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9 Attorneys For Plaintiff COUNTY OF SANTA CLARA
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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 COUNTY OF SANTA CLARA,

Case No. 17-cv-00574-WHO

15 Plaintiff,

16 v.

17 DONALD J. TRUMP, President of the
United States of America, JOHN F. KELLY,
18 in his official capacity as Secretary of the
United States Department of Homeland
Security, JEFFERSON B. SESSIONS, in his
19 official capacity as Attorney General of the
United States, JOHN MICHAEL "MICK"
MULVANEY, in his official capacity as
20 Director of the Office of Management and
Budget, and DOES 1-50,

**DECLARATION OF CODY S. HARRIS IN
SUPPORT OF COUNTY OF SANTA
CLARA'S MOTION FOR PRELIMINARY
INJUNCTION**

Date: April 5, 2017
Time: 2:00 p.m.
Dept.: Courtroom 2
Judge: Hon. William Orrick

Date Filed: February 3, 2017

Trial Date: Not yet set

21 Defendants.
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1 I, Cody S. Harris, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and a partner of
3 the law firm of Keker, Van Nest & Peters LLP, counsel for Plaintiff County of Santa Clara (the
4 “County”) in the above-captioned matter. I submit this Declaration in support of the County’s
5 Motion for Preliminary Injunction. I have personal knowledge of the facts stated herein and, if
6 called as a witness, I could testify to them competently under oath.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of Executive Order 13768,
8 entitled “Enhancing Public Safety in the Interior of the United States,” issued by President
9 Donald J. Trump on January 25, 2017.

10 3. On February 5, 2017, shortly before the Super Bowl, President Trump appeared on
11 national television in an interview with Fox News personality Bill O’Reilly (the “O’Reilly
12 Interview”). Video of the O’Reilly Interview is available on YouTube at: Fox Sports, *Bill*
13 *O'Reilly Interviews President Donald J. Trump Before Super Bowl LI*, YouTube (Feb. 5, 2017),
14 <https://www.youtube.com/watch?v=74DAI2hr9Kk> (5:09–5:45).¹ A transcript of that interview is
15 also available at Fed. News Serv. Tr., *President Trump is Interviewed on Fox*, 2017 WLNR
16 3753383, at 4 (Feb. 5, 2017), a true and correct copy of which is attached hereto as **Exhibit B**.

17 4. Attached hereto as **Exhibit C** is a true and correct copy of a transcript of a press
18 briefing by White House Press Secretary Sean Spicer, dated February 8, 2017, and available on
19 the White House website at: [https://www.whitehouse.gov/the-press-office/2017/02/08/press-](https://www.whitehouse.gov/the-press-office/2017/02/08/press-briefing-press-secretary-sean-spicer-282017-10)
20 briefing-press-secretary-sean-spicer-282017-10.

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¹ Fox News has edited the transcript and video clips appearing on its website to remove the
26 President’s comments regarding sanctuary jurisdictions. See Fox News, *Exclusive Interview with*
27 *President Trump, Part 2*, at 0:45, <http://video.foxnews.com/v/5313200376001/?playlistid=930909812001#sp=show-clips>. Fortunately, a full version of the video was available through
28 the Russia Today website, and the undersigned can provide a downloaded copy to the Court if requested. See RT, *Trump Ready to Use Defunding ‘Weapon’ Against Immigrant Cities & States (VIDEO)*, <https://www.rt.com/usa/376407-trump-sanctuary-defunding-weapon/>.

1 5. Attached hereto as **Exhibit D** is a true and correct copy of United States
2 Department of Homeland Security Pool Notes from Secretary of Homeland Security John Kelly's
3 Trip to San Diego, dated February 10, 2017, and available on the Department of Homeland
4 Security website at: [https://www.dhs.gov/news/2017/02/10/pool-notes-secretary-](https://www.dhs.gov/news/2017/02/10/pool-notes-secretary-kelly%E2%80%99s-trip-san-diego)
5 kelly%E2%80%99s-trip-san-diego.

6

7 I declare under penalty of perjury that the foregoing is true and correct. Executed on
8 February 23, 2017 at San Francisco, California.

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11 CODY S. HARRIS

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EXHIBIT A



Presidential Documents

Executive Order 13768 of January 25, 2017

Enhancing Public Safety in the Interior of the United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (INA) (8 U.S.C. 1101 *et seq.*), and in order to ensure the public safety of the American people in communities across the United States as well as to ensure that our Nation's immigration laws are faithfully executed, I hereby declare the policy of the executive branch to be, and order, as follows:

Section 1. Purpose. Interior enforcement of our Nation's immigration laws is critically important to the national security and public safety of the United States. Many aliens who illegally enter the United States and those who overstay or otherwise violate the terms of their visas present a significant threat to national security and public safety. This is particularly so for aliens who engage in criminal conduct in the United States.

Sanctuary jurisdictions across the United States willfully violate Federal law in an attempt to shield aliens from removal from the United States. These jurisdictions have caused immeasurable harm to the American people and to the very fabric of our Republic.

Tens of thousands of removable aliens have been released into communities across the country, solely because their home countries refuse to accept their repatriation. Many of these aliens are criminals who have served time in our Federal, State, and local jails. The presence of such individuals in the United States, and the practices of foreign nations that refuse the repatriation of their nationals, are contrary to the national interest.

Although Federal immigration law provides a framework for Federal-State partnerships in enforcing our immigration laws to ensure the removal of aliens who have no right to be in the United States, the Federal Government has failed to discharge this basic sovereign responsibility. We cannot faithfully execute the immigration laws of the United States if we exempt classes or categories of removable aliens from potential enforcement. The purpose of this order is to direct executive departments and agencies (agencies) to employ all lawful means to enforce the immigration laws of the United States.

Sec. 2. Policy. It is the policy of the executive branch to:

(a) Ensure the faithful execution of the immigration laws of the United States, including the INA, against all removable aliens, consistent with Article II, Section 3 of the United States Constitution and section 3331 of title 5, United States Code;

(b) Make use of all available systems and resources to ensure the efficient and faithful execution of the immigration laws of the United States;

(c) Ensure that jurisdictions that fail to comply with applicable Federal law do not receive Federal funds, except as mandated by law;

(d) Ensure that aliens ordered removed from the United States are promptly removed; and

(e) Support victims, and the families of victims, of crimes committed by removable aliens.

Sec. 3. Definitions. The terms of this order, where applicable, shall have the meaning provided by section 1101 of title 8, United States Code.

Sec. 4. Enforcement of the Immigration Laws in the Interior of the United States. In furtherance of the policy described in section 2 of this order, I hereby direct agencies to employ all lawful means to ensure the faithful execution of the immigration laws of the United States against all removable aliens.

Sec. 5. Enforcement Priorities. In executing faithfully the immigration laws of the United States, the Secretary of Homeland Security (Secretary) shall prioritize for removal those aliens described by the Congress in sections 212(a)(2), (a)(3), and (a)(6)(C), 235, and 237(a)(2) and (4) of the INA (8 U.S.C. 1182(a)(2), (a)(3), and (a)(6)(C), 1225, and 1227(a)(2) and (4)), as well as removable aliens who:

- (a) Have been convicted of any criminal offense;
- (b) Have been charged with any criminal offense, where such charge has not been resolved;
- (c) Have committed acts that constitute a chargeable criminal offense;
- (d) Have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency;
- (e) Have abused any program related to receipt of public benefits;
- (f) Are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or
- (g) In the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

Sec. 6. Civil Fines and Penalties. As soon as practicable, and by no later than one year after the date of this order, the Secretary shall issue guidance and promulgate regulations, where required by law, to ensure the assessment and collection of all fines and penalties that the Secretary is authorized under the law to assess and collect from aliens unlawfully present in the United States and from those who facilitate their presence in the United States.

Sec. 7. Additional Enforcement and Removal Officers. The Secretary, through the Director of U.S. Immigration and Customs Enforcement, shall, to the extent permitted by law and subject to the availability of appropriations, take all appropriate action to hire 10,000 additional immigration officers, who shall complete relevant training and be authorized to perform the law enforcement functions described in section 287 of the INA (8 U.S.C. 1357).

Sec. 8. Federal-State Agreements. It is the policy of the executive branch to empower State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law.

(a) In furtherance of this policy, the Secretary shall immediately take appropriate action to engage with the Governors of the States, as well as local officials, for the purpose of preparing to enter into agreements under section 287(g) of the INA (8 U.S.C. 1357(g)).

(b) To the extent permitted by law and with the consent of State or local officials, as appropriate, the Secretary shall take appropriate action, through agreements under section 287(g) of the INA, or otherwise, to authorize State and local law enforcement officials, as the Secretary determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary. Such authorization shall be in addition to, rather than in place of, Federal performance of these duties.

(c) To the extent permitted by law, the Secretary may structure each agreement under section 287(g) of the INA in a manner that provides the most effective model for enforcing Federal immigration laws for that jurisdiction.

Sec. 9. Sanctuary Jurisdictions. It is the policy of the executive branch to ensure, to the fullest extent of the law, that a State, or a political subdivision of a State, shall comply with 8 U.S.C. 1373.

(a) In furtherance of this policy, the Attorney General and the Secretary, in their discretion and to the extent consistent with law, shall ensure that jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary. The Secretary has the authority to designate, in his discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction. The Attorney General shall take appropriate enforcement action against any entity that violates 8 U.S.C. 1373, or which has in effect a statute, policy, or practice that prevents or hinders the enforcement of Federal law.

(b) To better inform the public regarding the public safety threats associated with sanctuary jurisdictions, the Secretary shall utilize the Declined Detainer Outcome Report or its equivalent and, on a weekly basis, make public a comprehensive list of criminal actions committed by aliens and any jurisdiction that ignored or otherwise failed to honor any detainees with respect to such aliens.

(c) The Director of the Office of Management and Budget is directed to obtain and provide relevant and responsive information on all Federal grant money that currently is received by any sanctuary jurisdiction.

Sec. 10. Review of Previous Immigration Actions and Policies. (a) The Secretary shall immediately take all appropriate action to terminate the Priority Enforcement Program (PEP) described in the memorandum issued by the Secretary on November 20, 2014, and to reinstitute the immigration program known as "Secure Communities" referenced in that memorandum.

(b) The Secretary shall review agency regulations, policies, and procedures for consistency with this order and, if required, publish for notice and comment proposed regulations rescinding or revising any regulations inconsistent with this order and shall consider whether to withdraw or modify any inconsistent policies and procedures, as appropriate and consistent with the law.

(c) To protect our communities and better facilitate the identification, detention, and removal of criminal aliens within constitutional and statutory parameters, the Secretary shall consolidate and revise any applicable forms to more effectively communicate with recipient law enforcement agencies.

Sec. 11. Department of Justice Prosecutions of Immigration Violators. The Attorney General and the Secretary shall work together to develop and implement a program that ensures that adequate resources are devoted to the prosecution of criminal immigration offenses in the United States, and to develop cooperative strategies to reduce violent crime and the reach of transnational criminal organizations into the United States.

Sec. 12. Recalcitrant Countries. The Secretary of Homeland Security and the Secretary of State shall cooperate to effectively implement the sanctions provided by section 243(d) of the INA (8 U.S.C. 1253(d)), as appropriate. The Secretary of State shall, to the maximum extent permitted by law, ensure that diplomatic efforts and negotiations with foreign states include as a condition precedent the acceptance by those foreign states of their nationals who are subject to removal from the United States.

Sec. 13. Office for Victims of Crimes Committed by Removable Aliens. The Secretary shall direct the Director of U.S. Immigration and Customs Enforcement to take all appropriate and lawful action to establish within U.S. Immigration and Customs Enforcement an office to provide proactive, timely, adequate, and professional services to victims of crimes committed by removable aliens and the family members of such victims. This office shall provide quarterly reports studying the effects of the victimization by criminal aliens present in the United States.

Sec. 14. Privacy Act. Agencies shall, to the extent consistent with applicable law, ensure that their privacy policies exclude persons who are not United States citizens or lawful permanent residents from the protections of the Privacy Act regarding personally identifiable information.

Sec. 15. Reporting. Except as otherwise provided in this order, the Secretary and the Attorney General shall each submit to the President a report on the progress of the directives contained in this order within 90 days of the date of this order and again within 180 days of the date of this order.

Sec. 16. Transparency. To promote the transparency and situational awareness of criminal aliens in the United States, the Secretary and the Attorney General are hereby directed to collect relevant data and provide quarterly reports on the following:

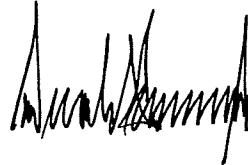
- (a) the immigration status of all aliens incarcerated under the supervision of the Federal Bureau of Prisons;
- (b) the immigration status of all aliens incarcerated as Federal pretrial detainees under the supervision of the United States Marshals Service; and
- (c) the immigration status of all convicted aliens incarcerated in State prisons and local detention centers throughout the United States.

Sec. 17. Personnel Actions. The Office of Personnel Management shall take appropriate and lawful action to facilitate hiring personnel to implement this order.

Sec. 18. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
 - (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature, likely belonging to the President of the United States, is written in black ink. The signature is fluid and cursive, appearing to read "Donald J. Trump". It is positioned above a series of short, vertical, upward-swinging marks that resemble a stylized seal or a series of initials.

THE WHITE HOUSE,
January 25, 2017.

[FR Doc. 2017-02102
Filed 1-27-17; 11:15 am]
Billing code 3295-F7-P

EXHIBIT B

NewsRoom

2/5/17 Fed. News Serv. Transcripts (Pg. Unavail. Online)
2017 WLNR 3753383

Federal News Service Transcripts
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February 5, 2017

President Donald Trump is Interviewed on Fox

Subject: Politics Time: 16:00:00 Date: 2017-02-05

BILL O'REILLY, FOX NEWS HOST: So another big week for the Trump administration. Judge Gorsuch, that roll-out went very smoothly I think.

DONALD TRUMP, PRESIDENT OF THE UNITED STATES: Yes it did.

O'REILLY: All right. But the refugee deal, not so much.

TRUMP: I think it was very smooth. You had 109 people out of hundreds of thousands of travelers and all we did was vet those people very, very carefully.

O'REILLY: You wouldn't do anything differently if you had to do it over again?

(CROSSTALK)

TRUMP: Look...

O'REILLY: I mean, some of your people didn't really know what the order was?

TRUMP: Well, that's not what General Kelly said. General Kelly, who's now Secretary Kelly, he said he totally knew, he was aware of it, and it was very smooth.

O'REILLY: All right.

TRUMP: It was 109 people.

O'REILLY: Let's talk about Iran. Your assessment; do you think we're on a collision course, we being the United States, with that country?

TRUMP: I think it was the worst deal I've ever seen negotiated. I think it was a deal that should never been negotiated.

O'REILLY: The nuke deal you're talking about?

TRUMP: Absolutely. The deal that was made by the Obama administration. I think it's a shame that we've had a deal like that and that we had to sign a deal like that. And there was no reason to do it. And, if you're going to do it, have a good deal.

We gave them \$1.7 billion in cash, which is unheard of. And we put the money up and we have really nothing to show for it.

O'REILLY: Possible you tear it up?

TRUMP: We'll see what happens.

(CROSSTALK)

O'REILLY: So it's possible.

TRUMP: I mean, we're going to see what happens. I can say this, they have total disregard for our country. They are the number one terrorist state. They're sending money all over the place -- and weapons. And can't do that.

O'REILLY: Sanctions, that's how you're going to start with them?

TRUMP: Just started .

O'REILLY: But you're moving a carrier right?

TRUMP: I never talk about military moves. I always criticized President Obama where they'd have an announcement that they're going into Mosul or they're going to some place and they give the name, the date, the time, I don't believe in that.

O'REILLY: So you're not real bullish on Iran at this point?

TRUMP: No, I'm not bullish. I think they have total disrespect for our country. I understand, that deal -- I would of lived with it if they said, OK, we're all together now.

But it was just the opposite. It's like they're emboldened where they follow our planes, they circle our ships with their little boats, and they lost respect because they can't believe anybody could be so stupid as to make a deal like that.

O'REILLY: You talked to Putin last week, you had a busy week last week.

TRUMP: A pretty busy week, yes, busy week-and-a-half.

O'REILLY: Do you respect Putin?

TRUMP: I do respect him but...

O'REILLY: Do you? Why?

TRUMP: Well, I respect a lot of people but that doesn't mean I'm going to get along with them. He's a leader of his country. I say it's better to get along with Russia than not. And if Russia helps us in the fight against ISIS, which is a major fight, and Islamic terrorism all over the world...

O'REILLY: Right.

TRUMP: Major fight, that's a good thing. Will I get along with him? I have no idea.

O'REILLY: But he's a killer though. Putin's a killer.

TRUMP: There are a lot of killers. We've got a lot of killers. What, you think our country's so innocent? You think our country's so innocent?

O'REILLY: I don't know of any government leaders that are killers.

TRUMP: Well, take a look at what we've done too. We've made a lot of mistakes. I've been against the war in Iraq from the beginning.

O'REILLY: Yes. Mistakes are different than...

TRUMP: A lot of mistakes, OK, but a lot of people were killed. So a lot of killers around, believe me.

O'REILLY: All right. Let's talk about Mexico. There was a report you talked to President Nieto and you told him -- this was the report, I want to know if it's true or not, that if his army couldn't handle the drug cartels that U.S. Army soldiers would, did you say that?

TRUMP: We have to do something about the cartels. I did talk to him about it. I want to help him with it. I think he's a very good man. We have a very good relationship, as you probably know. He seemed very willing to get help from us because he has got a problem.

O'REILLY: Got a problem.

TRUMP: And it's a real problem for us. Don't forget those cartels are operating in our country and they're poisoning the youth of our country.

O'REILLY: At this point do you consider Mexico a corrupt country? Because this stuff has been going on for decades.

TRUMP: I love the people. I really like this administration. I think he's a good man. We get along very well. But they have problems controlling aspects of their country, there's no question about it.

And I would say the drugs and the drug cartels, number one.

O'REILLY: Have you figured out what kind of a tariff you're going to levy on Mexico to pay for the wall?

TRUMP: Well, right now it's very unfavorable. Right now we're losing our jobs to Mexico. You look at the plants, you look at these massive plants.

And I have to tell you I've turned it around, already I've turned it around, you see that. Ford has been phenomenal. They canceled the plan. They're building tremendous...

O'REILLY: Yes, you intimidated them. They're afraid of you.

President Donald Trump is interviewed on Fox, 2017 WLNR 3755893

TRUMP: No, General Motors has got Mary Barra...

O'REILLY: Oh come on, they're afraid of you. You know these companies.

TRUMP: I don't know if they're afraid -- no, no, they want to do what's right.

O'REILLY: They want to do what's right?

TRUMP: They're going to bring jobs back...

O'REILLY: Why didn't they do what was right in the past? They're afraid of you.

TRUMP: Because the wrong people spoke to them. But they're going to do what's right and they're bringing jobs back to Michigan and Ohio...

O'REILLY: All right.

TRUMP: ... and Pennsylvania and all the places that have lost the jobs. So that's already happening. I think you're going to see a tremendous job growth in this country.

O'REILLY: Let's turn domestic policy. I just spent the week in California. As you know, they are now voting on whether they should become a sanctuary state.

So California and the USA are on a collision course. How do you see it?

TRUMP: Well, I think it's ridiculous. Sanctuary cities, as you know, I'm very much opposed to sanctuary cities. They breed crime. There's a lot of problems. If we have to we'll defund, we give tremendous amounts of money to California...

O'REILLY: So you're going to defund...

TRUMP: California in many ways is out of control, as you know. Obviously the voters agree, otherwise they wouldn't have voted for me.

O'REILLY: So defunding is your weapon of choice...

TRUMP: Well, it's a weapon, I don't want to defund the state or a city.

O'REILLY: But you're willing to do it.

TRUMP: I don't want to defund anybody. I want to give them the money they need to properly operate as a city or a state. If they're going to have sanctuary cities, we may have to do that. Certainly that would be a weapon.

O'REILLY: Is there any validity to the criticism of you that you say things you can't back up factually, and as the president, if you say, for example, that there are 3 million illegal aliens who voted, and then you don't have the data to back it up, some people are going to say, that's irresponsible for a president to say that, is there any validity to it?

TRUMP: Well, many people have come out and said I am right, you know that. O'REILLY: I know, but you have got to have data to back that up.

President Donald Trump is interviewed on Fox, 2017 WLNR 3755883

TRUMP: Let me just tell you -- let me just tell you, and it doesn't have to do with the vote, although the end result. It has to do with the registration. And when you look at the registration and you see dead people that have voted, when you see people that are registered in two states, that have voted in two states, when you see other things, when you see illegals, people that are not citizens and they are on the registration roles.

Look, Bill, we can be babies, but you take a look at the registration, you have illegals, you have dead people, you have this, it's really a bad situation, it's really bad. And... O'REILLY: So you think you're going to be proven correct in that statement?

TRUMP: Well, I think I already have, a lot of people have come out and said that I am correct.

O'REILLY: Yes, but the data has to show that 3 million illegals voted.

TRUMP: Look, forget that, forget all of that, just take a look at the registration and we're going to do it. And I'm going to set up a commission to be headed by Vice President Mike Pence, and we're going to look at it very, very carefully.

O'REILLY: Well, that's good. Let's get to the bottom of it.

2017, can Americans expect a tax cut?

TRUMP: I think so, yes. And I think that before the end of the year I would like to say yes.

O'REILLY: OK, can Americans in 2017 expect a new health care plan rolled out by the Trump administration this year?

TRUMP: Yes, in the process and maybe it'll take till sometime into next year but we're certainly going to be in the process. Very complicated, Obamacare is a disaster. You have to remember, Obamacare doesn't work.

So we are putting in a wonderful plan. It's -- statutorily it takes a while to get. We're going to be putting it in fairly soon. I think that, yes, I would like to say by the end of the year, at least the rudiments, but we should have something within the year and the following year.

O'REILLY: All right. Last question, you get four hours of sleep or some crazy thing like that. When your head hits the pillow, do you ever say to yourself, I can't believe I'm here, I cannot believe that I am the president of the United States when I wasn't a politician, I didn't start out this way, that wasn't my life goal, does that ever come into your mind?

TRUMP: Well, I must tell you, the other day I walked into the main entrance of the White House and I said to myself, this is sort of amazing, or you walk into Air Force One. It's like a surreal experience in a certain way, but you have to get over it, because there's so much work to be done, whether it's jobs or other nations that truly hate us, you have to get over it.

O'REILLY: Football, how do you see this game?

TRUMP: Well, I like Bob Kraft, I like Coach Belichick, and Tom Brady's my friend.

O'REILLY: They're all taking gas because of that, you know they're...

TRUMP: I know they're taking a lot of heat.

(CROSSTALK)

O'REILLY: Right.

President Donald Trump is interviewed on Fox, 2017 WLNR 375583

TRUMP: But you know what, they're also getting a lot popularity out of it. I think they're going to do very well. Tom's a winner. He's going to win.

O'REILLY: So you're rooting for the Patriots.

TRUMP: The coach is a great coach. I think the other team is fantastic though. No, I think it's a fantastic team, turned out to be a good quarterback. But, you know, there's less pressure on the Patriots because they've been there.

You know, once you've won, once you've done it, and they've done it, once you've done it there's a lot less pressure. So we'll see what happens. But, you know, you have to stick up for your friends, right?

O'REILLY: Sure, now FOX Sports is demanding I ask you to make a prediction.

TRUMP: Well, I hate to make predictions.

O'REILLY: But you have to.

TRUMP: I hate to do it. But I'll say...

(CROSSTALK)

O'REILLY: ... leave and let you do it.

TRUMP: I'll say I don't even know what are the odds; I guess it's pretty even, right, two great teams.

O'REILLY: Yes, but you've got to.

TRUMP: Pretty even. So I'll say the Patriots will win.

O'REILLY: By how many points?

TRUMP: By 8 points.

O'REILLY: All right. So that's a good presidential prediction and we'll see.

(CROSSTALK)

TRUMP: ... doing those things, but that's OK.

O'REILLY: You don't need data on that?

TRUMP: I need no data.

O'REILLY: OK. Mr. President, thanks very much for taking the time.

TRUMP: Thank you so much.

END

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The White House

Office of the Press Secretary

For Immediate Release

February 08, 2017

Press Briefing by Press Secretary Sean Spicer, 2/8/2017, #10

James S. Brady Press Briefing Room

1:48 P.M. EST

MR. SPICER: Good afternoon, everyone. Just a few minutes ago, as many of you had seen, we had another example of the real-world results that the Trump administration is getting in its pro-jobs agenda. Intel CEO Brian Krzanich announced that his company is opening a high-tech manufacturing facility in Arizona that will create roughly 10,000 jobs between the factory itself and its supply chain, which is the latest wave in economic optimism that's sweeping the country following the President's victory.

In his inaugural address, the President laid out an ambitious vision to create 25 million jobs over the next decade. From the beginning of his campaign, bringing jobs back to our

struggling community has been one of the parts of the President's message that most resonated with the American people. Having hired tens of thousands of people himself, the President is keenly aware of what prevents businesses from being successful and creating jobs in the current economy.

President Obama, by contrast, visited the same factory site where this factory will be built during his last reelection visit in 2012, touting the government incentives that were supposed to bring back jobs that had been lost to Asia. President Trump knows that for business, the real government incentive is the government restraining itself. For too many years, Washington has smothered industry in this country and under burdensome regulation. This administration will set out to free businesses from constraints of government bureaucracy and regulation.

Under the President's "Buy American, Hire American" agenda, the government is going to get out of the way of businesses to allow them to thrive. Just last week, the President signed what we've been calling the "one in, two out" executive order requiring that every new federal regulation that's adopted, two be eliminated. This new rule will provide much-needed relief for businesses who have been regulated and saddled with an absolutely staggering amount of additional red tape, as much as \$1.9 trillion per year by some estimates.

In 2014, the National Association of Manufacturers calculated that companies in every industry paid an average of \$9,991 per employee to comply with federal regulations. And it's only gotten worse since that study was conducted. By relieving even a small portion of this burden, we will allow businesses to grow and hire more people. Projects that have been stalled or scuttled are being revived in anticipation of the President's pro-growth policies. Last quarter, confidence among CEOs of U.S.-based companies jumped by 4.2 percent points in the YPO Global Pulse Survey, one of the single-largest quarter gains in history. This is only the beginning of the President's agenda.

Moving on to recap the President's afternoon and evening yesterday, as you saw, we officially announced the 24 people who will be serving in the President's -- in his Cabinet, on the White House website yesterday. The President looks forward to having all these distinguished qualified men and women in place as heads of departments and agencies so that our government can start fully working for the American people and enacting the agenda that he brought forward during the last campaign.

The President spoke with two foreign leaders yesterday. During his call with President Rajoy of Spain, the two leaders discussed our shared priorities, including efforts to eliminate ISIS. The President additionally reiterated the United States' commitment to the North Atlantic Treaty Organization, and emphasized the importance of NATO allies and sharing the burden of defense spending. President Trump also spoke with President Erdogan of Turkey, during

which he conveyed U.S. support to Turkey as a strategic partner and NATO ally, and welcomed Turkey's contributions to the fight against ISIS.

Last night, the President had an incredibly meaningful visit with current officers who enrolled in the Green Beret's Qualifications Course. These young men and women will be at the tip of the spear serving our country in some of the world's most dangerous places as intelligence officers. The President told these brave young soldiers how proud he was of their commitment, to risk everything to keep us safe, and how humbled he was to serve as their Commander-in-Chief, and that they could always count on him to have their back.

Also, yesterday, the Department of Justice presented its arguments before the 9th Circuit Court in the case concerning the temporary restraining order on the President's national security executive order. Again, as I did yesterday, I want to emphasize that the issue before the 9th Circuit right now is extremely narrow. The question is simply whether or not the President's executive order, which we maintain is fully lawful under the Constitution and U.S. code, should remain in effect while the courts actually consider it on its merits. We expect the court to issue a decision on this matter soon, and we will have a statement once that's done.

Today, the President spoke before the Major Cities police chiefs and the Major County Sheriffs Winter Conference. In his remarks, the President reiterated his commitment to a great national partnership between his administration and law enforcement. While there are many things that the federal government can do to improve safety in our communities, it truly rests with the police officers, sheriffs and deputies who risk their lives every day on our streets. And their mission is critical to the future of this country. These brave men and women have a true friend in the White House. And as the President said many times, we must protect those who protect us. He will continue to do that throughout his administration.

Later this afternoon, the President will participate in a standing legislative strategy meeting of his team here. The team has been working around the clock to engage lawmakers and get the President's agenda moving through Congress.

Yesterday, the Vice President attended the Republican Policy lunch where he discussed how the administration will work with the Senate to deliver results for the American people.

Of course, the Vice President also cast a historic vote for Secretary of Education Betsy DeVos on the floor of the Senate, and then later swore her in in his office across the street.

The larger intergovernmental affairs team is maintaining direct communications to state, local and tribal leaders so that we know what issues are affecting local communities. So far, they've contacted all GOP state speakers of the house, state senate presidents, and attorneys general, and all but eight GOP state Senate majority leaders.

Our legislative team is also obviously engaged in Judge Gorsuch's nomination. He had another full day of meetings in the Senate with both Republicans and Democrats. He met this morning with Senators Flake and Heitkamp. And this afternoon he'll meet with Senators Cotton, Blumenthal, McCaskill and Heller. We're also pleased to see another Democrat, Senator Jeanne Shaheen of New Hampshire, come out and say that the eminently qualified Judge Gorsuch deserves an up or down vote. That brings up now to nine total Democrats who have come out and expressed a willingness to treat Judge Gorsuch fairly. We hope more Democrats will continue to join their colleagues in fulfilling their constitutional duty to offer advice and consent on the President's nominee.

Also, on the Hill, we expect Attorney General-designate Sessions to receive a full vote on the floor of the Senate tonight. As unfortunately has become commonplace in the Senate, Democrats once again spent hours last night in a counterproductive discussion about one of President's clearly qualified nominees, not to mention one of their peers. Senator Sessions has a long and distinguished legal career, serving as both the U.S. attorney of the southern district of Alabama, and also as Alabama's attorney general.

The President looks forward to Senator Sessions's return to the Department of Justice where he will continue his service to our nation as our chief law enforcement officer. We also anticipate votes later this week on Secretary-designate Price and Mnuchin.

Finally, before I open it up for questions, the White House has spoken with the governor of Louisiana about the severe where in the Gulf Coast. We've also made contact with the mayors of the affected areas. FEMA is monitoring the situation around the clock and is in the process of deploying teams to support response and recovery activities. At this time, there have been no additional requests for federal assistance, and we'll update you should that change.

With that, let me go to the first question from Courtis Fuller from WLWT NBC in Cincinnati, Ohio.

Q Good afternoon. Cincinnati, among other cities, has recently voted to become a sanctuary city. City leaders here are vowing not to enforce federal immigration laws without a specific request. They also say they want to be open and welcoming to refugees. My question today: How will President Trump respond? Will Cincinnati face economic or other sanctions, including, for example, funding of the Brent Spence Bridge, which he said he would fund when he was on the campaign trail?

MR. SPICER: Thanks, Courtis. As I've noted before, at the end of the day, this order is about two things: one, keeping our cities safe, and two, respecting the hard-earned taxpayers who send their money to the federal government. And the President is going to do everything he can within the scope of the executive order to make sure that cities who don't comply with it

-- counties and other institutions that remain sanctuary cities don't get federal government funding in compliance with the executive order. I think more areas like Miami-Dade, down in Florida, understand the importance of this order, and we hope cities like Cincinnati and other communities around the country follow their lead and comply with that.

With that, Anita Kumar.

Q I have two questions. The first one is, can you tell us who is paying or how this is happening with Prime Minister Abe's visit to Mar-a-Lago? Who will be paying for that? I asked the White House yesterday. They referred me to State. State referred me to the Japanese government who didn't respond. It seems as if the Prime Minister was paying and the money was going to Treasury, as previously discussed before.

MR. SPICER: You mean when he travels here or to Florida?

Q Mar-a-Lago.

MR. SPICER: Okay.

Q Then it seems the White House would know that.

MR. SPICER: Yeah, and let me get back to you on that. We'll follow up with you on the exact financing. I'm not sure how that flows, but I'd be glad to find out.

Q Okay. Second question was, during the hearing yesterday that you talked about -- 9th Circuit -- there was some discussion about whether there needed to be a tweak to the executive order to make it clear that legal permanent residents would not be included in that, and there was some back and forth on that. Will there be a tweak?

Q I think there was further guidance that I spoke about that went out, I think it's been a week ago -- correct me if I'm wrong -- and talked about, we wanted to make it very, very clear that legal permanent residents were not included in that.

But again, remember, we're not talking about the merits of the order. Right now, this discussion that happened last night and that the court will be ruling on is specific to the temporary restraining order and whether or not it should be maintained until there's a further discussion on the merits.

So again, I don't want to get into the legal nuances, but right now the guidance is very clear that was issued several days ago, if not a week ago, that this is not about legal permanent residents. So I just -- that they are excluded from this, and I don't know why there would be that discussion. That clarification has been made.

Jeff.

Q Sean, you said you're not talking about the merits of the order. Was the President this morning talking about the merits of the order when he called it "disgraceful," the hearing that he heard last night?

MR. SPICER: He wasn't arguing before the 9th Circuit, Jeff. Last night was a motion before the 9th Circuit on the temporary restraining order. I think the President was very clear that U.S. code and the Constitution clearly give the President all the authority that is needed to make sure that he can regulate who comes into this country and prevent any acts of -- you know, anyone who is not coming to this country in a peaceful manner.

The code, 8 U.S. Code 1152* [1182], is very, very clear on this. And so I think the President was pointing out the same issue that we had in Boston, which is, once we had a chance to argue it on the merits, we won on it. And so I think that's what he's -- he clearly did not argue in front of the 9th Circuit last night. So --

Q But he called it "disgraceful." By calling it "disgraceful," is that the type of language that should be used between branches of government?

MR. SPICER: I think that the President, when you look at the U.S. code and how clear it's written and the authority and power it gives the President to do what is necessary to keep this country safe and regulate who comes into this country, I think it's a very, very clear reading, and the President was very -- I think he further went on and said, it doesn't matter what level of education you're at, I don't think you could misread this.

So I think --

Q But isn't that insulting an appointee to the federal bench?

MR. SPICER: I think he was very clear, Jeff. So thank you.

Daniel Halper.

Q I was curious about the tweet that President Trump -- about his daughter's brand, and then it was retweeted by the POTUS account. What's the standard that the President is doing in regards to his family businesses or that businesses --

MR. SPICER: Well, I think this was less about his family business and an attack on his daughter. He ran for President. He won. He's leading this country. And I think for people to take out their concern about his actions or his executive order on members of his family, he has every right to stand up for his family and applaud their business activities, their success.

So, look, when it comes to his family, I think he's been very clear how proud he is of what they do and what they've accomplished, and for someone to take out their concern with his

policies on a family member of his is just -- is not acceptable, and the President has every right as a father to stand up for them.

I'm going to go to Norma Garcia from KXTX.

Q Thank you. In Texas there is a big push to penalize sanctuary cities. In this state and other states around the country, there is a growing concern among undocumented immigrants whose lives are deeply rooted in the United States and have no criminal records. My question is, is this administration ready to tackle comprehensive immigration reform? If so, can you give us a timeline for it? If not, what is the plan to deal with undocumented immigrants who live in this country long term?

MR. SPICER: Thanks, Norma. I think this has come up several times. I don't think that anybody doubts the President's concern or priority that is placed on immigration. He has talked about it -- when you talk about a comprehensive approach, he has talked about building a wall, he's talked about making sure we go after criminals in this country, he's talked about walking through the process and addressing DACA and DAPA in time. I think this is a big problem. There is no question that both on the security side and on reforming the current immigration system that is so clearly broken, that he is walking through this already, both in terms of executive action and then will continue to work through Congress.

So to your question about the timeline, I think he's already enacting several pieces of it and he's going to work with Congress to get further down that.

Eamon Javers.

Q Sean --

MR. SPICER: Hallie.

Q Two here. Playing off of questions from Daniel here, on the business activities that you describe the President taking offense to, Nordstrom has come out and says this was not a political decision, it was a business decision. Ivanka Trump, as you know, has said she has divorced herself, separated herself from the business. So how is she being treated unfairly if she's not part of --

MR. SPICER: Well, I think there's clearly a targeting of her brand, and it's her name still out there. So she's not directly running the company, it's still her name on it and there's clearly efforts to undermine that name based on her father's positions on particular policies that he's taken. This is a direct attack on his policies and her name. And so there is clearly an attempt for him to stand up for her because she is being maligned because they have a problem with his policies.

John Roberts.

Q Sean, just a second -- actually, to clarify that, the timing of that tweet? It looked like it was right after his PDB -- during? Can you just --

MR. SPICER: I've heard the conjecture. He was free when that happened. Thank you for asking.

Q Second question was on the lawsuit --

MR. SPICER: No, that's two.

Q Oh, I'm sorry, that was a clarification of the one. (Laughter.)

Q Good, Hallie.

Q The President tweeted today that if he does not prevail in the court, talking about the lawsuit issue, that we will never be safe, we will never have the safety and security we're entitled to. What does that mean? Does that mean that this is the only tool in his toolbox and if this EO gets batted down by the courts, we're toast?

MR. SPICER: No. But I think that when you -- and I mean, again, let's -- 8 U.S. Code 1182 says whenever the President finds that the entry of an alien or any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation such periods as he shall deem necessary suspend the entry of aliens or any class of aliens or immigrants or non-immigrants, or impose on the entry of aliens restrictions he may deem necessary and appropriate.

I guess at some point, if you don't look at that statute and say that the President has the power that Congress and the President have deemed necessary to keep this country safe, you've got to wonder how far you're going to allow that to get eroded.

So the point is, is that at some area, you've got to wonder if the President isn't able to execute on the power that's been vested into him and is codified in U.S. code, at some point you have to wonder what else is at question. We have a President that acted 100 percent lawfully to keep people out of this country from seven countries that we did not have the proper information to ensure they were coming into this country with the appropriate means and motives. If at some point the President doesn't have the power, as given to him in law, to protect this country, I think that really questions what a slippery slope we're on.

John.

Q Sean, two questions.

MR. SPICER: Of course. (Laughter.)

Q The President said this morning that he paid very close attention to the arguments before the 9th last night.

MR. SPICER: Yes.

Q But was he happy with the presentation that the DOJ attorney, August Flintje, made? There was some concern by supporters of this extreme vetting program that he wasn't strong enough. He seemed to be searching for answers, particularly on the point of standing.

MR. SPICER: I think there was a lot of back and forth during that entire argument. He made some solid points, and I think that he did what he had to represent the President's case and to represent the administration's case on the TRO.

I think the President has really focused on the merits of this case, and looking forward to getting it back either to the 9th Circuit or to the lower court, or however it has to move. He feels very confident on the merits, and that's where I think his focus has been.

So I don't -- I'm not concerned. I think the President's main concern has been on the merits of this case and making sure that an executive order that was lawfully executed and went through the entire process -- remember we've got to go back and remember that the DOJ's Office of Legal Compliance vetted this order, deemed it was legal. So we've followed the entire process to make sure that this was done correctly, constitutionally, legally, and every otherwise.

And so to now -- now our focus is making sure, whether or not we have to wait a day or two or whatever for the TRO, we look forward to the opportunity to discuss this on the merits.

Jen Jacobs.

Q Whoa, whoa, whoa -- sorry. Hold on. Just as a point of clarification -- I've got a question --

MR. SPICER: Now you're going with Halle's --

Q So he is -- he was happy with his presentation --

MR. SPICER: I think he is looking forward to the merits of this discussion. That's where -- and I think he was pleased with some of the points that got made. But his focus is on the merits of the order and making sure that ultimately we're able to do what we can to get this order back in place and protect the American people.

Jen.

Q The Muslim Brotherhood --

Q Question two.

MR. SPICER: Look at what Hallie started. (Laughter.)

Q We have reported that Russia has sent its biggest shipment of missiles ever to Syria. Just wondering what the White House's reaction is.

MR. SPICER: I think I'll have to -- we don't have any comment on this at this time.

Jen.

Q The Muslim Brotherhood. Is it accurate that the administration is weighing -- labeling the Muslim Brotherhood a terrorist organization? And will you do the same for Iran's Islamic Revolutionary Guard?

MR. SPICER: I think there is no one that can question the President's commitment to fully attacking and addressing the threat that we face by radical Islamic terrorism. He has been -- made very clear during the campaign that the first step is understanding, knowing, and proclaiming who the enemy is. And he's going to do whatever it takes.

That being said, I'm not going to get ahead of any announcements that we may or may not have coming in the near future. But make no mistake, the President understands the threat that our nation faces, and he's going to do everything he can to attack it, root it out, and destroy it.

Cecilia.

Q Thank you. The President also said today that in the last two weeks he's learned a lot, and that terrorism is far greater -- and that terrorism is a far greater threat than people understand. That sounds like he is telling the American public that they have something to fear. Is there a specific threat that he is talking about? And should the American public -- based on that statement right there -- be fearful?

MR. SPICER: No. But I think the American people should understand that the President is committed to doing this. We face a very, very real threat in ISIS and radical Islamic terrorism, and that we've got to do everything he can, and that the reason that he is taking the steps that he is, is because we must remain ever vigilant. We can't let our guard down. We have to be ahead of the curve. And that the President is going to take the steps necessary to protect this country and its people. And that the idea that we should sit back and not fully appreciate the constant threat that we're in, it's week after week, month after month that we're hearing of another instance -- a lone wolf, et cetera, et cetera -- that is going throughout this country -- excuse me, throughout the world. My apologies.

And so I think what the President is doing is trying to make sure that the American people understand that he's doing everything he can to protect them and to keep our institutions and our people safe. And so this is not something that we can rest on our laurels, that we can't understand. He was just down at CENTCOM and SOCOM Monday morning getting a full briefing of the threat that we face from around the world and their motives.

And I think that that's something that he weighs very heavily on his mind when he meets with these people, gets these briefings, meets with the Green Beret soldiers, that he recognizes that there are so many people out there putting their life on the line to protect this country and to make sure that we understand the threats, and that it's his job and his obligation to do everything within his power to take that information and do what he can to protect the country.

And so just to put a pin in it, I just want to be clear. While we may not face an imminent threat today, we don't know when that next threat comes. Is it next week? Is it next month? Is it next year? But the President wants to get ahead of the curve and make sure that we're not talking about what we should have done, but taking every step necessary to make sure that it doesn't happen.

Steve.

Q But is the threat today greater than it was yesterday or last week? Because that's what he's saying.

MR. SPICER: I understand what he's saying. What I'm telling you is, is that we shouldn't ever be behind the curve on the threats this country faces. We should make sure -- we don't know when the next one is coming. We don't know when the next lone wolf is coming. We don't know when the next attack is. We've got amazing intelligence that's trying to root out and make sure that it doesn't happen again. But what we can't do is wait for the next attack to come and say, I wish we had done the following. And the steps that he's taken are proactively making this country and our people safer.

Steve.

Q Sean, what was the White House response to the Republican proposal for a carbon tax floated today? And separately, could you just set up tomorrow's meeting with the airline CEOs a little bit? What do you hope to get out of it? What do you hope to discuss?

MR. SPICER: So I'm not going to comment on pending legislation. We'll wait to see where that comes. That's just not going to be a habit of ours to comment on every bill that gets introduced or marked up in committee until we have a statement of administration policy.

And with respect to the meeting tomorrow, I'll have a further readout on that later tomorrow. But I will say, in general, as you know, he's met with Intel just now. He met with

oil executives -- I mean, executives from the car manufacturers, manufacturing companies, technological companies, unions. So these continued meetings that you'll see in the next months and years are going to be an attempt to make sure that he's sitting down with business leaders from around the country to figure out how he can use his office and this administration to further their ability to create jobs and grow the economy.

So this is going to be more of a pattern. You're going to continue to see him meeting with people who want to share that agenda to grow, create jobs, manufacture here, lift wages up here, bring benefits to good-paying jobs, et cetera.

Q Should we take any significance from the fact that you did have this meeting about the carbon tax?

MR. SPICER: No. I just -- look, we're not at a policy -- we have nothing to announce on that.

If I can go now to our next seat -- sorry -- we've got Josh Smith from WJHL in Southwest Virginia.

Q First off, thanks so much for taking questions from journalists covering local news. We appreciate it. WJHL is in Northeast Tennessee and Southwest Virginia -- that is coal country. And I have two questions relating to coal. Then-candidate Trump came to Abingdon, Virginia last year and he made a bold promise -- if it helped to rescue the mining industry, that he would help to bring coal jobs and he would push back against environmental regulations.

If the executive order last week was a first step, what specifically is the President willing to do, planning to do to make good on that promise to help the coal industry, to encourage coal production and use, and to deal with what some call its demonized image?

And as a follow-up -- and I've got to ask two questions because when am I ever going to get to do this again? What assurances can the President give those who hear him talking about him pushing back against environmental regulations and bringing back coal? What assurances can he give those who are very worried about the impact on the environment?

MR. SPICER: Well, I think that there's this -- well, I think when you hear him talk about coal specifically, it's under the guise of clean coal. And I think the technology that we're able to utilize these days make it one of the cleanest uses of technology that we have. And the President's point is that as we bring back this industry, we can do it in a way that is environmentally friendly and it becomes a great and greater energy source for us.

Just the other day, the Department of Energy noted that we expect I think it's about a 3 percent increase in coal production in this country, which is a noticeable reverse of where

it's been in the past. You mentioned the executive order and the talks that the President has had over the past year or so about his desire to bring back coal.

Largely, that has to do with regulation that the EPA has put on existing coal plants that have ensured that they couldn't operate in an effective way to stay open. I think the President is working with industry to roll back a lot of that and do it in a way that's environmental-friendly. And I think that you can do that utilizing the technology you have and harness the power of clean coal, Josh. Thanks.

Kristen.

Q Sean, Yemen has withdrawn permission for the United States to run special operations in ground missions against suspected terrorists in the wake of the recent raid there that claimed so many civilian lives. Does that not undercut the administration's ability to fight terrorism in that region? And do you stand by your assessment that it's a success?

MR. SPICER: Well, I'll take the last one first. It's absolutely a success. And I think anyone who would suggest it's not a success does disservice to the life of Chief Ryan Owens. He fought knowing what was at stake in that mission. And anybody who would suggest otherwise doesn't fully appreciate how successful that mission was, what the information that they were able to retrieve was, and how that will help prevent future terrorist attacks.

Q But even Senator John McCain --

MR. SPICER: I understand that. I think my statement is very clear on that, Kristen. I think anybody who undermines the success of that raid owes an apology and [does] a disservice to the life of Chief Owens.

Q Are you saying that Senator John McCain owes him an apology?

MR. SPICER: Hold on, Kristen, can I answer the question? I'm answering the question. Please let me finish. The raid -- the action that was taken in Yemen was a huge success. American lives will be saved because of it. Future attacks will be prevented. The life of Chief Ryan Owens was done in service to this country and we owe him and his family a great debt for the information that we received during that raid. I think any suggestion otherwise is a disservice to his courageous life and the actions that he took. Full stop. I'm sorry, what was the first part?

Q Is that your message to Senator John McCain? He's called it a failure.

MR. SPICER: That's my message to anybody who says that. Anybody. I just -- I don't know how much clearer I can be, Kristen.

Hunter Walker.

Q Yes, thank you, Sean. This morning, President Trump asked local law enforcement officials to help assist with deportations. If he doesn't get the cooperation he's hoping for, does he plan to have DHS and CBP proactively begin deportations of undocumented criminals in the border zone?

MR. SPICER: Well, I think that when you talk about immigration and what he's doing -- whether it's the wall or enforcing existing regulations or visa reform -- I don't think anybody questions the President's commitment to border security and immigration reform. In fact, it's usually quite the opposite. So when it comes to the steps that he's going to take, I think I've addressed this multiple times what his priorities are going to be, but you've seen Secretary Kelly talk about construction of the wall, his implementation of the executive order to keep people out. There is going to be a considerable amount of action on this front -- on immigration and border security. It started day one and it's going to continue through the last possible day until the President feels that this border is 100 percent secure and we've got the immigration system completely under control.

Q Is defunding his only tool to get cooperation from the sanctuary cities?

MR. SPICER: Look, I'm not going to get ahead of it. I think when you saw the support and some of the side conversations that the sheriffs and police officers had, and the conversations that we've had beyond that, the sheriffs the other day, the support that they've issued on behalf of his executive actions and his agenda as a whole -- these are the folks on the front lines in many cases, Hunter, that are on the border, that see what some of this does and how it affects families and businesses, not to mention the cost that it is to both our country, in terms of what we have to do to support the immigration at our southern border in particular, but also the cost that it has on our economy and on jobs.

So you're going to continue to see a flurry of activity, over and over and over again, to make sure that this President continues to show the importance that he puts on both border security and immigration reform.

Q Thank you, Sean. Yesterday, on CNN, Kellyanne Conway announced that Prime Minister Trudeau is going to be here next week. Can you confirm which day? Have discussions on reviewing the Canadian part of NAFTA started? And can you confirm that Sarah Palin is being considered as ambassador to Ottawa?

MR. SPICER: So I will have further updates on the Prime Minister's schedule either later today or tomorrow. I'm not in a position where I can finalize that. But we will have --

Q And all the other (inaudible) --

MR. SPICER: Guys, slow your roll. (Laughter.) So we will -- with respect to the ambassador, we have no additional ambassador nominations or announcements to make on that front.

I'm sure, at some point, we will have soon.

With respect to the agenda, as the President spoke with Prime Minister Trudeau a few weeks ago, they talked about trade and security and commerce, and I think all of that is going to be discussed at the time when the President and him further meet or discuss this.

Q And I wanted to follow up on that if you don't mind. Just on NATO, Canada, of course, is one of the 28 member countries. The President has been calling out countries that pay their fair share of dues. What are his options if countries don't listen to him? And what does this really mean?

MR. SPICER: Well, I think -- look, every country is obligated to pay two percent of their GDP, and the President has made it very clear that, for too long, many countries have been getting a free ride. When he has talked to these countries, and as I've just read out, both Erdogan and Rajoy -- he has addressed this not just with them, but to so many of the other NATO countries. And, by and large, every single one of them agrees with that. They understand the importance of NATO, and the President is very clear that in order for NATO to be successful, these folks have to pay their fair share.

Carol Lee.

Q I want to follow on Kristen, and then I just have a question on Turkey. Does the White House have a reaction to reports that Yemen has revoked permission for the U.S. to do ground missions there?

MR. SPICER: Yemen, more than most countries, fully appreciates the fight that we have with ISIS, and I think we're going to continue to work with them to strengthen our diplomatic relationships and understand our fight against terrorism. And so at this point, I'll leave it at as that we understand that we share that commitment with them, and we're going to continue to work with them to combat ISIS and to make sure that we do that. I'm not in a position to go any further at this time.

Q President Erdogan said today that the U.S. agreed to work with Turkey to take Raqqa. Can you clarify what the President said to him in that phone call?

MR. SPICER: I can't. I think the readout was as specific as we want to get with his conversation.

Q What's his characterization of the conversation?

MR. SPICER: I think the readout that we put out on Turkey was as far as we want to go with that. Thank you.

Hold on, I'm going to go to our last one, Adriana Cohen, a radio host and columnist for the Boston Herald.

Q Great to be with you, Sean. Last night, Boston Mayor Walsh went on a television show to talk about sanctuary cities. What does the President make of his vow to house illegal immigrants in Boston City Hall to shield them from the Trump administration?

MR. SPICER: I think the President's executive order is pretty clear when it comes to these kind of actions. Again, I referenced it earlier in the briefing, but it's twofold. One is, there's a concern about the safety of the American people and how we let people come into this country, and second, with respect to the American taxpayer. And if we're going to be sending federal tax dollars to folks to Washington, I think they need to be used appropriately. And the President is going to do everything in his power to respect the money that taxpayers send to Washington and is spent facilitating legal activities and on American citizens.

Blake.

Q Thanks, Sean. Earlier today, the President said that the wall is in the process of being designed. Given his previous background, is he or does he plan on being actively involved with the designing and the implementation of that wall? And separately, last night, Elizabeth Warren -- any reaction from the White House on whether you believe what Mitch McConnell did was the correct thing? Critics say she was silenced on the Senate floor.

MR. SPICER: On the wall, I mean, the President is a builder. He understands and I think he's going to make sure that as this project moves forward, that he's going to stay in close touch with Secretary Kelly to make sure that it fits his specs. But he takes enormous attention to detail, and he wants to make sure it gets done right. So I would expect that a project of this magnitude and one that is this high on his priority list will get the necessary attention from the President.

Q And Senator Warren?

MR. SPICER: I'm sorry?

Q Senator Warren last night?

MR. SPICER: Yeah, look, I would refer you back to Senate rules. I mean, this is not something that we tend to discuss here. I'll leave it to Senator McConnell and the Senate to discuss Senate rules.

Q I just wanted to follow up again on Yemen. Just not sure exactly what you're trying to say here. It seems like the report was that the Yemeni government has asked the U.S. to stop

doing any ground operations with regard to AQAP. Is that the request that you got from the Yemeni government?

MR. SPICER: We'll have further information on that going forward. I think we are in touch with Yemeni officials. We're working this through diplomatic channels. But they understand the fight and the commitment that we both share when it comes to rooting out ISIS. And I'll have more information on that going forward.

Q So can I ask on the President's tweet, Hallie had mentioned on part of it. The other part of it this morning was that there's been a big increase in traffic to the U.S. from certain areas. Can you say what certain areas he's referring to, and what data is he leaning on?

MR. SPICER: I'll get back to you on that. I've got to pull the data field on that.

Margaret.

Q Sean, two questions. Turkey -- did the President dispatch the CIA director to Turkey as Turkish reports are saying right now?

MR. SPICER: I just saw the CIA director, so if it happened, it hasn't happened in the last hour.

Q Okay. The rest of that question was about -- this is part one -- about Gülen, whether there was discussion of extraditing Fetullah Gülen who Turkey views as a terrorist.

MR. SPICER: I have nothing further than the readout at this time.

Q The second question, though, was about your statement -- "We don't know when the next lone wolf is coming." I believe, based on numbers, that the vast majority of lone-wolf attacks have been carried out by people who are either American, American-born, or naturalized American citizens. So what specifically are you referring to there? And what is he doing about those who are radicalized in front of their own computer screens?

MR. SPICER: Well, I guess my question, Margaret -- I mean, I think there's at least -- just for example, within the seven countries that we've talked about, there's at least 20-some odd people that, over the last few years, have come into this country and been convicted of or charged with acts of terrorism. So the --

Q But the people who are lone wolves and radicalized here.

MR. SPICER: I understand that. But what I'm getting at is, you don't know, I don't know when is the next act, who's going to commit it, how are they going to commit it. The point is, is that you don't look at odds and say, hey, let's play the odds on American lives. You do exactly what you can to prevent any attack from occurring. And so I think you can go

through any system and say, when was the last time that somebody committed a shoe bomb, and so let's not take shoes off. The TSA --

Q That's not what I'm asking.

MR. SPICER: No, I get what you're asking. You're asking, when is the next terrorist attack, and we don't know.

Q No, what is being done about people who are radicalized in the basement, in front of the computer screen, who are not affected by this ban.

MR. SPICER: Right. And I think the President has asked both for a plan to defeat ISIS from stuff that is coming in from this, and he's taking steps but he's also looking at working with the FBI and domestic intelligence agencies to gather the best information we can to prevent acts on our soil from people, wherever they may be.

Q So something more is being done on that front that we haven't heard about?

MR. SPICER: He has tasked the FBI. It is a whole-of-government approach to what's going on. We're not looking at this myopically and just saying, these are the seven countries. The whole point of that first executive ban* [order], and I know that's not entirely what you're asking, was to start with countries that didn't have the appropriate vetting measures to ensure that they could come into this country.

As we move forward through this 90-day period, we're reviewing other countries, other options. Those are the external threats coming into this country. At the same time, the President has looked at options within the domestic intelligence gathering to figure out whether it's cyber or other ways that we can determine other ways to prevent or get ahead of additional threats that we might face in this country. But it's not an either/or proposition. It's a whole-of-government approach to what's going on.

Q A bipartisan group of senators are introducing legislation -- and I know you don't like to talk about legislation -- that would allow the Senate to sign off on a reduction in sanctions against Russia. Would the President support such a check by Congress on sanctions?

MR. SPICER: Well, there's two sets of sanctions, Tamara, that we got to deal with, right? One is the ones with respect to Crimea. And I think that Ambassador Haley has addressed that very forcefully at the U.N., that until Russia leaves Crimea, that those sanctions are a non-starter. With respect to the other ones, I don't want to get ahead of the legislation, if that's what that specifically is dealing with. But again, we're not going to get into pending legislation.

With respect to the sanctions that specifically deal with Ukraine and Crimea, I think that Ambassador Haley has spoken very, very clearly about that.

Q Sean, thanks. The President said this morning in his address to the law enforcement officials, that he'll have a zero-tolerance policy for attacks against law enforcement officers. As a specific policy proposal, what does that mean exactly? More death penalty cases on the federal level? What does he mean?

MR. SPICER: I think that what the President said not just yesterday with his meeting with the sheriffs, but then today, is that he wants them to understand that he is a true friend -- they have a true friend in the White House, somebody who understands the dangers that they face every day by putting their lives on the line to protect the American people, whether it's pulling someone up for a traffic stop and not knowing what's in the car, or going up to a house to serve a warrant and not knowing who's behind that door. These men and women, every day, day in and day out, are willing to put their lives on the line and make huge sacrifices.

So he wants them to know that they have a true friend here in the White House that's going to have their back. How that manifests itself going forward, I think the President will have further details as that moves forward. But for right now, I think his number-one message to them was: You've got a friend, he's got your back, let's do what we can to get these cities.

I think the other thing that was important is that, you know, he mentioned Chicago. Their crime rate -- their murder rate is up 45, 50 percent. And in so many of these cities it's up. It's unacceptable. And I think the President is disgusted that so many American lives are taken, injured, whatever -- that we can't walk down the streets of our own cities in safety. And I think he wants to make sure that they understand his commitment not just to preventing acts of terrorism from coming into this country, but also that whether it's gang violence or whatever, that people feel safe and that law enforcement is empowered to do what it can to keep our community safe, to work with communities, to establish policies that both respect our citizens but do so in a way that makes them feel safe and allows them to drive and walk down the streets of our city.

Charlie.

Q Journalist Matt Drudge tweeted today that the Republican Party should be sued for fraud, basically upset about the lack of any legislation to repeal Obamacare or any tax cut legislation. So what's your message to him and anyone else who's worried about sort of the big push in the beginning and who might be concerned that that momentum is stalling?

MR. SPICER: I think it's hardly stalling. I think it's a mammoth thing to repeal and replace. I think there's no question the President's commitment to doing this. You've heard Speaker Ryan talk about how we should be able to have this wrapped up by the end of the year. It's a big bill. It got jammed through, and it was very sweeping. We're talking about one-fifth of

our economy. We can either do it quickly, as the Democrats did, and end up with a monstrosity where premiums go up, access is limited, or we can do it right.

And I think the President, while he wants to get this done as soon as possible and understand what's at stake, he wants to do it right. He understands how important health care is to American families and individuals. And so his goal is to get it done right and have an outcome that achieves the goals that it sets out to do. That's it -- plain and simple.

April.

Q Sean, I have a series of questions.

MR. SPICER: Look what you started, Hallie Jackson. (Laughter.)

Q Don't blame it on Hallie, okay? Going back to the issue of policing, what happens when there is a situation -- you're talking about good policing -- but what happens when there are situations that we've seen over the last few years that have been highlighted with this accountability piece with cameras? What happens when there is bad policing? What does this President --

MR. SPICER: Then we have to deal with it. I don't -- I think the President wants to do what he can. But again, I think you're right, we've got to have good policing. But that's -- he wants to stand with them, talk about how we can do proper training, what kind of funding they need to do their job better. In so many cases, the policy are asking for the resources because they've become fearful of making routine stops by preventing it.

So I think it's working with the police, integrating those kind of back and forth and having a dialogue in communities to make sure that we're doing it, as you put it, in a way that instills confidence in our citizens and our communities. But we can do this right. And we can make sure --

Q So it's not an either/or, though?

MR. SPICER: No, absolutely no.

Q Okay.

MR. SPICER: No, no, no. We've got to do this -- look, police officers from around this country on a daily basis put their lives out there, and I think that they want to keep communities safe. Like teachers, they enter this not -- no cop signs up, or sheriff, because of the money. Like teachers, they do it because they care about the community. They care about making this country better, their community better. But I think, in return, they should be provided the resources and the policies they need to do their job well and to do so that ensures that

we have this back-and-forth dialogue with the American people that continues to earn the respect that they deserve for the sacrifice they're making.

Q All right, the next question.

MR. SPICER: How many have we got? Just so I --

Q Maybe three -- maybe three more. (Laughter.) It's Black History Month. Let me go. (Laughter.)

MR. SPICER: You can play that once. (Laughter.)

Q I got a couple more days.

MR. SPICER: Okay. (Laughter.)

Q All right, so listen, on the issue of last evening with Elizabeth Warren. Coretta Scott King -- I want to get your reaction to these words that they're not allowed: "Mr. Sessions has used the awesome power of his office to chill the free exercise of the vote by black citizens in the district he now seeks to serve as a federal judge." And she's basically saying that Sessions has indifference towards criminal violations of civil rights laws. What do you say to that?

MR. SPICER: Well, obviously, we have a lot of respect for her and the sacrifices that she made, and the sacrifices that, frankly, she endured in her life. But I would respectfully disagree with her assessment of Senator Session then and now.

His records on civil voting rights I think is outstanding. And like Arlen Specter, the late Arlen Specter, I can only hope that if she was still with us today, that after getting to know him and to see his record and his commitment to voting civil rights, that she would share the same view that Senator Specter did where he said, "Although I voted against him, getting to know the man that is now, I regret that vote." And I would hope that if she was still with us today that she would share that sentiment.

Because Senator Sessions's records both as U.S. attorney for Alabama, as attorney general, and as senator has been one that has stood up for voting rights. He prosecuted the Klan. He stood up for Coretta Scott King getting -- for getting the gold medal. He has been a tireless advocate of voting and civil rights throughout his career. And I would just hope that if she was still with us today, that she would share the sentiments of former Senator Specter.

Q Okay, and last two. On diversity here, the administration's diversity issues, you've been slammed on that recently. I understand that there's been a meeting. Vice President Pence has been talking to J.C. Watts, Michael Steele and others -- if you can elaborate on that. And

also there's a lot of groundswell about this HBCU executive order. What's going on with that?

MR. SPICER: So the HBCU presidents will be in town later this month as part of a national celebration. We'll have further updates on both the meetings that we may have with them, the activities surrounding that, in terms of the administration. And then I think we'll have further updates on it, as I mentioned with all executive orders. We have nothing to update on that.

But obviously, the President has a strong commitment to them and understands over the last eight years they've been woefully neglected. And I think he wants to really show a commitment in funding to HBCUs. And so you'll see I think not just a push this month, but in his budget and going forward.

Q PLUS loans, Pell grants?

MR. SPICER: I think his budget will address a lot of these issues, April.

Q The diversity piece, the diversity piece.

MR. SPICER: And I think -- look, we're going to continue to reach out to a lot of folks to get their ideas and their input. I think he's shown that both through the transition and now. But we're going to continue to reach out to people of different backgrounds, of different color, of different gender, of different economic -- socioeconomic, of different industry, of different parties. The President I think continues to show a desire to reach out and talk to people who I think share an agenda of moving the country forward and doesn't really care about their background, their voting history, any of those other ideological traits. If they share a commitment to moving this country forward and lifting people up, that's his end of -

-

Q Sean --

Q You mentioned the "one in, two out" order in your opening. There was a lawsuit filed in federal court this morning challenging that lawsuit. Is the White House aware of that?

MR. SPICER: Yes.

Q And what's your response to it?

MR. SPICER: Well, I think the lawsuit presumes a lot of outcomes that are widely inaccurate. I think that it presumes that certain things would be part of the "one out."

The bottom line is, is that overregulation has stemmed economic growth and job creation. Reviewing those to make sure that they are meeting their intent and not stifling job

creation at the expense of whatever they were intended to do is something that should be smart and welcome by everybody.

The idea that we're willy-nilly just allowing regulations to occur, but the lawsuit specifically, is wildly inaccurate. It makes a ton of assumptions that call for speculation on what may or may not happen in the future. And that's highly -- it's just subjective at best and doesn't have any basis in fact.

Thank you, guys. Look forward to seeing you tomorrow.

Q More hands up here, Sean.

MR. SPICER: I know, I'll see them tomorrow.

END

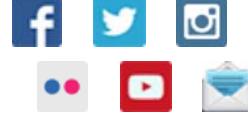
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Pool Notes From Secretary Kelly's Trip To San Diego

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WASHINGTON – Today, Secretary of the Department of Homeland Security (DHS) John Kelly visited San Diego, where he met with DHS employees and state and local law enforcement officials. Below are pool notes compiled by Elliot Spagat of the Associated Press.

Pool photos from Denis Poroy of the Associated Press are available at <https://www.flickr.com/photos/dhsgov/> ([/redirect?url=https%3A%2F%2Fwww.flickr.com%2Fphotos%2Fdhs%2F](https://www.flickr.com/photos/dhsgov/))

Pool footage is also available from KFMB San Diego.

B-roll from other portions of his trip is available by emailing mediainquiry@dhs.gov (<mailto:mediainquiry@dhs.gov>).

Pool Notes from Elliot Spagat, Associated Press:

US Homeland Security John Kelly's meeting with federal, state and local law enforcement officials was scheduled to begin at 4 p.m. PST in a conference room at San Diego's San Ysidro port of entry, the nation's busiest border crossing. It came near the end of Kelly's two-day tour of the nation's border with Arizona and California.

Kelly arrived at 4:10 p.m., shook hands, and was introduced by Pete Flores, US Customs and Border Protection's San Diego field office director.

Kelly: "Politics aside (Trump is) our president now and we have to help make America succeed. So I would just offer that he's got an agenda, more or less the same agenda he talked about during his campaign. Unlike a lot of candidates for public office, he's actually doing what he said he was going to do, or trying to do what he's said he's going to do."

I was in McAllen, Texas, last week, yesterday in Arizona, and today here. I met with DHS employees and also with local law enforcement officials "trying to get my hands around and better understand the border communities."

"(I) learned a lot about the border, learned a lot about what this physical barrier should like. Trump talked about a wall, a physical barrier of some type.

I got an "earful" from law enforcement officials about where they would most like to have a wall.

"I'll take that on board, we'll bring it back to Washington, put in the blender and come up with a solution."

Feedback from DHS employees on the border is that we need a wall but, knowing that it can't be built in an

afternoon or maybe even a year, I could really use 31 miles here right now, and, if you have capacity, another 64 miles there. "That's why I'm here to find out those kind of things."

Big Bend, Texas. "I've never been there but it's more like a Grand Canyon kind of setting and maybe a different kind of barrier would be appropriate there. The terrain is so rugged."

San Diego Police Chief Shelley Zimmerman: Asks for a definition of a sanctuary city

Kelly: "I don't have a clue It's inconceivable to me that people who are sworn to protect their communities would not want someone, anyone to remove criminals from their communities and send them somewhere else. I'm stunned when people say, well, we're not going to cooperate with you even in the event of convicted criminals.

I understand that every community is different. You are all under different pressures.'

It would be hard for me to justify giving grant money to cooperate with removal operations and you were not able to help us with that.

"I promise you we'll work with you and will make no Draconian moves until I fully understand what a given locale might be doing or not doing."

Zimmerman: We have "something special in San Diego" in terms of cooperation among law enforcement agencies.

San Diego County Sheriff Bill Gore: Echoes Zimmerman comments on collaboration among law enforcement

agencies in San Diego "but as far my patrol deputies and police officers out working in the community, we don't want to be perceived as immigration. Kelly says, "Right," and Gore says, "I think we're all pretty much on the same sheet of music."

Gore then addresses cooperation with ICE in San Diego County jails. I've ICE employees in our jails for probably 15-20 years. We can no longer hold people under ICE detainees under the law. Best outcome is for ICE to take custody of people in our facilities but recognize that they can't be everywhere in California. What could help us is if we can get some type of warrant or court order to hold them.

"That would be a big step in the right direction. And what the state of California is going to come up with down the road, it makes me shudder. I'm really concerned about that because I don't want to see politics get in the way of good public safety."

Kelly: "If we can do what we're asking, for sure. I don't know if it's doable relative to case law and all the rest of it."

The meeting continued but the pool was asked to leave at 4:25 p.m.

Confirmed attendees (* indicates I saw them in the room; others may have been there but I didn't confirm):

- US Homeland Security Secretary John Kelly* and aides*;
- US Border Patrol Chief Ronald Vitiello*;
- Mark Ghilarducci,* California Governor's Office of Emergency Services director and homeland security adviser to Gov. Jerry Brown;

- Mark Pazin,* California Governor's Office of Emergency Services law enforcement division chief;
- Joe Farrow, California Highway Patrol commissioner;
- Jim Abele, California Highway Patrol's border division chief;
- David Baldwin, California National Guard adjutant general;
- Bill Gore,* San Diego County sheriff;
- Ray Loera,* Imperial County sheriff;
- Shelley Zimmerman,* San Diego police chief;
- Roxanna Kennedy,* Chula Vista (Calif.) police chief;
- Walter Vasquez, La Mesa (Calif.) police chief;
- Manuel Rodriguez, National City (Calif.) police chief;
- Craig Carter,* Escondido (Calif.) police chief;
- Joe Froomin, Coronado (Calif.) police chief;
- Frank McCoy, Oceanside (Calif.) police chief;
- Aniello Gallucci, Carlsbad (Calif.) police chief;
- Jeffrey Davis, El Cajon (Calif.) police chief;
- Pete Flores,* US Customs and Border Protection San Diego office field director;
- Richard Barlow,* US Border Patrol San Diego sector chief;
- John Priddy, US Customs and Border Protection's Air and Marine Operations director for San Diego;
- David Shaw,* special agent in charge of US Homeland Security Investigations in San Diego;

- Gregory Archambeault,* US Immigration and Customs Enforcement's San Diego enforcement and removal operations field office director;
- Capt. Joseph Buzzella,* US Coast Guard San Diego sector commander.

Topics: [Law Enforcement Partnerships \(/topics/law-enforcement-partnerships\)](#)

Keywords: [law enforcement \(/keywords/law-enforcement-0\)](#), [Port of Entry \(/keywords/port-entry\)](#)

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