

DOUGLAS S. CHIN (Bar No. 6465)
Attorney General of the State of Hawaii
DEPARTMENT OF THE ATTORNEY
GENERAL, STATE OF HAWAII
425 Queen Street
Honolulu, HI 96813
Telephone: (808) 586-1500
Fax: (808) 586-1239

Attorneys for Plaintiff, State of Hawaii

NEAL KUMAR KATYAL*
HOGAN LOVELLS US LLP
555 Thirteenth Street NW
Washington, DC 20004
Telephone: (202) 637-5600
Fax: (202) 637-5910
*Admitted Pro Hac Vice

*Attorneys for Plaintiffs, State of
Hawaii and Ismail Elshikh, and
Prospective Plaintiffs John Does 1
& 2 and Muslim Association of
Hawaii, Inc.*

(See Next Page For Additional Counsel)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

STATE OF HAWAII and ISMAIL ELSHIKH,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; U.S.
DEPARTMENT OF HOMELAND SECURITY;
ELAINE DUKE, in her official capacity as
Acting Secretary of Homeland Security; U.S.
DEPARTMENT OF STATE; REX TILLERSON,
in his official capacity as Secretary of State; and
the UNITED STATES OF AMERICA,

Defendants.

PLAINTIFFS' MOTION
FOR LEAVE TO FILE
THIRD AMENDED
COMPLAINT;
[PROPOSED] THIRD
AMENDED COMPLAINT;
EXHIBITS 1-9 TO
[PROPOSED] THIRD
AMENDED COMPLAINT;
[PROPOSED] ORDER;
CERTIFICATE OF
SERVICE

Civil Action No. 1:17-cv-
00050-DKW-KSC

ADDITIONAL COUNSEL

CLYDE J. WADSWORTH (Bar No. 8495)

Solicitor General of the State of Hawaii
DEIRDRE MARIE-IHA (Bar No. 7923)
DONNA H. KALAMA (Bar No. 6051)
KIMBERLY T. GUIDRY (Bar No. 7813)
ROBERT T. NAKATSUJI (Bar No. 6743)
KALI KO'ONALANI D. FERNANDES
(Bar. No. 9964)

KEVIN M. RICHARDSON (Bar No. 10224)

Deputy Attorneys General
DEPARTMENT OF THE ATTORNEY
GENERAL, STATE OF HAWAII
425 Queen Street
Honolulu, HI 96813
Telephone: (808) 586-1500
Fax: (808) 586-1239
Email: deirdre.marie-ih@hawaii.gov

Attorneys for Plaintiff, State of Hawaii

**Admitted Pro Hac Vice*

***Pro Hac Vice Application Forthcoming*

†Admitted only in Maryland; supervised by firm members

††Admitted only in Virginia; supervised by firm members

COLLEEN ROH SINZDAK*

MITCHELL P. REICH*

ELIZABETH HAGERTY*

YURI S. FUCHS**

SUNDEEP IYER**†

REEDY C. SWANSON**††

HOGAN LOVELLS US LLP

555 Thirteenth Street NW

Washington, DC 20004

Telephone: (202) 637-5600

Fax: (202) 637-5910

Email: neal.katyal@hoganlovells.com

THOMAS P. SCHMIDT*

HOGAN LOVELLS US LLP

875 Third Avenue

New York, NY 10022

Telephone: (212) 918-3000

Fax: (212) 918-3100

SARA SOLOW*

ALEXANDER B. BOWERMAN*

HOGAN LOVELLS US LLP

1735 Market St., 23rd Floor

Philadelphia, PA 19103

Telephone: (267) 675-4600

Fax: (267) 675-4601

Attorneys for Plaintiffs, State of Hawaii and Ismail Elshikh, and Prospective Plaintiffs John Does 1 & 2 and Muslim Association of Hawaii, Inc.

PLAINTIFFS' MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

Pursuant to Local Rule 7.6 for the United States District Court for the District of Hawaii and Rules 7 and 15(a) of the Federal Rules of Civil Procedure, the State of Hawaii (the “State”) and Ismail Elshikh, PhD (collectively, “Plaintiffs”), by and through their counsel, respectfully request that the Court grant Plaintiffs leave to file a Third Amended Complaint (“TAC”) in the form attached hereto. Plaintiffs’ proposed TAC challenges Defendant Donald J. Trump’s September 24, 2017 Presidential Proclamation Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats (“EO-3”). It also adds three additional Plaintiffs to this lawsuit, John Doe 1, John Doe 2, and the Muslim Association of Hawaii, Inc. (“Muslim Association of Hawaii”).

In the event that Plaintiffs’ request for leave to file the TAC is granted, Plaintiffs further request that the deadline for Defendants’ response to the TAC be deferred until the resolution of Plaintiffs’ concurrently-filed Motion for Temporary Restraining Order and any subsequent proceeding regarding preliminary injunctive relief.

FACTUAL AND PROCEDURAL BACKGROUND

On February 3, 2017, the State filed a Complaint, Dkt. 1, and a Motion for Temporary Restraining Order, Dkt. 2, in this Court. That Complaint and motion

sought injunctive relief against President Trump's Executive Order No. 13,769 ("EO-1"), which barred individuals from seven Muslim-majority countries and all refugees from entering the United States. 82 Fed. Reg. 8977. EO-1 was enjoined before this Court could rule on the State's request. However, the Court granted leave to the State to file a First Amended Complaint adding Dr. Elshikh as a plaintiff. Dkt. 36. On March 6, 2017, President Trump replaced EO-1 with Executive Order No. 13,780, 82 Fed. Reg. 13,209 ("EO-2"), which blocked nationals from six of the same countries from entering the United States for 90 days, halted the admission of refugees to the United States for 120 days, and capped annual refugee admissions at 50,000.

Following the issuance of EO-2, this Court granted leave for Plaintiffs to file a Second Amended Complaint challenging EO-2. Dkt. 59. The Court granted Plaintiffs' concurrently-filed Motion for Temporary Restraining Order against EO-2 on March 15, 2017, Dkt. 219, and converted the temporary restraining order to a preliminary injunction on March 29, 2017, Dkt. 270, enjoining the Government from implementing EO-2's 90-day travel ban, 120-day refugee ban, and 50,000-refugee cap. On April 3, 2017, the Court issued an Order granting the parties' joint motion for a stay of further proceedings related to EO-2 pending the disposition of the Government's appeal of the preliminary injunction. Dkt. 279. The Ninth Circuit affirmed the majority of the injunction on June 12, 2017. Dkt. 288.

On September 24, 2017, while the Government’s appeal of the Ninth Circuit’s opinion was pending, President Trump issued EO-3, which replaces the 90-day travel ban in EO-2 with an indefinite travel ban. Effective October 17, 2017, at 6:01 PM Hawaii Standard Time (“H.S.T.”), Section 2 of EO-3, *inter alia*, bars nationals of six Muslim-majority countries—Iran, Libya, Syria, Yemen, Somalia, and Chad—from entering the United States as immigrants. Foreign nationals of those countries also may not enter the United States with certain types of nonimmigrant visas. In addition to the six Muslim-majority countries that it targets, EO-3 bars entry by North Korean nationals and certain Venezuelan government officials.

On October 6, 2017, Plaintiffs filed a Motion to Lift the Stay, and to Increase the Word Limit and Set a Schedule for Briefing on Plaintiffs’ Forthcoming Motion for a Temporary Restraining Order. Dkt. 363.¹ Plaintiffs requested that the Court’s April 3, 2017 stay be lifted so that they could seek leave to file their TAC challenging EO-3 and adding additional plaintiffs. In response, the Court lifted the stay and directed that Plaintiffs file the instant motion and their

¹ Plaintiffs conferred with counsel for the Government on October 5, 2017. By email correspondence, the Government indicated that it did not oppose Plaintiffs’ motion to lift the stay or their motion for leave to file a TAC. In addition, the Government asked Plaintiffs to relay to the Court its request that the deadline for responding to the TAC be extended until after the resolution of Plaintiffs’ Motion for a Temporary Restraining Order and any subsequent preliminary injunction motion. Plaintiffs consent to that request.

Motion for Temporary Restraining Order by 6:00 AM H.S.T on October 10, 2017.
Dkt. 366.

ARGUMENT

Plaintiffs respectfully request permission to file a TAC challenging EO-3 and adding additional plaintiffs as parties. Federal Rule of Civil Procedure 15(a)(2) provides that leave to amend a complaint “shall be freely given when justice so requires.” The district court has discretion to allow a party to amend a pleading, *see Zenith Radio Corp. v. Hazeltine Research, Inc.*, 401 U.S. 321, 330 (1971) (citation omitted), which the Ninth Circuit has explained should be exercised with “extreme liberality,” *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1387 (9th Cir. 1990) (quoting *United States v. Webb*, 655 F.2d 977, 979 (9th Cir. 1981)). In determining whether to permit a litigant to amend its pleadings, courts consider: (1) whether the movant has acted with undue delay, bad faith, or dilatory motive; (2) whether the nonmovant would be unduly prejudiced by the amendment; (3) whether there have been repeated failures to cure a pleading deficiency, and (4) whether the proposed amendment would be futile. *See Foman v. Davis*, 371 U.S. 178, 182 (1962).

The *Foman* factors overwhelmingly favor permitting Plaintiffs to file their TAC. *First*, Plaintiffs have not acted with undue delay, bad faith, or a dilatory motive; immediately upon the release of EO-3, Plaintiffs began studying the new

Proclamation and gathering information regarding the grave harms it would inflict on Plaintiffs. They then promptly sought leave to amend their complaint before EO-3's travel bans are scheduled to take effect.

Second, while Plaintiffs would be significantly prejudiced if they are *not* allowed to amend their complaint to challenge the legality of EO-3, Defendants will not be prejudiced by the filing. Defendants have indicated that they do not oppose the instant motion, *see* n.1, *supra*, and in any event Defendants necessitated a new complaint by issuing a Proclamation that threatens many of the same harms as the Executive Orders that preceded it. Moreover, the two new individual plaintiffs proposed to be added to the lawsuit—John Doe 1 and John Doe 2—filed declarations supporting the State's initial motion for a temporary restraining order in February 2017, *see* Dkts. 10, 10-1, 10-2, 15, and the other proposed plaintiff—the Muslim Association of Hawaii—is the governing association for Dr. Elshikh's mosque. Thus, the circumstances of each of the prospective plaintiffs have been known to Defendants since the initiation of this case.

Finally, the third and fourth factors are met. There have been no failures to cure pleading deficiencies and there are no issues related to futility.

Given the foregoing, it is in the interests of justice to allow Plaintiffs to amend their complaint to challenge the illegality of EO-3. Fed. R. Civ. P. 15(a)(2). Allowing Plaintiffs to file a TAC challenging EO-3 will enable the State of Hawaii

to act to protect its sovereign interests, its universities, and its residents and employers. It also will enable the individual Plaintiffs to vindicate their rights to reunite with family members abroad—many of whom remain in the countries targeted by EO-3—and to be free of an unconstitutional establishment of religion. And it will permit the Muslim Association of Hawaii to avoid the diminishment of its community, the harm to its finances, and the impediment to its religious practice that will occur if EO-3 is implemented.

This Court previously allowed Plaintiffs to amend their complaint in nearly identical situations following President Trump's replacement of EO-1 with EO-2, Dkt. 59, and in order to add Dr. Elshikh as a plaintiff, Dkt. 36. Now that President Trump has permitted the travel ban in Section 2(c) of EO-2 to expire and replaced it with EO-3, Plaintiffs request that the Court grant similar relief by allowing Plaintiffs to amend their complaint to challenge EO-3 and add additional plaintiffs.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request leave to file a Third Amended Complaint. If the Court grants Plaintiffs' motion, Plaintiffs further request that the deadlines for Defendants' response to the Third Amended Complaint be extended until after this Court has resolved Plaintiffs' Motion for Temporary Restraining Order and any subsequent proceeding regarding preliminary injunctive relief.

DATED: Washington, DC, October 10, 2017.

Respectfully submitted,

/s/ Neal K. Katyal

DOUGLAS S. CHIN (Bar No. 6465)
Attorney General of the State of Hawaii
CLYDE J. WADSWORTH (Bar No. 8495)
Solicitor General of the State of Hawaii
DEIRDRE MARIE-IHA (Bar No. 7923)
KIMBERLY T. GUIDRY (Bar No. 7813)
DONNA H. KALAMA (Bar No. 6051)
ROBERT T. NAKATSUJI (Bar No. 6743)
KALIKO‘ONALANI D. FERNANDES
(Bar No. 9964)
KEVIN M. RICHARDSON (Bar No.
10224)
Deputy Attorneys General
DEPARTMENT OF THE ATTORNEY
GENERAL, STATE OF HAWAII

Attorneys for Plaintiff, State of Hawaii

NEAL K. KATYAL*
COLLEEN ROH SINZDAK*
THOMAS P. SCHMIDT*
SARA SOLOW*
MITCHELL P. REICH*
ELIZABETH HAGERTY*
ALEXANDER B. BOWERMAN*
YURI S. FUCHS**
SUNDEEP IYER**†
REEDY C. SWANSON**††

HOGAN LOVELLS US LLP

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DEPARTMENT OF THE ATTORNEY
GENERAL, STATE OF HAWAII
425 Queen Street
Honolulu, HI 96813
Telephone: (808) 586-1500
Fax: (808) 586-1239
Email: deirdre.marie-ih@hawaii.gov

Attorneys for Plaintiff, State of Hawaii

NEAL K. KATYAL*
HOGAN LOVELLS US LLP
555 Thirteenth Street NW
Washington, DC 20004
Telephone: (202) 637-5600
Fax: (202) 637-5910
Email:
neal.katyal@hoganlovells.com

**Admitted Pro Hac Vice*

Attorneys for Plaintiffs

(See Next Page For Additional Counsel)

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FOR THE DISTRICT OF HAWAII

STATE OF HAWAII, ISMAIL ELSHIKH,
JOHN DOES 1 & 2, and MUSLIM
ASSOCIATION OF HAWAII, INC.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; U.S.
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**[PROPOSED] THIRD
AMENDED COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

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ADDITIONAL COUNSEL

DONNA H. KALAMA (Bar No. 6051)
KIMBERLY T. GUIDRY (Bar No. 7813)
ROBERT T. NAKATSUJI (Bar No. 6743)
KALI KO'ONALANI D. FERNANDES
(Bar No. 9964)
KEVIN M. RICHARDSON (Bar No. 10224)
Deputy Attorneys General
DEPARTMENT OF THE ATTORNEY
GENERAL, STATE OF HAWAII
425 Queen Street
Honolulu, HI 96813
Telephone: (808) 586-1500
Fax: (808) 586-1239

Attorneys for Plaintiff, State of Hawaii

COLLEEN ROH SINZDAK*
MITCHELL P. REICH*
ELIZABETH HAGERTY*
YURI S. FUCHS**
SUNDEEP IYER**†
REEDY C. SWANSON**††
HOGAN LOVELLS US LLP
555 Thirteenth Street NW
Washington, DC 20004
Telephone: (202) 637-5600
Fax: (202) 637-5910

THOMAS P. SCHMIDT*
HOGAN LOVELLS US LLP
875 Third Avenue
New York, NY 10022
Telephone: (212) 918-3000
Fax: (212) 918-3100

SARA SOLOW*
ALEXANDER B. BOWERMAN*
HOGAN LOVELLS US LLP
1735 Market St., 23rd Floor
Philadelphia, PA 19103
Telephone: (267) 675-4600
Fax: (267) 675-4601

**Admitted Pro Hac Vice*
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supervised by firm members

Attorneys for Plaintiffs

INTRODUCTION

1. The State of Hawaii, Dr. Ismail Elshikh, John Does 1 and 2, and the Muslim Association of Hawaii bring this suit to challenge the President's continuing efforts to impose a sweeping policy banning the entry of refugees and nationals of Muslim-majority countries.

2. On September 24, 2017, the President released the most recent iteration of this policy: a Proclamation entitled "Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats" ("EO-3").¹ EO-3 suffers from the same statutory and constitutional defects as its precursors.

3. The Immigration and Nationality Act ("INA") mandates that "no person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of * * * nationality." 8 U.S.C. § 1152(a)(1)(A).

4. EO-3 indefinitely bars the issuance of immigrant and non-immigrant visas to nationals of six Muslim-majority countries.

5. The INA permits the President to "suspend the entry of * * * aliens" under 8 U.S.C. § 1182(f) only when he finds their entry "would be detrimental to the interests of the United States. From its inception and throughout United States history, Section 1182(f) has always been understood to encompass authority for the President to exclude aliens akin to subversives, war criminals, or the statutorily inadmissible, or to block the admissions of foreigners in times of exigency when it is impracticable for Congress to act.

¹ As of this filing, President Trump's September 24, 2017 Proclamation has not yet been published in the Federal Register. A copy of the Proclamation published on the White House website is attached as Exhibit 1, and is available at <https://goo.gl/XvFZZ9>.

6. EO-3 lacks the findings necessary to support its indefinite travel bans. And it bars the entry of classes of aliens that bear no resemblance to subversives, war criminals, or the inadmissible, in the absence of an exigency, and in a situation where Congress could plainly act.

7. The Establishment Clause prohibits any “law respecting an establishment of religion.” U.S. Const. amend. I. “A law that has a religious, not secular, purpose violates [the Establishment Clause], as does one that officially prefers one religious denomination over another.” *Washington v. Trump*, 847 F.3d 1151, 1167 (9th Cir. 2017).

8. EO-3, which indefinitely excludes a class of aliens that is overwhelmingly Muslim, is the latest outgrowth of the President’s stated aim to enact a “total and complete shutdown of Muslims entering the United States.”

9. EO-3 will go into effect at 6:01 PM HST on October 17, 2017. When it does, it will immediately inflict grievous harm on Plaintiffs. Like its precursors, it will prevent the University of Hawaii from recruiting and retaining qualified individuals, impair the State’s tourism industry, undermine its refugee resettlement program, thwart its nondiscrimination laws, and effect an unconstitutional establishment of religion. It will also bar Dr. Elshikh, John Doe 1, and John Doe 2—as well as thousands of similarly situated individuals—from seeing close family members, impair their livelihoods, and denigrate them as Muslims and as equal citizens. And EO-3 will inhibit the Muslim Association of Hawaii from welcoming new members and visitors, and subject it to discrimination at the hands of its own government.

10. Because EO-3 is as unlawful and unconstitutional as its precursors, and because it will inflict the same grave harms, Plaintiffs file this Third Amended Complaint (“TAC” or “Complaint”) adding allegations with respect to EO-3 and asking that this Court enjoin the enforcement of Sections 2(a)-(c), (e), (g), and (h)

of EO-3. Because EO-2 has not been revoked, and continues to inflict widespread harm on Plaintiffs and the public, Plaintiffs continue to ask that this Court enjoin the enforcement of Section 2(c), 6(a), and 6(b) of EO-2.

JURISDICTION AND VENUE

11. This Court has federal question jurisdiction under 28 U.S.C. § 1331 because this action arises under the U.S. Constitution, the Administrative Procedure Act (“APA”), the INA, and other federal statutes.

12. The Court is authorized to award the requested declaratory and injunctive relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, the APA, 5 U.S.C. § 706, and its equitable powers.

13. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) and (e)(1). A substantial part of the events giving rise to this claim occurred in this District, and each Defendant is an officer of the United States sued in his or her official capacity.

PARTIES

I. PLAINTIFFS

A. The State of Hawaii

14. Plaintiff State of Hawaii is the nation’s most ethnically diverse State.

15. David Yutaka Ige is the Governor of Hawaii, the chief executive officer of the State of Hawaii. The Governor is responsible for overseeing the operations of the state government, protecting the welfare of Hawaii’s citizens, and ensuring that the laws of the State are faithfully executed.

16. Douglas S. Chin is the Attorney General of Hawaii, the chief legal officer of the State. The Attorney General is charged with representing the State in Federal Court on matters of public concern.

17. Hawaii has a substantial foreign-born population. Over 250,000 foreign-born individuals reside in the State.² These individuals comprise approximately 20% of the State's labor force and 22.5% of its business owners.³

18. Thousands of foreign-born individuals living in Hawaii obtain lawful permanent resident status each year.⁴ Since 2009, more than 100 of the individuals who obtained lawful permanent status have been nationals of countries designated by both EO-2 and EO-3.⁵

19. Hawaii has a large foreign-born student population. The State currently is home to approximately 10,800 foreign-born students, many of whom are nationals of the countries designated by both EO-2 and EO-3.⁶ In the 2016-2017 school year, Hawaii's foreign-born students contributed over \$480 million to Hawaii's economy through the payment of tuition and fees, living expenses, and other activities. These foreign-born students supported 5,093 jobs and generated more than \$32 million in state tax revenues during that time.⁷

² United States Census Bureau, *2016 American Community Survey 1-Year Estimates*, <https://goo.gl/IGwJyf>.

³ The Fiscal Policy Institute, *Immigrant Small Business Owners*, at 24 (June 2012), <https://goo.gl/vyNK9W>.

⁴ U.S. Department of Homeland Security, *Lawful Permanent Residents Supplemental Table 1: Persons Obtaining Lawful Permanent Resident Status by State or Territory of Residence and Region and Country of Birth Fiscal Year 2015*, <https://goo.gl/ELYIkn>.

⁵ See *id.* These figures are incomplete, as DHS has withheld data pertaining to residents from several of the designated countries for each of those years.

⁶ Hawaii Department of Business, Economic Development & Tourism, *The Economic Impact of International Students in Hawaii – 2017 Update*, at 8 (July 2017), <https://goo.gl/s7q6JV>; see also U.S. Chamber of Commerce et al., *Help Wanted: The Role of Foreign Workers in the Innovation Economy*, at 21 (2013), <https://goo.gl/c3BYBu>.

⁷ *The Economic Impact of International Students in Hawaii – 2017 Update*, *supra*, at 3, 8-9.

20. The University of Hawaii enrolls a large number of foreign-born students. Its student population includes 973 international students, 526 of them graduate students, enrolled with student visas. Twenty of those international students are nationals of countries designated by both EO-2 and EO-3. In the spring of 2017, 23 students enrolled at the University of Hawaii were nationals of the countries designated by EO-2.⁸

21. The University of Hawaii regularly receives applications from, and offers admissions to, international students from the countries designated by both EO-2 and EO-3. For the fall of 2017, the University received 45 graduate applications from individuals who are nationals of the countries designated by both EO-2 and EO-3, and extended offers to at least 18 applicants. For the spring of 2018, the University received 5 graduate applications from individuals who are nationals of the designated countries.

22. The University of Hawaii also employs approximately 313 international faculty and scholars from 48 different countries. Numerous permanent and visiting faculty members at the University are nationals of countries designated by both EO-2 and EO-3. In the spring of 2017, the University had 29 visiting faculty members who were nationals of the countries designated by EO-2 and 28 visiting faculty members who were nationals of the countries designated by EO-3.⁹

23. Tourism is Hawaii's "lead economic driver."¹⁰ In 2016, before any of the President's travel bans were implemented, Hawaii welcomed 8.94 million visitors accounting for a record \$15.6 billion in spending.¹¹

⁸ See Dkt. No. 66-6, ¶ 7 (Supplemental Decl. of Risa Dickson).

⁹ See *id.*

¹⁰ Hawaii Tourism Authority, *2016 Annual Report to the Hawaii State Legislature*, at 20, <https://goo.gl/T8uiWW>.

24. The Office of Community Services (“OCS”) operates refugee resettlement programs for the State. There are two components to OCS’s refugee resettlement activities: the “Refugee Social Services Program,” through which the State contracts with private organizations to provide job training and placement services to refugees in Hawaii; and “the Refugee Cash Assistance Program,” through which the State provides up to eight months of cash assistance to refugees in Hawaii from the date of their arrival in the United States.¹² These programs are supported by federal grants. *See* 45 C.F.R. part 400.

25. In fiscal year 2017, the State received \$75,000 in federal grants for its Refugee Services Program, and contracted with private organizations to expend those funds. As of June 2017, the Refugee Services Program provided English language instruction to 36 refugees, employment and job search services to 6 refugees, and reached 48 refugees total.

26. The State also receives money from the federal government for each refugee it resettles of a certain income level, pursuant to the Refugee Cash Assistance Program. *See* Haw. Admin. Rules § 17-661 *et seq.* In fiscal year 2017, the federal government awarded \$17,919 to the State of Hawaii for Refugee Cash Assistance.

27. The State of Hawaii bars the establishment of religion and many forms of invidious discrimination. Article I, § 4 of the Hawaii Constitution provides that “[n]o law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof.” The State’s laws also declare that the practice of discrimination “because of race, color, religion, age, sex, including

¹¹ Hawaii Tourism Authority, *Hawaii Tourism Industry Set New Records in 2016* (Jan. 30, 2017), <https://goo.gl/KBENwb>.

¹² State of Hawaii, Office of Community Services, *Refugee And Entrant Assistance Program*, <https://goo.gl/dHn8hR> (last updated Aug. 18, 2017).

gender identity or expression, sexual orientation, marital status, national origin, ancestry, or disability” is against public policy. Haw. Rev. Stat. Ann. § 381-1; *accord id.* §§ 489-3, 515-3.

28. The State has an interest in protecting the health, safety, and welfare of its residents and in safeguarding its ability to enforce state law. The State also has an interest in “assuring that the benefits of the federal system,” including the rights and privileges protected by the United States Constitution and federal statutes, “are not denied to its general population.” *Alfred L. Snapp & Sons, Inc. v. Puerto Rico*, 458 U.S. 592, 608 (1982). The State’s interests extend to all of the State’s residents, including individuals who suffer indirect injuries and members of the general public.

B. Dr. Ismail Elshikh

29. Plaintiff Ismail Elshikh, PhD, is an American citizen of Egyptian descent.

30. Dr. Elshikh is the Imam of the Muslim Association of Hawaii. He is a leader within Hawaii’s Islamic community, and has been a resident of Hawaii for over a decade.

31. Dr. Elshikh’s wife is of Syrian descent and is also a resident of Hawaii. Dr. Elshikh and his wife have five children, who are all American citizens and residents of Hawaii.

32. Dr. Elshikh has four brothers-in-law who are Syrian nationals, living in Syria. On October 5, 2017, one of Dr. Elshikh’s brothers-in-law filed an application for a tourist visa to visit Dr. Elshikh and his family in the United States.

C. John Doe 1

33. Plaintiff John Doe 1 is an American citizen of Yemeni descent.

34. Doe 1 has been a resident of Hawaii for almost 30 years. Doe 1’s wife and four children are U.S. citizens as well.

35. Doe 1, his wife, and his children are Muslims and members of the mosque where Dr. Elshikh is Imam.

36. One of Doe 1's daughters is married to a national of Yemen who lives in Malaysia. In September 2015, Doe 1's daughter filed an I-130 visa petition on behalf of her husband to allow him to immigrate to the United States as the spouse of a U.S. citizen. The I-130 Petition was approved in June 2017. Doe 1's family then filed a visa application on behalf of Doe 1's son-in-law.

37. Doe 1's son-in-law's visa application is still pending. Under normal visa processing procedures, he would receive a visa with the next three to twelve months.

D. John Doe 2

38. Plaintiff John Doe 2 is a legal permanent resident of the United States who was born in Iran.

39. Doe 2 is a resident of Hawaii, and a Professor at the University of Hawaii.

40. Doe 2's mother is an Iranian national living in Iran. Several months ago, she filed an application for a tourist visa to visit Doe 2. Her application is currently pending.

41. Other close relatives of Doe 2 who are Iranian nationals living in Iran have filed applications for tourist visas to visit Doe 2. They recently underwent visa interviews. They intend to visit Doe 2 as soon as their applications are approved.

E. The Muslim Association of Hawaii

42. Plaintiff Muslim Association of Hawaii, Inc. (the "Association") is the only formal Muslim organization in the State of Hawaii.

43. Hakim Ouansafi is the Chairman of the Association.

44. The Association has approximately 5,000 members, approximately 4,500 of whom reside on Oahu and 500 of whom reside on the other islands.

45. The Association owns and operates a mosque in Honolulu, Hawaii. Dr. Ismail Elshikh is the Imam of the mosque, which hosts weekly Friday prayer gatherings. Over 300 people attend the prayer gatherings every week, including visitors and students who are nationals of countries designated by both EO-2 and EO-3.

II. DEFENDANTS

46. Defendant Donald J. Trump is the President of the United States.

47. Defendant U.S. Department of Homeland Security (“DHS”) is a federal agency responsible for implementing and enforcing the INA, EO-2, and EO-3. DHS is a department of the Executive Branch of the United States Government, and is an agency within the meaning of 5 U.S.C. § 552(f). United States Customs and Border Protection (“CBP”) is a component of DHS that is responsible for detaining and removing aliens barred by EO-2 and EO-3 who arrive at air, land, and sea ports across the United States, including Honolulu International Airport and Kona International Airport.

48. Defendant Elaine Duke is the Acting Secretary of Homeland Security. She is responsible for implementing and enforcing the INA, EO-2, and EO-3, and she oversees CBP. She is sued in her official capacity.

49. Defendant U.S. Department of State is a federal agency responsible for implementing the U.S. Refugee Admissions Program, EO-2, and EO-3. The Department of State is a department of the Executive Branch of the United States Government, and is an agency within the meaning of 5 U.S.C. § 552(f).

50. Defendant Rex Tillerson is the Secretary of State. He oversees the Department of State’s implementation of the U.S. Refugee Admissions Program,

EO-2, and EO-3. The Secretary of State has authority to determine and implement certain visa procedures for non-citizens. Secretary Tillerson is sued in his official capacity.

51. Defendant United States of America includes all government agencies and departments responsible for the implementation of the INA, EO-2, and EO-3, and for detaining and removing aliens barred by EO-2 and EO-3 who arrive at air, land, and sea ports across the United States, including Honolulu International Airport and Kona International Airport.

ALLEGATIONS

I. THE TRAVEL BANS

A. President Trump's Campaign Statements

52. President Trump repeatedly campaigned on the promise that, if elected, he would ban Muslim immigrants and refugees from entering the United States.

53. On July 11, 2015, Mr. Trump claimed, falsely, that Christian refugees from Syria are blocked from entering the United States. In a speech in Las Vegas, Mr. Trump said, "If you're from Syria and you're a Christian, you cannot come into this country, and they're the ones that are being decimated. If you are Islamic * * * it's hard to believe, you can come in so easily."¹³

54. On December 7, 2015, Mr. Trump issued a press release entitled "Donald J. Trump Statement on Preventing Muslim Immigration." It stated that "Donald J. Trump is calling for a total and complete shutdown of Muslims entering

¹³ Louis Jacobson, *Donald Trump says if you're from Syria and a Christian, you can't come to the U.S. as a refugee*, PolitiFact (July 20, 2015, 10:00 AM EDT), <https://goo.gl/fucYZP>.

the United States.” The release asserted that “there is great hatred towards Americans by large segments of the Muslim population.”¹⁴

55. The next day, Mr. Trump compared his proposal to President Franklin Roosevelt’s internment of Japanese Americans during World War II, saying, “[Roosevelt] did the same thing.”¹⁵ When asked what the customs process would look like for a Muslim non-citizen attempting to enter the United States, Mr. Trump said, “[T]hey would say, are you Muslim?” The interviewer responded: “And if they said ‘yes,’ they would not be allowed into the country.” Mr. Trump said: “That’s correct.”¹⁶

56. During a Republican primary debate in January 2016, Mr. Trump was told that his “comments about banning Muslims from entering the country created a firestorm,” and asked whether he wanted to “rethink this position.” He said, “No.”¹⁷

57. In March 2016, Mr. Trump stated, during an interview, “I think Islam hates us.” He went on to say: “[W]e can’t allow people coming into this country who have this hatred of the United States * * * [a]nd of people that are not Muslim.” Mr. Trump was then asked, “Is there a war between the west and radical

¹⁴ Press Release, Donald J. Trump for President, *Donald J. Trump Statement on Preventing Muslim Immigration* (Dec. 7, 2015). A copy of this press release is attached as Exhibit 2.

¹⁵ Jenna Johnson, *Donald Trump says he is not bothered by comparisons to Hitler*, The Washington Post (Dec. 8, 2015), <https://goo.gl/6G0oH7>.

¹⁶ Nick Gass, *Trump not bothered by comparisons to Hitler*, Politico (Dec. 8, 2015, 7:51 AM EST), <https://goo.gl/IkBzPO>.

¹⁷ The American Presidency Project, *Presidential Candidates Debates: Republican Candidates Debate in North Charleston, South Carolina* (Jan. 14, 2016), <https://goo.gl/se0aCX>.

Islam, or between the west and Islam itself?” He replied: “It’s very hard to separate because you don’t know who is who.”¹⁸

58. Later that month, Mr. Trump said: “We’re having problems with the Muslims, and we’re having problems with Muslims coming into the country.” Mr. Trump called for surveillance of mosques in the United States, saying: “You have to deal with the mosques, whether we like it or not, I mean, you know, these attacks aren’t coming out of—they’re not done by Swedish people.” And he said: “This all happened because, frankly, there’s no assimilation. They are not assimilating * * *. They want to go by sharia law.”¹⁹

59. As the campaign progressed, Mr. Trump sometimes couched the “total and complete shutdown of Muslims” in different terms. In a June 2016 speech, Mr. Trump characterized the proposal as “suspend[ing] immigration from areas of the world where there’s a proven history of terrorism against the United States, Europe or our allies until we fully understand how to end these threats.” But he linked that idea to the need to stop “importing radical Islamic terrorism to the West through a failed immigration system.”²⁰

60. In the same speech, Mr. Trump criticized his opponent for “her refusal to say the words ‘radical Islam,’” stating: “Here is what she said, exact quote, ‘Muslims are peaceful and tolerant people, and have nothing whatsoever to do with terrorism.’ That is [my opponent].” Mr. Trump also warned that his opponent would “admit[] hundreds of thousands of refugees from the Middle East”

¹⁸ *Anderson Cooper 360 Degrees: Exclusive Interview With Donald Trump* (CNN television broadcast Mar. 9, 2016, 8:00 PM EST), *transcript available at* <https://goo.gl/y7s2kQ>.

¹⁹ Jenna Johnson & Abigail Hauslohner, *‘I think Islam hates us’: A timeline of Trump’s comments about Islam and Muslims*, *The Washington Post* (May 20, 2017), <https://goo.gl/zmcJ4o>. A copy of this article is attached as Exhibit 3.

²⁰ Ryan Teague Beckwith, *Read Donald Trump’s Speech on the Orlando Shooting*, *Time* (June 13, 2016, 4:36 PM EDT), <https://goo.gl/kgHKrb>.

who would “try[] to take over our children and convince them * * * how wonderful Islam is.” And Mr. Trump stated that the Obama administration had “put political correctness above common sense,” but said that he “refuse[d] to be politically correct.”²¹

61. That same month, in an interview on a talk radio show, Mr. Trump articulated his view of the President’s power to follow through on these promises, claiming: “The president has the right to ban any group or anybody * * * that he feels is going to do harm to our country. * * * They have an absolute right * * * .”²²

62. On July 24, 2016, Mr. Trump was asked: “The Muslim ban. I think you’ve pulled back from it, but you tell me.” Mr. Trump responded: “I actually don’t think it’s a rollback. In fact, you could say it’s an expansion. I’m looking now at territories. People were so upset when I used the word Muslim. Oh, you can’t use the word Muslim. Remember this. And I’m okay with that, because I’m talking territory instead of Muslim.”²³

63. During an October 9, 2016 Presidential Debate, Mr. Trump was asked: “Your running mate said this week that the Muslim ban is no longer your position. Is that correct? And if it is, was it a mistake to have a religious test?” Mr. Trump replied: “The Muslim ban is something that in some form has morphed into a[n] extreme vetting from certain areas of the world.” When asked to clarify

²¹ *Id.*

²² Sopan Deb, *Trump continues to question Obama’s commitment to fighting terror*, CBS News (June 14, 2016), <https://goo.gl/rMMMyCo>.

²³ *Meet the Press* (NBC television broadcast July 24, 2016), *transcript available at* <https://goo.gl/jHc6aU>. A copy of this transcript is attached as Exhibit 4.

whether “the Muslim ban still stands,” Mr. Trump said, “It’s called extreme vetting.”²⁴

64. On December 21, 2016, Mr. Trump was asked whether he had decided “to rethink or re-evaluate [his] plans to create a Muslim registry or ban Muslim immigration to the United States.” Mr. Trump replied: “You know my plans. All along, I’ve been proven to be right.”²⁵

B. The First Travel Ban (“EO-1”)

65. Within a week of taking office, President Trump acted upon his campaign promises to restrict Muslim immigration, curb refugee admissions, and prioritize non-Muslim refugees.

66. On January 27, 2017, President Trump signed an Executive Order entitled, “Protecting the Nation From Foreign Terrorist Entry into the United States” (“EO-1”). When signing EO-1, President Trump read the title, looked up, and said: “We all know what that means.”²⁶

67. EO-1 imposed an immediate, 90-day ban on entry by nationals of seven overwhelmingly Muslim countries: Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. The Order also suspended the U.S. Refugee Admissions Program (“USRAP”) for 120 days, lowered the cap on annual refugee admissions, and indefinitely barred Syrian refugees. The USRAP suspension included a targeted carve-out for refugees who were “religious minorit[ies]” in their home countries.

68. EO-1 established a process for expanding its travel bans to additional countries. It directed the Secretary of State to “request [that] all foreign

²⁴ The American Presidency Project, *Presidential Debates: Presidential Debate at Washington University in St. Louis, Missouri* (Oct. 9, 2016), <https://goo.gl/iIzf0A>.

²⁵ *President-Elect Trump Remarks in Palm Beach, Florida*, C-SPAN (Dec. 21, 2016), <https://goo.gl/JIMCst>.

²⁶ *Trump Signs Executive Orders at Pentagon*, ABC News (Jan. 27, 2017), <https://goo.gl/7Jzird>.

governments” provide the United States with information necessary to determine whether its nationals are security threats, and directed the Secretaries of Homeland Security and State to “submit to the President a list of countries recommended for inclusion” in the ban from among any countries that did not provide the information requested. The order also authorized the Secretaries of State and Homeland Security to “submit to the President the names of any additional countries recommended for similar treatment” in the future.

69. In a January 27, 2017 interview with Christian Broadcasting Network, President Trump explained that Christians would be given priority under EO-1. He said: “Do you know if you were a Christian in Syria it was impossible, at least very tough to get into the United States? If you were a Muslim you could come in, but if you were a Christian, it was almost impossible and the reason that was so unfair, everybody was persecuted in all fairness, but they were chopping off the heads of everybody but more so the Christians. And I thought it was very, very unfair. So we are going to help them.”²⁷

70. The day after signing the first Executive Order, President Trump’s advisor, Rudolph Giuliani, explained on television how the Executive Order was developed. He said: “[W]hen [Mr. Trump] first announced it, he said, ‘Muslim ban.’ He called me up. He said, ‘Put a commission together. Show me the right way to do it legally.’”²⁸

²⁷ *Brody File Exclusive: President Trump Says Persecuted Christians Will Be Given Priority as Refugees*, Christian Broadcasting Network (Jan. 27, 2017), <https://goo.gl/2GLB5q>.

²⁸ Amy B. Wang, *Trump asked for a ‘Muslim ban,’ Giuliani says – and ordered a commission to do it ‘legally’*, The Washington Post (Jan. 29, 2017), <https://goo.gl/Xog80h>. A copy of this article is attached as Exhibit 5.

71. EO-1 spurred confusion and chaos. Over 100 people were detained upon arrival at U.S. airports,²⁹ and in just a few days, over 60,000 visas were revoked.³⁰

72. Within days of EO-1's issuance, hundreds of State Department officials signed a memorandum circulated through the State Department's "Dissent Channel" stating that the Executive Order "runs counter to core American values" including "nondiscrimination," and that "[d]espite the Executive Order's focus on them, a vanishingly small number of terror attacks on U.S. soil have been committed by foreign nationals" here on visas.³¹

73. Likewise, Senators John McCain (R-AZ) and Lindsey Graham (R-SC) stated: "This executive order sends a signal, intended or not, that America does not want Muslims coming into our country."³²

74. On February 3, 2017, the U.S. District Court for the Western District of Washington enjoined EO-1's enforcement nationwide.³³ The Ninth Circuit denied the Government's request to stay the district court's injunction.³⁴

²⁹ Michael D. Shear et al., *Judge Blocks Trump Order on Refugees Amid Chaos and Outcry Worldwide*, N.Y. Times (Jan. 28, 2017), <https://goo.gl/OrUJEr>.

³⁰ Adam Kelsey et al., *60,000 Visas Revoked Since Immigration Executive Order Signed: State Department*, ABC News (Feb. 3, 2017, 6:32 PM EST), <https://goo.gl/JwPDEa>.

³¹ Jeffrey Gettleman, *State Department Dissent Cable on Trump's Ban Draws 1,000 Signatures*, N.Y. Times (Jan. 31, 2017), <https://goo.gl/svRdlw>. A copy of the Dissent Channel memorandum is attached as Exhibit 6.

³² Press Release, Senator John McCain, *Statement By Senators McCain & Graham On Executive Order On Immigration* (Jan. 29, 2017), <https://goo.gl/EvHvmc>. A copy of this press release is attached as Exhibit 7.

³³ *Washington v. Trump*, 2017 WL 462040, at *2-3 (W.D. Wash. Feb. 3, 2017).

³⁴ *Washington v. Trump*, 847 F.3d 1151, 1169 (9th Cir. 2017) (per curiam).

C. The Second Travel Ban (“EO-2”)

75. The Government did not appeal the Ninth Circuit’s decision. Instead, it announced that the President intended to issue a new order to replace EO-1.

76. On February 21, Senior Advisor to the President Stephen Miller made clear that the second travel ban would not meaningfully differ from EO-1. He said: “Fundamentally, you’re still going to have the same basic policy outcome for the country, but you’re going to be responsive to a lot of very technical issues that were brought up by the court and those will be addressed. But in terms of protecting the country, those basic policies are still going to be in effect.”³⁵

77. During a press conference in February, President Trump said with respect to the new ban: “I got elected on defense of our country. I keep my campaign promises, and our citizens will be very happy when they see the result.”³⁶

78. While EO-2 was being prepared, the President repeated his view that 8 U.S.C. § 1182(f) means that the President “can suspend, you can put restrictions, you can do whatever you want.”³⁷ Mr. Miller similarly stated that the President’s powers to impose entry restrictions “will not be questioned.”³⁸

³⁵ *Miller: New order will be responsive to the judicial ruling; Rep. Ron DeSantis: Congress has gotten off to a slow start* (Fox News television broadcast Feb. 21, 2017), transcript available at <https://goo.gl/wcHvHH>.

³⁶ *Full transcript: President Donald Trump’s news conference*, CNN Politics (Feb. 17, 2017, 4:12 AM EST), <https://goo.gl/sTLbbx>.

³⁷ *Transcript of President Donald Trump’s speech to the Major Cities Chiefs Police Organization*, The Hill (Feb. 8, 2017, 3:40 PM EST), <https://goo.gl/BkvQM2>.

³⁸ *Face the Nation transcript February 12, 2017: Schumer, Flake, Miller*, CBS News (Feb. 12, 2017, 2:35 PM EST), <https://goo.gl/v7gk6Z>.

79. On February 24, 2017, a draft Department of Homeland Security report concluded that “country of citizenship is unlikely to be a reliable indicator of potential terrorist activity.”³⁹ The final version of the report, released approximately a week later, concluded “that most foreign-born, [U.S.]-based violent extremists likely radicalized several years after their entry to the United States, [thus] limiting the ability of screening and vetting officials to prevent their entry because of national security concerns.”⁴⁰

80. On March 6, 2017, President Trump issued an executive order entitled “Executive Order Protecting The Nation From Foreign Terrorist Entry Into The United States” (“EO-2”). EO-2 contained substantially the same travel restrictions as EO-1. Section 2(c) of EO-2 suspended the “entry into the United States of nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen” for a period of “90 days from the effective date of this order.” Section 6(a) suspended the “travel” of all refugees to the United States for a period of 120 days, and suspended all “decisions” by the Secretary of Homeland Security on applications

³⁹ See U.S. Department of Homeland Security, *Citizenship Likely an Unreliable Indicator of Terrorist Threat to the United States*, at 1, <https://goo.gl/vyy5qy> (last visited Oct. 9, 2017, 6:45 PM EST). A copy of this draft report is attached as Exhibit 8. See generally Vivian Salama & Alicia A. Caldwell, *AP Exclusive: DHS report disputes threat from banned nations*, Associated Press (Feb. 24, 2017), <https://goo.gl/91to90>.

⁴⁰ See U.S. Department of Homeland Security, *Intelligence Assessment: Most Foreign-born, US-based Violent Extremists Radicalized after Entering Homeland; Opportunities for Tailored CVE Programs Exist*, at 1 (Mar. 1, 2017), <https://goo.gl/igQQsn>. A copy of this report is attached as Exhibit 9. See generally Tammy Kupperman, *DHS assessment: Individuals radicalized once in US*, CNN Politics (Mar. 4, 2017, 3:02 PM EST), <https://goo.gl/Q6OVTd> (discussing report); Nikita Vladimirov, *New DHS report finds most US-based extremists radicalized years after entry*, The Hill (Mar. 2, 2017, 10:34 PM EST), <https://goo.gl/St8cTc> (same).

for refugee status for 120 days. Section 6(b) lowered the annual cap on refugee admissions to 50,000 refugees for fiscal year 2017.

81. EO-2 also established a process for expanding its travel bans. It directed the Secretaries of Homeland Security and State as well as the Director of National Intelligence to “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 * * * to determine that the individual is not a security or public safety threat.” Those officials were instructed to submit to the President “a list of countries that do not provide adequate information” within 20 days of the effective date of the Order. The Secretary of State was instructed to “request that all foreign governments that do not supply [the necessary] information regarding their nationals begin providing it within 50 days of notification.” Then, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, was to “submit to the President a list of countries recommended for inclusion” in the travel ban. Those officials were also authorized to “submit to the President,” at “any point after the submission of the list” of countries recommended for inclusion, “the names of additional countries recommended for similar treatment.”

82. In a briefing the day after EO-2 was signed, White House Press Secretary Sean Spicer told reporters that with EO-2, President Trump “continue[d] to deliver on * * * his most significant campaign promises.”⁴¹ At this time—and until minutes before oral argument in the Fourth Circuit in May 2017—President Trump’s regularly updated campaign website continued to feature his campaign

⁴¹ The White House, Office of the Press Sec’y, *Press Briefing by Press Secretary Sean Spicer #18* (Mar. 7, 2017), <https://goo.gl/dYyRzY>.

statement calling for a “total and complete shutdown of Muslims entering the United States.”⁴²

83. In March 2017, this Court issued a temporary restraining order, and subsequently a preliminary injunction, enjoining Sections 2 and 6 of EO-2.⁴³ On June 12, 2017, the Ninth Circuit affirmed in large part this Court’s preliminary injunction, but permitted the review prescribed in Section 2 to go into effect. The Supreme Court granted certiorari and partially stayed this Court’s injunction as to aliens who lack a bona fide relationship to a U.S. person or entity.⁴⁴

84. Shortly after this Court first enjoined EO-2, the President told a rally of his supporters that EO-2 was just a “watered down version of the first one” and had been “tailor[ed]” at the behest of “the lawyers.”⁴⁵ He added: “I think we ought to go back to the first one and go all the way, which is what I wanted to do in the first place.”⁴⁶ In addition, President Trump stated that it is “very hard” for Muslims to assimilate into Western culture.⁴⁷

85. During a rally in April 2017, President Trump recited the lyrics to a song called “The Snake,” as he had during the campaign, as a warning about allowing Syrian refugees into the United States.⁴⁸ During a gathering that same

⁴² Christine Wang, *Trump website takes down Muslim ban statement after reporter grills Spicer in briefing*, CNBC (May 8, 2017), <https://goo.gl/j0kpAi>.

⁴³ *Hawaii v. Trump*, 241 F. Supp. 3d 1119 (D. Haw. 2017); *Hawaii v. Trump*, 245 F. Supp. 3d 1227 (D. Haw. 2017).

⁴⁴ *Hawaii v. Trump*, 859 F.3d 741 (9th Cir. 2017).

⁴⁵ Katie Reilly, *Read President Trump’s Response to the Travel Ban Ruling: It ‘Makes Us Look Weak’*, Time (Mar. 16, 2017), <https://goo.gl/UcPHfg>.

⁴⁶ *See id.*

⁴⁷ Chris Cillizza, *Donald Trump’s explanation of his wire-tapping tweets will shock and amaze you*, The Washington Post (Mar. 16, 2017), <https://goo.gl/yMLIlm>.

⁴⁸ Compare Marc Fisher, *Trump invigorates, enchants crowd during rally in Harrisburg, Pa.*, The Washington Post (Apr. 29, 2017), <https://goo.gl/3tUnNo> (recounting that President Trump read “The Snake” during a recent speech), with Ali Vitali, *‘The Snake’: Trump Poetry Slams Syrian Refugees With Allegorical*

month, he reiterated his view that Muslim refugees had previously been favored over Christians, and that his Administration would help Christians.⁴⁹

86. On June 5, 2017, the President endorsed the “original Travel Ban” in a series of tweets in which he complained about how the Justice Department had submitted a “watered down, politically correct version * * * to S.C.”⁵⁰ He urged the Justice Department to seek “an expedited hearing of the watered down Travel Ban before the Supreme Court,” and to “seek [a] much tougher version!”⁵¹ He further stated: “People, the lawyers and the courts can call it whatever they want, but I am calling it what we need and what it is, a TRAVEL BAN!”⁵² And he added: “That’s right, we need a TRAVEL BAN for certain DANGEROUS countries, not some politically correct term that won’t help us protect our people!”⁵³

87. On September 15, 2017, the President issued a tweet stating: “The travel ban into the United States should be far larger, tougher and more specific- but stupidly, that would not be politically correct!”⁵⁴

Song, NBC News (Jan. 12, 2016), <https://goo.gl/ZF1x1n> (recounting that Donald Trump did “[a] dramatic reading” of “The Snake” during a campaign speech).

⁴⁹ Scott Johnson, *At the White House with Trump*, PowerlineBlog.com (Apr. 25, 2017), <https://goo.gl/ZeXqhY>.

⁵⁰ Donald J. Trump (@realDonaldTrump), Twitter (June 5, 2017, 3:29 AM EDT), <https://goo.gl/dPiDBu>.

⁵¹ Donald J. Trump (@realDonaldTrump), Twitter (June 5, 2017, 3:37 AM EDT), <https://goo.gl/E3AP7F>.

⁵² Donald J. Trump (@realDonaldTrump), Twitter (June 5, 2017, 3:25 AM EDT), <https://goo.gl/9fsD9K>.

⁵³ Donald J. Trump (@realDonaldTrump), Twitter (June 5, 2017, 6:20 PM EDT), <https://goo.gl/VGaJ7z>.

⁵⁴ Donald J. Trump (@realDonaldTrump), Twitter (Sept. 15, 2017, 6:54 AM EDT), <https://goo.gl/CGtXnD>.

88. The White House Press Secretary has confirmed that President Trump's tweets represent "official statements."⁵⁵ The President has never renounced or repudiated his calls for a ban on Muslim immigration.

D. The Third Travel Ban ("EO-3")

89. On September 24, 2017, President Trump issued a Proclamation entitled "Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats" ("EO-3").

90. Section 2 of EO-3 indefinitely bans immigration into the United States by nationals of seven countries: Iran, Libya, Syria, Yemen, Somalia, Chad, and North Korea. It also imposes restrictions on the issuance of nonimmigrant visas to nationals of six of those countries: It bans the issuance of all nonimmigrant visas to nationals of North Korea and Syria; bans the issuance of all nonimmigrant visas except student (F and M) and exchange (J) visas to nationals of Iran; and bans the issuance of business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas to nationals of Chad, Libya, and Yemen. EO-3 suspends the issuance of business, tourist, and business-tourist visas to certain Venezuelan government officials.

91. EO-3 states that it is a direct outgrowth of the review process set forth in EO-1 and EO-2. It asserts that, as directed by those orders, the Secretary of Homeland Security developed criteria to assess whether countries have adequate protocols and practices for sharing identity-management information and national security and public-safety information, and whether they pose a national security and public-safety risk. The order states that, based on this review, the Department of Homeland Security identified 16 countries that were "inadequate" under these

⁵⁵ Elizabeth Landers, *White House: Trump's tweets are 'official statements'*, CNN Politics (June 6, 2017, 4:37 PM EDT), <https://goo.gl/XYyso5>.

criteria and 31 countries that were “at risk” of becoming “inadequate.” The Secretary of Homeland Security recommended that entry restrictions be imposed on six of those countries: Chad, Iran, Libya, North Korea, Syria, Venezuela, and Yemen. Iraq was also deemed inadequate under these criteria but was not included in the travel ban. Somalia was not deemed inadequate but was nevertheless included.

92. Six of the seven countries whose nationals are subject to entry restrictions under EO-3—Chad, Iran, Libya, Syria, Somalia, and Yemen—have majority-Muslim populations. Approximately 55.3% of Chad’s population is Muslim. Among the other five countries, the percentage of the population that is Muslim ranges from 92.8% to 99.8%.⁵⁶

93. North Korea does not allow its nationals to emigrate outside of the country, particularly to the United States.⁵⁷ The United States issued 100 visas to North Koreans in 2016, and 42 of those were diplomatic visas, which are exempt from EO-3.⁵⁸ Three days before the issuance of EO-3, on September 21, 2017, the President imposed sanctions on North Korea that suspended entry by “North Korean person[s]” as immigrants or nonimmigrants.⁵⁹

⁵⁶ See Pew-Templeton Global Religious Futures Project, *Muslim Population by Country* (2010), <http://www.globalreligiousfutures.org/countries>. This is the same source that the Government relied upon during prior briefing in this Court about EO-1 and EO-2, and this Court cited this source in its Order granting Plaintiffs’ motion for a temporary restraining order (“TRO”) against enforcement of EO-2. See, e.g., Dkt. No. 219, at 31 (Order Granting Mot. for TRO).

⁵⁷ Emily Rauhala, *Almost No North Koreans Travel to the U.S., So Why Ban Them?* The Washington Post (Sept. 25, 2017), <https://goo.gl/2szjNc>.

⁵⁸ Hyung-Jin Kim, *Trump’s travel ban unlikely to affect North Korea*, The Washington Post (Sept. 25, 2017), <https://goo.gl/81nD68>.

⁵⁹ President Donald J. Trump, “Presidential Executive Order on Imposing Additional Sanctions with Respect to North Korea,” §§ 1(a)(iv), 5 (Sept. 21, 2017), <https://goo.gl/Dx3T6a>.

94. In remarks made on the day that EO-3 was released, the President stated: “The travel ban: The tougher, the better.”⁶⁰

95. On September 27, 2017, President Trump responded to a question on why North Korea was added and why Sudan was removed from the list of nations in EO-3 by stating that “we can add countries very easily and we can take countries away,” adding: “I want the toughest travel ban you can have.”⁶¹

II. EFFECTS OF EO-2 AND EO-3 ON PLAINTIFFS

A. Effects on Plaintiff State of Hawaii

96. Both EO-2 and EO-3 have had and will continue to have profound negative effects on the State of Hawaii, its University, its public and private employers, its refugee program, and its residents.

97. EO-2 and EO-3 will negatively affect the University’s ability to recruit and hire new faculty members and scholars. It will be difficult, if not impossible, for the University to hire individuals from the countries subject to entry restrictions under EO-2 and EO-3. Nationals of the countries subject to the orders may be unable to obtain entry to the United States. And even if they can obtain entry, faculty and scholars who are uncertain whether they can enter the country, or whose family members and associates would be subject to entry restrictions, will be unlikely to accept an offer of employment to work at the University.

98. EO-2 and EO-3 will negatively affect the University’s ability to recruit and enroll new students. Nationals of the countries subject to the orders may be unable to obtain entry to the United States. And even if they can obtain

⁶⁰ The White House, Office of the Press Sec’y, *Press Gaggle by President Trump, Morristown Municipal Airport, 9/24/2017* (Sept. 24, 2017), <https://goo.gl/R8DnJq>.

⁶¹ The White House, Office of the Press Sec’y, *Press Gaggle by President Trump* (Sept. 27, 2017), <https://goo.gl/5dusi4>.

entry, they will be uncertain whether their spouses, children, and other close family members will be able to join them in the United States or visit them here.

Prospective students will therefore be deterred from applying to or enrolling in the University.

99. EO-2 and EO-3 will prevent the University of Hawaii from hosting speakers and visiting scholars from the designated countries. Specifically:

- a. The University will be precluded from offering a scholarship to a Syrian national who participated in a Speaker Series event in September 2017 hosted by the International Cultural Studies Program at the University. The University would like to offer this person a scholarship, but because he has a B-1/B-2 visa that will soon become inoperative—requiring him to obtain a new visa to enter the United States—EO-3 will preclude him from accepting the University's offer.
- b. The University's International Cultural Studies Program will be precluded from hosting a Syrian national who is an expert on the Syrian revolution to give a presentation at the University in either November 2017 or January 2018, as the University had planned to do.
- c. The University's International Cultural Studies Program will be precluded from inviting a Chadian national, who is the director of a film that the Honolulu Museum of Art will be screening this year, to a presentation about human rights abuses in Chad in the spring of 2018, as the University had planned to do.
- d. The University's Department of Art and Art History will be precluded from hosting a Syrian national living in Germany, who is an award-winning artist, as a visiting scholar in the

Department's "Intersections program" this spring, as the University had planned to do.

- e. The University's Department of Art and Art History will be precluded from hosting two award-winning Iranian artists to be visiting scholars, as the University had planned to do.

100. EO-2 and EO-3 will indefinitely separate many current faculty members, scholars, and students at the University from family members who are nationals of the designated countries. Many students and faculty members will consequently be unwilling to remain at the University or in the United States. Plaintiff John Doe 2, for instance, has stated that he will be less likely to remain in the country long-term if EO-3 goes into effect. At least one other University professor whose relatives are subject to EO-3 has expressed plans to move to Canada if EO-3 is not enjoined.

101. EO-2 and EO-3 will deter University students and faculty from temporarily leaving the country for professional, academic, or personal travel. Some individuals on single-entry visas who are nationals of the banned countries fear that they will not be able to return to the United States if they leave while either order is in effect. As a result, individuals will not take overseas trips that are important for their educational and scholarly pursuits, or for family reasons (*e.g.*, to care for an ailing family member). The University may lose talented members of its community who do not wish to or are unable to remain at the University because of this constraint.

102. In addition, EO-2 and EO-3 will inflict financial, proprietary, and academic injuries on the University. The University will receive reduced tuition dollars due to the reduced enrollment of students. It will be unable to win as many competitive grants due to its increased difficulty attracting and retaining highly qualified faculty, scholars, and students. The quality of the University's academic

work and the diversity of its academic community will also suffer from the loss of otherwise qualified individuals.

103. EO-2 and EO-3 are harming and will continue to harm Hawaii's economy. Nationals of the countries designated in each order will be unable to visit the State as tourists. Because tourism is a principal driver of the State's economy, this reduction in tourism will harm the State's businesses and, in turn, reduce its tax revenue.

104. Data from the past year confirms that EO-2 and EO-3 will reduce tourism. Since EO-1 and EO-2 were issued, the number of visitors to Hawaii from the Middle East has fallen in every single month as compared to the same month in 2016, and the aggregate number of visitors from the Middle East has fallen by over 25%. The aggregate number of visitors from Africa during that same period has declined by 15%.

105. The reduction in tourism to Hawaii is consistent with the experiences of other States. During the six-month period from March 2017 through August 2017, the number of visas issued to visitors from the countries designated by EO-2 fell 44% compared to the same period in 2016. The issuance of nonimmigrant visas to nationals of all Arab countries fell 16% compared to the prior year, even as the number of visas issued to people from all countries was unchanged.⁶²

106. EO-2 and EO-3 also chill tourism to Hawaii from countries that are not yet designated by the orders. Both EO-2 and EO-3 establish procedures by which the President can extend the travel bans to additional countries. Nationals of other countries, who fear they may be subject to a subsequent ban, are therefore deterred from traveling to Hawaii. In addition, both EO-2 and EO-3 give rise to a

⁶² Nahal Toosi, et al., *Muslim nations targeted by Trump's travel ban see steep visa drop*, Politico (Sept. 29, 2017), <https://goo.gl/Ta2cCe>.

global perception that the United States is an exclusionary country, impair the State's reputation as a place of welcome, and reduce foreign nationals' interest in visiting.

107. EO-2 and EO-3 hinder the efforts of the State and its residents to resettle and assist refugees. The State's refugee program is an important part of its culture and official policies,⁶³ and refugees from numerous countries have resettled in Hawaii in recent years.⁶⁴ In late 2015, as other States objected to the admission of Syrian refugees, Governor Ige issued a statement that "slamming the door in their face would be a betrayal of our values." Governor Ige explained: "Hawaii and our nation have a long history of welcoming refugees impacted by war and oppression. Hawaii is the Aloha State, known for its tradition of welcoming all people with tolerance and mutual respect."⁶⁵ As long as EO-2 prohibits refugee admissions, the State and its residents are prevented from helping refugees resettle in Hawaii. The State will receive reduced federal grant funding as a result.

108. EO-2 and EO-3 prevent Hawaii from fulfilling the commitments to nondiscrimination and diversity embodied in the State's Constitution, laws, and policies. State agencies and universities cannot accept qualified applicants for open employment positions if they are nationals of the countries designated by these orders, contravening policies designed to promote diversity and recruit talent from abroad.⁶⁶ In addition, the orders require the State to tolerate a policy

⁶³ See *supra* ¶¶ 24-26 & note 12.

⁶⁴ U.S. Department of Health & Human Servs., Office of Refugee Resettlement, *Overseas Refugee Arrival Data: Fiscal Years 2012-2015* (Nov. 24, 2015), <https://goo.gl/JcgkDM>.

⁶⁵ Press Release, Governor of the State of Hawaii, *Governor David Ige's Statement On Syrian Refugees* (Nov. 16, 2015), <https://goo.gl/gJcMIv>.

⁶⁶ See, e.g., State of Hawaii, Department of Human Resources Development, Policy No. 601.001: Discrimination / Harassment-Free Workplace Policy (revised Nov. 16, 2016), <https://goo.gl/7q6yzJ>; University of Hawaii, Mānoa, Policy

designed to disfavor the Islamic faith, in violation of the Establishment Clause of both the federal and state constitutions.

109. EO-2 and EO-3 are antithetical to the State's identity and spirit. For many in Hawaii, including state officials, the travel bans conjure up the memory of the Chinese Exclusion Acts and the imposition of martial law and Japanese internment after the bombing of Pearl Harbor. As Governor Ige observed two days after President Trump issued EO-1, "Hawaii has a proud history as a place immigrants of diverse backgrounds can achieve their dreams through hard work. Many of our people also know all too well the consequences of giving in to fear of newcomers. The remains of the internment camp at Honouliuli are a sad testament to that fear. We must remain true to our values and be vigilant where we see the worst part of history about to be repeated."⁶⁷

B. Effects on Plaintiff Dr. Elshikh

110. EO-2 and EO-3 have injured Dr. Elshikh by preventing him from reuniting with his relatives and denigrating him as a Muslim and an Imam.

111. EO-1 and EO-2 separated Dr. Elshikh from his mother-in-law. Dr. Elshikh's mother-in-law is a Syrian national who until recently lived in Syria. In 2015, Dr. Elshikh's wife petitioned for an immigrant visa on her mother's behalf so that she could move to the United States and live with their family in Hawaii. On January 31, 2017, after EO-1 was issued, Dr. Elshikh's mother-in-law's visa application was put on hold. In March 2017, after EO-1 was enjoined, the application was processed and Dr. Elshikh's mother-in-law was scheduled for an

M1.100: Non-Discrimination and Affirmative Action Policy, <https://goo.gl/6YqVl8> (last visited Oct. 9, 2017, 7:05 PM EDT); *see also, e.g., Campus Life: Diversity*, University of Hawaii, Mānoa, <https://goo.gl/3nF5C9> (last visited Oct. 9, 2017, 7:05 PM EDT).

⁶⁷ Press Release, Governor of the State of Hawaii, *Statement of Governor David Ige On Immigration To The United States* (Jan. 29, 2017), <https://goo.gl/62w1fh>.

interview. She received an immigrant visa in July 2017, immigrated to the United States in August 2017, and now lives in Hawaii with Dr. Elshikh and his family. Had EO-2 gone into effect, it would have barred Dr. Elshikh from seeing and living with his mother-in-law.

112. EO-3 will separate Dr. Elshikh from his brothers-in-law. Dr. Elshikh has four brothers-in-law who are Syrian nationals living in Syria. On October 5, 2017, one of Dr. Elshikh's brothers-in-law filed an application for a tourist visa so that he can travel to Hawaii and visit Dr. Elshikh's family. Dr. Elshikh will hold a combined birthday celebration for his three sons in March 2018, to which he is inviting all four of his brothers-in-law. EO-3 will prevent Dr. Elshikh's brothers-in-law from entering the United States or visiting him and his family.

113. EO-2 and EO-3 denigrate Dr. Elshikh and his family as Muslims. The orders convey to him and his children, all twelve years of age or younger, that they are not equal citizens of the country and that their government discriminates against persons who share their religion and ethnicity. The order conveys to them that they are members of a disfavored religion in Hawaii and the United States.

114. EO-2 and EO-3 harm Dr. Elshikh in his capacity as Imam of Hawaii's largest mosque. The orders denigrate and demean members of his mosque because of their religious views and national origin. The orders prevent members of the mosque from seeing members of their family, many of whom are nationals of countries designated by the orders, and prevent the mosque from welcoming visitors and refugees. As a result of the orders, members of the mosque are unable to associate as freely with those of other faiths.

C. Effects on Plaintiff John Doe 1

115. EO-2 and EO-3 prevent John Doe 1 from reuniting with his son-in-law and denigrate him as a Muslim.

116. John Doe 1's daughter filed an immigrant visa petition for her husband, a Yemeni national, in September 2015. After the petition was approved in late June 2017, the family submitted a visa application on the son-in-law's behalf. That application is currently pending. EO-3 will prevent Doe 1's son-in-law from obtaining a visa to immigrate to the United States.

117. EO-2 and EO-3 discriminate against and denigrate Doe 1 and his family because they are Muslims and because Doe 1's daughter is married to another Muslim individual from a Muslim-majority country.

D. Effects on Plaintiff John Doe 2

118. EO-2 and EO-3 prevent John Doe 2 from reuniting with his mother and other close relatives and discriminates against Doe 2 because of his nationality.

119. John Doe 2's mother, an Iranian national living in Iran, filed an application for a tourist visa several months ago so that she could visit Doe 2 in Hawaii. That application is still pending. EO-3 will prevent Doe 2's mother from obtaining a visa and visiting Doe 2 in the United States.

120. Some of Doe 2's close relatives, who are also Iranian nationals living in Iran, have filed applications for tourist visas so that they can visit Doe 2 in Hawaii. They have been interviewed and their applications are currently pending. EO-3 will prevent these relatives from obtaining visas and visiting Doe 2 in the United States.

121. Doe 2 is less likely to remain in the United States on a long-term basis because EO-3, if not enjoined, will continue to deprive him of the company of his family. EO-3, like EO-1 and EO-2, makes Doe 2 feel like an outcast in his own country because of his Iranian nationality.

E. Effects on Plaintiff Muslim Association of Hawaii

122. EO-2 and EO-3 reduce the membership of the Muslim Association of Hawaii, diminish its financial receipts, interfere with its religious exercise, and denigrate the faith of the Association and its members.

123. EO-2 and EO-3 will diminish the membership of the Association and inflict financial harm. Over the last decade, many new members of the Association have been refugees and nationals of countries designated by EO-2 and EO-3. EO-2 and EO-3 will prevent such individuals from entering the United States and becoming members of the Association. As a result, contributions to the Association will decrease and the Association's finances will be harmed.

124. EO-2 and EO-3 will also diminish the existing membership of the Association. Many current members of the Association are foreign-born individuals who are nationals of countries designated by EO-2 and EO-3, and have close family members and friends who remain in those countries. The orders will prevent these individuals from seeing their friends and family. As a result, some of these individuals are likely to leave Hawaii and cease being members of the Association. The Association will be deprived of their membership and suffer decreased contributions as a result.

125. EO-2 and EO-3 prevent nationals of the countries designated in EO-2 and EO-3 from visiting the mosque and its members. The orders also deter nationals of other Muslim-majority countries from visiting the Association because they are concerned that they will be subject to a future travel ban or made unwelcome in the United States. The Chairman of the Association is aware of four families from Morocco who have canceled plans to come to Hawaii because of the travel bans.

126. EO-2 and EO-3 interfere with the religious exercise of the Association and its members. Part of the religious practice of the Association and

its members is to welcome adherents of the Muslim faith from other countries in order to connect with their fellow Muslims. The orders prevent Muslims living abroad from coming to Hawaii to visit the Association's mosque and to meet and worship with its members. The orders thereby inhibit the free exercise of the Association and its members.

127. EO-2 and EO-3 denigrate and demean the Association and its members as Muslims. Members of the Association are made to feel that they are less than other Americans because of their religion. The orders have caused children of the Association's members to be ashamed of their own faith. Since the travel bans were promulgated, several children in the Association's community have expressed the desire to their parents to change their Muslim names, and to not wear head coverings, to avoid being victims of violence.

CAUSES OF ACTION

COUNT I

(8 U.S.C. § 1152(a)(1)(A))

128. The foregoing allegations are realleged and incorporated by reference herein.

129. 8 U.S.C. § 1152(a)(1)(A) provides that "[e]xcept as specifically provided" in certain subsections, "no person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of the person's race, sex, nationality, place of birth, or place of residence."

130. Section 2(c) of EO-2 discriminates on the basis of nationality in the issuance of immigrant and nonimmigrant visas.

131. Sections 2(a)-(c), (e), (g), and (h) of EO-3 discriminate on the basis of nationality in the issuance of immigrant and nonimmigrant visas.

132. Through their actions described in this Complaint, Defendants have violated 8 U.S.C. § 1152(a)(1)(A). Defendants' violations inflict ongoing

harm upon the State of Hawaii, Dr. Elshikh, John Does 1 and 2, the Muslim Association of Hawaii and its members, and other Hawaii residents.

COUNT II

(8 U.S.C. §§ 1182(f) and 1185(a))

133. The foregoing allegations are realleged and incorporated by reference herein.

134. 8 U.S.C. § 1182(f) provides that “[w]henver 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. § 1185(a)(1) provides that “[u]nless otherwise ordered by the President, it shall be unlawful for any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe.”

135. Sections 2(c), 6(a), and 6(b) of EO-2 exceed the scope of the President’s authority under Sections 1182(f) and 1185(a) by, *inter alia*, excluding aliens whose entry would not be “detrimental to the interests of the United States” within the meaning of those terms as informed by their text, history, and context, and by failing to adequately “find[]” that the entry of such aliens would be harmful to the United States.

136. Sections 2(a)-(c), (e), (g), and (h) of EO-3 exceed the scope of the President’s authority under Sections 1182(f) and 1185(a) by, *inter alia*, excluding aliens whose entry would not be “detrimental to the interests of the United States” within the meaning of those terms as informed by their text, history, and context,

and by failing to adequately “find[]” that the entry of such aliens would be harmful to the United States.

137. Through their actions described in this Complaint, Defendants have violated 8 U.S.C. §§ 1182(f) and 1185(a). Defendants’ violations inflict ongoing harm upon the State of Hawaii, Dr. Elshikh, John Does 1 and 2, the Muslim Association of Hawaii and its members, and other Hawaii residents.

COUNT III

(8 U.S.C. § 1157(a))

138. The foregoing allegations are realleged and incorporated by reference herein.

139. 8 U.S.C. § 1157(a)(2) provides that “[e]xcept as provided in subsection (b), the number of refugees who may be admitted under this section in any fiscal year after fiscal year 1982 shall be such number as the President determines, before the beginning of the fiscal year and after appropriate consultation, is justified by humanitarian concerns or is otherwise in the national interest.”

140. Section 6(b) of EO-2 altered the number of refugees who could be admitted for fiscal year 2017 after the beginning of the fiscal year and without engaging in appropriate consultation.

141. Through their actions described in this Complaint, Defendants have violated 8 U.S.C. § 1157(a). Defendants’ violation inflicts ongoing harm upon the State of Hawaii, Dr. Elshikh, John Does 1 and 2, the Muslim Association of Hawaii and its members, and other Hawaii residents.

COUNT IV

(First Amendment – Establishment Clause)

142. The foregoing allegations are realleged and incorporated by reference herein.

143. The Establishment Clause of the First Amendment provides that “Congress shall make no law respecting an establishment of religion.” This restriction prohibits the Federal Government from officially preferring one religion over another.

144. Sections 2(c), 6(a), and 6(b) of EO-2 denigrate and disadvantage members of the Islamic faith and effect an unconstitutional establishment of religion.

145. Sections 2(a)-(c), (e), (g), and (h) of EO-3 denigrate and disadvantage members of the Islamic faith and effect an unconstitutional establishment of religion.

146. Through their actions described in this Complaint, Defendants have violated the Establishment Clause. Defendants’ violations inflict ongoing harm upon the State of Hawaii, Dr. Elshikh, John Does 1 and 2, the Muslim Association of Hawaii and its members, and other Hawaii residents.

COUNT V

(First Amendment – Free Exercise)

147. The foregoing allegations are realleged and incorporated by reference herein.

148. The Free Exercise Clause of the First Amendment provides that “Congress shall make no law * * * prohibiting the free exercise [of religion].” This Clause prohibits Congress from enacting laws with the purpose or effect of suppressing religious belief or practice.

149. Sections 2(c), 6(a), and 6(b) of EO-2 target members of the Islamic faith for special burdens and subject them to denigration and disadvantages that have the purpose and effect of suppressing their practice of religion.

150. Sections 2(a)-(c), (e), (g), and (h) of EO-3 target members of the Islamic faith for special burdens and subject them to denigration and disadvantages that have the purpose and effect of suppressing their practice of religion.

151. Through their actions described in this Complaint, Defendants have violated the Free Exercise Clause. Defendants' violations inflict ongoing harm upon the State of Hawaii, Dr. Elshikh, John Does 1 and 2, the Muslim Association of Hawaii and its members, and other Hawaii residents.

COUNT VI

(Fifth Amendment – Equal Protection)

152. The foregoing allegations are realleged and incorporated by reference herein.

153. The Due Process Clause of the Fifth Amendment prohibits the Federal Government from denying equal protection of the laws, including on the basis of religion and/or national origin, nationality, or alienage.

154. Sections 2(c), 6(a), and 6(b) of EO-2 discriminate on the basis of religion and/or national origin, nationality, or alienage and were motivated by animus and a desire to effect such discrimination.

155. Sections 2(a)-(c), (e), (g), and (h) of EO-3 discriminate on the basis of religion and/or national origin, nationality, or alienage and were motivated by animus and a desire to effect such discrimination.

156. EO-2 and EO-3 differentiate between persons based on their religion and/or national origin, nationality, or alienage and are accordingly subject to strict scrutiny. The orders fail that test because they over- and under-inclusive in restricting immigration for security reasons. The statements of President Trump and his advisors also provide direct evidence of the orders' discriminatory motives.

157. The orders are not rationally related to a legitimate government interest.

158. Through their actions described in this Complaint, Defendants have violated the equal protection guarantee of the Due Process Clause. Defendants' violations inflicts ongoing harm upon the State of Hawaii, Dr. Elshikh, John Does 1 and 2, the Muslim Association of Hawaii and its members, and other Hawaii residents.

COUNT VII

(Religious Freedom Restoration Act)

159. The foregoing allegations are realleged and incorporated by reference herein.

160. The Religious Freedom Restoration Act ("RFRA"), 42 U.S.C. § 2000bb-1(a), prohibits the Federal Government from substantially burdening the exercise of religion, even if the burden results from a rule of general applicability.

161. Sections 2(c), 6(a), and 6(b) of EO-2 and Defendants' actions to implement them impose a substantial burden on the exercise of religion.

162. Sections 2(a)-(c), (e), (g), and (h) of EO-3 and Defendants' actions to implement it impose a substantial burden on the exercise of religion.

163. Among other injuries, some non-citizens currently outside the United States cannot enter the United States to reunite with their families or religious communities. Religious communities in the United States cannot welcome visitors, including religious workers, from designated countries. And some non-citizens currently in the United States may be prevented from travelling abroad on religious trips, including pilgrimages or trips to attend religious ceremonies overseas, if they do not have the requisite travel documents or multiple-entry visas.

164. Through their actions described in this Complaint, Defendants have violated the RFRA. Defendants' violations inflict ongoing harm upon the

State of Hawaii, Dr. Elshikh, John Does 1 and 2, the Muslim Association of Hawaii and its members, and other Hawaii residents.

COUNT VIII

(Substantive Violation of the Administrative Procedure Act through Violations of the Constitution, Immigration and Nationality Act, and Religious Freedom Restoration Act, and Arbitrary and Capricious Action)

165. The foregoing allegations are realleged and incorporated by reference herein.

166. The APA requires courts to hold unlawful and set aside any agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law”; “contrary to constitutional right, power, privilege, or immunity”; or “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(A)-(C).

167. In enacting and implementing Sections 2(c), 6(a), and 6(b) of EO-2, and Sections 2(a)-(c), (e), (g), and (h) of EO-3, Defendants have acted contrary to the Establishment Clause and Fifth Amendment of the United States Constitution, the INA, and RFRA. Defendants have exceeded their constitutional and statutory authority, engaged in nationality- and religion-based discrimination, and failed to vindicate statutory rights guaranteed by the INA.

168. Further, in enacting and implementing Sections 2(c), 6(a), and 6(b) of EO-2, and Sections 2(a)-(c), (e), (g), and (h) of EO-3, Defendants have acted arbitrarily and capriciously. Among other arbitrary actions and omissions, Defendants have not offered a satisfactory explanation for the countries that are and are not included within the scope of the orders.

169. Through their actions described in this Complaint, Defendants have violated the substantive requirements of the APA. Defendants’ violations

inflict ongoing harm upon the State of Hawaii, Dr. Elshikh, John Does 1 and 2, the Muslim Association of Hawaii and its members, and other Hawaii residents.

COUNT IX

(Procedural Violation of the Administrative Procedure Act)

170. The foregoing allegations are realleged and incorporated by reference herein.

171. The APA requires courts to hold unlawful and set aside any agency action taken “without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

172. The Departments of State and Homeland Security are “agencies” under the APA. *See* 5 U.S.C. § 551(1).

173. The APA requires that agencies follow rulemaking procedures before engaging in action that impacts substantive rights. *See* 5 U.S.C. § 553.

174. In enacting and implementing Sections 2(c), 6(a), and 6(b) of EO-2, and Sections 2(a)-(c), (e), (g), and (h) of EO-3, Defendants have changed the substantive criteria by which individuals from the designated countries may enter the United States. This, among other actions by Defendants, impacts substantive rights.

175. Defendants did not follow the rulemaking procedures required by the APA in enacting and implementing the orders.

176. Through their actions described in this Complaint, Defendants have violated the procedural requirements of the APA. Defendants’ violations inflict ongoing harm upon the State of Hawaii, Dr. Elshikh, John Does 1 and 2, the Muslim Association of Hawaii and its members, and other Hawaii residents.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that the Court:

- a. Declare that Sections 2(c), 6(a), and 6(b) of EO-2 are unauthorized by, and contrary to, the Constitution and laws of the United States;
- b. Declare that Sections 2(a)-(c), (e), (g), and (h) of EO-3 are unauthorized by, and contrary to, the Constitution and laws of the United States;
- c. Enjoin Defendants from implementing or enforcing Sections 2(c), 6(a), and 6(b) of EO-2 across the nation;
- d. Enjoin Defendants from implementing or enforcing Section 2(a)-(c), (e), (g), and (h) of EO-3 across the nation;
- e. Pursuant to Federal Rule of Civil Procedure 65(b)(2), set an expedited hearing within fourteen (14) days to determine whether the Temporary Restraining Order should be extended; and
- f. Award damages, attorney's fees, and such additional relief as the interests of justice may require.

DATED: Washington, DC, October 10, 2017.

Respectfully submitted,

/s/ Neal K. Katyal

DOUGLAS S. CHIN (Bar No. 6465)
Attorney General of the State of Hawaii
CLYDE J. WADSWORTH (Bar No. 8495)
Solicitor General of the State of Hawaii
DEIRDRE MARIE-IHA (Bar No. 7923)
DONNA H. KALAMA (Bar No. 6051)
KIMBERLY T. GUIDRY (Bar No. 7813)
ROBERT T. NAKATSUJI (Bar No. 6743)
KALIKO‘ONALANI D. FERNANDES
(Bar No. 9964)
KEVIN M. RICHARDSON (Bar No.
10224)
Deputy Attorneys General
DEPARTMENT OF THE ATTORNEY
GENERAL, STATE OF HAWAII

Attorneys for Plaintiff, State of Hawaii

NEAL K. KATYAL*
COLLEEN ROH SINZDAK*
MITCHELL P. REICH*
ELIZABETH HAGERTY*
YURI S. FUCHS**
SUNDEEP IYER**†
REEDY C. SWANSON**††
THOMAS P. SCHMIDT*
SARA SOLOW*
ALEXANDER B. BOWERMAN*
HOGAN LOVELLS US LLP

**Admitted Pro Hac Vice*

***Pro Hac Vice Application
Forthcoming*

*†Admitted only in Maryland;
supervised by firm members*

*††Admitted only in Virginia;
supervised by firm members*

Attorneys for Plaintiffs

the WHITE HOUSE



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The White House

Office of the Press Secretary

For Immediate Release

September 24, 2017

Presidential Proclamation Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats

ENHANCING VETTING CAPABILITIES AND PROCESSES FOR DETECTING ATTEMPTED ENTRY
INTO THE UNITED STATES BY TERRORISTS OR OTHER PUBLIC-SAFETY THREATS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

In Executive Order 13780 of March 6, 2017 (Protecting the Nation from Foreign Terrorist Entry into the United States), on the recommendations of the Secretary of Homeland Security and the Attorney General, I ordered a worldwide review of whether, and if so what, additional information would be needed from each foreign country to assess adequately whether their nationals seeking to enter the United States pose a security or safety threat. This was the first such review of its kind in United States history. As part of the review, the Secretary of Homeland Security established global requirements for information sharing in support of immigration screening and vetting. The Secretary of Homeland Security developed a comprehensive set of criteria and applied it to the information-sharing practices, policies, and capabilities of foreign governments. The Secretary of State thereafter engaged with the countries reviewed in an effort to address deficiencies and achieve improvements. In many instances, those efforts produced positive results. By obtaining additional information and formal commitments from foreign governments, the United States Government has improved its capacity and ability to assess whether foreign nationals attempting to enter the United States pose a security or safety threat. Our Nation is safer as a result of this work.

Despite those efforts, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, has determined that a small number of countries -- out of nearly 200 evaluated -- remain deficient at this time with respect to their identity-management and information-sharing capabilities, protocols, and practices. In some cases, these countries also have a significant terrorist presence within their territory.

As President, I must act to protect the security and interests of the United States and its people. I am committed to our ongoing efforts to engage those countries willing to cooperate, improve information-sharing and identity-management protocols and procedures, and address both terrorism-related and public-safety risks. Some of the countries with remaining inadequacies face significant challenges. Others have made strides to improve their protocols and procedures, and I commend them for these efforts.

But until they satisfactorily address the identified inadequacies, I have determined, on the basis of recommendations from the Secretary of Homeland Security and other members of my Cabinet, to impose certain conditional restrictions and limitations, as set forth more fully below, on entry into the United States of nationals of the countries identified in section 2 of this proclamation.

NOW, THEREFORE, I, DONALD J. TRUMP, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that, absent the measures set forth in this proclamation, the immigrant and nonimmigrant entry into the United States of persons described in section 2 of this proclamation would be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. Policy and Purpose. (a) It is the policy of the United States to protect its citizens from terrorist attacks and other public-safety threats. Screening and vetting protocols and procedures associated with visa adjudications and other immigration processes play a critical role in implementing that policy. They enhance our ability to detect foreign nationals who may commit, aid, or support acts of terrorism, or otherwise pose a safety threat, and they aid our efforts to prevent such individuals from entering the United States.

(b) Information-sharing and identity-management protocols and practices of foreign governments are important for the effectiveness of the screening and vetting protocols and procedures of the United States. Governments manage the identity and travel documents of their nationals and residents. They also control the circumstances under which they provide information about their nationals to other governments, including information about known or suspected terrorists and criminal-history information. It is, therefore, the policy of the United States to take all necessary and appropriate steps to encourage foreign governments to improve their information-sharing and identity-management protocols and practices and to regularly share identity and threat information with our immigration screening and vetting systems.

(c) Section 2(a) of Executive Order 13780 directed 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." That review culminated in a report submitted to the President by the Secretary of Homeland Security on July 9, 2017. In that review, the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, developed a baseline for the kinds of information required from foreign governments to support the United States Government's ability to confirm the identity of individuals seeking entry into the United States as immigrants and nonimmigrants, as well as individuals applying for any other benefit under the immigration laws, and to assess whether they are a security or public-safety threat. That baseline incorporates three categories of criteria:

(i) Identity-management information. The United States expects foreign governments to provide the information needed to determine whether individuals seeking benefits under the immigration laws are who they claim to be. The identity-management information category focuses on the integrity of documents required for travel to the United States. The criteria assessed in this category include whether the country issues electronic passports embedded with data to enable confirmation of identity, reports lost and stolen passports to appropriate entities, and makes available upon request identity-related information not included in its passports.

(ii) National security and public-safety information. The United States expects foreign governments to provide information about whether persons who seek entry to this country pose national security or public-safety risks. The criteria assessed in this category include whether the country makes available, directly or indirectly, known or suspected terrorist and criminal-history information upon request, whether the country provides passport and national-identity document exemplars, and whether the country impedes the United States Government's receipt of information about passengers and crew traveling to the United States.

(iii) National security and public-safety risk assessment. The national security and public-safety risk assessment category focuses on national security risk indicators. The criteria assessed in this category include whether the country is a known or potential terrorist safe haven, whether it is a participant in the Visa Waiver Program established under section 217 of the INA, 8 U.S.C. 1187, that meets all of its requirements, and whether it regularly fails to receive its nationals subject to final orders of removal from the United States.

(d) The Department of Homeland Security, in coordination with the Department of State, collected data on the performance of all foreign governments and assessed each country against the baseline described in subsection (c) of this section. The assessment focused, in particular, on identity management, security and public-safety threats, and national security risks. Through this assessment, the agencies measured each country's performance with respect to issuing reliable travel documents and implementing adequate identity-management and information-sharing protocols and procedures, and evaluated terrorism-related and public-safety risks associated with foreign nationals seeking entry into the United States from each country.

(e) The Department of Homeland Security evaluated each country against the baseline described in subsection (c) of this section. The Secretary of Homeland Security identified 16 countries as being "inadequate" based on an analysis of their identity-management protocols, information-sharing practices, and risk factors.

Thirty-one additional countries were classified "at risk" of becoming "inadequate" based on those criteria.

(f) As required by section 2(d) of Executive Order 13780, the Department of State conducted a 50-day engagement period to encourage all foreign governments, not just the 47 identified as either "inadequate" or "at risk," to improve their performance with respect to the baseline described in subsection (c) of this section. Those engagements yielded significant improvements in many countries. Twenty-nine countries, for example, provided travel document exemplars for use by Department of Homeland Security officials to combat fraud. Eleven countries agreed to share information on known or suspected terrorists.

(g) The Secretary of Homeland Security assesses that the following countries continue to have "inadequate" identity-management protocols, information-sharing practices, and risk factors, with respect to the baseline described in subsection (c) of this section, such that entry restrictions and limitations are recommended: Chad, Iran, Libya, North Korea, Syria, Venezuela, and Yemen. The Secretary of Homeland Security also assesses that Iraq did not meet the baseline, but that entry restrictions and limitations under a Presidential proclamation are not warranted. The Secretary of Homeland Security recommends, however, that nationals of Iraq who seek to enter the United States be subject to additional scrutiny to determine if they pose risks to the national security or public safety of the United States. In reaching these conclusions, the Secretary of Homeland Security considered the close cooperative relationship between the United States and the democratically elected government of Iraq, the strong United States diplomatic presence in Iraq, the significant presence of United States forces in Iraq, and Iraq's commitment to combating the Islamic State of Iraq and Syria (ISIS).

(h) Section 2(e) of Executive Order 13780 directed the Secretary of Homeland Security to "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."

On September 15, 2017, the Secretary of Homeland Security submitted a report to me recommending entry restrictions and limitations on certain nationals of 7 countries determined to be "inadequate" in providing such information and in light of other factors discussed in the report. According to the report, the recommended restrictions would help address the threats that the countries' identity-management protocols, information-sharing inadequacies, and other risk factors pose to the security and welfare of the United States. The restrictions also encourage the countries to work

with the United States to address those inadequacies and risks so that the restrictions and limitations imposed by this proclamation may be relaxed or removed as soon as possible.

(i) In evaluating the recommendations of the Secretary of Homeland Security and in determining what restrictions to impose for each country, I consulted with appropriate Assistants to the President and members of the Cabinet, including the Secretaries of State, Defense, and Homeland Security, and the Attorney General. I considered several factors, including each country's capacity, ability, and willingness to cooperate with our identity-management and information-sharing policies and each country's risk factors, such as whether it has a significant terrorist presence within its territory. I also considered foreign policy, national security, and counterterrorism goals. I reviewed these factors and assessed these goals, with a particular focus on crafting those country-specific restrictions that would be most likely to encourage cooperation given each country's distinct circumstances, and that would, at the same time, protect the United States until such time as improvements occur. The restrictions and limitations imposed by this proclamation are, in my judgment, necessary to prevent the entry of those foreign nationals about whom the United States Government lacks sufficient information to assess the risks they pose to the United States. These restrictions and limitations are also needed to elicit improved identity-management and information-sharing protocols and practices from foreign governments; and to advance foreign policy, national security, and counterterrorism objectives.

(ii) After reviewing the Secretary of Homeland Security's report of September 15, 2017, and accounting for the foreign policy, national security, and counterterrorism objectives of the United States, I have determined to restrict and limit the entry of nationals of 7 countries found to be "inadequate" with respect to the baseline described in subsection (c) of this section: Chad, Iran, Libya, North Korea, Syria, Venezuela, and Yemen. These restrictions distinguish between the entry of immigrants and nonimmigrants. Persons admitted on immigrant visas become lawful permanent residents of the United States. Such persons may present national security or public-safety concerns that may be distinct from those admitted as nonimmigrants. The United States affords lawful permanent residents more enduring rights than it does to nonimmigrants. Lawful permanent residents are more difficult to remove than nonimmigrants even after national security concerns arise, which heightens the costs and dangers of errors associated with admitting such individuals. And although immigrants generally receive more extensive vetting than nonimmigrants, such vetting is less reliable when the country from which someone seeks to emigrate

exhibits significant gaps in its identity-management or information-sharing policies, or presents risks to the national security of the United States. For all but one of those 7 countries, therefore, I am restricting the entry of all immigrants.

(iii) I am adopting a more tailored approach with respect to nonimmigrants, in accordance with the recommendations of the Secretary of Homeland Security. For some countries found to be "inadequate" with respect to the baseline described in subsection (c) of this section, I am restricting the entry of all nonimmigrants. For countries with certain mitigating factors, such as a willingness to cooperate or play a substantial role in combatting terrorism, I am restricting the entry only of certain categories of nonimmigrants, which will mitigate the security threats presented by their entry into the United States. In those cases in which future cooperation seems reasonably likely, and accounting for foreign policy, national security, and counterterrorism objectives, I have tailored the restrictions to encourage such improvements.

(i) Section 2(e) of Executive Order 13780 also provided that 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." The Secretary of Homeland Security determined that Somalia generally satisfies the information-sharing requirements of the baseline described in subsection (c) of this section, but its government's inability to effectively and consistently cooperate, combined with the terrorist threat that emanates from its territory, present special circumstances that warrant restrictions and limitations on the entry of its nationals into the United States. Somalia's identity-management deficiencies and the significant terrorist presence within its territory make it a source of particular risks to the national security and public safety of the United States. Based on the considerations mentioned above, and as described further in section 2(h) of this proclamation, I have determined that entry restrictions, limitations, and other measures designed to ensure proper screening and vetting for nationals of Somalia are necessary for the security and welfare of the United States.

(j) Section 2 of this proclamation describes some of the inadequacies that led me to impose restrictions on the specified countries. Describing all of those reasons publicly, however, would cause serious damage to the national security of the United States, and many such descriptions are classified.

Sec. 2. Suspension of Entry for Nationals of Countries of Identified Concern. The entry into the United States of nationals of the following countries is hereby suspended and limited, as

follows, subject to categorical exceptions and case by-case waivers, as described in sections 3 and 6 of this proclamation:

(a) Chad.

(i) The government of Chad is an important and valuable counterterrorism partner of the United States, and the United States Government looks forward to expanding that cooperation, including in the areas of immigration and border management. Chad has shown a clear willingness to improve in these areas. Nonetheless, Chad does not adequately share public-safety and terrorism-related information and fails to satisfy at least one key risk criterion.

Additionally, several terrorist groups are active within Chad or in the surrounding region, including elements of Boko Haram, ISIS-West Africa, and al-Qa'ida in the Islamic Maghreb. At this time, additional information sharing to identify those foreign nationals applying for visas or seeking entry into the United States who represent national security and public-safety threats is necessary given the significant terrorism-related risk from this country.

(ii) The entry into the United States of nationals of Chad, as immigrants, and as nonimmigrants on business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas, is hereby suspended.

(b) Iran.

(i) Iran regularly fails to cooperate with the United States Government in identifying security risks, fails to satisfy at least one key risk criterion, is the source of significant terrorist threats, and fails to receive its nationals subject to final orders of removal from the United States. The Department of State has also designated Iran as a state sponsor of terrorism.

(ii) The entry into the United States of nationals of Iran as immigrants and as nonimmigrants is hereby suspended, except that entry by such nationals under valid student (F and M) and exchange visitor (J) visas is not suspended, although such individuals should be subject to enhanced screening and vetting requirements.

(c) Libya.

(i) The government of Libya is an important and valuable counterterrorism partner of the United States, and the United States Government looks forward to expanding on that cooperation, including in the areas of immigration and border management. Libya, nonetheless, faces significant challenges in sharing several types of information, including public-safety and terrorism-related information

necessary for the protection of the national security and public safety of the United States. Libya also has significant inadequacies in its identity-management protocols. Further, Libya fails to satisfy at least one key risk criterion and has been assessed to be not fully cooperative with respect to receiving its nationals subject to final orders of removal from the United States. The substantial terrorist presence within Libya's territory amplifies the risks posed by the entry into the United States of its nationals.

(ii) The entry into the United States of nationals of Libya, as immigrants, and as nonimmigrants on business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas, is hereby suspended.

(d) North Korea.

(i) North Korea does not cooperate with the United States Government in any respect and fails to satisfy all information-sharing requirements.

(ii) The entry into the United States of nationals of North Korea as immigrants and nonimmigrants is hereby suspended.

(e) Syria.

(i) Syria regularly fails to cooperate with the United States Government in identifying security risks, is the source of significant terrorist threats, and has been designated by the Department of State as a state sponsor of terrorism. Syria has significant inadequacies in identity-management protocols, fails to share public-safety and terrorism information, and fails to satisfy at least one key risk criterion.

(ii) The entry into the United States of nationals of Syria as immigrants and nonimmigrants is hereby suspended.

(f) Venezuela.

(i) Venezuela has adopted many of the baseline standards identified by the Secretary of Homeland Security and in section 1 of this proclamation, but its government is uncooperative in verifying whether its citizens pose national security or public-safety threats. Venezuela's government fails to share public-safety and terrorism-related information adequately, fails to satisfy at least one key risk criterion, and has been assessed to be not fully cooperative with respect to receiving its nationals subject to final orders of removal from the United States. There are, however, alternative sources for obtaining information to verify the citizenship and identity of nationals from Venezuela. As a result, the

restrictions imposed by this proclamation focus on government officials of Venezuela who are responsible for the identified inadequacies.

(ii) Notwithstanding section 3(b)(v) of this proclamation, the entry into the United States of officials of government agencies of Venezuela involved in screening and vetting procedures -- including the Ministry of the Popular Power for Interior, Justice and Peace; the Administrative Service of Identification, Migration and Immigration; the Scientific, Penal and Criminal Investigation Service Corps; the Bolivarian National Intelligence Service; and the Ministry of the Popular Power for Foreign Relations -- and their immediate family members, as nonimmigrants on business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas, is hereby suspended. Further, nationals of Venezuela who are visa holders should be subject to appropriate additional measures to ensure traveler information remains current.

(g) Yemen.

(i) The government of Yemen is an important and valuable counterterrorism partner, and the United States Government looks forward to expanding that cooperation, including in the areas of immigration and border management. Yemen, nonetheless, faces significant identity-management challenges, which are amplified by the notable terrorist presence within its territory. The government of Yemen fails to satisfy critical identity-management requirements, does not share public-safety and terrorism-related information adequately, and fails to satisfy at least one key risk criterion.

(ii) The entry into the United States of nationals of Yemen as immigrants, and as nonimmigrants on business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas, is hereby suspended.

(h) Somalia.

(i) The Secretary of Homeland Security's report of September 15, 2017, determined that Somalia satisfies the information-sharing requirements of the baseline described in section 1(c) of this proclamation. But several other considerations support imposing entry restrictions and limitations on Somalia. Somalia has significant identity-management deficiencies. For example, while Somalia issues an electronic passport, the United States and many other countries do not recognize it. A persistent terrorist threat also emanates from Somalia's territory. The United States Government has identified Somalia as a terrorist safe haven. Somalia stands apart from other countries in the degree to which its government lacks command and control of its territory, which greatly

limits the effectiveness of its national capabilities in a variety of respects.

Terrorists use under-governed areas in northern, central, and southern Somalia as safe havens from which to plan, facilitate, and conduct their operations.

Somalia also remains a destination for individuals attempting to join terrorist groups that threaten the national security of the United States. The State Department's 2016 Country Reports on Terrorism observed that Somalia has not sufficiently degraded the ability of terrorist groups to plan and mount attacks from its territory. Further, despite having made significant progress toward formally federating its member states, and its willingness to fight terrorism, Somalia continues to struggle to provide the governance needed to limit terrorists' freedom of movement, access to resources, and capacity to operate.

The government of Somalia's lack of territorial control also compromises Somalia's ability, already limited because of poor recordkeeping, to share information about its nationals who pose criminal or terrorist risks. As a result of these and other factors, Somalia presents special concerns that distinguish it from other countries.

(ii) The entry into the United States of nationals of Somalia as immigrants is hereby suspended. Additionally, visa adjudications for nationals of Somalia and decisions regarding their entry as nonimmigrants should be subject to additional scrutiny to determine if applicants are connected to terrorist organizations or otherwise pose a threat to the national security or public safety of the United States.

Sec. 3. Scope and Implementation of Suspensions and Limitations. (a) Scope. Subject to the exceptions set forth in subsection (b) of this section and any waiver under subsection (c) of this section, the suspensions of and limitations on entry pursuant to section 2 of this proclamation shall apply only to foreign nationals of the designated countries who:

(i) are outside the United States on the applicable effective date under section 7 of this proclamation;

(ii) do not have a valid visa on the applicable effective date under section 7 of this proclamation; and

(iii) do not qualify for a visa or other valid travel document under section 6(d) of this proclamation.

(b) Exceptions. The suspension of entry pursuant to section 2 of this proclamation 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 applicable effective date under section 7 of this proclamation;

(iii) any foreign national who has a document other than a visa -- such as a transportation letter, an appropriate boarding foil, or an advance parole document -- valid on the applicable effective date under section 7 of this proclamation or issued on any date thereafter, that permits him or her to travel to the United States and seek entry or admission;

(iv) any dual national of a country designated under section 2 of this proclamation 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 by the United States; 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 suspensions of and limitations on entry set forth in section 2 of this proclamation, a consular officer, or the Commissioner, United States Customs and Border Protection (CBP), or the Commissioner's designee, as appropriate, may, in their discretion, grant waivers on a case-by-case basis to permit the entry of foreign nationals for whom entry is otherwise suspended or limited if such foreign nationals demonstrate that waivers would be appropriate and consistent with subsections (i) through (iv) of this subsection. The Secretary of State and the Secretary of Homeland Security shall coordinate to adopt guidance addressing the circumstances in which waivers may be appropriate for foreign nationals seeking entry as immigrants or nonimmigrants.

(i) A waiver may be granted only if a foreign national demonstrates to the consular officer's or CBP official's satisfaction that:

(A) denying entry would cause the foreign national undue hardship;

(B) entry would not pose a threat to the national security or public safety of the United States; and

(C) entry would be in the national interest.

(ii) The guidance issued by the Secretary of State and the Secretary of Homeland Security under this subsection shall address the standards, policies, and procedures for:

(A) determining whether the entry of a foreign national would not pose a threat to the national security or public safety of the United States;

(B) determining whether the entry of a foreign national would be in the national interest;

(C) addressing and managing the risks of making such a determination in light of the inadequacies in information sharing, identity management, and other potential dangers posed by the nationals of individual countries subject to the restrictions and limitations imposed by this proclamation;

(D) assessing whether the United States has access, at the time of the waiver determination, to sufficient information about the foreign national to determine whether entry would satisfy the requirements of subsection (i) of this subsection; and

(E) determining the special circumstances that would justify granting a waiver under subsection (iv)(E) of this subsection.

(iii) Unless otherwise specified by the Secretary of Homeland Security, any waiver issued by a consular officer as part of the visa adjudication process will be effective both for the issuance of a visa and for any subsequent entry on that visa, but will leave unchanged all other requirements for admission or entry.

(iv) Case-by-case waivers may not be granted categorically, but may be appropriate, subject to the limitations, conditions, and requirements set forth under subsection (i) of this subsection and the guidance issued under subsection (ii) of this subsection, in individual circumstances such as the following:

(A) 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 applicable effective date under section 7 of this proclamation, seeks to reenter the United States to resume that activity, and the denial of reentry would impair that activity;

(B) the foreign national has previously established significant contacts with the United States but is outside the United States on the applicable

effective date under section 7 of this proclamation for work, study, or other lawful activity;

(C) the foreign national seeks to enter the United States for significant business or professional obligations and the denial of entry would impair those obligations;

(D) 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 would cause the foreign national undue hardship;

(E) 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;

(F) 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 foreign national can document that he or she has provided faithful and valuable service to the United States Government;

(G) 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;

(H) the foreign national is a Canadian permanent resident who applies for a visa at a location within Canada;

(I) the foreign national is traveling as a United States Government-sponsored exchange visitor; or

(J) the foreign national is traveling to the United States, at the request of a United States Government department or agency, for legitimate law enforcement, foreign policy, or national security purposes.

Sec. 4. Adjustments to and Removal of Suspensions and Limitations. (a) The Secretary of Homeland Security shall, in consultation with the Secretary of State, devise a process to assess whether any suspensions and limitations imposed by section 2 of this proclamation should be continued, terminated, modified, or supplemented. The process shall account for

whether countries have improved their identity-management and information-sharing protocols and procedures based on the criteria set forth in section 1 of this proclamation and the Secretary of Homeland Security's report of September 15, 2017. Within 180 days of the date of this proclamation, and every 180 days thereafter, the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, the Director of National Intelligence, and other appropriate heads of agencies, shall submit a report with recommendations to the President, through appropriate Assistants to the President, regarding the following:

(i) the interests of the United States, if any, that continue to require the suspension of, or limitations on, the entry on certain classes of nationals of countries identified in section 2 of this proclamation and whether the restrictions and limitations imposed by section 2 of this proclamation should be continued, modified, terminated, or supplemented; and

(ii) the interests of the United States, if any, that require the suspension of, or limitations on, the entry of certain classes of nationals of countries not identified in this proclamation.

(b) The Secretary of State, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the Attorney General, the Director of National Intelligence, and the head of any other executive department or agency (agency) that the Secretary of State deems appropriate, shall engage the countries listed in section 2 of this proclamation, and any other countries that have information-sharing, identity-management, or risk-factor deficiencies as practicable, appropriate, and consistent with the foreign policy, national security, and public-safety objectives of the United States.

(c) Notwithstanding the process described above, and consistent with the process described in section 2(f) of Executive Order 13780, if the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, and the Director of National Intelligence, determines, at any time, that a country meets the standards of the baseline described in section 1(c) of this proclamation, that a country has an adequate plan to provide such information, or that one or more of the restrictions or limitations imposed on the entry of a country's nationals are no longer necessary for the security or welfare of the United States, the Secretary of Homeland Security may recommend to the President the removal or modification of any or all such restrictions and limitations. The Secretary of Homeland Security, the Secretary of State, or the Attorney General may also, as provided for in Executive Order 13780, submit to the President the names of additional countries for which any of them recommends any lawful restrictions or limitations deemed necessary for the security or welfare of the United States.

Sec. 5. Reports on Screening and Vetting Procedures. (a) The Secretary of Homeland Security, in coordination with the Secretary of State, the Attorney General, the Director of National Intelligence, and other appropriate heads of agencies shall submit periodic reports to the President, through appropriate Assistants to the President, that:

- (i) describe the steps the United States Government has taken to improve vetting for nationals of all foreign countries, including through improved collection of biometric and biographic data;
- (ii) describe the scope and magnitude of fraud, errors, false information, and unverifiable claims, as determined by the Secretary of Homeland Security on the basis of a validation study, made in applications for immigration benefits under the immigration laws; and
- (iii) evaluate the procedures related to screening and vetting established by the Department of State's Bureau of Consular Affairs in order to enhance the safety and security of the United States and to ensure sufficient review of applications for immigration benefits.

(b) The initial report required under subsection (a) of this section shall be submitted within 180 days of the date of this proclamation; the second report shall be submitted within 270 days of the first report; and reports shall be submitted annually thereafter.

(c) The agency heads identified in subsection (a) of this section shall coordinate any policy developments associated with the reports described in subsection (a) of this section through the appropriate Assistants to the President.

Sec. 6. 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 this proclamation.

(b) In implementing this proclamation, the Secretary of State and the Secretary of Homeland Security shall comply with all applicable laws and regulations, including those that provide an opportunity for individuals to enter the United States on the basis of a credible claim of fear of persecution or torture.

(c) No immigrant or nonimmigrant visa issued before the applicable effective date under section 7 of this proclamation shall be revoked pursuant to this proclamation.

(d) Any individual whose visa was marked revoked or marked canceled as a result of Executive Order 13769 of January 27, 2017 (Protecting the Nation from Foreign Terrorist Entry into the United States), shall be entitled to a travel document

confirming that the individual is permitted to travel to the United States and seek entry under the terms and conditions of the visa marked revoked or marked canceled.

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 proclamation shall not apply to an individual who has been granted asylum by the United States, 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 proclamation shall be construed to limit the ability of an individual to seek asylum, refugee status, withholding of removal, or protection under the Convention Against Torture, consistent with the laws of the United States.

Sec. 7. Effective Dates. Executive Order 13780 ordered a temporary pause on the entry of foreign nationals from certain foreign countries. In two cases, however, Federal courts have enjoined those restrictions. The Supreme Court has stayed those injunctions as to foreign nationals who lack a credible claim of a bona fide relationship with a person or entity in the United States, pending its review of the decisions of the lower courts.

(a) The restrictions and limitations established in section 2 of this proclamation are effective at 3:30 p.m. eastern daylight time on September 24, 2017, for foreign nationals who:

(i) were subject to entry restrictions under section 2 of Executive Order 13780, or would have been subject to the restrictions but for section 3 of that Executive Order, and

(ii) lack a credible claim of a bona fide relationship with a person or entity in the United States.

(b) The restrictions and limitations established in section 2 of this proclamation are effective at 12:01 a.m. eastern daylight time on October 18, 2017, for all other persons subject to this proclamation, including nationals of:

(i) Iran, Libya, Syria, Yemen, and Somalia who have a credible claim of a bona fide relationship with a person or entity in the United States; and

(ii) Chad, North Korea, and Venezuela.

Sec. 8. Severability. It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, foreign policy, and counterterrorism interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its other provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, 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 to conform with existing law and with any applicable court orders.

Sec. 9. General Provisions. (a) Nothing in this proclamation 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 proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation 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.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP



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- DECEMBER 07, 2015 -

DONALD J. TRUMP STATEMENT ON PREVENTING MUSLIM IMMIGRATION

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

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

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The Washington Post

Post Politics

‘I think Islam hates us’: A timeline of Trump’s comments about Islam and Muslims

By Jenna Johnson and Abigail Hauslohner May 20

President Trump is in Saudi Arabia this weekend to meet with Arab leaders, visit the birthplace of Islam and give a speech about religious tolerance with the hope of resetting his reputation with the world’s 1.6 billion Muslims. But it’s unclear if a two-day visit is enough to overshadow his past statements about Islam and its faithful, with his rhetoric becoming more virulent as he campaigned for president.

Here’s a look back at some of the comments that he has made:

March 30, 2011: For years, Trump publicly questioned then-President Barack Obama’s religious beliefs and place of birth. As he debated running for president in the 2012 election, Trump said in a radio interview: “He doesn’t have a birth certificate, or if he does, there’s something on that certificate that is very bad for him. Now, somebody told me — and I have no idea if this is bad for him or not, but perhaps it would be — that where it says ‘religion,’ it might have ‘Muslim.’ And if you’re a Muslim, you don’t change your religion, by the way.” (Obama is a Christian, and state records show he was born in Hawaii.)

Sept. 17, 2015: At a campaign town hall in New Hampshire, a man in the audience shouted out: “We have a problem in this country; it’s called Muslims. We know our current president is one.” The man mentioned Muslim “training camps” and asked: “When can we get rid of them?” Trump responded: “We’re going to be looking at a lot of different things. You know, a lot of people are saying that, and a lot of people are saying that bad things are happening out there. We’re going to be looking at that and plenty of other things.”

Sept. 20, 2015: On NBC News, Trump was asked if he would be comfortable with a Muslim as president; he responded: “I can say that, you know, it’s something that at some point could happen. We will see. I mean, you know, it’s something that could happen. Would I be comfortable? I don’t know if we have to address it right now, but I think it is certainly something that could happen.”

Sept. 30, 2015: At a New Hampshire rally, Trump pledged to kick all Syrian refugees — most of whom are Muslim — out of the country, as they might be a secret army. “They could be ISIS, I don’t know. This could be one of the great tactical ploys of all time. A 200,000-man army, maybe,” he said. In an interview that aired later, Trump said: “This could make the Trojan horse look like peanuts.”

Oct. 21, 2015: On Fox Business, Trump says he would “certainly look at” the idea of closing mosques in the United States.

Nov. 16, 2015: Following a series of terrorist attacks in Paris, Trump said on MSNBC that he would “strongly consider” closing mosques. “I would hate to do it, but it’s something that you’re going to have to strongly consider because some of the ideas and some of the hatred — the absolute hatred — is coming from these areas,” he said.

Nov. 20, 2015: In comments to Yahoo and NBC News, Trump seemed open to the idea of creating a database of all Muslims in the United States. Later, he and his aides would not rule out the idea.

Nov. 21, 2015: At a rally in Alabama, Trump said that on Sept. 11 he “watched when the World Trade Center came tumbling down. And I watched in Jersey City, N.J., where thousands and thousands of people were cheering as that building was coming down.”

Nov. 22, 2015: On ABC News, Trump doubled down on his comment and added: “It was well covered at the time. There were people over in New Jersey that were watching it, a heavy Arab population, that were cheering as the buildings came down. Not good.” (While there were some reports of celebrations overseas, extensive examination of news clips turn up no such celebrations in New Jersey.)

Nov. 30, 2015: On MSNBC, a reporter asked Trump if he thinks Islam is an inherently peaceful religion that’s been perverted by a small percentage of followers or if it is an inherently violent religion. Trump responded: “Well, all I can say ... there’s something going on. You know, there’s something definitely going on. I don’t know that that question can be answered.” He also said: “We are not loved by many Muslims.”

Dec. 3, 2015: The morning after Syed Rizwan Farook and Tashfeen Malik killed 14 people in San Bernardino, Calif., Trump called into Fox News and said: “The other thing with the terrorists is you have to take out their families, when you get these terrorists, you have to take out their families.” (Killing the relatives of suspected terrorists is forbidden by international law.) Later, in a speech to the Republican Jewish Coalition, Trump criticized Obama for not using the phrase “radical Islamic terrorism” and commented: “There’s something going on with him that we don’t know about.”

Dec. 6, 2015: On CBS News, Trump said: “If you have people coming out of mosques with hatred and death in their eyes and on their minds, we’re going to have to do something.” Trump also said he didn’t believe the sister of one of the San Bernardino shooters who said she was crestfallen for the victims, saying: “I would go after a lot of people, and I would find out whether or not they knew. I would be able to find out, because I don’t believe the sister.”

Dec. 7, 2015: Trump's campaign issued a statement saying: "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." Trump read this statement aloud at a rally in South Carolina.

Dec. 8, 2015: On CNN, Trump quoted a widely debunked poll by an anti-Islam activist organization that claimed that a quarter of the Muslims living in the United States agreed that violence against Americans is justified as part of the global jihad. "We have people out there that want to do great destruction to our country, whether it's 25 percent or 10 percent or 5 percent, it's too much," Trump said.

Dec. 13, 2015: On Fox News, Trump was asked if his ban would apply to a Canadian businessman who is a Muslim. Trump responded: "There's a sickness. They're sick people. There's a sickness going on. There's a group of people that is very sick."

Jan. 12, 2016: At a rally in Iowa, Trump shared his suspicions about Syrian refugees and then read the lyrics to Al Wilson's 1968 song "The Snake," the story of a "tender woman" who nursed a sickly snake back to health but then was attacked by the snake. Trump often read these lyrics at rallies.

Feb. 3, 2016: Trump criticized Obama for visiting a mosque in Baltimore and said on Fox News: "Maybe he feels comfortable there ... There are a lot of places he can go, and he chose a mosque." (It was Obama's first visit to a mosque during his presidency, and it was made in an effort to encourage religious tolerance in light of growing anti-Muslim sentiment.)

Feb. 20, 2016: After Obama skipped the funeral of Supreme Court Justice Antonin Scalia, Trump tweeted: "I wonder if President Obama would have attended the funeral of Justice Scalia if it were held in a Mosque? Very sad that he did not go!" (Obama did pay his respects when Scalia's body lay in repose in the Supreme Court.) That night at a rally in South Carolina, Trump told an apocryphal tale that he would return to repeatedly about U.S. Gen. John J. Pershing fighting Muslim insurgents in the Philippines in the early 1900s and killing a large group of insurgents with bullets dipped in pigs' blood.

March 9, 2016: On CNN, Trump said: "I think Islam hates us. There's something there that — there's a tremendous hatred there. There's a tremendous hatred. We have to get to the bottom of it. There's an unbelievable hatred of us."

March 22, 2016: Soon after three suicide bombings in Brussels tied to a group of French and Belgian Muslims, Trump told Fox Business: "We're having problems with the Muslims, and we're having problems with Muslims coming into the country." Trump called for surveillance of mosques in the United States, saying: "You have to deal with the mosques, whether we like it or not, I mean, you know, these attacks aren't coming out of — they're not done by Swedish people."

On NBC News, Trump added: "This all happened because, frankly, there's no assimilation. They are not assimilating . . . They want to go by sharia law. They want sharia law. They don't want the laws that we have. They want sharia law."

March 23, 2016: In an interview with Bloomberg TV, Trump said that Muslims "have to respect us. They do not respect us at all. And frankly, they don't respect a lot of the things that are happening throughout not only our country, but they don't respect other things."

March 29, 2016: During a town hall in Wisconsin, CNN's Anderson Cooper asked Trump: "Do you trust Muslims in America?" Trump responded: "Do I what?" Cooper again asked: "Trust Muslims in America?" Trump responded: "Many of them I do. Many of them I do, and some, I guess, we don't. Some, I guess, we don't. We have a problem, and we can try and be very politically correct and pretend we don't have a problem, but, Anderson, we have a major, major problem. This is, in a sense, this is a war."

May 20, 2016: On Fox News, Trump said this of Muslims: "They're going to have to turn in the people that are bombing the planes. And they know who the people are. And we're not going to find the people by just continuing to be so nice and so soft."

June 13, 2016: The day after the mass shooting at a gay nightclub in Orlando, Trump declared in a speech in New Hampshire that "radical Islam is anti-woman, anti-gay and anti-American." He criticized his Democratic rival, Hillary Clinton, for refusing to use the term "radical Islam" and for speaking positively of Islam. "Hillary Clinton's catastrophic immigration plan will bring vastly more radical Islamic immigration into this country, threatening not only our society but our entire way of life. When it comes to radical Islamic terrorism, ignorance is not bliss. It's deadly — totally deadly," Trump said. Later he added: "I want every American to succeed, including Muslims — but the Muslims have to work with us. They have to work with us. They know what's going on."

June 14, 2016: At a rally in North Carolina, Trump noted that the Orlando shooter's parents are Muslim Americans who immigrated from Afghanistan. "The children of Muslim American parents, they're responsible for a growing number for whatever reason a growing number of terrorist attacks," he said, adding that immigration from Afghanistan has increased five-fold. "... Every year we bring in more than 100,000 lifetime immigrants from the Middle East and many more from Muslim countries outside of the Middle East. A number of these immigrants have hostile attitudes."

June 15, 2016: On Fox News, Trump said this of Muslims who immigrate to the United States: "Assimilation has been very hard. It's almost — I won't say nonexistent, but it gets to be pretty close. And I'm talking about second and third generation. They come — they don't — for some reason, there's no real assimilation."

July 21, 2016: In accepting the Republican Party's presidential nomination, Trump focused heavily on "brutal Islamic terrorism" and promised: "I will do everything in my power to protect our LGBTQ citizens from the violence and oppression of a hateful foreign ideology."

July 24, 2016: On NBC News, Trump defended his proposal for a Muslim ban, despite some of his aides insisting he had rolled it back. "People were so upset when I used the word Muslim. 'Oh, you can't use the word Muslim,' " Trump said. "... But just remember this: Our Constitution is great, but it doesn't necessarily give us the right to commit suicide, okay? Now, we have a religious — you know, everybody wants to be protected. And that's great. And that's the wonderful part of our Constitution. I view it differently. Why are we committing suicide? Why are we doing that?"

Aug. 11, 2016: At a meeting of evangelical leaders in Orlando, Trump said: "If you were a Christian in Syria, it was virtually impossible to come into the United States. If you were a Muslim from Syria, it was one of the easier countries to be able to find your way into the United States. Think of that. Just think of what that means."

Aug. 18, 2016: During a rally in North Carolina, Trump said that “all applicants for immigration will be vetted for ties to radical ideology, and we will screen out anyone who doesn't share our values and love our people.”

Sept. 19, 2016: At a rally in Florida, Trump reacted to explosions over the weekend in New York and New Jersey and said: “There have been Islamic terrorist attacks in Minnesota and New York City and in New Jersey. These attacks and many others were made possible because of our extremely open immigration system, which fails to properly vet and screen the individuals and families coming into our country. Got to be careful.”

Jan. 27, 2017: Within a week of becoming president, Trump signed an executive order blocking Syrian refugees and banning citizens of seven predominantly Muslim countries from entering the United States for 90 days. This order goes into effect immediately, prompting mass chaos at airports, protests and legal challenges. Rudolph W. Giuliani, a close adviser to the president, later said on Fox News: “So when [Trump] first announced it, he said, 'Muslim ban.' He called me up. He said, 'Put a commission together. Show me the right way to do it legally.'”

Feb. 28, 2017: Despite urging from some of his Cabinet members, Trump continues to use the term “radical Islamic terrorism,” including in a speech to a joint session of Congress.

March 6, 2017: Trump issues a new travel ban for citizens from six majority-Muslim countries, which is also challenged in the courts.

April 29, 2017: At a rally celebrating his 100th day in office, Trump once again dramatically read “The Snake.”

May 17, 2017: At a commencement ceremony, Trump previewed his upcoming overseas trip and said: “I'll speak with Muslim leaders and challenge them to fight hatred and extremism and embrace a peaceful future for their faith. And they're looking very much forward to hearing what we, as your representative, we have to say. We have to stop radical Islamic terrorism.”

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

Abigail Hauslohner is a national reporter who covers Islam, Arab affairs and America. Before coming to Washington in 2015, she spent seven years covering war, politics and religion in the Middle East, and served as the Post's Cairo bureau chief. She has also covered District politics and government. 🐦 Follow @ahauslohner



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MEET THE PRESS JUL 24 2016, 11:47 AM ET

Meet the Press - July 24, 2016

Meet the Press - July 24, 2016

CHUCK TODD:

This Sunday, the Democratic National Convention gets underway here in Philadelphia, after a raucous and unpredictable Republican convention. That ended with the nomination of Donald Trump.

DONALD TRUMP:

I am with you, I will fight for you, and I will win for you.

CHUCK TODD:

This morning, my sit-down with Donald Trump on his convention speech.

DONALD TRUMP:

The only negative reviews were a little dark.

CHUCK TODD:

On whether he's backing off on his Muslim band.

DONALD TRUMP:

I actually don't think it's a pull-back. In fact, you could say it's an expansion.

CHUCK TODD:

And on Hillary Clinton's choice of Tim Kaine.

DONALD TRUMP:

Tim Kaine was a slap in the face to Bernie Sanders.

CHUCK TODD:

Plus Hillary Clinton and Tim Kaine hit the road in Florida.

HILLARY CLINTON:

Tim Kaine is everything Donald Trump and Mike Pence are not.

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CHUCK TODD:

But some Bernie Sanders supporters are criticizing the Kaine pick as a sellout to moderates. I'll talk to Sanders and get his reaction to that and to the DNC Wikileaks e-mail release. Joining me for insight and analysis are MSNBC's Rachel Maddow, former chairman of the RNC, Michael Steele, NBC News Chief Foreign Affairs Correspondent, Andrea Mitchell, and host of Hardball and Philadelphia hometown boy, Chris Matthews. Trump, Sanders and reactions to the new Democratic ticket. Welcome to Sunday, in a special edition of Meet the Press at the Democratic National Convention.

CHUCK TODD:

Good Sunday morning. We are at the Wells Fargo Center here in South Philadelphia, home of the NBA 76ers and the NHL Broad Street Bullies, the Fliers. Democrats have begun to arrive, along with a pretty bad heat wave. And beginning tomorrow, they will gather to officially nominate Hillary Clinton as their presidential candidate.

Yesterday in Miami, Clinton was joined by her new running mate, Senator Tim Kaine of Virginia, in an upbeat event that was notable simply by the contrast to the disorganized rollout of Donald Trump's running mate a week earlier, Mike Pence.

(BEGIN TAPE)

SEN. TIM KAINE:

Hillary Clinton, she doesn't insult people, she listens to them. What a novel concept, right? She doesn't trash our allies, she respects them. And she'll always have our backs, that is something I am rock solid sure of.

(END TAPE)

CHUCK TODD:

We will get to reaction to the new Democratic ticket later in the show, including my interview with Senator Bernie Sanders of Vermont in a moment. But first, we're going to talk also about Sanders, about those Wikileaks emails and what they may say about DNC favoritism towards Hillary Clinton. But we begin with the man who has now taken control of the Republican Party. It's nominee Donald Trump.

I traveled to Trump National Golf Club in Bedminster, New Jersey, sort of his weekend getaway, last night for a face-to-face interview since dropping the word "presumptive," it's his first one, from the nominee title. We touched on so much: Tim Kaine, Trump's tax returns, his proposed restrictions on Muslim immigration and why he says he alone can fix the country's problems. But I began by asking him how it feels to be the Republican nominee for president of the United States.

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(BEGIN TAPE)

DONALD TRUMP:

Well, it really feels great. And we really have a very unified party, other than a very small group of people that, frankly, lost. And we have a very unified party. You saw that the other night with the love in the room, and the enthusiasm in the room. The enthusiasm, there are people that say they have never seen anything like what was going on in that room, especially Thursday night.

CHUCK TODD:

Let me tell you, you bring up Thursday night, I've got to ask you about your entrance. Before we get serious here. That Monday night entrance was something else. I know you've gotten a lot of feedback on it. How'd you come up with it?

DONALD TRUMP:

I think I'm a little bit lucky, and a couple of people had that idea and I went along with the idea. And everything just worked right. And it was so good that they wanted to do it on Thursday night. I said, "Never in a million years, because you'll never get it that way again."

CHUCK TODD:

I don't think I've seen that even on WWE.

DONALD TRUMP:

Yeah, I know. Well, Vince is a good friend of mine. He called me, he said, "That was a very, very good entrance." But I didn't want to do it a second time, because, you know, it never works out the second time.

CHUCK TODD:

All right, let's go into the speech. I want to put some meat on the bones. But first, let's talk about, you've seen some of the positive reviews, some of the negative reviews. Some of the negative has been that it was a little dark--

DONALD TRUMP:

That's the only thing that--

CHUCK TODD:

--that there wasn't enough optimism in it. What would you say? It's not Morning in America.

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DONALD TRUMP:

Yeah.

CHUCK TODD:

What would you say to that?

DONALD TRUMP:

Well, I think the only negativity, and, you know, the hate, I call them the haters, and that's fine. But the only negative reviews were, "A little dark." And the following day, they had another attack, and then today you see what happened in Afghanistan with many, many people killed.

They have no idea how many, so many killed. Yesterday it was Munich. And you know, I know they're saying, "Maybe it wasn't terrorism. Maybe it was just a crazy guy." But in the meantime he's screaming, "Allahu Akbar," as he's shooting people, so, you know, we'll see how that turns out. And all of a sudden people are saying, "Maybe it wasn't dark at all." But the only thing that some people said, "It was a little dark. It was a little bit tough."

CHUCK TODD:

Do you think it was a little dark?

DONALD TRUMP:

No, oh, I thought it was very optimistic. To me, it was an optimistic speech, because--

CHUCK TODD:

What makes it optimistic in your view?

DONALD TRUMP:

Because we're going to stop the problems. We're going to stop the problems. In other words, sure, I talk about the problems, but we're going to solve the problems.

CHUCK TODD:

One of the phrases you used, "I alone can fix it." And to some people, that sounded almost too strong-mannish for them. Do you understand that criticism and what do you make of it?

DONALD TRUMP:

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I'll tell you, part of it was I'm comparing myself to Hillary. And we know Hillary, and we look at her record. Her record has been a disaster. And I am running against Hillary. It's not like I'm running against the rest of the world. I know people that are very, very capable that could do a very good job, but they could never get elected.

I can tell you right now. I can give you ten names of people that would do an extraordinary job, but there's no way they could ever get elected. They wouldn't know where to begin. It wouldn't be for them. But for governing, they would be good. I'm running and, you know, against one person.

CHUCK TODD:

You said there would be consequences for any company that tried to move a factory out. What--

DONALD TRUMP:

Absolutely, so simple--

CHUCK TODD:

--what is the consequence? Let's start with, you bring up Carrier a lot.

DONALD TRUMP:

It's so simple--

(OVERTALK)

CHUCK TODD:

Right, I understand that. But explain the consequences--

DONALD TRUMP:

Okay, here's the consequence--

CHUCK TODD:

What would it be?

DONALD TRUMP:

So Carrier comes in, they announce they're moving to Mexico, they fire all their people in Indiana, and they say, "Hi, well, here we are in Mexico, you know, enjoy your plant, enjoy the rest of your life," and you hire people from Mexico, okay? Now they make their product and they put it into the United States.

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Well, we will have a very strong border, by the way, but they put it into the United States and we don't charge them tax. There will be a tax to be paid. If they're going to fire all their people, move their plant to Mexico, build air conditioners, and think they're going to sell those air conditioners to the United States, there's going to be a tax.

CHUCK TODD:

What kind of tax are you thinking?

DONALD TRUMP:

It could be 25 percent. It could be 35 percent. It could be 15 percent. I haven't determined. And it could be different for different companies. We have been working on trying to stop this government, because we don't know what we're doing. And not only Obama, they've been trying to stop this from before Obama. But they don't know. You know, they've done, they've tried lower interest loans, they've tried zero interest loans, these guys--

CHUCK TODD:

Well, some of these things aren't going to get through the World Trade Organization. There's--

DONALD TRUMP:

It doesn't matter. Then we're going to renegotiate or we're going to pull out. These trade deals are a disaster, Chuck. World Trade Organization is a disaster.

CHUCK TODD:

You know the concern on some of this--

DONALD TRUMP:

NAFTA is a disaster--

CHUCK TODD:

-- is that it would rattle the world economy. Look what Brexit did to the world economy. Investors got rattled.

DONALD TRUMP:

What did it do? What did it do?

CHUCK TODD:

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Now you--

DONALD TRUMP:

The stock market's higher now than it was when it happened. And by the way, I'm the only one of all of these people at the higher level of the wonderful world of politics, I'm the only one that said, "Brexit's going to happen." Remember, I was asked the question. I said, "Yeah, I think they're going to approve it. I think they want independence. I don't think they want people pouring into their country." And I was--

CHUCK TODD:

You're not worried about, you think a fractured Europe is good for America?

DONALD TRUMP:

No, no. But we're spending a lot of money on Europe. Don't forget, Europe got together, why, primarily did they get together? So that they could beat the United States when it comes to making money, in other words, foreign trade--

CHUCK TODD:

Economic--

DONALD TRUMP:

Okay? And now we talk about Europe like it's so wonderful. Hey, I love Europe, I have property in Europe. I'm just saying, the reason that it got together was like a consortium so that it could compete with the United States--

CHUCK TODD:

So what you're saying is all this stuff is good for America, even if it's not good for Europe?

DONALD TRUMP:

Look, you take a look at Airbus. They make more planes now than Boeing, okay? They got together, all of these countries got together so that they could beat the United States. Okay, so we're in competition. So you know, we're in competition in one way, we're helping them in another way. It is so messed up.

CHUCK TODD:

The Muslim ban. I think you've pulled back from it, but you tell me.

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(BEGIN TAPE)

DONALD TRUMP:

We must immediately suspend immigration from any nation that has been compromised by terrorism until such time as proven vetting mechanisms have been put in place.

(END TAPE)

CHUCK TODD:

This feels like a slight rollback--

DONALD TRUMP:

I don't think that's--

CHUCK TODD:

Should it be interpreted--

DONALD TRUMP:

I don't think so. I actually don't think it's a rollback. In fact, you could say it's an expansion. I'm looking now at territories. People were so upset when I used the word Muslim. Oh, you can't use the word Muslim. Remember this. And I'm okay with that, because I'm talking territory instead of Muslim.

But just remember this: Our Constitution is great. But it doesn't necessarily give us the right to commit suicide, okay? Now, we have a religious, you know, everybody wants to be protected. And that's great. And that's the wonderful part of our Constitution. I view it differently.

Why are we committing suicide? Why are we doing that? But you know what? I live with our Constitution. I love our Constitution. I cherish our Constitution. We're making it territorial. We have nations and we'll come out, I'm going to be coming out over the next few weeks with a number of the places. And it's very complex--

CHUCK TODD:

Well I was just going to say--

DONALD TRUMP:

--we have problems in Germany and we have problems with France--

CHUCK TODD:

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I was just going to ask that. Will this limit--

DONALD TRUMP:

You know, so it's not just the countries with--

CHUCK TODD:

--would this limit immigration from France?

DONALD TRUMP:

What we're going to have is a thing called--

CHUCK TODD:

They've been compromised by terrorism.

DONALD TRUMP:

They have totally been. And you know why? It's their own fault. Because they allowed people to come into their territory--

CHUCK TODD:

So you would toughen up. You're basically saying, "Hey, if the French want to come over here, you've got to go through an extra check."

DONALD TRUMP:

It's their own fault, because they've allowed people over years to come into their territory. And that's why Brexit happened, okay? Because the U.K. is saying, "We're tired of this stuff, what's going on, we're tired of." But listen to this--

CHUCK TODD:

You could get to the point where you're not allowing a lot of people to come into this country from a lot of places.

DONALD TRUMP:

Maybe we get to that point. Chuck, look what's happening. Look at what just took place in Afghanistan, where they blow up a whole shopping center with people, they have no idea how many people were even killed. Happened today. So we have to be smart and we have to be vigilant and we have to be strong. We can't be the stupid people--

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CHUCK TODD:

So France, Germany, Spain--

DONALD TRUMP:

Here's my plan--

CHUCK TODD:

--places that have been compromised?

DONALD TRUMP:

--here is what I want: Extreme vetting. Tough word. Extreme vetting.

CHUCK TODD:

What does that look like?

DONALD TRUMP:

Tough. We're going to have tough standards. And if a person can't prove--

CHUCK TODD:

Give me one.

DONALD TRUMP:

--that they're from an area, and if a person can't prove what they have to be able to prove, they're not coming into this country. And I would stop the Syrian migration and the Syrian from coming into this country in two seconds. Hillary Clinton wants to take 550 percent more people coming in from that area than Barack Obama. I think she's crazy. I think she's crazy. We have no idea who these people are for the most part, and you know, because I've seen them on different shows--

CHUCK TODD:

All right.

DONALD TRUMP:

--but more importantly, I've read about it. I study it. There is no way that you can vet some of these people. There is no way. Law enforcement officials, I've had them in my office. I've talked to them.

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CHUCK TODD:

You realize some of these folks have nowhere to go? They're truly victims of this civil war, what do you do with them?

DONALD TRUMP:

We will help them and we will build safe havens over in Syria, and we will get Gulf States--

CHUCK TODD:

We, the United States are going to build these safe havens?

DONALD TRUMP:

We, the United States, we'll get Gulf States to pay for it, because we right now, we're going to have \$21 trillion very soon, trillion, in debt. We will do safe havens and safe zones in Syria and we will get nations that are so wealthy that are not doing anything. They're not doing much. They have nothing but money. And you know who I'm talking about, the Gulf States. And we will get them to pay for it. We would lead it. I don't want to pay because our country is going down the tubes. We owe too much money.

CHUCK TODD:

All right. Let me move to something with NATO. Mitch McConnell said this about your NATO remarks in the New York Times. He said it was a rookie mistake, and that once you, let me finish the comment here. "It's a rookie mistake, and it proves that Trump needs people like us around to help steer him in the right direction on some basic things."

DONALD TRUMP:

He's 100 percent wrong. Okay? He's 100 percent wrong if he said that. I didn't hear he said that--

CHUCK TODD:

He did say it.

DONALD TRUMP:

Okay, fine, fine--

CHUCK TODD:

New York Times--

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nbcnews.com

DONALD TRUMP:

If he said that, he's 100 percent wrong. And frankly it's sad. We have NATO, and we have many countries that aren't paying for what they're supposed to be paying, which is already too little, but they're not paying anyway. And we're giving them a free ride or giving them a ride where they owe us tremendous amounts of money. And they have the money. But they're not paying it. You know why? Because they think we're stupid--

CHUCK TODD:

So Estonia is paying, and if they get invaded by Russia, you're there?

DONALD TRUMP:

I feel differently. I feel very differently--

CHUCK TODD:

But if a country's not doing -- Britain hasn't done the two percent.

DONALD TRUMP:

We have countries that aren't paying. Now, this goes beyond NATO, because we take care of-- we take care of Japan, we take care of Germany, we take care of South Korea, we take care of Saudi Arabia, and we lose on everything. We lose on everything. If Mitch McConnell says that, then he's wrong.

So all I'm saying is they have to pay. Now, a country gets invaded, they haven't paid, everyone says, "Oh, but we have a treaty." Well, they have a treaty too. They're supposed to be paying. We have countries within NATO that are taking advantage of us. With me, I believe they're going to pay. And when they pay, I'm a big believer in NATO.

But if they don't pay, we don't have, you know, Chuck, this isn't 40 years ago. This isn't 50 years ago. It's not 30 years ago. We're a different country today. We're much weaker, our military is depleted, we owe tremendous amounts of money. We have to be reimbursed. We can no longer be the stupid country.

(END TAPE)

CHUCK TODD:

When we come back, what Donald Trump says about David Duke, Bernie Sanders, and whether he really plans to spend millions for the sole purpose of defeating Ted Cruz and John Kasich. Sanders about Trump and about his reaction to Tim Kaine becoming Hillary Clinton's running mate. We're in

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Philadelphia, site of the Democratic National Convention. Stay with us.

COMMERCIAL BREAK

CHUCK TODD:

Such a beautiful city here. Welcome back. More now of my interview with Donald Trump at The Trump National Golf Club in Bedminster, New Jersey. And since we had a limited amount of time, I ended up speeding things up by asking Trump for some quick reaction to simply some very prominent names in the news.

(BEGIN TAPE)

CHUCK TODD:

I'm just going to literally throw out a name and you'll know the question I'm asking. Bernie Sanders.

DONALD TRUMP:

Great respect for what he's done. He is being taken advantage of, and frankly, the system was rigged, and I'm the first one to say it was rigged against him. And by the way--

CHUCK TODD:

You took after him. You took after him. You said for supporting Hillary Clinton, you think he needs to--

DONALD TRUMP:

Well, I'm not a fan of Bernie Sanders. But I am a fan of one thing that he talks about: Trade. He is the only one on that side that understands trade. Now, he can't do anything about it because that's not his thing. But he has been gamed. He has been, it's a rigged system against him. And what happened with the choice of Tim Kaine was a slap in the face to Bernie Sanders and everybody. I was shocked. I love it from my standpoint, I love--

CHUCK TODD:

Why do you love the Kaine pick?

DONALD TRUMP:

Well, first of all, he took over \$160,000 of gifts. And they said, "Well, they weren't really gifts, they were suits and trips and lots of different things," all for 160--

CHUCK TODD:

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Legal, legal in the state of Virginia.

DONALD TRUMP:

Bob McDonnell-- I believe it was Bob McDonnell, in the meantime, he had to go to the United States Supreme Court to get out of going to jail--

CHUCK TODD:

Well, they proved to quid pro quo--

DONALD TRUMP:

--for taking a fraction of what--

CHUCK TODD:

They proved quid pro quo on that one.

DONALD TRUMP:

Excuse me, Bob McDonnell took a fraction of what Kaine took. And I think, to me, it's a big problem. Now, how do you take all these gifts? Hundreds of thousands of dollars. The other thing about him, he's bought and owned by the banks. And the third thing, he's in favor of TPP and every other trade deal that he's ever looked at. And that means he wants people not to work.

Now, he's going to change his tune. And I understand he's now going to say, "I'm against TPP." Hillary Clinton was totally in favor of TPP, which is the job killer, right? So was he. When she watched me on your show and other shows, all of a sudden she changed, because she knows she can't win that in a debate.

CHUCK TODD:

All right. Ted Cruz, I'm going to amend it, are you really going to fund a super PAC to help defeat him--

DONALD TRUMP:

Well, it's not the number one thing on my mind. Look, what's on my mind is beating Hillary Clinton. What's on my mind is winning for the Republican Party. With that being said, yeah, I'll probably do a super PAC, you know, when they run against Kasich, for \$10 million to \$20 million, against Ted Cruz. And maybe one other person that I'm thinking about--

CHUCK TODD:

Who's that other one person?

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DONALD TRUMP:

--but I won't tell you that. I mean, he's actually such a small person, I hate to give him the publicity. But yes, I will probably do that at the appropriate at time. But I'm not going to do that until--

CHUCK TODD:

Oh, give me the small person here.

DONALD TRUMP:

No, no, don't worry about it. We'll give it to you another time.

CHUCK TODD:

All right, let me ask you about this one. David Duke announced his Senate candidacy claiming your agenda for his own, or essentially saying, "Glad that you spoke out."

DONALD TRUMP:

Are you ready, before you ask the question?

CHUCK TODD:

Newt Gingrich said, "Every Republican should repudiate this guy no matter what it takes"--

DONALD TRUMP:

I did. And I do. Are you ready? I want--

CHUCK TODD:

Would you support a Democrat over David Duke if that was what was necessary to defeat him?

DONALD TRUMP:

I guess, depending on who the Democrat, but the answer would be yes. Look, the answer is, as quick as you can say it. In fact, I went to answer you before you--

DONALD TRUMP:

Because last time with another person in your position, I did it very quickly. And they said, "He didn't do it fast enough." Rebuked. Is that okay? Rebuked, done--

CHUCK TODD:

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Rebuted, done. Okay. Tax returns. A lot of conspiracy theories are being out there about why-- what's in your tax returns. You would get rid of all these conspiracy theories tomorrow--

DONALD TRUMP:

Let me tell you--

CHUCK TODD:

Probably make people look silly--

DONALD TRUMP:

Let me tell you. Let me give you a little lesson on tax returns. First of all, you don't learn very much from a tax return. I put in to the federal elections group 100 and some-odd pages of my financials. It showed, as you know, that I'm much wealthier than anybody even understood, okay? Tremendous cash, tremendous assets, tremendous all that stuff. Okay, that's it. I'm going through a routine audit. Just a routine audit, and I've had it for I think 14 years, 13 years--

CHUCK TODD:

Why?

DONALD TRUMP:

Every year they audit me. It's routine government. I would never give my tax returns until the audit's finished. But remember this: Mitt Romney, four years ago, was under tremendous pressure to give his tax returns. And he held it and held it and held it, and he fought it, and he, you know, he didn't do too well, okay? But he didn't do anything wrong on his taxes. When he gave his tax returns, people forget, not now. He gave them in September, before the election--

CHUCK TODD:

So you still might release them--

DONALD TRUMP:

No, wait a minute, wait a minute. When he did, and his tax returns are a tiny peanut compared to mine, they went through his tax returns. And they found one little sentence, another little-- there was nothing wrong. And they made him look bad. In fact I think he lost his election because of that.

CHUCK TODD:

Because of the tax returns?

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DONALD TRUMP:

I think he lost. And I'll tell you why: He didn't do anything wrong. Mitt Romney did nothing wrong. But they would take out of, his weren't too big. Have you ever seen mine with the picture, they're like this high?

CHUCK TODD:

I have seen that picture, yes.

DONALD TRUMP:

Okay, so they took his tax return and they found a couple of little things. Nothing wrong, just standard. And they made him look very bad, very unfair. But with all that said, I'd love to give them, but I'm under audit. When the audit's finished I'll give them.

CHUCK TODD:

Finally, Roger Ailes. Is he helping you? Is he advising you?

DONALD TRUMP:

Well, I don't want to comment. But he's been a friend of mine for a long time, and I can tell you that some of the women that are complaining, I know how much he's helped them. And even recently, and when they write books that are fairly recently released, and they say wonderful things about him.

And now all of a sudden they're saying these horrible things about him. It's very sad. Because he's a very good person. I've always found him to be just a very, very good person. And by the way, a very, very talented person. Look what he's done. So I feel very badly. But a lot of people are thinking he's going to run my campaign.

CHUCK TODD:

Yeah, well--

DONALD TRUMP:

My campaign's doing pretty well.

CHUCK TODD:

Mr. Trump, until we meet again.

DONALD TRUMP:

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Thank you very much--

CHUCK TODD:

Thank you for your time, sir, appreciate it.

(END TAPE)

CHUCK TODD:

Up next, the man who had hoped to be the candidate being nominated by Democrats right here in Philadelphia this week, Senator Bernie Sanders of Vermont. What does he think of those leaked DNC e-mails? We'll get his first comments since it happened. We're going to be right back in just a minute.

COMMERCIAL BREAK

(BEGIN TAPE)

CHUCK TODD:

Tremendous shots there of a beautiful city. Welcome back. It's not the kind of thing you want happening days before your convention. This weekend, Wikileaks released nearly 20,000 emails sent and received by members of the Democratic National Committee, some of which seem to confirm what a lot of people had suspected, that the DNC was playing favorites with Hillary Clinton over Bernie Sanders.

It appears Wikileaks either stole these emails or got them from a source. Remember, the DNC was hacked a few months ago. Among the emails was one from the DNC's Chief Financial Officer Brad Marshall that was looking ahead to the contests in Kentucky and West Virginia in early May. While not mentioning Sanders specifically by name, the email appeared to question Sanders' faith.

He wrote this, quote: "Does he believe in a god? I think I read he is an atheist. This could make several points difference with my peeps. My Southern Baptist peeps would draw a big difference between a Jew and an atheist." Well, Sanders has long believed that DNC Chair Debbie Wasserman Schultz was in Clinton's corner the whole campaign. Well, he joins me now. Senator Sanders, welcome back to Meet the Press.

And I should note that you talked about your belief in God last fall in an interview, I think, with your hometown paper there, so want to get that out of the way. So let me start with this question questioning your faith. Brad Marshall apologized on Facebook. Has anyone apologized to you personally? And what is your response to this entire discussion?

BERNIE SANDERS:

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Well, no, nobody has apologized to me. And as you just mentioned, this really does not come as a shock to me or my supporters. There is no question but the DNC was on Secretary Clinton's side from day one. We all know that. And I think, as I have said a long time ago, that the time is now for Debbie Wasserman Schultz to step aside, not only for these issues.

We need a Democratic Party that is open, that's going to bring young people and working people into it, that is going to stand up and take on the big money interests and fight for working families. I don't think Debbie has been that type of leader. So I would hope, and I said this many months ago, that she would--

CHUCK TODD:

Right.

BERNIE SANDERS:

--step aside, we would have new leadership.

CHUCK TODD:

And do you think it needs to happen now, today, before the start of the convention?

BERNIE SANDERS:

Well--

CHUCK TODD:

Would that help calm some of your supporters down?

BERNIE SANDERS:

Well, I think what is already happening is that it's clear she is not going to be speaking to the convention. That is the right thing. I think right now what we have got to focus on as Democrats is defeating perhaps the worst Republican candidate that I have seen in my lifetime. Donald Trump would be a disaster for this country. He must be defeated.

We've got to elect Secretary Clinton on every single issue: fighting for the middle class on health care, on climate change, is a far, far superior candidate to Trump. That's where I think the focus has got to be.

CHUCK TODD:

Do you believe that the DNC's apparent favoritism cost you this race?

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BERNIE SANDERS:

Well, I think you-- there are a lot of reasons why one loses. We started off 50 points behind Secretary Clinton. We had the opposition of virtually the entire Democratic leadership in every state in this country. And by the way, in terms of media, we did not get the kind of media attention that somebody like a Donald Trump got, because media is not necessarily interested in the issues facing the middle class, more interested in attacks in personality. So I think there were a lot of reasons.

But I will tell you this, Chuck, from the bottom of my heart, I am extraordinarily proud of the campaign that we ran. The issues that we raised, the fact that we got 13 million Americans to vote for a political revolution. People who know the economy is rigged in favor of big money, people who know that our middle class continues to decline and we have to go outside of establishment politics and economics, people who know that we need to reform a broken criminal justice system and we need comprehensive immigration reform.

The people-- what we did in our campaign is bring people together to say, "You know what? This country, our government, belongs to all of us and not just a few." So I am very proud of the campaign we ran and the supporters that came on board.

CHUCK TODD:

So just to sum up here, these leaks, these emails, it hasn't given you any pause about your support for Hillary Clinton?

BERNIE SANDERS:

No, no, no. We are going to do everything that we can to protect working families in this country. And again, Chuck, I know media is not necessarily focused on these things. But what a campaign is about is not Hillary Clinton, it's not Donald Trump. It is the people of this country, people who are working longer hours for lower wages, people who do not have health care or are underinsured.

Hillary Clinton and I have worked together on a higher education proposal which will guarantee free tuition in public colleges and universities for every family in this country making \$125,000 a year or less. We're going to fight for paid family and medical leave. Those are the issues that the American people want to hear discussed, and I'm going to go around the country discussing them and making sure that Hillary Clinton is elected president.

CHUCK TODD:

You know, The Green Party presumptive nominee, Jill Stein, put out a release yesterday about the emails. And she said this: "Democratic Party elites have been caught red-handed, sabotaging a grassroots campaign that tried to bring huge numbers of young people, independents and non-voters

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into their party. Instead, they have shown exactly why America needs a new major party, a truly democratic party for the people." Are you going to urge your supporters not to support Jill Stein and try to thwart her efforts to recruit your supporters?

BERNIE SANDERS:

Well, you know, let me just say this. As the longest serving Independent in the history of the United States Congress, as somebody who came into office by defeating an incumbent Democratic mayor in Burlington, Vermont, I know something about third party politics. And I respect Jill.

But right now, the focus, to my mind, is to make sure that Donald Trump does not become president of the United States. I think by temperament he is unqualified to be president. I think his views-- you have a guy who's running for president who rejects science, doesn't even believe climate change is real, let alone wants to do something about it, wants to give hundreds of billions of dollars in tax breaks to the top two-tenths of one percent.

CHUCK TODD:

Let me ask you--

BERNIE SANDERS:

So my job right now is to see that Donald Trump is defeated, Hillary Clinton is elected.

CHUCK TODD:

You know, he makes a big deal out of the fact that you and he agree on one big issue, and that is trade deals, that these trade deals have been bad for the country. And he basically says that Clinton and Kaine, as a ticket, aren't-- that their opposition, for instance, the TPP as sort of Johnny-come-lately, that it can't be trusted, and that Sanders supporters should support Trump if they care about trade. What do you say to that?

BERNIE SANDERS:

Well, I think in terms of who can be trusted, I think the evidence is clear that there has been no candidate that I have ever seen who lies more often than does Donald Trump. I mean and that's just not me saying it, that's what any independent media analysis has shown. So in terms of trust, you really can't trust a word, I think, that Mr. Trump has to say.

In terms of the TPP, it is no secret. I think our trade policies, for many, many years, have been a disaster. They have benefited corporate America at the expense of working people. Secretary Clinton has come out in opposition to the TPP, does not want to see it--

CHUCK TODD:

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Right.

BERNIE SANDERS:

--appear in the lame duck Congress. That's my view, as well.

CHUCK TODD:

You know, some of your supporters are disappointed in the pick of Tim Kaine, that he's not progressive enough. I know Tim Kaine called you after he was picked. Do you consider Tim Kaine a progressive? And are you happy with this pick?

BERNIE SANDERS:

Look, you know, the pick is Secretary Clinton's. I've known Tim Kaine for a number of years. We've served in the Senate together, obviously. Tim is a very, very smart guy. He's a very nice guy. His political views are not my political views. He is more conservative than I am. Would I have preferred to see somebody like an Elizabeth Warren selected by Secretary Clinton? Yes, I would have.

CHUCK TODD:

And then finally, do you feel as if, that you, when you got Glass-Steagall, I wanted to ask about this, because it looks like the one thing that both parties may agree on in their platforms is putting-- is being in favor of reinstating Glass-Steagall. Does this mean we will see that happen in the next Congress?

BERNIE SANDERS:

Well, I'm going to do everything that I can to make it happen. You know, when we talk about our campaign, one of the things that we have been able to do, Chuck, is create the most progressive Democratic platform in the history of the Democratic Party, and that includes breaking up the large Wall Street banks and reestablishing Glass-Steagall.

I think the American people understand that we cannot continue to have a handful of reckless, irresponsible banks often acting illegally, that something has to happen. They have to be broken up.

CHUCK TODD:

All right, Senator Bernie Sanders. The big speech is tomorrow night. We'll be waiting for you here in a very, very hot Philadelphia, over 100 degrees.

BERNIE SANDERS:

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Okay.

CHUCK TODD:

Senator Sanders, thanks for coming on. Good to see you, sir.

BERNIE SANDERS:

Thank you very much.

CHUCK TODD:

When we come back, reaction to Hillary Clinton's choice of Tim Kaine as a running mate, who showed why he might have appeal, unique appeal, to a very important voting bloc.

(BEGIN TAPE)

SEN. TIM KAINE:

Aprendilo valores de mi pueblo--faith, familia, y trabajo.

(END TAPE)

CHUCK TODD

And we'll be back in a moment from Philadelphia with this great panel. Rachel Maddow, Michael Steele, Andrea Mitchell, and Chris Matthews. Stay tuned.

(END TAPE)

CHUCK TODD:

And we'll be back in a moment from Philadelphia with this great panel, Rachel Maddow, Michael Steele, Andrea Mitchell, and Chris Matthews. Stay tuned.

COMMERCIAL TAPE

CHUCK TODD:

We are back. So much to talk about already. Our panel is here, Rachel Maddow, host of The Rachel Maddow Show on MSNBC, former chairman of the Republican National Committee, Michael Steele, he's sort of the fish out of water here in Philadelphia. Andrea Mitchell, NBC News, Chief Foreign Affairs Correspondent, host, of course, of Andrea Mitchell Reports on MSNBC. And a Philadelphia native himself, Mr. Brotherly Love Chris Matthews, host of Hardball--

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RACHEL MADDOW:

Mr. Brotherly Love?

CHRIS MATTHEWS:

And sisterly affection.

CHUCK TODD:

--Sisterly affection here for the Penn grad.

CHUCK TODD:

And-- this morning by the way we have new pictures of Tim Kaine walking into church this morning in Richmond, Virginia. He now realizes, and now his parish is realizing, what it's like to have Secret Service following around a member of the parish there. All right.

RACHEL MADDOW:

Know what his Secret Service name is going to be yet?

CHUCK TODD:

What do we think the code name should be?

ANDREA MITCHELL:

But we're not sure--

RACHEL MADDOW:

Well, the big joke was that if you're boring enough, your Secret Service name is Tim Kaine.

CHUCK TODD:

Ooh.

RACHEL MADDOW:

Right? That--

CHUCK TODD:

Those are old Johnny Carson and Jay Leno, Al Gore jokes--

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CHUCK TODD:

All right, you guys are having already too much fun.

RACHEL MADDOW:

Sorry, sorry.

CHUCK TODD:

Let me just throw it out here. We heard what Bernie Sanders said about Tim Kaine. It was, that was tougher than I expected.

RACHEL MADDOW:

"His politics are not my politics."

ANDREA MITCHELL:

That's really --

RACHEL MADDOW:

"He does not share my political views." That's an aggressive take from Bernie. I'm not surprised. Bernie's an aggressive politician. And I think when Senator Sanders speaks at the DNC, I think everybody's going to be on the edge of their seat. I think that he is not going to pull a Ted Cruz because he's already made an endorsement.

CHUCK TODD:

Well, he said, "I'm for Hillary," and he was tough on Trump.

RACHEL MADDOW:

Yeah. And but he doesn't relish going after Trump. He likes going after the Democratic Party to try to move the Democratic Party. That's his target, always has been.

MICHAEL STEELE:

It's still obvious, he's not 'Feeling the Bern' for Hillary. And that was very obvious. And when you asked about the trust question, he didn't say he trusted Hillary Clinton. He said he didn't trust Donald Trump. So the reality of it is there's still some tension there that Bernie is reflecting among his supporters. And it was evident there. I mean--

RACHEL MADDOW:

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He's got a mission that's bigger than one election. He always has.

MICHAEL STEELE:

That's true.

ANDREA MITCHELL:

And in fact, he could quiet the march that is planned to go from the center of Center City, and Rittenhouse Square all the way down at Independence Hall. This march is going to disrupt the city today, no matter how peaceful, because this is a city, in 100-degree heat, that is planning for a convention. And it's going to be a very large outpouring. He also said--

CHUCK TODD:

And by the way, the hotter it is, the crankier people will be.

ANDREA MITCHELL:

Yeah. And he also says that Tim Kaine doesn't share his politics, not only that, but that he would have preferred Elizabeth Warren. He made it very clear; Tim Kaine is a nice guy, but he's not endorsing or embracing someone who Hillary Clinton --

CHUCK TODD:

There's a painful look in your face, Chris.

ANDREA MITCHELL:

--called Tim Kaine a progressive.

CHRIS MATTHEWS:

He didn't get to pick. Hillary Clinton did. And I've watched Hillary Clinton. I've watched a lot of politicians over the years. You can tell when they're actually happy, not when they fake the laugh or anything else. She looked delighted during his speech yesterday. And I haven't seen her that delighted in a long time. She had found her guy to be her running mate. I think she loved it.

And I think one thing we're getting all excited about, I understand why the progressives are upset. But one thing historically we all know is the selection of a vice president is a poor predictor of the direction of that administration.

RACHEL MADDOW:

Yeah.

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CHRIS MATTHEWS:

FDR picked John Nance Garner--

RACHEL MADDOW:

It's not a policy pick.

CHRIS MATTHEWS:

Kennedy picked another conservative from the south, Lyndon Johnson, relatively conservative. And then we got the New Deal out of that and we got the Great Society we got the New Frontier. It's a poor predictor. Now, if this is about spoils, they've got an argument. They wanted a piece of the action. But there's differences between spoils and direction.

CHUCK TODD:

I want to throw out the one thing that Trump's trying to hit Kaine on, well, two things. But the one big one is the gifts in Virginia.

RACHEL MADDOW:

Yeah.

CHUCK TODD:

I only throw it out there is that I heard Ed Rendell ask to defend it. And he struggled, Andrea. He said, "Well, it's illegal in Pennsylvania."

ANDREA MITCHELL:

Virginia--

CHUCK TODD:

Okay. And it's legal in Virginia. That wasn't exactly a resounding defense.

ANDREA MITCHELL:

Yeah. Virginia has a very strange, let's face it, strange gift law. The difference with Bob McDonnell, who was convicted, and then the Supreme Court overturned it, is there was no quid pro quo. He declared it. That was the main thing. He declared everything, put it down, in fact, computed higher numbers to staying in friends' houses. He put everything down. He was meticulous about it.

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So they don't think there's a big ethics thing. Just on his progressivity or lack of it, he has this civil rights background. I mean I was in the room. And what you saw on T.V. yesterday in Miami, in that largely Hispanic campus, that wonderful campus in Miami, it was extraordinary. The enthusiasm for him and the affection. And having watched her all of these years, you're absolutely right, Chris--

CHUCK TODD:

You know--

ANDREA MITCHELL:

--she found her guy. She was a happy camper.

RACHEL MADDOW:

He's not a progressive, but they will tell a very progressive story about his history. The party has moved to the left while he sort of always been a solid liberal.

CHUCK TODD:

Both of them are trying to--

ANDREA MITCHELL:

Yeah.

CHUCK TODD:

I feel like both Clinton and Kaine are trying to catch up to the party's movement.

CHRIS MATTHEWS:

That's so true.

ANDREA MITCHELL:

Well, on guns he was always there. He was heroic in Virginia on gun laws.

CHUCK TODD:

That they're moving-- and Michael, let me ask you this. The Trump campaign says, "We love the Kaine pick." And here's their reasoning. They love the Kaine pick because it reinforces that they're the political professionals, that here's Tim Kaine, and all he's done in life, is been in office for the last 25 years.

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MICHAEL STEELE:

Right.

CHUCK TODD:

And the whole point of Trump is Trump's Mr. "I'm the total outsider." If they want to double down on that, fine, go ahead. What do you say?

RACHEL MADDOW:

Except Mike Pence

MICHAEL STEELE:

Right, right, right.

CHUCK TODD:

They pay no attention to that. I brought that brought to them. I said, "What about Pence?" And they're like, "Well, it's the top of the ticket."

MICHAEL STEELE:

"Ignore that man behind the curtain."

CHUCK TODD:

What do you say to that? Did they have a point or not?

MICHAEL STEELE:

Well, they'll have a-- I think the broader point, is an interesting one. Because what he's comparing himself-- he's comparing himself, Trump, to Kaine--

CHUCK TODD:

Right.

MICHAEL STEELE:

--and Clinton. So it's me and against them.

CHUCK TODD:

Yeah.

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MICHAEL STEELE:

Pence is not a part of that equation, necessarily.

RACHEL MADDOW:

Yeah.

MICHAEL STEELE:

So when he's talking about the maverick, the outsider, he's-- he's assuming his ticket is total that.

ANDREA MITCHELL:

Well, Pence wasn't even a part of his own rollout.

MICHAEL STEELE:

Right.

ANDREA MITCHELL:

If you remember. And that was--

RACHEL MADDOW:

He couldn't get a word in edgewise.

ANDREA MITCHELL:

Hillary Clinton spoke about Tim Kaine--

MICHAEL STEELE:

I think their strength, Chuck, is gonna be on the argument-- this notion that Tim Kaine is progressive is just not believable. And for a whole host of reasons. I think that's an opening for a lot of folks on Trump's side.

RACHEL MADDOW:

You can, there are element of his record that are not progressive, but on balance, I would argue that he is.

ANDREA MITCHELL:

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I would argue that too.

CHRIS MATTHEWS:

But one thing, the guy's two doors from you, if you're president. Look at the structure of the West Wing now. It's not some guy that goes back to Maine like Lincoln's first vice president. He or she is right with you.

MICHAEL STEELE:

Right.

CHRIS MATTHEWS:

You want a good person two doors for you, somebody who has values. And it's not just smart politics. I think what Hillary Clinton's going to love having is a guy who's a true blue good guy. And I think he is a progressive on all the moral issues--

CHUCK TODD:

Let's sneak in a break here. When we come back, I want to get into the DNC e-mail situation. And I also want to get your guys' reaction to some interesting comments from Donald Trump. Yeah, you know that guy that was at the start of the show. We'll be right back.

COMMERCIAL BREAK

CHUCK TODD:

Welcome back, panelists here. Before we jump to Trump, the DNC email leaks, Cleveland, we expected rowdiness, Never Trumpsters, and all that stuff. We expect order here. But I wonder, Rachel, if-- look, I'm hearing from the Bernie bros. I'm in one of the emails just-- I'm the complaint department here sometimes at NBC. Somebody was complaining about coverage. And I said, "Okay, let's talk on the phone," or whatever. But we didn't do anything about it, because I get complaints about coverage every hour, every day.

RACHEL MADDOW:

Yeah.

CHUCK TODD:

But I think Bernie supporters may like this place, at least outside. They may be upset, and they may do something about it.

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RACHEL MADDOW:

Yeah. I mean and, you know, there will be that big protest that Andrea was talking about today, to start things off. And there will be a lot, there will be hundreds of Bernie delegates inside the room. Now honestly, from the top, down, he said, "We've got to elect Hillary Clinton." He's been unequivocal about that, that's the most important thing.

It'll be interesting to see whether the rules fights and the platform fights end up, in the end, when there's need to get nailed down with those votes, there is some dissent and chaos there. There might be.

CHRIS MATTHEWS:

One thing is--

CHUCK TODD:

Do you think Debbie Wasserman Schultz needs to get out now?

CHRIS MATTHEWS:

Well, look--

CHUCK TODD:

Not even gavel it in?

CHRIS MATTHEWS:

This is not a mystery story. This isn't Colombo.

CHUCK TODD:

Yeah.

CHRIS MATTHEWS:

We knew from the beginning, watching the debate schedule, put together by the DNC--

CHUCK TODD:

Sure.

CHRIS MATTHEWS:

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--that they were tilting the scales to Hillary Clinton. Middle of the night debates, Sunday morning -- it was an absurd debate schedule. And it just said, "We're for Hillary, we don't want the new guy to get all the attention."

ANDREA MITCHELL:

And what Bernie said to you is that she's not going to be giving a speech. When does the party chair not give a speech at the convention? And apparently that is the case.

CHUCK TODD:

And then right now, though, they will gavel in.

RACHEL MADDOW:

Thank god we haven't-- her quitting right now before -- I mean, the DNC's gonna be running a big part of the ground game for the whole--

CHRIS MATTHEWS:

Yeah.

RACHEL MADDOW:

You know, you don't--

CHUCK TODD:

But I tell you, this--

RACHEL MADDOW:

It would be suicide for the chair to jump out now--

CHUCK TODD:

This doesn't help her own fight for reelection, which I still think she's going to be okay.

RACHEL MADDOW:

No, but--

CHUCK TODD:

It's a district that she knows very well. But--

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ANDREA MITCHELL:

But Bernie endorsed her opponent.

RACHEL MADDOW:

But her reelection fight is in her district.

CHRIS MATTHEWS:

Right.

RACHEL MADDOW:

It's not to be the chair of the DNC, that's next year.

CHUCK TODD:

All right. Michael Steele, what'd you hear from Donald Trump? Did it make you feel better or worse about his chances?

MICHAEL STEELE:

Well, I think Donald Trump did a couple of things he needed to do. One was, and you could see it in the room that night, people began to say, "Okay, I can get there." The speech that he gave, when you read it, seemed a lot darker and harsher than when he delivered it. He delivered it in a way--

RACHEL MADDOW:

I thought the opposite.

MICHAEL STEELE:

Yeah, yeah.

RACHEL MADDOW:

When reading it, I wasn't freaked out.

MICHAEL STEELE:

Yeah.

RACHEL MADDOW:

And then, when I saw him give it, I pulled the covers up.

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MICHAEL STEELE:

No, for me, it was the reverse. Because the reaction. I'm sitting in the room and I'm getting the reaction from the crowd.

RACHEL MADDOW:

Mmm.

MICHAEL STEELE:

And the reaction from the crowd was, "This guy is going to be a fighter." And I think that's a strong message for him coming out of this convention.

CHRIS MATTHEWS:

Rachel, you have never pulled the covers up.

RACHEL MADDOW: Oh no, I meant proverbially

CHUCK TODD: There's a lot of personal information here. Woah, it's Sunday morning, guys.

MICHAEL STEELE:

I thought he did what he needed to do, Chuck. I do.

RACHEL MADDOW:

Standing under those 15-foot-tall letters with Trump, and then his head comes up there. And then he spent 76 minutes screaming, red faced, about terrorism and death and destruction and "I'm the only one who can fix it"--

CHRIS MATTHEWS:

I think that was technical. I don't think he knew how to read a script like that. I don't think he had the ability to-- his daughter knew how to do it. It's tough to read a script in a conversational manner. So you end up doing this sort of scream thing.

RACHEL MADDOW:

But it takes an ego to turn a 30 minute script into a 78 minute rant.

ANDREA MITCHELL:

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But he said that he was the person who would fix everything. And they're focusing on that. But, you know, Kaine was focusing on that. You know, it is the "we" not the I. They're comparing him to a dictator.

MICHAEL STEELE:

But the--

ANDREA MITCHELL:

It is the language and the delivery, Michael--

MICHAEL STEELE:

Don't lose sight of the fact that a lot of Americans out there are saying it is the "we" who screwed us up to this point.

CHRIS MATTHEWS:

Yeah.

MICHAEL STEELE:

It is the we who've gotten us into this mess.

ANDREA MITCHELL:

It's a different way of defining democracy, Michael.

MICHAEL STEELE:

So they're looking for the I, someone who's going to step forward as a leader, to get us through this mess. This is the bifurcation of the of the population, the voting population right now. And it's going to be interesting to see which one of these arguments win--

RACHEL MADDOW:

Is this about the hunger for a strong man, is that what you're talking about?

MICHAEL STEELE: Yeah no, there really is Rachel.

RACHEL MADDOW: We've seen this around the world, it's not supposed to be us.

CHRIS MATTHEWS:

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I've heard Bernie make your point.

MICHAEL STEELE:

Yes!

CHRIS MATTHEWS:

It's that we have to reach outside the establishment to get the solution to these really bad economic problems affecting the working people of this country.

MICHAEL STEELE:

Right.

CHRIS MATTHEWS:

Same message. Different sides.

MICHAEL STEELE: Same message.

RACHEL MADDOW:

Same message. The question is whether or not one man is supposed to deliver salvation for the country. We're not supposed to be that kind of country.

CHUCK TODD:

I want to throw one more. He seemed, at least in the interview with me, he goes after Mitch McConnell, goes after Ted Cruz, goes after John Kasich.

ANDREA MITCHELL:

He is fearless in that regard.

CHUCK TODD: He really is.

ANDREA MITCHELL:

He is not going to moderate himself.

RACHEL MADDOW:

You didn't even ask about Kasich. And he's bringing it up

CHUCK TODD:

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No, exactly. He brought Kasich up himself.

ANDREA MITCHELL:

And another player to be named player, who, you know, remain -- could be one of the senators like Jeff Flake. Look, the fact is that he is not playing by anybody's ground rules except Donald Trump's. What he said about N.A.T.O. was extraordinary because he doubled down on that. And the whole system of collect your security in Europe, if you're in Poland today, you are not reassured--

CHUCK TODD:

What's amazing is the Trump campaign tried to walk it back all last week on the N.A.T.O. stuff. And he's basically saying, "Don't walk it back."

RACHEL MADDOW:

Even beyond N.A.T.O. to talk about Europe as a threat to America is what's good for Europe is bad for America and we have an interest in Europe being weak and divided, they only got together to screw us? Like, hold on a second.

CHRIS MATTHEWS:

Yeah, it'll play in Scranton. It'll play up there in the Erie, Pennsylvania it'll play.

RACHEL MADDOW:

The European Union-- came out of the way to try to not have World War III.

CHRIS MATTHEWS:

Because people think we're being shoved around and exploited and he's saying, "I'm going to shove back."

ANDREA MITCHELL:

They are our markets-- markets, allies--

CHUCK TODD:

You guys great. I'm going to try to get another half hour. But let me sneak in this. We'll be back in a moment with our-- we'll call it halftime segment. No, it's Endgame Segment. And we'll look at Hillary Clinton's popularity compared to other Democratic nominees on the eve of their conventions.

COMMERCIAL BREAK

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CHUCK TODD:

The panel never stops interacting here. Seriously we just went to a commercial break--

RACHEL MADDOW:

--wants more with France!

CHUCK TODD:

It's endgame time. Look, I want to show you here very quickly some numbers, because it will help us judge whether this is a successful convention for Hillary Clinton. These are favorable ratings, personal favorable ratings, whether you're right side up or upside down, from our NBC Wall Street Journal poll, for every Democrat going back to '92. And as you can see, Hillary Clinton in the worst shape of any presumptive nominee going into their convention.

Now, let me show you what everybody else came through after their convention. So successful convention for Bill Clinton, successful one for Al Gore. Flat for John Kerry, successful, Barack Obama. Obviously, we'll find out, for Hillary Clinton, what does she need to--

ANDREA MITCHELL:

Well, what they are going to do is they're going to have gauzy films, the same kind of films you saw in 1992, the same producers--

CHUCK TODD:

And JFK?

ANDREA MITCHELL:

They're going to have all of these films, biography, résumé. They know that her résumé is not resonating with millennials. People know what she did, they don't know-- they know the list of what she was. They don't know what she actually did, what she accomplished.

CHRIS MATTHEWS:

Yeah.

ANDREA MITCHELL:

They're going to do all of that. The balance is going to be very different.

RACHEL MADDOW:

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--because T.V. networks don't always take the movies anymore--

ANDREA MITCHELL:

Well, they're going to have to validators.

RACHEL MADDOW:

Yeah.

ANDREA MITCHELL:

They're going to have people on that podium behind it who are going to talk about things she has done for them. And it's going to be very much all about her and much less about taking down Trump

CHRIS MATTHEWS:

I think the magic moment in this convention's going to be Thursday night. And a lot of women, and a lot of men, too, are going to see Hillary Clinton as the first party nominee, who's probably going to be like the president. She has the advantage right now. And there are going to be misty eyes all across the country.

And any men at that moment who make a wisecrack are going to be guaranteeing another vote for Hillary Clinton. I think it's a very emotional moment for people. They've haven't quite got to it because of all is mishegas that's gone on this year. I think it's going to be magical. And if Hillary Clinton just stands there with a little emotion, this is an amazing historic moment.

CHUCK TODD:

Michael was the Republican convention too anti-Clinton and not enough pro-Trump?

MICHAEL STEELE:

No. The Republican convention had to go anti-Clinton--

CHUCK TODD:

Had to do that?

MICHAEL STEELE:

--because of the Trump issues.

CHUCK TODD:

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What about this one?

MICHAEL STEELE:

This one? I was thinking, as you guys were talking about Barack Obama and talking about Hillary Clinton being likable enough, this is going to be a convention in which they're going to showcase her so you can like her. Because people, those numbers show, don't like her. So it's going to be everything you just said, Chris, plus more. The problem is what happens afterwards. And that's where Hillary Clinton's going to have to continue .

CHUCK TODD:

Here's an out question for all of you. Besides Hillary Clinton's speech, what will be the other buzziest speech or speaker when we walk away from this convention?

RACHEL MADDOW:

We're going to have a huge one on night one. Bernie is a big deal.

MICHAEL STEELE:

Bernie.

RACHEL MADDOW:

The Democratic Party is going through a transformation. Liberals are having their moment. And this convention has to reflect it.

CHRIS MATTHEWS:

Every Democratic convention I can remember, going back to, God, '64, the best speech was never given by the nominee, whether it's Bobby Kennedy or it's Jesse Jackson, or it's Mario Cuomo.

MICHAEL STEELE:

Right.

CHRIS MATTHEWS:

The candidates never have been able to deliver the best speech. So I would bet on Bernie.

RACHEL MADDOW:

It was Trump Jr. last week.

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CHRIS MATTHEWS:

Bernie or President Obama.

ANDREA MITCHELL:

Michelle Obama and Barack Obama on day two.

CHUCK TODD:

I think it's Barack Obama on Wednesday night. I think it's going to be to Hillary Clinton what Bill Clinton was to Barack Obama four years ago. All right. That's all for this Sunday morning.

CHRIS MATTHEWS:

We agree.

CHUCK TODD:

I'll be hosting a special edition of Meet the Press Daily tonight at 5:00 Eastern on MSNBC. I know that's what everybody on this table will be watching. And then, throughout the week, I'll be joined by my colleagues Lester Holt and Savannah Guthrie right here at The Wells Fargo Center for convention coverage on the network beginning at 10:00 Eastern, 7:00 Pacific. If you missed it last week, you should be regretting it. Watch us this week. And of course we'll be back next Sunday. Because if it is Sunday, Meet the Press.

* * *END OF TRANSCRIPT* * *

The Washington Post

The Fix

Trump asked for a ‘Muslim ban,’ Giuliani says — and ordered a commission to do it ‘legally’

By Amy B Wang January 29

Former New York mayor Rudy W. Giuliani said President Trump wanted a “Muslim ban” and requested he assemble a commission to show him “the right way to do it legally.”

Giuliani, an early Trump supporter who once had been rumored for a Cabinet position in the new administration, appeared on Fox News late Saturday night to describe how Trump's executive order temporarily banning refugees came together.

Trump signed orders on Friday not only to suspend admission of all refugees into the United States for 120 days but also to implement “new vetting measures” to screen out “radical Islamic terrorists.” Refugee entry from Syria, however, would be suspended indefinitely, and all travel from Syria and six other nations — Iran, Iraq, Libya, Somalia, Sudan and Yemen — is suspended for 90 days. Trump also said he would give priority to Christian refugees over those of other religions, according to the Christian Broadcasting Network.

Fox News host Jeanine Pirro asked Giuliani whether the ban had anything to do with religion.

“How did the president decide the seven countries?” she asked. “Okay, talk to me.”

“I’ll tell you the whole history of it,” Giuliani responded eagerly. “So when [Trump] first announced it, he said, ‘Muslim ban.’ He called me up. He said, ‘Put a commission together. Show me the right way to do it legally.’”

Giuliani said he assembled a “whole group of other very expert lawyers on this,” including former U.S. attorney general Michael Mukasey, Rep. Mike McCaul (R-Tex.) and Rep. Peter T. King (R-N.Y.).

“And what we did was, we focused on, instead of religion, *danger* — the areas of the world that create danger for us,” Giuliani told Pirro. “Which is a *factual* basis, not a religious basis. Perfectly legal, perfectly sensible. And that’s what the ban is based

on. It's not based on religion. It's based on places where there are substantial evidence that people are sending terrorists into our country.”

It was unclear when the phone call Giuliani took place and when the commission began working. An email to the White House press office was not immediately returned Sunday.

Clips of the exchange between Giuliani and Pirro quickly went viral Saturday night, with some claiming that Giuliani's statement amounted to admitting Trump's intent had been to institute a ban based on religion.

Others, including Trump senior adviser Kellyanne Conway and White House Chief of Staff Reince Priebus, have insisted it is not a ban on Muslims, but rather one based on countries from which travel was already restricted under Barack Obama's administration.

Priebus appeared on CBS's “Face the Nation” Sunday morning to say it was possible Trump would expand the list of countries included in the travel ban.

“You can point to other countries that have similar problems, like Pakistan and others,” Priebus told host John Dickerson. “Perhaps we need to take it further.”

Priebus also said there had been weeks of work and “plenty of communication” between the White House, the State Department and the Department of Homeland Security regarding the ban.

“We didn't just type this thing up in an office and sign up,” he told Dickerson.

Later on the same program, Rep. Keith Ellison (D-Minn.) called out Giuliani's interview with Pirro from the night before.

“They can't deny that this is a Muslim ban,” Ellison told Dickerson. “On the campaign trail, [Trump] said he wanted a Muslim ban. ... Rudolph W. Giuliani who helped him write it said that they started out with the intention of a Muslim ban and then they sort of 'languaged' it up so to try to avoid that label, but it is a religiously based ban.”

Senate Democrats vowed to draft legislation to block the travel ban.

“We’re demanding the president reverse these executive orders that go against what we are, everything we have always stood for,” Senate Minority Leader Charles E. Schumer (D-N.Y.) said in a news conference Sunday morning, noting later that his middle name, Ellis, was originally inspired by Ellis Island.

“It was implemented in a way that created chaos and confusion across the country, and it will only serve to embolden and inspire those around the globe those that will do us harm,” Schumer added of the ban. “It must be reversed immediately.”

Trump's executive order sparked massive protests at airports around the country Friday and Saturday, as reports surfaced that dozens of travelers from the affected countries, including green-card holders, were being detained.

The American Civil Liberties Union filed a lawsuit Saturday morning challenging Trump's order after two Iraqi men with immigrant visas were barred from entering the United States at New York's John F. Kennedy International Airport.

As Giuliani was speaking, Fox News simultaneously aired an alert that noted federal judge Ann M. Donnelly had issued a stay to stop the deportations nationwide.

Donnelly wrote that there was a strong likelihood the order had violated the petitioners' rights to due process and equal protection by the Constitution.

"There is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to refugees, visa-holders, and other individuals from nations subject to the January 27, 2017 Executive Order," Donnelly wrote.

The ACLU hailed the victory.

"Clearly the judge understood the possibility for irreparable harm to hundreds of immigrants and lawful visitors to this country," ACLU executive director Anthony D. Romero said in a statement. "Our courts today worked as they should as bulwarks against government abuse or unconstitutional policies and orders. On week one, Donald Trump suffered his first loss in court."

On Sunday, the Department of Homeland Security issued a statement saying it did not plan to back off enforcing Trump's orders.

"President Trump's Executive Orders remain in place — prohibited travel will remain prohibited, and the U.S. government retains its right to revoke visas at any time if required for national security or public safety," the statement read. "President Trump's Executive Order affects a minor portion of international travelers, and is a first step towards reestablishing control over America's borders and national security."

The department said that less than 1 percent of daily international air travelers to the United States had been "inconvenienced" on Saturday.

Matthew Kolken, an immigration attorney based in Buffalo said there has been "a systemic bias against individuals from Muslim countries in the U.S. immigration departments" for years, including under the Obama administration.

"This isn't unprecedented," Kolken told The Washington Post by phone Sunday. "The unfortunate reality is the executive branch does have vast discretionary authority to determine who they are going to [allow in or not]."

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Still, Kolken said, he believes “Trump has gone a step further without a doubt” in including even people who are lawful permanent residents and suspending all immigration applications from people from the seven countries on the banned list.

If there was evidence of disparate treatment of individuals from the same country — if there were anecdotal evidence of, for example, a Syrian family of one religious background allowed to enter over that of another religious background — then that is where lawsuits could come into play, he said.

“The question becomes whether they’re trying to do an end-around by couching the ban as a country-specific ban based on a security-related issues when in reality it’s a religious ban,” Kolken said.

Read more:

[Fact Checker: What you need to know about terror threat from foreigners and Trump’s executive order](#)

[‘I am heartbroken’: Malala criticizes Trump for ‘closing the door on children’ fleeing violence](#)

[A ship full of refugees fleeing the Nazis once begged the U.S. for entry. They were turned back.](#)

[Trump’s travel ban could make Rex Tillerson’s potential job harder, a former defense secretary says](#)

Amy B Wang is a general assignment reporter for The Washington Post. [Follow @amybwang](#)



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CNN

DISSENT CHANNEL

SENSITIVE BUT UNCLASSIFIED

TO:

FROM:

SUBJECT: Dissent Channel: Alternatives to Closing Doors in Order to Secure Our Borders

(U) The following is a Dissent Channel message from

(SBU) Summary: We are writing to register our dissent to the State Department's implementation of President Trump's Friday, January 27, 2017 Executive Order on "Protecting The Nation From Foreign Terrorist Entry Into The United States," which, among other things, blocks the Department of State from issuing immigrant and nonimmigrant visas to citizens of Syria, Iraq, Iran, Libya, Somalia, Sudan, and Yemen for a minimum 90 day period with an unclear timeline for when issuance would resume. As consular professionals, Foreign Service Officers, and members of the Civil Service, we see every day the value that "**Secure Borders and Open Doors**" brings to our nation. A policy which closes our doors to over 200 million legitimate travelers in the hopes of preventing a small number of travelers who intend to harm Americans from using the visa system to enter the United States will not achieve its aim of making our country safer. Moreover, such a policy runs counter to core American values of nondiscrimination, fair play, and extending a warm welcome to foreign visitors and immigrants. Alternative solutions are available to address the risk of terror attacks which are both more effective and in line with Department of State and American values.

This Ban Does Not Achieve Its Aims--And Will Likely Be Counterproductive

(SBU) This ban, which can only be lifted under conditions which will be difficult or impossible for countries to meet, will not achieve its stated aim of to protect the American people from terrorist attacks by foreign nationals admitted to the United States. Despite the Executive Order's focus on them, a vanishingly small number of terror attacks on U.S. soil have been committed by foreign nationals who recently entered the United States on an immigrant or nonimmigrant visa. Rather, the overwhelming majority of attacks have been committed by native-born or naturalized U.S. citizens--individuals who have been living in the United States for decades, if not since birth. In the isolated incidents of foreign nationals entering the

U.S. on a visa to commit acts of terror, the nationals have come from a range of countries, including many (such as Pakistan or Saudi Arabia) which are not covered by the Executive Order.

(SBU) Given the near-absence of terror attacks committed in recent years by Syrian, Iraqi, Irani, Libyan, Somalia, Sudanese, and Yemeni citizens who are in the U.S. in after entering on a visa, this ban will have little practical effect in improving public safety.

(SBU) If this ban will not prevent terror attacks from occurring, what will it do?

- (SBU) It will immediately sour relations with these six countries, as well as much of the Muslim world, which sees the ban as religiously-motivated. These governments of these countries are important allies and partners in the fight against terrorism, regionally and globally. By alienating them, we lose access the intelligence and resources need to fight the root causes of terror abroad, before an attack occurs within our borders.
- (SBU) It will increase anti-American sentiment. When the 220 million citizens of these countries lose the opportunity to travel to the U.S. overnight, hostility towards the United States will grow. Instead of building bridges to these societies through formal outreach and exchanges and through informal people-to-people contact, we send the message that we consider all nationals of these countries to be an unacceptable security risk. Almost one-third of these countries' combined populations are children under the age of 15; there is no question that their perception of the United States will be heavily colored by this ban. We are directly impact the attitudes of current and future leaders in these societies--including those for whom this may be a tipping point towards radicalization.
- (SBU) It will have an immediate and clear humanitarian impact. Every day foreign nationals come to the United States to seek medical treatment for a child with a rare heart condition, to attend a parent's funeral, or to help a relative in distress. For citizens of these countries, a blanket ban on travel will not just ruin vacation plans but potentially cut off access to life-saving medical treatment or impose terrible humanitarian burdens. While the Executive Order allows for the Secretary of State or the Secretary of Homeland security to admit travelers from these countries on a case-by-case basis, it is unrealistic to think that this will be feasible to implements for the thousands of aliens with urgent and compelling needs to travel.

- (SBU) It will have a negative impact on the U.S. economy. According to the Department of Commerce, foreign travelers collectively injected almost \$250 billion into the U.S. economy in 2015 alone, supporting over one million American jobs. Foreign students alone contribute more than \$30 billion to the U.S. economy. Preventing travelers from these six countries from spending their money in the U.S. will immediately decrease that amount; more perniciously, this ban can be expected to cause an overall drop in traveler dollars as the U.S. quickly sheds its welcoming “Secure Borders, **Open Doors**” reputation.

(SBU) The end result of this ban will not be a drop in terror attacks in the United States; rather, it will be a drop in international good will towards Americans and a threat towards our economy.

We Are Better Than This Ban

(SBU) Looking beyond its effectiveness, this ban stands in opposition to the core American and constitutional values that we, as federal employees, took an oath to uphold.

(SBU) The United States is a nation of immigrants, starting from its very origins. The concept that immigrants and foreigners are welcome is an essential element of our society, our government, and our foreign policy. So, too, is the concept that we are all equal under the law and that we as a nation abhor discrimination, whether it is based on race, religion, sex, or national origin. Combined together, that means we have a *special* obligation to maintain an immigration system that is as free as possible from discrimination, that does not have implied or actual religious tests, and that views individuals as individuals, not as part of stereotyped groups.

(SBU) The Executive Order frames the ban as a 90-day suspension of entry for these nationals until their countries can set up arrangements to provide adequate information to determine that an individual seeking a benefit is who the individual claims to be and is not a security or public-safety threat. This is a high, vague, and nebulous bar. In some cases, the governments of these countries may be wholly incapable of providing this information; in others, the government may be unwilling. In either case, individual citizens will pay the price—a situation which runs counter to U.S. values of fair play and offering equal opportunities to all.

(SBU) Banning travelers from these seven countries calls back to some of the worst times in our history. Law enacted in the 1920s and which lasted through the 1960s severely restricted immigration based on national origin and, in some cases, race. The decision to restrict the freedom of Japanese-Americans in the U.S. and foreign citizens who wanted to travel to or settle in the U.S. during the 1940s has been a source of lasting shame for many in our country. Decades from now, we will look back and realize we made the same mistakes our predecessors: shutting borders in a knee-jerk reaction instead of setting up systems of checks that protect our interests and our values.

Alternative Ways Forward

(SBU) Just as equality and multiculturalism are core American values, so too is pragmatism. And there are pragmatic ways to achieve our common goals to protect the American people from terrorist attacks by foreign nationals admitted to the United States and to secure a better and more prosperous future.

(SBU) Rather than a blanket ban on the travel of over 200 million citizens, we need to strengthen our targeted and interagency approach to deterring, detecting, and subverting attacks. We should not focus our screening and vetting on specific nationalities at the expense of missing the forest for the trees but should turn those tools to cover the full range of sources of terror, including those who may hold “friendly” or even U.S. passports.

(SBU) There is no question that the visa process can be improved and refined to better detect individuals who intend to exploit United States immigration laws for malevolent purposes. We need to expand existing interagency cooperation between the different elements of the government responsible for border security and protection of the homeland. This includes cooperation with state, local, campus, and tribal law enforcement, who in many cases are best situated to detect threats. The Visa Security Program which embeds Department of Homeland Security staff into consular sections around the world has proven the effectiveness of incorporating a law enforcement perspective into the visa process; this approach should be expanded.

(SBU) Continuous vetting program for visa holders--which looks at all visa holders, not just those of specific nationalities--allows our law enforcement and intelligence bodies to act on new information and to focus on individuals that may become radicalized. This vetting should be expanded and made more comprehensive. Likewise, the Visa Viper Program, which allows posts overseas to

report on potential threats, should be strengthened to become a more reliable source of intelligence.

(SBU) The Department of State and the U.S. government already has numerous tools already at its disposal to secure its visa process: access to law enforcement databases, biometric screening, Security Advisory Opinions, continuous vetting. If we haven't accomplished our goals so far, then let's strengthen and improve these tools. And let's develop new tools: cutting-edge data analytics, social media tracking, data mining, aggressive outreach.

(SBU) We do not need to place a blanket ban that keeps 220 million people--men, women, and children--from entering the United States to protect our homeland. We do not need to alienate entire societies to stay safe. And we do not need to sacrifice our reputation as a nation which is open and welcoming to protect our families. It is well within our reach to create a visa process which is more secure, which reflects our American values, and which would make the Department proud.

John McCain
U.S. Senator ~ Arizona
(<http://www.mccain.senate.gov/public/index.cfm/home>)



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STATEMENT BY SENATORS MCCAIN & GRAHAM ON EXECUTIVE ORDER ON IMMIGRATION (<https://www.mccain.senate.gov/public/index.cfm/press-releases?ID=587F2A2D-8A47-48F7-9045-CF30FOA77889>)

Washington, D.C. – U.S. Senators John McCain (R-AZ) and Lindsey Graham (R-SC) released the following statement today on the President's executive order on immigration:

"Our government has a responsibility to defend our borders, but we must do so in a way that makes us safer and upholds all that is decent and exceptional about our nation.

"It is clear from the confusion at our airports across the nation that President Trump's executive order was not properly vetted. 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.

"Such a hasty process risks harmful results. We should not stop green-card holders from returning to the country they call home. We should not stop those who have served as interpreters for our military and diplomats from seeking refuge in the country they risked their lives to help. And we should not turn our backs on those refugees who have been shown through extensive vetting to pose no demonstrable threat to our nation, and who have suffered unspeakable horrors, most of them women and children.

"Ultimately, we fear this executive order will become a self-inflicted wound in the fight against terrorism. At this very moment, American troops are fighting side-by-side with our Iraqi partners to defeat ISIL. But this executive order bans Iraqi pilots from coming to military bases in Arizona to fight our common enemies. Our most important allies in the fight against ISIL are the vast majority of Muslims who reject its apocalyptic ideology of hatred. This executive order sends a signal, intended or not, that America does not want Muslims coming into our country. That is why we fear this executive order may do more to help terrorist recruitment than improve our security."

###

Permalink: <https://www.mccain.senate.gov/public/index.cfm/2017/1/statement-by-senators-mccain-graham-on-executive-order-on-immigration> (<https://www.mccain.senate.gov/public/index.cfm/2017/1/statement-by-senators-mccain-graham-on-executive-order-on-immigration>)

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Citizenship Likely an Unreliable Indicator of Terrorist Threat to the United States

Scope Note: This paper was prepared at the request of the DHS Acting Under Secretary for Intelligence and Analysis. It assesses the international terrorist threat to the United States and worldwide by citizens of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. Citizens of these seven countries were impacted by Section 3 of Executive Order (E.O.) 13769 "Protecting the Nation from Foreign Terrorist Entry into the United States." The assessment relies on unclassified information from Department of Justice press releases on terrorism-related convictions and terrorist attack perpetrators killed in the act, Department of State visa statistics, the 2016 Worldwide Threat Assessment of the US Intelligence Community, and the Department of State Country Reports on Terrorism 2015. This paper does not assess the threat of domestic terrorism.

Key Findings

- DHS I&A assesses that country of citizenship is unlikely to be a reliable indicator of potential terrorist activity. Since the beginning of the Syrian conflict in March 2011, the foreign-born primarily US-based individuals who were inspired by a foreign terrorist organization to participate in terrorism-related activity were citizens of 26 different countries, with no one country representing more than 13.5 percent of the foreign-born total.
- Relatively few citizens of the seven countries impacted by E.O. 13769, compared to neighboring countries, maintain access to the United States.
- Terrorist groups in Iraq, Syria, and Yemen pose a threat of attacks in the United States while groups in Iran, Libya, Somalia, and Sudan remain regionally focused.

Citizens of Countries Affected by E.O. 13769 Rarely Implicated in US-Based Terrorism

DHS I&A assesses that country of citizenship is unlikely to be a reliable indicator of potential terrorist activity. Since the beginning of the Syrian conflict in March 2011, at least 82 primarily US-based individuals, who died in the pursuit of or were convicted of any terrorism-related federal offense inspired by a foreign terrorist organization, according to a DHS study of Department of Justice press releases on convictions and terrorist attack perpetrators killed in the act.^{1*} Of the 82 individuals we identified, slightly more than half were native-born United States citizens. Of the foreign-born individuals, they came from 26 different countries, with no one country representing more than 13.5 percent of the foreign-born total.

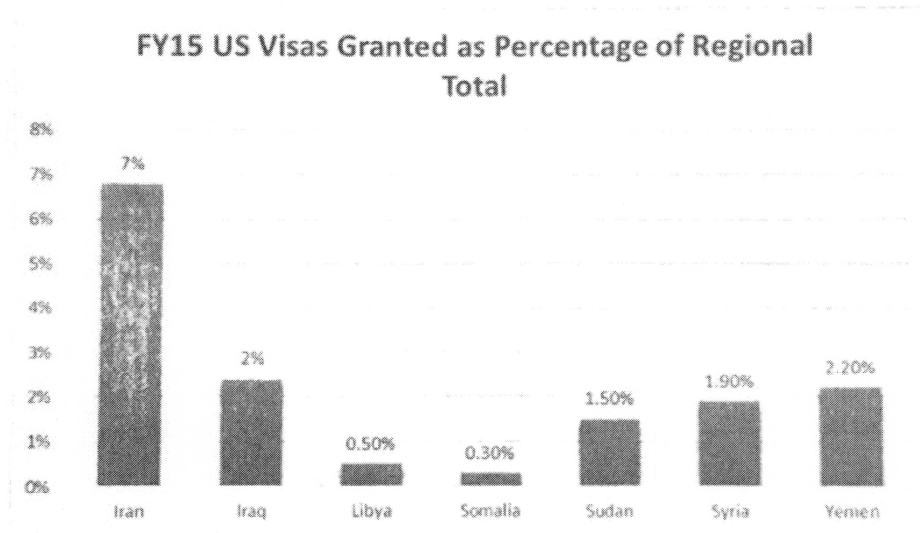
- The top seven origin countries of the foreign-born individuals are: Pakistan (5), Somalia (3), and Bangladesh, Cuba, Ethiopia, Iraq, and Uzbekistan (2).

* For the purposes of this paper, we limited our data to individuals prosecuted under 18 U.S.C. Chapter 133B in support of or inspired by a Foreign Terrorist Organization (FTO). We excluded traveling or attempting to travel overseas to join a FTO and activities unrelated to FTOs, to include purely domestic terrorism.

- Of the seven countries impacted by E.O. 13769 that are not listed above, Iran, Sudan, and Yemen had 1 each, and there were no individuals from Syria.

Limited Access to the United States by Citizens of Impacted Countries

Relatively few citizens of the seven countries impacted by E.O. 13769, compared to neighboring countries, maintain access to the United States. None of the seven countries account for more than 7 percent of the US visas granted in their region—the Middle East and North Africa or Sub-Saharan Africa—in Fiscal Year 2015, according to publicly available Fiscal Year 2015 visa issuance data from the Department of State.^{23†}



Few of the Impacted Countries Have Terrorist Groups that Threaten the West

Terrorist groups in Iraq, Syria, and Yemen pose a threat of attacks in the United States, while groups in Iran, Libya, Somalia, and Sudan are regionally focused, according to the 2016 Worldwide Threat Assessment of the US Intelligence Community and the Department of State Country Reports on Terrorism 2015.

Iran – Designated as a State Sponsor of Terrorism in 1984, Iran continued its terrorist-related activity in 2015, including support for Hizballah, Palestinian terrorist groups in Gaza, and various groups in Iraq and throughout the Middle East, according to the Country Reports on Terrorism 2015.⁴ Iran used the Islamic Revolutionary Guard Corps-Qods Force (IRGC-QF) to implement foreign policy goals, provide cover for intelligence operations, and create instability

[†] Fiscal Year 2015 is the most recent year we have visa issuance data for both immigrant and non-immigrant visas. A-1, A-2, A-3, C-2, NATO, G-1, G-2, G-3, and G-3 non-immigrant visas were excluded from these calculations to be consistent with section 3(c) in E.O. 13769.

A-1, A-2, A-3, C-2, NATO, G-1, G-2, G-3, and G-3 non-immigrant visas were excluded from these calculations to be consistent with section 3(c) in E.O. 13769.

2

in the Middle East. The IRGC-QF is Iran's primary mechanism for cultivating and supporting terrorists abroad.

Iraq and Syria – The Islamic State of Iraq and the Levant (ISIL) has become the preeminent terrorist threat because of its self-described caliphate in Syria and Iraq, its branches and emerging branches in other countries, and its increasing ability to direct and inspire attacks against a wide range of targets around the world, according to the 2016 Worldwide Threat Assessment.⁵ ISIL's narrative supports jihadist recruiting, attracts others to travel to Iraq and Syria, draws individuals and groups to declare allegiance to ISIL, and justifies attacks across the globe.

Libya – Libya has been locked in civil war between two rival governments and affiliated armed groups, according to the 2016 Worldwide Threat Assessment.⁶ The 17 December 2015 signing of a UN-brokered agreement to form a Government of National Accord resulted from a year-long political dialogue that sought to end the ongoing civil war and reconcile Libya's rival governments. Extremists and terrorists have exploited the security vacuum to plan and launch attacks in Libya and throughout the region.

Somalia – In 2015, al-Shabaab continued to commit deadly attacks in Somalia, seeking to reverse progress made by the Federal Government of Somalia and weaken the political will of the African Union Mission in Somalia troop contributing countries, according to the Country Reports on Terrorism 2015.⁷

Sudan – Sudan was designated as a State Sponsor of Terrorism in 1993 due to concerns about support to international terrorist groups, according to the Country Reports on Terrorism 2015.⁸ In 2014, members of Hamas were allowed to raise funds, travel, and live in Sudan. However, in 2015 the use of Sudan by Palestinian designated terrorist groups appeared to have declined. The last known shipment was interdicted by Israel in 2014.

Yemen – Al-Qa'ida in the Arabian Peninsula remained a significant threat to Yemen, the region, and to the United States in 2015, as efforts to counter the group were hampered by the ongoing conflict in that country, according to the Country Reports on Terrorism 2015.⁹ The Islamic State of Iraq and the Levant in Yemen also exploited the political and security vacuum to strengthen its foothold inside the country.

¹ DHS I&A; DHS I&A Terrorism-Related Activities Study; 16 FEB 17; DOI 01 MAR 11 – 31 JAN 17; DHS I&A Terrorism-Related Activities Study

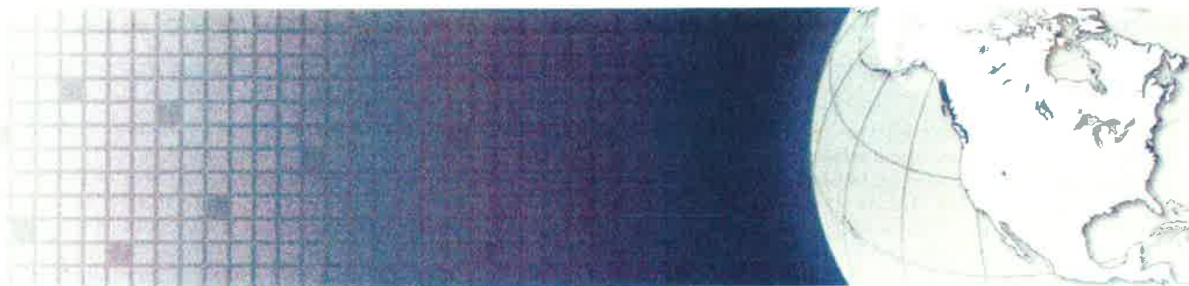
² <https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2016AnnualReport/FY16AnnualReport-TableXIV.pdf>

³ <https://travel.state.gov/content/dam/visas/Statistics/Non-Immigrant-Statistics/NIVDetailTables/FY15%20NIV%20Detail%20Table.xls>

⁴ <https://www.state.gov/j/ct/rls/crt/2015/257520.htm>

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INTELLIGENCE ASSESSMENT



(U//FOUO) Most Foreign-born, US-based Violent Extremists Radicalized after Entering Homeland; Opportunities for Tailored CVE Programs Exist

1 March 2017



**Homeland
Security**

Office of Intelligence and Analysis

IA-0091-17

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(U//FOUO) Most Foreign-born, US-based Violent Extremists Radicalized after Entering Homeland; Opportunities for Tailored CVE Programs Exist

(U//FOUO) Prepared by the Office of Intelligence and Analysis (I&A). Coordinated with CBP, the Department of State, ICE, NCTC, and USCIS.

(U) Scope

(U//FOUO) This *Assessment* examines the immigration history and radicalization of 88 foreign-born, US-based persons who participated in a terrorism-related activity inspired by at least one named foreign terrorist organization (FTO).^{*} All examined individuals primarily resided in the United States either at the time of their involvement in a terrorism-related activity or prior to their travel to join an FTO. The list of individuals included in this study was derived from academic and government sources, including a Department of Justice (DOJ) list of unsealed international terrorism and terrorism-related cases. The terrorism-related activities these individuals engaged in were identified in US Government sources or reliable media reporting. These activities include conducting or attempting to conduct an attack in the United States, traveling or attempting to travel from the United States to join an FTO overseas, and providing funds, goods, or logistical assistance to support an FTO. All individuals examined in our study were indicted or killed between March 2011—the start of the Syrian conflict—and December 2016. Individuals who were minors at the time of their indictment or death were not included. Our review did not consider classified or non-disseminated investigative information.

(U//FOUO) This *Assessment* identifies several factors, some of which are constitutionally protected activity, which we assess contributed to the radicalization of foreign-born, US-based violent extremists mentioned in this report. None of these factors should be viewed as definitive indicators of radicalization to violence absent corroborative information revealing a link to violence or terrorism. This *Assessment* is intended to inform federal, state, local, tribal, and territorial counterterrorism, law enforcement, and countering violent extremism (CVE) officials, as well as immigrant screening and vetting officials on trends of foreign-born individuals engaged in terrorism activity in the Homeland. It also provides an overview of opportunities to prevent and detect future violent extremist radicalization. The information cutoff date is 31 December 2016.

(U) Key Judgments

(U//FOUO) We assess that most foreign-born, US-based violent extremists likely radicalized several years after their entry to the United States, limiting the ability of screening and vetting officials to prevent their entry because of national security concerns. We base this assessment on our findings that nearly half of the foreign-born, US-based violent extremists examined in our dataset were less than 16 years old when they entered the country and that the majority of foreign-born individuals resided in the United States for more than 10 years before their indictment or death. A separate DHS study that found recent foreign-born US violent extremists began radicalizing, on average, 13 years after their entry to the United States further supports our assessment.

(U//FOUO) We assess nearly all parents who entered the country with minor-age children likely did not espouse a violent extremist ideology at the time they entered or at any time since, suggesting these foreign-born individuals were likely not radicalized by their parents before or after their arrival in the Homeland. We base this judgment on their admissions to the United States by screening and vetting agencies who review all available derogatory information, our review of press interviews of parents after their child was arrested or killed, and the lack of arrests of the parents since their entry.

^{*} (U//FOUO) DHS defines radicalization as the process through which an individual changes from a nonviolent belief system to a belief system that includes the willingness to actively advocate, facilitate, or use unlawful violence as a method to effect societal or political change.

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(U//FOUO) We assess that the integration and mentoring services provided by federal, state or private sector entities to refugees and asylees offer an opportunity to help foreign-born US residents adjust to their new communities and raise their awareness of and resistance to violent extremist narratives and recruiters, and likely increase their resilience to radicalization.

(U//FOUO) The experiences and grievances we assessed as common within these individuals present opportunities for CVE programs focused on integration and mentorship. Such programs could address adolescent immigrants' feelings of isolation, anger, and depression caused by immigration experiences—which could in turn reduce the vulnerability of FTOs to exploit these feelings for recruitment. Program administrators would be positioned to assist adolescents if the administrators are made aware of common radicalization vulnerabilities and behavioral indicators, as well as effective counter-narratives to challenge FTO messaging.

(U//FOUO) Most Foreign-born, US-based Violent Extremists Likely Radicalized after Entering Homeland

(U//FOUO) We assess that most foreign-born, US-based violent extremists likely radicalized several years after their entry to the United States, limiting the ability of screening and vetting officials to prevent their entry because of national security concerns. We base this assessment on our findings that nearly half of the foreign-born, US-based violent extremists examined in our dataset were younger than 16 years old when they entered the country and that the majority of foreign-born individuals resided in the United States for more than 10 years before their indictment or death. A previous DHS study which found recent foreign-born US violent extremists began radicalizing, on average, 13 years after their entry to the United States further supports our assessment.*

- » **(U//FOUO)** Miguel Diaz^{USPER}, who arrived in the United States from Cuba in 1989, likely first displayed signs of radicalization in 2015—26 years after his entry—by posting articles related to the self-proclaimed Islamic State of Iraq and ash-Sham (ISIS) and a picture of himself posing with a firearm on Facebook, according to a DOJ criminal complaint and DHS immigration records.^{1,2} Diaz later discussed conducting sniper attacks and scratching “ISIS” into shell casings. He was arrested in April 2015 and subsequently pleaded guilty to being a felon in possession of a firearm. In July 2015, Diaz was sentenced to 10 years in prison followed by three years of supervised release.³
- » **(U//FOUO)** Mohimanul Bhuiya^{USPER} entered the United States from Bangladesh when he was 11 months old and resided in the country for 24 years before his arrest in 2014 for successfully traveling to Syria and joining ISIS, according to DHS immigration records and reliable press reporting.^{4,5} He was likely radicalized by June 2014, when FBI learned that he may have had plans to travel to Syria, according to reliable press reporting.^{6,7} In November 2014, he pleaded guilty to providing material support and receiving military training from a FTO.⁸
- » **(U//FOUO)** A separate DHS examination of the radicalization of the seven foreign-born, US-based violent extremists who attempted or succeeded in conducting attacks between January 2015 and December 2016 found that they typically entered the United States 15 years before their arrest or attack, and often only began radicalizing two years before they attempted their attack. This suggests that, on average, 13 years passed between the time these foreign-born, US-based violent extremists entered the United States and subsequently began to radicalize.

(U//FOUO) Countries of Birth of Foreign-born, US-based Violent Extremists

(U//FOUO) The 88 foreign-born, US-based violent extremists that we examined were born in 33 different countries, none of which holds a majority. Many of the individuals born in these countries were associates of each other, lived in the same area in the United States, and participated in a terrorism-related incident as a group. Four countries—Somalia, Uzbekistan, Bosnia, and Pakistan—comprised the country of birth of about 40 percent of the individuals in our dataset. Some of the individuals in our dataset may have immigrated to the United States from a country other than their place of birth. For example, some of the individuals in our dataset resided in refugee camps in a country other than their birth country prior to immigrating to the United States.

- » **(U//FOUO)** At least eight of the 13 individuals in our dataset who were born in Somalia were associates of each other and provided

* **(U//FOUO)** For more information, please see I&A Intelligence Assessment “Commonalities in HVE Radicalization to Violence Provide Prevention Opportunities,” published 10 February 2017. Some of the numbers cited in this previous paper slightly differ due to scoping differences.

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material support to ISIS as a group, according to DOJ criminal complaints.^{9,10}

- » (U//FOUO) In 2012, two individuals born in Uzbekistan were arrested for providing material support to the Islamic Jihad Union, according to DOJ criminal complaints.^{11,12} Separately, four Uzbekistan-born individuals were arrested in 2015 for providing material support to ISIS, according to a DOJ criminal complaint and superseding indictment.^{13,14} These two groups comprised six of the nine individuals in our dataset who were born in Uzbekistan.
- » (U//FOUO) All seven individuals born in Bosnia were associates of each other. Six were arrested in 2015 for providing material support to ISIS and one died in 2014 after successfully joining ISIS in Syria, according to DOJ criminal complaints and a press report.^{15,16}
- » (U//FOUO) Two of the seven violent extremists in our dataset who were born in Pakistan were brothers who plotted together to provide material support to al-Qa'ida in the Arabian Peninsula (AQAP), according to a DOJ indictment.¹⁷

(U//FOUO) We assess nearly all parents who entered the country with minor-age children likely did not espouse a violent extremist ideology at the time they entered or at any time since, suggesting these foreign-born individuals were likely not radicalized by their parents before or after their arrival in the Homeland. We base this judgment on their admissions to the United States by screening and vetting agencies who review all available derogatory information, our review of press interviews of parents after their child was arrested or killed, and the lack of arrests of the parents since their entry.

- » (U//FOUO) Two months before Somali immigrant Abdirizak Warsame^{USPER} was arrested for conspiring to provide material support to ISIS, his mother lectured other parents about the importance of talking with their children about risks stemming from adhering to a violent extremist ideology and the need to work with the FBI, according to press reporting.¹⁸ Warsame was sentenced to 30 months in prison in November 2016 because of his attempt to travel to Syria to join ISIS, according to a press report.¹⁹
- » (U//FOUO) Harlem Suarez's^{USPER} family was surprised by his arrest for plotting an attack in support of ISIS in 2015, according to a press report.²⁰ The family described Suarez, who was born in Cuba, as curious and unable to hurt anything, according to the same report.²¹ Suarez is currently awaiting trial, according to another press report.²²
- » (U//FOUO) Jose Pimentel's^{USPER} mother publicly apologized to the City of New York after his arrest in 2011, saying she was disappointed with her son's actions, according to multiple press reports.^{23,24,25} Pimentel—who immigrated from the Dominican Republic with his family when he was five—was sentenced to 16 years in prison after pleading guilty in February 2014 to terrorism charges related to plotting to conduct an attack in the Homeland, according to a separate press report.²⁶

(U//FOUO) Similar Radicalization Factors among Native- and Foreign-born US Violent Extremists

(U//FOUO) Our review of 116 native-born US violent extremists, who were publicly identified as having been arrested or killed between March 2011 and December 2016, showed that many had similar experiences and grievances to the 88 foreign-born violent extremists we examined. We assess that these experiences and grievances probably in part contributed to the radicalization of some native- and foreign-born, US-based violent extremists and included perceived injustices against Muslims in the Homeland and abroad because of US policies, feelings of anger and isolation, and witnessing violence as a child. The lack of extensive open source information detailing some of these US violent extremists' radicalization histories prevented us from identifying motivating factors for all individuals examined in our dataset.

- » (U//FOUO) Native-born brothers Nader Saadeh^{USPER} and Alaa Saadeh^{USPER}—who both pleaded guilty after their arrest in 2015 for providing material support to ISIS—believed the United States oppressed its own people and failed to protect Muslims, according to DOJ criminal complaints.^{27,28} Similarly, Ibrahim Mohammad^{USPER}, born in the UAE and arrested in 2015 for providing material support to AQAP, believed the United States was actively at war with Islam, according another DOJ criminal complaint.²⁹
- » (U//FOUO) Native-born Josh Van Haften^{USPER}, who is awaiting his trial for attempting to travel overseas to join ISIS, became isolated from his peers after a sexual assault required him to register as a sex offender, according to press reporting.³⁰ He was told to leave his housing because he was a sex offender, and he was never able to have a romantic relationship, according to a press interview with Van Haften's mother and her partner.³¹ The FBI assesses isolation to be one of many factors in Van Haften's radicalization, but not the primary one. Similarly, the now-deceased foreign-born former editor of AQAP's Inspire magazine, Samir Khan, and now-deceased ISIS foreign fighter Abdullah Ramo Pazara felt isolated or different from their communities and peers, according to multiple press reports.^{32,33,34}
- » (U//FOUO) At least five foreign-born US violent extremists were exposed to violence or substance abuse as children, according to a review of available press reporting.³⁵⁻³⁹ We judge, however, there are likely additional individuals included in our dataset who were also exposed to violence during their childhood, based on our finding that 41 foreign-born US violent extremists in our dataset entered the United States as a refugee, asylee, or child of a refugee or asylee.

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(U//FOUO) CVE Opportunities to Prevent Radicalization of Foreign-born, US-based Individuals

(U//FOUO) We assess that the integration and mentoring services provided by federal, state, and private sector entities to refugees and asylees offer an opportunity to help foreign-born US residents adjust to their new communities and raise their awareness of and resistance to violent extremist narratives and recruiters, and likely increase their resistance to radicalization. Immigrants not entering the United States as refugees or asylees must prove their ability to provide basic needs for themselves before arriving in the United States, and thus they would not be eligible to receive many of these healthcare, housing, employment, and education services; however, there are many programs available to all immigrants to assist with integration into US society.

- » (U) There are a variety of federal, state, local, and nongovernmental programs aimed at helping refugees and asylees integrate into US society by addressing their basic healthcare, housing, employment, and education needs.⁴⁰ Additionally, USCIS, through its Citizenship and Integration Grant Program, as of September 2016 awarded \$63 million through 308 competitive grants in 37 states to help immigrants prepare and apply for US citizenship, according to USCIS.⁴¹
- » (U) Many nonprofit organizations engage with immigrant communities, including a Georgia-based nonprofit that serves the cultural, psychological, and social-economic needs of refugees and immigrants in Atlanta, according to their website.⁴²

(U//FOUO) The experiences and grievances we assessed as common within these individuals present opportunities for CVE programs focused on integration and mentorship. Such programs could address adolescent immigrants' feelings of isolation, anger, and depression caused by immigration experiences—which could in turn reduce the ability of FTOs to exploit these feelings for recruitment. Program administrators would be positioned to assist adolescents if the administrators are made aware of common radicalization vulnerabilities and behavioral indicators, as well as effective counter-narratives to challenge FTO messaging.

- » (U//FOUO) Guled Omar^{USPER}, who was sentenced in 2016 for attempting travel overseas to join ISIS, claimed in a December 2016 press interview that after his older brother traveled to Somalia in 2007 to join al-Shabaab, he was shunned and isolated from the Somali-American community in Minneapolis, which led to his depression, drug use, and taunting by peers.⁴³
- » (U) Successful programs for adolescent immigrants could include convening youth from varying cultural backgrounds to promote cultural understanding and providing opportunities to counter anti-immigrant attitudes in mainstream culture, according to research published by a State University of New York at Albany^{USPER} program called Voices for Change: Immigrant Women and State Policy.⁴⁴ Separately, the Department of Health and Human Services' Child Welfare Information Gateway offers online resources for immigrant youth, including a guide on living in America, educational and safety resources for parents, and a handbook for raising children in a new country.⁴⁵

(U//FOUO) We also judge that open discussions with community and religious centers about overseas conflicts and ways that violent extremists may use religion to justify their actions would likely help dissuade some foreign-born, US-based individuals who are seeking answers to their questions from relying exclusively on research conducted online, which is often dominated by FTO messaging that offers only a violent extremist perspective.

- » (U//FOUO) Some individuals in our dataset who became interested in conflict zones or their religion sought to educate themselves on the Internet—where they encountered videos and literature espousing violent extremist ideology—rather than their local religious or community leaders, according to press reporting.^{46,47} Somali-Americans Abdi Nur^{USPER} and Guled Omar—who have since been indicted for attempting to provide material support to ISIS—were asked to leave their respective mosques because of their expressions of violent extremist beliefs, which, in effect, pushed their research underground, where they turned to the Internet and had their nascent violent extremist views reinforced, according to a press report.⁴⁸ Abdi Nur was indicted on conspiracy charges for providing material support to ISIS in 2014, according to a DOJ press release.⁴⁹
- » (U//FOUO) Abdizirak Warsame stated in his court appearance that he was always listening to one side, referring to the “radical” messages he saw online, according to a press report. Warsame claimed that at the time he did not realize innocent people were being killed, according to the same report, which was likely a reference to terrorists' targeting of civilians.⁵⁰

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Office of Intelligence and Analysis

INTELLIGENCE ASSESSMENT

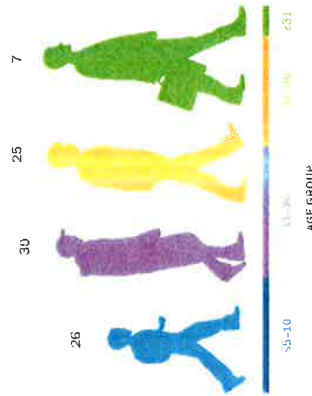
01 March 2017

Most Foreign-born, US-based Violent Extremists Probably Radicalize After Entering the Homeland

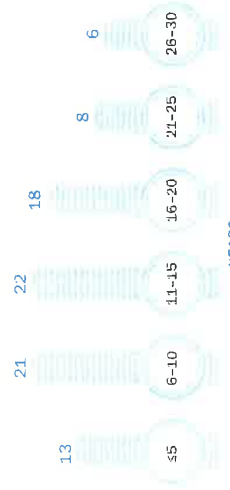
(U//FOUO) IIRA examined the immigration history and radicalization activities of 88 foreign-born, US-based violent extremists who were indicted or killed as a result of their participation in a terrorism related activity inspired by at least one foreign terrorist organization between March 2011 and December 2016. We based this study primarily on DHS immigration records, publicly available court documents and reliable press reporting. Nearly half of the foreign-born violent extremists in our dataset entered the United States when they were under the age of 16 and a majority remained in the United States for over ten years before their indictment or death, suggesting most foreign-born, US-based violent extremists likely radicalized after entering the Homeland.

(U//FOUO) DHS defines radicalization as the process through which an individual changes from a nonviolent belief system to a belief system that thus facilitates the willingness to actively advocate, facilitate or use unlawful violence as a method to effect radical, individual or political change.

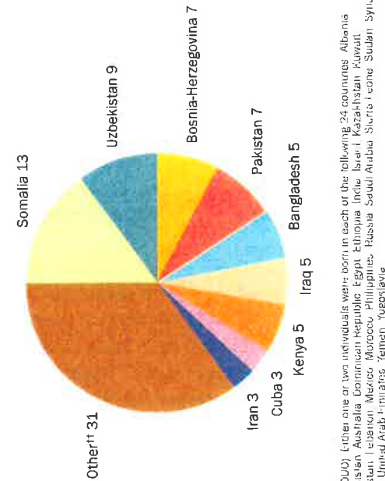
(U) AGE OF ENTRY OF FOREIGN-BORN VIOLENT EXTREMISTS



(U) LENGTH OF TIME IN US OF FOREIGN-BORN VIOLENT EXTREMISTS

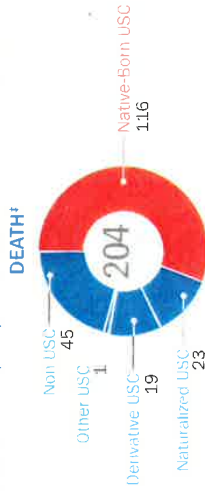


(U) COUNTRIES OF BIRTH OF FOREIGN-BORN VIOLENT EXTREMISTS



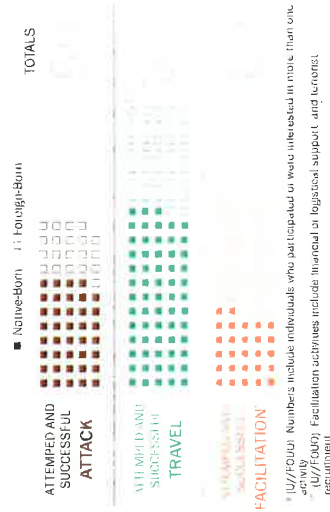
(U//FOUO) Either one or two individuals were born in each of the following 24 countries: Albania, Afghanistan, Australia, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, China, Colombia, Czech Republic, Egypt, Ethiopia, France, Germany, Greece, Hungary, India, Iran, Iraq, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Lebanon, Lithuania, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Philippines, Poland, Portugal, Romania, Russia, Saudi Arabia, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Taiwan, Thailand, Turkey, United Arab Emirates, United Kingdom, United States, Venezuela, Vietnam, and Yugoslavia.

NATIVE- AND FOREIGN-BORN VIOLENT EXTREMISTS US CITIZENSHIP (USC) STATUS AT TIME OF INDICTMENT OR DEATH*



(U//FOUO) Non-USCs includes foreign permanent residents (LPR), non-immigrant visa holders, refugees, and individuals with no status.

TERRORISM-RELATED ACTIVITIES OF NATIVE- AND FOREIGN-BORN VIOLENT EXTREMISTS*



(U//FOUO) Numbers include individuals who participated or were interested in more than one. (U//FOUO) Facilitation activities include financial or logistical support, and recruitment.

U.S. DEPARTMENT OF JUSTICE

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(U) Source Summary Statement

(U//FOUO) This Assessment is based primarily on I&A's review of DHS immigration and travel records and publicly available court documents as well as relevant reliable press reporting. The scope of our study did not include consideration of non-disseminated investigative information.

*(U//FOUO) I&A has **moderate confidence** that most foreign-born US violent extremists likely radicalize several years after their entry to the United States, based on a review of court documents and press reporting from which we determined the first known sign of radicalization to violence among recent US violent extremists and a body of USCIS data from which we determined the length of time the individuals examined in our current dataset spent in the United States before their indictment or death. We note that there are challenges in determining the exact date that radicalization began, which is often a personal and individualized process that is difficult to observe. Additional reporting on the online activities of the US violent extremists, as well as information from the US violent extremists themselves or their family and friends about possible indicators of their loved ones' radicalization would further strengthen our confidence in this assessment. Our assessment is further supported by our finding that nearly half of the foreign-born individuals in our dataset entered the United States when they were younger than 16 years old, an age group that is typically younger than the age most violent extremists begin radicalizing.*

*(U//FOUO) We have **moderate confidence** in our assessment that nearly all parents who entered the country with these foreign-born, US-based violent extremists likely did not espouse a violent extremist ideology or exhibit any violent radicalization or mobilization indicators at the time they entered or since. Our assessment is based on a qualitative review of reliable press reporting describing the family life and parents of the individuals in our dataset. Additional information about the parents of these individuals—which is likely contained in immigration screening and vetting interview transcripts related to these individuals and their parents, which we lacked access to—would strengthen our confidence in this assessment.*

*(U//FOUO) We have **moderate confidence** that provision of services to refugees and asylees and programs tailored to adolescents offer opportunities to provide CVE programs to address radicalization factors possibly relevant to foreign-born US residents. Our assessment is based on a review of services provided to refugees and asylum seekers and current programs focused on immigrant youth, which, collectively, can address many of the common grievances and experiences of the foreign-born individuals in our dataset.*

*(U//FOUO) We have **moderate confidence** that open discussions with community and religious centers about overseas conflicts and ways violent extremists may use religion to justify their actions would likely help dissuade some foreign-born, US-based individuals from relying exclusively on Internet research. Our assessment is based on an analysis of current CVE programs and grievances cited by the individuals in our dataset to determine whether these programs would likely address the radicalization factors of these individuals. The inherent challenges involved in proving that CVE efforts have successfully countered radicalization of violent extremists or possible radicalization of vulnerable individuals limit our confidence in this assessment.*

(U) Report Suspicious Activity

(U) To report suspicious activity, law enforcement, Fire-EMS, private security personnel, and emergency managers should follow established protocols; all other personnel should call 911 or contact local law enforcement. Suspicious activity reports (SARs) will be forwarded to the appropriate fusion center and FBI Joint Terrorism Task Force for further action. For more information on the Nationwide SAR Initiative, visit <http://nsi.ncirc.gov/resources.aspx>.

(U) Tracked by: HSEC-8.1, HSEC-8.2, HSEC-8.3, HSEC-8.5

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- ¹ (U); United States District Court, Southern District of Florida; "United States of America v. Miguel Moran Diaz"; 06 APR 2015.
- ² (U); USCIS; CLAIMS 3; SRC9702052653; accessed on 22 DEC 2016; DOI 21 OCT 1996; (U); N400 Application for Naturalization; Extracted information is UNCLASSIFIED; Overall document classification is UNCLASSIFIED.
- ³ (U); DOJ Office of Public Affairs; Press Release; "Miami Resident and ISIL Sympathizer Sentenced to 10 Years in Prison for Illegally Possessing a Firearm"; 28 JUL 2015; <https://www.justice.gov/opa/pr/miami-resident-and-isil-sympathizer-sentenced-10-years-prison-illegally-possessing-firearm>; accessed on 28 OCT 206.
- ⁴ (U); USCIS; CIS; A041544571; accessed on 22 DEC 16; DOI 12 SEP 1990; (U); USCIS A-File; Extracted information is UNCLASSIFIED; Overall document classification is UNCLASSIFIED.
- ⁵ (U); Adam Goldman; *The Washington Post*; "'I am fed up with this evil': How an American went from Ivy League student to disillusioned ISIS fighter"; 30 JUN 2016; https://www.washingtonpost.com/world/national-security/i-am-fed-up-with-this-evil-how-an-american-went-from-ivy-league-student-to-disillusioned-isis-fighter/2016/06/29/155e777e-3e07-11e6-80bc-d06711fd2125_story.html?utm_term=.f3268b20b17f#comments; accessed on 13 DEC 2016.
- ⁶ (U); Adam Goldman; *The Washington Post*; "'I am fed up with this evil': How an American went from Ivy League student to disillusioned ISIS fighter"; 30 JUN 2016; https://www.washingtonpost.com/world/national-security/i-am-fed-up-with-this-evil-how-an-american-went-from-ivy-league-student-to-disillusioned-isis-fighter/2016/06/29/155e777e-3e07-11e6-80bc-d06711fd2125_story.html?utm_term=.f3268b20b17f#comments; accessed on 13 DEC 2016.
- ⁷ (U); Dave Urbanski; *The Blaze*; "Ivy League Student Traveled to Syria to Join Islamic State — a Few Months Later, He Was Begging U.S. to Save Him"; 01 JUL 2016; <http://www.theblaze.com/stories/2016/07/01/ivy-league-student-traveled-to-syria-to-join-islamic-state-a-few-months-later-he-was-begging-u-s-to-save-him/>; accessed on 13 DEC 2016.
- ⁸ (U); Adam Goldman; *The Washington Post*; "'I am fed up with this evil': How an American went from Ivy League student to disillusioned ISIS fighter"; 30 JUN 2016; https://www.washingtonpost.com/world/national-security/i-am-fed-up-with-this-evil-how-an-american-went-from-ivy-league-student-to-disillusioned-isis-fighter/2016/06/29/155e777e-3e07-11e6-80bc-d06711fd2125_story.html?utm_term=.f3268b20b17f#comments; accessed on 13 DEC 2016.
- ⁹ (U); United States District Court, the District of Minnesota; "United States of America v. Mohamed Abdihamid Farah, Adnan Abdihamid Farah, Abdurahman Yasin Daud, Zacharia Yusuf Abdurahman, Hanad Mustafe Musse and Guled Ali Omar"; 18 APR 2015.
- ¹⁰ (U); US District Court, District of Minnesota; "United States of American v. Abdullahi Yusuf, Abdi Nur"; Criminal Complaint; 24 NOV 2014.
- ¹¹ (U); United States District Court, District of Colorado; "United States of America v. Bakhtiyor Jumaev"; Criminal Complaint; 14 MAR 2012.
- ¹² (U); United States District Court, District of Colorado; "United States of America v. Jamshid Muhtorov"; 19 JAN 2012.
- ¹³ (U); United States District Court, Eastern District of New York; "United States of America v. Abdurasul Hasanovich Juraboev, Akhror Saidakhmetov, and Abror Habibov"; 24 FEB 2015.
- ¹⁴ (U); United States District Court, Eastern District of New York; "United States of America v. Akhror Saidakhmetov, Abror Habibov, Azizjon Rakhmatov, Akmal Zakirov and Dilkhayot Kasimov"; 09 MAY 2016.
- ¹⁵ (U); US District Court, Eastern District of Missouri Eastern Division; "United States of America v. Ramiz Zijad Hodzic, Sedina Unkic Hodzic, Nihad Rosic, Mediha Medy Salkicevic, Armin Harcevic and Jasminka Ramic"; 05 FEB 2015.
- ¹⁶ (U); Robert Patrick; *St. Louis Post-Dispatch*; "Allegations of St. Louis Terrorism Support Rooted Back in Bosnian War"; 11 APR 2015; http://www.stoday.com/news/local/crime-and-courts/allegations-of-st-louis-terrorism-support-rooted-back-in-bosniarticle_0a3b08c5-29da-5f7c-ab4e-b281f086f29f.html; accessed on 15 DEC 2016.
- ¹⁷ (U); United States District Court, Southern District of Florida; "United States of America v. Raees Alam Qazi and Sheheryar Alam Qazi"; 30 NOV 2012.
- ¹⁸ (U); CBS Minnesota; "Abdirizak Mohamed Warsame And ISIS: A Cautionary Tale"; 09 APR 2016; <http://minnesota.cbslocal.com/2016/04/09/abdirizak-warsame/>; accessed on 07 DEC 2016.
- ¹⁹ (U); Jennie Lissarrague and Beth McDonough; KSTP-TV; "Day 1: Sentences Vary for 3 Minn. Men Who Pleaded Guilty to Terrorism Charges"; 14 NOV 2016; <http://kstp.com/news/somali-minnesotans-terrorism-charges-sentencing/4316829/>; accessed on 07 DEC 2016.
- ²⁰ (U); Cammy Clark; *Miami Herald*; "Where FBI Sees Terrorist, Keys Family Sees Naïve Young Man"; 07 AUG 2015; <http://www.miamiherald.com/news/local/community/florida-keys/article30470679.html>; accessed on 04 JAN 2016.
- ²¹ (U); Cammy Clark; *Miami Herald*; "Where FBI Sees Terrorist, Keys Family Sees Naïve Young Man"; 07 AUG 2015; <http://www.miamiherald.com/news/local/community/florida-keys/article30470679.html>; accessed on 04 JAN 2016.
- ²² (U); WPTV; "Trial Delayed Until April for Florida Backpack Bomb Suspect Harlem Suarez"; 23 DEC 2016; <http://www.wptv.com/news/state/trial-delayed-until-april-for-florida-backpack-bomb-suspect-harlem-suarez>; accessed on 29 DEC 2016.
- ²³ (U); Ray Sanchez; *Huffington Post*; "Jose Pimentel, New York Bombing Suspect, Was Frustrated By Unemployment, Mother Says"; 22 NOV 2011; http://www.huffingtonpost.com/2011/11/21/jose-pimentel-new-york-bombing-suspect-frustrated-by-unemployment-mother-says_n_1105956.html; accessed on 07 DEC 2016.
- ²⁴ (U); CBS News; "Man pleads guilty in New York City pipe bomb terrorism plot"; 19 FEB 2014; <http://www.cbsnews.com/news/man-pleads-guilty-in-new-york-city-pipe-bomb-terrorism-plot/>; accessed on 07 DEC 2016.

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- ²⁵ (U); Patrick Hedlund; DNAinfo.com; "Mother of Alleged Terrorist Plotter Jose Pimentel Apologizes for Son"; 21 NOV 2011; <https://www.dnainfo.com/new-york/2011/12/11/harlem/mother-of-alleged-terrorist-plotter-jose-pimentel-apologizes-for-son>; accessed on 07 DEC 2016; (U); Online news service covering neighborhood issues.
- ²⁶ (U); CBS News; "Man pleads guilty in New York City pipe bomb terrorism plot"; 19 FEB 2014; <http://www.cbsnews.com/news/man-pleads-guilty-in-new-york-city-pipe-bomb-terrorism-plot/>; accessed on 07 December 2016.
- ²⁷ (U); United States District Court, District of New Jersey; "United States of America v. Alaa Saadeh"; 29 JUN 2015.
- ²⁸ (U); United States District Court, District of New Jersey; "United States of America v. Nader Saadeh"; 01 AUG 2015.
- ²⁹ (U); United States District Court, Northern District of Ohio; "United States of America v. Yahya Farooq Mohammad, Ibrahim Zubair Mohammad, Asif Ahmed Salim, and Sultane Roome Salim"; NOV 2015.
- ³⁰ (U); Rob Schultz; *Wisconsin State Journal*; "Mother Says Joshua Van Haften, Accused of Trying to Join ISIS, Has Mental Illness"; 11 APR 2015; http://host.madison.com/wjs/news/local/crime_and_courts/mother-says-joshua-van-haften-accused-of-trying-to-join/article_c94fe848-c964-5d14-9e5b-f1dfd087c793.html; accessed on 22 DEC 2016.
- ³¹ (U); Rob Schultz; *Wisconsin State Journal*; "Mother Says Joshua Van Haften, Accused of Trying to Join ISIS, Has Mental Illness"; 11 APR 2015; http://host.madison.com/wjs/news/local/crime_and_courts/mother-says-joshua-van-haften-accused-of-trying-to-join/article_c94fe848-c964-5d14-9e5b-f1dfd087c793.html; accessed on 22 DEC 2016.
- ³² (U); Matthew Chayes, Anthony Destefano, Robert Kessler, Greg Lacour, and Victor Ramos; *Newsday*; "Samir Khan, Al-Qaida Figure, Grew Up On Long Island"; 06 OCT 2011; www.newsday.com/long-island/samir-khan-al-qaida-figure-grew-up-on-long-island; accessed on 16 February 2017.
- ³³ (U); Peter Neumann; *Radicalized: New Jihadists and the Threat to the West*; 2016.
- ³⁴ (U); Laura Yuen; MPR News; "Guled Omar: The Path to ISIS and The Story You Haven't Heard"; 22 DEC 2016; <https://www.mprnews.org/story/2016/12/21/path-to-isis-minnesota-guled-omar-mpr-interviews>; accessed on 27 DEC 2016.
- ³⁵ (U); Laura Yuen; MPR News; "Guled Omar: The Path to ISIS and The Story You Haven't Heard"; 22 DEC 2016; <https://www.mprnews.org/story/2016/12/21/path-to-isis-minnesota-guled-omar-mpr-interviews>; accessed on 27 DEC 2016.
- ³⁶ (U); Robert Patrick; *St. Louis Post-Dispatch*; "Allegations of St. Louis Terrorism Support Rooted Back in Bosnian War"; 11 APR 2015; http://www.stltoday.com/news/local/crime-and-courts/allegations-of-st-louis-terrorism-support-rooted-back-in-bosnia/article_0a3b08c5-29da-5f7c-ab4e-b281f086f29f.html; accessed on 15 DEC 2016.
- ³⁷ (U); CBS Minnesota; "Abdirizak Mohamed Warsame And ISIS: A Cautionary Tale"; 09 APR 2016; <http://minnesota.cbslocal.com/2016/04/09/abdirizak-warsame/>; accessed on 29 DEC 2016.
- ³⁸ (U); PBS News Hour; "An Extremist's Path to Academia—and Fighting Terrorism"; 29 AUG 2016; <http://www.pbs.org/newshour/bb/extremists-path-academia-fighting-terrorism/>; accessed on 15 DEC 2016.
- ³⁹ (U); Sean Rubinsztein-Dunlop; ABC News; "Amina Karroum and Tyler Casey: How a Young Australian Couple Came to Die in Syria"; 08 SEP 2014; accessed on 27 DEC 2016.
- ⁴⁰ (U); The White House; "Fact Sheet: The Federal Role in Immigrant & Refugee Integration"; 16 JUL 2014; <https://www.whitehouse.gov/the-press-office/2014/07/16/fact-sheet-strengthening-communities-welcoming-all-residents>; accessed on 21 DEC 2016.
- ⁴¹ (U); USCIS; "Citizenship and Integration Grant Program"; 01 SEP 2016; <https://www.uscis.gov/about-us/citizenship-and-integration-grant-program>; accessed on 21 DEC 2016.
- ⁴² (U); Somali American Community Center; "About Us"; 2014; www.somaliaccat.org/about_us; accessed on 30 DEC 2016; (U); Nonprofit organization's website.
- ⁴³ (U); Laura Yuen; MPR News; "Guled Omar: The Path to ISIS and The Story You Haven't Heard"; 22 DEC 2016; <https://www.mprnews.org/story/2016/12/21/path-to-isis-minnesota-guled-omar-mpr-interviews>; accessed on 27 DEC 2016; (U) News Web site.
- ⁴⁴ (U); ACT for Youth; "Creating Successful Programs for Immigrant Youth"; DEC 2004; http://www.actforyouth.net/resources/pm/pm_creatingsuccess_1204.pdf; accessed on 27 DEC 2016; (U); Publication authored by SUNY Albany's Voices for Change program.
- ⁴⁵ (U); Child Welfare Information Gateway; "Helping Immigrant Families Overcome Challenges"; <https://www.childwelfare.gov>; accessed on 26 JAN 2017.
- ⁴⁶ (U); Casey Tolan; Fusion; "How a High School Class Project Led an 18-year-old to Try to Join ISIS"; 13 MAY 2016; <http://fusion.net/story/302272/abdullahi-yusuf-minneapolis-isis-trial/>; accessed on 28 DEC 2016.
- ⁴⁷ (U); Richard Engel, Ben Plessner, and Tracy Connor; NBC News; "American ISIS Defector: 'I've Let my Nation Down'"; 23 MAY 2016; <http://www.nbcnews.com/storyline/isis-uncovered/american-isis-defector-i-ve-let-my-nation-down-n578216>; accessed on 15 DEC 2016.
- ⁴⁸ (U); Laura Yuen; MPR News; "Guled Omar: The Path to ISIS and The Story You Haven't Heard"; 22 DEC 2016; <https://www.mprnews.org/story/2016/12/21/path-to-isis-minnesota-guled-omar-mpr-interviews>; accessed on 27 DEC 2016.
- ⁴⁹ (U); US Attorney's Office - District of Minnesota; Press Release; "To Minnesotans Charged with Conspiracy to Provide Material Support to Islamic State of Iraq and the Levant"; 25 NOV 2014; <https://www.justice.gov/usao-mn/pr/two-minnesotans-charged-conspiracy-provide-material-support-islamic-state-iraq-and-levant>; accessed on 29 DEC 2016.
- ⁵⁰ (U); CBS Minnesota; "Abdirizak Mohamed Warsame And ISIS: A Cautionary Tale"; 09 APR 2016; <http://minnesota.cbslocal.com/2016/04/09/abdirizak-warsame/>; accessed on 29 DEC 2016.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

STATE OF HAWAII and ISMAIL
ELSHIKH,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; U.S.
DEPARTMENT OF HOMELAND
SECURITY; ELAINE DUKE, in her official
capacity as Acting Secretary of Homeland
Security; U.S. DEPARTMENT OF STATE;
REX TILLERSON, in his official capacity as
Secretary of State; and the UNITED STATES
OF AMERICA,

Defendants.

Civil No. 17-00050-DKW-KSC

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE
TO FILE THIRD AMENDED COMPLAINT**

Upon consideration of Plaintiffs' Motion for Leave to File Third Amended Complaint (the "Motion"), the files and records herein, and good cause appearing therefor;

IT IS HEREBY ORDERED that the Motion is GRANTED. Plaintiffs State of Hawaii, Ismail Elshikh, John Does 1 & 2, and the Muslim Association of

Hawaii, Inc. shall file their Third Amended Complaint in the form attached to Plaintiffs' Motion no later than October 11, 2017.

DATED: Honolulu, Hawaii, _____.

Derrick K. Watson
U.S. District Judge

State of Hawaii, et al. v. Trump, et al., Civil Action No. 1:17-cv-00050-DKW-KSC; [PROPOSED] ORDER GRANTING MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

STATE OF HAWAII and ISMAIL
ELSHIKH,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; U.S.
DEPARTMENT OF HOMELAND
SECURITY; ELAINE DUKE, in her official
capacity as Acting Secretary of Homeland
Security; U.S. DEPARTMENT OF STATE;
REX TILLERSON, in his official capacity as
Secretary of State; and the UNITED STATES
OF AMERICA,

Defendants.

Civil No. 17-00050-DKW-KSC

CERTIFICATE OF SERVICE

I hereby certify that, on the date and by the method of service noted below, a true and correct copy of Plaintiffs' Motion for Leave to File Third Amended Complaint was served on the following at their last known addresses:

Served electronically through CM/ECF on October 10, 2017, on counsel for all amicus parties of record and the following:

Elliott Enoki, Esq.	elliott.enoki@usdoj.gov
Edric Ming-Kai Ching, Esq.	edric.ching@usdoj.gov
Jeffrey B. Wall, Esq.	jeffrey.b.wall@usdoj.gov
Chad A. Readler, Esq.	chad.a.readler@usdoj.gov
Michelle R. Bennett, Esq.	michelle.bennett@usdoj.gov
Brad P. Rosenberg, Esq.	brad.rosenberg@usdoj.gov
Daniel Schwei, Esq.	daniel.s.schwei@usdoj.gov

DATED: Washington, DC, October 10, 2017.

Respectfully submitted,

/s/ Neal K. Katyal

DOUGLAS S. CHIN (Bar No. 6465)
Attorney General of the State of Hawaii
CLYDE J. WADSWORTH (Bar No. 8495)
Solicitor General of the State of Hawaii
DEIRDRE MARIE-IHA (Bar No. 7923)
DONNA H. KALAMA (Bar No. 6051)
KIMBERLY T. GUIDRY (Bar No. 7813)
ROBERT T. NAKATSUJI (Bar No. 6743)
KALIKO‘ONALANI D. FERNANDES
(Bar No. 9964)
KEVIN M. RICHARDSON (Bar No.
10224)
Deputy Attorneys General
DEPARTMENT OF THE ATTORNEY
GENERAL, STATE OF HAWAII

Attorneys for Plaintiff, State of Hawaii

NEAL K. KATYAL*
COLLEEN ROH SINZDAK*
THOMAS P. SCHMIDT*
SARA SOLOW*
MITCHELL P. REICH*
ELIZABETH HAGERTY*
ALEXANDER B. BOWERMAN*
YURI S. FUCHS**
SUNDEEP IYER**†
REEDY C. SWANSON** ††
HOGAN LOVELLS US LLP

**Admitted Pro Hac Vice*

***Pro Hac Vice Application
Forthcoming*

*†Admitted only in Maryland;
supervised by firm members*

*††Admitted only in Virginia;
supervised by firm members*

*Attorneys for Plaintiffs, State of
Hawaii and Ismail Elshikh, and
Prospective Plaintiffs John Does 1
& 2 and Muslim Association of
Hawaii, Inc.*

General Information

Court	United States District Court for the District of Hawaii; United States District Court for the District of Hawaii
Federal Nature of Suit	Civil Rights - Other[440]
Docket Number	1:17-cv-00050