

# Exhibit 41



Donald J. Trump

@realDonaldTrump

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Hiring manythousands of judges, and going through a long and complicated legal process, is not the way to go - will always be dysfunctional. People must simply be stopped at the Border and told they cannot come into the U.S. illegally. Children brought back to their country.....

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# Exhibit 42



## Post Nation

'America is better than this': What a doctor saw in a Texas shelter for migrant children

by Kristine Phillips June 16 at 5:23 PM [Email the author](#)

The small shelter along the Texas border to Mexico held 60 beds and a little playground for children. Rooms were equipped with toys, books and crayons. To Colleen Kraft, this shelter looked, in many ways, like a friendly environment for children, a place where they could be happy.

But the first child who caught the prominent pediatrician's attention during a recent visit was anything but happy. Inside a room dedicated to toddlers was a little girl no older than 2, screaming and pounding her fists on a mat. One woman tried to give her toys and books to calm her down, but even that shelter worker seemed frustrated, Kraft told The Washington Post, because as much as she wanted to console the little girl, she couldn't touch, hold or pick her up to let her know everything would be all right. That was the rule, Kraft said she was told: They're not allowed to touch the children.

"The really devastating thing was that we all knew what was going on with this child. We all knew what the problem was," Kraft said. "She didn't have her mother, and none of us can fix that."

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The girl had been taken from her mother the night before and brought to this shelter that had been redecorated for children under age 12, Kraft said staffers told her.

*[Family separations could double, says Border Patrol chief in Rio Grande Valley]*

The little girl is among the multitude of immigrant children who have been separated from their family as part of the Trump administration's "zero-tolerance" policy, meaning any adult who crosses the border illegally will face criminal prosecution. That also means parents were taken to federal jails while their children were sent to shelters.

Nearly 2,000 immigrant children were separated from their parents during six weeks in April and May, according to the Department of Homeland Security.

Kraft, president of the American Academy of Pediatrics, said colleagues who were alarmed by what was going on at the border invited her to see for herself, so she visited a shelter run by the Office of Refugee Resettlement.

"We needed to see what was happening and tell the country and the world about it," she said.

[*'Where's Mommy?': A family fled death threats, only to face separation at the border.*]

One thing immediately became clear to Kraft: Those who work at this shelter, whom she declined to name for privacy reasons, were doing what they could to make sure the children's needs are met. The children were fed; they had beds, toys, a playground and people who change their diapers. But there are limits to what workers could do. Not only could they not pick up or touch the children; they could not get their parents for them.

"The really basic, foundational needs of having trust in adults as a young child was not being met. That contradicts everything we know that the kids need to build their health," Kraft said.

Such a situation could have long-term, devastating effects on young children, who are likely to develop what is called toxic stress in their brain once separated from caregivers or parents they trusted. It disrupts a child's brain development and increases the levels of fight-or-flight hormones in their bodies, Kraft said. This kind of emotional trauma could eventually lead to health problems, such as heart disease and substance abuse disorders.

Kraft and her organization are not alone in this opinion.

"While not all of the children we are ripping from their parents will suffer the full consequences of toxic stress, many may," child psychologist Megan Gunnar of the University of Minnesota told BuzzFeed News.

"The age of the child matters," Gunnar said. Children under age 10 are of deep concern, she said. "Those under 5 should get us all running around with our hair on fire to get this practice stopped."

Nearly 4,600 mental-health professionals and 90 organizations have joined a petition urging President Trump, Attorney General Jeff Sessions and several elected officials to stop the policy of separating children from their parents. The petition says:

These children are thrust into detention centers often without an advocate or an attorney and possibly even without the presence of any adult who can speak their language. We want you to imagine for a moment what this might be like for a child: to flee the place you have called your home because it is not safe to stay and then embark on a dangerous journey to an unknown destination, only to be ripped apart from your sole sense of security with no understanding of what just happened to you or if you will ever see your family again. And that the only thing you have done to deserve this, is to do what children do: stay close to the adults in their lives for security.

[*'They just took them?' Frantic parents separated from their kids fill courts on the border*]

It further says: "To pretend that separated children do not grow up with the shrapnel of this traumatic experience embedded in their minds is to disregard everything we know about child development, the brain, and trauma."

As of Thursday, 11,432 migrant children are in the custody of the Department of Health and Human Services, up from 9,000 at the beginning of May. These numbers include minors who arrived at the border without a relative and children separated from their parents.

The policy so far has pushed shelters to their capacity. Administration officials had started making preparations to hold immigrant children on military bases. On Thursday, the Trump administration said it will house children in tents in the desert outside El Paso.

Though the policy has been enacted and touted by his own administration, Trump has avoided publicly owning it and, instead, blamed Democrats on Twitter for "forcing the breakup of families at the Border with their horrible and cruel legislative agenda."

Health and Human Services blames Congress, saying its inability to pass legislation on border security "created perverse and dangerous incentives for illegal border crossings and child smuggling."

For Kraft, lost in the partisan wrangling and finger-pointing was the long-term impact on children.

"As partisan and as divisive as the whole topic of immigration is, we need to start with what's right," she said. "Can we start with just keeping parents and children together while we figure out some of the other details?"

"The kids need to come first," she added. "America is better than this."

#### Read more:

[Paul Ryan's cheery Father's Day message is not playing well amid the child detainment crisis](#)

[Trump cites as a negotiating tool his policy of separating immigrant children from their parents](#)

['Barbaric': America's cruel history of separating children from their parents](#)

[U.S. to house migrant children in tents outside El Paso as government takes more into custody](#)

8476 Comments

Kristine Phillips is a member of The Washington Post's general assignment team. She previously covered criminal justice, courts and legal affairs at the Indianapolis Star.  Follow @kristinegWP

# Exhibit 43

The Washington Post

## National Security

A family was separated at the border, and this distraught father took his own life

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by Nick Miroff June 9 [Email the author](#)

A Honduran father separated from his wife and child suffered a breakdown at a Texas jail and killed himself in a padded cell last month, according to Border Patrol agents and an incident report filed by sheriff's deputies.

The death of Marco Antonio Muñoz, 39, has not been publicly disclosed by the Department of Homeland Security, and it did not appear in any local news accounts. But according to a copy of a sheriff's department report obtained by The Washington Post, Muñoz was found on the floor of his cell May 13 in a pool of blood with an item of clothing twisted around his neck.

Starr County sheriff's deputies recorded the incident as a "suicide in custody."

Muñoz's death occurred not long after the Trump administration began implementing its "zero-tolerance" crackdown on illegal migration, measures that include separating parents from their children and the threat of criminal prosecution for anyone who enters the United States unlawfully.

*[Trump's 'zero tolerance' at the border is causing child shelters to fill up fast]*

Much of the controversy generated by the approach has centered on its potentially traumatic impact for migrant children, but the government has said little about how it handles parents who become mentally unstable or violent after authorities split up their families.

Officials at U.S. Customs and Border Protection in Washington, which oversees border enforcement, had no immediate comment on Muñoz's death nor the whereabouts of his wife and child. Starr County authorities refused to provide a copy of Muñoz's autopsy report and did not respond to several phone messages requesting more information about the cause of death.

An official at the Embassy of Honduras in Washington, Assunta Garcia, said the nation's ambassador was the only person authorized to comment on Muñoz's death. But Garcia said he was too busy attending to a visit from President Juan Orlando Hernández.

According to Border Patrol agents with detailed knowledge of what occurred, Muñoz crossed the Rio Grande with his wife and 3-year-old son on May 12 near the tiny town of Granjeno, Tex. The area is a popular crossing point for Central American families and teenagers who turn themselves in to apply for asylum in the United States.

Soon after Muñoz and his family were taken into custody, they arrived at a processing station in nearby McAllen and said they wanted to apply for asylum. Border Patrol agents told the family they would be separated. That's when Muñoz "lost it," according to one agent, speaking on the condition of anonymity to discuss the incident.

"The guy lost his s—," the agent said. "They had to use physical force to take the child out of his hands."

Muñoz was placed in a chain-link detention cell, but he began punching the metal and shaking it violently, agents said.

*[Illegal border crossings remained high in May despite Trump's crackdown]*

Though Muñoz did not attempt to assault Border Patrol staff, he was at that point considered to be "pre-assault" because he was so agitated. As one agent described it, Muñoz "had the look of a guy at a bar who wanted to fight someone."

"We had to get him out," the agent said. "Those cells are about as secure as a dog kennel. He could have hurt someone."

Unruly detainees typically are taken to local jails, where they can be placed in more secure settings or isolation cells, known as administrative segregation. Border Patrol agents found a vacant cell for Muñoz 40 miles away at

the Starr County Jail in Rio Grande City. When they attempted to place Muñoz in the van, he tried to run away and had to be captured and restrained.

"He yelled and kicked at the windows on the ride to the jail," an agent said. Shackled and handcuffed, Muñoz attempted to escape again upon arrival and once more had to be restrained.

According to the sheriff's department report, Muñoz was booked into the jail at 9:40 p.m. He remained combative and was placed in a padded isolation cell, it says.

Guards said they checked on Muñoz every 30 minutes and observed him praying in a corner of his cell the following morning.

A guard who walked by the cell at 9:50 a.m. said he noticed Muñoz lying in the center of the floor, unresponsive and without a pulse. The guard "noticed a small pool of blood by his nose" and "a piece of clothing twisted around his neck which was tied to the drainage location in the center of the cell," according to the incident report filed by the sheriff's department that morning.

Paramedics found Muñoz dead, his electrocardiogram showing a "flat line," according to the report. The sheriff's department said it attempted to contact Honduran authorities who could reclaim Muñoz's body, but they received no answer at a consulate. Muñoz's wife and son were later released from Border Patrol custody, according to one agent.

Another agent familiar with what happened said he couldn't understand why Muñoz "would choose to separate himself from his family forever" by taking his own life. Homeland Security officials say they are doing more to explain the separation process to parents and have set up a special hotline to help them locate their children after several reports of migrants being sent back to Central America while their children remain in U.S. foster care thousands of miles away.

### **Comments**

Nick Miroff covers immigration enforcement, drug trafficking and the Department of Homeland Security on The Washington Post's National Security desk. He was a Post foreign correspondent in Latin America from 2010 to 2017, and has been a staff writer since 2006.  Follow @NickMiroff

# Exhibit 44

The Washington Post

## The Fix Analysis

The Trump administration changed its story on family separation no fewer than 14 times before ending the policy

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by JM Rieger June 20 [Email the author](#)

First it was a deterrent. Then it wasn't.

It was a new Justice Department policy. Then it wasn't.

The Trump administration was simply following the law. Then it said separations weren't required by law.

It could not be reversed by executive order. Then it was.

President Trump's [political gambit](#) to force an immigration bill through Congress backfired Wednesday amid a series of wildly contradictory statements — which you can see for yourself in the video above — from a White House that has been without a communications director since Hope Hicks left in March.

As outrage grew over Trump's "zero tolerance" policy on migrant family separations, White House officials could not even agree on what was happening at the southern border.

"This administration did not create a policy of separating families at the border," Homeland Security Secretary Kirstjen Nielsen said Monday.

On Tuesday, Marc Short, the White House director of legislative affairs, said it was indeed a policy.

"This is not a policy that people are excited about," he said.

When a reporter asked Nielsen on Monday whether the policy was being used as a deterrent, she called the question "offensive."

Hours later, Attorney General Jeff Sessions told Fox News Channel's Laura Ingraham that yes, the policy was meant to send a "message" to immigrants crossing the border illegally.

For days, Trump, Sessions and Nielsen insisted that family separation was required by law. Then White House counselor Kellyanne Conway told CNN that "nobody said" the law mandated family separation.

When asked about the policy in May, Nielsen testified there was "training information" for officials tasked with separating families. Then in June, Manuel Padilla Jr., Border Patrol chief for the Rio Grande Valley, told reporters that no "separation process" existed.

In blaming Congress for White House policy Tuesday, Short said a shortage of congressional funding for additional immigration judges was causing the overflow at detention facilities. Two hours later, Trump said: "I don't want judges. I want border security."

Trump threatened that he would not sign a "moderate" House Republican immigration bill Friday. Hours later, the White House said Trump did, in fact, [support](#) the "moderate" bill.

And when reporters asked Trump on Friday why he would not reverse his two-month-old policy via executive order, Trump shot back, "You can't do it through an executive order."

Five days later, Trump [contradicted](#) himself again.

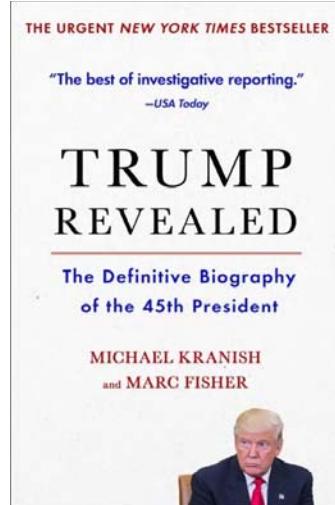
 1561 Comments

JM Rieger is the video editor for The Fix.  Follow @RiegerReport

### Inside 'Trump Revealed'

Read stories based on reporting for "Trump Revealed," a broad, comprehensive biography of the life of the president.

- **Reporting archive: Trump's financial records, depositions and interview transcripts**



# Exhibit 45

**Congress of the United States**  
**Washington, DC 20515**

February 8, 2018

The Honorable Kirstjen Nielsen  
Secretary  
Department of Homeland Security  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Nielsen:

We are deeply concerned that the Department of Homeland Security (DHS) is separating immigrant families, including parents and their minor children, both in the interior of the United States and along the U.S.-Mexico border. Separating children from their parents is unconscionable and contradicts the most basic of American family values. Moreover, the reported justification of this practice as a deterrent to family migration suggests a lack of understanding about the violence many families are fleeing in their home countries. More pointedly, the pretext of deterrence is not a legally sufficient basis for separating families.

We are deeply disturbed by reports that the practice of separating families is increasing. Two recent complaints filed with DHS oversight components, the Office of Civil Rights and Civil Liberties (CRCL) and the Office of Inspector General (OIG), illustrate that DHS appears to be intentionally separating families for purposes of deterrence and punishment. In some cases, this appears to be in direct contradiction to previously articulated policies.<sup>1</sup>

The first of the two complaints,<sup>2</sup> filed on December 6, 2017, illustrates how Immigration and Customs Enforcement (ICE) inappropriately used unaccompanied immigrant children to lure and place into custody family members who had come forward to shelter and care for them. Approximately 400 of these individuals were apprehended between June and August 2017 as a result of these enforcement actions. Homeland Security Investigations claimed that these sponsors had committed acts of smuggling,<sup>3</sup> but the U.S. Attorney's office refused to prosecute over 90% of these cases. In fact, DHS has been unable to confirm that any of the sponsors were subsequently convicted of smuggling.<sup>4</sup>

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<sup>1</sup> See, e.g. U.S. Immigration and Customs Enforcement (ICE), *Facilitating Parental Interest in the Course of Civil Immigration Enforcement Activities* (Aug. 2013); U.S. Customs and Border Protection (CBP), *National Standards on Transport, Escort, Detention, and Search* (Oct. 2015).

<sup>2</sup> "ICE and CBP Coercive Enforcement Actions against Sponsors of Unaccompanied Children Conducted in Violation of Family Unity, Protection, and Due Process Rights." Complaint filed with DHS CRCL and OIG (Dec. 6, 2017) available at: <http://www.immigrantjustice.org/sites/default/files/content-type/press-release/documents/2017-12/Sponsor%20Enforcement-OIG%20CRCL%20Complaint%20Cover%20Letter-FINAL%20PUBLIC.pdf>.

<sup>3</sup> Burnett, John. *ICE Has Arrested More Than 400 in Operation Targeting Parents Who Pay Smugglers*, NPR (Aug. 2017) available at: <https://www.npr.org/2017/08/18/544523231/arrests-of-undocumented-parents-sparks-debate-between-federal-officials-and-immi>.

<sup>4</sup> Per conversation between office staff and the Dep't of Homeland Security (DHS).

The second complaint,<sup>5</sup> filed on December 11, 2017, notes the alarming increase in the number of families separated in U.S. Customs and Border Protection (CBP) custody for the purpose of punishing or deterring further migration to the United States. The complaint documented instances of infants and toddlers as young as one and two years old separated from their parents and rendered “unaccompanied.” Moreover, one recent news investigation identified 22 cases since June 2017 in which parents were charged with “improper entry and had their children removed.”<sup>6</sup> Once separated, children were rendered “unaccompanied” and parents were either confined in ICE adult detention facilities or transferred to U.S. Marshals Service custody to await criminal prosecution. Among the cases is a father separated from his one-year-old son, Mateo, despite presenting appropriate documents to establish their relationship.<sup>7</sup>

ICE, the Office of Refugee Resettlement (ORR), CBP, and the Department of Justice (DOJ) have inadequate measures to facilitate reunification of separated family members. Yet, the separation of family members increased significantly over the past several months and directly contradicts DHS’s stated commitment to keeping families together, including a statement by former Secretary John Kelly that the separation of parents and children generally should not occur, unless the child is in danger,<sup>8,9</sup> such as for protection from child trafficking.

We believe that separation is especially unnecessary given that ICE can and should turn to humane, less costly, alternatives to detention, such as the Family Case Management Program, which ICE prematurely terminated after only one year of a five year pilot.<sup>10</sup> Rather than protecting the best interests of the child, practices that punish and deter immigrant families violate fundamental domestic and international principles of family unity and are inconsistent with numerous U.S. child welfare and refugee laws and

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<sup>5</sup> “The Separation of Family Members Apprehended or Found Inadmissible while in U.S. Customs and Border Protection Custody at the U.S.-Mexico Border.” Complaint filed with DHS CRCL and OIG (Dec. 11, 2017) available at:

<https://www.womensrefugeecommission.org/images/zdocs/Family-Separation-Complaint-FINAL-PUBLIC-12-11-17.pdf>.

<sup>6</sup> Lomi Kriel, *Trump moves to end ‘catch and release’, prosecuting parents and removing children who cross border*, HOUSTON CHRONICLE (Nov. 25, 2017) available at: <http://www.houstonchronicle.com/news/houston-texas/houston/article/Trump-moves-to-end-catch-and-release-12383666.php>.

<sup>7</sup> Migrant seeking asylum says his toddler was taken away at the U.S. border, PBS (Dec. 22, 2017) available at: <https://www.pbs.org/newshour/show/migrant-seeking-asylum-says-his-toddler-was-taken-away-at-the-u-s-border>.

<sup>8</sup> Testimony before Congress in the Senate Homeland Security and Governmental Affairs Committee hearing titled, “Improving Border Security and Public Safety” (Apr. 5, 2017); see also Tal Kopan, *Kelly says DHS won’t separate families at the border*, CNN (Mar. 29, 2017) <http://www.cnn.com/2017/03/29/politics/border-families-separation-kelly/index.html>; Elise Foley & Roque Planas, *Trump Administration Won’t Routinely Separate Families At The Border After All*, HUFFINGTON POST (Apr. 5, 2017) available at: [http://www.huffingtonpost.com/entry/dhs-separating-families-border\\_us\\_58e50d4fe4b0f4a923b448b7](http://www.huffingtonpost.com/entry/dhs-separating-families-border_us_58e50d4fe4b0f4a923b448b7).

<sup>9</sup> Children should not be released to unverified parents or legal guardians. Release should be consistent with the child protection policy under the Homeland Security Act, section 479(g).

<sup>10</sup> Aria Bendix, *ICE Shuts Down Program for Asylum-Seekers*, THE ATLANTIC (Jun. 9, 2017) available at: <https://www.theatlantic.com/news/archive/2017/06/ice-shuts-down-program-for-asylum-seekers/529887>.

obligations.<sup>11, 12, 13, 14</sup> Based on evidence of current trends, we are gravely concerned that these practices are expanding and worsening, further traumatizing families and impeding access to a fair process for seeking asylum or other immigration benefits for which these families may be eligible.

We request that your office respond within 14 days to clarify current Department and component policies, initiatives, and practices relating to family separation, including any initiatives, training protocols, or written or other policy guidance relating to :

- The separation of families while in the custody of CBP or ICE;
- Requests by ICE to ORR for information on the identity and location of individuals seeking to sponsor unaccompanied children in ORR custody, including family members of such children; and
- ICE apprehension, detention, or other processing of such sponsors.

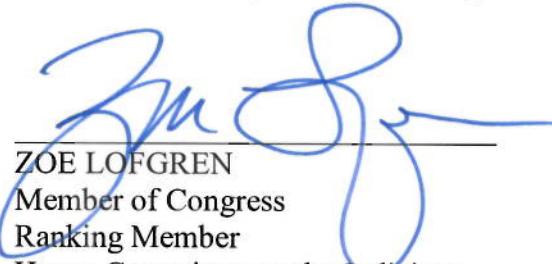
Thank you for your attention to this very troubling issue. We look forward to hearing from you soon.

Sincerely,

  
LUCILLE ROYBAL-ALLARD  
Member of Congress  
Co-Chair  
Women's Working Group on Immigration

  
BENNIE G. THOMPSON  
Member of Congress  
Ranking Member  
House Committee on Homeland Security

  
PRAMILA JAYAPAL  
Member of Congress  
Co-Chair  
Women's Working Group on Immigration

  
ZOE LOFGREN  
Member of Congress  
Ranking Member  
House Committee on the Judiciary,  
Subcommittee on Immigration and Border Security

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<sup>11</sup> Troxel v. Granville, 530 U.S. 57, 65 (2000).

<sup>12</sup> D.B. v. Cardall, 826 F.3d 721, 740 (4th Cir. 2016) (quoting Berman v. Young, 291 F.3d 976, 983 (7th Cir. 2002)).

<sup>13</sup> See, e.g., Articles 16 and 25 of the Universal Declaration of Human Rights, Articles VI and VII of the American Declaration on the Rights and Duties of Man, Articles 17 and 19 of the American Convention on Human Rights, and Article 23 of the International Covenant on Civil and Political Rights, among others. See generally, the United Nations Convention on the Rights of the Child. See also Subcommittee on Best Interests, Interagency Working Group on Unaccompanied and Separated Children, Framework for Considering the Best Interests of Unaccompanied Children (Young Center for Immigrant Children's Rights, May 2016).

<sup>14</sup> 8 DHS's actions also contravene its own agency standards. See, e.g., Customs and Border Protection, National Standards on Transport, Escort, Detention, and Search ("TEDS") at 1.9 and 5.6 (2015) (TEDS requires family units to remain together "to the greatest extent operationally feasible" absent concerns for security or safety. If separation must occur, TEDS further requires, "such separation must be well documented in the appropriate electronic system(s) of record.").



Pete Aguilar

PETE AGUILAR  
Member of Congress



Anthony Brown

ANTHONY BROWN  
Member of Congress



Andre Carson

ANDRE CARSON  
Member of Congress



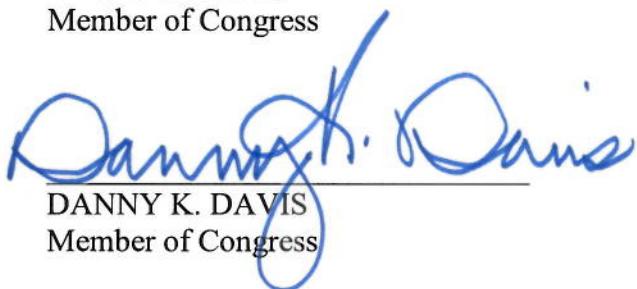
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Member of Congress



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Danny K. Davis

DANNY K. DAVIS  
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ROSA DELAUBO  
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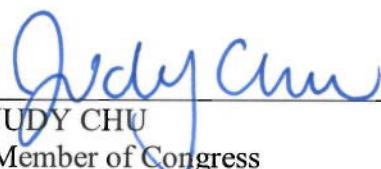
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NANETTE DIAZ BARRAGÁN  
Member of Congress



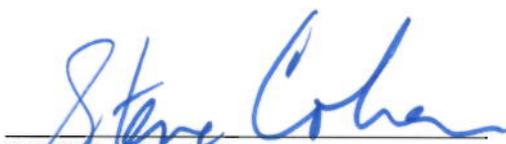
Tony Cardenas

TONY CÁRDENAS  
Member of Congress



Judy Chu

JUDY CHU  
Member of Congress



Steve Cohen

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Member of Congress



Elijah E. Cummings

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Member of Congress



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Member of Congress



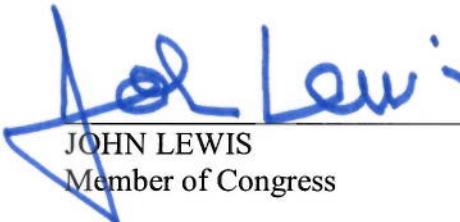
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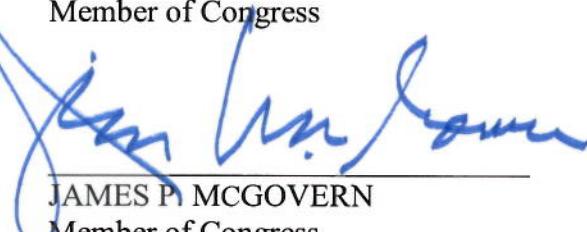
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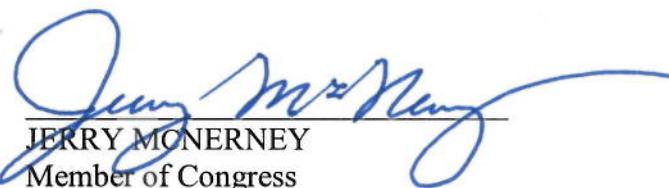
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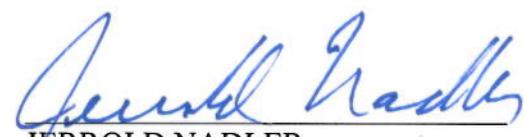
JERRY MCNERNEY  
Member of Congress



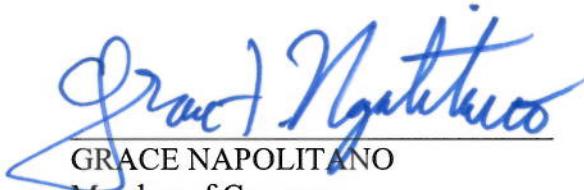
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Member of Congress



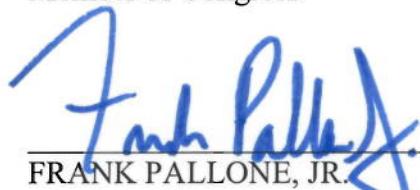
GWEN S. MOORE  
Member of Congress



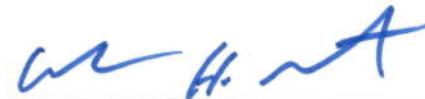
JERROLD NADLER  
Member of Congress



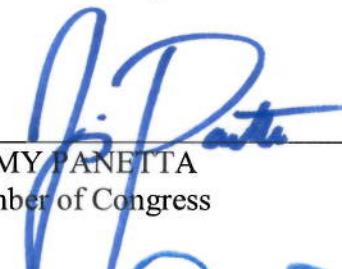
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Member of Congress



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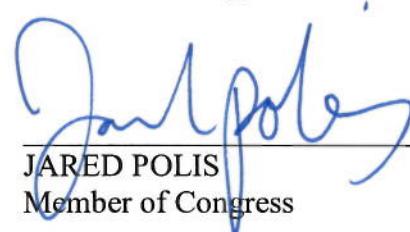
JIMMY PANETTA  
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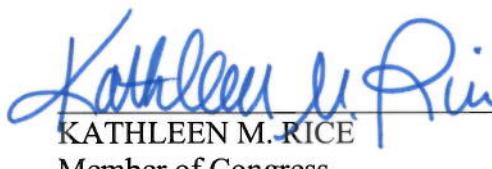
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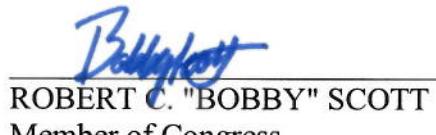
KATHLEEN M. RICE  
Member of Congress



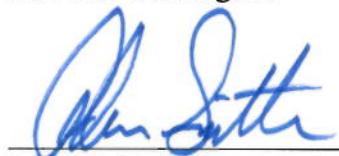
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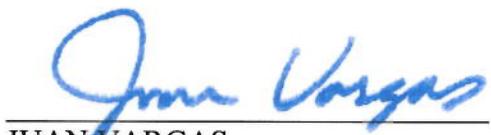
ROBERT C. "BOBBY" SCOTT  
Member of Congress



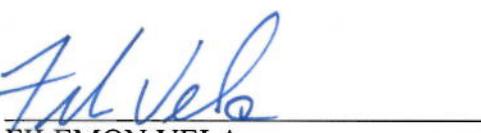
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MARK TAKANO  
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JUAN VARGAS  
Member of Congress



FILEMON VELA  
Member of Congress



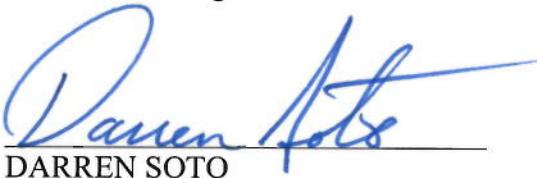
BONNIE WATSON COLEMAN  
Member of Congress



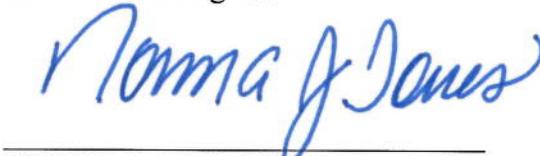
JAN SCHAKOWSKY  
Member of Congress



ALBIO SIRES  
Member of Congress



DARREN SOTO  
Member of Congress



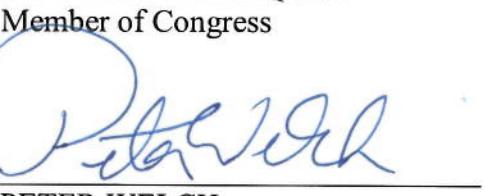
NORMA J. TORRES  
Member of Congress



MARC VEASEY  
Member of Congress



NYDIA M. VELAZQUEZ  
Member of Congress



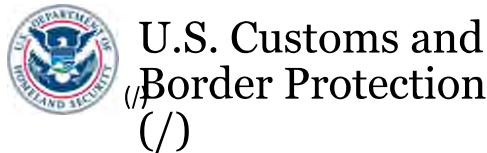
PETER WELCH  
Member of Congress



John Yarmuth  
Member of Congress

# Exhibit 46

 Official website of the Department of Homeland Security



## U.S. Border Patrol Southwest Border Apprehensions by Sector FY2017

### Southwest Border Unaccompanied Alien Children (0-17 yr old) Apprehensions

Comparisons below reflect Fiscal Year 2017 (October 1, 2016 - September 30, 2017) compared to the same time period for Fiscal Year 2016.

Unaccompanied Alien Children by Sector			
Sector	FY2016	FY2017	% Change FY16 to FY17
Big Bend	951	811	-15%
Del Rio	2,689	1,349	-50%
El Centro	1,379	1,531	11%
El Paso	3,885	3,926	1%
Laredo	2,953	2,033	-31%
Rio Grande	36,714	23,708	-35%
San Diego	1,553	1,551	0%
Tucson	6,302	3,659	-42%
Yuma	3,266	2,867	-12%
<b>USBP Southwest Border Total</b>	<b>59,692</b>	<b>41,435</b>	<b>-31%</b>

### Southwest Border Family Unit\* Apprehensions

Comparisons below reflect Fiscal Year 2017 (October 1, 2016 - September 30, 2017) compared to the same time period for Fiscal Year 2016.

Family Unit* Apprehensions by Sector			
Sector	FY2016	FY2017	% Change FY16 to FY17
Big Bend	1,051	941	-10%

<b>Family Unit* Apprehensions by Sector</b>			
<b>Sector</b>	<b>FY2016</b>	<b>FY2017</b>	<b>% Change FY16 to FY17</b>
Del Rio	3,549	2,453	-31%
El Centro	1,593	1,798	13%
El Paso	5,664	8,609	52%
Laredo	1,640	865	-47%
Rio Grande	52,006	49,896	-4%
San Diego	2,863	2,944	3%
Tucson	3,139	2,042	-35%
Yuma	6,169	6,074	-2%
<b>USBP Southwest Border Total</b>	<b>77,674</b>	<b>75,622</b>	<b>-3%</b>

### **Unaccompanied Alien Children Apprehensions by Country**

Numbers below reflect Fiscal Years 2010-2016, FY 2017 (October 1, 2016 - September 30, 2017)

<b>Unaccompanied Alien Children Apprehensions by Country</b>					
<b>Country</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
El Salvador	5,990	16,404	9,389	17,512	9,143
Guatemala	8,068	17,057	13,589	18,913	14,827
Honduras	6,747	18,244	5,409	10,468	7,784
Mexico	17,240	15,634	11,012	11,926	8,877

### **Family Unit\* Apprehensions by Country**

Numbers below reflect Fiscal Year 2016, FY 2017 (October 1, 2016 - September 30, 2017)

<b>Family Units* Apprehensions by Country</b>		
<b>Country</b>	<b>FY 2016</b>	<b>FY 2017</b>
El Salvador	27,114	24,122
Guatemala	23,067	24,657
Honduras	20,226	22,366
Mexico	3,481	2,217

**\*Note:** (Family Unit represents the number of individuals (either a child under 18 years old, parent or legal guardian) apprehended with a family member by the U.S. Border Patrol.)

## Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2017 - By Month

Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2017 - By Month				
	FMUA	UAC	Total Apprehensions	
Sector	FY 2017 JULY	FY 2017 JULY	FY 2017 JULY	
Big Bend	93	87	492	
Del Rio	126	52	760	
El Centro	80	127	1,478	
El Paso	231	269	1,395	
Laredo	45	190	2,120	
Rio Grande	2,098	1,194	7,107	
San Diego	94	111	1,764	
Tucson	155	235	2,177	
Yuma	467	216	894	
<b>USBP</b>				
<b>Southwest</b>	<b>3,389</b>	<b>2,481</b>	<b>18,187</b>	
<b>Border Total</b>				

## Back to Southwest Border Migration (</newsroom/stats/sw-border-migration-fy2017>)

Last modified: December 15, 2017

Tags: [Statistics](#), [U.S. Border Patrol](#), [Unaccompanied Alien Children \(UAC\)](#)



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# Exhibit 47

 Official website of the Department of Homeland Security



U.S. Customs and  
Border Protection  
(/)  
(/)

## U.S. Border Patrol Southwest Border Apprehensions by Sector FY2018

### Southwest Border Unaccompanied Alien Children (0-17 yr old) Apprehensions

Comparisons below reflect Fiscal Year 2018 (October 1, 2017 - May 31, 2018) compared to the same time period for Fiscal Year 2017.

Unaccompanied Alien Children by Sector			
Sector	FYTD2017	FYTD2018	% Change FYTD17 to FYTD18
Big Bend	469	835	78%
Del Rio	1,082	863	-20%
El Centro	882	1,717	95%
El Paso	2,882	3,136	9%
Laredo	1,306	1,934	48%
Rio Grande	18,974	14,846	-22%
San Diego	1,053	1,492	42%
Tucson	2,523	3,576	42%
Yuma	1,892	3,973	110%
<b>USBP</b>			
<b>Southwest</b>	<b>31,063</b>	<b>32,372</b>	<b>4%</b>
<b>Border Total</b>			

### Southwest Border Family Unit\* Apprehensions

Comparisons below reflect Fiscal Year 2018 (October 1, 2017 - May 31, 2018) compared to the same time period for Fiscal Year 2017.

Family Unit* Apprehensions by Sector			
Sector	FYTD2017	FYTD2018	% Change FYTD17 to FYTD18
Big Bend	669	543	-19%
Del Rio	1,991	1,509	-24%
El Centro	1,393	1,613	16%
El Paso	7,401	4,765	-36%
Laredo	697	361	-48%
Rio Grande	40,912	36,745	-10%
San Diego	2,463	1,996	-19%
Tucson	1,508	2,806	86%
Yuma	4,055	8,775	116%
<b>USBP</b>			
<b>Southwest</b>	<b>61,089</b>	<b>59,113</b>	<b>-3%</b>
<b>Border Total</b>			

#### Unaccompanied Alien Children Apprehensions by Country

Numbers below reflect Fiscal Years 2013-2017, FYTD 2018 (October 1, 2017 - May 31, 2018)

Unaccompanied Alien Children Apprehensions by Country						
Country	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FYTD 2018
El Salvador	5,990	16,404	9,389	17,512	9,143	2,690
Guatemala	8,068	17,057	13,589	18,913	14,827	16,480
Honduras	6,747	18,244	5,409	10,468	7,784	6,350
Mexico	17,240	15,634	11,012	11,926	8,877	6,690

#### Family Unit\* Apprehensions by Country

Numbers below reflect Fiscal Year 2016 and 2017, FYTD 2018 (October 1, 2017 - May 31, 2018)

Family Units* Apprehensions by Country			
Country	FY 2016	FY 2017	FYTD 2018
El Salvador	27,114	24,122	7,167
Guatemala	23,067	24,657	29,278
Honduras	20,226	22,366	20,675
Mexico	3,481	2,217	1,461

**\*Note:** (Family Unit represents the number of individuals (either a child under 18 years old, parent or legal guardian) apprehended with a family member by the U.S. Border Patrol.)

### Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2018 - By Month

October November December January February March April May				
	FMUA	UAC	Total Apprehensions	
Sector	FY 2018 NOV	FY 2018 NOV	FY 2018 NOV	
Big Bend	120	148	827	
Del Rio	163	108	1,187	
El Centro	246	217	2,123	
El Paso	379	321	1,647	
Laredo	60	202	2,282	
Rio Grande	4,357	1,815	11,729	
San Diego	206	196	2,760	
Tucson	369	529	4,561	
Yuma	1,116	439	1,970	
<b>USBP</b>				
<b>Southwest Border</b>	<b>7,016</b>	<b>3,975</b>	<b>29,086</b>	
<b>Total</b>				

## Back to Southwest Border Migration (/newsroom/stats/sw-border-migration)

Last modified: June 6, 2018

Tags: Statistics, U.S. Border Patrol, Unaccompanied Alien Children (UAC)



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# Exhibit 48

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# Transcript: White House Chief Of Staff John Kelly's Interview With NPR

May 11, 2018 · 11:36 AM ET



White House chief of staff John Kelly is pictured at President Trump's Mar-a-Lago resort in Palm Beach, Fla., last month.

Mandel Ngan/AFP/Getty Images

***Editor's note:*** This post contains language some may find offensive.

*NPR's Southwest correspondent John Burnett speaks with White House chief of staff John Kelly. Here's a partial transcript of their conversation, which has been edited for clarity.*

*Burnett started by talking with Kelly about how much time he spends with President Trump:*

**John Kelly:** I do spend a huge amount of time with him. Now, less so today. When I when I got here there was a lot of work to be done organizational work to be done. So I spent every minute with him. But that was to train the staff as to how to interact with the president because it was that needed to be done and to organize how people interact with the president in the Oval Office.

**John Burnett: So how many hours a day would you figure?**

I don't know, seven or eight.

**Wow, OK.**

Five, six, seven, eight.

**What do you do to start your day?**

The minute I start, I start. I mean it's work. I leave the house. We live, we moved to a house in Manassas, which was the house that we would live in I'd never work another day when I retired from the Marine Corps. So it's about a 40-minute drive. I get driven in by the Secret Service. I get my fair amount of threats. But anyway.

So when I get in the car at 5:30 I have to read, basically cover-to-cover, *The New York Times*, *The Washington Post*, the CNN website, the FOX News website, Politico and a website I never read before until I got this job: Breitbart. So, you know, to get that end of the political spectrum. So that's from 5:30 and I get home at 8, 8:30 or later.



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NATIONAL

John Kelly: Despite 'Times Of Great Frustration,' No Regrets Taking White House Job

**OK. What do you what do you drink when you get home?**

Wine usually. Unless my wife's in California, which she is now, and you know I hit the hard stuff.

**What kind of wine?**

Cheap red wine.

**So what's harder — commanding Marines in a combat zone in Iraq or bringing order to the Trump White House?**

Working in the White House is the hardest thing I've ever done in my life, bar none.

**Talk about that.**

Well, first, with all due respect to people like yourselves, I was not ready for the press that covers a White House. All of my time, and you remember it a little bit, I think, we were pretty good to you guys. We had a good team effort going in the field. When I was working in the Pentagon at a higher level, senior level the Pentagon press corps were really good to work with. I mean they, they seldom wrote or did the story you wanted to read, naturally, but they were really professional in trying to get the accurate aspect of every story. It wasn't personal. It was pretty professional. And I still call some of them ... good acquaintances. This is vastly different. This is — it's personal, it's vicious. ...

I did my first off the record — that was immediately violated. But after about six weeks in a job one of the reporters said to me, "Look you were our worst nightmare. This place was a clown show before you showed up. We didn't think this president would last a year [or] 18 months. Now that you're here, there's order to the place. The leaks all but went away. So, sorry but you got to go." So here I am, sitting, still here.

**With your background valuing chain of command and military discipline, do you feel like you've brought some discipline and integrity to this inner circle?**

They overstate that, press covers that a lot. Again, I don't mean to be too hard on the press but they — I know everything. Right? And so when I read the press accounts of what's going on here, I say, "gee, how could they have gotten that that wrong?" So I

think the press, and maybe it's because only certain people talk and those people maybe leak or are sources — and maybe those people aren't as honorable as they should be. But when I read what they write, I think to myself they may have had some low-level source and that's — and to write a story like that — whatever "that" is for a major newspaper like the *Post* or the *Times* -- to base it on almost rumor strikes me as being a little bit — not the way to do business.

**There's been some reporting about some derogatory words that you use to describe the president. I know you've denied it. How would you describe your relationship with Donald Trump?**

The president and I have a very close relationship. I've always — my view is to speak truth to power. I always give my opinion, on everything. Sometimes — he always listens. Sometimes he takes the opinion, sometimes he doesn't. The good thing about the president is he does listen to people and when I — the organization I brought to the place is whatever the topic is, generally speaking, we will have a group in there of very — a spectrum. So if it's taxes, you'll have someone who thinks you know very liberally about taxes and someone who's on the arch-conservative side and then a sprinkling of everyone in the middle. And then there's a discussion and generally if there's a decision to be made then I help execute that. So we have a very close relationship in the sense of — I'm his chief of staff and I tell him what I think is always the truth is and whether he goes along with my recommendations is another story.

**How would you describe his intellect?**

Very smart — a very, very smart guy. I mean a super smart guy. But I think it wouldn't surprise you to know he's very strong. He's very strong in terms of trade, taxes, business and he's a quick study on everything else. He's a pretty bright guy.

**So do you have any regrets about taking this job nine months ago? You know, there have been reports that you're considering leaving.**

First of all, I didn't get a vote. Took \$30,000 a year cut to take this job from what I was doing at DHS and I say that only because I'm one of the probably the few people around here that isn't really rich, at my age anyways. You know, the sense of duty. It was clear from my perch at DHS that the White House was less organized than our president deserved. So when he said, "I really need you to come down, what do you say?" I came down.

**You seriously considered leaving?**

No. I mean there's times of great frustration, mostly because of the stories I've read about myself or others that I think the world of which is just about everyone that works at the complex. You wonder if it's worth it to be subjected to that. But then I grow up and suck it up.

**Do the president's inaccurate statements; everything from the number of people he believes voted illegally, to the size of the inauguration crowd, or to the payments to the lawyer regarding Stormy Daniels — do inaccurate statements make your job harder?**

You know, I'm not so sure they're inaccurate. I wasn't here for the first two examples. One of the things we've all done here we have to do here, John, in terms of these outside accusations — we've had to really build a firewall between the White House staff that works for the president of the United States and the personal legal staff that works for Donald Trump. And that comes together in one individual here that works at the White House. But, like, Sarah Sanders when she's asked a question and she says, "I don't know, ask Rudy Giuliani," she's not punting it. She... we all work very hard not to know the issues related to Donald J. Trump. We work very, very hard to master the issues related to the president of United States.

**Are there things that you wish you personally had done differently in this job?**

In retrospect, I wish I had been here from Day 1.

**How so?**

Well because that's six months, I think in some cases in terms of staffing or serving the president that first six months was pretty chaotic and there were people — some people hired that maybe shouldn't have hired some people that were — it was just, I wish I'd been here from the beginning because I could have brought the organization from, you know, from Day 1 as opposed to — Now it's not that things were a disaster for that six months, but I believe they could have been better.

**The president keeps calling the Russian investigation a witch hunt, do you do you think it is? Do you think it's a witch hunt against the president?**

From what I read in the newspaper, because I have no knowledge — as I say, I've built a firewall. From what I read and observe in the news media — something that has gone on this long without any real meat on the bone, it suggests to me that there is nothing there, relative to our president.

**Is there a cloud hanging over this White House?**

Well yeah, you know, there may not be a cloud but certainly the president is you know somewhat embarrassed, frankly. When world leaders come in - it's kind of like you know Bibi Netanyahu is here — who's under investigation himself — and it's like, you know, you walk in and you know the first couple of minutes of every conversation might revolve around that kind of thing.

**What kind of thing?**

Well, it's a distraction.

**The Russia investigation?**

Or whatever. It's just a distraction for him. He has, you know, he has said this himself in the press or publicly that he really wants to reach out and have a good relationship with say Russia in the same way the head does with Xi from China. And hopefully Kim

from North Korea. But he's but he's a little hesitant to do that right now because of what you say is a cloud.

**Regarding the Iran nuclear deal. You served as special assistant to the Supreme Allied Commander in Europe and at U.S. Southern Command with responsibility over Latin America. You understand the importance of working with U.S. allies. Are you concerned we're going to lose our trust because of pulling out of the Iran deal?**

I don't think so. I mean it was a horrible deal. The best deal someone thought they could get. Horrible deal.

**What's Step 2 now that we pulled out? What is the new deal?**

Re-establishing, not re-establishing, but ensuring that a country that has been has been very unreliable in their claims about not ever having a nuclear program etc. doesn't get a nuclear program. And in a country that is developing [intercontinental ballistic missiles] ... the rational man and woman can't quite understand why he'd need an ICBM that could reach Europe or the United States. It's the same kind of point that he's making to Kim — why do you need nuclear weapons? Why do you need an ICBM that can hit the United States? We have no intention of invading you. Work this thing out with your brothers and sisters to the south. So, the Europeans are decided to stay in. And I think we'll help them improve on the [agreement] that they have with Iran.

**Regarding the upcoming summit with Kim. How can you be sure that he's not going to trick you? We've been down this road so many times before and there have been disappointments with that country.**

Not sure, but this president's got his eyes wide open. There is, he really — believe me — the president really wants this to work. We talk fairly frequently about nuclear weapons and he's just astounded that the United States that the human race could have gotten itself into this dilemma with all of these nuclear weapons. As he says, to

help North Korea see the light, give up its nuclear program and its missile program would be a wonderful thing. But, as he said, hopefully it'll work out maybe it won't. But I don't think he'll fall for it in the same way. I know he won't fall for it in the same way that past presidents have - that get strung along, strung along, lift the sanctions, give them money and get nothing for it.

**Finally, to immigration. You were only at DHS for about six months. But you had a consequential time there. Aggressive enforcement was begun right after the president came into office. Are you still interested in border security and immigration from your perch here?**

Yeah, I mean it's not something I think about as much as when I was at DHS. But you know when I was at DHS, I certainly carried the same point of view and that is we have immigration laws. We have border protection laws that are simply ignored or have been ignored.

One of the things that we did at my first day at DHS we just said to the men and women of ICE and the men and women of CBP — Customs and Border Protection; just go to your job, and do it legally do it humanely. But go do your job. That, combined frankly, with Mr. Trump coming in — his campaign promises and whatnot — the immigration fell off dramatically. Mostly because people are not willing to take the chance of spending a huge amount of money to them — \$6,000, \$12,000, \$15,000 — to have the traffickers get them to the United States.

And if you believe what Donald Trump was saying and he does believe it — quick return to where you came from. We have a serious problem internally. We have very, very, I'd say chaotic immigration laws that we have just got to change. I mean this is all on the United States Congress — they don't do. They have not done anything to address this. And I could give you example after example of laws.

**In terms of the Deferred Action for Childhood Arrivals program, where are you putting your hopes now?**

It's astounding to me, and it should be to the world — that the president from what he was saying during the campaign to what he agreed upon with the four pillars, to take 670,000 people who were covered under the Obama DACA program ... The second 670,000 of course were the ones that were going on under the Obama administration that for some reason didn't get around to registering which is very easily done.

**I believe you said that they needed to get off their lazy asses and register.**

I believe that's a quote. But for whatever reason they didn't get off their butts. The fact is that this president said, "throw them in there so," we get 1.8 million. That was earthshaking enough. And then a path to citizenship. I thought based on all of the rhetoric I was getting from the particularly the Democrats on the Hill both sides of the aisle both sides of the hill that they, I mean that was Nevada and they you know they tap that around and tossed it around.

**What would you like to see happen legislatively right now?**

Right now I would like to see legislatively the four pillars enacted. And I think those that did not grasp the four pillars and pass it, have let down 1.8 million DACA people — either full recipients or the ones that didn't get around to signing up and they're still in limbo. And this president wants to get them out of limbo and get them into heaven. But it is astounding to me with all of my interactions with the Hispanic Caucus, the Democratic Caucus, all of that when this stuff was served up on a silver platter they did nothing.

**And then in terms of temporary protected status, there was a report that you called acting DHS Secretary Elaine Duke and said, "I urge you to cancel that status for the Hondurans." Is that true?**

It is not true. I called her because she was not making a decision and I said, "look, I don't care what you do."

**So you think all the TPS status should be canceled for all the countries?**

I think we should fold all of the TPS people that have been here for a considerable period of time and find a way for them to be [on] a path to citizenship. Use the Haitians as an example.

**A path to citizenship rather than sent home?**

Yeah. Well, they were there in a legal status under TPS, that's a big deal. They're under legal status. You take the Central Americans that have been here 20-plus years. I mean if you really start looking at them and saying, "OK you know you've been here 20 years. What have you done with your life?" Well, I've met an American guy and I have three children and I've worked and gotten a degree or I'm a brick mason or something like that. That's what I think we should do — for the ones that have been here for shorter periods of time, the whatever it was that gave them TPS status in the first place. If that is solved back in their home countries they should go home.

**So did you disagree with the decision by your successor Secretary Nielsen that Salvadorans and Hondurans and Haitians who've been here a very long time should have been allowed a path to citizenship?**

I did not talk to her about it. But let me go back to ... Duke, one more time. My phone call to her was I don't give a shit what you decide. Just make a decision. We were at the point we needed to make a decision on that particular group of people. She seemed to be incapable of making it. I just called and said I don't care what you do. Just do something. They stay or they go. ...

In fact, she was in the office here on her last day apologizing for however that story get out. But anyway.

I think by doing what she's done Secretary Nielsen once again is forcing the United States Congress to do something. I mean I can't tell you, John, the number of times in my hearings when they would ask me about why we're doing this so that what your

philosophy is on immigration or whatever. I just said look you make the laws. I execute the laws. I can't pick and choose what laws to enforce. I would be, I should be thrown out of the job if I do that. Just do your job. Fix the problem. Or as I said in some remarks just shut up and let us do our job.

**The president sent National Guard troops to the border and said he's going to keep them there until the border wall is built. Do you think that Mr. Trump continues to put too much stock in a border wall as the answer to border security?**

You know, physical barriers work. Mr. Trump ... two years before he became the president-elect was talking about barriers along the border. He acknowledged the fact way back then that this was not going to be a concrete wall from sea to shining sea. That there were places we didn't need a wall. Places that were just too rough and people didn't know the big bend section of Texas is an example. You don't need a wall there. You know the mountain goats can't get through.

There's other places particularly where you are close to cities on the U.S. side will you very definitely need a barrier ... along the California border cut illegal immigration by 97 percent. So those border crossings — San Ysidro I think is 100,000 people come in every day, legally Mexicans. Something like that. And let me say a very, very large number. And at the end of the day a very, very large number the same people go back home to Mexico. What did they do in the United States? They shop, they work. They bring their kids to school. You know Catholic schools or private schools. Bring them back. We want that kind of movement. What we don't want is illegal immigrants.

**Are you in favor of this new move announced by the attorney general early this week that if you cross the border illegally even if you're a mother with your children [we're going] to arrest you? We're going to prosecute you, we're going to send your kids to a juvenile shelter?**

The name of the game to a large degree. Let me step back and tell you that the vast majority of the people that move illegally into United States are not bad people.

They're not criminals. They're not MS-13. Some of them are not. But they're also not people that would easily assimilate into the United States into our modern society. They're overwhelmingly rural people in the countries they come from – fourth, fifth, sixth grade educations are kind of the norm. They don't speak English, obviously that's a big thing. They don't speak English. They don't integrate well, they don't have skills. They're not bad people. They're coming here for a reason. And I sympathize with the reason. But the laws are the laws. But a big name of the game is deterrence.

**Family separation stands as a pretty tough deterrent.**

It could be a tough deterrent — would be a tough deterrent. A much faster turnaround on asylum seekers.

**Even though people say that's cruel and heartless to take a mother away from her children?**

I wouldn't put it quite that way. The children will be taken care of — put into foster care or whatever. But the big point is they elected to come illegally into the United States and this is a technique that no one hopes will be used extensively or for very long.

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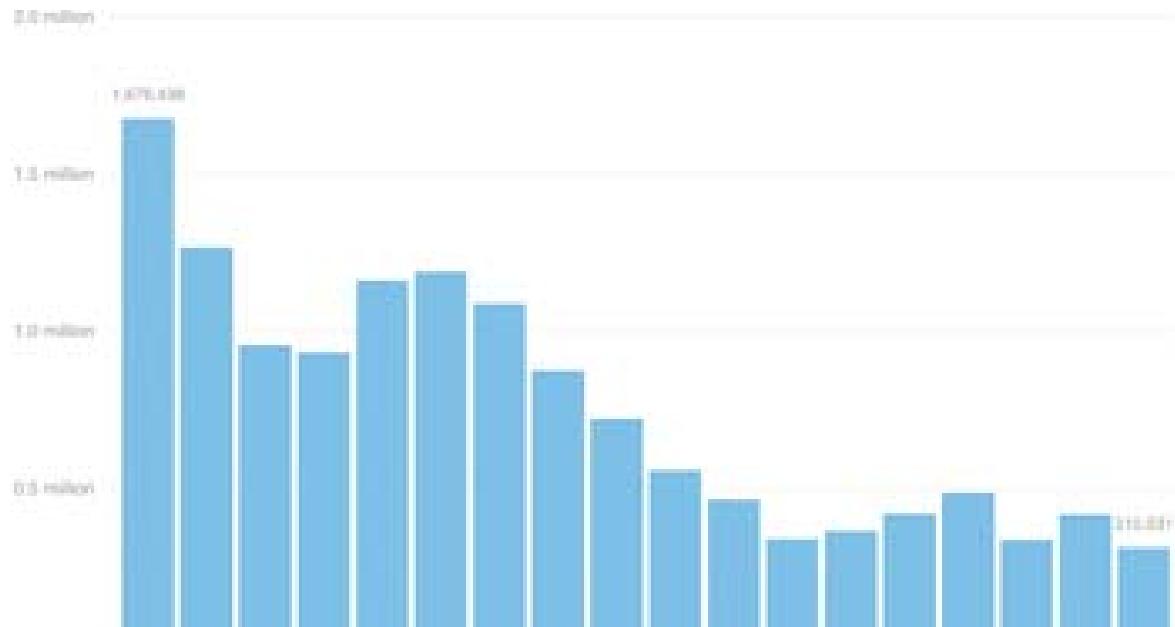
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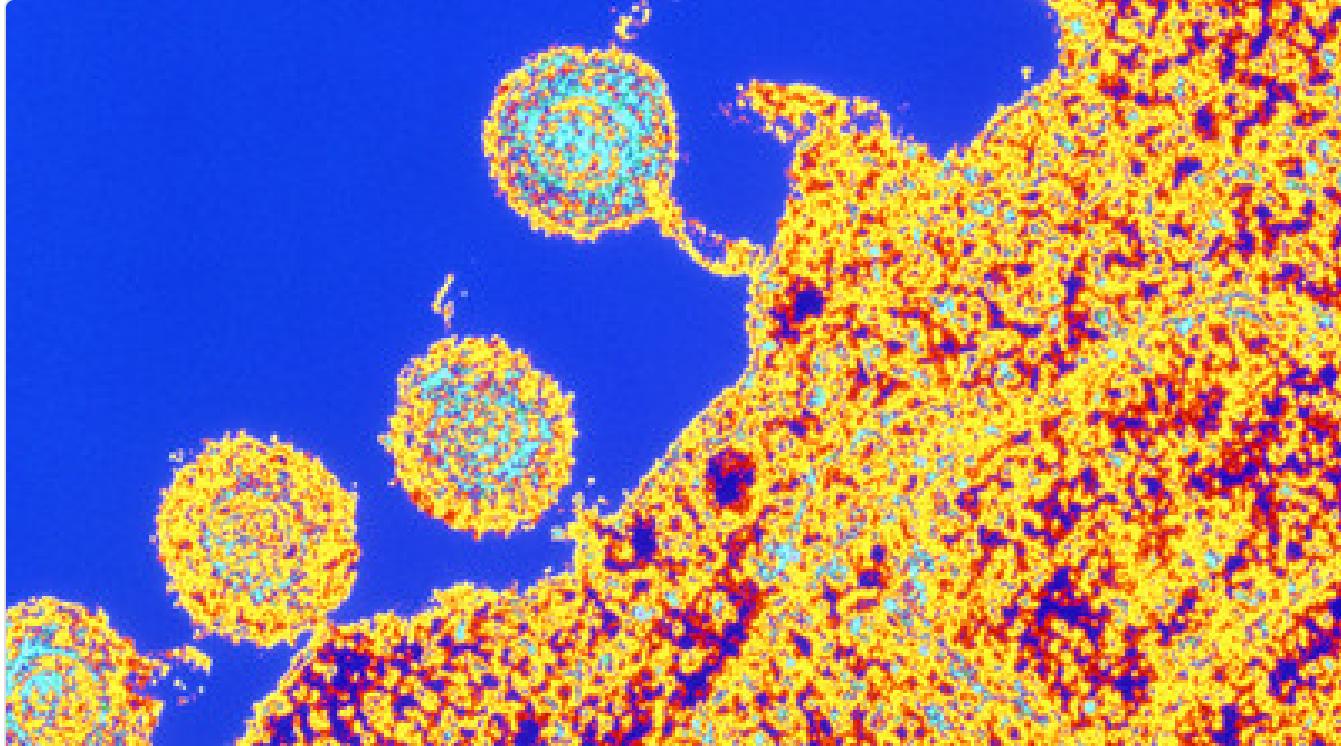


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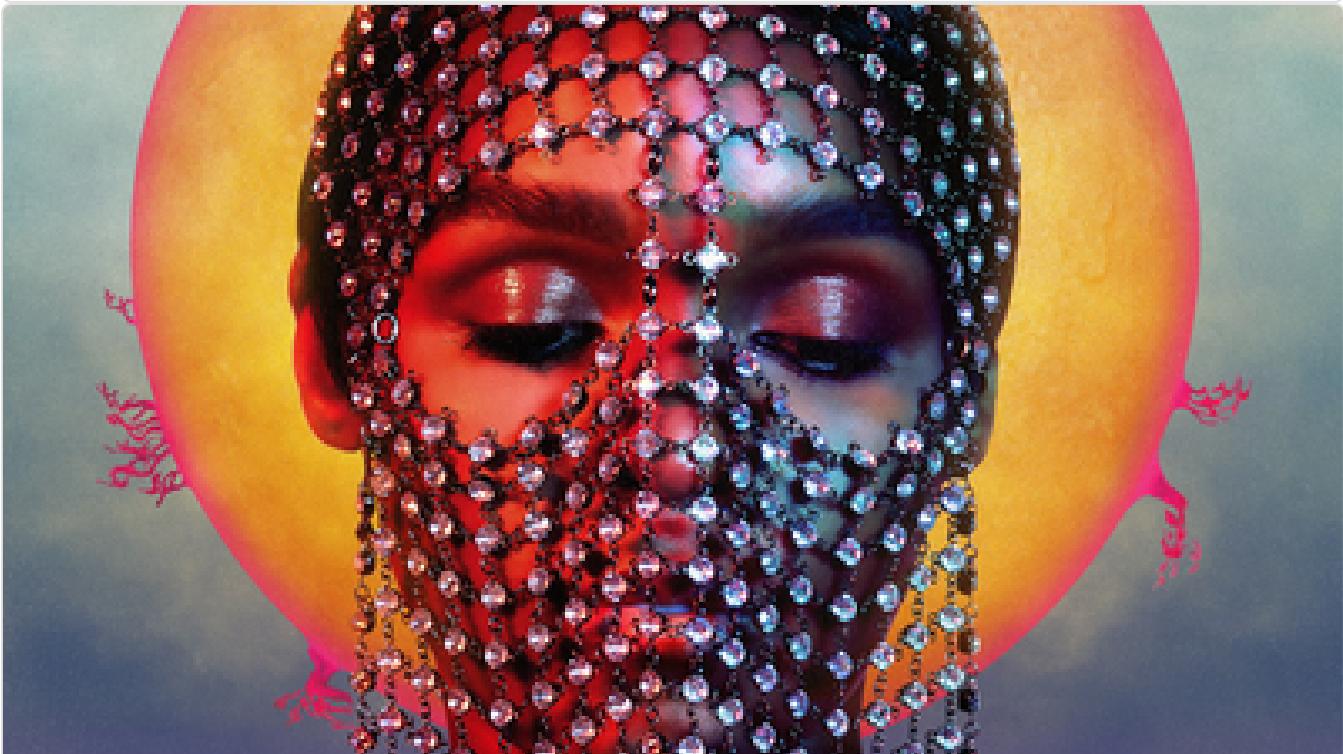
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# Exhibit 49

TUE, JUN 5, 2018 | BY HUGH HEWITT

# US Attorney General Jeff Sessions On Children Separated From Parents At Border, F-1 Visas For PRC Students, And Masterpiece Cakeshop Decision

U.S. Attorney General Jeff Sessions joined me this morning to discuss the Administration's policies at the border vis-a-vis children, whether unaccompanied or with a parent:

Audio:

[06-05hhs-sessions](#)

Transcript:

HH: I'm so pleased to welcome back to the Hugh Hewitt Show the Attorney General of the United States, Jeff Sessions. General Sessions, welcome back.

JS: Good morning, Hugh.

HH: Let me begin. Is it absolutely necessary, General, to separate parents from children when they are detained or apprehended at the border?

JS: Yes. What's happening is we are having more people coming bringing children with them entering between the ports of entry, between the ports of entry illegally, and they're not, you cannot give them immunity. That's an offense. We believe every person that enters the country illegally like that should be prosecuted. And you can't be giving immunity to people who bring children with them recklessly and improperly and illegally. They should never do that. And so those children are being well taken care of. Within 72 hours, they're taken to the Health and Human Services to be sure they're properly cared for. And those persons will have, the adults will be prosecuted like the law requires.

HH: I understand the prosecution part. But is it necessary to separate the children? Could they not be detained in facilities where at least mothers and infants could remain together?

JS: Well, most are not infants. Most are teenagers, although we do have a number of younger ones now, more than we've seen recently. And they are maintained in a very safe environment not by the law enforcement team at Homeland Security, but put with Health and Human Services. And they are kept close by, and if the person pleads guilty, they would be deported promptly, and they can take their children with them. And, but we do,

the Homeland Security can only keep these children for 72 hours before they go to Health and Human Services.

HH: But General, what I'm pressing on, because I'm disturbed by this. I don't think children should be separated from biological parents at any age, but especially if they're infants and toddlers. I think it's traumatic and terribly difficult on the child. Is it absolutely necessary to do so? Can't we have facilities where parents remain united with kids?

JS: Well, we can, we'd be glad to work at that, and actually, to keep them as close as possible, and then they're deported. But the law requires us to keep children in a different facility than we do for adults. And every time somebody, Hugh, gets prosecuted in America for a crime, American citizens, and they go to jail, they're separated from their children. We don't want to do this at all. If people don't want to be separated from their children, they should not bring them with them. We've got to get this message out. You're not given immunity. You have to, you will be prosecuted if you bring, if you come illegally. And if you bring children, you'll still be prosecuted.

HH: I understand the message.

JS: I'm saying the only thing we can do about this, and certainly, we prefer to keep the children close by. And if we have a prompt hearing, as we do in many cases, they go back home with their children.

HH: You know, I understand the deterrent, and I understand there are 2.7 million children in America with a parent who's incarcerated and are separated. But if it's possible to build detention facilities, because these people have not been adjudicated guilty, they're under suspicion, could we not provide...I spent 17 years in Orange County working on children and families issues trying to keep people who fell into homelessness together with their children because of the impact on children, Mr. Attorney General. Surely, you'll agree that's a terrible thing for a child, isn't it?

JS: Well, it is, but this is not like somebody getting ten years in jail. I mean, these are often within days. Now if they get into a prolonged asylum process, the children are then turned over to some sort of family that is to take care of them while the adult may be in trial. But basically, the adults are frequently getting bail, too, and be able to be with their children. So it's not, it's certainly not our goal to separate children, but I do think it's clear, it's legitimate to warn people who come to the country unlawfully bringing children with them that they can't expect that they'll always be kept together.

HH: I had the deputy secretary...

JS: We don't have the capacity now to do it.

HH: All right, I had the deputy secretary of HHS on last week, and he explained to me how the 10,000 children in the care of the United States are cared for at more than 100-plus facilities. Have you, Mr. Attorney General, visited any of those facilities?

JS: I have not visited them. Those are within the ambit of the Homeland Security and the Health and Human Services. But I believe for the most part they're well taken care of. They turn, but I've got to tell you, we have some problems like we don't often know who it is that comes and picks them up. And sometimes, they're illegally in the country also. Sometimes, we take them to places from the border to Denver, to Chicago, to Islip, New York. We transport them to the place they want to go. Many of the children are taken in that fashion. It's really an amazing thing. We need to get this border under control. We need better, we're going to see some new legislation through Congress, and we want to send a message to the world that if you want to come to America, make your application and wait your turn.

HH: Good message. Senator Merkley attempted to visit one of these facilities in Brownsville, Texas. He was not admitted. Should he have been admitted, Mr. Attorney General?

JS: You know, I don't know about that. There are protections and privacy protections for children and families, but I'm just not aware of that.

HH: All right, there's an organization....

JS: It would be under HHS' control.

HH: There's an organization called Kids in Need of Defense, [www.supportKIND.org](http://www.supportKIND.org), and they are, they're liberal activists, but they have a point that these children deserve representation, because many of them are eligible for asylum or refugee status. You're the chief law enforcement officer. Are you guaranteeing that these 10,000 children have adequate access to legal counsel?

JS: I'm guaranteeing that they're treated properly and lawfully. But so much of this is not valid, these claims. You just can't decide you want to come to America regardless, and when you're not, don't meet the standards for asylum demand entry to the United States, demand that you appoint lawyers, and demand that you go through prolonged trials. About 20% of the unaccompanied children, come by themselves, that are stopped, are denied immediately. And 80, then the rest go through an asylum process, which is fair and just and takes time. And they get a hearing. And the judges are well aware that they're young, and they treat them with the proper care and concern. And of the 80% who actually go through asylum processes, only 20% are successful. Most are denied, and many of them have no legitimate claim at all. They were just coming here because they'd like to make more money or for some economic reason.

HH: Now I understand there's a spectrum on this set of children that we're talking about, these 10,000 kids who are in custody, the 100,000 who are not in the custody of HHS, so 110,000 children. But among those, I think we'll agree there are some who are obviously coming as just simple economic journeyers. Others are refugees and asylum. But don't they all need counsel to be able to navigate our system? I don't know that it's a Constitutional right, but it seems to be a moral right.

JS: No, I don't think it's a moral right, Hugh. No, no. If you come to the country, you should come through, first, through the port of entry and make a claim of asylum if you think you have a legitimate asylum claim. You shouldn't try to get across the border at some desert site, some remote site unlawfully and expect not to be promptly deported. We've caught, over the years, millions of people, and they've been promptly deported. They don't get trial in federal court.

HH: But I am worried that a legitimate asylum seeker, refugee, would get to the country any way that they could, and that once here, language or barriers of age or maturity would prevent them from making the necessary application. And in this, I'm not, you know, I'm a conservative. I'm for the border fence. I'm for a double long sided border fence, and have been since before President Trump was for it. But I do care about these kids, and I'm worried about abuse and neglect in large-scale facilities, you know, beadle [Mr. Bumble], from Oliver Twist, if you remember the guy who ran that, and I've got Dickensian visions of these facilities. And no one I know has been there, including you. Aren't you worried?

JS: Well, I believe we've got great people at Health and Human Services who are managing this. They stay under the Secretary of Homeland Security for only 72 hours maximum, and they're then to be placed with Health and Human Services. And they, we have had some surges that have stressed HHS and DHS and how they handle the children, but for the most part, we've been able to transport them. Actually, what's happening, when we say they're in HHS custody, that means they're in the custody of some, often, some family person who's holding them as they've wanted to be held. They get, we take them as one witness at the committee said, to their destination city. And that may be Boston. It may be Chicago. We take them from the border to Boston at our expense so they can stay with somebody pending these claims of asylum. It's really almost unbelievable how this works. So the wall, as you suggest, would really be a deterrent for that. We want people to file their application, not come unlawfully. And if they think their children are entitled to have, be here, then they get to come, then they should apply properly for asylum.

HH: Mr. Attorney General, are you a grandfather?

JS: Yes, I am.

HH: Can you imagine your grandchildren separated from your children for a period of 72 hours or even longer in a dormitory with up to, the deputy secretary told me, 1,000 other children and the impact on them of that?

JS: Hugh, you can't, the United States can't be a total guarantor that every parent who comes to the country unlawfully with a child is guaranteed that they won't be, is guaranteed that they will be able to have their hand on that child the entire time. That's just not the way it works.

HH: But we're the United States of...

JS: But to be clear, in my opinion, I'll agree with you this. I agree with you that I wish the system would allow for that. I wish we could afford to do that. And maybe we'll head in that direction. I certainly think that would be preferable if we could do so. But the law says that parents who come unlawfully are subject to prosecution. And the law says we must carefully take care of any children that come, and they must be held not by the law enforcement branch, but held by our Health and Human Services branch to ensure they're properly taken care of.

HH: Would you recommend to the President an executive order that says construct facilities that allow parents in detention to remain with their minor children, at least those who are under the age of 15 or 16, especially toddlers and infants, because we're the United States of America. We can afford to build these sorts of facilities. And I, by the way, agree with zero tolerance for people who aren't asylum seekers or refugees.

JS: Yeah.

HH: But we can afford this, and it's so inhuman to take children away from their parents.

JS: Well, it is a tough thing when children, always tough to separate children from their parents, of course. But it happens, sadly, every day when people go to jail in America.

HH: Well, I hope you can look at that, because I think it's a killer issue as it is, because it resonates with parents and grandparents everywhere. Let me turn to F-1 visas. This is a second part of the immigration conversation. Newsweek reported in February, Mr. Attorney General, that the FBI director said, "Chinese intelligence operatives are littered across U.S. universities possibly to obtain information in fields like technology. Schools have little understanding of this major predicament. In fact, there are 274,000 F-1 visa holders from the People's Republic of China." This is a counterintelligence issue. What are we doing about it?

JS: I think it's a very serious issue. Our universities have welcomed students from around the world. They're very proud of that. But we are seeing exactly what you just mentioned. I have serious concern about people from other countries, and notably China, where they come here to go to our best universities, work their way into the most technically advanced departments, and often transmit information, some of it improperly and illegally, back to their home countries. It is a big problem. And this country cannot afford to spend billions and billions of dollars in the private sector to develop technologies and then have it stolen from us. And I think it's, the President and I believe the FBI and others are far more

focused on that in recent years since I've been here. It's been raised up as a top priority of our national security division in the FBI.

HH: Of the 274,000 people here from the People's Republic of China on F-1 visas, what percentage, do you think, pose counterintelligence risks?

JS: Well, I think it would be, you know, a smaller number, but even if it were 10%, you're looking at huge numbers. I mean, this is a real problem. And I have no idea exactly what the percentage is, but I am certain that there are many people here that return back home to China and are milked for everything they learn. And many of them have obtained considerable information while they're here.

HH: How do we keep track of them? Are we monitoring them on the campuses through undercover agents, informants? What are we doing?

JS: You can't monitor 274,000 people. This is just a huge problem. And we've got to be more careful about who we admit first. Secondly, they should periodically have to report in as to what they are doing, and we could make sure then whether or not they should continue here. But what we know is people come as students, and the next thing you know, they're working with a defense contractor or some other business in a way that provides intelligence for China or other countries. It's a very big problem.

HH: Have you discussed...it is. Have you discussed with Secretary Pompeo or Director of National Intelligence Coats or CIA Director Haspel how we raise with the Chinese this problem, because if I were their intelligence agency, I'd be running as many of these kids as I could as agents.

JS: It's been discussed, yes, at the highest levels of this government. I'll just say it that way. And the FBI, which is part of the Department of Justice, the FBI is working with those agencies right now, and it's a difficult thing. And we've got, we may even have to have some legislative changes. But the situation is not healthy. We need to take it seriously. We can't stick our head in the sand. And I strongly believe there's more that needs to be done.

HH: Let me close by talking about Masterpiece Cakeshop, if I can. How did you view that decision yesterday, Mr. Attorney General?

JS: Well, we were certainly pleased with the outcome. It was a 7-2 vote. It was more technical than we would like, but it still was a big victory. We filed a brief in support of the baker. So we were very happy, the Department of Justice was, with the result of that. We've got a florist case that's coming along also, and that one will raise some similar issues. So it's a big question, problem for people like this baker who basically can lose their whole business because they're not able to freely exercise their religious beliefs. We believe the 1st Amendment, not believe, it's in fact in the 1st Amendment that you have the right to exercise your religious beliefs, not just think it in a closet somewhere, and live

those beliefs where possible. And we think that the Court's outcome was correct. We're very pleased with that.

HH: Justice Kennedy in dicta in the majority opinion wrote, "When it comes to weddings, it can be assumed that a member of the clergy who objects to gay marriage on moral and religious grounds could not be compelled to perform the ceremony without denial of his or her right to the free exercise of religion. This refusal would be well understood in our Constitutional order as an exercise of religion, and exercise that gay persons could recognize and accept without serious diminishment to their own dignity and worth. Yet if that exception were not confined, then a long list of persons who provide goods and services for marriages and weddings might refuse to do so for gay persons, thus resulting in a community-wide stigma inconsistent with the history and dynamics of civil rights law that ensure equal access to goods, services and public accommodations." Now that, Mr. Attorney General, is a sweeping, I think, piece of dicta that says there's a lot of free exercise room here for not only clergy to not perform weddings with which they don't agree, but that protects the not for profit status, for example, of Christian colleges from a Bob Jones University-like attack from that 1983 case. Do you agree with my reading of that?

JS: Well, I think as usual, your Department of Justice experience served you well. I think yes, that's essentially true. So what you've got is public accommodation laws under the state of Colorado, in this case, and that public accommodation says if somebody comes in your business, you have to serve them. But it does not require you, we think, and the Supreme Court has held at least in this case, that you're not required to provide a cake at somebody's wedding that you don't approve of because of your religious beliefs. I think, Hugh, that we've got really too much litigation in this country and too much people standing on rights. I mean, like surely somebody else will provide a cake for a wedding. Shouldn't we all be a little more respectful of each other and allow people to exercise their religion even if we would not share that same view?

HH: I agree. And it came up, the tax exemption status came up in the oral argument in Masterpiece, and most people are worried about that. As I said, this wasn't a hard case, but it was a dangerous one. The dangerous case is threatening tax exempt status because people believe in traditional marriage and intimacy being limited to a man and a woman inside of it. And I think Justice Kennedy was saying yes because of his comments about pastors not having to marry same sex couples. And again, you can't make the law, I can't make the law. I can just read what the Justice said. Do you agree that's a fair reading of the implication of his statement?

JS: Perhaps. I have not personally studied that footnote, but it is a, the tax exempt status, is always a huge matter. And it's a great, powerful weapon that the federal government can use, and ought to be careful about using it.

HH: I'll go back and finish with the children where we began. Would you commit to me, Mr. Attorney General, to visit one of these facilities, because I know you, and I know that your heart will go out to these kids. And I just think this is a big blind spot for the administration.

JS: Well, I appreciate, really, your concern and other people's concerns. But we are, the Department of Homeland Security and Department of Health and Human Services works hard at that. And we do that this, *Flores* is this decision, a 21 year old consent decree, that says that we can only hold children with their parents for 20 days, basically. We have a 20 day rule there that really needs to be changed. And maybe Congress only can do that. And we could use Congressional action to help us keep children together better, frankly. So yes, I think that this is an important issue. We want to do it right. We want to be sure children are treated right. But I continue to urge anybody who wants to enter this country, and want to claim asylum or break into the country illegally, do it, don't come unlawfully. Come through the ports of entry and make your claim. That's the proper way to do it.

HH: But if I could press you, will you go and visit one of these facilities?

JS: Well, we'll look forward to that opportunity, but we are trying to get this law enforcement matter settled, and we're trying to end the lawlessness at the border. The President promised the American people want it.

HH: I agree.

JS: And we have to prosecute people who enter unlawfully, and that's taking a great deal of my time, you can be sure. And I will look into it. I'll tell you that. I don't know when I'll be able to visit, but I will look into it based on this phone call. I sure will.

HH: And last question, will you go with Jeff Merkley or make it possible for Senator Merkley to get in?

JS: Well, Senator Merkley and I get along well...

HH: Yeah.

JS: And I'll be glad to talk to him about it.

HH: Terrific.

JS: I'm not sure we can do my schedule in this fashion.

HH: Terrific. Attorney General Sessions, thanks for all the time this morning. You've been very generous.

JS: All right. Thank you.

End of interview.

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# Exhibit 50



migrant parents

Immigration

## **Sessions cites Bible in defense of breaking up families, blames migrant parents**

The attorney general, in a speech to law enforcement officers in Indiana, called on his "church friends" not to blame him for the policy.  
by Adam Edelman / Jun.14.2018 / 12:54 PM ET / Updated Jun.16.2018 / 1:56 PM ET



NEWS

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## Sessions cites Bible in defense of breaking up families, blames migrant parents



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Jeff Sessions spoke at a Justice Department training program on June 11, 2018, in Tysons, Virginia. Alex Wong / Getty Images file

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### Sessions cites Bible in defense of breaking up families, blames migrant parents

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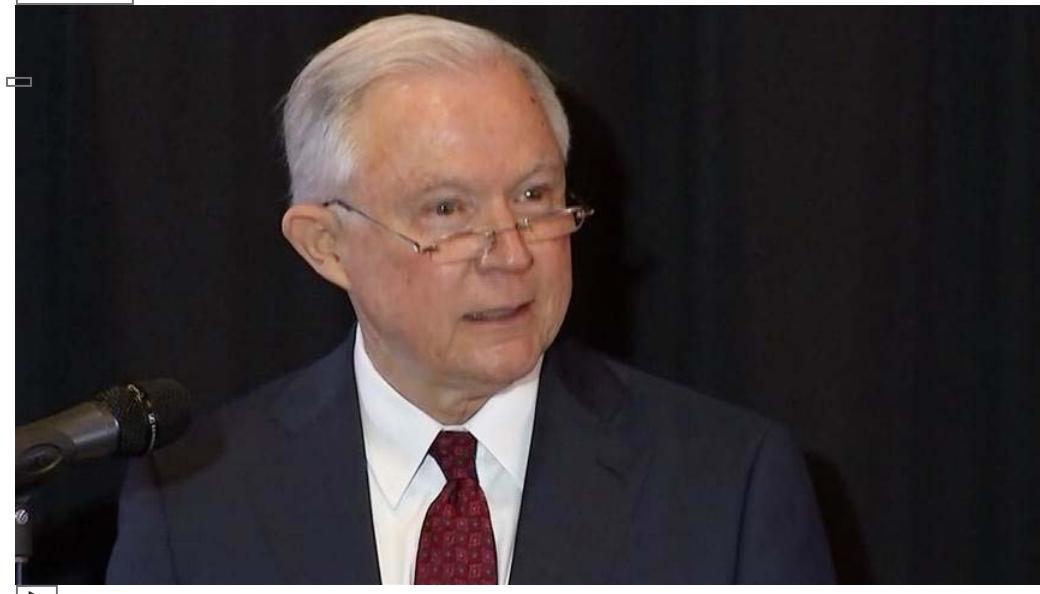
Attorney General Jeff Sessions on Thursday offered a full-throated defense of the Trump administration's policy of separating children from their parents at the border, saying that having kids does not give migrants immunity from prosecution — and found justification for his policies in the Bible.



Sessions — who [last month announced a "zero tolerance policy"](#) to criminally prosecute people crossing the border illegally — made his latest remarks in a speech to law enforcement officers [in Fort Wayne, Indiana, telling the group](#) that the migrant families were to blame for their own break-ups and that his department's separation of families was not "unusual or unjustified."

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### Sessions appeals to 'church friends' while defending immigration policy

Jun.14.2018 01:57



"If you cross the Southwest border unlawfully, then the Department of Homeland Security will arrest you and the Department of Justice will prosecute you. That is what the law calls for — and that is what we are going to do," Sessions said. "Having children does not give you immunity from arrest and prosecution."

"However, we are not sending children to jail with their parents," he said, adding that the policy "can result in short-term separation."

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### Trump's executive order ended family separations, but legal challenges remain



## Sessions cites Bible in defense of breaking up families, blames migrant parents

### Who's to blame for families being separated at the border?

"Noncitizens who cross our borders unlawfully, between our ports of entry, with children are not an exception," the attorney general said. "They are the ones who broke the law, they are the ones who endangered their own children on their trek. The United States, on the other hand, goes to extraordinary lengths to protect them while the parents go through a short detention period."

Cutter law does not prohibit separating children from their parents.

Crossing the border illegally is a misdemeanor for the first offense, and when parents are charged they end up in federal and separated from their children—an increasingly dire situation that has drawn criticism from lawmakers in both major parties, as well as Christian groups, including the Rev. Franklin Graham, a supporter of President Donald Trump. Graham said this week that the administration's efforts that led to families being "ripped apart" were "disgraceful."

In addition, several evangelical groups sent a letter to the White House this month, asking Trump to protect families at the border that were fleeing violence.



### Don't you have any empathy' for immigrant families?

June 26, 2018



Sen. James Lankford, R-Okla., a evangelical pastor and Christian camp director, tweeted Thursday morning that he was personally asking the White House "to keep families together as much as we can."

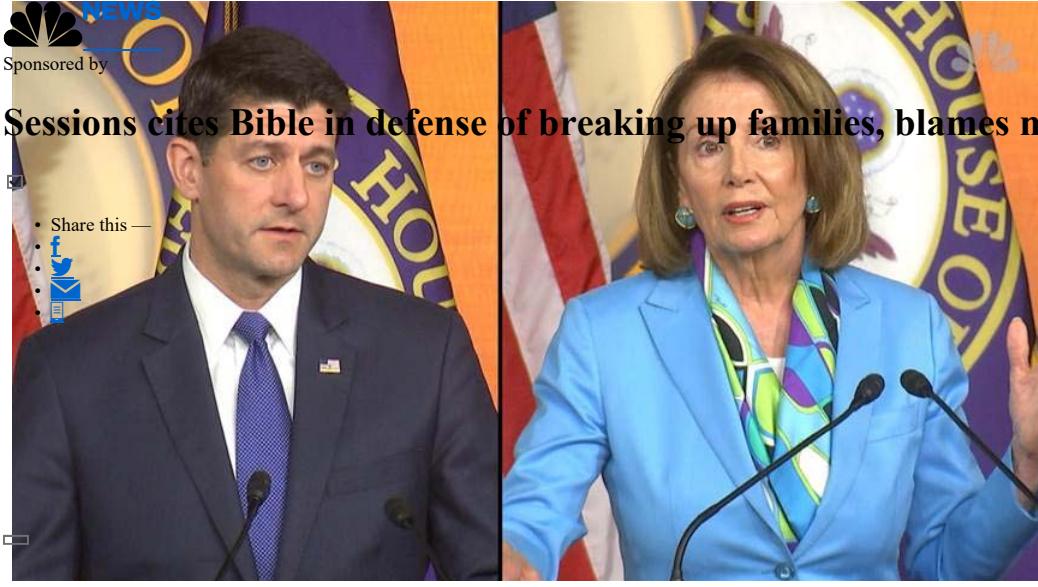
In his remarks, Sessions hit back at the "concerns raised by our church friends about separating families," calling the criticism "not fair or logical" and quoting Scripture in his defense of the administration's tough policies.

"Persons who violate the law of our nation are subject to prosecution ... I would cite you to the Apostle Paul and his clear and wise command in Romans 13 to obey the laws of the government because God has ordained the government for his purposes," Sessions said. "Orderly and lawful processes are good in themselves ... and protect the weak and it protects the lawful."

He called on religious leaders to "speak up strongly to urge anyone who would come here to apply lawfully, to wait their turn and not violate the law."

Later Thursday, White House Press Secretary Sarah Sanders doubled down on Sessions' comments, saying it is "very biblical to enforce the law."

"That is actually repeated a number of times throughout the Bible," she said, responding to a question about Sessions' comments about Scripture's supporting the administration's policies.



## Immigrant families separated: Ryan calls for law change, Pelosi labels policy 'barbaric'

Jun.14.2018 01:09



Many of the children separated from their parents have ended up in enormous facilities that more closely resemble prisons, where they spend [22 hours per day during the week locked inside overcrowded buildings](#).

Sessions, however, said the U.S. government facilities, which are run by the Department of Health and Human Services, "care for the children in a good and decent and proper way" and blamed the parents of the children for subjecting them to "such a treacherous journey."

"It's not as if we just want to see if we can be mean to children," Sessions added.

The attorney general also defended his [ruling this week that fear of domestic abuse or gang violence is not an acceptable basis for granting asylum](#).

He claimed that he had not made new law and that he had "simply restated and implemented what Congress has passed: Asylum is generally not for those who have suffered a private act of violence."

"I am not going to apologize for carrying out our laws," he added.

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# Exhibit 51

**Donald J. Trump**

@realDonaldTrump

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Put pressure on the Democrats to end the horrible law that separates children from their parents once they cross the Border into the U.S. Catch and Release, Lottery and Chain must also go with it and we MUST continue building the WALL! DEMOCRATS ARE PROTECTING MS-13 THUGS.

6:59 AM - 26 May 2018

22,512 Retweets 90,165 Likes



63K



23K



90K

**Diane** @Diane\_mommyof6 · May 26

Replying to @realDonaldTrump

"I want to be clear. DHS does not have a blanket policy on separating families as a deterrent," Homan, reportedly said at the press event with Sessions. "Every law enforcement agency in this country separates parents from children when they're arrested for a crime."



66



58



331

**Natalie Oldenkamp** @noldenkamp · May 27

It's not a crime to want asylum.



29



30



563

**WeAreTheStorm** @milano\_miste · May 27

It is a crime to cross our boarders ILLEGALLY. Why dont you try that yourself in a foreign country and see how far you get? Until there has been an investigation into the request for asylum, they are guilty of illegal boarder crossing.



118



23



150

**Diane** @Diane\_mommyof6 · May 27

It is a civil violation to cross the border at most. It is not a felony or misdemeanor to seek asylum.



31



23



494

# Exhibit 52

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White House senior policy adviser Stephen Miller's briefing appeared an attempt to contain damage from the president's recent tweet that Democrats were to blame for family separations at the border. | AP Photo

## White House's Miller blames Democrats for border crisis

By TED HESSON | 05/29/2018 03:45 PM EDT

White House senior policy adviser Stephen Miller bashed Democrats on Tuesday for not repealing laws and overriding court rulings that he said encourage Central American migrants to seek refuge in the United States.

Miller's rare on-the-record briefing appeared an attempt to contain damage from President Donald Trump's tweet over the holiday weekend that Democrats are to blame for family separations at the border. The claim was characterized widely in the press as a blatant falsehood.

In a telephonic briefing with reporters, Miller and other senior administration officials ticked off a series of legal changes that they said would quell the recent increase in migrant traffic at the southwest border.

The administration has pushed Congress to pass legislation that would allow the swift removal of unaccompanied minors from Central America, permit longer detentions of families arrested at the border and tighten standards for asylum claims.

"If we were to have those fixes in federal law, the migrant crisis emanating from Central America would largely be solved in a very short period of time," Miller said. "Families would then therefore be able to be kept together and could be sent home expeditiously and safely."

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One incontestable truth amid many claims of varying accuracy is a recent increase in the number of people caught trying to cross the U.S.-Mexico border. That number plummeted after Trump took office in January 2017 but has climbed in recent months. In April, Border Patrol agents arrested 38,234 people, a figure more than three times the number during the same month a year earlier.

With the increased arrests, the Trump administration ratcheted up its immigration crackdown.

ADVERTISING



Replay

Earlier this month, administration officials announced that the Department of Homeland Security would refer all people suspected of crossing the border illegally to the Justice Department for prosecution, a controversial move that will increase instances of parents being separated from children.

At the same time, House Republicans embarked on an intense debate over how to address immigration in the run-up to the November midterm elections.

“Put pressure on the Democrats to end the horrible law that separates children from there [sic] parents once they cross the Border into the U.S.,” the president tweeted Saturday. “Catch and Release, Lottery and Chain must also go with it and we MUST continue building the WALL! DEMOCRATS ARE PROTECTING MS-13 THUGS.”



## GOP scrambles to quell immigration revolt

By RACHAEL BADE

But the new policy to prosecute all suspected border-crossers — and therefore separate more families — came directly from Trump's own administration.

Devin O’Malley, a Justice Department spokesman, recapped the policy changes during the call with reporters Tuesday. O’Malley told reporters that based on a policy directed by DHS Secretary Kirstjen Nielsen roughly three weeks ago, DHS and DOJ have begun “in a scaleable manner” to refer more people suspected of crossing illegally.

Suspected crossers “will not be given a free pass,” he said, “and that is irrespective of whether or not they have brought a child with them.”

The officials also addressed reports of nearly 1,500 unaccompanied minors that the Department of Health and Human Services could not locate last year.

Steven Wagner, acting assistant secretary of the Administration for Children and Families, told a Senate subcommittee in late April that HHS “was unable to determine with certainty the whereabouts of 1,475” unaccompanied minors.

Nearly a month later, concerns for the children have provoked outrage on social media under hashtags such as #WhereAreTheChildren and #MissingChildren.

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CONGRESS

## Immigration showdown puts Ryan's job in peril

By RACHAEL BADE

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Wagner said Tuesday that descriptions of the children as “lost” amount to “an inaccurate characterization of what happened.” He said the children had already been released to parents or guardians, but couldn’t be tracked down when officials made a voluntary call to check in 30 days after the placement.

Wagner said some children are placed with sponsors who themselves lack legal immigration status, which could make them reluctant to respond to a phone call from a federal official.

“There’s no reason to believe that anything has happened to the kids,” Wagner said. “If you call a friend and they don’t answer the phone, you don’t assume that they’ve been kidnapped.”

During the briefing, Miller argued that Democrats “have tried to starve the government of detention space, as part of their crusade for open borders.” But although many Democrats oppose expanding detention, funding for detention beds has risen significantly during the Trump administration.

Congress included funding for 40,520 detention beds in the omnibus spending bill passed in March, a 19 percent increase over the number of beds funded in fiscal year 2016. The Trump administration requested funding for 52,000 detention beds in its latest budget proposal.

“The Obama administration had a policy of ‘catch and release,’ which obviously made detention space for them less of a premium,” Miller said. “But as it stands right now, we are nearing capacity in all aspects of our detention and bed space, and it presents a real public safety crisis.”

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# Exhibit 53

# Trump suggests separation of families at border is a negotiating tool

By Kate Sullivan

Updated 1:36 PM ET, Sat June 16, 2018

**(CNN)** — President Donald Trump suggested Saturday that he is using his administration's separation of families at the US border as a negotiating tool to get Democrats to cave on his immigration demands, which include funding for a border wall, curbing legal immigration into the US, and tightening the rules for border enforcement.

Trump again falsely blamed Democrats for his administration's actions, and said they could put a stop to the family separations by working with Republicans in Congress. Nearly 2,000 immigrant children were separated from parents over a period of about six weeks in April and May, according to the Department of Homeland Security.

"Democrats can fix their forced family breakup at the Border by working with Republicans on new legislation, for a change!" Trump wrote in a tweet.



**Donald J. Trump**

@realDonaldTrump

Democrats can fix their forced family breakup at the Border by working with Republicans on new legislation, for a change! This is why we need more Republicans elected in November. Democrats are good at only three things, High Taxes, High Crime and Obstruction. Sad!

6:03 AM - Jun 16, 2018

99.4K 65.6K people are talking about this

According to reporting by The Washington Post, White House officials said President Donald Trump has calculated he will gain leverage in congressional negotiations by enforcing a policy he claims to hate.

"I hate the children being taken away," Trump said Friday morning. But Trump suggested Friday in an interview on Fox News' "Fox and Friends" he would not reverse his administration's policy unless Democrats agreed to his longstanding immigration priorities.



**RELATED:** Republicans scramble to understand if Trump just sunk their immigration effort

House Minority Leader Nancy Pelosi told reporters on Thursday that she sees "no prospects" for a legislative fix.

The separations stem from a deliberate policy shift by the Trump administration, which it has the power to unilaterally reverse.

CNN's *Tal Kopan, Lauren Fox and Phil Mattingly*

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## The ghost airport of the Mediterranean



Rudy Giuliani tries to clarify his remarks on Biden: 'I meant he's dumb'



Stephen Colbert slams Jeff Sessions for citing Bible in border policy



Denver police will start collecting racial data on people they pull over...

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# Exhibit 54

 Official website of the Department of Homeland Security



**U.S. Customs and  
Border Protection**  
(/)  
(/)

## **U.S. Border Patrol Southwest Border Apprehensions by Sector FY2018**

### **Southwest Border Unaccompanied Alien Children (0-17 yr old) Apprehensions**

Comparisons below reflect Fiscal Year 2018 (October 1, 2017 - May 31, 2018) compared to the same time period for Fiscal Year 2017.

<b>Unaccompanied Alien Children by Sector</b>			
<b>Sector</b>	<b>FYTD2017</b>	<b>FYTD2018</b>	<b>% Change FYTD17 to FYTD18</b>
Big Bend	469	835	78%
Del Rio	1,082	863	-20%
El Centro	882	1,717	95%
El Paso	2,882	3,136	9%
Laredo	1,306	1,934	48%
Rio Grande	18,974	14,846	-22%
San Diego	1,053	1,492	42%
Tucson	2,523	3,576	42%
Yuma	1,892	3,973	110%
<b>USBP</b>			
<b>Southwest</b>	<b>31,063</b>	<b>32,372</b>	<b>4%</b>
<b>Border Total</b>			

### **Southwest Border Family Unit\* Apprehensions**

Comparisons below reflect Fiscal Year 2018 (October 1, 2017 - May 31, 2018) compared to the same time period for Fiscal Year 2017.

Family Unit* Apprehensions by Sector			
Sector	FYTD2017	FYTD2018	% Change FYTD17 to FYTD18
Big Bend	669	543	-19%
Del Rio	1,991	1,509	-24%
El Centro	1,393	1,613	16%
El Paso	7,401	4,765	-36%
Laredo	697	361	-48%
Rio Grande	40,912	36,745	-10%
San Diego	2,463	1,996	-19%
Tucson	1,508	2,806	86%
Yuma	4,055	8,775	116%
<b>USBP</b>			
<b>Southwest</b>	<b>61,089</b>	<b>59,113</b>	<b>-3%</b>
<b>Border Total</b>			

#### Unaccompanied Alien Children Apprehensions by Country

Numbers below reflect Fiscal Years 2013-2017, FYTD 2018 (October 1, 2017 - May 31, 2018)

Unaccompanied Alien Children Apprehensions by Country						
Country	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FYTD 2018
El Salvador	5,990	16,404	9,389	17,512	9,143	2,690
Guatemala	8,068	17,057	13,589	18,913	14,827	16,480
Honduras	6,747	18,244	5,409	10,468	7,784	6,350
Mexico	17,240	15,634	11,012	11,926	8,877	6,690

#### Family Unit\* Apprehensions by Country

Numbers below reflect Fiscal Year 2016 and 2017, FYTD 2018 (October 1, 2017 - May 31, 2018)

Family Units* Apprehensions by Country			
Country	FY 2016	FY 2017	FYTD 2018
El Salvador	27,114	24,122	7,167
Guatemala	23,067	24,657	29,278
Honduras	20,226	22,366	20,675
Mexico	3,481	2,217	1,461

**\*Note:** (Family Unit represents the number of individuals (either a child under 18 years old, parent or legal guardian) apprehended with a family member by the U.S. Border Patrol.)

### Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2018 - By Month

October November December January February March April May				
	FMUA	UAC	Total Apprehensions	
Sector	FY 2018 OCT	FY 2018 OCT	FY 2018 OCT	
Big Bend	109	126	818	
Del Rio	150	96	1,046	
El Centro	193	228	2,194	
El Paso	212	208	1,489	
Laredo	27	232	2,451	
Rio Grande	2,923	1,405	9,719	
San Diego	173	148	2,378	
Tucson	170	388	3,852	
Yuma	880	322	1,536	
<b>USBP</b>				
<b>Southwest Border</b>	<b>4,837</b>	<b>3,153</b>	<b>25,483</b>	
<b>Total</b>				

## Back to Southwest Border Migration (/newsroom/stats/sw-border-migration)

Last modified: June 6, 2018

Tags: Statistics, U.S. Border Patrol, Unaccompanied Alien Children (UAC)



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# Exhibit 55



## National Security

Border arrests exceed 50,000 for third month in a row

by Nick Miroff June 6 Email the author

U.S. border agents made more than 50,000 arrests in May for the third month in a row, the Department of Homeland Security said Wednesday, an indication that escalating enforcement tactics by the Trump administration — including separating migrant parents from their children — has not had an immediate deterrent effect.

DHS took 51,912 migrants into custody in May, nearly three times the number detained in May 2017, a period when illegal immigration plunged following Trump's inauguration.

Arrests at the border this spring have jumped to their [highest levels](#) since Trump took office, and the reversal has left the president [furious](#) at Homeland Security Secretary Kirstjen Nielsen and other aides who he believes aren't doing enough to stop the trend.

Border arrest statistics have long served as a metric for illegal immigration flows, but the Trump administration has treated their monthly publication as a barometer for the president's security efforts.

White House aides have been receiving regular updates on illegal migration trends this spring, and administration officials said last week they were not surprised by the May numbers, expecting them to remain high into the summer. Homeland Security spokesman Tyler Houlton said in statement Wednesday the administration's crackdown needed more time to work.

### CONTENT FROM SUB-ZERO, WOLF, AND COVE

**"We'll have them taste chef-made bites, invite them to cook for themselves with our appliances, [start conversations about the way they live](#) and use their kitchens on a daily basis." — Brigg Klein, National Director of Showrooms, Sub-Zero, Wolf, and Cove**

[Read More](#)

"These numbers show that while the Trump administration is restoring the rule of law, it will take a sustained effort and continuous commitment of resources over many months to disrupt cartels, smugglers, and nefarious actors," Houlton said.

"No one expects to reverse years of political inaction overnight or in a month," he added.

The White House did not respond to a request for comment on the May numbers or on whether the president has seen them.

Eager to campaign on his border security agenda ahead of November's midterm elections, Trump has told aides that curbing illegal immigration is crucial to GOP success. He cited the issue as one of his key achievements in a tweet Monday marking the 500th day of his presidency.

"This is my 500th Day in Office and we have accomplished a lot - many believe more than any President in his first 500 days," the president [wrote](#). "Massive Tax & Regulation Cuts, Military & Vets, Lower Crime & Illegal Immigration, Stronger Borders, Judgeships, Best Economy & Jobs EVER, and much more ..."

Border arrests exceed 50,000 for third month in a row | The Washington Post

CONTENT FROM SUB-ZERO, WOLF, AND COVE

## How innovative showrooms capture shoppers' attention

A majority of consumers are still making large purchase decisions in person, not online.

Behind the scenes, the jump in border arrests this spring has inflamed Trump and sent his aides scrambling to find ways to bring the numbers down. In April, Trump ordered [National Guard troops](#) to deploy along the border, and Nielsen and Attorney General Jeff Sessions announced a “zero tolerance” approach that threatens anyone who enters the U.S. illegally with criminal prosecution and jail.

A breakdown of the May statistics [show](#) Border Patrol agents made 40,344 arrests in May, and U.S. customs officers determined another 11,568 migrants to be “inadmissible,” typically after taking them into custody at ports of entry along the U.S.-Mexico divide.

DHS statistics show the number of families who attempted to cross the border illegally increased by 435 percent last month in comparison to May 2017. The number of unaccompanied minors rose 329 percent.

U.S. agents detained 6,405 underage migrants in May, up from 4,302 last month. That category includes many teenagers and children who are seeking to reunite with a parent already present in the United States.

The vast majority continue to come across the Rio Grande Valley of South Texas, but so far this year a greater portion have been taken into custody in southern Arizona, suggesting that migration flows may be shifting west once more. In the Border Patrol’s Tucson sector, the number of underage migrants detained has risen 42 percent since last September. In the Yuma sector, the increase is 110 percent.

The Trump administration says it will aggressively use human trafficking laws to prosecute parents who send for their children by hiring “coyote” smuggling guides to escort them to the border.

*[Illegal border crossings remained high in May]*

Underage migrants detained by U.S. agents are quickly transferred to shelters run by the Department of Health and Human Services (HHS). But those facilities are swelling with children who have been separated from their parents in recent weeks as a result of the “zero tolerance” crackdown on families attempting to cross illegally.

As of late May, nearly 11,000 migrant children were in government custody, an increase of more than 20 percent over the previous month, according to the latest HHS figures. With HHS child shelters at 95 percent capacity, the agency says it is preparing to add thousands of beds to cope with the influx.

CONTENT FROM SUB-ZERO, WOLF, AND COVE

## Remodeling your kitchen? Don't miss this crucial step

When making a big purchase, shopping online might not be best option.

Most of the increase in border traffic this spring has been fueled by families and teenagers from Guatemala, Honduras and El Salvador, many of whom say they are fleeing gang violence and wish to apply for asylum in the United States.

"Throwing everything and the kitchen sink at these vulnerable asylum seekers is not working, as the forces driving them are much stronger than the cruel deterrence policies being deployed by the administration," said Kevin Appleby, the senior director of international migration policy at the Center for Migration Studies in New York.

"Addressing these forces is the best and most humane way to end this flow," Appleby said.

Homeland Security officials say their real target is transnational smuggling gangs who they say are coaching migrants to game the system by exaggerating threats to their lives. Trump and top DHS officials have laid blame on Democrats in recent weeks who they say are blocking their attempts to tighten up asylum rules.

Central American migrants typically spend 21 days or longer to reach the U.S. border, and word of harsher treatment from U.S. authorities will take longer to reach their countries and have a dissuasive effect, administration officials said.

Border arrests reached an all-time high of 1.6 million in 2000, according to DHS records, but annual totals fell significantly during the Bush and Obama administrations as the government spent heavily on infrastructure and doubled the number of U.S. agents at the border.

 1737 Comments

Nick Miroff covers drug trafficking, border security and transnational crime on The Washington Post's National Security desk. He was a Post foreign correspondent in Latin America from 2010 to 2017, and has been a staff writer since 2006.  Follow @NickMiroff

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Border arrests exceed 50,000 for third month in a row | The Washington Post

# Exhibit 56



## **Statement of**

**Steven Wagner  
Acting Assistant Secretary  
Administration for Children and Families  
U.S. Department of Health and Human Services**

**Before the**

**Permanent Subcommittee on Investigations  
Committee on Homeland Security and  
Governmental Affairs  
United States Senate**

**April 26, 2018**

Chairman Portman, Ranking Member Carper, and members of the Subcommittee, it is my honor to appear on behalf of the Department of Health and Human Services (HHS). I am Steven Wagner, the Acting Assistant Secretary for Children and Families (ACF). In this capacity, I oversee the work of the Office of Refugee Resettlement (ORR), which is responsible for the care and placement of unaccompanied alien children (UAC). In my testimony today, I will describe the current state of the UAC program, and then discuss a number of developments in the program's policies and administration since February 2016.

### **Current State of the Program**

In fiscal year (FY) 2017, 40,810 children were referred to ORR from the Department of Homeland Security (DHS). In FY 2018 (through March), we have had 21,574 referrals. Although March and April of FY 2017 had the lowest referrals since FY 2012, referrals started to slowly increase in May of 2017, and today are significantly higher than just a couple of months ago. To illustrate, in March 2017, ORR had 755 referrals; while in March 2018, ORR had 4,204 referrals.

At this time, we have no temporary facilities open at Department of Defense locations. The last one closed in February 2017. As of March 2018, we are operating one temporary influx facility at a Department of Labor site. ORR now has its largest permanent shelter capacity at over 9,800 beds, and we continue to maintain the majority of our shelter capacity along the southern border.

In FY 2017, 94 percent of ORR's referred children came from Honduras, Guatemala, and El Salvador. So far in FY 2018, the number of children referred from those countries is 93 percent. Teenagers made up 83 percent of referrals in FY 2017 and 87 percent in FY 2018. Children from Guatemala, El Salvador, Honduras, and Mexico who migrate to the U.S. are particularly vulnerable to being exploited by human traffickers en route and at their destination.

In FY 2017, children typically stayed in ORR custody for 51 days and so far in FY 2018 (through March) average length of stay has been 56 days. ORR releases the majority of UAC to sponsors. In FY 2017, ORR released 93 percent of children to a sponsor. Of those, ORR released 49 percent to parents, 41 percent to close relatives, and 10 percent to other-than-close relatives or non-relatives. In FY 2018, we have released 90 percent of children to individual sponsors and of those sponsors, 41 percent were parents, 47 percent were close relatives, and 11 percent were other-than-close relatives or non-relatives.

In FY 2017, ORR performed 3,173 home studies and provided post-release services to 13,381 children, increasing the latter by 27 percent from the previous year.

### **Program Enhancements Since February 2016**

Since February 2016, ORR has made a number of policy enhancements in the areas of sponsor assessments and home studies. Sponsor assessment is the ORR process for evaluating potential sponsors' ability to provide for the child's physical and mental well-being. As part of the determination of whether an individual is a suitable sponsor, ORR requires its case managers to verify a potential sponsor's identity and relationship to the child. Case managers must also:

- interview prospective sponsors;

- require prospective sponsors to complete an “Authorization for Release of Information”;
- conduct background checks on all prospective sponsors;
- coordinate fingerprint checks of the Federal Bureau of Investigation (FBI) database for non-parental sponsors, or for parental sponsors where there is a documented risk to the safety of the child, the child is especially vulnerable, or the case is being referred for a mandatory home study;
- coordinate a check of the immigration Central Index System in some cases.
- require sponsors to sign a Sponsor Care Agreement.

In the area of sponsor assessments, ORR has decreased the ability of potential sponsors to use fraudulent documents during the sponsor assessment process. ORR added guidance in January 2016, and further refined it in October and November 2016, on the types of documents ORR accepts as evidence of identity for the potential sponsor, the household members, and any adults listed in a sponsor care plan.<sup>1</sup> The guidance also clarified what constitutes acceptable documents to prove the prospective sponsor’s address, the child’s identity, and the sponsor-child relationship.<sup>2</sup> ORR also added an alternative method to verify a potential sponsor’s address.<sup>3</sup> These changes help to protect children from traffickers, smugglers, and others who may wish to do them harm. If ORR discovers that a sponsor is using fraudulent documents, ORR denies release.<sup>4</sup> ORR reports the cases to the HHS/Office of the Inspector General and to U.S. Immigration and Customs Enforcement’s Homeland Security Investigations.

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<sup>1</sup> *ORR Guide: Children Entering the United States Unaccompanied*, § 2.2.4 “Required Documents for Submission with the Application for Release.” (November 2016), <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-2#2.2.4>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

The background check part of the sponsorship assessment varies depending in part on the relationship between the child and the potential sponsor. ORR conducts criminal public records checks and Sex Offender Registry Checks on all potential sponsors. ORR conducts National (FBI) Criminal History Checks, based on digital fingerprints or digitized paper prints, for all potential sponsors, except parents. ORR conducts these checks on parents where there is a documented risk to the safety of the UAC, the child is especially vulnerable, and/or the case is being referred for a home study. In the case of parental sponsors, a documented risk to the safety of the child may be, for example, a drug or alcohol addiction. In those cases, ORR runs an FBI criminal background check and an immigration check. ORR would want to determine if the drug or alcohol addiction led to criminal acts, and obtain a comprehensive assessment of any potential risks to the child. ORR would then assess those results under its policies to determine if release to the particular sponsor is barred. ORR would also assess the severity of the initial, identified safety risk, the length of time that has passed since any events related to the risk, any evidence of rehabilitation, and the parent/child relationship. Each case is unique, and ORR addresses the facts accordingly. ORR also conducts Immigration Status Checks through the Central Index System on all potential sponsors, except parents. Again, ORR conducts these checks on parents where there is a documented risk to the safety of the UAC, the child is especially vulnerable, and/or the case is being referred for a home study. In addition, ORR conducts Child Abuse and Neglect Checks on all unrelated sponsors. ORR conducts these checks on parents or other relatives if the case requires a home study or a special concern has been identified.

In April 2016, ORR clarified that its criteria for background checks represent minimum standards in terms of checking potential sponsors' public records.<sup>5</sup> Additionally, ORR may require enhanced checks for sponsors in any category where there are any unresolved issues or questions related to a child's well-being.<sup>6</sup>

In assessing a sponsor's suitability, ORR not only evaluates the sponsor's ability to provide for the child's physical and mental well-being, but also the sponsor's ability to ensure the child's presence at future immigration proceedings. Potential sponsors are expected to attend the Legal Orientation Program for Custodians (LOPC), which the Executive Office for Immigration Review (EOIR) in the Department of Justice presents to inform sponsors of their responsibilities for their child's appearance at all immigration proceedings. To emphasize the importance of a child's attendance at immigration proceedings, in December 2017, ORR made attendance at the LOPC a criteria in the sponsor assessment process.<sup>7</sup>

In the area of home studies, ORR made two significant policy changes in March 2016. A home study is an in-depth investigation of the potential sponsor's ability to ensure the child's safety and well-being. The process includes background checks of the sponsor and adult household members, home visits, in-person interviews of the proposed sponsor and possibly interviews with other household members, and post-release services. The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA of 2008) mandates home studies in

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<sup>5</sup> *ORR Guide: Children Entering the United States Unaccompanied*, § 2.5.1 “Criteria for Background Checks.” (April 2016), <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-2#2.5.1>.

<sup>6</sup> *Id.*

<sup>7</sup> *ORR Guide: Children Entering the United States Unaccompanied*, § 2.4.1 “Assessment Criteria.” (December 2017), <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-2#2.4.1>.

certain situations, but the March 2016 policy changes led to an increase in discretionary home studies, which are home studies that are not required by law.<sup>8</sup> One of these policy changes focused on tender age UAC. ORR began requiring home studies for all UAC 12 years of age and younger being released to non-relative sponsors.<sup>9</sup> The other change underscored the need for case managers and case coordinators, who have direct contact with UAC, to recommend home studies, even if not required by the TVPRA of 2008, if they think a home study would provide additional information required to determine that the sponsor is able to care for the health, safety, and well-being of the child.<sup>10</sup>

### **Post-release**

Another step in improving the safety of releases is to contact the child and the sponsor shortly after release, which is a critical adjustment period. To accomplish this, ORR initiated safety and well-being calls.<sup>11</sup> A case manager contacts the child and the sponsor 30 days after release. The case manager confirms that the child is still residing with the sponsor, is enrolled in school, is aware of upcoming court dates, and, most importantly, is safe. If the case manager, or any other ORR grantee or contractor that has contact with a released child, has a concern about the child's safety or well-being, they are required to take steps under ORR's new "post-release reporting system for notifications of concern."<sup>12</sup> Under the system, they must report all concerns to appropriate investigative agencies, and notify ORR of immediate dangers to a child's safety or

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<sup>8</sup> *ORR Guide: Children Entering the United States Unaccompanied*, § 2.4.2 "Home Study Requirement." (March 2016), <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-2#2.4.2>.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *ORR Guide: Children Entering the United States Unaccompanied*, § 6.1 "Summary of Resources and Services Available After Release from ORR Care." (June 2016), <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-6#6.1>.

<sup>12</sup> *Id.*

well-being.<sup>13</sup> To remove children from unsafe situations, ORR reports notifications of concern to local law enforcement.

In addition, ORR has expanded the services of its National Call Center, which was stood up in September 2014. The National Call Center is a resource for all children and sponsors post-release.<sup>14</sup> It is available 24 hours a day, seven days a week,<sup>15</sup> and provides referrals to community assistance and other guidance to sponsors and children seeking help, including those with safety concerns.<sup>16</sup>

From October to December 2017, ORR attempted to reach 7,635 UAC and their sponsors. Of this number, ORR reached and received agreement to participate in the safety and well-being call from approximately 86 percent of sponsors. From these calls, ORR learned that 6,075 UAC remained with their sponsors. Twenty-eight UAC had run away, five had been removed from the United States, and 52 had relocated to live with a non-sponsor. ORR was unable to determine with certainty the whereabouts of 1,475 UAC. Based on the calls, ORR referred 792 cases, which were in need of further assistance, to the National Call Center for additional information and services.

I understand that it has been HHS's long-standing interpretation of the law that ORR is not legally responsible for children after they are released from ORR care. However, considering the

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<sup>13</sup> *Id.*

<sup>14</sup> *ORR Guide: Children Entering the United States Unaccompanied*, § 6.4 “ORR National Call Center.” (July 2016) <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-6#6.4>.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* “The Call Center offers the following assistance to children released from ORR care: Locate resources in the sponsor’s community, such as: Legal service providers, Educational support, Medical care, Emotional support, Juvenile justice, Substance abuse treatment, Safety support.” (emphasis added)

importance of the post-release period, we are taking a fresh look at that question as a matter of both legal interpretation and appropriate policy. Specifically, we are exploring the question of ORR's responsibilities in relation to children who are released to sponsors, and whether the level of responsibility would differ depending on the child's relationship to his or her sponsor. Based on what we have learned so far, if ORR were to remain legally obligated for the welfare of UAC after their release to a sponsor, or took on additional protective measures even if not legally obligated, those procedures would require a significant expansion of the current program structure and an increase in resources, and possibly additional legal authorities to further clarify ORR's role.

### **Interagency Communication**

ORR continues to develop its interagency communication efforts. In particular, I note that ORR shares information with its Federal partners as an additional means of reinforcing the safety of UAC as well as their participation in immigration proceedings. For example, ORR provides EOIR with monthly UAC data, which EOIR uses through its Legal Orientation Program for Custodians of UAC.

Second, ORR is working to enhance its day-to-day consultations with DHS. Under the current process, 24 hours before ORR releases a UAC from custody, it notifies DHS of the sponsor's identity, location, and relationship to the UAC, and ORR asks for DHS input regarding the safety of the release for the UAC and for the community. ORR notifies DHS again 24 hours after the minor's release.

Third, ORR and DHS are continuing to draft the Joint Concept of Operations (JCO). The agencies intend for the JCO to lead to increased communication and more efficient program implementation.

### **Closing**

Thank you for this opportunity to update you on ORR's efforts in the UAC program, and for your commitment to the safety and well-being of unaccompanied alien children. I look forward to working with you on our continued enhancement of policies and procedures, and all facets of the UAC Program. I would be happy to answer any questions.

# Exhibit 57



## Just In...

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CAMPAIGN — 54M 44S AGO

### Kim Kardashian on running for office: 'Never say never'

IN THE KNOW — 1H 21M AGO

### State Dept. warns Americans of terrorist threat at World Cup

NATIONAL SECURITY  
— 1H 26M AGO

### National Guard soldiers Trump sent to border are shoveling manure, changing flat tires: report

ADMINISTRATION — 2H 48M AGO

### Pence knocks Sherrod Brown in Ohio, boosts Renacci

CAMPAIGN — 2H 55M AGO

### Nike apologizes for apparel featuring logo similar to Naval Academy crest

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— 3H 24M AGO

### North Korean defector criticizes Trump's praise of Kim Jong-un

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INTERNATIONAL — 3H 57M AGO

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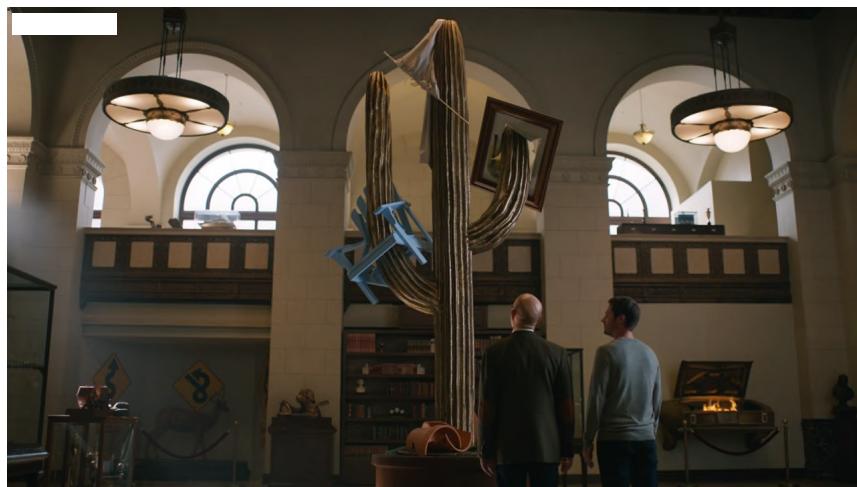
# Trump signs memo ordering end to 'catch and release' practices | The Hill

BY JESSE BYRNES - 04/06/18 07:32 PM EDT

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President Trump signed a memorandum on Friday ordering agencies to "expeditiously end" the practice known as "catch and release" that allows immigrants caught in the U.S. without proper documents to be released from detention while their cases play out in court.

The memo signed by Trump orders the Department of Homeland Security, in coordination with other agencies, to submit a report to the president within 45 days "detailing all measures that their respective departments have pursued or are pursuing to expeditiously end 'catch and release' practices."

The report instructs departments to share information on any contracts to construct or operate detention facilities along the border as well as steps taken to assign asylum officers at detention facilities, among other measures.

As part of the order, Trump is requesting "a detailed list of all existing facilities, including military facilities, that could be used, modified, or repurposed to detain aliens for violations of immigration law at or near the borders of the United States."

Trump has also directed Attorney General Jeff Sessions and Homeland Security Secretary Kirstjen Nielsen to identify any other resources or steps "that may be needed to expeditiously end 'catch and release' practices."

White House press secretary Sarah Huckabee Sanders characterized catch and release, the practice of paroling detained immigrants who await a court's determination on their status, as "dangerous."

"The safety and security of the American people is the President's highest priority, and he will keep his promise to protect our country and to ensure

Trump signs memo ordering end to catch-and-release practices | The Hill

that our laws are respected," she said in a statement.

"At the same time, the President continues to call on congressional Democrats to cease their staunch opposition to border security and to stop blocking measures that are vital to the safety and security of the United States," she added.

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# Exhibit 58



## DEPARTMENT OF HOMELAND SECURITY NORTHERN BORDER STRATEGY

June 12, 2018

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***Vision: The Department of Homeland Security, in collaboration with federal, state, local, and tribal partners, and Canadian and international counterparts, secures the Northern Border to prevent threats at the earliest opportunity; preserves and upholds economic security through efficient lawful trade and travel; and promotes cross-border critical infrastructure protection and community resilience.***

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## EXECUTIVE SUMMARY

The international border between the United States and Canada separates two friendly nations with a long history of social, cultural, and economic ties. United States and Canadian economic and security interests rest on the facilitation of safe, secure, and efficient flow of cross-border traffic and securing the border against threats. Security and facilitation of trade and travel are not competing goals, but rather are mutually reinforcing. To preserve and uphold U.S. economic security and prosperity, and secure our border, the U.S. Department of Homeland Security (DHS) must facilitate lawful trade and travel, reduce security risks and vulnerabilities, and promote cross-border resiliency and collaborative partnerships.

In 2017, DHS conducted an assessment of Northern Border security and concluded that while the Northern Border remains an area of limited threat in comparison to the U.S. Southern Border, safeguarding and securing the Northern Border presents unique challenges.<sup>1</sup> The most common threat to U.S. public safety along the Northern Border continues to be the bi-directional flow of illicit drugs. Transnational criminal organizations (TCOs) are also active along the border and they continually adapt their drug production, smuggling methods, and routes to avoid detection by U.S. and Canadian law enforcement. Potential terror threats are primarily from homegrown violent extremists in Canada who are not included in the U.S. Government's consolidated terrorist watch list and could therefore enter the United States legally at Northern Border ports of entry (POEs) without suspicion.

This Strategy establishes a clear vision and discrete actions that will collectively improve DHS's efforts to safeguard the Northern Border against terrorist and criminal threats, facilitate the flow of lawful cross-border trade and travel, and strengthen cross-border community resilience. It aligns with the requirements of the *Northern Border Security Review Act*.<sup>2</sup> The Strategy and its companion Implementation Plan will improve the Department's ability to identify capability gaps and evaluate measures to address them, allowing DHS to improve management oversight and optimize taxpayer resources. The Strategy articulates three main goals with key objectives identified under each goal (NOTE: sub-objectives are detailed in the body of the Strategy).

### **GOAL 1: Enhance Border Security Operations**

- Objective 1 - Exchange timely and actionable information and intelligence on cross-border terrorism and illicit activities with federal, state, local, tribal, and international partners.

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<sup>1</sup> Department of Homeland Security, "Northern Border Threat Analysis Report: Public Summary" (July 2017), available at [[https://www.dhs.gov/sites/default/files/.../17\\_0731\\_Public\\_Summary\\_NBSRA\\_0.pdf](https://www.dhs.gov/sites/default/files/.../17_0731_Public_Summary_NBSRA_0.pdf)].

<sup>2</sup> Public Law No. 114-267; enacted on December 14, 2016.

- Objective 2 - Improve coordination, integration, and analysis across domestic and international domain surveillance and information-sharing systems.
- Objective 3 - Use intelligence, risk assessments, and capability gap assessments to inform placement of surveillance and detection assets and resources.
- Objective 4 - Promote and improve integrated operations to identify, interdict, investigate, and disrupt terrorist and other illicit cross-border activities.
- Objective 5 - Use public and private-sector outreach to deter adversaries from exploiting the Northern Border to harm the United States.

## **GOAL 2: Facilitate and Safeguard Lawful Trade and Travel**

- Objective 1 - Enhance cross-border collaboration, capability improvements, and continued partner engagement to safeguard and secure transportation networks.
- Objective 2 - Promote the utilization of Trusted Traveler and prescreening programs and continue to develop and enhance inspection and screening capabilities, processes, and technologies to enable rapid processing of travelers.
- Objective 3 - Continuously improve cargo and trade facilitation and enforcement policies, processes, and technologies to enable a fair and competitive trade environment.
- Objective 4 – Enhance Northern Border capacity and efficiencies through infrastructure, resource, personnel, and capability improvements to meet mission requirements.

## **GOAL 3: Promote Cross-border Resilience**

- Objective 1 - Enhance cross-border, multi-sectoral emergency communication to facilitate effective response and recovery operations.
- Objective 2 - Support and enhance cross-border response and recovery capabilities with and between federal, state, local, tribal, and Canadian partners through mutual aid agreements, cooperative planning, and multi-sectoral exercises.

- Objective 3 - Protect and enhance the security and resilience of critical infrastructure through improved threat and risk awareness, vulnerability reduction, and hazard mitigation.



## INTRODUCTION

The international border between the United States and Canada separates two friendly nations with a long history of social, cultural, and economic ties. At 5,525 miles—1,500 of which are shared by Alaska with British Columbia and the Yukon Territory in Canada—the border is the longest land boundary between two countries in the world. The border terrain varies widely—from sparsely populated open plains and rugged mountains, to major metropolitan centers and vast lakes heavily utilized for recreational and commercial activities. Each terrain presents its own detection and interdiction challenges, requiring the tailored application of security measures along the full length of the border.

The volume of legal traffic across the border reflects the significant economic importance of the U.S. Northern Border. Approximately 400,000 people and over \$1.6 billion in goods cross the Northern Border daily through more than 120 POEs. Facilitating the safe, secure, and efficient flow of cross-border traffic is vital to both United States and Canadian economic interests. DHS has committed significant personnel resources to securing the Northern Border, including over 3,600 U.S. Customs and Border Protection (CBP) Officers, 2,200 U.S. Border Patrol Agents, 180 CBP Agriculture Specialists, 230 CBP Air and Marine personnel, 1,300 U.S. Immigration and Customs Enforcement (ICE) Special Agents, and 8,000 U.S. Coast Guard (USCG) personnel.

In 2017, DHS conducted an assessment of Northern Border security in accordance with the *Northern Border Security Review Act*.<sup>3</sup> The resultant Threat Assessment Report<sup>4</sup> indicates that while the Northern Border remains an area of limited threat in comparison to the U.S. Southern Border, it continues to play a crucial role in fostering U.S. economic growth and prosperity. However, the Northern Border is not without safety, security, and resiliency challenges. The most common threat to U.S. public safety along the Northern Border continues to be the bi-directional flow of illicit drugs. The Threat Assessment Report indicates that cocaine and methamphetamine move north into Canada after transiting the United States from Mexico, while fentanyl, marijuana, and ecstasy flow south from Canada into the United States. Transnational criminal organizations (TCOs) continually adapt their drug production, smuggling methods, and routes to avoid detection by U.S. and Canadian law enforcement. The topography along mountainous parts of the Northern Border is occasionally exploited by smugglers flying private aircraft at low altitude to evade radar detection, but there are no reports to suggest that the tactic is employed on a large scale. The unique nature of the maritime

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<sup>3</sup> Public Law No. 114-267; enacted on December 14, 2016.

<sup>4</sup> The Threat Assessment is a For Official Use Only/Law Enforcement Sensitive document but a public summary is available. See Department of Homeland Security, “Northern Border Threat Analysis Report: Public Summary” (July 2017), available at [https://www.dhs.gov/sites/default/files/.../17\_0731\_Public\_Summary\_NBSRA\_0.pdf].

boundaries between the United States and Canada create a conducive environment for TCOs to traffic drugs, people, and other contraband. High-density recreational boating traffic and short transit distances between the two countries, along with a myriad of jurisdictions along the border, create a complex problem set for law enforcement. TCOs may also attempt to move narcotics internationally using commercial cargo transportation methods.

The large volume of legitimate travel across the Northern Border and the long stretches of difficult terrain between ports of entry (POEs) provide potential opportunities for individuals who may pose a national security risk to enter the United States undetected. However, encounters with individuals associated with transnational crime or terrorism remain infrequent, and sensor technology plays an important role in locations where full-time deployment of enforcement personnel is not practical. Known illegal crossings on the Northern Border conform to established migration patterns between large population centers. Terrain, weather, and distance are factors that constrain illegal migrant travel in remote areas of the border. The number of individuals apprehended while entering the United States from Canada between POEs fluctuates but has remained below 800 per year over the last five years, with the largest share of these apprehended individuals being Canadians. By contrast, apprehensions at the Southern Border number in the hundreds of thousands, and about two-thirds of the people that U.S. Border Patrol agents apprehend along the Northern Border entered the United States through Mexico.

The Threat Assessment Report concludes that potential terror threats on the Northern Border are primarily from homegrown violent extremists in Canada who are not included in the U.S. Government's consolidated terrorist watch list and could therefore enter the United States legally at Northern Border POEs without suspicion. Canada has been an effective partner in working with the United States to keep foreign terrorist suspects from entering North America, especially with initiatives undertaken as part of the 2011 *U.S.-Canada Beyond the Border Initiative*.

As a follow-on to the requirements set forth in the *Northern Border Security Review Act*, the findings of the Threat Assessment Report, and pursuant to a direct tasking by the Secretary of Homeland Security, this Strategy establishes a clear vision and discrete actions that will collectively improve DHS's efforts to safeguard the Northern Border against terrorist and criminal threats, facilitate the flow of lawful cross-border trade and travel, and strengthen cross-border community resilience.

## **Scope**

The *DHS Northern Border Strategy* encompasses the complex network of DHS activities with multi-sectoral partners and stakeholders along the air, land, and maritime borders between Canada and the United States, including Alaska, and the maritime border with Russia. It addresses the full spectrum of border-related issues including: preventing terrorism and criminal threats; disrupting illicit border activity; leveraging intelligence and information sharing; facilitating the safe, efficient, and secure flow of legal trade and travel; promoting continued joint cross-border operations, exercises, and

programs with multi-sectoral partners; and supporting cross-border resiliency efforts for shared resources and critical infrastructure.

### Guiding Principles

The *DHS Northern Border Strategy* is consistent with the following guiding principles:

- Preserve national security, protect economic security and vitality, and promote community resilience;
- Support legitimate cross-border travel and trade;
- Protect individual civil rights, civil liberties and privacy, as required under law and policy;
- Promote organizational integration, innovation, and agility and improve unity of effort across DHS.

### Strategy Development and Coordination

DHS's Office of Strategy, Policy, and Plans (PLCY) led the development of this Strategy in close coordination with the following DHS Components:

- CBP;
- Office of Countering Weapons of Mass Destruction (CWMD);
- Federal Emergency Management Agency (FEMA);
- Office of Intelligence and Analysis (I&A);
- Immigration and Customs Enforcement (ICE);
- National Protection and Programs Directorate (NPPD);
- Office of the General Counsel (OGC);
- Science and Technology Directorate (S&T);
- Transportation Security Administration (TSA); and
- United States Coast Guard (USCG).

### Partnerships and Implementation

*Partnerships.* DHS will engage with other federal departments and agencies, as well as with key state, local, tribal, and Canadian partners to implement this Strategy. Realization of the goals, objectives, and end-states described in this Strategy will not be possible without close and continued collaboration with our partners.

*Implementation.* DHS will develop the "Northern Border Strategy Implementation Plan" (Implementation Plan) within 180 days of the Strategy's approval. The Implementation Plan will outline Departmental lead and support roles, responsibilities, programs, and timelines for accomplishing the Strategy's goals and objectives for fiscal years (FYs) 2020-2024. In addition, the Joint Requirements Council (JRC) will utilize this Strategy and the corresponding Implementation Plan to support the review of capability gap analyses and requirements that the relevant DHS Components generate.

DHS will use this Strategy and corresponding Implementation Plan to prioritize Departmental resources and achieve the specified outcomes over five years, beginning in FY 2020. PLCY will coordinate with relevant DHS Components to provide the DHS Secretary, Deputy Secretary, and Component leadership with annual progress reports regarding the implementation of this Strategy.

DHS will review and update the *Northern Border Strategy* every five years.



## GOAL 1: ENHANCE BORDER SECURITY OPERATIONS

Over the past decade, the strategic threat environment of the United States has been evolving. Terrorists and drug smugglers supported by TCOs have demonstrated their desire to find vulnerabilities in the U.S. national security posture to cross borders and attack U.S. citizens or pursue criminal activities. DHS must improve its ability to prevent, deter, disrupt, interdict, and investigate terrorism and illicit activity on the Northern Border by advancing situational awareness of the threat landscape in the air, maritime, land, and cyber domains. DHS must also continue to improve mechanisms for timely, reciprocal sharing of intelligence and information with key federal, state, local, tribal, and international partners.

**Objective 1.1:** Exchange timely and actionable information and intelligence on cross-border terrorism and illicit activities with federal, state, local, tribal, and international partners.

DHS does not, and cannot, secure the Northern Border without the information and intelligence support of other federal, state, local, tribal, and international partners. DHS must continue to foster and expand these strategic partnerships through established outreach efforts and further develop information and intelligence sharing agreements and arrangements. A common understanding of information and intelligence across agencies, borders, and levels of government enables a holistic and proactive enforcement posture and aids in the early detection and interdiction of illicit cross-border or terrorist activities.

***Sub-Objectives:***

- 1.1.1 Develop and maintain bilateral intelligence consultations and share finished intelligence products on border security threats to enhance shared understanding of the current and future threat environment.
- 1.1.2 Improve or expand upon intelligence and information exchange agreements and arrangements between DHS and international intelligence and law enforcement partners to improve the timeliness of those exchanges.
- 1.1.3 Expand participation in collaborative efforts such as joint fusion centers and task forces with federal, state, local, tribal, and international partners to promote coordinated, efficient border operations.
- 1.1.4 Expand private sector information-sharing partnerships to improve data sharing of critical need-to-know information, including vulnerabilities and emerging threats.
- 1.1.5 Enhance tactical information-sharing programs among federal, state, local, tribal, and international partners.

*Outcome:* DHS, federal, state, local, tribal, and international partners are able to share intelligence and information and have a common understanding of the threat environment across the air, maritime, land, and cyber domains along the Northern Border.

**Objective 1.2:** Improve coordination, integration, and analysis across domestic and international domain surveillance and information-sharing systems.

Domain awareness along the Northern Border is an enduring challenge due to the wide variance in environmental conditions and terrain. Different types of sensor technologies provide information about the air, maritime, or land domains, with several domestic and international law enforcement, intelligence, and open source databases providing additional layers of information to support domain awareness. DHS must continue to improve integration of these sensor networks and information databases to ensure a more robust multi-domain awareness and an inclusive and accurate data picture. This integration should also protect and safeguard data from cyber threats.

*Sub-Objectives:*

- 1.2.1 Improve air, maritime, and land domain sensor integration and analysis at and between POEs along the Northern Border.
- 1.2.2 Improve database integration and analysis.
- 1.2.3 Establish functional evaluation processes to continually assess DHS domain surveillance and information sharing and provide recommendations for improvement.
- 1.2.4 Protect integrated sensor networks from tampering.
- 1.2.5 Protect integrated information databases from cyber threats.

*Outcome:* DHS and federal, state, local, tribal, and international partners establish and maintain integrated and secure land, air, maritime, and cyber domain awareness of the Northern Border.

**Objective 1.3:** Use intelligence, risk assessments, and capability gap assessments to inform placement of surveillance and detection assets and resources.

Accessibility along the Northern Border varies greatly due to changes in terrain and seasonal weather conditions, and the areas, routes, and methods used by nefarious actors are constantly changing. DHS utilizes a variety of surveillance, detection, and monitoring assets such as drones, ground sensors, and fixed towers to protect and secure the border. Intelligence products, risk assessments, and capability gap assessments assist DHS decision-makers in optimizing and appropriately prioritizing the mix of technology, equipment, and personnel utilized at various points along the border. DHS must improve its process for identifying surveillance “blind spots” in order to position the right technology, people, and assets in the right locations at the right times to affect interdictions.

*Sub-Objectives:*

- 1.3.1 Quantitatively assess and prioritize the relative risks associated with areas along the Northern Border.
- 1.3.2 Support efforts to jointly catalogue existing U.S.-Canadian surveillance capabilities along the Northern Border to identify, prioritize, and mitigate coverage gaps.
- 1.3.3 Enhance surveillance and detection technologies through integrated research, development, and innovation programs.

*Outcome:* DHS maintains an appropriate mix of surveillance capabilities along the Northern Border to meet mission requirements.

**Objective 1.4: Promote and improve integrated operations to identify, interdict, investigate, and disrupt terrorist and other illicit cross-border activities.**

Multiple agencies from all levels of government on both sides of the border conduct operations to disrupt terrorist and other illicit cross-border activities. DHS must continue to promote and improve interoperable communications and expand efforts to plan and execute integrated operations and investigations with federal, state, local, tribal, and international partners. To further strengthen integrated operations and enable timely and rapid responses, the Department must continue to pursue cooperative co-location of capabilities and coordination of asset coverage with these partners. These programs enable a more robust layered defense strategy that would deploy forces in mutually supportive layers based on Component authorities and capabilities. Additionally, DHS must leverage internationally-deployed assets and international information-sharing partnerships to support interdiction or disruption of terrorist or other illicit activity at the earliest possible juncture.

*Sub-Objectives:*

- 1.4.1 Strengthen and expand the use of joint operations and task forces with federal, state, local, tribal, and Canadian partners.
- 1.4.2 Enhance joint investigation efforts for national security and transnational criminal investigations.
- 1.4.3 Enhance existing joint operations programs to include counterterrorism activities.
- 1.4.4 Develop intelligence-driven, targeted operations in the inbound and outbound environment that focus on current threat analysis.
- 1.4.5 Enhance coordination of Component activities in the Northern Border environment.
- 1.4.6 Leverage and optimize the roles of the DHS Component liaisons to provide actionable intelligence and to support and enhance coordinated interdictions.

*Outcome:* DHS actively participates in and promotes integrated operations with international, federal, state, local, and tribal partners, resulting in the identification, interdiction, investigation, and disruption of terrorist actions and illicit cross-border activities.

Objective 1.5: Use public and private-sector outreach to deter adversaries from exploiting the Northern Border to harm the United States.

Public and private partnerships and outreach activities play a vital role in keeping communities safe by promoting public awareness of potential indicators of terrorism and illicit activity. DHS must promote border security and deter terrorism and illicit activity by embedding partner education and deterrence operations into its posture at the Northern Border.

*Sub-Objectives:*

- 1.5.1 Develop analytic and messaging capabilities that support outreach activities with the public and other external stakeholders.)
- 1.5.2 Coordinate messaging efforts and content with federal, state, local, tribal, and international partners.
- 1.5.3 Work with interagency partners to publicize visible operations and incorporate deterrence concepts into communications with external DHS stakeholders.
- 1.5.4 Conduct or capitalize on visible activities that will demonstrate to adversaries the obstacles they would confront when attempting to attack the United States.

*Outcome:* DHS deters terrorism and illicit activity through visible and non-visible capabilities demonstrations and coordinated messaging campaigns.



## GOAL 2: FACILITATE AND SAFEGUARD LAWFUL TRADE AND TRAVEL

Security and facilitation of trade and travel are not competing goals, but rather are mutually reinforcing. The Northern Border represents a significant element in lawful U.S. cargo trade, finance, immigration, and travel. To preserve and uphold U.S. economic security and prosperity, the Department must facilitate lawful trade and travel while reducing security risks and vulnerabilities. DHS must also continue to encourage public and private sector participation in risk assessment programs such as traveler prescreening. Finally, DHS must remain cognizant of how identified threats and corresponding actions may impact lawful flows of people and cargo as well as our working relationships with U.S., Canadian, and international partners.

**Objective 2.1:** Enhance cross-border collaboration, capability improvements, and continued partner engagement to safeguard and secure transportation networks.

The global transportation framework is a vast, shared system of transportation networks that are crucial to the economic vitality of both the United States and Canada. DHS, in coordination with other partners, is tasked with securing and safeguarding these complex networks, including high volume railroad crossings, interconnecting passenger rail systems, and critical infrastructure such as highway bridges, tunnels, and pipeline crossings. In the maritime domain, DHS is responsible for securing and safeguarding the Marine Transportation System which includes a complicated system of channels, locks, rail, and other intermodal land-based connections that allow various conveyances to transport people and goods across the U.S.-Canadian border. Coordination between government and industry is vital to ensuring the security of these networks. DHS will work with private and public sector partners to continue to develop an integrated regime that reduces duplication of effort and enhances the safety and security of these networks.

*Sub-Objectives:*

- 2.1.1 Develop a coordinated vision with federal, state, local, tribal, international, and private sector partners for the continued stewardship of shared waterways and key transportation networks.
- 2.1.2 Enable safe, efficient, and resilient navigation on Northern Border waterways through the development and execution of regulatory regimes and waterways management.
- 2.1.3 Develop, coordinate, and conduct small vessel and recreational boater detection, identification, and screening programs.
- 2.1.4 Create a cyber-risk framework for safeguarding critical transportation network infrastructure.

2.1.5 Sustain collaborative partnership and information-sharing efforts with Canada on securing and safeguarding cross-border oil and natural gas pipeline infrastructure.

*Outcome:* DHS maintains the safety and security of critical shared transportation network elements through coordinated stewardship alongside international, federal, state, local, tribal, and private sector partners.

**Objective 2.2:** Promote the utilization of trusted traveler and prescreening programs and continue to develop and enhance inspection and screening capabilities, processes, and technologies to enable rapid processing of travelers.

DHS must protect the border by utilizing a layered, risk-informed process for screening travelers. Acquiring accurate and complete traveler information before, or while, travelers are in transit provides enhanced awareness and allows the Department to calculate risks and mitigate associated threats. These border risk assessment processes also increase the efficiency of passenger entry into the country. The Department must continue to evaluate and improve upon pre-vetting options, screening technologies, and integrated enforcement practices to better identify, detect, and interdict high-risk people without inhibiting legitimate travel. DHS must clearly communicate the security and economic benefits of these screening and vetting processes and continue to promote public and private sector participation in Trusted Traveler programs. DHS must also continue to work with Canadian partners to implement vital partnership agreements.

*Sub-Objectives:*

- 2.2.1 Expand preclearance and Trusted Traveler options for travelers crossing the Northern Border.
- 2.2.2 Increase public and private sector participation in Trusted Traveler programs.
- 2.2.3 Perform risk-informed screening of passengers through information exchanges with Canadian partners to efficiently verify traveler identities as well as address concerns regarding criminal history and national security matters.
- 2.2.4 Collaborate with Canada on traveler requirements, such as entry and exit procedures, and pursue solutions for addressing policy differences that impact travelers.

*Outcome:* DHS improves cross-border facilitation of travel by leveraging collaborative partnerships with Canada and the U.S. interagency to identify, detect, and interdict high-risk individuals.

**Objective 2.3:** Continuously improve cargo and trade facilitation and enforcement policies, processes, and technologies to enable a fair and competitive trade environment.

Safeguarding the U.S. economy involves targeting and stopping evasive trade practices, intellectual property rights violators, and the use of forced labor supply chains. DHS must continue to enhance our ability to identify, document, and assess cross-border cargo to determine risk and evaluate legitimacy without inhibiting legitimate trade flows. The Department must also continue to develop collaborative partnerships with the private sector, Canadian, and non-federal domestic and international law enforcement partners to deter and detect illicit trade activities.

*Sub-Objectives:*

- 2.3.1 Enhance screening and detection technologies through integrated research, development, and innovation programs.
- 2.3.2 Promote and improve interoperability to conduct integrated operations to facilitate trade.
- 2.3.3 Increase private sector participation in Trusted Trader programs to expedite the flow of cargo across the border.
- 2.3.4 Improve processes with Canadian partners for identifying high-risk importers and transactions.
- 2.3.5 Develop bilateral vessel entry and examination requirements to expedite the flow of commerce.
- 2.3.6 Improve targeting methods and procedures for identifying and screening high-risk importers and transactions.
- 2.3.7 Enhance enforcement of trade laws and regulations.
- 2.3.8 Strengthen collection of and enforce fees, duties, penalties, and tariffs.
- 2.3.9 Coordinate trade facilitation and security requirements with Canada and pursue solutions for addressing policy differences that impact trade and security as appropriate.

*Outcome:* DHS continuously improves cross-border trade facilitation and the identification, detection, and interdiction of high-risk shipments through collaborative partnerships, risk assessments, integrated enforcement operations, and intelligence-driven enforcement.

**Objective 2.4: Enhance Northern Border capacity and efficiencies through infrastructure, resource, personnel, and capability improvements to meet mission requirements.**

As the volume and frequency of border trade and travel continue to increase, DHS must ensure that POEs and other critical Northern Border facilities are sufficiently resourced, staffed, and that their infrastructure is capable of meeting mission requirements. Novel technology applications, mobile screening capabilities, and innovations to screening lane structures have significantly expedited the screening process for both goods and people. However, much of the infrastructure on the Northern Border is nearing or beyond its designated life cycle and lacks the structural or technological capacity to fully maximize these innovations. The Department must continue to support infrastructure maintenance, repair, and modernization to ensure it is operating at the required

capacity. Additionally, the Department must continue to ensure appropriate staffing and other resource materiel support at the Northern Border.

*Sub-Objectives:*

- 2.4.1 Coordinate assessments of existing infrastructure and resourcing along the Northern Border to routinely identify and prioritize capacity and/or capability gaps.
- 2.4.2 Enhance Northern Border infrastructure, personnel, and other resources in accordance with gap assessments and mission requirements.
- 2.4.3 Procure and deploy personnel, resources, and technology to meet Northern Border mission requirements.

*Outcome:* DHS adapts and maintains Northern Border infrastructure and resources in accordance with mission requirements.



## GOAL 3: PROMOTE CROSS-BORDER RESILIENCE

Border communities frequently rely on shared critical infrastructure as well as shared resources and capabilities for responding to emergencies and disasters. Threats and hazards can encompass large areas irrespective of borders, and may pose devastating consequences to both the United States and Canada. Effective response to such events requires cross-border coordination by federal, state, local, tribal, and Canadian partners, as well as private and nonprofit sector stakeholders. DHS must continue to strengthen cross-border cooperation with key emergency management partners and stakeholders through improved operational coordination, situational awareness, mutual aid agreements, collaborative training and exercise opportunities, and coordinated community preparedness efforts. DHS must also continue to ensure safety and resilience along the Northern Border by collaborating and cooperating with these partners and stakeholders to prepare for, protect against, respond to, recover from, and mitigate threats and hazards.

**Objective 3.1:** Enhance cross-border multi-sectoral emergency communications to facilitate effective response and recovery operations.

In communities along the Northern Border, the closest emergency response personnel may be located on the opposite side of the border. Effective response operations involving personnel from multiple jurisdictions require interoperable communications and common incident management terminology, as contained in the National Incident Management System.<sup>5</sup> DHS must continue to work with federal, state, local, tribal, Canadian, and private sector partners to establish cross-border methods of communication, coordinated disaster communication plans, and policy agreements on operational protocols and information sharing during disasters.

***Sub-Objectives:***

- 3.1.1 Promote the establishment and improvement of cross-border disaster information-sharing mechanisms with multi-sectoral partners across the emergency management, public health, medical, and critical infrastructure communities.
- 3.1.2 Enhance cross-border disaster communication plans and policy agreements.
- 3.1.3 Sustain and enhance cross-border public alert and warning capability and coordination.

---

<sup>5</sup> Federal Emergency Management Agency, *National Incident Management System* (October 2017) available at [<https://www.fema.gov/media-library/assets/documents/148019>].

*Outcome:* DHS rapidly exchanges information with federal, state, local, tribal, Canadian, and private sector partners before, during, and after a disaster through established, formalized emergency communication and information-sharing processes.

**Objective 3.2:** Support and enhance cross-border response and recovery capabilities with and between federal, state, local, tribal, and Canadian partners through mutual aid agreements, cooperative planning, and multi-sectoral exercises.

The ability to respond effectively, recover quickly, resume essential functions, and minimize the long-term consequences from terrorist attacks, natural disasters, or other incidents in the Northern Border region is vital to border communities, as well as to both countries' governments and economies. DHS must continue to work to mitigate risks to the Northern Border environment by supporting border community preparedness and resiliency programs. In addition, DHS must continue to support and collaborate with federal, state, local, tribal, international, and private sector partners to establish and maintain coordinated response and recovery plans and procedures, conduct multi-sectoral training and exercise events, and develop resource and technical assistance sharing agreements between border communities.

*Sub-Objectives:*

- 3.2.1 Promote response interoperability and integration by improving cross-border emergency coordination mechanisms at all levels.
- 3.2.2 Support the operational readiness of cross-border mutual aid with federal, state, local, tribal, international, and private sector partners.
- 3.2.3 Support coordinated multi-sectoral incident response and recovery planning and procedure development with federal, state, local, tribal, and international partners.
- 3.2.4 Conduct multi-sectoral incident response and recovery exercises with federal, state, local, tribal, and international partners.

*Outcome:* DHS conducts rapid, integrated response and recovery activities alongside federal, state, local, tribal, and international partners on either side of the Northern Border.

**Objective 3.3:** Protect and enhance the security and resilience of critical infrastructure through improved threat and risk awareness, vulnerability reduction, and hazard mitigation.

Communities throughout the Northern Border region rely on shared critical infrastructure, including power grids, water supplies, forests and rangelands, fuel pipelines, communication networks, medical and public health facilities, and transportation networks and hubs. DHS must continue to work with federal, state, local, tribal, international, and private sector partners to protect critical infrastructure in the Northern Border environment ensuring controlled access to critical facilities, and

emphasizing the importance of creating and abiding by shared guidelines, regulations, and standards. DHS must also work with partners at all levels of government and the private sector to lessen the impact of disasters through proactive hazard mitigation planning and implementation. In addition, DHS must utilize domestic and international governmental and industry partners to understand and mitigate the risks to our shared critical infrastructure in the modern cyber domain.

*Sub-Objectives:*

- 3.3.1 Conduct structural and operational vulnerability assessments on Northern Border region critical infrastructure priorities.
- 3.3.2 Collaborate with multi-sectoral and international partners to implement mitigation measures to address identified vulnerabilities in critical infrastructure.
- 3.3.3 Promote creation and adoption of shared guidelines, regulations, and standards between the United States and Canada related to critical infrastructure security and resiliency.
- 3.3.4 Strengthen relationships with private sector critical infrastructure industry leaders to prevent, protect, and respond to risks to shared critical infrastructure.

*Outcome:* DHS has equipped critical infrastructure stakeholders along the Northern Border with the information and support needed to reduce vulnerabilities and mitigate the effects of disasters and hazards.

## APPENDIX A: Terms of Reference

Terminology used throughout the Strategy is consistent with the following definitions:

Air domain awareness: The observation of the air domain and baseline information associated with the domain that adds meaning to what is seen, leading to the effective understanding of information, threats, and anything associated with the air domain that could impact the security, safety, or economy of the United States.

Assessment: Product and process of evaluating information based on a set of criteria for the purpose of informing priorities, developing or comparing courses of action, and informing decision-making.

Bilateral: Affecting or undertaken reciprocally between two nations or parties.

Capability: Means to accomplish a mission, function, or objective.

Cooperation: Working together to achieve the different goals of each participant.

Critical infrastructure: Systems and assets, whether physical or virtual, so vital that the incapacity or destruction of such may have a debilitating impact on the security, economy, public health or safety, environment, or any combination of those matters, across any federal, state, regional, territorial, or local jurisdiction.

Deterrence: The prevention of action by the existence of a credible threat of unacceptable counteraction and/or belief that the cost of action outweighs the perceived benefits.

DHS screening and inspection process: Comprehensive DHS process used to detect and assess whether persons or property pose a threat or are not in compliance with the law.

Emergency management: Coordination and integration of all activities necessary to build, sustain, and improve the capabilities to prepare for, respond to, recover from, or mitigate against threatened or actual disasters or emergencies, regardless of cause.

Evaluation: Process of examining, measuring and/or judging how well an entity, procedure, or action has met or is meeting stated objectives.

Implementation: Act of putting a procedure or course of action into effect to support goals or achieve objectives.

Incident: Natural, technological, or human-caused occurrence that may cause harm and that may require action.

Information: Data in a usable form, usually processed, organized, structured, or presented in a meaningful way.

Information sharing: Exchange of data, information, or knowledge stored within discrete information systems or created spontaneously between entities or individuals using collaborative communication technologies.

Interdiction: Activities conducted in support of law enforcement to divert, disrupt, delay, intercept, board, detain, or destroy, as appropriate, vessels, vehicles, aircraft, people, and cargo.

Interoperability: Ability of systems, personnel, and equipment to provide and receive functionality, data, information, and/or services to and from other systems, personnel, and equipment, between both public and private agencies, departments, and other organizations, in a manner enabling them to operate effectively together.

Land domain awareness: Effective understanding of information, threats, and anything associated with the land domain that could affect the safety, security, commerce, or environment of the United States.

Marine transportation system: Set of waterways, ports, and inter-modal connections, vessels, vehicles, and system users, as well as federal maritime navigation systems in which marine vessels operate.

Maritime domain awareness: Effective understanding of information, threats, and anything associated with the global maritime domain that could impact the security, safety, economy, or environment of the United States.

Mitigation: Ongoing and sustained action that eliminates or reduces the potential effects of hazards.

Preparedness: Activities necessary to build, sustain, and improve readiness capabilities to prevent, protect against, respond to, and recover from natural or man-made incidents.

Private sector: Entities and individuals, including for-profit and non-profit, which are not part of any government.

Recovery: Development, coordination, and execution of service- and site-restoration plans.

Resilience: Ability to adapt to changing conditions and withstand and rapidly recover from disruption.

Risk assessment: Product or process evaluating information based on a set of criteria that assigns values to risks for the purpose of informing priorities, developing or comparing courses of action, and informing decision-making.

Stakeholder: Individual or organization having a right, share, claim, or interest in a system or in its possession of characteristics that meet its needs and expectations

Surveillance: Systematic observation or monitoring of areas, places, persons, or things, by visual, aural, electronic, photographic, or other means.

Sustain: To support, supply, and maintain the necessary level and duration of activity to achieve a given objective.

Threat assessment: Product or process of evaluating information based on a set of criteria for entities, actions, or occurrences, whether natural or man-made, that have or indicate the potential to harm life, information, operations, and/or property.

## APPENDIX B: Acronyms Used

CBP	U.S. Customs and Border Protection
CBP/AMO	U.S. Customs and Border Protection/Air and Marine Operations
DHS	Department of Homeland Security
DHS/CWMD	Department of Homeland Security/Countering Weapons of Mass Destruction
DHS/I&A	Department of Homeland Security/Office of Intelligence and Analysis
DHS/JRC	Department of Homeland Security/Joint Requirements Council
DHS/OGC	Department of Homeland Security/Office of the General Counsel
DHS/OPE	Department of Homeland Security/Office of Partnership and Engagement
DHS/OLA	Department of Homeland Security/Office of Legislative Affairs
DHS/PLCY	Department of Homeland Security/Office of Strategy, Policy, and Plans
DHS/S&T	Department of Homeland Security/Office of Science and Technology
DHS/TSA	Department of Homeland Security/Transportation Security Administration
IBET	Integrated Border Enforcement Teams
ICE	U.S. Immigration and Customs Enforcement
ICE/HSI	U.S. Immigration and Customs Enforcement/Homeland Security Investigations
POE	Port of entry
TCO	Transnational criminal organization
USCG	United States Coast Guard

# Exhibit 59



# Trump basically called Mexicans rapists again



Analysis by [Z. Byron Wolf](#), CNN

Updated 1:38 PM ET, Fri April 6, 2018



Source: [CNN](#)

Trump mentions rape in immigration argument 02:22

**Washington (CNN)** — President Donald Trump wants to be a provocateur again. Why else would he bring up his [specious and repeatedly disproven claim](#) that millions voted illegally in California, where he was walloped by Hillary Clinton?

And why would he intentionally recall and brag about one of the single most controversial things he's ever said (a distinction not thrown around lightly)?

Trump was speaking in West Virginia on Thursday, talking about how he prefers a merit-based immigration system like Canada's to a lottery-based system like the one in the US.

*"With us, it's a lottery system — pick them out — a lottery system. You can imagine what those countries put into the system. They're not putting their good ones.*

*"And remember my opening remarks at Trump Tower, when I opened. Everybody said, 'Oh, he was so tough,' and I used the word 'rape.' And yesterday, it came out where, this journey coming up, women are raped at levels that nobody has ever seen before. They don't want to mention that.*

*"So we have to change our laws. And the Democrats, what they're doing is just — it's insanity. I don't — nobody understands what's going on."*

Nobody is arguing that the trip from Central America to the US is easy or that women are not attacked or exploited on it. That is a well-documented problem, one that Trump brought up to bolster his own case for tougher immigration laws. CNN, however, has been following the caravan that so concerned Trump and did not witness widespread raping. In fact, CNN has found that many of those participating in the group feel that the caravan, organized by activists, will actually protect against violence and exploitation.

The President did not provide a scintilla of evidence to back up his claim. And what's truly troubling is that Trump continues to generalize such allegations against a large group of people.

Trump is correct that he mentioned rape when he announced his campaign at Trump Tower in June 2015. But it's not true that people called him tough. In fact, a lot of people -- even Republicans -- called him racist at the time.

In case you've forgotten, here's the portion of that Trump Tower announcement speech:

**Donald Trump doubles down on calling Mexicans 'rapists' 04:36**

*The US has become a dumping ground for everybody else's problems. Thank you. It's true, and these are the best and the finest. When Mexico sends its people, they're not sending their best. They're not sending you. They're not sending you. They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people.*

Those comments were probably the most notorious thing to emerge from that speech. The backlash lasted for weeks and Trump refused to back down. In particular, during an interview with CNN's Don Lemon, in which he argued his info came from a Fusion article. And he was making a connection that immigrants must be raping women.

### **Donald Trump: 'Somebody's doing the raping' 01:59**

"Well, somebody's doing the raping, Don! I mean somebody's doing it! Who's doing the raping? Who's doing the raping?" he asked.

The "rapist" comment was [why Macy's dumped his branded merchandise](#). It's why [the PGA pulled tournaments from his golf courses](#). Republicans up and down the line [split with his comments](#) at the time.

None of that ended up mattering. Trump went on to win the primary and, obviously, the general election. But he has not been as quick to publicly besmirched an entire swath of people in the same way (although behind closed doors, he did refer to African countries sending refugees to the US as "shithole countries"). Fast forward a little less than two years to Trump in West Virginia and it's clear he still very seriously believes what he said back in Trump Tower.

In June 2015, he said "they're not sending their best." In April 2018, he said, "they're not putting their good ones."

And in both cases he brought up rape.

It's clear he feels vindicated in that original claim despite the backlash at the time. Once he has said something vile like Mexican immigrants are rapists or something specious like millions of Californians voting illegally, he won't be dissuaded from bringing it back up in the future.



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Not getting enough sleep? Changing your sleeping habits could help

CNN Underscored

# Exhibit 60

## Politics

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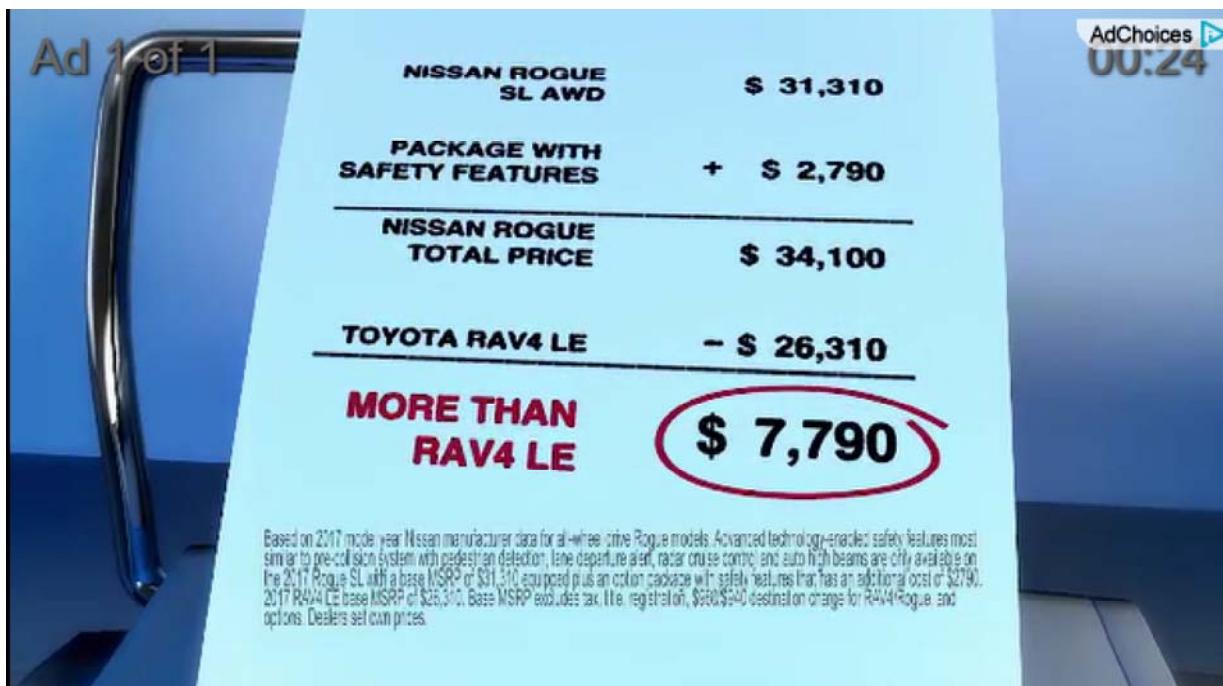
### POLITICS

# At GOP debate, Trump says 'stupid' U.S. leaders are being duped by Mexico

By Andrew O'Reilly

Published August 06, 2015

Fox News



### NOW PLAYING

Donald Trump: 'We need to keep illegals out'

Speculation that Donald Trump would tone down his rhetoric on immigration and Mexico during the first prime crumbled Thursday night when the outspoken billionaire made it clear that none of the candidates would be telling him.

Trump has taken a particularly tough stance on immigration this summer, drawing criticism in the Latino community for calling immigrants criminals and rapists to the U.S.

When asked by Fox News host Chris Wallace to provide evidence for his controversial comments, Trump fire have told him the Mexican government is sending criminals because they know the government in America is

"They say this is what's happening because our leaders are stupid, our politicians are stupid," the real estate Cleveland's Quicken Loans Arena. "And the Mexican government is much smarter, much sharper, much mor

Trump added: "They send the bad ones over, because they don't want to pay for them, they don't want to tal the stupid leaders of the United States will do it for 'me?'"

When asked to respond to comments made by former Florida Gov. Jeb Bush that he was "hurt" by Trump's c immigrants, the businessman-turned-presidential candidate did not turn to his left, where Bush was standing, a wall and that he doesn't mind if it has a "big, beautiful door."

Immigration dominated a large portion of the first half of the debate, with most candidates pledging to take a t them disagreeing on how to fix a broken system.

Bush argued that border security is key to finding a solution to the immigration problem, but stuck by his stan come to the U.S. because they feel they have no other choice.

"I believe that the great majority of people coming here do it because they have no other option," Bush said.

Bush, whose wife was born in Mexico, added: "There's much to do. Rather than talking about this as a wedge once and for all, as a driver for high, sustained economic growth."

While Ohio Gov. John Kasich dodged an opportunity to criticize Trump on immigration – saying instead that 1 country" -- other candidates were not so reluctant to pull any punches.

A seemingly confident Florida Sen. Marco Rubio took offense to Trump's assertion that Mexico is to blame fo Most immigrants coming illegally, Rubio said, are coming from countries such as Guatemala and El Salvador opposed to sneaking over the border.

Rubio said his Senate office takes phone calls frequently from people who entered the country legally but are immigration process and wonder if they should just come illegally.

"This is the most generous country in the world when it comes to immigration," he said.

But, in response to Trump, he said building a wall or fence won't solve the immigration issue.

"If (Mexican drug lord) El Chapo can build a tunnel under that fence, we need to deal with that," he said.

Texas Sen. Ted Cruz, who has not only praised Trump but even made a trip to New York to meet with him – evening by saying that he was one of the only candidates on stage who had not supported amnesty for undoc

In reference to Trump's comments calling U.S. leaders stupid, Cruz said: "It's not a question of stupidity, it's the immigration."

The debate only included the top 10 candidates based on their showing in recent polls. The remaining seven did not participate in the debate forum, a low-key event in a largely empty arena, where candidates avoided debating each other and focused on domestic and foreign policy issues.

*The Associated Press contributed to this report.*

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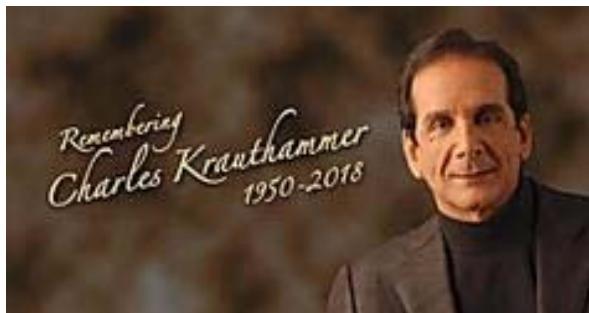
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# Exhibit 61

The Washington Post

Post Politics

First, Trump booted Univision anchor Jorge Ramos out of his news conference. Then things got interesting.

---

By [Philip Rucker](#) August 25, 2015 [Email the author](#)

*This story has been updated.*

DUBUQUE, Iowa — Two minutes into Donald Trump's news conference here Tuesday night came the question he tried to silence.

"Mr. Trump, I have a question," said Jorge Ramos, the top news anchor at Univision and one of the country's most recognizable Mexican-Americans, as he stood up in the front row of journalists.

"Excuse me," the Republican presidential front-runner told Ramos. "Sit down. You weren't called. Sit down."

Ramos, holding a piece of paper, calmly tried to ask Trump about his plan to combat illegal immigration. "I'm a reporter, an immigrant, a senior citizen," he said. "I have the right to ask a question."

Trump interrupted him. "Go back to Univision," he said. Then the billionaire businessman motioned to one of his bodyguards, who walked across the room and physically removed Ramos from the room.

Trump's dismissal of a major television news anchor lit up social media. Reporters asked Trump why he removed Ramos. At first, he accused Ramos of violating his news conference protocol. "He stood up and started screaming," Trump said of Ramos. "He's obviously a very emotional person," Trump said.

But moments later, Ramos returned to his seat in the front row — and Trump called on him. For five minutes, they tangled over immigration policy, an issue on which both men have passionately different views. It was one of the more compelling moments of the 2016 campaign.

"Good to have you back," Trump told Ramos, signaling to him to begin his questioning.

"Here's the problem with your immigration plan," Ramos said. "It's full of empty promises."

Ramos pointed out it would be unconstitutional to deny citizenship to what Trump calls "anchor babies," children born in the United States to undocumented immigrants. Trump disagreed, saying it could be done as an act of Congress and that some legal scholars argue the 14th Amendment should be changed.

"A woman's getting ready to have a baby," Trump said. "She crosses the border for one day, has the baby, all of a sudden for the next 80 years — we have to take care of" the child.

The next question from Ramos: How do you build a 1,900-mile wall across the U.S. border with Mexico?

"It's very easy," Trump said. "I'm a builder. ... What's more complicated is building a building that's 95 stories tall." The questioning continued. At one point, Trump said, "I can't deal with this." A Trump aide interrupted and told Ramos, "Is there one question — one question?"

Yet Trump let the questioning continue, seemingly determined to prove his case. "I have a bigger heart than you do," he told Ramos. "We're going to do [deportations] in a very humane fashion."

Trump went on to assert that gang members in Baltimore, St. Louis and other cities are illegal immigrants.

"Listen, we have tremendous crime," he told Ramos. "We have some very bad ones. ... Do you mind if I send them back to Mexico?"

Ramos replied, "No human being is illegal, Mr. Trump."

The response: "Well, when they cross the border, from a legal standpoint, they're illegal immigrants when they don't have their papers."

When Ramos pressed Trump on polls showing his unpopularity with Latinos, Trump would not accept the premise of the question. First, he interrupted Ramos and turned the question on him: "How much am I suing Univision for right now? Do you know the number? I know you're part of the lawsuit."

Trump filed suit against the network in June, alleging defamation and breach of contract, after Univision ended its relationship with him and canceled plans to broadcast the Miss Universe pageant he owns following his controversial comments about Mexican immigrants.

"I'm a reporter," Ramos said.

"Five hundred million dollars," Trump replied. "And they're very concerned about it, by the way. I'm very good at this."

 1647 Comments

Philip Rucker is the White House Bureau Chief for The Washington Post. He previously has covered Congress, the Obama White House, and the 2012 and 2016 presidential campaigns. Rucker also is a Political Analyst for NBC News and MSNBC. He joined The Post in 2005 as a local news reporter.  Follow @PhilipRucker



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The Definitive Biography  
of the 45th President

MICHAEL KRANISH  
and MARC FISHER





# Exhibit 62



Donald J. Trump [Follow](#) @realDonaldTrump

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The protesters in New Mexico were thugs who were flying the Mexican flag. The rally inside was big and beautiful, but outside, criminals!

6:39 AM - 25 May 2016

11,620 Retweets 31,811 Likes



[4.7K](#)

[12K](#)

32K



Raunchy (((Potato))) @RaunchyPotato · 25 May 2016



Replying to @Blob\_Fish @realDonaldTrump @elizabethforman

Lol. Bankrupt, you must be extremely uninformed.

[3](#)

[1](#)

17



Jay @portnewsfeed · 25 May 2016



Replying to @realDonaldTrump

almost makes one wonder if you hired them to wave those Mexican flags.

[33](#)

[27](#)

223



deez rubio nuts @mavs\_bigot · 25 May 2016



Replying to @realDonaldTrump

Mexicans are criminals?

[94](#)

[21](#)

225



Raunchy (((Potato))) @RaunchyPotato · 25 May 2016



Ones who throw rocks & bottles at police, shoot into windows, & try to set cop cars on fire are criminals, yes.

[8](#)

[28](#)

203



2 more replies



mh dr @hgiftshop · 25 May 2016



Replying to @realDonaldTrump

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Donald J. Trump [Follow](#) @realDonaldTrump · 3h



Drudge Report "OBAMA KEPT THEM IN CAGES, WRAPPED THEM IN FOIL" We do a much better job while at the same time maintaining a MUCH stronger Border! Mainstream Fake Media hates this story.

[15K](#)

[18K](#)

60K

Donald J. Trump [Follow](#) @realDonaldTrump · 3h



"Disability applications plunge as economy strengthens" Failing New York Times

4.9K

7.4K

32K



**Donald J. Trump**  @realDonaldTrump · 4h

The National Association of Manufacturers just announced that 95.1% of Manufacturers "have a positive outlook for their companies." This is the best number in the Association's history!

4.7K

11K

44K



**Donald J. Trump**  @realDonaldTrump · 5h

The Russian Witch Hunt is Rigged!

18K

11K

49K



**Donald J. Trump**  @realDonaldTrump · 5h

@FoxNews Poll numbers plummet on the Democrat inspired and paid for Russian Witch Hunt. With all of the bias, lying and hate by the investigators, people want the investigators investigated. Much more will come out. A total scam and excuse for the Dems losing the Election!

12K

14K

52K



Donald J. Trump Retweeted

**Donald J. Trump**  @realDonaldTrump · Jun 22

Congressman Ron DeSantis, a top student at Yale and Harvard Law School, is running for Governor of the Great State of Florida. Ron is strong on Borders, tough on Crime & big on Cutting Taxes - Loves our Military & our Vets. He will be a Great Governor & has my full Endorsement!

10K

23K

90K



Donald J. Trump Retweeted

**Sarah Sanders**  @PressSec · Jun 22

It's shameful that dems and the media exploited this photo of a little girl to push their agenda. She was not separated from her mom. The separation here is from the facts. Dems should join POTUS and fix our broken immigration system. #ChangetheLaws

13K

24K

59K

Donald J. Trump Retweeted



Jesse Watters @JesseBWatters · Jun 22

Will be 🔥@TPUSA

---

671 2.5K 12K

Donald J. Trump Retweeted



Dan Scavino Jr. @Scavino45 · 21h

Happening Now:

President Trump delivers remarks on immigration with Angel Families:  
[twitter.com/whitehouse/sta...](https://twitter.com/whitehouse/status/100380000000000000)

---

894 2.8K 12K

Donald J. Trump Retweeted



Donald J. Trump @realDonaldTrump · 21h

We are gathered today to hear directly from the AMERICAN VICTIMS of ILLEGAL IMMIGRATION. These are the American Citizens permanently separated from their loved ones b/c they were killed by criminal illegal aliens. These are the families the media ignores...

23K 28K 79K

Donald J. Trump Retweeted



Donald J. Trump @realDonaldTrump · 20h

Our first duty, and our highest loyalty, is to the citizens of the United States. We will not rest until our border is secure, our citizens are safe, and we finally end the

20K  22K 81K

Donald J. Trump Retweeted



**Dan Scavino Jr.**  @Scavino45 · 14h

REQUESTED by family members after their private meeting and visit to the Oval Office - which took place before public remarks, as seen in the Eisenhower Executive Office Building, below.



**The Hill**  @thehill

Trump autographs photos of people killed by undocumented immigrants [hill.cm/W2fwuG2](http://hill.cm/W2fwuG2)

999  3.5K 14K

Donald J. Trump Retweeted



**Secretary Pompeo**  @SecPompeo · 21h

.@POTUS' agenda is the most pro-business agenda from a President in history. It been a game-changer for the American economic landscape. As a result of President Trump's policies, international companies & investors are already going full speed ahead with opportunities in U.S.

---

1.1K  3.4K 15K

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**Donald J. Trump**  @realDonaldTrump · 5h

Steel is coming back fast! U.S. Steel is adding great capacity also. So are others.

**FOX Business**  @FoxBusiness

Steel maker JSW to build new plant, invest \$500M after Trump tariffs [fxn.ws/2twECaC](http://fxn.ws/2twECaC)

3.0K  7.2K 30K

Donald J. Trump Retweeted



**Donald J. Trump**  @realDonaldTrump · Jun 21

We have to maintain strong borders or we will no longer have a country that we can be proud of – and if we show any weakness, millions of people will journey into our country.

32K  31K 135K

Donald J. Trump Retweeted



**Donald J. Trump**  @realDonaldTrump · Jun 22

Elect more Republicans in November and we will pass the finest, fairest and most comprehensive Immigration Bills anywhere in the world. Right now we have the dumbest and the worst. Dems are doing nothing but Obstructing. Remember their motto, RESIST! Ours is PRODUCE!

20K  28K 97K

**Donald J. Trump**  @realDonaldTrump · 16h

Based on the Tariffs and Trade Barriers long placed on the U.S. & its great companies



and workers by the European Union, if these Tariffs and Barriers are not soon broken down and removed, we will be placing a 20% Tariff on all of their cars coming into the U.S. Build them here!

12K

17K

73K



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# Exhibit 63



**Donald J. Trump** [@realDonaldTrump](#)

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Many of the thugs that attacked the peaceful Trump supporters in San Jose were illegals. They burned the American flag and laughed at police

6:04 AM - 4 Jun 2016

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[12K](#)

26K



**Sean Keats** [@seankeats](#) · 4 Jun 2016 [Reply](#)

Replies to [@realDonaldTrump](#)

[@KazmierskiR](#) Trump is being blamed for the violence perpetrated by the other side.

[3](#)

[6](#)

9



**BEAR** [@streetbear57](#) · 4 Jun 2016 [Reply](#)

Yeah, that's just hilarious. Like a fat person blaming the fork.

[2](#)

[2](#)

6



**RedeemedPatriot6** [@HRClintonPrison](#) · 4 Jun 2016 [Reply](#)

That damn fork. & last week my car backed out of the garage all by itself, went out & got drunk&now I have a DWI.

[3](#)

[4](#)

4



**BEAR** [@streetbear57](#) · 4 Jun 2016 [Reply](#)

indeed. I was raised to be responsible for my own actions. But, when you have a LEADER that always blames. 🤦

[2](#)

[2](#)

3



**RedeemedPatriot6** [@HRClintonPrison](#) · 4 Jun 2016 [Reply](#)

He said "not my fault" same week TEN US servicemembers lost, then blamed a general for his ISIS FUBAR.

[2](#)

[1](#)

3

**Rhonda Kazmierski** [@KazmierskiR](#) · 4 Jun 2016 [Reply](#)





# Exhibit 64



## Politics

Trump's personal, racially tinged attacks on federal judge alarm legal experts

By Jose A. DelReal and Katie Zezima June 1, 2016 [Email the author](#)

Donald Trump's highly personal, racially tinged attacks on a federal judge overseeing a pair of lawsuits against him have set off a wave of alarm among legal experts, who worry that the Republican presidential candidate's vendetta signals a remarkable disregard for judicial independence.

That attitude, many argue, could carry constitutional implications if Trump becomes president.

U.S. District Judge Gonzalo Curiel, who is handling two class-action lawsuits against Trump University in San Diego, has emerged as a central target for Trump and his supporters in recent weeks. The enmity only escalated after Curiel ordered the release of embarrassing internal documents detailing predatory marketing practices at the for-profit educational venture; that case is set to go to trial after the November election.

"I have a judge who is a hater of Donald Trump, a hater. He's a hater," Trump said at a campaign rally in San Diego, adding that he believed the Indiana-born judge was "Mexican."

He also suggested taking action against the judge after the election: "They ought to look into Judge Curiel, because what Judge Curiel is doing is a total disgrace. Okay? But we will come back in November. Wouldn't that be wild if I am president and come back and do a civil case? Where everybody likes it. Okay. This is called life, folks."

The courtroom proceedings come with high stakes for Trump, whose likely tough general-election fight against Hillary Clinton will leave him open to intense scrutiny of his character, business practices and temperament. Clinton said Wednesday that the Trump University allegations are "just more evidence that Donald Trump himself is a fraud."

Trump's strikingly personal attacks on Curiel are highly unusual and have prompted questions about how he would react to adverse judicial decisions should he become president. Trump's remarks also stand out because he has a personal financial stake in the case.

"Having a presidential candidate embroiled in litigation totally unrelated to the political system . . . that is what is so novel about this. And then you add to this the personal criticism," said Arthur Hellman, a law professor at the University of Pittsburgh. "It's personal all the way, and that's what makes this different."

Conflicts between the courts and the political branches are common and, to some degree, expected. The Constitution mandates lifetime tenure for federal judges who serve in "good behavior" and protects them against recrimination by forbidding that their salaries be diminished.

Judicial appointments are among a president's most lasting legacies, and in the current presidential campaign, candidates from both parties have gone beyond the comfort level of many legal experts by issuing litmus tests. On the Democratic side, Clinton and Sen. Bernie Sanders (Vt.) have said overturning the Supreme Court's controversial *Citizens United* ruling should be a priority, while Republican candidates went after Chief Justice John G. Roberts Jr. for his votes upholding the Affordable Care Act.

President Obama prompted outrage among conservatives in 2010 when he blasted the *Citizens United* ruling in his State of the Union address. Republican members of Congress criticized the president for attacking the decision with members of the court seated just feet away from him, while Democrats defended the comments as within the bounds of policy debate. Trump's attacks on Curiel stand out for their personal nature, for the racial remarks and for the suggestion by a potential president that someone "ought to look into" the judge.

Charles Gardner Geyh, a professor at Indiana University's Maurer School of Law, said he has no problem with presidents or presidential candidates criticizing judges or judicial decisions. But, he said, "there's a line between disagreement and sort of throwing the judiciary under the bus that I think is at issue here."

One of Trump's earlier jeremiads came in February, when he told Fox News that Curiel was biased against him because of his controversial immigration comments and proposals, including his promises to build a giant wall on the U.S.-Mexico border and deport 11 million illegal immigrants.

"I think it has to do with perhaps the fact that I'm very, very strong on the border," Trump said then. "Now, he is Hispanic, I believe. He is a very hostile judge to me."

Trump returned to ethnicity at last week's San Diego rally, where he erroneously suggested Curiel was from Mexico: "The judge, who happens to be, we believe, Mexican, which is great. I think that's fine. You know what? I think the Mexicans are going to end up loving Donald Trump when I give all these jobs, okay?"

Curiel, who through his office declined to comment, [was born in East Chicago, Ind.](#), and is a 1979 graduate of the Indiana University law school. He gained acclaim prosecuting drug traffickers along the Tijuana corridor and was reportedly targeted for assassination by the Felix cartel; he joined the federal bench in 2012 after being nominated by Obama.

Katrina Pierson, a spokeswoman for Trump, has expanded on the accusations of bias, wrongly suggesting Curiel is part of a group organizing protests at Trump rallies around California. Curiel is a member of the San Diego La Raza Lawyers Association, a professional group that she appeared to confuse with the National Council of La Raza, an advocacy group.

Luis Osuna, the president of the lawyers association, said the group is not an advocacy group and supports candidates on both sides of the aisle. He said Trump's attempts to discredit Curiel should give voters serious pause, not least because his comments reduce Hispanics in the legal profession to their heritage.

"Every time there is a comment like this, it is disheartening," Osuna said. "It is not, unfortunately, surprising, given the source of the comments. But it displays a complete lack of understanding of the role that we have as attorneys and judges and the role that we have in upholding the Constitution."

"He's definitely using it as a dog whistle to his supporters," he added. "Obviously, I don't know what is in his heart. I can only judge based on the way he has acted in the past, but this has been a recurring theme in his campaign."

Trump is not without recourse if he thinks that Curiel has engaged in misconduct. Russell Wheeler, a visiting fellow at the Brookings Institution, said Trump could file a complaint with the federal court of appeals. He said Trump would have to provide evidence that Curiel was biased in his behavior against the real estate mogul and could then proceed with a disqualification motion. Wheeler said Trump could also ask Curiel to recuse himself from the case because of a lack of impartiality. If Curiel declined, Trump could file an appeal.

But Wheeler added that, based on what he has seen, Curiel "has been nothing but fair in this case."

As part of the ongoing class-action lawsuit against Trump University that he is overseeing, Curiel ordered the release of internal documents that showed Trump played a key role in the marketing for the business and how staff members were guided to push customers to purchase expensive follow-ups costing up to \$35,000 after taking free introductory courses. The order came in response to a request by The Washington Post, which argued that Trump's presidential bid made the documents a matter of public interest. In the order, Curiel said that Trump had "placed the integrity of these court proceedings at issue."

*Robert Barnes contributed to this report.*





# Exhibit 65



## Donald Trump's racial comments about Hispanic judge in Trump University case

By [Tom Kertscher](#) on Wednesday, June 8th, 2016 at 4:29 p.m.



*House Speaker Paul Ryan (left), a Wisconsin Republican, criticized GOP presumptive presidential nominee Donald Trump for Trump's racial remarks about a federal judge.*

Condemnation of comments made by [Donald Trump](#) about a federal judge reached the heights of the national Republican leadership when U.S. House Speaker [Paul Ryan](#) rebuked the GOP's presumptive presidential nominee on June 7, 2016.

"I disavow these comments," [the Wisconsin Republican said](#). "Claiming a person can't do the job because of their race is sort of like the textbook definition of a racist comment. I think that should be absolutely disavowed. It's absolutely unacceptable."

Trump has been roundly denounced, by [the left and right](#), for saying U.S. District Judge [Gonzalo Curiel](#) may be biased against him because of his Mexican heritage.

The judge is [presiding over](#) a pair of cases in which the plaintiffs allege Trump University duped them into paying tens of thousands of dollars on the belief they would be trained to learn Trump's real estate strategies. Trump denies the allegations, saying the students got their money's worth, with many offering positive evaluations of the program.

Curiel, who was appointed to the federal bench in San Diego by President Barack Obama, was born and raised in Indiana. His parents were naturalized U.S. citizens from Mexico.

So, what exactly did Trump say to draw so much denunciation?

Time for In Context, the feature we use to flesh out sound bites that get widespread attention.

On June 2, 2016, Trump [told the \*Wall Street Journal\*](#) that Curiel had "an absolute conflict" in presiding over the litigation given that he is "of Mexican heritage" and a member of a [Latino lawyers' association](#). (When Trump said in a separate interview that Curiel "is a member of a club or society, very strongly pro-Mexican" in reference to the group, PolitiFact National rated his statement [Mostly False](#).) Trump told the journal the judge's background was relevant because of his campaign stance against illegal immigration and his pledge to seal the southern U.S. border. "I'm building a wall. It's an inherent conflict of interest," Trump said.

But Trump expanded on those comments during two Sunday talk show interviews that aired June 5, 2016. Here are the relevant excerpts.

### **CBS' *Face the Nation***

This was the exchange about the judge between Trump and host John Dickerson on CBS' *Face the Nation*. The interview was recorded on June 3, 2016.

**Dickerson:** Let me ask you about, what does the Mexican heritage of the judge in the Trump University case have to do with anything?

**Trump:** I think it has a lot to do with it. First of all, I've had terrible rulings forever. I had a judge previous to him and it would have been a very quick case. This is a case

I should've won on summary judgment. This is a case -- and nobody writes this, and they all know it, but they don't like to write it -- the plaintiff in the case was a woman. She was so bad that under deposition it was over. I mean, she couldn't have been the -- it was a disaster. They went before the judge, they said, "We don't want her to be the plaintiff. We want to put somebody else in." So we said, "Well, that's fine. Dismiss the case. You have to dismiss the case." Wait a minute -- she gave letters, the most incredible reviews of the college you've ever seen, of the university. She gave the most incredible -- then on top of it, we have a tape where she's talking about it in the most glowing terms. You wouldn't speak about your college --

**Dickerson:** But Mr. Trump, what does this have to do with his parents being from Mexico, how does that --

**Trump:** Excuse me, excuse me, I'm just saying. We're getting terrible rulings. We go to the judge, we say to the judge, "Hey, you can't let her out of the case." He let her out of the case. We said, "Well, if you're going to let her out of the case, she's the plaintiff. If you're going to let her out of the case, the case is over." No, the case isn't over. OK? Now --

**Dickerson:** Give me the thought process, though, why -- how does this work?

**Trump:** He has given me -- my thought process --

**Dickerson:** No, no, for him, how do his Mexican parents have to do with him not ruling for you?

**Trump:** He is a member of a club or society, very strongly pro-Mexican, which is all fine. But I say he's got bias. I want to build a wall. I'm going to build a wall. I'm doing very well with the Latinos, with the Hispanics, with the Mexicans, I'm doing very well with them, in my opinion. And we're going to see, you're going to see, because you know what, I'm providing jobs. Nobody else is giving jobs. But just so you understand, this judge has treated me very unfairly, he's treated me in a hostile manner. And there's something going on.

When a woman can be a plaintiff in a case and then say, "I don't want to be" -- and you know why they don't want to be a plaintiff? They don't want her, the lawyers asked that she not be a plaintiff because they would have lost the case immediately.

**Dickerson:** So, I'm trying to figure out your thinking here, though. If his Mexican heritage -- the fact that his parents were Mexican immigrants -- is a barrier to him doing his job, why would any Mexican voter vote for you? Wouldn't they be the same barrier -- same problem?

**Trump:** No. They're going to vote for me because I'm going to bring jobs into the country --

**Dickerson:** But isn't it the same problem? Because you want the wall and all of that?

**Trump:** No, totally different.

*Dickerson then asked Trump what if the judge on the case were Muslim. After some back-and-forth about that and immigration, attention returned to the judge and race.*

**Dickerson:** Isn't there sort of a tradition, though, in America that we don't judge people by who their parents were and where they came from?

**Trump:** I'm not talking about tradition -- I'm talking about common sense, OK? He's somebody, he's proud of his heritage. And I think that's great that he's proud of his heritage.

**Dickerson:** But you're saying it's a barrier to him doing his job.

**Trump:** Well, he's not treating me -- he's not treating me fairly.

**Dickerson:** And you think it's not because -- you think it's because of where his parents came from?

**Trump:** I've had numerous lawyers. Look, I have a case where thousands of people have said it was a great school. They've written reviews where they say it's a great school. Not a good school, like great. They gave it the highest marks. I have thousands of these papers. It should've been a summary judgment case, meaning the case should've been dismissed.

And I had a judge who was very fair. I have a lawyer that came in when he came in. I mean, the lawyer, on the other side, sort of entered the case when he entered the case, and we're trying to figure out what that's all about.

**Dickerson:** Would you have your lawyers say, "Hey, throw this out because the judge is --"

**Trump:** Well, I may do that now -- we're finding things out now that we didn't know before --

**Dickerson:** Because of his Mexican heritage, though --

**Trump:** No, but because of other things. I mean because of other things.

**Dickerson:** You've said you want to reopen --

**Trump:** How do you allow a case to proceed when the plaintiff asks to be dismissed from the case? The plaintiff, the one that brought the suit, said, "I don't want to sue anymore. I don't want to sue anymore." They didn't want to sue. You know why they didn't want to? Because she can't win the case. Because she was a disaster. So the lawyers want her dismissed from the case. They go before the judge and he lets her out? Well, he can let her out, but you have to dismiss the case.

**Dickerson:** Yeah, I guess I'm just still confused how -- what his Mexican parents have to do with that. Let me --

**Trump:** Excuse me. I want to build a wall. I mean, I don't think it's very confusing.

**Dickerson:** Well.

**Trump:** Has nothing to do with anything except common sense. You know, we have to stop being so politically correct in this country. And we need a little more common sense, John. And I'm not blaming. I'm proud of my heritage, we're all proud of our heritage. But I want to build a wall. Now, the Hispanics, many of them like what I'm saying. They're here legally. They don't want people coming and taking their jobs and taking their house and everything else. They don't want that.

*Dickerson then changed topics.*

### **CNN's *State of the Union***

Host Jake Tapper also asked Trump about his comments at some length during their interview on CNN's *State of the Union*.

**Tapper:** You said that you thought it was a conflict of interest that he was the judge because he's of Mexican heritage, even though he's from Indiana.

**Trump:** OK. Yes. Yes.

**Tapper:** Hillary Clinton said that that is a racist attack on a federal judge.

**Trump:** Oh, she's so wonderful. You know, I mean, here's a woman that should be put in jail for what she did with her e-mails, and she's commenting on this.

**Tapper:** But what about the substance of the ...

*Trump discussed the plaintiff, how well his school did on student reviews, and how Judge Curiel would not dismiss the case after the lead plaintiff didn't want to pursue it.*

**Tapper:** But what does that have to do with his heritage?

**Trump:** I will tell you what it has to do. I have had ruling after ruling after ruling that's been bad rulings, OK? I have been treated very unfairly. Beforehand, we had another judge. If that judge was still there, this case would have been over two years ago.

Let me just tell you, I have had horrible rulings. I've been treated very unfairly by this judge. Now, this judge is of Mexican heritage. I'm building a wall, OK? I'm building a wall. I am going to do very well with the Hispanics, the Mexicans.

**Tapper:** So, no Mexican judge could ever be involved in a case that involves you?

**Trump:** Well, no, he is a member of a society where -- very pro-Mexico. And that's fine. It's all fine.

**Tapper:** Except that you're calling into question his heritage.

**Trump:** I think he should recuse himself.

**Tapper:** Because he's Latino.

**Trump:** Then you also say, does he know the lawyer on the other side? I mean, does he know the lawyer? And a lot of people ...

**Tapper:** But I am not talking about that. I'm talking about ...

**Trump:** No, that's another -- that's another problem.

**Tapper:** But you're invoking his race when talking about whether or not he can do his job.

**Trump:** Jake, I'm building a wall, OK? I'm building a wall. I'm trying to keep business out of Mexico. Mexico's fine. There's nothing ...

**Tapper:** But he's American. He's an American.

**Trump:** He's of Mexican heritage. And he's very proud of it, as I am where I come from, my parents.

*Then there was an exchange about details of the case before the conversation turned back to the judge.*

**Trump:** Jake, if he was giving me fair rulings, I wouldn't be talking to you this way. He's given me horrible rulings.

**Tapper:** But I don't care if you criticize him. That's fine. You can criticize every decision. What I'm saying is, if you invoke his race as a reason why he can't do his job ...

**Trump:** I think that's why he's doing it.

**Tapper:** But ...

**Trump:** I think that's why he's doing it.

*The conversation then switched to Clinton, before returning to the judge.*

**Tapper:** Is it not -- when Hillary Clinton says, this is a racist attack -- and you reject that -- if you are saying he can't do his job because of his race, is that not the definition of racism?

**Trump:** No, I don't think so at all.

**Tapper:** No?

**Trump:** No. He's proud of his heritage. I -- I respect him for that.

**Tapper:** But you're saying he can't do his job because of that.

**Trump:** Look, he's proud of his heritage. OK? I'm building a wall. Now, I think I'm going to do very well with Hispanics.

**Tapper:** He's a legal citizen.

**Trump:** You know why I'm going to do well with Hispanics?

Because I'm going to bring back jobs, and they're going to get jobs right now. They're going to get jobs. I think I'm going to do very well with Hispanics. But we're building a wall. He's a Mexican. We're building a wall between here and Mexico.

The answer is, he is giving us very unfair rulings, rulings that people can't even believe. This case should have ended years ago on summary judgment. The best lawyers -- I have spoken to so many lawyers. They said, this is not a case. This is a case that should have ended.

This judge is giving us unfair rulings. Now I say why. Well, I want to -- I'm building a wall, OK? And it's a wall between Mexico, not another country, and ...

**Tapper:** But he's not -- he's not from Mexico. He's from Indiana.

**Trump:** In my opinion -- he is -- his Mexican -- Mexican heritage. And he's very proud of it.

**Tapper:** But you're not from Scotland because you have Scottish heritage.

**Trump:** Hey, you know what? I'm not building a wall between Scotland and the United States.

Tapper then changed topics.

On the same day Ryan made his criticism, Trump issued [a statement](#) defending his comments, saying they had been misconstrued.



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## About this article

Researchers: [Tom Kertscher](#)

Names in this article: [Paul Ryan](#), [Jake Tapper](#), [Donald Trump](#)

## Sources:

CBS News, *Face the Nation* video (12:55), June 5, 2016

CNN, *State of the Union* video, June 5, 2016

Wall Street Journal, "Trump says judge's Mexican heritage presents 'absolute conflict,'" updated June 3, 2016

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[CBS NEWS](#) / June 5, 2016, 12:57 PM

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Donald Trump, the presumptive Republican presidential nominee gestures to his camouflaged "Make America Great" hat as he discusses his support by the National Rifle Association at a campaign rally at the Redding Municipal Airport Friday, June 3, 2016, in Redding, Calif. (AP Photo/Rich Pedroncelli) / RICH PEDRONCELLI, AP

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JOHN DICKERSON, HOST: Today on <FACE> THE <NATION>; Donald Trump gives no ground, as we go one on one. And we will look back at <the> life of <the> greatest, Muhammad Ali.

As she closes in on Democratic nomination, Hillary Clinton changes course and launches a withering round of attacks against Donald Trump.

(BEGIN VIDEO CLIP)

HILLARY RODHAM CLINTON (D), PRESIDENTIAL CANDIDATE: This is not just another outlandish, insulting comment from Donald Trump. And it is not normal politics. This is something much, much more dangerous.

(END VIDEO CLIP)

DICKERSON: We sat down with <the> presumptive Republican nominee in California ahead of Tuesday's primary and asked him about <the> growing controversy over Trump University and <the> judge presiding over <the> case against him.

(BEGIN VIDEO CLIP)

DICKERSON: How does -- his Mexican parents have to do with him not...

(CROSSTALK)

DONALD TRUMP (R), PRESIDENTIAL CANDIDATE: He's member of a club or society very strongly pro-Mexican, which is all fine. But I say he's got bias. I want to build a wall. I'm going to build a wall.

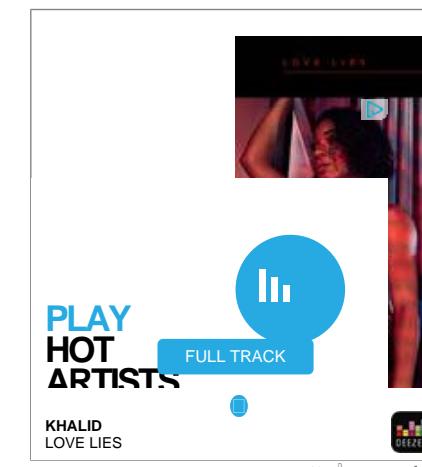
(END VIDEO CLIP)

DICKERSON: We will have plenty of analysis on all <the> political news.

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Cool by consumable.

Plus, we will talk about **<the>** legacy of Muhammad Ali, who died Friday at **<the>** age of 74.

It's all coming up on **<FACE> THE <NATION>**.

Good morning, and welcome **<FACE> THE <NATION>**. I'm John Dickerson.

Less than a month ago, we traveled to California to sit down with Democratic front-runner Hillary Clinton and asked her about her strategy in **<the>** fall campaign.

(BEGIN VIDEO CLIP)

CLINTON: I am going to run a race based on issues and what my agenda is for **<the>** American people. I don't really feel like I'm running against Donald Trump.

(END VIDEO CLIP)

DICKERSON: Just to underscore how quickly this campaign is changing, she reversed course against Trump late last week.

(BEGIN VIDEO CLIP)

CLINTON: Donald Trump's ideas aren't just different. They are dangerously incoherent.

(APPLAUSE)

CLINTON: He is not just unprepared. He is temperamentally unfit to hold an office that requires knowledge, stability and immense responsibility.

(CHEERING AND APPLAUSE)

DICKERSON: We sat down with Mr. Trump at his home in Beverly Hills on Friday. And that's where our interview began.

(BEGIN VIDEOTAPE)

DICKERSON: Mr. Trump, on Thursday, Hillary Clinton gave a speech very tough on you, said that you wanted to bring back water-boarding, go after **<the>** families of terrorist, allow Saudi Arabia to have a nuclear weapons. She says you have said that you know more about ISIS than **<the>** generals.

But what policy of yours did she mischaracterize?

TRUMP: Number one, it was a whole -- written out by professionals and just shot after shot. It was supposed to be foreign policy, and it was really Trump policy.



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And she got it all wrong.

First of all, she talked about that I want to nuke all of these countries. It is ridiculous. No, I want these countries to pay for protection. We are protecting them. We have \$19 trillion in debt, very soon going to \$21 trillion, John, in debt. And I want these countries to reimburse us at least for our costs.

She made many statements that she knows were wrong.

DICKERSON: Do you still feel like you know more about ISIS than <the>generals?

TRUMP: Well, they don't know much, because they're not winning. That, I can tell you.

Now, I think they're not winning for a different reason. I think Obama is hurting them.

DICKERSON: How so?

TRUMP: It's being run -- well, from what I hear, it's being run from <the>White House. It's all being run from <the> White House.

I have spoken to certain generals. I will keep it quiet as to who, but highly respected people. They say we could knock them out fast.

DICKERSON: In office now generals or retired generals?

TRUMP: In one case, in office, and, in one case, out of office.

And they said -- both of them said <the> same thing. If we had <the>leadership, meaning <the> go-ahead, you could knock them out fast. For some reason, Obama is not doing that.

DICKERSON: Let me ask you about Libya. You have been highly critical of Libya and Hillary Clinton. You were also for military action to oust Gadhafi and military action to take care of <the> humanitarian situation in Libya. You supported that.

TRUMP: When you say supported it, I supported Libya?

DICKERSON: Yes, you supported <the> intervention in Libya.

TRUMP: I did? Where do you see that?

DICKERSON: In a video blog from 2011, you said:

(BEGIN VIDEO CLIP)

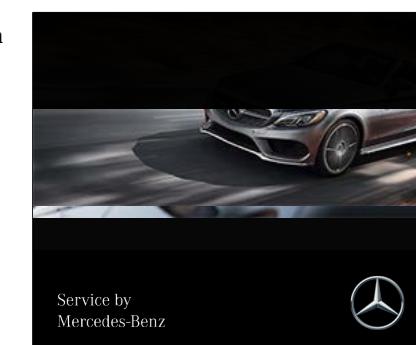
TRUMP: Now, we should go in. We should stop this guy, which would be very easy and very quick. We could do it surgically, stop him from doing it and save these lives.

(END VIDEO CLIP)



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TRUMP: That's a big difference from what we're talking about.

DICKERSON: But you were for intervention.

(CROSSTALK)

TRUMP: Again, I'm <the> only one. I made lot of money with Gadhafi. If you remember, he came to <the> country and he had to make a deal with me because he needed a place to stay, and he paid me a fortune, never got to stay there. And it became sort of a big joke.

But <the> fact is that Libya was a disaster from <the> standpoint of <the> way it was handled.

DICKERSON: But you were for intervention, just to clear that up?

TRUMP: I was for doing something, but I wasn't for what you have right now.

And right now, ISIS has their oil, John. ISIS is selling -- that is among <the> finest oil in <the> world. ISIS has taken over <the> Libyan oil. And we don't do blockades. We don't do anything. They're selling it. They're making a fortune with it.

So, we go out, we do Libya, we do it poorly, as poorly as you can do it. You can't do worse. And then now, if you look at what's happened, <the> end result is, ISIS selling <the> oil and it's a total mess.

DICKERSON: This is one of <the> things that confuses some people about your positions. You said you weren't for intervention, but you were for intervention in Libya.

TRUMP: I didn't mind surgical. And I said surgical. You do a surgical shot and you take them out.

But I wasn't for what happened. Look at <the> way it's -- look at -- with Benghazi and with all of <the> problems that you have had. It was handled horribly.

(CROSSTALK)

DICKERSON: But you said you were never for intervention.

TRUMP: I was never for a strong intervention. I could have seen surgical, where you take out Gadhafi and his group.

DICKERSON: You said Hillary Clinton should go to jail. If <the> FBI, which is investigating, if there's no indictment, will your attorney general go after her?

TRUMP: OK.

So, I have spoken to, and I have watched and I have read many, many lawyers on

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<the> subject, so-called neutral lawyers, OK, not even on one side or <the> other, neutral lawyers. Everyone of them, without a doubt, said that what she did is far worse than what other people did, like General Petraeus, who essentially got a two-year jail term.

General Petraeus and others have been treated -- their lives have been in a sense destroyed. She keeps campaigning. What she did is a criminal situation. She wasn't supposed to do that with <the> server and <the> e-mails all of<the> other.

Now, I rely on <the> lawyers. These are good lawyers. These are professional lawyers. These are lawyers that know what they're talking about and know -- are very well-versed on what they did. They say she's guilty as hell.

DICKERSON: But it sounds like you were making promise for your attorney general that, if you were elected, this is one of <the> things -- this is a commitment you were making.

TRUMP: That's true, yes. DICKERSON: It's a commitment to have your attorney general...

TRUMP: Certainly have my -- very fair, but I would have my attorney general look at it.

DICKERSON: Even if <the> investigation...

(CROSSTALK)

TRUMP: You know you have a five and maybe even a six-year statute of limitation.

DICKERSON: But even if <the> current investigations don't find anything, you would have your attorney general go back at it?

TRUMP: Yes, I would, because everyone knows that she's guilty.

Now, I would say this. She's guilty. But I would let my attorney general make that determination. Maybe they would disagree. And I would let that person make <the> determination.

DICKERSON: And what for you exactly is she guilty of?

TRUMP: She's guilty of <the> servers. She's guilty of -- you look at confidential information, I mean, all of <the> information that probably has gotten out all over <the> world.

And then you know what she's also guilty of? Stupidity and bad judgment.

DICKERSON: But that's not a -- if that were criminal, we would all be in jail.

TRUMP: No, no, I'm not even saying that part is criminal. But she's certainly guilty of that.

In terms of this country, she is guilty of having just bad, bad -- how could she do a thing like this?

DICKERSON: But what do you get -- what gets them to jail, though? This is -- what's <the> difference here between rhetoric and law?

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TRUMP: What ~~the~~ lawyers are saying is what she did in terms of national security, we have very strict rules and regulations -- she's broken all of them.

DICKERSON: So, ~~the~~ classification issue?

TRUMP: She's broken all of them. Of course it is. But she's broken so much.

But she's so -- if you look at this from ~~the~~ standpoint of why did she do it, judgment, ~~the~~ word judgment. This is not criminal judgment. You make bad judgment, although, actually, under those rules and regulations, judgment is even criminal. You're not supposed to do it. If you make a mistake, they don't take that into account.

Why would a person and how can a person with this kind of judgment become ~~the~~ president of ~~the~~ United States? Now, think of this. We're in a cyber-world. It's a cyber-world. This is a very complex -- we're in world like we have never been in before.

If we are in a cyber-world and she can't even handle her e-mails, how can she be president? And we're being hacked all over ~~the~~ place by Russia, by China probably. I mean, to ~~the~~ best of everyone's knowledge, it seems to be.

But listen to this. So, we're in a cyber-world, and she's playing around with servers and e-mails. How can she be running this country? She doesn't know what she's doing.

DICKERSON: I want to make -- move on to another development this week.

Paul Ryan has now come out and endorsed you. You have talked to him several times.

TRUMP: Yes.

DICKERSON: Which of his ideas, ~~the~~ famous Ryan ideas, is -- are most appealing to you?

TRUMP: He's most appealing. He's a good man. He wants good things for ~~the~~ country.

We will agree on many things. We're not going to agree on all things. But we're going to agree on many things.

DICKERSON: For instance?

TRUMP: But Paul -- Paul Ryan -- well, I think we will agree on -- as an example, he really focuses on poverty. He wants to take people out of poverty. So do I. And we're going to come up with a plan.

DICKERSON: Why do you think people are poor, by ~~the~~ way?

TRUMP: They're poor because they don't have jobs. They're poor in many cases because they don't have jobs.

And I will tell you will bring jobs back to this country like nobody has ever seen before. And people like Carrier and Ford and Nabisco leaving Chicago and moving to Mexico, they're all moving to Mexico. I will stop that very quickly.

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DICKERSON: Do you see yourself as implementing Paul Ryan's agenda as president, or is Paul Ryan implementing <the> Donald Trump agenda?

TRUMP: I think it's going to be a compromise, honestly. I can see a compromise. DICKERSON: Because, on issues of trade, entitlements, you and he -- immigration -- so, trade, entitlements, immigration, those are no small issues. You are on exactly <the> opposite end of <the> -- those aren't differences. You are on <the> opposite end of <the>...

(CROSSTALK)

TRUMP: Well, I don't know. To be honest, we have spoken about it very briefly. They are big subjects.

You know what my deal is on trade? I want good deals. That's what I'm going to do. Somebody said, what is your position on trade? I said, I want good deals. Whether it's free trade, not free trade, I don't care what kind of trade it is. I want good deals for our country.

We don't make good deals. We have a trade deficit with China that is through<the> roof. We have a trade deficit with Mexico. We have a trade deficit with Japan. We make bad deals, whether it's <the> military, whether it's trade. We only make bad deals.

DICKERSON: Let me ask you about Mitch McConnell on <the> Senate side.

He was asked by CNN two things, one about deporting <the> 11 million undocumented immigrants, which <the> president, by <the> way, called a fantasy. He said, if you asked him to do that, he would say, no, don't do it. He also said about <the> temporary ban on Muslim integration, no, don't do it.

These are two big promises.

(CROSSTALK)

DICKERSON: You got millions of votes based on these promises. How are you going to get past <the> establishment to keep those promises?

TRUMP: You are going to have to watch and are going to have to see.

I have done a lot of things that nobody thought I could do.

(CROSSTALK)

DICKERSON: But you're not backing down on those promises, based on a no from <the> Senate?

TRUMP: No, I'm not backing down. We have to do something.

We have a problem in this country. We have a radical Islamic terrorism problem in this country, and, by <the> way, throughout <the> world, throughout <the> world. It's a problem. And it's a temporary ban. I'm not talking permanent. It's a temporary ban. We have to find out what is going on.

DICKERSON: Let me ask you about, what does <the> Mexican heritage of<the> judge in <the> Trump University case have to do with anything?

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TRUMP: I think it has a lot to do with it.

First of all, I have had terrible rulings forever. I had a judge previous to him, and it would have been a very quick case. This is a case I should have won on summary judgment. This is a case -- and nobody writes this, and they all know it, but they don't like to write it -- <the> plaintiff in <the> case was a woman.

She was so bad that, under deposition, it was over. She couldn't have been<the> plaintiff. It was a disaster. They went before <the> judge. They said, we don't want her to be <the> plaintiff. We want to put somebody else in. So, we said, well, that's fine. Dismiss <the> case. You have to dismiss <the>case.

Wait a minute. She gave letters, <the> most incredible reviews of <the>college you have ever seen, of <the> university. She gave <the> most incredible. Then, on top of it, we have a tape where she's talking about it in<the> most glowing terms. You wouldn't speak about your college...

DICKERSON: Mr. Trump, what does this have to do with his parents before from Mexico? How is that...

(CROSSTALK)

TRUMP: No, no, excuse me, excuse me. I'm just saying, we're getting terrible rulings.

We go to <the> judge, we say to <the> judge, hey, you can't let her out of<the> case. He let her out of <the> case. We said, well, if you're going to let her out of <the> case, she's <the> plaintiff. If you're going to let her out of<the> case, <the> case is over. No, <the> case isn't over. OK?

Now, give me...

(CROSSTALK)

DICKERSON: No, no, for him, how does -- his Mexican parents have to do with him not...

(CROSSTALK)

TRUMP: He's member of a club or society very strongly pro- Mexican, which is all fine. But I say he's got bias. I want to build a wall. I'm going to build a wall.

I'm doing very well with <the> Latinos, with Hispanics, with <the> Mexicans. I'm doing very well with them, in my opinion. And we're going to see, you're going to see, because you know what? I'm providing jobs. Nobody else is giving jobs.

But just so you understand, this judge has treated me very unfairly. He's treated me in a hostile manner. And there's something going on. When a woman can be a plaintiff in a case and then say, I don't want to be -- and you know why they don't want to be a plaintiff? They didn't want her. <The>lawyers asked that she not be a plaintiff because they would have lost <the>case immediately.

DICKERSON: So, I'm trying to figure out your thinking here, though.

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If his Mexican heritage, <the> fact that his parents were Mexican immigrants, is a barrier to him doing his job, why would any Mexican voter vote for you? Wouldn't they be -- <the> same barrier, <the> same problem?

TRUMP: No, no, that's a whole different thing. No, they're going to vote for me because I'm going to bring jobs into <the> country.

DICKERSON: But isn't it <the> same problem, because you want to build a wall and all <the>?

TRUMP: No.

(CROSSTALK)

DICKERSON: So, what if it was a Muslim judge?

TRUMP: By <the> way, I have so many Hispanics.

I made a speech last night. I saw hundreds of signs, Latinos for Trump, Latinos for Trump all over <the> place. And you know what? They are here legally. They don't want their homes taken away. They don't want their job taken away. They like what I'm doing.

Now, people can come in, but they have to come in legally.

DICKERSON: You have -- on <the> Muslim -- but what if he was a Muslim, though? You have had -- been very tough on temporary Muslim immigration ban. Would a Muslim judge be also out of <the> question here?

(CROSSTALK)

TRUMP: We are allowing tremendous numbers of people coming into this country that we know nothing about.

We are -- we have a problem in this country. We're going to have big problems. I have been pretty good at predicting things, John. We are going to have big problems. We have people coming into this country totally undocumented. They don't know anything about them.

They don't have paperwork. I interviewed and talked to <the> best law enforcement people in <the> business. There's no way of knowing where they come from. And we're taking them in from <the> so-called migration. They are being sent all over <the> country. We have people that don't know what they're doing. And we have to stop it.

DICKERSON: My question is, if it were a Muslim judge, would you also feel like they wouldn't be able to treat you fairly because of that policy of yours? TRUMP: It's possible, yes. Yes. That would be possible, absolutely.

DICKERSON: Isn't there sort of a tradition, though, in America that we don't judge people by who their parents were and where they came from?

TRUMP: I'm not talking about tradition. I'm talking about common sense. OK? He's somebody -- he is proud of his heritage. And I think that's great that he's proud of his heritage.

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DICKERSON: But you're saying it's a barrier to him doing his job.

TRUMP: He's not treating me fair. He's not treating me fairly.

DICKERSON: And you think it's not because -- you think it's because of where his parents came from?

TRUMP: I have had numerous lawyers.

Look, I have a case where thousands of people have said it was a great school. They have written reviews where they say it's a great school. Not a good school, like great. They gave it <the> highest marks. I have thousands of these papers.

It should have been a summary judgment case, meaning <the> case should have been dismissed. And I had a judge who was very fair. I have a lawyer that came in when he came in. <The> lawyer on other side sort of entered <the> case when entered <the> case. And we're trying to figure out what that is all about.

DICKERSON: Would you have your lawyers say, hey, throw this out because<the> judge...

(CROSSTALK)

TRUMP: Well, I may do that now. Look, we're finding things out now that we didn't know before.

(CROSSTALK)

DICKERSON: Because of his Mexican heritage, though?

(CROSSTALK)

TRUMP: No, because of other things, I mean, because of other things.

DICKERSON: You have said you want to reopen...

TRUMP: How do you allow a case to proceed when <the> plaintiff asks to be dismissed from <the> case?

<The> plaintiff, <the> one that brought <the> suit, said, I don't want to sue anymore. I don't want to sue anymore. They didn't want to sue.

You know why they didn't want to? Because she can't win <the> case, because she was a disaster.

DICKERSON: Yes.

TRUMP: So, <the> lawyers want her dismissed from <the> case. They go before <the> judge and he lets her out?

Well, he can let her out, but you have to dismiss <the> case.

DICKERSON: Yes, I guess I'm just confused how that -- what his Mexican parents have to do with that.

Let me...

TRUMP: Excuse me. I want to build a wall. I can -- I don't think it's very

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DICKERSON: Well...

TRUMP: It has nothing to do with anything except common sense.

We have to stop being so politically correct in this country. And we need a little more common sense, John. And I'm not blaming. I'm proud of my heritage. We're all proud of our heritage. And I want to build a wall.

Now, *<the>* Hispanics, many of them like what I'm saying. They're here legally. They don't want people coming and taking their jobs and taking their house and everything else. They don't want that.

DICKERSON: Let me ask you about Trump University. You're going to reopen it. Anything you would do differently when you reopen it?

TRUMP: Look, I guess, in life, you always do things differently.

I'll tell you, *<the>* thing that we did very well is, we had evaluation reports done by all of *<the>* students. Without that, it would be my word against their word, I guess, or somebody's word against their word.

We have evaluation reports where we have thousands of them, thousands of them. And these reports, they're very detailed reports. What did you think of *<the>* instructors? What do you think of this? What do you think of *<the>* questions? One to five. Mostly five, five being excellent, right? It's from one to five, five being *<the>* best.

And people circled. I'm being sued by people that have given these tremendous reports. Now, they're going to say, oh, but they were forced. Who forced them? Nobody forced them. You mean they forced thousands of people to sign reports? Nobody forced them to sign *<the>* report.

And many, it says remarks on them. Many have been -- handwriting, beautiful statements about *<the>* school. Look, it's very simple. It's called, if I have chance to get my money back, let me get my money back.

DICKERSON: Last question. Should *<the>* U.S. go to *<the>* Olympics still with *<the>* threat of Zika in Brazil?

TRUMP: *<The>* answer is, yes, but certainly, if an athlete wouldn't want to do it, they should *<the>* right not to do it, but I would say yes.

DICKERSON: All right, Mr. Trump, thank you very much.

TRUMP: Thank you very much.

(END VIDEOTAPE)

DICKERSON: We will be back in one minute with a look back at *<the>* life of Muhammad Ali.

(COMMERCIAL BREAK)

DICKERSON: We lost Muhammad Ali on Friday, a man whose impact went far

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beyond his sport.

(BEGIN VIDEOTAPE)

DICKERSON (voice-over): Ali was a boxer and, as he let [the](#) world know, so much more.

MUHAMMAD ALI, BOXING HEAVYWEIGHT CHAMPION: That's why I say I'm [the](#) greatest. I'm a poet. I'm a movie star. I'm an actor. I'm a fighter. And most of all, I'm pretty.

DICKERSON: A three-time heavyweight champion of [the](#) world, Ali was known for his unorthodox style, rolling along [the](#) ropes to avoid a flurry of blows.

ALI: I'm going to float like a butterfly and sting like a bee. His hands can't hit what his eyes can't see.

DICKERSON: But for a man who made his living dancing around [the](#) ring, he became a legend when he took a stand. In 1964, he announced he was giving up what he called his slave name of Cassius Clay and converting to Islam.

QUESTION: Cassius Clay is a name no more. Is that?

ALI: Yes, sir. It's Muhammad Ali. Muhammad means worthy of all praise, and Ali means most high.

DICKERSON: Ali was a militant in [the](#) debate over what it meant to be black and live in America.

He asserted his greatness when in some parts of [the](#) country a black man who did that could be killed for it. By 1967, Ali became a pariah, refusing to join [the](#) Army on religious grounds during [the](#) Vietnam War. At [the](#) height of his talent, he sacrificed his fame, title and liberty for his beliefs, marking a new era in political activism by a star athlete. His comeback bouts with George Foreman and Joe Frazier in [the](#) 1970s made him a global celebrity. And, in 1981, he even put his fame to use.

UNIDENTIFIED MALE: [The](#) former heavyweight champion went to a window and reportedly yelled, "I'm your brother, I want to help you."

DICKERSON: By talking a suicidal man back from [the](#) brink.

For [the](#) last half of his life, Ali battled Parkinson's disease, rallying in 1996 to carry [the](#) Olympic torch. Once scorned, he was now a hero.

Ali hadn't changed. [The](#) times had. Writing in his autobiography, Ali said he wanted to be remembered -- quote -- "as a man who stood up for his beliefs no matter what, as a man who tried to unite all humankind through faith and love. I wouldn't even mind," he wrote, "if folks forgot how pretty I was."

Muhammad Ali was 74.

(END VIDEOTAPE)

DICKERSON: Joining us now is "New York Times" sports columnist William Rhoden and, in New York, Muhammad Ali biographer Thomas Hauser, author of

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"His Life and Times" and a new book out today, "Muhammad Ali: A Tribute to the Greatest."

Bill, I want to start with you.

Explain for people who may not have seen the whole course of Muhammad Ali's life where do you put your finger on the greatness of Muhammad Ali? Was it boxer, civil rights, humanitarian, what?

WILLIAM C. RHODEN, " NEW YORK TIMES": So much, John, because you covered every one.

For me, the first thing was -- I never thought I would feel this sad. I knew this was coming. And I find myself feeling sadder than I thought I would. But remember the first -- this guy has been in my life since I was like 13 years old.

And it was through boxing. I was the only black kid in my -- in Harvey, Illinois, Catholic school. I was the only black guy. Leading up to it, everybody was talking all this trash about Ali and Ali.

So, I remember getting ready to watch the fight. My father was a Joe Louis guy, which means he was kind of a Sonny Liston guy. Remember, it was February. And so, just before the fight went on, my dad put on his coat, his overcoat. And he was going. I said, where are you going? He said, I'm going out to catch Clay.

And so -- and that was the first time we find ourselves competitively on sort of the opposite ends of sort of the fence, but...

DICKERSON: Catch him, meaning he's going to get knocked out.

RHODEN: Oh, no, no. He thought -- yes, he thought that Liston was going to knock him in the middle, so he was going to the yard and catch him. That was my dad's humor.

And so -- but for every phase of my life, when I'm 16, 17, and the war was real. As you know, I'm like -- this is '67. The war is real. And we're thinking, what are we going to do about -- so, at every phase of my life, including now, Ali sort of was there as this...

DICKERSON: Thomas, tell me about -- let's -- about Muhammad Ali as a boxer. Why was he so good?

THOMAS HAUSER, AUTHOR, "MUHAMMAD ALI: HIS LIFE AND TIMES": Well, let me just get one thing off my chest.

I was listening to Donald Trump at the top of this telecast. And it brought back a memory of a dinner I had attended at the Taj Mahal, the Trump Taj Mahal, as it was called then, in the mid-1990s. It was one of those dinners where Muhammad was given an award, one of these big gala events.

Donald Trump was sitting at the same table as Muhammad. And at one point in the evening, Muhammad leaned over and whispered to me, "He's not as big as he thinks he is."

That was one of many times when Muhammad was right.

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Now, in terms of Muhammad, why he was great, he was arguably the greatest fighter of all time. He was a beacon of hope for oppressed people all over ~~the~~ world. Every time he looked in ~~the~~ mirror and said, "I'm so pretty," what he was saying, before it became fashionable was, black is beautiful.

When he refused induction into ~~the~~ United States Army, he stood up for ~~the~~ proposition that, unless you have a very good reason for killing people, war is wrong. That's a lesson we still haven't learned. People all over ~~the~~ world haven't learned it.

But I think in ~~the~~ end his greatest contribution might have been that there was an aura of pure goodwill and love about him. He taught us how to love.

DICKERSON: All right.

And we're going to take a quick break right here, be back with more of our conversation. So, stay with us.

(COMMERCIAL BREAK)

DICKERSON: Don't go away. We will be right back.

And be sure to tune in next week, when we sit down with Speaker Paul Ryan in his first interview since his decision to endorse Donald Trump.

(COMMERCIAL BREAK)

DICKERSON: Some of our CBS stations are leaving us now, but, for most of you, we will be right back with a lot more ~~FACE~~ THE ~~NATION~~, including a look back at ~~the~~ legendary life of Muhammad Ali, a conversation with Democratic consultant David Axelrod, and our panel, plus a look at surprises in ~~the~~ news.

Stay with us.

(COMMERCIAL BREAK)

DICKERSON: Welcome back to ~~FACE~~ THE ~~NATION~~.

We want to continue our conversation with "New York Times" columnist William Rhoden and Muhammad Ali biography Thomas Hauser.

Bill, I want to ask you about Muhammad Ali's famous poetry, his mouth, his taunting. Was that an act or was that a part of his character?

WILLIAM RHODEN, "NEW YORK TIMES": Well, you know, part of it was an act. You know, gorgeous George was sort of his - his model. But it - it was - it became part of him. I mean, you know, one of ~~the~~ famous things, even in ~~the~~ street, you know, and, you know, he was talking about early Torell (ph), and, you know, a lot of people not calling him by his name and he really gave him a hard time. And, actually, when he was on ~~the~~ mat he was - what's my name? What's my name? And so that almost became, you know, in ~~the~~ - in ~~the~~ street where we were playing around and wrestling people and throwing them down, that became sort of ~~the~~ thing like, what's my name? What's my name?

Now, that went completely against ~~the~~ - sort of ~~the~~ orthodoxy of what was supposed to be sportsmanship at that time. You know, so I think it was - it was an

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act to <the> extent that it was show business, but it was also came out of <the> (INAUDIBLE) of style which really, to me, helped define sort of<the> young, black community.

DICKERSON: Thomas, when Muhammad Ali is - has <the> clash over Vietnam, how did he come back to become <the> boxing hero, <the> - <the> legend he was at <the> end of his boxing career?

THOMAS HAUSER, "MUHAMMAD ALI: A TRIBUTE TO <THE> GREATEST": People began to root for Muhammad very early on in <the> liberal community and also segments of <the> black community. After he came back from <the>exile, a number of people looked at Muhammad and said, well, we don`t necessarily agree with his principles, but he lived up for them, he sacrificed a lot for them. Also, <the> nation turned against <the> war in Vietnam. People began to think, well, maybe Muhammad was right about this one. And it`s also worth noting that while Muhammad sacrificed a lot, he said many times, look, there were young men who believe that this war is right. They went to Vietnam, they fought and they were killed and they sacrificed a lot more than I did.

DICKERSON: William, when you - when you think of Ali, you think of Ali and Frazier, like <the> twin people together.

RHODEN: Right.

DICKERSON: But Joe Frazier returned to his boxing club by <the> railroad tracks. I mean two very different courses in life.

RHODEN: Yes. You know, and again, that was - that was very interesting too because, again, you know, <the> black community is complex. There are a lot of ways to be black. Well, actually, <the> range isn`t that great. There are a lot of ways to be black, but at <the> end of <the> day I think what Ali stood for is that at <the> end of <the> day it`s about - it`s about defending black people, caring for black people, fighting for black people. And - and I think<the> thing that`s going to live on for me in <the> spirit of Ali lives, is that early on, when I was 17, he said, listen, you live in a country of trinkets and they`re going to throw a lot of trinkets at you. There`s so much wealth here. You choose between wealth and principle. And to have somebody you admire so much at an early age tell you about <the> essence of this country, and that as you grow up they`re going to throw a lot of wealth at you and you`ve got to make a choice, it`s going to be <the> belt or principle.

DICKERSON: Thomas, let me ask you, as a final question, about Muhammad Ali after - with Parkinson`s, <the> final stage of his life. Tell us about that stage.

HAUSER: It was sad to watch, this long, sad goodbye. I can`t think of a parallel, really, for 30 years <the> whole world watched this man become more and more debilitated. He did it very publicly. What`s happening now is a time of mourning is moving into a time of celebration. So to everybody who loved Ali, I would say, don`t cry because he`s gone, smile because we had him.

DICKERSON: All right, Thomas Hauser, on that note, thanks so much.

We`ll be back in a moment with our new battleground tracker polls in Tuesday`s Democratic primary states. Stay with us.

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(COMMERCIAL BREAK)

DICKERSON: Turning now to **<the>** Democratic race ahead of Tuesday` s primaries. CBS News battleground tracker polls show a lopsided lead for Hillary Clinton in New Jersey. She has 61 percent to Bernie Sanders at 34 percent. In California, there is a much closer race. Bernie Sanders has closed **<the>** gap and is now only two points down with Clinton at 49 and Sanders at 47 percent.

We turn now to Democratic strategist and CNN` s senior political consultant David Axelrod.

David, it looks like on Tuesday Hillary Clinton is going to lock things up, but Bernie Sanders says there is going to be a contested convention. Explain how those two things can happen and what that means? DAVID AXELROD, CNN SENIOR POLITICAL CONSULTANT: Yes, I think we need a little reality check here. **<The>** fact is, she needs about 60 delegates to clinch **<the>** nomination. There are 781 at stake in **<the>** next few days. And so she will probably - she will almost certainly clinch **<the>** nomination before **<the>** polls close in California. She will have led **<the>** primary season in delegates by pledged delegates, elected delegates, by about 300 delegates or more. And **<the>** popular vote by three million. And now Bernie Sanders is in **<the>** ironic position of turning to these super delegates, these party officials, these -**<the>** party elite, to overturn **<the>** verdict of voters. And I think that that` s a very awkward position to be if you` re trying to lead a political revolution.

DICKERSON: Let me ask you about Hillary Clinton` s speech this week, **<the>** very tough attack on Donald Trump. We talked to her a month ago and she said, I` m not going to bother with Donald Trump. I` m going to talk about my campaign. Then she gave a kind of Trump-like, sustained, long speech with attack after attack on policy but also calling him a whole series of names. What do you make of that switch?

AXELROD: Well, I thought it was imprudent when she made **<the>** first comment because, obviously, you can` t - you can` t deal with Donald Trump by ignoring him. He insists that you not ignore him. And, you know, one of**<the>** mistakes Republicans made in **<the>** primaries was, they didn` t take him on vigorously from **<the>** start. She clearly can` t make that mistake. And I think Thursday was probably her best day in **<the>** whole campaign.

First of all, that` s her event, standing in front of those flags, giving a very sober speech, as she did, is what she feels comfortable with. But, secondly, it was a very lacerating speech and it provoked **<the>** kind of response that almost - almost reinforced **<the>** point she was trying to make, which is, temperamentally, Donald Trump isn` t suited for **<the>** presidency.

And for Trump **<the>** challenge is, can he change in any way and - and - and demonstrate to people that he has that element of discipline that` s necessary when you` re in a job that involves mortal power.

DICKERSON: She also suggested Donald Trump likes to throw up shiny objects when he doesn` t want to talk about something else, but she` s, obviously, got something she doesn` t want to talk about, that inspector general` s reports, **<the>** bad reviews she` s gotten in terms of **<the>** answers to **<the>** inspector general` s

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report. So should we read anything into that, that this was her own shiny object?

AXELROD: Well, I think this is her core case and I think anybody who would be running against Donald Trump would be making <the> same case. There's no doubt that <the> e-mail situation continues to nag at her. I think it was very damaging and I think it - it was poor judgment, as -as she and others have acknowledged. She hasn't handled it particularly well. But her hope is, and expectation I assume, is that it will pass. But for her setting up this stark contrast is absolutely essential in part because she wants to make that case for voters, but in part because every time she does it, she draws a response from Trump that only reinforces her case. DICKERSON: Is this a shot in <the> arm for Democrats too? There were some people worried about kind of <the> Clinton campaign.

AXELROD: Oh, I absolutely - you know, my - my soundings around <the> country were such that, you know, Democrats were dispirited by <the> campaign that she had run to date. It seemed a little flaccid. She seemed more restrained.

This was - this - this speech was a shot of adrenaline for her. My - my - my guess is it may help her Tuesday in <the> California primary. This is what a lot of Democrats were hoping to see.

DICKERSON: All right, David Axelrod, thanks so much for being with us.

AXELROD: Good to see you, John.

DICKERSON: And we'll be right back with our panel.

(COMMERCIAL BREAK)

DICKERSON: Joining us now for some political analysis is "USA Today's" Washington bureau chief Susan page, chief Washington correspondent for "<The> Washington Post," Dan Balz, plus national editor of <the> "Cook Political Report," Amy Walter, and executive editor of "<The> National Review, Reihan Salam.

Reihan, let me start with you. How much of a big deal are Donald Trump's comments and his - you know, he's not backing down on this question of Judge Gonzalo Curiel. Newt Gingrich said it was a huge mistake for him to hold this position. Does it matter?

REIHAN SALAM, NATIONAL REVIEW INSTITUTE: It's hard to say because what Donald Trump does, and as he did in his interview with you is, he will take one of your questions, he won't exactly answer it. He will take words that you brought up in your question and he will say them again and again without actually addressing <the> substance of your question. And <the> reason he does that is to make it appear as though he's responding. And, frankly, that's been decently effective so far. He doesn't address <the> actual charge. and <the> question is, do people actually believe that he's bigoted or not? If they believe he's bigoted, and, of course, much of <the> country already does, they'll accept that this reinforces that view. If they simply don't believe it, if they believe he's basically a decent guy who's being hounded by <the> media in unfair way, they'll believe that. And he recognizes that uncertainty and he plays to it.

DICKERSON: Dan, what do you make of - I mean Speaker Paul Ryan also spoke out about - in opposition after having just endorsed Donald Trump. So you've got

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Speaker Paul Ryan, Newt Gingrich, Senator Flake. Where does this leave things?

DAN BALZ, "WASHINGTON POST": John, it's almost *<the>* classic example of what we've seen throughout *<the>* entire year. Things he does and says give terrible heart burn to Republican establishment people. And over *<the>* last month since he effectively became *<the>* nominee, more and more of them have in one way or another said, I will be for him in November and yet he does these things and they react. Their concern is that it's going to cost him *<the>* presidency and that it's going to cost *<the>* party, both short term and long term. But we've also seen there is another audience out there that responds in a different way to that. And so I think you always have to be careful about predicting just how bad something that seems bad is going to be.

DICKERSON: That's right.

Amy, *<the>* audience Dan is talking about is *<the>* common sense audience. *<The>* one that looks at all of *<the>* things -

AMY WALTER, "COOK POLITICAL REPORT": Right.

DICKERSON: We get all wound up about.

WALTER: Right.

DICKERSON: And that elites get, you know, spun up about. And, you know, just let's have some common sense in Washington, that's *<the>* pitch Donald Trump is making.

WALTER: That's right. It's hard to make that pitch, though. I mean this is *<the>* whole point, which is, what we should really be talking about today, if you were *<the>* Republicans, if you were *<the>* Trump campaign, is *<the>* terrible jobs report that came out on Friday. That should be *<the>* entire focus of this. We have an economy that has not recovered for a whole lot of people who are attracted to Donald Trump, who's saying I'm going to bring jobs back. That would have been a message that would break through, I think, to a whole bunch of people. Instead, what we're talking about are all of these things that seem to have nothing to do with whether or not jobs are going to come back or *<the>* economy is going to recover.

*<The>* other thing that's remarkable, I went back and went through *<the>* 2013 autopsy that *<the>* Republican Party did after their loss in 2012. And literally everything he's doing right now is *<the>* opposite of what Republicans thought *<the>* next presidential candidate needed to do, specifically on tone. It wasn't just, he needs to come out and support immigration, or do better with these groups. It said, if we have a tone that suggests that we don't like these people, it doesn't matter who our policies are. So when Trump says, I'm going to bring jobs back, it doesn't matter what I say about walls or about Mexicans not being able to take my case, that's exactly *<the>* opposite of what they learned from *<the>* last time.

DICKERSON: And yet, Susan, Republicans are lining up smartly behind Donald Trump, despite *<the>* tone. I mean, you know, it's not just Paul Ryan. It's Marco Rubio. And you look at *<the>* distance some of them have travel. I mean Rick Perry called him a cancer. Now he's saying he's wonderful. He is - they are, in a

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sense, and people have written this, they are basically affirming everything he said about them and how quickly politicians will fishtail to get to <the> - to <the> right place. So <the> Republican Party is - is getting behind this candidate.

SUSAN PAGE, "USA TODAY": I think senior Republicans decided they didn't have an alternative. He had won <the> nomination. He's going to be nominated at <the> - at <the> convention. I think one thing we're seeing is a battle for <the> post Trump GOP. I mean I think that's why you see them come out and say, I'm going to - Paul Ryan among - among them saying, I'm going to vote for him, I'm endorsing him. But I have a totally different vision on all these issues, like immigration or <the> Muslim judge or <the> Mexican judge or <the> Muslim ban, because they want to define - they want to have an alternative vision of <the> Republican Party to offer once this election is over and that is on <the> assumption that Trump is going to lose.

WALTER: Right.

PAGE: Because winning <the> nomination is a different electorate -

WALTER: Yes.

PAGE: Than they <face> now in <the> - in <the> general election. This is a much more diverse electorate. It's a much younger electorate. It's people who are going to be, I think, quite concerned, voters, not just elites, voters concerned about <the> positions that he's taking.

DICKERSON: Reihan.

SALAM: There's a version of what Trump is saying. Even actually when he's talking about nuclear proliferation, there's actually a version of what he's saying that is, in my view, defensible. He does not make that case. Time and again rather than making, you know, an affirmative case for his use on immigration and trade, he actually keeps getting drawn in to talking about his personal business affairs rather than talking about <the> unemployment rate. So when you're looking at Republicans, as Susan is saying, there is this jockeying for position, what do we do now that we know <the> Republican Party has changed in this meaningful, material way? And you see some smart people, like Tom Cotton, <the> senator from Arkansas, he is looking around <the> bend and he's actually trying to be very cautious. Being a good soldier for Trump, but also recognizing there is this national constituency in <the> country, how do I speak to it in a coherent and defensible way? But that's all going to happen - that's all going to happen after Trump because, frankly, Trump, because of his obsession with his own personal business affairs, rather than really laying out a distinctive ideological direction for <the> Republican Party, he's actually not making that case.

BALZ: John, I wanted to pick up on something that Amy said about <the> - <the> economic situation. If you look what Donald Trump has done since he became <the> presumptive nominee, it has almost entirely been backward looking. It is not forward looking.

WALTER: Yes.

BALZ: He's settling old scores. He can't let go of things that still bother him from his successful campaign for <the> nomination. He needs to be reaching to a

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different audience. That message on jobs is something that would reach people who might not necessarily have been for him, or were still on ~~the~~fence. But, instead, he`s ignoring that part of ~~the~~ electorate that he really would need to become president. DICKERSON: Amy, what do you make of Hillary Clinton`s speech this week? Is this a change in strategy? Is this what we`re in for, for ~~the~~ next many months?

WALTERS: Well, campaigns are pretty simple, right? It`s - their choice is between this or that. And it`s also a referendum. Now, this, again, this is an election that, on its ~~face~~, should be an election that Republicans should win, if it is a choice between going in ~~the~~ same direction that this president has been going in for ~~the~~ last eight years, many Americans saying we want to take a different direction.

However, what she`s saying is, that direction is going to be led by Donald Trump, who`s unstable and is going to lead us into more trouble. So ~~the~~change is too dangerous. It`s better to be stable than it is to have change. And that is really ~~the~~ only way I think that she wins an election in a time when people are saying they want change more than anything.

SALAM: One opportunity that Trump has in a funny way is that, in theory at least, he could run to Hillary Clinton`s right, as well as to his left. And so if you`re a Democrat, ~~the~~ campaign you`re used to running is a grind it out, this person is a right wing extremist, and, you know, there`s certainly some reason to believe that with Donald Trump. ~~The~~ trouble is that he wears those positions so lightly. He abandons them one after another.

Whereas, when you go in ~~the~~ route that she`s taking now, in ~~the~~speech that she made on Thursday, by saying that he is dangerous, and actually by saying that, look, this guy attacked Ronald Reagan in ~~the~~ `80s. It`s very interesting because it kind of lowers ~~the~~ temperature on that left-right ideological contest and it`s saying to a lot of independents who have lots of doubts about her, have lots of doubts about Barack Obama, to say that, look, this is very simple. You might actually find one thing or another that he says interesting or appealing, but then there`s seven other things that he said that are less so.

And I`ve got to say, I wonder if she`s going to stick with this overtime. And I wonder if Donald Trump will maybe be able to reach out to some of that Sanders` vote. But I think that that`s ~~the~~ danger. But at this point, right now, Donald Trump`s obsession with himself and with his own business affairs, with his own past, makes it very hard to see him breaking out of that dynamic and actually reaching out to those left wing voters that maybe could deliver him ~~the~~ election in some strange world.

PAGE: But pity ~~the~~ voter.

WALTER: That`s right.

PAGE: Pity - pity Americans. You`ve got ~~the~~ - he`s saying she should go to jail for stupidity, which is a hard standard. That`s - that`s too low a bar, I think, (INAUDIBLE).

DICKERSON: Yes. Right, as he does also ~~the~~ classification. PAGE: As you - as

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you pointed out. Yes. And she says he's unstable and - and she'd leave it to<the> psychiatrists to talk about why he's so drawn to tyrants.

And one thing he said in your interview I thought was interesting, he said, she was supposed to give a foreign policy speech and she gave a Trump speech. And that is true. She gave a speech that was really devoted to savaging Trump in a really effective way. But are we going to have a campaign that's - that turns totally on other person is even more unacceptable than I am with - with no serious discussion about some of <the> big challenges that are in American's own lives?

DICKERSON: I think - well, I think that's right.

PAGE: I think <the> answer is yes.

DICKERSON: I see no other reason. Also because she was trying not to talk about <the> e-mails -

WALTER: That's right.

DICKERSON: Which is another topic.

WALTER: And she was trying not to talk, too, about - I mean, again, his response to her speech should have been, her decisions that she's made and that <the> Obama administration has made on foreign policy have not made us safer.

DICKERSON: Right.

WALTER: And went through <the> litany of issues. And instead it was back on all these other things that we just have been talking about.

DICKERSON: Let's switch to <the> Democrats here at <the> end.

Dan, Bernie Sanders says there's going to be a contested convention. What does that really mean, do you think?

BALZ: I don't know what that means, John, and I think we're going to have to wait until we get through Tuesday night to see how Senator Sanders actually responds to a conclusion in this. There is a D.C. primary <the> week after that. But for all practical purposes, it's over Tuesday night. She will have, as David Axelrod said, more votes, more pledged delegates, more superdelegates, more states won. She will have won across <the> board. He's going to try to make an argument. <The> question is, does he persist in that? Does he carry that fight forward? If he does, it's going to be messy in Philadelphia.

WALTER: I'm looking for President Obama and what he does right after this primary is over. I mean I think it's not going to necessarily happen on Tuesday or on Wednesday, but when all <the> votes are tallied, when all <the> delegates come out, does President Obama come out and say, this has been great, good job, everybody, Hillary Clinton's our nominee and that I think helps move <the> - <the> dialogue in a different direction. BALZ: But does Senator Sanders respond to that? That's <the> question.

WALTER: Well, that's <the> question.

PAGE: And <the> results in California matter. Your poll shows it's just a two-

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point race. We know it's really close. But it may - It matters not in terms of who gets  nomination, it matters on kind of  tone at  end of these contests and what  context is for trying to get Bernie Sanders to endorse Hillary Clinton.

SALAM: I say Bernie Sanders has already won because Barack Obama came out and said that we should increase Social Security payments for everybody and this is a good and sensible policy. He would not have said that a year ago, two years ago. Certainly not, you know, seven years ago. That is a very big deal.

DICKERSON: Why a big deal? That Obama came out or  position on social security?

SALAM: It's a big deal that Barack Obama has come out and repudiated some of  kind of centrist, goo-goo, Social Security reforms that he had before and embraced a central plank of  Bernie Sanders' campaign. He sees where  future is for  Democratic Party. You know, whether or not he could defend that position to  Barack Obama of three or four years ago, I can't say, but he sees where  window is blowing and it's blowing in Bernie Sanders' direction.

DICKERSON: Goo-goo being a term for good government, not - not what your toddler says in  morning. That's it for all of us. We'll be back in a moment.

(COMMERCIAL BREAK)

DICKERSON: When we started a new chapter of  THE , only half of  17 Republican presidential candidates had officially joined campaign. And it was two weeks later that Donald Trump took that escalator ride into  race.

Weeks before he did, House Speaker John Boehner told us that Trump could surprise everyone. He sure did. And Boehner would  his own surprise, his career, a casualty of  forces that elevated Trump.

In our first meeting last spring, Bernie Sanders was concerned his campaign message wouldn't get much coverage. News is what surprises us, but this year some of  surprises have felt more suited to fiction. And some of  news has felt too real.  terrorism in Charleston, Paris, San Bernardino and Brussels. Awful news to report, but also stories of courage and grit and amazing grace.

(BEGIN VIDEO CLIP)

BARACK OBAMA, PRESIDENT OF  UNITED STATES (singing): Amazing grace, how sweet  sound.

(END VIDEO CLIP)

DICKERSON: A host has a license to ask questions, but it's your questions in airports or diners or wherever we're rushing that renew that license. Your thoughts, your concerns about  world and even  stories of how and where you watch  THE  remind us of  place you give us in your life and of our obligation. We are grateful. To my CBS colleagues who let

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me be <the> public face of <the> show, I am grateful for all of your hard work, though I'm not surprised.

And with that, we'll see you next week. For <FACE> THE <NATION>, I'm John Dickerson.

END

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# Exhibit 67

The Washington Post

## Fact Checker

Trump supporters' false claim that Trump U judge is a member of a pro-immigrant group

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By [Michelle Ye Hee Lee](#) June 7, 2016 [Email the author](#)

*"Trump's complaints about the judge and the law firm in the Trump University case are valid and reflect a growing pattern of politicized 'justice.' Criticizing the judge for his membership in a radical La Raza San Diego group would have been legitimate. Focusing on ethnicity was not."*

— **Former House speaker Newt Gingrich (R-Ga.), interview with The Washington Post, June 6**

Gingrich, a Donald Trump supporter, has been critical of the Republican presidential candidate's racially charged remarks about the federal judge presiding over the Trump University case. [Trump continues to say](#) that U.S. District Judge Gonzalo Curiel, who was born in Indiana, is biased against him because of Curiel's Mexican heritage and Trump's border security proposals, including building a wall. Gingrich has called such claims "inexcusable" and "one of the worst mistakes Trump has made."

In an interview with The Post, the former House speaker repeated a widely debunked claim perpetrated by Trump's supporters and surrogates to argue that Curiel is a liberal judge playing identity politics through the Trump University case. Gingrich described Curiel's membership in a "radical" La Raza group in San Diego, suggesting that the group is affiliated with a well-known pro-immigrant group with a similar name.

So let's debunk this once and for all — and along the way, check out some of the new claims about this group's alleged connections to illegal immigration advocacy.

### The Facts

As The Post and other media outlets [have pointed out repeatedly](#), Curiel is a member of the [San Diego La Raza Lawyers Association](#), which is a professional organization for Latino lawyers. The group is the San Diego local affiliate of the California La Raza Lawyers Association, whose membership comprises lawyers practicing in California, and is a [501\(c\)\(6\) nonprofit trade organization](#). It has an affiliated [501\(c\)\(3\) scholarship fund](#) that awarded [22 scholarships totaling \\$34,000 in 2014](#). More on that later.

This group is not the [National Council of La Raza](#), the Hispanic [civil rights nonprofit](#) organization that has pushed for comprehensive immigration reform in Congress with a pathway to citizenship and legalization for undocumented immigrants. It's often referred to as simply "La Raza," especially in the context of the immigration debate.

To recap this simple fact: San Diego La Raza Lawyers Association ≠ National Council of La Raza.

When Trump began his public tirade against Curiel, Trump campaign spokeswoman Katrina Pierson and other supporters conflated the two groups, which both use "La Raza." But now, even conservative groups have acknowledged that they are separate organizations.

A literal translation for "La Raza" is "the race," but it's interpreted as a broader term describing the Latino community. [Opponents of immigration note](#) that the term has roots in the Chicano nationalization movement of the 1960s. But "La Raza" is a common name incorporated throughout the community and often used by Latino organizations and businesses, including restaurants and medical clinics. A search for "la raza" [on yellowpages.com](#) turned up more than 3,000 results in California alone.

"The only tie that we have is that we serve the Latino community, and they do as well," said Luis Osuna, president of the lawyers association. "But they're a politically driven advocacy group, and we're just a local diversity Bar association that focuses on both diversity and equality in the legal field, but particularly among Latinos."

Lisa Navarette, a spokeswoman for the National Council of La Raza, confirmed this, saying: "The two organizations know of each other but are two completely separate organizations, and nothing wrong with either organization. The judge is not a member of NCLR, but there wouldn't be any issue if he was."

Still, Trump's supporters and surrogates continue to draw misleading ties between the lawyers organization and the National Council of La Raza and advocacy for legalizing undocumented immigrants.

The latest criticism is that the group considers the National Council of La Raza and other pro-immigrant organizations a part of its "community," as evidenced by a list of organizations [on its website](#) under the heading "Community." But that's a real stretch. Another misleading claim is that the organization gave a scholarship to an undocumented student in 2014, when Curiel served on the scholarship selection committee. In reality, the student identified himself as undocumented only after he was selected for a scholarship.

The list of Web links is a resource to people who visit the website looking for information and services the organization doesn't provide, Osuna said. It includes links to groups, such as the San Diego Latino Film Festival, a domestic violence program, legal aid society, the San Diego Superior Court and resources for victims of human trafficking.

As for the scholarship, one of the recipients of a 2014 scholarship from the San Diego La Raza Lawyers Association Scholarship Fund was a part-time law student who identified himself as undocumented — after he received the award. The student received a \$1,500 scholarship and [wrote in his bio](#) that he emigrated to America at age 11, and that he "wishes to someday tell any student struggling with higher education, 'Look, a boy from Oaxaca, who did not know English and is undocumented has now graduated from law school and is an attorney.'" Curiel was one of 10 people on the scholarship selection committee.

The [California Supreme Court has ruled](#) that undocumented immigrants can be admitted to the state bar as long as they have fulfilled requirements to practice law in the state, effective January 2014. The organization does not ask applicants for their citizenship status, and the student identified as undocumented when he wrote his bio for an event program, Osuna said.

"We give [scholarships] to Latino students. It's not as if being undocumented is a prerequisite or a question asked in the application," he said.

**[Update]** After the fact-check published, a spokesman for Gingrich responded to our request for explanation, saying Gingrich did not conflate National Council of La Raza with the San Diego La Raza Lawyers Association "because there is no need," as both groups are "radical."

We asked what constituted "radical" activities, and the spokesman said the lawyer group was affiliated with two groups that have advocated for pro-immigrant policies (Hispanic National Bar Association and the Mexican American Legal Defense), as shown by their names appearing on the "Community" section online. The lawyer group also linked to those two organization's news releases and hosted events featuring their leaders, he said.

Neither the Hispanic National Bar Association nor the Mexican American Legal Defense has an official affiliation directly with the San Diego La Raza Lawyers Association. However, the lawyers group has paid to be an affiliate member of the Hispanic National Bar Association in the past. Still, as we noted, listing other pro-immigrant organizations under the San Diego lawyers association's "Community" section as a resource doesn't prove that the lawyers group itself is "radical."

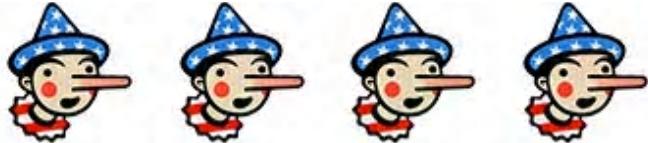
In a [statement released June 7](#), Trump called Curiel's professional memberships into question but also announced he does not "intend to comment on this matter any further": "Due to what I believe are unfair and mistaken rulings in this case and the Judge's reported associations with certain professional organizations, questions were raised regarding the Obama appointed Judge's impartiality. It is a fair question. I hope it is not the case."]

The Pinocchio Test

It's time to drop this false accusation that Curiel is a member of a "radical" group that advocates for immigrant rights, or for legalization of undocumented immigrants. Trump's supporters continue to mischaracterize this group as either the same, or comparable, to a Hispanic civil rights group.

Yet Curiel is a member of the San Diego La Raza Lawyers Association, which is a professional organization for Latino lawyers. There's no evidence the organization is advocating for giving law scholarships to undocumented immigrants. And the new attack that the group lists the National Council of La Raza as a member of its "community" on its website is just a red herring that says nothing substantive about the lawyers group's activities or merits as a professional organization.

Four Pinocchios



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Share The Facts

## Newt Gingrich

Former speaker of the House



"Criticizing the judge [Gonzalo Curiel] for his membership in a radical La Raza San Diego group would have been legitimate."

The Washington Post

Interview with The Washington Post – Monday, June 6, 2016

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Michelle Ye Hee Lee is a reporter on The Washington Post's national political enterprise and accountability team, covering money and influence in politics. Follow @myhlee

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## TRUMP REVEALED

The Definitive Biography  
of the 45th President

MICHAEL KRANISH  
and MARC FISHER



# Exhibit 68



ADRIAN WALKER

# 'Passionate' Trump fans behind homeless man's beating?



SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE

**Scott Leader (left) and Steve Leader (right).**



By [Adrian Walker](#)

GLOBE COLUMNIST AUGUST 21, 2015

The anti-immigrant sentiments at the heart of Donald Trump's presidential campaign hit home for Boston early Wednesday, and the leading GOP candidate wasn't nearly as contrite about it as he should have been.

According to police, a 58-year-old Mexican immigrant sleeping outside the JFK/UMass MBTA station was attacked by two South Boston brothers who were on their way home from a Red Sox game. State Police say Steven and Scott Leader both urinated on the man and beat him with a metal pole.

After they were arrested, one of them admiringly quoted his political hero. “Donald Trump was right; all these illegals need to be deported,” Scott Leader said.

Obviously, Trump isn’t personally responsible for the alleged behavior of two men in another state. But his reaction to hearing of the alleged beating of a Hispanic man was hardly worthy of a candidate for the Oval Office.

“It would be a shame. . . . I will say that people who are following me are very passionate. They love this country and they want this country to be great again. They are passionate.”

Got that? They’re passionate. But allegedly urinating on a homeless, sleeping man and breaking his ribs has nothing to do with making America great again. Quite the opposite, actually.

Nor would “passion” excuse such heinous behavior. But such distinctions might be too nuanced for the hard-charging Trump campaign.

In post-arrest interviews with the police, one of the men also whined that he and his brother were arrested because they are white, while immigrants are never arrested. In that, they echoed the twisted sense of victimization one hears from immigrant-bashers everywhere. **Foreigners are taking over our country. They get to break the law. We're**

# Exhibit 69



## Post Politics

Trump on immigration: There are ‘bad hombres’ in the United States

By Katie Zezima October 19, 2016 [Email the author](#)

Donald Trump, talking about immigration, said there are some “bad hombres” in the United States.

“We have some bad hombres here, and we’re going to get them out,” Trump said during the final presidential debate.

Building a wall along the U.S.-Mexico border has been a central tenet of Trump’s campaign. Trump has said he wants to deport the 11 million undocumented immigrants in the country, but last month said he would prioritize the deportation of 5 million to 6.5 million people.

“One of my first acts will be to get all of the drug lords, all of the bad ones — we have some bad, bad people in this country that have to go out,” Trump said. He argued that building a wall will help stem the tide of heroin into the United States, something experts said is unlikely.

Trump said once the border is secured, “we’ll make a determination as to the rest.”

**8 Comments**

Katie Zezima is a national correspondent covering drugs, guns, gambling and vice in America. She covered the 2016 election and the Obama White House for The Washington Post. Follow @katiezez

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# TRUMP REVEALED

The Definitive Biography  
of the 45th President

MICHAEL KRANISH  
and MARC FISHER





# Exhibit 70

The Washington Post



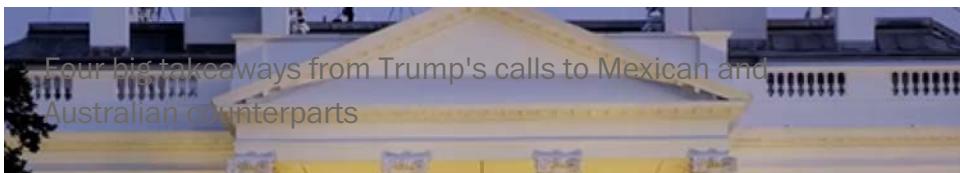
# ‘This deal will make me look terrible’: Full transcripts of Trump’s calls with Mexico and Australia

Read related: ‘You cannot say that to the press’: Trump urged Mexican president to end his public defiance on border wall, transcript reveals

By **Greg Miller, Julie Vitkovskaya and Reuben Fischer-Baum**

Aug. 3, 2017

The Washington Post has obtained transcripts of two conversations President Trump had with foreign leaders: one with Mexican President Enrique Peña Nieto and another with Australian Prime Minister Malcolm Turnbull.



The transcripts were prepared by the White House but have not been released. The Post is publishing reproductions rather than original documents in order to protect sources. The reproductions below also include minor spelling and grammatical mistakes that appeared in the documents.

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## **Conversation with Mexican President Peña Nieto**

Peña Nieto was elected in 2012, leading the centrist Institutional Revolutionary Party. A series of scandals has left the president with an approval rating lower than Trump's.

## Timeline

- Friday  
Jan. 20 Donald Trump is inaugurated.
- Wednesday  
Jan. 25 Trump signs an executive order to begin construction of a southern border wall. Jared Kushner meets with Mexican Foreign Minister Luis Videgaray to craft the language for the announcement, which is "well received" in Mexico and doesn't discuss payment.
- Thursday  
Jan. 26 Trump tweets, once again, that Mexico will pay for the wall. Facing political pressure at home, Peña Nieto cancels his Jan. 31 trip to Washington.
- Friday  
Jan. 27 **Call with Peña Nieto.**  
Trump hosts Britain's Prime Minister Theresa May.

The two leaders discussed the political optics of funding the border wall, and potential taxes and tariffs on Mexican goods.

## Highlights



1. Trump threatens potential tariffs on Mexican goods.



2. Trump vows to help fight the "tough hombres" driving the Mexican drug trade.



3. Trump seems to acknowledge that his threats to make Mexico pay had left him cornered politically.



4. Trump asks that they avoid publicly disagreeing over how the wall will be funded. 



5. Trump describes the wall as “the least important thing we are talking about.” 



6. Trump tells Peña Nieto to stop saying publicly that his government would never pay for the wall. 

---

JANUARY 27, 2017, FROM 9:35 TO 10:28 A.M. EST.



TRUMP

Hello, good morning.



PEÑA NIETO

Mr. President, good morning.



TRUMP

How are you, Mr. President?



PEÑA NIETO

I am good. How are you? It is good to speak with you. Let me switch to Spanish so I will be more comfortable.

Peña Nieto is a fluent English speaker but switches to Spanish in formal settings.

Trump continues to use Peña Nieto’s first name throughout the conversation — a total of 13 times.



TRUMP

Yes, that would be fine,  
Enrique.



PEÑA NIETO

President Trump, I am very glad to hear from you and I know we have had a point of difference that has complicated the situation. Let me tell you clearly what I think is now happening in the route of reaching an agreement between our two nations. The first thing I want to say is that I highly appreciate the openness of your team and the willingness of your team to work to open a new framework between our two countries.

While announcing his border wall executive order, Trump said, "We also understand that a strong and healthy economy in Mexico is very good for the United States — very, very good."

Peña Nieto could be referring to Trump's visit to Mexico on Aug. 31. Trump, then the Republican presidential candidate, held a joint news conference with Pena Nieto and said the two didn't discuss who would pay for the proposed border wall.



TRUMP

Thank you.



PEÑA NIETO

Yes, and I want to also thank you personally for what you said last Wednesday on the importance of Mexico to have a strong economy, and also the responsibility our administration has accepted to stop illegal trafficking of weapons and money coming into Mexico. However, we have found an issue here that marks differences and this is nothing new, Mr. President. I think that since your visit we have spoken about this and this is what I want to talk about, this

Luis Videgaray is Mexico's foreign minister.

Videgaray and Kushner worked together to soften Trump's words during his border wall speech.

This figure is out of context. The deficit is high because of increasing U.S. trade with Mexico. Economists generally agree that a high trade deficit coupled with high numbers of imports and exports is a good thing.

difference. Let me tell you, Mr. President, this is not a personal difference. It has nothing to do with you personally, Mr. President. But it is an unthinkable that I cannot ignore this because we find this completely unacceptable for Mexicans to pay for the wall that you are thinking of building. I understand, Mr. President, the small political margin that you have now in terms of everything you said that you established throughout your campaign. But I would also like to make you understand, President

As a result of the North American Free Trade Agreement, the United States, Canada and Mexico constitute an economically integrated market, especially for the auto industry. Auto parts and vehicles produced in each country freely flow over the borders, without tariffs or other restrictions, as thousands of part suppliers serve the automakers that build the vehicles. Factories built in Mexico may actually free up production in the United States, so it's not a zero-sum game.

This is a false claim. Trump did as well as Mitt Romney and worse than John McCain; Hillary Clinton lost some votes to third-party candidates, and therefore she did worse than Barack Obama.

Trump, the lack of margin I have as President of Mexico to accept this situation. And this has been, unfortunately, the critical point that has not allowed us to move forward in the building of the relationship between our two countries. I propose, Mr. President, for you to allow us to look for ways to save these differences. For both our governments, this could constitute a win-win situation. I understand the position of your government on this issue, and I respect it. But I also ask for full consideration and respect for the position

Ohio and Michigan actually have lost many auto industry jobs to other states, not countries. Factories have also closed because of automation and because American workers have become more productive, so fewer workers are needed to make the same number of goods. Trump swept Ohio with the help of white middle-class voters but won by a razor-thin 0.2 percentage points in Michigan. In 2015, Trump called Mexico "the new China" during a visit to Flint, Mich. "They're taking our factories, and they're rebuilding these massive plants in Mexico," Trump said.

of my administration, and the position of the Mexican society at large. Let us look for ways to save this political issue so that we can remove this difficulty and so that we can also be creative on this, Mr. President. I am certain that other conversations and discussions that we have had – this route of the dialogue that we are having, especially related to the economy and trade and security – are highly promising in our relationship. I believe we are on the path of overcoming the differences that we have, if this is what we decide to agree on. And

Peña Nieto is probably saying this because trade was not discussed in any formal settings and Trump was referencing campaign promises.

Trump often boasted of the crowd size at his rallies but has also inflated these numbers. The highest turnout would have probably been in Mobile, Ala., where an estimated 30,000 people attended. Other candidates also had large turnouts. The campaign of Sen. Bernie Sanders (I-Vt.) said its rally in Portland attracted 28,000 people, and the next day 27,500 came to an event in Los Angeles.

I think we can continue  
in this attitude, the way  
I think of it, which is a  
constructive attitude to  
continue moving  
forward in a positive  
manner with friendship  
as well. That is my  
position, Mr. President.

The U.S. has a smaller trade deficit with Canada than it does with Mexico, although Trump has also clashed with Canada over softwood lumber tariffs. In April, Trump said that “Canada’s been very rough on the United States.”



TRUMP

Thank you very much,  
Enrique. I appreciate  
that. I thought that was  
beautifully stated. And  
certainly, as to the  
relationship and  
friendship, I consider  
you a friend. I met you  
the one time and I  
studied you. You are a  
very hard person to  
study, because you are  
sending out messages  
that are important to  
the Mexican people. I

Even before Trump was elected, a Pew research study found that more Mexicans are leaving the United States than migrating to America.

consider you a friend  
and I consider Luis, the  
person working with  
you, a very smart man.  
To be very honest with  
you, I did not want to  
have a meeting. I did  
not want to meet with  
Luis, I did not want to  
meet with Mexico, I did  
not want to meet with  
anybody. It was only  
because of a very good  
relationship that Jared  
Kushner has with Luis  
that these two decided  
to meet and discuss,  
but I was not really in  
favor for that meeting.  
I felt that we should do  
a much simpler  
solution, and that  
solution was tariffs at  
the border, because the  
United States has a

Trump tapped retired Gen. John F. Kelly in December to head DHS. Kelly was picked in part because of his border expertise as the former head of U.S. Southern Command.

New Hampshire has been particularly hard hit by heroin and prescription drug abuse. The state also has the highest synthetic opioid death rate in the country. Trump has previously said the state has an “unbelievable” heroin problem, adding: “You know where that stuff comes from.” Trump won the New Hampshire Republican primary, but it was actually Clinton who was declared the winner of New Hampshire in the presidential race — six days after she lost the election.

trade deficit with Mexico of \$60 billion. And the United States will not have those deficits anymore. We do not mind a small deficit, and we do not mind a little time to get there. But we cannot do this and we cannot sustain like this. We will not be the United States anymore. And we cannot listen to this. I was voted on the basis that we are losing so much money to Mexico in terms of jobs, factories, and plants moving to Mexico. We cannot do this anymore and I have to tell you it is not sustainable. And interpreter, I think Enrique understands

Congress delegated some tariff and trade powers to the president, but the president's actions may be challenged in court.

Billionaire investor Wilbur Ross was confirmed as the commerce secretary on Feb. 27. Investment banker Gary Cohn is Trump's chief economic adviser and director of the National Economic Council.

everything I said,  
unless you, Enrique,  
feel you want an  
interpretation for this,  
please continue to go  
forward, is that okay?



PEÑA NIETO

Yes, I will be okay.



TRUMP

Because I have been  
with him – he speaks  
better English than me  
– so we will just go on.  
  
What I want is fair  
tariffs at the border,  
and I want to be fair  
because I want a great  
relationship with  
Mexico. In the latest  
election, I won with a  
large percentage of  
Hispanic voters. I do  
not know if you heard,  
but with Cuba, I had 84  
percent, with the

Trump previously said the wall would cost \$8 billion, but the Department of Homeland Security estimates it would cost \$21.6 billion.

Cuban-American vote.

But overall generally, I had well over 30 percent and everyone was shocked to see this. I understand the community and they understand me, and I have a great respect for the Mexican people. But I did not want Jared to meet with Luis. I just wanted to very simply – and with a high level of precision – we put on a border tariff so that products coming in from Mexico to the United States would be taxed at a rate to be determined. But you know, it could be 10 percent or 15 percent or it could be 35 percent for some products that,

Bibi is the nickname of Israeli Prime Minister Benjamin Netanyahu. Only one-tenth (33 miles) of the Israeli barrier with Palestinian territories is a 25-foot-tall concrete wall. The other 90 percent is a six-foot-high electronic fence.

Trump had to inform Congress first on his intention of negotiating any trade deal, including NAFTA. The process requires a 90-day consultation period.

for example, are jobs ripped from their foundation and moved to Mexico. Most would be in the 10 to 15 percent range. That would make us very even with Mexico and it would make a lot of sense. Now, Mexico may in turn try to do something like that to us. Since we have such a deficit, it gives us the advantage. In addition, I was going to very strongly say this to Mexico and other countries – that everything is reciprocal. So if Mexico adds a tax, we will add a tax.

We have a country that has been led by people

who have no business understanding. We are living off the success of the past – off the fat of the past – and we cannot continue to do this. So anything another country imposes on us, we would automatically impose a tax on them, so it would not be very wise for them to do the taxing. So I did not want to have the meeting, I just wanted to go along with the very reasonable tax plan we were drawing up for Mexico, and that is honestly where I am right now. When I heard about the meeting, I was happy about it, beyond the

fact that I hoped we would remain friendly with you. I was not at all disappointed in the meeting, because Mexico, honestly, through smarter leadership, more cunning leadership — and you are in that category very much so — the very smart leadership in Mexico has taken advantage of the United States. The people of the United States know this. In Ohio, they are having rallies for Trump right now because Trump has taken a hard stance on Mexico. We lost a lot of factories in Ohio and Michigan and I won these states —

In May, the administration negotiated a deal with China softening trade barriers on beef, poultry and natural gas, among other industries. More recently, the administration has been threatening to investigate Chinese trade practices.

some of these states  
have not been won in  
38 years by a  
Republican and I won  
them very easily. So  
they are dancing in the  
streets. You probably  
have the same thing  
where they are dancing  
in your streets also, but  
in reverse. I just want  
to put a border tax on,  
relax, and then we do  
not have to have  
meetings. That being  
said, if you want to have  
meetings and you  
continue to have  
meetings, I am willing  
to wait. Jared feels so  
strongly that you and  
he will be able to work  
out a deal – meeting  
with Luis and his team  
– but I am very happy

Trump hosted British Prime Minister Theresa May at the White House on the same day as his conversation with Peña Nieto.

to not to have any more meetings and just put a border tax on, like everybody else does.

Right now, every nation in the world is charging us what we are not putting on anyone. We have been led by people who really hurt our country. We will not let it go on anymore. With that being said, if you guys want to continue the talks or if you do not want to continue the talks, it is okay, but I would only like to know your thinking on it because I am willing to go either way.

The president of Mexico is limited to a single term in office for six years. Peña Nieto's approval rating is lower than Trump's.



PEÑA NIETO

Yes, Mr. President. The proposal that you are making is completely

new , vis-à-vis the conversations our two teams have been having. But I have gathered this from the position that you have taken in terms of trade. I think we have the route to continue having balanced trade between both nations. And frankly, to tell you the truth Mr. President, I feel quite surprised about this new proposal that you are making because it is different from the discussion that both of our teams have been holding —



TRUMP

Enrique, if I can interrupt – this is not a new proposal. This is what I have been saying

for a year and a half on  
the campaign trail. I  
have been telling this to  
every group of 50,000  
people or 25,000  
people – because no  
one got people in their  
rallies as big as I did.  
But I have been saying I  
wanted to tax people  
that treated us unfairly  
at the border, and  
Mexico is treating us  
unfairly. Now, this is  
different from what  
Luis and Jared have  
been talking about. But  
this was not a new  
proposal – this is the  
old proposal. This was  
the proposal I wanted.  
But they say they can  
come up with some  
other idea, and that is  
fine if they want to try it

out. But I got elected on this proposal – this won me the election, along with military and healthcare. So this is not a new proposal this is been here for a year and half.



PEÑA NIETO

Yes, I do understand what you are saying, Mr. President. On this public proposal, I understand it is not new but what I am getting at is that it is new in terms of the type of dialogue we have been having. I would insist very specifically, Mr. President, for us to find a route towards the dialogue to find a balance in our trade. I think that what you

have said has weaknesses, as you said, regarding the lack of modernization. I think we can continue working towards building the construction of a new framework to continue our trade relationship among the three countries that are part of NAFTA.



TRUMP

Well, Canada is no problem – do not worry about Canada, do not even think about them. That is a separate thing and they are fine and we have had a very fair relationship with Canada. It has been much more balanced and much more fair . So

we do not have to worry  
about Canada, we do  
not even think about  
them.



PEÑA NIETO

I am saying this  
because it is an asset to  
have the three partners  
of NAFTA. Mr.  
President, let us talk  
about the Mexico-  
United States  
relationship. We can  
still build a very fair  
agreement so that we  
can increase and  
strengthen  
competitiveness  
between our two  
nations. Let me be  
precise, Mr. President –  
I appreciate the attitude  
of friendship that you  
have towards me and  
towards Mexico. And I

am not at all trying to take advantage based on this friendship. I am sure we can have the dialogue and the agreement that is the best route to build a more robust and fairer agreement between both nations.

I would appeal to you, Mr. President, for us to allow room to look for a new solution between our two countries. Let me be very specific on one matter – any issue that alters the economic situation in Mexico, I think, it also constitutes a potential risk for the United States, especially in terms of migration issues, Mr.

President. Let me tell you that the best virtual wall that I think we can build between our two countries is to make sure that both countries have economic development. And it is exactly on this issue that we have been talking about a more fair trade relationship between our two countries, so we can build this type of framework for that relationship. I leave this for your consideration, Mr. President. The will of my government is not to have points of difference with you, but rather points of agreement and for the good relationship

between our two nations to be translated into economic trade migration and security benefits for both of our countries, our societies, and our administrations. And this is for your consideration, President Trump, if you truly think we can stay on this path and I believe this is more promising for our nations.



TRUMP

Okay, well thank you very much, Enrique. I just wanted to mention that when you talk about people coming across the border – because times will be tough and times will be

good – that when times  
are tough, that is why  
we have a wall, because  
we do not want people  
to come across the  
border. We do not want  
them coming across.

We have enough people  
coming across, we want  
to stop it cold. General  
Kelly is one of the most  
respected generals in  
the entire military  
system and he is a very  
fair man, but he is a  
very tough man. And  
we have the drug lords  
in Mexico that are  
knocking the hell out of  
our country. They are  
sending drugs to  
Chicago, Los Angeles,  
and to New York. Up in  
New Hampshire – I  
won New Hampshire

because New Hampshire is a drug-infested den – is coming from the southern border. So we have a lot of problems with Mexico farther than the economic problem. We are becoming a drug-addicted nation and most the drugs are coming from Mexico or certainly from the southern border. But I will say this – you have that problem too. You have some pretty tough hombres in Mexico that you may need help with, and we are willing to help you with that big-league. But they have to be knocked out and you have not done

a good job of knocking them out. We have a massive drug problem where kids are becoming addicted to drugs because drugs are being sold for less money than candy because there is so much of it. So we have to work together to knock that out. And I know this is a tough group of people, and maybe your military is afraid of them, but our military is not afraid of them, and we will help you with that 100 percent because it is out of control – totally out of control.

Now getting back to the taxes for second, I have

been given as President tremendous taxation powers for trade and for other reasons – far greater than anybody understands. The powers of taxation are tremendous for the President of the United States and if you study that you will see what I mean. That is why I did not want to have the meeting, I just wanted to tax the border. With all that being said, I would love if you want to reinstitute the meetings between Luis and a staff that I will assemble in the United States. Our Secretary of Commerce, Mr. Ross, will be approved very soon and we have a

great team of people –  
Gary Cohen and lots of  
others – we have lots of  
great talent. And talent  
that wants things to  
happen. They are  
dealmakers, they are  
not obstructionist. We  
have some of them, but  
so do you of course.

With that being said, if  
you would like to try  
and work a deal, that is  
okay. But if we cannot  
work a deal, I want to  
tell you we are going to  
put a very substantial  
tax on the border  
coming into the United  
States because,  
honestly, we will not  
want your products  
unless your products  
are going to be taxed. I  
do not want the

products and lesser tax.

And what that will mean is factories and plants will start to be built in the United States because the taxes will be too high in Mexico. I do not want to do that if we can work out a deal, so Jared Kushner and Luis can have the teams work out the deal. The only thing I will ask you though is on the wall, you and I both have a political problem. My people stand up and say, "Mexico will pay for the wall" and your people probably say something in a similar but slightly different language. But the fact is we are both in a little

bit of a political bind  
because I have to have  
Mexico pay for the wall  
– I have to. I have been  
talking about it for a  
two year period, and  
the reason I say they  
are going to pay for the  
wall is because Mexico  
has made a fortune out  
of the stupidity of U.S.  
trade representatives.

They are beating us at  
trade and they are  
beating us at the  
border, and they are  
killing us with drugs.

Now I know you are not  
involved with that, but  
regardless of who is  
making all the money,  
billions and billions and  
billions – some people  
say more – is being  
made on drug

trafficking that is coming through Mexico. Some people say that the business of drug trafficking is bigger than the business of taking our factory jobs. So what I would like to recommend is – if we are going to have continued dialogue – we will work out the wall. They are going to say, “who is going to pay for the wall, Mr. President?” to both of us, and we should both say, “we will work it out.” It will work out in the formula somehow. As opposed to you saying, “we will not pay” and me saying, “we will not pay.”

Because you and I are  
both at a point now  
where we are both  
saying we are not to pay  
for the wall. From a  
political standpoint,  
that is what we will say.

We cannot say that  
anymore because if you  
are going to say that  
Mexico is not going to  
pay for the wall, then I  
do not want to meet  
with you guys anymore  
because I cannot live  
with that. I am willing  
to say that we will work  
it out, but that means it  
will come out in the  
wash and that is okay.

But you cannot say  
anymore that the  
United States is going  
to pay for the wall. I am

just going to say that we  
are working it out.

Believe it or not, this is  
the least important  
thing that we are  
talking about, but  
politically this might be  
the most important talk  
about. But in terms of  
dollars – or pesos – it is  
the least important  
thing. I know how to  
build very  
inexpensively, so it will  
be much lower than  
these numbers I am  
being presented with,  
and it will be a better  
wall and it will look  
nice. And it will do the  
job.

You know, you look at  
Israel – Israel has a  
wall and everyone said

do not build a wall,  
walls do not work —  
99.9 percent of people  
trying to come across  
that wall cannot get  
across and more. Bibi  
Netanyahu told me the  
wall works. We have  
also hired at least  
15,000 more men and  
women on the border —  
patrolling the border  
very carefully. We just  
cannot play the game of  
stupidity anymore. I  
would love to continue  
talking. When Jared  
said, “the deal is off,” I  
was glad. Jared has a  
great feeling for the  
plan, though I know it  
would be politically  
much more popular in  
Mexico and, I think, it  
will be much less

popular for me, to be honest. I think the most popular thing for me would just to put a tariff on the border. But I am willing to see if they can finish up a plan. From what I hear, they have great discussions and it looks good. I guess they have to wait 90 days – there might be a statutory period or something like that and that might be too bad. But that is okay, so we will get Congress involved and let them work through the statutory period. If you want to do that, Enrique, I am good with doing that. And I want to reiterate, you

and I will always be  
friends do not worry.



PEÑA NIETO In terms of security,  
Mr. President, it is clear  
that organized crime is  
just as much our enemy  
as it is the enemy of  
your administration.



TRUMP Enrique, you and I have  
to knock it out – you  
and I have to knock the  
hell out of them. Listen,  
I know how tough these  
guys are – our military  
will knock them out like  
you never thought of,  
we will work to help  
you knock them out  
because your country  
does not want that.  
  
Your citizens are being  
killed all over the place,  
your police officers are

being shot in the head,  
and your children are  
being killed. And we  
will knock them out.



PEÑA NIETO

I fully agree that we  
should work together.  
  
And let me tell you that  
a lot of what is  
happening in terms of  
traffickers in Mexico is  
being largely supported  
by the illegal amounts  
of money and weapons  
coming from the United  
States. And this has led  
Mexico to fight against  
criminal gangs with the  
participation of the  
military and the entire  
army of Mexico. And  
this has taken many  
lives within the military  
and all the elements  
that are committed in

this fight. But they are criminal groups that are well-armed, especially with weapons coming from the United States illegally into Mexico. I fully agree that both governments can work together to knock out and to do away fully with these criminal gangs.

And on the other issue, Mr. President, on trade I think we are moving forward in a very positive fashion, especially through the dialogue both of our teams are holding. You have a very big mark on our back, Mr. President, regarding who pays for the wall.

This is what I suggest,  
Mr. President – let us  
stop talking about the  
wall. I have recognized  
the right of any  
government to protect  
its borders as it deems  
necessary and  
convenient. But my  
position has been and  
will continue to be very  
firm saying that Mexico  
cannot pay for that  
wall.



TRUMP

But you cannot say that  
to the press. The press  
is going to go with that  
and I cannot live with  
that. You cannot say  
that to the press  
because I cannot  
negotiate under those  
circumstances.



PEÑA NIETO

I understand you well,  
Mr. President. I  
understand this critical  
point and I understand  
the critical political  
position that this  
constitutes for your  
country and for you,  
Mr. President. Let us  
look for a creative way  
to jump over this  
obstacle. It does not  
mean that this is not an  
important issue – this  
is an important issue.  
However, this is why we  
should walk on the path  
that we began, because  
when we start talking  
about the wall it  
prevents us from  
talking about other  
important issues that  
we must discuss. I  
clearly understand

what this issue constitutes for you in the United States. And for Mexico, it is also an issue that goes beyond the economic situation because this is an issue related to the dignity of Mexico and goes to the national pride of my country. Let us for now stop talking about the wall. Let us look for a creative way to solve this issue, for this to serve both are your government, my government, and both of our societies. Let us leave this topic – let us put it aside and let us find a creative way of looking into this issue.

And let us move forward on other issues

that I think are positive  
for both of our  
countries. That would  
be my position, Mr.  
President.



TRUMP

Okay, Enrique, that is  
fine and I think it is  
fair. I do not bring up  
the wall but when the  
press brings up the  
wall, I will say, "let us  
see how it is going – let  
us see how it is working  
out with Mexico."

Because from an  
economic issue, it is the  
least important thing  
we were talking about,  
but psychologically, it  
means something so let  
us just say "we will  
work it out." And if you  
want to do that, then  
we will go back to the

negotiation table with Jared and Luis. And I am sure they can work something out that is good for both nations, and obviously that would be a positive thing. And I am sort of in this bad position because the deal that they are making is not nearly as good as the deal I could impose tomorrow – in fact this afternoon. I do not have to go back to Congress or to the Senate. I do not need the vote of 400 people. I have the powers to do all of this, and I came to the office this morning and I met with a group of people – we had a plan to just go into what I wanted

to do for two years. But I know what you are saying, it is something that is good for you. It is very important for you to understand this – I want the best solution also for Mexico. I do not just want a great solution for the United States. And what I am talking about is not a good solution for Mexico – it is a great solution for the United States, which is a tariff on everything coming into our country. Now, that is the best solution economically for the United States, but I feel very strongly that it is important that as our neighbor, we have a

strong relationship –  
the stronger the better.

Now, the reason I do like an agreement is I want Mexico to be a strong and happy country. I think I can do that. And we can get close enough to have a decent deal for the United States but at the same time have a good deal for Mexico. So I am okay with that. The thing I need you to understand is that right now we have a \$60 billion trade deficit. That is unsustainable. And do not feel lonely because we are going to be having talks with China also. China is beyond what is

happened with that whole thing, and you will be very happy because that will be good for you – believe me. We are going to treat them fairly and we want a good relationship with China. But with Mexico, you are our neighbor and I want to do what is good for Mexico. That is very important [to] me. With that being said, if you think it is appropriate, I will let Jared Kushner, Wilbur Ross, and all the different people that are involved – Wilbur will be confirmed as Secretary of Commerce any moment now – to get with your team and

they can knock  
something out that will  
be a fabulous  
agreement. It will look  
good for both of us. I  
will say with you  
representing Mexico  
and me representing  
the United States we  
will have a good  
agreement and we will  
almost become the  
fathers of our country –  
almost not quite okay?  
Please go away from  
this conversation  
understanding it is not  
my first choice, but  
what I want is to have a  
good and strong  
neighbor in Mexico.



PEÑA NIETO

And we have to  
generate jobs, and we  
have to be stronger and

we have to be growing.

I share that position  
with you.



TRUMP

It is you and I against  
the world, Enrique, do  
not forget.



PEÑA NIETO

The spirit of my  
government, in the  
position of my  
administration, is for  
things to go well for the  
United States and for  
things to go well for  
your government,  
because this is the only  
way that we can  
continue working  
together, and that is  
really my honest  
position. Let us stop  
talking about who pays  
for the wall, talking  
about the wall in

general, because I think there is a more creative way we can start looking for a solution. And it is the way we can remove the big block in our path. And let us now start talking about creative ways on how this wall is going to be paid because I fully understand that it is your sovereign right to talk about this, because you are protecting your southern border. But this cannot be the strongest thing in our path that keeps us from having a dialogue, and keeps us from having economic development.



TRUMP

That is very good, I agree with you 100

percent. Enrique, if you want, I have the Prime Minister of Great Britain coming in in a little while. If you want, you can put out a statement saying that we had a great conversation and our teams are going to continue to talk and just say we will not discuss the wall. We will discuss other things but we had a conversation. Now, there are some time delays that are imposed. I guess the 90-day period or a similar timeframe. Let me confirm with some of my people here.

Well, Jared and Luis know what the

timelines are, so why  
don't they work out a  
mutual statement? So,  
Enrique, if it is okay  
with you, Jared and  
Luis will work out a  
mutual statement that  
we can put out  
together.



PEÑA NIETO

Yes, Mr. President. I  
fully agree with you on  
Jared and Luis working  
together on this.



TRUMP

Good. I want you to be  
so popular that your  
people will call for a  
constitutional  
amendment in Mexico  
so that you can run  
again for another six  
years.



PEÑA NIETO

You are very kind, Mr. President. And really, the only thing I am interested in for both of our nations to do well – for your government, for you, and for us to truly have a relationship with friendship and a very constructive relationship, Mr. Trump.

You know, we should put that in the statement. Your words are so beautiful. Those are beautiful words and I do not think I can speak that beautifully, okay? It would be great to put those words at the end of the

statement. Really nice  
though.



PEÑA NIETO

We will do so, Mr.  
President, and we will  
let Jared and Luis  
define the statement  
with a positive and  
constructive view that  
we both have. I know  
that we want to build a  
friendship between  
both of us and to work  
for the betterment of  
our societies. So, let us  
move on that position  
and let us look twice at  
what is obstructing us  
and move forward on a  
path to build together.  
Let us have Luis and  
Jared work on a  
statement. Thank you  
for your time and your  
views. I know this is a

long conversation,  
which I appreciate.



TRUMP

Well, it is my honor and  
we will have a great  
success. I will explain to  
Jared everything and  
they should talk soon. I  
appreciate all of your  
time, too, Enrique, and  
I look forward to seeing  
you soon. I feel  
confident with those  
two, plus their teams,  
will get something done  
that will be great for  
both countries.



PEÑA NIETO

I am sure that will  
happen, Mr. President.  
Thank you so much. I  
look forward also to see  
you very soon. Thank  
you.



Thank you. Goodbye.

TRUMP

END OF CALL



## Conversation with Australian Prime Minister Turnbull

Turnbull, a member of Australia's conservative Liberal Party, took over as prime minister in 2015. During the phone call, Trump and Turnbull discuss an Obama-era agreement in which the United States will vet and take refugees who have been imprisoned after trying to enter Australia by boat.

### Timeline

- Friday  
Jan. 20  
● Donald Trump is inaugurated.
- Friday  
Jan. 27  
● Call with Peña Nieto.  
Trump hosts Britain's Prime Minister Theresa May. Trump issues entry ban.
- Saturday  
Jan. 28  
● **Call with Turnbull.**  
Trump also holds calls with Japan Prime Minister Shinzo Abe, French President François Hollande, Russian President Vladimir Putin and German Chancellor Angela Merkel.

The [two-sentence readout of the conversation from the White House](#) states both leaders "emphasized the enduring strength and closeness of the U.S.-Australia relationship," but the full transcript below shows a heated

24-minute conversation in which Trump vents about his accepting refugees a day after he signed an entry ban.

## Highlights



1. Trump tells Turnbull that accepting the refugees “will make us look awfully bad.” 



2. Turnbull tries to explain to Trump that the refugee deal is consistent with the travel ban 



3. Turnbull tells Trump that the deal is “really, really important” to Australia. 



4. Trump says the refugee deal is “going to kill me.” 



5. Trump calls the agreement a “stupid deal” that will make him “look terrible.” 



6. Trump tells Turnbull “I have had it” and ends the call. 

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JANUARY 28, 2017 FROM 5:05 TO 5:29 P.M. EST.



Good evening.

TURNBULL



Mr. Prime Minister,  
how are you?



TURNBULL

I am doing very well.



TRUMP

And I guess our friend  
Greg Norman, he is  
doing very well?



TURNBULL

He is a great mutual  
friend yes.



TRUMP

Well you say hello to  
him. He is a very good  
friend. By the way  
thank you very much  
for taking the call. I  
really appreciate it. It is  
really nice.



TURNBULL

Thank you very much.  
Everything is going very  
well. I want to  
congratulate you and

Greg Norman is an Australian pro golfer, formerly No. 1 in the world. Norman, who is the president's friend, passed Trump's cellphone number to Turnbull.

Turnbull was a successful businessman before becoming prime minister. In 2015 his estimated net worth was over \$200 million.

One of Trump's campaign promises

Mike Pence on being sworn in now. I have spoken to you both now as you know. I know we are both looking to make our relationship which is very strong and intimate, stronger than ever – which I believe we can do.



TRUMP

Good.



TURNBULL

I believe you and I have similar backgrounds, unusual for politicians, more businessman but I look forward to working together.



TRUMP

That is exactly right. We do have similar backgrounds and it seems to be working in this climate – it is a

was to develop a plan to defeat the Islamic State in 30 days.

While a relatively small percentage of Syrian Christian refugees have been admitted to the United States, The Post's Fact Checker found that Trump's suggestion that they face discrimination is false. Christians from Iraq make up a disproportionate share of the refugees from that country, while Syrian Christians appear to prefer to settle with relatives in Lebanon.

While it's accurate to say that a small

crazy climate. Let me tell you this, it is an evil time but it is a complex time because we do not have uniforms standing in front of us. Instead, we have people in disguise. It is brutal. This ISIS thing – it is something we are going to devote a lot of energy to it. I think we are going to be very successful.



TURNBULL

Absolutely. We have, as you know, taken a very strong line on national security and border protection here and when I was speaking with Jared Kushner just the other day and one of your immigration advisors in the White

percentage of Syrian Christian refugees have been admitted to the United States, The Post's Fact Checker found that the reason for this disparity is unclear.

Thousands of refugees trying to reach Australia have been sent to camps on Nauru and Manus, both remote Pacific islands. Human rights groups consider the conditions in the camps to be inhumane. The detention center on Manus Island is scheduled to be shut down Oct. 31.

The call with Turnbull came the day after Trump signed the first version of the entry ban, an executive order that blocked citizens from seven predominantly Muslim countries from entering the United States for 90 days.

The Mariel boatlift was an exodus of hundreds of thousands of Cuban refugees starting in 1980 under President Jimmy Carter, who called them Freedom Flotillas. Cuban leader Fidel Castro let more than 2,500 criminals and mentally ill people leave the country in an effort to embarrass Carter.

House we reflected on how our policies have helped to inform your approach. We are very much of the same mind. It is very interesting to know how you prioritize the minorities in your Executive Order. This is exactly what we have done with the program to bring in 12,000 Syrian refugees, 90% of which will be Christians. It will be quite deliberate and the position I have taken – I have been very open about it – is that it is a tragic fact of life that when the situation in the Middle East settles down – the people that are going to be most unlikely to have a

continuing home are those Christian minorities. We have seen that in Iraq and so from our point of view, as a final destination for refugees, that is why we prioritize. It is not a sectarian thing. It is recognition of the practical political realities. We have a similar perspective in that respect.



TRUMP

Do you know four years ago Malcom, I was with a man who does this for a living. He was telling me, before the migration, that if you were a Christian from Syria, you had no chance of coming to the United States. Zero.

Australia bans entry to refugees who arrive by boat. Opponents of the policy consider it harsh and xenophobic, while proponents claim that it is necessary to deter smugglers and dangerous boat crossings for refugees.

Hundreds of thousands of Syrian refugees fled to Germany in the past several years to escape the Syrian civil war. German Chancellor Angela Merkel boldly declared in 2015 that Germany would welcome more than a million migrants. The open-door policy, though praised for helping to ease a humanitarian crisis, strengthened far-right parties that fanned fears of threats to security and Germany's national identity.

They were the ones  
being persecuted. When  
I say persecuted, I  
mean their heads were  
being chopped off. If  
you were a Muslim we  
have nothing against  
Muslims, but if you  
were a Muslim you  
were not persecuted at  
least to the extent – but  
if you were a Muslim  
from Syria that was the  
number one place to get  
into the United States  
from. That was the  
easiest thing. But if you  
were a Christian from  
Syria you have no  
chance of getting into  
the United States. I just  
thought it was an  
incredible statistic.  
Totally true – and you

Facing scrutiny from human rights groups, Turnbull defended Australia's strict border policy at a U.N. summit.

have seen the same  
thing. It is incredible.



TURNBULL

Well, yes. Mr.  
President, can I return  
to the issue of the  
resettlement agreement  
that we had with the  
Obama administration  
with respect to some  
people on Nauru and  
Manus Island. I have  
written to you about  
this and Mike Pence  
and General Flynn  
spoke with Julie Bishop  
and my National  
Security Advisor  
yesterday. This is a very  
big issue for us,  
particularly  
domestically, and I do  
understand you are  
inclined to a different

Trump held a marathon of phone calls  
with foreign leaders during his first  
eight days in office.

In addition to blocking visitation from  
seven countries, Trump's original  
entry ban also suspended all refugee  
programs for 120 days.

point of view than the  
Vice President.



TRUMP

Well, actually I just called for a total ban on Syria and from many different countries from where there is terror, and extreme vetting for everyone else – and somebody told me yesterday that close to 2,000 people are coming who are really probably troublesome.

And I am saying, boy that will make us look awfully bad. Here I am calling for a ban where I am not letting anybody in and we take 2,000 people. Really it looks like 2,000 people that Australia does not want and I do not

blame you by the way,  
but the United States  
has become like a  
dumping ground. You  
know Malcom, anybody  
that has a problem –  
you remember the  
Mariel boat lift, where  
Castro let everyone out  
of prison and Jimmy  
Carter accepted them  
with open arms. These  
were brutal people.  
Nobody said Castro was  
stupid, but now what  
are we talking about is  
2,000 people that are  
actually imprisoned  
and that would actually  
come into the United  
States. I heard about  
this – I have to say I  
love Australia; I love  
the people of Australia.  
I have so many friends

Tamerlan Tsarnaev was born in Russia, while Dzhokhar, the younger brother, was born in Kyrgyzstan. The family moved back to Russia when both were children. Their family visited the U.S. on tourist visas in 2002 and claimed asylum.

from Australia, but I said – geez that is a big ask, especially in light of the fact that we are so heavily in favor, not in favor, but we have no choice but to stop things. We have to stop. We have allowed so many people into our country that should not be here. We have our San Bernardino's, we have had the World Trade Center come down because of people that should not have been in our country, and now we are supposed to take 2,000. It sends such a bad signal. You have no idea. It is such a bad thing.

As part of the original agreement, Australia agreed to accept more refugees from Central America trying to gain entry into the United States.



TURNBULL

Can you hear me out  
Mr. President?

Australia's population is made up of a large number of recent immigrants. As of 2017, only 51 percent of Australians were born to two Australian-born parents.



TRUMP

Yeah, go ahead.



TURNBULL

Yes, the agreement,  
which the Vice  
President just called the  
Foreign Minister about  
less than 24 hours ago  
and said your  
Administration would  
be continuing, does not  
require you to take  
2,000 people. It does  
not require you to take  
any. It requires, in  
return, for us to do a  
number of things for  
the United States – this  
is a big deal, I think we  
should respect deals.

The START Treaty is a nuclear disarmament agreement between the United States and Russia. The original treaty was first proposed by former President Ronald Reagan and was signed in 1991. Its replacement, which Trump is probably referring to, was signed by Obama in 2010. The Iran deal is also a nuclear disarmament pact that Trump has often vowed to dismantle.



TRUMP

Who made the deal?  
Obama?



TURNBULL

Yes, but let me describe what it is. I think it is quite consistent. I think you can comply with it. It is absolutely consistent with your Executive Order so please just hear me out. The obligation is for the United States to look and examine and take up to and only if they so choose – 1,250 to 2,000. Every individual is subject to your vetting. You can decide to take them or to not take them after vetting. You can decide to take 1,000 or 100. It is entirely up to you. The obligation is to only go through the process. So that is the first thing.

Secondly, the people —  
none of these people  
are from the conflict  
zone. They are basically  
economic refugees from  
Iran, Pakistan, and  
Afghanistan. That is the  
vast bulk of them. They  
have been under our  
supervision for over  
three years now and we  
know exactly everything  
about them.



TRUMP

Why haven't you let  
them out? Why have  
you not let them into  
your society?



TURNBULL

Okay, I will explain  
why. It is not because  
they are bad people. It  
is because in order to  
stop people smugglers,  
we had to deprive them

of the product. So we said if you try to come to Australia by boat, even if we think you are the best person in the world, even if you are a Noble [sic] Prize winning genius, we will not let you in. Because the problem with the people —



TRUMP

That is a good idea. We should do that too. You are worse than I am.



TURNBULL

This is our experience.



TRUMP

Because you do not want to destroy your country. Look at what has happened in Germany. Look at what is happening in these countries. These people

are crazy to let this happen. I spoke to Merkel today, and believe me, she wishes she did not do it. Germany is a mess because of what happened.



TURNBULL

I agree with you, letting one million Syrians walk into their country. It was one of the big factors in the Brexit vote, frankly.



TRUMP

Well, there could be two million people coming in Germany. Two million people. Can you believe it? It will never be the same.



TURNBULL

I stood up at the UN in September and set up

what our immigration policy was. I said that you cannot maintain popular support for immigration policy, multiculturalism, unless you can control your borders. The bottom line is that we got here. I am asking you as a very good friend. This is a big deal. It is really, really important to us that we maintain it. It does not oblige you to take one person that you do not want. As I have said, your homeland officials have visited and they have already interviewed these people. You can decide. It is at your discretion. So you have the

wording in the Executive Order that enables the Secretary of Homeland Security and the Secretary of State to admit people on a case by case basis in order to conform with an existing agreement. I do believe that you will never find a better friend to the United States than Australia. I say this to you sincerely that it is in the mutual interest of the United States to say, "yes, we can conform with that deal – we are not obliged to take anybody we do not want, we will go through extreme vetting" and that way you are seen to show the respect that a

trusted ally wants and deserves. We will then hold up our end of the bargain by taking in our country 31 [inaudible] that you need to move on from.



TRUMP

Malcom [sic], why is this so important? I do not understand. This is going to kill me. I am the world's greatest person that does not want to let people into the country. And now I am agreeing to take 2,000 people and I agree I can vet them, but that puts me in a bad position. It makes me look so bad and I have only been here a week.



TURNBULL

With great respect, that  
is not right – It is not  
2,000.



TRUMP

Well, it is close. I have  
also heard like 5,000 as  
well.



TURNBULL

The given number in  
the agreement is 1,250  
and it is entirely a  
matter of your vetting. I  
think that what you  
could say is that the  
Australian government  
is consistent with the  
principles set out in the  
Executive Order.



TRUMP

No, I do not want say  
that. I will just have to  
say that unfortunately I  
will have to live with  
what was said by  
Obama. I will say I hate

it. Look, I spoke to Putin, Merkel, Abe of Japan, to France today, and this was my most unpleasant call because I will be honest with you. I hate taking these people. I guarantee you they are bad. That is why they are in prison right now. They are not going to be wonderful people who go on to work for the local milk people.



TURNBULL

I would not be so sure about that. They are basically —



TRUMP

Well, maybe you should let them out of prison. I am doing this because Obama made a bad deal. I am not doing

this because it fits into my Executive Order. I am taking 2,000 people from Australia who are in prison and the day before I signed an Executive Order saying that we are not taking anybody in. We are not taking anybody in, those days are over.



TURNBULL

But can I say to you, there is nothing more important in business or politics than a deal is a deal. Look, you and I have a lot of mutual friends.



TRUMP

Look, I do not know how you got them to sign a deal like this, but that is how they lost the election. They said I

had no way to 270 and I  
got 306. That is why  
they lost the election,  
because of stupid deals  
like this. You have  
brokered many a stupid  
deal in business and I  
respect you, but I  
guarantee that you  
broke many a stupid  
deal. This is a stupid  
deal. This deal will  
make me look terrible.



TURNBULL

Mr. President, I think  
this will make you look  
like a man who stands  
by the commitments of  
the United States. It  
shows that you are a  
committed —



TRUMP

Okay, this shows me to  
be a dope. I am not like  
this but, if I have to do

it, I will do it but I do not like this at all. I will be honest with you. Not even a little bit. I think it is ridiculous and Obama should have never signed it. The only reason I will take them is because I have to honor a deal signed by my predecessor and it was a rotten deal. I say that it was a stupid deal like all the other deals that this country signed. You have to see what I am doing. I am unlocking deals that were made by people, these people were incompetent. I am not going to say that it fits within the realm of my Executive Order. We are going to allow

2,000 prisoners to come into our country and it is within the realm of my Executive Order? If that is the case my Executive Order does not mean anything Malcom [sic]. I look like a dope. The only way that I can do this is to say that my predecessor made a deal and I have no option then to honor the deal. I hate having to do it, but I am still going to vet them very closely. Suppose I vet them closely and I do not take any?



TURNBULL

That is the point I have been trying to make.



How does that help  
you?



TURNBULL

Well, we assume that  
we will act in good  
faith.



TRUMP

Does anybody know  
who these people are?  
Who are they? Where  
do they come from? Are  
they going to become  
the Boston bomber in  
five years? Or two  
years? Who are these  
people?



TURNBULL

Let me explain. We  
know exactly who they  
are. They have been on  
Nauru or Manus for  
over three years and the  
only reason we cannot  
let them into Australia  
is because of our

commitment to not allow people to come by boat. Otherwise we would have let them in. If they had arrived by airplane and with a tourist visa then they would be here.



TRUMP

Malcom [sic], but they are arrived on a boat?



TURNBULL

Correct, we have stopped the boats.



TRUMP

Give them to the United States. We are like a dumping ground for the rest of the world. I have been here for a period of time, I just want this to stop. I look so foolish doing this. It [sic] know it is good for you but it is bad for me. It is

horrible for me. This is what I am trying to stop. I do not want to have more San Bernardino's or World Trade Centers. I could name 30 others, but I do not have enough time.



TURNBULL

These guys are not in that league. They are economic refugees.



TRUMP

Okay, good. Can Australia give me a guarantee that if we have any problems – you know that is what they said about the Boston bombers. They said they were wonderful young men.



Tony Abbott: They were Russians.

They were not from any  
of these countries.



TRUMP

Donald Trump: They were from  
wherever they were.



TURNBULL

Tony Abbott: Please, if we can agree  
to stick to the deal, you  
have complete  
discretion in terms of a  
security assessment.

Donald Trump: The numbers are not  
2,000 but 1,250 to  
start. Basically, we are  
taking people from the  
previous administration  
that they were very  
keen on getting out of  
the United States. We  
will take more. We will  
take anyone that you  
want us to take. The  
only people that we do  
not take are people who

come by boat. So we would rather take a not very attractive guy that help you out then to take a Noble [sic] Peace Prize winner that comes by boat. That is the point.



TRUMP

What is the thing with boats? Why do you discriminate against boats? No, I know, they come from certain regions. I get it.



TURNBULL

No, let me explain why. The problem with the boats it that you are basically outsourcing your immigration program to people smugglers and also you get thousands of people drowning at sea. So

what we say is, we will  
decide which people get  
to come to Australia  
who are refugees,  
economic migrants,  
businessmen, whatever.

We decide. That is our  
decision. We are a  
generous multicultural  
immigration nation like  
the United States but  
the government  
decides, the people's  
representatives decides.

So that is the point. I  
am a highly  
transactional  
businessman like you  
and I know the deal has  
to work for both sides.

Now Obama thought  
this deal worked for  
him and he drove a  
hard bargain with us –  
that it was agreed with

Obama more than a year ago in the Oval Office, long before the election. The principles of the deal were agreed to.



TRUMP

I do not know what he got out of it. We never get anything out of it – START Treaty, the Iran deal. I do not know where they find these people to make these stupid deals. I am going to get killed on this thing.



TURNBULL

You will not.



TRUMP

Yes, I will be seen as a weak and ineffective leader in my first week by these people. This is a killer.



TURNBULL

You can certainly say  
that it was not a deal  
that you would have  
done, but you are going  
to stick with it.



TRUMP

I have no choice to say  
that about it. Malcom  
[sic], I am going to say  
that I have no choice  
but to honor my  
predecessor's deal. I  
think it is a horrible  
deal, a disgusting deal  
that I would have never  
made. It is an  
embarrassment to the  
United States of  
America and you can  
say it just the way I said  
it. I will say it just that  
way. As far as I am  
concerned that is  
enough Malcom [sic]. I

have had it. I have been making these calls all day and this is the most unpleasant call all day. Putin was a pleasant call. This is ridiculous.



TURNBULL

Do you want to talk about Syria and DPRK?



TRUMP

[inaudible] this is crazy.  
Thank you for your commitment. It is very important to us.



TRUMP

It is important to you and it is embarrassing to me. It is an embarrassment to me, but at least I got you off the hook. So you put me back on the hook.



TURNBULL

You can count on me. I  
will be there again and  
again.



TRUMP

I hope so. Okay, thank  
you Malcolm.



TURNBULL

Okay, thank you.

END OF CALL

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*Michelle Lee and Glenn Kessler contributed to this report.*

*CLARIFICATION (Aug. 3, 2017): A previous version of this graphic referenced a report from the International Institute of Strategic Studies stating Mexico had the second-highest murder rate among countries at war. The institute has since retracted its study, and the reference to the report has been removed.*



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Source: Staff reports. Top photo of Donald Trump talking to Australian Prime Minister Malcolm Turnbull by Alex Brandon/AP.

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# Exhibit 71



U. S. Department of Justice

Civil Rights Division

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Assistant Attorney General

Washington, D.C. 20530

December 15, 2011

Mr. Bill Montgomery  
County Attorney  
Maricopa County  
301 West Jefferson Street  
Phoenix, AZ 85003

Re: United States' Investigation of the Maricopa County Sheriff's Office

Dear Mr. Montgomery:

We write to report the findings of the Civil Rights Division's investigation into civil rights violations by the Maricopa County Sheriff's Office ("MCSO"). Our initial inquiry began in June 2008, and the investigation has focused on MCSO's compliance with the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 ("Section 14141"), and Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7 and its implementing regulations at 28 C.F.R. § 42.101 *et seq.* ("Title VI"). Section 14141 prohibits law enforcement agencies, such as MCSO, from engaging in activities that amount to a pattern or practice of violating the Constitution or laws of the United States. Title VI and its implementing regulations provide that recipients of federal financial assistance, such as MCSO, may not discriminate on the basis of race, color, or national origin. These laws give the United States the authority to file legal action and obtain the necessary relief to ensure compliance with the Constitution and laws of the United States.

We notified MCSO of our formal investigation in March 2009.<sup>1</sup> During our investigation, aided by four leading police practice experts, one jail expert, and an expert on statistical analysis, we reviewed tens of thousands of pages of documentary evidence; toured MCSO's jails; and interviewed over 400 individuals, including approximately 150 former and current MCSO jail inmates, and more than 75 former and current MCSO personnel, including the Sheriff, the Chief of Enforcement, the Chief of Patrol, the Administrative Investigative Commander, the Sergeant heading MCSO's Criminal Employment Squad, and the Lieutenant heading MCSO's Human Smuggling Unit.

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<sup>1</sup> Our investigation was delayed when MCSO repeatedly refused to provide the United States with access to pertinent material and personnel. After repeated attempts to resolve the dispute short of litigation, the United States filed a lawsuit in September 2010 to secure MCSO's compliance with its legal obligations to provide information pertinent to our investigation. The United States and MCSO eventually resolved this lawsuit in June 2011 after MCSO agreed to provide us with the information and access we had been seeking.

Based upon our extensive investigation, we find reasonable cause to believe that MCSO engages in a pattern or practice of unconstitutional policing. Specifically, we find that MCSO, through the actions of its deputies, supervisory staff, and command staff, engages in racial profiling of Latinos; unlawfully stops, detains, and arrests Latinos; and unlawfully retaliates against individuals who complain about or criticize MCSO's policies or practices, all in violation of Section 14141. MCSO's discriminatory police conduct additionally violates Title VI and its implementing regulations.

We also find reasonable cause to believe that MCSO operates its jails in a manner that discriminates against its limited English proficient ("LEP") Latino inmates. Specifically, we find that MCSO, through the actions of its deputies, detention officers, supervisory staff, and command staff, routinely punishes Latino LEP inmates for failing to understand commands given in English and denies them critical services provided to the other inmates, all in violation of Title VI and its implementing regulations.

The absence of clear policies and procedures to ensure effective and constitutional policing, along with the deviations from widely accepted policing and correctional practices, and the failure to implement meaningful oversight and accountability structures, have contributed to a chronic culture of disregard for basic legal and constitutional obligations.

In addition to the formal findings noted above, we have identified three additional areas of serious concern that, while not warranting a formal pattern or practice finding at this time, require further investigation. First, our investigation revealed a number of troubling incidents involving MCSO deputies using excessive force against Latinos. Second, we observed that MCSO has implemented its immigration enforcement program in a way that has created a "wall of distrust" between MCSO officers and Maricopa County's Latino residents—a wall of distrust that has significantly compromised MCSO's ability to provide police protection to Maricopa County's Latino residents.<sup>2</sup> Third, we have expanded our investigation to encompass a review of serious allegations that MCSO failed to investigate a large number of sex crimes.

Given the systemic nature of MCSO's constitutional violations, effective resolution of this matter will require the development of a comprehensive written agreement along with federal judicial oversight. We prefer to resolve this matter without resort to further litigation, although we will not hesitate to file suit, if necessary. We would like to immediately begin a constructive dialogue about comprehensive and sustainable ways to remedy the identified violations of the Constitution and federal law. Please let us know by close of business on January 4, 2012, if MCSO is interested in having this dialogue. If MCSO is not interested or if we deem that MCSO is not engaged in good-faith efforts to achieve compliance by voluntary means, we are prepared to file a civil action to compel compliance.

In the remainder of this letter, we highlight our factual and legal findings, broadly describe our investigation of MCSO's practices, provide an outline of our factual findings in sufficient detail to give you fair notice of the violations committed, briefly discuss how those

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<sup>2</sup> During one of our interviews, an MCSO deputy used the term "wall of distrust" to describe the adverse effect of MCSO's immigration law enforcement policies on the relationship between MCSO and the Latino community.

factual findings relate to MCSO's violations of federal law, and outline the remedial measures MCSO must undertake to comply with the law.

## SUMMARY OF FINDINGS

### Discriminatory Policing

Our factual findings relating to MCSO's discriminatory police practices include, but are not limited to, the following:

- Based upon a recent statistical study, commissioned by the Department of Justice ("Department"), of MCSO traffic stop activities on Maricopa County roadways, Latino drivers are four to nine times more likely to be stopped than similarly situated non-Latino drivers.
- Our review (which was conducted with the assistance of our expert law enforcement consultants) of all of the traffic-related incident reports generated by MCSO's Human Smuggling Unit ("HSU") over a three-year period showed that roughly one-fifth of the reports, almost all of which involved Latino drivers, contained information indicating that the stops were conducted in violation of the Fourth Amendment's prohibition against unreasonable seizures.
- Individual accounts regarding MCSO deputies stopping Latinos on the basis of their appearance corroborate the use of discriminatory policing practices.
- Our investigation uncovered a number of instances in which immigration-related crime suppression activities were initiated in the community after MCSO received complaints that described no criminal activity, but rather referred, for instance, to individuals with "dark skin" congregating in one area, or individuals speaking Spanish at a local business. The use of these types of bias-infected indicators as a basis for conducting enforcement activity contributes to the high number of stops and detentions lacking in legal justification.

### Discriminatory Jail Practices

With respect to MCSO's jail practices, MCSO sent us a 53-page letter acknowledging its obligations to treat inmates who are limited English proficient ("LEP inmates") in accordance with its obligations under federal law and provided examples of how it allegedly complies with those obligations. However, our investigation uncovered the following:

- MCSO detention officers discriminatorily punish Latino LEP inmates who fail to understand commands given in English by, for example, locking down their pods (which increases the risk of inmate-on-inmate violence), or imposing disciplinary segregation (solitary confinement).
- MCSO detention officers refuse to accept forms completed by Latino LEP inmates in Spanish. Such forms include tank orders, which enable inmates to request basic daily services, and grievance forms, which enable inmates to identify and address alleged

mistreatment. Even in instances when Spanish language requests are accepted, Latino LEP inmates face delays in services for not submitting requests and grievance forms in English.

- MCSO pressures Latino LEP inmates to sign voluntary return forms that implicate constitutional and statutory rights without language assistance.
- Latino LEP inmates are limited in their ability to access important services, such as services enabling early release, and are denied access to basic information about programs and services, since most announcements are made in English only.

### **Findings Pertaining to Both Police and Jail Practices**

- MCSO retaliates against individuals who criticize its police practices, including practices relating to its discriminatory treatment of Latinos, by subjecting its critics to retaliatory detentions and arrests without cause, unfounded civil lawsuits, and other baseless complaints.
- MCSO fosters and perpetuates discriminatory police and jail practices by failing to operate in accordance with basic policing and correctional practices and by failing to develop and implement policing and correctional safeguards against discrimination in such areas as training, supervision, and accountability systems.
- The pervasive nature of MCSO's discriminatory treatment of Latinos reflects a general culture of bias within MCSO.

### **Legal Findings Under Section 14141 & Title VI and its Implementing Regulations**

The evidence uncovered during our investigation supports the following legal conclusions/determinations:

- MCSO discriminates against Latinos by engaging in police practices that violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, Section 14141, Title VI, and the Department's Title VI implementing regulations.
- MCSO discriminates against its Latino LEP inmates on the basis of their national origin in violation of Title VI and the Department's Title VI implementing regulations.
- MCSO engages in a pattern or practice of unlawful seizures, including unjustified stops, detentions, and arrests, of Latinos in violation of the Fourth Amendment to the United States Constitution and Section 14141.
- MCSO engages in a pattern or practice of retaliatory actions against individuals who complain about MCSO's conduct or criticize MCSO's operations and policies,

especially its immigration-related policies, in violation of the First Amendment to the United States Constitution and Section 14141.

## INVESTIGATIVE BACKGROUND

In June 2008, after considering publicly available information, the Civil Rights Division opened a preliminary inquiry into allegations that MCSO was engaged in a pattern or practice of unlawful conduct. The inquiry was unrelated to a previous investigation of Maricopa County jails concerning the excessive use of force against inmates and MCSO's deliberate indifference towards their medical needs.<sup>3</sup> On March 10, 2009, we notified MCSO and Sheriff Joseph Arpaio that we were investigating allegations of discriminatory police practices, unlawful search and seizures, and discriminatory treatment of Latino LEP inmates. Shortly thereafter, MCSO refused to provide the Department with access to pertinent documents, facilities, and personnel. For over eighteen months, MCSO consistently refused to cooperate with our investigation. As a result, we had to assert our right to access pertinent sources of information. On September 2, 2010, the United States filed suit against MCSO under Title VI, its implementing regulations, and the contractual assurances MCSO had entered into with the United States, all of which require MCSO, as a recipient of federal financial assistance, to cooperate with investigations relating to Title VI compliance. During this period, we continued our investigation without the cooperation of MCSO, gathering and reviewing documents from various sources external to MCSO and interviewing numerous Maricopa County residents who provided accounts of being victims of MCSO's discriminatory police practices.

After we filed our Title VI lawsuit, MCSO reversed course, and provided us with the cooperation we had been seeking. MCSO permitted the Department's attorneys and experts to interview Sheriff Arpaio; conduct dozens of interviews, including interviews of command staff, deputies, detention officers, first-line supervisors, and jail inmates. MCSO also allowed tours of its six facilities and responded to our original document requests. Moreover, under the terms of a court-enforceable agreement entered into on June 2, 2011, MCSO committed itself to providing the Department with any remaining access the Department needed in order to complete its investigation.

Our findings are based on the information we received prior to and as a result of our Title VI suit and subsequent agreement, including reviewing official documents and interviewing numerous MCSO officials and Maricopa County residents. In addition, our findings incorporate the analysis of experts, including four current and former police executives with extensive knowledge of policing standards and practices, a correctional expert with substantial experience as a correctional administrator and a jail and prison auditor, and a statistician with extensive experience reviewing police practices.

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<sup>3</sup> In August 1995, the Civil Rights Division initiated an investigation to determine whether conditions at MCSO jails violated inmates' constitutional rights, pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 *et seq.* We concluded that unconstitutional conditions existed at the jails with respect to (1) the use of excessive force against inmates and (2) deliberate indifference to inmates' serious medical needs. An agreement between the United States and MCSO was reached in October 1997.

## FACTUAL FINDINGS

We find that MCSO deputies, detention officers, supervisory staff, and command staff, including Sheriff Arpaio, have engaged in a widespread pattern or practice of law enforcement and jail activities that discriminate against Latinos. This discrimination flows directly from a culture of bias and institutional deficiencies that result in the discriminatory treatment of Latinos.

### A. Discriminatory Police Practices

Both the Constitution and Title VI prohibit intentional discrimination on the basis of race, color, or national origin. In addition, Title VI's implementing regulations ban recipients of federal funds from engaging in activities that have a discriminatory effect on the basis of race, color, or national origin.

It is MCSO's prerogative to establish enforcement priorities. At the same time, in the course of implementing its enforcement priorities, MCSO must comply with the Constitution and laws of the United States. Since roughly 2007, in the course of establishing its immigration enforcement program, MCSO has implemented practices that treat Latinos as if they are all undocumented, regardless of whether a legitimate factual basis exists to suspect that a person is undocumented. By emphasizing its immigration enforcement efforts without following basic policing protocols and without implementing any meaningful safeguards against discriminatory police practices, MCSO has engaged in a series of practices that have adversely and disproportionately impacted Latinos. While MCSO has undergone some recent changes in its command staff, these problems have continued, and we have observed no substantive changes in MCSO's policies, protocols, or policing practices.

First, MCSO deputies target Latino drivers. A statistical analysis of MCSO's traffic stops made since the initiation of MCSO's immigration enforcement program—which is dominated by the use of pretextual stops—shows that MCSO's enforcement practices have a discriminatory impact on Latino drivers. We had a leading expert on measuring racial profiling through statistical analysis examine MCSO traffic stops. The expert found that Latino drivers were between four to nine times more likely to be stopped than similarly situated non-Latino drivers. Overall, the expert concluded that this case involves the most egregious racial profiling in the United States that he has ever personally seen in the course of his work, observed in litigation, or reviewed in professional literature.

Second, MCSO's HSU, which purportedly focuses on interdicting both human smugglers and their victims, engages in unlawful conduct in its attempts to enforce immigration-related laws. HSU deputies stop, detain, and/or arrest Latino drivers without adequate cause. When we reviewed all of the traffic-related incident reports generated by HSU from March 2006 to March 2009, we found that roughly 20% of the reports contained information indicating that the stops, almost all of which involved Latino drivers, were conducted without reasonable suspicion or probable cause. Further, HSU's enforcement actions rarely result in human smuggling arrests. During our interviews, an HSU deputy stressed that his unit conducts a “ton of stops” and he estimated the “hit rate” (success rate as measured by frequency of smuggling arrests) to be at 10% to 15%. Accordingly, 85% to 90% of the vehicles HSU stops purportedly based on suspicion of immigration violations have, at most, committed a traffic violation. Pretextual stops

motivated by racial bias, or that are the result of a policy targeting a protected group, are impermissible. The typical characteristic of HSU's enforcement efforts is, therefore, the targeting and harassment of Latino drivers rather than the effective enforcement of immigration law, an element of MCSO's overall pattern of discrimination against Latinos in Maricopa County.

Third, witness accounts are consistent with the data: MCSO's immigration enforcement practices are unconstitutional and are harming innocent Latinos. Below are just two of the many examples we discovered during our investigation:

- A.A., a legal resident of the United States who is Latino, was pulled over by an MCSO deputy in June 2008, during a crime suppression operation in Mesa, due to an alleged failure to use his turn-signal. The deputy requested that A.A. provide a driver license and other documents. A.A. did not produce a driver license, but did provide the deputy with an Arizona identification card, a valid work visa, a Social Security card, and a Mexican passport. Without any evidence that A.A. had engaged in criminal activity, the deputy instructed him to sit on the curb of the street for 15 minutes. The deputy then placed A.A. under arrest for failing to provide any type of proper identification, even though A.A. had provided him with multiple documents in satisfaction of the Arizona law regarding unlicensed drivers. A.A. was incarcerated for 13 days before his citation was dismissed.
- B.B., a legal resident of the United States, and his 12 year-old son, a U.S. citizen, are both Latino. In May 2009, a group of MCSO deputies conducted a raid of a house neighboring B.B.'s home that the deputies suspected of being a "drop house" for human smuggling. At some point during the raid, two of the MCSO deputies involved entered A.A.'s home after obtaining consent to enter. Without obtaining consent to search, the deputies searched the home without a warrant. Although they found no evidence of criminal activity in the house, the MCSO deputies proceeded to handcuff both B.B. and his son with plastic zip-ties and remove them from their home. The deputies directed both to sit on the sidewalk next to approximately ten other individuals who had been removed from the neighboring house. MCSO released B.B. and his son without any citation after detaining them with restraints for more than an hour.

Fourth, we find that MCSO's regular and highly publicized "crime suppression" operations adversely impact Latinos. During these operations, which often use vast numbers of personnel for many hours and which one MCSO lieutenant referred to as "round-ups of illegal aliens," deputies are encouraged to make high-volume pretextual traffic stops in targeted locations. We have identified and interviewed Latinos who, though legally present in the United States, were arrested or detained without cause as a consequence of these operations.

Fifth, MCSO's Criminal Employment Squad ("CES") deputies, tasked with interdicting undocumented persons by enforcing state forgery and identity theft statutes, routinely raid businesses in a manner that harms innocent Latino workers. Specifically, CES's deputies typically detain and investigate the immigration status of all employees at a raided worksite,

whether or not the employees are listed in the warrant authorizing the raid. The CES targets worksites where most, if not all, of the employees are Latino.

Sixth, MCSO makes use of unverified tips and/or constituent complaints about the presence of Latinos that are infected with bias against Latino persons, but contain no credible information concerning criminal activity or immigration violations, in selecting sites for immigration enforcement operations. This practice too has had a disparate and adverse impact on Maricopa County's Latino residents. For example:

- Sheriff Arpaio received a letter in August 2008 expressing dismay that the employees of a Sun City McDonald's did not speak English and suggesting that Sheriff Arpaio should "check this out" and "check out Sun City." Because the letter only alleged that a business had Spanish-speaking employees, the only basis it provided for a police response was the biased assumption that speaking Spanish was indicative of undocumented status. Though the letter did not describe unlawful conduct of any kind, Sheriff Arpaio wrote a note on the letter directing a response thanking the writer "for the info" and stating that he would "look into it." Sheriff Arpaio also forwarded the letter to MCSO Enforcement Chief Brian Sands with the handwritten instruction "for our operation." Two weeks later, MCSO conducted an immigration operation in Sun City.
- Sheriff Arpaio also received a letter in May 2008 complaining that police had not stopped day laborers in Mesa "in order to determine whether these day laborers are here under legitimate circumstances" although the writer of the letter "believe[d] that they were in the country illegally." Sheriff Arpaio marked the quoted sections of the letter, believing them to be "intelligence," and forwarded the letter to Chief Sands. Sheriff Arpaio later testified that being a day laborer is not a crime. Sheriff Arpaio then received a similar letter later that month stating that Mesa needed "a sweep . . . terribly" and accusing specifically Latino members of MCSO and the Mesa Police Department of negligence in pursuing "illegals." Sheriff Arpaio directed that a thank you letter be written, noted that "I will be going into Mesa," and forwarded the letter to Chief Sands. Chief Sands later testified that he assumed that the letter's author correlated undocumented persons with "dark-complected people." Despite the bias evident in both letters, MCSO conducted crime suppression operations in Mesa on June 26-27, 2008, and on July 14, 2008.

Seventh, we note that MCSO's prioritization of immigration enforcement may have compromised its ability to secure the safety and security of Maricopa County residents. Since MCSO shifted its focus toward combating illegal immigration, violent crime rates in the county have increased significantly as compared to similarly situated jurisdictions.<sup>4</sup> From 2004 to the

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<sup>4</sup> Clint Bolick, *Mission Unaccomplished: The Misplaced Priorities of the Maricopa County Sheriff's Office*, 229 Goldwater Institute Policy Report, Dec. 2, 2008, at 1 (citing FBI Uniform Crime Reporting Statistics); See also Ryan Gabrielson & Paul Giblin, *Reasonable Doubt*, East Valley Tribune (July 9-13, 2008), [http://www.eastvalleytribune.com/special\\_reports/reasonable\\_doubt/](http://www.eastvalleytribune.com/special_reports/reasonable_doubt/); Jacques Billeaud, *Critics: 'Tough' Sheriff Botched Sex-Crime Cases*, Associated Press (Dec. 4, 2011), <http://abcnews.go.com/US/wireStory/critics-tough-sheriff-botched-sex-crime-cases> (reporting that MCSO failed to adequately investigate approximately 70 in El

end of 2007, reported violent crimes grew by over 69 percent, including a 166 percent increase in homicides over the three-year period.<sup>5</sup> Since 2008, violent crime rates have remained at roughly the same level in Maricopa County, while dropping by over 10 percent in similarly situated jurisdictions.<sup>6</sup>

## B. Discriminatory Language Access Jail Practices

The national origin discrimination prohibited by Title VI and its implementing regulations includes practices and procedures that deny meaningful access to linguistic minorities subject to the jurisdiction of a federally funded recipient. MCSO, through its correctional officers, supervisory staff, and command staff, implements language access practices that have a discriminatory impact on Latinos (who make up the vast majority of MCSO's LEP inmates). In its June 2010 Position Statement, MCSO acknowledged the importance of communicating with Spanish-speaking inmates in Spanish: "Because of the large number of Spanish speaking inmates, the use of Spanish is not only important to everyday communication, it is essential to the overall operation of the jails and the safety of the inmates and officers." Nonetheless, MCSO's language access practices fall far short of what is required and disproportionately harm Latinos in a number of ways.

First, our investigation revealed that officers have refused to accept forms completed by LEP inmates in Spanish, including tank orders, which contain requests for the most basic daily jail services, and grievance forms, which enable inmates to identify and address alleged mistreatment. In one incident, an inmate reported that a detention officer told him: "This is America. You have to fill [your tank order] out in English." Detention officers confirmed that comments like these were made by fellow officers. In addition, four detention officers admitted that they do not accept inmate requests written in Spanish. One detention officer recounted that she returns tank orders submitted to her in Spanish and instructs the inmate to obtain an English translation.

Second, Latino LEP inmates are told to sign important forms written in English without the aid of appropriate language assistance. For example, witnesses report that MCSO officials pressure Latino LEP inmates to sign English language voluntary return forms by yelling at them, routinely failing to advise them of their rights, and confining them in uncomfortably cold cells for extended periods of time. Although signing a voluntary return form may allow an individual to avoid a formal order of removal—a type of expulsion from the United States that carries more severe immigration consequences for the expelled individual—a person who signs a voluntary return form has agreed, in effect, to leave the United States without attempting to (or working with an attorney to attempt to) assert any rights he or she may have to stay.

<sup>5</sup> Mirage and more than 400 countywide, respectively, sex-crimes—including dozens of child molestations—during a three-year period ending in 2007).

<sup>6</sup> Bolick, *supra* note 4, at 4.

<sup>6</sup> FBI Uniform Crime Reporting Statistics for MCSO, Mesa Police Department, and Phoenix Police Department, <http://www.ucrdatatool.gov/>.

Third, detention officers punish, directly and indirectly, Latino LEP inmates for their inability to fully understand or fluently speak English. For instance, the inability of one Latino LEP inmate to understand a command given in English can result in the confinement (“lockdown”) of an entire house or pod. Lockdowns are sometimes in effect for as long as 72 hours. When a lockdown is ordered, inmates must return to their cells and are denied access to the visitor area, canteen recreation area, television, non-legal telephone calls, and inmate programs. Punishing other inmates for a Latino LEP inmate’s inability to understand English commands endangers the LEP inmate. A Latino LEP inmate’s inability to understand a detention officer’s English language instructions also can result in the detention officer sending the inmate into disciplinary segregation, commonly referred to as being sent to the “hole.” Inmates sent to the hole are confined 23 hours each day, and are denied non-legal telephone use, regular visits, television, program participation (including church services), and access to the canteen (except hygiene items). Such disciplinary actions are especially troubling when considering that many Latino LEP inmates reported that they never received a copy of the Inmate Rules and Regulations, or did not receive a copy in a language they could comprehend, denying them a basic understanding of jail policies.

Fourth, MCSO discriminates against Latino LEP inmates by failing to provide them with equal access to a range of services, opportunities, and benefits available to other inmates. For example:

- Detention officers have denied requests for new clothes or sheets when items are soiled because the inmates made the request in Spanish. One Latino LEP inmate attempted to use a fellow inmate as an interpreter to explain that her sheets were soiled. The detention officer refused the request, insisting that the inmate had to make the request herself in English.
- Latino LEP inmates are frequently denied access to basic information about programs and services as most announcements are made in English only, including announcements about recreation and the collection of grievances.
- Latino LEP inmates have been denied the opportunity to serve in trustee-type positions whereby certain inmates assist with daily tasks in the jails, which adversely impacts the LEP inmates because inmates selected to perform these chores typically receive preferential treatment, such as additional food, a change of clothes, and greater freedom of movement.
- Latino LEP inmates are denied access to important activities, including access to a program that enables inmates to obtain early release by performing community service.

### C. Direct Evidence of Discriminatory Bias

We find a pervasive culture of discriminatory bias against Latinos at MCSO that reaches the highest levels of the agency. Supervisors of MCSO’s police operations, including at least one directly involved in supervising the HSU, have sent emails that demean and express derision for Latinos to fellow command staff members, deputies, and posse volunteers, often using county

email accounts. One email mocks individuals of Mexican national origin by including as an attachment a faux driver license issued to an individual caricatured to be Mexican and designated as originating from “Mexifornia,” with a driver class of “illegal alien.” Yet another email contains two pictures purporting to illustrate the difference between “Indian Yoga” and “Mexican Yoga,” contrasting a picture of a man in a yoga pose and an apparently inebriated man prone on the ground.

In MCSO’s jails, detention officers direct racial slurs at Latino inmates. Detention officers also insult or ignore Latino inmates when they attempt to communicate in Spanish. A detention officer confirmed that officers on her shift frequently tell Latino LEP inmates to speak in English. Other detention officers observed similar hostility: detention officers learn curse words in Spanish, enabling them to swear at Latino inmates, and report hearing staff using slurs when referring to Latino persons. Our investigation also found that MCSO detention officers call Latinos “wetbacks,” “Mexican bitches,” “fucking Mexicans,” and “stupid Mexicans” when either talking among themselves or addressing Latino inmates.

Sheriff Arpaio’s own actions have helped nurture MCSO’s culture of bias. For example, Sheriff Arpaio has frequently distributed racially charged constituent letters, annotating the letters with handwritten notes that appear to endorse the content of the letter, circulating the letters to others on the command staff, and/or saving the letters in his personal file. Many of these letters contain no meaningful descriptions of criminal activity—just crude, ethnically derogatory language about Latinos. For example, Sheriff Arpaio received a letter asking him to do a “round-up” at 29th Street and Greenway in Phoenix. The letter justified the requested police action by asserting that “[i]f you have dark skin, then you have dark skin. Unfortunately, that is the look of the Mexican illegals who are here illegally.” Instead of ignoring the request to focus on “dark-skin[ned]” people, Sheriff Arpaio, believing that the letter was relevant “intelligence,” passed it on to a member of his command staff with a note instructing him to “[h]ave someone handle this.” Labeling as “intelligence” a letter explicitly equating skin color with law-breaking and instructing a subordinate to address it are striking examples of how Sheriff Arpaio has promoted a culture of bias in his organization and clearly communicated to his officers that biased policing would not only be tolerated, but encouraged.

#### **D. Departures from Policing and Correctional Standards and Procedures**

MCSO has adopted and maintained deficient policies and procedures that depart from policing and correctional standards and lead to violations of constitutional and federal rights. We find that MCSO’s oversight and accountability, training in non-biased policing, and policies for deputy conduct substantially depart from generally accepted policing standards. MCSO’s practices are often most egregiously deficient where they directly relate to MCSO’s immigration enforcement program.

Contrary to standard policing practices throughout the country, MCSO supervisors have made a variety of statements undervaluing the usefulness of statistics and data collection for effective law enforcement. MCSO does not require deputies on patrol to keep a log of their activities, but instead requires them only to enter a highly limited amount of data into the Computer Aided Dispatch system and to produce records only for their citations and arrests. Consequently, whenever one of its deputies stops a motorist without issuing a citation, MCSO

cannot review the basis for the stop, nor can it directly track the ethnicity of the stopped driver. MCSO's decision to allow its deputies to go about their traffic work without having to report many of their stops ensures that MCSO will be unable to properly monitor its deputies' traffic work or identify officers engaged in racial profiling. In the jails, MCSO has no reliable practice of documenting which inmates are LEP, leaving detention officers to guess at the language needs of the inmates.

MCSO has failed to put in place meaningful oversight and accountability structures. Such structures include systems for documenting deputy or detention officer activity and for handling complaints. MCSO departs significantly from generally accepted policing standards in its implementation of these systems. With respect to complaints, MCSO has a policy of routing all misconduct complaints to the immediate supervisor of the deputy involved. The first-line supervisor then has discretion to close the investigation without any further involvement from the command structure or Internal Affairs and without further documenting the complaint in any way. Consequently, MCSO does not track complaints directed at deputies or units within the organization. Further, because deputy misconduct often reflects poorly on the actions or inactions of the first-line supervisor, MCSO's system of relying on first-line supervisors places the critical determination of whether to go forward with an investigation in the hands of someone who has an inherent conflict of interest in having a matter thoroughly investigated.

The complaint process is also substandard in the jails. When inmates file grievances against detention officers, it is common practice for the detention officer named in the complaint to resolve the grievance by pressuring the inmate to sign a release, resulting in no further review of the complained-of activity.

Contrary to standard law enforcement practices, MCSO neither offered nor required training on how to avoid engaging in biased policing until as recently as 2010 (well over a year after we notified MCSO of the commencement of our investigation into biased police practices). While MCSO provided us with rosters showing that most of its deputies have now completed the training, most of the deputies and supervisors we interviewed in January 2011, including those routinely engaged in immigration enforcement policing, either stated that they had never received the training or that they had little to no recollection of what the training was about.

Just as MCSO failed to provide training on how to avoid biased policing, MCSO's training on how to work with LEP inmates has been inadequate. Although there is one reference to language barriers in the MCSO Jail Diversity curriculum, the material is so scant that a detention officer who completed the training just several months prior to his interview did not recall any instruction on the subject.<sup>7</sup>

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<sup>7</sup> In a July 28, 2011, submission to the Civil Rights Division, MCSO counsel provided a draft copy of a June 2011 PowerPoint entitled "Limited English Proficiency" and an undated nine-page draft "Lesson Plan: Limited English Proficiency." This revised curriculum fails to address many of the deficiencies in MCSO's language service provisions identified in this letter, including, for example, the failure to instruct non-Spanish speaking detention officers on how to make announcements in Spanish, translate inmate forms filled out in Spanish, and communicate with inmates in housing units where the Language Line is unavailable.

The most egregious deviations from policing norms relate to the way in which MCSO operates the two units most directly involved in its immigration enforcement activities, HSU and CES. Standard police procedures require MCSO to provide additional oversight over the activities of these two units because of the sensitive nature of their work. But MCSO has provided deputies in these units with little in the way of policy guidance, training, or oversight. For example, HSU relies heavily on pretextual stops, but has no meaningful policies discussing when pretextual stops are appropriate, their legality, or any other aspect of their conduct. As such, MCSO has failed to appreciate the need to develop critical protocols to ensure compliance with important constitutional and statutory requirements.

With regard to correctional standards, MCSO has failed to meet its LEP obligations under Title VI, the regulations implementing Title VI, or the standards that MCSO set for itself to satisfy these obligations. On June 14, 2010, over a year after we had informed MCSO of our investigation into its treatment of Latino LEP inmates, MCSO issued a Position Statement in which it represented to the United States that it had taken a number of measures to ensure language access for its LEP inmates. However, when we toured MCSO's jail facilities in January 2011, we discovered that the Statement was inconsistent with the actual state of affairs at the jails. For example, contrary to the Statement's representations, detention officers refused to accept written requests by inmates in Spanish, failed to use or rely upon a Foreign Language Skills Roster, and continued to rely on inmates to provide other inmates with language assistance. They also failed to use an available telephonic interpretation service or to request bilingual colleagues to assist them in communicating with LEP inmates. We find that MCSO's practice of relying on inmates to interpret or translate is dangerous for both inmates and detention officers and is a departure from generally accepted correctional practices.

#### **E. Retaliatory Actions**

We find that MCSO command staff and deputies have engaged in a pattern or practice of retaliating against individuals for exercising their First Amendment right to free speech. Under the direction of Sheriff Arpaio and other command staff, MCSO deputies have sought to silence individuals who have publicly spoken out and participated in protected demonstrations against the policies and practices of MCSO—often over its immigration policies. MCSO command staff and deputies have arrested individuals without cause, filed meritless complaints against the political adversaries of Sheriff Arpaio, and initiated unfounded civil lawsuits and investigations against individuals critical of MCSO policies and practices.

- One of the victims of MCSO's retaliatory practices is C.C., an organizer with an immigration rights community organization who for several years has engaged in public speech critical of MCSO's practices and its treatment of Latinos. On July 29, 2010, C.C. participated in a peaceful protest against MCSO. During the course of the protest, MCSO arrested him and charged him with failure to obey a police officer and blocking a public thoroughfare. C.C. was released that night. On July 30, 2010, C.C. stood across the street from the Lower Buckeye Jail watching another protest. A video recording of the incident shows six or more MCSO deputies approaching and then arresting C.C., who was simply standing with his hands by his side at the time. Chief Sands stated that C.C. was arrested for violating his order of release. As the

incident unfolded, Sheriff Arpaio posted a series of approving messages on a social networking site.

C.C. was detained at the Fourth Avenue Jail, pending his initial court appearance, and not allowed to speak to his attorney while there. MCSO deputies charged him with obstructing a judicial proceeding, but on August 3, 2010, then-Maricopa County Attorney Rick Romley dropped the charge, admitting that there was no probable cause for the arrest.

MCSO deputies also retaliated against members of Maricopa Citizens for Safety and Accountability (“MCSA”), an organization highly critical of what they called MCSO’s discriminatory treatment of Latinos. In December 2008, during two separate public meetings of the County Board of Supervisors, MCSO deputies arrested members of MCSA when the MCSA members attempted to express their opposition to certain MCSO actions. The individuals arrested were all charged with criminal trespassing, and some were also charged with disorderly conduct. None of the charges resulted in convictions, and those charged subsequently filed a lawsuit against Maricopa County and MCSO for wrongful arrest, malicious prosecution, and civil rights violations. On July 6, 2010, the parties reached a mediated settlement.

Finally, MCSO officials have resorted to using official harassment to silence MCSO’s critics. Between October 2007 and November 2009, former Chief Deputy David Hendershott filed, in his official capacity, unfounded complaints with the Arizona State Bar against five attorneys, alleging that they had engaged in ethical violations. Each of the complaints was filed against individuals who made public statements critical of MCSO’s jail policies, investigatory tactics, and/or police practices.

Similarly, on November 30, 2009, Hendershott, acting in his official capacity, filed four complaints with the Arizona Commission on Judicial Conduct against judges who had made critical public comments about MCSO and Sheriff Arpaio or had rendered decisions detrimental to MCSO’s interests. All of these bar and judicial complaints were dismissed as insufficient to warrant even an investigation.

In a related action, Sheriff Arpaio participated as a named plaintiff in a civil federal racketeering suit filed against the same judges targeted by Hendershott, as well as a number of other County officials. The claims against the judges echoed those claims in the complaints filed by Hendershott. The suit was eventually abandoned.

The arrests and harassment undertaken by MCSO have been authorized at the highest levels of the agency and constitute a pattern of retaliatory actions intended to silence MCSO’s critics.

#### **F. Additional Areas of Serious Concern**

In addition to the violations of the Constitution and federal law described above, there are three additional areas of serious concern where, at the moment, we do not make a formal pattern or practice finding, but our review continues. These areas of concern are:

- Use of excessive force against Latinos;
- Reduction of policing services to the Latino community; and
- Gender and/or national origin bias by failing to adequately investigate sex crimes.

These three issues are of concern standing alone and may also relate to our ultimate findings concerning MCSO's discriminatory police practices. A deliberate failure to provide policing services, or a deliberate indifference to public safety needs of certain communities, implicates important constitutional protections and can compromise public safety and undermine public confidence in MCSO. It does not matter for the purposes of the Constitution and federal laws whether it is an act of commission or omission.

With regard to use of force, our investigation revealed multiple instances of MCSO deputies using excessive force, a troubling trend made more problematic by MCSO's failure to have in place meaningful systems of accountability and supervision. Such systems are also crucial components in deterring and addressing the use of excessive force, and their absence is a glaring flaw in MCSO's institutional practices relating to the use of force. MCSO's use of excessive force may constitute a pattern or practice of Fourth Amendment violations under Section 14141, and our investigation into this conduct is ongoing.

- In February 2009, D.D., a Latino U.S. citizen, was driving home when a trailing MCSO deputy turned on his emergency lights to signal a traffic stop, allegedly for a failed brake light on D.D.'s vehicle. The MCSO deputy did not activate his siren, and D.D. drove the remaining short distance to his house because he feared how the MCSO deputy would treat him because of his Latino ethnicity. When D.D. exited his car, the MCSO deputy purposefully struck D.D. with his patrol car, pinning D.D. under the vehicle and dragging him for more than ten feet. The MCSO deputy did not attempt to remove D.D., and instructed other arriving deputies to "leave him there." D.D. was eventually extracted by the local fire department. The deputy's actions caused serious injury, including broken bones, burns, and other injuries. D.D. sued MCSO for his injuries; the lawsuit was eventually settled for \$600,000. The MCSO deputy claimed that the incident was an accident arising from D.D. attempting to flee his vehicle. MCSO arrested the deputy, and he was charged with aggravated assault.
- In May 2009, an MCSO deputy stopped E.E., a Latino U.S. citizen, after E.E. picked up a Latino day laborer. The deputy told E.E. that he had pulled him over for speeding, but E.E. suspected that he had been pulled over because of his and his passenger's Latino ethnicity. E.E. questioned the deputy's reason for pulling him over. The deputy, along with other MCSO deputies who had arrived on the scene, responded by forcibly removing E.E. from his vehicle, twisting his arm, head, and neck and causing E.E. to fall and hit his face on the pavement. The MCSO deputies kept E.E. on the ground, handcuffed him, and searched him. E.E. was bleeding from multiple lacerations to his face, and experienced neck and back pain from the holds the MCSO deputies had used to remove him from his vehicle. E.E. was ultimately taken to a medical facility where he received treatment for injuries to his face, neck, shoulder, and back. E.E. was never charged with any offense that might explain the officers' use of force. Instead, E.E. was charged with criminal speeding and failure to produce identification. Both of these charges were eventually dropped.

We continue to investigate whether MCSO has implemented its immigration enforcement program with deliberate indifference to the way in which the program compromises MCSO's ability to provide effective policing services to Maricopa County's Latino population. There are indicators that MCSO has undermined its own ability to engage in effective policing in the Latino community. Much of a modern-day police agency's effectiveness is predicated on building a relationship of trust with all segments of the community. MCSO has done almost nothing to build such a relationship with Maricopa County's Latino residents. The absence of trust has substantially compromised effective policing by limiting the willingness of witnesses and victims to report crimes and speak to the police about criminal activity.

MCSO deputies we interviewed admitted that the immigration enforcement program, which lacks basic accountability and quality control measures and is characterized by wide-ranging and poorly planned "crime suppression" operations, has adversely affected their ability to obtain information and cooperation from the County's Latinos. One deputy informed us that MCSO's "aggressive" immigration interdiction efforts create a "wall of distrust" that divides the Latino community and MCSO. Another deputy was told by his supervisors to expect that he would encounter hostility from people who believed they were being stopped because of their ethnicity. A different MCSO deputy bemoaned the impact of MCSO's immigration-related operations, stressing that they "affect our ability to work in a community that hates you." The Police Executive Research Forum, an independent, national organization made up of police executives, interviewed a number of law enforcement officers in Maricopa County who believe that MCSO has enforced immigration laws in a way that has poisoned the relationship between law enforcement and Latinos, hindering general law enforcement efforts within the Latino community.<sup>8</sup> Our investigation further found no evidence that MCSO has acted to improve its relationship with the Latino community, preferring instead to simply continue the practices that have compromised its effectiveness in the Latino community.

Finally, we are continuing our review of allegations that MCSO has failed to investigate a large number of sex crimes.<sup>9</sup> The Sheriff's office has acknowledged that 432 cases of sexual assault and child molestation were not properly investigated over a three-year period ending in 2007.<sup>10</sup> These cases only came to light after a review by the El Mirage Police Department of a period in which MCSO was under contract to provide policing services to that community. It appears that many of the victims may have been Latino. If established, this may constitute a failure to provide police services in a manner that constitutes gender and/or national origin discrimination in violation of the Equal Protection guarantee of the United States Constitution.<sup>11</sup> Our review will not be limited to the pre-2007 cases, but include any allegations that the practice continued after that time.

<sup>8</sup> Debra A. Hoffmaster, *et al.*, *Police and Immigration: How Chiefs are leading their communities through the challenges*, Police Executive Research Forum 39 (2010).

<sup>9</sup> Gabrielson, *supra* note 4; Billeaud, *supra* note 4.

<sup>10</sup> *Sheriff Joe Arpaio apologizes for botched El Mirage sex-crime cases*, Associated Press, Dec. 5, 2011, <http://www.azcentral.com/news/articles/2011/12/05/20111205arpaio-apologizes-botched-cases.html>.

<sup>11</sup> See Investigation of the New Orleans Police Department, U.S. Department of Justice, Civil Rights Division., pp. 43-49. March 16, 2011, <http://www.justice.gov/crt/about/spl/nopd.php>.

## LEGAL DISCUSSION

### A. Discriminatory Policing

Section 14141, a provision of the Violent Crime Control and Law Enforcement Act of 1994, grants the United States a cause of action to sue a state or local government for equitable and declaratory relief when a “governmental authority . . . engage[s] in a pattern or practice of conduct by law enforcement officers . . . that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.”

An agency such as MCSO violates the Equal Protection Clause when its decision-maker adopts a facially neutral policy or practice with a discriminatory intent, and that policy or practice has a discriminatory effect. *Washington v. Davis*, 426 U.S. 229, 239-40 (1976). While discriminatory intent need not be the only motive, an Equal Protection violation occurs when the circumstantial evidence shows that a policy at issue was adopted “because of, not merely in spite of, its adverse effects upon an identifiable group.” *Personnel Adm’r of Mass. v. Feeney*, 442 U.S. 256, 279 (1979). To assess whether intentional discrimination infected the decision-making process, courts look to the totality of the circumstances with particular attention to factors that the Supreme Court has identified as most probative of discriminatory intent. *Village of Arlington Heights v. Metro. Hous. Redev. Corp.*, 429 U.S. 252 (1977). Those factors include: evidence of discriminatory effect; evidence of departures from normal procedures; the specific sequence of events that led to the discriminatory practices at issue; and contemporaneous statements from a decision-maker that reveal a discriminatory intent. *Id.* at 266-68.

As described above, our investigation uncovered substantial evidence of the kind identified by the Supreme Court in *Arlington Heights*, showing that Sheriff Arpaio has intentionally decided to implement his immigration program in a manner that discriminates against Latinos. Our evidence further shows that discrimination against Latino persons exists in a wide range of MCSO practices. We have obtained compelling statistical evidence showing that MCSO deputies routinely stop Latinos at much higher rates than similarly situated non-Latinos on Maricopa County roadways. This evidence speaks directly to both the discriminatory effects and discriminatory motives of MCSO deputies engaged in traffic enforcement. It is difficult to conceive of any valid, non-discriminatory explanation for stopping Latino drivers at a rate that is four to nine *times* higher than the rate for similarly situated non-Latino drivers. In addition to this statistical evidence, other data and witness statements show that MCSO deputies, particularly members of the HSU or the CES, frequently detain and/or arrest Latino drivers without cause. Additionally, the evidence of a culture of bias at MCSO discussed above directly relates to the impermissible motives behind the actions of MCSO’s deputies. For these and other reasons, the evidence establishes that MCSO is engaged in a pattern or practice of Equal Protection violations.

Discriminatory law enforcement activities are likewise prohibited by Title VI. Title VI provides that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving [f]ederal financial assistance.” 42 U.S.C. § 2000d. In addition, Title VI’s implementing regulations proscribe “criteria or methods of administration” that exert a discriminatory effect on the basis of race, color, or national origin.

28 C.F.R. § 42.104(b)(2). For the reasons detailed in the findings section above, the evidence obtained to date establishes that MCSO has violated the aforementioned regulation.

#### B. Unreasonable Seizures

We conclude that MCSO has engaged in a pattern or practice of conduct by its law enforcement officers that has deprived many of Maricopa County's Latino residents of their right, under the Constitution's Fourth Amendment, to be "secure in their persons, houses, papers, and effects, against unreasonable . . . seizures." U.S. Const. amend. IV. "The 'general Fourth Amendment approach' requires courts to examine the totality of the circumstances to determine whether a . . . seizure is reasonable." *United States v. Guzman-Padilla*, 573 F.3d 865, 876 (9th Cir. 2009) (quoting *United States v. Knights*, 534 U.S. 112, 118 (2001)). To qualify as "reasonable," arrests must be based on probable cause to believe that an arrestee has or is committing a crime, and even brief detentions, such as traffic stops, must be based on reasonable suspicion of criminal activity. *See Terry v. Ohio*, 392 U.S. 1, 20-21 (1968). Reasonable suspicion, at a minimum, means "a particularized and objective basis for suspecting the particular person stopped of criminal activity." *United States v. King*, 244 F.3d 736, 738 (9th Cir. 2001).

In this instance, we have both data and witness statements showing that MCSO deputies, in the course of engaging in immigration-related enforcement activities, frequently stop or arrest Latinos without either probable cause or reasonable suspicion. As discussed above, the HSU arrest reports we analyzed provide us with reasonable cause to believe that HSU officers routinely stop Latino motorists without appropriate cause. Moreover, there are a number of other practices related to MCSO's immigration enforcement program that frequently result in Fourth Amendment violations. For example, our investigation revealed that CES deputies typically detain *all* those present within the vicinity of the business they are raiding. In certain instances, these mass detentions of innocent individuals have lasted for extended periods of time, and, in at least one case, lasted for roughly two hours. These types of prolonged detentions of innocent individuals without specific evidence of criminal activity constitute Fourth Amendment violations. *See Ganwich v. Knapp*, 319 F.3d 1115, 1121 (9th Cir. 2003).

#### C. Discriminatory Jail Practices

Title VI authorizes the United States to initiate civil litigation in federal court for injunctive relief against a recipient of federal financial assistance whose program or activity violates Title VI or its implementing regulations. 42 U.S.C. § 2000d-1; 28 C.F.R. § 42.108. MCSO's language access procedures violate Title VI if MCSO maintains those procedures to intentionally discriminate against Latinos on the basis of their national origin or if the procedures have a discriminatory effect on Latinos. 28 C.F.R. § 42.104(b)(2); *N.Y. Urban League, Inc. v. New York*, 71 F.3d 1031, 1036 (2d Cir. 1995). In this instance, MCSO's language access procedures and practices are intentionally discriminatory and have a discriminatory effect.

Our investigation demonstrates that MCSO's language access procedures intentionally discriminate against Latinos. There is substantial evidence that biases against Latinos have played a role in MCSO's decision to maintain its current language access practices and procedures. MCSO has been on notice for many years of its legal obligation to treat LEP

inmates in a non-discriminatory manner. In 2002, the Department of Justice issued non-discrimination/LEP language access standards applicable to the correctional functions of law enforcement agencies receiving federal financial assistance, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 Fed. Reg. 41,455 (June 18, 2002). When accepting grants from the Department, MCSO officials signed assurances promising to abide by Title VI, including an assurance in which MCSO agreed that, “[p]ursuant to Department of Justice guidelines (June 18, 2002 Federal Register (Volume 67, Number 117, pages 41455-72)), under Title VI of the Civil Rights Act of 1964, it will ensure meaningful access to its programs and activities by persons with limited English proficiency.” In March 2009, we informed MCSO that we were investigating allegations that its language assistance program in its jails discriminated against Latino LEP inmates, thereby putting MCSO on notice that the United States had received complaints articulating serious concerns relating to its language access program. Finally, grievances filed by Latino LEP inmates, particularly regarding the lack of access to church services, also have placed MCSO on notice as to the absence of services for Latino LEP inmates. Although MCSO has ample reason to know that its policies are denying Latino LEP inmates access, MCSO persists in maintaining many of its discriminatory practices.

MCSO’s language access procedures and practices have a discriminatory effect upon MCSO’s LEP inmates. As detailed above, MCSO’s LEP inmates, who are overwhelmingly Latino, do not receive the same services and benefits as non-LEP inmates, are pressured to sign important immigration-related documents without language assistance, and are singled out for punishments, such as being subjected to lockdowns and disciplinary segregation for failing to understand English commands. In all of these ways and more, MCSO’s language access practices disproportionately and adversely impact the Latino inmates in MCSO’s jails. See *Lau v. Nichols*, 414 U.S. 563, 568 (1974) (noting that “[i]t seems obvious that the Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents’ school system which denies them a meaningful opportunity to participate in the educational program—all earmarks of the discrimination banned by” Title VI and applicable regulations); *Yniguez v. Arizonans for Official English*, 69 F.3d 920, 947-48 (9th Cir. 1995), vacated on other grounds, 520 U.S. 43 (1997) (striking down the English-only amendment to the Arizona Constitution, stating that the amendment’s impact “is especially egregious because it is not uniformly spread over the population, but falls almost entirely upon Hispanics and other national origin minorities”).

#### **D. Retaliatory Practices**

We find that MCSO has violated Section 14141 by engaging in a pattern or practice of conduct by its law enforcement officers that has deprived a number of Maricopa County residents of their First Amendment rights. The First Amendment prohibits government actors from “abridging the freedom of speech,” U.S. Const. amend. I, and prohibits a government official from subjecting an individual to retaliatory actions for speech that falls under the protections of the First Amendment. *Hartman v. Moore*, 547 U.S. 250, 251 (2006). The Ninth Circuit has held that to prove a First Amendment retaliation claim, a plaintiff must show “that by his actions [the defendant] deterred or chilled [the plaintiff’s] political speech and such deterrence was a substantial or motivating factor in [the defendant’s] conduct.” *Mendocino Envtl. Ctr. v. Mendocino County*, 192 F.3d 1283, 1300 (9th Cir. 1999). To succeed in bringing a

First Amendment retaliation claim, courts have held that plaintiffs must show only that “an official’s acts would chill or silence a person of ordinary firmness from future First Amendment activities.” *Id.* The plaintiff must also show that the “chilling effect was a but-for cause of the defendant’s action.” *Skoog v. County of Clackamas*, 469 F.3d 1221, 1232 (9th Cir. 2006).

In this case, we have identified instances of retaliatory actions by MCSO officials. Some of the most serious incidents involve MCSO deputies, at times apparently acting at the direction of MCSO’s leadership, bringing false criminal charges against MCSO’s critics. The fact that all of the charges are subsequently dismissed strongly suggests that the “chilling effect was [the] but-for cause” of the police action. Moreover, such maliciously motivated charges would have the effect of silencing a person of ordinary firmness from engaging in future protected speech. Based on our review of the evidence, there is reasonable cause to believe that MCSO officials have committed a series of retaliatory actions directed at perceived critics of MCSO that are designed to chill the exercise of protected First Amendment activities.

## **REMEDIAL MEASURES**

The factual findings detailed above provide reasonable cause to believe that MCSO has committed violations of the First, Fourth, and Fourteenth Amendments to the United States Constitution, Section 14141, and Title VI. The Civil Rights Division accordingly notifies you that, absent MCSO taking clear steps toward reaching an agreement with the Division to correct these violations in the next 60 days, the United States will conclude that voluntary compliance is not possible and will initiate civil litigation to compel compliance with Section 14141 and Title VI. Should MCSO indicate within those 60 days that it does not intend to work with the Division, we may initiate suit in fewer than 60 days. MCSO is further cautioned not to intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because he or she has either taken action or participated in an action to secure rights protected by the civil rights laws we enforce.

The constitutional violations and institutional deficiencies highlighted above are the product of an ingrained culture that encourages and tolerates the discriminatory treatment of Latino persons and an agency that lacks the requisite policies and practices to ensure effective and constitutional law enforcement. Reform will require sustained commitment to long-term structural, cultural, and institutional change, including, but not limited to, the following:

- **Training for Deputies:** MCSO must develop effective and meaningful training for deputies in constitutional policing, including how to perform stops, searches, seizures, and arrests consistent with the requirements of the Fourth and Fourteenth Amendments.
- **Special Operations and Specialized Units:** MCSO must develop and implement detailed policies, procedures, and training regarding (1) special operations, including, but not limited to, crime suppression sweeps or saturation patrols, worksite raids, drop house raids, and roving smuggling patrols, and (2) specialized units, including, but not limited to, SWAT, HSU, and CES.

- Data Collection and Risk Management: MCSO must develop and implement a data collection system regarding all law enforcement activity in order to enable MCSO to supervise, manage, and intervene, when appropriate. Such a program requires detailed auditable reports for traffic and pedestrian stops; immigration-related stops, raids, or inquiries; searches and seizures; and worksite raids.
- Complaint System and Internal Affairs: MCSO must develop and implement a comprehensive complaint, investigation, and disciplinary system to enable it to hold officers accountable when they violate policy and/or the law. The complaint system must be accessible to all community members and allow the public to make complaints against MCSO staff and deputies without fear of retaliation. The internal investigative process should include clear avenues for adjudication, discipline, and criminal prosecution, if necessary, as well as access for LEP individuals.
- Language Access: MCSO must develop and implement a comprehensive language access program for its deputies and officers who encounter LEP individuals in the jails and for its enforcement activity in the community. Training on this program must be routine and detailed, such that all staff are aware of their language access obligations and are held accountable for failure to implement appropriate measures.
- Community Outreach: MCSO must meet the law enforcement needs of all its residents, regardless of their race or ethnicity. To that end, MCSO must engage with and reach out to Maricopa County's Latino residents to ensure that it is fairly and effectively providing them with law enforcement services.

We strongly believe that effective policing and constitutional policing go hand in hand. In recent years, we have worked productively and collaboratively with law enforcement agencies across the country, *increasingly at their request*, to address serious concerns that threaten to undermine public confidence and hinder operational effectiveness. Our goal in every case is to work collaboratively to obtain a detailed understanding of the precise challenges and their root causes, and to develop and implement sustainable reform measures that will reduce crime, ensure respect for the Constitution, and increase public confidence in law enforcement. We stand ready to work cooperatively with you to address the concerns outlined in this letter, and we remain prepared to take prompt, appropriate legal action if you choose to forego collaboration.

The violations we have identified are serious, and voluntary compliance with the Constitution and federal law will require a detailed agreement incorporating the foregoing remedial measures. Given the systemic nature of the constitutional violations, effective compliance in this case will require federal judicial oversight; a court-enforceable agreement will provide the structure, transparency, and accountability necessary to achieve sustained success.

-22-

Please note that this letter is a public document. It will be posted on the Civil Rights Division's website. We look forward to hearing from you soon. If you have any questions, please contact Jonathan Smith, Chief of the Special Litigation Section, at (202) 514-6255.

Sincerely,



Thomas E. Perez  
Assistant Attorney General

cc: William R. Jones, Jr.  
Counsel for Maricopa County Sheriff's Office  
Jones, Skelton & Hochuli, P.L.C.  
2901 North Central Ave, Suite 800  
Phoenix, Arizona 85012

# Exhibit 72

JURISPRUDENCE THE LAW, LAWYERS, AND THE COURT.

AUG. 15 2017 5:50 PM

# White Nationalist Rule Is Already Here

Donald Trump is considering pardoning Joe Arpaio for his illegal reign of racist terror.

By Mark Joseph Stern



Trump's praise of Arpaio proves beyond a reasonable doubt that the president has made common cause with white nationalists.

Photo illustration by Slate. Photos by Robyn Beck/Getty Images and Win McNamee/Getty Images.

**D**uring an interview at his New Jersey golf club on Sunday, Donald Trump offered a revelatory statement that was largely lost amidst the furor over his **lackluster response** to the weekend's white supremacist violence in Charlottesville. One day after the alleged murder of Heather Heyer, the president told Fox News that he was considering a pardon for Joe Arpaio, the former sheriff of Maricopa County, Arizona, who was **recently convicted** of criminal contempt. Arpaio, Trump said, "has done a lot in the fight against illegal immigration. He's a great American patriot and I hate to see what has happened to him."

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Considering the president's praise of Arpaio, and promise to consider a pardon for the ex-sheriff, Monday's **overdue, undercooked rebuke** of racial animus registers as even more **risibly insincere**. During his 24-year tenure as sheriff, Arpaio proudly strove to implement white nationalism through a brutal assault on Maricopa County's Latino population. His barbaric tactics included extreme racial profiling and sadistic punishments that involved the torture, humiliation, and degradation of Latino inmates. Courts repeatedly found that Arpaio violated the United States Constitution, but the sheriff often ignored their efforts to rein him in. There are few more potent symbols of mainstream white nationalism than Arpaio. Taken together with Tuesday's unhinged press conference, Trump's praise of Arpaio proves beyond a reasonable doubt that the president has made common cause with white nationalists.

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Many of Arpaio's worst abuses are documented in a **2011 Justice Department report** on the sheriff's office. At the time, a DOJ expert **said** that Arpaio oversaw the worst pattern of racial profiling he had ever seen. The agency found that Arpaio's deputies had consistently targeted and harassed Latinos, pulling them over **far more frequently** than non-Latinos. Arpaio's office initiated "immigration-related crime suppression activities"

when 911 callers complained about Spanish speakers and individuals with “dark skin.” It conducted immigration sweeps that routinely violated the Fourth Amendment. And in many instances, officers detained lawful Latino residents for hours, days, or weeks based on fabricated or exaggerated charges.

Those individuals unfortunate enough to languish in the county jails, which Arpaio’s office operated, suffered grievously. Arpaio’s deputies allegedly put Spanish-speaking inmates in solitary confinement **to punish them** for not understanding English. They also **refused to accept** requests for basic daily services that were written in Spanish and pressured Latino inmates into signing deportation forms. **The vast majority of inmates** in these jails were Latinos detained on suspicion of being undocumented. Jail staff **regularly referred to** Latino inmates as “wetbacks,” “Mexican bitches,” and “stupid Mexicans.” A federal judge **ruled twice** that Arpaio’s deputies unlawfully deprived detainees of food and medical care, and tortured inmates who were on psychotropic medication by locking them in unbearably hot solitary confinement cells, which caused an increased risk of heat-related illness. The 9<sup>th</sup> U.S. Circuit Court of Appeals **affirmed** that these practices violated the Eighth Amendment’s bar on cruel and unusual punishment.

Arpaio, who once **acknowledged in court** that he did not know the contents of the 14<sup>th</sup> Amendment, specialized in this sort of heat-based punishment. He set up “tent cities” to house overflowing jail population and **boasted** that they were actual “concentration camps.” In the summer, the heat in these facilities **reached 145 degrees Fahrenheit**; inmates’ shoes literally melted. Arpaio told the inmates not to complain, **declaring**: “It’s 120 degrees in Iraq and the soldiers are living in tents and they didn’t commit any crimes, so shut your mouths.”

In fact, many of these inmates had not yet been convicted of a crime—but Arpaio treated all detainees as though they had already been found guilty. He introduced a number of schemes designed to humiliate inmates, including **chain gangs** for women and juveniles, and a live webcast that broadcast video of jailed pretrial detainees on the internet. One camera **captured the toilet** in the women’s holding cell. The 9<sup>th</sup> Circuit ultimately **blocked** these webcasts, but not before millions of people had tuned in.

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Arpaio also worked with former Maricopa County Attorney Andrew Thomas to **investigate and prosecute** their political enemies. Together, Arpaio and Thomas went after judges who ruled against them, attorneys who opposed them in court, and even a journalist who covered them critically for a local paper. The county wound up paying out **tens of millions of dollars** in settlement money to Arpaio and Thomas' victims, and Thomas was **disbarred**. Arpaio famously investigated President Barack Obama's birth certificate, as well, and **concluded that it was forged**.

In 2012, the Justice Department issued a **new civil rights complaint** alleging that Arpaio's obsession with Latinos diverted his office's attention from violent crimes. In particular, his office ignored or inadequately investigated **more than 400 alleged sex crimes**, including at least 32 reported child molestations involving victims as young as 2 years old. Most of the victims of these reported crimes were undocumented immigrants and their children.

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Instead of following up on these reports, Arpaio's office conducted immigration raids and traffic stops that a federal judge **found violated** the constitutional rights of Latinos. The judge ordered Arpaio to halt his office's illegal practices, but he refused and was held **in civil contempt of court**. In the 2016 election, voters **ejected him** from office. Then, in July, a federal judge found that, as sheriff, Arpaio had **continued to violate** the constitutional rights of immigrants after he had been ordered to stop and held him in criminal contempt. He faces up to six months in jail.

There's a special place in hell for Arpaio. I'm not latino, but he made Phoenix a war zone. Everyone knew exactly what he was doing because he couldn't stop bragging about it. [More...](#)

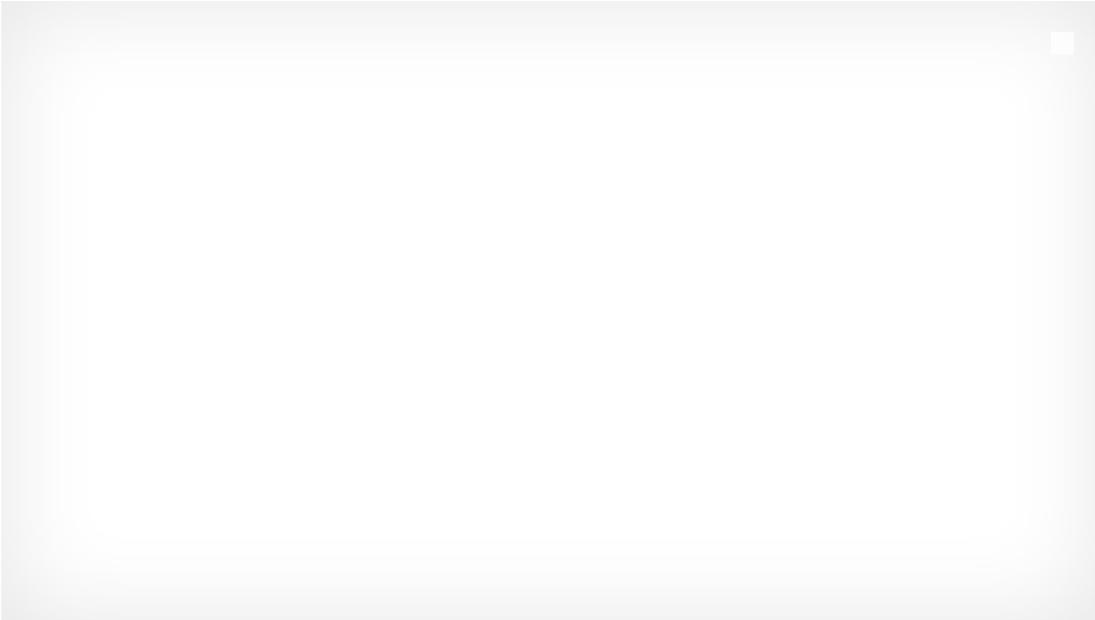
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What Maricopa County experienced under Arpaio's reign was **law enforcement by white nationalism**, plain and simple. In the name of cracking down on undocumented immigrants, Arpaio brutalized and terrorized thousands of Latinos, including tourists, legal residents, and U.S. citizens. Under Arpaio's regime, those suspected of having Hispanic heritage were deprived of their constitutional rights and subjected to monstrous cruelty. His office engaged in a years-long effort to systematically purge Latinos from the county.

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Trump may claim to abhor racism. But his eagerness to consider pardoning Arpaio reveals much more than the declaration he read off a teleprompter on Monday. **Trump told Fox** that Arpaio "doesn't deserve to be treated this way" because he "has protected people from crimes and saved lives." How could we expect the president to understand that Arpaio was convicted precisely because *he himself* committed crimes in the name of law enforcement? To him, this story only has one side: The white guy did his job, and his minority victims deserved what they got.

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**One more thing**

The Trump [Case in 2018 to 00030 MJP Document 1 to be Filed 06/26/18 Page 528 of 280](#) administration has stepped up our legal coverage—watchdogging Jeff Sessions' Justice Department, the Supreme Court, the crackdown on voting rights, and more.

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JURISPRUDENCE THE LAW, LAWYERS, AND THE COURT.

# District Court Judge Denounces Forced Child Separation as “Brutal” and Clear Constitutional Violation

By Jeremy Stahl



Demonstrators protest Trump administration policy that enables federal agents to separate undocumented migrant children from their parents at the border on June 5, 2018 in Chicago, Illinois.

Over the past month, the Trump administration has begun to implement a policy that has **reportedly** led to the forced separation of hundreds of undocumented immigrant parents from their children after they've arrived together at the U.S. border. This followed **reports** that a pilot program of such a policy had been undertaken between July and November 2017. Democrats have **argued** that this apparent practice is cruel, heartless, and betrays our nation's deepest values. The ACLU, meanwhile, **has argued in court** on behalf of separated immigrant families that such a practice would be—and is—blatantly unconstitutional.

On Wednesday, Dana Sabraw, a federal district court judge in California, issued a stinging rebuke to the government's request to dismiss the ACLU's claim under the due process clause of the Fifth Amendment. He also indicated in his opinion that the government would likely be found to be in violation of the due process rights of these immigrant families. Judge Sabraw resoundingly rejected the argument that the Due Process clause of the Fifth Amendment had not been violated. (Sabraw, a George W. Bush appointee, at the same time accepted the government's motion to dismiss the ACLU's statutory grounds arguments.)

As I **wrote** earlier this week, the constitutional case here is clear. While this is a ruling on a motion to dismiss and not a final ruling by any means, Sabraw clearly found that the Fifth Amendment claims ought to be adjudicated.

From Sabraw's ruling (emphasis added) [CONTINUE READING](#)

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# Exhibit 73

## IMMIGRATION

# Trump Falsely Links Central American Immigrants to Drug Trafficking, Again



David Boddiger  
2/03/18 10:55am •

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AP

We already knew that Donald Trump's opinion of Mexicans and Central Americans is based entirely on racism and xenophobia. We've known this since at least June 2015, when then-candidate Trump made those awful comments about Mexicans being rapists, drug dealers, and criminals.

Trump recently doubled (or tripled) down on the racist ideology behind his approach to foreign policy and immigration by calling African nations, Haiti, and El Salvador "shithole countries" in a private meeting with lawmakers.

Now, he's threatening undocumented migrants coming to the U.S. from Central American countries and Mexico as drug traffickers, and recklessly threatening to cut off foreign aid to countries that "allow" illicit drugs to be trafficked into the United States.

Speaking on Friday at the Customs and Border Protection National Training Center in Virginia, Trump called out leaders from El Salvador, Guatemala, Honduras, and Mexico, and blamed them for the insatiable demand for illicit drugs in the U.S.

"I want to stop the aid. If they can't stop drugs from coming in, 'cause they can stop them a lot easier than us. They say, 'oh we can't control it.' Oh great, we're supposed to control it," Trump said, according to CNN. "So we give them billions and billions of dollars, and they don't do what they're supposed to be doing, and they know that. But we're going to take a very harsh action."

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Trump constantly feels the need to "punish" people of color. This is clear from both his actions and public statements, which range from disparaging comments about NFL players silently protesting injustices to his all-out assault on undocumented immigrants in the U.S.

In his comments on Friday, Trump sought to link *all* undocumented immigrants from Mexico and Central America to drug trafficking, saying, "You know they're bad."

“We want strong borders. We want to give you laws. We want to stop the catch and release nonsense that goes on. You catch somebody and you release them. You know they’re bad,” he said. “They’re pouring in from El Salvador, Guatemala, Honduras, Mexico, all over. They’re just pouring into our country.”

The President added: “These countries are not our friends, you know.”

“We think they’re our friends, and we send them massive aid, and I won’t mention names right now,” he said. “But I look at these countries, I look at the numbers we send them, we send them massive aid and they’re pouring drugs into our country and they’re laughing at us.”

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No one’s laughing. In reality, a significant number of migrants currently making the dangerous journey to the U.S. from Mexico and Central America are children and families. According to The Pew Charitable Trusts, the number of Central American children crossing the U.S.–Mexico border illegally has been steadily increasing since last April. This follows a sharp drop in the trend as the Trump administration unveiled its anti-immigration policies shortly after taking office last year.

What’s driving this new wave of child and family migration from the region? According to Pew, it’s not drug trafficking, but “fears of gang violence at home — fears that outweigh heightened concerns about



Last April, the number of children caught crossing the U.S.–Mexico border was under 1,000. By December, that number had increased to more than 4,000, Pew reported. The number of family groups with children caught crossing are increasing at even greater levels, Pew said, from 1,118 last April to 8,121 in December.

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More than 95% of children who are caught come from Guatemala, Honduras, and El Salvador. They are people like a 19–year-old from Honduras, who recently told a Maryland circuit court the following, as reported by Pew:

He was playing ball in the street one day with five friends, all 13– and 14–year-old boys, and sat on the curb with them afterwards. He got up to leave first, and as he walked away, gangsters dressed as police officers walked up and killed the other five boys. The gang members fled, and he never learned why his friends were killed.

Or this 15–year-old from El Salvador, who explained to the court why he made the dangerous journey to the U.S. before his 15th birthday:

Had he stayed until he was 15, the boy said, the gangs would have recruited him by force. They scaled security fences at his school and took older boys away, threatening to kill their families if they refused, the boy said.

TRUMP ADMIN

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According to immigration attorney Jennifer Alonso, “There is a great misconception that Central Americans are coming solely to work and for economic reasons. That may have been true in recent decades but right now, I can tell you they are coming out of fear.”

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**David Boddiger**

Weekend Editor, Splinter

**David**



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# Exhibit 74

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APRIL 23, 2018 / 4:01 PM / 2 MONTHS AGO

## Migrant 'caravan' that angers Trump nears U.S.-Mexico border

Edgard Garrido



HERMOSILLO, Mexico (Reuters) - Hundreds of Central American migrants traveling in a “caravan” were in limbo in the northern Mexican city of Hermosillo on Monday on the final stretch of a journey to the United States where President Donald Trump ordered officials to repel them.



Central American migrants, moving in a caravan through Mexico, rest at a temporary shelter, in Hermosillo, Sonora state, Mexico April 23, 2018. REUTERS/Edgard Garrido

About 600 men, women and children from Guatemala, El Salvador and Honduras had been waiting on Monday in Hermosillo, Sonora to board a train or take buses for the remaining 432 miles miles to the border with California.

Traveling together for safety, their numbers were down from a peak of about 1,500 people since they began their journey on Mexico's southern border with Guatemala almost a month ago, as smaller groups broke away.

Many women and children in the group were planning to seek asylum in the United States after they reach Tijuana, said Rodrigo Abeja, a coordinator from immigrant rights group Pueblo Sin Fronteras that has been organizing similar caravans for several years.



Central American migrants, moving in a caravan through Mexico, receive shoes at a temporary shelter, in Hermosillo, Sonora state, Mexico April 23, 2018. REUTERS/Edgard Garrido

Moving from town to town, the impoverished and bedraggled travelers became a lightning rod for U.S.-Mexico relations after Trump launched a succession of tweets in early April, telling Mexican authorities to stop them.

On Monday he again lashed out, threatening that failure to stop the caravan could stall the already tense renegotiation of NAFTA. [nL1N1S00QK]

“I have instructed the Secretary of Homeland Security not to let these large Caravans of people into our Country,” Trump tweeted Monday morning. “It’s a disgrace. We are the only Country in the World so Naive! WALL”



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Following Trump's Tweets, the group was considering applying for asylum status in Mexico, a Reuters witness traveling with them said.

Trump's concern with the caravan coincides with recent U.S. border patrol data showing a sharp rise in the number of immigrants found illegally crossing the border, a setback after immigration from Central America evaporated in the months following his election.

While it is not clear what will happen when the group arrives at the border, or if it will disperse before it gets there, there are signs the U.S. is preparing legal defenses. Following Trump's messages, U.S. Attorney General Jeff Sessions said he had ordered officials to ensure that sufficient prosecutors and immigration judges were available at the border "to adjudicate any cases that may arise from this 'caravan.'"

Slideshow (9 Images)

Some migrants told Reuters they would stay in Mexico. Others said they would find other ways to cross. At least 200 were likely to claim asylum if they made it over the border, according to migrants and caravan organizers.

Marie Vincent, a U.S.-based immigration attorney who met the caravan on a stop along the way, said many of the immigrants had a strong case for U.S. asylum either because they faced political persecution, lethal threats from gangs, or violence because of gender or sexual identity.

Vincent said one of those with a persuasive case was the survivor of a flawed witness protection program in Honduras who had been “stabbed and shot at more times than he could count.”

Faced with another death threat, he escaped to Guatemala and then to Mexico from a hospital bed with the tubes still stuck in his body — one of them hanging from his stomach, she said.

Some of the group had been dissuaded from seeking asylum by warnings about detention conditions they might endure in the United States, she said.

Although Honduras and El Salvador rank among countries with the highest homicide rates in the world, rejection rates for asylum claims from those countries are very steep.

Additional reporting and writing by Delphine Schrank in Mexico City; Editing by Frank Jack Daniel and Scott Malone

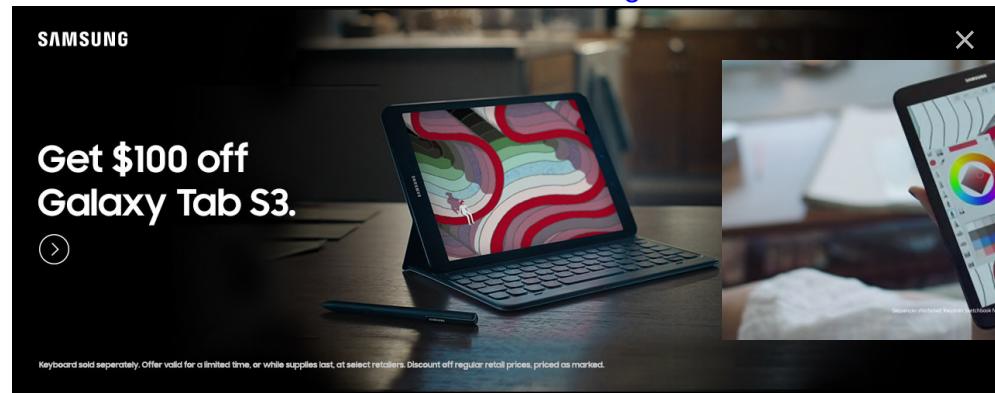
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# Exhibit 75



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## Trump: 'We're going to be guarding our border with the military' until wall complete

By [Betsy Klein](#), [Barbara Starr](#) and [Catherine E. Shoichet](#), CNN

Updated 7:37 PM ET, Tue April 3, 2018

**Trump: We'll use military to protect US border 00:46**

**(CNN)** — President Donald Trump said Tuesday that he's calling on the military to guard the [US-Mexico border until his long-promised border wall](#) is complete.

"I told Mexico, and I respect what they did, I said, look, your laws are very powerful, your laws are very strong. We have very bad laws for our border and we are going to be doing some things, I spoke with (Defense Secretary James) Mattis, we're going to do some things **militarily**. Until we can have a wall and proper security, we're going to be guarding our border with the military. That's a big step," he said during a luncheon with leaders of the Baltic states.

He continued: "We cannot have people flowing into our country **illegally**, disappearing, and by the way never showing up for court."

Asked to clarify his comments during a joint news conference, Trump said he is "preparing for the military to secure our border" and he would be attending a meeting on the topic of border security with Mattis and others "in a little while."

Trump has privately floated the idea of funding construction of a border wall with Mexico through the US military budget in conversations with advisers, [two sources confirmed to CNN last week](#). His remarks Tuesday come on



**Related Article:** Trump embraces his impulses in ever-chaotic Oval Office

and intelligence gathering while the agency worked to hire additional staff.



**Related Article:** Trump threatens Honduras' foreign aid over migrant caravan

Trump also spoke Tuesday about the [caravan of migrants](#) from Central America currently moving through Mexico who plan to turn themselves in and request asylum once they make it to the US border. He has demanded a halt to the caravan in a series of tweets.

"If it reaches our border, our laws are so weak and so pathetic -- you (the Baltic leaders) would not understand this 'cause I know your laws are strong at the border -- it's like we have no border," he said.

Trump said he told Mexico "very strongly" that "you're going to have to do something about these caravans."

While he said the US is renegotiating the NAFTA trade deal with Mexico and Canada, he emphasized that border security would have to be part of the deal.

*CNN's Jeremy Diamond and Maegan Vazquez contributed to this report.*

the heels of multiple days of hardline immigration rhetoric from the Trump White House, with the President calling on Congress to pass strict border laws in a series of tweets beginning Sunday.

This isn't the first time there's been talk of sending US troops to the border.

Under President George W. Bush, a border deployment of the National Guard known as Operation Jump Start started in 2006 and lasted two years. The operation sent more than 6,000 troops to California, Arizona, New Mexico and Texas to repair secondary border fence, construct nearly 1,000 metal barriers and fly border protection agents by helicopter to intercept immigrants trying to enter illegally.

In 2010, the Obama administration deployed National Guard troops as part of a border protection plan.

Officials in 2010 said up to 1,200 National Guard troops would be in place along the US-Mexico border for up to a year to assist US Customs and Border Protection with surveillance

And in 2014, as a surge of unaccompanied minors from Central America crossed into the United States, Texas Gov. Rick Perry announced the activation of up to 1,000 National Guard troops to help secure the southern border.

Still, Trump's statement took many Pentagon officials by surprise Tuesday, in that they know of his desire to ratchet up border security, but are not sure what he meant exactly, according to multiple Defense Department and military officials.

To fulfill his wishes, border states could send National Guard activated by their own state governors, an issue long complicated by whether the states or the federal government pay for it. Alternatively, the Defense Department could send either active duty or federally activated National Guard. Federal troops require certain documents and regulations, including an operational requirement, a unit identified, a strategy, and, although perhaps not formal, an exit strategy. That option also requires identifying rotational forces.



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# Exhibit 76

# The New York Times

## ***'We're Sending Them the Hell Back,' Trump Says of Securing the Country's Borders***

By Katie Rogers and Jonathan Martin

June 20, 2018

DULUTH, Minn. — Shortly after caving to political pressure and signing an executive order that ends the separation of families by detaining parents and children together at the border, President Trump vowed at a rally here on Wednesday that his administration would be “just as tough” on immigration as before.

The president was here in part to support Pete Stauber, a Republican candidate for a House seat. But, as he usually does on the campaign trail, Mr. Trump focused more on his agenda — and his enemies, at one point declaring that he had “a much better apartment” than his critics.

Turning to immigration, Mr. Trump castigated the Democrats.

“The Democrats want open borders: ‘Let everybody pour in, we don’t care,’” he said, as the crowd erupted into a chant of “Build the Wall,” and mocked a handful of people who tried to protest his policy. (“Go home to your mom,” the president told at least one demonstrator.)

He said of other countries: “They’re not sending their finest. We’re sending them the hell back. That’s what we’re doing.”

Mr. Trump traveled to Duluth, a shipping town on the shores of Lake Superior, after a week in Washington in which criticism over his child-separation policy had reached a fever pitch.

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Fleeing a dizzying debate back home, Mr. Trump relished in a friendly crowd and turned his attention to the midterm battle that awaits Republicans here: Minnesota is perhaps one of the most important states in the fight for control of Congress, and the president is arriving in what is one of the few House districts in the country that Republicans have a chance to flip.

"I hate to bring this up, but we came this close to winning the state of Minnesota," Mr. Trump said of the 2016 election, which he mentioned repeatedly. He promised that, if his supporters could help tip the political balance in his favor in the fall, "we will have the greatest borders, the greatest walls."

"We've already started," Mr. Trump said, "but it's a lot tougher than it needs to be."

The state has two Senate races, including one to fill the seat vacated by Senator Al Franken; a highly competitive governor's contest featuring a former presidential candidate, Tim Pawlenty; and four hotly contested House races.

Mr. Trump's trip was his first as president to Minnesota, a state he lost by just 44,000 votes in the 2016 election despite barely campaigning here. No Republican presidential candidate has carried the state since Richard M. Nixon's landslide re-election in 1972, and Mr. Trump is eager to compete here in 2020.

And the midterm elections could go a long way toward demonstrating how realistic Mr. Trump's 2020 prospects are; the Republican Party has not won a statewide election here in 12 years.

In the 9,000-capacity arena, which was nearly filled, supporters got the midterm and 2020 message loud and clear — it was repeated by candidates, lawmakers and Trump family members.

"The Democrats are desperate," Lara Trump, the president's daughter-in-law, said as she riled up the crowd. "They sure as heck don't know what to do in 2020, do they?"

Ann Marie Cosgrove, a 60-year-old who works in education, traveled here from the Minneapolis area with over a dozen friends. A onetime Democrat, Ms. Cosgrove said they were fixated on helping "turn Minnesota red" because the president had promised to secure the borders and was tamping down on abortion rights.

"I didn't leave the Democratic Party," she said, "the Democratic Party left me."

"I'd rather be with a man like Trump," Ms. Cosgrove said.

But there may have been nobody more excited about Mr. Trump's visit than Mr. Stauber, who unexpectedly received a call on his cellphone from the president this year.

"He said, 'What can I do to help you win?' And I said, 'Mr. President, it would be helpful if you came up to the district to see the treasure we have here,'" Mr. Stauber recalled.

A former Duluth police officer, Mr. Stauber said Democrats were increasingly out of favor in an area with a rich mining tradition. "The intensity and support for President Trump is as good, if not better than it was on election night," he said.

That intensity was present on Wednesday night, as the crowd joined the president in jeering the news media, Hillary Clinton and Democrats. They supported his efforts on North Korea — "You know what I gave away? A meeting!" Mr. Trump yelled — and his order this week to build a space-focused branch of the military.

"Space Force!" Mr. Trump shouted, after declaring that he was reopening NASA, which is not closed.

But in an indication of how Mr. Trump's mélange of policies can complicate the lives of Midwestern Republicans, Mr. Stauber said that while voters connected to the mines applauded the president's steel tariffs, the farm-heavy half of the district was uneasy about the fate of their agricultural exports.

Mr. Trump's decision to visit Duluth speaks to the divergent nature of his standing in the state.

Even as Republicans make gains with blue-collar voters, they face considerable headwinds in the suburbs, where voters recoil at Mr. Trump's incendiary style. That is partly why the president came here rather than the more populous Twin Cities, where Republicans are defending a pair of seats in the Minneapolis suburbs, where Mr. Trump is far less popular.

But on Wednesday, people came from that area of the state to hear the president speak. Wearing a shirt with the word "winning" in capital letters, Kari Wiessner, who works part time, drove from the suburb of Eden Prairie.

She was among several Trump supporters who questioned whether the footage, photographs and audio of families separated at the border were doctored or disproved.

"They're able to vote and turn our state against us," Ms. Wiessner said of the state's immigrant population, "and wash our state away."

**Correction:** June 19, 2018

*An earlier version of this article misstated the given name of a Republican candidate running for a House seat in Minnesota. He is Pete Stauber, not Rick.*

Katie Rogers reported from Duluth, Minn., and Jonathan Martin from Washington.

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A version of this article appears in print on June 20, 2018, on Page A13 of the New York edition with the headline: Trump Brings Bombast to Minnesota With Eye on Midterms and Beyond

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WORLD NEWS JUNE 18, 2018 / 1:05 AM / 8 DAYS AGO

# U.N. rights boss calls for end to Trump's policy of family separation

Stephanie Nebehay

4 MIN READ



GENEVA (Reuters) - The top U.N. human rights official called on the Trump administration on Monday to halt its “unconscionable” policy of forcibly separating children from migrant parents irregularly entering the country via Mexico.



Zeid Ra'ad al-Hussein, outgoing United Nations High Commissioner for Human Rights attends the Human Rights Council at the United Nations in Geneva, Switzerland June 18, 2018. REUTERS/Denis Balibouse

U.S. officials said on Friday that nearly 2,000 children were separated from adults at the border between mid-April and the end of May as the Trump administration implements stricter border enforcement policies.

Administration officials say the tactic is necessary to secure the border and suggest it will act as a deterrent to illegal immigration.

But Zeid Ra'ad al-Hussein, U.N. High Commissioner for Human Rights, said the policies “punish children for their parents’ actions”.

“The thought that any state would seek to deter parents by inflicting such abuse on children is unconscionable. I call on the United States to immediately end the practice of forcible separation of these children,” Zeid said in his final speech to the U.N. Human Rights Council before his term in office ends.



Zeid Ra'ad al-Hussein, outgoing United Nations High Commissioner for Human Rights attends the Human Rights Council at the United Nations in Geneva, Switzerland June 18, 2018. REUTERS/Denis Balibouse

The U.S. delegation, led by Geneva-based diplomat Jason Mack, did not refer to migration issues in its subsequent speech upholding LGBTi rights and denouncing violence and discrimination against homosexual and transgender people.

Reuters quoted activists and diplomats on Thursday as saying that talks with the United States over how to reform the main U.N. rights body have failed to meet Washington's demands, especially over its treatment of Israel, suggesting that the Trump administration will quit the forum.

## STANDING OVATION

Britain's foreign secretary Boris Johnson praised the council for shining a light on appalling violations worldwide, saying it was part of the rules-based international system.

But Britain shared the view with the United States that maintaining a permanent agenda item focusing solely on Israel and the Palestinian territories was "damaging", Johnson said.

Zeid said that "longstanding, grave and systematic" human rights violations continued in North Korea and urged Pyongyang to cooperate with the U.N. investigator on the isolated country whose mandate it does not recognise.

He cited clear indications of "well-organised, widespread and systematic attacks" continuing against Muslim Rohingya in Myanmar, "amounting possibly to acts of genocide", while conflict has escalated in Kachin and Shan states.

Slideshow (2 Images)

The Myanmar government's efforts to prosecute perpetrators have lacked credibility and human rights monitors must be on the ground before Rohingya refugees return from Bangladesh, he said.

Myanmar has denied nearly all of the allegations, saying its security forces have been waging a legitimate counter-insurgency operation against what it calls Rohingya terrorists.

Zeid accused China of preventing independent activists from testifying before U.N. rights bodies and voiced concern that conditions were “fast deteriorating” in the autonomous regions of Tibet and Xinjiang.

Yang Zhilun, of China’s Foreign Ministry, did not directly address his remarks, but said that all citizens exercising their right to assembly and demonstration must abide by the law and not harm “national, social and collective rights”.

Zeid urged the 47-member forum to set up international commissions on alleged violations in Venezuela and Nicaragua.

Zeid, whose four-year term finishes at the end of August, received a standing ovation at the end of his remarks.

Reporting by Stephanie Nebehay; Editing by Toby Chopra and Alison Williams

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# Exhibit 78

# The New York Times

## Taking Migrant Children From Parents Is Illegal, U.N. Tells U.S.

By **Nick Cumming-Bruce**

June 5, 2018

GENEVA — The Trump administration's practice of separating children from migrant families entering the United States violates their rights and international law, the United Nations human rights office said on Tuesday, urging an immediate halt to the practice.

The administration angrily rejected what it called an ignorant attack by the United Nations human rights office and accused the global organization of hypocrisy.

The human rights office said it appeared that, as The New York Times revealed in April, United States authorities had separated several hundred children, including toddlers, from their parents or others claiming to be their family members, under a policy of criminally prosecuting undocumented people crossing the border.

That practice "amounts to arbitrary and unlawful interference in family life, and is a serious violation of the rights of the child," Ravina Shamdasani, a spokeswoman for the Office of the United Nations High Commissioner for Human Rights, based in Geneva, told reporters.

Last month, the Trump administration announced a "zero tolerance" policy for illegal border crossings, saying that it would significantly increase criminal prosecutions of migrants. Officials acknowledged that putting more adults in jail would mean separating more children from their families.

"The U.S. should immediately halt this practice of separating families and stop criminalizing what should at most be an administrative offense — that of irregular entry or stay in the U.S.," Ms. Shamdasani said.

The United States ambassador to the United Nations, Nikki R. Haley, clearly showed American irritation with the accusation in a statement released a few hours later.

"Once again, the United Nations shows its hypocrisy by calling out the United States while it ignores the reprehensible human rights records of several members of its own Human Rights Council," Ms. Haley said. "While the High Commissioner's office ignorantly attacks the United States with words, the United States leads the world with its actions, like providing more humanitarian assistance to global conflicts than any other nation."

Without addressing the specifics of the accusation, Ms. Haley said: "Neither the United Nations nor anyone else will dictate how the United States upholds its borders."

The administration has characterized its policy as being about illegal immigration, though many of the detained migrants — including those in families that are split apart — enter at official border crossings and request asylum, which is not an illegal entry. It has also said that some adults falsely claim to be the parents of accompanying children, a genuine problem, and that it has to sort out their claims.

On Twitter, President Trump has appeared to agree that breaking up families was wrong, but blamed Democrats for the approach, saying that their “bad legislation” had caused it. In fact, no law requires separating children from families, and the practice was put in place by his administration just months ago.

The Times found in April that over six months, about 700 children had been taken from people claiming to be their parents.

The American Civil Liberties Union says that since then, the pace of separations has accelerated sharply. Lee Gelernt, deputy director of the group’s immigrant rights project, said that in the past five weeks, close to 1,000 children may have been taken from their families.

Last year, as Homeland Security secretary, John F. Kelly raised the idea of separating children from their families when they entered the country as a way to deter movement across the Mexican border.

Homeland Security officials have since denied that they separate families, but have also faced sharp criticism from Mr. Trump for failing to do more to curb the numbers of migrants crossing the border.

For the United Nations, it was a matter of great concern that in the United States “migration control appears to have been prioritized over the effective care and protection of migrant children,” Ms. Shamdasani said.

The United States is the only country in the world that has not ratified the Convention on the Rights of the Child, she noted, but the practice of separating and detaining children breached its obligations under other international human rights conventions it has joined.

“Children should never be detained for reasons related to their own or their parents’ migration status. Detention is never in the best interests of the child and always constitutes a child rights violation,” she said, calling on the authorities to adopt noncustodial alternatives.

The A.C.L.U. has filed a class-action lawsuit in federal court in San Diego, calling for a halt to the practice and for reunification of families.

Rick Gladstone contributed reporting from New York.

A version of this article appears in print on June 5, 2018, on Page A4 of the New York edition with the headline: U.N. Denounces Separating Kin At U.S. Border

# Exhibit 79



**Hilarie Bass**  
President

**AMERICAN BAR ASSOCIATION**

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June 12, 2018

The Honorable Jeff Sessions  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

The Honorable Kirstjen Nielsen  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, N.W.  
Washington, D.C. 20528

Dear Attorney General Sessions and Secretary Nielsen:

On behalf of the American Bar Association and its more than 400,000 members, I write to express our strong opposition to recent actions by the Department of Justice and the Department of Homeland Security that have resulted in a drastic increase in the separation of children from their parents when arriving at the southern border.

While separation of parents and children has taken place on an incidental basis in the past, it has never been applied uniformly as a strategy to deter migration. Reports had indicated that nearly 700 children – more than 100 of them under the age of four – were separated from adults between October 2017 and April 2018. (“Hundreds of Immigrant Children Have Been Taken from Parents at U.S. Border,” NY Times, April 20, 2018, available at <https://www.nytimes.com/2018/04/20/us/immigrant-children-separation-ice.html>.) In the wake of the implementation of the “zero tolerance” policy, requiring referral for criminal prosecution all those apprehended crossing the border between ports of entry, these numbers increased exponentially. Deputy Chief Richard Hudson of the U.S. Border Patrol testified at a recent hearing that, between May 6 and May 19, 2018, 638 parents were separated from 658 children to allow for the prosecution of the adult parents. We are aware of reports from the field that many hundreds more have been separated in recent weeks.

It is apparent from the public comments of several high-ranking Administration officials that a primary purpose of the “zero tolerance” policy is to serve as a deterrent for migrant parents who enter the United States without authorization accompanied by their children. These statements make clear that family separation is not a collateral consequence of regular law enforcement under this policy; it is an explicitly intentional goal. Although the Supreme Court has never addressed a case involving the exact facts presented by the current practice of family separation, existing law suggests the policy violates rights to family integrity and due process. Moreover, the policy appears particularly unfair, inhumane, and, in the end, ineffective.

**Intentional interference with parental rights.** A long line of Supreme Court precedent underscores the fundamental relationship between children and their parents and makes clear that *intentional* government intrusion into this relationship is only permissible in very limited circumstances. In *Troxel v. Granville*, the Supreme Court cited nearly 80 years of precedent and

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described parents' rights "in the care, custody, and control of their children" to be "perhaps the oldest of the fundamental liberty interests recognized by this Court." 530 U.S. 57, 66 (2000). The Court has explained that government action may only *intentionally* infringe on this liberty interest when necessary for the child's welfare and safety. Even in those circumstances, government action is limited, and the parent is constitutionally entitled to a hearing on her fitness before her child is taken from her custody. *Stanley v. Illinois*, 405 U.S. 645 (1972). These federal constitutional rights and protections have been applied equally to immigrant and citizen parents in child welfare cases. See, e.g., *In re Doe*, 281 P.3d 95 (Idaho 2012); *In re E.N.C.*, 384 S.W.3d 796 (Tex. 2010); and *In re Interest of Angelica L.*, 767 N.W.2d 74 (Neb. 2009).

**Enforcement actions cannot be used as justification to affect intentional family separation.**

The U.S. Court of Appeals for the First Circuit concluded in 2007 that Immigration and Customs Enforcement (ICE) officers had not interfered with parental rights when they arrested parents during a workplace raid and, as a collateral consequence, caused their separation from their children. *Aguilar v. U.S. Immig. and Customs Enforcement*, 510 F.3d 1 (1st Cir. 2007). As the court explained, "every lawful arrest of a parent[] runs the risk of interfering in some way with the parent's ability to care for his or her children," and parents subject to immigration enforcement actions are no different than those subject to criminal enforcement. The court's decision, however, hinged on the fact that ICE had not deliberately sought to interfere with the parents' rights, and any separation that occurred was merely incidental to the enforcement action.

By contrast, the court explained that a violation of the right to family integrity *could* be found in government conduct that intends to interfere with rights to family integrity in some way. Indeed, the First Circuit went so far as to state that "it is easy to imagine how viable claims might lie" if by government action "a substantial number of young children [were] knowingly placed in harm's way." In a decision last week in the Southern District of California, a federal judge relied on exactly that statement to identify a constitutional concern with the way the government's family separation policy is playing out at the border today. *Ms. L. v. ICE*, No.18-cv-0428 (June 6, 2018). We share those concerns.

**Separating families is detrimental to children's well-being, burdens the immigration court process, and increases costs to the government.** Aside from the potential legal issues, separation of families is unwise from a policy perspective. Intentionally rendering children unaccompanied has negative consequences to the children and parents, as well as to the adjudication system. Separating a child from a parent is traumatic for both parties, and this practice has been proven to be detrimental to the well-being of children. Medical professionals, including the American Academy of Pediatrics, have condemned the practice of family separation, explaining that "[f]ear and stress, particularly prolonged exposure to serious stress without the buffering protection afforded by stable, responsible relationship . . . can harm the developing brain and harm short-and long-term health." (Letter from Colleen A. Kraft, MD, FAAP, President of the American Academy of Pediatrics, March 1, 2018, available at <https://downloads.aap.org/DOFA/AAP%20Letter%20to%20DHS%20Secretary%2003-01-18.pdf>).

Once children are taken from their parents, they are designated as unaccompanied, requiring that they be placed in the custody of the Office of Refugee Resettlement, which must provide a wide array of services related to their care. Children who are rendered unaccompanied also are placed

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in separate removal proceedings before an immigration judge. (8 U.S.C. § 1229a.) Family separation thus transforms a single case into multiple immigration court cases. Children proceeding in court alone often will not be competent to present their claims for relief or have access to vital evidence held by their parents. This necessitates additional time and attention by the immigration judge, causing increased inefficiencies in the already significantly backlogged immigration courts.

We recognize that these are challenging issues and that immigration involving children is, in general, a complicated matter with no easy solutions. We confidently believe, however, that the present approach will create greater problems than it alleviates. While the Supreme Court has never addressed the legality of an intentional family separation policy, dealing with family immigration is not new for this Administration or any other. *See, e.g., R.I.L.-R v. Johnson*, 80 F. Supp. 3d 164 (D.D.C. 2015) (enjoining the Obama Administration's policy of deterring family immigration through civil detention). In 1993 Justice Scalia in *Reno v. Flores* (507 U.S. 292) explained that ensuring that minors will be cared for during the pendency of removal proceedings is "easily done when the juvenile's parents have also been detained and the family can be released together." Invoking Justice Scalia's reasoning, we ask the question now: Why are we rejecting the easy path in favor of the more difficult one?

It is an especially baffling question given that experience has shown that punitive measures are not likely to deter desperate parents from seeking protection for their children. As you know, most of this population comes from three countries – El Salvador, Guatemala, and Honduras – that are among the most dangerous in the world. Credible fear passage rates for those who are screened have remained high, a strong indicator that this population presents valid claims to asylum. So long as the conditions of extreme violence and endemic corruption in these countries of origin exist, families will seek refuge in the United States.

The systemic practice of separating parents and children is antithetical to our values as a country, appears to violate longstanding precedent protecting rights to family integrity, burdens the federal criminal justice and immigration adjudication systems, and increases costs to the government. We urge you to rescind the "zero tolerance" policy and refrain from criminally prosecuting those who are seeking asylum in the United States. When families are apprehended and placed in removal proceedings, parents and children should be kept together in the least restrictive environment necessary or released on an appropriate alternative to detention.

We understand that the number of families arriving at the southern border in recent years has created challenges for the government. Nonetheless, we should address these challenges by means that are humane, fair, and effective – and that uphold the law and our values as a country.

Thank you for your consideration of our views.

Sincerely,



Hilarie Bass

# Exhibit 80



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Separation of  
Children from  
Border

3/4/2017 by: Fernando Stein, MD, FAAP, President and Karen Remley, MD, MBA, MPH, FAAP, CEO/Executive Vice President, American Academy of Pediatrics

The American Academy of Pediatrics (AAP) opposes the Department of Homeland Security (DHS) proposal reported in the media that would separate immigrant mothers from their children when they arrive at the U.S. border.

"Pediatricians work to keep families together in times of strife because we know that in any time of anxiety and stress, children need to be with their parents, family members and caregivers. Children are not just little adults and they need loved ones to comfort and reassure them."

"Federal authorities must exercise caution to ensure that the emotional and physical stress children experience as they seek refuge in the United States is not exacerbated by the additional trauma of being separated from their siblings, parents or other relatives and caregivers. Proposals to separate children from their families as a tool of law enforcement to deter immigration are harsh and counterproductive. We urge policymakers to always be mindful that these are vulnerable, scared children."

"The American Academy of Pediatrics is ready to assist federal officials in crafting immigration procedures that protect children."

###

*The American Academy of Pediatrics is an organization of 66,000 primary care pediatricians, pediatric medical subspecialists and pediatric surgical specialists dedicated to the health, safety and well-being of infants, children, adolescents and young adults. For more information, visit [www.aap.org](http://www.aap.org) and follow us on Twitter @AmerAcadPeds*

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