

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNIVERSAL MUSLIM ASSOCIATION)
OF AMERICA; JOHN DOE and JANE)
DOE,)

Plaintiffs,)

v.)

DONALD J. TRUMP, in his official capacity)
as President of the United States; U.S.)
DEPARTMENT OF HOMELAND)
SECURITY; U.S. CUSTOMS AND)
BORDER PROTECTION; U.S.)
DEPARTMENT OF STATE; U.S.)
DEPARTMENT OF JUSTICE; JOHN)
KELLY, in his official capacity as Secretary)
of the Department of Homeland Security;)
KEVIN K. MCALEENAN, in his official)
capacity as Acting Commissioner of U.S.)
Customs and Border Protection; REX W.)
TILLERSON, in his official capacity as)
Secretary of State; and JEFFERSON)
BEAUREGARD SESSIONS III, in his)
official capacity as Attorney General of the)
United States;)

Defendants.)

Civil Case No.: _____

**DECLARATION OF DAVID J. WEINER IN SUPPORT OF
PLAINTIFFS' COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND
MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION**

I, David J. Weiner, hereby declare as follows:

1. I am over the age of eighteen and competent to testify.
2. I am an attorney at Arnold & Porter Kaye Scholer LLP. This Declaration is submitted in support of Plaintiffs' Complaint for Declaratory and Injunctive Relief and Motion for Temporary Restraining Order and Preliminary Injunction, filed concurrently herewith.

3. Attached hereto as **Exhibit 1** is a true and correct copy of a printout of a news article from the New York Times dated March 15, 2017 titled “2 Federal Judges Rule Against Trump’s Latest Travel Ban.” Link: <https://www.nytimes.com/2017/03/15/us/politics/trump-travel-ban.html>.

4. Attached hereto as **Exhibit 2** is a true and correct copy of a printout of a news article from the Washington Post dated February 22, 2017 titled “A new travel ban with ‘mostly minor technical differences’? That probably won’t cut it, analysts say.” Link: <http://wapo.st/2mmmECm>.

5. Attached hereto as **Exhibit 3** is a true and correct copy of a news article from Politico dated November 18, 2015, titled “Trump: ‘Absolutely no choice’ but to close mosques.” Link: <http://www.politico.com/story/2015/11/trump-close-mosques-216008>.

6. Attached hereto as **Exhibit 4** is a true and correct copy of a printout of a press release published by the presidential campaign website of Donald J. Trump dated December 7, 2015, titled “Donald J. Trump Statement on Preventing Muslim Immigration.” Link: <https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration>.

7. Attached hereto as **Exhibit 5** is a true and correct copy of a printout of a Twitter post posted by Donald J. Trump on his personal Twitter account at 2:32 PM on December 7, 2015. Link: <https://twitter.com/realdonaldtrump/status/673993417429524480>.

8. Attached hereto as **Exhibit 6** is a true and correct copy of a printout of an article from Politifact dated January 28, 2016, titled “Christie says neighbors of San Bernardino shooters knew more than they did.” Link: <http://www.politifact.com/truth-o-meter/statements/2016/jan/28/chris-christie/christie-says-neighbors-san-bernardino-shooters-kn/>.

9. Attached hereto as **Exhibit 7** is a true and correct copy of a printout of the transcript of the January 14, 2016 Republican Debate in North Charleston, South Carolina. Link: <http://www.presidency.ucsb.edu/ws/index.php?pid=111395>.

10. Attached hereto as **Exhibit 8** is a true and correct copy of a printout of the transcript of an interview by Anderson Cooper with Donald J. Trump that aired on March 9, 2016 on Anderson Cooper 360 Degrees and published by CNN. Link: <http://www.cnn.com/TRANSCRIPTS/1603/09/acd.01.html>.

11. Attached hereto as **Exhibit 9** is a true and correct copy of a printout of a news article from Reuters dated June 14, 2016, titled "After Florida shooting, Trump hardens stance on Muslims." Link: <http://www.reuters.com/article/us-usa-election-clinton-idUSKCN0YZ1GE>.

12. Attached hereto as **Exhibit 10** is a true and correct copy of a printout of a news article from Politico dated June 13, 2016, titled "Transcript: Donald Trump's national security speech," containing the transcript of then-candidate Mr. Trump's June 13 speech on national security and terrorism in the wake of the Orlando massacre. Link: <http://www.politico.com/story/2016/06/transcript-donald-trump-national-security-speech-224273>.

13. Attached hereto as **Exhibit 11** is a true and correct copy of a printout of the transcript of an interview by Chuck Todd with Donald J. Trump that aired on July 24, 2016 on Meet the Press and was published by NBC News. Link: <http://nbcnews.to/29TqPnp>.

14. Attached hereto as **Exhibit 12** is a true and correct copy of a printout of a news article from Slate dated January 29, 2017, titled "Rudy Giuliani Admits Trump Asked How to Implement a Muslim Ban Legally." Link: <http://thehill.com/homenews/administration/316726-giuliani-trump-asked-me-how-to-do-a-muslim-ban-legally>.

15. Attached hereto as **Exhibit 13** is a true and correct copy of a printout of a news article from ABC News dated November 18, 2016, titled “Donald Trump National Security Adviser Mike Flynn Has Called Islam ‘a Cancer.’” Link: <http://abcnews.go.com/Politics/donald-trump-national-security-adviser-mike-flynn-called/story?id=43575658>.

16. Attached hereto as **Exhibit 14** is a true and correct copy of a printout of a news article from CNN Politics dated November 22, 2016 titled “Michael Flynn in August: Islamism a ‘vicious cancer’ in body of all Muslims that ‘has to be excised.’” Link: <http://www.cnn.com/2016/11/22/politics/kfile-michael-flynn-august-speech/>.

17. Attached hereto as **Exhibit 15** is a true and correct copy of a printout of a news article from USA Today dated January 31, 2017, titled “Steve Bannon’s own words show sharp break on security issues.” Link: <http://www.usatoday.com/story/news/2017/01/31/bannon-odds-islam-china-decades-us-foreign-policy-doctrine/97292068/>.

18. Attached hereto as **Exhibit 16** is a true and correct copy of a printout of a news article from the Guardian dated February 3, 2017, titled “Steve Bannon’s Islamophobic film script just one example of anti-Muslim views.” Link: <https://www.theguardian.com/us-news/2017/feb/03/steve-bannon-islamophobia-film-script-muslims-islam>.

19. Attached hereto as **Exhibit 17** is a true and correct copy of a printout of a news article from USA Today dated February 9, 2017, titled “Bannon, Flynn and Sessions: How Trump’s top advisers view Muslims, in their own word.” Link: <http://www.usatoday.com/story/news/2017/02/09/how-some-trump-advisors-see-islam-their-own-words/97662862/>.

20. Attached hereto as **Exhibit 18** is a true and correct copy of a printout of a news article from CBS News dated January 27, 2017 titled “Brody File Exclusive: President Trump Says Persecuted Christians Will Be Given Priority as Refugees.” Link: <http://bit.ly/2kCqG8M>.

21. Attached hereto as **Exhibit 19** is a true and correct copy of a printout of a news article from the New York Times dated January 31, 2017, titled "More People Were Affected by Travel Ban Than Trump Originally Said." Link:

<https://www.nytimes.com/2017/01/31/us/politics/trump-ban-immigrants-refugees.html>.

22. Attached hereto as **Exhibit 20** is a true and correct copy of a printout of a one page Department of State letter from the Deputy Assistant Visa Secretary for Visa Services dated January 27, 2017. Link: <https://www.documentcloud.org/documents/3440712-DOS-letter.html>.

23. Attached hereto as **Exhibit 21** is a true and correct copy of a printout of a press release dated January 29, 2017 titled "Statement by Senators McCain & Graham on Executive Order on Immigration." Link: <http://bit.ly/2nkx3SW>.

24. Attached hereto as **Exhibit 22** is a true and correct copy of a printout of a Twitter post posted by Donald J. Trump on his personal Twitter account at 3:35 PM on February 9, 2017. Link: <https://twitter.com/realdonaldtrump/status/829836231802515457>.

25. Attached hereto as **Exhibit 23** is a true and correct copy of a printout of a news article from CNN dated January 30, 2017 titled "Inside the Confusion of the Trump Executive Order and Travel Ban." Link: <http://cnn.it/2kGdcZy>.

26. Attached hereto as **Exhibit 24** is a true and correct copy of a printout of a Department of Homeland Security Intelligence document published by the Associated Press on February 24, 2017. Link: <https://www.documentcloud.org/documents/3474730-DHS-intelligence-document-on-President-Donald.html>.

27. Attached hereto as **Exhibit 25** is a true and correct copy of a printout of a news article from the New York Times dated January 31, 2017, titled "State Dept. Dissent Cable on Trump's Ban Draws 1,000 Signatures." Link: <https://nyti.ms/2jS5A6o>.

28. Attached hereto as **Exhibit 26** is a true and correct copy of a printout of a State Department Dissent cable titled “Dissent Channel: Alternatives to Closing Doors in Order to Secure Our Borders.” Link: <https://assets.documentcloud.org/documents/3438487/Dissent-Memo.pdf>.

29. Attached hereto as **Exhibit 27** is a true and correct copy of a printout of the 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, and Susan E. Rice in *Washington v. Trump*, No. 17-35105, ECF 28-2. Link: <http://cdn.ca9.uscourts.gov/datastore/general/2017/02/06/17-35105%20opposition%20exhibit.pdf>.

30. Attached hereto as **Exhibit 28** is a true and correct copy of a printout of a letter dated January 30, 2017 from former national security officials to Secretary of Homeland Security John F. Kelly, then-Acting Attorney General Sally Yates, and then-Acting Secretary of State Thomas Shannon. Link: <https://lofgren.house.gov/uploadedfiles/finalrefugeeletter01302017.pdf>.

31. Attached hereto as **Exhibit 29** is a true and correct copy of a printout of a news article from the New York Times dated January 28, 2017, titled “Immigration Ban Is Unlikely to Reduce Terrorist Threat, Experts Say.” Link: <https://www.nytimes.com/2017/01/28/us/politics/a-sweeping-order-unlikely-to-reduce-terrorist-threat.html>.

32. Attached hereto as **Exhibit 30** is a true and correct copy of a printout of a research report dated January 26, 2017 titled “Muslim-American Involvement with Violent Extremism.” Link: https://sites.duke.edu/tcths/files/2017/01/FINAL_Kurzman_Muslim-American_Involvement_in_Violent_Extremism_2016.pdf.

33. Attached hereto as **Exhibit 31** is a true and correct copy of a printout of an opinion piece from CNN dated January 30, 2017 titled “Trump’s travel ban wouldn’t have

stopped these deadly terrorists.” Link: <http://www.cnn.com/2017/01/30/opinions/travel-ban-wouldnt-have-stopped-these-deadly-terrorists-bergen-sterman/>.

34. Attached hereto as **Exhibit 32** is a true and correct copy of a printout of a publication from New America titled “Terrorism in America After 9/11, Part II: Who are the Terrorists?” Link: <https://www.newamerica.org/in-depth/terrorism-in-america/who-are-terrorists/>.

35. Attached hereto as **Exhibit 33** is a true and correct copy of a printout of a news article from the New York Times dated March 11, 2017 titled “Trump’s Revised Travel Ban Is Denounced by 134 Foreign Policy Experts.” Link: <https://www.nytimes.com/2017/03/11/us/politics/trump-travel-ban-denounced-foreign-policy-experts.html>.

36. Attached hereto as **Exhibit 34** is a true and correct copy of a printout of chapter 5 in a research report from the U.S. Department of State dated March 13, 2017 titled “Country Reports on Terrorism 2015.” Link: <https://tinyurl.com/jap2fpf>.

37. Attached hereto as **Exhibit 35** is a true and correct copy of a printout of a letter from Senators Sessions and Cruz to President Obama dated June 14, 2016. Link: https://web.archive.org/web/20161109030307/http://www.sessions.senate.gov/public/_cache/file/s/f9d1d9f4-6ee8-42ff-a5f2-29a2518fe2f7/06.14.16-sens.-sessions-cruz-to-president-obama-on-terrorism-immigration.pdf.

38. Attached hereto as **Exhibit 36** is a true and correct copy of a printout of a publication from the Cato Institute dated January 25, 2017 titled “Little National Security Benefit to Trump’s Executive Order on Immigration.” Link: <https://www.cato.org/blog/little-national-security-benefit-trumps-executive-order-immigration>.

39. Attached hereto as **Exhibit 37** is a true and correct copy of a printout of a news article from the Oregonian dated March 7, 2017 titled “Trump Used Failed Portland Car Bomb Plot as Justification for New Travel Ban.” Link: <http://bit.ly/2nt4aRV>.

40. Attached hereto as **Exhibit 38** is a true and correct copy of a printout of a research report from the Pew Research Center dated October 7, 2009 titled “Mapping the Global Muslim Population.” Link: <http://www.pewforum.org/2009/10/07/mapping-the-global-muslim-population/#footnotes>.

41. Attached hereto as **Exhibit 39** is a true and correct copy of a printout of an archived entry from the BBC dated August 19, 2008 titled “Sunni and Shi’a.” Link: http://www.bbc.co.uk/religion/religions/islam/subdivisions/sunnishia_1.shtml.

42. Attached hereto as **Exhibit 40** is a true and correct copy of a printout of an analysis by the Washington Post dated November 21, 2016 titled “Shiites are participating in the world’s largest pilgrimage today. Here’s how they view the world.” Link: <http://wapo.st/2g8oR4W>.

43. Attached hereto as **Exhibit 41** is a true and correct copy of a printout of a news article by the Independent dated January 17, 2017 titled “Yemen civil war: 10,000 civilians killed and 40,000 injured in conflict, UN reveals.” Link: <http://www.independent.co.uk/news/world/middle-east/yemen-civil-war-civilian-death-toll-10000-killed-40000-injured-conflict-un-reveals-a7530836.html>.

44. Attached hereto as **Exhibit 42** is a true and correct copy of a printout of a news article from The Guardian dated January 16, 2017 titled “Yemen death toll has reached 10,000, UN says.” Link: <https://www.theguardian.com/world/2017/jan/16/yemen-war-death-toll-has-reached-10000-un-says>.

45. Attached hereto as **Exhibit 43** is a true and correct copy of a printout of the country profiles of Iran, Libya, Somalia, Sudan, Syria, and Yemen from a CIA publication titled the "CIA World Factbook." Link: <https://www.cia.gov/library/publications/the-world-factbook>.

46. Attached hereto as **Exhibit 44** is a true and correct copy of a printout of a news article from Newsweek dated January 31, 2017 titled "Where Do Terrorists Come From? Not the Nations Named in Trump Ban." Link: <http://www.newsweek.com/where-do-terrorists-come-not-seven-countries-named-550581>.

47. Attached hereto as **Exhibit 45** is a true and correct copy of a printout of a research report from the Pew Research Center dated January 30, 2017 titled "Key Facts About Refugees to the U.S." Link: <http://www.pewresearch.org/fact-tank/2017/01/30/key-facts-about-refugees-to-the-u-s/>.

48. Attached hereto as **Exhibit 46** is a true and correct copy of a printout of a news article from the New York Times dated March 6, 2017 titled "Don't Be Fooled, Trump's New Muslim Ban Is Still Illegal." Link: https://www.nytimes.com/2017/03/06/opinion/dont-be-fooled-trumps-new-muslim-ban-is-still-illegal.html?_r=0.

49. Attached hereto as **Exhibit 47** is a true and correct copy of a printout of a blog article dated March 10, 2017 titled "The Travel Ban Executive Order as Separation-of-Powers Test Case." Link: <https://www.justsecurity.org/38675/travel-ban-executive-order-separation-of-powers-test-case/>.

50. Attached hereto as **Exhibit 48** is a true and correct copy of a printout of a blog article from LawNewz dated March 6, 2017 titled "President Trump Signs New Travel Ban Executive Order." Link: <http://lawnewz.com/high-profile/breaking-president-trump-signs-new-executive-order-on-immigration-ends-indefinite-ban-on-syrian-refugees/>.

51. Attached hereto as **Exhibit 49** is a true and correct copy of a printout of a news article from the Washington Post dated February 24, 2017 titled “DHS Report Casts Doubt on Need for Trump Travel Ban.” Link: <http://wapo.st/2lOkpKW>.

52. Attached hereto as **Exhibit 50** is a true and correct copy of a printout of a news article from the St. Louis Post-Dispatch dated February 4, 2017 titled “Trump lashes Out at Federal Judge Over Ruling on Travel Ban.” Link: http://www.stltoday.com/news/national/govt-and-politics/trump-lashes-out-at-federal-judge-over-ruling-on-travel/article_40fcf6cf-8dd3-5ff1-a561-d0897195aec0.html.

53. Attached hereto as **Exhibit 51** is a true and correct copy of a printout of a news article from NBC News dated March 6, 2017 titled “Donald Trump Expected to Sign New Immigration Order: A Timeline.” Link: <http://www.nbcnews.com/news/us-news/donald-trump-expected-sign-new-immigration-order-timeline-n729186>.

54. Attached hereto as **Exhibit 52** is a true and correct copy of a printout of a news article from CNN dated March 1, 2017 titled “Trump Delays New Travel Ban After Well-Reviewed Speech.” Link: <http://www.cnn.com/2017/02/28/politics/trump-travel-ban-visa-holders/>.

55. Attached hereto as **Exhibit 53** is a true and correct copy of a printout of Executive Order Protecting The Nation From Foreign Terrorist Entry Into the United States dated March 6, 2017. Link: <https://www.whitehouse.gov/the-press-office/2017/03/06/executive-order-protecting-nation-foreign-terrorist-entry-united-states>.

56. Attached hereto as **Exhibit 54** is a true and correct copy of a printout of a blog article from the Cato Institute dated January 26, 2017 titled “Guide to Trump’s Executive Order to Limit Migration for ‘National Security’ Reasons.” Link: <https://www.cato.org/blog/guide-trumps-executive-order-limit-migration-national-security-reasons>.

57. Attached hereto as **Exhibit 55** is a true and correct copy of a printout of a research report from Politifact dated January 29, 2017 titled “No terrorist attacks post 9/11 by people from countries in Trump’s travel bans?” Link: <http://www.politifact.com/truth-o-meter/statements/2017/jan/29/erold-nadler/have-there-been-terrorist-attacks-post-911-countri/>.

58. Attached hereto as **Exhibit 56** is a true and correct copy of a printout of a news article from ABC News dated January 29, 2017 titled “Trump Spars With Sens. McCain and Graham After They Criticize Travel Ban.” Link: <http://abcnews.go.com/Politics/handful-gop-senators-representatives-criticize-trump-travel-ban/story?id=45121595>.

59. Attached hereto as **Exhibit 57** is a true and correct copy of a printout of a news article from the Washington Post dated January 29, 2017 titled “Trump’s Travel Ban Is a Gift to Iran’s Rulers.” Link: <http://wapo.st/2kDw1NR>.

60. Attached hereto as **Exhibit 58** is a true and correct copy of a printout of a news article from Al Jazeera dated January 16, 2017 titled “Death toll in Yemen conflict passes 10,000.” Link: <http://www.aljazeera.com/news/2017/01/death-toll-yemen-conflict-passes-10000-170117040849576.html>.

61. Attached hereto as **Exhibit 59** is a true and correct copy of a printout of a news article from BBC News dated December 8, 2015 titled “Trump’s ‘Muslim Lockdown’: What Is the Center for Security Policy?” Link: <http://bbc.in/1U0yVr4>.

62. Attached hereto as **Exhibit 60** is a true and correct copy of a printout of a research report from the Bridge Initiative dated December 7, 2015 titled “Trump Calls for Ban on Muslims, Cites Deeply Flawed Poll.” Link: <http://bridge.georgetown.edu/new-poll-on-american-muslims-is-grounded-in-bias-riddled-with-flaws/>.

63. Attached hereto as **Exhibit 61** is a true and correct copy of a printout of an article from Politifact dated December 9, 2015 titled "Trump cites shaky survey in call to ban Muslims from entering US." Link: <http://www.politifact.com/truth-o-meter/statements/2015/dec/09/donald-trump/trump-cites-shaky-survey-call-ban-muslims-entering/>.

64. Attached hereto as **Exhibit 62** is a true and correct copy of a printout of a news article from The Washington Times dated June 9, 2009 titled "Gaffney: America's first Muslim president?" Link: <http://www.washingtontimes.com/news/2009/jun/9/americas-first-muslim-president/>.

65. Attached hereto as **Exhibit 63** is a true and correct copy of a printout of a news article from CBS News dated July 17, 2016 titled "The Republican Ticket: Trump and Pence." Link: <http://www.cbsnews.com/news/60-minutes-trump-pence-republican-ticket/>.

66. Attached hereto as **Exhibit 64** is a true and correct copy of a printout of the transcript of the October 9, 2016 Republican Debate at Washington University in St. Louis, Missouri. Link: <http://www.presidency.ucsb.edu/ws/index.php?pid=119038>.

67. Attached hereto as **Exhibit 65** is a true and correct copy of a printout of a news article from Talking Points Memo dated January 27, 2017 titled "Trump Signs Executive Order Laying Out 'Extreme Vetting.'" Link: <http://talkingpointsmemo.com/livewire/trump-signs-vetting-executive-order>.

68. Attached hereto as **Exhibit 66** is a true and correct copy of a printout of a Twitter post posted by Donald J. Trump on his personal Twitter account at 5:31 AM on January 30, 2017. Link: <https://twitter.com/realDonaldTrump/status/826060143825666051>.

69. Attached hereto as **Exhibit 67** is a true and correct copy of a printout of a Twitter post posted by Donald J. Trump on his personal Twitter account at 4:50 AM on February 1, 2017. Link: <https://twitter.com/realDonaldTrump/status/826774668245946368>.

70. Attached hereto as **Exhibit 68** is a true and correct copy of a printout of a Twitter post posted by Donald J. Trump on his personal Twitter account at 7:03 AM on January 29, 2017. Link: <https://twitter.com/realDonaldTrump/status/825721153142521858>.

71. Attached hereto as **Exhibit 69** is a true and correct copy of a printout of a research report from the Pew Research Center dated October 6, 2016 titled "U.S. admits record number of Muslim refugees in 2016." Link: <http://www.pewresearch.org/fact-tank/2016/10/05/u-s-admits-record-number-of-muslim-refugees-in-2016/>.

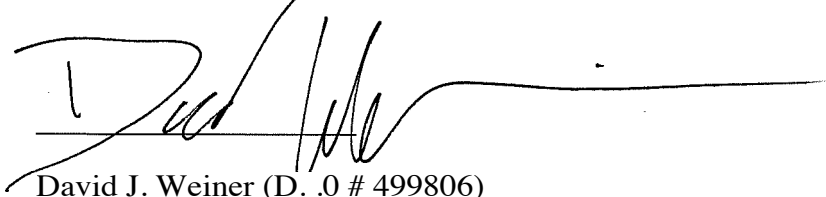
72. Attached hereto as **Exhibit 70** is a true and correct copy of a news article from Politico dated February 21, 2017 titled "Trump: 'White House creates confusion about future of Trump's travel ban.'" Link: <http://www.politico.com/story/2017/02/trump-travel-ban-confusion-235241>.

73. Attached hereto as **Exhibit 71** is a true and correct copy of a printout of a news article from USA Today dated February 24, 2017 titled "DHS memo contradicts threats cited by Trump's travel ban." Link: <http://www.usatoday.com/story/news/2017/02/24/dhs-memo-contradict-travel-ban-trump/98374184/>.

74. Attached hereto as **Exhibit 72** is a true and correct copy of a printout of a news article from the Washington Post dated March 16, 2017 titled "Federal judge in Hawaii freezes President Trump's new entry ban." Link: <http://wapo.st/2nlGRMY>.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 2nd day of March, 2017.

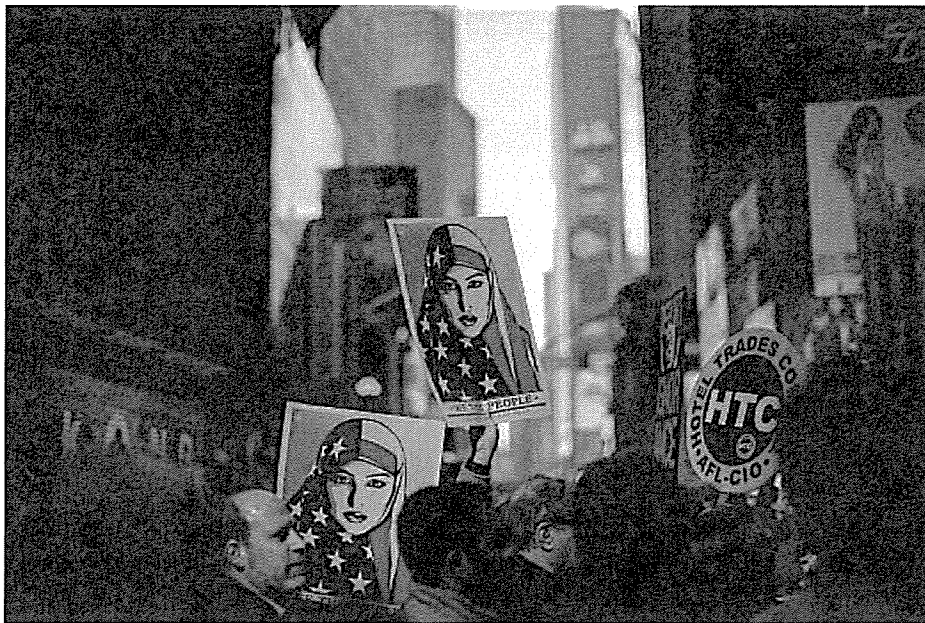
A handwritten signature in black ink, appearing to read 'David J. Weiner', is written over a horizontal line.

David J. Weiner (D. # 499806)
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EXHIBIT 47

By Aziz Huq

Friday, March 10, 2017 at 9:14 AM



The White House’s March 6 executive order “Protecting the Nation From Foreign Terrorist Entry Into The United States” (the March EO or the new EO) is a telling blend of change from and continuity with its January 27 precursor. Its changes signal the (current) strength of traditional institutional resistance from courts and bureaucrats to an insurgent, populist presidency. Its continuities are intriguing hints as to how that insurgent presidency might (in the future) seek to tame those institutional bulwarks that currently impede its agenda. How those efforts unfurl will shape the nature of the separation of powers in coming years.

On its face, this week’s order seems a substantial recession from the January 27 order *as a direct result* of the constitutional concerns aired by the Ninth Circuit Court of Appeals and Eastern District of Virginia. Section 1(i) states that the new order “expressly excludes from the suspensions categories of aliens that have prompted judicial concerns.” And section 1(iv) repudiates “animus toward any religion” as the basis for January EO, a nod to concerns about religious discrimination raised by both courts.

Notwithstanding Stephen Miller’s widely discussed comments on judicial review, the new EO opens with an explicit recognition of the federal courts’ authority. Courts—and constitutional law—are expressly identified as a constraint on a president who has mocked the courts.

The constraining role of *law* in earlier regimes has been observed by many commentators, such as Rick Pildes and myself, in scholarly work published before the 2016 election. Indeed, a range of recent academic work has illuminated the ways in which lawyers within the executive have shaped policy.

But this effect of *law* (as applied by executive branch insiders) is quite distinct from the notion that *courts* can stand in the way of a high-profile White House policy initiative in the national security domain. Indeed, for scholars of American judicial review or the separation of powers, the story so far should be rather striking: Against a backdrop of pervasive scholarly anxiety over the efficacy of judicial intervention against presidential over-reaching, here is a case in which courts were not just willing to act, but in which judicial intervention seems to have had direct and fairly unmediated effect.

The efficacy of judicial review is all the more striking when set against the courts' recent record in remedying harms flowing from national security policy. As James Pfander has explained in a terrific new book, this score-card is replete with government wins, with few consolations for injured plaintiffs. And what victories do obtain quickly prove hollow comfort. As I explore in a forthcoming article, the Court's landmark decision in Boumediene v. Bush in fact had scant effect on executive-branch practice.

The effect of judicial review is evident in what the new EO both does and doesn't change. The Ninth Circuit underscored centrally Due Process concerns, and the new EO in sections 3(a) and (b) excludes categories of noncitizens most likely to raise such constitutional worries: green-card holders and existing visa-holders. (Dual nationals with a nationality not among the new list of proscribed countries are also excluded from the new EO's reach, although they might not raise the same Due Process concerns).

Under section 12(b), those who had valid visas revoked under the January EO are entitled to a "travel document confirming that the individual is permitted to travel to the United States and seek entry." Asylum seekers are also no longer barred from pressing their claim to refuge from persecution under the same section.

But not all the new order's responses to Due Process concerns are an unmitigated good for migrants. Certain noncitizens, notwithstanding their lack of a current visa, with "significant contacts" with the U.S., or in need of "urgent medical care" can seek a case-by-case waiver at the discretion of Customs and Border Patrol (CPB) officials under Section 3(c) of the new order. But they must show "undue hardship" to qualify, a term that might be read in parallel to the very onerous "extreme hardship" standard for waivers of deportation. Further, the noncitizen's entry must "not pose a threat to national security" and "be in the national interest." Given that section 1(h) of the order cites the case of a Somali admitted as a child refugee who turned to violence only after becoming an adult, CBP officials might plausibly gloss the order to bar waivers unless a noncitizen can demonstrate that they won't be threat today, tomorrow—and also twenty years from now. Finally, the waiver power in Section 3(c) might be used strategically to moot litigation by granting relief to named plaintiffs, hence deflecting further judicial review of the order.

The Eastern District of Virginia, in contrast to the Ninth Circuit, emphasized concerns about the motivating force of animus against Muslims. The new EO recognizes this concern, but its response is far more ambiguous in effect. A central question in the litigation that will be ongoing on behalf of Washington, Hawaii, and other plaintiffs is whether the concern about animus has in fact dissipated.

To be sure, the new order's preamble expressly disavows animus, and its body omits a priority rule for religious minorities in refugee admissions. This was earlier perceived as an implicit thumb on the scales in favor of Christian over Muslim refugees given President Trump's statements on the topic.

The scaling back of language that links Islam to violence and terrorism is, however, partial. The January EO contained preamble language citing "violent ideologies [placed] over American law." It subtly linked that ambiguous phrase to Islam by citing "honor killings," which are often (if incorrectly) assumed to be motivated by Islamic beliefs. Contrary to the administration's claims, that order was thus *not* neutral on its face, but rather betrayed the same orientation toward Islam that the President and his team had vocalized repeatedly in both the campaign and in office.

In this regard, it is striking that section 11(iii) of the new EO again invokes "honor killing" again as an axiomatic form of "gender-based violence" as a distinctively important threat. But is that so? One in three women suffers physical violence at an intimate's hands during their lifetime (quite apart from physical assaults by "grabbing" strangers). In this context, it is odd (and unexplained) why so rare a form of iniquitous violence would be singled out given the pervasiveness of immoral and illegal violence against women.

Perhaps then, the most interesting element of the litigation likely to continue will turn on claims of religious animus. In the Establishment Clause, the Supreme Court has been willing to think closely about how intervening state action can dissipate an unconstitutional motive. (Nelson Tebbe, Richard Schragger, and Micah Schwartzmann have written about that case law here). But the First Amendment is not the only context in which state actor rescind and repromulgate slightly amended rules to escape motive-based constitutional invalidation. In a series of cases from the early twentieth

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century, the Supreme Court invalidated a sequence of Texas efforts to block African-Americans from voting. The so-called White Primary Cases demonstrate that even relatively conservative courts can police the attempted circumvention of constitutional norms via the tactic of withdrawing and reissuing rules on a purported clean slate.

By contrast to the constitutional claims raised by the Ninth Circuit and the Eastern District of Virginia, the statutory basis for the order has received little refinement. (Of course, the fact that an executive action is authorized by statute doesn't mean that it is necessarily compliant with rights-related or other restrictions in the Constitution.). The order rests on two provisions of the Immigration and Nationality Act that grant the president authority to regulate "entry," which is distinct from the statutory power to regulate visas. The latter, however, is cabined with a rule against national-origin discrimination. This gap, eloquently discussed by Ian Samuels, remains in the absence of close judicial attention to the scope of statutory authority. The brief filed on Thursday by the state of Hawaii, however, places these statutory arguments front and center—making them more likely to receive review in the coming litigation.

If the order is a testament of sorts to the institutional strength of the federal judiciary, it also provides hints of how both the judiciary and the bureaucracy can be circumvented by an administration determined to pursue populist ends in two different ways.

First, the express recognition of judicial constraint may be a way for the White House to lay the groundwork for blaming federal courts for any new terrorist violence. This is probably true, but also probably not especially important. I find it hard to believe that this White House would not take an extremely bellicose approach to judges, hostile legislators, and critics in the general public in the event of another terrorist attack regardless of what happens with the travel ban. The presence or absence of language in the new order will ultimately not matter much given this White House's temperamental quality and its scant regard for nuance or factual detail.

Second, the new EO invokes the authority of the White House to justify the selection of six countries for special scrutiny and restraint. But there remains a puzzling gap between the facts as asserted by the President, and the facts as supported by the known bureaucratic record. This gap is a way for the White House to test its ability to exploit longstanding norms of judicial deference to executive-branch expertise when state power is used not on the basis of epistemic competence but instead deployed from a logic of populist outrage

The gap arises between the proffered justification for selecting six countries (all of the originally proscribed nations minus Iraq) and the known strength of that justification. The new EO quite literally (and expressly) cribbs text from the Department of State's 2015 Country Reports on terrorism to explain why those countries' "nationals continue to present heightened risks to the security of the United States." The borrowed language is boilerplate. It largely concerns country-wide security conditions. It does not focus on the question whether the entry or immigration of citizens of those countries has, historically, posed an incrementally greater risk of terrorism than the entry of other countries' citizens.

But, as many others have noted, recent reporting has suggested that the Department of Homeland Security has analyzed terrorism-related risks of different nationalities and found no reason to single out the six countries in the revised order. State Department databases apparently tell a similar story. Hence, the government's own security agencies fail to find a security justification for the ban, and so the ban on its face falls back on anodyne boilerplate claims about the general security situation in relevant nations.

Given this gap between institutional expertise and asserted fact, it seems fair to ask whether the security justifications given on the face of the report are pretextual. And it also seems worth asking whether the animus so sharply and clearly evinced by many members of the administration, and so starkly evident to those who saw the January EO's rollout, has been dissipated by the deployment of some legalistic language and a dash (however tepid) of the interagency.

But courts typically give the executive a measure of what Bobby Chesney (in an excellent and incisive academic work) has called "national security fact deference." If the White House can secure that deference even when there is no colorable basis for such deference—indeed, even when the Administration's own experts reject the factual premises of a policy—this will make a substantial victory for the populist insurgency. For it create a degree of freedom for the White

Case 1:17-cv-00537-TSC Document 35-1 Filed 04/11/17 Page 5 of 5
House from the internal constraints of more cautious, fact-bound bureaucratic hands. It will, ironically, be a defeat of the administrative state at the hands of judicial doctrines cultivated assiduously by the ecosystem of federal agencies since the 1932 case of Crowell v. Benson. The bureaucracy would become its own gravedigger.

The new EO, in short, affirms that the White House may be willing to exercise its wide discretion in a way that asserts expertise and knowledge while circumventing the actual centers of expertise within the federal government. So much has been clear from the treatment of expert agencies such as the EPA so far. It also shows that the Administration may just be canny enough to leverage the deference doctrines developed in the national security and immigration contexts in particular so as to undermine the authority and power of internal expertise. This sort of strategic capture of the high ground of administrative expertise to pursue populist ends at the expense of well-warranted fact, would be a form of legitimation that would powerfully serve this White House in coming years.

Image: Eduardo Munoz Alvarez/Getty.

Tags: Anti-Muslim discrimination, Congress, First Amendment, Guest Post, immigration, Muslim ban, Religion, Trump Administration

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 [SEND A LETTER TO THE EDITOR](#)

EXHIBIT 48

President Trump Signs New Travel Ban Executive Order

 lawnewz.com/high-profile/breaking-president-trump-signs-new-executive-order-on-immigration-ends-indefinite-ban-on-syrian-refugees/

By Ronn Blitzer

After losing numerous court decisions over his travel ban, President **Donald Trump** vowed to keep the legal battle going. However, in addition to this, the administration had indicated that Trump would also sign a new order to supplement the old one so that it would have a better chance of passing legal muster. Finally, after weeks of rumored drafts and delays, Trump signed a new order on Monday.

The original order put a temporary stop to all refugees coming into the country, with an indefinite block on refugees from Syria. It also halted all incoming travel from seven countries with Muslim majorities. The new order clarifies that the ban only applies to people who do not currently have valid visas and did not have visas when the original order was signed on January 27. It specifies that it does not apply to legal permanent residents of the United States, or people who were admitted after the order was signed, or those who were already granted refugee or asylum status before the order.

Furthermore, Iraq is no longer on the list of countries specified in a general travel ban. The Pentagon and State Department had [pushed to remove](#) Iraq from that list, since the country has been a valuable ally in the fight against ISIS.

The new order also does not call for an indefinite hold on Syrian refugees, who will face the same treatment as refugees from other countries. When the temporary ban on refugees is lifted, the number of those ultimately admitted into the U.S. will have a maximum of 50,000 for the 2017 fiscal year.

While the order is in effect, the administration will work to put in place new standards for screening individuals entering the U.S.

The new order is meant to work alongside the original one instead of repeal it, as repealing the initial order would end the legal battles surrounding it. The administration still believes they can win those fights instead of having decisions against them remain on the books. RNC member and Trump campaign surrogate **Randy Evans** said in February that the administration is expected to try to [drag out the legal fight](#) until a new Supreme Court justice, preferably **Neil Gorsuch**, is confirmed.

Trump had insisted that his original order was indeed legal, but even if he ultimately could have won the battle in federal court, he would have had to wait for the case to be resolved for it to take effect again. By ditching that order and drafting a new one that is geared to be more favorable in the eyes of the judiciary, it allows the President to immediately move forward with his security measures.

EXHIBIT 49

National Security

DHS report casts doubt on need for Trump travel ban

By **Matt Zapotosky** February 24

A Department of Homeland Security report assessing the terrorist threat posed by people from the seven countries covered by President Trump's travel ban casts doubt on the necessity of the executive order, concluding that citizenship is an "unreliable" threat indicator and that people from the seven countries have rarely been implicated in U.S.-based terrorism.

The document — first reported by the Associated Press and later confirmed to the Washington Post — relies on public materials, and a Department of Homeland Security spokeswoman said it was "clear on its face that it is an incomplete product." Still, it could prove another hurdle in the administration's effort to restore the travel ban, undermining the White House's argument that the measure is necessary for national security reasons.

The report was prepared at the request of the acting secretary for the Office of Intelligence and Analysis and does not represent the official position of the Department of Homeland Security.

Gillian M. Christensen, a Homeland Security spokeswoman, said in a statement that it had "not been subject to the extensive interagency review process required of finished intelligence products" and did not "include data from other intelligence community sources." She confirmed there was debate over the matter, as CNN reported, but disputed that debate was because of political concerns.

"Allegations by opponents of the president's policies that senior DHS intelligence officials would politicize intelligence is unfortunate and untrue," she said. "The dispute with this product was over sources and quality, not politics."

The report is three pages long and does not address head-on whether the temporary ban on people entering the United States from Iraq, Iran, Somalia, Sudan, Syria, Yemen and Libya is an effective measure. But it asserts that citizens from those countries are "rarely implicated in U.S.-based terrorism," and citizenship itself is an "unreliable indicator of terrorist threat to the United States."

Based on an analysis of Justice Department press releases, it says of 82 people "who died in the pursuit of or were convicted of any terrorism-related federal offense," more than half were U.S.-born citizens.

The report referenced eight people from Somalia, Iraq, Iran, Sudan and Yemen who it said were convicted of or died in pursuit of terrorism. It said none had done so from Syria and did not specifically mention Libya. It also excluded those merely traveling or attempting to travel to join a foreign terrorist organization.

The report also concludes that while terror groups in Iraq, Syria and Yemen pose a threat of attacks in the United States, the other four countries are “regionally focused.” That conclusion is based on another, non-classified report.

Trump has said he plans to re-write his executive order — which courts have ordered frozen — and a White House official has said the new version is expected next week. Those suing over the matter said the original order represents an unconstitutional targeting of Muslims, disguised as a national security measure. In one court case, 10 former high-ranking diplomatic and national security officials attached their names to an affidavit declaring there was “no national security purpose” for a complete barring of people from the seven affected countries, which are all Muslim-majority.

The new report could prove a boon to those challenging Trump’s ban, as they seek to demonstrate it was motivated not by national security concerns, but by religious animosity. They also will likely be able to use as evidence comments by Trump himself and ally Rudy Giuliani suggesting the administration wanted to ban Muslims from entering the United States.

Though not addressing that directly, Christensen offered a defense of the ban’s national security purpose.

“The seven countries were identified by the previous administration as being countries of concern for foreign terrorist travel to the United States. Consequently, these countries were the focus of this administration’s initial efforts to enhance vetting for foreign travel to the United States,” she said. “It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.”

Matt Zapposky covers the Justice Department for the Washington Post's National Security team.

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EXHIBIT 50

National politics

http://www.stltoday.com/news/national/govt-and-politics/trump-lashes-out-at-federal-judge-over-ruling-on-travel/article_40fcf6cf-8dd3-5ff1-a561-d0897195aec0.html

Trump lashes out at federal judge over ruling on travel ban

By DARLENE SUPERVILLE Associated Press Feb 4, 2017

PALM BEACH, Fla. • President Donald Trump lashed out Saturday at "this so-called judge" who put a nationwide hold on his executive order denying entry to the U.S. to refugees and people from seven predominantly Muslim countries. The ruling set in motion another weekend of confusion and chaos around the country.

The White House pledged to swiftly appeal the federal judge's ruling late Friday, but that didn't appear to be enough for Trump, who vented his frustrations on Twitter.

"The opinion of this so-called judge, which essentially takes law-enforcement away from our country, is ridiculous and will be overturned!" Trump said.

Trump has said the travel ban, which he enacted by executive order on Jan. 27, will keep Americans safe by keeping potential terrorists from entering the country.

He also said Saturday on Twitter that "when a country is no longer able to say who can and who cannot come in & out, especially for reasons of safety & security — big trouble!"

U.S. District Judge James Robart in Seattle ruled late Friday against government lawyers' claims that Washington state and Minnesota, which sued over the ban, lacked the legal grounds to challenge Trump's order. Robart said the states showed that their case was likely to succeed.

White House press secretary Sean Spicer said late Friday that the Justice Department would appeal the "outrageous" order "at the earliest possible time. Spicer quickly issued an amended statement that deleted "outrageous."

"The president's order is intended to protect the homeland and he has the constitutional authority and responsibility to protect the American people," Spicer said, calling the order both lawful and appropriate.

Trump billed the action as necessary to stop "radical Islamic terrorists" from coming to the U.S.

The order included a 90-day ban on travel to the U.S. by citizens of Iraq, Syria, Iran, Sudan, Libya, Somalia or Yemen, a 120-day suspension of the U.S. refugee program, and an indefinite bar against admitting Syrian refugees.

The decision sparked protests nationwide and confusion at airports as some travelers were detained. More protests were planned for this weekend, including at Trump's estate in Palm Beach, Florida, where he is spending the weekend.

Last week, U.S. District Judge Ann Donnelly in New York issued an emergency order after lawyers for the American Civil Liberties Union filed a court petition on behalf of people from the seven countries who were detained at airports nationwide as the ban took effect.

Donnelly's order addressed only a portion of Trump's order, and barred U.S. border agents from removing anyone who arrived in the U.S. with a valid visa from the seven countries. Robart's decision was more sweeping in scope.

Saturday was not the first instance of Trump criticizing a federal judge, a member of an independent branch of the government.

During the presidential campaign, Trump repeatedly criticized the federal judge who was presiding over a lawsuit brought by former students of Trump University. Trump claimed that U.S. District Judge Gonzalo Curiel, who was born in Indiana, had an "absolute conflict" in handling the case because he is "of Mexican heritage." Trump launched his presidential campaign with a harsh description of Mexican immigrants as rapists and drug dealers.

Trump recently agreed to pay \$25 million to settle the lawsuits against Trump University.

Follow Darlene Superville on Twitter: <http://www.twitter.com/dsupervilleap>

EXHIBIT 51

SPECIAL REPORT: BRITISH POLICE RESPOND TO 'FIREARMS INCIDENT' OUTSIDE U.K.
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Donald Trump Expected to Sign New Immigration Order: A Timeline

by PHIL MCCAUSLAND and HALLIE JACKSON

SHARE



Two senior White House officials told NBC News that President Donald Trump plans to sign a revised version of his executive order that restricted travel from seven Muslim-majority nations on Monday.

Since a federal judge in Seattle issued a temporary restraining order on it in early February, different White House officials and the president have stated numerous times that the new executive order would be signed soon. But more than a month after it was barred, the revised version has not been realized.

The delay would seem to undercut the White House's original argument for its swift execution, which created confusing travel situations and immigration statuses for hundreds of people the weekend it was implemented. When its necessity and legality was challenged, the president and senior administration officials emphasized the need for travel restrictions because they believed the nation would be at risk without them.

These are the developments since the executive order was first signed.

Jan. 27: The executive order restricting travel from seven Muslim-majority nations is signed by President Trump.

Jan. 30: On "Fox and Friends," senior policy adviser Stephen Miller said the executive order was an urgent priority because "if we waited five days, 10 days, six months to begin establishing the first series of controls," then the administration would be leaving "the homeland unnecessarily vulnerable."

Feb. 3: A federal judge in Seattle issued a nationwide temporary restraining order, effectively blocking the executive order.

Feb. 4: President Trump tweeted that the judge's action means "many very bad and dangerous people may be pouring into our country."

Related: Trump Travel Ban Makes America Less Safe: Ex-Top Security, State Officials

Feb 10: At a press conference with Japanese Prime Minister Shinzo Abe, President Trump hinted at new executive order "sometime next week," stating that "we'll be doing something very rapidly having to do with additional security for our country. You'll be seeing that sometime next week."

Feb. 16: President Trump, at a news conference in the East Room, told reporters: "We're issuing a new executive action next week that will comprehensively protect our country."

Feb. 20: A senior White House official told NBC News that a new order is expected later in the week.

Feb. 23: Press Secretary Sean Spicer says: "It's not a question of delaying, it's a question of getting it right. We've taken the Court's opinions and concerns into consideration, but the order is finalized. It's now awaiting implementation."

Feb. 28: Prior to the joint address to Congress, a senior administration official told NBC News President Trump is expected to sign the executive order on March 1 at the Department of Justice.

Feb. 28: After the joint address to Congress, a senior official said the signing would be delayed in order let the president's joint address breathe.

March 1: Press Secretary Sean Spicer told reporters that when the president is ready to make a decision on the timing of the revised immigration executive order, they'll let reporters know "and we're not there yet."

March 4: Two senior administration officials said the president plans to sign the revised executive order on Monday.

PHIL MCCAUSLAND  



HALLIE JACKSON 

TOPICS U.S. NEWS, DONALD TRUMP, WHITE HOUSE

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by Taboola

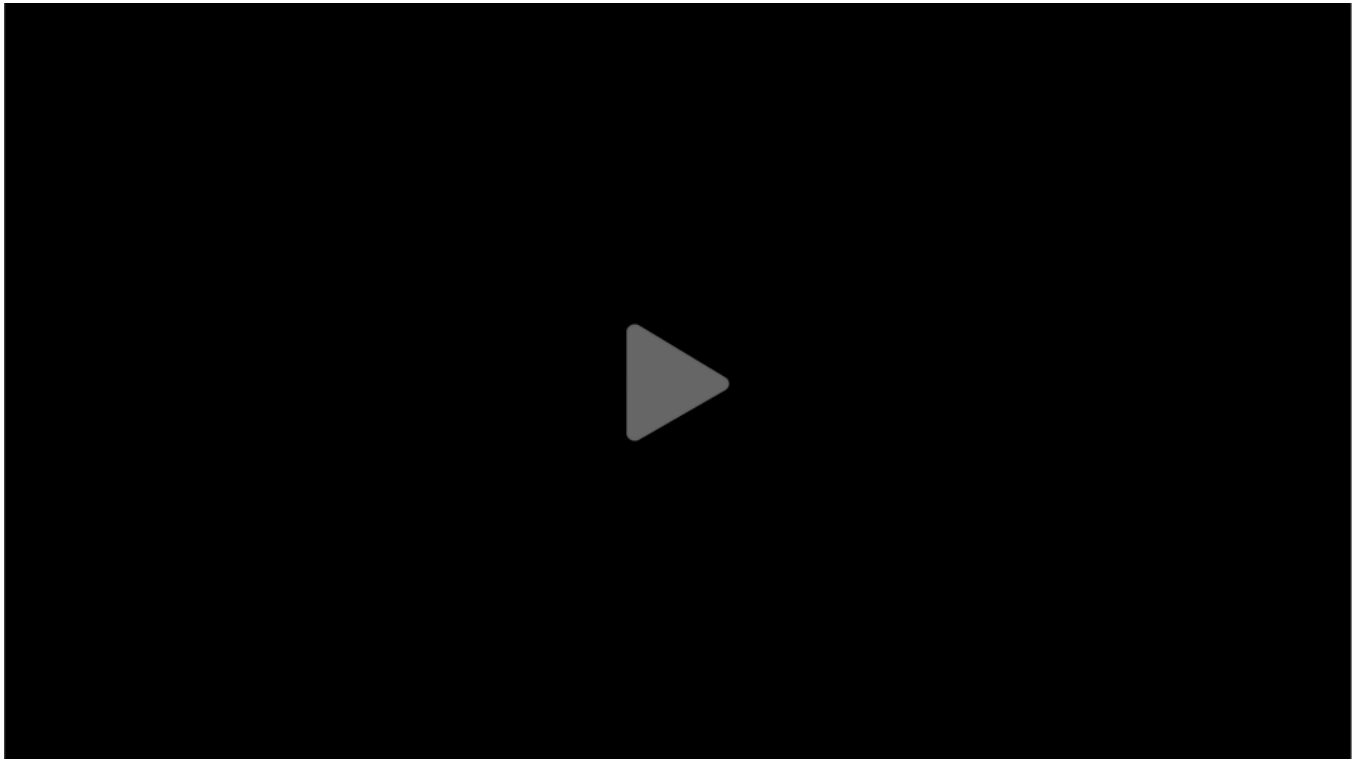
EXHIBIT 52



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

said.

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

The sudden change of plans came as Trump and his top advisers returned to the White House after his address to a joint session of Congress on Tuesday night.

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."

EXHIBIT 53

the WHITE HOUSE PRESIDENT DONALD J. TRUMP



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The White House

Office of the Press Secretary

For Immediate Release

March 06, 2017

Executive Order Protecting The Nation From Foreign Terrorist Entry Into The United States

EXECUTIVE ORDER

PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 et seq., and section 301

of title 3, United States Code, and to protect the Nation from terrorist activities by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. Policy and Purpose. (a) It is the policy of the United States to protect its citizens from terrorist attacks, including those committed by foreign nationals. The screening and vetting protocols and procedures associated with the visa-issuance process and the United States Refugee Admissions Program (USRAP) play a crucial role in detecting foreign nationals who may commit, aid, or support acts of terrorism and in preventing those individuals from entering the United States. It is therefore the policy of the United States to improve the screening and vetting protocols and procedures associated with the visa-issuance process and the USRAP.

(b) On January 27, 2017, to implement this policy, I issued Executive Order 13769 (Protecting the Nation from Foreign Terrorist Entry into the United States).

(i) Among other actions, Executive Order 13769 suspended for 90 days the entry of certain aliens from seven countries: Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. These are countries that had already been identified as presenting heightened concerns about terrorism and travel to the United States. Specifically, the suspension applied to countries referred to in, or designated under, section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), in which Congress restricted use of the Visa Waiver Program for nationals of, and aliens recently present in, (A) Iraq or Syria, (B) any country designated by the Secretary of State as a state sponsor of terrorism (currently Iran, Syria, and Sudan), and (C) any other country designated as a country of concern by the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence. In 2016, the Secretary of Homeland Security designated Libya, Somalia, and Yemen as additional countries of concern for travel purposes, based on consideration of three statutory factors related to terrorism and national security: "(I) whether the presence of an alien in the country or area increases the likelihood that the alien is a credible threat to the national security of the United States; (II) whether a foreign terrorist organization has a significant presence in the country or area; and (III) whether the country or area is a safe haven for terrorists." 8 U.S.C. 1187(a)(12)(D)(ii). Additionally, Members of Congress have expressed concerns about screening and vetting procedures following recent terrorist attacks in this country and in Europe.

(ii) In ordering the temporary suspension of entry described in subsection (b)(i) of this section, I exercised my authority under Article II of the Constitution and under section 212(f) of the INA, which provides in relevant part: "Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate." 8 U.S.C. 1182(f). Under these authorities, I determined that, for a brief period of 90 days, while existing screening and vetting procedures were under review, the entry into the United States of certain aliens from the seven identified countries -- each afflicted by terrorism in a manner that compromised the ability of the United States to rely on normal decision-making procedures about travel to the United States -- would be detrimental to the

interests of the United States. Nonetheless, I permitted the Secretary of State and the Secretary of Homeland Security to grant case-by-case waivers when they determined that it was in the national interest to do so.

(iii) Executive Order 13769 also suspended the USRAP for 120 days. Terrorist groups have sought to infiltrate several nations through refugee programs. Accordingly, I temporarily suspended the USRAP pending a review of our procedures for screening and vetting refugees. Nonetheless, I permitted the Secretary of State and the Secretary of Homeland Security to jointly grant case-by-case waivers when they determined that it was in the national interest to do so.

(iv) Executive Order 13769 did not provide a basis for discriminating for or against members of any particular religion. While that order allowed for prioritization of refugee claims from members of persecuted religious minority groups, that priority applied to refugees from every nation, including those in which Islam is a minority religion, and it applied to minority sects within a religion. That order was not motivated by animus toward any religion, but was instead intended to protect the ability of religious minorities -- whoever they are and wherever they reside -- to avail themselves of the USRAP in light of their particular challenges and circumstances.

(c) The implementation of Executive Order 13769 has been delayed by litigation. Most significantly, enforcement of critical provisions of that order has been temporarily halted by court orders that apply nationwide and extend even to foreign nationals with no prior or substantial connection to the United States. On February 9, 2017, the United States Court of Appeals for the Ninth Circuit declined to stay or narrow one such order pending the outcome of further judicial proceedings, while noting that the "political branches are far better equipped to make appropriate distinctions" about who should be covered by a suspension of entry or of refugee admissions.

(d) Nationals from the countries previously identified under section 217(a)(12) of the INA warrant additional scrutiny in connection with our immigration policies because the conditions in these countries present heightened threats. Each of these countries is a state sponsor of terrorism, has been significantly compromised by terrorist organizations, or contains active conflict zones. Any of these circumstances diminishes the foreign government's willingness or ability to share or validate important information about individuals seeking to travel to the United States. Moreover, the significant presence in each of these countries of terrorist organizations, their members, and others exposed to those organizations increases the chance that conditions will be exploited to enable terrorist operatives or sympathizers to travel to the United States. Finally, once foreign nationals from these countries are admitted to the United States, it is often difficult to remove them, because many of these countries typically delay issuing, or refuse to issue, travel documents.

(e) The following are brief descriptions, taken in part from the Department of State's Country Reports on Terrorism 2015 (June 2016), of some of the conditions in six of the previously designated countries that demonstrate why their nationals continue to present heightened risks to the security of the United States:

(i) Iran. Iran has been designated as a state sponsor of terrorism since 1984 and continues to support various terrorist groups, including Hizballah, Hamas, and terrorist groups in Iraq. Iran has also been linked to support for al-Qa'ida and has permitted al-Qa'ida to transport funds and fighters through Iran to Syria and South Asia. Iran does not cooperate with the United States in counterterrorism efforts.

(ii) Libya. Libya is an active combat zone, with hostilities between the internationally recognized government and its rivals. In many parts of the country, security and law enforcement functions are provided by armed militias rather than state institutions. Violent extremist groups, including the Islamic State of Iraq and Syria (ISIS), have exploited these conditions to expand their presence in the country. The Libyan government provides some cooperation with the United States' counterterrorism efforts, but it is unable to secure thousands of miles of its land and maritime borders, enabling the illicit flow of weapons, migrants, and foreign terrorist fighters. The United States Embassy in Libya suspended its operations in 2014.

(iii) Somalia. Portions of Somalia have been terrorist safe havens. Al-Shabaab, an al-Qa'ida-affiliated terrorist group, has operated in the country for years and continues to plan and mount operations within Somalia and in neighboring countries. Somalia has porous borders, and most countries do not recognize Somali identity documents. The Somali government cooperates with the United States in some counterterrorism operations but does not have the capacity to sustain military pressure on or to investigate suspected terrorists.

(iv) Sudan. Sudan has been designated as a state sponsor of terrorism since 1993 because of its support for international terrorist groups, including Hizballah and Hamas. Historically, Sudan provided safe havens for al-Qa'ida and other terrorist groups to meet and train. Although Sudan's support to al-Qa'ida has ceased and it provides some cooperation with the United States' counterterrorism efforts, elements of core al-Qa'ida and ISIS-linked terrorist groups remain active in the country.

(v) Syria. Syria has been designated as a state sponsor of terrorism since 1979. The Syrian government is engaged in an ongoing military conflict against ISIS and others for control of portions of the country. At the same time, Syria continues to support other terrorist groups. It has allowed or encouraged extremists to pass through its territory to enter Iraq. ISIS continues to attract foreign fighters to Syria and to use its base in Syria to plot or encourage attacks around the globe, including in the United States. The United States Embassy in Syria suspended its operations in 2012. Syria does not cooperate with the United States' counterterrorism efforts.

(vi) Yemen. Yemen is the site of an ongoing conflict between the incumbent government and the Houthi-led opposition. Both ISIS and a second group, al-Qa'ida in the Arabian Peninsula (AQAP), have exploited this conflict to expand their presence in Yemen and to carry out hundreds of attacks. Weapons and other materials smuggled across Yemen's porous borders are used to finance AQAP and other terrorist activities. In 2015, the United States Embassy in Yemen suspended its operations, and embassy staff were relocated out of

the country. Yemen has been supportive of, but has not been able to cooperate fully with, the United States in counterterrorism efforts.

(f) In light of the conditions in these six countries, until the assessment of current screening and vetting procedures required by section 2 of this order is completed, the risk of erroneously permitting entry of a national of one of these countries who intends to commit terrorist acts or otherwise harm the national security of the United States is unacceptably high. Accordingly, while that assessment is ongoing, I am imposing a temporary pause on the entry of nationals from Iran, Libya, Somalia, Sudan, Syria, and Yemen, subject to categorical exceptions and case-by-case waivers, as described in section 3 of this order.

(g) Iraq presents a special case. Portions of Iraq remain active combat zones. Since 2014, ISIS has had dominant influence over significant territory in northern and central Iraq. Although that influence has been significantly reduced due to the efforts and sacrifices of the Iraqi government and armed forces, working along with a United States-led coalition, the ongoing conflict has impacted the Iraqi government's capacity to secure its borders and to identify fraudulent travel documents. Nevertheless, the close cooperative relationship between the United States and the democratically elected Iraqi government, the strong United States diplomatic presence in Iraq, the significant presence of United States forces in Iraq, and Iraq's commitment to combat ISIS justify different treatment for Iraq. In particular, those Iraqi government forces that have fought to regain more than half of the territory previously dominated by ISIS have shown steadfast determination and earned enduring respect as they battle an armed group that is the common enemy of Iraq and the United States. In addition, since Executive Order 13769 was issued, the Iraqi government has expressly undertaken steps to enhance travel documentation, information sharing, and the return of Iraqi nationals subject to final orders of removal. Decisions about issuance of visas or granting admission to Iraqi nationals should be subjected to additional scrutiny to determine if applicants have connections with ISIS or other terrorist organizations, or otherwise pose a risk to either national security or public safety.

(h) Recent history shows that some of those who have entered the United States through our immigration system have proved to be threats to our national security. Since 2001, hundreds of persons born abroad have been convicted of terrorism-related crimes in the United States. They have included not just persons who came here legally on visas but also individuals who first entered the country as refugees. For example, in January 2013, two Iraqi nationals admitted to the United States as refugees in 2009 were sentenced to 40 years and to life in prison, respectively, for multiple terrorism-related offenses. And in October 2014, a native of Somalia who had been brought to the United States as a child refugee and later became a naturalized United States citizen was sentenced to 30 years in prison for attempting to use a weapon of mass destruction as part of a plot to detonate a bomb at a crowded Christmas-tree-lighting ceremony in Portland, Oregon. The Attorney General has reported to me that more than 300 persons who entered the United States as refugees are currently the subjects of counterterrorism investigations by the Federal Bureau of Investigation.

(i) Given the foregoing, the entry into the United States of foreign nationals who may commit, aid, or support acts of terrorism remains a matter of grave concern. In light of the Ninth Circuit's

observation that the political branches are better suited to determine the appropriate scope of any suspensions than are the courts, and in order to avoid spending additional time pursuing litigation, I am revoking Executive Order 13769 and replacing it with this order, which expressly excludes from the suspensions categories of aliens that have prompted judicial concerns and which clarifies or refines the approach to certain other issues or categories of affected aliens.

Sec. 2. Temporary Suspension of Entry for Nationals of Countries of Particular Concern During Review Period. (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall conduct a worldwide review to identify whether, and if so what, additional information will be needed from each foreign country to adjudicate an application by a national of that country for a visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual is not a security or public-safety threat. The Secretary of Homeland Security may conclude that certain information is needed from particular countries even if it is not needed from every country.

(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 worldwide review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed from each country for adjudications and a list of countries that do not provide adequate information, within 20 days of the effective date of this order. The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State, the Attorney General, and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on 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 and vetting of foreign nationals, to ensure that adequate standards are established to prevent infiltration by foreign terrorists, and in light of the national security concerns referenced in section 1 of this order, I hereby proclaim, pursuant to sections 212 (f) and 215(a) of the INA, 8 U.S.C. 1182(f) and 1185(a), that the unrestricted entry into the United States of nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen would be detrimental to the interests of the United States. I therefore direct that the entry into the United States of nationals of those six countries be suspended for 90 days from the effective date of this order, subject to the limitations, waivers, and exceptions set forth in sections 3 and 12 of this order.

(d) Upon submission of the report described in subsection (b) of this section regarding the information needed from each country for adjudications, the Secretary of State shall request that all foreign governments that do not supply such information regarding their nationals begin providing it within 50 days of notification.

(e) After the period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, shall submit to the President a list of countries recommended for inclusion in a Presidential proclamation that would prohibit the entry of appropriate categories of foreign nationals of countries that have not provided the information requested until they do so or until the Secretary of Homeland Security certifies that the country has an adequate plan to do so, or has adequately shared information through other means. The Secretary of State, the Attorney General, or the Secretary of Homeland

Security may also submit to the President the names of additional countries for which any of them recommends other lawful restrictions or limitations deemed necessary for the security or welfare of the United States.

(f) At any point after the submission of the list described in subsection (e) of this section, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, may submit to the President the names of any additional countries recommended for similar treatment, as well as the names of any countries that they recommend should be removed from the scope of a proclamation described in subsection (e) of this section.

(g) The Secretary of State and the Secretary of Homeland Security shall submit to the President a joint report on the progress in implementing this order within 60 days of the effective date of this order, a second report within 90 days of the effective date of this order, a third report within 120 days of the effective date of this order, and a fourth report within 150 days of the effective date of this order.

Sec. 3. Scope and Implementation of Suspension.

(a) Scope. Subject to the exceptions set forth in subsection (b) of this section and any waiver under subsection (c) of this section, the suspension of entry pursuant to section 2 of this order shall apply only to foreign nationals of the designated countries who:

- (i) are outside the United States on the effective date of this order;
- (ii) did not have a valid visa at 5:00 p.m., eastern standard time on January 27, 2017; and
- (iii) do not have a valid visa on the effective date of this order.

(b) Exceptions. The suspension of entry pursuant to section 2 of this order shall not apply to:

- (i) any lawful permanent resident of the United States;
- (ii) any foreign national who is admitted to or paroled into the United States on or after the effective date of this order;
- (iii) any foreign national who has a document other than a visa, valid on the effective date of this order or issued on any date thereafter, that permits him or her to travel to the United States and seek entry or admission, such as an advance parole document;
- (iv) any dual national of a country designated under section 2 of this order when the individual is traveling on a passport issued by a non-designated country;
- (v) any foreign national traveling on a diplomatic or diplomatic-type visa, North Atlantic Treaty Organization visa, C-2 visa for travel to the United Nations, or G-1, G-2, G-3, or G-4 visa; or
- (vi) any foreign national who has been granted asylum; any refugee who has already been admitted to the United States; or any individual who has been granted withholding of removal, advance parole, or protection under the Convention Against Torture.

(c) Waivers. Notwithstanding the suspension of entry pursuant to section 2 of this order, a consular officer, or, as appropriate, the Commissioner, U.S. Customs and Border Protection (CBP), or the Commissioner's delegatee, may, in the consular officer's or the CBP official's discretion, decide on a case-by-case basis to authorize the issuance of a visa to, or to permit the entry of, a foreign national for whom entry is otherwise suspended if the foreign national has demonstrated to the officer's satisfaction that denying entry during the suspension period would cause undue hardship, and that his or her entry would not pose a threat to national security and would be in the national interest. Unless otherwise specified by the Secretary of Homeland Security, any waiver issued by a consular officer as part of the visa issuance process will be effective both for the issuance of a visa and any subsequent entry on that visa, but will leave all other requirements for admission or entry unchanged. Case-by-case waivers could be appropriate in circumstances such as the following:

- (i) the foreign national has previously been admitted to the United States for a continuous period of work, study, or other long-term activity, is outside the United States on the effective date of this order, seeks to reenter the United States to resume that activity, and the denial of reentry during the suspension period would impair that activity;
- (ii) the foreign national has previously established significant contacts with the United States but is outside the United States on the effective date of this order for work, study, or other lawful activity;
- (iii) the foreign national seeks to enter the United States for significant business or professional obligations and the denial of entry during the suspension period would impair those obligations;
- (iv) the foreign national seeks to enter the United States to visit or reside with a close family member (e.g., a spouse, child, or parent) who is a United States citizen, lawful permanent resident, or alien lawfully admitted on a valid nonimmigrant visa, and the denial of entry during the suspension period would cause undue hardship;
- (v) the foreign national is an infant, a young child or adoptee, an individual needing urgent medical care, or someone whose entry is otherwise justified by the special circumstances of the case;
- (vi) the foreign national has been employed by, or on behalf of, the United States Government (or is an eligible dependent of such an employee) and the employee can document that he or she has provided faithful and valuable service to the United States Government;
- (vii) the foreign national is traveling for purposes related to an international organization designated under the International Organizations Immunities Act (IOIA), 22 U.S.C. 288 et seq., traveling for purposes of conducting meetings or business with the United States Government, or traveling to conduct business on behalf of an international organization not designated under the IOIA;

(viii) the foreign national is a landed Canadian immigrant who applies for a visa at a location within Canada; or

(ix) the foreign national is traveling as a United States Government-sponsored exchange visitor.

Sec. 4. Additional Inquiries Related to Nationals of Iraq. An application by any Iraqi national for a visa, admission, or other immigration benefit should be subjected to thorough review, including, as appropriate, consultation with a designee of the Secretary of Defense and use of the additional information that has been obtained in the context of the close U.S.-Iraqi security partnership, since Executive Order 13769 was issued, concerning individuals suspected of ties to ISIS or other terrorist organizations and individuals coming from territories controlled or formerly controlled by ISIS. Such review shall include consideration of whether the applicant has connections with ISIS or other terrorist organizations or with territory that is or has been under the dominant influence of ISIS, as well as any other information bearing on whether the applicant may be a threat to commit acts of terrorism or otherwise threaten the national security or public safety of the United States.

Sec. 5. Implementing Uniform Screening and Vetting Standards for All Immigration Programs. (a) The Secretary of State, the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence shall implement a program, as part of the process for adjudications, to identify individuals who seek to enter the United States on a fraudulent basis, who support terrorism, violent extremism, acts of violence toward any group or class of people within the United States, or who present a risk of causing harm subsequent to their entry. This program shall include the development of a uniform baseline for screening and vetting standards and procedures, such as in-person interviews; 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 applicants are who they claim to be; a mechanism to assess whether applicants may commit, aid, or support any kind of violent, criminal, or terrorist acts after entering the United States; and any other appropriate means for ensuring the proper collection of all information necessary for a rigorous evaluation of all grounds of inadmissibility or grounds for the denial of other immigration benefits.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Attorney General, and the Director of National Intelligence, shall submit to the President an initial report on the progress of the program described in subsection (a) of this section within 60 days of the effective date of this order, a second report within 100 days of the effective date of this order, and a third report within 200 days of the effective date of this order.

Sec. 6. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. (a) The Secretary of State shall suspend travel of refugees into the United States under the USRAP, and the Secretary of Homeland Security shall suspend decisions on applications for refugee status, for 120 days after the effective date of this order, subject to waivers pursuant to subsection (c) of this section. During the 120-day period, the Secretary of State, in conjunction with the Secretary of

Homeland Security and in consultation with the Director of National Intelligence, shall review the USRAP application and adjudication processes to determine what additional procedures should be used to ensure that individuals seeking admission as refugees do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. The suspension described in this subsection shall not apply to refugee applicants who, before the effective date of this order, have been formally scheduled for transit by the Department of State.

The Secretary of State shall resume travel of refugees into the United States under the USRAP 120 days after the effective date of this order, and the Secretary of Homeland Security shall resume making decisions on applications for refugee status only for stateless persons and nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that the additional procedures implemented pursuant to this subsection are adequate to ensure the security and welfare of the United States.

(b) Pursuant to section 212(f) of the INA, I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any entries in excess of that number until such time as I determine that additional entries would be in the national interest.

(c) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretary of State and the Secretary of Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the entry of such individuals as refugees is in the national interest and does not pose a threat to the security or welfare of the United States, including in circumstances such as the following: the individual's entry would enable the United States to conform its conduct to a preexisting international agreement or arrangement, or the denial of entry would cause undue hardship.

(d) It is the policy of the executive branch that, to the extent permitted by law and as practicable, State and local jurisdictions be granted a role in the process of determining the placement or settlement in their jurisdictions of aliens eligible to be admitted to the United States as refugees. To that end, the Secretary of State shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 7. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility.

The Secretary of State and the Secretary of Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority permitted by section 212(d)(3)(B) of the INA, 8 U.S.C. 1182(d)(3)(B), relating to the terrorism grounds of inadmissibility, as well as any related implementing directives or guidance.

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 in-scope 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 set forth in subsection (a) of this section. The initial report shall be submitted within 100 days of the effective date of this order, a second report shall be submitted within 200 days of the effective date of this order, and a third report shall be submitted within 365 days of the effective date of this order. The Secretary of Homeland Security shall submit further reports 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, 8 U.S.C. 1202, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions. This suspension shall not apply to any foreign national traveling on a diplomatic or diplomatic-type visa, North Atlantic Treaty Organization visa, C-2 visa for travel to the United Nations, or G-1, G-2, G-3, or G-4 visa; traveling for purposes related to an international organization designated under the IOIA; or traveling for purposes of conducting meetings or business with the United States Government.

(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 nonimmigrant visa-interview wait times are not unduly affected.

Sec. 10. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements and arrangements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If another country does not treat United States nationals seeking nonimmigrant visas in a truly reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by that foreign country, to the extent practicable.

Sec. 11. Transparency and Data Collection. (a) To be more transparent with the American people and to implement more effectively policies and practices that serve the national interest, the Secretary of Homeland Security, in consultation with the Attorney General, shall, consistent with applicable law and national security, collect and make publicly available the following information:

- (i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation with or provision of material support to a terrorism-related organization, or any other national-security-related reasons;
- (ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and who have 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;

(iii) information regarding the number and types of acts of gender-based violence against women, including so-called "honor killings," in the United States by foreign nationals; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security or the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of Homeland Security shall release the initial report under subsection (a) of this section within 180 days of the effective date of this order and shall include information for the period from September 11, 2001, until the date of the initial report. Subsequent reports shall be issued every 180 days thereafter and reflect the period since the previous report.

Sec. 12. Enforcement. (a) The Secretary of State and the Secretary of Homeland Security shall consult with appropriate domestic and international partners, including countries and organizations, to ensure efficient, effective, and appropriate implementation of the actions directed in this order.

(b) In implementing this order, the Secretary of State and the Secretary of Homeland Security shall comply with all applicable laws and regulations, including, as appropriate, those providing an opportunity for individuals to claim a fear of persecution or torture, such as the credible fear determination for aliens covered by section 235(b)(1)(A) of the INA, 8 U.S.C. 1225(b)(1)(A).

(c) No immigrant or nonimmigrant visa issued before the effective date of this order shall be revoked pursuant to this order.

(d) Any individual whose visa was marked revoked or marked canceled as a result of Executive Order 13769 shall be entitled to a travel document confirming that the individual is permitted to travel to the United States and seek entry. Any prior cancellation or revocation of a visa that was solely pursuant to Executive Order 13769 shall not be the basis of inadmissibility for any future determination about entry or admissibility.

(e) This order shall not apply to an individual who has been granted asylum, to a refugee who has already been admitted to the United States, or to an individual granted withholding of removal or protection under the Convention Against Torture. Nothing in this order shall be construed to limit the ability of an individual to seek asylum, withholding of removal, or protection under the Convention Against Torture, consistent with the laws of the United States.

Sec. 13. Revocation. Executive Order 13769 of January 27, 2017, is revoked as of the effective date of this order.

Sec. 14. Effective Date. This order is effective at 12:01 a.m., eastern daylight time on March 16, 2017.

Sec. 15. Severability. (a) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its other provisions to any other persons or circumstances shall not be affected thereby.

(b) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements.

Sec. 16. 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 or 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.

DONALD J. TRUMP

THE WHITE HOUSE,
March 6, 2017.



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EXHIBIT 54



CATO AT LIBERTY

JANUARY 26, 2017 12:03PM

Guide to Trump's Executive Order to Limit Migration for "National Security" Reasons

By ALEX NOWRASTEH

President Trump is expected to sign an executive order shortly to temporarily ban all visas for people from Iran, Iraq, Syria, Libya, Yemen, Sudan, and Somalia among other actions. An advanced copy of this order was available earlier this week. The first sentence of his order states that it is to "protect the American people from terrorist attacks by foreign nationals admitted to the United States." However, the countries that Trump chose to temporarily ban are not serious terrorism risks.

I compiled a list of foreign-born people who committed or were convicted of attempting to commit a terrorist attack on U.S. soil from 1975 through 2015. Below is a table with the distribution of their countries of origin (Figure 1). The first seven countries are those to be initially and, hopefully, temporarily denied visas. During the time period analyzed here, 17 foreign-born folks from those nations were convicted of carrying out or attempting to carry out a terrorist attack on U.S. soil and they killed zero people. Zero Libyans or Syrians intended to carry out an attack on U.S. soil during this time.

Figure 1

Foreign-Born Terrorist Country of Origin, 1975-2015

Country	Terrorists	Murders	Terrorists (percent)	Murders (percent)
Iran	6	0	3.9%	0.0%
Iraq	2	0	1.3%	0.0%
Libya	0	0	0.0%	0.0%
Somalia	2	0	1.3%	0.0%
Sudan	6	0	3.9%	0.0%
Syria	0	0	0.0%	0.0%
Yemen	1	0	0.6%	0.0%
Afghanistan	3	0	1.9%	0.0%
Algeria	4	0	2.6%	0.0%
Armenia	6	1	3.9%	0.0%
Australia	1	0	0.6%	0.0%
Bangladesh	2	0	1.3%	0.0%
Bosnia	1	0	0.6%	0.0%
Croatia	9	1	5.8%	0.0%
Cuba	11	3	7.1%	0.1%
Dominican Republic	1	0	0.6%	0.0%
Egypt	11	162	7.1%	5.4%
Ethiopia	1	0	0.6%	0.0%
France	1	0	0.6%	0.0%
Ghana	1	0	0.6%	0.0%
Guyana	2	0	1.3%	0.0%
Haiti	3	0	1.9%	0.0%
India	2	0	1.3%	0.0%
Japan	1	0	0.6%	0.0%
Jordan	4	0	2.6%	0.0%
Kazakhstan	1	0	0.6%	0.0%
Kosovo	2	0	1.3%	0.0%
Kuwait	2	6	1.3%	0.2%
Kyrgyzstan	2	3	1.3%	0.1%

Lebanon	4	158.5	2.6%	5.2%
Macedonia	3	0	1.9%	0.0%
Mexico	1	0	0.6%	0.0%
Morocco	3	0	1.9%	0.0%
Nigeria	1	0	0.6%	0.0%
Pakistan*	14	3	9.1%	0.1%
Palestine	5	2	3.2%	0.1%
Saudi Arabia*	19	2,369	12.3%	78.3%
Serbia	2	0	1.3%	0.0%
South Korea	1	0	0.6%	0.0%
Taiwan	1	1	0.6%	0.0%
Trinidad and Tobago	2	0.5	1.3%	0.0%
Turkey	1	0	0.6%	0.0%
United Arab Emirates	2	314	1.3%	10.4%
United Kingdom	3	0	1.9%	0.0%
Uzbekistan	3	0	1.9%	0.0%
Vietnam	1	0	0.6%	0.0%
Total	154	3,024	100.0%	100.0%

Sources: John Mueller, ed., Terrorism Since 9/11: The American Cases; RAND Database of Worldwide Terrorism Incidents; National Consortium for the Study of Terrorism and Responses to Terrorism Global Terrorism Database; Center on National Security; Charles Kurzman, “Spreadsheet of Muslim-American Terrorism Cases from 9/11 through the End of 2015,” University of North Carolina–Chapel Hill; Department of Justice; Federal Bureau of Investigation; New America Foundation; Mother Jones; Senator Jeff Sessions; Various news sources; Court documents.

**San Bernardino shooter Tashfeen Malik was born in Pakistan but mostly resided in Saudi Arabia from the time she was an infant. She physically met her U.S. born husband in Saudi Arabia. I counted her as Saudi but one could reasonably count her as Pakistani because she was born in Pakistan and she held a Pakistani passport. Doing so would transfer 14 terrorist murders from the Saudi Arabia’s row to Pakistan’s row.*

Attempting or committing a terrorist attack on U.S. soil is not the only terrorist offense. Materially supporting foreign terrorist organizations, seeking to join a foreign terrorist group overseas, plotting or carrying out terrorist attacks in other countries, and others are also terrorism offenses. I excluded foreign-born people convicted of those offenses because Trump is concerned with "making America safe again," not with making other countries safe or with a global war on terrorism. A terrorist attack in another country doesn't kill Americans inside of the United States and these threats are not what concern American voters nearly as much as terrorism on U.S. soil. You can call this an America First weighting of terrorism offenses.

Trump's executive order cites the "[h]undreds of foreign-born individuals [who] have been convicted or implicated in terrorism-related crimes" as another reason for a visa ban for these countries. He likely got the "hundreds of foreign-born individuals" from a [news release](#) and list put out by Senator Jeff Sessions (R-AL) that purportedly shows all 580 "terrorism-related" convictions since 9/11 with at least 380 of them as immigrants.

It is disturbing that Sessions' flawed list of terrorism convictions is the basis for much of this executive order. There are at least two major problems with the list. First, you might get the impression that all of those convictions were for terrorist attacks planned on U.S.-soil but only 40, or 6.8 percent, were. Second, 241 of the 580 convictions, or 42 percent, were not even for terrorism offenses. Many of the investigations started based on a terrorism tip like, for instance, the suspect wanting to buy a rocket-propelled grenade launcher. However, the tip turned out to be groundless and the legal saga ended with only a mundane conviction of [receiving stolen cereal](#). According to Sessions' list, that cereal thief is a terrorist.

In the little over 13 years covered in the Sessions' list, there were about three convictions per year for planning or committing an attack on U.S. soil. For every one of them, there were six non-terrorism convictions counted as terrorism and 4.5 convictions for supporting, joining, or planning a terrorist attack overseas. In short, the list provided by Senator Jeff Sessions does not show a daunting terrorist threat to American lives in the homeland.

Trump's executive order goes on to argue that "[d]eteriorating 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." Presumably, the goal is to reduce American deaths from terrorism on U.S. soil so the deadliness of terrorist at-

tacks matters more than the number of terrorists. For instance, 114 of the 154 foreign-born terrorists from 1975 to the end of 2015 didn't kill anybody. The three countries where the deadliest terrorists came to the United States from were Saudi Arabia, the United Arab Emirates, and Egypt. Together they all accounted for 94.1 percent of all American deaths in terrorist attacks on U.S. soil committed by the foreign-born. Saudi Arabia and the United Arab Emirates are not beset by any of the supposedly-terrorism increasing problems that are described in this order. Egyptians account for 5.4 percent of all terrorist victims but their attacks occurred between 1993 and 2002 when Egypt was a more stable country than it is today. The only exception to this might be Lebanon which accounts for 5.2 percent of all terrorist victims but nearly all of those were committed by Ziad Jarrah on 9/11 – a single data point. Meanwhile, foreign-born people from Syria, Libya, Iraq, Sudan, Somalia, Iran, and Yemen have not successfully killed anybody in a U.S. terrorist attack.

Trump's executive order then continues to say that the United States "cannot, and should not, admit into our country those who do not support the U.S. Constitution." Virtually nobody in the world, including most Americans, supports the U.S. Constitution and it seems peculiar to block tourists who want to visit Disneyland from entering because they "do not support the U.S. Constitution." My guesses are that whoever wrote this executive order is either confused about the difference between immigrants and non-immigrants, it is just sloppily drafted, or this is an earlier draft. Temporary visitors should not have to swear allegiance or express support for the Constitution any more than an American should have to swear allegiance to or express my support for monarchy when visiting the United Kingdom. In terms of support for the Constitution, all that matters is that immigrants who naturalize take an oath to do so – as they are currently required to under U.S. law.

The order also directs the government to find a way to identify immigrants "with the intent to cause harm, or who are at risk of causing harm subsequent to their admission." Blocking immigrants who intend to commit crimes or terrorist attacks is a wonderful idea – so wonderful that the government already does it. However, the line that seeks to identify those who "are at risk of causing harm subsequent to their admission" is hopelessly vague. There is a risk greater than zero that virtually anybody is a risk subsequent to their admission so this type of broad, ill-defined dictate could theoretically screen out everybody. More likely, it will just be used to capriciously target individuals for political or personal reasons.

A later line in the executive order provides some context for the “risk of causing harm subsequent to their admission” line. It orders DHS to regularly publish “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.” Presumably, DHS will use that information to build a detailed risk profile of immigrants to exclude those who could become radicalized. One worrying term is “terrorism-related organizations.” I couldn’t find any mentions or definition of a “terrorism-related organization” in U.S. law. There are no mentions of “terrorism-related convictions” either. If “terrorism-related organizations” is defined as broadly as “terrorism-related convictions” has been in Jeff Sessions’ terrorist list then many non-terrorist organizations will be included for flimsy reasons. This is like the [no-fly list](#) but with far graver consequences.

The order also says there should 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.” The immigration law already does the former by excluding criminals, national security threats, and numerous other categories of excludable people while the broad immigrant and non-immigrant work visas supposedly identify which foreigners are most valuable. At best this line in the executive order is redundant and at worst it signals the government’s intent to be even more involved in planning the labor market by selecting winners and losers through the immigration system.

The seven countries temporarily banned under this executive order represent a small percent of all green cards and entries into the United States (the latter estimated by I-94s per country). In 2015, the government issued 52,365 green cards to immigrants born in those seven countries which amount to just 4.98 percent of all green cards issued that year and 29.4 percent of all green cards issued to nationals from [Muslim countries](#) (Table 2). In the same year, there were 86,236 non-immigrant entries from those countries which accounted for 0.11 percent of all entries although they comprised 4.5 percent of all entries for Islamic countries (Table 2).

The economic cost of a temporary ban, or even a permanent one, is small because so few green cards and nonimmigrant visas are issued to folks from those seven countries. However, the danger of terrorism on U.S. soil committed by citizens of those countries has also been very low historically with only 17 convictions from 1975

through 2015 and zero Americans killed in domestic attacks. Future terrorists could come from different countries than terrorists did in the past but, based on current evidence, this ban is still a net loss because it will likely stop few terrorists, prevent zero deaths, and slightly reduce immigration and tourism. All minor economic pain, no gain.

Table 2

Number of Green Cards and Entries per Country, 2015

	Green Cards	Entries (I-94)
Iran	13,114	35,266
Iraq	21,107	21,381
Libya	734	2,879
Somalia	6,796	359
Sudan	3,580	4,792
Syria	3,840	16,010
Yemen	3,194	5,549
All Countries	1,051,031	76,638,236
Islamic Countries (OIC)	178,015	1,896,383

Source: Department of Homeland Security

If President Trump was committed to banning immigrants from certain countries in order to reduce the already small risk of terrorism on U.S. soil committed by the foreign-born then he would not just ban nationals from these seven countries. For this reason, I expect his administration to expand the list of countries banned in the near future. Section 3, subsections c, d, e, and f clarify that the president can extend these bans to other countries or make them permanent. This is a warning about additional bans on migrants and immigrants to come as well as the process by which those bans will be enacted.

Topics: [International Economics](#), [Development & Immigration](#)

Tags: [terrorism](#), [Trump](#), [Executive Action](#), [migration](#), [bans](#), [Muslim country](#)

EXHIBIT 55

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"The various people who have, in fact, committed terrorist acts in this country, from 9/11 on, none of them came from any of the seven countries that are the subject of the president's executive order."

— [Jerrold Nadler](#) on Saturday, January 28th, 2017 in a CNN interview



No terrorist attacks post 9/11 by people from countries in Trump's travel ban?

By [Miriam Valverde](#) on Sunday, January 29th, 2017 at 5:42 p.m.

On Jan. 28, an Iraqi immigrant was freed after being detained at one of New York's airports, just after President Donald Trump's executive order on immigration was put into action.

President Donald Trump's executive order temporarily suspending the admission into the United States of people from seven Muslim-majority countries and indefinitely banning refugees from war-torn Syria stirred an uproar across the nation, with protesters gathering at the nation's largest airports.

Rep. Jerrold Nadler, D-N.Y., said in a CNN interview from New York's John F. Kennedy Airport that it was important to protect the United States from people who want to harm the country. But he argued that refugees are heavily vetted by the U.S. government and that recent attacks have not been from nationals of the countries singled out by Trump.

"The various people who have, in fact, committed terrorist acts in this country, from 9/11 on, none of them came from any of the seven countries that are the subject of the president's executive order," Nadler [said](#) in a CNN interview Jan. 28. "If you really want to protect this country, why are Saudi Arabia, Egypt and Turkey left out of the order? Most of the 9/11 conspirators came from Saudi Arabia."

Trump's [executive order](#) signed Jan. 27, called "Protecting the Nation From Foreign Terrorist Entry Into the United States," suspended for 90 days the immigrant and nonimmigrant entry of people from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen.

Individuals from those seven countries who are U.S. lawful permanent residents are also stopped from re-entering the country (though exemptions may apply), the [New York Times reported](#), attributing the information to the Department of Homeland Security.

We wondered if Nadler was correct by saying that since 9/11, terrorist acts in the United States have not been carried out by people from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen.

Experts told us no fatal attack has been attributed to nationals from those countries, but that there have been a few non-deadly acts by individuals from two of those countries.

Increased homegrown terrorism

According to New America, a think tank [compiling information on terrorist activities](#) in the United States since 9/11, [94 people](#) have been killed by jihadists in the past 15 years.

But in its overview of who are the individuals committing the attacks, New America says the majority of attackers come from within.

"Far from being foreign infiltrators, the large majority of jihadist terrorists in the United States have been American citizens or legal residents. Moreover, while a range of citizenship statuses are represented, every jihadist who conducted a lethal attack inside the United States since 9/11 was a citizen or legal resident," the [New America study](#) says. "In addition about a quarter of the extremists are converts, further confirming that the challenge cannot be reduced to one of immigration."

"It's certainly the case that none of the major, deadly attacks carried out in the United States were carried out by people from these countries," said Erin Miller, who manages the Global Terrorism Database for the National Consortium for the Study of Terrorism and Responses to Terrorism at the University of Maryland.

Other experts agreed.

"Since 9/11, no one has been killed in this country in a terrorist attack by anyone who emigrated from any of the seven countries," added William C. Banks, director of the Institute for National Security and Counterterrorism at Syracuse University College of Law.

In June 2016, [Omar Mateen](#), born in the United States to Afghan parents, killed 49 people and wounded 53 others in an Orlando nightclub shooting. In [December 2015](#), a Pakistani woman, [Tashfeen Malik](#), and her husband killed 14 people in San Bernardino, Calif. The husband, Syed Rizwan Farook, was born in the United States to Pakistani parents.

However, there have been [at least three non-deadly attacks](#) in which the perpetrators [were from Iran](#) or [Somalia](#), said John Mueller, a political scientist at Ohio State University, expert on terrorism and a senior fellow at the libertarian Cato Institute.

One of those examples includes the [November 2016](#) attack at Ohio State University by a [Somali refugee](#) who had lived in Pakistan before coming to the United States. [Abdul Razak Ali Artan](#), 18, was shot dead by a police officer after he slammed his car into pedestrians and injured others with a butcher knife. The FBI said it would investigate the attack as a "[potential act of terrorism](#)."

In September 2016, [Dahir Adan](#) was shot dead after stabbing nine people in a Minnesota shopping mall. Adan was identified by his father as [Somali but born in Kenya, moving to the United States](#) when he was a child.

Another incident was in 2006, when Mohammed Reza Taheri-Azar ran a Jeep Cherokee into a crowd of people at his alma mater, the University of North Carolina. Thinking he would be killed during the attack, Taheri-Azar left a letter in his apartment saying he wanted revenge for the deaths of Muslims across the world caused by the United States, the [AP reported](#). A naturalized citizen born in Iran, Taheri-Azar in 2008 plead guilty to [nine counts of attempted first-degree murder](#) and was [sentenced for up to 33 years in prison](#).

On ABC's *This Week*, Trump's press secretary, Sean Spicer, said the president's order covered countries that the Obama administration had identified as needing further travel restrictions.

"What the president did was take the first step through this executive order of insuring that we're looking at the entire system of who's coming in, refugees that

are coming in, people who are coming in from places that have a history or that our intelligence suggests that we need to have further extreme vetting for," [Spicer said Jan. 29](#).

Starting in early 2016, individuals from countries that participate in the [visa waiver program](#) (that is, people allowed to travel to the United States without a visa) and who had also been in [Iran, Iraq, Sudan, Syria, Yemen, Libya or Somalia](#) recently (with exceptions for diplomatic or military purposes) were no longer permitted to come to the United States without a visa. They were not banned from traveling, but they did need to apply for a visa and be vetted.

People who were nationals of Iran, Iraq, Sudan, or Syria were also no longer able to come to the United States without a visa.

Our ruling

Nadler said, "The various people who have, in fact, committed terrorist acts in this country, from 9/11 on, none of them came from any of the seven countries that are the subject of the president's executive order."

Experts on terrorism tell us that since 9/11 no one in the United States has been killed in a terrorist attack by someone from the seven countries for which Trump's executive order temporarily suspends admission. Those countries are Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen.

But there have been at least three non-deadly cases in which the perpetrator was connected to Iran or Somalia.

Nadler's statement is partially accurate but leaves out important details. We rate it Half True.

Share The Facts

Jerrold Nadler

Democratic representative from New York



"The various people who have, in fact, committed terrorist acts in this country, from 9/11 on, none of them came from any of the seven countries that are the subject of the president's executive order."

POLITIFACT

in a CNN interview – Saturday, January 28, 2017

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About this statement:

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Videos

EXHIBIT 56

Trump Spars With Republican Senators McCain and Graham After They Criticize Travel Ban

 abcnews.go.com/Politics/handful-gop-senators-representatives-criticize-trump-travel-ban/story

Two leading GOP senators, John McCain and Lindsey Graham, joined other Republican officials on Sunday in criticizing President Trump's executive order on immigration and refugees.

McCain of Arizona and Graham of South Carolina issued a joint statement saying, "Our government has a responsibility to defend our borders."

"It is clear from the confusion at our airports across the nation that President Trump's executive order was not properly vetted," the two senators said. "We are particularly concerned by reports that this order went into effect with little to no consultation with the Departments of State, Defense, Justice, and Homeland Security. We fear this executive order may do more to help terrorist recruitment than improve our security."

They continued, "We must do so in a way that makes us safer and upholds all that is decent and exceptional about our nation."

Trump responded in a series of tweets from his personal account, calling the two senators "wrong" and "sadly weak on immigration."

Shortly after the president tweeted, Sen. Bob Corker of Tennessee released a statement to ABC News.

"We all share a desire to protect the American people, but this executive order has been poorly implemented, especially with respect to green card holders," said Corker. "The administration should immediately make appropriate revisions, and it is my hope that following a thorough review and implementation of security enhancements that many of these programs will be improved and reinstated."

Corker is the chairman of the Senate Foreign Relations Committee.

House Homeland Security Committee Chairman Rep. Michael McCaul of Texas, an adviser to Trump on counter-terrorism during the presidential campaign, broke with the White House on green card restrictions.

"We should not simply turn away individuals who already have lawful U.S. visas or green cards—like those who have risked their lives serving alongside our forces overseas or who call America their home," McCaul said in a statement.

Some leading Republicans said they support the order but criticized its implementation.

The order signed Friday immediately suspends immigration from seven predominantly Muslim countries in the Middle East and Africa -- Syria, Yemen, Sudan, Somalia, Iraq, Iran and Libya -- for 90 days. It also blocks refugees from entering the country for 120 days; refugees from Syria are barred indefinitely.

"President Trump has finally taken necessary national security and public safety measures regarding refugees and non-immigrants seeking entry," according to a statement from Rep. Raul Labrador of Idaho. But, he said, "Inadequate review and poor implementation of this executive action threatens to undermine otherwise sound policy. I remain a strong supporter of President Trump's bold efforts to keep America safe, but they must be legally sound and uniformly enforced." look forward to working with the president on these issues."

A handful of other Republicans over the weekend slammed the order, many of them expressing concern that the order is too broad and questioning its effectiveness in reducing the threat of [terrorism](#).

Sen. Ben Sasse of Nebraska, a member of [the Senate](#) Armed Services Committee, issued a statement Saturday titled "[Border Security](#) and Muslim Nations" in which he said the ban was too far-reaching.

"The president is right to focus attention on the obvious fact that borders matter," he said. "At the same time, while not technically a Muslim ban, this order is too broad."

Sasse, who was critical of Trump during the presidential campaign but now supports him, also questioned if the order was the most effective way to fight jihadism.

"There are two ways to lose our generational battle against jihadism by losing touch with reality," he said. "The first is to keep pretending that jihadi terrorism has no connection to [Islam](#) or to certain countries. That's been a disaster. And here's the second way to fail: If we send a signal to the Middle East that the U.S. sees all Muslims as jihadis, the terrorist recruiters win by telling kids that America is banning Muslims and that this is America versus one religion. Both approaches are wrong, and both will make us less safe. Our generational fight against jihadism requires wisdom."

[Arizona](#) Sen. [Jeff Flake](#) also suggested that the travel ban is too broad.

"President Trump and his administration are right to be concerned about [national security](#), but it's unacceptable when even legal permanent residents are being detained or turned away at airports and ports of entry," Flake said in a statement Saturday. "Enhancing long-term national security requires that we have a clear-eyed view of radical Islamic terrorism without ascribing radical Islamic terrorist views to all Muslims."

As for GOP members of the House of Representatives, Charlie Dent of Pennsylvania echoed Sasse's and Flake's concerns.

"This order appears to have been rushed through without full consideration to the wide-ranging impacts it will have," Dent said in a statement to ABC News. "As a result, I fear that this order may imperil lives, divide families, and create uncertainty for many American businesses that operate internationally."

He added, "This is unacceptable and I urge the Administration to halt enforcement of the order until a more thoughtful and deliberate policy can be instated."

Dent also said that he had been working to assist a Syrian Christian family who held valid visas but were detained at Philadelphia International Airport and forced to leave the country.

Rep. Justin Amash of Michigan, a libertarian whose parents immigrated to the U.S. from the Middle East, wrote a series of tweets Saturday slamming Trump and the executive order.

"Like Pres. Obama's executive actions on immigration, Pres. Trump's executive order overreaches and undermines our constitutional system," he wrote, adding, "It's not lawful to ban immigrants on basis of nationality. If the president wants to change [immigration law](#), he must work with Congress."

In another pair of tweets, Amash wrote, "The president's denial of entry to lawful permanent residents of the United States (green card holders) is particularly troubling. ... Green card holders live in the United States as our neighbors and serve in our Armed Forces. They deserve better."

His final tweet read, "While EO allows admittance of immigrants, nonimmigrants, and refugees 'on a case-by-case basis,' arbitrariness would violate Rule of Law."

GOP Reps. Mike Coffman of Colorado and Brian Fitzpatrick of Pennsylvania also questioned the effectiveness of the administration's order.

Fitzpatrick, a former FBI special agent, said in a statement the action "entirely misses the mark," while Coffman said

he opposed a travel ban based on "ethnic or religious grounds."

Sen. Susan Collins, R-Maine, said in a statement the order is "overly broad" and called its implementation "immediately problematic."

"For example, it could interfere with the immigration of Iraqis who worked for American forces in Iraq as translators and body guards -- people who literally saved the lives of our troops and diplomats during the last decade and whose lives are at risk if they remain in Iraq," she said.

Sen. Orrin Hatch, R-Utah, called on Trump to modify the order to reduce "unnecessary burdens on the vast majority of visa-seekers that present a promise - not a threat -- to our nation."

ABC News' Alexander Mallin contributed to this report.

EXHIBIT 57

The Washington Post**Opinions**

Trump's travel ban is a gift to Iran's rulers

By Hadi Ghaemi January 29*Hadi Ghaemi is the founder and executive director of the Campaign for Human Rights in Iran.*

President Trump's travel ban on Iranians is a gift to the Islamic republic and its hard-line rulers. It will not deter terrorism on U.S. soil. Not a single terrorist involved in the 9/11 attacks or other fatal terrorist attacks in the United States since then has been of Iranian origin.

Instead, Trump's policy is a collective punishment of a diverse and changing nationality, and will ironically serve the purposes of Iran's hard-line rulers.

Who are the Iranians who will be harmed by this policy?

I have been helping Iranian refugees reach safety for more than a decade. A recent case is that of Reza, his wife and their 3-year-old daughter. Reza, whose full name I cannot use for security reasons, is a victim of torture at the hands of Iranian Revolutionary Guards at Tehran's notorious Kahrizak prison.

Reza fled to Turkey in 2013, and after years waiting, he and his family were recently approved for resettlement in the United States. He hoped to arrive sometime this year, once security vetting by U.S. agencies was complete.

His hopes are shattered. He and his family are suddenly rendered effectively stateless and homeless, with nowhere to turn. Instead of welcoming a regime opponent to the United States, we are effectively throwing Reza and his family back into the treacherous hands of Iranian Revolutionary Guards.

The Iranian refugees who have settled in the United States over the past decade are chiefly victims of the regime's harsh crackdowns, including students, journalists, women's rights activists and lawyers. These are the Iranians who have vocally and ferociously opposed the Islamic republic.

Another Iranian who was on her way to the United States — but now will likely never reach here — is a young women's rights activist. For years she has led a movement to change Iran's discriminatory practices toward women, anonymously through social media.

Her dream is to strengthen her activism and knowledge base by attending a U.S. human rights program, and she has just been accepted to an Ivy League university. Without the travel ban, she would be on her way to fulfilling her dream and upon return to Iran would bring back valuable experience and knowledge for her fight against gender discrimination.

But now the door has been slammed in her face. She and her generation of women's rights activists in Iran will continue their work, make no mistake, but they will have to struggle harder to break out of their isolation and confront their oppressive rulers.

Indeed, the people who are most likely to travel between Iran and the United States — the people most affected by any ban — are Iranians who hold Western values of moderation and tolerance and believe in open political and economic systems. It's in the interest of the United States to strengthen these values in Iran however it can.

Isolating Iran from engagement with the West is not the way to fortify the forces of moderation in Iran — and it is exactly the opposite of strategy adopted by previous presidents, such as Ronald Reagan, who conscientiously encouraged nongovernmental and cultural interaction between citizens of the Soviet Union and its satellite countries and the United States, even at the height of the Cold War.

The Iranian government thrives on isolating its population and choking off criticism. But Iran's young population has been striving to break free of this isolation. In Iran, public opinion of the United States is much more favorable than in any other country in the Middle East and North Africa.

By excluding all Iranians, Trump is only making it harder for the most promising elements of Iranian society to stand up to their repressive system and change their country for the better.

This policy will extend the Islamic republic's longevity, disrupt the lives of 1.5 million Iranian Americans and fan the flames of anti-Americanism in the region. None of these developments will help secure our country from terrorism.

Read more:

[The Post's View: President Trump's refugee ban is an affront to American values](#)

[Matt Zeller: Trump shuts the door on men and women who have sacrificed for America](#)

[Daoud Kuttab: When America was great](#)

[Ruth Marcus: Trump's erratic first week was among the most alarming in history](#)

[Adam Gentleson: Senate Democrats have the power to stop Trump. All they have to do is use it.](#)

EXHIBIT 58



Death toll in Yemen conflict passes 10,000

UN humanitarian aid office says 40,000 people also injured in the conflict while 10 million need 'urgent assistance'.

 Comment



The UN ranks the conflict in Yemen as one of the world's worst humanitarian crises [Reuters]



The United Nations' humanitarian aid official in Yemen has said that the civilian death toll in the nearly two-year conflict has reached 10,000.

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The Office for the Coordination of Humanitarian Affairs' Jamie McGoldrick said that the figure is based on lists of victims gathered by health facilities and the actual number might be higher.

McGoldrick also said that up to 10 million people need "urgent assistance to protect their safety, dignity and basic rights", according to a separate social media post early on Tuesday.

READ MORE: [Yemen's orphans face 'catastrophe' as fighting rages](#)

The announcement marks the first time a UN official has confirmed such a high death toll in Yemen, the Arab world's poorest nation.

"This once more underscores the need to resolve the situation in Yemen without any further delay," UN deputy spokesman Farhan Haq said in New York.

"There's been a huge humanitarian cost."

The Yemen conflict pits Houthi rebels and allied forces against an Arab coalition led by Saudi Arabia.

The coalition began an air campaign in March 2015 to restore the internationally recognised government that fled the country after Houthis seized the capital Sanaa.

On Monday, reports said 34 people were killed and 16 others wounded during clashes between Houthis and pro-government forces in the southern Shabwa province.



McGoldrick was in the Yemeni capital Sanaa to get updates on the ongoing conflict [AP]



New peace plan



Witnesses: McGoldrick's remarks come as UN Special Envoy to Yemen, Ismail

- ▼ Ould Cheikh Ahmed, held talks with Abd-Rabbu Mansour Hadi, president of Yemen, in the southern city of Aden.

Ould Cheikh Ahmed is hoping to revive peace prospects in Yemen after Hadi rejected his proposed plan. He is due to report to the UN Security Council later this month.

The plan provides for a new unity government in Yemen and a rebel withdrawal from the capital and other cities.

"A peace agreement, including a well-articulated security plan and the formation of an inclusive government, is the only way to end the war that has fuelled the development of terrorism in

Yemen and the region," Ould Cheikh Ahmed said in a statement.

WATCH: [Children bear the brunt of Yemen's ongoing war \(2:14\)](#)

"I asked the president to act swiftly and engage constructively with the UN's proposal for the sake of the country's future."

"The current political stalemate is causing death and destruction every day. The only way to stop this is through the renewal of the cessation of hostilities followed by consultations to develop a comprehensive agreement."

Under the proposal, Hadi's powers would be dramatically diminished in favour of a new vice president who would oversee the formation of the interim government that will lead a transition to elections.

The envoy has been holding talks in the Gulf region in recent weeks, including in Riyadh, where he met Yemen's central bank governor to ease a cash crisis in rebel-held areas.

One of the poorest countries in the Arab world, Yemen slid deeper into chaos when the Saudi-led coalition intervened in 2015 to push back the rebels who had seized Sanaa and other parts of the country.

The United Nations ranks the conflict in Yemen as one of the world's worst humanitarian crises.

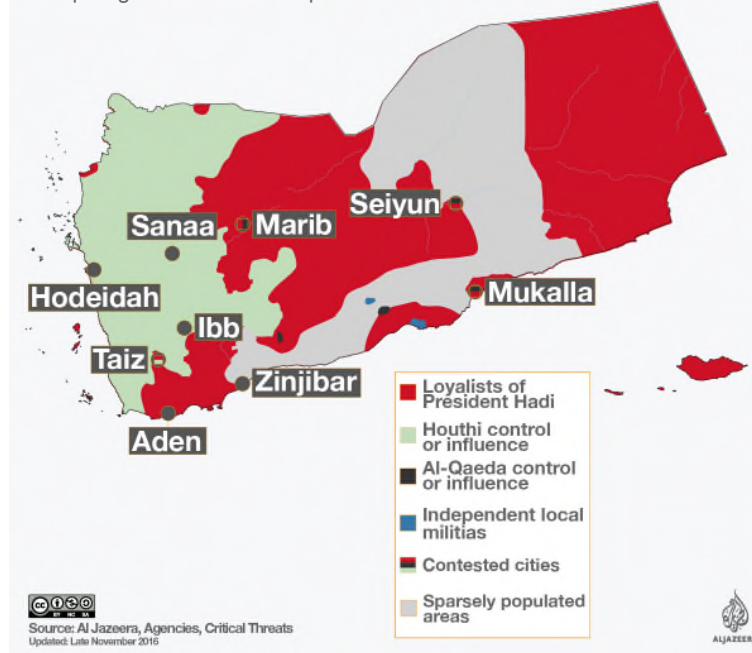


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EXHIBIT 59

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Trump's 'Muslim lockdown': What is the Center for Security Policy?

By Joel Gunter
BBC News

8 December 2015 | [US & Canada](#)



Raising the bar once again for US political controversy, Donald Trump called on Monday for "a total and complete shutdown of Muslims entering the United States".

The Republican presidential frontrunner claimed that research by the respected Pew organisation showed a "great hatred towards Americans by large segments of the Muslim population" - but he did not refer to any specific study to support that claim, and we can't find one that does.

Mr Trump did cite a specific study by the Center for Security Policy - "very highly respected people, who I know, actually" - which he said showed that 25% of Muslims in the US believed violence against America was justified "as part of the global jihad".

Mr Trump's press release:

Republican road to the White House

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How Donald Trump captures the White House



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*

But what exactly is the Center for Security Policy, and just how highly respected is it?

It's a conservative think-tank

The CSP was founded in 1988 by Frank Gaffney Jr, a former staffer in the Ronald Reagan administration who has been accused of Islamophobia. On its website, the centre calls itself a "Special Forces in the War of Ideas" which offers "maximum bang for the buck" to its donors.

The CSP does not publish information about who those donors are, but according to a **2013 report by Salon** they include some of the US's biggest aviation and defence companies - Boeing, General Dynamics, Lockheed Martin, Northrop Grumman, Raytheon and General Electric.

Promoted on the organisation's website are reports and books with titles such as Star Spangled Sharia, Civilisation Jihad, and Muslim Colonisation of America. Responding to the controversy over Mr Trump's remarks, the CSP said it was "necessary to respond to the threat posed by jihadist terror in a way that ... calls it what it is".

It's not very highly respected

The CSP has been criticised across the political spectrum - by high-profile Republicans as well as Democrats - and by organisations which monitor extremist groups. Terri Johnson, executive director of the Center for New Community and J Richard Cohen, president of the Southern Poverty Law Center, **called it** "an extremist think-tank" led by an "anti-Muslim conspiracist".

The group was heavily criticised in 2012 after it repeatedly accused Huma Abedin, an aide to Hillary Clinton, of being a secret member of the Muslim Brotherhood. Leading Republicans including John McCain and John Boehner **denounced** the accusations.

REUTERS

Huma Abedin (centre) has been accused by Frank Gaffney of secret ties to the Muslim Brotherhood

The CSP has been criticised by a wide range of extremism monitoring organisations, including the Anti-Defamation League, and Center for Democratic Values at City University of New York.

Does its research stand up?

Arguably, no. According to the **Bridge Initiative**, a Georgetown University Islamophobia research project, the CSP survey was an online, self-selecting poll of 600 people, meaning respondents opted in to taking part.

Self-selecting internet surveys are less reliable than more traditional, random polling methods, because the opt-in element can lead to bias. Then there are the existing views of the organisation commissioning the poll - the CSP - which may have influenced the outcome.

Donald Trump calls for "shutdown of Muslims"

The **Washington Post** called the poll "shoddy". According to the Post, the question had an agree/disagree answer format with agree in each case linked to the more controversial option - favouring Sharia law or supporting violence. Researchers say this format is affected by "acquiescence response bias" - we are generally more likely to favour agree options.

The CSP said in a statement on Sunday that its research methods were "consistent with international industry standards".

Who is Frank Gaffney Jr?

Mr Gaffney Jr served in the Reagan administration during the 1980s but left in 1988 to form the CSP, after his nomination as assistant secretary of defence was rejected by the Senate.

GETTY IMAGES

Frank Gaffney Jr has been widely accused of Islamophobia

"Once a respectable Washington insider," according to the Southern Poverty Law Centre, which monitors US hate groups and extremists, Mr Gaffney Jr became "one of America's most notorious Islamophobes", the SPLC said.

Mr Gaffney Jr has repeatedly accused parts of America's Muslim population of what he calls "civilisational jihad". He has also called for Muslims to be investigated by a "new and improved" House Un-American Activities Committee - a highly controversial Cold War-era body which questioned and blacklisted US citizens accused of being communists.

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Donald Trump

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EXHIBIT 60

Trump Calls for Ban on Muslims, Cites Deeply Flawed Poll

Posted on December 7, 2015 at 6:48 am.

Written by Bridge Initiative Team (<http://bridge.georgetown.edu/author/admin/>)



UPDATE (DECEMBER 7, 2015)

In a press release today, GOP frontrunner [Donald Trump](http://bridge.georgetown.edu/islamophobia-and-the-2016-elections/#DonaldTrump) (<http://bridge.georgetown.edu/islamophobia-and-the-2016-elections/#DonaldTrump>) called for a “total and complete shutdown of Muslims (<https://www.yahoo.com/politics/donald-trump-calls-for-total-and-complete-214105912.html>) entering the United States until our country’s representatives can figure out what is going on.”

His statement also cites a deeply flawed poll conducted by the Center for Security Policy (CSP), a group with a history of fear mongering about Islam and Muslims.

In June, when the poll was released and circulated widely on networks like Fox News, we debunked its findings, writing:

This survey (<http://www.centerforsecuritypolicy.org/2015/06/23/nationwide-poll-of-us-muslims-shows-thousands-support-shariah-jihad/>) should not be taken seriously. It comes from an organization with a history of producing dubious claims and “studies” about the threat of shariah, and was administered using an unreliable methodology. Its proponents seize upon its shoddy findings, exaggerating and misrepresenting them to American audiences, and falsely claim that the survey data represents the views of Muslims nationwide.

Donald Trump is only the latest proponent of CSP’s dubious claims. In an interview with MSNBC, Saba Ahmed recounted how GOP presidential candidate Ben Carson told her that Frank Gaffney, CSP’s director, advised him on issues related to Islam. Numerous other GOP candidates, like [Ted Cruz](http://bridge.georgetown.edu/islamophobia-and-the-2016-elections/#TedCruz) (<http://bridge.georgetown.edu/islamophobia-and-the-2016-elections/#TedCruz>) and [George Pataki](http://bridge.georgetown.edu/islamophobia-and-the-2016-elections/#GeorgePataki) (<http://bridge.georgetown.edu/islamophobia-and-the-2016-elections/#GeorgePataki>), have [attended](http://bridge.georgetown.edu/presidential-candidates-set-to-appear-at-event-hosted-by-anti-muslim-conspiracy-theorist/) (<http://bridge.georgetown.edu/presidential-candidates-set-to-appear-at-event-hosted-by-anti-muslim-conspiracy-theorist/>) and spoken at CSP’s national summits.

Trump’s comment about banning Muslims is only the latest in a series of troubling remarks about Muslims made by Trump and other GOP presidential candidates. These comments are documented in our “[Islamophobia and the 2016 Elections](http://bridge.georgetown.edu/islamophobia-and-the-2016-elections/) (<http://bridge.georgetown.edu/islamophobia-and-the-2016-elections/>)” resource.

Original article (Published June 26, 2015)

On June 24, 2015, the Center for Security Policy (CSP), a Washington, D.C. think tank run by former Reagan official Frank Gaffney released a [survey](http://www.centerforsecuritypolicy.org/2015/06/23/nationwide-poll-of-us-muslims-shows-thousands-support-shariah-jihad/) (<http://www.centerforsecuritypolicy.org/2015/06/23/nationwide-poll-of-us-muslims-shows-thousands-support-shariah-jihad/>) of 600 Muslims living in the United States. Its takeaway, captured in a headline on the CSP website, is this: “Poll of US Muslims Reveals Ominous Levels of Support For Islamic Supremacists’ Doctrine of Shariah, Jihad.”

The poll gained quick traction online and in the media. On the evening of its release, Fox News host Bill O'Reilly (https://www.youtube.com/watch?v=_bnhi03bWIA) also lent credence to its findings and cast doubt upon American Muslims' loyalty to their country.

Among the poll's findings are:

- "A majority (51%) agreed that 'Muslims in America should have the choice of being governed according to shariah.'"
- "Nearly a quarter of the Muslims polled believed that, 'It is legitimate to use violence to punish those who give offense to Islam by, for example, portraying the prophet Mohammed.'"
- "Nearly one-fifth of Muslim respondents said that the use of violence in the United States is justified in order to make shariah the law of the land in this country."

But this survey (<http://www.centerforsecuritypolicy.org/2015/06/23/nationwide-poll-of-us-muslims-shows-thousands-support-shariah-jihad/>) should not be taken seriously. It comes from an organization with a history of producing dubious claims and "studies" about the threat of shariah, and was administered using an unreliable methodology. Its proponents seize upon its shoddy findings, exaggerating and misrepresenting them to American audiences, and falsely claim that the survey data represents the views of Muslims nationwide.

Here are the details.

CSP'S HISTORY OF BASELESS FEAR Mongering

In recent years, many groups have raised questions about the objectivity and intentions of Frank Gaffney. His tendency to posit conspiracies about Barack Obama and the Muslim Brotherhood is well documented, and has earned him sharp critique across the political spectrum. The Center for American Progress labels (https://www.americanprogress.org/wp-content/uploads/issues/2011/08/pdf/islamophobia_chapter2.pdf) him a "misinformation expert," while the Conservative Political Action Committee banned (<http://talkingpointsmemo.com/muckraker/cpac-banned-frank-gaffney-over-baseless-anti-muslim-charges>) him from their 2011 conference for peddling false accusations about GOP connections to Muslim extremists. It was his organization, CSP, that was behind the unfounded rumor (<http://www.thedailybeast.com/articles/2012/07/23/bachmann-gaffney-and-the-gop-s-anti-muslim-culture-of-conspiracy.html>) that Hillary Clinton's chief of staff, Huma Abedin, was linked to the Muslim Brotherhood, and once floated the false idea (<http://thinkprogress.org/politics/2011/04/28/161792/frank-gaffney-david-petraeus-sharia/>) that General David Petraeus had "submitted" to shariah.

Since the early 2000s, CSP has generated dozens of occasional papers, blogs, and reports that fixate on shariah or other allegedly nefarious topics related to Islam. Often, they are loosely sourced (http://thelede.blogs.nytimes.com/2012/07/16/egyptians-who-jeered-clinton-cite-american-conservatives-to-argue-u-s-secretly-supports-islamists/?_r=0) or entirely unsubstantiated (<http://thinkprogress.org/security/2010/02/25/83953/missile-defense-logo-conspiracy/>), relying

instead on a turtive web of connections or, in one case, a 24-year-old document written by a lone (http://www.alternet.org/story/150444/welcome_to_the_shari%27ah_conspiracy_theory_industry) Muslim activist that has since been roundly discredited.

FALSE STATISTICS AND FALSE CLAIMS

Both Gaffney and O'Reilly claim that the poll's findings are representative of nationwide Muslim public opinion. But this assertion is untrue.

CSP's survey was a non-probability based, opt-in online survey, administered by the conservative group, the Polling Company/Woman Trend, a small Washington-based agency that has collaborated with CSP on other occasions to produce surveys about Islam and Muslims. (We learned this after reaching out to the Polling Company to get more details about their methodology, which wasn't released to the public when Gaffney began promoting the survey's findings.)

According to the body that sets ethical standards for polling, the American Association for Public Opinion Research (<http://www.aapor.org/AAPORKentico/Communications/Press-Releases/Understanding-a-credibility-interval%E2%80%9D-and-how-it-d.aspx>) (AAPOR), opt-in surveys cannot be considered representative of the intended population, in this case Muslims. The AAPOR says that in these cases (<http://www.aapor.org/AAPORKentico/Education-Resources/For-Researchers/Poll-Survey-FAQ/Why-Sampling-Works.aspx>), "the pollster has no idea who is responding to the question" and that these kind (<http://www.aapor.org/AAPORKentico/Communications/Press-Releases/Understanding-a-credibility-interval%E2%80%9D-and-how-it-d.aspx>) of "polls do not have such a 'grounded statistical tie' to the population."

So when O'Reilly and guest Zuhdi Jasser pointed to this survey and made claims about what "25% of three million, which is hundreds of thousands of Muslims" believe, it's not only a misleading statement—it's outright false.

This survey does not represent the views of American Muslims. It only represents the views of the 600 Muslims that it polled.

LOADED QUESTIONS AND ANSWERS

Another problem with this poll is the way that questions and answers are phrased. Often, they are not neutral but are imbued with assumptions, and replicate, in an interrogative form, statements that Gaffney and CSP have declared as fact for years. In one question, respondents are asked: "Do you believe the Muslim Brotherhood in America accurately represents your views?" Packed into this question is the assertion that the Brotherhood indeed exists in the United States —something that Gaffney has long propagated. Those who answer "yes" confirm his suspicions, while those who answer "no" acknowledge nonetheless that the group is present here. They're put into a lose-lose situation.

In several questions that are asked about shariah, the content of what shariah actually is remains unexamined. Even when Gaffney's survey appears to be more nuanced by asking Muslims how they would "characterize shariah," it only offers options about how broadly sharia—whatever it is—should be applied. Answers ranging from "guide to the personal practice of Islam" to Gaffney's (<https://www.youtube.com/watch?v=AqV8syZPPT4>) preferred option ("the Muslim God Allah's law that Muslims must follow and impose worldwide via jihad") still don't allow Muslims to express about what they believe about shariah.

Respondents' likely answered questions on shariah based on their understanding of the concept, but those views were not measured in the survey, nor communicated to the Fox News audience. Instead viewers are left to believe that Muslim Americans support shariah as Gaffney and O'Reilly have portrayed it for years: a "brutally repressive" law hostile to non-Muslims (<https://www.youtube.com/watch?v=jNsqjN4vpqk>). At the end of the day, Gaffney and O'Reilly make it look like Muslims support things they actually don't.

SELECTIVE READING AND EXAGGERATIONS

Sixty-percent of respondents agreed that "shariah as interpreted by Islamic authorities is compatible with the U.S. Constitution, including freedom of speech and other rights," and 51% chose this definition of jihad: "Muslims' peaceful, personal struggle to be more religious." These rare but helpful nuances are not even alluded to in the promotion and coverage of the survey's findings in conservative outlets like Fox News.

O'Reilly also makes exaggerations that the already-flawed data doesn't support. "Fifty-one percent [of Muslims] say sharia law should be the reigning law," he said. But that language is nowhere in the survey data he's likely referencing, which says that "a majority (51%) agreed that 'Muslims in America should have the choice of being governed according to shariah.'"

Despite its unreliability, the survey and its findings have spread quickly, with generalizations (http://www.americanthinker.com/blog/2015/06/poll_shows_high_levels_of_support_for_shariah_law_and_violence_am) about American Muslims ricocheting (<http://www.frontpagemag.com/2015/dgreenfield/1-in-5-us-muslims-support-violence-to-enforce-islamic-law/>) across the Internet and social media (<https://twitter.com/ProgsToday/status/613782066354765824>), and bleeding into more mainstream outlets. Unfortunately, the general public is not equipped with the tools or knowledge to dissect such claims and is left to accept them at face value. This is especially so when they're touted by a trusted personality, like Bill O'Reilly, and confirm pre-existing beliefs about Muslims.

Though the public may not see it, the problems with this poll are numerous: CSP has a history of fabricating fear about Islam and Muslims; the survey's questions and answers are loaded with bias; and its creators and proponents falsely claim that its findings represent the views of all American Muslims.

The American public shouldn't trust this poll.