Baron, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am the President of the Middle East Studies Association ("MESA"), a Plaintiff in the above-captioned case. In this capacity, I chair the Board of Directors, act as chief executive officer of the association, and respond to the interests and concerns of MESA members.

2. I am also a Professor of History at the City College and Graduate Center of the City University of New York. I was the editor of the *International Journal of Middle East Studies* from 2009 to 2014 and am the author of numerous books and articles in Middle Eastern history. I regularly supervise graduate students and am familiar with the normal research practices of MESA members and the importance of international travel for both students and professors.

3. MESA is a non-profit learned society that brings together scholars, educators, and those interested in the study of the Middle East from all over the world. From its inception in 1966 with 51 founding members, MESA has increased its membership to more than 2,400 and

now serves as an umbrella organization for fifty-five institutional members. MESA's membership includes both graduate students and faculty working in the field of Middle East studies.

4. MESA and its members will be seriously harmed by the Executive Order issued on March 6, 2017 ("the Executive Order").

5. MESA has members who are from the six countries designated in the Executive Order and who are outside the United States. I understand that individuals in those circumstances who lack visas will not be able to obtain visas to travel to the United States under the terms of the Executive Order. This inability to come to the United States impacts MESA members' ability to attend academic conferences, including an annual meeting sponsored by MESA discussed below. For example, I am aware of an Iranian MESA member who is a doctoral student in Germany, who will not be able to travel to the United States for conferences, including the MESA conference which she firmly planned to attend, because the Executive Order will prevent her from obtaining a visa. Participation in academic conferences is crucial to the professional success of both graduate students and professors, and to their ability to fully engage with the ideas and scholarship of the broader Middle East studies community. Many important conferences, including the MESA annual meeting, take place in the United States.

6. Graduate students who are MESA members or are studying under MESA members in the United States often leave the country to complete field work or library and archival research for advanced degrees. I am aware that many such students from the six designated countries fear exclusion from the United States because of the Executive Order if they leave the country. Students who do not leave the United States, because they lack an assurance they will be permitted to reenter, will miss out on opportunities to engage in research and participate in

academic conferences. This is a serious hindrance to their academic careers, as research in this field is often best conducted abroad—and sometimes can only realistically be conducted abroad. Likewise, as noted above, participation in international conferences is a crucial part of the development of an academic career, and many major conferences in this field take place abroad.

7. Students in these circumstances will also lose their ability to visit family and friends abroad with an assurance they will be permitted to reenter. For example, I have learned of Iranian students affiliated with MESA who have cancelled plans to return home for Persian New Year, an important holiday that will occur on March 21, because of the Executive Order. Missing out on the chance to return home for Persian New Year is for many Iranian students comparable to Americans missing the chance to return home for the Thanksgiving holiday.

8. MESA members who are U.S.-based faculty will be impacted by the Executive Order because potential students from the designated countries will be unable to obtain visas to study with them in the United States. Similarly, for the reasons explained above, their current U.S.-based students from the designated countries will not be able to travel abroad for field work with an assurance they will be permitted to reenter. Students' decisions to forego international travel will impact faculty members' ability to facilitate quality research and educational opportunities, which is both critically important to faculty members' pedagogical and academic mission and will impact their ability to attract students, obtain grants, and produce scholarship.

9. Likewise, U.S.-based MESA faculty members will forego opportunities to travel abroad for research and academic conferences for fear that they will not be readmitted, or will be subjected to harassment or discrimination upon application for reentry to the United States. MESA has already been in communication with a number of faculty members who plan to forego international travel for these reasons.

10. MESA members will also be precluded from traveling to the designated countries for research or academic conferences when those countries institute reciprocal actions in response to the Executive Order. Iran restricted the issuance of certain visas to U.S. citizens in response to the prior, January 27 version of the Executive Order. A meeting of a MESA affiliated organization, the Association for the Study of Persianate Societies, planned for this month in Shiraz, Iran, was cancelled because of Iran's response to the prior version of the Executive Order. I am aware of at least one MESA member who was scheduled to present an academic paper at that conference but has now lost the opportunity to do so.

11. A large number of MESA members are Muslim or are institutional members whose officers, employees, or members are Muslim. I have heard from many Muslim members—colleagues, students, and friends—that they understand the message of the prior and current versions of the Order to be an attack on Islam. They have expressed the concern that the Orders marginalize them and they fear that they will be singled out for suspicion, interrogation, search, and discrimination because of the anti-Muslim message of these Orders.

12. MESA itself will also be harmed by the Executive Order. As part of its goal to advance learning, facilitate communication, and promote cooperation, MESA sponsors an annual meeting that is a leading international forum for scholarship, intellectual exchange, and pedagogical innovation. Approximately thirty percent of MESA members are based outside of the United States and must travel to the United States to attend MESA's annual meeting. At least 46 citizens of the six designated countries traveled to the United States to attend the last annual meeting. MESA expects that a substantial number of scholars will be unable to attend this year's meeting because of the restrictions imposed by the Executive Order.

13. MESA expects that, in part because of the stigmatic message of the Executive Order, many members based in Europe and the Middle East are likely to heed international calls to boycott academic conferences in the United States in protest of the Executive Order, including the MESA annual meeting. Academic conferences, and the MESA annual meeting in particular, are most successful when a variety of backgrounds and viewpoints are represented.

14. The absence of these scholars from the designated countries and from other countries will have a substantial negative effect on the meeting. These and other effects of the Executive Order will negatively impact MESA's mission of fostering the study and public understanding of the Middle East.

15. In addition, the Executive Order will cause serious financial harms to MESA. A large portion of MESA's annual budget is funded through annual membership dues and registration fees to attend the annual meeting. In 2016, annual meeting revenue was 47% of our overall revenue. This revenue represented the largest single source of income for MESA.

16. For each individual who cannot or will not attend the annual meeting, MESA will lose $90 to $250 in registration fees. We do not yet know how many individuals will forego registration and attendance at the meeting because of the travel ban. However, we anticipate significantly reduced registration and attendance, in part based on the reduction in the number of academic papers submitted for the meeting.

17. MESA's meetings held in Washington, DC, have had higher attendance and paper submission rates than our meetings held in other cities. MESA has consistently maintained and typically exceeded submission numbers in each successive DC meeting. In 2017, for the first time in 24 years, MESA has had a substantial decline in submissions from one DC meeting (2014) to another (2017). 133 fewer people submitted papers as part of pre-organized sessions in

2017 than in 2014. Applications for the 2017 meeting were due by February 15, 2017, shortly after the original Executive Order was signed.

18. Assuming based on this decline that, at a minimum, 133 people would have registered and attended the meeting but for the Executive Order, the loss of meeting registration would be approximately $18,000. However, MESA anticipates greater financial loss as people other than those who would have submitted papers but did not do so decide not to attend the meeting and thus do not pay the registration fee because of the Executive Order.

19. Likewise, I am aware that some individuals who cannot or will not attend the meeting will allow their MESA membership to lapse as a result. For each such lapsed membership, MESA will lose $25-300 in membership dues.

20. There are additional potential financial impacts if registration for the DC meeting is lower than it has been in previous years. MESA has a performance clause in its contract with the Marriott Wardman Park Hotel, the location of the 2017 meeting. MESA guarantees that it will fill a minimum number of room nights and any shortfall must be paid by MESA. The penalty is equal to the single room rate for each night MESA falls short. MESA may be subject to this penalty because of the Executive Order.

21. MESA has already experienced a negative financial impact from the Executive Order, which is reflected in the lower submission numbers and loss of revenue. MESA anticipates that the decline in revenue it has already experienced because of the Executive Order will continue for the rest of the year if the Executive Order is in effect.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Beth Baron

Beth Baron

Executed this 10th day of March, 2017

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MARYLAND**
**SOUTHERN DIVISION**

| | |
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| INTERNATIONALREFUGEE ASSISTANCE PROJECT, et al.,<br><br>Plaintiffs,<br><br>v.<br><br>DONALD TRUMP, et al,<br><br>Defendants. | Civil Action No.: 8:17-CV-00361-TDC<br><br>**DECLARARATION OF JOHN DOE # 1 IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** |

**DECLARATION OF JOHN DOE #1**

I, John Doe #1, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am a Lawful Permanent Resident of Iranian origin, and I live in Silver Spring, Maryland.

2. I came to the United States in 2014 on a J1 visa. I am a scientist who studies atmospheric and natural hazards. In 2016, I obtained my lawful permanent resident (LPR) status through the National Interest Waiver program for people with extraordinary abilities.

3. In August 2016, while my application to become a lawful permanent resident was pending, I married an Iranian national. My wife lives in Tehran. She has been alone in Tehran since her mother's unexpected death in 2013.

4. My wife and I are non-practicing Muslims, but under Iranian law, a child born to a Muslim father is automatically considered to be Muslim. Conversion from Islam is deemed apostasy and is punishable by death.

5. My wife and I applied for a spousal immigration visa so that she could join me in the United States. Her application was approved on November 3, 2016. As of January 9, 2017, we had submitted all requisite documentation, paid the processing fees, and were waiting for notification that an embassy interview was scheduled.

6. Based on the information published by the National Visa Center, I expected my wife's interview to be scheduled in no more than six weeks. At the time the first Executive Order went into effect, we were near this six-week mark. However, after the Executive Orders went into effect, I have been told by the National Visa Center that the processing time has been extended to eight weeks.

7. When the new Executive Order was announced, I called the National Visa Center again, in the hopes that my wife's interview can be scheduled before the new Order goes into effect. With each day that passes, that window closes. And, even if she does manage to get an interview, the new Executive Order will still halt any further processing, putting us back where we started.

8. I would like to visit my wife in Iran, but I am afraid to make any travel plans because I do not want to risk not being able to return to the United States, even as a legal permanent resident. The confusion surrounding the first Executive Order, the constantly changing landscape, and the fact that the revised Executive Order is so similar to the first makes me worry that leaving the country is too risky. I could be denied entry or detained and questioned.

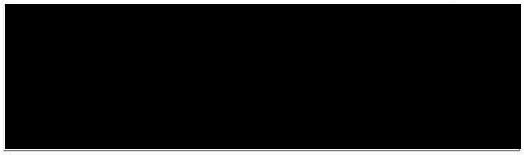
9. This also affects my job. Sometimes my work requires me to travel internationally, for example to attend conferences, but I feel I cannot do that at this time because I may not be permitted to re-enter the United States.

10. The Executive Order's travel ban on Iranian nationals has created significant fear, anxiety, and insecurity for my wife and I regarding our future. We simply cannot know what will happen, and if the delays will go for months and months only to result in a denial. The government calls it temporary but the language of the ban, the statements that have been made about banning Muslims from entering, and the broader context suggests otherwise. The waiver for hardship provides us with no reassurance. What is a hardship? What is that process? And there is so much confusion. I read a news report from the BBC about the embassy in Afghanistan delaying processing even before the new Executive Order goes into effect.

11. The ban forces me to choose between my career and being with my wife, who remains in Tehran. Moreover, even though we are married, her day-to-day life is difficult because she is, in many practical respects, living as a single woman. I can't be there for her to help her. Based on all the information that was out there about the process, we believed we would be together by this spring – or sooner. The more time passes, the harder and harder it is for us and the more pressure there is for me to give up my career here. But I do not know how to proceed because of the uncertainty—whether to keep working here, and keep hoping, while time passes, or whether to return, despite everything I would give up in doing so.

12. In addition, the anti-Muslim views that are driving the Executive Order, as well as the Order itself, have caused significant stress and anxiety for me. I worry that I may not be safe in this country, despite being invited to the U.S. by a university in order to contribute to the academic community in my initial visa.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed at Silver Spring, Maryland, on March 10, 2017.



John Doe #1

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MARYLAND**
**SOUTHERN DIVISION**

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| INTERNATIONALREFUGEE ASSISTANCE PROJECT, et al.,<br><br>Plaintiffs,<br><br>v.<br><br>DONALD TRUMP, et al,<br><br>Defendants. | Civil Action No.: 8:17-CV-00361-TDC<br><br>**DECLARARATION OF JOHN DOE # 3 IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** |

## DECLARATION OF JOHN DOE #3

I, John Doe #3, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am a Lawful Permanent Resident of Iranian origin, and I live in Linthicum, Maryland.

2. I came to the United States in 2011 through the greencard lottery. I worked as a teacher in Iran and currently work in the engineering field.

3. I recently applied to become a naturalized citizen, and the petition remains pending with U.S. Citizenship and Immigration Services.

4. My wife, who is also an Iranian national, lives in Iran. She and I married in the summer of 2014. In October 2014, I applied for an immigration visa on her behalf.

5. In May 2016, my wife had her interview at the U.S. Embassy. At the time, she was informed that her documentation was complete and she needed to wait for administrative processing, but that she should be able to join me in two or three months. She therefore resigned from her job and began preparing to join me in the United States.

6. The Executive Order puts our future in peril, as it has delayed, and could prevent, my wife from obtaining her visa and joining me in the United States.

7. Moreover, the Executive Orders and the delays and uncertainty they have caused have placed extraordinary stress upon our relationship and my relationship with my in-laws. At this point, we have been forced to live apart from each other, without each other's companionship for more than two and a half years. We live in different time zones, eight hours apart, and thus even communicating by phone requires planning. The only way for us to see each other is for me to travel to Iran, at great expense. Moreover, I only have 15 days of leave per year at my job.

8. The effect of the Executive Order has been to convince my wife and her family that it will be impossible for us to live together in the United States because the process will just keep being delayed or denied. We are starting to feel desperate. We are young and our lives are passing. We are delayed in starting our lives together and building our family. My wife has been particularly devastated by the Executive Order, feeling like her life is in total limbo and each day makes it worse.

9. In fact, we have gotten to the point where my father-in-law asked me to leave the United States and go back to Iran because the Executive Order means that there will be even more delay and may mean that my wife can never come to the U.S.. It has been difficult for me to be placed in a position of feeling like I may be forced to choose between staying in the

U.S. and the life I have started building here, and my wife, who I love dearly and want here with me. My wife and I have never had a significant disagreement in our relationship until the Executive Orders. It has been exhausting for us. We are being torn apart by this situation and the uncertainty and delay.

10. Since moving to the United States, I have returned to Iran on several occasions to visit my wife. I had planned to visit her in February 2017, but I canceled these plans because of the Executive Order. I fear that if I leave the United States to see my wife, I will not be permitted to reenter the country or could be detained by immigration officials upon my return. I have no faith that the Executive Order won't be applied to me, or that a new Executive Order won't be issued, or that I won't be detained and interrogated upon my return, based on news reports of what has been happening to others and the total chaos of the first Executive Order.

11. Because of this fear, if I do end up needing to visit Iran for a family matter or to see my wife, I need to plan for what will happen to my apartment, my car, my savings, and the various pieces of my life here, if I am detained or refused entry. But I am also afraid that anything I do will be regarded with suspicion.

12. The anti-Muslim attitudes that are driving this Executive Order have caused me stress and anxiety and made me question whether I even belong in this country despite everything I have sacrificed and invested in making a life here.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed at Linthicum, Maryland, on March 10, 2017.

[redacted]

John Doe #3

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MARYLAND**
**SOUTHERN DIVISION**

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| INTERNATIONALREFUGEE ASSISTANCE PROJECT, et al.,<br><br>Plaintiffs,<br><br>v.<br><br>DONALD TRUMP, et al,<br><br>Defendants. | Civil Action No.: 8:17-CV-00361-TDC |

DECLARATION OF MOHAMMED METEAB

I, Mohammed Meteab, upon my personal knowledge, hereby submit this declaration pursuant 28 U.S.C. § 1746 and declare as follows:

1. I am a lawful permanent resident of Iraqi origin, and I live in Springfield, Massachusetts.

2. I came to the United States in 2015 as a refugee, along with my wife and two children. All of us are now lawful permanent residents. My third child, who was born in the United States, is a U.S. citizen.

3. I am one of five brothers. We lived together with our families in Iraq. During and after the 2003 invasion of Iraq, my brothers and I all cooperated with the U.S. military, helping to establish the transitional government in the wake of the conflict in Najaf, Iraq.

4. Because of our cooperation with the U.S. government, we received threats and were shot at by armed militia groups in Iraq. In 2013, my brother Abdullateef found a note for us from the League of the Righteous milita saying we had to leave Najaf or be killed.

5. I am a Sunni Muslim, as are my brothers. We lived in a Shi'a neighborhood in Najaf, Iraq.

6. In 2013, my family received death threats because we were Sunni. We were warned by neighbors and members of the community that we would be killed if we stayed. A few days after receiving death threats, my nephew was shot in the leg. On December 25, 2013, my older brother Shareef, his children, and two of our nephews (Abdullateef's sons, Walid and Mosad, who was shot, and their wives), fled to Jordan.

7. Eleven days later, on January 5, 2014, I fled to Jordan with my wife and our two children. My three other brothers, Ahmed, Abdullateef, and Ali, joined us in Jordan in 2014. Like my wife, children and I, my brothers applied for refugee status soon after arriving in Jordan.

8. My wife, two children, and I were approved as refugees in March 2014.

9. On August 20, 2015, my wife, children, and I came to the United States as refugees. My nephew Walid and his wife were also approved and came to the U.S. as a refugee in July 2015. My older brother Shareef and his children also came to the United States as refugees in August 2015. Shareef's daughter and her husband, Mosad (who had been shot in Iraq) came to the United States in December 2015.

10. My remaining three brothers, Ahmed, Abdullateef, and Ali, had also applied for refugee status in 2014. Ahmed and Ali were approved for resettlement in the United States in 2016. In April 2015, Abdullateef was approved for resettlement in Canada. He is still in Jordan, awaiting final clearance to go to Canada.

11. In November 2016, Ahmed and Ali, who were still in Jordan, were informed by the International Organization for Migration that while their refugee applications had been

approved, my brothers and their families still did not have travel documents to come to the United States. Jewish Family Services gave me this update at the same time.

12. I expected that my brothers and their families would arrive in the United States in early 2017. However, when I learned from the news about the Executive Order in January, I realized my brothers would not be able to join us in the United States.

13. My brothers are living as refugees in Jordan. Like me, they fled threats to their lives in Iraq and were looking forward to starting a new life and sending their children to school here in the United States. Because of the January and now the updated Executive Order, they continue to live in insecurity as refugees awaiting resettlement.

14. Because of the Executive Order and official anti-Muslim sentiment motivating it, I have felt isolated and disparaged in my community. It is causing me and my wife a lot of mental stress. Particularly when my wife, who wears a hijab, and I are in public, I sense a lot of hostility from people around me. For example, at crosswalks, people refuse to stop their cars for us, and I see people staring at us. My wife doesn't not want to go outside the house except for doctors' appointments. My nieces, who wear hijab to school, say that people make mean comments and stare at them for being Muslim. One day, a student pulled the hijab off of my niece's head in class. On another occasion, as my niece was getting off the school bus, an older woman came up to her and pushed her to the ground.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed in Springfield, Massachusetts on March 10, 2017

Mohammed Meteab

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MARYLAND**
**SOUTHERN DIVISION**

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| INTERNATIONAL REFUGEE ASSISTANCE PROJECT, et al.,<br><br>Plaintiffs,<br><br>v.<br><br>DONALD TRUMP, et al.,<br><br>Defendants. | Civil Action No.: 8:17-CV-00361-TDC<br><br>**DECLARATION OF JANE DOE #2** |

**DECLARATION OF JANE DOE #2**

I, Jane Doe #2, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am a United States Citizen of Syrian origin, and I live in Mecklenburg County, North Carolina.

2. I am currently enrolled in college and studying to become a healthcare technician.

3. My sister was born in Damascus, Syria, where she grew up and spent most of her life. She is married and has two young boys, aged 7 and 2. In 2012, government planes bombed her neighborhood in Damascus and destroyed her house. She and her family fled to the home of her parents-in-law with nothing but their passports and the clothes on their backs. After remaining with her in-laws for several weeks, my sister and her family eventually moved to a home about two hours outside of Damascus, but shelling eventually reached that town, too.

4. While internally displaced within Syria, my sister and her husband heard rumors that the Syrian government's selective service would eventually be expanded to include

men over the age of 30. After my sister's husband saw some of his friends taken for the selective service, she told him to flee to Yemen, because only Yemen and Sudan accept Syrian refugees without visas. She stayed behind in Syria with their first child, pregnant with their second, because as a teacher, she was a government employee and was required to apply for government approval to stop working and leave the country. She remained in Syria, enduring constant shelling of their town, until she received permission from the government to leave work, at which point she fled to Yemen with her child to join her husband.

5. In Yemen, my sister's family registered with the United Nations High Commissioner for Refugees and received a temporary protection certificate explaining that they should be protected from forcible return to Syria. They remained in Yemen for approximately a year and a half, but war broke out in the country six or seven months after they arrived and the capitol, where they were staying, was soon besieged. They had no electricity, fuel, clean water, or food. Her husband had to risk his life to leave the city every day to find food and clean water for them because no trucks could enter the city to deliver supplies.

6. War engulfed the capitol and at one point, the house where my sister's family was staying was taken over by insurgents as a site for launching shells. She and her children, including her newborn baby, were locked into a room for three to four days while insurgent militiamen used their house to fire rockets. In the meantime, her husband, who had left to find food, was prevented from entering. After the insurgents finally left, my sister and her husband fled that same day for the Saudi Arabian border.

7. My sister's family is now in a refugee hotel on the Saudi Arabia-Yemen border and living in terrible, life-threatening conditions. They endure regular shelling from the Yemeni side of the border; where they live is shelled so often that the local school is open only

one or two days a week, if at all. The building in which they live is infested with bugs; human refuse from the bathroom of the unit above them leaks into their room. They are constantly sick and their children are throwing up all the time. The Saudi Arabian government often turns off the power to the building in an attempt to make the living conditions there so intolerable that the refugees will leave.

8. Discrimination against Syrian refugees in Saudi Arabia is severe. My sister's husband searches for work every day, but is often cheated out of his wages and kicked out of jobs without payment because he is Syrian. Because her husband is gone during the day, my sister must remain inside with her children; if she went out in public by herself, it is unquestionable that she would be abducted because she is a woman and a Syrian. The only time she and her children are able to leave the room where they are staying is at night, when her husband returns home and can accompany them outside. For this reason, their children did not believe that the sun rose and set in Saudi Arabia for the first year they were in the country because they room where they were staying had no windows. Her children never have the opportunity to play outside, but instead remain in their room for most of the day. During the rare times that they are able to emerge from the building at night, my sister's younger son cries and tries to run away whenever they have to return to the hotel.

9. My sister's older son always asks her, "When am I going to have friends?" He has not been able to make any friends because he is rarely able to go to school or to interact with other children and his entire life has been a continual experience of displacement.

10. I am very worried that my participation in this lawsuit against federal government officials could jeopardize my sister's visa application. My I-130 petition for her is currently pending. Once approved for an I-130 visa, she will be able to access the U.S. Refugee

Admissions Program (USRAP) through the Priority-2 Direct Access Program for Iraqi and Syrian Beneficiaries of Form I-130 Petition for Alien Relatives. I do not want my participation in this lawsuit to adversely impact either her visa or refugee applications and delay or prevent her from joining me in the United States.

11. I fear that whether or not my sister's visa and refugee application are denied, my participation in this case could result in harassment of me and my sister. Persecution of Syrian refugees in Saudi Arabia is rampant, and the Saudi Arabian government tries to make conditions difficult for Syrian refugees in the country. I fear that if my identity is made public, it would be easy to identify her as well, making her susceptible to harassment or further persecution.

12. While participating in this lawsuit is important to me, I am also fearful that my participation may lead to me and my family being targeted for harassment if my identity were made public.

13. Even as a United States citizen, I am fearful of leaving the United States because I am afraid the Executive Order may result in difficulty or harassment upon my return to the United States.

14. I am aware of the reports indicating that harassment and violence targeting Muslims has been on the rise recently. In fact several of my friends have experienced such harassment on account of their perceived or actual religious affiliation. I am aware of the shooting at the mosque in Quebec and the bombings of mosques here in the United States.

15. For these reasons, I feel that my personal security and that of my family necessitates that I be allowed to proceed under a pseudonym.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed at Mecklenburg County, North Carolina, on March 10, 2017.

[redacted]

Jane Doe #2

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MARYLAND**
**SOUTHERN DIVISION**

| | |
|---|---|
| INTERNATIONALREFUGEE ASSISTANCE PROJECT, et al.,<br><br>Plaintiffs,<br><br>v.<br><br>DONALD TRUMP, et al,<br><br>Defendants. | Civil Action No.: 8:17-CV-00361-TDC |

DECLARATION OF IBRAHIM ADMED MOHOMED

I, Ibrahim Ahmed Mohomed, upon my personal knowledge, hereby submit this declaration pursuant 28 U.S.C. § 1746 and declare as follows:

1. I am a citizen of the United States, and I live in Columbus, Ohio. I came to the United States as a refugee in 2009. I am Muslim.

2. I applied for refugee protection because I am a member of a minority claim in Somalia. When I lived in Mogadishu, where I worked as a street vendor, I was targeted and threatened by majority clans who knew I did not have protection.

3. In 2011, I petitioned for my wife and nine children to join me in the United States. In 2013, they were all approved to come to the United States as refugees. They are currently in Ethiopia waiting for authorization to travel to the United States.

4. After the January 27 Executive Order was signed, my family and I learned on the news that they would not be able to come to the United States as they are awaiting refugee resettlement and Somali nationals.

5. I was preparing to welcome my wife and children to the United States. I am worried that my children are not receiving adequate medical care or education in Ethiopia. Because they speak a different language in Ethiopia, my children are unable to go to school in Ethiopia.

6. My wife and children rely on me for financial support. I have not been able to see them since 2015. Because of this order, my family will not be able to join me, we continue to be separated, and my family's lives are in limbo.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed in Columbus, Ohio on March 10, 2017

Ibrahim 03-10-17

Ibrahim Ahmed Mohomed

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MARYLAND**
**SOUTHERN DIVISION**

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| INTERNATIONALREFUGEE ASSISTANCE PROJECT, et al.,<br><br>Plaintiffs,<br><br>v.<br><br>DONALD TRUMP, et al,<br><br>Defendants. | Civil Action No.: 8:17-CV-00361-TDC |

DECLARATION OF PAUL HARRISON

I, Paul Harrison, upon my personal knowledge, hereby submit this declaration pursuant 28 U.S.C. § 1746 and declare as follows:

1. I am a United States citizen, and I live in Euless, Texas.

2. My fiancé is an Iranian national who lives in Tehran, Iran. We have been together since November 2015. He was raised Muslim.

3. In March 2016, I petitioned for a K-1 visa for my partner—by then, my fiancé—so he could join me in the United States. He had an interview at the U.S. Embassy in Ankara, Turkey on November 7, 2016.

4. On January 17, 2017, we found out via an email from the U.S. Embassy in Ankara that my partner's visa processing was complete.

5. On January 27, 2017, President Trump signed Executive Order 13769, entitled "Protecting the Nation from Foreign Terrorist Entry Into the United States," which barred all Iranian nationals from coming to the United States.

6. On January 30, 2017, we received a subsequent email from the U.S. Embassy in Ankara, stating that my fiancé should not submit his passport because his visa process had been placed on hold until further notice. The email said he should check online and contact the Embassy when the ban was lifted to continue his visa processing.

7. On February 7, 2017, my partner received another email from the Embassy, informing him that he could now submit his passport for the visa because the Department of Justice had informed the embassy of the Washington State court ruling, barring the U.S. government from enforcing certain provisions of Executive Order 13769, including those related to visas and travel.

8. My partner and I made plans to meet in Turkey and to submit his passport for the visa processing. We arrived in Turkey on March 3, 2017. On March 6, 2017, we learned there was a new Executive Order that also barred Iranian nationals from coming to the United States unless their visa had already been issued.

9. We looked at the website of the U.S. Embassy in Ankara to see if there was an instruction not to submit passports because of the new order, but there was no new information. On March 8, 2017, we submitted my partner's passport to the U.S. Embassy in Ankara through an express mail carrier.

10. The Executive Order is creating a significant hardship for me and my partner. I cannot visit him in Iran, given Iran's reciprocal ban on U.S. citizen visitors, and the continued cost of flying to Turkey to be together is a considerable financial hardship.

11. Moreover, homosexuality is a crime in Iran, punishable in some cases by death. My partner has had two incidents with the morality police in Iran who harassed him on one occasion and assaulted him on another. For him, living each day hiding who he is and in

constant fear of exposure for his homosexuality is incredibly emotionally and mentally stressful. He wants the opportunity to live as himself, and I am eager for him to join me here in the United States where we can live openly together as a couple.

12. I am concerned that, even if there is a possibility of a waiver, my partner will have to start this lengthy process over again, and there is no guarantee that he will receive a waiver, even after previously being approved for a visa to the United States. I am also concerned that, as relations deteriorate between the United States and Iran, it will only become more difficult for my partner if the U.S. Embassy requires more information from Iran to process his visa.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed in Edirne, Turkey on March 10, 2017.

Paul Harrison

Paul Harrison

**UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MARYLAND**
**SOUTHERN DIVISION**

| | |
|---|---|
| INTERNATIONAL REFUGEE ASSISTANCE PROJECT, et al.,<br><br>Plaintiffs,<br><br>v.<br><br>DONALD TRUMP, et al,<br><br>Defendants. | Civil Action No.: 8:17-CV-00361-TDC |

**DECLARATION OF DAVID HAUSMAN IN SUPPORT OF PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

I, David Hausman, upon my personal knowledge and in accordance with 28 U.S.C. § 1746, hereby declare as follows:

1. I am a Skadden Fellow with the American Civil Liberties Union Immigrants' Rights Project. As a witness, I could and would testify competently as to the matters set forth below.

2. A true and correct copy of the February 16, 2017 CNN article by Laura Jarrett, Allie Malloy and Dan Merica entitled "Trump promises new immigration order as DOJ holds off appeals court," is attached hereto as Exhibit A. The article can also be found at http://www.cnn.com/2017/02/16/politics/donald-trump-travel-ban-executive-order/.

3. A true and correct copy of the February 21, 2017 Politico article by Matthew Nussbaum, Josh Gerstein, and Cristiano Lima entitled "White House creates confusion about future of Trump's travel ban," is attached hereto as Exhibit B. The article can also be found at http://www.politico.com/story/2017/02/trump-travel-ban-confusion-235241.

4. A true and correct copy of the December 7, 2015 Washington Post article by Jenna Johnson entitled "*Trump calls for 'total and complete shutdown of Muslims entering the United States,*" is attached hereto as Exhibit D. The article can also be found at https://www.washingtonpost.com/news/post-politics/wp/2015/12/07/donald-trump-calls-for-total-and-complete-shutdown-of-muslims-entering-the-united-states/?utm_term=.b6d478b253a6.

5. A true and correct copy of the December 7, 2015 statement posted to Donald J. Trump's official campaign website entitled "*Donald J. Trump Statement On Preventing Muslim Immigration,*" is attached hereto as Exhibit E. The statement can also be found at https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration.

6. A true and correct copy of the February 17, 2017 CNN article entitled "*Full Transcript: President Donald Trump's News Conference,*" is attached hereto as Exhibit G. The article can also be found at http://www.cnn.com/2017/02/16/politics/donald-trump-news-conference-transcript/.

7. A true and correct copy of the March 6, 2017 VOA News article by William Gallo and Victoria Macchi entitled "*Trump Signs New Travel Ban Order,*" is attached hereto as Exhibit H. The article can also be found at http://www.voanews.com/a/trump-signs-new-travel-ban-order/3751526.html.

8. A true and correct copy of the January 30, 2017 CNN article by Evan Perez, Pamela Brown and Kevin Liptak entitled "*Inside the confusion of the Trump Executive Order and travel ban,*" is attached hereto as Exhibit I. The article can also be found at http://www.cnn.com/2017/01/28/politics/donald-trump-travel-ban/index.html.

9. A true and correct copy of the January 28, 2017 New York Times article by Michael D. Shear, Nicholas Kulish, and Alan Feuer entitled "*Judge Blocks Trump Order on Refugees Amid Chaos and Outcry Worldwide,*" is attached hereto as Exhibit J. The article can also be found at https://www.nytimes.com/2017/01/28/us/refugees-detained-at-us-airports-prompting-legal-challenges-to-trumps-immigration-order.html.

10. A true and correct copy of the January 28, 2017 Law Fare article by Benjamin Wittes entitled "*Malevolence Tempered by Incompetence: Trump's Horrifying Executive Order on Refugees and Visas,*" is attached hereto as Exhibit K. The article can also be found at https://lawfareblog.com/malevolence-tempered-incompetence-trumps-horrifying-executive-order-refugees-and-visas

11. A true and correct copy of the March 7, 2017 CNN article by Daniella Diaz entitled "*Kelly: There are "13 or 14" more countries with questionable vetting procedures,*" is attached hereto as Exhibit L. The article can also be found at http://www.cnn.com/2017/03/06/politics/john-kelly-travel-ban-muslim-countries/index.html.

12. A true and correct copy of the March 26, 2011 New York Times article by Charlie Savage entitled "*F.B.I. Casts Wide Net Under Relaxed Rules for Terror Inquiries, Data Show*," is attached hereto as Exhibit M. The article can also be found at http://www.nytimes.com/2011/03/27/us/27fbi.html

13. A true and correct copy of the February 25, 2017 N.Y. Times article by Ron Nixon entitled "*People From 7 Travel-Ban Nations Pose No Increased Terror Risk, Report Says*," is attached hereto as Exhibit N. The article can also be found at https://www.nytimes.com/2017/02/25/us/politics/travel-ban-nations-terror-risk.html.

14. A true and correct copy of the March 2, 2017 MSNBC article by The Maddow Blog, entitled "*TRMS Exclusive: DHS document undermines Trump case for travel ban*," is attached hereto as Exhibit O. The article can also be found at http://www.msnbc.com/rachel-maddow-show/trms-exclusive-dhs-document-undermines-trump-case-travel-ban.

15. A true and correct copy of the February 3, 2017 Washington Post article by Justin Jouvenal, Rachel Weiner, and Ann E. Marimow entitled "*Justice Dept. Lawyer Says 100,000 Visas Revoked Under Travel ban; State Dept. says About 60,000*," is attached hereto as Exhibit P. The article can also be found at https://www.washingtonpost.com/local/public-safety/government-reveals-over-100000-visas-revoked-due-to-travel-ban/2017/02/03/7d529eec-ea2c-11e6-b82f-687d6e6a3e7c_story.html?utm_term=.e5ded8f0c284.

16. A true and correct copy of a draft Executive Order entitled "*Protecting the Nation from Terrorist Attacks by Foreign Nationals*," is attached hereto as Exhibit Q. The draft can also be found at https://apps.washingtonpost.com/g/documents/world/read-the-draft-of-the-executive-order-on-immigration-and-refugees/2289/.

17. A true and correct copy of the Central Intelligence Agency's World Listing Factbook website providing countries' population percentage by religious affiliation is attached hereto as Exhibit R. This demographic information can also be found at https://www.cia.gov/library/publications/the-world-factbook/fields/2122.html#sy.

18. A true and correct copy of the January 27, 2017 CBN News article by The Brody File entitled "*Brody File Exclusive: President Trump Says Persecuted Christians Will Be Given Priority As Refugees*," is attached hereto as Exhibit S. The article can also be found at http://www1.cbn.com/thebrodyfile/archive/2017/01/27/brody-file-exclusive-president-trump-says-persecuted-christians-will-be-given-priority-as-refugees.

19. A true and correct copy of the January 31, 2017 Washington Post article by Sarah Pulliam Bailey entitled "*Trump signs order limiting refugee entry, says he will prioritize Christian refugees*," is attached hereto as Exhibit T. The article can also be found at

https://www.washingtonpost.com/news/acts-of-faith/wp/2017/01/27/we-dont-want-them-there-trump-signs-order-limiting-refugee-entry/?utm_term=.1238bc7f1081.

20. A true and correct copy of the December 7, 2015 statement posted to Donald J. Trump's official campaign website entitled "*Donald J. Trump Statement on Preventing Muslim Immigration*," is attached hereto as Exhibit U. The speech can also be found at https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration.

21. A true and correct copy of the 1:47pm December 7, 2015 tweet by Donald J. Trump @realDonaldTrump is attached hereto as Exhibit V. The tweet can also be found at https://twitter.com/realdonaldtrump/status/673982228163072000?lang=en.

22. A true and accurate copy of the December 7, 2015 Washington Post article by Jenna Johnson entitled "*Trump calls for 'total and complete shutdown of Muslims entering the United States*'" is attached hereto as Exhibit W. The article can also be found at https://www.washingtonpost.com/news/post-politics/wp/2015/12/07/donald-trump-calls-for-total-and-complete-shutdown-of-muslims-entering-the-united-states/?utm_term=.b6d478b253a6.

23. A true and correct copy of the transcript of the July 24, 2016 NBC interview of Donald Trump by Chuck Todd on "*Meet the Press*" is attached hereto as Exhibit X. The transcript can also be found at http://www.nbcnews.com/meet-the-press/meet-press-july-24-2016-n615706.

24. A true and correct copy of the December 21, 2016 Time article by Katie Reilly entitled "*Donald Trump on Proposed Muslim Ban: 'You Know My Plans,*'" is attached hereto as Exhibit Y. The article can also be found at http://time.com/4611229/donaldtrumpberlinattack/.

25. A true and correct copy of the January 29, 2017 Washington Post article by Amy B. Wang entitled "*Trump asked for a 'Muslim ban,' Guiliani says – and ordered a commission to do it 'legally,'*" is attached hereto as Exhibit Z. The article can also be found at https://www.washingtonpost.com/news/the- fix/wp/2017/01/29/trump-asked-for-a-muslim-ban-giuliani-says-and-ordered-a-commission-to- do-it-legally/?utm_term=.2f88f830c54c.

26. A true and correct copy of the December 8, 2015 Washington Post article by Jenna Johnson entitled "*Donald Trump says he is not bothered by comparisons to Hitler*" is attached hereto as Exhibit AA. The article can also be found at https://www.washingtonpost.com/news/post-politics/wp/2015/12/08/donald-trump-says-he-is-not-bothered-by-comparisons-to-hitler/?utm_term=.97e412919c27.

27. A true and correct copy of the March 10, 2016 CNN article by Theodore Schliefer, entitled"*Donald Trump: 'I think Islam hates us,*'" is attached hereto as Exhibit BB. The

article can also be found at http://www.cnn.com/2016/03/09/politics/donald-trump-islam-hates-us/.

28. A true and correct copy of the March 22, 2016 Mediate article by Alex Griswold entitled "*Trump Responds to Brussels Attacks: 'We're Having Problems With the Muslims'*" is attached hereto as Exhibit CC. The article can also be found at http://www.mediaite.com/tv/trump-responds-to-brussels-attack-were-having-problems-with-the-muslims/.

29. A true and correct copy of the February 6, 2017 Declaration of Reema Khaled Dahman, *Ali v. Trump*, No. 17-0135 (W.D. Wash.) is attached hereto as Exhibit DD. The Declaration can also be found at *Ali v. Trump*, No. 17-0135 (W.D. Wash.), Dkt. No. 14.

30. A true and correct copy of the January 29, 2017 New York Times article by Benjamin Mueller and Matthew Rosenberg entitled "*Disorder at Airports as Travelers Are Detained Without Lawyers*," is attached hereto as Exhibit EE. The article can also be found at https://nyti.ms/2jHM3ba.

31. A true and correct copy of the March 1, 2017 CNN article by Laura Jarrett, Ariane de Vogue, and Jeremy Diamond entitled "*Trump delays new travel ban after well-reviewed speech*," is attached hereto as Exhibit FF. The article can also be found at http://www.cnn.com/2017/02/28/politics/trump-travel-ban-visa-holders.

32. A true and correct copy of the February 24, 2017 New York Times article by Mark Landler and Eric Schmitt entitled "*H.R. McMaster Breaks with Administration on Views of Islam*," is attached hereto as Exhibit GG. The article can also be found at https://www.nytimes.com/2017/02/24/us/politics/hr-mcmaster-trump-islam.html?.

33. A true and correct copy of the November 15, 2015 Buzzfeed article by Nicolas Medina Mora and Mike Hayes entitled "*The Big (Imaginary) Black Friday Bombing*," is attached hereto as Exhibit HH. The article can also be found at https://www.buzzfeed.com/nicolasmedinamora/did-the-fbi-transform-this-teenager-into-a-terrorist?utm_term=.yfEDJ2zy#.qkLW8Gg1.

34. A true and correct copy of the February 22, 2017 Washington Post article by Matt Zapotosky entitled, "*A new travel ban with 'mostly minor technical differences'? That probably won't cut it analysts, say*," is attached hereto as Exhibit II. The article can also be found at https://www.washingtonpost.com/world/national-security/a-new-travel-ban-with-mostly-minor-technical-differences-that-probably-wont-cut-it-analysts-say/2017/02/22/8ae9d7e6-f918-11e6-bf01-d47f8cf9b643_story.html?utm_term=.c318a2ad6c8b

35. A true and correct copy of the September 1, 2016 New York Times article entitled "*Transcript of Donald Trump's Immigration Speech*," is attached hereto as Exhibit JJ. The article can also be found at

https://www.nytimes.com/2016/09/02/us/politics/transcript-trump-immigration-speech.html?_r=0.

36. A true and correct copy of the January 30, 2017 Pew Research Center article by Jens Manuel Krogstand and Jynnah Radford entitled "*Key facts about refugees to the U.S.*," is attached hereto as Exhibit KK. The article can also be found at http://www.pewresearch.org/fact-tank/2017/01/30/key-facts-about-refugees-to-the-u-s/

37. A true and correct copy of the February 16, 2017 Amicus Brief of Former National Security Officials, *Darweesh v. Trump*, No 17-00480 (E.D.N.Y.) is attached hereto as Exhibit LL. The brief can also be found at *Darweesh v. Trump*, No. 17-00480 (E.D.N.Y.), Dkt. No. 137.

38. A true and correct copy of the February 5, 2017 Joint Declaration of Madeleine K. Albright, et al., *Darweesh v. Trump*, No 17-00480 (E.D.N.Y.) is attached hereto as Exhibit MM. The declaration can also be found at *Darweesh v. Trump*, No. 17-00480 (E.D.N.Y.), Dkt. No. 28.

39. A true and correct copy of the March 6, 2017 Breitbart News article by Katie McHugh entitled "Trump's Executive Order Mandates Government Reports on Honor Killings Committed by Migrants," is attached hereto as Exhibit NN. The article can also be found at http://www.breitbart.com/big-government/2017/03/06/trumps-executive-order-mandates-government-reports-on-honor-killings-committed-by-migrants/.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, based on my personal knowledge. Executed at New York, NY on March 10, 2017.

David Hausman
AMERICAN CIVIL LIBERTIES UNION
IMMIGRANTS' RIGHTS PROJECT
125 Broad Street
New York, NY 10004
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# Exhibit A

# Trump promises new immigration order as DOJ holds off appeals court

By **Laura Jarrett**, **Allie Malloy** and **Dan Merica**, CNN
Updated 11:38 PM ET, Thu February 16, 2017

New travel ban will be based on court decision 02:24

## Story highlights

Trump said Thursday that his administration will issue "a new and very comprehensive order to protect our people" next week

The original three-judge panel retains control of the case and the travel ban remains on hold

## Trump press conference

- Amazing moment in history
- Most memorable lines
- To Jewish reporter: 'Sit down'
- To black reporter: 'Set up a meeting'
- Treatment of first lady 'unfair'
- OPINION: Performance fuels worry
- OPINION: Trump voters applaud presser
- Full transcript

**Washington (CNN) —** President Donald Trump vowed Thursday to roll out a new immigration executive order next week that will be tailored to the federal court decision that paused his travel ban.

"The new order is going to be very much tailored to what I consider to be a very bad decision," said Trump during a news conference, referring to a decision by the Ninth Circuit Court of Appeals that blocked his travel ban earlier this month.

Meanwhile, the Justice Department told the Ninth Circuit Court of Appeals that it did not need a larger panel of judges to rehear its failed emergency challenge to a lower court's temporary suspension of Trump's executive order on immigration at this time, because a new order is on the way. The Ninth Circuit agreed Thursday evening to put any rehearing of the matter on hold for now.

The Justice Department wrote at length in a 47-page about the "seriously flawed" Ninth Circuit ruling from last week, but nevertheless said: "(r)ather than continuing this litigation, the President intends in the near future to rescind the order and replace it with a new, substantially revised executive order to eliminate what the panel erroneously thought were constitutional concerns."

"In so doing, the President will clear the way for immediately protecting the country rather than pursuing further, potentially time-consuming litigation," it added.

Questions have swirled over what the Trump administration would do this week after a three-judge panel on the Ninth Circuit refused to lift a federal judge's temporary restraining order on Trump's executive order barring foreign nationals from Iran, Sudan, Libya, Somalia, Syria, Iraq and Yemen from entering the country for 90 days, all refugees for 120 days and all refugees from Syria indefinitely.

Last Friday, an unidentified judge on the Ninth Circuit requested that the full court vote on whether to rehear the decision reached by the three-judge panel. Such requests are not uncommon, but the call for a vote came at time when the Justice Department's position on pursuing the appeal was uncertain.

The states that brought the lawsuit -- Washington and Minnesota -- said in their court filing on Thursday that there is no basis for rehearing the case, as the opinion from the three-judge panel is "firmly grounded in precedent."

And while the nation waits on a new or modified executive order on immigration from the Trump administration, at least one federal court is barreling ahead on litigation over the original one.

US District Court Judge James Robart in Seattle -- the judge who originally halted the key provisions of the travel ban -- denied a request from the Trump administration earlier this week to postpone any further proceedings in his court, which means the parties will now proceed to the discovery phase of the case.

Trump vs. Obama: A rocky relationship

Schwarzenegger's theory on Donald Trump

4 reasons why Republicans did Obamacare repeal before tax reform

AARP comes out against House GOP health care bill

# Exhibit B

POLITICO

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The White House is sending mixed signals as to whether or not it will rescind President Donald Trump's controversial travel ban even as officials seek to craft a new order that will be less vulnerable to legal challenge.

The Justice Department told the 9th Circuit Court of Appeals last week that Trump will "rescind…and replace" the original order, which remains largely on hold after an appeals court panel upheld a lower court's broad injunction.

But White House press secretary Sean Spicer said at the conclusion of his daily briefing Tuesday that Trump will not rescind the original order. Instead, the first order is being updated, Spicer insisted.

The contradictory statements sowed further confusion about the fate of Trump's original order, which bars immigrants from seven Muslim-majority countries and halts the entry of refugees.

"The new order is going to be very much tailored to what I consider to be a very bad decision," Trump said last week.

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Spicer said the administration remains confident in the legality of its original order, but is also working with Cabinet agencies to prepare a new one.

His statements seemed to leave open the possibility that there could be two orders in effect at once — a situation that could complicate efforts to defend the new order in court.

The White House said Tuesday afternoon it intended to issue a clarification about the conflicting statements.

But a statement from the administration — released on Tuesday evening — did little to clear up any confusion.

"The administration continues to defend the President's national security Executive Order in court, and though we believe it to be fully lawful, we are simultaneously finalizing a revised policy tailored to the Ninth Circuit's ruling," White House spokesman Michael Short said in a written statement.

During an appearance on Fox News Tuesday, White House aide Stephen Miller similarly left the door open for the initial order to remain in place, adding only that the new policy would be "responsive" to recent court rulings.

"These are mostly minor technical differences, fundamentally," he said of the forthcoming revised order. "You are still going to have the same basic policy outcome for the country but you are going to have a lot of technical issues brought up by the court."

Miller added that the administration would be rolling out the details of the revised order "in the next few days."

He also stood by the original executive order's constitutionality, despite the flurry of legal challenges to it.

"The president's actions were clearly legal and constitutional and consistent with the long-standing traditions of presidents in the past to exercise the authority in the Immigration and Nationality Act to suspend immigration when it poses a threat to our security," he said.

# Exhibit D

Post Politics

# Trump calls for 'total and complete shutdown of Muslims entering the United States'

By Jenna Johnson December 7, 2015

*Updated at 7:43 p.m.*

Donald Trump called Monday for a "total and complete shutdown" of the entry of Muslims to the United States "until our country's representatives can figure out what is going on."

In a statement released by his campaign Monday afternoon, Trump included recent poll findings that he says show that a sizable segment of the Muslim population has "great hatred towards Americans."

"Without looking at the various polling data, it is obvious to anybody the hatred is beyond comprehension," Trump is quoted as saying in the statement. "Where this hatred comes from and why we will have to determine. Until we are able to determine and understand this problem and the dangerous threat it poses, our country cannot be the victims of horrendous attacks by people that believe only in Jihad, and have no sense of reason or respect for human life."

At a rally in Mount Pleasant, South Carolina on Monday evening, Trump pointed to the statement he released earlier in the day.

"Should I read you the statement?" he asked.

The crowd enthusiastically agreed that he should.

"Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what the hell is going on," he said, adding the word "hell" for emphasis this time.

Supporters erupted in applause.

"We have no choice. We have no choice," Trump said. "We have no choice."

Earlier in the rally, which was interrupted by protesters, Trump said: "I have friends that are Muslims. They're great people -- but they know we have a problem."

Trump campaign manager Corey Lewandowski told the Associated Press that the ban would apply to "everybody," including both immigrants and tourists. Soon after the statement was released, Trump tweeted that he had "just put out a very important policy statement on the extraordinary influx of hatred and danger coming into our country." He added in the tweet: "We must be vigilant!"

In an interview on Fox News Channel shortly ahead of his campaign rally, Trump was asked whether his policy would apply to Muslim military personnel stationed overseas who want to come home.

"They will come home. We have to be vigilant," he responded. "We have to take care of the Muslims that are living here. But we have to be vigilant."

He later added: "Anybody here stays, but we have to be very vigilant... This does not apply to people living in the country except that we have to be vigilant."

In the past month, particularly following the recent mass shooting in Southern California that is believed to have been inspired by the Islamic State terrorist group, Trump has called for greater scrutiny of Muslims -- including Muslim Americans who are legal residents of the country. He has said he would support heavy surveillance of mosques, bar Syrian refugees of all religions from entering the country and would consider establishing a database to track all Muslims in the country. But Trump's statement on Monday was his most controversial proposal yet.

Trump: 'I want surveillance of certain mosques'

Play Video 1:21

Trump typically announces major policy ideas like this during interviews or formally issuing formal statements. The statement immediately sparked rounds of questions about how such a policy would work, along with strong criticism.

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"Oh, my goodness," said Ibrahim Hooper, national communications director at the Council on American-Islamic Relations. "One has to wonder what Donald Trump will say next as he ramps up his anti-Muslim bigotry. Where is there left for him to go? Are we talking internment camps? Are we talking the final solution to the Muslim question? I feel like I'm back in the 1930s."

What worried Hooper, he said, was the premeditated nature of Trump's statement.

"He feels perfectly okay saying this," said Hooper. "It's not an open mic moment, where he has to walk something back. This was a statement from his campaign. They had to believe that this would be well received by his supporters. We've always had anti-Muslim bigots, but they've always been at the fringes of society. Now they want to lead it. In saner times, his campaign would be over. In insane times, his campaign can gain support. And that's why he put it out."

*David Weigel and Sean Sullivan contributed to this report.*

Jenna Johnson is a political reporter who covers the White House. She spent more than than a year writing about Donald Trump's presidential campaign, traveling to 35 states to attend more than 170 political rallies and interview hundreds of Trump supporters. Follow @wpjenna

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**Analysis**

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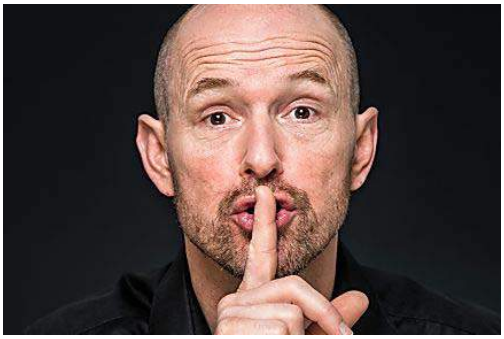

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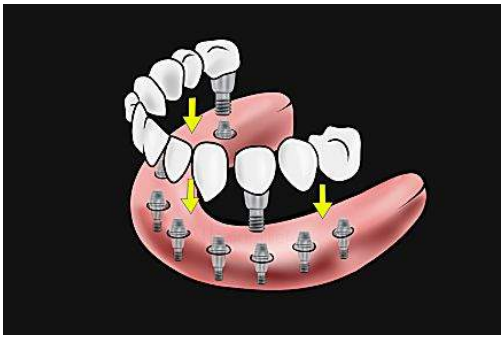

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New Dental Implants

# Exhibit E

- DECEMBER 07, 2015 -

# DONALD J. TRUMP STATEMENT ON PREVENTING MUSLIM IMMIGRATION

(New York, NY) December 7th, 2015, -- Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on. According to Pew Research, among others, there is great hatred towards Americans by large segments of the Muslim population. Most recently, a poll from the Center for Security Policy released data showing "25% of those polled agreed that violence against Americans here in the United States is justified as a part of the global jihad" and 51% of those polled, "agreed that Muslims in America should have the choice of being governed according to Shariah." Shariah authorizes such atrocities as murder against non-believers who won't convert, beheadings and more unthinkable acts that pose great harm to Americans, especially women.

Mr. Trump stated, "Without looking at the various polling data, it is obvious to anybody the hatred is beyond comprehension. Where this hatred comes from and why we will have to determine. Until we are able to determine and understand this problem and the dangerous threat it poses, our country cannot be the victims of horrendous attacks by people that believe only in Jihad, and have no sense of reason or respect for human life. If I win the election for President, we are going to Make America Great Again." - *Donald J. Trump*

Next Release: Donald J. Trump Announces State Directors in

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# Exhibit G

# Full transcript: President Donald Trump's news conference

Updated 4:12 AM ET, Fri February 17, 2017

*Source: CNN*

**President Trump's full press conference** 01:16:56

PRESIDENT DONALD TRUMP HOLDS A NEWS CONFERENCE TO

ANNOUNCE HIS NEW NOMINEE FOR SECRETARY OF LABOR

FEBRUARY 16, 2017

SPEAKER: PRESIDENT DONALD TRUMP

[*]

TRUMP: Thank you very much.

I just wanted to begin by mentioning that the nominee for secretary of the Department of Labor will be Mr. Alex Acosta. He has a law degree from Harvard Law School, was a great student; former clerk for Justice Samuel Alito. And he has had a tremendous career. He's a member and has been a member of the National Labor Relations Board, and has been through Senate confirmation three times, confirmed; did very, very well.

And so Alex, I've wished him the best. We just spoke. And he's going to be -- I think he'll be a tremendous secretary of labor.

And also as you probably heard just a little while ago, Mick Mulvaney, former congressman, has just been approved weeks late, I have to say that, weeks, weeks late, Office of Management and Budget. And he will be I think a fantastic addition.

Paul Singer just left. As you know, Paul was very much involved with the anti-Trump or as they say, "never Trump." And Paul just left and he's given us his total support. And it's all about unification. We're unifying the party and hopefully we're going to be able to unify the country. It's very important to me. I've been talking about that for a long time. It's very, very important to me.

So I want to thank Paul Singer for being here and for coming up to the office. He was a very strong opponent, and now he's a very strong ally. And I appreciate that.

I think I'll say a few words, and then we'll take some questions. And I had this time. We've been negotiating a lot of different transactions to save money on contracts that were terrible, including airplane contracts that were out of control and late and terrible; just absolutely catastrophic in terms of what was happening. And we've done some really good work. We're very proud of that.

And then right after that, you prepare yourselves, we'll do some questions, unless you have enough questions. That's always a possibility.

I'm here today to update the American people on the incredible progress that has been made in the last four weeks since my inauguration. We have made incredible progress. I don't think there's ever been a president elected who in this short period of time has done what we've done.

## Trump press conference

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- Most memorable lines
- To Jewish reporter: 'Sit down'
- To black reporter: 'Set up a meeting'
- Treatment of first lady 'unfair'
- OPINION: Performance fuels worry
- OPINION: Trump voters applaud presser
- Full transcript

A new Rasmussen poll, in fact -- because the people get it -- much of the media doesn't get it. They actually get it, but they don't write it. Let's put it that way. But a new Rasmussen poll just came out just a very short while ago, and it has our approval rating at 55 percent and going up. The stock market has hit record numbers, as you know. And there has been a tremendous surge of optimism in the business world, which is -- to me means something much different than it used to. It used to mean, "Oh, that's good." Now it means, "That's good for jobs." Very different.

Plants and factories are already starting to move back into the United States, and big league -- Ford, General Motors, so many of them. I'm making this

presentation directly to the American people, with the media present, which is an honor to have you. This morning, because many of our nation's reporters and folks will not tell you the truth, and will not treat the wonderful people of our country with the respect that they deserve. And I hope going forward we can be a little bit -- a little bit different, and maybe get along a little bit better, if that's possible. Maybe it's not, and that's OK, too.

TRUMP: Unfortunately, much of the media in Washington, D.C., along with New York, Los Angeles in particular, speaks not for the people, but for the special interests and for those profiting off a very, very obviously broken system. The press has become so dishonest that if we don't talk about, we are doing a tremendous disservice to the American people. Tremendous disservice. We have to talk to find out what's going on, because the press honestly is out of control. The level of dishonesty is out of control.

I ran for president to present the citizens of our country. I am here to change the broken system so it serves their families and their communities well. I am talking -- and really talking on this very entrenched power structure, and what we're doing is we're talking about the power structure; we're talking about its entrenchment. As a result, the media is going through what they have to go through too often times distort - not all the time - and some of the media is fantastic, I have to say - they're honest and fantastic.

But much of it is not a - the distortion -- and we'll talk about it, you'll be able to ask me questions about it. But we're not going to let it happen, because I'm here again, to take my message straight to the people. As you know, our administration inherited many problems across government and across the economy. To be honest, I inherited a mess. It's a mess. At home and abroad, a mess. Jobs are pouring out of the country; you see what's going on with all of the companies leaving our country, going to Mexico and other places, low pay, low wages, mass instability overseas, no matter where you look. The middle east is a disaster. North Korea - we'll take care of it folks; we're going to take care of it all. I just want to let you know, I inherited a mess.

Beginning on day one, our administration went to work to tackle these challenges. On foreign affairs, we've already begun enormously productive talks with many foreign leaders, much of it you've covered, to move forward towards stability, security and peace in the most troubled regions of the world, which there are many. We have had great conversations with the United Kingdom, and meetings. Israel, Mexico, Japan, China and Canada, really, really productive conversations. I would say far more productive than you would understand.

We've even developed a new council with Canada to promote women's business leaders and entrepreneurs. It's very important to me, very important to my daughter Ivanka. I have directed our defense community headed by our great general, now Secretary Mattis. He's over there now working very hard to submit a plan for the defeat of ISIS, a group that celebrates the murder and torture of innocent people in large sections of the world. It used to be a small group, now it's in large sections of the world.

They've spread like cancer. ISIS has spread like cancer - another mess I inherited. And we have imposed new sanctions on the nation of Iran, whose totally taken advantage of our previous administration, and they're the world's top sponsor of terrorism, and we're not going to stop until that problem is properly solved. And it's not properly solved now, it's one of the worst agreements I've ever seen drawn by anybody. I've ordered plan to begin building for the massive rebuilding of the United States military. Had great support from the Senate, I've had great from Congress, generally.

We've pursued this rebuilding in the hopes that we will never have to use this military, and I will tell you that is my - I would be so happy if we never had to use it. But our country will never have had a military like the military we're about to build and rebuild. We have the greatest people on earth in our military, but they don't have the right equipment and their equipment is old. I used it; I talked about it at every

stop. Depleted, it's depleted - it won't be depleted for long. And I think one of the reason I'm standing here instead of other people is that frankly, I talked about we have to have a strong military.

We have to have a strong law enforcement also. So we do not go abroad in the search of war, we really are searching for peace, but its peace through strength. At home, we have begun the monumental task of returning the government back to the people on a scale not seen in many, many years. In each of these actions, I'm keeping my promises to the American people. These are campaign promises. Some people are so surprised that we're having strong borders.

Well, that's what I've been talking about for a year and a half, strong borders. They're so surprised, oh, he having strong borders, well that's what I've been talking about to the press and to everybody else. One promise after another after years of politicians lying to you to get elected. They lied to the American people in order to get elected. Some of the things I'm doing probably aren't popular but they're necessary for security and for other reasons.

And then coming to Washington and pursuing their own interests which is more important to many politicians. I'm here following through on what I pledged to do. That's all I'm doing. I put it out before the American people, got 306 electoral college votes. I wasn't supposed to get 222. They said there's no way to get 222, 230's impossible.

270 which you need, that was laughable. We got 306 because people came out and voted like they've never seen before so that's the way it goes. I guess it was the biggest electoral college win since Ronald Reagan. In other words, the media's trying to attack our administration because they know we are following through on pledges that we made and they're not happy about it for whatever reason.

And - but a lot of people are happy about it. In fact, I'll be in Melbourne, Florida five o'clock on Saturday and I heard - just heard that the crowds are massive that want to be there. I turn on the T.V., open the newspapers and I see stories of chaos. Chaos. Yet it is the exact opposite. This administration is running like a fine- tuned machine, despite the fact that I can't get my cabinet approved.

And they're outstanding people like Senator Dan Coats who's there, one of the most respected men of the Senate. He can't get approved. How do you not approve him? He's been a colleague - highly respected. Brilliant guy, great guy, everybody knows it. We're waiting for approval. So we have a wonderful group of people that's working very hard, that's being very much misrepresented about and we can't let that happen.

So, if the Democrats who have - all you have to do is look at where they are right now. The only thing they can do is delay because they screwed things up royally, believe me. Let me list to you some of the things that we've done in just a short period of time. I just got here. And I got here with no cabinet. Again, each of these actions is a promise I made to the American people.

I'll go over just some of them and we have a lot happening next week and in the weeks - in the weeks coming. We've withdrawn from the job-killing disaster known as Trans Pacific Partnership. We're going to make trade deals but we're going to have one on one deals, bilateral. We're going to have one on one deals.

We've directed the elimination of regulations that undermine manufacturing and call for expedited approval of the permits needed for America and American infrastructure and that means plant, equipment, roads, bridges, factories. People take 10, 15, 20 years to get disapproved for a factory. They go in for a permit, it's many, many years. And then at the end of the process -- they spend 10s of millions of dollars on nonsense and at the end of the process, they get rejected.

Now, they may be rejected with me but it's going to be a quick rejection. Not going to take years. But mostly it's going to be an acceptance. We want plants built and we want factories built and we want the jobs. We don't want the jobs going to other countries. We've imposed a hiring freeze on non-essential federal workers. We've imposed a temporary moratorium on new federal regulations.

We've issued a game-changing new rule that says for each one new regulation, two old regulations must be eliminated. Makes sense. Nobody's ever seen regulations like we have. You go to other countries and you look at indexes (ph) they have and you say "let me see your regulations" and they're fraction, just a tiny fraction of what we have. And I want regulations because I want safety, I want environmental - all environmental situations to be taken properly care of. It's very important to me. But you don't need four or five or six regulations to take care of the same thing.

We've stood up for the men and women of law enforcement, directing federal agencies to ensure they are protected from crimes of violence. We've directed the creation of a task force for reducing violent crime in America, including the horrendous situation -- take a look at Chicago and others, taking place right now in our inner cities. Horrible.

We've ordered the Department of Homeland Security and Justice to coordinate on a plan to destroy criminal cartels coming into the United States with drugs. We're becoming a drug infested nation. Drugs are becoming cheaper than candy bars. We are not going to let it happen any longer.

We've undertaken the most substantial border security measures in a generation to keep our nation and our tax dollars safe. And are now in the process of beginning to build a promised wall on the southern border, met with general -- now Secretary Kelly yesterday and we're starting that process. And the wall is going to be a great wall and it's going to be a wall negotiated by me. The price is going to come down just like it has on everything else I've negotiated for the government. And we are going to have a wall that works, not gonna have a wall like they have now which is either non-existent or a joke.

We've ordered a crackdown on sanctuary cities that refuse to comply with federal law and that harbor criminal aliens, and we have ordered an end to the policy of catch and release on the border. No more release. No matter who you are, release. We have begun a nationwide effort to remove criminal aliens, gang members, drug dealers and others who pose a threat to public safety. We are saving American lives every single day.

The court system has not made it easy for us. And are even creating a new office in Homeland Security dedicated to the forgotten American victims of illegal immigrant violence, which there are many. We have taken decisive action to keep radical Islamic terrorists out of our country. No parts are necessary and constitutional actions were blocked by judges, in my opinion, incorrect, and unsafe ruling. Our administration is working night and day to keep you safe, including reporters safe. And is vigorously defending this lawful order.

I will not back down from defending our country. I got elected on defense of our country. I keep my campaign promises, and our citizens will be very happy when they see the result. They already are, I can tell you that. Extreme vetting will be put in place and it already is in place in many places.

In fact, we had to go quicker than we thought because of the bad decision we received from a circuit that has been overturned at a record number. I have heard 80 percent, I find that hard to believe, that is just a number I heard, that they are overturned 80 percent of the time. I think that circuit is -- that circuit is in chaos and that circuit is frankly in turmoil. But we are appealing that, and we are going further.

We're issuing a new executive action next week that will comprehensively protect our country. So we'll be going along the one path and hopefully winning that, at the same time we will be issuing a new and very comprehensive order to protect our people. That will be done sometime next week, toward the

beginning or middle at the latest part. We have also taken steps to begin construction of the Keystone Pipeline and Dakota Access Pipelines. Thousands and thousands of jobs, and put new buy American measures in place to require American steel for American pipelines. In other words, they build a pipeline in this country, and we use the powers of government to make that pipeline happen, we want them to use American steel. And they are willing to do that, but nobody ever asked before I came along. Even this order was drawn and they didn't say that.

TRUMP: And I'm reading the order, I'm saying, why aren't we using American steel? And they said, that's a good idea, we put it in. To drain the swamp of corruption in Washington, D.C., I've started by imposing a five-year lobbying ban on White House officials and a lifetime ban on lobbying for a foreign government.

We've begun preparing to repeal and replace Obamacare. Obamacare is a disaster, folks. It is's disaster. I know you can say, oh, Obamacare. I mean, they fill up our alleys with people that you wonder how they get there, but they are not the Republican people our that representatives are representing.

So we've begun preparing to repeal and replace Obamacare, and are deep in the midst of negotiations on a very historic tax reform to bring our jobs back, to bring our jobs back to this country. Big league. It's already happening. But big league.

I've also worked to install a cabinet over the delays and obstruction of Senate Democrats. You've seen what they've done over the last long number of years. That will be one of the great cabinets ever assembled in American history.

You look at Rex Tillerson. He's out there negotiating right now. General Mattis I mentioned before, General Kelly. We have great, great people. Mick is with us now. We have great people.

Among their responsibilities will be ending the bleeding of jobs from our country and negotiating fair trade deals for our citizens.

Now look, fair trade. Not free, fair. If a country is taking advantage of us, not going to let that happen anymore. Every country takes advantage of us almost. I may be able to find a couple that don't. But for the most part, that would be a very tough job for me to do.

Jobs have already started to surge. Since my election, Ford announced it will abandon its plans to build a new factory in Mexico, and will instead invest $700 million in Michigan, creating many, many jobs.

Fiat Chrysler announced it will invest $1 billion in Ohio and Michigan, creating 2,000 new American jobs. They were with me a week ago. You know you were here.

General Motors likewise committed to invest billions of dollars in its American manufacturing operation, keeping many jobs here that were going to leave. And if I didn't get elected, believe me, they would have left. And these jobs and these things that I'm announcing would never have come here.

Intel just announced that it will move ahead with a new plant in Arizona that probably was never going to move ahead with. And that will result in at least 10,000 American jobs.

Walmart announced it will create 10,000 jobs in the United States just this year because of our various plans and initiatives. There will be many, many more, many more, these are a few that we're naming.

Other countries have been taking advantage of us for decades -- decades, and decades, and decades, folks. And we're not going to let that happen anymore. Not going to let it happen.

And one more thing, I have kept my promise to the American people by nominating a justice of the United States Supreme Court, Judge Neil Gorsuch, who is from my list of 20, and who will be a true defender of our laws and our Constitution, highly respected, should get the votes from the Democrats. You may not see that. But he'll get there one way or the other. But he should get there the old-fashioned way, and he should get those votes.

This last month has represented an unprecedented degree of action on behalf of the great citizens of our country. Again, I say it. There has never been a presidency that's done so much in such a short period of time. And we have not even started the big work yet. That starts early next week.

Some very big things are going to be announced next week. So we are just getting started. We will be giving a speech, as I said, in Melbourne, Florida, at 5:00 p.m. I hope to see you there.

And with that, I just say, God bless America, and let's take some questions.

Mara (ph), Mara (ph), go ahead. You were cut off pretty violently at our last news conference.

QUESTION: (OFF-MIKE)

TRUMP: Mike Flynn is a fine person, and I asked for his resignation. He respectfully gave it. He is a man who there was a certain amount of information given to Vice President Pence, who is with us today. And I was not happy with the way that information was given.

He didn't have to do that, because what he did wasn't wrong -- what he did in terms of the information he saw. What was wrong was the way that other people, including yourselves in this room, were given that information, because that was classified information that was given illegally. That's the real problem.

And, you know, you can talk all you want about Russia, which was all a, you know, fake news, fabricated deal, to try and make up for the loss of the Democrats and the press plays right into it. In fact, I saw a couple of the people that were supposedly involved with all of this -- that they know nothing about it; they weren't in Russia; they never made a phone call to Russia; they never received a phone call.

It's all fake news. It's all fake news. The nice thing is, I see it starting to turn, where people are now looking at the illegal -- I think it's very important -- the illegal, giving out classified information. It was -- and let me just tell you, it was given out like so much.

I'll give you an example. I called, as you know, Mexico. It was a very, very confidential, classified call. But I called Mexico. And in calling Mexico, I figured, oh, well that's -- I spoke to the president of Mexico; I had a good call. All of a sudden, it's out there for the world to see. It's supposed to be secret. It's supposed to be either confidential or classified, in that case.

Same thing with Australia. All of a sudden, people are finding out exactly what took place. The same thing happened with respect to General Flynn. Everybody saw this. And I'm saying -- the first thing I thought of when I heard about it is: How does the press get this information that's classified? How do they do it?

You know why? Because it's an illegal process and the press should be ashamed of themselves. But more importantly, the people that gave out the information to the press should be ashamed of themselves, really ashamed.

Yes, go ahead.

QUESTION: (OFF-MIKE)

TRUMP: Because when I looked at the information, I said, "I don't think he did anything wrong; if anything, he did something right." He was coming into office. He looked at the information. He said, "Huh, that's fine." That's what they're supposed to do. They're supposed to -- he didn't just call Russia. He called and spoke to both ways, I think there were 30-some-odd countries. He's doing the job.

You know, he was doing his job. The thing is, he didn't tell our vice president properly, and then he said he didn't remember. So either way, it wasn't very satisfactory to me. And I have somebody that I think will be outstanding for the position. And that also helps, I think, in the making of my decision.

But he didn't tell the vice president of the United States the facts. And then he didn't remember. And that just wasn't acceptable to me.

Yes?

QUESTION: (inaudible) clarification here. During your campaign, did anyone from your team (inaudible) Russian government or Russian intelligence? And if so, what was the nature of those conversations (inaudible)? TRUMP: The failing New York Times wrote a big, long front-page story yesterday. And it was very much discredited, as you know. It was -- it's a joke. And the people mentioned in the story, I notice they were on television today saying they never even spoke to Russia. They weren't even a part, really -- I mean, they were such a minor part. They -- I hadn't spoken to them.

I think the one person -- I don't think I've ever spoken to him. I don't think I've ever met him. And he actually said he was a very low-level member of I think a committee for a short period of time. I don't think I ever met him. Now, it's possible that I walked into a room and he was sitting there, but I don't think I ever met him. I didn't talk to him ever. And he thought it was a joke.

The other person said he never spoke to Russia; never received a call. Look at his phone records, et cetera, et cetera. And the other person, people knew that he represented various countries, but I don't think he represented Russia, but knew that he represented various countries. That's what he does. I mean, people know that.

That's Mr. Manafort, who's -- by the way, who's by the way a respected man. He's a respected man. But I think he represented the Ukraine or Ukraine government or somebody, but everybody -- people knew that. Everybody knew that.

So, these people -- and he said that he has absolutely nothing to do and never has with Russia. And he said that very forcefully. I saw his statement. He said it very forcefully. Most of the papers don't print it because that's not good for their stories.

TRUMP: So the three people that they talked about all totally deny it. And I can tell you, speaking for myself, I own nothing in Russia. I have no loans in Russia. I don't have any deals in Russia. President Putin called me up very nicely to congratulate me on the win of the election.

He then, called me up extremely nicely to congratulate me on the inauguration, which was terrific. But so did many other leaders, almost all other leaders from almost all of the country. So that's the extent.

Russia is fake news. Russia -- this is fake news put out by the media. The real news is the fact that people, probably from the Obama administration because they're there, because we have our new people going in place, right now.

As you know, Mike Pompeo has -- has now taken control of the CIA, James Comey at FBI, Dan Coats is waiting to be approved, I mean he is a senator and a highly respected one and he's still waiting to be approved. But our new people are going in.

And just while you're at it, because you mentioned this, Wall Street Journal did a story today that was almost as disgraceful as the failing New York Time's story, yesterday. And it talked about -- these are (ph) front page.

So director of national intelligence just put out, acting a statement, any suggestion that the United States intelligence community, this was just given to us, is withholding information and not providing the best possible intelligence to the president and his national security team is not true.

So they took this front page story out of The Wall Street Journal top and they just wrote the story that its not true. And I'll tell you something, I'll be honest, because I sort of enjoy this back and forth that I guess I have all my life but I've never seen more dishonest media than frankly, the political media. I thought the financial media was much better, much more honest.

But I will say that, I never get phone calls from the media. How did they write a story like that in The Wall Street Journal without asking me or how did they write a story in The New York Times, put it on front page?

That was like the story they wrote about the women and me, front page, big massive story. And it was nasty and then they called, they said we never said that, we like Mr. Trump. They called up my office, we like Mr. Trump, we never said that.

And it was totally -- they totally misrepresented those very wonderful women, I have to tell you, totally misrepresented. I said give us the retraction. They never gave us a retraction and frankly, I then went on to other things.

OK, go ahead.

QUESTION: (OFF-MIKE) said today that you have big intellectual margins (inaudible) 300 or more (ph), or 350 (ph) electoral (ph) votes. President Obama about 365 (OFF-MIKE).

(CROSSTALK)

TRUMP: Yeah.

QUESTION: Obama (OFF-MIKE) 426 on (OFF-MIKE). So why should Americans...

(CROSSTALK)

TRUMP: ...I'm skipping that information, I don't know, I was just given (ph) we had a very, very big margin.

QUESTION: (OFF-MIKE) why should Americans trust you (OFF-MIKE) the information (OFF-MIKE)?

TRUMP: Well, I don't know, I was given that information. I was given -- I actually, I've seen that information around. But it was a very substantial victory, do you agree with that? OK thank you, that's...

(CROSSTALK)

TRUMP: Go ahead Sir, yes?

QUESTION: Can you tell us in determining that Lieutenant General Flynn did -- whether there was no wrongdoing in your mind, what evidence was weighed? Did you ask for transcripts of these telephone intercepts with Russian officials, particularly the Ambassador Sergey Kislyak, who he was communicating with?

What-- what evidence did you weigh to determine that there was no wrongdoing? Further to that, Sir, you said on a couple of locations this morning, you are going to aggressively pursue the source of these leaks.

TRUMP: We are.

QUESTION: Can we ask what you're going to do and also, we've heard about a -- a review of the intelligence community headed up by Steven Feinberg, what can you tell us about that?

TRUMP: Well, first of all about that, we now have Dan Coats, hopefully soon, Mike Pompeo and James Comey and they're in position so I hope that we'll be able to straighten that out without using anybody else.

The gentleman you mentioned is a very talented man, very successful man and he's offered his services and you know, it's something we may take advantage of. But I don't think we're need that at all because of the fact that you know, I think that we are gonna be able to straighten it out very easily on its own.

As far as the general's concerned, when I first heard about it, I said huh, that doesn't sound wrong. My counsel came, Don McGahn, White House Counsel, and he told me and I asked him, he can speak very well for himself. He said he doesn't think anything is wrong, you know, really didn't think.

It was really, what happened after that but he didn't think anything was done wrong. I didn't either because I waited a period of time and I started to think about it, I said "well I don't see" -- to me, he was doing the job.

The information was provided by -- who I don't know, Sally Yates. And I was a little surprised because I said "doesn't sound like he did anything wrong there." But he did something wrong with respect to the vice president and I thought that was not acceptable. As far as -- as far as the actual making the call, fact I've watched various programs and I've read various articles where he was just doing his job.

That was very normal. You know, first everybody got excited because they thought he did something wrong. After they thought about it, it turned out he was just doing his job. So -- and I do. And by the way, with all of that being said, I do think he's a fine man.

QUESTION: Sir, if I could, on the leaks -- on the leaks, sir...

TRUMP: ...Go ahead. Finish off then I'll get you.

QUESTION: I'm sorry. What will you do on the leaks? You've said twice today...

TRUMP: ...Yes, we're looking at them very -- very, very serious. I've gone to all of the folks in charge of the various agencies and we're -- I've actually called the Justice Department to look into the leaks. Those are criminal leaks. They're put out by people either in agencies -- I think you'll see it stopping because now we have our people in. You know, again, we don't have our people in because we can't get them approved by the Senate.

We just had Jeff Sessions approved. Injustice, as an example (ph). So, we are looking into that very seriously. It's a criminal act. You know what I say, when I -- when I was called out on Mexico, I was

shocked because all this equipment, all this incredible phone equipment -- when I was called out on Mexico, I was -- honestly, I was really, really surprised.

But I said "you know, it doesn't make sense. That won't happen" but that wasn't that important a call, it was fine, I could show it to the world and he could show it to the world, the president who's a very fine man, by the way. Same thing with Australia. I said "that's terrible that it was leaked" but it wasn't that important. But then I said to myself "what happens when I'm dealing with the problem of North Korea?"

What happens when I'm dealing with the problems in the Middle East? Are you folks going to be reporting all of that very, very confidential information, very important, very -- you know, I mean at the highest level? Are you going to be reporting about that too? So, I don't want classified information getting out to the public and in a way that was almost a test.

So I'm dealing with Mexico, I'm dealing with Argentina, we were dealing on this case with Mike Flynn. All this information gets put into the "Washington Post" and gets put into the "New York Times" and I'm saying "what's going to happen when I'm dealing on the Middle East? What's going to happen when I'm dealing with really, really important subjects like North Korea?

We got to stop it. That's why it's a criminal penalty.

QUESTION: I just want to get you to clarify this very important point. Can you say definitively that nobody on your campaign had any contacts with the Russians during the campaign? And on the leaks, is it fake news or are these real leaks?

TRUMP: Well the leaks are real. You're the one that wrote about them and reported them, I mean the leaks are real. You know what they said, you saw it and the leaks are absolutely real. The news is fake because so much of the news is fake. So one thing that I felt it was very important to do -- and I hope we can correct it. Because there's nobody I have more respect for -- well, maybe a little bit but the reporters, good reporters.

It's very important to me and especially in this position. It's very important. I don't mind bad stories. I can handle a bad story better than anybody as long as it's true and, you know, over a course of time, I'll make mistakes and you'll write badly and I'm OK with that. But I'm not OK when it is fake. I mean, I watch CNN, it's so much anger and hatred and just the hatred.

I don't watch it any more because it's very good -- he's saying no. It's OK, Jim (ph). It's OK, Jim (ph), you'll have your chance. But I watch others too. You're not the only one so don't feel badly. But I think it should be straight. I think it should be -- I think it would be frankly more interesting. I know how good everybody's ratings are right now but I think that actually -- I think that'd actually be better.

People -- I mean, you have a lower approval rate than Congress. I think that's right. I don't know, Peter (ph), is that one right? Because you know I think they have lower -- I heard lower than Congress. But honestly, the public would appreciate it, I'd appreciate it -- again, I don't mind bad stories when it's true but we have an administration where the Democrats are making it very difficult.

TRUMP: I think we're setting a record or close to a record in the time of approval of a cabinet. I mean, the numbers are crazy. When I'm looking, some of them had them approved immediately.

I'm going forever and I still have a lot of people that we're waiting for. And that's all they're doing, is delaying. And you look at Schumer and the mess that he's got over there and they have nothing going. The only thing they can do is delay. And, you know, I think that they'd be better served by, you know, approving and making sure that they're happy and everybody's good.

And sometimes -- I mean, I know President Obama lost three or four, and you lose them on the way, and that's OK. That's fine. But I think it would -- I think they would be much better served, John, if they just went through the process quickly. This is pure delay tactics.

And they say it, and everybody understands it. Yeah, go ahead, Jimmy.

QUESTION: (OFF-MIKE)

TRUMP: Well, I had nothing to do with it. I have nothing to do with Russia. I told you, I have no deals there, I have no anything. Now, when WikiLeaks, which I had nothing to do with, comes out and happens to give, they're not giving classified information. They're giving stuff -- what was said at an office about Hillary cheating on the debates.

Which, by the way, nobody mentions. Nobody mentions that Hillary received the questions to the debates. Can you imagine -- seriously -- can you imagine if I received the questions? It would be the electric chair. OK, he should be put in the electric -- you would even call for the reinstitution of the death penalty, OK. Maybe not you John. Yes? We'll do you next Jim, I do you next(ph).

QUESTION: (OFF-MIKE) clarify --

TRUMP: Yes, yes, sure

QUESTION: Did you direct Mike Flynn to discuss sanctions with the Russian ambassador --

TRUMP: No, I didn't.

QUESTION: -- prior to your -- TRUMP: No, I didn't.

QUESTION: -- inauguration.

TRUMP: No, I didn't.

QUESTION: And then fired him --

TRUMP: Excuse me.

QUESTION: (OFF-MIKE)

TRUMP: No, I fired him because of what he said to Mike Pence. Very simple. Mike was doing his job. He was calling countries and his counterparts. So, it certainly would have been OK with me if he did it. I would have directed him to do it if I thought he wasn't doing it.

I didn't direct him, but I would have directed him because that's his job. And it came out that way -- and in all fairness, I watched Dr. Charles Krauthammer the other night say he was doing his job and I agreed with him. And since then, I've watched many other people say that.

No, I didn't direct him, but I would have directed him if he didn't do it. OK? Jim?

QUESTION: Thank you very much, and just for the record, we don't hate you. I don't hate you.

TRUMP: OK.

QUESTION: So, pass that along --

TRUMP: Ask -- ask Jeff Zucker how he got his job. OK?

QUESTION: If I may follow up on some of the questions that have taken place so far here, sir --

TRUMP: Well, that's -- well, you know, we do have other people. You do have other people and your ratings aren't as good as some of the other people that are waiting.

QUESTION: It's pretty good right now, actually.

TRUMP: OK, go ahead, John.

QUESTION: If I may ask, sir, you said earlier that WikiLeaks was revealing information about the Hillary Clinton campaign during the election cycle. You welcomed that. At one time --

TRUMP: I was OK with it.

QUESTION: -- you said -- you said that you loved WikiLeaks. At another campaign press conference you called on the Russians to find the missing 30,000 e-mails. I'm wondering, sir, if you -- TRUMP: Well, she was actually missing 33 and then that got extended with a pile after that.

QUESTION: Then(ph), your(ph) numbers(ph) were off too.

TRUMP: No -- no, but I did say 30. But it was actually higher than that.

QUESTION: If -- if I may ask you, sir, it -- it sounds as though you do not have much credibility here when it comes to leaking if that is something that you encouraged during(ph) the campaign --

TRUMP: OK, fair question. Ready?

QUESTION: Well, if I may ask you that --

TRUMP: No -- no, but let me do one at a time.

QUESTION: If I may as a follow up?

TRUMP: Do you mind?

QUESTION: Yes, sir.

TRUMP: All right. So, in one case, you're talking about highly classified information. In the other case, you're talking about John Podesta saying bad things about the boss. I will say this, if John Podesta said that about me and he was working for me, I would have fired him so fast your head would have spun.

He said terrible things about her. But it wasn't classified information. But in one case, you're talking about classified -- regardless, if you look at the RNC, we had a very strong -- at my suggestion -- and I give Reince great credit for this -- at my suggestion, because I know something about this world, I said I want a very strong defensive mechanism.

I don't want to be hacked. And we did that. And you have seen that they tried to hack us and they failed. The DNC did not do that. And if they did it, they could not have been hacked. But they were hacked and terrible things came in. And, you know, the only thing that I do think is unfair is some of the things were so -- they were -- when I heard some of those things I picked up the papers the next morning and said, oh, this is going to be front page, it wasn't even in the papers.

Again, if I had that happen to me, it would be the biggest story in the history of publishing or the head of newspapers. I would have been headline in every newspaper. I mean, think of it. They gave her the questions to a debate and she -- and she should have reported herself.

Why did Hillary Clinton announce that, "I'm sorry, but I have been given the questions to a debate or a town hall, and I feel that it's inappropriate, and I want to turn in CNN for not doing a good job." QUESTION: And if I may follow up on that, just something that Jonathan Karl (ph) was asking you about. You said that the leaks are real, but the news is fake. I guess I don't understand. It seems that there's a disconnect there. If the information coming from those leaks is real, then how can the stories be fake?

TRUMP: The reporting is fake. Look, look...

(CROSSTALK)

TRUMP: You know what it is? Here's the thing. The public isn't -- you know, they read newspapers, they see television, they watch. They don't know if it's true or false because they're not involved. I'm involved. I've been involved with this stuff all my life. But I'm involved. So I know when you're telling the truth or when you're not. I just see many, many untruthful things.

And I'll tell you what else I see. I see tone. You know the word "tone." The tone is such hatred. I'm really not a bad person, by the way. No, but the tone is such -- I do get good ratings, you have to admit that -- the tone is such hatred.

I watched this morning a couple of the networks. And I have to say, Fox & Friends in the morning, they're very honorable people. They're very -- not because they're good, because they hit me also when I do something wrong. But they have the most honest morning show. That's all I can say. It's the most honest.

But the tone, Jim. If you look -- the hatred. The, I mean, sometimes -- sometimes somebody gets...

(CROSSTALK)

TRUMP: Well, you look at your show that goes on at 10 o'clock in the evening. You just take a look at that show. That is a constant hit. The panel is almost always exclusive anti-Trump. The good news is he doesn't have good ratings. But the panel is almost exclusive anti-Trump. And the hatred and venom coming from his mouth; the hatred coming from other people on your network.

Now, I will say this. I watch it. I see it. I'm amazed by it. And I just think you'd be a lot better off, I honestly do. The public gets it, you know. Look, when I go to rallies, they turn around, they start screaming at CNN. They want to throw their placards at CNN. You know.

I -- I think you would do much better by being different. But you just take a look. Take a look at some of your shows in the morning and the evening. If a guest comes out and says something positive about me, it's -- it's brutal.

Now, they'll take this news conference -- I'm actually having a very good time, OK? But they'll take this news conference -- don't forget, that's the way I won. Remember, I used to give you a news conference every time I made a speech, which was like every day. OK?

(CROSSTALK)

TRUMP: No, that's how I won. I won with news conferences and probably speeches. I certainly didn't win by people listening to you people. That's for sure. But I'm having a good time.

Tomorrow, they will say, "Donald Trump rants and raves at the press." I'm not ranting and raving. I'm just telling you. You know, you're dishonest people. But -- but I'm not ranting and raving. I love this. I'm having a good time doing it.

But tomorrow, the headlines are going to be, "Donald Trump rants and raves." I'm not ranting and raving.

Go ahead.

QUESTION: If I may, just one more followup...

TRUMP: Should I let him have a little bit more? What do you think, Peter? Peter, should I have -- let him have a little bit more?

Sit down. Sit down. We'll...

(CROSSTALK)

QUESTION: Just because of the attack of fake news and attacking our network, I just want to ask you, sir...

TRUMP: I'm changing it from fake news, though.

QUESTION: Doesn't that under...

TRUMP: Very fake news.

QUESTION: ... I know, but aren't you...

(LAUGHTER)

TRUMP: Go ahead.

QUESTION: Real news, Mr. President, real news.

TRUMP: And you're not related to our new...

QUESTION: I am not related, sir. No. I do like the sound of Secretary Acosta, I must say.

TRUMP: I looked -- you know, I looked at that name. I said, wait a minute, is there any relation there? Alex Acosta.

QUESTION: I'm sure you checked that out, sir.

TRUMP: OK. Now I checked it -- I said -- they said, "No, sir." I said, "Do me a favor, go back and check the family tree."

QUESTION: But aren't you -- aren't you concerned, sir, that you are undermining the people's faith in the First Amendment, freedom of the press, the press in this country, when you call stories you don't like "fake news"? Why not just say it's a story I don't like.

TRUMP: I do that.

QUESTION: When you call it "fake news," you're undermining confidence in our news media (inaudible) important.

TRUMP: No, no. I do that. Here's the thing. OK. I understand what you're -- and you're right about that, except this. See, I know when I should get good and when I should get bad. And sometimes I'll say, "Wow, that's going to be a great story." And I'll get killed.

I know what's good and bad. I'd be a pretty good reporter, not as good as you. But I know what's good. I know what's bad. And when they change it and make it really bad, something that should be positive -- sometimes something that should be very positive, they'll make OK. They'll even make it negative.

So I understand it. So, because I'm there. I know what was said. I know who's saying it. I'm there. So it's very important to me.

Look, I want to see an honest press. When I started off today by saying that it's so important to the public to get an honest press. The press -- the public doesn't believe you people anymore. Now, maybe I had something to do with that. I don't know. But they don't believe you. If you were straight and really told it like it is, as Howard Cosell used to say, right?

Of course, he had some questions also. But if you were straight, I would be your biggest booster. I would be your biggest fan in the world, including bad stories about me. But if you go - as an example, you're CNN, I mean it's story after story after story is bad. I won. I won. And the other thing, chaos because zero chaos. We are running - this is a fine-tuned machine and Reince happens to be doing a good job but half of his job is putting out lies by the press (ph).

You know, I said to him yesterday this whole Russia scam that you guys are building so that you don't talk about the real subject which is illegal leaks, but I watched him yesterday working so hard to try and get that story proper. And I'm saying "here's my chief of staff," a really good guy, did a phenomenal job at RNC. I mean, he won the election, right?

We won the presidency. We got some senators, we got some - all over the country, you take a look, he's done a great job. And I said to myself, you know - and I said to somebody that was in the room, I said "you take a look at Reince, he's working so hard just putting out fires that are fake fires." I mean, they're fake. They're not true. And isn't that a shame because he'd rather be working on healthcare, he'd rather be working on tax reform, Jim (ph).

I mean that. I would be your biggest fan in the world if you treated me right. I sort of understand there's a certain bias maybe by Jeff (ph) or somebody, you know - you know, whatever reason. But - and I understand that. But you've got to be at least a little bit fair and that's why the public sees it. They see it. They see it's not fair. You take a look at some of your shows and you see the bias and the hatred.

And the public is smart, they understand it. Go ahead.

QUESTION: (inaudible) ...for those who believe that there is something to it, is there anything that you have learned over the last few weeks that you might be able to reveal that might ease their concerns that this isn't fake news? And second...

TRUMP: ...I think they don't believe it. I don't think the public - that's why the Rasmussen poll just has me through the roof. I don't think they believe it. Well, I guess one of the reasons I'm here today is to tell you the whole Russian thing, that's a ruse. That's a ruse. And by the way, it would be great if we could get along with Russia, just so you understand that.

Now tomorrow, you'll say "Donald Trump wants to get along with Russia, this is terrible." It's not terrible. It's good. We had Hillary Clinton try and do a reset. We had Hillary Clinton give Russia 20 percent of the uranium in our country. You know what uranium is, right? This thing called nuclear weapons like lots of things are done with uranium including some bad things.

Nobody talks about that. I didn't do anything for Russia. I've done nothing for Russia. Hillary Clinton gave them 20 percent of our uranium. Hillary Clinton did a reset, remember? With the stupid plastic button that made us all look like a bunch of jerks. Here, take a look. He looked at her like, what the hell is she doing with that cheap plastic button?

Hillary Clinton - that was the reset, remember it said reset? Now if I do that, oh, I'm a bad guy. If we could get along with Russia, that's a positive thing. We have a very talented man, Rex Tillerson, who's going to be meeting with them shortly and I told him. I said "I know politically it's probably not good for me." The greatest thing I could do is shoot that ship that's 30 miles off shore right out of the water.

Everyone in this country's going to say "oh, it's so great." That's not great. That's not great. I would love to be able to get along with Russia. Now, you've had a lot of presidents that haven't taken that tack. Look where we are now. Look where we are now. So, if I can - now, I love to negotiate things, I do it really well, and all that stuff. But - but it's possible I won't be able to get along with Putin.

Maybe it is. But I want to just tell you, the false reporting by the media, by you people, the false, horrible, fake reporting makes it much harder to make a deal with Russia. And probably Putin said "you know." He's sitting behind his desk and he's saying "you know, I see what's going on in the United States, I follow it closely. It's going to be impossible for President Trump to ever get along with Russia because of all the pressure he's got with this fake story." OK?

And that's a shame because if we could get along with Russia - and by the way, China and Japan and everyone. If we could get along, it would be a positive thing, not a negative thing.

QUESTION: Is tax reform on the line (ph)?

QUESTION: Mr. President? Mr. President? Mr. President, since you...

TRUMP: Tax reform is going to happen fairly quickly. We're doing Obamacare. We're in final stages. We should be submitting the initial plan in March, early March, I would say. And we have to, as you know, statutorily and for reasons of budget, we have to go first. It's not like, frankly, the tax would be easier, in my opinion, but for statutory reasons and for budgetary reasons, we have to submit the healthcare sooner.

So we'll be submitting healthcare sometime in early March, mid- March. And after that, we're going to come up, and we're doing very well on tax reform.

Yes?

QUESTION: Mr. President, you mentioned Russia. Let's talk about some serious issues that have come up in the last week that you have had to deal with as president of the United States.

TRUMP: OK.

QUESTION: You mentioned the vessel -- the spy vessel off the coast of the United States.

TRUMP: Not good.

QUESTION: There was a ballistic missile test that many interpret as a violation of an agreement between the two countries; and a Russian plane buzzed a U.S. destroyer.

TRUMP: Not good.

QUESTION: I listened to you during the campaign ...

TRUMP: Excuse me, excuse me. When did it happen? It happened when, if you were Putin right now, you would say, "Hey, we're back to the old games with the United States; there's no way Trump can ever do a deal with us." Because the -- you have to understand. If I was just brutal on Russia right now, just brutal, people would say, you would say, "Oh, isn't that wonderful." But I know you well enough.

Then you would say, "Oh, he was too tough; he shouldn't have done that." Look, all of the...

(CROSSTALK)

QUESTION: I'm just trying to find out your orientation to those...

(CROSSTALK)

TRUMP: Wait a minute. Wait, wait. Excuse me just one second.

(CROSSTALK)

TRUMP: All of those things that you mentioned are very recent, because probably Putin assumes that he's not going to be able to make a deal with me because it's politically not popular for me to make a deal. So Hillary Clinton tries a re-set. It failed. They all tried. But I'm different than those people.

Go ahead.

QUESTION: How are you interpreting those moves? And what do you intend to do about them? Have you given Rex Tillerson any advice or counsel on how to deal?

TRUMP: I have. I have. And I'm so beautifully represented. I'm so honored that the Senate approved him. He's going to be fantastic.

Yes, I think that I've already...

QUESTION: Is Putin testing you, do you believe, sir?

TRUMP: No, I don't think so. I think Putin probably assumes that he can't make a deal with me anymore because politically it would be unpopular for a politician to make a deal. I can't believe I'm saying I'm a politician, but I guess that's what I am now.

Because, look, it would be much easier for me to be tough on Russia, but then we're not going to make a deal.

Now, I don't know that we're going to make a deal. I don't know. We might. We might not. But it would be much easier for me to be so tough -- the tougher I am on Russia, the better. But you know what? I want to do the right thing for the American people. And to be honest, secondarily, I want to do the right thing for the world.

If Russia and the United States actually got together and got along -- and don't forget, we're a very powerful nuclear country and so are they. There's no up-side. We're a very powerful nuclear country and so are they. I have been briefed. And I can tell you one thing about a briefing that we're allowed to say because anybody that ever read the most basic book can say it, nuclear holocaust would be like no other.

They're a very powerful nuclear country and so are we. If we have a good relationship with Russia, believe me, that's a good thing, not a bad thing.

QUESTION: So when you say they're not good, do you mean that they are...

TRUMP: Who did I say is not good?

QUESTION: No, I read off the three things that have recently happened. Each one of them you said they're not good.

(CROSSTALK)

TRUMP: No, it's not good, but they happened.

QUESTION: But do they damage the relationship? Do they undermine...

TRUMP: They all happened recently.

No...

(CROSSTALK)

QUESTION: ... this country's ability to work with Russia?

TRUMP: They all happened recently. And I understand what they're doing because they're doing the same thing.

Now, again, maybe I'm not going to be able to do a deal with Russia, but at least I will have tried. And if I don't, does anybody really think that Hillary Clinton would be tougher on Russia than Donald Trump? Does anybody in this room really believe that? OK?

But I tell you one thing, she tried to make a deal. She had the re-set. She gave all that valuable uranium away. She did other things. You know, they say I'm close to Russia. Hillary Clinton gave away 20 percent of the uranium in the United States. She's close to Russia.

QUESTION: Can we...

TRUMP: I gave -- you know what I gave to Russia? You know what I gave? Nothing.

QUESTION: Can we conclude there will be no response to these particular provocations?

TRUMP: I'm not going to tell you anything about what response I do. I don't talk about military response. I don't say I'm going into Mosul in four months. "We are going to attack Mosul in four months." Then three months later, "We are going to attack Mosul in one month." "Next week, we are going to attack Mosul."

In the meantime, Mosul is very, very difficult. Do you know why? Because I don't talk about military, and I don't talk about certain other things, you're going to be surprised to hear that. And by the way, my whole campaign, I'd say that. So I don't have to tell you. I don't want to be one of these guys that say, "Yes, here's what we're going to do." I don't have to do that. I don't have to tell you what I'm going to do in North Korea.

(CROSSTALK)

TRUMP: Wait a minute. I don't have to tell you what I'm going to do in North Korea. And I don't have to tell you what I'm going to do with Iran. You know why? Because they shouldn't know. And eventually, you guys are going to get tired of asking that question.

TRUMP: So when you ask me what am I going to do with a ship, the Russian ship as an example, I'm not going to tell you. But hopefully, I won't have to do anything, but I'm not going to tell you.

OK.

QUESTION: Could I just ask you -- thank you very much, Mr. President. The trouble...

TRUMP: Where are you from?

QUESTION: BBC.

TRUMP: Here's another beauty.

QUESTION: That's a good line. Impartial, free and fair.

TRUMP: Yeah. Sure.

QUESTION: Mr. President...

TRUMP: Just like CNN right?

QUESTION: On the travel ban -- we could banter back and forth. On the travel ban would you accept that that was a good example of the smooth running of government...

TRUMP: Yeah, I do. I do. Let me tell you about this government...

QUESTION: Were there any mistakes...

TRUMP: Wait. Wait. I know who you are. Just wait.

Let me tell you about the travel ban. We had a very smooth rollout of the travel ban. But we had a bad court. Got a bad decision. We had a court that's been overturned. Again, may be wrong. But I think it's 80 percent of the time, a lot.

We had a bad decision. We're going to keep going with that decision. We're going to put in a new executive order next week some time. But we had a bad decision.

That's the other thing that was wrong with the travel ban. You had Delta with a massive problem with their computer system at the airports. You had some people that were put out there, brought by very nice busses, and they were put out at various locations.

Despite that the only problem that we had is we had a bad court. We had a court that gave us what I consider to be, with great respect, a very bad decision. Very bad for the safety and security of our country. The rollout was perfect.

Now, what I wanted to do was do the exact same executive order, but said one thing. I said this to my people. Give them a one-month period of time. But Gen. Kelly, now Sec. Kelly, said if you do that, all these people will come in and (inaudible) the bad ones.

You do agree there are bad people out there, right? That not everybody that's like you. You have some bad people out there.

Kelly said you can't do that. And he was right. As soon as he said it I said wow, never thought of it. I said how about one week? He said no good. You got to do it immediately because if you do it immediately they don't have time to come in.

Now nobody ever reports that. But that's why we did it quickly.

Now, if I would've done it a month, everything would've been perfect. The problem is we would've wasted a lot of time, and maybe a lot of lives because a lot of bad people would've come into our country.

Now in the meantime, we're vetting very, very strongly. Very, very strongly. But we need help. And we need help by getting that executive order passed.

QUESTION: Just a brief follow-up. But if it's so urgent, why not introduce...

TRUMP: Yes? Go ahead.

QUESTION: Thank you. I was just hoping that we could get a yes or no answer on one of these questions involving Russia. Can you say whether you are aware that anyone who advised your campaign had contacts with Russia during the course of the election?

TRUMP: Well I told you, Gen. Flynn obviously was dealing. So that's one person. But he was dealing, as he should have been.

QUESTION: During the election?

TRUMP: No. Nobody that I know of. Nobody...

QUESTION: So you're not aware of any contact during the course..

TRUMP: Look, look, look...

QUESTION: ... of the election?

TRUMP: How many times do I have to answer this question?

QUESTION: Can you just say yes or no? TRUMP: Russia is a ruse.

I know you have to get up and ask a question. It's so important.

Russia is a ruse. I have nothing to do with Russia. Haven't made a phone call to Russia in years. Don't speak to people from Russia. Not that I wouldn't. I just have nobody to speak to.

I spoke to Putin twice. He called me on the election. I told you this. And he called me on the inauguration, a few days ago.

We had a very good talk, especially the second one, lasted for a pretty long period of time. I'm sure you probably get it because it was classified. So I'm sure everybody in this room perhaps has it. But we had a very, very good talk.

I have nothing to do with Russia. To the best of my knowledge no person that I deal with does.

Now, Manafort has totally denied it. He denied it. Now people knew that he was a consultant over in that part of the world for a while, but not for Russia. I think he represented Ukraine or people having to do with Ukraine, or people that -- whoever. But people knew that. Everybody knew that.

QUESTION: But in his capacity as your campaign manager, was he in touch with Russian officials during the election?

TRUMP: You know what? He said no. I could only tell you what he -- now he was replaced long before the election. You know that, right?

He was replaced long before the election. When all of this stuff started coming out, it came out during the election. But Paul Manafort, who's a good man also by the way, Paul Manfort was replaced long before the election took place. He was only there for a short period of time.

QUESTION: Mr. President...

TRUMP: How much longer should we stay here, folks?

QUESTION: Mr. President...

TRUMP: Five more minutes. Is that OK? Five?

QUESTION: Mr. President, on national...

TRUMP: Wait. Let's see. Who's -- I want to find a friendly reporter.

QUESTION: Mr....

TRUMP: Are you a friendly reporter? Watch how friendly he is. Wait. Wait. Watch how friendly he is. Go ahead.

QUESTION: (OFF-MIKE)...

TRUMP: Go ahead.

QUESTION: So first of all, my name is (Inaudible) from (Inaudible) Magazine. I (inaudible). I haven't seen anybody in my community, including yourself or any of the -- anyone on your staff of being (OFF-MIKE).

Because (OFF-MIKE). However, what we've already heard about and what we (OFF-MIKE) is (OFF-MIKE) so you're general forecast (ph) like 48 (OFF-MIKE). There are people who are everything (ph) happens through their packs (ph) is one of the (OFF-MIKE)...

(CROSSTALK)

TRUMP:...he said he was gonna ask a very simple, easy question. And it's not, its not, not -- not a simple question, not a fair question. OK sit down, I understand the rest of your question.

So here's the story, folks. Number one, I am the least anti- Semitic person that you've ever seen in your entire life. Number two, racism, the least racist person. In fact, we did very well relative to other people running as a Republican -- quiet, quiet, quiet.

See, he lied about -- he was gonna get up and ask a very straight, simple question, so you know, welcome to the world of the media. But let me just tell you something, that I hate the charge, I find it repulsive.

I hate even the question because people that know me and you heard the prime minister, you heard Ben Netanyahu (ph) yesterday, did you hear him, Bibi? He said, I've known Donald Trump for a long time and then he said, forget it.

So you should take that instead of having to get up and ask a very insulting question like that.

(CROSSTALK)

TRUMP: Yeah, go ahead. Go ahead.

QUESTION: Thank you, I'm Lisa (ph) from the...

(CROSSTALK)

TRUMP: See, it just shows you about the press, but that's the way the press is.

QUESTION: Thank you, Mr. President. Lisa Dejardown (ph) from the PBS News Hour. On national security and immigration, can you give us more details on the executive order you plan for next week? Even its broad outlines?

TRUMP: Yeah.

QUESTION: Will it be focused on specific...

TRUMP: It's a very fair question.

QUESTION: ...countries? And in addition, on the DACA program for immigration.

TRUMP: Right.

QUESTION: What is your plan, do you plan to continue that program or to end it?

TRUMP: We're gonna show great heart, DACA is a very, very difficult subject for me, I will tell you. To me, it's one of the most difficult subjects I have because you have these incredible kids.

In many cases, not in all cases. And some of the cases, having DACA and they're gang members and they're drug dealers, too. But you have some absolutely, incredible kids, I would say mostly. They were brought here in such a way -- it's a very -- it's a very, very tough subject.

We're gonna deal with DACA with heart. I have to deal with a lot of politicians, don't forget and I have to convince them that what I'm saying is -- is right. And I appreciate your understanding on that.

But the DACA situation is a very, very -- it's a very difficult thing for me because you know, I love these kids, I love kids, I have kids and grandkids. And I find it very, very hard doing what the law says exactly to do and you know, the law is rough.

I'm not talking about new laws, I'm talking the existing law, is very rough, it's very, very rough. As far as the new order, the new order is going to be very much tailored to the what I consider to be a very bad decision.

But we can tailor the order to that decision and get just about everything, in some ways, more. But we're tailoring it now to the decision, we have some of the best lawyers in the country working on it.

And the new executive order, is being tailored to the decision we got down from the court. OK?

QUESTION: Mr. President...

(CROSSTALK) QUESTION: ...reopening of the White House Visitors Office?

TRUMP: Yes.

QUESTION: And she does a lot of great work for the country as well (ph). Can you talk a little bit about what's first for (ph) Melania Trump does for the country and (inaudible) so opening White House Visitors Office, what does that mean...

TRUMP: Now, that's what I call a nice question. That is very -- who are you with?

QUESTION: (OFF-MIKE)

TRUMP: Good, I'm gonna start watching, all right? Thank you very much. Melania's terrific, she was here last night, we had dinner with Senator Rubio and his wife who is by the way, lovely.

And we had a really good discussion about Cuba because we have very similar views on Cuba. And Cuba was very good to me in the Florida election, as you know the Cuban Americans. And I think that Melania's gonna be outstanding, that's right, she just opened up the visitors center, in other words, touring of the White House.

She, like others that she's working with, feel very, very strongly about women's issue, women's difficulties. Very, very strongly, she's a very, very strong advocate. I think she's a great representative for this country.

And a funny thing happens, because she gets -- she gets so unfairly -- Melania, the things they say. I've known her for a long time, she was a very successful person, she was a very successful model. She did really well.

She would go home at night and didn't even want to go out with people. She was a very private person. She was always the highest quality that you'll ever find. And the things they say -- I've known her for a long time -- the things they say are so unfair. And actually, she's been apologized to, as you know, by various media because they said things that were lies.

I'll just tell you this. I think she's going to be a fantastic first lady. She's going to be a tremendous representative of women and of the people. And helping her and working her will be Ivanka, who is a fabulous person and a fabulous, fabulous woman. And they're not doing this for money.

They're not doing this for pay, they're doing this because they feel it; both of them. And Melania goes back and forth and after Barron finishes school -- because it's hard to take a child out of school with a few months left -- she and Barron will be moving over to the White House. OK, thank you, that's a very nice question.

(CROSSTALK)

TRUMP: Go ahead. QUESTION: Mr. Trump?

TRUMP: Yes, oh, this is going to be a bad question, but that's OK.

QUESTION: It doesn't(ph) have(ph) to be a bad question.

TRUMP: Good, because I enjoy watching you on television. Go ahead.

QUESTION: Well, thank you so much. Mr. President, I need to find out from you, you said something as it relates to inner cities. That was one of your platforms during your campaign. Now you're --

TRUMP: Fix the inner cities.

QUESTION: -- president. Fixing the inner cities.

TRUMP: Yep.

QUESTION: What will be that fix and your urban agenda as well as your HBCU Executive Order that's coming out this afternoon? See, it wasn't bad, was it?

TRUMP: That was very professional and very good.

QUESTION: I'm very professional.

TRUMP: We'll be announcing the order in a little while and I'd rather let the order speak for itself. But it could be something that I think that will be very good for everybody concerned. But we'll talk to you about that after we do the announcement. As far as the inner cities, as you know, I was very strong on the inner cities during the campaign.

I think it's probably what got me a much higher percentage of the African American vote than a lot of people thought I was going to get. We did, you know, much higher than people thought I was going to get. And I was honored by that, including the Hispanic vote, which was also much higher.

And by the way, if I might add, including the women's vote, which was much higher than people thought I was going to get. So, we are going to be working very hard on the inner cities, having to do with education, having to do with crime. We're going to try and fix as quickly as possible -- you know, it takes a long time.

It's taken more a hundred years and more for some of these places to evolve and they evolved, many of them, very badly. But we're going to be working very hard on health and healthcare, very, very hard on education, and also we're going to be working in a stringent way, in a very good way, on crime.

You go to some of these inner city places and it's so sad when you look at the crime. You have people -- and I've seen this, and I've sort of witnessed it -- in fact, in two cases I have actually witnessed it. They lock themselves into apartments, petrified to even leave, in the middle of the day.

They're living in hell. We can't let that happen. So, we're going to be very, very strong. That's a great question and -- and it's a -- it's a very difficult situation because it's been many, many years. It's been festering for many, many years. But we have places in this country that we have to fix.

We have to help African American people that, for the most part, are stuck there. Hispanic American people. We have Hispanic American people that are in the inner cities and their living in hell. I mean, you look at the numbers in Chicago. There are two Chicagos, as you know.

There's one Chicago that's incredible, luxurious and all -- and safe. There's another Chicago that's worse than almost any of the places in the Middle East that we talk, and that you talk about, every night on the newscasts. So, we're going to do a lot of work on the inner cities.

I have great people lined up to help with the inner cities. OK?

QUESTION: Well, when you say the inner cities, are you going -- are you going to include the CBC, Mr. President, in your conversations with your -- your urban agenda, your inner city agenda, as well as --

TRUMP: Am I going to include who?

QUESTION: Are you going to include the Congressional Black Caucus and the Congressional --

TRUMP: Well, I would. I tell you what, do you want to set up the meeting?

QUESTION: -- Hispanic Caucus --

TRUMP: Do you want to set up the meeting?

QUESTION: No -- no -- no. I'm not --

TRUMP: Are they friends of yours?

QUESTION: I'm just a reporter.

TRUMP: Well, then(ph) set up the meeting.

QUESTION: I know some of them, but I'm sure they're watching right now.

TRUMP: Let's go set up a meeting. I would love to meet with the Black Caucus. I think it's great, the Congressional Black Caucus. I think it's great. I actually thought I had a meeting with Congressman Cummings and he was all excited. And then he said, well, I can't move, it might be bad for me politically. I can't have that meeting.

I was all set to have the meeting. You know, we called him and called him. And he was all set. I spoke to him on the phone, very nice guy.

QUESTION: I hear he wanted that meeting with you as well.

TRUMP: He wanted it, but we called, called, called and can't make a meeting with him. Every day I walk and say I would like to meet with him because I do want to solve the problem. But he probably was told by Schumer or somebody like that, some other lightweight. He was probably told - he was probably told "don't meet with Trump. It's bad politics."

And that's part of the problem in this country. OK, one more.

QUESTION: (inaudible)

TRUMP: No, no, one question. Two we can't handle. This room can't handle two. Go ahead, give me the better of your two.

QUESTION: (inaudible) ...not about your personality or your beliefs, talking about (inaudible), some of it by supporters in your name. What do you...

TRUMP: ...And some of it - can I be honest with you? And this has to do with racism and horrible things that are put up. Some of it written by our opponents. You do know that. Do you understand that? You don't think anybody would do a thing like that. Some of the signs you'll see are not put up by the people that love or like Donald Trump, they're put up by the other side and you think it's like playing it straight?

No. But you have some of those signs and some of that anger is caused by the other side. They'll do signs and they'll do drawings that are inappropriate. It won't be my people. It will be the people on the other side to anger people like you. OK.

(CROSSTALK)

TRUMP: Go ahead, go ahead.

QUESTION: You're the president now. What are you going to do about it?

TRUMP: Who is that? Where is that?

QUESTION: What are you going to do about - what are you going to do about (inaudible).

TRUMP: Oh, I'm working on it. I'm working on it very - no, no, look. Hey, just so you understand, we had a totally divided country for eight years and long before that. In all fairness to President Obama, long before President Obama we have had a very divided - I didn't come along and divide this country. This country was seriously divided before I got here.

We're going to work on it very hard. One of the questions I was asked, I thought it was a very good question was about the inner cities. I mean, that's part of it. But we're going to work on education, we're going to work on - you know, we're going to stop - we're going to try and stop the crime. We have great law enforcement officials, we're going to try and stop crime.

We're not going to try and stop, we're going to stop crime. But it's very important to me - but this isn't Donald Trump that divided a nation. We went eight years with President Obama and we went many years before President Obama. We lived in a divided nation. And I am going to try - I will do everything within my power to fix that. I want to thank everybody very much.

It's a great honor to be with you. Thank you. Thank you very much, thanks.

Trump vs. Obama: A rocky relationship

DC restaurant alleges unfair competition in suit against Trump, DC hotel

EPA chief: Carbon dioxide not 'primary contributor' to climate change

It took FOIA for Park Service to release photos of Obama, Trump...

# Exhibit H

**USA**

# Trump Signs New Travel Ban Order

Last Updated: March 06, 2017 11:35 PM William Gallo Victoria Macchi

WASHINGTON — U.S. President Donald Trump signed a new executive order Monday, barring travelers from six countries to the United States for three months, and all refugees for four months, after federal appeals judges blocked a similar order last month.

The new ban includes a grace period and will take effect on March 16. It will not affect legal permanent residents — those with green cards — or travelers who already had valid visas as of Jan. 27, 2017.

"This executive order is a vital measure for strengthening our national security," Secretary of State Rex Tillerson said at press conference announcing the new ban. "It is the president's solemn duty to protect the American people."

The rollout of the new security measures amounts to an acknowledgement by the Trump administration that its original travel ban, issued January 27, was flawed.

But critics immediately assailed the new order as merely making "cosmetic changes" to the original ban and argued that it still creates a religious test for entering the United States and will therefore not stand up to judicial scrutiny.

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In an attempt to ensure a smoother rollout of the travel ban and protect it from legal scrutiny, the new executive order differs from the old version in several key aspects.

Among the most notable changes is the exclusion of Iraqis from the list of suspended travelers. The new order bans nationals and citizens from Iran, Libya, Somalia, Sudan, Syria, and Yemen.

Monday's order also removes a provision indefinitely barring Syrian refugees from the U.S. Also removed is language giving preference to "religious minorities," a provision that had been widely seen as an attempt to follow through on Trump's promise to prioritize Christian refugees.

## Iraq promises more cooperation

Iraq was removed from the list after officials there promised increased cooperation with U.S. officials regarding the vetting process, according to a senior official with the Department of Homeland Security (DHS), who spoke to reporters on a conference call.

Baghdad, a key ally in the U.S. fight against Islamic State militants, had complained when Iraq was included in the original travel ban.

"The close cooperative relationship between the United States and the democratically-elected Iraqi government, the strong U.S. diplomatic presence in Iraq, the significant presence of U.S. forces in Iraq, and Iraq's commitment to combat ISIS justify different treatment," said a Q&A sheet distributed by the Trump administration. ISIS is an acronym for Islamic State.

## WATCH: Tillerson on removal of Iraq

Critics of the original order questioned whether the seven countries affected — all majority-Muslim — were targeted for religious reasons. The DHS official on Monday again denied those accusations, saying: "This is not a Muslim ban in any way, shape or form."

White House officials also stressed the temporary nature of the order, but suggested that the travel ban may be expanded after the 90 days expire and that other countries could be added to the list.

## Reaction

Even with the changes, the bill is still likely to face legal challenges by groups that view the order as a partial fulfillment of Trump's campaign call for a "total and complete shutdown of Muslims entering the United States."

"Nothing substantive has changed," said Lavinia Limon, who heads the U.S. Committee for Refugees and Immigrants (USCRI). "It's around the edges, right? If this had come out a month ago, we would be outraged."

The American Civil Liberties Union, or ACLU, which filed successful legal challenges against the original order, also said the revised ban "has the same fatal flaws" as the original.

"These are again, simply cosmetic changes," said Ed Yohnka, the ACLU's Director of Communications and Public Policy. "This is still unconstitutional, this remains a religious test to enter the United States of America. This is something fundamentally that our nation has never permitted. And we will not permit it again."

"The only way to actually fix the Muslim ban is not to have a Muslim ban. Instead, President Trump has recommitted himself to religious discrimination, and he can expect continued disapproval from both the courts and the people," said Omar Jadwat, director of the ACLU's Immigrant Rights Project. "What's more, the changes the Trump administration has made, and everything we've learned since the original ban rolled out, completely undermine the bogus national security justifications the president has tried to hide behind and only strengthen the case against his unconstitutional executive orders."

## White House: Ban needed to mitigate refugee risk

Administration officials, meanwhile, were walking a fine line between insisting the new order was different enough from the old measure to withstand legal challenges but similar enough so that it would still be effective.

"The principles of the executive order remain the same," said White House press secretary Sean Spicer, adding, "We continue to maintain the [original travel ban] order was fully lawful."

The Trump administration leans heavily on the rationale that refugees, as well as immigrants and travelers from certain countries, are a security risk to the United States; however, it has proffered little evidence of that risk.

White House officials on Monday released a memorandum saying that the FBI is carrying out "terrorism-related investigations" into approximately 300 individuals across the U.S. who were admitted as refugees. It is not clear whether those being investigated came from the list of banned countries, or how many have been charged with a crime.

When pushed for details, the senior DHS official declined further comment, saying only that the 300 people were being investigated for "potential terrorism-related activities" and that it was "truly an alarming number from all our perspectives."

Filippo Grandi, who heads the U.N.'s refugee agency, said the U.S. has long been a partner in finding solutions for refugees, but expressed concern about how the order will affect those fleeing violence and persecution.

"The imperative remains to provide protection from people fleeing deadly violence, and we are concerned that this decision, though temporary, may compound the anguish for those it affects," Grandi said.

* Differences in executive orders restricting travel (click here to see)

## Smoother rollout?

Administration officials are promising a smoother rollout this time, insisting the White House has cooperated with DHS, the State Department, and the Justice Department on drafting and implementing the new executive order.

"We're going to have a very smooth implementation period," the senior DHS officials told reporters in a press call, adding that there will not be any "chaos, or alleged chaos" at airports.

WATCH: Kelly on vetting of refugees seeking to enter US

The original order was announced early on the evening of Jan. 27 — a Friday right when most federal employees were finishing their first full week of work under the new administration — creating confusion at international airports across the country.

Travelers from the seven countries — including legal permanent residents of the United States — were detained by U.S. Customs and Border Protection agents. Law enforcement didn't know what to do with the refugees mid-flight when the order came down that banned them, as well.

Still others were turned away at airports abroad, denied by airline officials who questioned the validity of their already-issued visas.

DHS Secretary John Kelly, who was confirmed by the Senate a week before the original executive order was issued, shouldered the blame for the bungled implementation of the original order.

"The thinking was to get it out quick so that potentially people that might be coming here to harm us would not take advantage of some period of time they could jump on an airplane and get here," he testified at a hearing of the House Homeland Security Committee on Feb. 7.

More than a dozen lawsuits were filed across the country challenging the January order. Federal appeals court judges ruled in February to suspend the order in support of the "free flow of travel," as well as "in avoiding separation of families, and in freedom from discrimination."

Trump's travel restrictions have not received broad public support. A poll released in late February by Pew Research Center showed that 59 percent of those surveyed opposed the ban, while 38 percent approved.

A CNN poll released Monday suggested that 55 percent of Americans disapprove of the way Trump has handled immigration issues, compared to 44 percent who approve. On national security issues, Americans were split, the poll found, with 50 percent approving and 49 percent disapproving.

WATCH: History of US Immigration Restrictions

# Exhibit I

# Inside the confusion of the Trump executive order and travel ban

By **Evan Perez**, **Pamela Brown** and **Kevin Liptak**, CNN

Updated 11:29 AM ET, Mon January 30, 2017

## Story highlights

Trump's unilateral moves reflect the President's desire to quickly make good on his campaign promises

But they also encapsulate the pitfalls of an administration largely operated by officials with scant federal experience

The White House overruled DHS regarding allowing green card holders to enter the country

## Trump's immigration order: Which countries are affected?

- Iran
- Iraq
- Syria
- Sudan
- Libya
- Yemen
- Somalia

**Washington (CNN) —** When President Donald Trump declared at the Pentagon Friday he was enacting strict new measures to prevent domestic terror attacks, there were few within his government who knew exactly what he meant.

Administration officials weren't immediately sure which countries' citizens would be barred from entering the United States. The Department of Homeland Security was left making a legal analysis on the order after Trump signed it. A Border Patrol agent, confronted with arriving refugees, referred questions only to the President himself, according to court filings.

Saturday night, a federal judge granted an emergency stay for citizens of the affected countries who had already arrived in the US and those who are in transit and hold valid visas, ruling they can legally enter the US.

Trump's unilateral moves, which have drawn the ire of human rights groups and prompted protests at US airports, reflect the President's desire to quickly make good on his campaign promises. But they also encapsulate the pitfalls of an administration largely operated by officials with scant federal experience.

It wasn't until Friday -- the day Trump signed the order banning travel from seven Muslim-majority countries for 90 days and suspending all refugee admission for 120 days -- that career homeland

**Related Article:** More protests against Trump's immigration policies planned

## The ban and its impact

- What we know so far
- What it's like in the 7 impacted countries
- How the countries were chosen
- What the ban says: The full text
- What to know about the restrictions
- Is the ban legal?
- These are the people directly impacted
- The ban's Christian focus
- A family's plight just got more complicated
- Bergen: Trump's big mistake
- All of Trump's executive orders, memos and proclamations
- Comparing Trump to previous presidents

security staff were allowed to see the final details of the order, a person familiar with the matter said.

The result was widespread confusion across the country on Saturday as airports struggled to adjust to the new directives. In New York, two Iraqi nationals sued the federal government after they were detained at John F. Kennedy International Airport, and 10 others were detained as well.

In Philadelphia, a Syrian family of six who had a visa through a family connection in the US was placed on a return flight to Doha, Qatar, and Department of Homeland Security officials said others who were in the air would be detained upon arrival and put back on a plane to their home country.

Asked during a photo opportunity in the Oval Office Saturday afternoon about the rollout, Trump said his government was "totally prepared."

"It's working out very nicely," Trump told reporters. "You see it at the airports. You see it all over. It's working out very nicely and we're going to have a very, very strict ban, and we're going to have extreme vetting, which we should have had in this country for many years."

The policy team at the White House developed the executive order on refugees and visas, and largely avoided the traditional interagency process that would have allowed the Justice Department and homeland security agencies to provide operational guidance, according to numerous officials who spoke to CNN on Saturday.

Homeland Security Secretary John Kelly and Department of Homeland Security leadership saw the final details shortly before the order was finalized, government officials said.

Friday night, DHS arrived at the legal interpretation that the executive order restrictions applying to seven countries -- Iran, Iraq, Libya, Somalia, Syria, Sudan and Yemen -- did not apply to people with lawful permanent residence, generally referred to as green card holders.

The White House overruled that guidance overnight, according to officials familiar with the rollout. That order came from the President's inner circle, led by Stephen Miller and Steve Bannon.

**Related Article:** Trump's immigration ban sends shockwaves

**Related Video:** Travel ban affects citizens of 7 Muslim-majority nations 02:26

**Related Video:** Iran says it will ban US citizens 02:16

Their decision held that, on a case by case basis, DHS could allow green card holders to enter the US.

There had been some debate whether green card holders should be even allowed to board international flights. It was decided by the Department of Homeland Security they could fly to the US and would be considered on a case-by-case basis after passing a secondary screening.

But the guidance sent to airlines on Friday night, obtained by CNN, said clearly, "lawful permanent residents are not included and may continue to travel to the USA."

As of Saturday afternoon, Customs and Border Protection continued to issue the same guidance to airlines as it did Friday, telling airlines that fly to the US that green card holders can board planes to the US but they may get extra scrutiny on arrival, according to an airline official.

Before the President issued the order, the White House did not seek the legal guidance of the Office of Legal Counsel, the Justice Department office that interprets the law for the executive branch, according to a source familiar with the process.

White House officials disputed that Sunday morning, saying that OLC signed off and agency review was performed.

THE DAILY DC

A source said the creation of the executive order did not follow the standard agency review process that's typically overseen by the National Security Council.

**Related Video:** Trump: Travel ban working out very nicely 01:07

Separately, a person familiar with the matter said career officials in charge of enforcing the executive order were not fully briefed on the specifics until Friday. The officials were caught off guard by some of the specifics and raised questions about how to handle the new banned passengers on US-bound planes.

Regarding the green card holders and some of the confusion about whether they were impacted, the person familiar with the matter said if career officials had known more about the executive order earlier, some of the confusion could have been avoided and a better plan could be in place.

Administration officials also defended the process Saturday. They said the people who needed to be briefed ahead of time on the plane were briefed and that people at the State Department and DHS who were involved in the process were able to make decisions about who to talk and inform about this.

## Executive orders: Read more

- All of Trump's executive orders, memos and proclamations
- Will the orders and actions stick?
- How Trump's actions stack up against previous presidents
- What Trump can and cannot do
- What's the difference between and order and action?

Bannon and Miller were running point on this order and giving directives regarding green cards, according to a Republican close to the White House.

But even after the Friday afternoon announcement, administration officials at the White House took several hours to produce text of the action until several hours after it was signed. Adviser Kellyanne Conway even said at one point it was not going to be released before eventually it did get sent out.

Administration officials also seemed unsure at first who was covered in the action, and a list of impacted countries was only produced later on Friday night, hours after the President signed the document at the Pentagon.

*This story has been updated to include the White House's response on the issue of Justice Department review.*

*CNN's Rene Marsh and Athena Jones contributed to this report.*

Trump vs. Obama: A rocky relationship

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It took FOIA for Park Service to release photos of Obama, Trump...

# Exhibit J

The New York Times | https://nyti.ms/2ke1qJe

U.S.

# Judge Blocks Trump Order on Refugees Amid Chaos and Outcry Worldwide

By MICHAEL D. SHEAR, NICHOLAS KULISH and ALAN FEUER JAN. 28, 2017

WASHINGTON — A federal judge in Brooklyn came to the aid of scores of refugees and others who were trapped at airports across the United States on Saturday after an executive order signed by President Trump, which sought to keep many foreigners from entering the country, led to chaotic scenes across the globe.

The judge's ruling blocked part of the president's actions, preventing the government from deporting some arrivals who found themselves ensnared by the presidential order. But it stopped short of letting them into the country or issuing a broader ruling on the constitutionality of Mr. Trump's actions.

The high-stakes legal case played out on Saturday amid global turmoil, as the executive order signed by the president slammed shut the borders of the United States for an Iranian scientist headed to a lab in Massachusetts, a Syrian refugee family headed to a new life in Ohio and countless others across the world.

The president's order, enacted with the stroke of a pen at 4:42 p.m. Friday, suspended entry of all refugees to the United States for 120 days, barred Syrian refugees indefinitely, and blocked entry into the United States for 90 days for citizens of seven predominantly Muslim countries: Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen.

The Department of Homeland Security said that the order also barred green card holders from those countries from re-entering the United States. In a briefing for

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reporters, White House officials said that green card holders from the seven affected countries who are outside the United States would need a case-by-case waiver to return.

Mr. Trump — in office just a week — found himself accused of constitutional and legal overreach by two Iraqi immigrants, defended by the American Civil Liberties Union. Meanwhile, large crowds of protesters turned out at airports around the country to denounce Mr. Trump's ban on the entry of refugees and people from seven predominantly Muslim countries.

Lawyers who sued the government to block the White House order said the judge's decision could affect an estimated 100 to 200 people who were detained upon arrival at American airports.

Judge Ann M. Donnelly of Federal District Court in Brooklyn, who was nominated by former President Barack Obama, ruled just before 9 p.m. that implementing Mr. Trump's order by sending the travelers home could cause them "irreparable harm." She said the government was "enjoined and restrained from, in any manner and by any means, removing individuals" who had arrived in the United States with valid visas or refugee status.

The ruling does not appear to force the administration to let in people otherwise blocked by Mr. Trump's order who have not yet traveled to the United States.

The judge's one-page ruling came swiftly after lawyers for the A.C.L.U. testified in her courtroom that one of the people detained at an airport was being put on a plane to be deported back to Syria at that very moment. A government lawyer, Gisela A. Westwater, who spoke to the court by phone from Washington, said she simply did not know.

Hundreds of people waited outside of the courthouse chanting, "Set them free!" as lawyers made their case. When the crowd learned that Judge Donnelly had ruled in favor of the plaintiffs, a rousing cheer went up in the crowd.

Minutes after the judge's ruling in New York City, another judge, Leonie M. Brinkema of Federal District Court in Virginia, issued a temporary restraining order

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for a week to block the removal of any green card holders being detained at Dulles International Airport.

In a statement released early Sunday morning, the Department of Homeland Security said it would continue to enforce all of the president's executive orders, even while complying with judicial decisions. "Prohibited travel will remain prohibited," the department said in a statement, adding that the directive was "a first step towards re-establishing control over America's borders and national security."

Around the nation, security personnel at major international airports had new rules to follow, though the application of the order appeared chaotic and uneven. Humanitarian organizations delivered the bad news to overseas families that had overcome the bureaucratic hurdles previously in place and were set to travel. And refugees already on flights when the order was signed on Friday found themselves detained upon arrival.

"We've gotten reports of people being detained all over the country," said Becca Heller, the director of the International Refugee Assistance Project. "They're literally pouring in by the minute."

Earlier in the day, at the White House, Mr. Trump shrugged off the sense of anxiety and disarray, suggesting that there had been an orderly rollout. "It's not a Muslim ban, but we were totally prepared," he said. "It's working out very nicely. You see it at the airports, you see it all over."

But to many, the government hardly seemed prepared for the upheaval that Mr. Trump's actions put into motion.

There were numerous reports of students attending American universities who were blocked from returning to the United States from visits abroad. One student said in a Twitter post that he would be unable to study at Yale. Another who attends the Massachusetts Institute of Technology was refused permission to board a plane. A Sudanese graduate student at Stanford University was blocked for hours from entering the country.

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Human rights groups reported that legal permanent residents of the United States who hold green cards were being stopped in foreign airports as they sought to return from funerals, vacations or study abroad. There was widespread condemnation of the order, from religious leaders, business executives, academics, political leaders and others. Mr. Trump's supporters offered praise, calling it a necessary step on behalf of the nation's security.

Homeland Security officials said on Saturday night that 109 people who were already in transit to the United States when the order was signed were denied access; 173 were stopped before boarding planes heading to America. Eighty-one people who were stopped were eventually given waivers to enter the United States, officials said.

Legal residents who have a green card and are currently in the United States should meet with a consular officer before leaving the country, a White House official, who spoke on the condition of anonymity, told reporters. Officials did not clarify the criteria that would qualify someone for a waiver, other than that it would be granted "in the national interest."

But the week-old administration appeared to be implementing the order chaotically, with agencies and officials around the globe interpreting it in different ways.

The Stanford student, Nisrin Omer, a legal permanent resident, said she was held at Kennedy International Airport in New York for about five hours but was eventually allowed to leave the airport. Others who were detained appeared to be still in custody or sent back to their home countries.

White House aides claimed on Saturday that there had been consultations with State Department and homeland security officials about carrying out the order. "Everyone who needed to know was informed," one aide said.

But that assertion was denied by multiple officials with knowledge of the interactions, including two officials at the State Department. Leaders of Customs and Border Protection and of Citizenship and Immigration Services — the two agencies

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most directly affected by the order — were on a telephone briefing on the new policy even as Mr. Trump signed it on Friday, two officials said.

The A.C.L.U.'s legal case began with two Iraqis detained at Kennedy Airport, the named plaintiffs in the case. One was en route to reunite with his wife and son in Texas. The other had served alongside Americans in Iraq for a decade.

Shortly after noon on Saturday, Hameed Khalid Darweesh, an interpreter who worked for more than a decade on behalf of the United States government in Iraq, was released. After nearly 19 hours of detention, Mr. Darweesh began to cry as he spoke to reporters, putting his hands behind his back and miming handcuffs.

"What I do for this country? They put the cuffs on," Mr. Darweesh said. "You know how many soldiers I touch by this hand?"

The other man the lawyers are representing, Haider Sameer Abdulkhaleq Alshawi, who was en route to Houston, was released Saturday night.

Before the two men were released, one of the lawyers, Mark Doss, a supervising attorney at the International Refugee Assistance Project, asked an official, "Who is the person we need to talk to?"

"Call Mr. Trump," said the official, who declined to identify himself.

While the judge's ruling means that none of the detainees will be sent back immediately, lawyers for the plaintiffs in the case expressed concern that all those at the airports would now be put in detention, pending a resolution of the case.

The White House said the restrictions would protect "the United States from foreign nationals entering from countries compromised by terrorism" and allow the administration time to put in place "a more rigorous vetting process." But critics condemned Mr. Trump over the collateral damage on people who had no sinister intentions in trying to come to the United States.

Peaceful protests began forming Saturday afternoon at Kennedy Airport, where nine travelers had been detained upon arrival at Terminal 7 and two others at

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Terminal 4, an airport official said. Similar scenes were playing out at other airports across the nation.

An official message to all American diplomatic posts around the world provided instructions about how to treat people from the countries affected: “Effective immediately, halt interviewing and cease issuance and printing” of visas to the United States.

Internationally, confusion turned to panic as travelers found themselves unable to board flights bound for the United States. In Dubai and Istanbul, airport and immigration officials turned passengers away at boarding gates and, in at least one case, ejected a family from a flight it had boarded.

Seyed Soheil Saeedi Saravi, a promising young Iranian scientist, had been scheduled to travel in the coming days to Boston, where he had been awarded a fellowship to study cardiovascular medicine at Harvard, according to Thomas Michel, the professor who was to supervise the research fellowship.

But Professor Michel said the visas for the student and his wife had been indefinitely suspended.

“This outstanding young scientist has enormous potential to make contributions that will improve our understanding of heart disease, and he has already been thoroughly vetted,” Professor Michel wrote to The New York Times.

A Syrian family of six who have been living in a Turkish refugee camp since fleeing their home in 2014 had been scheduled to arrive on Tuesday in Cleveland. Instead, the family’s trip has been called off.

“Everyone is just so heartbroken, so angry, so sad,” said Danielle Drake, the community manager for US Together, an agency that resettles refugees.

A Christian family of six from Syria said in an email to Representative Charlie Dent, Republican of Pennsylvania, that they were being detained on Saturday morning at Philadelphia International Airport despite having legal paperwork, green cards and visas that had been approved.

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In the case of the two Iraqis held at Kennedy Airport, the legal filings by his lawyers say that Mr. Darweesh was granted a special immigrant visa on Jan. 20, the same day Mr. Trump was sworn in as president.

A husband and father of three, Mr. Darweesh arrived at Kennedy Airport with his family. Mr. Darweesh's wife and children made it through passport control and customs, but agents of Customs and Border Protection detained him.

In Istanbul, during a stopover on Saturday, passengers reported that security officers had entered a plane after everyone had boarded and ordered a young Iranian woman and her family to leave the aircraft.

Iranian green card holders who live in the United States were blindsided by the decree while on vacation in Iran, finding themselves in a legal limbo and unsure whether they would be able to return to America.

"How do I get back home now?" said Daria Zeynalia, a green card holder who was visiting family in Iran. He had rented a house and leased a car, and would be eligible for citizenship in November. "What about my job? If I can't go back soon, I'll lose everything."

Michael D. Shear reported from Washington, and Nicholas Kulish and Alan Feuer from New York. Reporting was contributed by Mark Mazzetti, Matthew Rosenberg, Ron Nixon and Adam Liptak from Washington; Thomas Erdbrink from Tehran; Manny Fernandez from Houston; Julie Bosman from Chicago; and Liam Stack, Russell Goldman, Joe Goldstein, Liz Robbins, Stephanie Saul and Sean Piccoli from New York.

A version of this article appears in print on January 29, 2017, on Page A1 of the New York edition with the headline: Judge Blocks Trump Order On Refugees.

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# Exhibit K

# Malevolence Tempered by Incompetence: Trump's Horrifying Executive Order on Refugees and Visas

: Saturday, January 28, 2017, 10:58 PM

Omphalos: Middle East Conflict in Perspective

The malevolence of President Trump's Executive Order on visas and refugees is mitigated chiefly—and perhaps only—by the astonishing incompetence of its drafting and construction.

NBC is reporting that the document was not reviewed by DHS, the Justice Department, the State Department, or the Department of Defense, and that National Security Council lawyers were prevented from evaluating it. Moreover, the *New York Times* writes that Customs and Border Protection and U.S. Citizen and Immigration Services, the agencies tasked with carrying out the policy, were only given a briefing call while Trump was actually signing the order itself. Yesterday, the Department of Justice gave a "no comment" when asked whether the Office of Legal Counsel had reviewed Trump's executive orders—including the order at hand. (OLC normally reviews every executive order.)

This order reads to me, frankly, as though it was not reviewed by competent counsel at all.

CNN offers extraordinary details:

Administration officials weren't immediately sure which countries' citizens would be barred from entering the United States. The Department of Homeland Security was left making a legal analysis on the order after Trump signed it. A Border Patrol agent, confronted with arriving refugees, referred questions only to the President himself, according to court filings.

. . .

It wasn't until Friday -- the day Trump signed the order banning travel from seven Muslim-majority countries for 90 days and suspending all refugee admission for 120 days -- that career homeland security staff were allowed to see the final details of the order, a person with the familiar the matter said.

. . .

The policy team at the White House developed the executive order on refugees and visas, and largely avoided the traditional interagency process that would have allowed the Justice Department and homeland security agencies to provide operational guidance, according to numerous officials who spoke to CNN on Saturday.

Homeland Security Secretary John Kelly and Department of Homeland Security leadership saw the final details shortly before the order was finalized, government officials said.

Friday night, DHS arrived at the legal interpretation that the executive order restrictions applying to seven countries -- Iran, Iraq, Libya, Somalia, Syria, Sudan and Yemen -- did not apply to people who with lawful permanent residence, generally referred to as green card holders.

The White House overruled that guidance overnight, according to officials familiar with the rollout. That order came from the President's inner circle, led by Stephen Miller and Steve Bannon. Their decision held that, on a case by case basis, DHS could allow green card holders to enter the US.

As I shall explain, in the short term, the incompetence is actually good news for people who believe in visa and refugee policies based on criteria other than—let’s not be coy about this—bigotry and religious discrimination. The President has

created a target-rich environment for litigation that will make his policies, I suspect, less effective than they would have been had he subjected his order to vetting one percent as extreme as the vetting to which he proposes to subject refugees from Bashar al-Assad and the bombing raids of Vladimir Putin.

Indeed, even as I write these words, the ACLU has already succeeded in petitioning a federal court for a class-wide stay of deportations of immigrants and refugees trapped in airports by Trump's order. And a federal judge in Virginia has issued a temporary restraining order preventing the removal of green card holders detained in Dulles International Airport and requiring that these legal residents of the United States have access to counsel.

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In the broader sense, however, it is most emphatically not good news to have a White House that just makes decisions with no serious thought or interagency input into what those decisions might mean. In fact, it's really dangerous.

Let's start with the malevolence of the document, which Amira Mikhail summarized and Adham Sahloul analyzed earlier today. I don't use the word "malevolence" here lightly. As readers of my work know, I believe in strong counterterrorism powers. I defend non-criminal detention. I've got no problem with drone strikes. I'm positively enthusiastic about American surveillance policies. I was much less offended than others were by the CIA's interrogations in the years after September 11. I have defended military commissions.

Some of these policies were effective; some were not. Some worked out better than others. And I don't mean to relitigate any of those questions here. My sole point is that all of these policies were conceptualized and designed and implemented by people who were earnestly trying to protect the country from very real threats. And the policies were, to a one, proximately related to important goals in the effort. While some of these policies proved tragically misguided and caused great harm to innocent people, *none of them was designed or intended to be cruel to vulnerable,*

*concededly innocent people*. Even the CIA's interrogation program, after all, was deployed against people the agency believed (mostly correctly) to be senior terrorists of the most dangerous sort and to garner information from them that would prevent attacks.

I actually cannot say that about Trump's new executive order—and neither can anyone else.

Here's how the order describes its purpose:

> Section 1. Purpose. The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.
>
> Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.
>
> In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.

Color me skeptical that this is the real purpose. After all, if this is the real purpose, then the document is both wildly over-inclusive and wildly under-inclusive. On the over-inclusive side, it will keep tens of thousands of innocent refugees who have been subject to unspeakable violence outside of the protection of the United States

on the vanishingly small chance that these people might be terrorists—indeed, to make it impossible for them *even to apply* for refugee admission if they are Syrian. It will prevent untold numbers of people about whom there is no whiff of suspicion from coming here as students, as professionals, as tourists. It overtly treats members of a particular religion differently from other people.

On the underinclusive side, the order wouldn't have blocked the entry of many of the people responsible for the worst recent terrorist attacks. There is, in fact, simply no rational relationship between cutting off visits from the particular countries that Trump targets (Muslim countries that don't happen to be close U.S. allies) and any expected counterterrorism goods. The 9/11 hijackers, after all, didn't come from Somalia or Syria or Iran; they came from Saudi Arabia and Egypt and a few other countries not affected by the order. Of the San Bernardino attackers (both of Pakistani origin, one a U.S. citizen and the other a lawful permanent resident), the Orlando shooter (a U.S. citizen whose parents were born in Afghanistan), and the Boston marathon bombers (one a naturalized U.S. citizen, one a green card holder who arrived in Massachusetts from Kyrgyzstan), none came from countries listed in the order. One might argue, I suppose, that the document is tied to current threats. But come now, how could Pakistan *not* be on a list guided by current threat perception?

What's more, the document also takes steps that strike me as utterly orthogonal to any relevant security interest. If the purpose of the order is the one it describes, for example, I can think of no good reason to burden the lives of students individually suspected of nothing who are here lawfully and just happen to be temporarily overseas, or to detain tourists and refugees who were mid-flight when the order came down. I have trouble imagining any reason to raise questions about whether green card holders who have lived here for years can leave the country and then return. Yes, it's temporary, and that may lessen the costs (or it may not, depending on the outcome of the policy review the order mandates), but temporarily irrational is still irrational.

Put simply, I don't believe that the stated purpose is the real purpose. This is the first policy the United States has adopted in the post-9/11 era about which I have ever said this. It's a grave charge, I know, and I'm not making it lightly. But in the rational pursuit of security objectives, you don't marginalize your expert security

agencies and fail to vet your ideas through a normal interagency process. You don't target the wrong people in nutty ways when you're rationally pursuing real security objectives.

When do you do these things? You do these things when you're elevating the symbolic politics of bashing Islam over any actual security interest. You do them when you've made a deliberate decision to burden human lives to make a public point. In other words, this is not a document that will cause hardship and misery because of regrettable incidental impacts on people injured in the pursuit of a public good. It will cause hardship and misery for tens or hundreds of thousands of people *because that is precisely what it is intended to do*.

To be sure, the executive order does not say anything as crass as: "Sec. 14. Burdening Muslim Lives to Make Political Point." It doesn't need to. There's simply no reason in reading it to ignore everything Trump said during the campaign, during which he repeatedly called for a ban on Muslims entering the United States.

Even while he was preparing to sign the order itself, he declared, "This is the 'Protection of the Nation from Foreign Terrorist Entry into the United States.' We all know what that means." Indeed, we do. This document is the implementation of a campaign promise to keep out Muslims moderated only by the fact that certain allied Muslim countries are left out because the diplomatic repercussions of including them would be too detrimental.

Many years ago, the great constitutional law scholar Charles Black Jr., contemplating the separate but equal doctrine, asked:

> does segregation offend against equality? Equality, like all general concepts, has marginal areas where philosophic difficulties are encountered. But if a whole race of people finds itself confined within a system which is set up and continued for the very purpose of keeping it in an inferior station, and if the question is then solemnly propounded whether such a race is being treated "equally," I think we ought to exercise one of the sovereign prerogatives of philosophers—that of laughter.

I think we can, without drawing any kind of equivalence between this order and Jim Crow, make a similar point here: Is this document a reasonable security measure? There are many areas in which security policy affects innocent lives but within which we do not presumptively say that the fact that some group of people faces disproportionate burdens renders that policy illegitimate. But if an entire religious grouping finds itself irrationally excluded from the country for no discernible security benefit following a lengthy campaign that overtly promised precisely such discrimination and exactly this sort of exclusion, if the relevant security agencies are excluded from the policy process, and if the question is then solemnly propounded whether the reasonable pursuit of security is the purpose, I think we ought to exercise one of the sovereign prerogatives of philosophers—that of laughter.

So yes, the order is malevolent. But here's the thing: Many of these malevolent objectives were certainly achievable within the president's lawful authority. The president's power over refugee admissions is vast. His power to restrict visa issuances and entry of aliens to the United States is almost as wide. If the National Security Council had run a process of minimal competence, it could certainly have done a lot of stuff that folks like me, who care about refugees, would have gnashed our teeth over but which would have been solidly within the President's authority. It could have all been implemented in a fashion that didn't create endless litigation opportunities and didn't cause enormous diplomatic friction.

How incompetent is this order? An immigration lawyer who works for the federal government wrote me today describing the quality of the work as "look[ing] like what an intern came up with over a lunch hour. . . . My take is that it is so poorly written that it's hard to tell the impact." One of the reasons there's so much chaos going on right now, in fact, is that nobody really knows what the order means on important points.

Some examples:

- Sec. 3(c) bans "entry"—which to the best of my knowledge has had no meaning in the Immigration and Nationality Act (INA) since the passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) in 1996. Pre-IIRIRA law did use the term "entry," but that is no longer the case.
- Section 3(g) talks of waivers on a case-by-case basis for people who are otherwise denied visas or other benefits under the immigration laws pursuant to the order. If a person needs a waiver to obtain "other benefits," does that

mean that nationals of the seven countries are denied *any* benefit under the INA without a waiver, benefits such as naturalization, adjustment of status, or temporary protected status, even if they are already in the US?

- On its face, the order bars entry of both immigrants and non-immigrants. Again, as entry is not defined, and no one was given any time to draft implementing guidance or to clarify any points, it's no surprise that Customs and Border Protection doesn't seem to know how to apply it to lawful permanent residents (LPRs). The INA, at section 101(a)(13)(C), says that green card holders will not be deemed as seeking admission absent the factors enumerated therein—factors that do not include an executive order banning entry. Yet Reuters and *The Guardian* are both reporting quotations from a DHS public relations official, stating that the order *does* apply to LPRs. If that interpretation lasts, look for DHS to get its ass handed to it on a platter in federal court—a defeat it will richly deserve.
- Another big mystery is how the order will apply to asylees. Will people even be allowed to apply? On the one hand, the right to seek asylum is right there in the INA. But to apply for asylum, you have to be interviewed by a U.S. Citizen and Immigration Services officer to determine if you have a credible fear of persecution. Is that interview a benefit under the act? And if so, is it barred? From what I hear, right now anyway, Customs and Border Protection is not allowing anyone to claim asylum and have a credible fear interview.

I could go on, but you get the point. This order is a giant birthday present to the ACLU and other immigration litigators. And godspeed to them in going after it—which, as I noted above, they are already succeeding in doing.

But the incompetence actually does not stop at running a process that causes legal chaos and probable manhandling by the federal courts.

Consider, for example, the likely diplomatic fallout. In his first week in office, Trump has managed to create a major rift with Mexico, our peaceable neighbor to the south with whom we have no earthly reason to be spatting and haven't had bilateral problem this serious since Pancho Villa. Trump's new order seems certain to raise tensions with other countries too—and not just the countries whose nationals it targets (Iran, for example, which today restricted travel by U.S. nationals in retaliation; a great many U.S. citizens have family in Iran and now can't visit them).

Because the order applies to dual nationals, where a person is a citizen of one restricted country and one non-restricted country, it appears to bar entry to hundreds of thousands of citizens of the U.K. and Canada—including a British Member of Parliament and a Canadian-Iranian consultant who lives in the United States but now can no longer safely travel to her business's headquarters in Toronto without being blocked from reentry. British Prime Minister Theresa May wasn't showing a lot of spine today over the matter, but what happens when she starts getting political blowback at home for the not standing up to the U.S. over its treatment of her nationals?

And Canadian Prime Minister Justin Trudeau is already making noise. He tweeted today:

In some ways, the most stunning incompetence in the document appears in one of the least discussed sections: The section at the end that mandates reporting on the nefarious terrorist activities of foreigners in the United States. This section requires regular reports from DHS on terrorism-related offenses by foreign nationals, and gender-based violence and honor killings by foreign nationals (because remember, Mexico sends us their rapists and Muslims all kill their daughters when they date Americans).

The White House appears to have included this section because the Trumpists think it will show that large numbers of foreigners are coming to the United States and committing acts of terrorism here. But that is delusional, and the data will not show that—as I suspect someone at DHS would have pointed out had they had the chance. Here's *Politifact* summarizing the extant data on the citizenship status of the authors of terrorist attacks in the United States:

The New America Foundation, a Washington think tank that promotes data-driven research for social and economic policy, did an analysis of "homegrown extremism" since 2000. The foundation compiled data on 499 extremists, who either adhered to jihadist ideology inspired by al-Qaida or were motivated by right- or left-wing political beliefs. This database includes attacks as well as those accused of terrorism-related offenses, such as plotting attacks or fundraising.

New America found that about 64 percent of the extremists were U.S.-born citizens and 80 percent were either American-born or naturalized citizens. The database shows eight out of 499 extremists were illegal residents; all eight were jihadists.

A *New York Times* analysis cited by many experts we interviewed found that half of the jihadist attacks since 2001 were committed by men born in the United States. Many others were naturalized citizens. Some were noncitizens but were traveling legally, such as Richard Reid, the attempted shoe bomber in Miami in 2001, who didn't need a visa because he was from Britain.

Overall, databases of terrorist acts in the United States show that many were committed by Americans or naturalized citizens, though some high-profile incidents have involved legal immigrants.

"Empirically, domestic terrorism is carried out by citizens—not immigrants—with right-wing terrorism, racial hate crimes, and the sovereign-citizen movement making up a majority of domestic terrorist incidents," said Joel Day, assistant professor of security and global studies at the University of Massachusetts Lowell. "Other domestic incidents have indeed been carried out by those who came here through legal channels.''

In other words, the executive order sets up a reporting mechanism that will almost certainly falsify its own premise.

I would wax triumphant about the mitigating effect of incompetence on this document, but alas, I can't do it. The president's powers in this area are vast, as I say, and while the incompetence is likely to buy the administration a world of hurt in court and in diplomacy in the short term, this order is still going take more than a few pounds of flesh out of a lot of innocent people.

Moreover, it's a very dangerous thing to have a White House that can't with the remotest pretense of competence and governance put together a major policy document on a crucial set of national security issues without inducing an avalanche of litigation and wide diplomatic fallout. If the incompetence mitigates the malevolence in this case, that'll be a blessing. But given the nature of the federal immigration powers, the mitigation may be small and the blessing short-lived; the implications of having an executive this inept are not small and won't be short-lived.

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# Exhibit L

# Kelly: There are '13 or 14' more countries with questionable vetting procedures

By **Daniella Diaz**, CNN
Updated 2:09 AM ET, Tue March 7, 2017

*Source: CNN*

**Kelly says more countries have vetting issues** 01:08

## Story highlights

Trump signed a new executive order that bans immigration from six Muslim-majority countries

Kelly says the ban is not a Muslim ban

## Revised US travel ban

- Trump signs new travel ban
- How this ban is different
- Muslims in Congress blast new order
- Will this impact the court cases?
- Travel ban: Read the full executive order
- Instant backlash to new travel ban
- This time around, ban offers wiggle room

**Washington (CNN) —** Secretary of Homeland Security John Kelly said that apart from the six countries listed on Monday's travel ban, there are "13 or 14" other countries that also have questionable vetting procedures.

Kelly didn't name any of the additional countries the administration is concerned about and acknowledged he doesn't expect the list of countries subject to the travel ban will grow.

"There will probably be other countries we will look at," he told CNN's Wolf Blitzer on "The Situation Room." "I don't believe the list will be expanded, but there are countries out there that we will ask, like Iraq has done ... to cooperate with us better, to get us the information we need to safeguard the country."

He continued: "There's a number of them out there, I don't want to speculate. There's probably 13 or 14 countries, not all of them Muslim countries, not all of them in the Middle East, that have questionable vetting procedures we can rely on. And if we overlay additional vetting procedures, the chances are these countries will be minimum citizens from those countries that visit our country."

President Donald Trump on Monday signed a new executive order that bans immigration from six Muslim-majority countries, dropping Iraq from January's previous order and reinstates a temporary blanket ban on all refugees. Iraq was removed from a revised version of an executive order banning travel from certain Muslim-majority countries after intensive lobbying from the Iraqi government at the highest levels, a senior US official told CNN Monday.

President Donald Trump signs new travel ban, exempts Iraq

The new measures will block citizens of Syria, Iran, Libya, Somalia, Sudan and Yemen from obtaining visas for at least 90 days.

The new ban, which will be implemented March 16, comes six weeks after Trump's original executive order caused chaos at airports nationwide before it was blocked by federal courts.

The ban removes language in the original order that indefinitely banned Syrian refugees and called for prioritizing the admission of refugees who are religious minorities in their home countries.

Kelly told Blitzer that the ban is not a "Muslim ban," which is what it's being called by critics of the executive order.

"Three of the six (countries in the travel ban) now are designated as terrorism supporters," Kelly said. "We can't rely on those governments ... It's not a Muslim ban ... there are 51 overwhelmingly Muslim countries."

**Related Video:** Trump signs revised travel ban, Iraq is exempt 03:12

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Working for Trump is an embarrassment

# Exhibit M

The New York Times

U.S.

# F.B.I. Casts Wide Net Under Relaxed Rules for Terror Inquiries, Data Show

By CHARLIE SAVAGE MARCH 26, 2011

WASHINGTON — Within months after the Bush administration relaxed limits on domestic-intelligence gathering in late 2008, the F.B.I. assessed thousands of people and groups in search of evidence that they might be criminals or terrorists, a newly disclosed Justice Department document shows.

In a vast majority of those cases, F.B.I. agents did not find suspicious information that could justify more intensive investigations. The New York Times obtained the data, which the F.B.I. had tried to keep secret, after filing a lawsuit under the Freedom of Information Act.

The document, which covers the four months from December 2008 to March 2009, says the F.B.I. initiated 11,667 "assessments" of people and groups. Of those, 8,605 were completed. And based on the information developed in those low-level inquiries, agents opened 427 more intensive investigations, it says.

The statistics shed new light on the F.B.I.'s activities in the post-Sept. 11 era, as the bureau's focus has shifted from investigating crimes to trying to detect and disrupt potential criminal and terrorist activity.

It is not clear, though, whether any charges resulted from the inquiries. And because the F.B.I. provided no comparable figures for a period before the rules change, it is impossible to determine whether the numbers represent an increase in investigations.

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Still, privacy advocates contend that the large number of assessments that turned up no sign of wrongdoing show that the rules adopted by the Bush administration have created too low a threshold for starting an inquiry. Attorney General Eric H. Holder Jr. has left those rules in place.

Michael German, a former F.B.I. agent who is now a policy counsel for the American Civil Liberties Union, argued that the volume of fruitless assessments showed that the Obama administration should tighten the rules.

“These are investigations against completely innocent people that are now bound up within the F.B.I.’s intelligence system forever,” Mr. German said. “Is that the best way for the F.B.I. to use its resources?”

But Valerie E. Caproni, the bureau’s general counsel, said the numbers showed that agents were running down any hint of a potential problem — including vigilantly checking out potential leads that might have been ignored before the Sept. 11 attacks.

“Recognize that the F.B.I.’s policy — that I think the American people would support — is that any terrorism lead has to be followed up,” Ms. Caproni said. “That means, on a practical level, that things that 10 years ago might just have been ignored now have to be followed up.”

F.B.I. investigations are controlled by guidelines first put in place by Attorney General Edward H. Levi during the Ford administration, after the disclosure that the bureau had engaged in illegal domestic spying for decades. After the Sept. 11 attacks, those rules were loosened by Attorney General John Ashcroft and then again by Attorney General Michael B. Mukasey.

Some Democrats and civil liberties groups protested the Mukasey guidelines, contending that the new rules could open the door to racial or religious profiling and to fishing expeditions against Americans.

In 2006, The New York Times reported that the National Security Agency had each month been flooding the bureau with thousands of names, phone numbers and e-mail addresses that its surveillance and data-mining programs had deemed

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suspicious. But frustrated agents found that virtually all of the tips led to dead ends or innocent Americans.

When the Mukasey guidelines went into effect in December 2008, they allowed the F.B.I. to use a new category of investigation called an "assessment." It permits an agent, "proactively or based on investigative leads," to scrutinize a person or a group for signs of a criminal or national security threat, according to the F.B.I. manual.

The manual also says agents need "no particular factual predication" about a target to open an assessment, although the basis "cannot be arbitrary or groundless speculation." And in selecting subjects for such scrutiny, agents are allowed to use ethnicity, religion or speech protected by the First Amendment as a factor — as long as it is not the only one.

An assessment is less intensive than a more traditional "preliminary" inquiry or a "full" investigation, which requires greater reason to suspect wrongdoing but also allows agents to use more intrusive information-gathering techniques, like wiretapping.

Still, in conducting an assessment, agents are allowed to use other techniques — searching databases, interviewing the subjects or people who know them, sending confidential informers to infiltrate an organization, attending a public meeting like a political rally or a religious service, and following and photographing people in public places.

In March 2009, Russ Feingold, then a Democratic senator from Wisconsin, asked the F.B.I. how many assessments it had initiated under the new guidelines and how many regular investigations had been opened based on information developed by those assessments.

In November 2010, the Justice Department sent a classified letter to the Senate Judiciary Committee answering Mr. Feingold's question. This month, it provided an uncensored copy of the same answer to The Times as a result of its Freedom of Information Act lawsuit.

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F.B.I. officials said in an interview that the statistics represented a snapshot as of late March 2009, so the 11,667 assessment files were generated over a roughly four-month period. But they said they believed that agents had continued to open assessments at roughly the same pace since then.

Some aspects of the statistics are hazy, officials cautioned.

For example, even before the December 2008 changes, the bureau routinely followed up on low-grade tips and leads under different rules. But that activity was not formally tracked as an "assessment" that could be easily counted and compared.

F.B.I. officials also said about 30 percent of the 11,667 assessments were just vague tips — like a report of a suspicious car that included no license plate number. Such tips are entered into its computer system even if there is no way to follow up on them.

Finally, they said, it is impossible to know precisely how many assessments turned up suspicious facts. A single assessment may have spun off more than one higher investigation, and some agents may have neglected to record when such an investigation started as an assessment.

Ms. Caproni also said that even though the F.B.I. manual says agents can open assessments "proactively," they still must always have a valid reason — like a tip that is not solid enough to justify a more intensive level of investigation but should still be checked out.

But Mr. German, of the A.C.L.U., said that allowing agents to initiate investigations without a factual basis "seems ripe for abuse." He added, "What they should be doing is working within stricter guidelines that help them focus on real threats rather than spending time chasing shadows."

A version of this article appears in print on March 27, 2011, on Page A19 of the New York edition with the headline: F.B.I. Casts Wide Net Under Relaxed Rules for Terror Inquiries, Data Show.

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# Exhibit N

The New York Times | https://nyti.ms/2mpqNX1

POLITICS

# People From 7 Travel-Ban Nations Pose No Increased Terror Risk, Report Says

By RON NIXON FEB. 25, 2017

When President Trump signed an executive order last month temporarily barring visitors from seven mostly Muslim countries, he said he was moving to protect the United States from terrorist attacks. The Homeland Security secretary, John F. Kelly, echoed the president, saying the travel ban was necessary because vetting procedures "in those seven countries are suspect."

But an internal report written by intelligence analysts at Mr. Kelly's department appears to undercut the assessment that people from the seven countries — Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen — pose a heightened threat of terrorism. The three-page report found that "country of citizenship is unlikely to be a reliable indicator of potential terrorist activity."

The report adds to the difficulties the Trump administration has faced in carrying out the travel ban. Federal judges have suspended the order, and the administration has said it will redo it to withstand legal scrutiny, but has not given a timetable.

The Department of Homeland Security assessment, first reported by The Associated Press, found that only a small number of people from the seven countries had been involved in terrorism-related activities in the United States since the Syrian civil war began in 2011. In addition, the report noted, while terrorist groups in Iraq, Syria and Yemen pose a threat to the United States, militant groups in the other four countries have a more regional focus.

The report also found that in the past six years, the terrorism threat reached much more widely than the seven countries listed — individuals from 26 countries had been "inspired" to carry out attacks in the United States.

Furthermore, few individuals from the seven countries affected by the ban have access to the United States, the report said, noting the small numbers of visas granted by the State Department to citizens of those nations.

The White House and the Department of Homeland Security sought to play down the significance of the report. The White House said that it was politically motivated and disregarded information that would have provided support for the travel ban. The Department of Homeland Security said the report was just a draft and "not a final comprehensive review of the government's intelligence."

Stephen Miller, a senior aide to Mr. Trump, told Fox News on Tuesday that the redrawn executive order would "have the same basic policy outcome."

The Trump administration on Friday also took the first steps toward following through on the president's plan to build a wall along the border with Mexico.

Customs and Border Protection, an agency within the Department of Homeland Security, announced that it would begin accepting design proposals for a wall. The agency said it would need the proposals by March 10. After it chooses a list of potential vendors, full proposals would be required a few weeks later.

The agency said it could make a final decision by the middle of April.

A version of this article appears in print on February 26, 2017, on Page A20 of the New York edition with the headline: Homeland Security Report Undercuts Travel-Ban Logic.

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# Exhibit O

MSNBC

**The Rachel Maddow Show / The MaddowBlog**

Exclusive: DHS intel doc contradicts case for Trump's travel ban, 3/2/17, 9:02 PM ET

# TRMS Exclusive: DHS document undermines Trump case for travel ban

03/02/17 09:15 PM – UPDATED 03/03/17 12:14 AM

The Rachel Maddow Show has obtained, exclusively, a Department of Homeland Security intelligence assessment document. The document, from the Office of Intelligence and Analysis, makes the case that most foreign-born, U.S.-based violent extremists are likely not radicalized when they come to the U.S., but rather become radicalized after living in the U.S. for a number of years.

The document follows another piece of research (pdf) from Homeland Security that undercut President Trump's rationale for a travel ban as a means of keeping violent extremists out. On Friday, the Associated Press published an analysis from Homeland

Security that said citizenship in any given country – including the seven countries listed in the executive order – is likely an unreliable indicator of whether someone poses a terrorist threat.

The new assessment, obtained by the Rachel Maddow Show and dated March 1, tracks 88 violent, foreign-born extremists in the United States. More than half of them had been in the U.S. more than 10 years before they were indicted or killed.

Homeland Security tonight has confirmed the authenticity of the document. The department says production of it began in August 2016, and that it likely would have reached the White House. We have asked the White House for comment tonight. They have not responded.

Read the document below:

*(Scribd pdf link here)*

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# INTELLIGENCE ASSESSMENT

## (U//FOUO) Most Foreign-born, US-based Violent Extremists Radicalized after Entering Homeland; Opportunities for Tailored CVE Programs Exist

1 March 2017

THE RACHEL MADDOW SHOW EXCLUSIVE

Homeland Security

Office of Intelligence and Analysis

IA-0091-17

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Homeland Security
Office of Intelligence and Analysis

INTELLIGENCE ASSESSMENT

1 March 2017

# (U//FOUO) Most Foreign-born, US-based Violent Extremists Radicalized after Entering Homeland; Opportunities for Tailored CVE Programs Exist

*(U//FOUO) Prepared by the Office of Intelligence and Analysis (I&A). Coordinated with CBP, the Department of State, ICE, NCTC, and USCIS.*

## (U) Scope

(U//FOUO) This *Assessment* examines the immigration history and radicalization of 88 foreign-born, US-based persons who participated in a terrorism-related activity inspired by at least one named foreign terrorist organization (FTO).* All examined individuals primarily resided in the United States either at the time of their involvement in a terrorism-related activity or prior to their travel to join an FTO. The list of individuals included in this study was derived from academic and government sources, including a Department of Justice (DOJ) list of unsealed international terrorism and terrorism-related cases. The terrorism-related activities these individuals engaged in were identified in US Government sources or reliable media reporting. These activities include conducting or attempting to conduct an attack in the United States, traveling or attempting to travel from the United States to join an FTO overseas, and providing funds, goods, or logistical assistance to support an FTO. All individuals examined in our study were indicted or killed between March 2011—the start of the Syrian conflict—and December 2016. Individuals who were minors at the time of their indictment or death were not included. Our review did not consider classified or non-disseminated investigative information.

(U//FOUO) This *Assessment* identifies several factors, some of which are constitutionally protected activity, which we assess contributed to the radicalization of foreign-born, US-based violent extremists mentioned in this report. None of these factors should be viewed as definitive indicators of radicalization to violence absent corroborative information revealing a link to violence or terrorism. This *Assessment* is intended to inform federal, state, local, tribal, and territorial counterterrorism, law enforcement, and countering violent extremism (CVE) officials, as well as immigrant screening and vetting officials on trends of foreign-born individuals engaged in terrorism activity in the Homeland. It also provides an overview of opportunities to prevent and detect future violent extremist radicalization. The information cutoff date is 31 December 2016.

## (U) Key Judgments

**(U//FOUO) We assess that most foreign-born, US-based violent extremists likely radicalized several years after their entry to the United States, limiting the ability of screening and vetting officials to prevent their entry because of national security concerns. We base this assessment on our findings that nearly half of the foreign-born, US-based violent extremists examined in our dataset were less than 16 years old when they entered the country and that the majority of foreign-born individuals resided in the United States for more than 10 years before their indictment or death. A separate DHS study that found recent foreign-born US violent extremists began radicalizing, on average, 13 years after their entry to the United States further supports our assessment.**

**(U//FOUO) We assess nearly all parents who entered the country with minor-age children likely did not espouse a violent extremist ideology at the time they entered or at any time since, suggesting these foreign-born individuals were likely not radicalized by their parents before or after their arrival in the Homeland. We base this judgment on their admissions to the United States by screening and vetting agencies who review all available derogatory information, our review of press interviews of parents after their child was arrested or killed, and the lack of arrests of the parents since their entry.**

* (U//FOUO) DHS defines radicalization as the process through which an individual changes from a nonviolent belief system to a belief system that includes the willingness to actively advocate, facilitate, or use unlawful violence as a method to effect societal or political change.

*material support to ISIS as a group, according to DOJ criminal complaints.[9,10]*

» *(U//FOUO) In 2012, two individuals born in Uzbekistan were arrested for providing material support to the Islamic Jihad Union, according to DOJ criminal complaints.[11,12] Separately, four Uzbekistan-born individuals were arrested in 2015 for providing material support to ISIS, according to a DOJ criminal complaint and superseding indictment.[13,14] These two groups comprised six of the nine individuals in our dataset who were born in Uzbekistan.*

» *(U//FOUO) All seven individuals born in Bosnia were associates of each other. Six were arrested in 2015 for providing material support to ISIS and one died in 2014 after successfully joining ISIS in Syria, according to DOJ criminal complaints and a press report.[15,16]*

» *(U//FOUO) Two of the seven violent extremists in our dataset who were born in Pakistan were brothers who plotted together to provide material support to al-Qa'ida in the Arabian Peninsula (AQAP), according to a DOJ indictment.[17]*

(U//FOUO) We assess nearly all parents who entered the country with minor-age children likely did not espouse a violent extremist ideology at the time they entered or at any time since, suggesting these foreign-born individuals were likely not radicalized by their parents before or after their arrival in the Homeland. We base this judgment on their admissions to the United States by screening and vetting agencies who review all available derogatory information, our review of press interviews of parents after their child was arrested or killed, and the lack of arrests of the parents since their entry.

» (U//FOUO) Two months before Somali immigrant Abdirizak Warsame[USPER] was arrested for conspiring to provide material support to ISIS, his mother lectured other parents about the importance of talking with their children about risks stemming from adhering to a violent extremist ideology and the need to work with the FBI, according to press reporting.[18] Warsame was sentenced to 30 months in prison in November 2016 because of his attempt to travel to Syria to join ISIS, according to a press report.[19]

» (U//FOUO) Harlem Suarez's[USPER] family was surprised by his arrest for plotting an attack in support of ISIS in 2015, according to a press report.[20] The family described Suarez, who was born in Cuba, as curious and unable to hurt anything, according to the same report.[21] Suarez is currently awaiting trial, according to another press report.[22]

» (U//FOUO) Jose Pimentel's[USPER] mother publicly apologized to the City of New York after his arrest in 2011, saying she was disappointed with her son's actions, according to multiple press reports.[23,24,25] Pimentel—who immigrated from the Dominican Republic with his family when he was five—was sentenced to 16 years in prison after pleading guilty in February 2014 to terrorism charges related to plotting to conduct an attack in the Homeland, according to a separate press report.[26]

***(U//FOUO) Similar Radicalization Factors among Native- and Foreign-born US Violent Extremists***

*(U//FOUO) Our review of 116 native-born US violent extremists, who were publicly identified as having been arrested or killed between March 2011 and December 2016, showed that many had similar experiences and grievances to the 88 foreign-born violent extremists we examined. We assess that these experiences and grievances probably in part contributed to the radicalization of some native- and foreign-born, US-based violent extremists and included perceived injustices against Muslims in the Homeland and abroad because of US policies, feelings of anger and isolation, and witnessing violence as a child. The lack of extensive open source information detailing some of these US violent extremists' radicalization histories prevented us from identifying motivating factors for all individuals examined in our dataset.*

» *(U//FOUO) Native-born brothers Nader Saadeh[USPER] and Alaa Saadeh[USPER]—who both pleaded guilty after their arrest in 2015 for providing material support to ISIS—believed the United States oppressed its own people and failed to protect Muslims, according to DOJ criminal complaints.[27,28] Similarly, Ibrahim Mohammad[USPER], born in the UAE and arrested in 2015 for providing material support to AQAP, believed the United States was actively at war with Islam, according another DOJ criminal complaint.[29]*

» *(U//FOUO) Native-born Josh Van Haften[USPER], who is awaiting his trial for attempting to travel overseas to join ISIS, became isolated from his peers after a sexual assault required him to register as a sex offender, according to press reporting.[30] He was told to leave his housing because he was a sex offender, and he was never able to have a romantic relationship, according to a press interview with Van Haften's mother and her partner.[31] The FBI assesses isolation to be one of many factors in Van Haften's radicalization, but not the primary one. Similarly, the now-deceased foreign-born former editor of AQAP's* Inspire *magazine, Samir Khan, and now-deceased ISIS foreign fighter Abdullah Ramo Pazara felt isolated or different from their communities and peers, according to multiple press reports.[32,33,34]*

» *(U//FOUO) At least five foreign-born US violent extremists were exposed to violence or substance abuse as children, according to a review of available press reporting.[35–39] We judge, however, there are likely additional individuals included in our dataset who were also exposed to violence during their childhood, based on our finding that 41 foreign-born US violent extremists in our dataset entered the United States as a refugee, asylee, or child of a refugee or asylee.*

THE INTERCEPT EXCLUSIVE

## (U//FOUO) CVE Opportunities to Prevent Radicalization of Foreign-born, US-based Individuals

(U//FOUO) We assess that the integration and mentoring services provided by federal, state, and private sector entities to refugees and asylees offer an opportunity to help foreign-born US residents adjust to their new communities and raise their awareness of and resistance to violent extremist narratives and recruiters, and likely increase their resistance to radicalization. Immigrants not entering the United States as refugees or asylees must prove their ability to provide basic needs for themselves before arriving in the United States, and thus they would not be eligible to receive many of these healthcare, housing, employment, and education services; however, there are many programs available to all immigrants to assist with integration into US society.

» (U) There are a variety of federal, state, local, and nongovernmental programs aimed at helping refugees and asylees integrate into US society by addressing their basic healthcare, housing, employment, and education needs.[40] Additionally, USCIS, through its Citizenship and Integration Grant Program, as of September 2016 awarded $63 million through 308 competitive grants in 37 states to help immigrants prepare and apply for US citizenship, according to USCIS.[41]

» (U) Many nonprofit organizations engage with immigrant communities, including a Georgia-based nonprofit that serves the cultural, psychological, and social-economic needs of refugees and immigrants in Atlanta, according to their website.[42]

(U//FOUO) The experiences and grievances we assessed as common within these individuals present opportunities for CVE programs focused on integration and mentorship. Such programs could address adolescent immigrants' feelings of isolation, anger, and depression caused by immigration experiences—which could in turn reduce the ability of FTOs to exploit these feelings for recruitment. Program administrators would be positioned to assist adolescents if the administrators are made aware of common radicalization vulnerabilities and behavioral indicators, as well as effective counter-narratives to challenge FTO messaging.

» (U//FOUO) Guled Omar[USPER], who was sentenced in 2016 for attempting travel overseas to join ISIS, claimed in a December 2016 press interview that after his older brother traveled to Somalia in 2007 to join al-Shabaab, he was shunned and isolated from the Somali-American community in Minneapolis, which led to his depression, drug use, and taunting by peers.[43]

» (U) Successful programs for adolescent immigrants could include convening youth from varying cultural backgrounds to promote cultural understanding and providing opportunities to counter anti-immigrant attitudes in mainstream culture, according to research published by a State University of New York at Albany[USPER] program called Voices for Change: Immigrant Women and State Policy.[44] Separately, the Department of Health and Human Services' Child Welfare Information Gateway offers online resources for immigrant youth, including a guide on living in America, educational and safety resources for parents, and a handbook for raising children in a new country.[45]

(U//FOUO) We also judge that open discussions with community and religious centers about overseas conflicts and ways that violent extremists may use religion to justify their actions would likely help dissuade some foreign-born, US-based individuals who are seeking answers to their questions from relying exclusively on research conducted online, which is often dominated by FTO messaging that offers only a violent extremist perspective.

» (U//FOUO) Some individuals in our dataset who became interested in conflict zones or their religion sought to educate themselves on the Internet—where they encountered videos and literature espousing violent extremist ideology—rather than their local religious or community leaders, according to press reporting.[46][47] Somali-Americans Abdi Nur[USPER] and Guled Omar—who have since been indicted for attempting to provide material support to ISIS—were asked to leave their respective mosques because of their expressions of violent extremist beliefs, which, in effect, pushed their research underground, where they turned to the Internet and had their nascent violent extremist views reinforced, according to a press report.[48] Abdi Nur was indicted on conspiracy charges for providing material support to ISIS in 2014, according to a DOJ press release.[49]

» (U//FOUO) Abdizirak Warsame stated in his court appearance that he was always listening to one side, referring to the "radical" messages he saw online, according to a press report. Warsame claimed that at the time he did not realize innocent people were being killed, according to the same report, which was likely a reference to terrorists' targeting of civilians.[50]

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Homeland Security

INTELLIGENCE ASSESSMENT

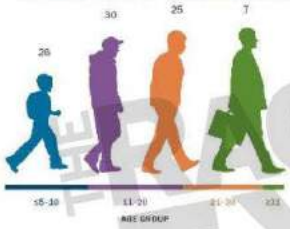
01 March 2017

**(U//FOUO) Most Foreign-born, US-based Violent Extremists Probably Radicalize After Entering the Homeland**

(U//FOUO) I&A examined the immigration history and radicalization activities of 88 foreign-born, US-based violent extremists who were inflicted or killed as a result of their participation in a terrorism-related activity inspired by at least one foreign terrorist organization between March 2011 and December 2016.[a] We based this study primarily on DHS immigration records, publicly available court documents and reliable press reporting. Nearly half of the foreign-born violent extremists in our dataset entered the United States when they were under the age of 16 and a majority remained in the United States for over ten years before their indictment or death, suggesting most foreign-born, US-based violent extremists likely radicalized after entering the Homeland.

[a] (U//FOUO) DHS defines radicalization as the process through which an individual changes from a non-violent belief system to a belief system that includes the willingness to actively support violence, facilitate, or use violence himself or herself to effect societal or political change.

(U) AGE OF ENTRY OF FOREIGN-BORN VIOLENT EXTREMISTS




(U) LENGTH OF TIME IN US OF FOREIGN-BORN VIOLENT EXTREMISTS

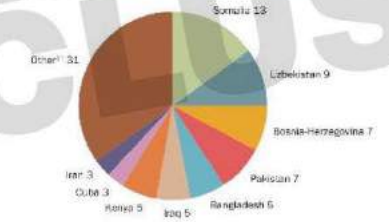
(U//FOUO) For the purposes of this graphic, we compared our findings on foreign-born US-based violent extremists with those of 116 native-born US-based violent extremists inflicted or killed during the same time period. We found that many native-and foreign-born US-based violent extremists had similar experiences and grievances that may have contributed, in part, to their radicalization, including perceived injustices against Muslims, grievances against the United States, and feelings of anger and isolation.[1]

[1] (U//FOUO) These factors alone do not indicate an individual has radicalized to violence.

(U) NATIVE- AND FOREIGN-BORN VIOLENT EXTREMISTS US CITIZENSHIP (USC) STATUS AT TIME OF INDICTMENT OR DEATH[2]

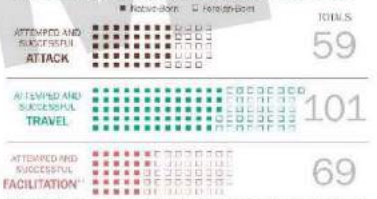
[2] (U//FOUO) Non-USCs includes legal permanent residents (LPR), authorized stay visa holders, refugees, and undocumented status.

(U) COUNTRIES OF BIRTH OF FOREIGN-BORN VIOLENT EXTREMISTS




[1] (U//FOUO) Either one or two individuals were born in each of the following 24 countries: Albania, Afghanistan, Australia, Dominican Republic, Egypt, Ethiopia, India, Israel, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Mexico, Morocco, Philippines, Russia, Saudi Arabia, Sierra Leone, Sudan, Syria, Turkey, United Arab Emirates, Yemen, Yugoslavia.

(U) TERRORISM-RELATED ACTIVITES OF NATIVE- AND FOREIGN-BORN VIOLENT EXTREMISTS[3]




[3] (U//FOUO) Numbers include individuals who participated or were interested in more than one activity.

[4] (U//FOUO) Facilitation activities include financial or logistical support, and terrorist recruitment.

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## (U) Source Summary Statement

*(U//FOUO) This Assessment is based primarily on I&A's review of DHS immigration and travel records and publicly available court documents as well as relevant reliable press reporting. The scope of our study did not include consideration of non-disseminated investigative information.*

*(U//FOUO) I&A has **moderate confidence** that most foreign-born US violent extremists likely radicalize several years after their entry to the United States, based on a review of court documents and press reporting from which we determined the first known sign of radicalization to violence among recent US violent extremists and a body of USCIS data from which we determined the length of time the individuals examined in our current dataset spent in the United States before their indictment or death. We note that there are challenges in determining the exact date that radicalization began, which is often a personal and individualized process that is difficult to observe. Additional reporting on the online activities of the US violent extremists, as well as information from the US violent extremists themselves or their family and friends about possible indicators of their loved ones' radicalization would further strengthen our confidence in this assessment. Our assessment is further supported by our finding that nearly half of the foreign-born individuals in our dataset entered the United States when they were younger than 16 years old, an age group that is typically younger than the age most violent extremists begin radicalizing.*

*(U//FOUO) We have **moderate confidence** in our assessment that nearly all parents who entered the country with these foreign-born, US-based violent extremists likely did not espouse a violent extremist ideology or exhibit any violent radicalization or mobilization indicators at the time they entered or since. Our assessment is based on a qualitative review of reliable press reporting describing the family life and parents of the individuals in our dataset. Additional information about the parents of these individuals—which is likely contained in immigration screening and vetting interview transcripts related to these individuals and their parents, which we lacked access to—would strengthen our confidence in this assessment.*

*(U//FOUO) We have **moderate confidence** that provision of services to refugees and asylees and programs tailored to adolescents offer opportunities to provide CVE programs to address radicalization factors possibly relevant to foreign-born US residents. Our assessment is based on a review of services provided to refugees and asylum seekers and current programs focused on immigrant youth, which, collectively, can address many*

RACHEL MADDOW SHOW EXCLUSIVE

[1] (U); United States District Court, Southern District of Florida; "United States of America v. Miguel Moran Diaz"; 06 APR 2015.
[2] (U); USCIS; CLAIMS 3; SRC9702052653; accessed on 22 DEC 2016; DOI 21 OCT 1996; (U); N400 Application for Naturalization; Extracted information is UNCLASSIFIED; Overall document classification is UNCLASSIFIED.
[3] (U); DOJ Office of Public Affairs; Press Release; "Miami Resident and ISIL Sympathizer Sentenced to 10 Years in Prison for Illegally Possessing a Firearm"; 28 JUL 2015; https://www.justice.gov/opa/pr/miami-resident-and-isil-sympathizer-sentenced-10-years-prison-illegally-possessing-firearm; accessed on 28 OCT 206.
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**Team Trump's Russian communications come...**

# Exhibit P

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# Justice Dept. lawyer says 100,000 visas revoked under travel ban; State Dept. says about 60,000

## The revelation, disputed by another agency, came in a court case involving Yemeni brothers turned away from Dulles Airport in Virginia.

Justin Jouvenal;Rachel Weiner;Ann E. Marimow

More than 100,000 visas have been revoked as a result of President Trump's ban on travel from seven predominantly Muslim countries, an attorney for the government asserted Friday in federal court in Alexandria, Va.

The number came out during a hearing in a lawsuit by two Yemeni brothers who arrived at Dulles International Airport last Saturday and were quickly put on a return flight to Ethiopia because of the new restrictions. While the government is working to resolve that case and return the brothers to the United States, lawyers at the hearing addressed the broader impact of the ban.

The 100,000 figure was immediately disputed by the State Department, which said the number of visas revoked was roughly 60,000. A spokeswoman said the revocations have no impact on the legal status of people already in the United States. If those people leave the United States, though, their visas will no longer be valid.

Immigrant advocates, attorneys and the media have been pushing the Trump administration to offer an accounting of how many people were affected by the controversial executive order.

In response to a question from a judge, Erez Reuveni, of the Justice Department's Office of Immigration Litigation, told the U.S. District Court that there were tens of thousands abroad holding visas when Trump signed his order a week ago.

"Over 100,000 visas were revoked on Friday at 6:30 p.m.," Reuveni told the court, speaking of Jan. 27.

Reuveni offered no other details about the group of people. He said that he did not know how many people had been detained at the nation's airports because of the order but that it could be 100 to 200. It was not immediately clear how the Justice Department and State Department arrived at such different tallies for the broader number of people affected.

"The number 100,000 sucked the air out of my lungs," said Simon Sandoval-Moshenberg of the Legal Aid Justice Center, who represents the Yemeni brothers.

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During the hearing, U.S. District Court Judge Leonie M. Brinkema said she was heartened to see that the government was working to return the brothers, Tareq and Ammar Aqel Mohammed Aziz, to the United States and reinstate their visas in exchange for dropping their case. The government appears to be attempting similar case-by-case reprieves across the nation.

But Brinkema offered a stern rebuke to the Trump administration in its overall handling of the travel ban. Brinkema said the case had drawn an even larger public outpouring than another high profile one she handled: the trial of 9/11 conspirator Zacarias Moussaoui.

"This order was issued quite quickly. It's quite clear that not all the thought went into it that should have gone into it," Brinkema said. "It was chaos."

She said people had relied on their visas as valid and families had expected to be reunited with loved ones. Brinkema said there was no evidence that the travel restrictions were necessary.

She urged the government to work "globally" to resolve all the cases of those affected by the travel ban. Lawsuits have been playing out over individual cases in at least 10 courts across the country.

The Trump administration has argued that the travel ban is necessary to keep Americans safe from terrorism as it institutes more restrictive vetting of visitors and refugees, but it has drawn protests at airport's nationwide and condemnation from Democrats, many of whom call the executive action a "Muslim ban."

Brinkema on Friday extended a temporary restraining order she had issued blocking the removal of any green-card holders being detained at Dulles and requiring that people held there because of the ban have access to lawyers.

The judge also allowed the state of Virginia to join the lawsuit. State officials argued in court that more than 350 students from a handful of state universities had been affected by the travel ban, along with professors and other workers.

The officials said they include a Libyan woman from George Mason University who was stuck in Turkey and an Iranian doctoral student who is unable to travel to the United States to defend his dissertation. In addition, Brinkema ordered the government to turn over a list of the state's lawful permanent residents and visa holders who were affected by the ban.

Outside the courthouse, Virginia Attorney General Mark R. Herring (D) said he was "really pleased the judge recognized real harm is happening in Virginia."

Herring's office had also been seeking to hold government officials in contempt for the way they handled travelers from the seven countries over the weekend, but Brinkema declined, saying she did not know enough Friday to make that determination.

Virginia officials had cited news reports and affidavits from lawmakers saying that, contrary to the order Brinkema issued last weekend, Customs and Border Patrol officers had denied immigrants access to lawyers.

"There were so many lawyers there willing to help, and not a single one got access," Virginia Solicitor General Stuart A. Raphael said during the hearing.

Reuveni said that security at Dulles bars lawyers from anything but telephone access to people who are in screening. Separately, affiliates of the American Civil Liberties Union in all 50 states have filed freedom-of-information requests to gain a greater understanding of how customs officials are implementing Trump's order.

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Brinkema also allowed a Sudanese woman to join the lawsuit. Sahar Kamal Ahmed Fadul was traveling on the same flight as the Aziz brothers and was sent on a return flight to Ethiopia by customs officials. She had plans to meet her fiance in Colorado and get married.

"Too suddenly, at the stroke of a pen, that dream was dashed," said her attorney, Timothy Heaphy. "It's tremendously traumatic.

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**---- Index References ----**

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# Exhibit Q

Executive Order—Protecting the Nation from Terrorist Attacks by Foreign Nationals

EXECUTIVE ORDER

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PROTECTING THE NATION FROM TERRORIST ATTACKS BY FOREIGN NATIONALS

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (8 U.S.C. 1001 et seq.) (INA), and section 301 of title 3, United States Code, and to protect the American people from terrorist attacks by foreign nationals admitted to the United States, it is hereby ordered as follows:

**Section 1.** *Purpose.* The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than with the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.

Hundreds of foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after claiming asylum; after receiving visitor, student, or employment visas; or through the U.S. refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter our country. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, we must ensure that those admitted to this country do not bear hostile attitudes toward our country and its founding principles. We cannot, and should not, admit into our country those who do not support the U.S. Constitution, or those who would place violent religious edicts over American law. In addition, the United States should not admit those who engage in acts of bigotry and hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice other religions) or those who would oppress members of one race, one gender, or sexual orientation.

**Sec. 2.** *Policy.* It is the policy of the United States to: (a) protect our citizens from foreign nationals who intend to commit terrorist attacks in the United States; and

(b) prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

**Sec. 3.** *Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern.* (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall immediately conduct a review to determine the information needed from any country for adjudication of any visa, admission, or other benefit under the INA (adjudications) adequate to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National intelligence, shall submit to the President a report on the results of the review described in subsection (a), including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, and C-2 visas for travel to the United Nations). The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and Director of National Intelligence.

(c) To temporarily reduce investigative burdens to relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent the terrorist or criminal infiltration of foreign nationals, pursuant to section 212(f) of the INA I hereby find that the immigrant and nonimmigrant entry into the United States of aliens from countries designated pursuant to Division O, Title II, Section 203 of the 2016 consolidated Appropriations Act (H.R. 2029, P.L. 114-113), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 30 days from the date of this order.

(d) Immediately upon receipt of the report described in subsection (b) of this section regarding the information needed for adjudications, the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.

(e) After the 60-day period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of foreign nationals (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, and C-2 visas for travel to the United Nations) from countries that do not provide the information requested pursuant to subsection (d) of this order until compliance occurs.

(f) At any point after submitting the list described in subsection (e) of this section, the Secretary of State or the Secretary of Homeland Security may submit to the President the names of any additional countries recommended for similar treatment.

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.

(h) The Secretaries of State and Homeland Security shall submit to the President a joint report on the progress in implementing this order within 30 days of the date of this order, a second report within 60 days of the date of this order, a third report within 90 days of the date of this order, and a fourth report within 120 days of the date of this order.

**Sec. 4.** *Implementing Uniform Screening Standards for all Immigration Programs.* (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program during the adjudication process for immigration benefits to identify individuals seeking to enter the United States on a fraudulent basis, with the intent to cause harm, or who are at risk of causing harm subsequent to their admission . This program will include the development of uniform screening standards and procedures, such as in-person interviews; the creation of a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positive contributing member of society, and the applicant's ability to make contributions to the national interest; and, a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall submit to the President an initial report on the progress of this directive within 60 days of the date of this order, a second report within 100 days of the date of this order, and a third report within 200 days of the date of this order.

**Sec. 5.** *Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.* (a) The Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for 120 days. During the 120-day period, the Secretary of State, in conjunction with the Secretary of Homeland Security, shall review the USRAP application and adjudication process to determine what additional procedures can be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures. Upon the date that is 120 days after this order, the Secretary of

State shall resume USRAP admissions only for nationals of countries for whom the Secretary of Homeland Security, the Secretary of State, and the Director of National Intelligence have jointly determined that sufficient safeguards are in place to ensure the security and welfare of the United States.

(b) Upon the resumption of USRAP admissions, the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality. Where necessary and appropriate, the Secretaries of State and Homeland Security shall recommend legislation to the President to assist with such prioritization.

(c) The Secretaries of State and Homeland Security, as appropriate, shall cease refugee processing of and the admittance of nationals of Syria as refugees until such time as I have determined that sufficient changes have been made to the USRAP to ensure its alignment with the national interest.

(d) Notwithstanding any previous Presidential determination regarding the number of refugee admissions for Fiscal Year 2017, the Secretaries of State and Homeland Security may only process and admit a total of 50,000 refugees during Fiscal Year 2017. During the 120-day suspension provided by section 5(a), the Secretary of State and the Secretary of Homeland Security shall initiate appropriate consultations in connection with this determination, including with respect to the allocation among refugees of special humanitarian concern to the United States.

(f) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of State and Homeland Security may admit individuals to the United States as refugees on a case-by-case basis when in the national interest. Further, during the temporary suspension period described in subsection (a), the Secretaries of State and Homeland Security may continue to process as refugees those refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality.

(g) The Secretary of State shall submit to the President an initial report on the progress of the directive in subsection (b) of this section regarding prioritization of claims made by individuals on the basis of religious-based persecution within 100 days of the date of this order and shall submit a second report within 200 days of the date of this order.

**Sec. 6.** *Establishment of Safe Zones to Protect Vulnerable Syrian Populations.* Pursuant to the cessation of refugee processing for Syrian nationals, the Secretary of State, in conjunction with the Secretary of Defense, is directed within 90 days of the date of this order to produce a plan to provide safe areas in Syria and in the surrounding region in which Syrian nationals displaced from their homeland can await firm settlement, such as repatriation or potential third-country resettlement.

**Sec. 7.** *Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility.* The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda. .

**Sec. 8.** *Expedited Completion of the Biometric Entry-Exit Tracking System.* (a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for all travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the President periodic reports on the progress of the directive contained in subsection (a) of this section. The initial report shall be submitted within 100 days of the date of this order, a second report shall be submitted within 200 days of the date of this order, and a third report shall be submitted within 365 days of the date of this order. Further, the Secretary shall submit a report every 180 days thereafter until the system is fully deployed and operational.

**Sec. 9.** *Visa Interview Security.* (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, which requires that all individuals seeking a nonimmigrant visa, undergo an in-person interview, subject to specific statutory exceptions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic ability, to ensure that non-immigrant visa interview wait times are not unduly affected.

**Sec. 10.** *Visa Validity Reciprocity.* The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as urged by sections 221(c) and 281 of the INA, and other treatment. If a country does not treat U.S. nationals seeking nonimmigrant visas in a reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of U.S. nationals by the foreign country, to the extent practicable.

**Sec. 11.** *Transparency and Data Collection.* To be more transparent with the American people, and in order to more effectively implement policies and practices that serve the national interest, the Secretary of Homeland Security shall, consistent with applicable law, collect and make publicly available within 180 days, and every 180 days thereafter:

(a) information regarding the number of foreign-born individuals in the United States who have been charged with terrorism-related offenses; convicted of terrorism-related offenses; or removed from the United States based on terrorism-related activity,

affiliation, or material support to a terrorism-related organization, or any other national security reasons;

(b) information regarding the number of foreign-born individuals in the United States who have been radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States; and

(c) information regarding the number and types of acts of gender-based violence against women or honor killings by foreign-born individuals in the United States.

**Sec. 12.** *General Provisions.*(a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

# Exhibit R

CENTRAL INTELLIGENCE AGENCY

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(/)

Library



# THE WORLD FACTBOOK

Please select a country to view

FIELD LISTING :: **RELIGIONS**

| COUNTRY | RELIGIONS(%) |
|---|---|
| **Afghanistan (../geos/af.html)** | Muslim 99.7% (Sunni 84.7 - 89.7%, Shia 10 - 15%), other 0.3% (2009 est.) |
| **Albania (../geos/al.html)** | Muslim 56.7%, Roman Catholic 10%, Orthodox 6.8%, atheist 2.5%, Bektashi (a Sufi order) 2.1%, other 5.7%, unspecified 16.2%<br>**note:** all mosques and churches were closed in 1967 and religious observances prohibited; in November 1990, Albania began allowing private religious practice (2011 est.) |
| **Algeria (../geos/ag.html)** | Muslim (official; predominantly Sunni) 99%, other (includes Christian and Jewish) <1% (2012 est.) |
| **American Samoa (../geos/aq.html)** | Christian 98.3%, other 1%, unaffiliated 0.7% (2010 est.) |
| **Andorra (../geos/an.html)** | Roman Catholic (predominant) |
| **Angola (../geos/ao.html)** | Roman Catholic 41.1%, Protestant 38.1%, other 8.6%, none 12.3% (2014 est.) |
| **Anguilla (../geos/av.html)** | Protestant 73.2% (includes Anglican 22.7%, Methodist 19.4%, Pentecostal 10.5%, Seventh Day Adventist 8.3%, Baptist 7.1%, Church of God 4.9%, Presbytarian 0.2%, Brethren 0.1%), Roman Catholic 6.8%, Jehovah's Witness 1.1%, other Christian 10.9%, other 3.2%, unspecified 0.3%, none 4.5% (2011 est.) |
| **Antigua and Barbuda (../geos/ac.html)** | Protestant 68.3% (Anglican 17.6%, Seventh Day Adventist 12.4%, Pentecostal 12.2%, Moravian 8.3%, Methodist 5.6%, Wesleyan Holiness 4.5%, Church of God 4.1%, Baptist 3.6%), Roman Catholic 8.2%, other 12.2%, unspecified 5.5%, none 5.9% (2011 est.) |
| **Argentina (../geos/ar.html)** | nominally Roman Catholic 92% (less than 20% practicing), Protestant 2%, Jewish 2%, other 4% |

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| **Armenia (../geos/am.html)** | Armenian Apostolic 92.6%, Evangelical 1%, other 2.4%, none 1.1%, unspecified 2.9% (2011 est.) |
| **Aruba (../geos/aa.html)** | Roman Catholic 75.3%, Protestant 4.9% (includes Methodist 0.9%, Adventist 0.9%, Anglican 0.4%, other Protestant 2.7%), Jehovah's Witness 1.7%, other 12%, none 5.5%, unspecified 0.5% (2010 est.) |
| **Australia (../geos/as.html)** | Protestant 30.1% (Anglican 17.1%, Uniting Church 5.0%, Presbyterian and Reformed 2.8%, Baptist, 1.6%, Lutheran 1.2%, Pentecostal 1.1%, other Protestant 1.3%), Catholic 25.3% (Roman Catholic 25.1%, other Catholic 0.2%), other Christian 2.9%, Orthodox 2.8%, Buddhist 2.5%, Muslim 2.2%, Hindu 1.3%, other 1.3%, none 22.3%, unspecified 9.3% (2011 est.) |
| **Austria (../geos/au.html)** | Catholic 73.8% (includes Roman Catholic 73.6%, other Catholic 0.2%), Protestant 4.9%, Muslim 4.2%, Orthodox 2.2%, other 0.8% (includes other Christian), none 12%, unspecified 2% (2001 est.) |
| **Azerbaijan (../geos/aj.html)** | Muslim 96.9% (predominantly Shia), Christian 3%, other <0.1, unaffiliated <0.1 (2010 est.)<br>**note:** religious affiliation is still nominal in Azerbaijan; percentages for actual practicing adherents are much lower |
| **Bahamas, The (../geos/bf.html)** | Protestant 69.9% (includes Baptist 34.9%, Anglican 13.7%, Pentecostal 8.9% Seventh Day Adventist 4.4%, Methodist 3.6%, Church of God 1.9%, Brethren 1.6%), Roman Catholic 12%, other Christian 13% (includes Jehovah's Witness 1.1%), other 0.6%, none 1.9%, unspecified 2.6% (2010 est.) |
| **Bahrain (../geos/ba.html)** | Muslim 70.3%, Christian 14.5%, Hindu 9.8%, Buddhist 2.5%, Jewish 0.6%, folk religion <.1, unaffiliated 1.9%, other 0.2% (2010 est.) |
| **Bangladesh (../geos/bg.html)** | Muslim 89.1%, Hindu 10%, other 0.9% (includes Buddhist, Christian) (2013 est.) |
| **Barbados (../geos/bb.html)** | Protestant 66.4% (includes Anglican 23.9%, other Pentecostal 19.5%, Adventist 5.9%, Methodist 4.2%, Wesleyan 3.4%, Nazarene 3.2%, Church of God 2.4%, Baptist 1.8%, Moravian 1.2%, other Protestant 0.9%), Roman Catholic 3.8%, other Christian 5.4% (includes Jehovah's Witness 2.0%, other 3.4%), Rastafarian 1%, other 1.5%, none 20.6%, unspecified 1.2% (2010 est.) |
| **Belarus (../geos/bo.html)** | Orthodox 48.3%, Catholic 7.1%, other 3.5%, non-believers 41.1% (2011 est.) |
| **Belgium (../geos/be.html)** | Roman Catholic 75%, other (includes Protestant) 25% |
| **Belize (../geos/bh.html)** | Roman Catholic 40.1%, Protestant 31.5% (includes Pentecostal 8.4%, Seventh Day Adventist 5.4%, Anglican 4.7%, Mennonite 3.7%, Baptist 3.6%, Methodist 2.9%, Nazarene 2.8%), Jehovah's Witness 1.7%, other 10.5% (includes Baha'i, Buddhist, Hindu, Morman, Muslim, Rastafarian), unknown 0.6%, none 15.5% (2010 est.) |
| **Benin (../geos/bn.html)** | Muslim 27.7%, Catholic 25.5%, Protestant 13.5% (Celestial 6.7%, Methodist 3.4%, other Protestant 3.4%), Vodoun 11.6%, other Christian 9.5%, other traditional religions 2.6%, other 2.6%, none 5.8% (2013 est.) |
| **Bermuda (../geos/bd.html)** | Protestant 46.2% (includes Anglican 15.8%, African Methodist Episcopal 8.6%, Seventh Day Adventist 6.7, Pentecostal 3.5%, Methodist 2.7%, Presbyterian 2.0 %, Church of God 1.6%, Baptist 1.2%, Salvation Army 1.1%, Brethren 1.0%, other Protestant 2.0%), Roman Catholic 14.5%, Jehovah's Witness 1.3%, other Christian 9.1%, Muslim 1%, other 3.9%, none 17.8%, unspecified 6.2% (2010 est.) |
| **Bhutan (../geos/bt.html)** | Lamaistic Buddhist 75.3%, Indian- and Nepalese-influenced Hinduism 22.1%, other 2.6% (2005 est.) |

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| **Bolivia (../geos/bl.html)** | Roman Catholic 76.8%, Evangelical and Pentecostal 8.1%, Protestant 7.9%, other 1.7%, none 5.5% (2012 est.) |
| **Bosnia and Herzegovina (../geos/bk.html)** | Muslim 50.7%, Orthodox 30.7%, Roman Catholic 15.2%, atheist 0.8%, agnostic 0.3%, other 1.2%, undeclared/no answer 1.1% (2013 est.) |
| **Botswana (../geos/bc.html)** | Christian 79.1%, Badimo 4.1%, other 1.4% (includes Baha'i, Hindu, Muslim, Rastafarian), none 15.2%, unspecified 0.3% (2011 est.) |
| **Brazil (../geos/br.html)** | Roman Catholic 64.6%, other Catholic 0.4%, Protestant 22.2% (includes Adventist 6.5%, Assembly of God 2.0%, Christian Congregation of Brazil 1.2%, Universal Kingdom of God 1.0%, other Protestant 11.5%), other Christian 0.7%, Spiritist 2.2%, other 1.4%, none 8%, unspecified 0.4% (2010 est.) |
| **British Virgin Islands (../geos/vi.html)** | Protestant 70.2% (Methodist 17.6%, Church of God 10.4%, Anglican 9.5%, Seventh Day Adventist 9.0%, Pentecostal 8.2%, Baptist 7.4%, New Testament Church of God 6.9%, other Protestant 1.2%), Roman Catholic 8.9%, Jehovah's Witness 2.5%, Hindu 1.9%, other 6.2%, none 7.9%, unspecified 2.4% (2010 est.) |
| **Brunei (../geos/bx.html)** | Muslim (official) 78.8%, Christian 8.7%, Buddhist 7.8%, other (includes indigenous beliefs) 4.7% (2011 est.) |
| **Bulgaria (../geos/bu.html)** | Eastern Orthodox 59.4%, Muslim 7.8%, other (including Catholic, Protestant, Armenian Apostolic Orthodox, and Jewish) 1.7%, none 3.7%, unspecified 27.4% (2011 est.) |
| **Burkina Faso (../geos/uv.html)** | Muslim 61.6%, Catholic 23.2%, traditional/animist 7.3%, Protestant 6.7%, other/no answer 0.2%, none 0.9% (2010 est.) |
| **Burma (../geos/bm.html)** | Buddhist 87.9%, Christian 6.2%, Muslim 4.3%, Animist 0.8%, Hindu 0.5%, other 0.2%, none 0.1%<br>**note:** religion estimate is based on the 2014 national census, including an estimate for the non-enumerated population of Rakhine State, which is assumed to mainly affiliate with the Islamic faith (2014 est.) |
| **Burundi (../geos/by.html)** | Catholic 62.1%, Protestant 23.9% (includes Adventist 2.3% and other Protestant 21.6%), Muslim 2.5%, other 3.6%, unspecified 7.9% (2008 est.) |
| **Cabo Verde (../geos/cv.html)** | Roman Catholic 77.3%, Protestant 4.6% (includes Church of the Nazarene 1.7%, Adventist 1.5%, Assembly of God 0.9%, Universal Kingdom of God 0.4%, and God and Love 0.1%), other Christian 3.4% (includes Christian Rationalism 1.9%, Jehovah's Witness 1%, and New Apostolic 0.5%), Muslim 1.8%, other 1.3%, none 10.8%, unspecified 0.7% (2010 est.) |
| **Cambodia (../geos/cb.html)** | Buddhist (official) 96.9%, Muslim 1.9%, Christian 0.4%, other 0.8% (2008 est.) |
| **Cameroon (../geos/cm.html)** | Catholic 38.4%, Protestant 26.3%, other Christian 4.5%, Muslim 20.9%, animist 5.6%, other 1%, non-believer 3.2% (2005 est.) |
| **Canada (../geos/ca.html)** | Catholic 39% (includes Roman Catholic 38.8%, other Catholic .2%), Protestant 20.3% (includes United Church 6.1%, Anglican 5%, Baptist 1.9%, Lutheran 1.5%, Pentecostal 1.5%, Presbyterian 1.4%, other Protestant 2.9%), Orthodox 1.6%, other Christian 6.3%, Muslim 3.2%, Hindu 1.5%, Sikh 1.4%, Buddhist 1.1%, Jewish 1%, other 0.6%, none 23.9% (2011 est.) |
| **Cayman Islands (../geos/cj.html)** | Protestant 67.8% (includes Church of God 22.6%, Seventh Day Adventist 9.4%, Presbyterian/United Church 8.6%, Baptist 8.3%,Pentecostal 7.1%, non-denominational 5.3%, Anglican 4.1%, Wesleyan Holiness 2.4%), Roman Catholic 14.1%, Jehovah's Witness 1.1%, other 7%, none 9.3%, unspecified 0.7% (2010 est.) |
| **Central African Republic (../geos/ct.html)** | indigenous beliefs 35%, Protestant 25%, Roman Catholic 25%, Muslim 15%<br>**note:** animistic beliefs and practices strongly influence the Christian majority |

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| **Chad (../geos/cd.html)** | Muslim 58.4%, Catholic 18.5%, Protestant 16.1%, animist 4%, other 0.5%, none 2.4% (2009 est.) |
| **Chile (../geos/ci.html)** | Roman Catholic 66.7%, Evangelical or Protestant 16.4%, Jehovah's Witnesses 1%, other 3.4%, none 11.5%, unspecified 1.1% (2012 est.) |
| **China (../geos/ch.html)** | Buddhist 18.2%, Christian 5.1%, Muslim 1.8%, folk religion 21.9%, Hindu < 0.1%, Jewish < 0.1%, other 0.7% (includes Daoist (Taoist)), unaffiliated 52.2%<br>**note:** officially atheist (2010 est.) |
| **Christmas Island (../geos/kt.html)** | Buddhist 16.9%, Christian 16.4%, Muslim 14.8%, other 1.3%, none 9.2%, unspecified 41.5% (2011 est.) |
| **Cocos (Keeling) Islands (../geos/ck.html)** | Sunni Muslim 80%, other 20% (2002 est.) |
| **Colombia (../geos/co.html)** | Roman Catholic 90%, other 10% |
| **Comoros (../geos/cn.html)** | Sunni Muslim 98%, Roman Catholic 2%<br>**note:** Islam is the state religion |
| **Congo, Democratic Republic of the (../geos/cg.html)** | Roman Catholic 50%, Protestant 20%, Kimbanguist 10%, Muslim 10%, other (includes syncretic sects and indigenous beliefs) 10% |
| **Congo, Republic of the (../geos/cf.html)** | Roman Catholic 33.1%, Awakening Churches/Christian Revival 22.3%, Protestant 19.9%, Salutiste 2.2%, Muslim 1.6%, Kimbanguiste 1.5%, other 8.1%, none 11.3% (2010 est.) |
| **Cook Islands (../geos/cw.html)** | Protestant 62.8% (Cook Islands Christian Church 49.1%, Seventh Day Adventist 7.9%, Assemblies of God 3.7%, Apostolic Church 2.1%), Roman Catholic 17%, Mormon 4.4%, other 8%, none 5.6%, no response 2.2% (2011 est.) |
| **Costa Rica (../geos/cs.html)** | Roman Catholic 76.3%, Evangelical 13.7%, Jehovah's Witness 1.3%, other Protestant 0.7%, other 4.8%, none 3.2% |
| **Cote d'Ivoire (../geos/iv.html)** | Muslim 40.2%, Catholic 19.4%, Evangelical 19.3%, Methodist 2.5%, other Christian 4.5%, animist or no religion 12.8%, other religion/unspecified 1.4% (2011-12 est.)<br>**note:** the majority of foreign migrant workers are Muslim (72%) and Christian (18%) (2014 est.) |
| **Croatia (../geos/hr.html)** | Roman Catholic 86.3%, Orthodox 4.4%, Muslim 1.5%, other 1.5%, unspecified 2.5%, not religious or atheist 3.8% (2011 est.) |
| **Cuba (../geos/cu.html)** | nominally Roman Catholic 85%, Protestant, Jehovah's Witnesses, Jewish, Santeria<br>**note:** prior to CASTRO assuming power |
| **Curacao (../geos/cc.html)** | Roman Catholic 72.8%, Pentecostal 6.6%, Protestant 3.2%, Adventist 3%, Jehovah's Witness 2%, Evangelical 1.9%, other 3.8%, none 6%, unspecified 0.6% (2011 est.) |
| **Cyprus (../geos/cy.html)** | Orthodox Christian 89.1%, Roman Catholic 2.9%, Protestant/Anglican 2%, Muslim 1.8%, Buddhist 1%, other (includes Maronite, Armenian Church, Hindu) 1.4%, unknown 1.1%, none/atheist 0.6%<br>**note:** data represent only the government-controlled area of Cyprus (2011 est.) |
| **Czechia (../geos/ez.html)** | Roman Catholic 10.4%, Protestant (includes Czech Brethren and Hussite) 1.1%, other and unspecified 54%, none 34.5% (2011 est.) |
| **Denmark (../geos/da.html)** | Evangelical Lutheran (official) 80%, Muslim 4%, other (denominations of less than 1% each, includes Roman Catholic, Jehovah's Witness, Serbian Orthodox Christian, Jewish, Baptist, and Buddhist) 16% (2012 est.) |
| **Djibouti (../geos/dj.html)** | Muslim 94%, Christian 6% |

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| **Dominica (../geos/do.html)** | Roman Catholic 61.4%, Protestant 28.6% (includes Evangelical 6.7%, Seventh Day Adventist 6.1%, Pentecostal 5.6%, Baptist 4.1%, Methodist 3.7%, Church of God 1.2%, other 1.2%), Rastafarian 1.3%, Jehovah's Witness 1.2%, other 0.3%, none 6.1%, unspecified 1.1% (2001 est.) |
| **Dominican Republic (../geos/dr.html)** | Roman Catholic 95%, other 5% |
| **Ecuador (../geos/ec.html)** | Roman Catholic 74%, Evangelical 10.4%, Jehovah's Witness 1.2%, other 6.4% (includes Mormon Buddhist, Jewish, Spiritualist, Muslim, Hindu, indigenous religions, African American religions, Pentecostal), atheist 7.9%, agnostic 0.1% **note:** data represents persons at least 16 years of age from five Ecuadoran cities (2012 est.) |
| **Egypt (../geos/eg.html)** | Muslim (predominantly Sunni) 90%, Christian (majority Coptic Orthodox, other Christians include Armenian Apostolic, Catholic, Maronite, Orthodox, and Anglican) 10% (2012 est.) |
| **El Salvador (../geos/es.html)** | Roman Catholic 57.1%, Protestant 21.2%, Jehovah's Witnesses 1.9%, Mormon 0.7%, other religions 2.3%, none 16.8% (2003 est.) |
| **Equatorial Guinea (../geos/ek.html)** | nominally Christian and predominantly Roman Catholic, pagan practices |
| **Eritrea (../geos/er.html)** | Muslim, Coptic Christian, Roman Catholic, Protestant |
| **Estonia (../geos/en.html)** | Lutheran 9.9%, Orthodox 16.2%, other Christian (including Methodist, Seventh-Day Adventist, Roman Catholic, Pentecostal) 2.2%, other 0.9%, none 54.1%, unspecified 16.7% (2011 est.) |
| **Ethiopia (../geos/et.html)** | Ethiopian Orthodox 43.5%, Muslim 33.9%, Protestant 18.5%, traditional 2.7%, Catholic 0.7%, other 0.6% (2007 est.) |
| **European Union (../geos/ee.html)** | Roman Catholic 48%, Protestant 12%, Orthodox 8%, other Christian 4%, Muslim 2%, other 1% (includes Jewish, Sikh, Buddhist, Hindu), atheist 7%, non-believer/agnostic 16%, unspecified 2% (2012 est.) |
| **Falkland Islands (Islas Malvinas) (../geos/fk.html)** | Christian 66%, none 32%, other 2% (2012 est.) |
| **Faroe Islands (../geos/fo.html)** | Christian 89.3% (predominantly Evangelical Lutheran), other 0.7%, more than one religion 0.2%, none 3.8%, unspecified 6% (2011 est.) |
| **Fiji (../geos/fj.html)** | Protestant 45% (Methodist 34.6%, Assembly of God 5.7%, Seventh Day Adventist 3.9%, and Anglican 0.8%), Hindu 27.9%, other Christian 10.4%, Roman Catholic 9.1%, Muslim 6.3%, Sikh 0.3%, other 0.3%, none 0.8% (2007 est.) |
| **Finland (../geos/fi.html)** | Lutheran 73.8%, Orthodox 1.1%, other or none 25.1% (2014 est.) |
| **France (../geos/fr.html)** | Christian (overwhelmingly Roman Catholic) 63-66%, Muslim 7-9%, Buddhist 0.5-0.75%, Jewish 0.5-0.75%, other 0.5-1.0%, none 23-28% **note:** France maintains a tradition of secularism and has not officially collected data on religious affiliation since the 1872 national census, which complicates assessments of France's religious composition; an 1872 law prohibiting state authorities from collecting data on individuals' ethnicity or religious beliefs was reaffirmed by a 1978 law emphasizing the prohibition of the collection or exploitation of personal data revealing an individual's race, ethnicity, or political, philosophical, or religious opinions; a 1905 law codified France's separation of church and state (2015 est.) |
| **French Polynesia (../geos/fp.html)** | Protestant 54%, Roman Catholic 30%, other 10%, no religion 6% |

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| **Gabon (../geos/gb.html)** | Catholic 41.9%, Protestant 13.7%, other Christian 32.4%, Muslim 6.4%, animist 0.3%, other 0.3%, none/no answer 5% (2012 est.) |
| **Gambia, The (../geos/ga.html)** | Muslim 95.7%, Christian 4.2%, none 0.1%, no answer 0.1% (2013 est.) |
| **Gaza Strip (../geos/gz.html)** | Muslim 98.0 - 99.0% (predominantly Sunni), Christian <1.0%, other, unaffiliated, unspecified <1.0%<br>**note:** dismantlement of Israeli settlements was completed in September 2005; Gaza has had no Jewish population since then (2012 est.) |
| **Georgia (../geos/gg.html)** | Orthodox (official) 83.4%, Muslim 10.7%, Armenian Apostolic 2.9%, other 1.2% (includes Catholic, Jehovah's Witness, Yazidi, Protestant, Jewish), none 0.5%, unspecified/no answer 1.2% (2014 est.) |
| **Germany (../geos/gm.html)** | Protestant 34%, Roman Catholic 34%, Muslim 3.7%, unaffiliated or other 28.3% |
| **Ghana (../geos/gh.html)** | Christian 71.2% (Pentecostal/Charismatic 28.3%, Protestant 18.4%, Catholic 13.1%, other 11.4%), Muslim 17.6%, traditional 5.2%, other 0.8%, none 5.2% (2010 est.) |
| **Gibraltar (../geos/gi.html)** | Roman Catholic 78.1%, Church of England 7%, Muslim 4%, other Christian 3.2%, Jewish 2.1%, Hindu 1.8%, other 0.9%, none 2.9% (2001 est.) |
| **Greece (../geos/gr.html)** | Greek Orthodox (official) 98%, Muslim 1.3%, other 0.7% |
| **Greenland (../geos/gl.html)** | Evangelical Lutheran, traditional Inuit spiritual beliefs |
| **Grenada (../geos/gj.html)** | Roman Catholic 44.6%, Protestant 43.5% (includes Anglican 11.5%, Pentecostal 11.3%, Seventh Day Adventist 10.5%, Baptist 2.9%, Church of God 2.6%, Methodist 1.8%, Evangelical 1.6%, other 1.3%), Jehovah's Witness 1.1%, Rastafarian 1.1%, other 6.2%, none 3.6% |
| **Guam (../geos/gq.html)** | Roman Catholic 85%, other 15% (1999 est.) |
| **Guatemala (../geos/gt.html)** | Roman Catholic, Protestant, indigenous Mayan beliefs |
| **Guernsey (../geos/gk.html)** | Protestant (Anglican, Presbyterian, Baptist, Congregational, Methodist), Roman Catholic |
| **Guinea-Bissau (../geos/pu.html)** | Muslim 45.1%, Christian 22.1%, animist 14.9%, none 2%, unspecified 15.9% (2008 est.) |
| **Guinea (../geos/gv.html)** | Muslim 86.7%, Christian 8.9%, animist/other/none 4.4% (2012 est.) |
| **Guyana (../geos/gy.html)** | Protestant 30.5% (Pentecostal 16.9%, Anglican 6.9%, Seventh Day Adventist 5%, Methodist 1.7%), Hindu 28.4%, Roman Catholic 8.1%, Muslim 7.2%, Jehovah's Witness 1.1%, other Christian 17.7%, other 1.9%, none 4.3%, unspecified 0.9% (2002 est.) |
| **Haiti (../geos/ha.html)** | Roman Catholic (official) 54.7%, Protestant 28.5% (Baptist 15.4%, Pentecostal 7.9%, Adventist 3%, Methodist 1.5%, other 0.7%), voodoo (official) 2.1%, other 4.6%, none 10.2%<br>**note:** many Haitians practice elements of voodoo in addition to another religion, most often Roman Catholicism; voodoo was recognized as an official religion in 2003 |
| **Holy See (Vatican City) (../geos/vt.html)** | Roman Catholic |
| **Honduras (../geos/ho.html)** | Roman Catholic 97%, Protestant 3% |
| **Hong Kong (../geos/hk.html)** | eclectic mixture of local religions 90%, Christian 10% |

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| **Hungary (../geos/hu.html)** | Roman Catholic 37.2%, Calvinist 11.6%, Lutheran 2.2%, Greek Catholic 1.8%, other 1.9%, none 18.2%, unspecified 27.2% (2011 est.) |
| **Iceland (../geos/ic.html)** | Evangelical Lutheran Church of Iceland (official) 73.8%, Roman Catholic 3.6%, Reykjavik Free Church 2.9%, Hafnarfjorour Free Church 2%, The Independent Congregation 1%, other religions 3.9% (includes Pentecostal and Asatru Association), none 5.6%, other or unspecified 7.2% (2015 est.) |
| **India (../geos/in.html)** | Hindu 79.8%, Muslim 14.2%, Christian 2.3%, Sikh 1.7%, other and unspecified 2% (2011 est.) |
| **Indonesia (../geos/id.html)** | Muslim 87.2%, Christian 7%, Roman Catholic 2.9%, Hindu 1.7%, other 0.9% (includes Buddhist and Confucian), unspecified 0.4% (2010 est.) |
| **Iran (../geos/ir.html)** | Muslim (official) 99.4% (Shia 90-95%, Sunni 5-10%), other (includes Zoroastrian, Jewish, and Christian) 0.3%, unspecified 0.4% (2011 est.) |
| **Iraq (../geos/iz.html)** | Muslim (official) 99% (Shia 60%-65%, Sunni 32%-37%), Christian 0.8%, Hindu <0.1, Buddhist <0.1, Jewish <0.1, folk religion <0.1, unafilliated 0.1, other <0.1 **note:** while there has been voluntary relocation of many Christian families to northern Iraq, recent reporting indicates that the overall Christian population may have dropped by as much as 50 percent since the fall of the SADDAM Husayn regime in 2003, with many fleeing to Syria, Jordan, and Lebanon (2010 est.) |
| **Ireland (../geos/ei.html)** | Roman Catholic 84.7%, Church of Ireland 2.7%, other Christian 2.7%, Muslim 1.1%, other 1.7%, unspecified 1.5%, none 5.7% (2011 est.) |
| **Isle of Man (../geos/im.html)** | Protestant (Anglican, Methodist, Baptist, Presbyterian, Society of Friends), Roman Catholic |
| **Israel (../geos/is.html)** | Jewish 74.8%, Muslim 17.6%, Christian 2%, Druze 1.6%, other 4% (2015 est.) |
| **Italy (../geos/it.html)** | Christian 80% (overwhelmingly Roman Catholic with very small groups of Jehovah's Witnesses and Protestants), Muslim (about 800,000 to 1 million), atheist and agnostic 20% |
| **Jamaica (../geos/jm.html)** | Protestant 64.8% (includes Seventh Day Adventist 12.0%, Pentecostal 11.0%, Other Church of God 9.2%, New Testament Church of God 7.2%, Baptist 6.7%, Church of God in Jamaica 4.8%, Church of God of Prophecy 4.5%, Anglican 2.8%, United Church 2.1%, Methodist 1.6%, Revived 1.4%, Brethren 0.9%, and Moravian 0.7%), Roman Catholic 2.2%, Jehovah's Witness 1.9%, Rastafarian 1.1%, other 6.5%, none 21.3%, unspecified 2.3% (2011 est.) |
| **Japan (../geos/ja.html)** | Shintoism 79.2%, Buddhism 66.8%, Christianity 1.5%, other 7.1% **note:** total adherents exceeds 100% because many people practice both Shintoism and Buddhism (2012 est.) |
| **Jersey (../geos/je.html)** | Protestant (Anglican, Baptist, Congregational New Church, Methodist, Presbyterian), Roman Catholic |
| **Jordan (../geos/jo.html)** | Muslim 97.2% (official; predominantly Sunni), Christian 2.2% (majority Greek Orthodox, but some Greek and Roman Catholics, Syrian Orthodox, Coptic Orthodox, Armenian Orthodox, and Protestant denominations), Buddhist 0.4%, Hindu 0.1%, Jewish <0.1, folk religionist <0.1, unaffiliated <0.1, other <0.1 (2010 est.) |
| **Kazakhstan (../geos/kz.html)** | Muslim 70.2%, Christian 26.2% (mainly Russian Orthodox), other 0.2%, atheist 2.8%, unspecified 0.5% (2009 est.) |
| **Kenya (../geos/ke.html)** | Christian 83% (Protestant 47.7%, Catholic 23.4%, other Christian 11.9%), Muslim 11.2%, Traditionalists 1.7%, other 1.6%, none 2.4%, unspecified 0.2% (2009 est.) |

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| **Kiribati (../geos/kr.html)** | Roman Catholic 55.8%, Kempsville Presbyterian Church 33.5%, Mormon 4.7%, Baha'i 2.3%, Seventh Day Adventist 2%, other 1.5%, none 0.2%, unspecified 0.05% (2010 est.) |
| **Korea, North (../geos/kn.html)** | traditionally Buddhist and Confucianist, some Christian and syncretic Chondogyo (Religion of the Heavenly Way)<br>**note:** autonomous religious activities now almost nonexistent; government-sponsored religious groups exist to provide illusion of religious freedom |
| **Korea, South (../geos/ks.html)** | Christian 31.6% (Protestant 24.0%, Catholic 7.6%), Buddhist 24.2%, other or unknown 0.9%, none 43.3% (2010 est.) |
| **Kosovo (../geos/kv.html)** | Muslim 95.6%, Roman Catholic 2.2%, Orthodox 1.5%, other 0.07%, none 0.07%, unspecified 0.6% (2011 est.) |
| **Kuwait (../geos/ku.html)** | Muslim (official) 76.7%, Christian 17.3%, other and unspecified 5.9%<br>**note:** represents the total population; about 69% of the population consists of immigrants (2013 est.) |
| **Kyrgyzstan (../geos/kg.html)** | Muslim 75%, Russian Orthodox 20%, other 5% |
| **Laos (../geos/la.html)** | Buddhist 66.8%, Christian 1.5%, other 31%, unspecified 0.7% (2005 est.) |
| **Latvia (../geos/lg.html)** | Lutheran 19.6%, Orthodox 15.3%, other Christian 1%, other 0.4%, unspecified 63.7% (2006) |
| **Lebanon (../geos/le.html)** | Muslim 54% (27% Sunni, 27% Shia), Christian 40.5% (includes 21% Maronite Catholic, 8% Greek Orthodox, 5% Greek Catholic, 6.5% other Christian), Druze 5.6%, very small numbers of Jews, Baha'is, Buddhists, Hindus, and Mormons<br>**note:** 18 religious sects recognized (2012 est.) |
| **Lesotho (../geos/lt.html)** | Christian 80%, indigenous beliefs 20% |
| **Liberia (../geos/li.html)** | Christian 85.6%, Muslim 12.2%, Traditional 0.6%, other 0.2%, none 1.4% (2008 Census) |
| **Libya (../geos/ly.html)** | Muslim (official; virtually all Sunni) 96.6%, Christian 2.7%, Buddhist 0.3%, Hindu <0.1, Jewish <0.1, folk religion <0.1, unafilliated 0.2%, other <0.1<br>**note:** non-Sunni Muslims include native Ibadhi Muslims (<1% of the population) and foreign Muslims (2010 est.) |
| **Liechtenstein (../geos/ls.html)** | Roman Catholic (official) 75.9%, Protestant Reformed 6.5%, Muslim 5.4%, Lutheran 1.3%, other 2.9%, none 5.4%, unspecified 2.6% (2010 est.) |
| **Lithuania (../geos/lh.html)** | Roman Catholic 77.2%, Russian Orthodox 4.1%, Old Believer 0.8%, Evangelical Lutheran 0.6%, Evangelical Reformist 0.2%, other (including Sunni Muslim, Jewish, Greek Catholic, and Karaite) 0.8%, none 6.1%, unspecified 10.1% (2011 est.) |
| **Luxembourg (../geos/lu.html)** | Roman Catholic 87%, other (includes Protestant, Jewish, and Muslim) 13% (2000) |
| **Macau (../geos/mc.html)** | Buddhist 50%, Roman Catholic 15%, none or other 35% (1997 est.) |
| **Macedonia (../geos/mk.html)** | Macedonian Orthodox 64.8%, Muslim 33.3%, other Christian 0.4%, other and unspecified 1.5% (2002 est.) |
| **Madagascar (../geos/ma.html)** | Christian, indigenous believer, Muslim<br>**note:** population largely practices Christianity or an indigenous religion; small share of population is Muslim |
| **Malawi (../geos/mi.html)** | Christian 82.6%, Muslim 13%, other 1.9%, none 2.5% (2008 est.) |

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| **Malaysia (../geos/my.html)** | Muslim (official) 61.3%, Buddhist 19.8%, Christian 9.2%, Hindu 6.3%, Confucianism, Taoism, other traditional Chinese religions 1.3%, other 0.4%, none 0.8%, unspecified 1% (2010 est.) |
| **Maldives (../geos/mv.html)** | Sunni Muslim (official) |
| **Mali (../geos/ml.html)** | Muslim 94.8%, Christian 2.4%, Animist 2%, none 0.5%, unspecified 0.3% (2009 est.) |
| **Malta (../geos/mt.html)** | Roman Catholic (official) more than 90% (2011 est.) |
| **Marshall Islands (../geos/rm.html)** | Protestant 54.8%, Assembly of God 25.8%, Roman Catholic 8.4%, Bukot nan Jesus 2.8%, Mormon 2.1%, other Christian 3.6%, other 1%, none 1.5% (1999 census) |
| **Mauritania (../geos/mr.html)** | Muslim (official) 100% |
| **Mauritius (../geos/mp.html)** | Hindu 48.5%, Roman Catholic 26.3%, Muslim 17.3%, other Christian 6.4%, other 0.6%, none 0.7%, unspecified 0.1% (2011 est.) |
| **Mexico (../geos/mx.html)** | Roman Catholic 82.7%, Pentecostal 1.6%, Jehovah's Witness 1.4%, other Evangelical Churches 5%, other 1.9%, none 4.7%, unspecified 2.7% (2010 est.) |
| **Micronesia, Federated States of (../geos/fm.html)** | Roman Catholic 54.7%, Protestant 41.1% (includes Congregational 38.5%, Baptist 1.1%, Seventh Day Adventist 0.8%, Assembly of God 0.7%), Mormon 1.5%, other 1.9%, none 0.7%, unspecified 0.1% (2010 est.) |
| **Moldova (../geos/md.html)** | Orthodox 93.3%, Baptist 1%, other Christian 1.2%, other 0.9%, atheist 0.4%, none 1%, unspecified 2.2% (2004 est.) |
| **Monaco (../geos/mn.html)** | Roman Catholic 90% (official), other 10% |
| **Mongolia (../geos/mg.html)** | Buddhist 53%, Muslim 3%, Christian 2.2%, Shamanist 2.9%, other 0.4%, none 38.6% (2010 est.) |
| **Montenegro (../geos/mj.html)** | Orthodox 72.1%, Muslim 19.1%, Catholic 3.4%, atheist 1.2%, other 1.5%, unspecified 2.6% (2011 est.) |
| **Montserrat (../geos/mh.html)** | Protestant 67.1% (includes Anglican 21.8%, Methodist 17%, Pentecostal 14.1%, Seventh Day Adventist 10.5%, and Church of God 3.7%), Roman Catholic 11.6%, Rastafarian 1.4%, other 6.5%, none 2.6%, unspecified 10.8% (2001 est.) |
| **Morocco (../geos/mo.html)** | Muslim 99% (official; virtually all Sunni, <0.1% Shia), other 1% (includes Christian, Jewish, and Baha'i); note - Jewish about 6,000 (2010 est.) |
| **Mozambique (../geos/mz.html)** | Roman Catholic 28.4%, Muslim 17.9%, Zionist Christian 15.5%, Protestant 12.2% (includes Pentecostal 10.9% and Anglican 1.3%), other 6.7%, none 18.7%, unspecified 0.7% (2007 est.) |
| **Namibia (../geos/wa.html)** | Christian 80% to 90% (at least 50% Lutheran), indigenous beliefs 10% to 20% |
| **Nauru (../geos/nr.html)** | Protestant 60.4% (includes Nauru Congregational 35.7%, Assembly of God 13%, Nauru Independent Church 9.5%, Baptist 1.5%, and Seventh Day Adventist 0.7%), Roman Catholic 33%, other 3.7%, none 1.8%, unspecified 1.1% (2011 est.) |
| **Nepal (../geos/np.html)** | Hindu 81.3%, Buddhist 9%, Muslim 4.4%, Kirant 3.1%, Christian 1.4%, other 0.5%, unspecifed 0.2% (2011 est.) |
| **Netherlands (../geos/nl.html)** | Roman Catholic 28%, Protestant 19% (includes Dutch Reformed 9%, Protestant Church of The Netherlands, 7%, Calvinist 3%), other 11% (includes about 5% Muslim and fewer numbers of Hindu, Buddhist, Jehovah's Witness, and Orthodox), none 42% (2009 est.) |

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| **New Caledonia (../geos/nc.html)** | Roman Catholic 60%, Protestant 30%, other 10% |
| **New Zealand (../geos/nz.html)** | Christian 44.3% (Catholic 11.6%, Anglican 10.8%, Presbyterian and Congregational 7.8%, Methodist, 2.4%, Pentecostal 1.8%, other 9.9%), Hindu 2.1%, Buddhist 1.4%, Maori Christian 1.3%, Islam 1.1%, other religion 1.4% (includes Judaism, Spiritualism and New Age religions, Baha'i, Asian religions other than Buddhism), no religion 38.5%, not stated or unidentified 8.2%, objected to answering 4.1%<br>**note:** based on the 2013 census of the usually resident population; percentages add up to more than 100% because people were able to identify more than one religion (2013 est.) |
| **Nicaragua (../geos/nu.html)** | Roman Catholic 58.5%, Protestant 23.2% (Evangelical 21.6%, Moravian 1.6%), Jehovah's Witnesses 0.9%, other 1.6%, none 15.7% (2005 est.) |
| **Nigeria (../geos/ni.html)** | Muslim 50%, Christian 40%, indigenous beliefs 10% |
| **Niger (../geos/ng.html)** | Muslim 80%, other (includes indigenous beliefs and Christian) 20% |
| **Niue (../geos/ne.html)** | Ekalesia Niue (Congregational Christian Church of Niue - a Protestant church founded by missionaries from the London Missionary Society) 67%, other Protestant 3% (includes Seventh Day Adventist 1%, Presbyterian 1%, and Methodist 1%), Mormon 10%, Roman Catholic 10%, Jehovah's Witnesses 2%, other 6%, none 2% (2011 est.) |
| **Norfolk Island (../geos/nf.html)** | Protestant 49.6% (Anglican 31.8%, Uniting Church in Australia 10.6%, Seventh Day Adventist 3.2%), Roman Catholic 11.7%, other 8.6%, none 23.5%, unspecified 6.6% (2011 est.) |
| **Northern Mariana Islands (../geos/cq.html)** | Christian (Roman Catholic majority, although traditional beliefs and taboos may still be found) |
| **Norway (../geos/no.html)** | Church of Norway (Evangelical Lutheran - official) 82.1%, other Christian 3.9%, Muslim 2.3%, Roman Catholic 1.8%, other 2.4%, unspecified 7.5% (2011 est.) |
| **Oman (../geos/mu.html)** | Muslim (official; majority are Ibadhi, lesser numbers of Sunni and Shia) 85.9%, Christian 6.5%, Hindu 5.5%, Buddhist 0.8%, Jewish <0.1%, other 1%, unaffiliated 0.2% (2010 est.)<br>**note:** approximately 75% of Omani citizens, who compose almost 70% of the country's total population, are Ibadhi Muslims; the Omani government does not keep statistics on religious affiliation (2013) |
| **Pakistan (../geos/pk.html)** | Muslim (official) 96.4% (Sunni 85-90%, Shia 10-15%), other (includes Christian and Hindu) 3.6% (2010 est.) |
| **Palau (../geos/ps.html)** | Roman Catholic 49.4%, Protestant 30.9% (includes Protestant (general) 23.1%, Seventh Day Adventist 5.3%, and other Protestant 2.5%), Modekngei 8.7% (indigenous to Palau), Jehovah's Witnesses 1.1%, other 8.8%, none or unspecified 1.1% (2005 est.) |
| **Panama (../geos/pm.html)** | Roman Catholic 85%, Protestant 15% |
| **Papua New Guinea (../geos/pp.html)** | Roman Catholic 27%, Protestant 69.4% (Evangelical Lutheran 19.5%, United Church 11.5%, Seventh-Day Adventist 10%, Pentecostal 8.6%, Evangelical Alliance 5.2%, Anglican 3.2%, Baptist 2.5%, other Protestant 8.9%), Baha'i 0.3%, indigenous beliefs and other 3.3% (2000 census) |
| **Paraguay (../geos/pa.html)** | Roman Catholic 89.6%, Protestant 6.2%, other Christian 1.1%, other or unspecified 1.9%, none 1.1% (2002 census) |
| **Peru (../geos/pe.html)** | Roman Catholic 81.3%, Evangelical 12.5%, other 3.3%, none 2.9% (2007 est.) |

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| **Philippines (../geos/rp.html)** | Catholic 82.9% (Roman Catholic 80.9%, Aglipayan 2%), Muslim 5%, Evangelical 2.8%, Iglesia ni Kristo 2.3%, other Christian 4.5%, other 1.8%, unspecified 0.6%, none 0.1% (2000 census) |
| **Pitcairn Islands (../geos/pc.html)** | Seventh-Day Adventist 100% |
| **Poland (../geos/pl.html)** | Catholic 87.2% (includes Roman Catholic 86.9% and Greek Catholic, Armenian Catholic, and Byzantine-Slavic Catholic .3%), Orthodox 1.3% (almost all are Polish Autocephalous Orthodox), Protestant 0.4% (mainly Augsburg Evangelical and Pentacostal), other 0.4% (includes Jehovah's Witness, Buddhist, Hare Krishna, Gaudiya Vaishnavism, Muslim, Jewish, Mormon), unspecified 10.8% (2012 est.) |
| **Portugal (../geos/po.html)** | Roman Catholic 81%, other Christian 3.3%, other (includes Jewish, Muslim, other) 0.6%, none 6.8%, unspecified 8.3%<br>**note:** represents population 15 years of age and older (2011 est.) |
| **Puerto Rico (../geos/rq.html)** | Roman Catholic 85%, Protestant and other 15% |
| **Qatar (../geos/qa.html)** | Muslim 77.5%, Christian 8.5%, other (includes mainly Hindu and other Indian religions) 14% (2004 est.) |
| **Romania (../geos/ro.html)** | Eastern Orthodox (including all sub-denominations) 81.9%, Protestant (various denominations including Reformed and Pentecostal) 6.4%, Roman Catholic 4.3%, other (includes Muslim) 0.9%, none or atheist 0.2%, unspecified 6.3% (2011 est.) |
| **Russia (../geos/rs.html)** | Russian Orthodox 15-20%, Muslim 10-15%, other Christian 2% (2006 est.)<br>**note:** estimates are of practicing worshipers; Russia has large populations of non-practicing believers and non-believers, a legacy of over seven decades of Soviet rule; Russia officially recognizes Orthodox Christianity, Islam, Judaism, and Buddhism as traditional religions |
| **Rwanda (../geos/rw.html)** | Roman Catholic 49.5%, Protestant 39.4% (includes Adventist 12.2% and other Protestant 27.2%), other Christian 4.5%, Muslim 1.8%, animist 0.1%, other 0.6%, none 3.6% (2001), unspecified 0.5% (2002 est.) |
| **Saint Barthelemy (../geos/tb.html)** | Roman Catholic, Protestant, Jehovah's Witnesses |
| **Saint Helena, Ascension, and Tristan da Cunha (../geos/sh.html)** | Protestant 75.9% (includes Anglican 68.9, Baptist 2.1%, Seventh Day Adventist 1.8%, Salvation Army 1.7%, New Apostolic 1.4%), Jehovah's Witness 4.1%, Roman Catholic 1.2%, other 2.5% (includes Baha'i), unspecified 0.8%, none 6.1%, no response 9.4%<br>**note:** data represent Saint Helena only (2016 est.) |
| **Saint Kitts and Nevis (../geos/sc.html)** | Anglican, other Protestant, Roman Catholic |
| **Saint Lucia (../geos/st.html)** | Roman Catholic 61.5%, Protestant 25.5% (includes Seventh Day Adventist 10.4%, Pentecostal 8.9%, Baptist 2.2%, Anglican 1.6%, Church of God 1.5%, other Protestant 0.9%), other Christian 3.4% (includes Evangelical 2.3% and Jehovah's Witness 1.1%), Rastafarian 1.9%, other 0.4%, none 5.9%, unspecified 1.4% (2010 est.) |
| **Saint Martin (../geos/rn.html)** | Roman Catholic, Jehovah's Witnesses, Protestant, Hindu |
| **Saint Pierre and Miquelon (../geos/sb.html)** | Roman Catholic 99%, other 1% |
| **Saint Vincent and the Grenadines (../geos/vc.html)** | Protestant 75% (Anglican 47%, Methodist 28%), Roman Catholic 13%, other (includes Hindu, Seventh-Day Adventist, other Protestant) 12% |

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| **Samoa (../geos/ws.html)** | Protestant 57.4% (Congregationalist 31.8%, Methodist 13.7%, Assembly of God 8%, Seventh-Day Adventist 3.9%), Roman Catholic 19.4%, Mormon 15.2%, Worship Centre 1.7%, other Christian 5.5%, other 0.7%, none 0.1%, unspecified 0.1% (2011 est.) |
| **San Marino (../geos/sm.html)** | Roman Catholic |
| **Sao Tome and Principe (../geos/tp.html)** | Catholic 55.7%, Adventist 4.1%, Assembly of God 3.4%, New Apostolic 2.9%, Mana 2.3%, Universal Kingdom of God 2%, Jehovah's Witness 1.2%, other 6.2%, none 21.2%, unspecified 1% (2012 est.) |
| **Saudi Arabia (../geos/sa.html)** | Muslim (official; citizens are 85-90% Sunni and 10-15% Shia), other (includes Eastern Orthodox, Protestant, Roman Catholic, Jewish, Hindu, Buddhist, and Sikh) (2012 est.)<br>**note:** despite having a large expatriate community of various faiths (more than 30% of the population), most forms of public religious expression inconsistent with the government-sanctioned interpretation of Sunni Islam are restricted; non-Muslims are not allowed to have Saudi citizenship and non-Muslim places of worship are not permitted (2013) |
| **Senegal (../geos/sg.html)** | Muslim 95.4% (most adhere to one of the four main Sufi brotherhoods), Christian 4.2% (mostly Roman Catholic), animist 0.4% (2010-11 est.) |
| **Serbia (../geos/ri.html)** | Serbian Orthodox 84.6%, Catholic 5%, Muslim 3.1%, Protestant 1%, atheist 1.1%, other 0.8%, undeclared or unknown 4.5% (2011 est.) |
| **Seychelles (../geos/se.html)** | Roman Catholic 76.2%, Protestant 10.6% (Anglican 6.1%, Pentecoastal Assembly 1.5%, Seventh-Day Adventist 1.2%, other Protestant 1.6), other Christian 2.4%, Hindu 2.4%, Muslim 1.6%, other non-Christian 1.1%, unspecified 4.8%, none 0.9% (2010 est.) |
| **Sierra Leone (../geos/sl.html)** | Muslim 60%, Christian 10%, indigenous beliefs 30% |
| **Singapore (../geos/sn.html)** | Buddhist 33.9%, Muslim 14.3%, Taoist 11.3%, Catholic 7.1%, Hindu 5.2%, other Christian 11%, other 0.7%, none 16.4% (2010 est.) |
| **Sint Maarten (../geos/sk.html)** | Protestant 41.9% (Pentecostal 14.7%, Methodist 10.0%, Seventh Day Adventist 6.6%, Baptist 4.7%, Anglican 3.1%, other Protestant 2.8%), Roman Catholic 33.1%, Hindu 5.2%, Christian 4.1%, Jehovah's Witness 1.7%, Evangelical 1.4%, Muslim/Jewish 1.1%, other 1.3% (includes Buddhist, Sikh, Rastafarian), none 7.9%, no response 2.4% (2011 est.) |
| **Slovakia (../geos/lo.html)** | Roman Catholic 62%, Protestant 8.2%, Greek Catholic 3.8%, other or unspecified 12.5%, none 13.4% (2011 est.) |
| **Slovenia (../geos/si.html)** | Catholic 57.8%, Muslim 2.4%, Orthodox 2.3%, other Christian 0.9%, unaffiliated 3.5%, other or unspecified 23%, none 10.1% (2002 census) |
| **Solomon Islands (../geos/bp.html)** | Protestant 73.4% (Church of Melanesia 31.9%, South Sea Evangelical 17.1%, Seventh Day Adventist 11.7%, United Church 10.1%, Christian Fellowship Church 2.5%), Roman Catholic 19.6%, other Christian 2.9%, other 4%, none 0.03%, unspecified 0.1% (2009 est.) |
| **Somalia (../geos/so.html)** | Sunni Muslim (Islam) (official, according to the Transitional Federal Charter) |
| **South Africa (../geos/sf.html)** | Protestant 36.6% (Zionist Christian 11.1%, Pentecostal/Charismatic 8.2%, Methodist 6.8%, Dutch Reformed 6.7%, Anglican 3.8%), Catholic 7.1%, Muslim 1.5%, other Christian 36%, other 2.3%, unspecified 1.4%, none 15.1% (2001 census) |
| **South Sudan (../geos/od.html)** | animist, Christian |
| **Spain (../geos/sp.html)** | Roman Catholic 94%, other 6% |

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| **Sri Lanka (../geos/ce.html)** | Buddhist (official) 70.2%, Hindu 12.6%, Muslim 9.7%, Roman Catholic 6.1%, other Christian 1.3%, other 0.05% (2012 est.) |
| **Sudan (../geos/su.html)** | Sunni Muslim, small Christian minority |
| **Suriname (../geos/ns.html)** | Hindu 27.4%, Protestant 25.2% (predominantly Moravian), Roman Catholic 22.8%, Muslim 19.6%, indigenous beliefs 5% |
| **Swaziland (../geos/wz.html)** | Zionist 40% (a blend of Christianity and indigenous ancestral worship), Roman Catholic 20%, Muslim 10%, other 30% (includes Anglican, Baha'i, Methodist, Mormon, Jewish) |
| **Sweden (../geos/sw.html)** | Lutheran 87%, other (includes Roman Catholic, Orthodox, Baptist, Muslim, Jewish, and Buddhist) 13% |
| **Switzerland (../geos/sz.html)** | Roman Catholic 38.2%, Protestant 26.9%, other Christian 5.6%, Muslim 5%, other 1.6%, none 21.4%, unspecified 1.3% (2013 est.) |
| **Syria (../geos/sy.html)** | Muslim 87% (official; includes Sunni 74% and Alawi, Ismaili, and Shia 13%), Christian 10% (includes Orthodox, Uniate, and Nestorian), Druze 3%, Jewish (few remaining in Damascus and Aleppo) |
| **Taiwan (../geos/tw.html)** | mixture of Buddhist and Taoist 93%, Christian 4.5%, other 2.5% |
| **Tajikistan (../geos/ti.html)** | Sunni Muslim 85%, Shia Muslim 5%, other 10% (2003 est.) |
| **Tanzania (../geos/tz.html)** | Christian 61.4%, Muslim 35.2%, folk religion 1.8%, other 0.2%, unaffiliated 1.4% **note:** Zanzibar is almost entirely Muslim (2010 est.) |
| **Thailand (../geos/th.html)** | Buddhist (official) 93.6%, Muslim 4.9%, Christian 1.2%, other 0.2%, none 0.1% (2010 est.) |
| **Timor-Leste (../geos/tt.html)** | Roman Catholic 96.9%, Protestant/Evangelical 2.2%, Muslim 0.3%, other 0.6% (2005) |
| **Togo (../geos/to.html)** | Christian 29%, Muslim 20%, indigenous beliefs 51% |
| **Tokelau (../geos/tl.html)** | Congregational Christian Church 58.2%, Roman Catholic 36.6%, Presbyterian 1.8%, other Christian 2.8%, Spiritualism and New Age 0.1%, unspecified 0.5% (2011 est.) |
| **Tonga (../geos/tn.html)** | Protestant 64.9% (includes Free Wesleyan Church 37.3%, Free Church of Tonga 11.4%, Church of Tonga 7.2%, Tokaikolo Christian Church 2.6%, Assembly of God 2.3%, Seventh Day Adventist 2.2%, Constitutional Church of Tonga 0.9%, Anglican 0.8% and Full Gospel Church 0.2%), Mormon 16.8%, Roman Catholic 15.6%, other 1.1%, none 0.03%, unspecified 1.7% (2006 est.) |
| **Trinidad and Tobago (../geos/td.html)** | Protestant 32.1% (Pentecostal/Evangelical/Full Gospel 12%, Baptist 6.9%, Anglican 5.7%, Seventh-Day Adventist 4.1%, Presbyterian/Congretational 2.5%, other Protestant 0.9%), Roman Catholic 21.6%, Hindu 18.2%, Muslim 5%, Jehovah's Witness 1.5%, other 8.4%, none 2.2%, unspecified 11.1% (2011 est.) |
| **Tunisia (../geos/ts.html)** | Muslim (official; Sunni) 99.1%, other (includes Christian, Jewish, Shia Muslim, and Baha'i) 1% |
| **Turkey (../geos/tu.html)** | Muslim 99.8% (mostly Sunni), other 0.2% (mostly Christians and Jews) |
| **Turkmenistan (../geos/tx.html)** | Muslim 89%, Eastern Orthodox 9%, unknown 2% |
| **Turks and Caicos Islands (../geos/tk.html)** | Protestant 72.8% (Baptist 35.8%, Church of God 11.7%, Anglican 10%, Methodist 9.3%, Seventh-Day Adventist 6%), Roman Catholic 11.4%, Jehovah's Witnesses 1.8%, other 14% |
| **Tuvalu (../geos/tv.html)** | Protestant 98.4% (Church of Tuvalu (Congregationalist) 97%, Seventh-Day Adventist 1.4%), Baha'i 1%, other 0.6% |

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| **Uganda (../geos/ug.html)** | Protestant 45.1% (Anglican 32.0%, Pentecostal/Born Again/Evangelical 11.1%, Seventh Day Adventist 1.7%, Baptist .3%), Roman Catholic 39.3%, Muslim 13.7%, other 1.6%, none 0.2% (2014 est.) |
| **Ukraine (../geos/up.html)** | Orthodox (includes Ukrainian Autocephalous Orthodox (UAOC), Ukrainian Orthodox - Kyiv Patriarchate (UOC-KP), Ukrainian Orthodox - Moscow Patriarchate (UOC-MP), Ukrainian Greek Catholic, Roman Catholic, Protestant, Muslim, Jewish<br>**note:** Ukraine's population is overwhelmingly Christian; the vast majority - up to two-thirds - identify themselves as Orthodox, but many do not specify a particular branch; the UOC-KP and the UOC-MP each represent less than a quarter of the country's population, the Ukrainian Greek Catholic Church accounts for 8-10%, and the UAOC accounts for 1-2%; Muslim and Jewish adherents each compose less than 1% of the total population (2013 est.) |
| **United Arab Emirates (../geos/ae.html)** | Muslim (official) 76%, Christian 9%, other (primarily Hindu and Buddhist, less than 5% of the population consists of Parsi, Baha'i, Druze, Sikh, Ahmadi, Ismaili, Dawoodi Bohra Muslim, and Jewish) 15%<br>**note:** represents the total population; about 85% of the population consists of noncitizens (2005 est.) |
| **United Kingdom (../geos/uk.html)** | Christian (includes Anglican, Roman Catholic, Presbyterian, Methodist) 59.5%, Muslim 4.4%, Hindu 1.3%, other 2%, unspecified 7.2%, none 25.7% (2011 est.) |
| **United States (../geos/us.html)** | Protestant 46.5%, Roman Catholic 20.8%, Mormon 1.6%, Jehovah's Witness 0.8%, other Christian 0.9%, Jewish 1.9%, Muslim 0.9%, Buddhist 0.7%, Hindu 0.7%, other 1.8%, unaffiliated 22.8%, don't know/refused 0.6% (2014 est.) |
| **Uruguay (../geos/uy.html)** | Roman Catholic 47.1%, non-Catholic Christians 11.1%, nondenominational 23.2%, Jewish 0.3%, atheist or agnostic 17.2%, other 1.1% (2006) |
| **Uzbekistan (../geos/uz.html)** | Muslim 88% (mostly Sunni), Eastern Orthodox 9%, other 3% |
| **Vanuatu (../geos/nh.html)** | Protestant 70% (includes Presbyterian 27.9%, Anglican 15.1%, Seventh Day Adventist 12.5%, Assemblies of God 4.7%, Church of Christ 4.5%, Neil Thomas Ministry 3.1%, and Apostolic 2.2%), Roman Catholic 12.4%, customary beliefs 3.7% (including Jon Frum cargo cult), other 12.6%, none 1.1%, unspecified 0.2% (2009 est.) |
| **Venezuela (../geos/ve.html)** | nominally Roman Catholic 96%, Protestant 2%, other 2% |
| **Vietnam (../geos/vm.html)** | Buddhist 7.9%, Catholic 6.6%, Hoa Hao 1.7%, Cao Dai 0.9%, Protestant 0.9%, Muslim 0.1%, none 81.8% (2009 est.) |
| **Virgin Islands (../geos/vq.html)** | Protestant 59% (Baptist 42%, Episcopalian 17%), Roman Catholic 34%, other 7% |
| **Wallis and Futuna (../geos/wf.html)** | Roman Catholic 99%, other 1% |
| **West Bank (../geos/we.html)** | Muslim 80-85% (predominantly Sunni), Jewish 12-14%, Christian 1-2.5% (mainly Greek Orthodox), other, unaffiliated, unspecified <1%<br>**note:** the proportion of Christians continues to fall mainly as a result of the growth of the Muslim population but also because of migration and the declining birth rate of the Christian population (2012 est.) |
| **Western Sahara (../geos/wi.html)** | Muslim |
| **World (../geos/xx.html)** | Christian 31.4%, Muslim 23.2%, Hindu 15%, Buddhist 7.1%, folk religions 5.9%, Jewish 0.2%, other 0.8%, unaffiliated 16.4% (2010 est.) |

| | |
|---|---|
| **Yemen (../geos/ym.html)** | Muslim 99.1% (official; virtually all are citizens, an estimated 65% are Sunni and 35% are Shia), other 0.9% (includes Jewish, Baha'i, Hindu, and Christian; many are refugees or temporary foreign residents) (2010 est.) |
| **Zambia (../geos/za.html)** | Protestant 75.3%, Roman Catholic 20.2%, other 2.7% (includes Muslim Buddhist, Hindu, and Baha'i), none 1.8% (2010 est.) |
| **Zimbabwe (../geos/zi.html)** | Protestant 75.9% (includes Apostolic 38%, Pentecostal 21.1%, other 16.8%), Roman Catholic 8.4%, other Christian 8.4%, other 1.2% (includes traditional, Muslim), none 6.1% (2011 est.) |

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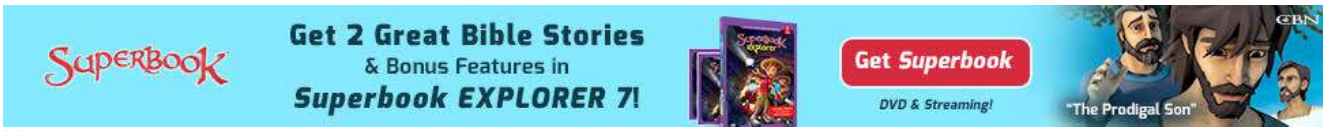
# Brody File Exclusive: President Trump Says Persecuted Christians Will Be Given Priority As Refugees

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# Brody File Exclusive: President Trump Says Persecuted Christians Will Be Given Priority As Refugees

01-27-2017
David Brody
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In an exclusive interview with The Brody File, President Donald Trump says persecuted Christians will be given priority when it comes to applying for refugee status in the United States. “We are going to help them,” President Trump tells CBN News. “They’ve been horribly treated. Do you know if you were a Christian in Syria it was impossible, at least very tough to get into the United States? If you were a Muslim you could come in, but if you were a Christian, it was almost impossible and the reason that was so unfair, everybody was persecuted in all fairness, but they were chopping off the heads of everybody but more so the Christians. And I thought it was very, very unfair.”

The Brody File conducted the interview Friday morning in the Blue Room at The White House. More newsworthy clips are coming soon. The entire interview can be seen this Sunday at 11pm on Freeform (cable TV, formerly ABC Family Channel) during our special CBN News show. This is just the third interview President Trump has done from The White House and it will be the only interview that will air in its' entirety this weekend.

**MANDATORY VIDEO AND COURTESY: CBN NEWS/THE BRODY FILE**

***DAVID BRODY:*** *"Persecuted Christians, we've talked about this, the refugees overseas. The refugee program, or the refugee changes you're looking to make. As it relates to persecuted Christians, do you see them as kind of a priority here?"*

***PRESIDENT TRUMP:*** *"Yes."*

***DAVID BRODY:*** *"You do?"*

***PRESIDENT TRUMP:*** *"They've been horribly treated. Do you know if you were a Christian in Syria it was impossible, at least very tough to get into the United States? If you were a Muslim you could come in, but if you were a Christian, it was almost impossible and the reason that was so unfair, everybody was persecuted in all fairness, but they were chopping off the heads of everybody but more so the Christians. And I thought it was very, very unfair. So we are going to help them."*

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**Steve** 12 days ago

Christian persecution is running at about 100,000 deaths per month. I'm so glad that our President is cognizant of this and willing to alleviate some of the pain and suffering of these people.

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**Israel Friend Di** 13 days ago

Our President Donald Trump is doing his Christian duty by banning terrorists Muslims and illegals into the USA that want to promote Sharia laws upon us and terrorize this country. Isis and Hamas chop off the heads of their own people if they are found to be worshipping the GOD OF ISRAEL, our GOD, KING JESUS. This has to be stopped before they completely destroy the entire USA and all Christians and Jews, including ISRAEL. The Muslim religion is a hate religion unlike our Judea, Christianity. We love all people of every race and don't kill to please our GOD. Our GOD died, shed HIS innocent blood as the final Lamb of GOD sacrifice and was resurrected to save us from our sins.

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# Exhibit T

The Washington Post

Acts of Faith

# Trump signs order limiting refugee entry, says he will prioritize Christian refugees

By Sarah Pulliam Bailey January 27

President Trump signed an executive order Friday instituting “extreme vetting” of refugees, aimed at keeping out “radical Islamic terrorists.”

“I’m establishing a new vetting measure to keep radical Islamic terrorists out of the United States of America,” Trump said during his signing of the order. “We don’t want them here. We want to make sure we are not admitting into our country the very threats our soldiers are fighting overseas.”

According to drafts of the executive action, the order bars people from the Muslim-majority countries of Iraq, Syria, Iran, Sudan, Libya, Somalia or Yemen from entering the United States for 30 days and suspends the U.S. Refugee Admissions Program for 120 days. The program will be reinstated “only for nationals of countries for whom” members are vetted by Trump’s administration.

In an interview Friday with the Christian Broadcast Network, Trump said he plans to help persecuted Christians.

“Do you know if you were a Christian in Syria it was impossible, at least very tough, to get into the United States?” Trump said. “If you were a Muslim you could come in, but if you were a Christian, it was almost impossible and the reason that was so unfair, everybody was persecuted in all fairness, but they were chopping off the heads of everybody but more so the Christians. And I thought it was very, very unfair.”

In a statement, the American Civil Liberties Union declared Trump's action "just a euphemism for discrimination against Muslims."

From both legal and historical perspectives, the plan to ban refugees from specific countries is within the powers granted to the president under current law and historical precedent, according to Charles Haynes, vice president of the Newseum Institute's Religious Freedom Center. However, whether the president can limit the ban to one religious group is another question.

Many Muslims, especially Shiites, are among the religious minorities under attack, Haynes said. This "raises moral and humanitarian concerns about excluding them from entrance to the U.S. while permitting people of other faiths," he said. "Whether this policy rises to the level of a constitutional violation is uncertain and will be debated by constitutional scholars in the coming weeks."

Issues related to the Constitution and religion are usually associated with matters of sex, such as contraceptives and LGBT discrimination, but some observers said they expect Trump's actions on immigration to raise new challenges for religious freedom, according to Chelsea Langston Bombino of the Institutional Religious Freedom Alliance at the Center for Public Justice. Several organizations, she noted, are speaking out against orders that "will hurt the very people that their organizations were established, out of a religious calling, to serve," she said.

Trump's actions have been decried by several religious groups this week. "The expected cutbacks to U.S. refugee programs and funding will compromise our ability to do this work and the infrastructure needed to serve refugees in the years to come," evangelical ministry World Relief said in a statement.

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And in a strongly worded statement, Rabbi Jack Moline, the Interfaith Alliance president, noted that this decision was announced on International Holocaust Remembrance Day.

"For decades, the United States has prided itself as a safe bastion for refugees around the globe escaping war and persecution," he said. "President Trump is poised to trample upon that great legacy with a de facto Muslim ban."

The Council on American-Islamic Relations will on Monday announce a federal lawsuit on behalf of more than 20 people challenging the constitutionality of the executive order.

"There is no evidence that refugees – the most thoroughly vetted of all people entering our nation – are a threat to national security," said CAIR national litigation director Lena F. Masri. "This is an order that is based on bigotry, not reality."

*This post has been updated.*

Sarah Pulliam Bailey is a religion reporter, covering how faith intersects with politics, culture and...everything. Follow @spulliam

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## An 'America first' philosophy? During May's visit, it's more like 'Trump first.'

The new president's view of the world seems to revolve around him and his personal relationships.

## Facing criticism, Trump administration has no regrets about leaving out Jews in Holocaust statement

What might have been seen as an oversight was confirmed by White House spokeswoman Hope Hicks to have been an intentional decision.

## Trump orders Pentagon to draft ISIS strategy, restructuring of security council

New rules concerning lobbying are also among executive orders signed Saturday.

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# Exhibit U

- DECEMBER 07, 2015 -

# DONALD J. TRUMP STATEMENT ON PREVENTING MUSLIM IMMIGRATION

(New York, NY) December 7th, 2015, -- Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on. According to Pew Research, among others, there is great hatred towards Americans by large segments of the Muslim population. Most recently, a poll from the Center for Security Policy released data showing "25% of those polled agreed that violence against Americans here in the United States is justified as a part of the global jihad" and 51% of those polled, "agreed that Muslims in America should have the choice of being governed according to Shariah." Shariah authorizes such atrocities as murder against non-believers who won't convert, beheadings and more unthinkable acts that pose great harm to Americans, especially women.

Mr. Trump stated, "Without looking at the various polling data, it is obvious to anybody the hatred is beyond comprehension. Where this hatred comes from and why we will have to determine. Until we are able to determine and understand this problem and the dangerous threat it poses, our country cannot be the victims of horrendous attacks by people that believe only in Jihad, and have no sense of reason or respect for human life. If I win the election for President, we are going to Make America Great Again." - *Donald J. Trump*

Next Release: Donald J. Trump Announces State Directors in

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# Exhibit V

**Donald J. Trump**
@realDonaldTrump

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# Just put out a very important policy statement on the extraordinary influx of hatred & danger coming into our country. We must be vigilant!

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# Exhibit W

NewsRoom

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December 7, 2015

Section: post-politics

# Trump calls for 'total and complete shutdown of Muslims entering the United States'

"We have no choice. We have no choice," Trump said Monday. "We have no choice."

Jenna Johnson

Updated at 7:43 p.m.

Donald Trump called Monday for a "total and complete shutdown" of the entry of Muslims to the United States "until our country's representatives can figure out what is going on."

In a statement released by his campaign Monday afternoon, Trump included recent poll findings that he says show that a sizable segment of the Muslim population has "great hatred towards Americans."

"Without looking at the various polling data, it is obvious to anybody the hatred is beyond comprehension," Trump is quoted as saying in the statement. "Where this hatred comes from and why we will have to determine. Until we are able to determine and understand this problem and the dangerous threat it poses, our country cannot be the victims of horrendous attacks by people that believe only in Jihad, and have no sense of reason or respect for human life."

At a rally in Mount Pleasant, South Carolina on Monday evening, Trump pointed to the statement he released earlier in the day.

"Should I read you the statement?" he asked.

The crowd enthusiastically agreed that he should.

"Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what the hell is going on," he said, adding the word "hell" for emphasis this time.

Supporters erupted in applause.

"We have no choice. We have no choice," Trump said. "We have no choice."

Earlier in the rally, which was interrupted by protests, Trump said, "I have friends that are Muslims. They are great people -- but they know we have a problem."

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Trump campaign manager Corey Lewandowski told the Associated Press that the ban would apply to "everybody," including both immigrants and tourists. Soon after the statement was released, Trump tweeted that he had "just put out a very important policy statement on the extraordinary influx of hatred and danger coming into our country." He added in the tweet: "We must be vigilant!"

In an interview on Fox News Channel shortly ahead of his campaign rally, Trump was asked whether his policy would apply to Muslim military personnel stationed overseas who want to come home.

"They will come home. We have to be vigilant," he responded. "We have to take care of the Muslims that are living here. But we have to be vigilant."

He later added: "Anybody here stays, but we have to be very vigilant... This does not apply to people living in the country except that we have to be vigilant."

In the past month, particularly following the recent mass shooting in Southern California that is believed to have been inspired by the Islamic State terrorist group, Trump has called for greater scrutiny of Muslims -- including Muslim Americans who are legal residents of the country. He has said he would support heavy surveillance of mosques, bar Syrian refugees of all religions from entering the country and would consider establishing a database to track all Muslims in the country. But Trump's statement on Monday was his most controversial proposal yet.

Trump typically announces major positions like this in media interviews or at rallies, rarely issuing formal statements. The statement immediately sparked rounds of questions about how such a policy would work, along with strong criticism.

"Oh, my goodness," said Ibrahim Hooper, national communications director at the Council on American-Islamic Relations. "One has to wonder what Donald Trump will say next as he ramps up his anti-Muslim bigotry. Where is there left for him to go? Are we talking internment camps? Are we talking the final solution to the Muslim question? I feel like I'm back in the 1930s."

What worried Hooper, he said, was the premeditated nature of Trump's statement.

"He feels perfectly okay saying this," said Hooper. "It's not an open mic moment, where he has to walk something back. This was a statement from his campaign. They had to believe that this would be well received by his supporters. We've always had anti-Muslim bigots, but they've always been at the fringes of society. Now they want to lead it. In saner times, his campaign would be over. In insane times, his campaign can gain support. And that's why he put it out."

David Weigel and Sean Sullivan contributed to this report.

**---- Index References ----**

News Subject: (Civil Rights Law (1CI34); Intellectual Freedoms & Civil Liberties (1IN08); International Terrorism (1IN37); Legal (1LE33); Minority & Ethnic Groups (1MI43); Race Relations (1RA49); Social Issues (1SO05); Top World News (1WO62))

Industry: (Celebrities (1CE65); Entertainment (1EN08))

Region: (Americas (1AM92); North America (1NO39))

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Language: EN

Other Indexing: (Donald Trump; Ibrahim Hooper; David Weigel; Sean Sullivan; Donald Trump; Corey Lewandowski)

Word Count: 719

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NewsRoom

# Exhibit X

MEET THE PRESS JUL 24 2016, 11:47 AM ET

# Meet the Press - July 24, 2016

Meet the Press - July 24, 2016

CHUCK TODD:

This Sunday, the Democratic National Convention gets underway here in Philadelphia, after a raucous and unpredictable Republican convention. That ended with the nomination of Donald Trump.

DONALD TRUMP:

I am with you, I will fight for you, and I will win for you.

CHUCK TODD:

This morning, my sit-down with Donald Trump on his convention speech.

DONALD TRUMP:

The only negative reviews were a little dark.

CHUCK TODD:

On whether he's backing off on his Muslim band.

DONALD TRUMP:

I actually don't think it's a pull-back. In fact, you could say it's an expansion.

CHUCK TODD:

And on Hillary Clinton's choice of Tim Kaine.

DONALD TRUMP:

Tim Kaine was a slap in the face to Bernie Sanders.

CHUCK TODD:

Plus Hillary Clinton and Tim Kaine hit the road in Florida.

HILLARY CLINTON:

Tim Kaine is everything Donald Trump and Mike Pence are not.

CHUCK TODD:

But some Bernie Sanders supporters are criticizing the Kaine pick as a sellout to moderates. I'll talk to Sanders and get his reaction to that and to the DNC Wikileaks e-mail release. Joining me for insight and analysis are MSNBC's Rachel Maddow, former chairman of the RNC, Michael Steele, NBC News Chief Foreign Affairs Correspondent, Andrea Mitchell, and host of Hardball and Philadelphia hometown boy, Chris Matthews. Trump, Sanders and reactions to the new Democratic ticket. Welcome to Sunday, in a special edition of Meet the Press at the Democratic National Convention.

CHUCK TODD:

Good Sunday morning. We are at the Wells Fargo Center here in South Philadelphia, home of the NBA 76ers and the NHL Broad Street Bullies, the Fliers. Democrats have begun to arrive, along with a pretty bad heat wave. And beginning tomorrow, they will gather to officially nominate Hillary Clinton as their presidential candidate.

Yesterday in Miami, Clinton was joined by her new running mate, Senator Tim Kaine of Virginia, in an upbeat event that was notable simply by the contrast to the disorganized rollout of Donald Trump's running mate a week earlier, Mike Pence.

(BEGIN TAPE)

SEN. TIM KAINE:

Hillary Clinton, she doesn't insult people, she listens to them. What a novel concept, right? She doesn't trash our allies, she respects them. And she'll always have our backs, that is something I am rock solid sure of.

(END TAPE)

CHUCK TODD:

We will get to reaction to the new Democratic ticket later in the show, including my interview with Senator Bernie Sanders of Vermont in a moment. But first, we're going to talk also about Sanders, about those Wikileaks emails and what they may say about DNC favoritism towards Hillary Clinton. But we begin with the man who has now taken control of the Republican Party. It's nominee Donald Trump.

I traveled to Trump National Golf Club in Bedminster, New Jersey, sort of his weekend getaway, last night for a face-to-face interview since dropping the word "presumptive," it's his first one, from the nominee title. We touched on so much: Tim Kaine, Trump's tax returns, his proposed restrictions on Muslim immigration and why he says he alone can fix the country's problems. But I began by asking him how it feels to be the Republican nominee for president of the United States.

(BEGIN TAPE)

DONALD TRUMP:

Well, it really feels great. And we really have a very unified party, other than a very small group of people that, frankly, lost. And we have a very unified party. You saw that the other night with the love in the room, and the enthusiasm in the room. The enthusiasm, there are people that say they have never seen anything like what was going on in that room, especially Thursday night.

CHUCK TODD:

Let me tell you, you bring up Thursday night, I've got to ask you about your entrance. Before we get serious here. That Monday night entrance was something else. I know you've gotten a lot of feedback on it. How'd you come up with it?

DONALD TRUMP:

I think I'm a little bit lucky, and a couple of people had that idea and I went along with the idea. And everything just worked right. And it was so good that they wanted to do it on Thursday night. I said, "Never in a million years, because you'll never get it that way again."

CHUCK TODD:

I don't think I've seen that even on WWE.

DONALD TRUMP:

Yeah, I know. Well, Vince is a good friend of mine. He called me, he said, "That was a very, very good entrance." But I didn't want to do it a second time, because, you know, it never works out the second time.

CHUCK TODD:

All right, let's go into the speech. I want to put some meat on the bones. But first, let's talk about, you've seen some of the positive reviews, some of the negative reviews. Some of the negative has been that it was a little dark--

DONALD TRUMP:

That's the only thing that--

CHUCK TODD:

--that there wasn't enough optimism in it. What would you say? It's not Morning in America.

DONALD TRUMP:

Yeah.

CHUCK TODD:

What would you say to that?

DONALD TRUMP:

Well, I think the only negativity, and, you know, the hate, I call them the haters, and that's fine. But the only negative reviews were, "A little dark." And the following day, they had another attack, and then today you see what happened in Afghanistan with many, many people killed.

They have no idea how many, so many killed. Yesterday it was Munich. And you know, I know they're saying, "Maybe it wasn't terrorism. Maybe it was just a crazy guy." But in the meantime he's screaming, "Allahu Akbar," as he's shooting people, so, you know, we'll see how that turns out. And all of a sudden people are saying, "Maybe it wasn't dark at all." But the only thing that some people said, "It was a little dark. It was a little bit tough."

CHUCK TODD:

Do you think it was a little dark?

DONALD TRUMP:

No, oh, I thought it was very optimistic. To me, it was an optimistic speech, because--

CHUCK TODD:

What makes it optimistic in your view?

DONALD TRUMP:

Because we're going to stop the problems. We're going to stop the problems. In other words, sure, I talk about the problems, but we're going to solve the problems.

CHUCK TODD:

One of the phrases you used, "I alone can fix it." And to some people, that sounded almost too strong-mannish for them. Do you understand that criticism and what do you make of it?

DONALD TRUMP:

I'll tell you, part of it was I'm comparing myself to Hillary. And we know Hillary, and we look at her record. Her record has been a disaster. And I am running against Hillary. It's not like I'm running against the rest of the world. I know people that are very, very capable that could do a very good job, but they could never get elected.

I can tell you right now. I can give you ten names of people that would do an extraordinary job, but there's no way they could ever get elected. They wouldn't know where to begin. It wouldn't be for them. But for governing, they would be good. I'm running and, you know, against one person.

CHUCK TODD:

You said there would be consequences for any company that tried to move a factory out. What--

DONALD TRUMP:

Absolutely, so simple--

CHUCK TODD:

--what is the consequence? Let's start with, you bring up Carrier a lot.

DONALD TRUMP:

It's so simple--

(OVERTALK)

CHUCK TODD:

Right, I understand that. But explain the consequences--

DONALD TRUMP:

Okay, here's the consequence--

CHUCK TODD:

What would it be?

DONALD TRUMP:

So Carrier comes in, they announce they're moving to Mexico, they fire all their people in Indiana, and they say, "Hi, well, here we are in Mexico, you know, enjoy your plant, enjoy the rest of your life," and you hire people from Mexico, okay? Now they make their product and they put it into the United States.

Well, we will have a very strong border, by the way, but they put it into the United States and we don't charge them tax. There will be a tax to be paid. If they're going to fire all their people, move their plant to Mexico, build air conditioners, and think they're going to sell those air conditioners to the United States, there's going to be a tax.

CHUCK TODD:

What kind of tax are you thinking?

DONALD TRUMP:

It could be 25 percent. It could be 35 percent. It could be 15 percent. I haven't determined. And it could be different for different companies. We have been working on trying to stop this government, because we don't know what we're doing. And not only Obama, they've been trying to stop this from before Obama. But they don't know. You know, they've done, they've tried lower interest loans, they've tried zero interest loans, these guys--

CHUCK TODD:

Well, some of these things aren't going to get through the World Trade Organization. There's--

DONALD TRUMP:

It doesn't matter. Then we're going to renegotiate or we're going to pull out. These trade deals are a disaster, Chuck. World Trade Organization is a disaster.

CHUCK TODD:

You know the concern on some of this--

DONALD TRUMP:

NAFTA is a disaster--

CHUCK TODD:

-- is that it would rattle the world economy. Look what Brexit did to the world economy. Investors got rattled.

DONALD TRUMP:

What did it do? What did it do?

CHUCK TODD:

Now you--

DONALD TRUMP:

The stock market's higher now than it was when it happened. And by the way, I'm the only one of all of these people at the higher level of the wonderful world of politics, I'm the only one that said, "Brexit's going to happen." Remember, I was asked the question. I said, "Yeah, I think they're going to approve it. I think they want independence. I don't think they want people pouring into their country." And I was--

CHUCK TODD:

You're not worried about, you think a fractured Europe is good for America?

DONALD TRUMP:

No, no. But we're spending a lot of money on Europe. Don't forget, Europe got together, why, primarily did they get together? So that they could beat the United States when it comes to making money, in other words, foreign trade--

CHUCK TODD:

Economic--

DONALD TRUMP:

Okay? And now we talk about Europe like it's so wonderful. Hey, I love Europe, I have property in Europe. I'm just saying, the reason that it got together was like a consortium so that it could compete with the United States--

CHUCK TODD:

So what you're saying is all this stuff is good for America, even if it's not good for Europe?

DONALD TRUMP:

Look, you take a look at Airbus. They make more planes now than Boeing, okay? They got together, all of these countries got together so that they could beat the United States. Okay, so we're in competition. So you know, we're in competition in one way, we're helping them in another way. It is so messed up.

CHUCK TODD:

The Muslim ban. I think you've pulled back from it, but you tell me.

(BEGIN TAPE)

DONALD TRUMP:

We must immediately suspend immigration from any nation that has been compromised by terrorism until such time as proven vetting mechanisms have been put in place.

(END TAPE)

CHUCK TODD:

This feels like a slight rollback--

DONALD TRUMP:

I don't think that's--

CHUCK TODD:

Should it be interpreted--

DONALD TRUMP:

I don't think so. I actually don't think it's a rollback. In fact, you could say it's an expansion. I'm looking now at territories. People were so upset when I used the word Muslim. Oh, you can't use the word Muslim. Remember this. And I'm okay with that, because I'm talking territory instead of Muslim.

But just remember this: Our Constitution is great. But it doesn't necessarily give us the right to commit suicide, okay? Now, we have a religious, you know, everybody wants to be protected. And that's great. And that's the wonderful part of our Constitution. I view it differently.

Why are we committing suicide? Why are we doing that? But you know what? I live with our Constitution. I love our Constitution. I cherish our Constitution. We're making it territorial. We have nations and we'll come out, I'm going to be coming out over the next few weeks with a number of the places. And it's very complex--

CHUCK TODD:

Well I was just going to say--

DONALD TRUMP:

--we have problems in Germany and we have problems with France--

CHUCK TODD:

I was just going to ask that. Will this limitt--

DONALD TRUMP:

You know, so it's not just the countries with--

CHUCK TODD:

--would this limit immigration from France?

DONALD TRUMP:

What we're going to have is a thing called--

CHUCK TODD:

They've been compromised by terrorism.

DONALD TRUMP:

They have totally been. And you know why? It's their own fault. Because they allowed people to come into their territory--

CHUCK TODD:

So you would toughen up. You're basically saying, "Hey, if the French want to come over here, you've got to go through an extra check."

DONALD TRUMP:

It's their own fault, because they've allowed people over years to come into their territory. And that's why Brexit happened, okay? Because the U.K. is saying, "We're tired of this stuff, what's going on, we're tired of." But listen to this--

CHUCK TODD:

You could get to the point where you're not allowing a lot of people to come into this country from a lot of places.

DONALD TRUMP:

Maybe we get to that point. Chuck, look what's happening. Look at what just took place in Afghanistan, where they blow up a whole shopping center with people, they have no idea how many people were even killed. Happened today. So we have to be smart and we have to be vigilant and we have to be strong. We can't be the stupid people--

CHUCK TODD:

So France, Germany, Spain--

DONALD TRUMP:

Here's my plan--

CHUCK TODD:

--places that have been compromised?

DONALD TRUMP:

--here is what I want: Extreme vetting. Tough word. Extreme vetting.

CHUCK TODD:

What does that look like?

DONALD TRUMP:

Tough. We're going to have tough standards. And if a person can't prove--

CHUCK TODD:

Give me one.

DONALD TRUMP:

--that they're from an area, and if a person can't prove what they have to be able to prove, they're not coming into this country. And I would stop the Syrian migration and the Syrian from coming into this country in two seconds. Hillary Clinton wants to take 550 percent more people coming in from that area than Barack Obama. I think she's crazy. I think she's crazy. We have no idea who these people are for the most part, and you know, because I've seen them on different shows--

CHUCK TODD:

All right.

DONALD TRUMP:

--but more importantly, I've read about it. I study it. There is no way that you can vet some of these people. There is no way. Law enforcement officials, I've had them in my office. I've talked to them.

CHUCK TODD:

You realize some of these folks have nowhere to go? They're truly victims of this civil war, what do you do with them?

DONALD TRUMP:

We will help them and we will build safe havens over in Syria, and we will get Gulf States--

CHUCK TODD:

We, the United States are going to build these safe havens?

DONALD TRUMP:

We, the United States, we'll get Gulf States to pay for it, because we right now, we're going to have $21 trillion very soon, trillion, in debt. We will do safe havens and safe zones in Syria and we will get nations that are so wealthy that are not doing anything. They're not doing much. They have nothing but money. And you know who I'm talking about, the Gulf States. And we will get them to pay for it. We would lead it. I don't want to pay because our country is going down the tubes. We owe too much money.

CHUCK TODD:

All right. Let me move to something with NATO. Mitch McConnell said this about your NATO remarks in the New York Times. He said it was a rookie mistake, and that once you, let me finish the comment here. "It's a rookie mistake, and it proves that Trump needs people like us around to help steer him in the right direction on some basic things."

DONALD TRUMP:

He's 100 percent wrong. Okay? He's 100 percent wrong if he said that. I didn't hear he said that--

CHUCK TODD:

He did say it.

DONALD TRUMP:

Okay, fine, fine--

CHUCK TODD:

New York Times--

DONALD TRUMP:

If he said that, he's 100 percent wrong. And frankly it's sad. We have NATO, and we have many countries that aren't paying for what they're supposed to be paying, which is already too little, but they're not paying anyway. And we're giving them a free ride or giving them a ride where they owe us tremendous amounts of money. And they have the money. But they're not paying it. You know why? Because they think we're stupid--

CHUCK TODD:

So Estonia is paying, and if they get invaded by Russia, you're there?

DONALD TRUMP:

I feel differently. I feel very differently--

CHUCK TODD:

But if a country's not doing -- Britain hasn't done the two percent.

DONALD TRUMP:

We have countries that aren't paying. Now, this goes beyond NATO, because we take care of-- we take care of Japan, we take care of Germany, we take care of South Korea, we take care of Saudi Arabia, and we lose on everything. We lose on everything. If Mitch McConnell says that, then he's wrong.

So all I'm saying is they have to pay. Now, a country gets invaded, they haven't paid, everyone says, "Oh, but we have a treaty." Well, they have a treaty too. They're supposed to be paying. We have countries within NATO that are taking advantage of us. With me, I believe they're going to pay. And when they pay, I'm a big believer in NATO.

But if they don't pay, we don't have, you know, Chuck, this isn't 40 years ago. This isn't 50 years ago. It's not 30 years ago. We're a different country today. We're much weaker, our military is depleted, we owe tremendous amounts of money. We have to be reimbursed. We can no longer be the stupid country.

(END TAPE)

CHUCK TODD:

When we come back, what Donald Trump says about David Duke, Bernie Sanders, and whether he really plans to spend millions for the sole purpose of defeating Ted Cruz and John Kasich. Sanders about Trump and about his reaction to Tim Kaine becoming Hillary Clinton's running mate. We're in Philadelphia, site of the Democratic National Convention. Stay with us.

***COMMERCIAL BREAK***

CHUCK TODD:

Such a beautiful city here. Welcome back. More now of my interview with Donald Trump at The Trump National Golf Club in Bedminster, New Jersey. And since we had a limited amount of time, I ended up speeding things up by asking Trump for some quick reaction to simply some very prominent names in the news.

(BEGIN TAPE)

CHUCK TODD:

I'm just going to literally throw out a name and you'll know the question I'm asking. Bernie Sanders.

DONALD TRUMP:

Great respect for what he's done. He is being taken advantage of, and frankly, the system was rigged, and I'm the first one to say it was rigged against him. And by the way--

CHUCK TODD:

You took after him. You took after him. You said for supporting Hillary Clinton, you think he needs to--

DONALD TRUMP:

Well, I'm not a fan of Bernie Sanders. But I am a fan of one thing that he talks about: Trade. He is the only one on that side that understands trade. Now, he can't do anything about it because that's not his thing. But he has been gamed. He has been, it's a rigged system against him. And what happened with the choice of Tim Kaine was a slap in the face to Bernie Sanders and everybody. I was shocked. I love it from my standpoint, I love--

CHUCK TODD:

Why do you love the Kaine pick?

DONALD TRUMP:

Well, first of all, he took over $160,000 of gifts. And they said, "Well, they weren't really gifts, they were suits and trips and lots of different things," all for 160--

CHUCK TODD:

Legal, legal in the state of Virginia.

DONALD TRUMP:

Bob McDonnell-- I believe it was Bob McDonnell, in the meantime, he had to go to the United States Supreme Court to get out of going to jail--

CHUCK TODD:

Well, they proved to quid pro quo--

DONALD TRUMP:

--for taking a fraction of what--

CHUCK TODD:

They proved quid pro quo on that one.

DONALD TRUMP:

Excuse me, Bob McDonnell took a fraction of what Kaine took. And I think, to me, it's a big problem. Now, how do you take all these gifts? Hundreds of thousands of dollars. The other thing about him, he's bought and owned by the banks. And the third thing, he's in favor of TPP and every other trade deal that he's ever looked at. And that means he wants people not to work.

Now, he's going to change his tune. And I understand he's now going to say, "I'm against TPP." Hillary Clinton was totally in favor of TPP, which is the job killer, right? So was he. When she watched me on your show and other shows, all of a sudden she changed, because she knows she can't win that in a debate.

CHUCK TODD:

All right. Ted Cruz, I'm going to amend it, are you really going to fund a super PAC to help defeat him--

DONALD TRUMP:

Well, it's not the number one thing on my mind. Look, what's on my mind is beating Hillary Clinton. What's on my mind is winning for the Republican Party. With that being said, yeah, I'll probably do a super PAC, you know, when they run against Kasich, for $10 million to $20 million, against Ted Cruz. And maybe one other person that I'm thinking about--

CHUCK TODD:

Who's that other one person?

DONALD TRUMP:

--but I won't tell you that. I mean, he's actually such a small person, I hate to give him the publicity. But yes, I will probably do that at the appropriate at time. But I'm not going to do that until--

CHUCK TODD:

Oh, give me the small person here.

DONALD TRUMP:

No, no, don't worry about it. We'll give it to you another time.

CHUCK TODD:

All right, let me ask you about this one. David Duke announced his Senate candidacy claiming your agenda for his own, or essentially saying, "Glad that you spoke out."

DONALD TRUMP:

Are you ready, before you ask the question?

CHUCK TODD:

Newt Gingrich said, "Every Republican should repudiate this guy no matter what it takes"--

DONALD TRUMP:

I did. And I do. Are you ready? I want--

CHUCK TODD:

Would you support a Democrat over David Duke if that was what was necessary to defeat him?

DONALD TRUMP:

I guess, depending on who the Democrat, but the answer would be yes. Look, the answer is, as quick as you can say it. In fact, I went to answer you before you--

DONALD TRUMP:

Because last time with another person in your position, I did it very quickly. And they said, "He didn't do it fast enough." Rebuked. Is that okay? Rebuked, done--

CHUCK TODD:

Rebuked, done. Okay. Tax returns. A lot of conspiracy theories are being out there about why-- what's in your tax returns. You would get rid of all these conspiracy theories tomorrow--

DONALD TRUMP:

Let me tell you--

CHUCK TODD:

Probably make people look silly--

DONALD TRUMP:

Let me tell you. Let me give you a little lesson on tax returns. First of all, you don't learn very much from a tax return. I put in to the federal elections group 100 and some-odd pages of my financials. It showed, as you know, that I'm much wealthier than anybody even understood, okay? Tremendous cash, tremendous assets, tremendous all that stuff. Okay, that's it. I'm going through a routine audit. Just a routine audit, and I've had it for I think 14 years, 13 years--

CHUCK TODD:

Why?

DONALD TRUMP:

Every year they audit me. It's routine government. I would never give my tax returns until the audit's finished. But remember this: Mitt Romney, four years ago, was under tremendous pressure to give his tax returns. And he held it and held it and held it, and he fought it, and he, you know, he didn't do too well, okay? But he didn't do anything wrong on his taxes. When he gave his tax returns, people forget, not now. He gave them in September, before the election--

CHUCK TODD:

So you still might release them--

DONALD TRUMP:

No, wait a minute, wait a minute. When he did, and his tax returns are a tiny peanut compared to mine, they went through his tax returns. And they found one little sentence, another little-- there was nothing wrong. And they made him look bad. In fact I think he lost his election because of that.

CHUCK TODD:

Because of the tax returns?

DONALD TRUMP:

I think he lost. And I'll tell you why: He didn't do anything wrong. Mitt Romney did nothing wrong. But they would take out of, his weren't too big. Have you ever seen mine with the picture, they're like this high?

CHUCK TODD:

I have seen that picture, yes.

DONALD TRUMP:

Okay, so they took his tax return and they found a couple of little things. Nothing wrong, just standard. And they made him look very bad, very unfair. But with all that said, I'd love to give them, but I'm under audit. When the audit's finished I'll give them.

CHUCK TODD:

Finally, Roger Ailes. Is he helping you? Is he advising you?

DONALD TRUMP:

Well, I don't want to comment. But he's been a friend of mine for a long time, and I can tell you that some of the women that are complaining, I know how much he's helped them. And even recently, and when they write books that are fairly recently released, and they say wonderful things about him.

And now all of a sudden they're saying these horrible things about him. It's very sad. Because he's a very good person. I've always found him to be just a very, very good person. And by the way, a very, very talented person. Look what he's done. So I feel very badly. But a lot of people are thinking he's going to run my campaign.

CHUCK TODD:

Yeah, well--

DONALD TRUMP:

My campaign's doing pretty well.

CHUCK TODD:

Mr. Trump, until we meet again.

DONALD TRUMP:

Thank you very much--

CHUCK TODD:

Thank you for your time, sir, appreciate it.

(END TAPE)

CHUCK TODD:

Up next, the man who had hoped to be the candidate being nominated by Democrats right here in Philadelphia this week, Senator Bernie Sanders of Vermont. What does he think of those leaked DNC e-mails? We'll get his first comments since it happened. We're going to be right back in just a minute.

***COMMERCIAL BREAK***

(BEGIN TAPE)

CHUCK TODD:

Tremendous shots there of a beautiful city. Welcome back. It's not the kind of thing you want happening days before your convention. This weekend, Wikileaks released nearly 20,000 emails sent and received by members of the Democratic National Committee, some of which seem to confirm what a lot of people had suspected, that the DNC was playing favorites with Hillary Clinton over Bernie Sanders.

It appears Wikileaks either stole these emails or got them from a source. Remember, the DNC was hacked a few months ago. Among the emails was one from the DNC's Chief Financial Officer Brad Marshall that was looking ahead to the contests in Kentucky and West Virginia in early May. While not mentioning Sanders specifically by name, the email appeared to question Sanders' faith.

He wrote this, quote: "Does he believe in a god? I think I read he is an atheist. This could make several points difference with my peeps. My Southern Baptist peeps would draw a big difference between a Jew and an atheist." Well, Sanders has long believed that DNC Chair Debbie Wasserman Schultz was in Clinton's corner the whole campaign. Well, he joins me now. Senator Sanders, welcome back to Meet the Press.

And I should note that you talked about your belief in God last fall in an interview, I think, with your hometown paper there, so want to get that out of the way. So let me start with this question questioning your faith. Brad Marshall apologized on Facebook. Has anyone apologized to you personally? And what is your response to this entire discussion?

BERNIE SANDERS:

Well, no, nobody has apologized to me. And as you just mentioned, this really does not come as a shock to me or my supporters. There is no question but the DNC was on Secretary Clinton's side from day one. We all know that. And I think, as I have said a long time ago, that the time is now for Debbie Wasserman Schultz to step aside, not only for these issues.

We need a Democratic Party that is open, that's going to bring young people and working people into it, that is going to stand up and take on the big money interests and fight for working families. I don't think Debbie has been that type of leader. So I would hope, and I said this many months ago, that she would--

CHUCK TODD:

Right.

BERNIE SANDERS:

--step aside, we would have new leadership.

CHUCK TODD:

And do you think it needs to happen now, today, before the start of the convention?

BERNIE SANDERS:

Well--

CHUCK TODD:

Would that help calm some of your supporters down?

BERNIE SANDERS:

Well, I think what is already happening is that it's clear she is not going to be speaking to the convention. That is the right thing. I think right now what we have got to focus on as Democrats is defeating perhaps the worst Republican candidate that I have seen in my lifetime. Donald Trump would be a disaster for this country. He must be defeated.

We've got to elect Secretary Clinton on every single issue: fighting for the middle class on health care, on climate change, is a far, far superior candidate to Trump. That's where I think the focus has got to be.

CHUCK TODD:

Do you believe that the DNC's apparent favoritism cost you this race?

BERNIE SANDERS:

Well, I think you-- there are a lot of reasons why one loses. We started off 50 points behind Secretary Clinton. We had the opposition of virtually the entire Democratic leadership in every state in this country. And by the way, in terms of media, we did not get the kind of media attention that somebody like a Donald Trump got, because media is not necessarily interested in the issues facing the middle class, more interested in attacks in personality. So I think there were a lot of reasons.

But I will tell you this, Chuck, from the bottom of my heart, I am extraordinarily proud of the campaign that we ran. The issues that we raised, the fact that we got 13 million Americans to vote for a political revolution. People who know the economy is rigged in favor of big money, people who know that our middle class continues to decline and we have to go outside of establishment politics and economics, people who know that we need to reform a broken criminal justice system and we need comprehensive immigration reform.

The people-- what we did in our campaign is bring people together to say, "You know what? This country, our government, belongs to all of us and not just a few." So I am very proud of the campaign we ran and the supporters that came on board.

CHUCK TODD:

So just to sum up here, these leaks, these emails, it hasn't given you any pause about your support for Hillary Clinton?

BERNIE SANDERS:

No, no, no. We are going to do everything that we can to protect working families in this country. And again, Chuck, I know media is not necessarily focused on these things. But what a campaign is about is not Hillary Clinton, it's not Donald Trump. It is the people of this country, people who are working longer hours for lower wages, people who do not have health care or are underinsured.

Hillary Clinton and I have worked together on a higher education proposal which will guarantee free tuition in public colleges and universities for every family in this country making $125,000 a year or less. We're going to fight for paid family and medical leave. Those are the issues that the American people want to hear discussed, and I'm going to go around the country discussing them and making sure that Hillary Clinton is elected president.

CHUCK TODD:

You know, The Green Party presumptive nominee, Jill Stein, put out a release yesterday about the emails. And she said this: "Democratic Party elites have been caught red-handed, sabotaging a grassroots campaign that tried to bring huge numbers of young people, independents and non-voters into their party. Instead, they have shown exactly why America needs a new major party, a truly democratic party for the people." Are you going to urge your supporters not to support Jill Stein and try to thwart her efforts to recruit your supporters?

BERNIE SANDERS:

Well, you know, let me just say this. As the longest serving Independent in the history of the United States Congress, as somebody who came into office by defeating an incumbent Democratic mayor in Burlington, Vermont, I know something about third party politics. And I respect Jill.

But right now, the focus, to my mind, is to make sure that Donald Trump does not become president of the United States. I think by temperament he is unqualified to be president. I think his views-- you have a guy who's running for president who rejects science, doesn't even believe climate change is real, let alone wants to do something about it, wants to give hundreds of billions of dollars in tax breaks to the top two-tenths of one percent.

CHUCK TODD:

Let me ask you--

BERNIE SANDERS:

So my job right now is to see that Donald Trump is defeated, Hillary Clinton is elected.

CHUCK TODD:

You know, he makes a big deal out of the fact that you and he agree on one big issue, and that is trade deals, that these trade deals have been bad for the country. And he basically says that Clinton and Kaine, as a ticket, aren't-- that their opposition, for instance, the TPP as sort of Johnny-come-lately, that it can't be trusted, and that Sanders supporters should support Trump if they care about trade. What do you say to that?

BERNIE SANDERS:

Well, I think in terms of who can be trusted, I think the evidence is clear that there has been no candidate that I have ever seen who lies more often than does Donald Trump. I mean and that's just not me saying it, that's what any independent media analysis has shown. So in terms of trust, you really can't trust a word, I think, that Mr. Trump has to say.

In terms of the TPP, it is no secret. I think our trade policies, for many, many years, have been a disaster. They have benefited corporate America at the expense of working people. Secretary Clinton has come out in opposition to the TPP, does not want to see it--

CHUCK TODD:

Right.

BERNIE SANDERS:

--appear in the lame duck Congress. That's my view, as well.

CHUCK TODD:

You know, some of your supporters are disappointed in the pick of Tim Kaine, that he's not progressive enough. I know Tim Kaine called you after he was picked. Do you consider Tim Kaine a progressive? And are you happy with this pick?

BERNIE SANDERS:

Look, you know, the pick is Secretary Clinton's. I've known Tim Kaine for a number of years. We've served in the Senate together, obviously. Tim is a very, very smart guy. He's a very nice guy. His political views are not my political views. He is more conservative than I am. Would I have preferred to see somebody like an Elizabeth Warren selected by Secretary Clinton? Yes, I would have.

CHUCK TODD:

And then finally, do you feel as if, that you, when you got Glass-Steagall, I wanted to ask about this, because it looks like the one thing that both parties may agree on in their platforms is putting-- is being in favor of reinstating Glass-Steagall. Does this mean we will see that happen in the next Congress?

BERNIE SANDERS:

Well, I'm going to do everything that I can to make it happen. You know, when we talk about our campaign, one of the things that we have been able to do, Chuck, is create the most progressive Democratic platform in the history of the Democratic Party, and that includes breaking up the large Wall Street banks and reestablishing Glass-Steagall.

I think the American people understand that we cannot continue to have a handful of reckless, irresponsible banks often acting illegally, that something has to happen. They have to be broken up.

CHUCK TODD:

All right, Senator Bernie Sanders. The big speech is tomorrow night. We'll be waiting for you here in a very, very hot Philadelphia, over 100 degrees.

BERNIE SANDERS:

Okay.

CHUCK TODD:

Senator Sanders, thanks for coming on. Good to see you, sir.

BERNIE SANDERS:

Thank you very much.

CHUCK TODD:

When we come back, reaction to Hillary Clinton's choice of Tim Kaine as a running mate, who showed why he might have appeal, unique appeal, to a very important voting bloc.

(BEGIN TAPE)

SEN. TIM KAINE:

Aprendilo valores de mi pueblo--faith, familia, y trabajo.

(END TAPE)

CHUCK TODD

And we'll be back in a moment from Philadelphia with this great panel. Rachel Maddow, Michael Steele, Andrea Mitchell, and Chris Matthews. Stay tuned.

(END TAPE)

CHUCK TODD:

And we'll be back in a moment from Philadelphia with this great panel, Rachel Maddow, Michael Steele, Andrea Mitchell, and Chris Matthews. Stay tuned.

***COMMERCIAL TAPE***

CHUCK TODD:

We are back. So much to talk about already. Our panel is here, Rachel Maddow, host of The Rachel Maddow Show on MSNBC, former chairman of the Republican National Committee, Michael Steele, he's sort of the fish out of water here in Philadelphia. Andrea Mitchell, NBC News, Chief Foreign Affairs Correspondent, host, of course, of Andrea Mitchell Reports on MSNBC. And a Philadelphia native himself, Mr. Brotherly Love Chris Matthews, host of Hardball--

RACHEL MADDOW:

Mr. Brotherly Love?

CHRIS MATTHEWS:

And sisterly affection.

CHUCK TODD:

--Sisterly affection here for the Penn grad.

CHUCK TODD:

And-- this morning by the way we have new pictures of Tim Kaine walking into church this morning in Richmond, Virginia. He now realizes, and now his parish is realizing, what it's like to have Secret Service following around a member of the parish there. All right.

RACHEL MADDOW:

Know what his Secret Service name is going to be yet?

CHUCK TODD:

What do we think the code name should be?

ANDREA MITCHELL:

But we're not sure--

RACHEL MADDOW:

Well, the big joke was that if you're boring enough, your Secret Service name is Tim Kaine.

CHUCK TODD:

Ooh.

RACHEL MADDOW:

Right? That--

CHUCK TODD:

Those are old Johnny Carson and Jay Leno, Al Gore jokes--

CHUCK TODD:

All right, you guys are having already too much fun.

RACHEL MADDOW:

Sorry, sorry.

CHUCK TODD:

Let me just throw it out here. We heard what Bernie Sanders said about Tim Kaine. It was, that was tougher than I expected.

RACHEL MADDOW:

"His politics are not my politics."

ANDREA MITCHELL:

That's really --

RACHEL MADDOW:

"He does not share my political views." That's an aggressive take from Bernie. I'm not surprised. Bernie's an aggressive politician. And I think when Senator Sanders speaks at the DNC, I think everybody's going to be on the edge of their seat. I think that he is not going to pull a Ted Cruz because he's already made an endorsement.

CHUCK TODD:

Well, he said, "I'm for Hillary," and he was tough on Trump.

RACHEL MADDOW:

Yeah. And but he doesn't relish going after Trump. He likes going after the Democratic Party to try to move the Democratic Party. That's his target, always has been.

MICHAEL STEELE:

It's still obvious, he's not 'Feeling the Bern' for Hillary. And that was very obvious. And when you asked about the trust question, he didn't say he trusted Hillary Clinton. He said he didn't trust Donald Trump. So the reality of it is there's still some tension there that Bernie is reflecting among his supporters. And it was evident there. I mean--

RACHEL MADDOW:

He's got a mission that's bigger than one election. He always has.

MICHAEL STEELE:

That's true.

ANDREA MITCHELL:

And in fact, he could quiet the march that is planned to go from the center of Center City, and Rittenhouse Square all the way down at Independence Hall. This march is going to disrupt the city today, no matter how peaceful, because this is a city, in 100-degree heat, that is planning for a convention. And it's going to be a very large outpouring. He also said--

CHUCK TODD:

And by the way, the hotter it is, the crankier people will be.

ANDREA MITCHELL:

Yeah. And he also says that Tim Kaine doesn't share his politics, not only that, but that he would have preferred Elizabeth Warren. He made it very clear; Tim Kaine is a nice guy, but he's not endorsing or embracing someone who Hillary Clinton --

CHUCK TODD:

There's a painful look in your face, Chris.

ANDREA MITCHELL:

--called Tim Kaine a progressive.

CHRIS MATTHEWS:

He didn't get to pick. Hillary Clinton did. And I've watched Hillary Clinton. I've watched a lot of politicians over the years. You can tell when they're actually happy, not when they fake the laugh or anything else. She looked delighted during his speech yesterday. And I haven't seen her that delighted in a long time. She had found her guy to be her running mate. I think she loved it.

And I think one thing we're getting all excited about, I understand why the progressives are upset. But one thing historically we all know is the selection of a vice president is a poor predictor of the direction of that administration.

RACHEL MADDOW:

Yeah.

CHRIS MATTHEWS:

FDR picked John Nance Garner--

RACHEL MADDOW:

It's not a policy pick.

CHRIS MATTHEWS:

Kennedy picked another conservative from the south, Lyndon Johnson, relatively conservative. And then we got the New Deal out of that and we got the Great Society we got the New Frontier. It's a poor predictor. Now, if this is about spoils, they've got an argument. They wanted a piece of the action. But there's differences between spoils and direction.

CHUCK TODD:

I want to throw out the one thing that Trump's trying to hit Kaine on, well, two things. But the one big one is the gifts in Virginia.

RACHEL MADDOW:

Yeah.

CHUCK TODD:

I only throw it out there is that I heard Ed Rendell ask to defend it. And he struggled, Andrea. He said, "Well, it's illegal in Pennsylvania."

ANDREA MITCHELL:

Virginia--

CHUCK TODD:

Okay. And it's legal in Virginia. That wasn't exactly a resounding defense.

ANDREA MITCHELL:

Yeah. Virginia has a very strange, let's face it, strange gift law. The difference with Bob McDonnell, who was convicted, and then the Supreme Court overturned it, is there was no quid pro quo. He declared it. That was the main thing. He declared everything, put it down, in fact, computed higher numbers to staying in friends' houses. He put everything down. He was meticulous about it.

So they don't think there's a big ethics thing. Just on his progressivity or lack of it, he has this civil rights background. I mean I was in the room. And what you saw on T.V. yesterday in Miami, in that largely Hispanic campus, that wonderful campus in Miami, it was extraordinary. The enthusiasm for him and the affection. And having watched her all of these years, you're absolutely right, Chris--

CHUCK TODD:

You know--

ANDREA MITCHELL:

--she found her guy. She was a happy camper.

RACHEL MADDOW:

He's not a progressive, but they will tell a very progressive story about his history. The party has moved to the left while he sort of always been a solid liberal.

CHUCK TODD:

Both of them are trying to--

ANDREA MITCHELL:

Yeah.

CHUCK TODD:

I feel like both Clinton and Kaine are trying to catch up to the party's movement.

CHRIS MATTHEWS:

That's so true.

ANDREA MITCHELL:

Well, on guns he was always there. He was heroic in Virginia on gun laws.

CHUCK TODD:

That they're moving-- and Michael, let me ask you this. The Trump camping says, "We love the Kaine pick." And here's their reasoning. They love the Kaine pick because it reinforces that they're the political professionals, that here's Tim Kaine, and all he's done in life, is been in office for the last 25 years.

MICHAEL STEELE:

Right.

CHUCK TODD:

And the whole point of Trump is Trump's Mr. "I'm the total outsider." If they want to double down on that, fine, go ahead. What do you say?

RACHEL MADDOW:

Except Mike Pence

MICHAEL STEELE:

Right, right, right.

CHUCK TODD:

They pay no attention to that. I brought that brought to them. I said, "What about Pence?" And they're like, "Well, it's the top of the ticket."

MICHAEL STEELE:

"Ignore that man behind the curtain."

CHUCK TODD:

What do you say to that? Did they have a point or not?

MICHAEL STEELE:

Well, they'll have a-- I think the broader point, is an interesting one. Because what he's comparing himself-- he's comparing himself, Trump, to Kaine--

CHUCK TODD:

Right.

MICHAEL STEELE:

--and Clinton. So it's me and against them.

CHUCK TODD:

Yeah.

MICHAEL STEELE:

Pence is not a part of that equation, necessarily.

RACHEL MADDOW:

Yeah.

MICHAEL STEELE:

So when he's talking about the maverick, the outsider, he's-- he's assuming his ticket is total that.

ANDREA MITCHELL:

Well, Pence wasn't even a part of his own rollout.

MICHAEL STEELE:

Right.

ANDREA MITCHELL:

If you remember. And that was--

RACHEL MADDOW:

He couldn't get a word in edgewise.

ANDREA MITCHELL:

Hillary Clinton spoke about Tim Kaine--

MICHAEL STEELE:

I think their strength, Chuck, is gonna be on the argument-- this notion that Tim Kaine is progressive is just not believable. And for a whole host of reasons. I think that's an opening for a lot of folks on Trump's side.

RACHEL MADDOW:

You can, there are element of his record that are not progressive, but on balance, I would argue that he is.

ANDREA MITCHELL:

I would argue that too.

CHRIS MATTHEWS:

But one thing, the guy's two doors from you, if you're president. Look at the structure of the West Wing now. It's not some guy that goes back to Maine like Lincoln's first vice president. He or she is right with you.

MICHAEL STEELE:

Right.

CHRIS MATTHEWS:

You want a good person two doors for you, somebody who has values. And it's not just smart politics. I think what Hillary Clinton's going to love having is a guy who's a true blue good guy. And I think he is a progressive on all the moral issues--

CHUCK TODD:

Let's sneak in a break here. When we come back, I want to get into the DNC e-mail situation. And I also want to get your guys' reaction to some interesting comments from Donald Trump. Yeah, you know that guy that was at the start of the show. We'll be right back.

***COMMERCIAL BREAK***

CHUCK TODD:

Welcome back, panelists here. Before we jump to Trump, the DNC email leaks, Cleveland, we expected rowdiness, Never Trumpsters, and all that stuff. We expect order here. But I wonder, Rachel, if-- look, I'm hearing from the Bernie bros. I'm in one of the emails just-- I'm the complaint department here sometimes at NBC. Somebody was complaining about coverage. And I said, "Okay, let's talk on the phone," or whatever. But we didn't do anything about it, because I get complaints about coverage every hour, every day.

RACHEL MADDOW:

Yeah.

CHUCK TODD:

But I think Bernie supporters may like this place, at least outside. They may be upset, and they may do something about it.

RACHEL MADDOW:

Yeah. I mean and, you know, there will be that big protest that Andrea was talking about today, to start things off. And there will be a lot, there will be hundreds of Bernie delegates insides the room. Now honestly, from the top, down, he said, "We've got to elect Hillary Clinton." He's been unequivocal about that, that's the most important thing.

It'll be interesting to see whether the rules fights and the platform fights end up, in the end, when there's need to get nailed down with those votes, there is some dissent and chaos there. There might be.

CHRIS MATTHEWS:

One thing is--

CHUCK TODD:

Do you think Debbie Wasserman Schultz needs to get out now?

CHRIS MATTHEWS:

Well, look--

CHUCK TODD:

Not even gavel it in?

CHRIS MATTHEWS:

This is not a mystery story. This isn't Colombo.

CHUCK TODD:

Yeah.

CHRIS MATTHEWS:

We knew from the beginning, watching the debate schedule, put together by the DNC--

CHUCK TODD:

Sure.

CHRIS MATTHEWS:

--that they were tilting the scales to Hillary Clinton. Middle of the night debates, Sunday morning -- it was an absurd debate schedule. And it just said, "We're for Hillary, we don't want the new guy to get all the attention."

ANDREA MITCHELL:

And what Bernie said to you is that she's not going to be giving a speech. When does the party chair not give a speech at the convention? And apparently that is the case.

CHUCK TODD:

And then right now, though, they will gavel in.

RACHEL MADDOW:

Thank god we haven't-- her quitting right now before -- I mean, the DNC's gonna be running a big part of the ground game for the whole--

CHRIS MATTHEWS:

Yeah.

RACHEL MADDOW:

You know, you don't--

CHUCK TODD:

But I tell you, this--

RACHEL MADDOW:

It would be suicide for the chair to jump out now--

CHUCK TODD:

This doesn't help her own fight for reelection, which I still think she's going to be okay.

RACHEL MADDOW:

No, but--

CHUCK TODD:

It's a district that she knows very well. But--

ANDREA MITCHELL:

But Bernie endorsed her opponent.

RACHEL MADDOW:

But her reelection fight is in her district.

CHRIS MATTHEWS:

Right.

RACHEL MADDOW:

It's not to be the chair of the DNC, that's next year.

CHUCK TODD:

All right. Michael Steele, what'd you hear from Donald Trump? Did it make you feel better or worse about his chances?

MICHAEL STEELE:

Well, I think Donald Trump did a couple of things he needed to do. One was, and you could see it in the room that night, people began to say, "Okay, I can get there." The speech that he gave, when you read it, seemed a lot darker and harsher than when he delivered it. He delivered it in a way--

RACHEL MADDOW:

I thought the opposite.

MICHAEL STEELE:

Yeah, yeah.

RACHEL MADDOW:

When reading it, I wasn't freaked out.

MICHAEL STEELE:

Yeah.

RACHEL MADDOW:

And then, when I saw him give it, I pulled the covers up.

MICHAEL STEELE:

No, for me, it was the reverse. Because the reaction. I'm sitting in the room and I'm getting the reaction from the crowd.

RACHEL MADDOW:

Mmm.

MICHAEL STEELE:

And the reaction from the crowd was, "This guy is going to be a fighter." And I think that's a strong message for him coming out of this convention.

CHRIS MATTHEWS:

Rachel, you have never pulled the covers up.

RACHEL MADDOW:Oh no, I meant proverbially

CHUCK TODD:There's a lot of personal information here. Woah, it's Sunday morning, guys.

MICHAEL STEELE:

I thought he did what he needed to do, Chuck. I do.

RACHEL MADDOW:

Standing under those 15-foot-tall letters with Trump, and then his head comes up there. And then he spent 76 minutes screaming, red faced, about terrorism and death and destruction and "I'm the only one who can fix it"--

CHRIS MATTHEWS:

I think that was technical. I don't think he knew how to read a script like that. I don't think he had the ability to-- his daughter knew how to do it. It's tough to read a script in a conversational manner. So you end up doing this sort of scream thing.

RACHEL MADDOW:

But it takes an ego to turn a 30 minute script into a 78 minute rant.

ANDREA MITCHELL:

But he said that he was the person who would fix everything. And they're focusing on that. But, you know, Kaine was focusing on that. You know, it is the "we" not the I. They're comparing him to a dictator.

MICHAEL STEELE:

But the--

ANDREA MITCHELL:

It is the language and the delivery, Michael--

MICHAEL STEELE:

Don't lose sight of the fact that a lot of Americans out there are saying it is the "we" who screwed us up to this point.

CHRIS MATTHEWS:

Yeah.

MICHAEL STEELE:

It is the we who've gotten us into this mess.

ANDREA MITCHELL:

It's a different way of defining democracy, Michael.

MICHAEL STEELE:

So they're looking for the I, someone who's going to step forward as a leader, to get us through this mess. This is the bifurcation of the of the population, the voting population right now. And it's going to be interesting to see which one of these arguments win--

RACHEL MADDOW:

Is this about the hunger for a strong man, is that what you're talking about?

MICHAEL STEELE:Yeah no, there really is Rachel.

RACHEL MADDOW:We've seen this around the world, it's not supposed to be us.

CHRIS MATTHEWS:

I've heard Bernie make your point.

MICHAEL STEELE:

Yes!

CHRIS MATTHEWS:

It's that we have to reach outside the establishment to get the solution to these really bad economic problems affecting the working

people of this country.

MICHAEL STEELE:

Right.

CHRIS MATTHEWS:

Same message. Different sides.

MICHAEL STEELE:Same message.

RACHEL MADDOW:

Same message. The question is whether or not one man is supposed to deliver salvation for the country. We're not supposed to be that kind of country.

CHUCK TODD:

I want to throw one more. He seemed, at least in the interview with me, he goes after Mitch McConnell, goes after Ted Cruz, goes after John Kasich.

ANDREA MITCHELL:

He is fearless in that regard.

CHUCK TODD:He really is.

ANDREA MITCHELL:

He is not going to moderate himself.

RACHEL MADDOW:

You didn't even ask about Kasich. And he's bringing it up

CHUCK TODD:

No, exactly. He brought Kasich up himself.

ANDREA MITCHELL:

And another player to be named player, who, you know, remain -- could be one of the senators like Jeff Flake. Look, the fact is that he is not playing by anybody's ground rules except Donald Trump's. What he said about N.A.T.O. was extraordinary because he doubled down on that. And the whole system of collect your security in Europe, if you're in Poland today, you are not reassured--

CHUCK TODD:

What's amazing is the Trump campaign tried to walk it back all last week on the N.A.T.O. stuff. And he's basically saying, "Don't walk it back."

RACHEL MADDOW:

Even beyond N.A.T.O. to talk about Europe as a threat to America is what's good for Europe is bad for America and we have an interest in Europe being weak and divided, they only got together to screw us? Like, hold on a second.

CHRIS MATTHEWS:

Yeah, it'll play in Scranton. It'll play up there in the Eerie, Pennsylvania it'll play.

RACHEL MADDOW:

The European Union-- came out of the way to try to not have World War III.

CHRIS MATTHEWS:

Because people think we're being shoved around and exploited and he's saying, "I'm going to shove back."

ANDREA MITCHELL:

They are our markets-- markets, allies--

CHUCK TODD:

You guys great. I'm going to try to get another half hour. But let me sneak in this. We'll be back in a moment with our-- we'll call it halftime segment. No, it's Endgame Segment. And we'll look at Hillary Clinton's popularity compared to other Democratic nominees on the eve of their conventions.

***COMMERCIAL BREAK***

CHUCK TODD:

The panel never stops interacting here. Seriously we just went to a commercial break--

RACHEL MADDOW:

--wants more with France!

CHUCK TODD:

It's endgame time. Look, I want to show you here very quickly some numbers, because it will help us judge whether this is a successful convention for Hillary Clinton. These are favorable ratings, personal favorable ratings, whether you're right side up or upside down, from our NBC Wall Street Journal poll, for every Democrat going back to '92. And as you can see, Hillary Clinton in the worst shape of any presumptive nominee going into their convention.

Now, let me show you what everybody else came through after their convention. So successful convention for Bill Clinton, successful one for Al Gore. Flat for John Kerry, successful, Barack Obama. Obviously, we'll find out, for Hillary Clinton, what does she need to--

ANDREA MITCHELL:

Well, what they are going to do is they're going to have gauzy films, the same kind of films you saw in 1992, the same producers--

CHUCK TODD:

And JFK?

ANDREA MITCHELL:

They're going to have all of these films, biography, résumé. They know that her résumé is not resonating with millennials. People know what she did, they don't know-- they know the list of what she was. They don't know what she actually did, what she accomplished.

CHRIS MATTHEWS:

Yeah.

ANDREA MITCHELL:

They're going to do all of that. The balance is going to be very different.

RACHEL MADDOW:

--because T.V. networks don't always take the movies anymore--

ANDREA MITCHELL:

Well, they're going to have to validators.

RACHEL MADDOW:

Yeah.

ANDREA MITCHELL:

They're going to have people on that podium behind it who are going to talk about things she has done for them. And it's going to be very much all about her and much less about taking down Trump

CHRIS MATTHEWS:

I think the magic moment in this convention's going to be Thursday night. And a lot of women, and a lot of men, too, are going to see Hillary Clinton as the first party nominee, who's probably going to be like the president. She has the advantage right now. And there are going to be misty eyes all across the country.

And any men at that moment who make a wisecrack are going to be guaranteeing another vote for Hillary Clinton. I think it's a very emotional moment for people. They've haven't quite got to it because of all is mishegas that's gone on this year. I think it's going to be magical. And if Hillary Clinton just stands there with a little emotion, this is an amazing historic moment.

CHUCK TODD:

Michael was the Republican convention too anti-Clinton and not enough pro-Trump?

MICHAEL STEELE:

No. The Republican convention had to go anti-Clinton--

CHUCK TODD:

Had to do that?

MICHAEL STEELE:

--because of the Trump issues.

CHUCK TODD:

What about this one?

MICHAEL STEELE:

This one? I was thinking, as you guys were talking about Barack Obama and talking about Hillary Clinton being likable enough, this is going to be a convention in which they're going to showcase her so you can like her. Because people, those numbers show, don't like her. So it's going to be everything you just said, Chris, plus more. The problem is what happens afterwards. And that's where Hillary Clinton's going to have to contine .

CHUCK TODD:

Here's an out question for all of you. Besides Hillary Clinton's speech, what will be the other buzziest speech or speaker when we walk away from this convention?

RACHEL MADDOW:

We're going to have a huge one on night one. Bernie is a big deal.

MICHAEL STEELE:

Bernie.

RACHEL MADDOW:

The Democratic Party is going through a transformation. Liberals are having their moment. And this convention has to reflect it.

CHRIS MATTHEWS:

Every Democratic convention I can remember, going back to, God, '64, the best speech was never given by the nominee, whether it's Bobby Kennedy or it's Jesse Jackson, or it's Mario Cuomo.

MICHAEL STEELE:

Right.

CHRIS MATTHEWS:

The candidates never have been able to deliver the best speech. So I would bet on Bernie.

RACHEL MADDOW:

It was Trump Jr. last week.

CHRIS MATTHEWS:

Bernie or President Obama.

ANDREA MITCHELL:

Michelle Obama and Barack Obama on day two.

CHUCK TODD:

I think it's Barack Obama on Wednesday night. I think it's going to be to Hillary Clinton what Bill Clinton was to Barack Obama four years ago. All right. That's all for this Sunday morning.

CHRIS MATTHEWS:

We agree.

CHUCK TODD:

I'll be hosting a special edition of Meet the Press Daily tonight at 5:00 Eastern on MSNBC. I know that's what everybody on this table will be watching. And then, throughout the week, I'll be joined by my colleagues Lester Holt and Savannah Guthrie right here at The Wells Fargo Center for convention coverage on the network beginning at 10:00 Eastern, 7:00 Pacific. If you missed it last week, you should be regretting it. Watch us this week. And of course we'll be back next Sunday. Because if it is Sunday, Meet the Press.

* * *END OF TRANSCRIPT* * *

# Exhibit Y

DONALD TRUMP

# Donald Trump on Proposed Muslim Ban: 'You Know My Plans'

Katie Reilly
Dec 21, 2016

President-elect Donald Trump on Wednesday called the recent attacks in Germany and Turkey "terrible" and suggested that he does not intend to reevaluate his plans to ban Muslims from immigrating to the United States, boasting that he had been "proven to be right."

“You know my plans. All along, I’ve been proven to be right. 100% correct. What’s happening is disgraceful," Trump told reporters Wednesday when asked whether the recent violence has influenced his proposed Muslim ban.



Trump described the attack at a Berlin Christmas market as an "attack on humanity."

"That’s what it is: an attack on humanity," he said. "And it’s got to be stopped."

Trump said he had not spoken with President Obama since the attacks.

"Innocent civilians were murdered in the streets as they prepared to celebrate the Christmas holiday," Trump said in an initial statement about the attack on Monday. "ISIS and other Islamist terrorists continually slaughter Christians in their communities and places of worship as part of their global jihad."

*Zeke Miller contributed to this report*.

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# Exhibit Z

NewsRoom

1/29/17 WashingtonPost.com (Pg. Unavail. Online)
2017 WLNR 2956241

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January 29, 2017

Section: the-fix

# Trump asked for a 'Muslim ban,' Giuliani says — and ordered a commission to do it 'legally'

Giuliani claims Trump asked him how to create a Muslim ban: "He called me up. He said, 'Put a commission together. Show me the right way to do it l...

Amy B Wang

Giuliani claims Trump asked him how to create a Muslim ban: "He called me up. He said, 'Put a commission together. Show me the right way to do it legally.'"

Former New York mayor Rudy W. Giuliani said President Trump wanted a "Muslim ban" and requested he assemble a commission to show him "the right way to do it legally."

Giuliani, an early Trump supporter who once had been rumored for a Cabinet position in the new administration, appeared on Fox News late Saturday night to describe how Trump's executive order temporarily banning refugees came together.

Trump signed orders on Friday not only to suspend admission of all refugees into the United States for 120 days but also to implement "new vetting measures" to screen out "radical Islamic terrorists." Refugee entry from Syria, however, would be suspended indefinitely, and all travel from Syria and six other nations — Iran, Iraq, Libya, Somalia, Sudan and Yemen — is suspended for 90 days. Trump also said he would give priority to Christian refugees over those of other religions, according to the Christian Broadcasting Network.

Fox News host Jeanine Pirro asked Giuliani whether the ban had anything to do with religion.

"How did the president decide the seven countries?" she asked. "Okay, talk to me."

"I'll tell you the whole history of it," Giuliani responded eagerly. "So when [Trump] first announced it, he said, 'Muslim ban.' He called me up. He said, 'Put a commission together. Show me the right way to do it legally.' "

Giuliani said he assembled a "whole group of other very expert lawyers on this," including former U.S. attorney general Michael Mukasey, Rep. Mike McCaul (R-Tex.) and Rep. Peter T. King (R-N.Y.).

"And what we did was, we focused on, instead of religion, danger — the areas of the world that create danger for us," Giuliani told Pirro. "Which is a factual basis, not a religious basis. Perfectly legal, perfectly sensible. And that's what

the ban is based on. It's not based on religion. It's based on places where there are substantial evidence that people are sending terrorists into our country."

It was unclear when the phone call Giuliani took place and when the commission began working. An email to the White House press office was not immediately returned Sunday.

Clips of the exchange between Giuliani and Pirro quickly went viral Saturday night, with some claiming that Giuliani's statement amounted to admitting Trump's intent had been to institute a ban based on religion.

Others, including Trump senior adviser Kellyanne Conway and White House Chief of Staff Reince Priebus, have insisted it is not a ban on Muslims, but rather one based on countries from which travel was already restricted under Barack Obama's administration.

Priebus appeared on CBS's "Face the Nation" Sunday morning to say it was possible Trump would expand the list of countries included in the travel ban.

"You can point to other countries that have similar problems, like Pakistan and others," Priebus told host John Dickerson. "Perhaps we need to take it further."

Priebus also said there had been weeks of work and "plenty of communication" between the White House, the State Department and the Department of Homeland Security regarding the ban.

"We didn't just type this thing up in an office and sign up," he told Dickerson.

Later on the same program, Rep. Keith Ellison (D-Minn.) called out Giuliani's interview with Pirro from the night before.

"They can't deny that this is a Muslim ban," Ellison told Dickerson. "On the campaign trail, [Trump] said he wanted a Muslim ban. ... Rudolph W. Giuliani who helped him write it said that they started out with the intention of a Muslim ban and then they sort of 'languaged' it up so to try to avoid that label, but it is a religiously based ban."

Senate Democrats vowed to draft legislation to block the travel ban.

"We're demanding the president reverse these executive orders that go against what we are, everything we have always stood for," Senate Minority Leader Charles E. Schumer (D-N.Y.) said in a news conference Sunday morning, noting later that his middle name, Ellis, was originally inspired by Ellis Island.

"It was implemented in a way that created chaos and confusion across the country, and it will only serve to embolden and inspire those around the globe those that will do us harm," Schumer added of the ban. "It must be reversed immediately."

Trump's executive order sparked massive protests at airports around the country Friday and Saturday, as reports surfaced that dozens of travelers from the affected countries, including green-card holders, were being detained.

The American Civil Liberties Union filed a lawsuit Saturday morning challenging Trump's order after two Iraqi men with immigrant visas were barred from entering the United States at New York's John F. Kennedy International Airport.

As Giuliani was speaking, Fox News simultaneously aired an alert that noted federal judge Ann M. Donnelly had issued a stay to stop the deportations nationwide.

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Donnelly wrote that there was a strong likelihood the order had violated the petitioners' rights to due process and equal protection by the Constitution.

"There is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to refugees, visa-holders, and other individuals from nations subject to the January 27, 2017 Executive Order," Donnelly wrote.

The ACLU hailed the victory.

"Clearly the judge understood the possibility for irreparable harm to hundreds of immigrants and lawful visitors to this country," ACLU executive director Anthony D. Romero said in a statement. "Our courts today worked as they should as bulwarks against government abuse or unconstitutional policies and orders. On week one, Donald Trump suffered his first loss in court."

On Sunday, the Department of Homeland Security issued a statement saying it did not plan to back off enforcing Trump's orders.

"President Trump's Executive Orders remain in place — prohibited travel will remain prohibited, and the U.S. government retains its right to revoke visas at any time if required for national security or public safety," the statement read. "President Trump's Executive Order affects a minor portion of international travelers, and is a first step towards reestablishing control over America's borders and national security."

The department said that less than 1 percent of daily international air travelers to the United States had been "inconvenienced" on Saturday.

Matthew Kolken, an immigration attorney based in Buffalo said there has been "a systemic bias against individuals from Muslim countries in the U.S. immigration departments" for years, including under the Obama administration.

"This isn't unprecedented," Kolken told The Washington Post by phone Sunday. "The unfortunate reality is the executive branch does have vast discretionary authority to determine who they are going to [allow in or not]."

Still, Kolken said, he believes "Trump has gone a step further without a doubt" in including even people who are lawful permanent residents and suspending all immigration applications from people from the seven countries on the banned list.

If there was evidence of disparate treatment of individuals from the same country — if there were anecdotal evidence of, for example, a Syrian family of one religious background allowed to enter over that of another religious background — then that is where lawsuits could come into play, he said.

"The question becomes whether they're trying to do an end-around by couching the ban as a country-specific ban based on a security-related issues when in reality it's a religious ban," Kolken said.

Read more:

Fact Checker: What you need to know about terror threat from foreigners and Trump's executive order

'I am heartbroken': Malala criticizes Trump for 'closing the door on children' fleeing violence

A ship full of refugees fleeing the Nazis once begged the U.S. for entry. They were turned back.

Trump's travel ban could make Rex Tillerson's potential job harder, a former defense secretary says

**---- Index References ----**

News Subject: (Civil Rights Law (1CI34); Government (1GO80); Immigration & Naturalization (1IM88); Intellectual Freedoms & Civil Liberties (1IN08); Legal (1LE33); Legislation (1LE97); Social Issues (1SO05); U.S. Legislation (1US12))

Industry: (Homeland Security (1HO11); Security (1SE29))

Region: (Africa (1AF90); Americas (1AM92); Arab States (1AR46); Mediterranean (1ME20); Middle East (1MI23); New York (1NE72); North America (1NO39); Syria (1SY20); U.S. Mid-Atlantic Region (1MI18); USA (1US73))

Language: EN

Other Indexing: (Donald Trump; Ann Donnelly had; Jeanine Pirro; Rex Tillerson; Christian refugees; Anthony Romero; Ann Donnelly; Mike McCaul; Matthew Kolken; Kellyanne Conway; Rudolph Giuliani; Rudy Giuliani; Peter King; Michael Mukasey; John Dickerson; Reince Priebus; Charles Schumer; Keith Ellison)

Word Count: 1325

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NewsRoom

# Exhibit AA

NewsRoom

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WashingtonPost.com
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December 8, 2015

Section: post-politics

# Donald Trump says he is not bothered by comparisons to Hitler

Jenna Johnson

The comparison between Donald Trump and Hitler is being made more and more frequently -- including on the cover of Tuesday's Philadelphia Daily News -- but the Republican front-runner said Tuesday that the comparison doesn't bother him.

"You're increasingly being compared to Hitler," ABC News' George Stephanopoulos said during an interview with Trump on "Good Morning America" Tuesday. "Does that give you any pause at all?"

"No," Trump responded, "because what I am doing is no different than what FDR -- FDR's solution for Germans, Italians, Japanese, you know, many years ago."

Stephanopoulos jumped in as Trump kept talking: "So you're for internment camps?"

"This is a president who is highly respected by all," Trump said of Franklin Delano Roosevelt. "He did the same thing -- if you look at what he was doing, it was far worse."

[ Donald Trump calls for 'total' ban on Muslims entering United States ]

Trump's answer was confusing and meandering but he seemed to be making the point that during times of war, more extreme measures must be used.

"We are now at war," Trump said. "We have a president that doesn't want to say that, but we are now at war."

"I've got to press you on that, sir,"Stephanopoulos said. "So you're praising FDR there, I take it you're praising the setting up of internment camps for Japanese during World War II?"

"No, I'm not," Trump responded. "No, I'm not. No, I'm not."

Trump then rattled off the numbers of some of the presidential proclamations Roosevelt issued "having to do with alien Germans, alien Italians, alien Japanese."

"They went through a whole list of things -- they couldn't go five miles from their homes, they weren't allowed to use radios, flashlights," Trump said. "Take a look at what FDR did many years ago, and he's one of the most highly respected presidents... They named highways after him."

Stephanopoulos responded: "You want to bring back policies like that?"

After a pause, Trump responded: "No, I don't to bring it back, George. At all. I don't like doing it at all. It's a temporary measure until our representatives, many of whom are grossly incompetent, until our representatives can figure out what's going on."

**---- Index References ----**

News Subject: (Islam (1IS02); Judaism (1JU93); Minority & Ethnic Groups (1MI43); Race Relations (1RA49); Religion (1RE60); Social Issues (1SO05))

Industry: (Celebrities (1CE65); Entertainment (1EN08))

Language: EN

Other Indexing: (Donald Trump; Franklin Delano Roosevelt; George Stephanopoulos; Hitler)

Word Count: 371

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NewsRoom

# Exhibit BB

# Donald Trump: 'I think Islam hates us'

By **Theodore Schleifer**, CNN
Updated 5:56 PM ET, Thu March 10, 2016

## Story highlights

"I think Islam hates us," Trump told CNN's Anderson Cooper, deploring the "tremendous hatred" that he said partly defined the religion

Asked if the hated was "in Islam itself," Trump would only say that was for the media to figure out

**Washington (CNN) —** Donald Trump said Wednesday that he thinks "Islam hates us," drawing little distinction between the religion and radical Islamic terrorism.

"I think Islam hates us," Trump told CNN's Anderson Cooper, deploring the "tremendous hatred" that he said partly defined the religion. He maintained the war was against radical Islam, but said, "it's very hard to define. It's very hard to separate. Because you don't know who's who."

**Donald Trump CNN interview (part 1)** 10:15

READ: Donald Trump: 'It's over' if I win Ohio and Florida

Asked if the hate was "in Islam itself," Trump would only say that was for the media to figure out.

"You're gonna have to figure that out, OK?" he told Cooper. "We have to be very vigilant. We have to be very careful. And we can't allow people coming into this country who have this hatred of the United States."

**Donald Trump CNN interview (part 2)** 10:59

Trump made headlines in December when he called for a temporary ban on Muslims entering the U.S., "until our country's representatives can figure out what is going on." Despite widespread condemnation of the remarks, Trump has stood by the proposal.

Speaking to CNN's Wolf Blitzer on "The Situation Room" Thursday, Trump spokeswoman Katrina Pierson said the real-estate magnate stood by the sentiment that many Muslims worldwide sympathize with ISIS, but said Trump should've used "radical Islam."

"It is radical Islamic extremists that do participate in these types of things," Pierson said, calling for a "broader perspective" of Muslims' ties to terror. "We've allowed this propaganda to spread all through the country that this is a religion of peace."

In speaking with Cooper, Trump added that "there can be no doctrine" when asked to outline how he would project power overseas.

Trump also tried to clarify his position on how far he would go in targeting the families of terrorists. He has said in the past that he is in favor of "expanding the laws" that govern how the U.S. can combat and deter terrorism, and Trump has called to bring back waterboarding, even vowing the U.S. "should go a lot further than waterboarding."

**Donald Trump talks about working with Democrats** 00:51

READ: Trump: My Muslim friends don't support my immigration ban

But Trump on Wednesday declined to say what specific measures he would support.

"I'll work on it with the generals," he told Cooper. He added, "We have to play the game at a much tougher level than we're playing it now."

Obama photographer shades Trump over secure discussions

Pence's sphere of influence questioned in wake of Flynn fallout

Trump shows his true hand on LGBTQ rights

Feinstein, Grassley seek full briefing, transcripts of Flynn calls

# Exhibit CC

NewsRoom

3/22/16 Mediaite (Blog) (Pg. Unavail. Online)
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March 22, 2016

# Trump Responds to Brussels Attacks: 'We're Having Problems With the Muslims'

- Trump on Brussels Attacks: 'We're Having Problems With the Muslims'

Alex Griswold

Mar 22, 2016

Republican presidential candidate Donald Trumpreacted to the Brussels terror attack Tuesday morning, saying bluntly on Fox Business that "we're having problems with the Muslims."

"You called after the Paris attacks for a pause to stop Muslims from coming into the United States. That got a lot of criticism, as you know," noted Wall Street Journal editor-in-chief Jerry Baker

"And a lot of support, Jerry. It got tremendous support," Trump pushed back.

Please enable Javascript to watch.

"Frankly, look, we're having problems with the Muslims, and we're having problems with Muslims coming into the country," he said, citing the San Bernardino shooters, one of whom entered the country on a fiance visa.

"You need surveillance, you have to deal with the mosques whether you like it or not," Trump said. "These attacks aren't done by Swedish people, that I can tell you."

Watch above, via Fox Business.

[Image via screengrab] —— >>Follow Alex Griswold (@HashtagGriswold) on Twitter

**---- Index References ----**

News Subject: (International Terrorism (1IN37); Islam (1IS02); Religion (1RE60); Social Issues (1SO05); Top World News (1WO62))

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**End of Document**

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NewsRoom

# Exhibit DD

Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Juweiya Abdiaziz ALI; A.F.A., a minor; Reema Khaled DAHMAN; G.E., a minor; Ahmed Mohammed Ahmed ALI; E.A., a minor; on behalf of themselves as individuals and on behalf of others similarly situated,

Plaintiffs,

v.

Donald TRUMP, President of the United States of America; U.S. DEPARTMENT OF STATE; Tom SHANNON, Acting Secretary of State; U.S. DEPARTMENT OF HOMELAND SECURITY; John F. KELLY, Secretary of Homeland Security; U.S. CITIZENSHIP AND IMMIGRATION SERVICES; Lori SCIALABBA, Acting Director of USCIS; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; Michael DEMPSEY, Acting Director of National Intelligence,

Defendants.

Case No.: 2:17-cv-00135-JLR

**DECLARATION OF REEMA KHALED DAHMAN IN SUPPORT OF PLAINTIFFS**



NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
206-957-8611

I, Reema Khaled Dahman, declare under penalty of perjury as follows:

1. I am over the age of eighteen, am competent to testify to the matters below, and make this declaration based on personal knowledge.

2. I am a lawful permanent resident. I live in Seattle, Washington. I work as a caregiver.

3. I came to the United States with an immigrant visa on September 18, 2012. I am from Syria.

4. My son G.E. was born on May 14, 2000 in Daara, Syria. I got separated from G.E.'s biological father when I was two months pregnant with G.E. He was an abusive person. After I got separated from G.E.'s father, I started living with my parents. After G.E. was born, we continued living with them. At the time, I was working as an agricultural engineer and I was able to provide for my family.

5. I got married to my second husband on January 6, 2007 in Daara, Syria. He is a U.S. citizen. We had two sons together while we were living in Syria, one born in October 2007 and the other in October 2008.

6. After the Syrian conflict started in 2011, my husband wanted to come back to the United States. He filed a petition for me and for our two sons, but he did not file one for my son G.E. In our culture, it is not customary for a man to raise another man's son, even in circumstances like ours. Although I did not want to leave G.E., I was sure that I could figure out a way to bring him with me soon enough.

7. In January 2012, while the petitions were pending, my parents and G.E. moved to Damascus, Syria because conflict was getting worse and worse in Daraa. I had to stay in Daara with my husband and our two sons. Between January 2012 until June 2012, my son G.E. would come to visit his paternal grandparents and I would see him, too. On June 2012 I saw my son G.E. for the last time. I did not know then that I would not see him again. On August 9, 2012, I received my immigrant visa from the U.S. Consulate in Amman, Jordan.

8. After we came to the United States, we lived in very poor conditions at my brother-in-law's house for one year. When we finally rented our apartment in August 2013, I was the only one working and supporting my family. I kept wanting to bring my son G.E. here as well. I remember very well one day my husband said "I feel like you want to bring your son here." When I answered "yes", he said "I didn't bring you here so that you can bring your son." I felt stuck. I did not know the immigration laws of the United States, I did not know that I could petition for my son G.E. as a lawful permanent resident. I thought I had to be a U.S. citizen.

9. In October 2015, through the help of Refugee Women's Alliance and Northwest Immigrant Rights Project, I found out that as a lawful permanent resident I could petition for my son G.E.. I filed the Form I-130, family petition, on October 19, 2015 with U.S. Citizenship and Immigration Services ("USCIS").

10. Given the terrible situation in Syria, I also submitted a request for Humanitarian Parole on November 30, 2015 with USCIS asking for a favorable exercise of parole so that my son G.E. could travel to the United States based on urgent humanitarian reasons and we can be reunited after so many years. No child should face the situation my son or any other child has been experiencing in Syria. My son has no future there; he has not been able to attend school for the last three years. Schools are no longer functioning; so many teachers have fled the country. My heart broke into pieces during one of our rare conversations with him when he told me "Mom, I feel like I am forgetting how to write." That is not the future I dreamt for him.

11. The family petition I-130 was approved by USCIS on June 1, 2016. Towards the end of July 2016, I received immigrant visa and affidavit of support fee bills from the National Visa Center ("NVC") to continue with the consular process. I started gathering the civil and financial documents. Meanwhile, the Humanitarian Parole request I filed was still pending.

12. On September 23, 2016, ten months after I filed for humanitarian parole, I received a Request for Evidence notice from USCIS asking for a detailed explanation of why my son G.E. cannot live with his biological father in Syria while waiting for the adjudication of his immigrant

visa. The request for evidence also asked me to provide a DNA test result to establish the claimed biological relationship between my son and me. I prepared a detailed explanation why my son could not live with his biological father and I was ready to do the DNA test. Upon researching for the laboratories accredited by the American Association of Blood Banks ("AABB"), I learned that there is no AABB accredited laboratory where a DNA test could be conducted in Syria. My son had to travel to Jordan or another neighboring country in order to do the DNA test. This was impossible—he is only 16 years old. He cannot travel safely from Syria to Jordan and back on his own, and he had no other family to take him. Unfortunately, we could not provide the DNA test for these reasons. I explained this to USCIS.

13. Meanwhile, I electronically submitted his online immigrant visa application (Form DS-260) on December 2, 2016 to NVC to continue with his immigrant visa process.

14. On December 8, 2016, I received a notice from NVC asking for a Syria Police Clearance Certificate (Judicial Record Extract) for my son G.E. as part of the consular process so that his immigrant visa interview could be scheduled.

15. The day before the Executive Order was announced, on January 26, 2017, I received a denial notice of the Humanitarian Parole I had requested. The denial notice indicated "Use of the Secretary's parole authority is discretionary, justified on a case-by-case basis, and limited by law to include only to those requests that are based upon 'urgent humanitarian reasons,' or 'significant public benefit.'" I thought that being a teenager in a war-torn country was an urgent humanitarian reason. I was crushed that the parole was denied. I had explained to USCIS the danger my son is in. The situation in Syria is so unstable that my son has even been kidnapped once. I am afraid for his safety the longer we wait.

16. The day after the denial notice, on January 27, 2017, when I heard the Executive Order of the President, I was shocked. My heart sank. I felt that all the doors are closing on me. I waited so long to be with my son and now I was left with nothing. I haven't seen my son for almost five years. We were so close to being reunited. This executive order took my dream away. I know

they say it will only cause delay for a few months, but there is no guarantee of that. Besides, a few months is a long time in a country as dangerous as Syria. Do you know how it feels to live everyday not knowing if you will ever see your child again? I do.

17. I want to be reunited with my son like any other mother would want in this situation. The war in Syria is getting worse and worse. My mother is elderly and sick, she cannot take care of G.E. like she used to. My father passed away. My siblings fled Syria. I cannot leave my two sons in the United States and go back to Syria. But I also cannot take my sons to live in the midst of a war that never seems to come to an end. It is an impossible situation.

18. I hope I can see my son soon.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my information, knowledge, and belief.

Executed on this 6th day of February, 2017, in Seattle, Washington.

Reema Khaled Dahman

# Exhibit EE

The New York Times | https://nyti.ms/2jLMxKS

N.Y. / REGION

# Disorder at Airports as Travelers Are Detained Without Lawyers

By BENJAMIN MUELLER and MATTHEW ROSENBERG JAN. 29, 2017

Drab airport screening areas and waiting rooms were transformed into chaotic scenes on Sunday, with lawyers saying that border agents had put pressure on detainees and created an information blackout that left many struggling to discern how President Trump's immigration order was being applied.

In New York, a lawyer said detainees were being moved from one terminal to another in handcuffs. In Los Angeles, an Iranian graduate student was pushed by border agents to sign documents allowing them to send her out of the country, her lawyers said. And in the Washington area, agents told lawyers that officials had barred detainees from getting legal help, despite a federal judge's order that legal permanent residents be given access to lawyers.

Panic gave way to euphoria in some cases as travelers who had been detained for many hours were released and reunited with relatives. But well into Sunday, two days after Mr. Trump signed an executive order keeping many foreigners from entering the country, lawyers were still sweeping airport arrival sections in search of waiting relatives, often their only source of information about who was being held.

Some detainees said they had slept on office chairs. In Los Angeles, lawyers said Customs and Border Protection agents had told them there were cots but had declined to say how many there were, or how many people were being held.

Detainees were told their phones would be disruptive and had to be taken. Lawyers and relatives were growing increasingly concerned about older detainees with medical problems.

Among those with ailments were an Iranian couple who had arrived in Los Angeles on visitors' visas. The man, in his late 60s, had been through two open-heart operations, and he and his wife, in her late 50s, were both diabetic. After arriving at the airport on Saturday afternoon, they were allowed to call their daughter in the United States only once, around 1 a.m. on Sunday, said Patricia Corrales, a private lawyer working on detainees' cases there. Relatives and lawyers repeatedly asked whether the couple were receiving proper medical care but learned nothing further from border agents.

Ms. Corrales, who was an Immigration and Customs Enforcement lawyer for 17 years, said, "I think they don't necessarily have the resources, the staff and experience to deal with these large numbers."

In a statement, the Department of Homeland Security said, "We are committed to ensuring that all individuals affected by the executive orders, including those affected by the court orders, are being provided all rights afforded under the law."

Some detainees were reportedly pressured to sign documents they hardly understood and then put on flights out of the country. When two brothers from Yemen, Tareq Aqel Mohammed Aziz, 21, and Ammar, 19, landed on Saturday morning at Dulles International Airport near Washington with immigrant visas, they planned to board a connecting flight to Flint, Mich., to join their father. Instead, they were taken off the plane, put into handcuffs and told they needed to sign a form or face being barred from the country for five years, said their lawyer, Simon Y. Sandoval-Moshenberg, of the Legal Aid Justice Center in Virginia. They signed the form and were quickly put on a plane to Ethiopia.

A 24-year-old Iranian woman who is a graduate student in the United States told relatives of a similar problem at Los Angeles International Airport, where she

arrived on Saturday after a trip visiting family members in Europe. Border agents told the woman that her student visa was no longer valid, which lawyers said was not true, and that if she did not sign a document saying she was leaving voluntarily, she would be forcibly deported and barred from entry for five years.

The Iranian student signed. She had not been allowed to consult a lawyer and was permitted only three calls to relatives before her phone was confiscated and searched, said Ms. Corrales and Judy London, the directing attorney of the nonprofit Public Counsel's Immigrants' Rights Project, both of whom spoke with the woman's relatives. On Saturday night, after a federal judge in Brooklyn ruled the government could not remove travelers who had arrived with valid visas, she was put on a plane back to Europe, her lawyers said. They declined to share her name out of concern for her safety.

On Sunday morning, Ms. Corrales spoke to a supervisor from the customs agency who suggested that the Iranian student was still at the Los Angeles airport. The supervisor told Ms. Corrales that "they were waiting for orders from higher-ups in terms of how to enforce the injunction," Ms. Corrales said, referring to the Brooklyn judge's ruling.

Some detainees dealt with the whiplash of plans changing by the hour. A group of five Iranians detained in New York told family members on Sunday morning that the government planned to put them on a 1:30 p.m. flight back to Turkey, said Melanie Zuch, a staff lawyer at the Urban Justice Center. Several hours later, some of them were told they would be allowed to stay.

Vahideh Rasekhi, a graduate student at Stony Brook University on Long Island who was also detained at Kennedy Airport, said she and other detainees were also told they would be put on flights back out of the country, with agents promising only that if they held out a little longer, they might work out a way to keep them in the United States. Eventually they did, and shortly after 2:30 p.m., Ms. Rasekhi walked into Terminal 4 and was immediately surrounded by loved ones, lawyers and journalists.

"I'm just so exhausted," she said.

She said that detainees had been given meals and water and that agents had even satisfied one person's request for a lemon. Others gave accounts of more difficult conditions; one lawyer, Justin Orr, said some detainees had been given nothing but chocolate to eat.

Mousa Ahmadi, 30, an Iranian graduate student at the New Jersey Institute of Technology, gave a long hug to his sister, Dr. Fahimeh Ahmadi, 40, after she was released from additional screening at Kennedy. The siblings had not seen each other for over three years.

Dr. Ahmadi, a general practitioner in the Australian city of Gold Coast and a dual citizen of Australia and Iran, arrived for a long-planned visit without the siblings' parents, who hold only Iranian passports and canceled their flights on Saturday.

"My Mom said, 'If they don't let me in the country do you think I can see him even for a half hour?'" Dr. Ahmadi recalled. "She said, 'Is there a window where I can see him?'"

Lawyers at J.F.K. said that about half a dozen detainees were still in custody by late Sunday afternoon. The Los Angeles Police Department told lawyers there earlier on Sunday that about 40 people were being held.

A federal judge in Alexandria, Va., on Saturday ordered government officials to give lawyers access to all legal permanent residents being detained at Dulles. But when lawyers showed border agents there the court order and requested access to detainees, a supervisor replied, "That's not going to happen."

Matt Zeller, who runs No One Left Behind, a group that helps bring over Iraqis and Afghans who worked for the military, said he was told that there were 40 to 55 people who had been pulled aside by customs officers at Dulles on Sunday evening, and that at least some were Iraqis, although it was not clear if any had worked for the military. Detainees who had been released overnight — many of whom had

green cards — spoke of hours of uncertainty as they waited to find out if they would be allowed into a country that they called home but that no longer seemed to want them.

"This is not the America that I have lived in," said one man who had been released, Seifollah Moradi, 34, a student from Columbia, Md., who has a green card. "We used to be treated with respect. This is the land of freedom."

Mr. Moradi had been held for six hours after returning from Tehran, where he was visiting his sick father.

Protesters, who were lined up just past the set of one-way doors that separate the public areas of the Dulles arrival hall from the immigration and baggage claim areas for international flights, cheered loudly as Mr. Moradi came through the doors. They chanted, "Welcome to the U.S.A.," and, "No hate, no fear, refugees are welcome here."

Mr. Moradi, his face drawn, hardly seemed to notice.

Reporting was contributed by Ruth Bashinsky, Sheri Fink, Sean Piccoli and Liz Robbins.

A version of this article appears in print on January 30, 2017, on Page A13 of the New York edition with the headline: Confusion and Disorder at Airports as Travelers Are Detained Without Lawyers.

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# Exhibit FF

# Trump delays new travel ban after well-reviewed speech

**By Laura Jarrett, Ariane de Vogue and Jeremy Diamond, CNN**

Updated 6:01 AM ET, Wed March 1, 2017



Immigration violations: The one thing to know 01:15

## Story highlights

The new travel ban will exclude legal permanent residents and existing visa holders

Two sources also expect that the President will formally revoke the previous executive order

**Washington (CNN) —** President Donald Trump has delayed plans to sign a reworked travel ban in the wake of positive reaction to his first address to Congress, a senior administration official told CNN.

The decision came late Tuesday night as positive reviews flooded in for Trump's speech, which struck a largely optimistic and unifying tone.

Signing the executive order Wednesday, as originally indicated by the White House, would have undercut the favorable coverage. The official didn't deny the positive reception was part of the administration's calculus in pushing back the travel ban announcement.

"We want the (executive order) to have its own 'moment,'" the official said.

The s his address to a joir

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Trump's original executive order, signed a week after he took office, banned citizens of seven Muslim-majority countries from entering the US and temporarily suspended the entry of all refugees. A federal court issued a temporary stay that halted implementation of the travel ban earlier this month, a decision that was later upheld by a federal appeals court.

The new travel ban will exclude legal permanent residents and existing visa holders from the ban entirely, sources familiar with the plans told CNN earlier Tuesday.

While sources caution that the document has not yet been finalized and is still subject to change, there will be major changes:

· The new executive order will make clear that legal permanent residents (otherwise known as green card holders) are excluded from any travel ban.

· Those with validly issued visas will also be exempt from the ban.

· The new order is expected to revise or exclude language prioritizing the refugee claims of certain religious minorities.

Speaking in Munich, Germany, earlier this month, Department of Homeland Secretary John Kelly promised a "phased-in" approach to minimize disruption this time around.

But what remains to be seen are the other key aspects of the new executive order, especially in terms of refugees, including:

· What happens to the suspension of the refugee program for 120 days?

· Will Syrian nationals still be barred indefinitely?

· Will the cap on the number of refugees change? The first version of the executive order caps it at 50,000 for fiscal year 2017.

Two sources also expect that the President will formally revoke the earlier executive order, despite repeated statements from White House press secretary Sean Spicer that the two orders would co-exist on a "dual track."

The administration could potentially argue that the existing challenges to the original executive order are moot, but the challengers tell CNN the legal battles will likely continue even after the new order is signed.

"Exempting lawful permanent residents and current visa holders will not cure the core legal problem -- that the ban was motivated by religious discrimination, as evidenced by the President's repeated statements calling for a Muslim ban," ACLU attorney Lee Gelernt explained. "That discriminatory taint cannot be removed simply by eliminating a few words or clever tinkering by lawyers."

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# Exhibit GG

The New York Times | https://nyti.ms/2kVhMbe

POLITICS

# H.R. McMaster Breaks With Administration on Views of Islam

By MARK LANDLER and ERIC SCHMITT FEB. 24, 2017

WASHINGTON — President Trump's newly appointed national security adviser has told his staff that Muslims who commit terrorist acts are perverting their religion, rejecting a key ideological view of other senior Trump advisers and signaling a potentially more moderate approach to the Islamic world.

The adviser, Lt. Gen. H. R. McMaster, told the staff of the National Security Council on Thursday, in his first "all hands" staff meeting, that the label "radical Islamic terrorism" was not helpful because terrorists are "un-Islamic," according to people who were in the meeting.

That is a repudiation of the language regularly used by both the president and General McMaster's predecessor, Michael T. Flynn, who resigned last week after admitting that he had misled Vice President Mike Pence and other officials about a phone call with a Russian diplomat.

It is also a sign that General McMaster, a veteran of the Iraq war known for his sense of history and independent streak, might move the council away from the

ideologically charged views of Mr. Flynn, who was also a three-star Army general before retiring.

Wearing his Army uniform, General McMaster spoke to a group that has been rattled and deeply demoralized after weeks of upheaval, following a haphazard transition from the Obama administration and amid the questions about links to Russia, which swiftly engulfed Mr. Flynn.

General McMaster, several officials said, has been vocal about his views on dealing with Islamic militancy, including with Mr. Trump, who on Monday described him as "a man of tremendous talent, tremendous experience." General McMaster got the job after Mr. Trump's first choice, Robert S. Harward, a retired Navy vice admiral, turned it down.

Within a day of his appointment on Monday, General McMaster was popping into offices to introduce himself to the council's professional staff members. The staff members, many of them holdovers from the Obama administration, felt viewed with suspicion by Mr. Trump's team and shut out of the policy-making process, according to current and former officials.

In his language, General McMaster is closer to the positions of former Presidents Barack Obama and George W. Bush. Both took pains to separate acts of terrorism from Islamic teaching, in part because they argued that the United States needed the help of Muslim allies to hunt down terrorists.

"This is very much a repudiation of his new boss's lexicon and worldview," said William McCants, a senior fellow at the Brookings Institution and the author of "The ISIS Apocalypse."

"McMaster, like Obama, is someone who was in positions of leadership and thought the United States should not play into the jihadist propaganda that this is a religious war," Mr. McCants said.

"There is a deep hunger for McMaster's view in the interagency," he added, referring to the process by which the State Department, Pentagon and other agencies funnel recommendations through the National Security Council. "The fact that he

has made himself the champion of this view makes people realize they have an advocate to express dissenting opinions."

But Mr. McCants and others cautioned that General McMaster's views would not necessarily be the final word in a White House where Mr. Trump and several of his top advisers view Islam in deeply xenophobic terms. Some aides, including the president's chief strategist, Stephen K. Bannon, have warned of a looming existential clash between Islam and the Judeo-Christian world.

Mr. Bannon and Stephen Miller, another senior adviser with anti-Islamic views, have close ties to Mr. Trump and walk-in privileges in the Oval Office. General McMaster, 54, has neither.

Known for challenging his superiors, General McMaster was nearly passed over for the rank of brigadier general in 2007, until Gen. David H. Petraeus, who used his counterinsurgency strategy in Iraq, and Robert M. Gates, then the defense secretary, rallied support for him.

The schisms within the administration could be aired publicly if the Senate Armed Services Committee exercises a right to hold a confirmation hearing for General McMaster. Although the post of national security adviser does not require Senate confirmation, senators must approve his retention of his three-star rank in a new position.

Senator John McCain, the committee's chairman and a strong supporter of General McMaster, has not said whether he wants to hold a hearing.

To outside observers, the administration's approach to the world appears increasingly schizophrenic. Mr. Pence, Defense Secretary Jim Mattis and other senior cabinet officers have reaffirmed American support for alliances with NATO and in East Asia. Mr. Bannon and other White House officials continue to suggest there will be radical shifts in American policy. These mixed messages extend beyond the Muslim world. This week, Mr. Pence traveled to Brussels to declare — on Mr. Trump's behalf, he said — "the strong commitment of the United States to the continued cooperation and partnership with the European Union."

But on Thursday, the German ambassador to the United States, Peter Wittig, said his government remains concerned that the White House views the European Union as an ailing, inefficient economic club, rather than a political project that has kept Europe at peace.

Before Mr. Pence's trip, according to Reuters, Mr. Wittig met Mr. Bannon, who told him the White House viewed the European Union as a "flawed construct" and preferred to negotiate with Germany and other European countries one-on-one. Mr. Wittig declined to discuss the meeting, while Mr. Bannon did not respond to a request for comment.

But Mr. Wittig said to reporters, "We will certainly fight for a coherent and resilient European Union."

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A version of this article appears in print on February 25, 2017, on Page A15 of the New York edition with the headline: McMaster Breaks With Trump on Islam.

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# Exhibit HH

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# The Big (Imaginary) Black Friday Bombing

TEXT BY:
Nicolás Medina Mora
and Mike Hayes

ILLUSTRATED BY:
Marc Aspinall

How the case of conflicted teenager Mohamed Mohamud — convinced by the FBI he was bombing a Christmas tree lighting ceremony in Portland, Oregon — could determine whether the American government is allowed to spy wholesale on its citizens.

Nicolas Medina Mora
BuzzFeed News Reporter

Mike Hayes
BuzzFeed News Reporter

Reporting From
Portland, Oregon

posted on Nov. 15, 2015, at 8:44 p.m.

**On Nov. 4, 2010,** a small cell of al-Qaeda operatives convened at a Starbucks in Corvallis, Oregon, to review the details of their plot to kill 25,000 people in downtown Portland. The cell had three members: Hussein, an explosives expert; Youssef, a businessman turned jihadi recruiter; and Mohamed Osman Mohamud, a 19-year-old Somali-American college student.

The would-be terrorists had met earlier that year, after one of Mohamud's friends from the mosque recommended him to the Council, a secret jihadi organization that scoured the globe for potential operators. Hussein and Youssef flew to Oregon to meet the teen, whom they called "a jewel in the rough." Together, the three conceived a plot to detonate an 1,800-pound bomb during Portland's Christmas tree lighting ceremony, a yearly Black Friday tradition in Pioneer Square, the city's main plaza. Mohamud chose the target. Hussein and Youssef designed and built the bomb.

It was time for a test run. After meeting at the coffee shop, the group drove to a remote spot in the countryside. There, Hussein showed Mohamud a smaller version of the device: a backpack filled with three pounds of explosives. They placed the bomb in a tree and walked away. Hussein handed Mohamud a cell phone and asked him to dial a number. The teenager obeyed — and a small explosion rattled the last yellow leaves on the trees.

Later that day, the cell returned to Mohamud's apartment in Corvallis to record his farewell video. The teenager put on a white robe, a white-and-red headdress, and a camouflage jacket. He began to read his manifesto to the camera. "For as long as you threaten our security, your people will not remain safe," Mohamud said. "As your soldiers target our civilians, we will not fail to do so. Did you think that you could invade a Muslim land and we would not invade you?"

Two weeks later, on Nov. 26, 2010, Youssef picked up Mohamud from a friend's house in Portland. They met with Hussein and headed to a parking spot near the Comcast building, where the operators showed Mohamud a large white van. Hussein opened the side door, revealing six 55-gallon drums filled with fertilizer. On the front seat was the detonation mechanism: a cell phone, a 9-volt battery, and a switch. The whole van smelled of diesel.

"It's beautiful," Mohamud said.

The three headed to a hotel in downtown Portland, where they prayed and ordered a pizza. They turned on the TV and watched the crowds march into Pioneer Square under light rain.

Around sunset, Hussein and Mohamud drove the bomb to the chosen corner. Mohamud flipped the toggle switch attached to the detonator, arming the bomb. Youssef picked up Mohamud and Hussein in a different car and drove them to Union Station. As the three left the scene, Mohamud said he thought he saw his mother heading toward the ceremony.

After dropping off Youssef at the train station, Hussein and Mohamud parked in a nearby garage. The explosives expert handed the teen a cell phone. The teenager dialed the detonator number. Nothing happened.

“Why don’t you get out of the car and try again?” Hussein said.

Mohamud did as he was told. As he pressed the last button, he heard a group of people running at him.

“Don’t move!” someone yelled.

Suddenly, Mohamud was on the ground. He could hear Hussein screaming, “Allahu akbar!” — God is great — over and over again. After the third or fourth time, the 17 arresting officers started to laugh.

The bomb Mohamud had tried to detonate was fake. The test explosion was staged. There was no secret council of militant leaders seeking a gifted Somali-American teenager to wage jihad. Youssef and Hussein were undercover FBI agents.

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**The Black Friday** non-bombing of Portland was a federal government sting, the result of a yearlong operation involving dozens of people, a secret court order, and a massive surveillance apparatus.

Mohamud went to trial three years after his arrest. (Unless otherwise stated, the facts in this article come from the voluminous public record for his criminal case, including the 2,700-page trial transcript, as well as firsthand interviews with 11 people with knowledge of the case. The FBI, the Department of Justice, and Mohamud’s attorneys declined to answer detailed questions. Mohamud did not respond to letters sent to him in prison.)

In court, Mohamud’s lawyers attempted an entrapment defense, arguing that their client never indicated he wanted to attack Portland before the FBI contacted him. The prosecution said Mohamud’s prior correspondence with two individuals suspected of working for al-Qaeda was evidence he was looking for “the right people” — and that, had the FBI not intervened, he might have found them.

The jury convicted Mohamud. A judge sentenced him to 30 years in prison.

Mohamud's mugshot. *Multnomah County Sheriff Office via Getty Images*

The story could have ended there. But, months after the trial, Mohamud's lawyers received an unexpected message from the government: At some point in the investigation, the FBI had used the 2008 amendments to the Foreign Intelligence and Surveillance Act, a law known as the FAA, to access Mohamud's communications without a particular warrant.

The notification was bewildering. The government is supposed to inform defendants they have been targeted by FAA spying before they go to trial, not after. More broadly, the Fourth Amendment to the Constitution — at least as many legal experts understand it — protects citizens and those living in the U.S. from warrantless surveillance.

**Mohamud is the very first defendant to potentially challenge the NSA's mass surveillance programs revealed by Edward Snowden before the U.S. Supreme Court.**

Today, Mohamud's lawyers are asking the 9th Circuit of the U.S. Court of Appeals to overturn their client's conviction. Their central argument is that the FBI's use of the FAA against Mohamud violated the Constitution.

Mohamud is the very first criminal defendant to challenge the FAA before a court of appeals, which opens the door for a hearing before the U.S. Supreme Court. The appeal has widespread implications: The controversial law provides the legal framework for the mass surveillance programs that Edward Snowden revealed in 2013.

"It's not an exaggeration," Patrick Toomey, an American Civil Liberties Union attorney, told BuzzFeed News, "to say that the privacy rights of millions of Americans potentially hang in the balance of his case."

*Marc Aspinall for BuzzFeed News*

**The chain of events that** led to Mohamud's appeal began in 1978, when Congress passed the Foreign Intelligence and Surveillance Act, or FISA. In its original version, the law forbade the government from spying within U.S. territory, unless it could convince a special court that the investigation's targets were "agents of a foreign power."

The law was far from perfect: The special court met in secret and approved nearly all of the government's requests. (Of the 35,333 applications for FISA warrants filed between 1979 and 2013, only 12 were rejected outright.) Still, the act required the government to name the individuals it was targeting, specify the kind of communications it wanted to intercept, and give a timeline for the investigation — provisions that generally kept it in line with the Fourth Amendment.

**Instead of targeting individuals already engaged in criminal conduct, the FBI**

All of that changed after Sept. 11, 2001. Instead of treating terrorism as a crime to be solved after it happened, the government began to treat it as a disaster to be prevented. In 2002, President Bush signed a secret executive order authorizing the National Security Agency to monitor every email, telephone call, and text message in which at least one party was believed to be outside the U.S. — even

after Sept. 11, 2001, began focusing on people who it believed could potentially become terrorists.

if everyone else in the conversation was located within the country. The administration said the NSA didn't need any kind of warrant, from the FISA court or otherwise, because such communications counted as "foreign" rather than "domestic," and were therefore not protected by the Fourth Amendment.

The FBI, however, faced a problem: All that monitoring of communications was turning up a lot of terrorist sympathizers, but not a lot of actual criminal activity. The bureau responded by refining one of its most controversial techniques: the sting operation. Instead of targeting individuals already engaged in criminal conduct, the FBI began focusing on people who it believed could *potentially* become terrorists.

Underlying many of these sting operations was a psychological doctrine — strongly challenged by several studies — known as "radicalization theory," which held that individuals with extreme political opinions tended to look for like-minded people and eventually take violent action.

Many American Muslims believe the government uses sting operations to unfairly target their communities and that radicalization theory contributes to Islamophobia. "When people assume that one of their community members could be an informant for the government, that creates a ripple effect," Kayse Jama, a Somali-American organizer who works in Portland, told BuzzFeed News. "They can't trust the people at their mosque. They can't trust anyone. They feel they can't speak freely." Studies suggest that at least some of Jama's fears are well-founded.

Federal courts convict nearly 90% of those of accused of terrorism, most of them through guilty pleas. This means the facts of most homegrown terrorism cases are rarely entered into the public record, which in turn means the FBI is almost never forced to argue the legality of its techniques. Mohamud's case is one of few exceptions.

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**Mohamed Osman Mohamud** was born on Aug. 11, 1991, in Mogadishu, Somalia. Months earlier, rebels had ousted the country's long-standing dictator, unleashing a civil war that rages to this day. On the way to the hospital, Mohamud's parents had to confront armed thugs. They were lucky to find a doctor who helped with the baby's breech birth.

The family fled to America. Mohamud's father, Osman Mohamud Barre, went first, quitting his engineering professorship at Somali National University. Mohamud stayed behind, spending a year in a Kenyan refugee camp with his mother, Mariam Hassan.

The U.S. granted Barre refugee status. He settled in Hillsboro, Oregon, where he worked 13 hours a day at an Intel assembly line. By 1993, he had saved enough money to bring his family to the U.S. “They were malnourished and suffering, but they were happy,” Barre later testified at his son’s trial. “We were grateful to America.”

Barre climbed the ranks at Intel. He and Mariam had two more children. They moved to Beaverton, a prosperous suburb in southwest Portland. Mohamud devoured the *Harry Potter* series and became an NBA fan. He did well in school and made friends easily. “You would never see him alone,” Joshua Alinger, who befriended Mohamud in elementary school, told BuzzFeed News.

Early in high school, Mohamud became interested in religion, even as his parents became less observant. Several of his friends said many Muslim families in Beaverton felt that Mohamud exerted a positive influence. “Whenever we tried to do something that went against our religion, like date a girl, [Mohamud] was like a stopping point,” Mohamud’s best friend, who is not identified in the public record and who spoke on condition of anonymity, told BuzzFeed News. “He would just give us that look.”

Mohamud also joined in the hijinks of American adolescence. By junior year, he began skipping school. His best friend said the two of them would sneak out to a nearby community college to play pool. They made friends with an older student, who bought them alcohol and let them hang at his house. “I think he wanted to be a normal suburban teenager,” said James Duncan, an English teacher at Westville High School who oversaw Mohamud’s study hall.

Like many refugee children, Mohamud had to deal with cultural barriers that separated him from his parents, his American friends, and his mostly white classmates. There is little question he felt different. For an issue of the class magazine, for example, Duncan asked his students to draw cartoons of themselves and caption them. Under his portrait, Mohamud wrote, “I’m *the* black one.”

Around the same time, Mariam and Barre began to go through a breakup, Mohamud’s best friend said. “Home was kind of a hostile environment for him,” the friend said. “He tried to spend as much time as possible out of the house.”

(Reached at her home in suburban Portland, Mohamud’s mother declined to comment, saying her son’s attorneys had instructed her not to speak to reporters. “But one day,” she said, “I’ll be able to speak out about his case, *inshallah*” — God willing. Mohamud’s father did not respond to requests for comment.)

Mariam Barre at her son's trial. *Rick Bowmer / AP Photo*

As his parents' relationship deteriorated, Mohamud began spending more and more time at the Masjed As-Saber, a local mosque led by a Somali imam named Mohamed Kariye. The cleric had a complicated history. According to an immigration complaint, he spent part of his youth fighting with the Afghan mujahideen, a jihadi organization that counted Osama bin Laden among its supporters. (At the time, however, the U.S. supported the group in its fight against the Soviet Union.) In 2003, the FBI's counterterrorism unit arrested him and charged him with Social Security fraud. (The imam pleaded guilty and paid roughly $5,000 in fines.) Today, the government is trying to take away the imam's American citizenship.

Kariye's teaching — Wahhabism, a traditionalist Sunni practice — proved too restrictive for some members of Portland's Muslim community. The family of Mohamud's best friend, for example, used to attend Friday prayers at the Masjed As-Saber, but eventually switched to another congregation. Mohamud's parents, too, were "totally against the mosque," his best friend said. For the teenager, frequenting the masjed became a form of rebellion.

At Kariye's mosque, Mohamud met Amro al-Ali, an 18-year-old exchange student from Saudi Arabia. According to Marc Sageman, a former CIA officer who testified on "open source information" at Mohamud's trial, the Saudi was "a wannabe" who liked to talk big about jihad but was, at least at that point, "not a terrorist."

After meeting al-Ali, Mohamud began frequenting extremist websites, where he answered a call for submissions to an English-language webzine called *Jihadi Recollections*. The publication was the brainchild of Samir Khan, a Pakistani-American editor based in North Carolina. Khan commissioned him to write an article on fitness training, marking the beginning of a six-month-long collaboration.

But then, on Aug. 15, 2009, four days after his 18th birthday, Mohamud cut off contact with Khan. He wrote to Khan saying he was "going through a lot of things."

(Shortly after Mohamud's last email, Khan traveled to Yemen, where he became the editor of *Inspire*, the English-language outlet of al-Qaeda in the Arabian Peninsula. The U.S. government killed him in 2011, in the same drone strike that killed Anwar al-Awlaki, a top al-Qaeda figure and a U.S. citizen.)

Mohamud was indeed going through a lot — his parents had finally divorced. "You could see his discontent, sadness, and unhappiness," the teen's grandmother told his defense team. "He wouldn't listen to either one of them because there was no union. He definitely tried to talk them into staying together many, many times."

It was in that context that Mohamud received the email that sealed his fate. On Aug. 31, 2009, al-Ali sent him information about a religious school in Yemen. The thought of escaping to a distant land, away from his parents, appears to have seduced the teen. He stormed out of his mother's house and called his father to say he was moving to the Middle East. Barre tried to convince him to wait, but Mohamud said he already had a ticket and a visa. Barre called Mariam and asked her to look for their son's passport. It was missing.

Barre panicked. He had heard stories about kids from Minnesota's Somali-American community who'd been "brainwashed" into joining the civil war. He remembered one news report of a teen who fled — the parents later found a photo of him on the internet "shot in the head, dead, in Somalia."

Not knowing who to call, Barre contacted the FBI. "Can you guys help me to stop my son and make him not leave the country?" he asked the agent who picked up the phone. The

agent took down Mohamud's full name, date of birth, and address and told Barre to meet one of his colleagues at the parking lot of a local high school.

Meanwhile, Mariam found her son. He was in a playground not far from her house. She took his passport and drove him back home.

Mohamed Mohamud is seen in this undated handout photo. *Obtained by BuzzFeed News*

That afternoon, Barre met with FBI Special Agent Isaac DeLong, of the Joint Terrorism Task Force. "Why terrorism?" Barre asked. "Are you alluding that we are Muslim and my son's name is Mohamed? There's no terrorism here. We're citizens."

Barre explained that he wanted to keep his son from returning to Somalia. DeLong replied that there was nothing the bureau could do, because Mohamud was an adult.

That evening, the father and son had a difficult conversation. "I left my country because of violence," Barre told Mohamud. "I brought you here to give you a life of prosperity." Mohamud told his father had nothing to hide: al-Ali, a friend from the mosque, had recommended a school in Yemen. "You can learn Arabic and Islam once you finish school here and become mature enough to know wrong or right," Barre replied.

Barre forwarded al-Ali's email to the FBI, with a note saying he had spoken to Mohamud and the situation was under control. Unbeknownst to him, DeLong ran Mohamud's email address through what he described at trial as "an FBI database." The search, according to court records, turned out an interesting result: Mohamud had been in touch with the subject of another investigation — Samir Khan.

"I took this information to my superior," DeLong testified. "We decided to open a case."

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**The Bush administration's** warrantless surveillance operations remained secret until December 2005, when the *New York Times* published an exposé. The article unleashed outrage that pushed the president to seek retroactive legislative approval for the program. In July 2008, the Senate approved the FISA Amendments Act, or FAA.

The new law overwrote many of FISA's provisions, empowering the attorney general and the director of national intelligence to authorize surveillance of people "reasonably believed to be located outside the United States." Those offices no longer had to get warrants, as the original law mandated. Instead, they simply had to present the FISA court with a set of general procedures meant to "minimize" the "incidental" surveillance of people in the U.S.

On the same day President Bush signed the FAA, the ACLU filed a suit saying the law violated the First and Fourth Amendments. "The act does not require the government to demonstrate that its surveillance targets are foreign agents," the ACLU wrote in its complaint. "The statute does not require the government to identify its surveillance targets at all."

The suit, *Amnesty v. Clapper*, reached the Supreme Court. In February 2013, however, Justice Samuel Alito delivered an opinion declining to hear the case. He said the only people with standing to challenge the act were criminal defendants who, unlike the ACLU, knew for certain that their communications had been intercepted. (At that time, the government had not informed a single defendant of its use of the FAA.)

Then, in May 2013, Edward Snowden handed a group of journalists a cache of classified documents. The leaks detailed how the NSA invokes the FAA to intercept, store, and in some cases review the telephone and internet communications of hundreds of millions of people — many of them citizens and residents of the U.S.

It's unclear to what extent domestic law enforcement agencies have access to the immense databases of information obtained through warrantless surveillance. In the past, the government has said FBI agents assigned to criminal investigations cannot see the data.

*Marc Aspinall for BuzzFeed News*

**Early in September 2009, Mohamud** moved to Corvallis, a small city a few hours south of Portland, to attend classes at Oregon State University. It was too late to enroll officially, so he couldn't live in the dorms. His parents agreed to give him $300 a month for rent. Mohamud's best friend, however, had just started at OSU, where he shared a large dorm room with two other students. Since they had an extra bed, they invited Mohamud to live with them for free. In exchange, "we called his rent budget our booze budget," the friend said.

The group soon expanded to include two young men, Raed and Mohamed. Two of Mohamud's roommates were dating a pair of best friends, and the dorm became the center

of a tight-knit social scene. (The other roommates and the women declined requests for comment.) "Our freshman year was a drunken mess," Mohamud's best friend said. "It was a blast."

**FBI documents described Mohamud as a "confused college kid that talks mildly radical jihad out one ear, and drugs, sex, drinking out the other."**

Mohamud's friends from that time acknowledged he was easy to influence. "He'd say, 'I don't want to drink anymore,' but he could be persuaded to do it," said Raed. "Like, a friend of mine would be like, 'No, come on, let's just drink for one more week,' and he'd say, 'OK, let's go.'"

The FBI, which trial testimony shows was already reading Mohamud's communications and had agents physically following him, agreed with Raed's assessment. (The bureau refuses to disclose when, exactly, the surveillance began.) In emails sent to other FBI agents in the fall of 2009, Special Agent DeLong wrote that the "manipulable" and "conflicted" teen appeared to have "left behind his radical thinking." Christopher Henderson, the special agent who took over the case when Mohamud moved to Corvallis, described the teen in internal emails as "a confused college kid that talks mildly radical jihad out one ear, and typical 18-year-old college kid (drugs, sex, drinking) out the other."

Then, on Halloween, Mohamud and his crew headed to a fraternity party. Mohamud "was drinking like a normal person, dancing with girls," and brought a woman home, Raed said. At the dorm, Raed said, they began having sex "in front of everybody, on the top bunk." The friends eventually left the room.

The following morning, two Oregon State Police officers were in the dorm. The cops said that a young woman had filed a crime report accusing Mohamud of drugging and raping her.

Mohamed Mohamud is seen in this undated handout photo. *Obtained by BuzzFeed News*

Mohamud met with Detective Eli Chambers at the campus police office for a polygraph test. He denied having drugged the woman, but admitted that she was very drunk — "more drunk than I thought," Mohamud said, according to Chambers' report.

Chambers closed his investigation without pressing charges against Mohamud. Still, the incident rattled the student. After the polygraph, he wrote a long post in one of the forums

he frequented:

> I swear by Allah I have become so lost. And I want so badly to be in a muslim land. I keep telling myself that if I lived in a muslim land I would become so pious. [...] Being in University and living on campus hasn't helped me too much either. I have fallen into so many things (i.e. alcohol and women). [...] All I need is some soft words to help my heart and supporting advice.

Instead of soft words, Mohamud began receiving emails from Bill Smith, a recent convert to Islam who lived in eastern Idaho and wanted to "get more involved in the fight" against enemies of the Prophet. Smith, however, was a fictional character created by FBI Special Agent Jason Dodd of the Portland field office.

(There were a number of oddities in Dodd's decision to begin an operation against Mohamud. At trial, the agent testified that Special Agent DeLong authorized the "Bill Smith" emails, but DeLong could not recall such thing. Special Agent Elvis Chan, who would eventually run the operation that resulted in Mohamud's conviction, testified that he did not know about the "Bill Smith" emails until after the arrest.)

On Nov. 12, 2009, just days after a Muslim U.S. Army major killed 13 people at the military base in Fort Hood, Bill Smith told Mohamud that he had seen news reports of "brothers trying to fight." "I want to, as well," Smith wrote in one of about two dozen emails. "What can I do? Do you know who I can talk to? Can you help?" Mohamud did not engage him, cautioning him instead to be careful about what he said on the internet.

But then, on Dec. 3, 2009, someone familiar reached out to Mohamud. "Salamz bro," the message read. "It's me, Amro." Al-Ali said he was making a pilgrimage to the holy city of Mecca, in Saudi Arabia. If Mohamud wanted to join, he said, a "bro" would contact him "about the proper paperwork."

The FBI agents traced al-Ali's computer not to Mecca, but to the northwestern border of Pakistan, one of the centers of violent jihad. The agents became convinced that al-Ali was writing in code, trying to recruit Mohamud as a fighter. Two months earlier, Interpol had issued an Arabic-language "red notice" — a sort of international "wanted" poster — saying al-Ali was "known to be connected to a fugitive wanted by Saudi Arabian authorities who is an expert in manufacturing explosives and in facilitating the movement of extremists inside Saudi Arabia," according to a translation included in a defense brief. "He also helped al-Qaeda division in Yemen and other countries by providing them with foreign fighters to carry out terrorist attacks against western and tourist interests."

(Later, the defense and the prosecution had heated arguments about the notice, which was ambiguous in Arabic and became vaguer in translation. Was al-Ali a member of al-Qaeda, or merely associated with a member? The matter was further complicated when the Saudis captured al-Ali, holding him without charges and subjecting him to repeated

interrogations. A former intelligence officer told BuzzFeed News that classified reports detailing those interrogations show that al-Ali didn't remember Mohamud.)

Mohamud responded that joining the pilgrimage would be "wonderful." Al-Ali sent him a Gmail username and password, with instructions to log in to the account and draft, but not send, a message for a brother called Abdul Hadi. The FBI went on high alert, but Mohamud couldn't figure out the system. No messages were exchanged.

Toward the end of spring semester, one of Mohamud's roommates invited him to spend the summer working on a fishing boat in Alaska. Mohamud's parents thought it would help discipline their son. They bought him a plane ticket and, on June 14, 2010, drove him to Portland International Airport.

The family made it only to the security checkpoint, where an airline employee told Mohamud he couldn't board. As the family stood at the concourse, a man in a dark suit introduced himself as Special Agent Bradford Petrie. "I understand Mohamed was not allowed to fly today," Petrie told the family. "We'd like to talk about that if we could."

*Marc Aspinall for BuzzFeed News*

**A week earlier,** the FBI had decided to launch a full-scale undercover operation against Mohamud. Miltiadis Trousas, an agent based in the FBI office in Eugene, Oregon, wrote to Special Agent Chan, a sting specialist based in San Francisco, to suggest targeting the teen "using everything we have on him," including the fact that he was "shy around authority figures." When the agents learned of Mohamud's plans to travel to Alaska, they worried he might try to continue to Pakistan or Yemen. They placed him on the no-fly list.

At the Portland airport, Petrie brought Mohamud and his parents to a conference room. Barre asked whether his call to the FBI a year earlier had anything to do with his son's placement on the no-fly list. Mohamud denied visiting extremist websites. Petrie

concluded the interview promising the family he'd try to "help" the teenager. He said nothing about the operation.

A few days after the interview at the airport, Chan contacted an FBI agent in California and asked him to fly to Portland to play an "al-Qaeda spotter" in a sting against a suspected teenage radical. The agent, who had been born and raised in an Arabic country, assumed the name Youssef.

Youssef got in touch with Mohamud nine days after the airport incident. The goal was to set up an in-person meeting, purportedly to assess whether the teen was serious about wanting to join a militant organization. The agent wrote in the voice of the "brother" whom al-Ali had earlier told Mohamud to contact, and whom the teenager never reached out to. "Salamz, bro," the message began. "Go to hushmail.com and set up an account." Mohamud replied with an innocuous greeting from an encrypted account. Two days later, Youssef wrote back: "Are you still able to help the brothers?"

Mohamud wrote back something noncommittal. Youssef's next email suggested that God's plan for Mohamud was in Portland: "Allah I'm sure has good reason for you to stay where you are," the undercover agent wrote. He said he was traveling to Oregon and asked the teen to meet him in person.

Mohamud ignored the message. Worried about losing their target, the agents sent another. A week later, Mohamud responded by inviting Youssef to Friday services at the Masjed As-Saber. The FBI, however, did not want to send an undercover agent to a place of worship. Instead, the agent suggested meeting in downtown Portland. Mohamud grew suspicious. "How did you get my email?" the teen wrote. "And if Amro did give you my email, then how do you know him? And describe him to me if you really do know him."

The FBI did not know what al-Ali looked like. To avoid blowing Youssef's cover, the agents invented a fictional organization, which they called the "Ihata," or Council. They told Mohamud that "a brother from Oregon" told the Council about him, prompting the group to send Youssef to interview him. Flattered, Mohamud agreed to meet on July 30, 2010.

For the first meeting, Youssef wore a suit to match his cover: a business traveler with connections across many countries. He met Mohamud on a street corner and walked with him to the Embassy Suites, a hotel blocks away from Pioneer Square.

The public record of that meeting is incomplete. In what the FBI claimed was an honest mistake, Youssef's tape recorder had dead batteries. Apart from the anonymous agent's testimony, the only source for what Mohamud said that day is a summarized report prepared by Chan. At trial, Chan said he had destroyed his original notes.

(The defense took great issue with this at trial. Entrapment law requires prosecutors to show that a defendant was predisposed to commit the crime before the first contact with

government agents. The nuances of Mohamud's behavior and language during the first meeting, the defense argued, were vital.)

In the FBI's account of the meeting, Youssef and Mohamud sat at a table in a corner of the hotel lobby. The agent said the Council wanted to interview seven possible candidates in the U.S. and Canada.

"So, what have you been doing to be a good Muslim?" Youssef asked.

Mohamud said he'd written religious poems and a couple of articles for *Jihadi Recollections*.

"Well, you know, it's pretty obvious that you can't go overseas," Youssef said. "So, what can you do for the cause? What do you want to do for the cause right now?"

Instead of answering with a concrete proposition, Mohamud told him about a dream in which he went to the mountains of Yemen, received training, and led a Muslim army against the infidels in Afghanistan. The undercover agent then repeated his question — what could the teen do for the cause? Mohamud said he could do "anything."

"I gave him five examples of how you could be a good Muslim," Youssef testified at trial. Mohamud, the agent said, could pray five times a day, train as a doctor and go overseas, donate money to the cause, become "operational," or become "a martyr."

Mohamud replied he wanted to become operational. Youssef asked what he meant. According to the FBI agent, the teen said he wanted to "get a car, fill it with explosives, park it near a target location, and detonate the vehicle." Youssef told Mohamud he "had a brother that could help him with explosives" and instructed him "to research possible places within the Portland area as possible targets." The two then parted ways.

The FBI brought a second undercover agent into the operation: a detective from a suburban police department in California assigned to his city's Joint Terrorism Task Force. Like Youssef, the second agent was born and raised in an Arabic-speaking country. For the sake of the operation, he assumed the name Hussein. He prepared to play the role of a mature and deeply religious explosives expert.

Two weeks later, Mohamud met again with Youssef. The script for that meeting, the agent testified, was to "sell" the teen to Hussein, who was supposed to be initially skeptical. Youssef and Mohamud went to a room at the Embassy Suites, where Hussein was waiting — and where the FBI had installed several hidden cameras. They shared a meal to break the Ramadan fast.

"What can I do for you?" Hussein asked, according to his testimony.

Mohamud responded he wanted "a truck or a car and explosives."

"I'd be glad to sell you a truck!" Hussein said.

"No," Mohamud answered, "I want it for something else."

The teen launched into a rant about the need to punish the U.S. for attacks against Muslims.

"You know what's going on right now?" Mohamud said, according to a transcript of the recordings included in the prosecution's trial memorandum. "The U.S. is losing the war. So they have resorted to intentionally killing civilians. And, you know, God, the glorified, the exalted, said in the Quran that if they kill your women and children intentionally, then you are allowed to do the same to them."

The conversation shifted toward more concrete plans. Had Mohamud found a target in the Portland area, like Youssef requested?

"Do you guys know Pioneer Square?" the teen said. "When they have events, everybody comes up there. So, on the 26th of November, they have a Christmas tree lighting and some 25,000 people attend. You know, the streets are packed. I thought, I thought if you could help me, you know, to have, to have a truck. ... You know, explosives, *inshallah*."

"And this is what's in your heart?" Youssef said. "You know, there's going to be a lot of children there."

"Yeah, I mean, that's what I'm looking for," Mohamud said.

"For kids?" Youssef asked.

"No, just for a huge mass," Mohamud said. "You know, for them to be attacked in their own element, with their families, celebrating the holidays."

Hussein asked Mohamud if he wanted to kill himself with the bomb.

**The undercover FBI agent asked Mohamud if he wanted to kill himself with the bomb. "Yeah, I don't mind that," the teen said.**

"Yeah, I don't mind that," the teenager said. He began to stutter. "That, that, that, I mean, if I wasn't in it, then, you know, then, they'll look for me."

"And you are not worried?" Youssef asked.

"If you were going to paradise, you wouldn't have to worry, right?" Mohamud answered. "Yes, I will push the button."

"Allah is looking at you right now," Youssef said.

"You know what I like, what makes me happy? You know what I like to see? When I see the enemy of Allah, and, you know, their bodies are torn everywhere," Mohamud said.

Anticipating an entrapment defense and a jury of liberal Portlanders, the undercover agents made sure to give Mohamud a way out. "We want to make sure that it's, you know, it's in your heart," Youssef told the teen. "If we get all the way there and you're like, uh-oh — even if that happens, we'll be disappointed, but you always have a choice, you understand? With us you always have a choice."

On the drive home, Mohamud burst into tears. After he left the car, with the cameras still rolling, Hussein looked at his partner. "It's almost too good to be true," he said.

Pioneer Courthouse Square, the site of Mohamud's attempted bombing, is seen on Nov. 27, 2010, in Portland, Oregon. *Craig Mitchelldyer / Getty Images*

Over the next few months, Youssef and Hussein met with Mohamud on five more occasions. They began giving him tasks. First, they sent him shopping for a timer, two cell phones, a toggle switch, and a snap connector. They asked him to find a few possible parking spots near Pioneer Square. Later, they told him to rent a storage shed where they could build the bomb.

More than anything else, they praised him: "You got a lot of talent, brother Mohamed." "You're probably smarter than most people." "I think you can be a great poet." "I trust you with my life." "We love you, for the sake of Allah."

As the operation progressed, the two agents grew concerned that Mohamud was becoming suicidal, so they decided to tell the teen that the Council would help him flee to a Muslim country after the attack. They were also worried that Mohamud would tell someone, so they gave him $2,700 to rent an off-campus apartment away from his friends. In a moment of telling naïveté, the teenager asked the two men he thought were al-Qaeda recruiters to sign as his guarantors for the lease.

The change in Mohamud's lifestyle did not go unnoticed by his friends. He wouldn't show up to class or parties. He stopped going to Friday prayers at the Corvallis mosque. "In the beginning, I didn't really understand why he was drifting away," Mohamed, one of the college friends, told BuzzFeed News. "And then Raed said, like, 'Hey man, we feel like there's something up. Like, he's not the same anymore.'" On the few occasions when they saw him, he seemed anxious and in distress.

"One of my friends and I, we'd be walking to a party," Raed said. "And Mohamed would be extremely drunk, and he would go to one of my friends and say, 'Are you the FBI? Are you the FBI?'"

The night before the bombing, Mohamud had Thanksgiving dinner in Beaverton with a few friends. Afterward, they went shopping at a nearby mall. Several people who were there told BuzzFeed News that Mohamud seemed to be having a really good time. He insisted on buying coffee for everyone. He poured marshmallow liquor into his cup. He made jokes and laughed and acted like his old self, the way he used to be freshman year, before he moved out of the dorms and began spending all of his time alone.

"He told me, 'I'm having the greatest morning of my life,'" Raed, who ran into Mohamud at 4 a.m. outside a J.C. Penney, told BuzzFeed News.

Later that day, Mohamud called his best friend to ask about his plans. The friend said he was going to see the Christmas tree lighting ceremony. Mohamud told him to stay home, but didn't explain. The two have not spoken since.

*Marc Aspinall for BuzzFeed News*

**Shortly after his arrest, Mohamud** was appointed three lawyers from the Portland Federal Public Defender's Office: Steve Sady, Steve Wax, and Lisa Hay. According to attorneys from around the country, the three were among the best terrorism lawyers in the U.S. All three declined to comment.

Mohamud's trial began on Jan. 10, 2013, more than two years after the arrest. In her opening statement, Assistant U.S. Attorney Pamala Holsinger called Mohamud a "prolific user" of extremist websites, saying he was "well known" for his work for Samir Khan.

Holsinger said the government had contacted Mohamud because a "known terrorist" was trying to recruit him. She said the government would prove Mohamud's attempt to travel to Alaska was a step toward his ultimate destination: Yemen. The prosecutor concluded by emphasizing the best evidence against Mohamud: "The defendant dialed this phone. And when the phone didn't go off, he dialed it again."

Sady, in his opening statement, accused the FBI of using "flattery" to get a manipulable teenager to do their bidding, invoking God and appealing to his fragile ego to make him do "the little things and big things that ended up bringing evidence into court today." The federal defender told the jury he understood the difficulty of putting aside emotion to acquit a person who thought he was carrying out a heinous act. He implored jurors to evaluate the case based on law rather than hypothetical destruction.

"We all want law enforcement to stop crime," Mohamud's defense lawyer said. "But the FBI cannot create the very crime they intend to stop."

"In America, we don't create crime. The entrapment defense is how this fundamental American value is made real in the courts," Sady said. "It's a line the government cannot cross. We all want law enforcement to stop crime. But the FBI cannot create the very crime they intend to stop."

The government's case was a rare look into an FBI undercover investigation — warts and all. Over nine days, 14 agents took the stand. Several were forced to confront off-color comments caught on tape during surveillance. During his cross-examination, Special Agent Mario Galindo — who had just explained to the jury that the reason the first face-to-face meeting was not recorded was because he accidentally left the recorder powered on the night before the operation — was asked to confirm a sexually suggestive comment he made after Mohamud first met the bomb expert, Hussein.

> **Sady:** Did you express a feeling of enthusiasm by using a metaphor for sexual excitement?
>
> **Galindo:** Which one?
>
> **Sady:** Did you say, "You've got a lot of people with woodies up here right now?"
>
> **Galindo:** Yes, I said that.

Both undercover agents testified for days. At one point, Lisa Hay grilled Youssef:

> **Hay:** Did Mohamud say what kind of truck?

> **Youssef:** He did not.
>
> **Hay:** So the FBI decided what kind of truck, didn't they?
>
> **Youssef:** Yes.
>
> **Hay:** The FBI decided the size of the bomb?
>
> **Youssef:** Yes.
>
> **Hay:** The FBI designed the bomb?
>
> **Youssef:** Yes.

Mohamud didn't testify in his own defense, though both his parents did. Barre told the court that he wished he had read his son's text messages to see what was going on with him. Then, during cross-examination by prosecutor Ethan Knight, the distraught father attacked the actions of the FBI:

> **Knight:** You were concerned, and that's why you went to the FBI?
>
> **Barre:** I went to the FBI to get help to stop him not to leave the country.
>
> **Knight:** Because you were concerned that he might be brainwashed, isn't that right?
>
> **Barre:** That is what I was afraid of. But can I tell you, the FBI brainwashed my son.

Several of Mohamud's friends took the stand on his behalf, calling him "goofy" and "fun-loving." Raed, however, was subpoenaed to testify for the prosecution. He wasn't happy about it and found a small way to rebel.

"The prosecution, they were like, 'Make sure you look at the jury and you talk to them eye to eye,'" Raed told BuzzFeed News. "But I'm like, no. If I were here on the defense side, sure, I can be talking straight to the jury. But I'm here because I'm forced to. So I'm going to answer your questions and go on with my day."

"I did look at Mohamed," Raed went on. "We did make eye contact. He was crying."

The trial closed after 14 days. Knight gave the government's summation. He reminded the jury that Mohamud had believed the bomb was real. The case, Knight argued, was about "a choice, a single and remarkable choice by this defendant to take the lives of thousands of people."

"An individual simply cannot be entrapped to commit an offense such as this," Knight said. "This is the type of offense that one commits only because one wholeheartedly wants to."

Steven T. Wax, left, and Stephen R. Sady, right. *Rick Bowmer / AP Photo*

Sady, the defense lawyer, gave an impassioned closing argument, citing Aleksandr Solzhenitsyn, the Soviet novelist who was forced into exile after publishing *The Gulag Archipelago*. "Solzhenitsyn says, 'There is a line between good and evil that runs through the hearts of all people,'" Sady said. "The government shouldn't be pushing that line."

After seven hours of deliberations, the jury returned a guilty verdict.

Nine months later, Mohamud was sentenced. The government asked that Mohamud be given 40 years in prison, while his defense team pleaded for 10 years. Judge Garr King sentenced Mohamud to 30, citing a case of "imperfect entrapment" carried out by the government.

"Now, the jury found that defendant was not entrapped, but imperfect entrapment is available as a defense," King said from the bench. "And in this case, it weighs slightly in favor of defendant in this case. The court realizes the agents often reminded the defendant he could back out of the plan if he had a change of heart, but that is balanced by the government's inducement through the agent's use of praise and religious references."

*Marc Aspinall for BuzzFeed News*

**Just over a month after** Mohamud's conviction, the Supreme Court published its decision not to hear the ACLU lawsuit challenging the constitutionality of the FISA Amendments Act, or FAA. As a criminal defendant who had been charged using evidence obtained through warrantless surveillance, Mohamud was one of the people who the court believed had standing to sue in place of the ACLU. The government, however, did not notify him of the surveillance until nearly a year after his conviction.

Sady and his team furiously litigated the issue. They filed a motion asking the court to force the government to disclose what it had learned about Mohamud using FAA warrantless surveillance. Although the attorneys were careful not to single out particular

pieces of evidence for scrutiny, their motion hinted at many possible questions. Did the FBI database that Special Agent DeLong searched when he found out that Mohamud corresponded with Khan include electronic data swept up by FAA laws? What about other types of FAA surveillance that had become publicly known since the Snowden disclosures? Were those surveillance methods used against Mohamud? Could Mohamud be sure he hadn't been targeted in a myriad of ways, some of them potentially unconstitutional?

For Mohamud, those questions meant the difference between prison and a new trial. Under a legal doctrine known as "the fruit of the poisonous tree," courts must suppress any evidence that has roots in illegal government conduct, even if a warrant is later issued to legally obtain the same evidence. If it turns out that unconstitutional surveillance first led the FBI to Mohamud, the prosecution's entire case could collapse.

Judge King, however, denied Mohamud's request for more information about the FBI's tactics, saying he would review the legality of the surveillance in private meetings with prosecutors.

Mohamud's attorneys resorted to broader legal arguments. Much like the ACLU, they claimed the FAA provided "none of the protections that the First and Fourth Amendments require to limit governmental intrusions on privacy." A vein of frustration ran through the pleadings, with the defense acknowledging at one point that it sought "suppression of unknown evidence [...] gathered at unknown times by unknown means by unknown persons and agencies operating under unknown protocols."

The government responded that the warrantless surveillance in the case did not originally target Mohamud, but rather unspecified foreigners living abroad "who generally are not protected by the Fourth Amendment." The fact that communications belonging to American citizens living within the borders of their own country — such as Khan and Mohamud — might have been "incidentally" acquired under the authority of the FAA did not "render the collection unreasonable."

Again, Judge King sided with the prosecution, denying Mohamud's request for a new trial. (King declined a request for an interview.)

On Sep. 4, 2015, Mohamud's attorneys filed a brief asking the 9th Circuit of the Court of Appeals to overturn King's decision. The government has until December to file its response. Oral arguments could happen as soon as January 2016. Regardless of the outcome, the losing party is likely to appeal the matter before the Supreme Court.

A victory for the defense could end a significant chapter in the history of American law enforcement. It would follow other incremental decisions — including June's passing of the USA Freedom Act, which curbed an NSA program that collected most Americans' phone records — that have begun to roll back the emergency policies enacted in the tense days after Sept. 11. Crucially, it wouldn't just end particular programs, but establish a

principle that will guide how courts must balance individual rights against collective security.

By contrast, a victory for the prosecution would not just keep Mohamud in prison, but also continue the preventive approach to law enforcement that has developed since Sept. 11.

"The history of the criminal justice system demonstrates that infringements on rights begin in cases against a particular targeted group that does not have any public support," Joshua Dratel, a defense attorney who has represented many American Muslims accused of terrorism, told BuzzFeed News. "However, over time those methods that get approved in those cases contaminate ordinary cases against ordinary persons, and especially against those who have politically unpopular opinions."

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**On a recent autumn evening,** Raed and Mohamed met at a bar in Corvallis to share memories about their friend, the convicted terrorist. The two hadn't talked about Mohamud for a while, in part because things had been rough around campus after he got arrested.

"I mean, my name is Mohamed," Mohamed told BuzzFeed News. "A lot of racist things have happened to me, many times, even before the incident. Afterwards, when I was on campus and people knew I knew Mohamed or hung out with him, they'd say things like, 'Oh, Mo, you fucking terrorist!'"

"It's sad, you know," Raed said, as he flipped through Facebook photos showing himself and his friends at an anti-jihad rally. "For us to have to show up and be like, 'No, this isn't really us.'"

Would they want to see him again? The friends said nothing for a long time. Eventually, Mohamed broke the silence.

"The only reason I'd want to see him again would be to sit down with him, just like this," he said, making a sweeping gesture over the table. "Because I'm curious. I want to figure out why. I want to say to him, 'Some of your friends were [at Pioneer Square]. Why did you want to do it to them?' Not 'Why did you want to do it to everybody?' Because he, at that time, obviously did not care about everybody. But he had such a close relationship with so many people who were there or could have been there. Why would he specifically want to do that to them?"

Raed then mentioned that Mohamud had written him a few times from prison. "They're, like, normal conversations," he said of the letters. "Like we're talking like friends. He's asking how am I doing, how's my family doing, how're our friends doing."

Raed never wrote back.

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# Exhibit II

National Security

# A new travel ban with 'mostly minor technical differences'? That probably won't cut it, analysts say.

By Matt Zapotosky February 22

Senior policy adviser Stephen Miller said President Trump's revised travel ban will have "mostly minor technical differences" from the iteration frozen by the courts, and Americans would see "the same basic policy outcome for the country."

That is not what the Justice Department has promised. And legal analysts say it might not go far enough to allay the judiciary's concerns.

A senior White House official said Wednesday that Trump will issue a revised executive order on immigration next week, as the administration is working to make sure the implementation goes smoothly. Trump had said previously that the order would come this week. Neither the president nor his top advisers have detailed exactly what the new order will entail. Miller's comments on Fox News, while vague, seem to suggest the changes might not be substantive. And that could hurt the administration's bid to lift the court-imposed suspension on the ban, analysts said.

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"If you're trying to moot out litigation, which is to say, 'Look, this litigation is no longer necessary,' it is very bad to say our intent here is to engage in the prohibited outcome," said Leon Fresco, who worked in the office of immigration litigation in President Barack Obama's Justice Department.

Trump's original travel ban temporarily barred from entering the United States refugees and citizens of seven Muslim-majority countries: Iraq, Iran, Sudan, Somalia, Syria, Yemen and Libya. When it was first implemented, State Department officials unilaterally revoked tens of thousands of visas, and the order seemed to affect even legal permanent residents, though the White House counsel soon clarified that it should not.

A federal district judge in Washington state suspended the travel ban, and a three-judge panel with the U.S. Court of Appeals for the 9th Circuit later upheld that freeze. While the Justice Department could have appealed to the full appeals court — or even to the Supreme Court — it asked the 9th Circuit judges last week to hold off because a new executive order was in the works.

"Rather than continuing this litigation, the President intends in the near future to rescind the Order and replace it with a new, substantially revised Executive Order to eliminate what the panel erroneously thought were constitutional concerns," Justice Department lawyers wrote.

Officials still plan a new order, but White House press secretary Sean Spicer said Tuesday that they would not rescind the old one. And speaking to Fox News's Martha MacCallum, Miller seemed to play down how substantial even the revisions would be — which would seem to put him at odds with the Justice Department.

"Well, one of the big differences that you're going to see in the executive order is that it's going to be responsive to the judicial ruling, which didn't exist previously. And so these are mostly minor technical differences," he said. "Fundamentally, you're still going to have the same basic policy outcome for the country, but you're going to be responsive to a lot of very technical issues that were brought up by the court and those will be addressed. But in terms of protecting the country, those basic policies are still going to be in effect."

Legal analysts have said previously that there are obvious ways in which the order could be cleaned up to help it pass legal muster — though anything that maintains outright bans might face a tough court battle.

Trump could craft an order that clearly exempts green-card holders — who have the best case to sue over the order — and he could also potentially exempt any current visa holders. But the 9th Circuit panel said that would not address claims "by citizens who have an interest in specific noncitizens' ability to travel to the United States."

And no matter what it does, the Trump administration must contend with the president's own call on the campaign trail for a "total and complete shutdown of Muslims entering the United States" and campaign surrogate Rudolph W. Giuliani's claim that Trump said "Muslim ban" and asked him to form a commission to determine "the right way to do it legally."

A federal judge in Virginia referenced those comments in ordering the ban frozen with respect to Virginia residents and institutions, calling it "unrebutted evidence" that Trump's directive might violate the First Amendment. That is important because if judges found even the new order was designed to discriminate against Muslims — and not to protect national security — they might similarly strike it down.The president does possess broad power to set immigration policy, and even his original executive order might ultimately pass legal muster, analysts have said. So far, courts have just weighed temporary injunctions on the ban, not directly and finally deciding whether Trump exceeded his authority.

"To the extent that the new executive order just makes technical changes, then we don't see it solving any of the legal problems," said Lee Gelernt, deputy director of the American Civil Liberties Union's national Immigrants' Rights Project, who is involved in a legal challenge to the ban in New York.

At the White House press briefing Wednesday, Spicer said he was confident the administration would ultimately prevail in court, but in the revised order officials had been "very clear about understanding what the court said, and trying to tailor that specifically."

He also said he was not concerned that Trump's prior remarks about targeting Muslims would hinder the administration's case.

"The president was very clear in his executive order that these were countries that we didn't have the proper vetting for when it came to ensuring the safety of Americans," Spicer said. "That's what the executive order said. … It was crafted in a way that was very clear about the countries and was not focused on anything else but the vetting requirements."

Revisions, analysts said, could ultimately help Trump prevail — particularly if he applied a ban only to the issuance of new visas, and if he issued robust procedures for those whose visas were revoked to challenge that action. His and Giuliani's comments would be an obstacle, but they would not necessarily block him forever from using his powers on immigration.

"Are you permanently prohibited from ever doing something like this because you at one time said something that was inappropriate?" Fresco said. "The courts will have to decide what they believe here."

*Philip Rucker and John Wagner contributed to this report.*

Matt Zapotosky covers the Justice Department for the Washington Post's National Security team.
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# Transcript of Donald Trump's Immigration Speech

SEPT. 1, 2016

*Following is a transcript of the remarks by Donald J. Trump on immigration in Phoenix on Wednesday, as transcribed by the Federal News Service.*

**TRUMP:** Wow. Thank you. That's a lot of people, Phoenix, that's a lot of people.

(APPLAUSE)

Thank you very much.

Thank you, Phoenix. I am so glad to be back in Arizona.

(APPLAUSE)

The state that has a very, very special place in my heart. I love people of Arizona and together we are going to win the White House in November.

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Now, you know this is where it all began for me. Remember that massive crowd also? So, I said let's go and have some fun tonight. We're going to Arizona, O.K.?

This will be a little bit different. This won't be a rally speech, per se. Instead, I'm going to deliver a detailed policy address on one of the greatest challenges facing our country today, illegal immigration.

(APPLAUSE)

I've just landed having returned from a very important and special meeting with the president of Mexico, a man I like and respect very much. And a man who truly loves his country, Mexico.

And, by the way, just like I am a man who loves my country, the United States.

(APPLAUSE)

We agree on the importance of ending the illegal flow of drugs, cash, guns, and people across our border, and to put the cartels out of business.

(APPLAUSE)

We also discussed the great contributions of Mexican-American citizens to our two countries, my love for the people of Mexico, and the leadership and friendship between Mexico and the United States. It was a thoughtful and substantive conversation and it will go on for awhile. And, in the end we're all going to win. Both countries, we're all going to win.

This is the first of what I expect will be many, many conversations. And in a Trump administration we're going to go about creating a new relationship between our two countries, but it's going to be a fair relationship. We want fairness.

(APPLAUSE)

But to fix our immigration system, we must change our leadership in Washington and we must change it quickly. Sadly, sadly there is no other way. The

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about them and the special interests spend a lot of money trying to cover them up because they are making an absolute fortune. That's the way it is.

Today, on a very complicated and very difficult subject, you will get the truth. The fundamental problem with the immigration system in our country is that it serves the needs of wealthy donors, political activists and powerful, powerful politicians. It's all you can do. Thank you. Thank you.

(APPLAUSE)

Let me tell you who it does not serve. It does not serve you the American people. Doesn't serve you. When politicians talk about immigration reform, they usually mean the following: amnesty, open borders, lower wages. Immigration reform should mean something else entirely. It should mean improvements to our laws and policies to make life better for American citizens.

(APPLAUSE)

Thank you. But if we're going to make our immigration system work, then we have to be prepared to talk honestly and without fear about these important and very sensitive issues. For instance, we have to listen to the concerns that working people, our forgotten working people, have over the record pace of immigration and it's impact on their jobs, wages, housing, schools, tax bills and general living conditions.

These are valid concerns expressed by decent and patriotic citizens from all backgrounds, all over. We also have to be honest about the fact that not everyone who seeks to join our country will be able to successfully assimilate. Sometimes it's just not going to work out. It's our right, as a sovereign nation, to chose immigrants that we think are the likeliest to thrive and flourish and love us.

(APPLAUSE)

Then there is the issue of security. Countless innocent American lives have been stolen because our politicians have failed in their duty to secure our borders and enforce our laws like they have to be enforced. I have met with many of the great

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people, so many, many people. So sad. They will be joining me on this stage in a little while and I look forward to introducing, these are amazing, amazing people.

Countless Americans who have died in recent years would be alive today if not for the open border policies of this administration and the administration that causes this horrible, horrible thought process, called Hillary Clinton.

(APPLAUSE)

This includes incredible Americans like 21-year-old Sarah Root. The man who killed her arrived at the border, entered federal custody and then was released into the U.S., think of it, into the U.S. community under the policies of the White House Barack Obama and Hillary Clinton. Weak, weak policies. Weak and foolish policies.

He was released again after the crime, and now he's out there at large. Sarah had graduated from college with a 4.0, top student in her class one day before her death.

Also among the victims of the Obama-Clinton open-border policy was Grant Ronnebeck, a 21-year-old convenience store clerk and a really good guy from Mesa, Arizona. A lot of you have known about Grant.

He was murdered by an illegal immigrant gang member previously convicted of burglary, who had also been released from federal custody, and they knew it was going to happen again.

Another victim is Kate Steinle. Gunned down in the sanctuary city of San Francisco, by an illegal immigrant, deported five previous times. And they knew he was no good.

Then there is the case of 90-year-old Earl Olander, who was brutally beaten and left to bleed to death in his home, 90 years old and defenseless. The perpetrators were illegal immigrants with criminal records a mile long, who did not meet Obama administration standards for removal. And they knew it was going to happen.

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with a hammer. Her killer had been arrested on multiple occasions but was never, ever deported, despite the fact that everybody wanted him out.

A 2011 report from the Government Accountability Office found that illegal immigrants and other non-citizens, in our prisons and jails together, had around 25,000 homicide arrests to their names, 25,000.

On top of that, illegal immigration costs our country more than $113 billion a year. And this is what we get. For the money we are going to spend on illegal immigration over the next 10 years, we could provide one million at-risk students with a school voucher, which so many people are wanting.

While there are many illegal immigrants in our country who are good people, many, many, this doesn't change the fact that most illegal immigrants are lower skilled workers with less education, who compete directly against vulnerable American workers, and that these illegal workers draw much more out from the system than they can ever possibly pay back.

And they're hurting a lot of our people that cannot get jobs under any circumstances.

But these facts are never reported. Instead, the media and my opponent discuss one thing and only one thing, the needs of people living here illegally. In many cases, by the way, they're treated better than our vets.

Not going to happen anymore, folks. November 8th. Not going to happen anymore.

(APPLAUSE)

**AUDIENCE:** Trump! Trump! Trump!

The truth is, the central issue is not the needs of the 11 million illegal immigrants or however many there may be — and honestly we've been hearing that number for years. It's always 11 million. Our government has no idea. It could be

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Frankly our government has no idea what they're doing on many, many fronts, folks.

(APPLAUSE)

But whatever the number, that's never really been the central issue. It will never be a central issue. It doesn't matter from that standpoint. Anyone who tells you that the core issue is the needs of those living here illegally has simply spent too much time in Washington.

(APPLAUSE)

Only the out of touch media elites think the biggest problems facing America — you know this, this is what they talk about, facing American society today is that there are 11 million illegal immigrants who don't have legal status. And, they also think the biggest thing, and you know this, it's not nuclear, and it's not ISIS, it's not Russia, it's not China, it's global warming.

To all the politicians, donors, and special interests, hear these words from me and all of you today. There is only one core issue in the immigration debate, and that issue is the well being of the American people.

(APPLAUSE)

Nothing even comes a close second. Hillary Clinton, for instance, talks constantly about her fears that families will be separated, but she's not talking about the American families who have been permanently separated from their loved ones because of a preventable homicide, because of a preventable death, because of murder.

No, she's only talking about families who come here in violation of the law. We will treat everyone living or residing in our country with great dignity. So important.

We will be fair, just, and compassionate to all, but our greatest compassion must be for our American citizens.

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Thank you.

President Obama and Hillary Clinton have engaged in gross dereliction of duty by surrendering the safety of the American people to open borders, and you know it better than anybody right here in Arizona. You know it.

President Obama and Hillary Clinton support sanctuary cities. They support catch and release on the border. They support visa overstays. They support the release of dangerous, dangerous, dangerous, criminals from detention. And they support unconstitutional executive amnesty.

Hillary Clinton has pledged amnesty in her first 100 days, and her plan will provide Obamacare, Social Security, and Medicare for illegal immigrants, breaking the federal budget.

On top of that she promises uncontrolled, low-skilled immigration that continues to reduce jobs and wages for American workers, and especially for African-American and Hispanic workers within our country. Our citizens.

Most incredibly, because to me this is unbelievable, we have no idea who these people are, where they come from. I always say Trojan horse. Watch what's going to happen, folks. It's not going to be pretty.

This includes her plan to bring in 620,000 new refugees from Syria and that region over a short period of time. And even yesterday, when you were watching the news, you saw thousands and thousands of people coming in from Syria. What is wrong with our politicians, our leaders if we can call them that. What the hell are we doing?

(APPLAUSE)

Hard to believe. Hard to believe. Now that you've heard about Hillary Clinton's plan, about which she has not answered a single question, let me tell you about my plan. And do you notice...

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And do you notice all the time for weeks and weeks of debating my plan, debating, talking about it, what about this, what about that. They never even mentioned her plan on immigration because she doesn't want to get into the quagmire. It's a tough one, she doesn't know what she's doing except open borders and let everybody come in and destroy our country by the way.

(APPLAUSE)

While Hillary Clinton meets only with donors and lobbyists, my plan was crafted with the input from Federal Immigration offices, very great people. Among the top immigration experts anywhere in this country, who represent workers, not corporations, very important to us.

I also worked with lawmakers, who've led on this issue on behalf of American citizens for many years. And most importantly I've met with the people directly impacted by these policies. So important.

Number one, are you ready? Are you ready?

(APPLAUSE)

We will build a great wall along the southern border.

(APPLAUSE)

**AUDIENCE:** Build the wall! Build the wall! Build the wall!

And Mexico will pay for the wall.

(APPLAUSE)

One hundred percent. They don't know it yet, but they're going to pay for it. And they're great people and great leaders but they're going to pay for the wall.

On day one, we will begin working on an impenetrable, physical, tall, power, beautiful southern border wall.

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We will use the best technology, including above and below ground sensors that's the tunnels. Remember that, above and below.

(APPLAUSE)

Above and below ground sensors. Towers, aerial surveillance and manpower to supplement the wall, find and dislocate tunnels and keep out criminal cartels and Mexico you know that, will work with us. I really believe it. Mexico will work with us. I absolutely believe it. And especially after meeting with their wonderful, wonderful president today. I really believe they want to solve this problem along with us, and I'm sure they will.

(APPLAUSE)

Number two, we are going to end catch and release. We catch them, oh go ahead. We catch them, go ahead.

(APPLAUSE)

Under my administration, anyone who illegally crosses the border will be detained until they are removed out of our country and back to the country from which they came.

(APPLAUSE)

And they'll be brought great distances. We're not dropping them right across. They learned that. President Eisenhower. They'd drop them across, right across, and they'd come back. And across.

Then when they flew them to a long distance, all of a sudden that was the end. We will take them great distances. But we will take them to the country where they came from, O.K.?

Number three. Number three, this is the one, I think it's so great. It's hard to believe, people don't even talk about it. Zero tolerance for criminal aliens. Zero.

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Zero. They don't come in here. They don't come in here.

According to federal data, there are at least two million, two million, think of it, criminal aliens now inside of our country, two million people criminal aliens. We will begin moving them out day one. As soon as I take office. Day one. In joint operation with local, state, and federal law enforcement.

Now, just so you understand, the police, who we all respect — say hello to the police. Boy, they don't get the credit they deserve. I can tell you. They're great people. But the police and law enforcement, they know who these people are.

They live with these people. They get mocked by these people. They can't do anything about these people, and they want to. They know who these people are. Day one, my first hour in office, those people are gone.

(APPLAUSE)

And you can call it deported if you want. The press doesn't like that term. You can call it whatever the hell you want. They're gone.

Beyond the two million, and there are vast numbers of additional criminal illegal immigrants who have fled, but their days have run out in this country. The crime will stop. They're going to be gone. It will be over.

(APPLAUSE)

They're going out. They're going out fast.

Moving forward. We will issue detainers for illegal immigrants who are arrested for any crime whatsoever, and they will be placed into immediate removal proceedings if we even have to do that.

We will terminate the Obama administration's deadly, and it is deadly, non-enforcement policies that allow thousands of criminal aliens to freely roam our streets, walk around, do whatever they want to do, crime all over the place.

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Since 2013 alone, the Obama administration has allowed 300,000 criminal aliens to return back into United States communities. These are individuals encountered or identified by ICE, but who were not detained or processed for deportation because it wouldn't have been politically correct.

My plan also includes cooperating closely with local jurisdictions to remove criminal aliens immediately. We will restore the highly successful Secure Communities Program. Good program. We will expand and revitalize the popular 287(g) partnerships, which will help to identify hundreds of thousands of deportable aliens in local jails that we don't even know about.

Both of these programs have been recklessly gutted by this administration. And those were programs that worked.

This is yet one more area where we are headed in a totally opposite direction. There's no common sense, there's no brain power in our administration by our leader, or our leaders. None, none, none.

On my first day in office I am also going to ask Congress to pass Kate's Law, named for Kate Steinle...

(APPLAUSE)

... to ensure that criminal aliens convicted of illegal reentry receive strong mandatory minimum sentences. Strong.

(APPLAUSE)

And then we get them out.

Another reform I'm proposing is the passage of legislation named for Detective Michael Davis and Deputy Sheriff Danny Oliver, two law enforcement officers recently killed by a previously deported illegal immigrant.

The Davis-Oliver bill will enhance cooperation with state and local authorities to

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We're going to triple the number of ICE deportation officers.

(APPLAUSE)

Within ICE I am going to create a new special deportation task force focused on identifying and quickly removing the most dangerous criminal illegal immigrants in America who have evaded justice just like Hillary Clinton has evaded justice, O.K.?

(APPLAUSE)

Maybe they'll be able to deport her.

(APPLAUSE)

The local police who know every one of these criminals, and they know each and every one by name, by crime, where they live, they will work so fast. And our local police will be so happy that they don't have to be abused by these thugs anymore.

There's no great mystery to it, they've put up with it for years, and now finally we will turn the tables and law enforcement and our police will be allowed to clear up this dangerous and threatening mess.

We're also going to hire 5,000 more Border Patrol agents.

(APPLAUSE)

Who gave me their endorsement, 16,500 gave me their endorsement.

And put more of them on the border instead of behind desks which is good. We will expand the number of border patrol stations significantly.

I've had a chance to spend time with these incredible law enforcement officers, and I want to take a moment to thank them. What they do is incredible.

(APPLAUSE)

And getting their endorsement means so much to me. More to me really than I

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Number four, block funding for sanctuary cities. We block the funding. No more funds.

(APPLAUSE)

We will end the sanctuary cities that have resulted in so many needless deaths. Cities that refuse to cooperate with federal authorities will not receive taxpayer dollars, and we will work with Congress to pass legislation to protect those jurisdictions that do assist federal authorities. Number five, cancel unconstitutional executive orders and enforce all immigration laws.

(APPLAUSE)

We will immediately terminate President Obama's two illegal executive amnesties in which he defied federal law and the Constitution to give amnesty to approximately five million illegal immigrants, five million.

(BOOING)

And how about all the millions that are waiting on line, going through the process legally? So unfair.

Hillary Clinton has pledged to keep both of these illegal amnesty programs, including the 2014 amnesty which has been blocked by the United States Supreme Court. Great.

Clinton has also pledged to add a third executive amnesty. And by the way, folks, she will be a disaster for our country, a disaster in so many other ways.

And don't forget the Supreme Court of the United States. Don't forget that when you go to vote on November 8. And don't forget your Second Amendment. And don't forget the repeal and replacement of Obamacare.

(APPLAUSE)

And don't forget building up our depleted military. And don't forget taking care

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(APPLAUSE)

Clinton's plan would trigger a constitutional crisis unlike almost anything we have ever seen before. In effect, she would be abolishing the lawmaking powers of Congress in order to write her own laws from the Oval Office. And you see what bad judgment she has. She has seriously bad judgment.

(BOOING)

Can you imagine? In a Trump administration all immigration laws will be enforced, will be enforced. As with any law enforcement activity, we will set priorities. But unlike this administration, no one will be immune or exempt from enforcement. And ICE and Border Patrol officers will be allowed to do their jobs the way their jobs are supposed to be done.

(APPLAUSE)

Anyone who has entered the United States illegally is subject to deportation. That is what it means to have laws and to have a country. Otherwise we don't have a country.

Our enforcement priorities will include removing criminals, gang members, security threats, visa overstays, public charges. That is those relying on public welfare or straining the safety net along with millions of recent illegal arrivals and overstays who've come here under this current corrupt administration.

(APPLAUSE)

Number six, we are going to suspend the issuance of visas to any place where adequate screening cannot occur.

(APPLAUSE)

According to data provided by the Senate Subcommittee on Immigration, and the national interest between 9/11 and the end of 2014, at least 380 foreign born

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now the largest number of people are under investigation for exactly this that we've ever had in the history of our country.

Our country is a mess. We don't even know what to look for anymore, folks. Our country has to straighten out. And we have to straighten out fast.

The number is likely higher. But the administration refuses to provide this information, even to Congress. As soon as I enter office I am going to ask the Department of State, which has been brutalized by Hillary Clinton, brutalized.

(BOOING)

Homeland Security and the Department of Justice to begin a comprehensive review of these cases in order to develop a list of regions and countries from which immigration must be suspended until proven and effective vetting mechanisms can be put in place.

I call it extreme vetting right? Extreme vetting. I want extreme. It's going to be so tough, and if somebody comes in that's fine but they're going to be good. It's extreme.

And if people don't like it, we've got have a country folks. Got to have a country. Countries in which immigration will be suspended would include places like Syria and Libya. And we are going to stop the tens of thousands of people coming in from Syria. We have no idea who they are, where they come from. There's no documentation. There's no paperwork. It's going to end badly folks. It's going to end very, very badly.

For the price of resettling one refugee in the United States, 12 could be resettled in a safe zone in their home region. Which I agree with 100 percent. We have to build safe zones and we'll get the money from Gulf states. We don't want to put up the money. We owe almost $20 trillion. Doubled since Obama took office, our national debt.

But we will get the money from Gulf states and others. We'll supervise it. We'll

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Another reform involves new screening tests for all applicants that include, and this is so important, especially if you get the right people. And we will get the right people. An ideological certification to make sure that those we are admitting to our country share our values and love our people.

(APPLAUSE)

Thank you. We're very proud of our country. Aren't we? Really? With all it's going through, we're very proud of our country. For instance, in the last five years, we've admitted nearly 100,000 immigrants from Iraq and Afghanistan. And these two countries according to Pew Research, a majority of residents say that the barbaric practice of honor killings against women are often or sometimes justified. That's what they say.

(APPLAUSE)

That's what they say. They're justified. Right? And we're admitting them to our country. Applicants will be asked their views about honor killings, about respect for women and gays and minorities. Attitudes on radical Islam, which our president refuses to say and many other topics as part of this vetting procedure. And if we have the right people doing it, believe me, very, very few will slip through the cracks. Hopefully, none.

(APPLAUSE)

Number seven, we will insure that other countries take their people back when they order them deported.

(APPLAUSE)

There are at least 23 countries that refuse to take their people back after they've been ordered to leave the United States. Including large numbers of violent criminals, they won't take them back. So we say, O.K., we'll keep them. Not going to happen with me, not going to happen with me.

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Due to a Supreme Court decision, if these violent offenders cannot be sent home, our law enforcement officers have to release them into your communities.

(APPLAUSE)

And by the way, the results are horrific, horrific. There are often terrible consequences, such as Casey Chadwick's tragic death in Connecticut just last year. Yet despite the existence of a law that commands the secretary of state to stop issuing visas to these countries.

Secretary Hillary Clinton ignored this law and refused to use this powerful tool to bring nations into compliance. And, they would comply if we would act properly.

In other words, if we had leaders that knew what they were doing, which we don't.

The result of her misconduct was the release of thousands and thousands of dangerous criminal aliens who should have been sent home to their countries. Instead we have them all over the place. Probably a couple in this room as a matter of fact, but I hope not.

According to a report for the Boston Globe from the year 2008 to 2014 nearly 13,000 criminal aliens were released back into U.S. communities because their home countries would not, under any circumstances, take them back. Hard to believe with the power we have. Hard to believe.

We're like the big bully that keeps getting beat up. You ever see that? The big bully that keeps getting beat up.

These 13,000 releases occurred on Hillary Clinton's watch. She had the power and the duty to stop it cold, and she decided she would not do it.

(BOOING)

And Arizona knows better than most exactly what I'm talking about.

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Those released include individuals convicted of killings, sexual assaults, and some of the most heinous crimes imaginable.

The Boston Globe writes that a Globe review of 323 criminals released in New England from 2008 to 2012 found that as many as 30 percent committed new offenses, including rape, attempted murder, and child molestation. We take them, we take them.

(BOOING)

Number eight, we will finally complete the biometric entry-exit visa tracking system which we need desperately.

(APPLAUSE)

For years Congress has required biometric entry-exit visa tracking systems, but it has never been completed. The politicians are all talk, no action, never happens. Never happens.

Hillary Clinton, all talk. Unfortunately when there is action it's always the wrong decision. You ever notice?

In my administration we will ensure that this system is in place. And, I will tell you, it will be on land, it will be on sea, it will be in air. We will have a proper tracking system.

Approximately half of new illegal immigrants came on temporary visas and then never, ever left. Why should they? Nobody's telling them to leave. Stay as long as you want, we'll take care of you.

Beyond violating our laws, visa overstays pose — and they really are a big problem — pose a substantial threat to national security. The 9/11 Commission said that this tracking system should be a high priority and would have assisted law enforcement and intelligence officials in August and September 2001 in conducting a search for two of the 9/11 hijackers that were in the United States on expired visas.

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And you know what that would have meant, what that could have meant. Wouldn't that have been wonderful, right? What that could have meant.

Last year alone nearly half a million individuals overstayed their temporary visas. Removing these overstays will be a top priority of my administration.

(APPLAUSE)

If people around the world believe they can just come on a temporary visa and never, ever leave, the Obama-Clinton policy, that's what it is, then we have a completely open border, and we no longer have a country.

We must send a message that visa expiration dates will be strongly enforced.

Number nine, we will turn off the jobs and benefits magnet.

(APPLAUSE)

We will ensure that E-Verify is used to the fullest extent possible under existing law, and we will work with Congress to strengthen and expand its use across the country.

Immigration law doesn't exist for the purpose of keeping criminals out. It exists to protect all aspects of American life. The work site, the welfare office, the education system, and everything else.

That is why immigration limits are established in the first place. If we only enforced the laws against crime, then we have an open border to the entire world. We will enforce all of our immigration laws.

(APPLAUSE)

And the same goes for government benefits. The Center for Immigration Studies estimates that 62 percent of households headed by illegal immigrants use some form of cash or non-cash welfare programs like food stamps or housing assistance.

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Those who abuse our welfare system will be priorities for immediate removal.

(APPLAUSE)

Number 10, we will reform legal immigration to serve the best interests of America and its workers, the forgotten people. Workers. We're going to take care of our workers.

And by the way, and by the way, we're going to make great trade deals. We're going to renegotiate trade deals. We're going to bring our jobs back home. We're going to bring our jobs back home.

We have the most incompetently worked trade deals ever negotiated probably in the history of the world, and that starts with Nafta. And now they want to go TPP, one of the great disasters.

We're going to bring our jobs back home. And if companies want to leave Arizona and if they want to leave other states, there's going to be a lot of trouble for them. It's not going to be so easy. There will be consequence. Remember that. There will be consequence. They're not going to be leaving, go to another country, make the product, sell it into the United States, and all we end up with is no taxes and total unemployment. It's not going to happen. There will be consequences.

(APPLAUSE)

We've admitted 59 million immigrants to the United States between 1965 and 2015. Many of these arrivals have greatly enriched our country. So true. But we now have an obligation to them and to their children to control future immigration as we are following, if you think, previous immigration waves.

We've had some big waves. And tremendously positive things have happened. Incredible things have happened. To ensure assimilation we want to ensure that it works. Assimilation, an important word. Integration and upward mobility.

(APPLAUSE)

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Within just a few years immigration as a share of national population is set to break all historical records. The time has come for a new immigration commission to develop a new set of reforms to our legal immigration system in order to achieve the following goals.

To keep immigration levels measured by population share within historical norms. To select immigrants based on their likelihood of success in U.S. society and their ability to be financially self- sufficient.

(APPLAUSE)

We take anybody. Come on in, anybody. Just come on in. Not anymore.

You know, folks, it's called a two-way street. It is a two-way street, right? We need a system that serves our needs, not the needs of others. Remember, under a Trump administration it's called America first. Remember that.

(APPLAUSE)

To choose immigrants based on merit. Merit, skill, and proficiency. Doesn't that sound nice? And to establish new immigration controls to boost wages and to ensure that open jobs are offered to American workers first. And that in particular African-American and Latino workers who are being shut out in this process so unfairly.

(APPLAUSE)

And Hillary Clinton is going to do nothing for the African-American worker, the Latino worker. She's going to do nothing. Give me your vote, she says, on November 8th. And then she'll say, so long, see you in four years. That's what it is.

She is going to do nothing. And just look at the past. She's done nothing. She's been there for 35 years. She's done nothing. And I say what do you have to lose? Choose me. Watch how good we're going to do together. Watch.

(APPLAUSE)

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national interest. We've been living under outdated immigration rules from decades ago. They're decades and decades old.

To avoid this happening in the future, I believe we should sunset our visa laws so that Congress is forced to periodically revise and revisit them to bring them up to date. They're archaic. They're ancient. We wouldn't put our entire federal budget on auto pilot for decades, so why should we do the same for the very, very complex subject of immigration?

So let's now talk about the big picture. These 10 steps, if rigorously followed and enforced, will accomplish more in a matter of months than our politicians have accomplished on this issue in the last 50 years. It's going to happen, folks. Because I am proudly not a politician, because I am not behold to any special interest, I've spent a lot of money on my campaign, I'll tell you. I write those checks. Nobody owns Trump.

I will get this done for you and for your family. We'll do it right. You'll be proud of our country again. We'll do it right. We will accomplish all of the steps outlined above. And, when we do, peace and law and justice and prosperity will prevail. Crime will go down. Border crossings will plummet. Gangs will disappear.

And the gangs are all over the place. And welfare use will decrease. We will have a peace dividend to spend on rebuilding America, beginning with our American inner cities. We're going to rebuild them, for once and for all.

For those here illegally today, who are seeking legal status, they will have one route and one route only. To return home and apply for reentry like everybody else, under the rules of the new legal immigration system that I have outlined above. Those who have left to seek entry —

Thank you.

Thank you. Thank you. Those who have left to seek entry under this new system — and it will be an efficient system — will not be awarded surplus visas, but will have

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future.TRUMP: We will break the cycle of amnesty and illegal immigration. We will break the cycle. There will be no amnesty.

(APPLAUSE)

Our message to the world will be this. You cannot obtain legal status or become a citizen of the United States by illegally entering our country. Can't do it.

(APPLAUSE)

This declaration alone will help stop the crisis of illegal crossings and illegal overstays, very importantly. People will know that you can't just smuggle in, hunker down and wait to be legalized. It's not going to work that way. Those days are over.

(APPLAUSE)

Importantly, in several years when we have accomplished all of our enforcement and deportation goals and truly ended illegal immigration for good, including the construction of a great wall, which we will have built in record time. And at a reasonable cost, which you never hear from the government.

(APPLAUSE)

And the establishment of our new lawful immigration system then and only then will we be in a position to consider the appropriate disposition of those individuals who remain.

That discussion can take place only in an atmosphere in which illegal immigration is a memory of the past, no longer with us, allowing us to weigh the different options available based on the new circumstances at the time.

(APPLAUSE)

Right now, however, we're in the middle of a jobs crisis, a border crisis and a terrorism crisis like never before. All energies of the federal government and the legislative process must now be focused on immigration security. That is the only

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Whether it's dangerous materials being smuggled across the border, terrorists entering on visas or Americans losing their jobs to foreign workers, these are the problems we must now focus on fixing. And the media needs to begin demanding to hear Hillary Clinton's answer on how her policies will affect Americans and their security.

(APPLAUSE)

These are matters of life and death for our country and its people, and we deserve answers from Hillary Clinton. And do you notice, she doesn't answer.

She didn't go to Louisiana. She didn't go to Mexico. She was invited.

She doesn't have the strength or the stamina to make America great again. Believe me.

(APPLAUSE)

What we do know, despite the lack of media curiosity, is that Hillary Clinton promises a radical amnesty combined with a radical reduction in immigration enforcement. Just ask the Border Patrol about Hillary Clinton. You won't like what you're hearing.

The result will be millions more illegal immigrants; thousands of more violent, horrible crimes; and total chaos and lawlessness. That's what's going to happen, as sure as you're standing there.

This election, and I believe this, is our last chance to secure the border, stop illegal immigration and reform our laws to make your life better. I really believe this is it. This is our last time. November 8. November 8. You got to get out and vote on November 8.

(APPLAUSE)

It's our last chance. It's our last chance. And that includes Supreme Court

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I am going to ask — these are really special people that I've gotten to know. I'm going to ask all of the "Angel Moms" to come join me on the stage right now.

These are amazing women.

(APPLAUSE)

These are amazing people.

(APPLAUSE)

**AUDIENCE:** USA! USA! USA!

I've become friends with so many. But Jamiel Shaw, incredible guy, lost his son so violently. Say just a few words about your child.

**(SPEAKER'S VOICE):** My son Ronald da Silva (ph) was murdered April 27, 2002 by an illegal alien who had been previously deported. And what so — makes me so outrageous is that we came here legally.

Thank you, Mr. Trump. I totally support you. You have my vote.

**TRUMP:** Thank you, thank you.

**(SPEAKER'S VOICE):** God bless you.

(APPLAUSE)

**TRUMP:** You know what? Name your child and come right by. Go ahead.

**(SPEAKER'S VOICE):** Laura Wilkerson. And my son was Joshua Wilkerson. He was murdered by an illegal in 2010. And I personally support Mr. Trump for our next president.

(APPLAUSE)

**(SPEAKER'S VOICE):** My name is Ruth Johnston Martin (ph). My husband

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2002. And I support this man who's going to change this country for the better. God bless you.

(APPLAUSE)

**(SPEAKER'S VOICE):** My name Maureen Maloney (ph), and our son Matthew Denise (ph) was 23 years old when he was dragged a quarter of a mile to his death by an illegal alien, while horrified witnesses were banging on the truck trying to stop him.

(APPLAUSE)

**(SPEAKER'S VOICE):** Our son Matthew Denise, if Donald Trump were president in 2011, our son Matthew Denise and other Americans would be alive today.

(APPLAUSE)

**(SPEAKER'S VOICE):** Thank you. My name is Kathy Woods (ph). My son Steve (ph), a high school senior, 17 years old, went to the beach after a high school football game. A local gang came along, nine members. The cars were battered to — like war in Beirut. And all I can say is they murdered him and if Mr. Trump had been in office then the border would have been secure and our children would not be dead today.

(APPLAUSE)

**(SPEAKER'S VOICE):** Hi. My name is Brenda Sparks (ph), and my son is named Eric Zapeda (ph). He was raised by a legal immigrant from Honduras only to be murdered by an illegal in 2011. His murderer never did a second in handcuffs or jail. Got away with killing an American. So I'm voting for trump. And by the way, so is my mother.

(APPLAUSE)

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Little Rock, Arkansas. Thank you. And if you don't vote Trump, we won't have a country. Trump all the way.

(APPLAUSE)

**(SPEAKER'S VOICE):** I'm Shannon Estes (ph). And my daughter Shaley Estes (ph), 22 years old, was murdered here in Phoenix last July 24 by a Russian who overstayed his visa. And vote Trump.

(APPLAUSE)

**(SPEAKER'S VOICE):** I'm Mary Ann Mendoza, the mother of Sergeant Brandon Mendoza, who was killed in a violent head-on collision in Mesa.

Thank you.

I want to thank Phoenix for the support you've always given me, and I want to tell you what. I'm supporting the man who will — who is the only man who is going to save our country, and what we our going to be leaving our children.

(APPLAUSE)

**(SPEAKER'S VOICE):** I'm Steve Ronnebeck, father of Grant Ronnebeck, 21 years old. Killed January 22, 2015 by an illegal immigrant who shot him in the face. I truly believe that Mr. Trump is going to change things. He's going to fight for my family, and he's going to fight for America.

(APPLAUSE)

**TRUMP:** These are amazing people, and I am not asking for their endorsement, believe me that. I just think I've gotten to know so many of them, and many more, from our group. But they are incredible people and what they're going through is incredible, and there's just no reason for it. Let's give them a really tremendous hand.

(APPLAUSE)

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So, now is the time for these voices to be heard. Now is the time for the media to begin asking questions on their behalf. Now is the time for all of us as one country, Democrat, Republican, liberal, conservative to band together to deliver justice, and safety, and security for all Americans.

Let's fix this horrible, horrible, problem. It can be fixed quickly. Let's our secure our border.

(APPLAUSE)

Let's stop the drugs and the crime from pouring into our country. Let's protect our social security and Medicare. Let's get unemployed Americans off the welfare and back to work in their own country.

This has been an incredible evening. We're going to remember this evening. November 8, we have to get everybody. This is such an important state. November 8 we have to get everybody to go out and vote.

We're going to bring — thank you, thank you. We're going to take our country back, folks. This is a movement. We're going to take our country back.

Thank you.

(APPLAUSE)

Thank you.

This is an incredible movement. The world is talking about it. The world is talking about it and by the way, if you haven't been looking to what's been happening at the polls over the last three or four days I think you should start looking. You should start looking.

(APPLAUSE)

Together we can save American lives, American jobs, and American futures. Together we can save America itself. Join me in this mission, we're going to make

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Thank you. I love you. God bless you, everybody. God bless you. God bless you, thank you.

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# Exhibit KK

JANUARY 30, 2017

# Key facts about refugees to the U.S.

BY JENS MANUEL KROGSTAD (HTTP://WWW.PEWRESEARCH.ORG/AUTHOR/JKROGSTAD/) AND JYNNAH RADFORD (HTTP://WWW.PEWRESEARCH.ORG/AUTHOR/JRADFORD/)

Syrian refugees take notes during their vocational ESL class at the International Rescue Committee center in San Diego on Aug. 31, 2016. (Frederic J. Brown/AFP/Getty Images)

An executive order (https://www.nytimes.com/2017/01/27/us/politics/refugee-muslim-executive-order-trump.html) signed Jan. 27 by President Donald Trump suspends refugee admissions for 120 days while security procedures are reviewed, though the resettlement of persecuted religious minorities may continue during this time on a case-by-case basis. Under the plan, the maximum number of refugees allowed into the U.S. in fiscal 2017 will likely decline from 110,000 to 50,000. Separately, admission of Syrian refugees will be suspended pending a revision of security screening measures.

About 3 million refugees have been resettled in the U.S. since Congress passed the Refugee Act of 1980 (https://www.acf.hhs.gov/orr/resource/the-refugee-act) , which created the Federal Refugee Resettlement Program and the current national standard for the screening and admission of refugees into the country.

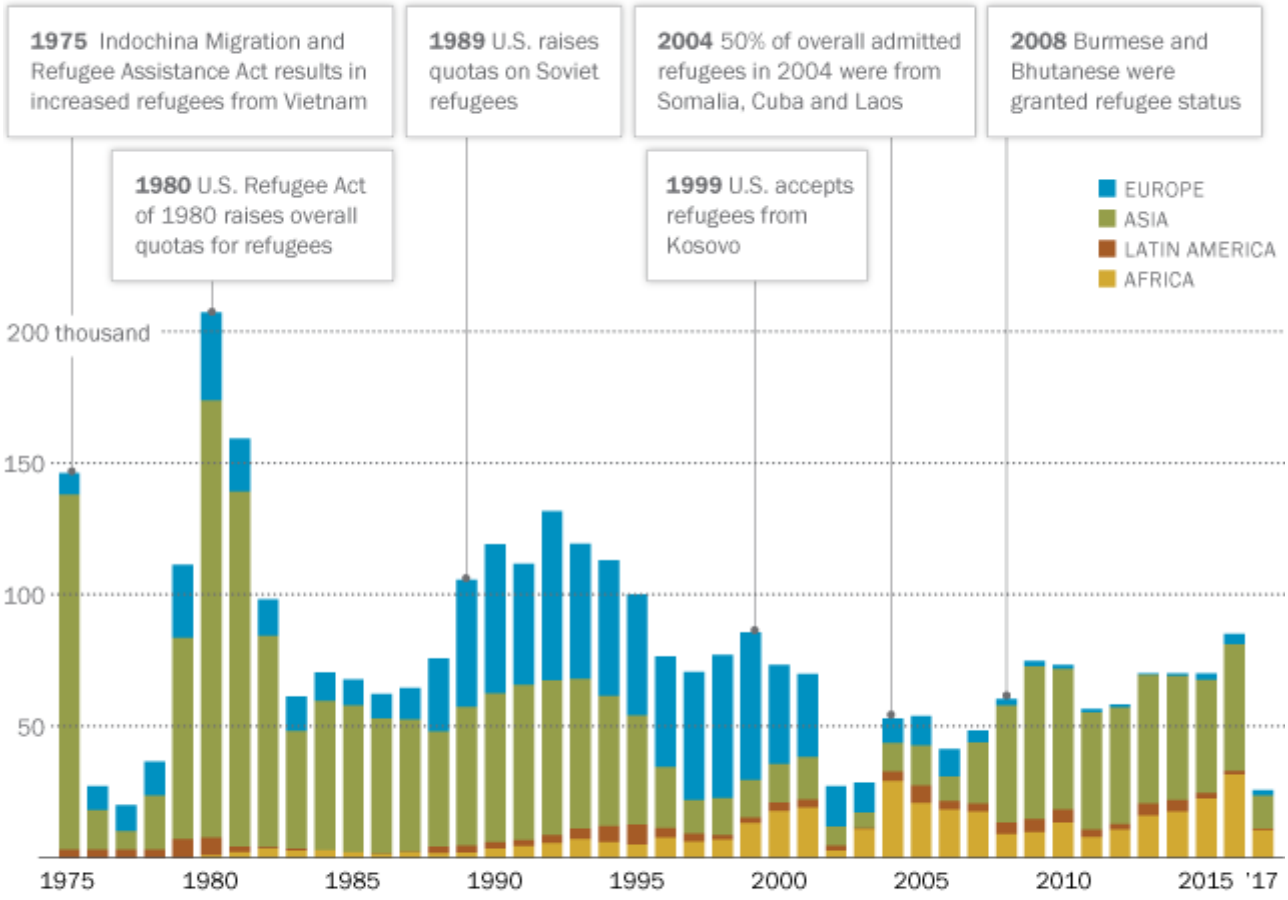
This is not the first time U.S. refugee admissions have been stopped. After the 2001 terrorist attacks, the U.S. largely suspended refugee resettlement for three months while security measures were examined. Today, the refugee admissions process (https://www.state.gov/j/prm/ra/admissions/) can take up to 18 to 24 months, and includes a review of applications by the State Department and other federal agencies, in-person interviews, health screenings and, for many, cultural orientations.

Here are key facts from our research about refugees entering the United States:

**1** Historically, **the total number of refugees coming to the U.S. has fluctuated** (http://www.pewresearch.org/fact-tank/2016/06/17/where-refugees-to-the-u-s-come-from/) **along with global events and U.S. priorities**. From 1990 to 1995, an average of about 112,000 refugees arrived in the U.S. each year, with many coming from the former Soviet Union. However, refugee admissions dropped off to fewer than 27,000 in 2002 following the terrorist attacks in 2001. This number has since trended up.

**The shifting origins of refugees to the U.S. over time**

*Number of refugees admitted to the U.S., by region of origin of principal applicant and fiscal year*




Source: Refugee Processing Center, 1975-2016.
Note: Data do not include special immigrant visas and certain humanitarian parole entrants. Does not include refugees admitted under the Private Sector Initiative. Europe includes former Soviet Union states. Asia includes Middle Eastern and North African countries. Africa includes sub-Saharan Africa, but also Sudan and South Sudan. Latin America includes Caribbean. Data for fiscal 2017 are through Dec. 31, 2016; fiscal 2017 began Oct. 1, 2016.

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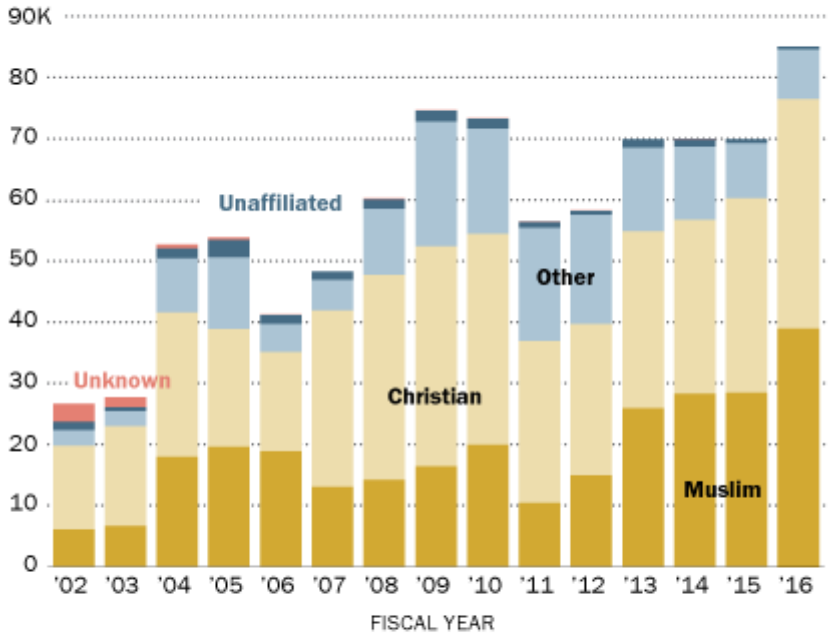
**2** **The U.S. admitted 84,995 refugees in the fiscal year ending in September 2016, the most in any year during the Obama administration**. An additional 31,143 refugees have been admitted to the U.S. from Oct. 1 through Jan. 24, including more than 1,136 refugee admissions since Trump became president on Jan. 20. Though refugee admissions would drastically drop under Trump's proposal, the U.S. had been on pace to reach the Obama administration's goal of admitting 110,000 refugees (http://www.pewresearch.org/fact-tank/2017/01/20/u-s-on-track-to-reach-obama-administrations-goal-of-resettling-110000-refugees-this-year/) in fiscal 2017, which would have been the highest number since 1994.

**3** In fiscal 2016, **the highest number of refugees from any nation came from the Democratic Republic of Congo**. The Congo accounted for 16,370 refugees followed by Syria (12,587), Burma (aka Myanmar, with 12,347), Iraq (9,880) and Somalia (9,020). Over the past decade, the largest numbers of refugees have come from Burma (159,692) and Iraq (135,643).

**U.S. admits its highest number of Muslim refugees on record in fiscal 2016**

*Number of refugees entering the U.S. by religious affiliation*




Note: "Other religions" include Hindus, Buddhists, Jews and other religions. Data do not include special immigrant visas and certain humanitarian parole entrants. Fiscal years are Oct. 1 through Sept. 30 each year.
Source: U.S. State Department's Refugee Processing Center accessed Oct. 3, 2016.

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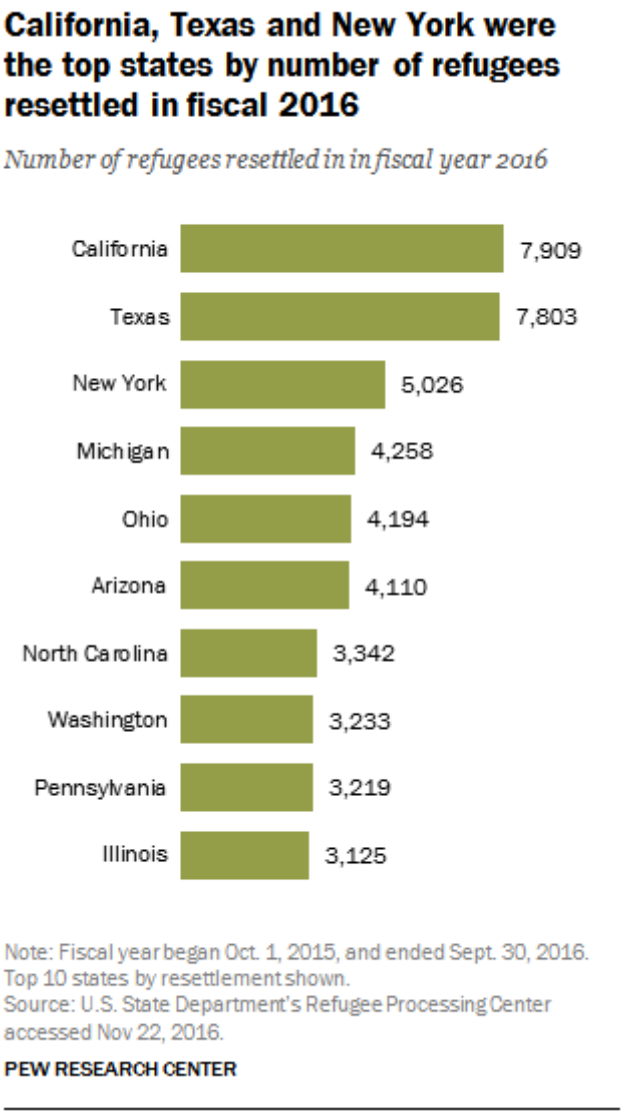
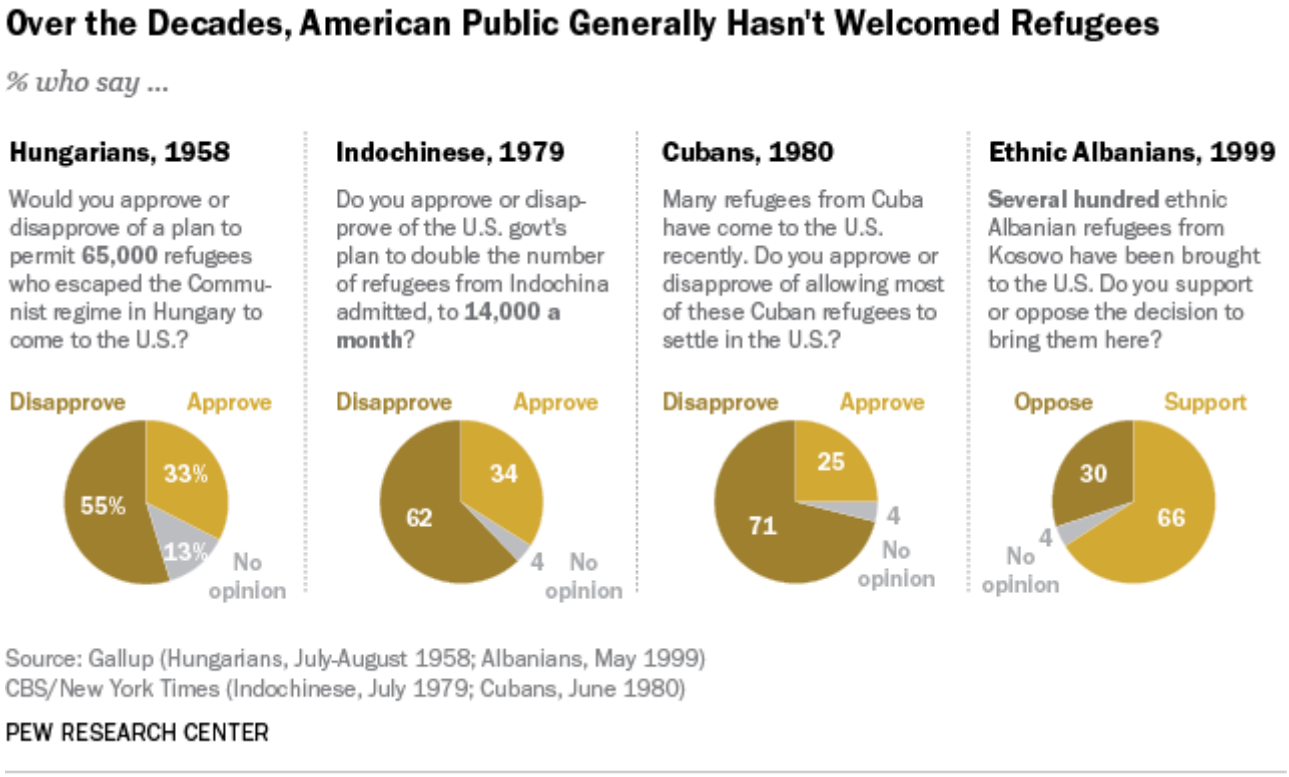
**4** **Nearly 39,000 Muslim refugees** (http://www.pewresearch.org/fact-tank/2016/10/05/u-s-admits-record-number-of-muslim-refugees-in-2016/) **entered the U.S. in fiscal 2016, the highest number on record,** according to a Pew Research Center analysis of data from the State Department's Refugee Processing Center (http://ireports.wrapsnet.org/Interactive-Reporting/EnumType/Report?ItemPath=/rpt_WebArrivalsReports/MX%20-%20Arrivals%20by%20Nationality%20and%20Religion) . Muslims made up nearly half (46%) of refugee admissions, a higher share than for Christians, who accounted for 44% of refugees admitted. Muslims exceeded Christians on this measure for the first time since 2006, when a large number of Somali refugees entered the U.S. From fiscal years 2002 to 2016, the U.S. admitted 399,677 Christian refugees and 279,339 Muslim refugees, meaning that 46% of all refugees who have entered the U.S. during this time have been Christian while 32% have been Muslim.




(http://www.pewresearch.org/fact-tank/2016/12/06/just-10-states-resettled-more-than-half-of-recent-refugees-to-u-s/ft_16-12-02_usrefugees_total/) **California, Texas and New York** (http://www.pewresearch.org/fact-tank/2016/12/06/just-10-states-resettled-more-than-half-of-recent-refugees-to-u-s/) **resettled nearly a quarter of all refugees in fiscal 2016**, together taking 20,738 refugees. Other states that received at least 3,000 refugees included Michigan, Ohio, Arizona, North Carolina, Washington, Pennsylvania and Illinois. By contrast, Arkansas, the District of Columbia and Wyoming each resettled fewer than 10 refugees. Delaware and Hawaii took in no refugees.

**6** **The U.S. public has seldom approved of accepting large numbers of refugees.** In October 2016, 54% of registered voters said the U.S. (http://www.people-press.org/2016/10/27/7-opinions-on-u-s-international-involvement-free-trade-isis-and-syria-russia-and-china/) does not have a responsibility to accept refugees from Syria, while 41% said it does. There was a wide partisan gap on this measure, with 87% of Trump supporters saying the U.S. doesn't have a responsibility to accept Syrians, compared with only 27% of Clinton supporters who said the same. U.S. public opinion polls (http://www.pewresearch.org/fact-tank/2015/11/19/u-s-public-seldom-has-welcomed-refugees-into-country/) from previous decades show Americans have largely opposed admitting large numbers of refugees from countries where people are fleeing war and oppression.




*Note: This is an update of a post originally published on Jan. 27, 2017.*

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POSTS | EMAIL

## 60 Comments

**Anonymous** • 1 month ago (#comment-674937)

Believe or not, we know that most of "so-called Congolese Refugees" are actually Rwandese from RWANDA. They will all tell you that they are from Rutshuru or Mulenge, because these are the regions that were infiltrated by them. The Congolese citizenship is inherited from blood and as a rule in the East, you have to proof from which family you come

# Exhibit LL

# UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

| | |
|---|---|
| HAMEED KHALID DARWEESH, et al.,<br><br>on behalf of themselves and others similarly situated,<br><br>*Petitioners*,<br><br>v.<br><br>DONALD J. TRUMP, President of the United States, et al.,<br><br>*Respondents*. | Case No. 1:17-cv-00480 (Amon, J.)<br><br>Date: February 16, 2017 |

## BRIEF OF FORMER NATIONAL SECURITY OFFICIALS AS AMICI CURIAE IN SUPPORT OF PETITIONERS

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## INTEREST OF *AMICI CURIAE*

Amici curiae are former national security, foreign policy and intelligence officials who have worked on pressing national security matters in the U.S. government. A number of amici have worked at senior levels in administrations of both political parties. Amici have collectively devoted decades to combatting the various terrorist threats that the United States faces in an increasingly dangerous and dynamic world. Amici have all held the highest security clearances. A significant number were current on active intelligence regarding credible terrorist threat streams directed against the United States as recently as one week before the issuance of the January 27, 2017 Executive Order on "Protecting the Nation from Foreign Terrorist Entry into the United States" ("Order").[1]

Amici all agree that the United States faces real threats from terrorist networks and must take all prudent and effective steps to combat them, including the appropriate vetting of travelers to the United States. Amici are nevertheless not aware of any specific threat that would justify the broad bans on entry into the United States established by this Order. In amici's professional opinion, the Order

[1] This amicus brief derives from the sworn Joint Declaration of ten of the signatories, first submitted in *Washington v. Trump*, No. 17-35105, __ F.3d__, 2017 WL 526497, slip op. (9th Cir. Feb. 9, 2017) [hereinafter "Ninth Circuit Opinion"], and also attached to the Petitioners' motion.

cannot be justified on national security or foreign policy grounds, and ultimately, the Order undermines—rather than enhances—the security of the United States.

## ARGUMENT

The Order serves no rational national security or foreign policy purpose. Certainly, it does not perform its declared task of "protecting the nation from foreign terrorist entry into the United States." To the contrary, the Order disrupts thousands of lives, including those of refugees and visa holders who have already been vetted by standing procedures that Respondents have not shown to be inadequate.

Left in place, the Order could do long-term damage to our national security and foreign policy interests. It will endanger troops in the field, and disrupt key counterterrorism and national security partnerships. It will aid the propaganda effort of the Islamic State in Iraq and the Levant ("ISIL") and support its recruitment message. By feeding the narrative that the United States is at war with Islam, the Order will impair relationships with the very Muslim communities that law enforcement professionals rely on to address the threat of terrorism. And it will have a damaging humanitarian and economic impact.

In prior cases, courts have deferred to the "considered judgment" of the President only after administrative records have revealed that the President's decision rested on counsel from expert agencies with broad experience on the

matters presented. Here, there is no evidence that the Order was subjected to an interagency legal and policy process. Rebranding a proposal first advertised as a "Muslim Ban" as "Protecting the Nation from Foreign Terrorist Entry into the United States" does not disguise the Order's discriminatory intent, or make it necessary, effective or faithful to America's Constitution, laws, and values.

## I. THE EXECUTIVE ORDER CANNOT BE JUSTIFIED ON NATIONAL SECURITY OR FOREIGN POLICY GROUNDS.

On January 27, 2017, President Donald Trump signed an executive order imposing a number of bans on the entry of non-citizens into the United States.[2] The President's stated goals for the Order were to "protect[] the nation from foreign terrorist entry into the United States" and to "ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism."[3]

As former U.S. officials responsible for the national security and foreign relations of the United States in multiple presidential administrations, we have devoted our careers to the same goals. Our first priority has always been the

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[2] Exec. Order No. 13,769, 82 Fed. Reg. 8,977 (Jan. 27, 2017). The Order bans entry into the United States by nationals of Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen for 90 days, bans all refugee admissions for 120 days, and indefinitely bans the entry of all Syrian refugees. The Order exempts diplomats (from the ban on entry for nationals) and refugees whom on a case-by-case basis are deemed to be in the national interest (from the ban on all refugee admissions for 120 days).

[3] *Id.*

safety and welfare of the American people. Yet the Order bears no rational relation to the President's stated aims. It targets countries whose nationals have committed no lethal terrorist attacks on U.S. soil in the last forty years. It bars the entry of refugees—the vast majority of whom are vulnerable women and children[4]—when in the modern era of screening, no refugee has ever killed a U.S. citizen in a terrorist attack in the United States.[5]

Even now, weeks after the signing of the Order, Respondents have supplied no information that would justify such a categorical ban. They identify no basis for believing that there is a heightened or particularized threat from these seven countries. They make no showing that our immigration system has suffered from inadequate consideration of national origin or religious affiliation, and identify no flaw in the current individualized vetting procedures—developed by national security officials across several presidential administrations in response to particular threats identified by U.S. intelligence.[6]

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[4] U.S. Dep't of State, *The Refugee Processing and Screening System*, https://www.state.gov/documents/organization/266671.pdf.

[5] Alex Nowrasteh, *Little National Security Benefit to Trump's Executive Order on Immigration*, CATO at Liberty (Jan. 25, 2017) [hereinafter "Nowrasteh 2017"].

[6] Ninth Circuit Opinion, *supra* note 1, at 26 ("Although we agree that the Government's interest in combating terrorism is an urgent objective of the highest order, the Government has done little more than reiterate that fact." (internal citations and quotation marks omitted)); *Aziz v. Trump*, No. 1:17-cv-00116-LMB-TCB, __ F.Supp.3d__ at 6, 2017 WL 580855 (E.D. Va. Feb. 13, 2017)

### A. There is no national security or foreign policy basis for suspending entry of aliens from the seven named countries.

No rational national security purpose is served by the Order's blanket ban on entry into the United States of nationals of Iraq, Syria, Sudan, Iran, Somalia, Libya, and Yemen.

First, not a single American has died in a terrorist attack on U.S. soil at the hands of citizens of these seven nations in the last forty years.[7] The Order opens with a reference to the September 11, 2001 attacks, and White House officials have since pointed to those attacks as justification for its restrictions.[8] But none of the September 11 hijackers were citizens of the seven targeted countries.[9] In fact, the overwhelming majority of individuals who were charged with—or who died in the course of committing—terrorist-related crimes inside the United States since September 11 have been U.S. citizens or legal permanent residents.[10]

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("Defendants . . . have not offered any evidence to identify the national security concerns that allegedly prompted this EO, or even described the process by which the president concluded that this action was necessary." (citations omitted)).

[7] Nowrasteh 2017, *supra* note 5.

[8] Jan. 27 Order §1; Sabrina Siddiqui, *Trump Signs 'Extreme Vetting' Executive Order for People Entering the US*, The Guardian (Jan. 27, 2017).

[9] Central Intelligence Agency, *11 September 2001 Hijackers*, https://www.cia.gov/news-information/speeches-testimony/2002/DCI_18_June_testimony_new.pdf.

[10] *See* Peter Bergen et al., *Terrorism in America After 9/11*, New America Foundation, www.newamerica.org/in-depth/terrorism-in-america/; George Washington University Program on Extremism, *ISIS in America: From Retweets to*

Second, Respondents have identified no information or basis for believing that a heightened or particularized future threat has suddenly arisen from the seven named countries. Those of us who were current on active intelligence concerning all credible terrorist threat streams directed against the United States as of January 20, 2017 know of no specific threat—just seven days later—that would justify the ban of these seven countries. The Order itself points to no such factual basis, and Respondents have offered none.[11]

Third, Respondents have identified no flaw in existing procedures that would justify the bans in the Order. They offer no reason to shift abruptly to group-based bans, when the United States already has a tested system of individualized vetting, developed and implemented by national security professionals across the government. Since the September 11, 2001 attacks, the United States has developed a rigorous system of security vetting, leveraging the

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*Raqqa* 6 (Dec. 2015), https://cchs.gwu.edu/isis-in-america; Nora Ellingsten, *It's Not Foreigners Who Are Plotting Here: What the Data Really Show*, Lawfare (Feb. 7, 2017); *see also* Felicia Schwartz & Ben Kesling, *Countries Under U.S. Entry Ban Aren't Main Sources of Terror Attacks*, The Wall St. J. (Jan. 29, 2017). One other set of data, relied on by White House officials, has been widely criticized for its definition of terrorism-related offenses, among other issues. *See, e.g.,* Molly Redden, *Trump Powers "Will Not be Questioned" on Immigration, Senior Official Says*, The Guardian (Feb. 12, 2007), https://www.theguardian.com/us-news/2017/feb/12/trump-administration-considering-narrower-travel-ban.

[11] Oral Argument, *Washington v. Trump*, No. 17-35105, at 9:30, http://www.ca9.uscourts.gov/media/view_video.php?pk_vid=0000010885.

full capabilities of the law enforcement and intelligence communities. This vetting system is applied to travelers not once, but multiple times, and it is continually re-evaluated to ensure its effectiveness. Successive administrations have strengthened the vetting process through robust information-sharing and data integration. This allows the government to identify potential terrorists without resorting to blanket bans on countries or refugees.[12]

Finally, the Order cannot be defended as a mere continuation of recent U.S. counterterrorism policy. Because threat streams constantly evolve, we sought continually to improve vetting when serving as national security officials. That effort included reviews in 2011 and 2015-16, when the U.S. government acted in response to particular threats identified by intelligence sources. In 2011, after receiving derogatory information regarding two Iraqi nationals who had entered the United States as refugees, the U.S. government undertook an extensive interagency review of its vetting system. The flow of refugees from Iraq slowed during the pendency of the review,[13] and upon completion of the review, the U.S.

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[12] *See, e.g., The Security of U.S. Visa Programs: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. (2016) (written statements of David Donahue and Sarah R. Saldaña), https://www.hsgac.senate.gov/hearings/the-security-of-us-visa-programs.

[13] Refugee Processing Center, Interactive Reporting, http://ireports.wrapsnet.org/Interactive-Reporting/EnumType/Report?ItemPath=/rpt_WebArrivalsReports/MX%20-%20Arrivals%20by%20Nationality%20and%20Religion; Jon Finer, *Sorry, Mr.*

government implemented new, stronger security procedures in areas of identified vulnerability.[14]

Likewise, in late 2015 and early 2016, in response to the emerging threat posed by ISIL, the U.S. government took several steps to strengthen the Visa Waiver Program, which allows citizens from thirty-eight approved countries to travel to the United States without first obtaining a visa. President Obama introduced a series of new measures to enhance security screenings and traveler risk assessments in the program and bolster our relationship with partner countries.[15] Around the same time, President Obama signed into law a statute that removed from the Visa Waiver Program those nationals of existing Visa Waiver Program countries who: (1) had been present in Iraq, Syria, Iran or Sudan after

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*President: The Obama Administration Did Nothing Similar to Your Immigration Ban*, Foreign Policy (Jan. 30, 2017).

[14] *Ten Years After 9/11: Preventing Terrorist Travel, Hearing Before the United States S. Comm. on Homeland Sec. and Governmental Affairs*, 112th Cong. 522 (2011) (written statements of Rand Beers and Janice L. Jacobs), https://www.hsgac.senate.gov/hearings/ten-years-after-9/11-preventing-terrorist-travel; Andorra Bruno, *Iraqi and Afghan Special Immigrant Visa Programs*, Cong. Research Serv., 14 (2016).

[15] The White House, *Visa Waiver Program Enhancements* (Nov. 30, 2015), https://obamawhitehouse.archives.gov/the-press-office/2015/11/30/fact-sheet-visa-waiver-program-enhancements; U.S. Dep't of Homeland Security, *DHS Announces Further Travel Restrictions for the Visa Waiver Program* (Feb. 18, 2016), https://www.dhs.gov/news/2016/02/18/dhs-announces-further-travel-restrictions-visa-waiver-program.

March 1, 2011, or (2) were dual nationals of one of those four countries.[16] Several months later, the Secretary of Homeland Security—acting under the new statute and in consultation with the Director of National Intelligence and the Secretary of State—expanded the list of four countries to include Yemen, Libya and Somalia.[17]

Contrary to Respondents' claims, these previous reforms provide no justification for a blanket, group-based ban on the entry of nationals from these seven countries. The enhancement of security in the refugee system allowed for *more searching, individualized vetting* of travelers, the opposite of the categorical ban in this Order. Likewise, the reforms to the Visa Waiver Program did not automatically bar anyone—including nationals of any country—from travel to the United States. The affected individuals were simply required to obtain *individually-vetted visas* before entering the United States, just as nationals from the more than 150 other nations not currently part of the Visa Waiver Programs must do.

To keep our country safe from terrorist threats, the U.S. government must gather all credible evidence about growing threat streams—including through the

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[16] 8 U.S.C. § 1187; U.S. Dep't of State, *Visa Waiver Program*, https://travel.state.gov/content/visas/en/visit/visa-waiver-program.html.

[17] The exemptions for Yemen, Libya and Somalia only applied to those who had traveled to or been present in one of those countries, not dual nationals. U.S. Dep't of Homeland Security, *DHS Announces Further Travel Restrictions for the Visa Waiver Program*, *supra* note 15.

best available intelligence—to thwart those threats before they ripen. Through the years, national security-based immigration restrictions have: (1) responded to specific, credible threats based on individualized information, (2) rested on the best available intelligence, and (3) been subject to thorough interagency legal and policy review. The present Order does not rest on such tailored grounds, but rather on (1) generalized bans, (2) that are not supported by any new intelligence that Respondents have cited or of which we are aware, and (3) were not vetted through careful interagency legal and policy review.

### B. The suspension of refugee admissions is not justified by national security or foreign policy concerns.

The Order's 120-day ban on refugee admissions, and its indefinite ban on Syrian refugee admissions, serve no national security or foreign policy purpose. We know of no factual basis for Respondents' claim that refugees pose a particular security threat to the United States that would justify the Order's categorical bans.

From 1975 to the end of 2015, over three million refugees have been admitted to the United States. According to a recent study, only three have killed people in terrorist attacks on U.S. soil.[18] All three were Cuban refugees, who murdered three people in two attacks in the 1970s. Critically, these refugees were admitted and carried out their crimes before the creation of the modern refugee

[18] Alex Nowrasteh, *Terrorism and Immigration: A Risk Analysis*, Cato Institute (Sept. 13, 2016).

vetting system in 1980.[19] No refugee has killed an American in a terrorist attack in the United States since that system was put in place.[20] According to the study, over that same period, only twenty refugees were convicted of any terrorism-related crimes on U.S. soil at all.[21]

In part, this is because refugees already receive the most thorough vetting of any travelers to the United States.[22] Refugee candidates are vetted recurrently throughout the resettlement process, as "pending applications continue to be checked against terrorist databases, to ensure new, relevant terrorism information has not come to light."[23] By the time refugees referred by the United Nations High Commissioner for Refugees ("UNHCR") are approved for resettlement in the United States, they have been reviewed not only by UNHCR but also by the National Counterterrorism Center, the Federal Bureau of Investigation, the Department of Homeland Security, the Department of Defense, the Department of State and the U.S. intelligence community more broadly.[24]

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[19] *Id.*

[20] *Id.*

[21] *Id.; see also* Nowrasteh 2017, *supra* note 5.

[22] U.S. Dep't of State, *U.S. Refugee Admissions Program FAQs*, https://www.state.gov/j/prm/releases/factsheets/2017/266447.htm.

[23] Amy Pope, *The Screening Process for Refugee Entry into the United States* (Nov. 20, 2015), https://obamawhitehouse.archives.gov/blog/2015/11/20/infographic-screening-process-refugee-entry-united-states.

[24] U.S. Dep't of State, *U.S. Refugee Admissions Programs FAQs*, supra note 22.

The refugee vetting process is also reviewed and strengthened on an ongoing basis in response to particular threats.[25] For Syrian applicants, the Department of Homeland Security recently added a layer of enhanced review that involves collaboration between the Refugee, Asylum, and International Operations Directorate and the Fraud Detection and National Security Directorate. Among other measures, this review provided additional, intelligence-driven support to refugee adjudicators that U.S. officials could then use to more precisely question refugees during their security interviews.[26] Respondents allege no specific information about any vetting step omitted by current procedures.

While the United States' own individualized vetting process is the most important step, additional considerations make the U.S. refugee system difficult for terrorists to exploit. Under current vetting procedures, refugees often wait eighteen to twenty-four months to be cleared for entry into the United States.[27] Further, of all refugees determined by the UNHCR to be eligible for resettlement, less than

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[25] U.S. Dep't of Homeland Security, *U.S. Citizenship and Immigration Services* (Dec. 3, 2015), https://www.uscis.gov/sites/default/files/USCIS/Refugee%2C%20Asylum%2C%20and%20Int%27l%20Ops/Refugee_Security_Screening_Fact_Sheet.pdf.

[26] U.S. Dep't of State, *The Refugee Processing and Screening System*, *supra* note 5; Andorra Bruno, *Syrian Refugee Admissions and Resettlement in the United States: In Brief*, Cong. Research Serv., 4-5 (2016).

[27] U.S. Dep't of State, *U.S. Refugee Resettlement Processing for Iraqi and Syrian Beneficiaries of an Approved I-130 Petition* (Mar. 11, 2016), https://www.state.gov/j/prm/releases/factsheets/2016/254649.htm.

one percent were resettled in any country at all in 2015,[28] meaning that a would-be terrorist posing as a refugee has very little chance of being resettled *anywhere*. Finally, the UNHCR resettlement program places refugees in dozens of countries, and refugees do not decide where they are resettled or which country accepts them, meaning that the odds of any individual refugee being settled into the United States in particular are exceedingly low.

## II. THE ORDER'S OVERBREADTH HARMS OUR NATIONAL SECURITY AND FOREIGN POLICY INTERESTS.

The Order's overreach will do lasting harm to the national security and foreign policy interests of the United States.

### A. The Order is of unprecedented scope.

The Order effectively amounts to a bar on entry to the United States of nationals from any of the seven listed countries. The Order revoked the visas of anywhere between 60,000 to 100,000 people,[29] initially encompassed as many as 500,000 green card holders,[30] and creates a forward-looking ban on countless more

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[28] U.N. High Commissioner for Refugees, *Resettlement*, http://www.unhcr.org/en-us/resettlement.html.

[29] Justin Jouvenal et al., *Justice Dept. Lawyer Says 100,000 Visas Revoked Under Travel Ban; State Dept. Says about 60,000*, Wash. Post (Feb. 3, 2017).

[30] Marcelo Rochabrun, *Trump Order Will Block 500,000 Legal U.S. Residents from Returning to America from Trips Abroad*, ProPublica (Jan. 28, 2017). The Order could conceivably again encompass green card holders depending upon whether a

individuals. The Order bars doctors and patients, grandmothers and infants, parents and children, tourists and business travelers, police officers and those fighting alongside our Service Members abroad, all without regard to individual threat or circumstance.

This is an order of unprecedented scope. We know of no case where a president has invoked authority under the Immigration and Nationality Act to suspend admission of such a sweeping class of people. Even after the September 11 attacks, the U.S. government did not invoke the provisions of law cited by the Administration to broadly bar entrants based on nationality, national origin or religious affiliation. Across the decades, executive orders under the Immigration and Nationality Act have generally targeted specific government officials,[31] undocumented immigrants[32] or individuals whose personalized screenings indicated that they posed a national security risk.[33]

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White House Counsel opinion is deemed authoritative by the implementing agencies. *See* Ninth Circuit Opinion, *supra* note 2, at 21-22.

[31] *See, e.g.*, Proclamation No. 6958, 61 Fed. Reg. 60,007 (Nov. 22, 1996).

[32] *See, e.g.*, Exec. Order No. 12,807, 57 Fed. Reg. 23,133 (May 24, 1992); Exec. Order No. 12,324, 46 Fed. Reg. 48,109 (Sept. 29, 1981).

[33] *See, e.g.*, Exec. Order No. 13,726, 81 Fed. Reg. 23,559 (Apr. 19, 2016); Exec. Order No. 13,694, 80 Fed. Reg. 18,077 (Apr. 1, 2015).

Some have claimed that historical examples involving Cuba, Iran, or Haiti are akin to this Order. But the first two orders included large exceptions,[34] and the third imposed no restrictions on lawful travel by visa holders at all.[35] And above

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[34] In 1980, during the Iranian Hostage Crisis, President Carter invalidated all visas issued or reissued to Iranian citizens for future entry into the country. Sanctions Against Iran Remarks Announcing U.S. Actions, April 7, 1980, http://www.presidency.ucsb.edu/ws/?pid=33233. But the White House also carved out exceptions for humanitarian need, to include those "visiting a sick aunt," and students who were in a course of study in the United States. The White House even encouraged Iranians in the United States whose visas were set to expire to apply for asylum. One White House official said, "[o]nce in the good old United States legally, or illegally for the matter, they are cloaked in the mantle of the constitutional and legal protections we all value." Charles R. Babcock, *Carter's Visa Crackdown Won't Hurt Immediately*, Wash. Post (Apr. 9, 1980); Robert Pear, *Visa Restrictions Chiefly Apply to Iranians Outside of America*, N.Y. Times (Apr. 8, 1980); *see* U.S. Dep't of Justice, 1980 Statistical Yearbook of the Immigration and Naturalization Service (1981).

In 1986, in the course of a diplomatic impasse over a migration agreement, President Reagan issued a presidential proclamation suspending the "[e]ntry of Cuban nationals as immigrants" into the United States. Proclamation No. 5517, 51 Fed. Reg. 30,470 (Aug. 26, 1986). But that proclamation included a major exception for the immediate relatives of U.S. citizens. *Id.*; U.S. Dep't of Justice, 1987 Statistical Yearbook of the Immigration and Naturalization Service (1987); *see also* David Bier, Trump's Ban on Immigration from Certain Countries is Illegal, Cato at Liberty, Dec. 8, 2016. Both actions were taken to exert pressure against a particular national government—and in the case of Cuba, to "resume normal migration"—not to minimize a threat posed by particular people.

[35] In 1991, President Bush issued an Executive Order that imposed restrictions on "undocumented aliens" who were "coming by sea to the United States without necessary documents." Exec. Order 12,807, 57 Fed. Reg. 23,133 (June 1, 1992). However, legal travel and immigration continued from Haiti into the United States in this period. Even as to those without documents, the Bush Administration offered those repatriated the option of seeking in-country refugee processing. Maureen Taft-Morales, Cong. Research Serv., *Haiti: Efforts to Restore President*

all, no modern example even approaches the unqualified sweep of this Order, which bans nearly 220 million people from seven separate countries from traveling to the United States.

### B. The Order will do serious damage to our national security and foreign policy interests.

The Order will harm the interests of the United States in a number of respects.

#### 1. The Order will endanger U.S. troops in the field.

Every day, U.S. Service Members work and fight alongside allies from some of the named countries, who put their lives on the line to protect Americans and further American interests abroad. Those barred by the Order include individuals working alongside our men and women in Iraq fighting against ISIL.[36] Soldiers from these countries have already voiced resentment at the Order.[37] The Order

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*Aristide, 1991-1994*, 14 (1995); U.S. Dep't of State, Bureau of Consular Affairs, *Report of the Visa Office* (2000), tables XII, XIII, XIV, XV, XVIII, XIX, https://travel.state.gov/content/visas/en/law-and-policy/statistics/annual-reports/report-of-the-visa-office-2000.html.

[36] Rebecca Kheel, *Trump Travel Order Complicates ISIS Fight in Iraq*, The Hill (Feb. 1, 2017); Dan de Luce, *Trump's Immigration Order Gives Ammunition to ISIS, Endangers U.S. Troops,* Foreign Policy (Jan. 29, 2017).

[37] David Zucchino, *Travel Ban Drives Wedge Between Iraqi Soldiers and Americans*, N.Y. Times (Feb. 3, 2017).

may also obstruct ongoing training, education, and other security cooperation programs underway with several of the listed countries.[38]

Moreover, the Order will affect interpreters and others who have assisted our troops at great risk to their own lives. The Order initially banned all such individuals from coming to the United States. Days later, U.S. officials announced that it would allow "the entry of Iraqi nationals with a Special Immigrant Visa to the United States."[39] But even that step leaves unaddressed tens of thousands of others who assisted the United States and who are waiting for admission as "Priority 2" refugees outside of the now closed Special Immigrant Visa program.[40] By discouraging future assistance and cooperation from these and other affected military allies and partners, the Order will jeopardize the safety and effectiveness of our troops.

**2. The Order will disrupt essential counterterrorism, foreign policy, and national security partnerships.**

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[38] U.S. Dep't of Defense & Dep't of State, *Joint Report to Congress: Foreign Military Training* (FY 2015-2016).

[39] U.S. Customs and Border Protection, *Protecting the Nation from Foreign Terrorist Entry into the United States* (Feb. 2, 2017).

[40] U.S. Dep't of State et al., *Report to the Congress, Proposed Refugee Admissions for Fiscal Year 2016,* at 57 (2016); Stephanie Ott, *What Happens to Iraqis who Worked with the U.S. military*, Al Jazeera (Feb. 1, 2017); Urban Justice Center, International Refugee Assistance Project, *IRAP Stands With Iraqi Allies of the United States Affected by Executive Order* (Feb. 1, 2017).

The Order will disrupt key counterterrorism, foreign policy, and national security partnerships that are critical to our country's efforts to address the threat posed by terrorist groups such as ISIL. The Order has sparked intense international criticism and alienated U.S. allies. Partner countries in the Middle East, on whom we rely for vital counterterrorism cooperation, are expressing disapproval and even threatening reciprocity, jeopardizing years of diplomatic effort.[41]

The Order will also endanger U.S. intelligence sources in the field. For up-to-date information, our intelligence officers often rely on human sources in some of the countries listed. The Order breaches faith with those very sources, who have risked much or all to keep Americans safe—and whom our officers had promised to protect.[42] Finally, by suspending visas, this Order halts the collection of important intelligence that occurs during visa screening processes, information that can be used to recruit agents and identify regional trends of instability.[43]

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[41] Rebecca Savransky, *Iraq Parliament Approves 'Reciprocity Measure' In Trump Immigration Ban's Wake*, The Hill (Jan. 30, 2017); Loveday Morris, *Iraqi Leader to U.S.: Americans Come to Iraq to Fight With ISIS, but I Haven't Banned You*, Wash. Post (January 31, 2017); Kevin Liptak, *Travel Ban Remains Sticking Point in Trump Calls with US Allies*, CNN (Feb. 9, 2017).

[42] Michael V. Hayden, *Former CIA Chief: Trump's Travel Ban Hurts American Spies – and America*, Wash. Post (Feb. 5, 2017).

[43] This process is particularly important in countries like Iran and Libya, where internal conflict or lack of diplomatic ties limit on-the-ground intelligence collection.

### 3. The Order will hinder domestic law enforcement efforts.

Domestic law enforcement relies heavily on partnerships with American Muslim communities to fight homegrown terrorism.[44] One report found that in the years since September 11, 2001, Muslim communities have helped U.S. security officials prevent nearly two out of every five Al-Qaeda plots threatening the United States.[45] By alienating Muslim-American communities in the United States, the Order will harm our efforts to enlist their aid in identifying radicalized individuals who might launch attacks of the kind recently seen in San Bernardino and Orlando.

The Order's disparate impact on Muslim travelers and immigrants feeds ISIL's propaganda narrative and sends the wrong message to the Muslim community at home and abroad: that the U.S. government is at war with them based on their religion.[46] Less than a day after President Trump signed the Order,

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[44] Kristina Cooke & Joseph Ax, *U.S. Officials Say American Muslims Do Report Extremist Threats*, Reuters (Jun. 16, 2016).

[45] Muslim Public Affairs Council, *Data on Post-9/11 Terrorism in the United States* (Jun. 2012), http://www.mpac.org/assets/docs/publications/MPAC-Post-911-Terrorism-Data.pdf.

[46] Muslim refugees from the seven listed countries made up 82.2 percent of all Muslim refugee arrivals to the United States from January 1, 2016 to February 11, 2017. Refugee Processing Center, Interactive Reporting, Admissions and Arrivals http://ireports.wrapsnet.org/InteractiveReporting/EnumType/Report?ItemPath=/rpt_WebArrivalsReports/MX%20%20Arrivals%20by%20Nationality%20and%20Religion.

jihadist groups began citing its contents in recruiting messages online.[47] The Order may even endanger Christian communities overseas, by handing ISIL a recruiting tool and propaganda victory that spreads their message that the United States is engaged in a religious war.

**4. The Order will have a devastating humanitarian impact.**

The Order will have an immediate and devastating humanitarian impact. First and foremost, the Order disrupts the travel of men, women and children who have been victimized by actual terrorists. Tens of thousands of other travelers today face deep uncertainty about whether they may travel to or from the United States for reasons including medical treatment, study or scholarly exchange, funerals or other pressing family reasons. While the Order allows the Secretaries of State and Homeland Security to admit travelers from targeted countries on a case-by-case basis, in our experience it would be unrealistic for these overburdened agencies to apply such procedures to every one of the thousands of affected individuals with urgent and compelling needs to travel. Finally, closing our borders to refugees who otherwise would have had the opportunity to resettle in the United States will keep them in dangerous conditions and shift the burden to overstretched allies who are currently accepting far more than their fair share of refugees.

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[47] Joby Warrick, *Jihadist Groups Hail Trump's Travel Ban as a Victory*, Wash. Post (Jan. 29 2017).

**5. The Order will cause economic damage to American citizens and residents.**

Finally, the Order will affect many foreign travelers who annually inject hundreds of billions of dollars into the U.S. economy, supporting well over a million U.S. jobs.[48] Since the Order was issued, dozens of affected companies have noted the damaging impact it can be expected to have on strategic economic sectors including defense, technology, and medicine.[49] About a third of U.S. innovators were born outside the United States, and their scientific and technological innovations often contribute to making our nation and the world safe.[50] The harm caused by the ban to the economic dynamism of our country will carry long-term negative and serious consequences for our national security.

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[48] U.S. Dep't of Commerce, *Department of Commerce Releases October Travel and Tourism Expenditures* (Dec. 15, 2016), http://trade.gov/press/press-releases/2016/department-of-commerce-releases-october-travel-tourism-expenditures-121516.asp.

[49] *See, e.g.,* Br. for Technology Companies and Other Businesses as Amici Curiae in Support of Appellees, Washington v. Trump, No. 17-35105, __ F.3d__, 2017 WL 526497 (9th Cir. Feb. 9, 2017).

[50] Adams Nager, et al., *The Demographics of Innovation in the United States*, Information Technology & Innovation Foundation 29 (Feb. 2016), http://www2.itif.org/2016-demographics-of-innovation.pdf. Iran's universities, for example, have produced an "inordinate amount of intellectual talent in computer science and cybersecurity." These scientists are drawn to universities in the United States, where their research is then used by entities such as the Office of Naval Research and DARPA. Patrick O'Neill, *How Academics Are Helping Cybersecurity Students Overcome Trump's Immigration Order*,

## III. THE ORDER WAS ILL-CONCEIVED, POORLY IMPLEMENTED AND ILL-EXPLAINED.

Respondents have presented no evidence that the Order was subject to the thorough interagency policy and legal processes designed to address current terrorist threats.

In every recent administration, presidents considering a change to immigration policy have followed an interagency review process that allows experts and security professionals to ensure that all relevant uncertainties are addressed by policy and legal experts, appropriate preparations are made for implementation, and any potential risks are effectively mitigated. Before recommendations are submitted to the President, the National Security Council oversees a legal and policy process that typically includes the following important components: a review by the career professionals in institutions of the U.S. government charged with implementing an order; a review by the career lawyers in those institutions to ensure legality and consistency in interpretation; and a senior policy review across all relevant agencies, including Deputies and Principals at the cabinet level.

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Cyberscoop (Jan. 30, 2017), https://www.cyberscoop.com/trump-immigration-ban-cybersecurity-iran-protests/.

This practice of interagency deliberation has been followed even—and especially—in times of national emergency in order to set temporary exclusions or establish criteria for admission to the United States. In the immediate aftermath of the September 11, 2001 attacks, when the Bush Administration considered whether the President should invoke 8 U.S.C. § 1182(f) to bar certain immigrants or take other actions to secure the border, officials engaged in consultations across the national security agencies to arrive at a decision.[51] The reexamination of the vetting system in 2011[52] and the security reforms to the Visa Waiver Program in 2015-16[53] reflect similar interagency consultation.

The process that produced this Order departed from decades of standard practice across administrations of both parties.[54] Respondents offer no evidence that the present Order resulted from experienced intelligence and security professionals recommending changes in response to identified threats. We know

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[51] Edward Alden, *The Closing of the American Border* 104-06 (2008); Thomas R. Eldridge, et al., *9/11 and Terrorist Travel: A Staff Report of the National Commission on Terrorist Attacks Upon the United States* 151-54 (2004); Memorandum from Stuart Levey, Assoc. Deputy Att'y Gen., to Dan Levin, Counsel to the Att'y Gen., & David Ayres, Dep't of Justice Chief of Staff (Oct. 3, 2001).

[52] Jon Finer, *supra* note 13.

[53] *See supra* notes 15-17 and surrounding text.

[54] This is no less true of executive orders issued at the start of a new presidency. *See, e.g.*, Henry B. Hogue, Cong. Research Serv., *Presidential Transition Act: Provisions and Funding* (2016); William Glaberson & Helene Cooper, *Obama's Plan to Close Prison at Guantánamo May Take Year*, N.Y. Times (Jan. 12, 2009).

of no process underway before January 20, 2017 to change current immigration vetting procedures. According to extensive reporting, since that date, Respondents followed no such process.[55] Nor, apparently, did the White House consult officials from any of the seven agencies tasked with enforcing immigration laws, much less the congressional committees and subcommittees that oversee them. Respondents' repeated need to clarify confusion that ensued in the wake of the Order only confirms that the Order received little, if any, advance scrutiny by the Departments of State, Justice, Homeland Security or the intelligence community.[56]

As telling, this Order was apparently issued without interagency legal process. In recent history, administrations of both political parties have followed a protocol of submitting proposed Orders to the Attorney General, the Justice Department's Office of Legal Counsel ("OLC") and all other agency legal offices

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[55] The Secretary of Homeland Security reportedly received his first full briefing as the President signed the Order. Michael D. Shear & Ron Nixon, *How Trump's Rush to Enact an Immigration Ban Unleashed Global Chaos*, N.Y. Times (Jan. 29, 2017). The Secretary of Defense was neither consulted during the drafting of the order nor given an opportunity to provide input. Evan Perez et al., *Inside the Confusion of the Trump Executive Order and Travel Ban*, CNN (Jan. 30, 2017). Most State Department officials reportedly first heard of the Order through the media. Jonathan Allen & Brendan O'Brien, *How Trump's Abrupt Immigration Ban Sowed Confusion at Airports, Agencies*, Reuters (Jan. 29, 2017).

[56] Customs and border officials reported that their superiors could not provide clear guidance about the new policy. Shear & Nixon, *supra* note 55; *see also* Allen & O'Brien, *supra* note 54 (quoting CBP chief of passenger operations at John F. Kennedy International Airport declaring, "[w]e are as much in the dark as everybody else.").

involved with enforcing the law.[57] Legal review by multiple agencies helps to identify potentially unforeseen legal implications of an order, determines the lawfulness of the proposed action, and analyzes whether the proposed language has established legal meaning that can be interpreted consistently with other laws and regulations governing the field. Here, the White House reportedly never asked the Department of Homeland Security for legal review in advance of the Order being promulgated, so "[t]he Department . . . was left making a legal analysis on the order after [President] Trump signed it."[58] Unsurprisingly, the resulting Order contains numerous ambiguities and inconsistencies that immediately caused confusion, forcing implementing agencies to improvise.[59]

On January 27, the Office of Legal Counsel issued a cursory memorandum that declared the Order "approved with respect to form and legality."[60] But the OLC memorandum conspicuously omits any legal analysis or discussion of either the Order's impact on permanent U.S. residents or the constitutional provisions plainly implicated, *i.e.*, the Due Process, Equal Protection, and Establishment and Free Exercise of Religion Clauses. Soon thereafter, the Acting Attorney General

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[57] *See, e.g.,* Exec. Order No. 11,030, 27 Fed. Reg. 5,847 (Jun. 19, 1962).

[58] Perez et al., *supra* note 54; Shear & Nixon, *supra* note 54.

[59] Allen & O'Brien, *supra* note 54.

[60] Memorandum from Curtis E. Gannon, Acting Assistant Att'y Gen. (Jan. 27, 2017).

concluded that the Department of Justice would not defend the Order because she was not "convinced that the Executive Order is lawful."[61]

The Department of Homeland Security initially construed the Executive Order not to apply to people with lawful permanent residence. Overnight, the White House overruled the Department and instructed the agency to allow lawful permanent residents entry only on a case-by-case basis. Five days later, the White House reversed itself and announced that the Order did not apply to either "green card holders"[62] or dual nationals.[63]

When courts in previous cases have deferred to the "considered judgment" of the President, they did so on the basis of administrative records showing that the President's decision rested on cleared views from expert agencies with broad experience on the matters presented to him. And as the Supreme Court has noted, "[d]epartures from the normal procedural sequence also might afford evidence that improper purposes are playing a role."[64]

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[61] Memorandum from Sally Yates, Acting Att'y Gen., to the Dep't of Justice (Jan. 30, 2017).

[62] Memorandum from Donald F. McGahn II, Counsel to the President, to the Acting Sec'y of State, the Acting Att'y Gen., and the Sec'y of Homeland Sec. (Feb. 1, 2017).

[63] Geneva Sands et al., *Officials Aim to Clarify Impact on Dual Nationals From Trump's Immigration Executive Order*, ABC News (Feb. 1, 2017).

[64] Vill. of Arlington Heights v. Metro. Hous. Dev. Corp., 429 U.S. 252, 267 (1977).

## CONCLUSION

Ours is a nation of immigrants, committed to the faith that we are all equal under the law and that we abhor discrimination, whether based on race, religion, sex, or national origin. As government officials, we sought diligently to protect our country, even while maintaining an immigration system free from intentional discrimination, a system that applies no religious tests and that measures individuals by their merits, not by stereotypes of countries or groups.

Unjustified blanket bans of certain countries or classes of people are beneath the dignity of the nation and Constitution that we took oaths to protect. Although our nation was founded by immigrants fleeing religious persecution, the Order discriminates based on religion. Although our Constitution enshrines the principle that all are equal under the law, the Order discriminates on the basis of national origin. And although the United States accepted over four million refugees in the decades after World War II,[65] the Order willfully ignores the greatest refugee crisis since that time.

Allowing the Order to take effect would wreak havoc on our nation's security and deeply held American values and threaten innocent lives. Blocking the Order while the underlying legal issues are being adjudicated would not

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[65] Carl J. Bon Tempo, *Americans at the Gate: The United States and Refugees during the Cold War* 1 (2008).

jeopardize national security. It would simply preserve the *status quo ante,* still subjecting individuals to all the rigorous legal vetting processes that are currently in place.

For all of these reasons, the January 27, 2017 Executive Order does not further—but instead harms—sound U.S. national security and foreign policy.

Respectfully Submitted,

Harold Hongju Koh
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*Counsel for Amici Curiae**

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* We are grateful to Phil Spector, Danieli Evans, Clare Ryan, and the student members of the Yale Law School Rule of Law Clinic—Benjamin Alter, Colleen Culbertson, Idriss Fofana, Alexandra Mahler-Haug, Abigail Olson, Aisha Saad, Mitzi Steiner, Aleksandr Sverdlik, Beatrice Walton, Emily Wanger, Zoe Weinberg, Tianyi Xin, and Nathaniel Zelinsky—for their contributions to this submission. Yale Law School's Rule of Law Clinic is organized separately from the school's Jerome N. Frank Legal Services Organization ("LSO"), one of the counsel for Petitioners. The views expressed by Yale Law School's legal clinics are not necessarily those of the Yale Law School.

## APPENDIX: LIST OF *AMICI*

1. Madeleine K. Albright served as Secretary of State from 1997 to 2001. A refugee and naturalized American citizen, she served as U.S. Permanent Representative to the United Nations from 1993 to 1997. She has also been a member of the Central Intelligence Agency External Advisory Board since 2009 and of the Defense Policy Board since 2011, in which capacities she has received assessments of threats facing the United States.

2. Jeremy Bash served as Chief of Staff at the U.S. Department of Defense from 2011 to 2013, and as Chief of Staff at the Central Intelligence Agency from 2009 to 2011.

3. Rand Beers served as Deputy Homeland Security Advisor to the President of the United States from 2014 to 2015.

4. Daniel Benjamin served as Ambassador-at-Large for Counterterrorism at the U.S. State Department from 2009 to 2012.

5. Antony Blinken served as Deputy Secretary of State from 2015 to January 20, 2017. He also served as Deputy National Security Advisor to the President of the United States from 2013 to 2015.

6. R. Nicholas Burns served as Under Secretary of State for Political Affairs from 2005 to 2008. He previously served as U.S. Ambassador to NATO and as U.S. Ambassador to Greece.

7. William J. Burns served as Deputy Secretary of State from 2011 to 2014. He previously served as Under Secretary of State for Political Affairs from 2008 to 2011, as U.S. Ambassador to Russia from 2005 to 2008, as Assistant Secretary of State for Near Eastern Affairs from 2001 to 2005, and as U.S. Ambassador to Jordan from 1998 to 2001.

8. James Clapper served as U.S. Director of National Intelligence from 2010 to January 20, 2017.

9. David S. Cohen served as Under Secretary of the Treasury for Terrorism and Financial Intelligence from 2011 to 2015 and as Deputy Director of the Central Intelligence Agency from 2015 to January 20, 2017.

10. Ryan Crocker served as U.S. Ambassador to Afghanistan from 2011 to 2012, U.S. Ambassador to Iraq from 2007 to 2009, U.S. Ambassador to Pakistan from 2004 to 2007, U.S. Ambassador to Syria from 1998 to 2001, U.S. Ambassador to Kuwait from 1994 to 1997, and U.S. Ambassador to Lebanon from 1990 to 1993.

11. Daniel Feldman served as U.S. Special Representative for Afghanistan and Pakistan from 2014 to 2015, Deputy U.S. Special Representative for Afghanistan and Pakistan from 2009 to 2014, and previously Director for Multilateral and Humanitarian Affairs at the National Security Council.

12. Jonathan Finer served as Chief of Staff to the Secretary of State from 2015 until January 20, 2017, and Director of the Policy Planning Staff at the U.S. State Department from 2016 until January 20, 2017.

13. Robert S. Ford served as U.S. Ambassador to Syria from 2011 to 2014, as Deputy Ambassador to Iraq from 2009 to 2010, and as U.S. Ambassador to Algeria from 2006 to 2008.

14. Michèle Flournoy served as Under Secretary of Defense for Policy from 2009 to 2013.

15. Avril D. Haines served as Deputy National Security Advisor to the President of the United States from 2015 to January 20, 2017. From 2013 to 2015, she served as Deputy Director of the Central Intelligence Agency.

16. General (ret.) Michael V. Hayden, USAF, served as Director of the Central Intelligence Agency from 2006 to 2009. From 1995 to 2005, he served as Director of the National Security Agency.

17. Christopher R. Hill served as Assistant Secretary of State for East Asian and Pacific Affairs from 2005 to 2009. He also served as U.S. Ambassador to Macedonia, Poland, the Republic of Korea, and Iraq.

18. John F. Kerry served as Secretary of State from 2013 to January 20, 2017.

19. Marcel Lettre served as Under Secretary of Defense for Intelligence from 2015 to 2017.

20. John E. McLaughlin served as Deputy Director of the Central Intelligence Agency from 2000 to 2004 and as Acting Director in 2004. His duties included briefing President-elect Bill Clinton and President George W. Bush.

21. Lisa O. Monaco served as Assistant to the President for Homeland Security and Counterterrorism and Deputy National Security Advisor from 2013 to January 20, 2017.

22. Michael J. Morell served as Acting Director of the Central Intelligence Agency in 2011 and from 2012 to 2013; as Deputy Director of the Central Intelligence Agency from 2010 to 2013; and as a career official from 1980 onward. His duties included briefing Presidents George W. Bush and Barack Obama.

23. Janet A. Napolitano served as Secretary of Homeland Security from 2009 to 2013.

24. James C. O'Brien served as Special Presidential Envoy for Hostage Affairs from 2015 to January 20, 2017. He served in the State Department from 1989 to 2001, including as Principal Deputy Director of Policy Planning and as Special Presidential Envoy for the Balkans.

25. Matthew G. Olsen served as Director of the National Counterterrorism Center from 2011 to 2014.

26. Leon E. Panetta served as Secretary of Defense from 2011 to 2013. From 2009 to 2011, he served as Director of the Central Intelligence Agency.

27. Samantha J. Power served as U.S. Permanent Representative to the United Nations from 2013 to January 20, 2017. From 2009 to 2013, she served as Senior Director for Multilateral and Human Rights on the National Security Council.

28. Susan E. Rice served as U.S. Permanent Representative to the United Nations from 2009 to 2013 and as National Security Advisor from 2013 to January 20, 2017.

29. Anne C. Richard served as Assistant Secretary of State for Population, Refugees and Migration from 2012 to January 20, 2017.

30. Eric P. Schwartz served as Assistant Secretary of State for Population, Refugees and Migration from 2009 to 2011. From 1993 to 2001, he was responsible for refugee and humanitarian issues on the National Security Council, ultimately serving as Special Assistant to the President for National Security Affairs and Senior Director for Multilateral and Humanitarian Affairs.

31. Wendy R. Sherman served as Under Secretary of State for Political Affairs from 2011 to 2015.

32. Vikram Singh served as Deputy Special Representative for Afghanistan and Pakistan from 2010 to 2011 and as Deputy Assistant Secretary of Defense for Southeast Asia from 2012 to 2014.

33. James B. Steinberg served as Deputy National Security Adviser from 1996 to 2000 and as Deputy Secretary of State from 2009 to 2011.

34. Jake Sullivan served as National Security Adviser to the Vice President from 2013 to 2014. From 2011 to 2013, he served as Director of the Policy Planning Staff at the U.S. State Department.

35. Samuel M. Witten served as Principal Deputy Assistant Secretary of State for Population, Refugees, and Migration from 2007 to 2010. From 2001 to 2007, he served as Deputy Legal Adviser at the State Department.

**CERTIFICATE OF SERVICE**

I, Jonathan Freiman, hereby certify that on February 16, 2017, the foregoing document was filed and served through the CM/ECF system. Parties may access the filings through the Court's CM/ECF System.

/s/ Jonathan Freiman
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# Exhibit MM

**IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

No. 17-35105

| | |
|---|---|
| STATE OF WASHINGTON, et al.<br><br>Plaintiffs-Appellees,<br><br>vs.<br><br>DONALD J. TRUMP, President of the United States, et al.,<br><br>Defendants-Appellants. | **JOINT DECLARATION OF MADELEINE K. ALBRIGHT, AVRIL D. HAINES MICHAEL V. HAYDEN JOHN F. KERRY JOHN E. McLAUGHLIN LISA O. MONACO MICHAEL J. MORELL JANET A. NAPOLITANO LEON E. PANETTA SUSAN E. RICE** |

We, Madeleine K. Albright, Avril D. Haines, Michael V. Hayden, John F. Kerry, John E. McLaughlin, Lisa O. Monaco, Michael J. Morell, Janet A. Napolitano, Leon E. Panetta, and Susan E. Rice declare as follows:

1. We are former national security, foreign policy, and intelligence officials in the United States Government:

   a. Madeleine K. Albright served as Secretary of State from 1997 to 2001. A refugee and naturalized American citizen, she served as U.S. Permanent Representative to the United Nations from 1993 to 1997 and has been a member of the Central Intelligence Agency External Advisory Board since 2009 and the Defense Policy Board since 2011, in which capacities she has received assessments of threats facing the United States.
   b. Avril D. Haines served as Deputy Director of the Central Intelligence Agency from 2013 to 2015, and as Deputy National Security Advisor from 2015 to January 20, 2017.
   c. Michael V. Hayden served as Director of the National Security Agency from 1999 to 2005, and Director of the Central Intelligence Agency from 2006 to 2009.
   d. John F. Kerry served as Secretary of State from 2013 to January 20, 2017.

e. John E. McLaughlin served as Deputy Director of the Central Intelligence Agency from 2000-2004 and Acting Director of CIA in 2004. His duties included briefing President-elect Bill Clinton and President George W. Bush.
f. Lisa O. Monaco served as Assistant to the President for Homeland Security and Counterterrorism and Deputy National Security Advisor from 2013 to January 20, 2017.
g. Michael J. Morell served as Acting Director of the Central Intelligence Agency in 2011 and from 2012 to 2013, Deputy Director from 2010 to 2013, and as a career official of the CIA from 1980. His duties included briefing President George W. Bush on September 11, 2001, and briefing President Barack Obama regarding the May 2011 raid on Osama bin Laden.
h. Janet A. Napolitano served as Secretary of Homeland Security from 2009 to 2013.
i. Leon E. Panetta served as Director of the Central Intelligence Agency from 2009-11 and as Secretary of Defense from 2011-13.
j. Susan E. Rice served as U.S. Permanent Representative to the United Nations from 2009-13 and as National Security Advisor from 2013 to January 20, 2017.

2. We have collectively devoted decades to combatting the various terrorist threats that the United States faces in a dynamic and dangerous world. We have all held the highest security clearances. A number of us have worked at senior levels in administrations of both political parties. Four of us (Haines, Kerry, Monaco and Rice) were current on active intelligence regarding all credible terrorist threat streams directed against the U.S. as recently as one week before the issuance of the Jan. 27, 2017 Executive Order on "Protecting the Nation from Foreign Terrorist Entry into the United States" ("Order").

3. We all agree that the United States faces real threats from terrorist networks and must take all prudent and effective steps to combat them, including the appropriate vetting of travelers to the United States. We all are nevertheless unaware of any specific threat that would justify the travel ban established by the Executive Order issued on January 27, 2017. We view the Order as one that ultimately undermines the national security of the United States, rather than making us safer. In our professional opinion, this Order cannot be justified on national security or foreign policy grounds. It does not perform its declared task of "protecting the nation from foreign terrorist entry into the United States." To the contrary, the Order disrupts thousands of lives, including those of refugees and visa holders all previously vetted by standing procedures that the Administration has not shown to be inadequate. It could do long-term damage to our national security and foreign policy interests, endangering U.S. troops in the field and disrupting counterterrorism and national security partnerships. It will aid ISIL's propaganda effort and serve its recruitment message by feeding into the narrative that the United States is at war with Islam. It will hinder relationships with the very communities that law enforcement professionals need to address the threat. It will have a damaging humanitarian and economic impact on the lives and jobs of American citizens and residents. And apart from all of these concerns, the Order offends our nation's laws and values.

4. There is no national security purpose for a total bar on entry for aliens from the seven named countries. Since September 11, 2001, not a single terrorist attack in the United States has been perpetrated by aliens from the countries named in the Order. Very few attacks on U.S. soil since September 11, 2001 have been traced to foreign nationals at all. The overwhelming majority of attacks have been committed by U.S. citizens. The Administration has identified no information or basis for believing there is now a heightened or particularized future threat from the seven named countries. Nor is there any rational basis for exempting from the ban particular religious minorities (e.g., Christians), suggesting that the real target of the ban remains one religious group (Muslims). In short, the Administration offers no reason why it abruptly shifted to group-based bans when we have a tested individualized vetting system developed and implemented by national security professionals across the government to guard the homeland, which is continually re-evaluated to ensure that it is effective.

5. In our professional opinion, the Order will harm the interests of the United States in many respects:

a. The Order will endanger U.S. troops in the field. Every day, American soldiers work and fight alongside allies in some of the named countries who put their lives on the line to protect Americans. For example, allies who would be barred by the Order work alongside our men and women in Iraq fighting against ISIL. To the extent that the Order bans travel by individuals cooperating against ISIL, we risk placing our military efforts at risk by sending an insulting message to those citizens and all Muslims.
b. The Order will disrupt key counterterrorism, foreign policy, and national security partnerships that are critical to our obtaining the necessary information sharing and collaboration in intelligence, law enforcement, military, and diplomatic channels to address the threat posed by terrorist groups such as ISIL. The international criticism of the Order has been intense, and it has alienated U.S. allies. It will strain our relationships with partner countries in Europe and the Middle East, on whom we rely for vital counterterrorism cooperation, undermining years of effort to bring them closer. By alienating these partners, we could lose access to the intelligence and resources necessary to fight the root causes of terror or disrupt attacks launched from abroad, before an attack occurs within our borders.
c. The Order will endanger intelligence sources in the field. For current information, our intelligence officers may rely on human sources in some of the countries listed. The Order breaches faith with those very sources, who have risked much or all to keep Americans safe – and whom our officers had promised always to protect with the full might of our government and our people.
d. Left in place, the Executive Order will likely feed the recruitment narrative of ISIL and other extremists that portray the United States as at war with Islam. As government officials, we took every step we could to counter violent extremism. Because of the Order's disparate impact against Muslim travelers and immigrants, it feeds ISIL's narrative and sends the wrong message to the Muslim community here at home and all over the world: that

the U.S. government is at war with them based on their religion. The Order may even endanger Christian communities, by handing ISIL a recruiting tool and propaganda victory that spreads their message that the United States is engaged in a religious war.

e. The Order will disrupt ongoing law enforcement efforts. By alienating Muslim-American communities in the United States, it will harm our efforts to enlist their aid in identifying radicalized individuals who might launch attacks of the kind recently seen in San Bernardino and Orlando.

f. The Order will have a devastating humanitarian impact. When the Order issued, those disrupted included women and children who had been victimized by actual terrorists. Tens of thousands of travelers today face deep uncertainty about whether they may travel to or from the United States: for medical treatment, study or scholarly exchange, funerals or other pressing family reasons. While the Order allows for the Secretaries of State and Homeland Security to agree to admit travelers from these countries on a case-by-case basis, in our experience it would be unrealistic for these overburdened agencies to apply such procedures to every one of the thousands of affected individuals with urgent and compelling needs to travel.

g. The Order will cause economic damage to American citizens and residents. The Order will affect many foreign travelers, particularly students, who annually inject hundreds of billions into the U.S. economy, supporting well over a million U.S. jobs. Since the Order issued, affected companies have noted its adverse impacts on many strategic economic sectors, including defense, technology, medicine, culture and others.

6. As a national security measure, the Order is unnecessary. National security-based immigration restrictions have consistently been tailored to respond to: (1) specific, credible threats based on individualized information, (2) the best available intelligence and (3) thorough interagency legal and policy review. This Order rests not on such tailored grounds, but rather, on (1) general bans (2) not supported by any new intelligence that the Administration has claimed, or of which we are aware, and (3) not vetted through careful interagency legal and policy review. Since the 9/11 attacks, the United States has developed a rigorous system of security vetting, leveraging the full capabilities of the law enforcement and intelligence communities. This vetting is applied to travelers not once, but multiple times. Refugees receive the most thorough vetting of any traveler to the United States, taking on the average more than a year. Successive administrations have continually worked to improve this vetting through robust information-sharing and data integration to identify potential terrorists without resorting to a blanket ban on all aliens and refugees. Because various threat streams are constantly mutating, as government officials, we sought continually to improve that vetting, as was done in response to particular threats identified by U.S. intelligence in 2011 and 2015. Placing additional restrictions on individuals from certain countries in the visa waiver program –as has been done on occasion in the past – merely allows for more individualized vettings before individuals with particular passports are permitted to travel to the United States.

7. In our professional opinion, the Order was ill-conceived, poorly implemented and ill-explained. The "considered judgment" of the President in the prior cases where courts have

deferred was based upon administrative records showing that the President's decision rested on cleared views from expert agencies with broad experience on the matters presented to him. Here, there is little evidence that the Order underwent a thorough interagency legal and policy processes designed to address current terrorist threats, which would ordinarily include a review by the career professionals charged with implementing and carrying out the Order, an interagency legal review, and a careful policy analysis by Deputies and Principals (at the cabinet level) before policy recommendations are submitted to the President. We know of no interagency process underway before January 20, 2017 to change current vetting procedures, and the repeated need for the Administration to clarify confusion after the Order issued suggest that that Order received little, if any advance scrutiny by the Departments of State, Justice, Homeland Security or the Intelligence Community. Nor have we seen any evidence that the Order resulted from experienced intelligence and security professionals recommending changes in response to identified threats.

8. The Order is of unprecedented scope. We know of no case where a President has invoked his statutory authority to suspend admission for such a broad class of people. Even after 9/11, the U.S. Government did not invoke the provisions of law cited by the Administration to broadly bar entrants based on nationality, national origin, or religious affiliation. In past cases, suspensions were limited to particular individuals or subclasses of nationals who posed a specific, articulable threat based on their known actions and affiliations. In adopting this Order, the Administration alleges no specific derogatory factual information about any particular recipient of a visa or green card or any vetting step omitted by current procedures.

9. Maintaining the district court's temporary restraining order while the underlying legal issues are being adjudicated would not jeopardize national security. It would simply preserve the status quo ante, still requiring that individuals be subjected to all the rigorous legal vetting processes that are currently in place. Reinstating the Executive Order would wreak havoc on innocent lives and deeply held American values. Ours is a nation of immigrants, committed to the faith that we are all equal under the law and abhor discrimination, whether based on race, religion, sex, or national origin. As government officials, we sought diligently to protect our country, even while maintaining an immigration system free from intentional discrimination, that applies no religious tests, and that measures individuals by their merits, not stereotypes of their countries or groups. Blanket bans of certain countries or classes of people are beneath the dignity of the nation and Constitution that we each took oaths to protect. Rebranding a proposal first advertised as a "Muslim Ban" as "Protecting the Nation from Foreign Terrorist Entry into the United States" does not disguise the Order's discriminatory intent, or make it necessary, effective, or faithful to America's Constitution, laws, or values.

10. For all of the foregoing reasons, in our professional opinion, the January 27 Executive Order does not further – but instead harms – sound U.S. national security and foreign policy.

Respectfully submitted,

**s/MADELEINE K. ALBRIGHT***
**s/AVRIL D. HAINES**
**s/MICHAEL V. HAYDEN**
**s/JOHN F. KERRY**
**s/JOHN E. McLAUGHLIN**
**s/LISA O. MONACO**
**s/MICHAEL J. MORELL**
**s/JANET A. NAPOLITANO**
**s/LEON E. PANETTA**
**s/SUSAN E. RICE**

*All original signatures are on file with Harold Hongju Koh, Rule of Law Clinic, Yale Law School, New Haven, CT. 06520-8215 203-432-4932

We declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. [Individual signature pages follow]

EXECUTED this 5th day of February, 2017

Madeleine Albright

MADELEINE K. ALBRIGHT

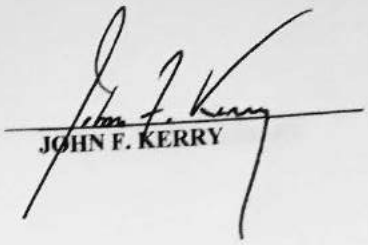
EXECUTED this 5th day of February, 2017

AVRIL D. HAINES

EXECUTED this 5th day of February, 2017

MICHAEL V. HAYDEN

EXECUTED this 5th day of February, 2017



JOHN F. KERRY

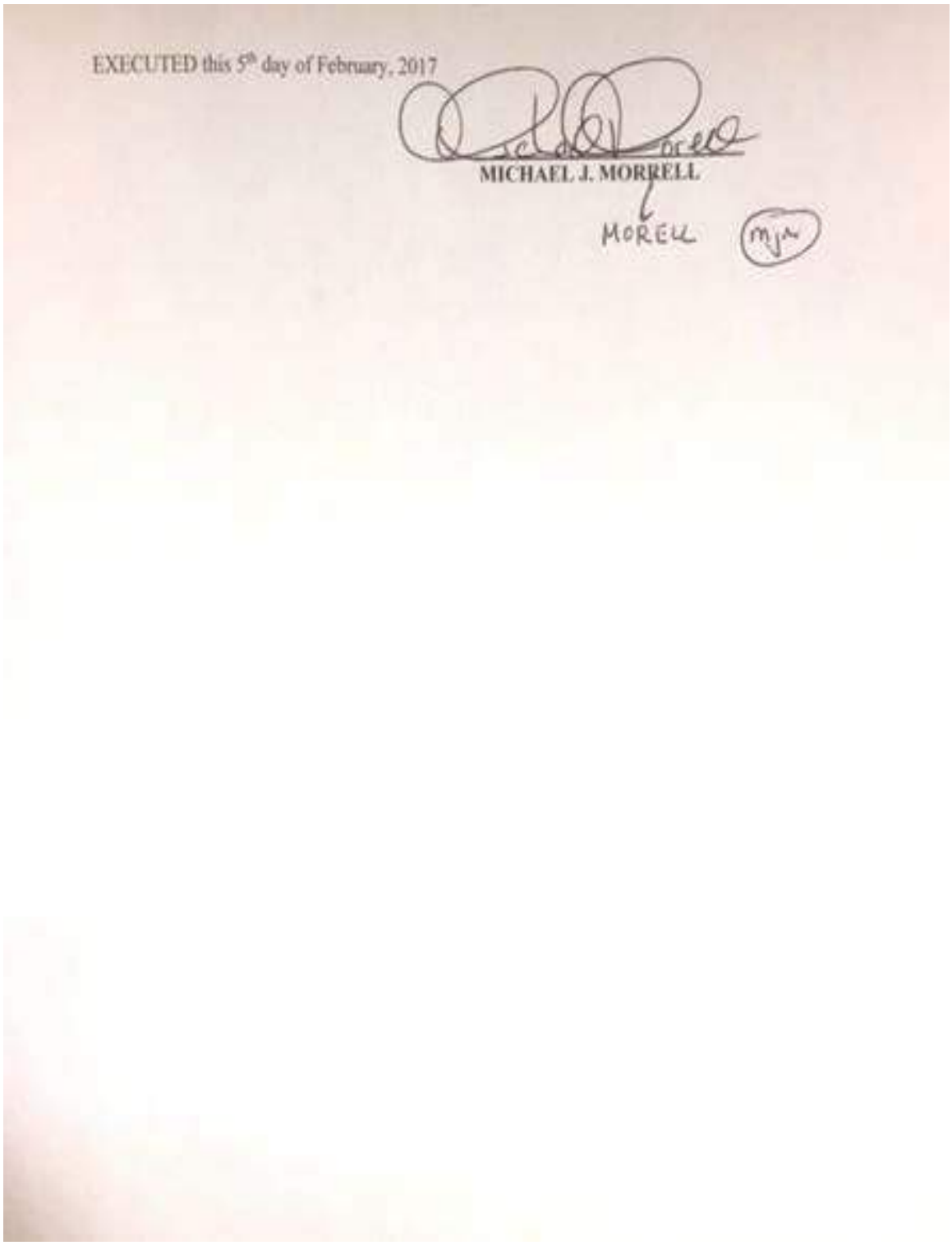
EXECUTED this 5th day of January, 2016.

JOHN E. McLAUGHLIN

EXECUTED this 5th day of February, 2017

Lisa Monaco

LISA O. MONACO


EXECUTED this 5th day of February, 2017

MICHAEL J. MORRELL

MORELL

EXECUTED this 5th day of February, 2017

/s/
**JANET A. NAPOLITANO**

EXECUTED this 5th day of February, 2017

LEON E. PANETTA

EXECUTED this 5th day of February, 2017

/s/
**SUSAN E. RICE**

# Exhibit A

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# TRUMP'S EXECUTIVE ORDER MANDATES GOVERNMENT REPORTS ON HONOR KILLINGS COMMITTED BY MIGRANTS

6922 42

Arif Ali/AFP/Getty Images

*by* KATIE MCHUGH 6 Mar 2017 4,465

President Donald Trump's executive order halting the importation of refugees from six terror-exporting countries also includes a section requiring the government to publicly release information on crimes committed by foreign nationals, including honor killings of women.

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This lets the government "be more transparent with the American people and to implement more effectively policies and practices that serve the national interest," the order states. Department of Homeland Security Secretary John Kelly and U.S. Attorney General Jeff Sessions must work together to provide the public with a report on foreign nationals charged with and convicted of terrorism-related offenses, including those who associate with or provide support to terrorist organizations.

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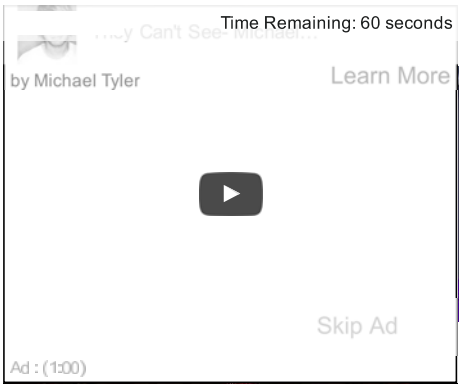


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The order also instructs the government to release information on honor-killings. The government will now track cases involving foreign-born individuals who commit "gender-based violence against women," or honor killings. Honor killings are a brutal practice wherein Muslim males will murder or mutilate female family members accused of bringing shame and dishonor to their families and Islam. Like female genital mutilation, it is a practice that would not exist in the U.S. without mass immigration bringing its practitioners into U.S. communities.

"Cases of honor killings and/or violence in the U.S. are often unreported because of the shame it can cause to the victim and the victim's family. Also, because victims are often young women, they may feel that reporting the crime to authorities will draw too much attention to the family committing the crime," former U.S. government analyst Farhana Qazi explained to Fox News in November 2015.

The order requires the government to release its inaugural report by September 2017, close to the sixteenth anniversary of the 9/11 terror attacks committed by Islamic foreign nationals admitted to the U.S. on various visas. Reports shall be issued every six months from then on.

The transparency will likely increase the broad support Trump's immigration policies enjoy. Typically, the government conceals or refuses to collect immigration-related statistics that reveal troubling consequences of mass immigration policies. A Feb. 8 Morning Consult poll found 55 percent of voters supported Trump's executive order, including 82 percent of Republicans. Another McLaughlin & Associates poll release Feb. 8 found 57 percent support for a halt of refugee settlement to implement better screening procedures. A Rasmussen Reports poll released on Feb. 2 found 52 percent of voters favored a freeze on all refugee resettlement until the government could better screen out terrorists, including 57 percent of young voters.

A 2015 report detailing honor killings can be read here.

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