No. 17-35105

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

STATE OF WASHINGTON, *et al.*

Plaintiffs-Appellees,

v.

DONALD TRUMP, *et al.*,

Defendants-Appellants.

On Appeal from an Entry of a Temporary Restraining Order by the United States District Court for the Western District of Washington
Case No. 2:17-cv-141, Hon. James L. Robart

MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE OF MUSLIM ADVOCATES, AMERICAN MUSLIM HEALTH PROFESSIONALS, COUNCIL FOR THE ADVANCEMENT OF MUSLIM PROFESSIONALS, ISLAMIC MEDICAL ASSOCIATION OF NORTH AMERICA, MUPPIES, INC., NATIONAL ARAB AMERICAN MEDICAL ASSOCIATION, AND NETWORK OF ARAB-AMERICAN PROFESSIONALS IN SUPPORT OF APPELLEES IN FAVOR OF AFFIRMANCE

FARHANA KHERA
AZIZ HUQ
BRENDA ABDELALL
MADIHHA AHUSSAIN
JUNAID SULAHRY
Muslim Advocates
P.O. Box 71080
Oakland, CA 94612
(415) 692-1484

ANTON A. WARE
Bar No: 257848
Arnold & Porter Kaye Scholer
Three Embarcadero Center
10th Floor
San Francisco, CA 94111-4024
(415) 471-3100

Counsel for Amicus Curiae

Motion For Leave to File Brief of Muslim Advocates as Amici Curiae in Support of Appellees

Pursuant to Rule 29 of the Federal Rules of Appellate Procedure and Circuit Rule 29-3, *amici curiae*, by and through undersigned counsel, respectfully move for leave to file a 24-page *amicus curiae* brief in support of Appellees' Opposition to Appellants' Emergency Motion for Stay Pending Appeal. *Amici* state as follows:

1. **Muslim Advocates**, a national legal advocacy and educational organization formed in 2005, works on the frontlines of civil rights to guarantee freedom and justice for Americans of all faiths. Muslim Advocates advances these objectives through litigation and other legal advocacy, policy engagement, and civic education, and by serving as a legal resource for the American Muslim community, promoting the full and meaningful participation of Muslims in American public life. The issues at stake in this case directly relate to Muslim Advocates' work fighting institutional discrimination against the American Muslim community.

2. **American Muslim Health Professionals** (AMHP) works to improve the health of Americans. AMHP has three areas of focus: (1) health promotion and education; (2) professional development; and (3) state and national advocacy on public health issues. AMHP has been a

leader in expanding healthcare coverage by hiring a team of state liaisons and working with interfaith communities through its "Connecting Americans to Coverage" campaign. Its leadership has been at the forefront of raising awareness about bullying, identity development, and other mental health issues impacting the most vulnerable segment of society – our children and youth. AMHP has also spearheaded many social just initiatives including "EnabledMuslim," an online platform that provides spiritual and social support for individuals and families impacted by disability.

3. **Council for the Advancement of Muslim Professionals** (CAMP) is an association of mid- to senior-level Muslim professionals, which works to facilitate and inspire the development of Muslim Professionals across the United States. CAMP currently has a membership base of approximately 7,500 professionals and has a physical presence in Chicago, New Jersey, New York, Philadelphia and Washington D.C. Founded in 1994 in Chicago as a face-to-face networking organization, CAMP has grown to become a multi-city professional association, which empowers Muslim professionals to advance and excel, not only in their careers, but also in their broader community and philanthropic efforts.

4. The **Islamic Medical Association of North America**, IMANA, was founded in 1967 as a nonprofit 501(c)(3) tax-exempt organization. IMANA represents the largest network of American Muslim physicians, dentists and allied healthcare professionals in North America. IMANA provides professional networking opportunities for healthcare practitioners; acts as a resource for medical ethics to educational institutions, medical professionals and medical students, residents and fellows; and provides continuing medical education (CME) for physicians and mentoring for medical students, residents and fellows for their schooling or medical career choices. IMANA has active medical relief programs and emergency relief efforts to respond to disasters, and helps build healthcare capacity and facilitate the transfer of medical knowledge around the world. The mission of IMANA is to provide humanitarian aid and medical relief worldwide and to be an advocate of compassionate, sustainable and quality healthcare policies. Its objectives are to connect and assist Muslim physicians, dentists and allied health professionals in North America with orientation, adjustment, finding appropriate training and job opportunities. IMANA wishes to continue to promote and facilitate medical education, research, publications and improve global healthcare

delivery by encouraging American-Muslim diplomacy, through medical relief work and other charitable activities.

5. **Muppies, Inc.,** also known as Muslim Urban Professionals (Muppies), is a nonprofit, charitable organization dedicated to empowering and advancing Muslim business professionals to be leaders in their careers and communities. Its mission is to create a global community of diverse individuals who will support, challenge, and inspire one another by providing a platform for networking, mentorship, and career development.

6. The **National Arab American Medical Association (NAAMA)** is the largest international organization of Arab American health care providers, trainees and medical students based in North America. Since its founding, twenty-seven chapters have been established in the United States and Canada. In 1990, the NAAMA Foundation was created to support international medical assistance projects, educational exchanges, scholarships, research grants, and emergency medical aid in areas of conflict. Members of the association include well-trained clinicians, high ranking university professors, leaders of several medical societies, and scientists involved in cutting edge research and innovation. In the United States, the foundation supports professional and educational activities aimed at Arab American health education and disease prevention in

cooperation with community-based organizations. Members have also donated their time and money to help the relief efforts following Hurricanes Katrina and Rita. Internationally, the foundation sponsors projects, focusing on the Arab world. It has sponsored humanitarian projects in Iraq in the wake of the Iraq War. Currently, volunteers from the association conduct periodic missions to countries surrounding Syria to provide humanitarian medical care and establish eye care and dental clinics to benefit local populations and refugees.

7. **Network of Arab-American Professionals** (NAAP) is a professional organization grounded in the notion that all Arabs in America need to connect to advance the community. Through collective contribution to strengthen our individual and community standing, NAAP provides a channel for Arab-Americans to realize their passions and pursue their interests through community involvement. NAAP promotes professional networking and social interaction among Arab-American and Arab professionals in the US and abroad; educates both the Arab-American and non-Arab communities about Arab culture, identity, and concerns; advances the Arab-American community by empowering, protecting and promoting its political causes and interests in the US and abroad within all levels of society; supports the Arab student movement in the United

States; and serves society through volunteerism and community service efforts

8. The *amici* are affected by the Executive Order issued on January 27, 2017, entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" (the "Executive Order").

9. The Executive Order is an unconstitutional infringement upon the rights of Muslims. It inflicts significant harm on the American Muslim community and American Muslim professionals. It threatens American Muslims' ability to practice their professions in the United States; it threatens American Muslims who live, work, travel, and have families abroad; and it subjects Muslims to a damaging stigma.

10. The proposed *amicus* brief, attached to this motion, as Exhibit A, explains why the Court should review the Executive Order, how the order is unconstitutionally motivated by animus against the Muslim community, and the effects of the order and its associated animus on American Muslims.

11. Counsel for Appellees has consented to the filing of this *amicus curiae* brief. Counsel for Appellants, however, has not fully consented to the filing of this *amicus curiae* brief. Accordingly, out of an abundance of

caution, *amici* file this motion to request the Court's leave to file a 24-page brief.

13. Given the importance of the issues, movants respectfully request leave to file a 24-page brief.

Conclusion

Amici respectfully request that the court grant their motion for leave to file a 24-page *amicus curiae* brief and accept for filing the *amicus curiae* brief attached as Exhibit A.

Respectfully submitted,

/s/ *Anton Ware*

ANTON A. WARE
Bar No: 257848
Arnold & Porter Kaye Scholer
Three Embarcadero Center
10th Floor
San Francisco, CA 94111
(415) 471-3100

Counsel for Amicus Curiae

Date: February 6, 2017

CERTIFICAT OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(a)(7)(C), the undersigned counsel certifies that this motion:

(i) complies with the typeface requirements of Rule 32(a)(5) and the type style requirements of Rule 32(a)(6) because it has been prepared using Microsoft Office Word 2007 and is set in Century Schoolbook font in a size equivalent to 13.5 points or larger and,

(ii) complies with the length requirement of Rule 27(d)(2) because it is 1,535 words.

Dated: February 6, 2017

/s/ *Anton Ware*

ANTON WARE
Bar No: 257848
Arnold & Porter Kaye Scholer
Three Embarcadero Center
10th Floor
San Francisco, CA 94111
(415) 471-3100

CERTIFICATE OF SERVICE

I certify that on February 6, 2017 the foregoing motion was filed using the Court's CM/ECF system. All participants in the case are registered CM/ECF users and will be served electronically via that system.

Dated: February 6, 2017

/s/ *Anton Ware*

ANTON WARE
Bar No: 257848
Arnold & Porter Kaye Scholer
Three Embarcadero Center
10th Floor
San Francisco, CA 94111
(415) 471-3100

Counsel for Amicus Curiae

No. 17-35105

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF WASHINGTON, *et al.*

Plaintiffs-Appellees,

v.

DONALD TRUMP, *et al.*,

Defendants-Appellants.

On Appeal from an Entry of a Temporary Restraining Order by the United States District Court for the Western District of Washington
Case No. 2:17-cv-141, Hon. James L. Robart

BRIEF OF MUSLIM ADVOCATES, AMERICAN MUSLIM HEALTH PROFESSIONALS, COUNCIL FOR THE ADVANCEMENT OF AMERICAN MUSLIM PROFESSIONALS, ISLAMIC MEDICAL ASSOCIATION OF NORTH AMERICA, MUPPIES, INC., NATIONAL ARAB AMERICAN MEDICAL ASSOCIATION, NETWORK OF ARAB-AMERICAN PROFESSIONALS, AS *AMICI CURIAE,* SUPPORTING APPELLEES

ANTON WARE
Arnold & Porter Kaye Scholer LLP
Three Embarcadero Center
10th Floor
San Francisco, CA 94111-4024
(415) 471-3100

Counsel for Amici Curiae

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rules of Appellate Procedure 26.1 & 29(c)(1) and Ninth Circuit Local Appellate Rule 26.1.1, amici curiae state the following:

(1) They have no parent corporations;

(2) There are no publicly held corporations that own 10% or more of their stock;

(3) They are not aware of any publicly held corporations not a party to this proceeding with a financial interest in its outcome.

CONSENT OF THE PARTIES

Counsel for the State of Washington and State of Minnesota parties have consented to the filing of this brief. Counsel for the United States has not fully consented.

/s/ *Anton Ware*

ANTON WARE
Arnold & Porter Kaye Scholer LLP
Three Embarcadero Center
10th Floor
San Francisco, CA 94111
(415) 471-3100

Counsel for Amici Curiae

Date: February 6, 2017

TABLE OF CONTENTS

CORPORATE DISCLOSURE STATEMENT i
TABLE OF AUTHORITIES iii
INTEREST OF THE AMICI CURIAE v
INTRODUCTION 1
ARGUMENT 2
I. The President's Executive Orders on Immigration Are Subject to Important Constitutional Limitations 2
A. The Executive Order Is Not Immune From Judicial Review 2
B. The Court Is Not Prohibited From Reviewing The Executive Branch's Motives 4
II. The Purpose and Effect of the Executive Order Is Animus Toward Muslims 7
A. The Executive Order Is Animated By Overt Animus Toward Muslims 7
B. The Executive Order Disproportionately Injures Muslims, Including Longtime U.S. Residents 9
CONCLUSION 11

TABLE OF AUTHORITIES

Cases

Arce v. Douglas,
793 F.3d 968 (9th Cir. 2015) 6

Cardenas v. United States,
826 F.3d 1164 (9th Cir. 2016) 4, 7

Chae Chan Ping v. United States,
130 U.S. 581 (1889) 4

Church of Lukumi Babalu v. Hialeah,
508 U.S. 520 (1993) 7

Fong Yue Ting v. United States,
149 U.S. 698 (1893) 4, 5

Hampton v. Mow Sun Wong,
426 U.S. 88 (1976) 7

INS v. Chadha,
462 U.S. 919 (1983) 2

INS v. Pangilinan,
486 U.S. 875 (1988) 7

Kerry v. Din,
135 S. Ct. 2128 (2015) 4, 7, 8

Korematsu v. United States,
323 U.S. 214 (1944) 5

Locke v. Davey,
540 U.S. 712 (2004) 7

McCreary County, Ky. v. Am. Civil Liberties Union of Ky.,
545 U.S. 844 (2005) 5, 6

Nguyen v. INS,
533 U.S. 53 (2001) 3

Sante Fe Indep. Sch. Dist. v. Doe,
530 U.S. 290 (2000) 6

United States v. Windsor,
133 S. Ct. 2675 (2013) 6

Zadvydas v. Davis,
533 U.S. 678 (2001) 2, 3

Other Authorities

Donald Trump on Orlando Shooting, FACTCHECK.ORG (June 14, 2016), http://www.factcheck.org/2016/06/donald-trump-on-orlando-shooting/ 9

Exec. Order No. 13,769, 82 FR 8977 (2017) 1, 8

Fed. R. App. P. 29(c)(5) iv

Kambiz Ghanea Bassiri, A History of Islam in America: From the New World to the New World Order (Cambridge 2010) 12

INTEREST OF THE AMICI CURIAE[1]

This amici curiae brief is submitted on behalf of the amici described below in opposition to the Government's Motion for Stay Pending Appeal. Amici are business, education, finance, healthcare, legal, science, technology, and other professional members of the American Muslim community directly harmed and stigmatized by the Executive Order.

Muslim Advocates, a national legal advocacy and educational organization formed in 2005, works on the frontlines of civil rights to guarantee freedom and justice for Americans of all faiths. Muslim Advocates advances these objectives through litigation and other legal advocacy, policy engagement, and civic education. Muslim Advocates also serves as a legal resource for the American Muslim community, promoting the full and meaningful participation of Muslims in American public life. The issues at stake in this case directly relate to Muslim Advocates' work fighting institutional discrimination against the American Muslim community.

American Muslim Health Professionals ("AMHP") works to improve the health of Americans. AMHP has three areas of focus: (1) health promotion and education; (2) professional development; and (3) state and national advocacy on public health issues. AMHP has been a leader in expanding healthcare coverage by

[1] No counsel for a party authored this brief in whole or in part, and no party or counsel for a party made a monetary contribution intended to fund the preparation or submission of the brief. No person other than amici curiae or its counsel made a monetary contribution to the preparation or submission of this brief. Fed. R. App. P. 29(c)(5).

hiring a team of state liaisons and working with interfaith communities through its "Connecting Americans to Coverage" campaign. Its leadership has been at the forefront of raising awareness about bullying, identity development, and other mental health issues impacting the most vulnerable segments of society – our children and youth. AMHP has also spearheaded many social just initiatives including "EnabledMuslim," an online platform that provides spiritual and social support for individuals and families impacted by disability.

Council for the Advancement of Muslim Professionals ("CAMP") is an association of mid- to senior-level Muslim professionals, which works to facilitate and inspire the development of Muslim Professionals across the United States. CAMP currently has a membership base of approximately 7,500 professionals and has a physical presence in Chicago, New Jersey, New York, Philadelphia, and Washington D.C. Founded in 1994 in Chicago as a face-to-face networking organization, CAMP has grown to become a multi-city professional association, which empowers Muslim professionals to advance and excel, not only in their careers, but also in their broader community and philanthropic efforts.

The **Islamic Medical Association of North America** ("IMANA") was founded in 1967 and represents the largest network of American Muslim physicians, dentists, and allied healthcare professionals in North America. IMANA provides professional networking opportunities for healthcare practitioners; acts as a medical ethics resource for educational institutions, medical professionals and medical students, residents and fellows; and provides continuing medical education. IMANA has

active medical relief programs and emergency relief efforts to respond to disasters and facilitates the transfer of medical knowledge around the world. The mission of IMANA is to provide humanitarian aid and medical relief worldwide and to be an advocate of compassionate, sustainable and quality healthcare policies. Its objectives are to connect and assist Muslim physicians, dentists and allied health professionals in North America with orientation, adjustment, finding appropriate training and job opportunities. IMANA wishes to continue to promote and facilitate medical education, research, publications and improve global healthcare delivery by encouraging American-Muslim diplomacy, through medical relief work and other charitable activities.

Muppies, Inc., also known as Muslim Urban Professionals ("Muppies"), is a nonprofit, charitable organization dedicated to empowering and advancing Muslim business professionals to be leaders in their careers and communities. Its mission is to create a global community of diverse individuals who will support, challenge, and inspire one another by providing a platform for networking, mentorship, and career development. Muppies members are leaders in the fields of finance, consulting, technology, venture capital, healthcare, entrepreneurship and social enterprise. As a condition of acceptance to the organization, members must demonstrate dedication to the development and advancement of themselves and their communities, in addition to outstanding professional achievement. Muppies members contribute to the fabric of the U.S. economy in diverse ways, such as

driving innovation, creating new opportunities for employment, and promoting excellence through diversity and inclusion.

The **National Arab American Medical Association** ("NAAMA") is the largest international organization of Arab American health care providers, trainees and medical students based in North America. Since its founding, twenty-seven chapters have been established in the United States and Canada. In 1990, NAAMA was created to support international medical assistance projects, educational exchanges, scholarships, research grants, and emergency medical aid in areas of conflict. Members of the association include well-trained clinicians, high ranking university professors, leaders of several medical societies, and scientists involved in cutting edge research and innovation. In the United States, the foundation supports professional and educational activities aimed at Arab American health education and disease prevention in cooperation with community-based organizations. Members have also donated their time and money to help the relief efforts following Hurricanes Katrina and Rita. Internationally, the foundation sponsors projects, focusing on the Arab world. It has sponsored humanitarian projects in Iraq in the wake of the Iraq War. Currently, volunteers from the association conduct periodic missions to countries surrounding Syria to provide humanitarian medical care and establish eye care and dental clinics to benefit local populations and refugees.

Network of Arab-American Professionals ("NAAP") is a professional organization grounded in the notion that all Arabs in America need to connect to

advance the community. Through collective contribution to strengthen our individual and community standing, NAAP provides a channel for Arab-Americans to realize their passions and pursue their interests through community involvement. NAAP promotes professional networking and social interaction among Arab-American and Arab professionals in the United States and abroad; educates both the Arab-American and non-Arab communities about Arab culture, identity, and concerns; advances the Arab-American community by empowering, protecting and promoting its political causes and interests in the United States and abroad within all levels of society; supports the Arab student movement in the United States; and serves society through volunteerism and community service efforts.

INTRODUCTION

The Government's Motion for Stay Pending Appeal ("Motion") should be denied because the District Court did not abuse its discretion in issuing a temporary restraining order ("TRO") against the implementation of two provisions of President Donald J. Trump's executive order of January 27, 2017, entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" (the "Executive Order"). The Executive Order is unconstitutional on a number of grounds including because its evident purpose and effect is animus toward Muslims. The Government would have this Court ignore the ample evidence of this unconstitutional purpose in deference to what the Government characterizes as an "*unreviewable authority* of the President to suspend the admission of any class of aliens." Mot. at 2 (emphasis added). To do so, however, would be an abdication of the judicial branch's unique role in protecting suspect classes from unlawful and discriminatory treatment at the hands of the executive branch.

Amici are business, education, finance, healthcare, legal, science, technology, and other professional members of the American Muslim community directly harmed and stigmatized by the Executive Order. Amici urge this Court to deny the Government's Motion for extraordinary interlocutory relief. Given the propriety of judicial review in this case, and the irremediable harms to American citizens, residents, and visa holders from the Executive Order, amici respectfully submit that the TRO should remain in place and continue to protect amici's members pending resolution of the States' motion for a preliminary injunction.

ARGUMENT

I. THE PRESIDENT'S EXECUTIVE ORDERS ON IMMIGRATION ARE SUBJECT TO IMPORTANT CONSTITUTIONAL LIMITATIONS

A. The Executive Order Is Not Immune From Judicial Review

In support of its Motion, the Government repeatedly invokes a supposed "plenary power" of the Government's political branches with respect to excluding particular groups from entering the United States. *See, e.g.*, Mot. at 12 (citing *Cardenas v. United States*, 826 F.3d 1164, 1169 (9th Cir. 2016)). This attempt to shield the Executive Order from any meaningful judicial review fails for several reasons.

First, the Supreme Court's recent cases have clarified that the political branches' power over immigration matters is not immune from judicial review. *See Zadvydas v. Davis*, 533 U.S. 678, 695 (2001) (holding that so-called "'plenary power' to create immigration law . . . is subject to important constitutional limitations" in the treatment of aliens). In particular, the political branches must use "a constitutionally permissible means of implementing" the relevant policy. *INS v. Chadha*, 462 U.S. 919, 941–942 (1983) (invalidating enforcement action against alien plaintiff on the basis of a structural constitutional limit on governmental power akin to the Establishment Clause).

The operation of constitutional constraints on the executive and legislative branches' power with respect to regulating immigration is embedded in a number of important recent cases. These cases involve both U.S. citizens and aliens. At stake are both individual antidiscrimination claims and structural constitutional limits on

the government's power. Across diverse contexts, courts have carefully scrutinized constitutional claims, accounting for both their form and context.

For example, in *Zadvydas v. Davis*, the Supreme Court ruled in favor of an alien who had already been found removable, citing Procedural Due Process concerns. 533 U.S. 678, 693 (2001). In *Nguyen v. INS*, 533 U.S. 53, 58 (2001), the Court adjudicated a noncitizen's Equal Protection challenges to gender classifications in the statutory frameworks regulating claims of derivative citizenship. The *Nguyen* Court carefully scrutinized the "important governmental interest[s]" furthered by the gender classification. *Id.* at 64.

Second, as it is commonly applied today, the plenary power doctrine addresses the standard of judicial review of an individual consular officer's discretionary denial of a visa to a specific non-resident alien. *See, e.g.*, *Cardenas v. United States*, 826 F.3d 1164, 1169 (9th Cir. 2016) (applying consular non-reviewability doctrine to discretionary denial of a visa). Practical concerns of administrability may support insulating the large volume of such discretionary, fact-specific consular-level visa decisions from time-consuming judicial review. Such concerns, though, have no application in the context of the States' challenge to the Executive Order. Rather than making a case-specific determination regarding the appropriateness of allowing a specific individual to enter the United States, the Executive Order bars entire populations and severely impacts longtime residents of the United States who have already been deemed appropriate to reside in the country. Moreover, as discussed in Part I.B below, even were it applicable, the

consular non-reviewability doctrine is not absolute. *See Kerry v. Din*, 135 S. Ct. 2128 (2015).

Third, to the extent the plenary power doctrine historically was given a broader scope of application, it is important to recall the ignominious context in which the doctrine originated. In *Fong Yue Ting v. United States*, 149 U.S. 698 (1893), and *Chae Chan Ping v. United States*, 130 U.S. 581 (1889), the Supreme Court upheld the overtly racist Chinese Exclusion Acts.[2] The same sort of animus later led the federal government to intern Japanese-American citizens and aliens on the West Coast, a decision the federal courts did not overturn. *See Korematsu v. United States*, 323 U.S. 214, 216 (1944) (upholding wartime internment of Japanese-Americans). The Government's invocation of the doctrine in support of the President's "Muslim ban" will no doubt be remembered as synonymous with these infamous historical precedents.

B. The Court Is Not Prohibited From Reviewing The Executive Branch's Motives

The Government contends that any inquiry into "motive" would create "substantial separation of powers problems." Mot. at 17 (citing *United States v. O'Brien*, 391 U.S. 367 (1968)). This broad assertion of immunity from motive-based judicial review is erroneous and would have startling and disruptive consequences if accepted.

Contrary to the Government's position, in reviewing the Executive Order, the Court is duty-bound to consider not only the language of the Order but also its

[2] For example, in *Fong Yue Ting*, the Court upheld a requirement that evidence of residency for aliens of Chinese origin be supported by "one credible *white* witness." 149 U.S. at 729-30.

"historical context" and the "specific sequence of events leading to [its pronouncement]." *McCreary County, Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 866 (2005). As demonstrated in Part II.A, such a review can support only one conclusion — that the Executive Order is motivated by animus toward Muslims and the Islamic faith.

The courts' duty to examine the context in which the Executive Order was conceived and implemented flows from the nature of the constitutional and statutory violations that the States have alleged.

With respect to the Establishment Clause, the District Court must consider both "historical context" and the "specific sequence of events leading to" issuance of the Executive Order to determine whether it was intended, at least in part, to disfavor one faith over others. *McCreary County, Ky.*, 545 U.S. at 866; *Sante Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000) (holding that courts have a "duty . . . to distinguish a sham secular purpose from a sincere one").

With respect to Equal Protection, the District Court must address the States' credible allegations and evidence that the Executive Order was intended to discriminate against Muslims. *See Arce v. Douglas*, 793 F.3d 968, 977 (9th Cir. 2015). Equal Protection challenges to federal action require judicial consideration of both the "avowed *purpose* and practical effect of the law" to test its constitutionality. *United States v. Windsor*, 133 S. Ct. 2675, 2693 (2013) (emphasis added).

Yet another example is the Free Exercise Clause, which is closely related to the Establishment Clause argument raised by plaintiff states. The Free Exercise

Clause requires a determination of whether "animus toward religion" motivated a state action. *Locke v. Davey*, 540 U.S. 712, 725 (2004). Doing so means that judges must look closely at a measure's "history" and "operation." *Id.* They also look closely at public statements made by the enacting body. *Church of Lukumi Babalu v. Hialeah*, 508 U.S. 520, 541 (1993) (examining "minutes and taped excerpts" of city council meeting that produced challenged ordinance, and finding "significant hostility" toward a religious minority).

Nor does a different rule apply in the immigration context. In previous antidiscrimination challenges to executive immigration-related action by noncitizens, the Court has looked to "the historical record" to determine whether "the actions at issue … were motivated by any racial animus." *INS v. Pangilinan*, 486 U.S. 875, 886 (1988). Moreover, the Court has exercised especially searching review of executive action when an action appeared not to rest on relevant policy expertise. *See e.g., Hampton v. Mow Sun Wong*, 426 U.S. 88, 103 (1976).

Finally, even if the plenary power doctrine were properly invoked here (it is not), Justice Kennedy's controlling opinion in *Kerry v. Din*, 135 S. Ct. 2128 (2015)[3] directs that courts should "look behind" the government's stated reasons for an immigration decision if the plaintiff "plausibly alleged with sufficient particularity" "an affirmative showing of bad faith." *Din*, 135 S. Ct. at 2131. Here, the States have alleged that the Executive Order reflects implementation of a bad faith effort to target Muslims. ECF 18 ¶¶ 42–61. As demonstrated below, those allegations are more than plausible in light of the publicly available evidence.

[3] *See Cardenas*, 826 F.3d at 1171–72 (holding that Justice Kennedy's concurrence in *Kerry v. Din* "represents the holding of the Court").

II. THE PURPOSE AND EFFECT OF THE EXECUTIVE ORDER IS ANIMUS TOWARD MUSLIMS

A. The Executive Order Is Animated By Overt Animus Toward Muslims

Among the stated purposes of the Executive Order is "to protect Americans . . . [by] ensur[ing] that those admitted to this country do not bear hostile attitudes toward it and its founding principles." Executive Order Section 1. Statements by the President and his advisors leave no doubt that the unstated premise of the Executive Order is the false proposition that Muslims, by virtue of their religious faith, are more likely than non-Muslims to "bear hostile attitudes toward [the United States] and its founding principles." This unfounded and irrational animus toward all Muslims has permeated the conception, promulgation, and implementation of the Executive Order, as demonstrated by the below chronology of public pronouncements by the President and his advisors.

On November 18, 2015, Mr. Trump claimed that he believed that the United States will have "absolutely no choice" but to close down mosques and pledged that, if he won the presidency, "[Syrian refugees are] going out." Ware Decl. Ex. A.

On December 7, 2015, following the terror attack in San Bernardino, California, then-candidate Mr. Trump called for a "complete shutdown of Muslims entering the United States." Ware Decl. Ex. B. Mr. Trump justified this call by claiming, without evidence, that "large segments of the Muslim population" favor Sharia (Islamic law) over U.S. law and violence against Americans. Ware Decl. Ex. C.

On December 8, 2015, Mr. Trump defended his proposed "Muslim ban," and falsely accused Muslims of failing to report the San Bernardino plot:[4] "The Muslim community is not reporting what's going on. They should be reporting that their next-door neighbor is making pipe bombs and they've got them all over the place. The mother's in the apartment, other people, his friend was buying him rifles. Nobody was reporting that." Ware Decl. Ex. D.

On January 14, 2016, during a Republican Candidate Debate in North Charleston, South Carolina, Mr. Trump answered "No" when asked whether he had heard anything that made him want to rethink his position on banning Muslims from entering the country. Ware Decl. Ex. E.

On March 9, 2016, Mr. Trump told CNN's Anderson Cooper that "Islam hates us." Ware Decl. Ex. F. Asked whether he made a distinction between Islam and radical Islam, Mr. Trump asserted that, "It's very hard to separate, because you don't know who is who." Ware Decl. Ex. F.

On June 13, 2016, in a speech responding to the terror attack in Orlando, Florida, Mr. Trump pledged to suspend immigration from areas of the world where there is a proven history of terrorism against the United States, Europe, or our allies. Ware Decl. Ex. G. According to public statements by Mr. Trump's advisor, Rudolph Giuliani, on the day the Executive Order was signed, this new formulation reflected an instruction by Mr. Trump to his advisors to find a way to implement

[4] Donald Trump on Orlando Shooting, FACTCHECK.ORG (June 14, 2016), http://www.factcheck.org/2016/06/donald-trump-on-orlando-shooting/ ("There is no evidence for Trump's claim that "many people," including neighbors of the San Bernardino shooters, saw "bombs all over the floor" of the apartment, but did not report it to authorities because of concerns about racial profiling.").

the "Muslim ban" "legally." Ware Decl. Ex. H. During the same June 13, 2016 speech, Mr. Trump accused Muslims of "trying to take over our children and convince them how wonderful ISIS is and how wonderful Islam is." Ware Decl. Ex. G.

On August 10th, 2016, Mr. Trump's National Security Adviser Michael Flynn called Islam "a cancer" during remarks at an ACT for America event in Dallas, Texas. Ware Decl. Ex. I. Mr. Flynn made similar remarks again during the same month at a speech to the Ahavath Torah Congregation in Stoughton, Massachusetts, saying, "This is Islamism, it is a vicious cancer inside the body of 1.7 billion people on this planet and it has to be excised." Ware Decl. Ex. J.

At a campaign rally in Canton, Ohio, on September 14, 2016, Mr. Trump, while discussing Syrian refugees, claimed that, "We don't know where these people come from. We don't know if they have love or hate in their heart, and there's no way to tell." Ware Decl. Ex. K.

On January 27, 2017, Mr. Trump said that Christian refugees would be given priority in the refugee program. Ware Decl. Ex. L. On February 3, 2017, Mr. Trump posted on Twitter "We must keep 'evil' out of our country." Ware Decl. Ex. M.

B. The Executive Order Disproportionately Injures Muslims, Including Longtime U.S. Residents

In the First Amended Complaint, the States have identified a number of concrete harms that residents of the States have suffered and are suffering as a result of the Executive Order. First Amended Complaint, State of Washington v. Trump et al., No. 2:17-cv-00141 (JLR) (W.D. Wash. Feb. 1, 2017), ECF No. 18. As

American Muslim professionals, Amici have suffered and are suffering these injuries to a disproportionate degree.[5] Moreover, Amici are suffering an additional injury as a result of the stigma that has attached to Muslims, unfairly and irrationally, as a result of the Executive Order and the public pronouncements of the President and his advisors in connection therewith.

Contrary to the misperception spread by the "Muslim ban," the presence of Muslims in America is not a threat to American security. Muslims have been a part of America since its founding, when 10–15% of slaves forcibly brought to America were Muslim. Muslims have expended their blood, sweat, and tears building and defending the United States. In fact, today, more than 5,000 Muslims serve in the U.S. military, and many have given their lives in recent wars in defense of US interests. They also provide necessary healthcare, educate our nation's children, create jobs, and contribute innovation that is an essential driver of our nation's economic growth. Today, Muslims represent 1% of the US population. *See generally* Kambiz Ghanea Bassiri, A History of Islam in America: From the New World to the New World Order (Cambridge 2010).

The intentional and false stigmatization of Muslims as potential terrorists — even if supposedly limited to Muslims from the 7 majority-Muslim countries expressly included in the Executive Order — will, if not restrained, continue to irreparably harm Amici.

[5] At the appropriate time, Amici intend to seek leave of the District Court to submit supporting evidence.

CONCLUSION

For the foregoing reasons, Amici respectfully request that the Court deny the Government's Motion.

Respectfully submitted,

/s/ Anton Ware

ANTON WARE
Arnold & Porter Kaye Scholer LLP
Three Embarcadero Center
10th Floor
San Francisco, CA 94111
(415) 471-3100

OF COUNSEL

FARHANA KHERA
AZIZ HUQ
BRENDA ABDELALL
MADIHHA AHUSSAIN
JUNAID SULAHRY
Muslim Advocates
P.O. Box 71080
Oakland, CA 94612
(415) 692-1484

DANIEL A. CANTOR
BETHAN R. JONES
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave., NW
Washington, DC 20001
(202) 942 5000

ANDREW D. BERGMAN
Arnold & Porter Kaye Scholer LLP
700 Louisiana Street
Suite 1600
Houston, TX 77002
(713) 576 2430

CLARA WANG*
Arnold & Porter Kaye Scholer LLP
250 West 55th Street
New York, New York 10019
(212) 836 6546
**Admission pending in New York*
Counsel for Amici Curiae

Date: February 6, 2017

CERTIFICATION UNDER FEDERAL & LOCAL APPELLATE RULES

I certify that the text of this brief, as electronically filed, is identical to the paper copies submitted to the Clerk of the Court.

I further certify that this brief complies with the type-volume limitation of Fed. R. App. P. 28.1(e)(2) or 32(a)(7)(B). Excluding the portions of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii), this brief contains 4,552 words. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6). It has been prepared in a proportionally spaced typeface using the Century font in 12 point.

I also certify that the electronically filed PDF version of this brief has been analyzed by the web-based virus scan service Virus Total and that no viruses were detected.

/s/ *Anton Ware*

ANTON WARE
Arnold & Porter Kaye Scholer LLP
Three Embarcadero Center
10th Floor
San Francisco, CA 94111
(415) 471-3100

CERTIFICATE OF SERVICE

I certify that on February 6, 2017 the foregoing brief was filed using the Court's CM/ECF system. All participants in the case are registered CM/ECF users and will be served electronically via that system.

/s/ *Anton Ware*

ANTON WARE
Arnold & Porter Kaye Scholer LLP
Three Embarcadero Center
10th Floor
San Francisco, CA 94111
(415) 471-3100

Counsel for Amici Curiae

NO. 17-35105

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF WASHINGTON and STATE OF MINNESOTA, Plaintiffs-Appellees, v. DONALD TRUMP, President of the United States, et al., Defendants-Appellants	DECLARATION OF ANTON A. WARE IN SUPPORT OF BRIEF OF MUSLIM ADVOCATES, AMERICAN MUSLIM HEALTH PROFESSIONALS, COUNCIL FOR THE ADVANCEMENT OF MUSLIM PROFESSIONALS, ISLAMIC MEDICAL ASSOCIATION OF NORTH AMERICA, MUPPIES, INC., NATIONAL ARAB AMERICAN MEDICAL ASSOCIATION, NETWORK OF ARAB-AMERICAN PROFESSIONALS, AS *AMICI CURIAE*, SUPPORTING APPELLEES

I, Anton A. Ware, hereby declare as follows:

1. I am over the age of eighteen and competent to testify.

2. I am a partner at Arnold & Porter Kaye Scholer LLP. I make this declaration as a representative of Muslim Advocates in support of the brief of Muslim Advocates, American Muslim Health Professionals, Council for the Advancement of Muslim Professionals, Islamic Medical Association of North America, Muppies, Inc., National Arab American Medical Association, and Network of Arab-American Professionals, as *amici curiae*, supporting Appellees.

3. Attached hereto as **Ware Declaration Exhibit A** is a true and correct copy of a printout of a news article published from Politico dated November 18, 2015, titled "Trump: 'Absolutely no choice' but to close mosques."

4. Attached hereto as **Ware Declaration Exhibit B** is a true and correct copy of a printout of a press release published by the presidential campaign website of Donald J. Trump dated December 7, 2015, titled "Donald Trump Statement on Preventing Muslim Immigration."

5. Attached hereto as **Ware Declaration Exhibit C** is a true and correct copy of a printout of a news article from the Bridge Initiative at Georgetown University dated December 7, 2015, titled "Trump Calls for Ban on Muslims, Cites Deeply Flawed Poll."

6. Attached hereto as **Ware Declaration Exhibit D** is a true and correct copy of a printout of a news article from Politico dated December 8, 2015, titled "Trump not bothered by comparisons to Hitler."

7. Attached hereto as **Ware Declaration Exhibit E** is a true and correct copy of a printout of the transcript of the March 10, 2016 Republican Candidates Debate in Miami, Florida published by the American Presidency Project.

8. Attached hereto as **Ware Declaration Exhibit F** is a true and correct copy of a printout of the transcript of an interview by Anderson Cooper with Donald J. Trump that aired on March 9, 2016 on Anderson Cooper 360 Degrees and published by CNN.

9. Attached hereto as **Ware Declaration Exhibit G** is a true and correct copy of a printout of a news article from Politico dated June 13, 2016, titled "Transcript: Donald Trump's national security speech," containing the transcript of then-candidate Mr. Trump's June 13 speech on national security and terrorism in the wake of the Orlando massacre.

10. Attached hereto as **Ware Declaration Exhibit H** is a true and correct copy of a printout of a news article from Slate dated January 29, 2017, titled "Rudy Giuliani Admits Trump Asked How to Implement a Muslim Ban Legally."

11. Attached hereto as **Ware Declaration Exhibit I** is a true and correct copy of a printout of a news article from ABC News dated November 18, 2016, titled "Donald Trump National Security Adviser Mike Flynn Has Called Islam 'a Cancer.'"

12. Attached hereto as **Ware Declaration Exhibit J** is a true and correct copy of a printout of a news article from CNN dated November 22, 2016, titled "Michael Flynn in August: Islamism a 'vicious cancer' in body of all Muslims that 'has to be excised.'"

13. Attached hereto as **Ware Declaration Exhibit K** is a true and correct copy of a printout of a news article from the Washington Post dated September 15, 2016, titled "Donald Trump just completely undercut his Muslim ban alternative."

14. Attached hereto as **Ware Declaration Exhibit L** is a true and correct copy of a printout of a Twitter post posted by Mr. Trump on his personal Twitter account at 7:03 AM on January 29, 2017.

15. Attached hereto as **Ware Declaration Exhibit M** is a true and correct copy of a printout of a Twitter post posted by Mr. Trump on his personal Twitter account at 3:08 PM on February 3, 2017.

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

Executed this 6th day of February 2017.

/s/
ANTON A. WARE

4. Attached hereto as **Ware Declaration Exhibit B** is a true and correct copy of a printout of a press release published by the presidential campaign website of Donald J. Trump dated December 7, 2015, titled "Donald Trump Statement on Preventing Muslim Immigration."

5. Attached hereto as **Ware Declaration Exhibit C** is a true and correct copy of a printout of a news article from the Bridge Initiative at Georgetown University dated December 7, 2015, titled "Trump Calls for Ban on Muslims, Cites Deeply Flawed Poll."

6. Attached hereto as **Ware Declaration Exhibit D** is a true and correct copy of a printout of a news article from Politico dated December 8, 2015, titled "Trump not bothered by comparisons to Hitler."

7. Attached hereto as **Ware Declaration Exhibit E** is a true and correct copy of a printout of the transcript of the March 10, 2016 Republican Candidates Debate in Miami, Florida published by the American Presidency Project.

8. Attached hereto as **Ware Declaration Exhibit F** is a true and correct copy of a printout of the transcript of an interview by Anderson Cooper with Donald J. Trump that aired on March 9, 2016 on Anderson Cooper 360 Degrees and published by CNN.

9. Attached hereto as **Ware Declaration Exhibit G** is a true and correct copy of a printout of a news article from Politico dated June 13, 2016, titled "Transcript: Donald Trump's national security speech," containing the transcript of then-candidate Mr. Trump's June 13 speech on national security and terrorism in the wake of the Orlando massacre.

10. Attached hereto as **Ware Declaration Exhibit H** is a true and correct copy of a printout of a news article from Slate dated January 29, 2017, titled "Rudy Giuliani Admits Trump Asked How to Implement a Muslim Ban Legally."

11. Attached hereto as **Ware Declaration Exhibit I** is a true and correct copy of a printout of a news article from ABC News dated November 18, 2016, titled "Donald Trump National Security Adviser Mike Flynn Has Called Islam 'a Cancer.'"

12. Attached hereto as **Ware Declaration Exhibit J** is a true and correct copy of a printout of a news article from CNN dated November 22, 2016, titled "Michael Flynn in August: Islamism a 'vicious cancer' in body of all Muslims that 'has to be excised.'"

13. Attached hereto as **Ware Declaration Exhibit K** is a true and correct copy of a printout of a news article from the Washington Post dated September 15, 2016, titled "Donald Trump just completely undercut his Muslim ban alternative."

14. Attached hereto as **Ware Declaration Exhibit L** is a true and correct copy of a printout of a Twitter post posted by Mr. Trump on his personal Twitter account at 7:03 AM on January 29, 2017.

15. Attached hereto as **Ware Declaration Exhibit M** is a true and correct copy of a printout of a Twitter post posted by Mr. Trump on his personal Twitter account at 3:08 PM on February 3, 2017.

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

Executed this 6th day of February 2017.

/s/
ANTON A. WARE

Ware Declaration Exhibit A

POLITICO

Trump remarked that things are "happening a lot faster than anybody understands."

Trump: 'Absolutely no choice' but to close mosques

By **NICK GASS** | 11/18/15 06:45 AM EST

The United States will have "absolutely no choice" but to close down some mosques where "some bad things are happening," Donald Trump said in a recent interview, explaining his rationale for doing so.

"Nobody wants to say this and nobody wants to shut down religious institutions or anything, but you know, you understand it. A lot of people understand it. We're going to have no choice," the Republican presidential said in an interview from Trump Tower on Fox News' "Hannity" on Tuesday night.

Those remarks go further than Trump did on Monday, when he said he would "strongly consider" closing mosques as part of a response to last Friday's terrorist attacks in Paris that killed more than 130 and injured hundreds more.

Asked to explain his shifting position by Sean Hannity, Trump remarked that things are "happening a lot faster than anybody understands."

"There's absolutely no choice. Some really bad things are happening and they're happening fast," he said, taking a dig at President Barack Obama's response to the attacks. "Certainly a lot faster than our president understands because he doesn't understand anything. He doesn't get it. Refuses to even call it by its correct name," which Trump termed "radical Islam."

In terms of the refugee situation, Trump said he had "a feeling that a lot of bad things will happen out of this."



2016

Bobby Jindal drops out of White House race

By **ALEX ISENSTADT**

"But yet we take everybody. We don't know where they come from, we don't know what their crime record is. It could be wonderful. It could be a disaster," he speculated, again pledging that if he wins the presidency, "they're going out."

"We can't take a chance. You know, if you take thousands of people, and again I hear it's going to be many more than what you're talking about right now. But if you take thousands of people, Sean, all you need is a couple. You know, you don't need 25, you don't need 100," he said. "Look at the damage done in Paris with just a few people."

Trump repeatedly reiterated his desire to "blast the hell out of" ISIL targets and "bomb the hell out of" the terrorist group's oil resources.

"Now they're just starting to do that, but they're two years late," Trump said. "Interestingly after Paris, all of a sudden they start bombing sites that they knew about for a year and a half. But they started bombing them after the tragic events of Paris. So, so many things are wrong. We need leadership in the world now. You know, it's really a worldwide leadership, but boy, do we need leadership in our country."

Ware Declaration Exhibit B

- DECEMBER 07, 2015 -

DONALD J. TRUMP STATEMENT ON PREVENTING MUSLIM IMMIGRATION

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

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

Next Release: Donald J. Trump Announces State Directors in Massachusetts and Mississippi

Previous Release: Donald J. Trump Announces Statewide Leadership Team in Oklahoma

CATEGORIES

VIEW ALL
STATEMENTS
ANNOUNCEMENTS
ENDORSEMENTS
ADS

ARCHIVE

NOVEMBER 2016
OCTOBER 2016
SEPTEMBER 2016
AUGUST 2016
JULY 2016
JUNE 2016
MAY 2016
APRIL 2016
MARCH 2016
FEBRUARY 2016
JANUARY 2016
DECEMBER 2015
NOVEMBER 2015
OCTOBER 2015
SEPTEMBER 2015
AUGUST 2015
JULY 2015
JUNE 2015
MAY 2015
APRIL 2015
MARCH 2015

Paid for by Donald J. Trump for President, Inc.

Contact The Campaign - Privacy Policy - Tel: 646-736-1779

*By entering your mobile number you are agreeing to receive periodic text messages from Donald J. Trump for President, Inc. Message and data rates may apply. Text "STOP" to opt-out. T&C/Privacy Policy: sms-terms/88022

Ware Declaration Exhibit C

Trump Calls for Ban on Muslims, Cites Deeply Flawed Poll

Posted on December 7, 2015 at 6:48 am.
Written by Bridge Initiative Team (http://bridge.georgetown.edu/author/admin/)



UPDATE (DECEMBER 7, 2015)

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

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

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

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

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

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

Original article (Published June 26, 2015)

On June 24, 2015, the Center for Security Policy (CSP), a Washington, D.C. think tank run by former Reagan official Frank Gaffney released a survey (http://www.centerforsecuritypolicy.org/2015/06/23/nationwide-poll-of-us-muslims-shows-

thousands-support-shariah-jihad/) of 600 Muslims living in the United States. Its takeaway, captured in a headline on the CSP website, is this: "Poll of US Muslims Reveals Ominous Levels of Support For Islamic Supremacists' Doctrine of Shariah, Jihad."

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

Among the poll's findings are:

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

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

Here are the details.

CSP'S HISTORY OF BASELESS FEARMONGERING

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

Since the early 2000s, CSP has generated dozens of occasional papers, blogs, and reports that fixate on shariah or other allegedly nefarious topics related to Islam. Often, they are loosely sourced (http://thelede.blogs.nytimes.com/2012/07/16/egyptians-who-jeered-clinton-cite-american-conservatives-to-argue-u-s-secretly-supports-islamists/?_r=0) or entirely unsubstantiated (http://thinkprogress.org/security/2010/02/25/83953/missile-defense-logo-conspiracy/), relying instead on a furtive web of connections or, in one case, a 24-year-old document written by a lone (http://www.alternet.org/story/150444/welcome_to_the_shari%27ah_conspiracy_theory_industry) Muslim activist that has since been roundly discredited.

FALSE STATISTICS AND FALSE CLAIMS

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

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

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

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

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

LOADED QUESTIONS AND ANSWERS

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

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

Respondents' likely answered questions on shariah based on *their* understanding of the concept, but those views were not measured in the survey, nor communicated to the Fox News audience. Instead viewers are left to believe that Muslim Americans support shariah as Gaffney and O'Reilly have portrayed it for years: a "brutally repressive" law hostile to non-Muslims (https://www.youtube.com/watch?v=jNsqjN4vpgk). **At the end of the day, Gaffney and O'Reilly make it look like Muslims support things they actually don't.**

SELECTIVE READING AND EXAGGERATIONS

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

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

Despite its unreliability, the survey and its findings have spread quickly, with generalizations (http://www.americanthinker.com/blog/2015/06/poll_shows_high_levels_of_support_for_shariah_law_a about American Muslims ricocheting (http://www.frontpagemag.com/2015/dgreenfield/1-in-5-us-muslims-support-violence-to-enforce-islamic-law/) across the Internet and social media

(https://twitter.com/PRogsToday/status/613782066354765824), and bleeding into more mainstream outlets. Unfortunately, the general public is not equipped with the tools or knowledge to dissect such claims and is left to accept them at face value. This is especially so when they're touted by a trusted personality, like Bill O'Reilly, and confirm pre-existing beliefs about Muslims.

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

The American public shouldn't trust this poll.

SHARE THIS:

(http://bridge.georgetown.edu/new-poll-on-american-muslims-is-grounded-in-bias-riddled-with-flaws/?share=facebook&nb=1)

(http://bridge.georgetown.edu/new-poll-on-american-muslims-is-grounded-in-bias-riddled-with-flaws/?share=twitter&nb=1)

(http://bridge.georgetown.edu/new-poll-on-american-muslims-is-grounded-in-bias-riddled-with-flaws/?share=email&nb=1)

(http://bridge.georgetown.edu/new-poll-on-american-muslims-is-grounded-in-bias-riddled-with-flaws/#print)

TAGS: AMERICAN MUSLIMS (HTTP://BRIDGE.GEORGETOWN.EDU/TAG/AMERICAN-MUSLIMS/), BEN CARSON (HTTP://BRIDGE.GEORGETOWN.EDU/TAG/BEN-CARSON/), BILL O'REILLY (HTTP://BRIDGE.GEORGETOWN.EDU/TAG/BILL-OREILLY/), CENTER FOR SECURITY POLICY (HTTP://BRIDGE.GEORGETOWN.EDU/TAG/CENTER-FOR-SECURITY-POLICY/), DONALD TRUMP (HTTP://BRIDGE.GEORGETOWN.EDU/TAG/DONALD-TRUMP/), FRANK GAFFNEY (HTTP://BRIDGE.GEORGETOWN.EDU/TAG/FRANK-GAFFNEY/), GEORGE PATAKI (HTTP://BRIDGE.GEORGETOWN.EDU/TAG/GEORGE-PATAKI/), JIHAD (HTTP://BRIDGE.GEORGETOWN.EDU/TAG/JIHAD/), MUSLIMS (HTTP://BRIDGE.GEORGETOWN.EDU/TAG/MUSLIMS/), POLL (HTTP://BRIDGE.GEORGETOWN.EDU/TAG/POLL/), SHARIA (HTTP://BRIDGE.GEORGETOWN.EDU/TAG/SHARIA/), TED CRUZ (HTTP://BRIDGE.GEORGETOWN.EDU/TAG/TED-CRUZ/), THE POLLING COMPANY (HTTP://BRIDGE.GEORGETOWN.EDU/TAG/THE-POLLING-COMPANY/), ZUHDI JASSER (HTTP://BRIDGE.GEORGETOWN.EDU/TAG/ZUHDI-JASSER/)

- SUPER SURVEY (HTTP://BRIDGE.GEORGETOWN.EDU/THE-SUPER-SURVEY-TWO-DECADES-OF-AMERICANS-VIEWS-ON-ISLAM-MUSLIMS/)
- HATE CRIMES (HTTP://BRIDGE.GEORGETOWN.EDU/KNOWMORE-ABOUT-ATTACKS-ON-MUSLIMS-SINCE-THE-CHAPELHILLSHOOTINGS/)
- 2016 ELECTIONS (HTTP://BRIDGE.GEORGETOWN.EDU/ISLAMOPHOBIA-AND-THE-2016-ELECTIONS/)

BRIDGE NEWSLETTER SIGN UP

Email Address*

First Name

Last Name

SUBSCRIBE

RECENT POSTS

> Factsheet: President Donald Trump (http://bridge.georgetown.edu/factsheet-president-donald-trump/)

> Factsheet: Steve Bannon (http://bridge.georgetown.edu/factsheet-steve-bannon/)

> Factsheet: Lt. Gen. Michael Flynn (http://bridge.georgetown.edu/factsheet-lt-gen-michael-flynn/)

> Factsheet: Faith Leaders for America (http://bridge.georgetown.edu/factsheet-faith-leaders-for-america/)

> Factsheet: Kris Kobach (http://bridge.georgetown.edu/factsheet-kris-kobach/)

FOLLOW US ON TWITTER

TheBridgeInitiative
@bridgeinit

"Is it easier to get a job if you're Adam or Mohamed?" Via @bbc #Islamophobia
bbc.co.uk/news/uk-englan…

Is it easier to get a job if you're Adam o…
"Adam Henton" was offered three times …
bbc.co.uk

4h

TheBridgeInitiative
@bridgeinit

A "greatest hits" of Steve Bannon's Islamophobic comments in recent years. #SteveBannnon

bit.ly/2IcaFaE



Al-Waleed Bin Talal Center for Muslim-Christian Understanding (https://acmcu.georgetown.edu/)
Edmund A. Walsh School of Foreign Service (https://sfs.georgetown.edu/)
Georgetown University (https://www.georgetown.edu/)
3700 O Street, NW ICC 260
Washington, DC 20057
bridge@georgetown.edu (mailto:bridge@georgetown.edu)

PROTECTING PLURALISM.
ENDING ISLAMOPHOBIA

Ware Declaration
Exhibit D

POLITICO

Donald Trump has come under fire for calling for temporarily banning all Muslims from entering the U.S.

Trump not bothered by comparisons to Hitler

The billionaire businessman refuses to back off his proposal to temporarily ban all Muslims from entering the U.S.

By **NICK GASS** | 12/08/15 07:51 AM EST

Donald Trump went on a series of rhetorical rants on Tuesday morning, saying he does not mind comparisons to Adolf Hitler and tussling with morning show anchors about his proposal to temporarily ban all Muslims from entering the United States, calling his approach more akin to what Hitler's American contemporary did during World War II.

“You’re increasingly being compared to Hitler. Doesn’t that give you any pause at all?” ABC News' George Stephanopoulos asked the Republican poll leader on "Good Morning

America," displaying an image of the Philadelphia Daily News' punning Tuesday front-page headline "The New Furor."

In response, Trump said no, invoking what he termed President Franklin D. Roosevelt's "solution for Germans, Italians, Japanese many years ago" during World War II. “This was a president that was highly respected by all," Trump said, remarking upon the Democratic president's actions during the war. "If you look at what he was doing, it was far worse."

Pressed whether he would then advocate the establishment of internment camps for Muslims, for example, Trump forcefully denied that notion. “No, I’m not. No, I’m not. No, I’m not," he said, remarking that European cities like Paris and London no longer look like they once did.

"I hope it will go quickly. I hope we can figure it out," Trump said. "We will have many, many more World Trade Centers as sure as you're sitting there, our country will never be the same."

Ryan repudiates Trump over Muslim ban

By **JAKE SHERMAN**

Trump, no stranger to dropping rhetorical bombs since he announced his presidential run in June, still managed to stun with his proposal emailed late Monday with the simple title: "Donald J. Trump Statement on Preventing Muslim Immigration."

In it, Trump used research from the Center for Security Policy, which has been called an extremist group, to back his claim that an alarming number of Muslims want to unleash violence in the United States. "Without looking at the various polling data, it is obvious to anybody the hatred is beyond comprehension," Trump said in his statement, which many in the media believed might have been a hoax when it landed. "Where this hatred comes from and why we will have to determine. Until we are able to determine and understand this problem and the dangerous threat it poses, our country cannot be the victims of horrendous attacks by people that believe only in Jihad, and have no sense of reason or respect for human life."

The proposal came less than a week after a married Muslim couple killed 14 people and wounded 21 in a shooting attack that is apparently the most deadly terrorist act on U.S. soil since 9/11. Trump's statement, which he promoted at a Pearl Harbor Day rally in South Carolina on Monday night, played into Americans' fears stoked by the attack and also gave

Trump a chance to draw attention back to him after a poll released earlier in the day showed Ted Cruz zooming past him in Iowa.

Many of his rivals quickly condemned the comments, with Jeb Bush calling Trump "unhinged," Chris Christie calling it “a ridiculous view,” and Marco Rubio saying, "His habit of making offensive and outlandish statements will not bring Americans together."

But the outcry only further threw attention Trump's way, and the billionaire businessman did not let up on Tuesday morning.

He continued trying to justify his proposal in interviews on CNN's "New Day" and MSNBC's "Morning Joe," the latter of which suspended its interview with Trump only minutes into the segment after co-host Joe Scarborough complained that the candidate was not allowing him to ask any questions. The show returned with a full panel of questions, and the entire segment ran more than a half-hour.

J.K. Rowling: Trump is worse than Voldemort

By **NICK GASS**

During his questioning on MSNBC, Trump was grilled on what the customs process would look like for a Muslim non-citizen attempting to enter the U.S.

“That would be probably — they would say, are you Muslim?" Trump told contributor Willie Geist.

“And if they said yes, they would not be allowed in the country," Geist volunteered. “That’s correct," Trump responded.

In the same interview, Trump also claimed that the Muslim community is not doing enough to self-report suspicious activity in light of last Wednesday's attack in California. Asked by co-host Mika Brzezinski whether he would want to engage the Muslim community, the Manhattan mogul said he would not, "but the Muslim community has to help us, Mika. They’re not helping us."

"The Muslim community is not reporting what’s going on. They should be reporting that their next-door neighbor is making pipe bombs and they’ve got them all over the place. The mother’s in the apartment, other people, his friend was buying him rifles. Nobody was reporting that," he said of the San Bernardino case. "The Muslim community has to help us, because without the Muslim community, we would have to get very tough and much

tougher, and I don't want to do that. But the Muslim community is not a one-way street. The Muslim community knew that this guy, what he was doing, and his wife, his very heavily radicalized wife, they knew what they were doing was wrong. Nobody called the police. Nobody said this is what happened."

At the start of the interview on ABC, Trump forcefully defended his statement, citing "tremendous support" and the "thousands and thousands of people you saw last night" at his rally in South Carolina. "We were on a ship. There were thousands of people there, there were thousands of people outside that couldn't get in. And frankly, it was a standing ovation that wouldn't stop," he remarked.

"I mean, people went and interviewed the people that were at my speech last night, and they just want to see something happening. We had the World Trade Center, we had the pre-World Trade Center," he said, referring to both the Sept. 11, 2001, attacks that destroyed the twin towers as well as the Feb. 26, 1993, bombing.

"You know, remember, a lot of people forget now — they tried to blow it up twice. We had so many other incidents, and we had now the last incident in California. Now it turns out that $28,000 was deposited in this punk's savings account probably given by some people that we are fighting," he speculated, following reports Monday that more than $28,000 had been deposited into the account of San Bernardino co-attacker Syed Rizwan Farook. "Something has to be done," he added.

Joe Scarborough cuts off Trump: 'You can't just talk'

By **NICK GASS**

Trump, who on MSNBC declared himself to be more specific than any other candidate in the race, had a parting message for Muslims: "We love you, we want to work with you, we want you to turn in the bad ones, we want you to practice vigilance, we know that if you know a lot, in many cases, we want you to turn in the bad ones. We all want to get along. We want to get back to a normal, peaceful life."

On how he would get it done, Trump, offered no specifics other than to again lambaste President Barack Obama's Sunday night speech on defeating ISIL and to repeat his Monday statement.

"What I'm doing is I'm calling very simply for a shutdown of Muslims entering the United States — and here's a key — until our country's representatives can figure out what is going on. They don't know. Our president, I watched him make a fool of himself the other night

with a speech that nobody still knows — I tweeted out, is that all there is? He didn't say anything. He doesn't know what's going on. And we have people in this country that want to blow up our country. You know it, and so do I," he said on "Good Morning America."

"The polls have come out, and various polls that I've quoted, with 25 percent of those polls agreed the violence against the Americans in the United States is justified. And they're looking at the jihad. They want a global jihad. George, we can't take it sitting back. You will have many more World Trade Centers. It will only get worse," Trump warned. "You look at Paris, you know, and I'm not talking about the horrible carnage that took place. Paris is no longer the same city."

American Muslim citizens would be able to come back to the U.S., Trump said, adding, "but we have to figure things out."

Many legal scholars came out against the proposal, saying such a religious test would violate the U.S. Constitution. And the spectrum of blowback stretched wide and far. Former Vice President Dick Cheney said on Hugh Hewitt's radio show, "Well I think this whole notion that somehow we need to say no more Muslims and just ban a whole religion goes against everything we stand for and believe in. I mean religious freedom's been a very important part of our, our history."

Huma Abedin, the vice chairwoman of Hillary Clinton's campaign, sent an email to supporters saying, "I'm a proud Muslim — but you don't have to share my faith" to know "my disgust."

After Obama aides spoke out on Monday evening, White House communications director Jen Psaki said at a POLITICO Playbook breakfast on Tuesday morning that Trump is not the only Republican making irresponsible comments, but she said the real estate mogul's statement are especially dangerous.

"So the reason it's dangerous ... is that this is kind of sending a message that the American people, that our values are different from what they once were. Sending the message that we want to be in competition or we want to be, you know, thwarting the Muslim community instead of working with the Muslim community as a partner," Psaki said.

On the Republican side, Sen. Lindsey Graham re-upped his criticism, speaking on both CNN and MSNBC on Tuesday morning to call out his presidential rival. "He is a wrecking ball for the Republican Party. He is a xenophobic, race-baiting, religious bigot, and I think that's who they're supporting. Time will tell how long this goes."

The heads of state Republican parties in the early voting states of Iowa, New Hampshire and South Carolina also expressed public disapproval of Trump's proposal. "There are some issues that transcend politics. While my position [as party chairwoman] is certainly political, I am an American first," said New Hampshire GOP Chairwoman Jennifer Horn, who has been a Trump critic, according to WMUR. "There should never be a day in the United States of America when people are excluded based solely on their race or religion. It is un-Republican. It is unconstitutional. And it is un-American."

In response, Trump told Stephanopoulos, "Well, first of all, George, she's a Bush person. And she wants to see Bush, and Bush has crashed like nobody else has ever seen anyone crash before."

The United Nations' refugee settlement agency said Tuesday that campaign rhetoric from the United States is doing real harm.

"What the candidate you are speaking of was speaking of was an entire population, but this also impacts the refugee program," Melissa Fleming, a spokeswoman for the United Nations High Commission on Refugees, told reporters in Geneva, according to Reuters. "Because our refugee program is religion-blind. Our resettlement program selects the people who are the most in need."

Ware Declaration

Exhibit E

The American Presidency Project Needs Your Support

Make a Gift

Consider a *tax-deductible* donation & click here

Document Archive
- Public Papers of the Presidents
- State of the Union Addresses & Messages
- Inaugural Addresses
- Farewell Addresses
- Weekly Addresses
- Fireside Chats
- News Conferences
- Executive Orders
- Proclamations
- Signing Statements
- Press Briefings
- Statements of Administration Policy
- Economic Report of the President
- Debates
- Convention Speeches
- Party Platforms
- 2016 Election Documents
- 2012 Election Documents
- 2008 Election Documents
- 2004 Election Documents
- 1960 Election Documents
- 2017 Transition
- 2009 Transition
- 2001 Transition

Data Archive
Data Index

Media Archive
Audio/Video Index

Elections
Election Index
Florida 2000

Links
Presidential Libraries

View Public Papers by Month and Year
Month Year

INCLUDE documents from the Office of the Press Secretary

INCLUDE election campaign documents

View PPPUS

Search the Entire Document Archive
Enter keyword: ?



Presidential Debates

1960 and 1976 - 2016

Republican Candidates Debate in North Charleston, South Carolina

January 14, 2016

Like 13K Tweet G+1

PARTICIPANTS:
Former Governor Jeb Bush (FL);
Ben Carson;
Governor Chris Christie (NJ);
Senator Ted Cruz (TX);
Governor John Kasich (OH);
Senator Marco Rubio (FL);
Donald Trump;

MODERATORS:
Maria Bartiromo (Fox Business Network); and
Neil Cavuto (Fox Business Network)

CAVUTO: It is 9:00 p.m. here at the North Charleston Coliseum and Performing Arts Center in South Carolina. Welcome to the sixth Republican presidential of the 2016 campaign, here on the Fox Business Network. I'm Neil Cavuto, alongside my friend and co-moderator Maria Bartiromo.

BARTIROMO: Tonight we are working with Facebook to ask the candidates the questions voters want answered. And according to Facebook, the U.S. election has dominated the global conversation, with 131 million people talking about the 2016 race. That makes it the number one issue talked about on Facebook last year worldwide.

CAVUTO: Now, the seven candidates on the stage tonight were selected based on their standing in six national polls, as well as polls in the early-voting states of Iowa and New Hampshire, those standings determining the position on the stage of the candidates tonight. And here they are.

Businessman Donald Trump. [*applause*]

Texas senator Ted Cruz. [*applause*]

Florida senator Marco Rubio. [*applause*]

Neurosurgeon Ben Carson. [*applause*]

New Jersey governor Chris Christie. [*applause*]

Former Florida governor Jeb Bush.

And Ohio governor John Kasich. [*applause*]

BARTIROMO: Tonight's rules are simple: up to 90 seconds for each answer, one minute for each follow-up response. And if a candidate goes over the allotted time, you'll hear this. [*bell rings*] So let's get started. Candidates, jobs and growth — two of the biggest issues facing the country right now. In his State of the Union address earlier this week, the president said, quote, "we have the strongest, most durable economy in the world."

And according to our Facebook research, jobs is one of the biggest issues resonating across the country, including here in South Carolina. The president is touting 14 million new jobs and an unemployment rate cut in half.

The president said that anyone who claims America's economy is in decline is peddling fiction. Senator Cruz, what do you see that he doesn't?

CRUZ: Well, Maria, thank you for that question, and let me say thank you to the state of South Carolina for welcoming us.

Collection: *Campaign 2016*

Location:



United States
South Carolina

Font Size: A A A

Print

Share

The American Presidency Project
facebook
Name:
The American Presidency Project



Fans:
13052
Promote Your Page Too

AND OR NOT

Limit by Year
From: 1789
To : 2017
Limit results per page
30

INCLUDE documents from the Office of the Press Secretary
INCLUDE election campaign documents

Search

Instructions
You can search the Public Papers in two ways:

1. Search by Keyword and Year
You can search by keyword and choose the range of years within your search by filling out the boxes under Search the Public Papers.

2. View by Month and/or Year
Select the month and/or year you would like information about and press View Public Papers. Then choose a Public Paper and the page will load for you.

Search Engine provided by the Harry S. Truman Library. Our thanks to Jim Borwick and Dr. Rafee Che Kassim at Project Whistlestop for critical assistance in the implementation of the search function, and to Scott Roley at the Truman Library for facilitating this collaboration.

Let me start — I want to get to the substance of the question on jobs, but I want to start with something. Today, many of us picked up our newspapers, and we were horrified to see the sight of 10 American sailors on their knees, with their hands on their heads.

In that State of the Union, President Obama didn't so much as mention the 10 sailors that had been captured by Iran. President Obama's preparing to send $100 billion or more to the Ayatollah Khamenei. And I'll tell you, it was heartbreaking.

But the good news is the next commander-in-chief is standing on this stage. [*applause*] And I give you my word, if I am elected president, no service man or service woman will be forced to be on their knees, and any nation that captures our fighting men will feel the full force and fury of the United States of America. [*applause*]

Now, on to your substantive question. The president tried to paint a rosy picture of jobs. And you know, he's right. If you're a Washington lobbyist, if you make your money in and around Washington, things are doing great. The millionaires and billionaires are doing great under Obama. But we have the lowest percentage of Americans working today of any year since 1977. Median wages have stagnated. And the Obama-Clinton economy has left behind the working men and women of this country.

The reason all of us are here is we believe we should be fighting for the working men and women of this country, and not Washington, D.C.

BARTIROMO: Thank you, sir. [*applause*]

CAVUTO: Governor Kasich, we are not even two weeks into this stock trading year, but [*inaudible*] investors already lost $1.6 trillion in market value. That makes it the worst start to a new year ever. Many worry that things will get even worse, and that banks and financial stocks are particularly vulnerable.

Now, if this escalates, like it did back when Barack Obama first assumed the presidency, what actions would you take if this same thing happens all over again just as, in this example, you are taking over the presidency?

KASICH: Look, it takes three things basically to grow jobs. And I've done it when I was in Washington when we had a balanced budget; had four years of balanced budgets; paid down a half-trillion of debt. And our economy was growing like crazy. It's the same thing that I did in Ohio. It's a simple formula: common sense regulations, which is why I think we should freeze all federal regulations for one year, except for health and safety. It requires tax cuts, because that sends a message to the job creators that things are headed the right way. And if you tax cuts — if you cut taxes for corporations, and you cut taxes for individuals, you're going to make things move, particularly the corporate tax, which is the highest, of course, in the — in the world.

But in addition to that, we have to have fiscal discipline. We have to show that we can march to a balanced budget. And when you do that, when you're in a position of managing regulations; when you reduce taxes; and when you have fiscal discipline, you see the job creators begin to get very comfortable with the fact that they can invest.

Right now, you don't have the — you have taxes that are too high. You have regulations — I mean, come on, they're affecting everybody here, particularly our small businesses. They are — they're in a position where they're smothering people. And I mean, are you kidding me? We're nowhere close to a balanced budget or fiscal discipline.

Those three things put together are going to give confidence to job creators and you will begin to see wages rise. You will begin to see jobs created in a robust economy. And how do I know it? Because I've done it. I did it as the chairman of the Budget Committee, working with Senator Domenici. And I've done it in the state of Ohio as the chief executive.

Our wages are growing faster than the national average. We're running surpluses. And we can take that message and that formula to Washington to lift every single American to a better life. [*applause*]

BARTIROMO: We know that recent global events have many people worried — Iran detaining American sailors, forcing them to apologize; North Korea and its nuclear ambitions; an aggressive China; and a Middle East that continues to deteriorate, not to mention ISIS is getting stronger.

Governor Christie, sometimes it seems the world is on fire. Where and when should a president use military action to restore order?

CHRISTIE: Well, Maria, I'm glad to have heard from you in the summary of that question about what's going on in the world. Because Tuesday night, I watched story time with Barack Obama. And I've got to tell you, it sounded like everything in the world was going amazing, you know? [*applause*]

The fact is, there's a number of things that the next president is going to have to do to clean up this mess. The first thing is we have to strengthen our alliances around the world. And the best way to do that is to start talking to our allies again and

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 32 of 119

having them be able to count on our word.

Lots of people will say lots of different things about me in this campaign and others, but the one thing they've never said about me is that I'm misunderstood. And so when we talk to our allies and we give them our word, in a Christie administration, they know we're going to keep it.

Next, we have to talk to our adversaries, and we have to make sure they understand the limits of our patience. And this president, given what Ted said right at the beginning, he's absolutely right. It's a — it's absolutely disgraceful that Secretary Kerry and others said in their response to what's going on in Iran that this was a good thing; it showed how the relationship was getting better.

The president doesn't understand — and by the way, neither does Secretary Clinton — and here's my warning to everybody out in the audience tonight. If you're worried about the world being on fire, you're worried about how we're going to use our military, you're worried about strengthening our military and you're worried most of all about keeping your homes and your families safe and secure, you cannot give Hillary Clinton a third term of Barack Obama's leadership.

I will not do that. If I'm the nominee, she won't get within 10 miles of the White House. [*applause*]

BARTIROMO: Just to be clear Governor, where and when would you use military action?

CHRISTIE: MIlitary action, Maria, would be used when it was absolutely necessary to protect American lives and protect American interests around the world. We are not the world's policeman, but we need to stand up and be ready.

And the problem, Maria, is that the military is not ready, either. We need to rebuild our military, and this president has let it diminish to a point where tinpot dictators like the mullahs in Iran are taking our Navy ships. It is disgraceful, and in a Christie administration, they would know much, much better than to do that. [*applause*]

CAVUTO: Governor Bush, the president just told the nation two nights ago that America is back and that the idea that our enemies are getting stronger or that this country is getting weaker, well, it's just rhetoric and hot air. Now other Democrats go even further, sir, saying Republicans even suggesting such comments actually embolden our enemies. I guess they would include you. What do you say?

BUSH: Well first of all, the idea that somehow we're better off today than the day that Barack Obama was inaugurated president of the United States is totally an alternative universe. The simple fact is that the world has been torn asunder.

Think about it. With grandiose language, the president talks about red lines and nothing to follow it up; talks about ISIS being the JV team, they form a caliphate the size of Indiana with 35 (thousand) to 40,000 battle-tested terrorists. He's missing the whole point, that America's leadership in the world is required for peace and stability.

In the crowd today is Major General James Livingston, who's the co-chairman of my campaign here in South Carolina, a Medal of Honor recipient. [*applause*]

I've learned from him that what we need to achieve is peace through strength, which means we need to rebuild the military. In this administration, every weapon system has been gutted, in this administration, the force levels are going down to a level where we can't even project force. Our friends no longer think we have their back and our enemies no longer fear us, and we're in a much difficult — we're in a much different position than we should be.

And for the life of me, I have no understanding why the president thinks that everything is going well. Terrorism is on the run, China, Russia is advancing their agenda at warp speed, and we pull back.

As president of the United States, I will be a commander in chief that will have the back of the military. We will rebuild the military to make sure that it is a solid force, not to be the world's policeman, but to make sure that in a peaceful world, people know that the United States is there to take care of our own national interests and take care of our allies. [*applause*]

CAVUTO: So I take it from that you do not agree with the president.

BUSH: No. And worse — worse yet, to be honest with you, Hillary Clinton would be a national security disaster.

Think about it. She wants to continue down the path of Iran, Benghazi, the Russian reset, Dodd-Frank, all the things that have — that have gone wrong in this country, she would be a national security mess. And that is wrong.

And you know what? Here's the problem. If she gets elected, she's under investigation with the FBI right now. If she gets elected, her first 100 days, instead of setting an agenda, she might be going back and forth between the White House and the courthouse. We need to stop that. [*laughter and applause*]

CAVUTO: Senator Rubio, the president says that ISIS doesn't threaten our national existence like a Germany or a Japan back in World War II, that the terror group is nothing more than twisted souls plotting attacks in their garages.

Case: 17-55105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 33 of 119
(67 of 153)

But House Homeland Security Committee recently said that over 1,000 ongoing investigations of homegrown extremism in 50 states. So how do you define the threat? Germany then or dangerous nut cases now?

RUBIO: Yeah, I would go, first of all, one step further in this description of Hillary Clinton. She wouldn't just be a disaster, Hillary Clinton is disqualified from being commander in chief of the United States. [*applause*]

Someone who cannot handle intelligence information appropriately cannot be commander in chief and someone who lies to the families of those four victims in Benghazi can never be president of the United States. Ever. [*applause*]

On the issue of Barack Obama, Barack Obama does not believe that America is a great global power. Barack Obama believes that America is a arrogant global power that needs to be cut down to size. And that's how you get a foreign policy where we cut deals with our enemies like Iran and we betray our allies like Israel and we gut our military and we go around the world like he has done on 10 separate occasions and apologized for America.

He doesn't understand the threat in ISIS. He consistently underestimates it but I do not. There is a war against ISIS, not just against ISIS but against radical jihadists terrorists, and it is a war that they win or we win.

When I'm president of the United States, we are going to win this war on ISIS. The most powerful intelligence agency in the world is going to tell us where we are, the most powerful military in the world is going to destroy them. And if we capture any of them alive, they are getting a one-way ticket to Guantanamo Bay, Cuba, and we are going to find out everything they know. [*applause*]

CAVUTO: Thank you, Senator.

BARTIROMO: Dr. Carson, the president says he does not want to treat ISIS as a foreign army, but ISIS is neither a country nor a government. How do you attack a network that does not respect national borders?

CARSON: Well, I'm very happy to get a question this early on. I was going to ask you to wake me up when that time came. [*laughter*]

You know, I find it really quite fascinating some of the president's proclamations. The fact of the matter is he doesn't realize that we now live in the 21st century, and that war is very different than it used to be before. Not armies massively marching on each other and air forces, but now we have dirty bombs and we have cyber attacks and we have people who will be attacking our electrical grid. And, you know, we have a whole variety of things that they can do and they can do these things simultaneously. And we have enemies who are obtaining nuclear weapons that they can explode in our exoatmosphere and destroy our electric grid.

I mean, just think about a scenario like that. They explode the bomb, we have an electromagnetic pulse. They hit us with a cyberattack simultaneously and dirty bombs. Can you imagine the chaos that would ensue at that point? He needs to recognize that those kinds of things are in fact an existential threat to us.

But here's the real key. We have the world's best military, even though he's done everything he can to diminish it. And the fact of the matter is if we give them a mission and we don't tie their hands behind their back, they can get it accomplished. [*applause*]

CAVUTO: Mr. Trump, at the State of the Union, the president pointed to a guest who was a Syrian refugee you might recall whose wife and daughter and other family members were killed in an air attack. Now he fled that country seeking asylum here, ultimately ended up in Detroit where he's now trying to start a new life.

The president says that that doctor is the real face of these refugees and not the one that you and some of your colleagues on this stage are painting; that you prefer the face of fear and terror and that you would refuse to let in anyone into this country seeking legitimate asylum. How do you answer that?

TRUMP: It's not fear and terror, it's reality. You just have to look today at Indonesia, bombings all over. [*applause*]

You look at California, you look, frankly, at Paris where there's a — the strictest no-gun policy of any city anywhere in the world, and you see what happens: 130 people dead with many to follow. They're very, very badly wounded. They will — some will follow. And you look around, and you see what's happening, and this is not the case when he introduced the doctor — very nice, everything perfect but that is not representative of what you have in that line of migration.

That could be the great Trojan Horse. It could be people that are going to do great, great destruction. When I look at the migration, I looked at the line, I said it actually on your show recently, where are the women? It looked like very few women. Very few children. Strong, powerful men, young and people are looking at that and they're saying what's going on?

You look at the kind of damage that two people that two people that got married, they were radicalized — they got married, they killed 15 people in actually 15 — going to be probably 16 but you look at that and you take a look — a good strong look

Case: 17-55105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 34 of 119
(68 of 153)

and that's what we have. We are nineteen trillion dollars — our country's a mess and we can't let all these people come into our country and break our borders. We can't do it. [*applause*]

BARTIROMO: Senator Cruz, the New York Times is reporting that you failed to properly disclose a million dollars in loans from Goldman Sachs and CitiBank. During your senate race, your campaign said, "it was inadvertent." A million dollars is inadvertent?

CRUZ: Well Maria, thank you for passing on that hit piece in the front page of the New York Times. You know the nice thing about the mainstream media, they don't hide their views. The New York Times a few weeks back had a columnist who wrote a column saying, "Anybody But Cruz." Had that actually — that same columnist wrote a column comparing me to an evil demonic spirit from the move, "It Follows" that jumps apparently from body to body possessing people.

So you know the New York Times and I don't have exactly have the warmest of relationships. Now in terms of their really stunning hit piece, what they mentioned is when I was running for senate — unlike Hillary Clinton, I don't have masses of money in the bank, hundreds of millions of dollars. When I was running for senate just about every lobbyist, just about all of the establishment opposed me in the senate race in Texas and my opponent in that race was worth over 200 million dollars. He put a 25 million dollar check up from his own pocket to fund that campaign and my wife Heidi and I, we ended up investing everything we owned.

We took a loan against our assets to invest it in that campaign to defend ourselves against those attacks. And the entire New York times attack — is that I disclosed that loan on one filing with the United States Senate, that was a public filing. But it was not on a second filing with FDIC and yes, I made a paperwork error disclosing it on one piece of paper instead of the other. But if that's the best the New York Times has got, they better go back to the well.

BARTIROMO: Thank you.

[*commercial break*]

CAVUTO: All right. Welcome back to the Republican presidential , right here in North Charleston, South Carolina. Let's get right back to the questions. And I'll start with you, Senator Cruz.

Now you are, of course, a strict constitutionalist — no one would doubt that. And as you know, the U.S. Constitution says only natural-born citizens are eligible for the office of president of the United States. Stop me if you've heard this before. Now, you were born...[*laughter*]... you were born in Canada to an American mother. So you were and are considered an American citizen. But that fellow next to you, Donald Trump — and others — have said that being born in Canada means you are not natural-born, and that has raised questions about your eligibility.

Do you want to try to close this topic once and for all tonight?

CRUZ: Well, Neil, I'm glad we're focusing on the important topics of the evening. [*laughter and applause*]

You know, back in September, my friend Donald said that he had had his lawyers look at this from every which way, and there was no issue there. There was nothing to this birther issue. [*laughter*]

Now, since September, the Constitution hasn't changed. [*laughter*]

But the poll numbers have. [*applause*]

And I recognize — I recognize that Donald is dismayed that his poll numbers are falling in Iowa. But the facts and the law here are really quite clear. Under longstanding U.S. law, the child of a U.S. citizen born abroad is a natural-born citizen.

If a soldier has a child abroad, that child is a natural-born citizen. That's why John McCain, even though he was born in Panama, was eligible to run for president.

If an American missionary has a child abroad, that child is a natural-born citizen. That's why George Romney, Mitt's dad, was eligible to run for president, even though he was born in Mexico.

At the end of the day, the legal issue is quite straightforward, but I would note that the birther theories that Donald has been relying on — some of the more extreme ones insist that you must not only be born on U.S. soil, but have two parents born on U.S. soil.

Under that theory, not only would I be disqualified, Marco Rubio would be disqualified, Bobby Jindal would be disqualified and, interestingly enough, Donald J. Trump would be disqualified. [*applause*]

UNKNOWN: Not me.

CRUZ: Because — because Donald's mother was born in Scotland. She was naturalized. Now, Donald...

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 33 of 119

TRUMP: But I was born here.

CRUZ: ... on the issue — on the issue of citizenship, Donald...

TRUMP: [*inaudible*]. Big difference.

CRUZ: ... on the issue of citizenship, Donald, I'm not going to use your mother's birth against you.

TRUMP: OK, good. Because it wouldn't work.

CRUZ: You're an American, as is everybody else on this stage, and I would suggest we focus on who's best prepared to be commander- in-chief, because that's the most important question facing the country. [*applause*]

CAVUTO: Mr. Trump...[*crosstalk*]...that you raised it because of his rising poll numbers.

TRUMP: ... first of all, let me just tell you something — and you know, because you just saw the numbers yourself — NBC Wall Street Journal just came out with a poll — headline: Trump way up, Cruz going down. I mean, so don't — so you can't — you can't...[*booing*]...they don't like the Wall Street Journal. They don't like NBC, but I like the poll. [*laughter*]

And frankly, it just came out, and in Iowa now, as you know, Ted, in the last three polls, I'm beating you. So — you know, you shouldn't misrepresent how well you're doing with the polls. [*applause*]

You don't have to say that. In fact, I was all for you until you started doing that, because that's a misrepresentation, number one.

Number two, this isn't me saying it. I don't care. I think I'm going to win fair and square [*inaudible*] to win this way. Thank you.

Lawrence Tribe and [*inaudible*] from Harvard — of Harvard, said that there is a serious question as to whether or not Ted can do this. OK? There are other attorneys that feel, and very, very fine constitutional attorneys, that feel that because he was not born on the land, he cannot run for office.

Here's the problem. We're running. We're running. He does great. I win. I choose him as my vice presidential candidate, and the Democrats sue because we can't take him along for the ride. I don't like that. OK? [*laughter*]

The fact is — and if for some reason he beats the rest of the field, he beats the rest of the field [*inaudible*]. See, they don't like that. They don't like that. [*audience booing*]

No, they don't like he beats the rest of the field, because they want me. [*laughter*]

But — if for some reason, Neil, he beats the rest of the field, I already know the Democrats are going to be bringing a suit. You have a big lawsuit over your head while you're running. And if you become the nominee, who the hell knows if you can even serve in office? So you should go out, get a declaratory judgment, let the courts decide. And you shouldn't have mentioned the polls because I would have been much...[*crosstalk*]

CAVUTO: Why are you saying this now — right now? Why are you raising this issue now?

TRUMP: Because now he's going a little bit better. No, I didn't care [*inaudible*]. It's true. No, it's true. Hey look, he never had a chance. Now, he's doing better. He's got probably a four or five percent chance. [*laughter*]

[*crosstalk*]

CRUZ: Neil... [*crosstalk*]

TRUMP: The fact is, there is a big overhang. There's a big question mark on your head. And you can't do that to the party. You really can't. You can't do that to the party. You have to have certainty. Even if it was a one percent chance, and it's far greater than one percent because [*inaudible*].

I mean, you have great constitutional lawyers that say you can't run. If there was a — and you know I'm not bringing a suit. I promise. But the Democrats are going to bring a lawsuit, and you have to have certainty. You can't have a question. I can agree with you or not, but you can't have a question over your head.

CAVUTO: Senator, do you want to respond?

CRUZ: Well, listen, I've spent my entire life defending the Constitution before the U.S. Supreme Court. And I'll tell you, I'm not going to be taking legal advice from Donald Trump.

TRUMP: You don't have to. Take it from Lawrence Tribe. [*applause*] [*crosstalk*]

Case: 17-55109, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 36 of 119

Take it from your professors...[*crosstalk*]

CRUZ: The chances of any litigation proceeding and succeeding on this are zero. And Mr. Trump is very focused...

TRUMP: He's wrong. He's wrong.

CRUZ: ... on Larry Tribe. Let me tell you who Larry Tribe is. He's a left-wing judicial activist, Harvard Law professor who was Al Gore's lawyer in Bush versus Gore. He's a major Hillary Clinton supporter. And there's a reason why Hillary's supporters are echoing Donald's attacks on me, because Hillary...

TRUMP: He is not the only one.

CRUZ: ... wants to face Donald Trump in the general election.

TRUMP: There are many lawyers.

CRUZ: And I'll tell you what, Donald, you — you very kindly just a moment ago offered me the V.P. slot. [*laughter*]

I'll tell you what. If this all works out, I'm happy to consider naming you as V.P. So if you happen to be right, you could get the top job at the end of the day.

TRUMP: No — no...[*laughter*]... I think if it doesn't... [*applause*] I like that. I like it. I'd consider it. But I think I'll go back to building buildings if it doesn't work out.

CRUZ: Actually, I'd love to get you to build a wall.

[*crosstalk*]

TRUMP: I have a feeling it's going to work out, actually.

[*crosstalk*]

RUBIO: Let me [*inaudible*]. I was invoked in that question, so let me just say — in that answer — let me say, the real question here, I hate to interrupt this episode of Court TV. [*laughter*]

But the real — but I think we have to get back to what this election has to be about. OK? Listen, we — this is the greatest country in the history of mankind. But in 2008, we elected a president that didn't want to fix America. He wants to change America. We elected a president that doesn't believe in the Constitution. He undermines it. We elected a president that is weakening America on the global stage. We elected a president that doesn't believe in the free enterprise system.

This election has to be about reversing all of that damage. That's why I'm running for office because when I become president of the United States, on my first day in office we are going to repeal every single one of his unconstitutional executive orders. When I'm president of the United States we are getting rid of Obamacare and we are rebuilding our military. And when I'm president, we're not just going to have a president that gives a State of the Union and says America is the greatest country in the world. When I'm president, we're going to have a president that acts like it.

BARTIROMO: Thank you, senator.

Mr. Trump, South Carolina Governor Nikki Haley in her response to the State of the Union address... [*applause*]...appeared to choose sides within the party, saying Republicans should resist, quote, "the siren call of the angriest voices". She confirmed, she was referring to you among others. Was she out of line? And, how would a President Trump unite the party?

TRUMP: Okay. First of all, Nikki this afternoon said I'm a friend of hers. Actually a close friend. And wherever you are sitting Nikki, I'm a friend. We're friends. That's good. [*laughter*] But she did say there was anger. And I could say, oh, I'm not angry. I'm very angry because our country is being run horribly and I will gladly accept the mantle of anger. Our military is a disaster. [*applause*]

Our healthcare is a horror show. Obamacare, we're going to repeal it and replace it. We have no borders. Our vets are being treated horribly. Illegal immigration is beyond belief. Our country is being run by incompetent people. And yes, I am angry. [*applause*] And I won't be angry when we fix it, but until we fix it, I'm very, very angry. And I say that to Nikki. So when Nikki said that, I wasn't offended. She said the truth.

One of your colleagues interviewed me. And said, well, she said you were angry and I said to myself, huh, she's right. I'm not fighting that. I didn't find it offensive at all. I'm angry because our country is a mess. [*applause*]

BARTIROMO: But what are you going to do about it?

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 37 of 119

CAVUTO: Marco Rubio. I'm sorry, it's the time constraints. You and Governor Christie have been exchanging some fairly nasty words of late, and I will allow the governor to respond as well.

The governor went so far to say, you won't be able to slime your way to the White House. He's referring to a series of ads done by a PAC, speaking on your behalf, that say quote,"One high tax, Common Core, liberal, energy-loving, Obamacare, Medicaid-expanding president is enough. You think you went too far on that and do you want to apologize to the governor?

RUBIO: You know, as I said already twice in this , we have a very serious problem in this country. [*applause*] We have a president of the United States that is undermining this country's security and expanding the role of...

CAVUTO: That is not my question.

RUBIO: Well, I am going to answer your question, Neil. He is — this president is undermining the constitutional basis of this government. This president is undermining our military. He is undermining our standing in the world. I like Chris Christie, but we can not afford to have a president of the United States that supports Common Core. [*applause*]

We can not afford to have a president of the United States that supports gun control. This president, this president is more interested in funding — less interested in funding the military, than he is in funding planned — he's more interested in funding Planned Parenthood than he is in funding the military.

Chris Christie wrote a check to Planned Parenthood. All I'm saying is our next president has to be someone that undoes the damage Barack Obama has done to this country. It can not be someone that agrees with his agenda.

Because the damage he has done to America is extraordinary. Let me tell you, if we don't get this election right, there may be no turning back for America. We're on the verge of being the first generation of Americans that leave our children worse off than ourselves.

So I just truly, with all my heart belief, I like everybody on the stage. No one is a socialist. No one here is under FBI investigation. So we have a good group of people.

CAVUTO: Is he a liberal?

RUBIO: Our next president...

CAVUTO: Is he a liberal?

RUBIO: Unfortunately, Governor Christie has endorsed many of the ideas that Barack Obama supports, whether it is Common Core or gun control or the appointment of Sonia Sotomayor or the donation he made to Planned Parenthood. Our next president, and our Republican nominee can not be someone who supports those positions.

CAVUTO: Governor? [*applause*]

CHRISTIE: I stood on the stage and watched Marco in rather indignantly, look at Governor Bush and say, someone told you that because we're running for the same office, that criticizing me will get you to that office.

It appears that the same someone who has been whispering in old Marco's ear too. [*laughter*]

So the indignation that you carry on, some of the stuff, you have to also own then. So let's set the facts straight. First of all, I didn't support Sonia Sotomayor. Secondly, I never wrote a check to Planned Parenthood.

Third, if you look at my record as governor of New Jersey, I have vetoed a 50-caliber rifle ban. I have vetoed a reduction this clip size. I vetoed a statewide I.D. system for gun owners and I pardoned, six out-of-state folks who came through our state and were arrested for owning a gun legally in another state so they never have to face charges.

And on Common Core, Common Core has been eliminated in New Jersey. So listen, this is the difference between being a governor and a senator. See when you're a senator, what you get to do is just talk and talk and talk. And you talk so much that nobody can ever keep up with what you're saying is accurate or not.

When you're a governor, you're held accountable for everything you do. And the people of New Jersey, I've seen it. [*applause*]

CHRISTIE: And the last piece is this. I like Marco too, and two years ago, he called me a conservative reformer that New Jersey needed. That was before he was running against me. Now that he is, he's changed his tune.

I'm never going to change my tune. I like Marco Rubio. He's a good guy, a smart guy, and he would be a heck of a lot better president than Hillary Rodham Clinton would ever be. [*applause*]

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 38 of 119

BUSH: Neil, my name was mentioned here. Neil, my name was mentioned as well.

Here's the deal, Chris is totally right. He's been a good governor, and he's a heck of a lot better than his predecessor that would have bankrupted New Jersey.

Everybody on this stage is better than Hillary Clinton. And I think the focus ought to be on making sure that we leave this nomination process, as wild and woolly as it's going to be — this is not being bad.

These attack ads are going to be part of life. Everybody just needs to get used to it. Everybody's record's going to be scrutinized, and at the end of the day we need to unite behind the winner so we can defeat Hillary Clinton, because she is a disaster. [*applause*]

Our country rise up again, but we need to have a compelling conservative agenda that we present to the American people in a way that doesn't disparage people, that unites us around our common purpose.

And so everybody needs to discount some of the things you're going to hear in these ads, and discount the — the back-and-forth here, because every person here is better than Hillary Clinton.

CARSON: Neil, I was mentioned too.

CAVUTO: You were?

CARSON: Yeah, he said everybody. [*laughter*]

And — and I just want to take this opportunity to say, you know, in the 2012 election, you know, we — and when I say we, Republicans — tore themselves apart.

You know, we have to stop this because, you know, if we manage to damage ourselves, and we lose the next election, and a progressive gets in there and they get two or three Supreme Court picks, this nation is over as we know it. And we got to look at the big picture here.

BARTIROMO: Governor Kasich...[*applause*]... Governor Kasich, Hillary Clinton is getting some serious competition from Senator Bernie Sanders. He's now at 41 percent in the latest CBS/New York Times poll. Vice President Biden sang his praises, saying Bernie is speaking to a yearning that is deep and real, and he has credibility on it.

So what does it say about our country that a candidate who is a self-avowed socialist and who doesn't think a 90 percent tax rate is too high could be the Democratic nominee?

KASICH: Well, if that's the case, we're going to win every state, if Bernie Sanders is the nominee. That's not even an issue. But look...[*applause*]...and I know Bernie, and I can promise you he's not going to be president of the United States. So here's this — the situation, I think, Maria.

And this is what we have to — I — I've got to tell you, when wages don't rise — and they haven't for a lot of families for a number of years — it's very, very difficult for them.

Part of the reason why it hasn't risen because sometimes we're not giving people the skills they need. Sometimes it's because the Federal Reserve kept interest rates so low that the wealthy were able to invest in — in strong assets like the stock market when everybody else was left behind.

People are upset about it. I'll tell you what else they're upset about: you're 50 or 51 years old, and some kid walks in and tells you you're out of work, and you don't know where to go and where to turn. Do we have answer for that? We do. There are ways to retrain the 50 and 51-year-olds, because they've got great value.

I'll tell you what else people are concerned about. Their kids come out of college, they have high debt and they can't get a good job. We got to do a lot about the high cost of high — higher education, but we've got to make sure we're training people for jobs that exist, that are good jobs that can pay. [*applause*]

Let me tell you that, in this country — in this country, people are concerned about their economic future. They're very concerned about it. And they wonder whether somebody is getting something to — keeping them from getting it.

That's not the America that I've ever known. My father used to say, "Johnny, we never — we don't hate the rich. We just want to be the rich." And we just got to make sure that every American has the tools, in K-through-12 and in vocational education, in higher education.

And we got to fight like crazy so people can think the American dream still exists, because it does, with rising wages, with full employment and with everybody in America — and I mean everybody in America — having an opportunity to realize the American dream of having a better life than their mother and their father.

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 39 of 119
(73 of 153)

I'm president — look, I've done it once. I've done it once in Washington, with great jobs and lower taxes. The economy was really booming.

And now in Ohio, with the same formula, wages higher than the — than the national average. A growth of 385,000 jobs.

[*bell rings*]

It's not that hard. Just know where you want to go, stick to your guts. Get it done, because our — our children and grandchildren are counting on us to get it done. And, folks, we will. You count on it.

BARTIROMO: Dr. Carson, one of the other candidates on this stage has brought Bill Clinton's past indiscretions. Is that a legitimate topic in this election? And what do you think of the notion that Hillary Clinton is an enabler of sexual misconduct?

CARSON: Well, there's not question that we should be able to look at past president whether they're married to somebody who's running for president or not in terms of their past behavior and what it means. But you know, here's the real issue, is this America anymore? Do we still have standards? Do we still have values and principles?

You know, you look at what's going on, you see all the divisiveness and the hatred that goes on in our society. You know, we have a war on virtual everything — race wars, gender wars, income wars, religious wars, age wars. Every war you can imaging, we have people at each other's throat and our strength is actually in our unity.

You know, you go to the internet, you start reading an article and you go to the comments section — you cannot go five comments down before people are calling each all manner of names. Where did that spirit come from in America? It did not come from our Judeo-Christian roots, I can tell you that. And wherever it came from we need to start once again recognizing that there is such a thing as right and wrong. And let's not let the secular progressives drive that out of us.

The majority of people in American actually have values and principles and they believe in the very things that made America great. They've been beaten into submission. It's time for us to stand up for what we believe in. [*applause*]

CAVUTO: Well, we are not done. Coming up, one of the top things people are talking about on Facebook, guns. And you can join us live us on this stage in the conversation during this commercial break right from home. You can go to Facebook.com/[*inaudible*]. We will be streaming live and talking about how we think the is going so far.

We're back in a moment in Charleston, South Carolina.

[*commercial break*]

BARTIROMO: Welcome back to the Republican presidential debates, right here in North Charleston. Let's get right back to the questions.

Governor Bush, gun rights, one of the top issues seen on Facebook with close to 3 million people talking about it in the past month. Right here in Charleston, Dylann Roof, who has been accused of killing nine people in a nearby church, reportedly had not passed his background check when he got his gun. What is the harm in tightening standards for not only who buys guns, but those who sell them?

BUSH: First of all, I'd like to recognize Governor Haley for her incredible leadership in the aftermath of the — [*applause*] — the Emanuel AME church killings. And I also want to recognize the people in that church that showed the grace of God and the grace of forgiveness and the mercy that they showed. [*applause*] I don't know if any of us could have done what they did, one after another, within 48 hours of that tragedy taking place. Look, here's the deal, in this particular case, the FBI made a mistake. The law itself requires a background check, but that didn't fulfill their part of the bargain within the time that they were supposed to do.

We don't need to add new rules, we need to make sure the FBI does its job. Because that person should not have gotten a gun, should not — would not have passed a background check. The first impulse of Barack Obama and Hillary Clinton is to take rights away from law- abiding citizens.

That's what they do, whether it's the San Bernardino attack or if it's these tragedies that take place, I think we need to focus on what the bigger issue is. It isn't law-abiding gun owners.

Look, I have an A plus rating in the NRA and we also have a reduction in gun violence because in Florida, if you commit a crime with a gun, you're going away. You're going away for a long, long while.

And that's what we should focus on is the violence in our communities. Target the efforts for people that are committing crimes with guns, and if you do that, and get it right, you're going to be much better off than creating a political argument where there's a big divide.

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 46 of 119
(74 of 153)

The other issue is mental health. That's a serious issue that we could work on. Republicans and Democrats alike believe this. [*applause*] The president's first impulse is do this by executive order, power he doesn't have. Why not go to Congress and in a bipartisan way, begin to deal with the process of mental health issues so that people that are spiraling out of control because of mental health challenges don't have access to guns. [*applause*]

BARTIROMO: Thank you, sir.

Mr. Trump, are there any circumstances that you think we should be limiting gun sales of any kind in America?

TRUMP: No. I am a 2nd amendment person. If we had guns in California on the other side where the bullets went in the different direction, you wouldn't have 14 or 15 people dead right now.

If even in Paris, if they had guns on the other side, going in the opposite direction, you wouldn't have 130 people plus dead. So the answer is no and what Jeb said is absolutely correct.

We have a huge mental health problem in this country. We're closing hospitals, we're closing wards, we're closing so many because the states want to save money. We have to get back into looking at what's causing it. The guns don't pull the trigger. It's the people that pull the trigger and we have to find out what is going on. [*applause*]

We have to protect our 2nd amendment and you cannot do this and certainly what Barack Obama was doing with the executive order. He doesn't want to get people together, the old-fashioned way, where you get Congress. You get the Congress, you get the Senate, you get together, you do legislation. He just writes out an executive order. Not supposed to happen that way. [*applause*]

BARTIROMO: Thank you sir.

TRUMP: You get the Congress. You get the Senate. You get together. You do legislation. He just writes out an order, executive order. It's not supposed to happen that way. [*applause*]

BARTIROMO: Thank you, sir. [*applause*]

CAVUTO: Senator Rubio, you said that President Obama wants to take people's guns away. Yet under his presidency, gun sales have more than doubled. That doesn't sound like a White House unfriendly to gun owners.

RUBIO: That sounds like people are afraid the president's going to take their guns away. [*applause*]

Look, the Second Amendment is not an option. It is not a suggestion. It is a constitutional right of every American to be able to protect themselves and their families. I am convinced that if this president could confiscate every gun in America, he would. I am convinced that this president, if he could get rid of the Second Amendment, he would. I am convinced because I see how he works with his attorney general, not to defend the Second Amendment, but to figure out ways to undermine it.

I have seen him appoint people to our courts not to defend the Second Amendment, but to figure out ways to undermine it.

Here's my second problem. None of these instances that the president points to as the reason why he's doing these things would have been preventive. You know why? Because criminals don't buy their guns from a gun show. They don't buy their guns from a collector. And they don't buy their guns from a gun store. They get — they steal them. They get them on the black market.

And let me tell you, ISIS and terrorists do not get their guns from a gun show. These...[*laughter and applause*]... his answer — you name it. If there's an act of violence in America, his immediate answer before he even knows the facts is gun control. Here's a fact. We are in a war against ISIS. They are trying to attack us here in America. They attacked us in Philadelphia last week. They attacked us in San Bernardino two weeks ago. And the last line standing between them and our families might be us and a gun.

When I'm president of the United States, we are defending the Second Amendment, not undermining it the way Barack Obama does. [*applause*]

CAVUTO: But what fact can you point to, Senator — what fact can you point to that the president would take away everyone's gun? You don't think that's [*inaudible*]?

RUBIO: About every two weeks, he holds a press conference talking about how he can't wait to restrict people's access to guns. He has never defended...[*crosstalk*]...I'll give you a fact. Well, let me tell you this. Do you remember when he ran for president of the United States, and he was a candidate, and he went and said, "These Americans with traditional values, they are bitter people, and they cling to their guns and to their religion." That tells you right away where he was headed on all of this.

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 41 of 119
(75 of 153)

This president every chance he has ever gotten has tried to undermine the Second Amendment. [*applause*]

He doesn't meet — here's the difference. When he meets with the attorney general in the White House, it's not "how can we protect the Second Amendment rights of Americans." It's "give me options on how I can make it harder for law-abiding people to buy guns." That will never happen when I am president of the United States. [*applause*]

CAVUTO: Governor Christie, you, too, have criticized the president's recent executive action on gun control, saying it's unconstitutional, another step to bypass Congress. But hasn't your own position on guns evolved, sir? The New Jersey Star-Ledger reports that you signed several laws to regulate the possession of firearms, and that you argued back in August 2013, and I quote, "These common sense measures will strengthen New Jersey's already tough gun laws."

So isn't that kind of what the president wants to do now?

CHRISTIE: No, absolutely not. The president wants to do things without working with his Congress, without working with the legislature, and without getting the consent of the American people. And the fact is that that's not a democracy. That's a dictatorship. And we need to very, very concerned about that.

See, here's the thing. I don't think the founders put the Second Amendment as number two by accident. I don't think they dropped all the amendments into a hat and picked them out of a hat. I think they made the Second Amendment the second amendment because they thought it was just that important.

The fact is in New Jersey, what we have done is to make it easier now to get a conceal and carry permit. We have made it easier to do that, not harder. And the way we've done it properly through regulatory action, not by signing unconstitutional executive orders. This guy is a petulant child. That's what he is. I mean, you know...[*applause*]... the fact is, Neil, let's think about — let's think about — and I want to maybe — I hope the president is watching tonight, because here's what I'd like to tell him.

Mr. President, we're not against you. We're against your policies. When you became president, you had a Democratic Congress and a filibuster-proof Democratic Senate. You had only 21 Republican governors in this country. And now after seven years of your policies, we have the biggest majority we've had since the 1920s in the House; a Republican majority in the Senate; and 31 out of 50 Republican governors.

The American people have rejected your agenda and now you're trying to go around it. That's not right. It's not constitutional. And we are going to kick your rear end out of the White House come this fall. [*applause*]

BARTIROMO: So what is the answer, Senator Cruz, to stop mass shootings and violent crime, up in 30 cities across the country?

CRUZ: The answer is simple. Your prosecute criminals. You target the bad guys. You know, a minute ago, Neil asked: What has President Obama do — done to illustrate that he wants to go after guns?

Well, he appointed Eric Holder as attorney general. Eric Holder said he viewed his mission as brainwashing the American people against guns. He appointed Sonia Sotomayor to the Supreme Court, someone who has been a radical against the Second Amendment right to keep and bear arms.

He launched Fast and Furious, illegally selling guns to Mexican drug lords that were then used to shoot law enforcement officials. And I'll tell you what Hillary Clinton has said: Hillary Clinton says she agrees with the dissenters — the Supreme Court dissenters in the Heller case.

There were four dissenters, and they said that they believe the Second Amendment protects no individual right to keep and bear arms whatsoever, which means, if their view prevailed and the next president's going to get one, two, three, maybe four Supreme Court justices, the court will rule that not a single person in this room has any right under the Second Amendment and the government could confiscate your guns.

And I'll note that California senator — Democratic Senator Dianne Feinstein said, if she could say to Mr. America and Mrs. America, "give me your guns, I'm rounding them up," she would.

And let me make a final point on this. Listen, in any Republican primary, everyone is going to say they support the Second Amendment. Unless you are clinically insane...[*laughter*]...that's what you say in a primary. But the voters are savvier than that. They recognize that people's actions don't always match their words. I've got a proven record fighting to defend the Second Amendment.

There's a reason Gun Owners of America has endorsed me in this race. There's a reason the NRA gave me their Carter Knight Freedom Fund award...[*bell rings*]...and there's a reason, when Barack Obama and Chuck Schumer came after our right to keep and bear arms, that I led the opposition, along with millions of Americans — we defeated that gun control legislation.

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 42 of 119

And I would note the other individuals on this stage were nowhere to be found in that fight.

BARTIROMO: Senator...[*applause*]... let me follow up and switch gears. Senator Cruz, you suggested Mr. Trump, quote, "embodies New York values." Could you explain what you mean by that?

CRUZ: You know, I think most people know exactly what New York values are. [*laughter*]

BARTIROMO: I am from New York. I don't.

CRUZ: What — what — you're from New York? So you might not. [*laughter*]

But I promise you, in the state of South Carolina, they do. [*applause*]

And listen, there are many, many wonderful, wonderful working men and women in the state of New York. But everyone understands that the values in New York City are socially liberal or pro-abortion or pro- gay-marriage, focus around money and the media.

And — and I would note indeed, the reason I said that is I was asked — my friend Donald has taken to it as advance playing Bruce Springsteen's "Born in the USA", and I was asked what I thought of that.

And I said, "well, if he wanted to play a song, maybe he could play, 'New York, New York'?" And — and — you know, the concept of New York values is not that complicated to figure out.

Not too many years ago, Donald did a long interview with Tim Russert. And in that interview, he explained his views on a whole host of issues that were very, very different from the views he's describing now.

And his explanation — he said, "look, I'm from New York, that's what we believe in New York. Those aren't Iowa values, but this is what we believe in New York." And so that was his explanation.

And — and I guess I can — can frame it another way. Not a lot of conservatives come out of Manhattan. I'm just saying. [*laughter*]

BARTIROMO: Are you sure about that?

CAVUTO: Maria...

TRUMP: So conservatives actually do come out of Manhattan, including William F. Buckley and others, just so you understand. [*applause*]

And just so — if I could, because he insulted a lot of people. I've had more calls on that statement that Ted made — New York is a great place. It's got great people, it's got loving people, wonderful people.

When the World Trade Center came down, I saw something that no place on Earth could have handled more beautifully, more humanely than New York. You had two one hundred...[*applause*] ...you had two 110-story buildings come crashing down. I saw them come down. Thousands of people killed, and the cleanup started the next day, and it was the most horrific cleanup, probably in the history of doing this, and in construction. I was down there, and I've never seen anything like it.

And the people in New York fought and fought and fought, and we saw more death, and even the smell of death — nobody understood it. And it was with us for months, the smell, the air.

And we rebuilt downtown Manhattan, and everybody in the world watched and everybody in the world loved New York and loved New Yorkers. And I have to tell you, that was a very insulting statement that Ted made. [*applause*]

CAVUTO: Governor bush, for the third time in as many months, the Iranians have provoked us, detaining us, as we've been discussing, with these 10 Navy sailors Tehran had said strayed into their waters. The sailors were released, but only after shown on video apologizing for the incident. This occurring only weeks after Iran fired multiple rockets within 1,500 yards of a U.S. aircraft carrier and then continued to test medium range missiles.

Now you've claimed that such actions indicate Tehran has little to fear from a President Obama. I wonder, sir, what would change if they continued doing this sort of thing under a President Jeb Bush?

BUSH: Well, first of all, under President Jeb Bush, we would restore the strength of the military. Last week, Secretary Carter announced that the Navy's going to be cut again. It's now half the size of what it was prior to Operation Desert Storm.

The deployments are too high for the military personnel. We don't have procurement being done for refreshing the equipment. The B-52 is still operational as the long range bomber; it was inaugurated in the age of Harry Truman. The

Case: 17-55105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 43 of 119

planes are older than the pilots. We're gutting our military, and so the Iranians and the Chinese and the Russians and many other countries look at the United States not as serious as we once were.

We have to eliminate the sequester, rebuild our military in a way that makes it clear that we're back in the game.

Secondly, as it relates to Iran, we need to confront their ambitions across the board. We should reimpose sanctions, they've already violated sanctions after this agreement was signed by testing medium-range missiles.

Thirdly, we need to move our embassy from Tel Aviv to Jerusalem to send a serious signal that we're back in the game with Israel...[*applause*]...and sign an agreement that makes sure that the world knows that they will have technological superiority.

We need to get back in the game as it relates to our Arab nations. The rest of the world is moving away from us towards other alliances because we are weak. This president and John Kerry and Hillary Clinton all have made it harder for the next president to act, but he must act to confront the ambitions of Iran. We can get back in the game to restore order and security for our own country. [*applause*]

CAVUTO: Thank you, Governor. Governor Kasich, while everyone has been focusing on Iran's provocations, I'm wondering what you make of what Saudi Arabia has been doing and its recent moves in the region, including its execution of a well-known Shi'ite cleric and its move to dramatically increase oil production, some say in an effort to drive down oil prices and force a lot of U.S. oil producers out of business.

Sure enough, oil prices have tumbled. One brokerage house is predicting a third or more of American oil producers and those heavily invested in fracking will go bankrupt, and soon Saudi Arabia and OPEC will be back in the driver's seat. U.S. energy player Harold Hamrie similarly told me with friends like these, who needs enemies? Do you agree?

KASICH: Well, let me — let me first of all talk a little bit about my experience. I served on the Defense Committee for 18 years, and by the way, one of the members of that committee was Senator Strom Thurmond from South Carolina. Let em also tell you...[*applause*]...that after the 9/11 attacks, Secretary Rumsfeld invited me to the Pentagon with a meeting of the former secretaries of Defense. And in that meeting, I suggested we had a problem with technology, and that I wanted to take people from Silicon Valley into the Pentagon to solve our most significant problems. So I not only had the opportunity to go through the Cold War struggles in Central America, and even after 9/11 to be involved.

With Saudi Arabia and oil production, first of all, it's so critical for us to be energy independent, and we're getting there because of fracking and we ought to explore because, see, energy independence gives us leverage and flexibility, and secondly, if you want to bring jobs back to the United States of America in industry, low prices make the difference.

We're seeing it in my state and we'll see it in this country. And that's why we must make sure we continue to frack.

In terms of Saudi Arabia, look, my biggest problem with them is they're funding radical clerics through their madrasses. That is a bad deal and an evil situation, and presidents have looked the other way. And I was going to tell you, whether I'm president or not, we better make it clear to the Saudis that we're going to support you, we're in relation with you just like we were in the first Gulf War, but you've got to knock off the funding and teaching of radical clerics who are the very people who try to destroy us and will turn around and destroy them. [*applause*]

So look, in foreign policy — in foreign policy, it's strength, but you've got to be cool. You've got to have a clear vision of where you want to go. And I'm going to tell you, that it — I'm going to suggest to you here tonight, that you can't do on the job training.

I've seen so much of it – a Soviet Union, the coming down of a wall, the issues that we saw around the world in Central America, the potential spread of communism, and 9/11 and Gulf War. You see what the Saudi's — deliver them a strong message but at the end of the day we have to keep our cool because most of the time they're going right with us. And they must be part of our coalition to destroy ISIS and I believe we can get that done.

Thank you.

CAVUTO: Thank you John.

BARTIROMO: There's much more ahead including the fight against ISIS. More from Charleston, South Carolina when we come right back.

[*commercial break*]

BARTIROMO: We welcome back to the Republican Presidential , right back to the questions.

Case: 17-55105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 44 of 119

Candidates, the man who made fighting ISIS the cornerstone of his campaign, South Carolina Senator, Lindsey Graham is out the race but he joins us tonight in the audience. [*applause*]

He says, "the air-strike now in their 16th month have been ineffective." Dr. Carson ...

CARSON: Wait a minute, who in their 16th month?

BARTIROMO: The air-strikes.

CARSON: OK.

BARTIROMO: Now in their 16th month are ineffective. Dr. Carson, do you think Senator Graham is right in wanting to send 20,000 troops — ground troops to Iraq and Syria to take out ISIS?

CARSON: Well, there's no question that ISIS is a very serious problem, and I don't believe that this administration recognizes how serious it is.

I think we need to do a lot more than we're doing. Recognize that the caliphate is what gives them the legitimacy to go out on a jihadist mission, so we need to take that away from them.

The way to take that away from them is to talk to our military officials and ask them, "what do you need in order to accomplish this goal?"

Our decision is, then, do we give them what we need. I say, yes, not only do we give them what they need, but we don't tie their hands behind their backs so that they can go ahead and get the job done.

In addition to that...[*applause*]...in addition to that, we go ahead and we take the oil from them, their source of revenue. You know, some of these — these engagement rules that the administration has — "we're not going to bomb a tanker that's coming out of there because there might be a person in it" — give me a break.

Just tell them that, you put people in there, we're going to bomb them. So don't put people in there if you don't want them bombed. You know, that's so simple. [*applause*]

And then we need to shut down — we need to shut down their mechanisms of funding and attack their command-and-control centers. Why should we let their people be sitting there smoking their cigars, sitting in their comfortable chairs in Raqqa?

We know to go ahead and shut off the supply routes, and send in our special ops at 2:00 a.m. and attack them everywhere they go. They should be running all the time, then they won't have time to plan attacks against us. [*applause*]

BARTIROMO: Thank you, sir. Senator Graham has also said that the U.S. will find Arab support for its coalition if it removes Syrian President Bashar al-Assad. And I quote, "The now king of Saudi Arabia told us, 'you can have our army, you just got to deal with Assad.'

"The emir of Qatar said, 'I'll pay for the operation, but they are not going to fight ISIS and let Damascus fall into the hands of the Iranians. Assad has to go.'"

Governor Christie, how important is it to remove Assad from power and how would you do it?

CHRISTIE: Maria, you look at what this president and his secretary of state, Secretary of State Clinton, has done to get us in this spot. You think about it — this is the president who said, along with his secretary of state — drew a red line in Syria, said, if Assad uses chemical weapons against his people, that we're going to attack.

He used chemical weapons, he's killed, now, over a quarter of a million of his own people, and this president has done nothing. In fact, he's done worse than nothing.

This president — and, by the way, Secretary Clinton, who called Assad a reformer — she called Assad a reformer. Now, the fact is, what this president has done is invited Russia to play an even bigger role, bring in Vladimir Putin to negotiate getting those chemical weapons back from Assad, yet what do we have today?

We have the Russians and the Iranians working together, not to fight ISIS, but to prop up Assad. The fact of the matter is we're not going to have peace — we are not going to have peace in Syria. We're not going to be able to rebuild it unless we put a no-fly zone there, make it safe for those folks so we don't have to be talking about Syrian refugees anymore.

The Syrians should stay in Syria. They shouldn't be going to Europe. And here's the last piece...[*applause*]...you're not going to have peace in Syria with Assad in charge. You're simply not. And so Senator Graham is right about this.

Case: 17-55105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 45 of 119
(79 of 153)

And if we want to try to rebuild the coalition, as Governor Kasich was saying before, then what we better do is to get to the Arab countries that believe that ISIS is a threat, not only to them, but to us and to world peace, and bring them together.

And believe me, Assad is not worth it. And if you're going to leave this to Hillary Clinton, the person who gave us this foreign policy, the architect of it, and you're going to give her another four years, that's why I'm speaking out as strongly as I am about that.

Hillary Clinton cannot be president. It will lead to even greater war in this world. And remember this, after Hillary Clinton and Barack Obama have had nearly 8 years, we have fewer democracies in the world than we had when they started.

That makes the world less peaceful, less safe. In my administration, we will help to make sure we bring people together in the Middle East, and we will fight ISIS and defeat them.

BARTIROMO: Thank you, sir. [*applause*]

Mr. Trump — Mr. Trump, your comments about banning Muslims from entering the country created a firestorm. According to Facebook, it was the most-talked-about moment online of your entire campaign, with more than 10 million people talking about the issue.

Is there anything you've heard that makes you want to rethink this position?

TRUMP: No. [*laughter*] No. [*applause*]

Look, we have to stop with political correctness. We have to get down to creating a country that's not going to have the kind of problems that we've had with people flying planes into the World Trade Centers, with the — with the shootings in California, with all the problems all over the world.

I just left Indonesia — bomb, bomb, bomb, bomb.

We have to find out what's going on. I said temporarily. I didn't say permanently. I said temporarily. And I have many great Muslim friends. And some of them, I will say, not all, have called me and said, "Donald, thank you very much; you're exposing an unbelievable problem and we have to get to the bottom of it."

And unlike President Obama, where he refuses even to use the term of what's going on, he can't use the term for whatever reason. And if you can't use the term, you're never going to solve the problem. My Muslim friends, some, said, "thank you very much; we'll get to the bottom of it."

But we have a serious problem. And we can't be the stupid country any more. We're laughed at all over the world. [*applause*]

BUSH: Donald, Donald — can I — I hope you reconsider this, because this policy is a policy that makes it impossible to build the coalition necessary to take out ISIS. The Kurds are our strongest allies. They're Muslim. You're not going to even allow them to come to our country?

The other Arab countries have a role to play in this. We cannot be the world's policeman. We can't do this unilaterally. We have to do this in unison with the Arab world. And sending that signal makes it impossible for us to be serious about taking out ISIS and restoring democracy in Syria. [*applause*]

So I hope you'll reconsider. I hope you'll reconsider. The better way of dealing with this — the better way of dealing with this is recognizing that there are people in, you know, the — Islamic terrorists inside, embedded in refugee populations.

What we ought to do is tighten up our efforts to deal with the entry visa program so that a citizen from Europe, it's harder if they've been traveling to Syria or traveling to these other places where there is Islamic terrorism, make it harder — make the screening take place.

We don't have to have refugees come to our country, but all Muslims, seriously? What kind of signal does that send to the rest of the world that the United States is a serious player in creating peace and security?

CAVUTO: But you said — you said that he made those comments and they represented him being unhinged after he made them.

BUSH: Yeah, they are unhinged.

CAVUTO: Well — well, after he made them...[*applause*]...his poll numbers went up eight points in South Carolina. Now — now, wait...

TRUMP: Eleven points, to be exact.

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 46 of 119
(80 of 153)

CAVUTO: Are you — are you saying — are you saying that all those people who agree with Mr. Trump are unhinged?

BUSH: No, not at all, absolutely not. I can see why people are angry and scared, because this president has created a condition where our national security has weakened dramatically. I totally get that. But we're running for the presidency of the United States here. This isn't — this isn't, you know, a different kind of job. You have to lead. You cannot make rash statements and expect the rest of the world to respond as though, well, it's just politics.

Every time we send signals like this, we send a signal of weakness, not strength. And so it was [*inaudible*] his statement, which is why I'm asking him to consider changing his views. [*applause*]

TRUMP: I want security for this country. OK? [*applause*]

I want security. I'm tired of seeing what's going on, between the border where the people flow over; people come in; they live; they shoot. I want security for this country. We have a serious problem with, as you know, with radical Islam. We have a tremendous problem. It's not only a problem here. It's a problem all over the world.

I want to find out why those two young people — those two horrible young people in California when they shot the 14 people, killed them — people they knew, people that held the wedding reception for them. I want to find out — many people saw pipe bombs and all sorts of things all over their apartment. Why weren't they vigilant? Why didn't they call? Why didn't they call the police?

And by the way, the police are the most mistreated people in this country. I will tell you that. [*applause*]

The most mistreated people. In fact, we need to — wait a minute — we need vigilance. We have to find out — many people knew about what was going on. Why didn't they turn those two people in so that you wouldn't have had all the death?

There's something going on and it's bad. And I'm saying we have to get to the bottom of it. That's all I'm saying. We need security.

BARTIROMO: We — we want to hear from all of you on this. According to Pew Research, the U.S. admits more than 100,000 Muslim immigrants every single year on a permanent lifetime basis. I want to ask the rest of you to comment on this. Do you agree that we should pause Muslim immigration until we get a better handle on our homeland security situation, as Mr. Trump has said?

Beginning with you, Governor Kasich.

KASICH: I — I've been for pausing on admitting the Syrian refugees. And the reasons why I've done is I don't believe we have a good process of being able to vet them. But you know, we don't want to put everybody in the same category.

And I'll go back to something that had been mentioned just a few minutes ago. If we're going to have a coalition, we're going to have to have a coalition not just of people in the western part of the world, our European allies, but we need the Saudis, we need the Egyptians, we need the Jordanians, we need the Gulf states. We need Jordan.

We need all of them to be part of exactly what the first George Bush put together in the first Gulf War.

[*bell rings*]

It was a coalition made up of Arabs and Americans and westerners and we're going to need it again. And if we try to put everybody in the same — call everybody the same thing, we can't do it. And that's just not acceptable.

But I think a pause on Syrian refugees has been exactly right for all the governors that have called for it, and also, of course, for me as the governor of Ohio.

BARTIROMO: Thank you, sir, we want to hear from the rest of you,

Governor Christie, your take.

CHRISTIE: Now Maria, listen. I said right from the beginning that we should take no Syrian refugees of any kind. And the reason I said that is because the FBI director told the American people, told Congress, that he could not guarantee he could vet them and it would be safe. That's the end of the conversation.

I can tell you, after spending seven years as a former federal prosecutor, right after 9/11, dealing with this issue. Here's the way you need to deal with it. You can't just ban all Muslims. You have to ban radical Islamic jihadists. You have to ban the people who are trying to hurt us.

The only way to figure that out is to go back to getting the intelligence community the funding and the tools that it needs to be able to keep America safe.

Case: 17-55105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 47 of 119
(81 of 153)

[*bell rings*]

And this summer, we didn't do that. We took it away from the NSA, it was a bad decision by the president. Bad by those in the Senate who voted for it and if I'm president, we'll make our intelligence community strong, and won't have to keep everybody out, we're just going to keep the bad folk out and make sure they don't harm us.

BARTIROMO: Senator Rubio, where do you stand?

RUBIO: Well, first of all, let's understand why we are even having this and why Donald tapped in to some of that anger that's out there about this whole issue. Because this president has consistently underestimated the threat of ISIS.

If you listen to the State of the Union the other night, he described them as a bunch of guys with long beards on the back of a pickup truck. They are much more than that. This is a group of people that enslaves women and sells them, sells them as brides.

This is a group of people that burns people in cages, that is conducting genocide against Christians and Yazidis and others in the region. This is not some small scale group.

They are radicalizing people in the United States, they are conducting attacks around the world. So you know what needs to happen, it's a very simple equation, and it's going to happen when I'm president. If we do not know who you are, and we do not know why you are coming when I am president, you are not getting into the United States of America. [*applause*]

BARTIROMO: Senator Cruz, where do you stand? Senator Cruz?

CRUZ: You know I understand why Donald made the comments he did and I understand why Americans are feeling frustrated and scared and angry when we have a president who refuses to acknowledge the threat we face and even worse, who acts as an apologist for radical Islamic terrorism.

I think what we need is a commander in chief who is focused like a laser on keeping this country safe and on defeating radical Islamic terrorism. What should we do? First, we should pass the Expatriate Terrorist Act, legislation I've introduced that says if an American goes and joins ISIS and wages jihad against America, that you forfeit your citizenship and you can not come in on a passport. [*applause*]

And secondly, we should pass the legislation that I've introduced...[*bell rings*]...that suspends all refugees from nations that ISIS or Al Qaida controls significant territory. Just last week, we see saw two Iraqi refugees vetted using the same process the president says will work, that were arrested for being alleged ISIS terrorists.

If I'm elected president, we will not let in refugees from countries controlled by ISIS or Al Qaida. When it comes to ISIS, we will not weaken them, we will not degrade them, we will utterly and completely destroy ISIS [*applause*].

BARTIROMO: Dr. Carson, where do you stand? Do you agree with Mr. Trump?

CARSON: Well, first of all, recognize it is a substantial problem. But like all of our problems, there isn't a single one that can't be solved with common sense if you remove the ego and the politics. And clearly, what we need to do is get a group of experts together, including people from other countries, some of our friends from Israel, who have had experience screening these people and come up with new guidelines for immigration, and for visas, for people who are coming into this country.

That is the thing that obviously makes sense, we can do that. And as far as the Syrians are concerned, Al-Hasakah province, perfect place. They have infrastructure. All we need to do is protect them, they will be in their own country.

And that is what they told me when I was in Jordan in November. Let's listen to them and let's not listen to our politicians.

BARTIROMO: So, to be clear, the both of you do not agree with Mr. Trump?

BUSH: So, are we going to ban Muslims from India, from Indonesia, from countries that are strong allies — that we need to build better relationships with? Of course not. What we need to do is destroy ISIS.

I laid out a plan at the Citadel to do just that and it starts with creating a "No Fly Zone" and "Safe Zones" to make sure refugees are there. We need to lead a force, a Sunni led force inside of Syria. We need to embed with — with the Iraqi military. We need to arm the Kurds the directly. We need to re-establish the relationships with the Sunnis.

We need the lawyers off the back of the war fighters. That's how you solve the problem. You don't solve it by big talk where you're banning all Muslims and making it harder for us to build the kind of coalition for us to be successful.

BARTIROMO: Thank you governor.

Case: 17-35105, 02/06/2017, ID: 10304306, DktEntry: 82-3, Page 48 of 119
(82 of 153)

CAVUTO: Mr. Trump, sometimes maybe in the heat of the campaign, you say things and you have to dial them back. Last week, the New York Times editorial board quoted as saying that you would oppose, "up to 45 percent tariff on Chinese goods."

TRUMP: That's wrong. They were wrong. It's the New York Times, they are always wrong.

CAVUTO: Well...

TRUMP: They were wrong.

CAVUTO: You never said because they provided that...

TRUMP: No, I said, " I would use — " they were asking me what to do about North Korea. China, they don't like to tell us but they have total control — just about, of North Korea. They can solve the problem of North Korea if they wanted to but they taunt us.

They say, " well, we don't really have control." Without China, North Korea doesn't even eat. China is ripping us on trade. They're devaluing their currency and they're killing our companies. Thousands of thousands — you look at the number of companies and the number in terms of manufacturing of plans that we've lost — 50,000 because of China.

[*crosstalk*]

CAVUTO: So they've never said to put a tariff on their...

TRUMP: We've lost anywhere between four and seven million jobs because of China. What I said then was, "we have very unfair trade with China. We're going to have a trade deficit of 505 billion dollars this year with China." A lot of that is because they devalue their currency.

What I said to the New York Times, is that, "we have great power, economic power over China and if we wanted to use that and the amount — where the 45 percent comes in, that would be the amount they saw their devaluations that we should get." That we should get.

What I'm saying is this, I'm saying that we do it but if they don't start treating us fairly and stop devaluing and let their currency rise so that our companies can compete and we don't lose all of these millions of jobs that we're losing, I would certainly start taxing goods that come in from China. Who the hell has to lose 505 billion dollars a year?

CAVUTO: I'm sorry, you lost me.

TRUMP: It's not that complicated actually.

CAVUTO: Then I apologize. Then I want to understand, if you don't want a 45 percent tariff, say that wasn't the figure, would you be open — are you open to slapping a higher tariff on Chinese goods of any sort to go back at them?

TRUMP: OK, just so you understand — I know so much about trading about with China. Carl Icahn today as you know endorsed. Many businessmen want to endorse me.

CAVUTO: I know...

TRUMP: Carl said, "no, no — " but he's somebody — these are the kind of people that we should use to negotiate and not the China people that we have who are political hacks who don't know what they're doing and we have problems like this. If these are the kinds of people — we should use our best and our finest.

Now, on that tariff — here's what I'm saying, China — they send their goods and we don't tax it — they do whatever they want to do. They do whatever what they do, OK. When we do business with China, they tax us. You don't know it, they tax us.

I have many friends that deal with China. They can't — when they order the product and when they finally get the product it is taxed. If you looking at what happened with Boeing and if you look at what happened with so many companies that deal — so we don't have an equal playing field. I'm saying, absolutely, we don't have to continue to lose 505 billion dollars as a trade deficit for the privilege of dealing with China.

I'm a free trader. I believe in it but we have to be smart and we have to use smart people to negotiate. I have the largest bank in the world as a tenant of mine. I sell tens' of millions of [*inaudible*].

I love China. I love the Chinese people but they laugh themselves, they can't believe how stupid the American leadership is.

CAVUTO: So you're open to a tariff?

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 43 of 119
(83 of 153)

TRUMP: I'm totally open to a tariff. If they don't treat us fairly, hey, their whole trade is tariffed. You can't deal in China without tariffs. They do it to us, we don't it. It's not fair trade.

KASICH: Neil, Neil — can I say one thing about this. I'm a free trader. I support NAFTA. I believe in the PTT because it's important those countries in Asia are interfacing against China. And we do need China — Donald's right about North Korea.

I mean the fact is, is that they need to put the pressure on and frankly we need to intercepts ships coming out of North Korea so they don't proliferate all these dangerous materials. But what he's touching — talking about, I think has got merit. And I'll allow putting that tariff or whatever he's saying here...

TRUMP: I'm happy to have him tonight...[*laughter*]

KASICH: For too long — no, for too long, what happens is somebody dumps their product in our country and take our people's jobs, and then we go to an international court and it takes them like a year or two to figure out whether they were cheating us. And guess what? The worker's out of a job.

So when they — be found against that country that's selling products in here lower than the cost of what it takes to produce them, then what do we tell the worker? Oh, well, you know, it just didn't work out for you.

I think we should be for free trade but I think fair trade. And when countries violate trade agreements or dump product in this country, we need — we need to stand up against those countries that do that without making them into an enemy.

And I want to just suggest to you. How do I know this? Because so many people in my family worked in steel mills, and they didn't work with a white collar, they worked in a blue collar. And the fact is those jobs are critical, they're hard working members of the middle class and they need to be paid attention to because they're Americans and they carry the load. So let's demand open trade but fair trade in this country. That's what I think we need to do. [*applause*]

CAVUTO: All right.

RUBIO: But on this point, if I may add something on this point. We are all frustrated with what China is doing. I think we need to be very careful with tariffs, and here's why.

China doesn't pay the tariff, the buyer pays the tariff. If you send a tie or a shirt made in China into the United States and an American goes to buy it at the store and there's a tariff on it, it gets passed on in the price to price to the consumer.

So I think the better approach, the best thing we can do to protect ourselves against China economically is to make our economy stronger, which means reversing course from all the damage Barack Obama is doing to this economy.

It begins with tax reform. Let's not have the most expensive business tax rate in the world. Let's allow companies to immediately expense. [*applause*]

It continues with regulatory reform. Regulations in this country are out of control, especially the Employment Prevention Agency, the EPA, and all of the rules they continue to impose on our economy and hurting us.

How about Obamacare, a certified job killer? It needs to be repealed and replaced. And we need to bring our debt under control, make our economy stronger. That is the way to deal with China at the end of the day.

TRUMP: Neil, the problem...

BARTIROMO: We're getting...

TRUMP: ... with what Marco is saying is that it takes too long, they're sucking us dry and it takes too long. It would just — you absolutely have to get involved with China, they are taking so much of what we have in terms of jobs in terms of money. We just can't do it any longer.

CAVUTO: He is right. If you put a tariff on a good, it's Americans who pay.

BUSH: Absolutely.

TRUMP: You looking at me?

BUSH: Yeah.

BARTIROMO: Prices go higher for...

TRUMP: Can I tell you what? It will never happen because they'll let their currency go up. They're never going to let it happen.

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 56 of 119
(84 of 153)

Japan, the same thing. They are devaluing — it's so impossible for — you look at Caterpillar Tractor and what's happening with Caterpillar and Kamatsu. Kamatsu is a tractor company in Japan. Friends of mine are ordering Kamatsu tractors now because they've de-valued the yen to such an extent that you can't buy a Caterpillar tractor. And we're letting them get away with it and we can't let them get away with it.

And that's why we have to use Carl and we have to use our great businesspeople and not political hacks to negotiate with these guys. [*applause*]

BUSH: Here's — apart from the — apart from the higher prices on consumers and people are living paycheck to paycheck, apart from that, there will be retaliation.

BARTIROMO: Yeah.

BUSH: So they soybean sales from Iowa, entire soybean production goes — the equivalent of it goes to China. Or how about Boeing right here within a mile? Do you think that the Chinese, if they had a 45 percent tariff imposed on all their imports wouldn't retaliate and start buying Airbus? Of course, they would. This would be devastating for the economy. We need someone with a steady hand being president of the United States.

BARTIROMO: Real quick, Senator — go ahead, Senator Cruz. [*applause*]

And then we have to get to tax reform.

TRUMP: And we don't need a weak person being president of the United State, OK? Because that's what we'd get if it were Jeb — I tell you what, we don't need that.

AUDIENCE: Boo.

TRUMP: We don't need that. That's essentially what we have now, and we don't need that. And that's why we're in the trouble that we're in now. And by the way, Jeb you mentioned Boeing, take a look. They order planes, they make Boeing build their plant in China. They don't want them made here. They want those planes made in China.

BUSH: They're a mile away from here.

TRUMP: That's not the way the game is supposed to be played.

BARTIROMO: Thank you, Governor Bush. Thank you, Mr. Trump. Very briefly.

BUSH: My name was mentioned. My name was mentioned here. The simple fact is that the plane that's being build here is being sold to China. You can — if you — you flew in with your 767, didn't you? Right there, right next to the plant.

TRUMP: No, the new planes. I'm not talking about now, I'm talking about in the future they're building massive plants in China because China does not want Boeing building their planes here, they want them built in China, because China happens to be smart the way they do it, not the way we do it.

BARTIROMO: Thank you, Mr. Trump.

BUSH: When you head back to airport tonight, go check and see what the...

BARTIROMO: Thank you, Mr. Trmup. Thank you, Governor.

TRUMP: I'll check for you.

BUSH: Check it out. [*laughter*]

BARTIROMO: Senator briefly.

CRUZ: Thanks for coming back to me, Maria. Both Donald and Jeb have good points, and there is a middle ground. Donald is right that China is running over President Obama like he is a child, President Obama is not protecting American workers and we are getting hammered.

You know, I sat down with the senior leadership of John Deere. They discussed how — how hard it is to sell tractors in China, because all the regulatory barriers. They're protectionist.

But Jeb is also right that, if we just impose a tariff, they'll put reciprocal tariffs, which will hurt Iowa farmers and South Carolina producers and 20 percent of the American jobs that depend on exports.

So the way you do it is you pass a tax plan like the tax plan I've introduced: a simple flat tax, 10 percent for individuals, and a 16 percent business flat tax, you abolish the IRS...[*applause*]...and here's the critical point, Maria — the business flat tax

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 51 of 119
(85 of 153)

enables us to abolish the corporate income tax, the death tax, the Obamacare taxes, the payroll taxes, and they're border-adjustable, so every export pays no taxes whatsoever.

It's tax-free — a huge advantage for our farmers and ranchers and manufacturers — and every import pays the 16 percent business flat tax. It's like a tariff, but here's the difference: if we impose a tariff, China responds.

The business flat tax, they already impose their taxes on us, so there's no reciprocal...[*bell rings*]...tariffs that come against us. It puts us on a level, even playing field, which brings jobs here at home...

UNKNOWN: Maria...

CRUZ: ... and as president, I'm going to fight for the working men and women.

[*crosstalk*]

BARTIROMO: We've got to get to tax reform, gentlemen. We've got to get to tax reform, and we've got to get to the...

UNKNOWN: Yeah, but I want to talk about taxes.

BARTIROMO: ... we've got to get to the national debt as well. Coming up next, the growing national debt, the war on crime, tax reform. More from North Charleston, South Carolina, when we come right back.

[*commercial break*]

BARTIROMO: Welcome back to the Republican presidential here in North Charleston. Right back to the questions. [*applause*]

Governor Christie, we have spoken much about cutting spending, given the $19 trillion debt. But according to one report, America needs $3.6 trillion in infrastructure spending by 2020.

Here in South Carolina, 11 percent of bridges are considered structurally deficient, costing drivers a billion dollars a year in auto repairs. What is your plan to fix the ailing roads and bridges without breaking the bank?

CHRISTIE: Well, I'm glad you asked that, Maria. Here's — here's our plan. We've all been talking about tax reforms tonight, and paying for infrastructure is caught right up in tax reform.

If you reform the corporate tax system in this country, which, as was mentioned before, is the highest rate in the world — and we double tax, as you know.

And what that's led to over $2 trillion of American companies' monies that are being kept offshore, because they don't want to pay the second tax. And who can blame them? They pay tax once overseas. They don't want to pay 35 percent tax on the way back.

So beside reforming that tax code, bringing it down to 25 percent and eliminating those special-interest loopholes that the lobbyists and the lawyers and the accountants have given — bring that rate down to 25 percent, but also, a one-time repatriation of that money.

Bring the money — the $2 trillion — back to the United States. We'll tax it, that one time, at 8.75 percent, because 35 percent of zero is zero, but 8.75 percent of $2 trillion is a lot of money. And I would then dedicate that money to rebuilding infrastructure here in this country.

It would not necessitate us raising any taxes. It would bring the money back into the United States to help build jobs by American companies and get our economy moving again, and growing as a higher rate, and it would rebuild those roads and bridges and tunnels that you were talking about. And — and — and the last piece of this, Maria, is this. You know, the fact is that this president has penalized corporations in America. He's penalized — and doesn't understand. In fact, what that hurts is hurt hardworking taxpayers.

You've seen middle-class wages go backwards $3,700 during the Obama administration. That's wrong for hardworking taxpayers in this country. We'd rebuild infrastructure that would also create jobs in this country, and we'd work with the states to do it the right way, to do it more efficiently and more effectively.

And remember this — I'm credible on this for this reason: Americans for Tax Reform says that I've vetoed more tax increases than any governor in American history. We don't need to raise taxes to get this done.

We need to make the government run smarter and better, and reform this corporate tax system, bring that money back to the United States to build jobs and rebuild our infrastructure, and we need to use it also to protect our grid from terrorists.

Case: 17-55109, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 52 of 119
(86 of 153)

All of those things are important, and all those things would happen in a Christie administration.

BARTIROMO: Thank you, sir. Dr. Carson...[*applause*]...it is true U.S. companies have $2 trillion in cash sitting overseas right now. That could be used for investment and jobs in America.

Also, several companies right now are pursuing mergers to move their corporate headquarters abroad, and take advantage of much lower taxes. What will you do to stop the flow of companies building cash away from America, and those leaving America altogether?

CARSON: Well, I would suggest a fair tax system, and that's what we have proposed. A flat tax for everybody — no exemptions, no deductions, no shelters, because some people have a better capability of taking advantage of those than others.

You know, and then the other thing we have to do is stop spending so much money. You know, I — my — my mother taught me this. You know, she only had a third-grade education, but — you know, she knew how to stretch a dollar.

I mean, she would drive a car until it wouldn't make a sound, and then gather up all her coins and buy a new car. In fact, if my mother were secretary of treasury, we would not be in a deficit situation. But...[*laughter*]... you know, the — the — the fact of the matter is — you know, if we fix the taxation system, make it absolutely fair, and get rid of the incredible regulations — because every regulation is a tax, it's a — on goods and services. And it's the most regressive tax there is.

You know, when you go into the store and buy a box of laundry detergent, and the price has up — you know, 50 cents because of regulations, a poor person notices that. A rich person does not. Middle class may notice it when they get to the cash register.

And everything is costing more money, and we are killing our — our — our people like this. And Bernie Sanders and Hillary Clinton will say it's those evil rich people.

It's not the evil rich people. It's the evil government that is — that is putting all these regulations on us so that we can't survive. [*applause*]

BARTIROMO: Thank you, sir.

Senator Rubio...

TRUMP: Maria — Maria, what you were talking about just now is called corporate inversion. It's one of the biggest problems our country has. Right now, corporations, by the thousands, are thinking of leaving our country with the jobs — leave them behind.

They're leaving because of taxes, but they are also leaving because they can't get their money back and everybody agrees, Democrats and Republicans, that is should come back in. But they can't get along. They can't even make a deal.

Here is the case, they both agree, they can't make a deal. We have to do something. Corporate inversion is one of the biggest problems we have. So many companies are going to leave our country.

BARTIROMO: Which is why we raised it.

Senator Rubio?

Thank you, Mr. Trump.

TRUMP: Thank you.

BARTIROMO: One of the biggest fiscal challenges is our entitlement programs, particularly Social Security and Medicare. What policies will you put forward to make sure these programs are more financially secure?

RUBIO: Well, first let me address the tax issue because it's related to the entitlement issue and I want to thank you for holding a substantive debates where we can have debates about these key issues on taxes. [*applause*]

Here is the one thing I'm not going to do. I'm not going to have something that Ted described in his tax plan. It's called the value added tax. And it's a tax you find in many companies in Europe.

Where basically, businesses now will have to pay a tax, both on the money they make, but they also have to pay taxes on the money that they pay their employees.

And that's why they have it in Europe, because it is a way to blindfolded the people, that's what Ronald Reagan said. Ronald Regan opposed the value tax because he said it was a way to blindfold the people, so the true cost of government was not there there for them.

Case: 17-55109, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 53 of 119

Now, you can support one now that's very low. But what is to prevent a future liberal president or a liberal Congress from coming back and not just raising the income tax, but also raising that VAT tax, and that vat tax is really bad for seniors. Because seniors, if they are retired, are no longer earning an income from a job. And therefore, they don't get the income tax break, but their prices are going to be higher, because the vat tax is embedded in both the prices that business that are charging and in the wages they pay their employees.

When I am president of the United States, I'm going to side with Ronald Regan on this and not Nancy Pelosi and we are not having a vat tax. [*applause*]

BARTIROMO: Thank you senator.

CRUZ: Maria, I assume that I can respond to that.

BARTIROMO: Senator Cruz, yes. You were meant to. Yes, of course.

CRUZ: Well, Marco has been floating this attack for a few weeks now, but the problem is, the business flat tax in my proposal is not a vat. A vat is imposed as a sales tax when you buy a good.

This is a business flat tax. It is imposed on business and a critical piece that Marco seems to be missing is that this 16 percent business flat tax enables us to eliminate the corporate income tax. It goes away. It enables us to eliminate the death tax.

If you're a farmer, if you're a rancher, if you are small business owner, the death tax is gone. We eliminate the payroll tax, we eliminate the Obamacare taxes. And listen, there is a real difference between Marco's tax plan and mine.

Mine gives every American a simple, flat tax of 10 percent. Marco's top tax rate is 35 percent. My tax plan enables you to fill out your taxes on a postcard so we can abolish the IRS. Marco leaves the IRS code in with all of the complexity. We need to break the Washington cartel, and the only way to do it is to end all the subsidies and all...[*bell rings*]...the mandates and have a simple flat tax. The final observation, invoked Ronald Reagan. I would note that Art Laffer, Ronald Reagan's chief economic adviser, has written publicly, that my simple flat tax is the best tax plan of any of the individuals on this stage cause it produces economic growth, it raises wages and it helps everyone from the very poorest to the very richest.

BARTIROMO: Thank you senator. [*applause*]

RUBIO: But that's not an accurate description of the plan. Because, first of all, you may rename the IRS but you are not going to abolishes the IRS, because there has to be some agency that's going to collect your vat tax. Someone's going to be collecting this tax.

In fact, Ronald Reagan's treasury, when Ronald Reagan's treasury looked at the vat tax, you know what they found? That they were going to have to hire 20,000 new IRS agencies to collect it.

The second point, it does not eliminate the corporate tax or the payroll tax. Businesses will now have to pay 16 percent on the money they make. They will also have to pay 16 percent on the money they pay their employees.

So there are people watching tonight in business. If you are now hit on a 60 percent tax on both your income and on the wages you pay your employees, where are you going to get that money from? You're going to get it by paying your employees less and charging your customers more, that is a tax, the difference is, you don't see it on the bill.

And that's why Ronald Reagan said that it was a blindfold. You blindfold the American people so that they cannot see the true cost of government. Now 16 percent is what the rate Ted wants it at. But what happens if, God forbid, the next Barack Obama takes over, and the next Nancy Pelosi, and the next Harry Reid...[*bell rings*]...and they decide, we're going to raise it to 30 percent, plus we're going to raise the income tax to 30 percent. Now, you've got Europe.

[*crosstalk*]

BARTIROMO: Thank you senator. I have to get to a question for Mr. Trump.

CRUZ: Maria...

BARTIROMO: Yes.

CRUZ: Maria, I'd just like to say...[*crosstalk*]

CHRISTIE: Maria, I'd like to interrupt this on the floor of the Senate to actually answer the question you asked, which was on entitlements. Do you remember that, everybody? This was a question on entitlements.

Case: 17-55105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 54 of 119

And the reason — and the reason...[*crosstalk*]...no, you already had your chance, Marco, and you blew it. Here's the thing. [*crosstalk*] The fact is, the reason why...

RUBIO: If you'll answer the [*inaudible*] core question.

CHRISTIE: ... the fact is — the fact is the reason why that no one wants to answer entitlements up here is because it's hard. It's a hard problem. And I'm the only one up on this stage who back in April put forward a detailed entitlement reform plan that will save over $1 trillion, save Social Security, save Medicare, and avoid this — avoid what Hillary Rodham Clinton will do to you.

Because what she will do is come in and she will raise Social Security taxes. Bernie Sanders has already said it. And she is just one or two more poll drops down from even moving further left than she's moved already to get to the left of Bernie on this.

We have seniors out there who are scared to death because this Congress — this one that we have right now, just stole $150 billion from the Social Security retirement fund to give it to the Social Security disability fund. A Republican Congress did that.

And the fact is it was wrong. And they consorted with Barack Obama to steal from Social Security. We need to reform Social Security. Mine is the only plan that saves over $1 trillion and that's why I'm answering your question.

BARTIROMO: Thank you, Governor. Thank you, Governor. [*applause*]

CARSON: Can I just add one very quick thing? And I just want to say, you know, last week we released our tax plan. And multiple reputable journals, including The Wall Street Journal, said ours is the best. Just want to get that out there, just saying.

BARTIROMO: Thank you, Dr. Carson.

Coming up, how would the candidates protect America, and another terror attack, if we were to see it. But first, you can join us live on stage during the commercial break right from home. Go to facebook.com/foxbusiness. We'll be streaming live and answering your questions during this break next.

More from South Carolina coming up. Stay with us.

[*commercial break*]

BARTIROMO: Mr. Trump, your net worth is in the multi-billions of dollars and have an ongoing thriving hotel and real estate business. Are you planning on putting your assets in a blind trust should you become president? With such vast wealth, how difficult will it be for you to disentangle yourself from your business and your money and prioritize America's interest first?

TRUMP: Well, it's an interesting question because I'm very proud of my company. As you too know, I know I built a very great company. But if I become president, I couldn't care less about my company. It's peanuts.

I want to use that same up here, whatever it may be to make America rich again and to make America great again. I have Ivanka, and Eric and Don sitting there. Run the company kids, have a good time. I'm going to do it for America.

So I would — I would be willing to do that.

BARTIROMO: So you'll put your assets in a blind trust?

TRUMP: I would put it in a blind trust. Well, I don't know if it's a blind trust if Ivanka, Don and Eric run it. If that's a blind trust, I don't know. But I would probably have my children run it with my executives and I wouldn't ever be involved because I wouldn't care about anything but our country, anything.

BARTIROMO: Thank you sir.

TRUMP: Thank you.

CAVUTO: Governor Christie, going back to your U.S. Attorney days, you had been praised by both parties as certainly a tough law and order guy. So I wonder what you make of recent statistics that showed violent crimes that have been spiking sometimes by double digit ratings in 30 cities across the country. Milwaukee Police Chief Ed Flynn said, "most local law enforcement officials feel abandoned by Washington." Former NYC Police Chief Ray Kelly, says that, "police are being less proactive because they're being overly scrutinized and second guessed and they're afraid of being sued or thrown in jail."

What would you do as president to address this?

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 55 of 119
(89 of 153)

CHRISTIE: Well, first off, let's face it, the FBI director James Comey was a friend of mine who I worked with as U.S. Attorney of New Jersey. He was the U.S. Attorney in Manhattan. He said, "there's a chill wind blowing through law enforcement in this country." Here's why, the president of the United States and both his attorney's general, they give the benefit of the doubt to the criminal, not to the police officers.

That's the truth of the matter and you see it every time with this president. Every time he's got a chance, going all the way back to — remember that Great Beer Summit he had after he messed up that time. This is a guy who just believes that law enforcement are the bad guys.

Now, I for seven years was the U.S. Attorney of New Jersey. I worked hard with not only federal agents but with police officers and here's the problem, sanctuary cities is part of the problem in this country. That's where crime is happening in these cities where they don't enforce the immigration laws. And this president turns his back — this president doesn't enforce the marijuana laws in this country because he doesn't agree with them.

And he allows states to go ahead and do whatever they want on a substance that's illegal. This president allows lawlessness throughout this country. Here's what I would do Neil, I would appoint an Attorney General and I would have one very brief conversation with that Attorney General. I'd say, "General, enforce the law against everyone justly, fairly, and aggressively. Make our streets safe again. Make our police officers proud of what they do but more important than that, let them know how proud we are of them."

We do that, this country would be safe and secure again not only from criminals but from the terrorist who threaten us as well. I'm the only person on this stage who's done that and we will get it done as President of the United States.

CAVUTO: Thank you governor.

Governor Kasich, as someone has to deal with controversial police shootings in your own state, what do you make of Chicago's move recently to sort of retrain police? Maybe make them not so quick to use their guns?

KASICH: Well, I created a task force well over a year ago and the purpose was to bring law enforcement, community people, clergy and the person that I named as one of the co-chair was a lady by the name of Nina Turner, a former State Senator, a liberal Democrat. She actually ran against one of my friends and our head of public safety.

And they say down as a group trying to make sure that we can begin to heal some of these problems that we see between community and police.

And they came back with 23 recommendations. One of them is a statewide use of deadly force. And it is now being put into place everyplace across the state of Ohio. Secondly, a policy on recruiting and hiring, and then more resources for — for training.

But let me also tell you, one of the issues has got to be the integration of both community and police. Community has to understand that that police officer wants to get home at night, and not — not to lose their life. Their family is waiting for them.

At the same time, law enforcement understands there are people in the community who not only think that the system doesn't work for them, but works against them.

See, in Ohio, we've had some controversial decisions. But the leaders have come forward to realize that protest is fine, but violence is wrong. And it has been a remarkable situation in our state. And as president of the United States, it's all about communication, folks. It's all about getting people to listen to one another's problems.

And when you do that, you will be amazed at how much progress you can make, and how much healing we can have. Because, folks, at the end of the day, the country needs healed. I've heard a lot of hot rhetoric here tonight, but I've got to tell you, as somebody that actually passed a budget; that paid down a half-a-trillion dollars of our national debt, you can't do it alone. You've got to bring people together. You've got to give people hope.

And together, we can solve these problems that hurt us and heal America. And that is what's so critical for our neighborhoods, our families, our children, and our grandchildren. [*applause*]

CAVUTO: Thank you, Governor.

BARTIROMO: Senator Rubio? [*applause*]

Under current law, the U.S. is on track to issue more new permanent immigrants on green cards over the next five years than the entire population of South Carolina. The CBO says your 2013 immigration bill would have increased green cardholders by another 10 million over 10 years.

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 56 of 119

Why are you so interested in opening up borders to foreigners when American workers have a hard enough time finding work?

RUBIO: Well, first of all, this is an issue that's been debated now for 30 years. And for 30 years, the issue of immigration has been about someone who's in this country, maybe they're here illegally, but they're looking for a job. This issue is not about that anymore.

First and foremost, this issue has to be now more than anything else about keeping America safe. And here's why. There is a radical jihadist group that is manipulating our immigration system. And not just green cards. They're looking — they're recruiting people that enter this country as doctors and engineers and even fiances. They understand the vulnerabilities we have on the southern border.

They're looking — they're looking to manipulate our — the visa waiver countries to get people into the United States. So our number one priority must now become ensuring that ISIS cannot get killers into the United States. So whether it's green cards or any other form of entry into America, when I'm president if we do not know who you are or why you are coming, you are not going to get into the United States of America.

BARTIROMO: So your thinking has changed?

RUBIO: The issue is a dramatically different issue than it was 24 months ago. Twenty-four months ago, 36 months ago, you did not have a group of radical crazies named ISIS who were burning people in cages and recruiting people to enter our country legally. They have a sophisticated understanding of our legal immigration system and we now have an obligation to ensure that they are not able to use that system against us.

The entire system of legal immigration must now be reexamined for security first and foremost, with an eye on ISIS. Because they're recruiting people to enter this country as engineers, posing as doctors, posing as refugees. We know this for a fact. They've contacted the trafficking networks in the Western Hemisphere to get people in through the southern border. And they got a killer in San Bernardino in posing as a fiance.

This issue now has to be about stopping ISIS entering the United States, and when I'm president we will.

BARTIROMO: Thank you, Senator. [*applause*]

CRUZ: But Maria, radical Islamic terrorism was not invented 24 months ago; 24 months ago, we had Al Qaida. We had Boko Haram. We had Hamas. We had Hezbollah. We had Iran putting operatives in South America and Central America. It's the reason why I stood with Jeff Sessions and Steve King and led the fight to stop the Gang of Eight amnesty bill, because it was clear then, like it's clear now, that border security is national security. [*applause*]

BARTIROMO: Thank you, Senator.

CRUZ: It is also the case that that Rubio-Schumer amnesty bill, one of the things it did is it expanded Barack Obama's power to let in Syrian refugees. It enabled him — the president to certify them en masse without mandating meaningful background checks.

I think that's a mistake. That's why I've been leading the fight to stop it. And I would note the Senate just a few weeks ago voted to suspend refugees from Middle Eastern countries. I voted yes to suspend that. Marco voted on the other side. So you don't get to say we need to secure the borders, and at the same time try to give Barack Obama more authority to allow Middle Eastern refugees coming in, when the head of the FBI tells us they cannot vet them to determine if they are ISIS terrorists.

RUBIO: Maria, let me clear something up here. This is an interesting point when you talk about immigration. Ted Cruz, you used to say you supported doubling the number of green cards, now you say that you're against it. You used to support a 500 percent increase in the number of guest workers, now you say that you're against it. You used to support legalizing people that were here illegally, now you say you're against it. You used to say that you were in favor of birthright citizenship, now you say that you are against it.

And by the way, it's not just on immigration, you used to support TPA, now you say you're against it. I saw you on the Senate floor flip your vote on crop insurance because they told you it would help you in Iowa, and last week, we all saw you flip your vote on ethanol in Iowa for the same reason. [*applause*]

That is not consistent conservatism, that is political calculation. When I am president, I will work consistently every single day to keep this country safe, not call Edward Snowden, as you did, a great public servant. Edward Snowden is a traitor. And if I am president and we get our hands on him, he is standing trial for treason. [*applause*]

And one more point, one more point. Every single time that there has been a Defense bill in the Senate, three people team up to vote against it. Bernie Sanders, Rand Paul and Ted Cruz. In fact, the only budget you have ever voted for, Ted, in

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 57 of 119
(91 of 153)

your entire time in the Senate is a budget from Rand Paul that brags about how it cuts defense.

Here's the bottom line, and I'll close with this. If I'm president of the United States and Congress tries to cut the military, I will veto that in a millisecond. [*applause*]

BUSH: There's — look, there's —

CAVUTO: Gentlemen, gentlemen —

CRUZ: I'm going to get a response to that, Neil. There's no way he launches 11 attack —

CAVUTO: Very quick, very quick.

CRUZ: I'm going to — he had no fewer than 11 attacks there. I appreciate your dumping your [*inaudible*] research folder on the stage.

RUBIO: No, it's your record.

CRUZ: But I will say —

CAVUTO: Do you think they like each other?

CRUZ: — at least half of the things Marco said are flat-out false. They're absolutely false.

AUDIENCE: Boo.

CRUZ: So let's start — let's start with immigration. Let's start with immigration and have a little bit of clarity. Marco stood with Chuck Schumer and Barack Obama on amnesty. I stood with Jeff Sessions and Steve King. Marco stood today, standing on this stage Marco supports legalization and citizenship for 12 million illegals. I opposed and oppose legalization and citizenship.

And by the way, the attack he keeps throwing out on the military budget, Marco knows full well I voted for his amendment to increase military spending to $697 billion. What he said, and he said it in the last, it's simply not true. And as president, I will rebuild the military and keep this country safe.

CAVUTO: All right, gentlemen, we've got to stop. I know you are very passionate about that. [*applause*]

Governor Bush, fears have gripped this country obviously, and you touched on it earlier since the San Bernardino attacks. Since our last , the national conversation has changed, according to Facebook data as well.

Now this first graphic shows the issues that were most talked about right before those attacks and now after: the issues of Islam, homeland security and ISIS now loom very large. The FBI says Islamic radicals are using social media to communicate and that it needs better access to communication. Now the CEO of Apple, Governor, Tim Cook said unless served with a warrant private communication is private, period. Do you agree, or would you try to convince him otherwise?

BUSH: I would try to convince him otherwise, but this last back and forth between two senators — back bench senators, you know, explains why we have the mess in Washington, D.C. We need a president that will fix our immigration laws and stick with it, not bend with the wind.

The simple fact is one of the ways, Maria, to solve the problem you described is narrow the number of people coming by family petitioning to what every other country has so that we have the best and the brightest that come to our country. We need to control the border, we need to do all of this in a comprehensive way, not just going back and forth and talking about stuff —

CAVUTO: Would you answer this question?

BUSH: Oh, I'll talk about that, too. But you haven't asked me a question in a while, Neil, so I thought I'd get that off my chest if you don't mind. [*laughter*]

CAVUTO: Fair enough. So Tim Cook — so Tim Cook says he's going to keep it private.

BUSH: I got that. And the problem today is there's no confidence in Washington, D.C. There needs to be more than one meeting, there needs to complete dialogue with the large technology companies. They understand that there's a national security risk. We ought to give them a little bit of a liability release so that they share data amongst themselves and share data with the federal government, they're not fearful of a lawsuit.

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 58 of 119
(92 of 153)

We need to make sure that we keep the country safe. This is the first priority. The cybersecurity challenges that we face, this administration failed us completely, completely. Not just the hacking of OPM, but that is — that is just shameful. 23 million files in the hands of the Chinese? So it's not just the government — the private sector companies, it's also our own government that needs to raise the level of our game.

We should put the NSA in charge of the civilian side of this as well. That expertise needs to spread all across the government and there needs to be much more cooperation with our private sector.

CAVUTO: But if Tim cook is telling you no, Mr. President.

BUSH: You've got to keep asking. You've got to keep asking because this is a hugely important issue. If you can encrypt messages, ISIS can, over these platforms, and we have no ability to have a cooperative relationship —

CAVUTO: Do you ask or do you order?

BUSH: Well, if the law would change, yeah. But I think there has to be recognition that if we — if we are too punitive, then you'll go to other — other technology companies outside the United States. And what we want to do is to control this.

We also want to dominate this from a commercial side. So there's a lot of balanced interests. But the president leads in this regard. That's what we need. We need leadership, someone who has a backbone and sticks with things, rather than just talks about them as though anything matters when you're talking about amendments that don't even actually are part of a bill that ever passed.

CAVUTO: Governor, thank you. [*applause*]

BARTIROMO: When we come right back, closing statements. Stay with us.

[*commercial break*]

BARTIROMO: Welcome back.

Candidates, it is time for your closing statements. You get 60 seconds each.

Governor John Kasich, we begin with you.

KASICH: You know, in our country, there are a lot of people who feel as though they just don't have the power. You know, they feel like if they don't have a lobbyist, if they're not wealthy, that somehow they don't get to play.

But all of my career, you know, having been raised in — by a mailman father whose father was a coal miner, who died of black lung and was losing his eyesight; or a mother whose mother could barely speak English. You see, all of my career, I've fought about giving voice to the people that I grew up with and voice to the people that elected me.

Whether it's welfare reform and getting something back for the hard-earned taxpayers; whether it's engaging in Pentagon reform and taking on the big contractors that were charging thousands of dollars for hammers and screw drivers and ripping us off; or whether it's taking on the special interests in the nursing home industry in Ohio, so that mom and dad can have the ability to stay in their own home, rather than being forced into a nursing home.

Look, that's who I stand up for. That's who's in my mind...[*bell rings*]...And if you really want to believe that you can get your voice back, I will tell you, as I have all my career, I will continue to fight for you, because you're the ones that built this country, and will carry it into the future. Thank you. [*applause*]

CAVUTO: Governor Bush?

BUSH: Who can you count on to keep us safer, stronger and freer? Results count, and as governor, I pushed Florida up to the top in terms of jobs, income and small business growth.

Detailed plans count, and I believe that the plan I've laid out to destroy ISIS before the tragedies of San Bernardino and Paris are the right ones.

Credibility counts. There'll be people here that will talk about what they're going to do. I've done it. I ask for your support to build, together, a safer and stronger America. [*applause*]

BARTIROMO: Governor Chris Christie?

CHRISTIE: Maria, Neil, thank you for a great tonight.

When I think about the folks who are out there at home tonight watching, and I think about what they had to watch this week — the spectacle they had to watch on the floor of the House of Representatives, with the president of the United

Case: 17-55109, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 59 of 119
(93 of 153)

States, who talked a fantasy land about the way they're feeling.

They know that this country is not respected around the world anymore. They know that this country is pushing the middle class, the hardworking taxpayers, backwards, and they saw a president who doesn't understand their pain, and doesn't have any plan for getting away from it.

I love this country. It's the most exceptional country the world has ever known. We need someone to fight for the people. We need a fighter for this country again.

I've lived my whole life fighting — fighting for things that I believe in, fighting for justice and to protect people from crime and terrorism, fighting to stand up for folks who have not had enough and need an opportunity to get more, and to stand up and fight against the special interests.

But here's the best way that we're going to make America much more exceptional: it is to make sure we put someone on that stage in September who will fight Hillary Clinton and make sure she never, ever gets in the White House again.

I am the man who can bring us together to do that, and I ask for your vote. [*applause*]

CAVUTO: Dr. Ben Carson?

CARSON: You know, in recent travels around this country, I've encountered so many Americans who are discouraged and angry as they watch our freedom, our security and the American dream slipping away under an unresponsive government that is populated by bureaucrats and special interest groups.

We're not going to solve this problem with traditional politics. The only way we're going to solve this problem is with we, the people. And I ask you to join me in truth and honesty and integrity. Bencarson.com — we will heal, inspire and revive America for our children. [*applause*]

BARTIROMO: Senator Marco Rubio?

RUBIO: You know, 200 years ago, America was founded on this powerful principle that our rights don't come from government. Our rights come from God.

That's why we embraced free enterprise, and it made us the most prosperous people in the history of the world. That's why we embraced individual liberty, and we became the freest people ever, and the result was the American miracle.

But now as I travel the country, people say what I feel. This country is changing. It feels different. We feel like we're being left behind and left out.

And the reason is simple: because in 2008, we elected as president someone who wasn't interested in fixing America. We elected someone as president who wants to change America, who wants to make it more like the rest of the world.

And so he undermines the Constitution, and he undermines free enterprise by expanding government, and he betrays our allies and cuts deals with our enemies and guts our military. And that's why 2016 is a turning point in our history. If we elect Hillary Clinton, the next four years will be worse than the last eight, and our children will be the first Americans ever to inherit a diminished country.

But if we elect the right person — if you elect me — we will turn this country around, we will reclaim the American dream and this nation will be stronger and greater than it has ever been. [*applause*]

CAVUTO: Senator Ted Cruz?

CRUZ: "13 Hours" — tomorrow morning, a new movie will debut about the incredible bravery of the men fighting for their lives in Benghazi and the politicians that abandoned them. I want to speak to all our fighting men and women.

I want to speak to all the moms and dads whose sons and daughters are fighting for this country, and the incredible sense of betrayal when you have a commander-in-chief who will not even speak the name of our enemy, radical Islamic terrorism, when you have a commander-in- chief who sends $150 billion to the Ayatollah Khamenei, who's responsible for murdering hundreds of our servicemen and women.

I want to speak to all of those maddened by political correctness, where Hillary Clinton apologizes for saying all lives matter. This will end. It will end on January 2017.

And if I am elected president, to every soldier and sailor and airman and marine, and to every police officer and firefighter and first responder who risk their lives to keep us safe, I will have your back. [*applause*]

BARTIROMO: Mr. Donald Trump?

Case: 17-35105, 02/06/2017, ID: 10304366, DktEntry: 82-3, Page 66 of 119

TRUMP: I stood yesterday with 75 construction workers. They're tough, they're strong, they're great people. Half of them had tears pouring down their face. They were watching the humiliation of our young ten sailors, sitting on the floor with their knees in a begging position, their hands up.

And Iranian wise guys having guns to their heads. It was a terrible sight. A terrible sight. And the only reason we got them back is because we owed them with a stupid deal, $150 billion. If I'm president, there won't be stupid deals anymore.

We will make America great again. We will win on everything we do. Thank you. [*applause*]

BARTIROMO: Candidates, thank you.

CAVUTO: Gentlemen, thank you all. All of you. That wraps up our debate. We went a little bit over here. But we wanted to make sure everyone was able to say their due. He's upset. All right. Thank you for joining us. Much more to come in the Spin Room ahead.

NOTE: The criteria for appearing in the main debate is explained as, "Candidates must either: 1) Place in the top six nationally, based on an average of the five most recent national polls recognized by FOX News; OR 2) Place in the top five in Iowa, based on an average of the five most recent Iowa state polls recognized by FOX News; OR 3) Place in the top five in New Hampshire, based on an average of the five most recent New Hampshire state polls recognized by FOX News."

Citation: Presidential Candidates Debates: "Republican Candidates Debate in North Charleston, South Carolina," January 14, 2016. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. http://www.presidency.ucsb.edu/ws/?pid=111395.

© 1999-2017 - Gerhard Peters and John T. Woolley - The American Presidency Project



Ware Declaration

Exhibit F

ANDERSON COOPER 360 DEGREES

Exclusive Interview with Donald Trump. Aired 8-9p ET

Aired March 9, 2016 - 20:00 ET

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

(COMMERCIAL BREAK)

ERIN BURNETT, CNN HOST, OUTFRONT: Thanks so much for watching live from Miami. We will be back here tomorrow night. AC 360 starts now.

[20:00:24] ANDERSON COOPER, CNN HOST: And good evening from Miami- Dade College. We are now just an hour away from tonight's Univision Democratic debate seen right here on CNN. Bernie Sanders and Hillary Clinton are going to take the stage shortly. She, of course, coming off a win in Mississippi, which was expected. What wasn't expected was his win in Michigan. There is no overstatement to call it a shocker especially considering he was down by about 20 points in the polls going in. So what happens on the debate stage behind me tonight has taken on a completely new level of importance in a race that's gone to a new level.

First though, the Republicans who are going to be taking part in tomorrow's CNN debate at a nearby University of Miami. I sat down today with Donald Trump the front-runner. And as you might imagine, he made headlines. He said that he expects a softer tone tomorrow night at the debate. However, he is still calling his leading rival lying Ted. We will bring you the interview in depth right after Sara Murray sets the Republican stage.

(BEGIN VIDEOTAPE)

DONALD TRUMP (R), PRESIDENTIAL CANDIDATE: I was watching the news in one of the rooms, and every single advertisement was about me. And it was during my tournament. I'm turning my tournament. I go from tournament to horrible land. Every -- the most vicious.

SARA MURRAY, CNN POLITICS REPORTER (voice-over): In the face of an onslaught of attacks, Donald Trump is triumphing, notching three more victims Tuesday night and nudging the party to rally behind him.

TRUMP: The bottom line is we have something going that's so good. We should grab each other and we should unify the party and nobody is going to beat us, OK.

MURRAY: The billionaire businessman celebrating with a surreal election night event, responding to a drum beat of criticism about his failed ventures with an evening designed to showcase Trump branded products.

TRUMP: And we have Trump steaks. And by the way, if you want to take one, we'll charge you about what, 50 bucks a steak, Donald. MURRAY: According to news reports, Sharper Image no longer sells

Trump steaks.

TRUMP: You'll love Trump steaks.

MURRAY: And Busch brothers provides steaks to Trump hotels and golf clubs. So it's unclear where the slab of meat Trump touted came from.

Now that the fight for the nomination is looking more like a two-man race, Ted Cruz isn't letting up.

MURRAY: The Texas senator emerging with a victory in Idaho Tuesday and today getting another boost with an endorsement from former presidential hopeful Carly Fiorina.

CRUZ: Carly's being with us today is just one more manifestation of what we have been seeing playing out over the last several weeks, which is Republicans uniting, coming together behind our campaign.

MURRAY: But for Marco Rubio, a brutal night. Another winless evening and even steeper odds as he pins all his hopes on Florida.

SEN. MARCO RUBIO (R), PRESIDENTIAL CANDIDATE: You believed in me once. I am asking you to believe again. We can win this election, and we will. I need your help next Tuesday because we are not just going to win the Florida primary. We are going to win Florida in November.

MURRAY: Today John Kasich is still holding on. Outperforming Rubio last night and fighting for victory in his home state of Ohio next Tuesday.

GOV. JOHN KASICH (R), PRESIDENTIAL CANDIDATE: And with those states that have not yet selected a delegate, basically, the three, Donald Trump, Ted Cruz and I, are dead even going into the last half of this whole match. So don't be thinking it's over yet.

(END VIDEOTAPE)

COOPER: Sara Murray joins us from the University of Miami which is the site of tomorrow night's CNN Republican debate.

What can we expect from the GOP candidates at that debate?

MURRAY: Well, Anderson, there is no doubt that Ted Cruz wants to turn this into a two-man race with Donald Trump. But as Donald Trump said to you, he want a kinder, softer, gentler debate and I think that is because he wants to come off as more presidential than perhaps he and others did in the last debate stage where they were comparing hand size among other things.

And I think for Marco Rubio and for John Kasich, the stakes could not be higher. These two candidates need to prove to voters that casting a ballot for them is not a waste. Both of their states coming up March 15th. And it is pretty much do or die for both candidates, Anderson.

COOPER: Yes. Sara Murray, thanks very much.

And the debate is one of the things I talked to Donald Trump about today.

Coming up right now, the wide-ranging conversation with Trump. How he sizes up his competition. His thoughts heading into tomorrow night and next week's winner take all Florida primary. I pressed him on specifics on his promise to reverse what he sees as this country's weaken position in the world as well as his evolving positions so it says on fighting terrorism that some military and legal analysts say could amount to war crimes. We spoke earlier today at his Mar-a-Lago club in Palm Beach.

(BEGIN VIDEOTAPE)

COOPER: Huge night last night. Do you have any idea that you were going to win as big as you did?

[20:05:02] TRUMP: Well, I felt good. I mean, Mississippi, I was in three or four times and it was like a love fest. And so, I felt very good about it. Michigan has been great. It has been great for me for a long time. I have so many friends there. I had no idea it would be that big.

COOPER: Do you think it's the message on trade in particular in Michigan that was effective? Sanders winning as well there. You have a very similar message.

TRUMP: I think they want strength. I think they want military. I think they want to take care of vets. I think they hate Obamacare. But I would say ultimately it's about jobs and the economy. And you know, Michigan has been stripped. You look at those empty factories all over the place. And nobody hits that's message better than me. I'm going to take care of it. I'm going to stop it. I'm going to stop the craziness that is going on. If you look at what's happening, how -- even today, I mean, we're just

COOPER: Two new polls out today. Quinnipiac, also a CNN one both showing essentially the same thing. You are way ahead here in Florida. Almost I think 2-1 against Rubio. And even in Ohio leading Kasich with six points and seven points in each poll. If you win Florida and Ohio, is it over?

TRUMP: I think so. I think if I win those two, I think it's over. I thought Kasich said after Michigan he was going to drop out, to be honest with you. He was saying that he will win Michigan, he will win it easily. And he --

COOPER: He is now saying Ohio. If he doesn't win Ohio -- TRUMP: And I was saying Ohio. But no, he said Michigan. He was

said, you know, it's his neighbor. And he said he is going to win Michigan, and he was pretty confident of Michigan. And I thought he said he was going to drop out if he lost Michigan. I guess he's not going to do that. So I think we are going to do very well in Ohio. I know Ohio very well. I have many, many friends.

COOPER: You think you'll win there?

TRUMP: Well, even Paul O'Neill of the Yankees endorsed me. He is from Ohio. Great guy. And he endorsed me last night at the press conference. I think I'll win Ohio, yes. And I think - I mean, we just have better policies. The country is sick and tired of what they are seeing. The country is sick and tired of these politicians that's talk and to all talk, no action. And they are all tired of it, Anderson.

COOPER: So if Kasich drops - if you win Ohio, Kasich drops out and out you win Florida and Rubio is gone and it's just you and Cruz, if you don't get all of the delegates needed to win by the convention --

TRUMP: Well, I think if I win Ohio and if I win Florida, pretty much, you're going to be pretty much assured of doing that.

COOPER: You think you'll get all the delegates?

TRUMP: I think so, yes. I really think so. I don't see the convention going that route. I see probably getting the delegates. You know, it is like the fighters. That's the ultimate way of doing it. You knock them out. If you knock them out, nothing can happen.

COOPER: You want to go for knockout?

TRUMP: I would rather go for a knockout.

COOPER: If you get to the convention, though, and you don't have the delegates, is any kind of a deal acceptable to you other than you getting the nomination?

TRUMP: Well, then you have to fight it out. But, you know, it is really unfair. Let's say you get there and are a few short but you have 1200, let's say, and somebody else had 500 or 600. Because I'm way ahead and in all fairness to Ted, he is the only one who beats me, but he doesn't say I beat him two or three times for every time he wins one. And we won the important ones. We won the big ones and we won last night. I mean, last night was a romp.

So, look. Ted, the problem with Ted is he walks in with the viable, hauls up the viable. You know, I call him lying Ted.

COOPER: I have heard that.

TRUMP: Puts down the bible and then he lies. I have never seen a man lie this much. But even --.

COOPER: You think for a guy who says he is very religious, you are surprise?

TRUMP: No, Ted. I call him lying Ted. He is lying Ted. And you know, that's his name. And I think frankly that name has stuck because the evangelicals are on my side. They don't like liars. Evangelicals do not like liars.

COOPER: So if it goes to convention, you don't have -- you are a couple short or couple hundred short, for you, that doesn't matter. It's got to be you as the nominee? No other deal is acceptable?

delegates, I think you should get the nomination. And that will be me. I'll have far more delegates. Now, whether I get to that artificial number, I don't know, but I think I will.

COOPER: You've had a lot of money thrown against you in just these last couple of weeks.

TRUMP: This never been anything like it.

COOPER: This whole never Trump movement, is it dead do you think?

TRUMP: Well, I think it's mortally wounded. I do think it is mortally wounded. Marco had a very rough night. He had no delegates. He got nothing. And that was a very, very bad night. And, you know, when people have hit me, if you watch, and it's been the story of my life, (INAUDIBLE), but everybody that's hit me has gone down. They all came at me. Perry came at me. I can go through Lindsey Graham came at me. Bush came at me. Every one of them came at me. And every one of them that's come at me has gone down. And wouldn't it be nice to have that happen with our country where we can very simply win again?

COOPER: So what do you think was Rubio's demise?

TRUMP: I think he tried to be Don Rickles, frankly. He wanted to be Don Rickles and he's not Don Rickles. And it took me by surprise. I mean, I'm standing at one of the debates and all of a sudden, he got nasty. He was very nasty.

[20:10:05] COOPER: Did he get under your skin?

TRUMP: No, he didn't. Nobody gets under my skin. I mean, you have to handle it. But he was really rude. And, in fact, for a while, I wasn't even sure if what I was seeing was right. Then he had a horrible debate with Chris Christie where he folded. I mean, he totally choked. And you know the expression. Once a choker, always a choker.

COOPER: Do you think going after you, you know, with jokes, with humor, with insults, that took him off his message?

TRUMP: I think so. He wasn't only joking. I mean, he was insulting and, you know, made up insults, a nasty insults. COOPER: And it weakened him do you think in a long term?

TRUMP: It turned out to. I didn't know it would. I mean, I think I hit him very hard. I probably hit him much harder. But maybe for me it's more natural. It wasn't natural for him. And took him off his game. Amazing, I've never seen anything like it. And he went from being, you know, from doing pretty good to now he is at the bottom of the pack.

COOPER: I want to ask you about Cruz in a minute. But just in a big picture, have you given much thought to how you want to define the GOP? I mean, you will be not only the nominee, you will be standard bearer for the Republican Party. How do you want to redefine the GOP?

TRUMP: OK. Well, I think the biggest story in all of politics, all over the world right now -- I've been on the cover of "Time" magazine four times in the last short number of months - I mean, because of what's happening. There's a movement. And it's millions and millions of people that are disgusted with the incompetence of our politicians and our leaders, if you want to call them that. I don't even call them that. I hate to use it.

COOPER: Republicans and Democrats?

TRUMP: Republicans and Democrats. And I'll get to the Republicans in a second because they are blown a great opportunity. So you have primaries. And millions of people more are going to the primaries and voting. And in all fairness, it's because of me. I'm not going to joke. It's not because of Ted Cruz who nobody cares about. Millions of people are going to the polls. More people than did four years ago and did ever. By the way, ever. You report on it. Millions of people, it's the biggest story. And people come up to me, Mr. Trump, when I'm signing autographs or shaking hands. Mr. Trump, 50 years old, 60 years old, I've never voted before, but I'm so proud to be voting.

COOPER: So you want a more populist GOP?

OK. He is not a conservative. I say, what difference does it make? I mean, who cares? I have very conservative views. But one view that probably isn't considered conservative, but is it smart trade. I want smart trade.

COOPER: Your position is actually similar to Bernie Sanders in some way.

(END VIDEOTAPE)

COOPER: His response to that and to critics who say he's destroying the GOP brand and perhaps even the party itself.

Plus, he talks about his victory speech which as you saw in Sara Murray's report, turned into sort of infomercial for all things Trump. Some of which are not actually products still sold by Trump. That and more as we count down to the Democratic debate at the top of the hour and after hour the debate analysis later tonight.

(COMMERCIAL BREAK)

[20:16:56] COOPER: As we count down to the Univision Democratic debate which you can watch right here on CNN tonight and tomorrow's CNN Republican debate, not far from here.

More with my conversation with the front-runner of the Republican Party, Donald Trump. In part two, his trade plan and his answers to critics who say it will boost prices of the things that Americans buy. Also his answers, the comparison I grove between him and Bernie Sanders.

(BEGIN VIDEOTAPE)

COOPER: Your position is actually similar to Bernie Sanders in some way. I mean, you are both --

TRUMP: Except I can do something about it. The difference between Sanders and I, I watched him recently. And he is right about one thing. The world is ripping us off on trade. It has been a horrible thing. It has been horrible, horrible experiment. I have been against it for years. You know, if you look back, I have been against it your friend Wolf Blitzer actually did a tape of his interviews with me from like 15, 17 years ago. And I was saying the same thing, a little bit different nations like Japan who is really ripping us off.

COOPER: But your position is pretty un-Republican. I mean, Larry Kudlow who, you know, is positive about your corporate tax policy, he's critical of you on trade. He says that essentially it's going to be raising prices for people on consumer goods, on electronics, on cars and other items. And it's essentially a tax on people who can't afford it.

TRUMP: No, I have heard Larry. And let me tell you what's going to happen from a practical standpoint, from a negotiating standpoint. The world is ripping us off because of manipulation, monetary manipulation, devaluations, OK. They are great. The greatest player of them all is China. Nobody has ever played the valuation game with their currency better. It's currency devaluation, than China. China is a grand master. Japan is doing very well. But some of these countries are just absolute masters at it. When we start getting tough, and they think that we're serious, and I'm totally serious. I would put a tax on it in two seconds.

COOPER: You talk about a 45 percent tax --

TRUMP: I've talked about different taxes. I have also said - I didn't say I was going to put. I said use it as a negotiating tool, and I would if we couldn't make the right deal.

COOPER: But that would raise prices for consumer goods. TRUMP: China just devalued their currency recently more than they

have at any time in more than two decades. This was like shocking. And the only reason they did it is because we're weak and have no leadership. It makes it impossible for our companies to compete with Chinese companies and China generally, OK. It makes it absolutely impossible. The threat of me doing this, for instance, the threat of doing it against Japan or China, tell Japan, by the way, when your cars come in you are going to have to pay a 35 percent tax. I sued 35 percent. I only used 45 if somebody is really egregious and, of course, now you have many people that are really egregious.

TRUMP: Absolutely. And you know what is going to happen? When they see that we are not playing games, that we are really do because I would do it in a heartbeat. I would love to do it. When they see that we are not playing games, they are going to stop playing with their currencies and they are going to stop taking our jobs to the extent that they are taking them right now.

COOPER: You do worry a lot of people, obviously, in the Republican establishment, though. You know this better than anybody and I know you don't like the NBC/"Wall Street Journal" poll. Anew one just came out today and saying the majority of the American voters, six in ten, saying you are harming the GOP's image. Two-thirds have a negative impression of you. How do you go about bringing the GOP back together?

[20:20:06] TRUMP: Look, first of all, millions of people now are voting more as we just said, more than they were four year ago, eight years ago, 16 years ago. Millions and millions of people. They would never see anything like it. I was in South Carolina and a woman came up who was at the polling. She said, you know, Mr. Trump, I've done this for 24 years. I've never seen anything like it.

COOPER: There's a lot of higher voter turnouts. So you are saying that's bringing new people in and --

TRUMP: But many more people are coming in. You know where they're coming from? They are Democrats and they are independents and they are people that never voted before. And don't kid yourself. The people that never voted before, that's a huge part of it. They are coming in in tremendous numbers.

So many people have told me that, Anderson. They said I have never voted before. I mean, these are people that are 60 years old. I'm not talking about somebody that's 18. They never voted before and they are coming in. And I have had hundreds of people telling me that just walking down the line shaking hands.

COOPER: So when Lindsey Graham said choosing between you and Cruz would be like choosing between being shot or poisoned. He is now saying that he will go for Cruz.

TRUMP: Yes, that is OK. Look. Let me explain. I was very hard on him. He was very nasty. They were all nasty. And when they are bad you have to do something about it. Lindsey Graham started at seven percent. I got into the race and he attacked me. And Lindsey Graham went home at zero, at zero. Lindsey Graham in South Carolina where he is a senator was at one when I was at 40 and I won South Carolina. Just so you understand. And I watch this guy who ran for president and he left in disgrace. He was a fool. He left in disgrace, OK, in disgrace. He made a fool out of himself. I don't think he could be elected again in South Carolina because he ran so badly. OK, no way.

Then I see him on television like nothing happened talking about Donald Trump. Donald Trump is this. Donald Trump is that. I destroyed him in the sense of we were competing. We were combatants. Then I hear him talking about the war. I have been doing this for ten years. You know why we have been doing it for ten years? Because, of guys like him. He wants to attack Syria and ISIS at the same time, OK? Now for what reason? I want to knock out ISIS. You do one at a time.

COOPER: So how does the GOP differ under Donald Trump than under President Bush, than under --?

TRUMP: It would be smarter. It would save money. It would have balanced budgets. It would have many more products made in the United States. It would have smart trade, not free trade. I'm a free trader. The problem with free trade, and it's a very big problem. We need smart leadership. To have free trade successfully, you have to have a really smart group of people at the top and person. We don't have that. We have people that are grossly incompetent.

We are dealing against China. I've made a lot of money dealing against China. I have buildings. I own the bank of America building. A big chunk of it in San Francisco. I owned 1290 Avenue of America. I got it by competing against China. I didn't get it because of China. I competed against them. I won and I have these assets, these great assets.

You know, I have told you before, I have the biggest bank in the world is a tenant of mine in Manhattan. I sell condos to the Chinese. I get along great with the Chinese. I have no problem with the Chinese. I wish we could do it. In fact, I respect China. They gotten away with murder. The single greatest theft in the history of the world what China has done for the United States. We have rebuilt China with what they have taken out of our country.

I want to ask you about Ted Cruz. Ted Cruz says flexibility is Washington code word for he is getting ready to stick it to the voters. What does flexibility mean to you?

(END VIDEOTAPE)

ahead.

Plus what to watch for in tonight's Democratic debate right here which starts at the top of the hour. Hillary Clinton and Bernie Sanders facing off in the wake of his own unexpected win in Michigan that is just days from Florida's important primary.

(COMMERCIAL BREAK)

[20:27:55] COOPER: We're a little more than a half hour away from the Democratic presidential debate here in Miami. Univision is hosting it. CNN is bringing it to you live. You can watch it right here on CNN at the top of the hours.

Tomorrow, though, Republicans will be debating that the University of Miami. That's also on CNN. Florida's primary is on Tuesday. And tonight Donald Trump is riding a new wave of momentum after winning big in Michigan and Mississippi last night. He also won the Hawaii caucuses. When I sat down with him earlier today, we talked about his rival Ted Cruz who also had a big win last night in Idaho and today, got a ringing endorsement from their former mutual opponent Carly Fiorina.

(BEGIN VIDEOTAPE)

COOPER: I want to ask you about Ted Cruz. You talked about the importance, you know, you and I talked about the importance of being flexible.

TRUMP: He's totally inflexible.

COOPER: Cruz says flexibility is Washington code word for he is getting ready to stick it to the voters. What is flexibility to you? On what can you work?

TRUMP: It's negotiation.

COOPER: So you can work with Democrats?

TRUMP: Hey, I wrote "the art of the deal." OK.

COOPER: How important is unlocking gridlock in Washington?

TRUMP: Very important. We have total gridlock. Nobody can do anything. We have corporate -- you take a look at corporate inversions which, by the way, the senators, they don't even know what it is. We have companies leaving our country. They are leaving for two reasons. Because the taxes are too high and I cut taxes very substantially and Larry Kudlow, by the way, loves my tax plan.

Taxes are too high and because they can't get their money back. They have money. You know, Anderson, they have money outside of this country. Billions and billions `of dollars, big corporations like Pfizer. That is leaving now moving to Ireland. So they have money out there.

Every Democrat agrees we should let it come back. Every Republican agrees we should -- they all agree that we should let it come back. Who wouldn't? In other words, let the money come into the United States. They have agreed for four years they can't make a deal. You know why? There's no leader. I could sit these guys down in a room and within 20 minutes we would have a deal. COOPER: So Donald Trump as president reaches out to Democrats and

Republicans?

TRUMP: Well, that's the way it was set up, Anderson.

COOPER: Because there are some conservatives who say look, it's more important to stand on principle than it is compromise.

TRUMP: I watched Ted Cruz make a fool of himself. I watched Ted Cruz filibuster.

[20:30:00] For how long did he do it? For two days or something?

Now, they don't get along and everything so getting back to work doesn't help either. His filibuster did nothing. What did they do? He wasted a day and half while he sat there and told stories about Alice in Wonderland.

COOPER: What do you want to make deals with Democrats on? Where do you see room for a compromise?

TRUMP: OK. Well first of all, I'd start with corporate inversion, because I can that one on about two seconds. The money has to come back in them. They have $2.5 trillion, probably $5 trillion. But the government says $2.5 trillion that companies want to bring into the country. Right. They can't bring it in.

Some countries --some companies are leaving to get their money. Not just the taxes. They are leaving because they can't bring their money back in. I could solve that problem in 10 minutes. OK. But there are many things. We have to make a better health care deal. We have to work on education. We have horrible education. We're number 30 in the world in education and yet number one per pupil in cost.

COOPER: So those are all things you can make compromises on with Democrats to get something done?

TRUMP: Of course you can. Of course you can. You can't be inflexible. Look, if somebody wants to sell this house and they want a billion dollars. I want a billion dollars. You have to negotiate a little bit. OK.

COOPER: So the other knock that, you know, because some conservatives make, certainly to make on President Obama. They say he is sort of an imperial president. Its one of the things Cruz is saying about you. Even these are the pledge that you are having people make at rallies. He says that you're-- they're treating your supporters like subjects to a king. The implication being as president you would be ...

TRUMP: It's just words. Look, its just words. Ted, it's just words with Ted. Ted is a guy who's somebody he's a very inflexible guy who never -- he'll never make a deal. You talk about gridlock now. If Ted Cruz became president you wouldn't have anything done and Washington would be a total piece of stone. You wouldn't make any -- just I understand you know, he talks about he's a constitutionalist. OK, the constitution was set up with senators and congressmen and you are supposed to work and make deals.

COOPER: Do you see the constitution ...

TRUMP: And two parties. And it could be more than two parties but two parties.

COOPER: Do you see the constitution as a living breathing document that -- or do you see that something set in stone from long ago? Those are sort of ...

TRUMP: I see the constitution as set in stone. I see it as one of the great documents of all time. I also see it as something that says you're going to sit down and make deals. I mean look, if Ted wants something, health care and he won't negotiate, the other side is not going to negotiate either. There is going to be a little bit of movement. And that's wrong.

COOPER: And that's key to you to end gridlock in transition?

TRUMP: Yeah, but I'm going to make a better deal on the other side.

COOPER: All right.

TRUMP: I'm going to make a better deal.

COOPER: On foreign policy. Is there -- and maybe you've been running a campaign. Have you started thinking about a -- sort of a Trump doctrine when for using foreign power overseas. What criteria do you look that?

TRUMP: First of all, there can be no doctrine because everything is different. Every situation is different. And I didn't want to go into Iraq and I'll say it 100 times. I didn't want to go , you know, there is way you were on Howard Stern's show years. You know, before it ever happened. And if he asked me that question and he's a friend

Home Live TV

COOPER: It's a great interview.

TRUMP: H is a great guy. But Howard asked me and I said, "Well, I don't know." That's was the first time it was ever asked. But don't forget I'm an entrepreneur. They don't ask me about me simply going into Iraq at that time? And this was long before we went in. And you could see that I was very hesitant. That's was like I wish I go in. Look ...

COOPER: What criteria would you use for sending troops somewhere?

TRUMP: Let me just tell you. Going into Iraq, my opinion, was one of the worst mistakes in the history of this country. It was one of the worst decisions ever made in the history of this country. It started everything that's happening today in the Middle East is because of that one decision to go into Iraq, OK? It was a horrible decision, including the migration. Everything that, you know, it's a mess.

Now if Saddam Hussein was there, would we be better off? Absolutely. You know, hey, this was not a nice man. This wasn't great guy, but Saddam Hussein did one thing. He killed terrorists. He was a professional killer of terrorists.

Now you want to be a terrorist? You go to Iraq. That's called the Harvard of terrorism. Look, whether it's Gaddafi, so terrible decision, Hillary Clinton. Whether it's Saddam Hussein, we were a lot better off before.

COOPER: Do you think your ...

TRUMP: And besides that. Iraq did not knock down the world trade center. Just in case you had any questions.

COOPER: Do you think Islam is at war with the west?

TRUIMP: I think Islam hates us. There is something -- there is something there that is a tremendous hatred there. There's a tremendous hatred. We have to get to the bottom of it. There's an unbelievable hatred of us.

COOPER: In Islam itself?

TRUMP: You're going to have to figure that out. OK. You'll get another Pulitzer, right? But you'll have to figure that out. But there's a tremendous hatred. And we have to be very vigilant. We have to be very careful. And we can't allow people coming into this country who have this hatred of the United States.

COOPER: I guess the question is ...

TRUMP: And of people that are not Muslim.

[20:35:01] COOPER: I guess the question is, is there a war between the west and radical Islam or between the west and Islam itself?

TRUMP: Well, it's radical but it's very hard to define. It's very hard to separate because you don't know who is who.

Look, these two young people that got married, she supposedly radicalized him. Who knows what happened?

COOPER: The San Bernardino killer?

TRUMP: The bottom line is they killed 14 people. They gave them baby showers. I mean, they were friends of theirs and they walked in and they killed them. There's unbelievable hatred.

You look at Paris, 138 people killed. Many, many people are going to die in the hospital. Mortally wounded, horribly wounded, horribly wounded. And they walk into a room and boom, boom, boom. There's a sickness going on that's unbelievable. And honestly, you have to get to the bottom of it.

Home Live TV

TRUMP: I didn't reverse anything.

COOPER: You would still want to go after the families of terrorists?

TRUMP: No, no, no. I didn't reverse anything.

(END VIDEO CLIP)

COOPER: Donald Trump had a lot more to say about what tactics he would try to use against terrorists. How far he's actually willing to go and what he thinks about waterboarding. What we talked about today, some were calling his -- and we also talked about what some were calling, it's a real victory speech last night.

Let's go ask our political panel what they are expecting to see at the Univision Democratic Debate which starts at the top of the hour now just a minutes away. We're going to bring it you live, starting at 9:00 p.m. Eastern.

Stick around.

(COMMERCIAL BREAK)

COOPER: Looking in the two podiums here in Miami tonight. We're less than 20 minutes from now and Hillary Clinton and Bernie Sanders will be facing off in Democratic debate. CNN's bringing the Univision Debate to you live.

Now earlier today, I interviewed Republican frontrunner Donald Trump fresh off his big wins yesterday and his pretty surreal victory speech which was we've said, he used to showcase something Trump products which aren't actually products that are available.

[20:40:10] Steaks, some are calling it a QVC moment filled by Mitt Romney's recent remarks. I asked Trump about that. You'll hear his response in a moment. But, first let's pick up the interview where we left off before the break. Where does Trump stand now on his comments about going after the families of terrorists?

(BEGIN VIDEO CLIP)

You would still want to go after the families of terrorists?

TRUMP: No, no, I didn't reverse anything. I clarified very simply we have laws. We have to obey the laws. Now there must have to be one what

COOPER: During the candidate of church would be against the law.

TRUMP: I didn't say kill. We have to go after them. The family knows would have terrorists in that

COOPER: What does that mean? Kidnapping them?

TRUMP: You have a terrorist you have we going to do something and it's the only way you going to stop it. You know, I tell the story of General Pershing and take a look at General Pershing in 1990 in the Philippines, how he stopped terrorism. OK. You'll take a look at it. It's too long a story to tell on the tape. It will take the whole thing but it's one of the very interesting and very powerful stories.

Look, we're going to have to be a lot tougher. We are playing with a different set of rules. ISIS chops off people heads. ISIS drowns people in steel cages and pulls up the cage an hour later. Everyone is gone, 40, 50, 60 people at a time.

COOPER: Were you said the other day we have to play the game, you said we got to play the game the way they play the game.

TRUMP: We have to play the game at a much tougher level that were plan.

TRUMP: We have to expand those laws.

COOPER: Does that mean cutting off heads?

TRUMP: No, it doesn't mean that but we have to expand the laws luck.

COOPER: What is explains the laws?

TRUMP: Anderson, lets me explain something we are playing at this level and they don't care. They have no rules. And we have these rules that are very onerous. I mean our military is got brought in because ...

COOPER: Geneva Conventions on war. There's ways -- there's rules in a battle.

TRUMP: I know that, but, you know what, it's funny. It's very interesting what's happens with the Geneva Convention. Everybody believes in the Geneva Convention until they start losing and then they say oh, let's take out the bomb. OK. When they start losing. We have to play with a tougher set of rules. We have laws. We don't allow water boarding.

Think of this ISIS is -- these are smart people. These are people that know the internet better than we do and we're the ones that's, you know, came up with it. ISIS is sitting around. They just chopped off 20 heads of Christians and others. They just drowned 40 people. And they are sitting around watching us arguing about water boarding.

COOPER: When you say increase the laws and do more than water boarding, what is that specifically?

TRUMP: I'll work it with the generals. I'll work wit the generals. COOPER: I talked to General Michael Hayden.

TRUMP: For sure he says it's terrible that we talk that way. And, you know, what that's why he's been fighting this war for many years. OK.

COOPER: He is the Four-Star General Former CIA. Fomer Head of the CIA., he says sharing foreign policy ideas are frightening.

TRUMP: Oh, yeah I know well, his, he frightens me because we've been fighting ISIS for many years and this shouldn't have taken -- this should have been over with quickly. So that's the problem we have these people that are frightened because I'm protecting chaos.

COOPER: But do you think the problem with fighting ISIS is that we're not using the same tactics that they are?

TRUMP: We're not fighting it strongly enough. We have to end it and get become to rebuilding our country. Our infrastructure is falling apart. Our country is falling apart. Our country is falling apart. Our bridges are falling down.

You know, 60 percent of our bridges are in dangerous condition? And we're spending trillions, trillions of dollars in the Middle East. We have to fight it viciously and swiftly and we have to knock out ISIS. Now I didn't want to go into Iraq. But the problem now is the way Obama got us out was a disaster.

And if you remember, when we got out -- and I said it on your show two or three years ago. I said take the oil. Did I say take the oil?

COOPER: Yeah, you did.

TRUMP: OK.

COOPER: So when you say so are you still in support of water boarding and more?

TRUMP: I'm in total support of water boarding. It going to be within the law but I have to expand the law because a lot of people think it's not within the law now because of this administration. So they are allow to chop off heads and we aren't allowed to water board. Somehow we're at a big disadvantage. I will tell you that right

COOPER: On a -- yeah.

TRUMP: And, again I was going to give you the analogy. So they are sitting around having dinner. They believe it or not, even though they chop off heads and even though do they drown people, and they are talking. Can you imagine the conversation when they are talking about how weak and soft and pathetic we are and they go out and chop off people's heads? OK. They can't believe it. They can believe it.

COOPER: I asked about ...

TRUMP: The fact is, just in a nutshell, we have to be much tougher. If we're going to beat ISIS, we have to be much tougher than we are. When you have General Hayden saying, "Oh, that's so terrible the way Trump is talking," that's why we're losing.

COOPER: I got to ask you. I watched the press conference you gave last night. The victory speech. Obviously huge night for you. Just a couple factual things. The steaks you showed, those aren't Trump steaks, right?

TRUMP: Oh, no they are Trump. No I buy them. I'm not going to kill the cow.

COOPER: No but they aren't sold those are because ...

TRUMP: No, no, we sell excuse me.

COOPER: For showing this thing was to fight back in Flint and Mitt Romney said about ...

TRUMP: No, no just I understand Trump steaks.

[20:45:00] We sell the steaks through my clubs. I have many clubs and hotels. So we sell this cow ...

COOPER: But they aren't sold at sharper image. They are not

TRUMP: Oh no, they are sold differently.

COOPER: That business is gone.

TRUMP: No, no it's the same thing. It's an offshoot of it. I mean it's the same thing. We have, we do a tremendous steak business.

COOPER: Because those steaks weren't bought locally from a meat supplier?

TRUMP: No, no. We buy a lot of steaks from different places. I don't want to but if I'm in California, I don't want to buy my steaks in New York.

COOPER: So those steaks you sell ...

TRUMP: ...we sale the steaks, and largely, to our hotels and our clubs and things like that. You know, it's a small business..

COOPER: And the magazine, you showed up, that's not the Trump magazine that Mitt Romney was talking out?

TRUMP: I've had many magazines. Every time I open a business, I'll sometimes open a magazine for a period of a year and get the business started and then close it.

COOPER: If people were pointing out today saying, "Oh, look, the items you were showing last night, in order to push back against Mitt Romney, you know, the implication was those are Trump steaks available nationwide somewhere they're not." TRUMP: ...where they are available nation wide. You can buy them at different places that I own. I own many, many places.

TRUMP: Yeah.

COOPER: You can't go on the internet and buy them.

TRUMP: The magazine, that magazine has been with me for a long time and you've morphed it in.

COOPER: But that's not the Trump magazine that Romney was talking about.

TRUMP: ...many magazines when I start a business, and I keep it open for a year or two until the business gets going.

And after the building, if business gets going, you close it up. It's like a lost leader, because frankly, you don't make any money with these magazines.

COOPER: Finally, the debate tomorrow night, do you expect that the tone, the tenor to be different than the last?

Last one was tough and then you had people on both sides come after you?

TRUMP: It's such an interesting question. I think it's going to be much different. I must tell you, last time, I was leading.

And by the way, I don't know how you feel about it, but every single poll said that I won the last debate, every -- Drudge said it, Time Magazine said it. You know, they do those online poll. With hundreds of thousands of people calling in, but, I was in the '60s and '70s percentile.

Now, when I went into that, I said, this is going to be an interesting evening. I will tell you. It's going to be a tough evening.

Many people said, "Oh, boy, I wouldn't want to be you tonight." That was going to be a tough evening. I mean, they were like wounded. They were really wounded.

I think this is going to be much different. Now, I may be wrong, but I am now far and away the front-runner. I think -- here's the thing, the Republican Party is sitting on something that's so bright. They are sitting on millions and millions and millions of people that want to be part of it.

The worst thing they can do is knock me out. If I get knocked out, if I don't make it, every one of those ...

COOPER: Do you think they'll going to start to coalesce around you?

TRUMP: ... every one of those, I'm the only one can beat Hillary and I'll beat her easily.

I'll bring in Michigan, I may bring in New York. You know, we always talk about the path. You know, the path is much tougher for a Republican, you do understand that structurally.

Because if they lose Ohio, it's over, If they lose Pennsylvania, they loose Florida, it's over.

But I'll bring in states along the other. First of all, I'll win in Florida.

COOPER: Will you debate Cruz if it's one on one?

TRUMP: Yeah, that's fine.

COOPER: You would do a debate with Cruz ....

TRUMP: I don't think he's a good debater. I think he's -- frankly, the way I look at Ted, I think it's very phony. I think Ted is actually a bad talker, pretty good debater, bad talker, can't talk.

COOPER: So, bottom line, tomorrow night you're expecting a different tone, but you'll be ready for anything?

TRUMP: ... be softer, but I'll be ready, I mean, you know, I think that Marco is going to be a different person. Marco has been, you know, mortally wounded. You know,

Case: 17-35105, 02/06/2017, ID: 10304368, DktEntry: 82-3, Page 75 of 119

question is, will Marco even be there? I hope he makes the right decision. I'm not going to make the decision for him.

But Marco has been, you know, pretty, badly wounded. It will be interesting to see what happens. Kasich is interesting, because he said he's going to win Michigan and he lost. He said he's going to win, I mean, he said it to you. I think I watched him on your show.

COOPER: He never came out and said he'd win. But, he said, he thought he would do very well.

TRUMP: ...said, he would Michigan. He didn't even come in second. OK.

So, you know, I mean, I was of the impression if he didn't win Michigan -- I'm not talking about Ohio, I'm talking about Michigan.

If he didn't win Michigan, he would drop out. He came in third. OK. He didn't even come in second.

So, it'll be interesting to see what he says. And Ted is Ted. I mean, we've been playing the game now for a long time.

These debates to me are getting very boring, if you want to know the truth. COOPER: Mr. Trump, thank you.

TRUMP: Have a good time.

COOPER: Appreciate it.

(END VIDEO CLIP)

A lot to talk about in that interview. Just ahead, we'll have some reaction to what Donald Trump said.

Steaks and all, we'll also talk about what is at stake tonight for the Democrat, Bernie Sanders, Hillary Clinton about to take the debate stage in about 10 minutes. Stay with us, we'll be right back.

(COMMERCIAL BREAK)

[20:53:14] COOPER: Well, the Univision Democratic Debate will be starting here on CNN just a few minutes from now you can watch right here just stake around for that. There's a lot of excitement in this hall. We're also looking forward to our CNN Republican Debate over the University of Miami tomorrow night. It's a very busy week for us in light of my conversation with the GOP front-runner, I want start offer panel discussion on Donald Trump and then will switch the Democrats his victory speech last night his opponents and also his path going to forward.

Joining us right now with CNN "Inside Politics" Anchor John King and Chief Political Analyst Gloria Borger. You know, it's interesting to hear Trump. He is clearly you and I we're talking about this. He's aware of the moment he is in right now.

JOHN KING, CNN ANCHOR, "INSIDE POLITICS": Yeah. I take the whole interview globally. Especially when you start very measured, leaning back. You asked him a question about Larry Kudlow his used in China trade. Six weeks ago, Donald Trump would not have let you finish that sentence. He would have jumped and attacked Larry Kudlow. He would made a solution on steaks. He would have been more combative.

He understands you heard a bit debate last night before he got into the infomercial two where he said its time to let keep the Republican Senate, keep the Republican Congress. He understands the moment that he's very close to being the presumptive nominee and trying to see more measured, trying to see more frankly, in a word, presidential.

COOPER: He can't stop himself from like going back to what Mitt Romney said about his failed businesses showing steaks which are not steaks that are -- they aren't

KING: Irony there? That was witness.

COOPER: It's a minor ridiculous point but the fact that he was sort of fibbing about it in a nationally, you know, broadcast press conference is kind of surreal. GLORIA

BORGER, CNN CHIEF POLITICAL ANALYST: You know, he can only exhibit a certain amount of self-control to a point, I think, and I thought he was trying to do so with you today because, clearly, people have gotten to him and said, OK, you need to act presidential. But then when you ask him a question, he turns into sort of Donald Trump who has to go on the attack, attack, attack.

[20:55:00] KING: He got most of the way through. Ted Cruz doesn't get under my skin, doesn't get under my skin, roar.

COOPER: I want to bring Alicia Menendez, on Fusion. This is the Network Univision. Thank you so much joining us its pleasure to be here. What are you looking on the stage now? I mean, it comes at a critical time. We do a debate on Sunday night with the democrats for the states now. I mean, a lot has changed just since then.

ALICIA MENENDEZ, FUSION CORRESPONDENT: Yeah, and listen, I think the candidates understand that they're speaking tonight to a broad audience, but also very specifically to a Latino audience, which Univision knows that it caters to.

So, top of mind for that audience economic issues, one and three Latino voters say that's what's top of mind for them but, immigration, of course, a deeply personal issue to this community.

I saw a study that said one in every three Latino voters actually has someone in their family who is undocumented. When you think about that, that's an issue not only that, you know, you might say to a pollster, yes, it's important to me. It's an issue that actually gets you out on the door on Election Day, especially the candidate like Donald Trump.

COOPER: And also, Alicia, I've seen polls based where they show Donald Trump very unpopular among Latino voters in a general election.

I'm curious to see how much they sort of try to define the GOP as Donald Trump's party and how much they try to talk about Donald Trump.

MENENDEZ: I think they would be insane not to. I think Democrats see that there's an opportunity for them to pivot to the general election to use Trump as an example of what the GOP stands for.

And yet, even though you see a vast majority of Latino voters saying that they find Trump's remarks on immigration abhorrent. You also see that only a small percentage thinks it's reflective of the Republican Party overall.

So the question is, if it's someone other than Trump namely, if it is Cruz, can he get out from under the damage that Trump has done?

BORGER: And, you know, tonight, you'll see Hillary Clinton hug President Obama to a certain degree on the executive orders on immigration. But on the question of deportation ...

MENENDEZ: Yeah. BORGER: ... and the number of illegal immigrants who have been deported, it's a very big issue in the Latino community. And we'll see how she deals with that.

KING: I think it fascinates questions, who are they talking to? They have a national audience, but Senator Sanders is trying to build the relationships from the Latino community, very important to him, because he's a newcomer, because he's from the state of Vermont.

So, is he want to focus there or does he want to focus on Ohio or Illinois next week, because he has a national audience, even though he's at a Univision debate.

Also on the trade issue, does he want to talk like he talks to the Rust Belt about, you know, you're getting screwed by these deals, we need to be tougher, we need to take them away.

Well, in Florida and among the Latino community, a lot of the small businesses do a lot of business throughout the hemisphere.

So, the tough on trade argument that you can sell in Michigan, Ohio and Illinois is a little bit different here when you get to Florida.

COOPER: And does Hillary Clinton start to -- I mean, did she learn some lesson from what happened in Michigan and start to pivot that, you know, famous word of

politics which you can interpret in a multitude of different ways?

MENENDEZ: I saw a statistic that should perhaps, make the Clinton campaign nervous, which is that about 18 percent of the early voting that's been done in the state by democratic voters are from voters who did not vote in the last two elections.

So, those are voters that are more likely to come out and vote for an outsider candidate, which is what Sanders is trying to position himself as.

So, I think you have the possibility of seeing the type of spike we saw in Michigan that pollsters missed, actually happen on Election Day.

BORGER: It's such a diverse state, though, right? And I think that, you know, somebody who can win Florida in either party can say, I have an appeal to a broad coalition because, you know, this is in many ways, three different states.

And so, you know, either one of them would want to win this state.

COOPER: And just in terms of delegate count. I mean, that you have that floating around in your head at all times. I mean, Bernie Sanders had, I mean, amazing win in Michigan, surprised a lot of people, certainly in the pundit world. The path forward, though, is tough. KING: And yet, she stretched her lead last night in the delegate race.

So, you have two campaigns going on. Her campaign says it's OK. Yeah, we took a punch. We didn't want to lose Michigan, it's embarrassing. But, we stress our lead in the delegate debate for the psychology of the race is now in Sanders camp.

And the question is one win is not enough, but, if he can take in Ohio and in Illinois, or at least, one of them, if he can have a stronger showing in Florida than people expect. Last night was an opening, it was not a game-changer. It was an opening to a game-changer.

Next Tuesday could be a game changer if he wins again. If he understands the pressure up there tonight, she wants to put him back in his place, if he will make him more of a message candidate.

So, they both have reasons to escalate the attacks because of the stakes in the campaign, but there are huge risks if you do that, too. That's what I'm fascinated by, the chess.

COOPER: Right, how aggressive is it going to get tonight? I mean, we saw a lot of tension on the stage on Sunday ...

BORGER: Yeah.

COOPER: ... of the debate over the issues of NAFTA and trade. But, are they going to be coming out from the get-go ready to go?

BORGER: I think they might. It's hard to say, but so much is at stake, particularly for Bernie Sanders right now that I can't imagine that he would back off. He was very aggressive from the last debate. I think he'll continue.

COOPER: Yeah, well, I want to thank John King and Gloria Borger, Alicia Menendez, it's great to have you. Thank you for joining us.

We will see all of our panelists after the debate. It's about 10 seconds way now.

[21:00:00] Time now for the main event and we'll be on live right afterward. Here it is.

U.S.

World

Politics

History

Opinion

Health

Entertainment

Tech

Style

Travel

Sports

Living

Video

More...

CNN U.S. Edition +

© 2017 Cable News Network. Turner Broadcasting System, Inc. All Rights Reserved.
CNN Sans ™ & © 2016 Cable News Network.

Ware Declaration Exhibit G

POLITICO

Donald J. Trump speaks at the Saint Andelm College New Hampshire Institute of Politics in Manchester, N.H. on June 13.

Transcript: Donald Trump's national security speech

06/13/16 03:06 PM EDT

As posted on his website, this is the transcript of Donald Trump's June 13 speech on national security and terrorism in the wake of the Orlando massacre. Underlined segments are the author's.

Thank you for joining me today.

This was going to be a speech on Hillary Clinton and how bad a President, especially in these times of Radical Islamic Terrorism, she would be.

Even her former Secret Service Agent, who has seen her under pressure and in times of stress, has stated that she lacks the temperament and integrity to be president.

There will be plenty of opportunity to discuss these important issues at a later time, and I will deliver that speech soon.

But today there is only one thing to discuss: the growing threat of terrorism inside of our borders.

The attack on the Pulse Nightclub in Orlando, Florida, was the worst terrorist strike on our soil since September 11th, and the worst mass shooting in our country's history.

So many people dead, so many people gravely injured, so much carnage, such a disgrace.

The horror is beyond description.

The families of these wonderful people are totally devastated. Likewise, our whole nation, and indeed the whole world, is devastated.

We express our deepest sympathies to the victims, the wounded, and their families.

We mourn, as one people, for our nation's loss – and pledge our support to any and all who need it.

I would like to ask now that we all observe a moment of silence for the victims of the attack.

[SILENCE]

Our nation stands together in solidarity with the members of Orlando's LGBT Community.

This is a very dark moment in America's history.

A radical Islamic terrorist targeted the nightclub not only because he wanted to kill Americans, but in order to execute gay and lesbian citizens because of their sexual orientation.

It is a strike at the heart and soul of who we are as a nation.

It is an assault on the ability of free people to live their lives, love who they want and express their identity.

Trump: Clinton, Obama protecting terrorists to be 'politically correct'
By **LOUIS NELSON**

It is an attack on the right of every single American to live in peace and safety in their own country.

We need to respond to this attack on America as one united people – with force, purpose and determination.

But the current politically correct response cripples our ability to talk and think and act clearly.

If we don't get tough, and we don't get smart – and fast – we're not going to have a country anymore -- there will be nothing left.

The killer, whose name I will not use, or ever say, was born to Afghan parents who immigrated to the United States. His father published support for the Afghan Taliban, a regime which murders those who don't share its radical views. The father even said he was running for President of that country.

The bottom line is that the only reason the killer was in America in the first place was because we allowed his family to come here.

That is a fact, and it's a fact we need to talk about.

We have a dysfunctional immigration system which does not permit us to know who we let into our country, and it does not permit us to protect our citizens.

We have an incompetent administration, and if I am not elected President, that will not change over the next four years -- but it must change, and it must change now.

With fifty people dead, and dozens more wounded, we cannot afford to talk around the issue anymore -- we have to address it head on.

I called for a ban after San Bernardino, and was met with great scorn and anger but now, many are saying I was right to do so -- and although the pause is temporary, we must find out what is going on. The ban will be lifted when we as a nation are in a position to properly and perfectly screen those people coming into our country.

The immigration laws of the United States give the President the power to suspend entry into the country of any class of persons that the President deems detrimental to the interests or security of the United States, as he deems appropriate.

I will use this power to protect the American people. When I am elected, I will suspend immigration from areas of the world when there is a proven history of terrorism against the United States, Europe or our allies, until we understand how to end these threats.

After a full, impartial and long overdue security assessment, we will develop a responsible immigration policy that serves the interests and values of America.

We cannot continue to allow thousands upon thousands of people to pour into our country, many of whom have the same thought process as this savage killer.

Many of the principles of Radical Islam are incompatible with Western values and institutions.

Radical Islam is anti-woman, anti-gay and anti-American.

I refuse to allow America to become a place where gay people, Christian people, and Jewish people, are the targets of persecution and intimidation by Radical Islamic preachers of hate and violence.

Trump attacks Obama: 'He's got something else in mind'

By **NICK GASS**

It's not just a national security issue. It is a quality of life issue.

If we want to protect the quality of life for all Americans – women and children, gay and straight, Jews and Christians and all people – then we need to tell the truth about Radical Islam.

We need to tell the truth, also, about how Radical Islam is coming to our shores.

We are importing Radical Islamic Terrorism into the West through a failed immigration system -- and through an intelligence community held back by our president.

Even our own FBI Director has admitted that we cannot effectively check the backgrounds of the people we are letting into America.

All of the September 11th hijackers were issued visas.

Large numbers of Somali refugees in Minnesota have tried to join ISIS.

The Boston Bombers came here through political asylum.

The male shooter in San Bernardino – again, whose name I won't mention -- was the child of immigrants from Pakistan, and he brought his wife – the other terrorist - from Saudi Arabia, through another one of our easily exploited visa programs.

Immigration from Afghanistan into the United States has increased nearly five-fold in just one year. According to Pew Research, 99% of people in Afghanistan support oppressive Sharia Law.

We admit many more from other countries in the region who share these same oppressive views.

If we want to remain a free and open society, then we have to control our borders.

Yet, Hillary Clinton – for months and despite so many attacks – repeatedly refused to even say the words "radical Islam," until I challenged her yesterday to say the words or leave the race.

However, Hillary Clinton – who has been forced to say the words today after policies she supports have caused us so much damage – still has no clue what Radical Islam is, and won't speak honestly about what it is.

She is in total denial, and her continuing reluctance to ever name the enemy broadcasts weakness across the world.

In fact, just a few weeks before the San Bernardino slaughter, Hillary Clinton explained her refusal to say the words Radical Islam. Here is what she said: "Muslims are peaceful and tolerant people, and have nothing whatsoever to do with terrorism."

Hillary Clinton says the solution is to ban guns. They tried that in France, which has among the toughest gun laws in the world, and 130 were brutally murdered by Islamic terrorists in cold blood. Her plan is to disarm law-abiding Americans, abolishing the 2nd amendment, and leaving only the bad guys and terrorists with guns. She wants to take away Americans' guns, then admit the very people who want to slaughter us.

I will be meeting with the NRA, which has given me their earliest endorsement in a Presidential race, to discuss how to ensure Americans have the means to protect themselves in this age of terror.

The bottom line is that Hillary supports the policies that bring the threat of Radical Islam into America, and allow it to grow overseas.

In fact, Hillary Clinton's catastrophic immigration plan will bring vastly more Radical Islamic immigration into this country, threatening not only our security but our way of life.

When it comes to Radical Islamic terrorism, ignorance is not bliss – it's deadly.

The Obama Administration, with the support of Hillary Clinton and others, has also damaged our security by restraining our intelligence-gathering and failing to support law enforcement. They have put political correctness above common sense, above your safety, and above all else.

I refuse to be politically correct.

I will do the right thing--I want to straighten things out and to Make America Great Again.

The days of deadly ignorance will end, and they will end soon.

As President I will give our intelligence community, law enforcement and military the tools they need to prevent terrorist attacks.

We need an intelligence-gathering system second to none. That includes better cooperation between state, local and federal officials – and with our allies.

I will have an Attorney General, a Director of National Intelligence, and a Secretary of Defense who will know how to fight the war on Radical Islamic Terrorism – and who will have the support they require to get the job done.

We also must ensure the American people are provided the information they need to understand the threat.

The Senate Subcommittee on Immigration has already identified hundreds of immigrants charged with terrorist activities inside the United States since September 11th.

Nearly a year ago, the Senate Subcommittee asked President Obama's Departments of Justice, State and Homeland Security to provide the immigration history of all terrorists inside the United States.

These Departments refused to comply.

President Obama must release the full and complete immigration histories of all individuals implicated in terrorist activity of any kind since 9/11.

The public has a right to know how these people got here.

We have to screen applicants to know whether they are affiliated with, or support, radical groups and beliefs.

Trump takes credit for 'being right on radical Islamic terrorism'
By **NOLAN D. MCCASKILL** and **KRISTEN EAST**

We have to control the amount of future immigration into this country to prevent large pockets of radicalization from forming inside America.

Even a single individual can be devastating, just look at what happened in Orlando. Can you imagine large groups?

Truly, our President doesn't know what he is doing. He has failed us, and failed us badly, and under his leadership, this situation will not get any better -- it will only get worse.

Each year, the United States permanently admits more than 100,000 immigrants from the Middle East, and many more from Muslim countries outside the Middle East. Our government has been admitting ever-growing numbers, year after year, without any effective plan for our security.

In fact, Clinton's State Department was in charge of the admissions process for people applying to enter from overseas.

Having learned nothing from these attacks, she now plans to massively increase admissions without a screening plan, including a 500% increase in Syrian refugees.

This could be a better, bigger version of the legendary Trojan Horse.

We can't let this happen.

Altogether, under the Clinton plan, you'd be admitting hundreds of thousands of refugees from the Middle East with no system to vet them, or to prevent the radicalization of their children.

The burden is on Hillary Clinton to tell us why she believes immigration from these dangerous countries should be increased without any effective system to screen who we are bringing in.

The burden is on Hillary Clinton to tell us why we should admit anyone into our country who supports violence of any kind against gay and lesbian Americans.

The burden is also on Hillary Clinton to tell us how she will pay for it. Her plan will cost Americans hundreds of billions of dollars long-term.

Wouldn't this money be better spent on rebuilding America for our current population, including the many poor people already living here?

We have to stop the tremendous flow of Syrian refugees into the United States – we don't know who they are, they have no documentation, and we don't know what they're planning.

What I want is common sense. I want a mainstream immigration policy that promotes American values.

That is the choice I put before the American people: a mainstream immigration policy designed to benefit America, or Hillary Clinton's radical immigration policy designed to benefit politically-correct special interests.

We've got to get smart, and tough, and vigilant, and we've got to do it now, because later is too late.

The media talks about "homegrown," terrorism, but Islamic radicalism, and the networks that nurture it, are imports from overseas.

Yes, there are many radicalized people already inside our country as a result of the poor policies of the past. But the whole point is that it will be much, much easier to deal with our current problem if we don't keep on bringing in people who add to the problem.

For instance, the controversial Mosque attended by the Boston Bombers had as its founder an immigrant from overseas charged in an assassination plot.

This shooter in Orlando was the child of an immigrant father who supported one of the most repressive regimes on Earth. Why would we admit people who support violent hatred?

Hillary Clinton can never claim to be a friend of the gay community as long as she continues to support immigration policies that bring Islamic extremists to our country who suppress women, gays and anyone who doesn't share their views.

She can't have it both ways. She can't claim to be supportive of these communities while trying to increase the number of people coming in who want to oppress them.

How does this kind of immigration make our life better? How does this kind of immigration make our country better?

Why does Hillary Clinton want to bring people here—in vast numbers—who reject our values?

Ask yourself, who is really the friend of women and the LGBT community, Donald Trump with his actions, or Hillary Clinton with her words? Clinton wants to allow Radical Islamic terrorists to pour into our country—they enslave women, and murder gays.

I don't want them in our country.

Immigration is a privilege, and we should not let anyone into this country who doesn't support our communities – all of our communities.

America has already admitted four times more immigrants than any country on earth, and we continue to admit millions more with no real checks or scrutiny.

Not surprisingly, wages for our workers haven't budged in many years.

So whether it's matter of national security, or financial security, we can't afford to keep on going like this. We owe $19 trillion in debt, and no longer have options.

All our communities, from all backgrounds, are ready for some relief. This is not an act of offense against anyone; it is an act of defense.

White House smacks down 'small' Trump for Obama attacks
By **NICK GASS**

I want us all to work together, including in partnership with our Muslim communities. But Muslim communities must cooperate with law enforcement and turn in the people who they know are bad – and they do know where they are.

I want to fix our schools, roads, bridges and job market. I want every American to succeed. Hillary Clinton wants to empty out the Treasury to bring people into the country that include individuals who preach hate against our own citizens.

I want to protect our citizens – all of our citizens.

The terrorist attack on the Pulse Night Club demands a full and complete investigation into every aspect of the assault.

In San Bernardino, as an example, people knew what was going on, but they used the excuse of racial profiling for not reporting it.

We need to know what the killer discussed with his relatives, parents, friends and associates.

We need to know if he was affiliated with any radical Mosques or radical activists and what, if any, is their immigration status.

We need to know if he travelled anywhere, and who he travelled with.

We need to make sure every single last person involved in this plan – including anyone who knew something but didn't tell us – is brought to justice.

If it can be proven that somebody had information about any attack, and did not give this information to authorities, they must serve prison time .

America must do more – much more – to protect its citizens, especially people who are potential victims of crimes based on their backgrounds or sexual orientations.

It also means we must change our foreign policy.

The decision to overthrow the regime in Libya, then pushing for the overthrow of the regime in Syria, among other things, without plans for the day after, have created space for ISIS to expand and grow.

These actions, along with our disastrous Iran deal, have also reduced our ability to work in partnership with our Muslim allies in the region.

That is why our new goal must be to defeat Islamic terrorism, not nation-building.

For instance, the last major NATO mission was Hillary Clinton's war in Libya. That mission helped unleash ISIS on a new continent.

Christie talks 'radical Islam,' doesn't address Trump's remarks
By **MATT FRIEDMAN**

I've said NATO needs to change its focus to stopping terrorism. Since I've raised that criticism, NATO has since announced a new initiative focused on just that.

America must unite the whole civilized world in the fight against Islamic terrorism, just like we did against communism in the Cold War.

We've tried it President Obama's way. He gave the world his apology tour, we got ISIS, and many other problems, in return.

I'd like to conclude my remarks today by again expressing our solidarity with the people of Orlando who have come under attack.

When I am President, I pledge to protect and defend all Americans who live inside of our borders. Wherever they come from, wherever they were born, all Americans living here and following our laws will be protected.

America will be a tolerant and open society.

America will also be a safe society.

We will protect our borders at home.

We will defeat ISIS overseas.

We will ensure every parent can raise their children in peace and safety.

We will make America rich again.

We will make America safe again.

We will make American Great Again.

Thank you.

Ware Declaration Exhibit H

THE SLATEST YOUR NEWS COMPANION
JAN. 29 2017 12:09 PM

Rudy Giuliani Admits Trump Asked How to Implement a Muslim Ban Legally

By Daniel Politi



Rudy Giuliani speaks to reporters at Trump Tower on Jan. 12 in New York City.

Drew Angerer/Getty Images

Whatever they may say now, it turns out that President Donald Trump's controversial executive order on refugees and immigration was actually the result of his desire to ban Muslims from entering the United States. Rudy Giuliani said as much in an interview, noting that Trump asked him for help on how to implement his desired ban.

Ever since Trump signed the executive order Friday stopping the country's refugee program for four months, and preventing entry of visitors from seven Muslim-majority countries for 90 days, supporters have insisted that it was incorrect to characterize the move as a ban on Muslims. "It's not a Muslim ban," Trump said Saturday afternoon. After all, supporters argued, several countries with huge Muslim populations were **excluded from the list.** (Many were also quick to point out that those excluded from the list have ties to Trump's **business interests.**)

Advertisement

But now Giuliani has essentially admitted that Trump wanted to ban Muslims from the United States, he just knew that an outright blockade would be illegal, so he asked the **former New York mayor for help.**

Giuliani revealed the stark details in an interview on Fox News, where host Jeanine Pirro essentially set up what should have been a softball question: "Does the ban have anything to do with religion?" And that's when Giuliani got into the explanation:

> OK. I'll tell you the whole history of it. So when he first announced it he said, "Muslim ban." He called me up and said, "Put a commission together, show me the right way to do it legally." I put a commission together with Judge Mukasey, with Congressman McCaul, Pete King, a whole group of other very expert lawyers on this. And what we did was we focused on, instead of religion, danger. The areas of the world that create danger for us. Which is a factual basis. Not a religious basis. Perfectly legal, perfectly sensible, and that's what the ban is based on. It's not based on religion. It's based on places where there are substantial evidence that people are sending terrorists into our country.

This is just the beginning. Help us hold President Trump accountable.

Case: 17-35105, 02/08/2017, ID: 10304360, DktEntry: 8-3, Page 93 of 119

Despite Giuliani's claim that the order has no "religious basis," that isn't quite true considering that Trump's measure specifically states that once the refugee program resumes, it will "prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality." Trump has outright said he wants to **give priority to Christian refugees.** He hinted as much again Sunday morning, **writing on Twitter** that "Christians in the Middle-East have been executed in large numbers. We cannot allow this horror to continue!"



In the interview, Pirro expressed surprise that Saudi Arabia and Pakistan were left off the list. Giuliani said Saudi Arabia deserves the benefit of the doubt: "Saudi Arabia is going through a massive change. I think the kingdom particularly under the new prince has a real understanding that we are dealing with a massive radical Islamic terrorist problem." And Pakistan? "Pakistan I would have to know more about," **Giuliani said.** "It troubles me a little bit like it troubles you."

THE SLATEST YOUR NEWS COMPANION

JAN. 29 2017 7:31 PM

Trump Defends Immigration Order, Blasts Senate Critics Amid Growing Protests

By Daniel Politi

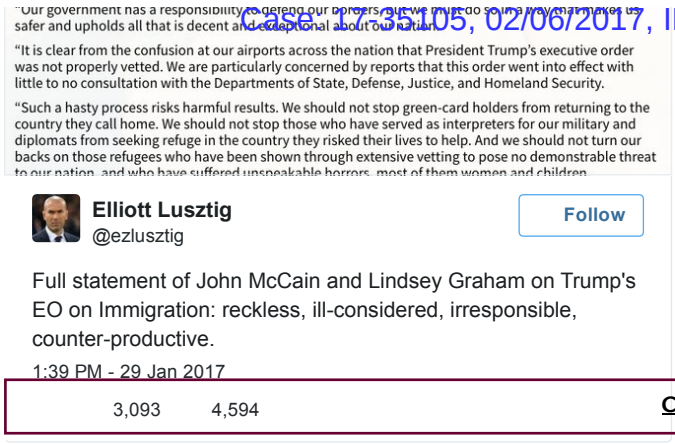


Thousands attend an afternoon rally in lower Manhattan to protest President Donald Trump's new immigration policies on Sunday in New York City.

Spencer Platt/Getty Images

Amid growing chaos and confusion across the country—and the world—regarding President Donald Trump's executive order barring refugees and arrivals from seven predominantly Muslim countries, the commander in chief defended his order and made it clear **he has no plans to back down.** As large number of protesters gathered in airports across the country to protest the order that bars Syrian refugees indefinitely, suspends the nation's refugee program for four months, and halts arrivals of citizens from seven nations—Syria, Iraq, Iran, Sudan, Somalia, Yemen, and Libya—lawyers struggled to figure out how many people were being detained by Trump's surprisingly broad executive order that was signed on Friday. And, finally, a few Republican lawmakers decided to stand up (at least meekly) to the commander in chief.

This is just the beginning. Help us hold President Trump accountable.


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

"It is clear from the confusion at our airports across the nation that President Trump's executive order was not properly vetted. We are particularly concerned by reports that this order went into effect with little to no consultation with the Departments of State, Defense, Justice, and Homeland Security.

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

Elliott Lusztig
@ezlusztig
Follow

Full statement of John McCain and Lindsey Graham on Trump's EO on Immigration: reckless, ill-considered, irresponsible, counter-productive.

1:39 PM - 29 Jan 2017

3,093 4,594

CONTINUE READING

Slate is published by The Slate Group, a Graham Holdings Company. All contents © 2017 The Slate Group LLC. All rights reserved.

Ware Declaration

Exhibit I

Donald Trump National Security Adviser Mike Flynn Has Called Islam 'a Cancer'

By MARIAM KHAN · Nov 18, 2016, 2:08 PM ET

Share with Facebook Share with Twitter



S.
orld
olitics
Menu
Log In
Lifestyle
Entertainment
Health
... ...
Entertainment
Health
Tech
Investigative
Sports
Weather
More ABCNews
Cities Cities
New York City New York City
Los Angeles Los Angeles
Chicago Chicago
Philadelphia Philadelphia
San Francisco - Oakland - San Jose San Francisco - Oakland - San Jose
Houston Houston
Durham - Raleigh - Fayetteville Durham - Raleigh - Fayetteville
Fresno Fresno
Partner Sites Partner Sites
abc.com abc.com
espn.com espn.com
fivethirtyeight.com fivethirtyeight.com



WATCH | Michael Flynn: Everything You Need to Know

SHARE

The man whom President-elect Donald Trump picked as his national security adviser has said he doesn't believe that all cultures are "morally equivalent" and once described Islam as "a cancer," comments that have many in the Muslim community worried about what his new job might mean for them.

Retired Army Lt. Gen. Michael Flynn served as an adviser to Trump on national security and foreign policy throughout the presidential campaign. Flynn has said he agreed with Trump's initial proposal to temporarily ban Muslims from entering the United States, but told Al Jazeera earlier this year it likely "wouldn't work," and that he supports "extreme vetting" of Muslims from countries and places where terrorism is a major threat.

He also accompanied Trump to his first top-secret national security briefing in August this year, and he was vetted as a potential running

disney.com disney.com
theundefeated.com theundefeated.com
Privacy PolicyPrivacy Policy
Your CA Privacy RightsYour CA Privacy Rights
Children's Online Privacy PolicyChildren's Online Privacy Policy
Interest-Based AdsInterest-Based Ads
Terms of UseTerms of Use
Contact UsContact Us
Yahoo!-ABC News Network | © 2017 ABC News Internet Ventures. All rights reserved.
Shows
Good Morning America Good Morning America
World News Tonight World News Tonight
Nightline Nightline
20/20 20/20
This Week This Week
Live 2
Watch

mate before Vice President-elect Mike Pence was eventually
nior level sources with direct knowledge told ABC
News earlier this year.

"I am pleased that Lieutenant General Michael Flynn will be by my side
as we work to defeat r
challenges and keep A
in a statement today. "
experts on military anc
asset to me and my ac
The position of Nation
approval.

Michael Flynn: Everyt

Refuse to Hide: Muslir
Rise in Hate Crimes



Michael Flynn: Everything You Need to Know

are some of his controversial comments:

Lifestyle
Entertainment
Health
... ...
Entertainment
Health
Tech
Investigative
Sports
Weather
More ABCNews
Cities Cities
New York City New York City
Los Angeles Los Angeles
Chicago Chicago
Philadelphia Philadelphia
San Francisco - Oakland - San Jose San Francisco - Oakland - San Jose
Houston Houston
Durham - Raleigh - Fayetteville Durham - Raleigh - Fayetteville
Fresno Fresno
Partner Sites Partner Sites
abc.com abc.com
espn.com espn.com
fivethirtyeight.com fivethirtyeight.com

Flynn on 'Radical Islam'

Flynn, a registered Democrat who had a decades-long military career, served under the Obama administration until reportedly being forced to retire early as director of the Defense Intelligence Agency in 2014. The early retirement resulted from "the stand I took on radical Islam," he wrote in an op-ed for the New York Post.

Pentagon press secretary John Kirby reportedly said at the time that the retirement had "been planned for some time" and that then-Defense Secretary Chuck Hagel "appreciates [his] service."

For Flynn's part, he told Fox News in April 2015, "I've been at war with Islam, or a component of Islam, for the last decade."

Flynn earlier this year released a book -- "The Field of Fight: How We Can Win The Global War Against Radical Islam And Its Allies" -- that he co-wrote sharing his views on what he called the "global war against radical Islam," calling for the United States to develop a deeper understanding of radical ideology.

disney.com disney.com
theundefeated.com theundefeated.com
Privacy PolicyPrivacy Policy
Your CA Privacy RightsYour CA Privacy Rights
Children's Online Privacy PolicyChildren's Online Privacy Policy
Interest-Based AdsInterest-Based Ads
Terms of UseTerms of Use
Contact UsContact Us
Yahoo!-ABC News Network | © 2017 ABC News Internet Ventures. All rights reserved.
Shows
Good Morning America Good Morning America
World News Tonight World News Tonight
Nightline Nightline
20/20 20/20
This Week This Week
Live 2
Watch

Flynn wrote, “we’re in a world war against a messianic mass movement [illegible] of them inspired by a totalitarian ideology: Radical Islam.”

He also said in the book, “I don’t believe all cultures are morally equivalent, and I think [illegible] civilized, far more ethic[illegible] want to impose on us.”

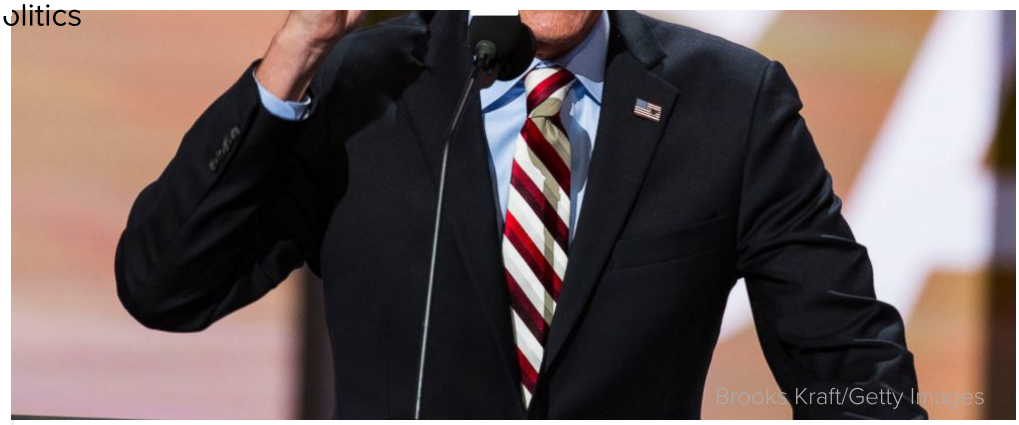
“And we’ve got to stop [illegible] by name and identifyin[illegible] failed civilization.”



Michael Flynn: Everything You Need to Know



S.
orld
olitics
Menu
Log In
Lifestyle
Entertainment
Health
... ...
Entertainment
Health
Tech
Investigative
Sports
Weather
More ABCNews
Cities Cities
New York City New York City
Los Angeles Los Angeles
Chicago Chicago
Philadelphia Philadelphia
San Francisco - Oakland - San Jose San Francisco - Oakland - San Jose
Houston Houston
Durham - Raleigh - Fayetteville Durham - Raleigh - Fayetteville
Fresno Fresno
Partner Sites Partner Sites
abc.com abc.com
espn.com espn.com
fivethirtyeight.com fivethirtyeight.com



Retired Lt. Gen. Michael Flynn delivers a speech on the first day of the Republican National Co

Flynn, who’s chairman and CEO of Flynn Intel Group, is also a board member of ACT for America, which the Southern Poverty Law Center calls “far and away the largest grassroots anti-Muslim group in America.”

The organization bills itself as “the nation’s largest non-profit, non-partisan, grassroots national security organization” that’s “committed to recruiting, training, and mobilizing citizens community by community to help protect and preserve American culture and to keep this nation safe,” according to its website.

ACT for America did not respond to ABC News’ request for comment

disney.com disney.com
theundefeated.com theundefeated.com
Privacy PolicyPrivacy Policy
Your CA Privacy RightsYour CA Privacy Rights
Children's Online Privacy PolicyChildren's Online Privacy Policy
Interest-Based AdsInterest-Based Ads
Terms of UseTerms of Use
Contact UsContact Us
Yahoo!-ABC News Network | © 2017 ABC News Internet Ventures. All rights reserved.
Shows
Good Morning America Good Morning America
World News Tonight World News Tonight
Nightline Nightline
20/20 20/20
This Week This Week
Live 2
Watch

"Mr. Flynn's past Islamophobic statements, and his association with the notorious and infamous anti-Muslim hate group, should disqualify him from serving in any public office," Ibrahim Hooper, spokesman for the Council on American-Islamic Relations, told ABC News before Flynn's official selection.

In this tweet from Febr
one:

Fear of Muslims is RAT
fears no questions. "
from a third party.

"Radical Islam" is a des
recognize. Throughou
a clear distinction betv
acts of terrorism carrie
interpretations of the r



Michael Flynn: Everything You Need to Know

Lifestyle
Entertainment
Health
... ...
Entertainment
Health
Tech
Investigative
Sports
Weather

More ABCNews

Cities Cities
New York City New York City
Los Angeles Los Angeles
Chicago Chicago
Philadelphia Philadelphia
San Francisco - Oakland - San Jose San Francisco - Oakland - San Jose
Houston Houston
Durham - Raleigh - Fayetteville Durham - Raleigh - Fayetteville
Fresno Fresno
Partner Sites Partner Sites
abc.com abc.com
espn.com espn.com
fivethirtyeight.com fivethirtyeight.com

But he said in a statement this morning via the Trump Transition team that, "I am deeply humbled and honored to accept the position as National Security Adviser to serve both our country and our nation's next President, Donald J. Trump."

Muslims 'All on Guard'

Speaking this summer at an ACT for America event in Dallas, Flynn likened Islam to "a cancer," according to the Dallas Morning News, adding that documents taken from terrorist groups tell followers to "get into the bloodstream of the opposition," which Flynn said he interprets as attacks on Western nations.

Muslim activists are troubled by the prospect of a Trump administration that might include Flynn.

"President-elect Trump is carefully curating a senior team that seem to have one thing in common: a deep seated animosity against Islam and Muslims. [Lt.] General Flynn is one of them, and has been on the record about his sentiments towards Islam and Muslims repeatedly," said Rabia Chaudry, a senior fellow at the United States Institute of Peace and a

disney.com disney.com
theundefeated.com theundefeated.com
Privacy PolicyPrivacy Policy
Your CA Privacy RightsYour CA Privacy Rights
Children's Online Privacy PolicyChildren's Online Privacy Policy
Interest-Based AdsInterest-Based Ads
Terms of UseTerms of Use
Contact UsContact Us
Yahoo!-ABC News Network | © 2017 ABC News Internet Ventures. All rights reserved.
Shows
Good Morning America Good Morning America
World News Tonight World News Tonight
Nightline Nightline
20/20 20/20
This Week This Week
Live 2
Watch

board member of the new Muslim-Jewish Advisory Council that was launched to combat Islamophobia and anti-Semitism.

Putting this man in charge of domestic security matters has the potential of great damage to American Muslims, who are certain to be at top of his "enemy wi

studies and authorities face," she said before

Hazem Bata, secretary says Muslim leaders a

"Our community is pre government openly ho selection. "We are hop



Michael Flynn: Everything You Need to Know

Sponsored Stories



Obama Quietly Signed Bill Giving $42.4 B "Cash Rebate" to 119 Million Americans
The Oxford Club



10 Classic Baby Girl Names That Are Ready to Make a Comeback
Ancestry



Man Who Predicted Trump Victory Makes Unexpected Prediction About Presidency
MoneyWise 411

Recommended by

S.
orld
olitics
Menu
Log In
Lifestyle
Entertainment
Health
... ...
Entertainment
Health
Tech
Investigative
Sports
Weather
More ABCNews
Cities Cities
New York City New York City
Los Angeles Los Angeles
Chicago Chicago
Philadelphia Philadelphia
San Francisco - Oakland - San Jose San Francisco - Oakland - San Jose
Houston Houston
Durham - Raleigh - Fayetteville Durham - Raleigh - Fayetteville
Fresno Fresno
Partner Sites Partner Sites
abc.com abc.com
espn.com espn.com
fivethirtyeight.com fivethirtyeight.com

1K Comments

With Trump's Travel Ban on Hold, Iraqi Family Arrives in Nashville in 2nd Attempt to Reach US

By MORGAN WINSOR • Feb 6, 2017, 12:42 PM ET

Share with Facebook Share with Twitter





Michael Flynn: Everything You Need to Know

disney.com disney.com
theundefeated.com theundefeated.com
Privacy PolicyPrivacy Policy
Your CA Privacy RightsYour CA Privacy Rights
Children's Online Privacy PolicyChildren's Online Privacy Policy
Interest-Based AdsInterest-Based Ads
Terms of UseTerms of Use
Contact UsContact Us
Yahoo!-ABC News Network | © 2017 ABC News Internet Ventures. All rights reserved.
Shows
Good Morning America Good Morning America
World News Tonight World News Tonight
Nightline Nightline
20/20 20/20
This Week This Week
Live 2
Watch

WATCH | With Travel Ban on Hold,

SHARE

Iraqi citizen Fuad Shar
Tennessee, Sunday ni

It had taken Suleman more than two years to receive U.S. immigrant visas for him, his wife and three children. He and his wife quit their jobs and sold their house in Iraq, and their three children left their school, all with the expectation of coming to America.

Suleman worked in Iraq as a nongovernmental organization subcontractor for the U.S. Agency for International Development (USAID), which administers civilian foreign aid. Suleman said one of the reasons he applied for immigration visas was because he feared for the family's safety, given his work with the U.S. government.

"For the terrorists [in Iraq], if you work for the Americans, you become a target. They consider you an infidel," or unfaithful, the Muslim man told ABC News in an interview on Jan. 28.

Suleman said his family had paid about $5,000 for airline tickets to the United States, and that they were traveling on a special immigrant visa for Iraqis because of the work he did with the United States in his home country. They chose to move to Nashville where they already have friends and which hosts one of the largest Kurdish populations in the United States. The Tennessee capital is known as "Little Kurdistan" by many of its Kurdish residents.

But the Suleman's were prohibited from boarding their connecting flight in Egypt to Chicago International Airport to John F. Kennedy Airport in New York Jan. 28, a day after President Donald Trump signed an executive order suspending refugee admittance and immigration from seven predominantly Muslim nations with ties to terror, including Iraq.



Michael Flynn: Everything You Need to Know

The Suleman family wa
Trump's controversial
issued a nationwide te
president's executive
the green light to resu
America from the seve
Somalia, Sudan, Syria

Iraqi Family Stuck at A

Appeals Court Denies
Block on Travel Ban

disney.com disney.com
theundefeated.com theundefeated.com
Privacy PolicyPrivacy Policy
Your CA Privacy RightsYour CA Privacy Rights
Children's Online Privacy PolicyChildren's Online Privacy Policy
Interest-Based AdsInterest-Based Ads
Terms of UseTerms of Use
Contact UsContact Us
Yahoo!-ABC News Network | © 2017 ABC News Internet Ventures. All rights reserved.
Shows
Good Morning America Good Morning America
World News Tonight World News Tonight
Nightline Nightline
20/20 20/20
This Week This Week
Live 2
Watch

S.
orld
olitics
Lifestyle
Entertainment
Health
... ...
Entertainment
Health
Tech
Investigative
Sports
Weather

More ABCNews

Cities Cities
New York City New York City
Los Angeles Los Angeles
Chicago Chicago
Philadelphia Philadelphia
San Francisco - Oakland - San Jose San Francisco - Oakland - San Jose
Houston Houston
Durham - Raleigh - Fayetteville Durham - Raleigh - Fayetteville
Fresno Fresno
Partner Sites Partner Sites
abc.com abc.com
espn.com espn.com
fivethirtyeight.com fivethirtyeight.com

Menu Log In

Following the judge's ruling, Suleman and his family boarded a plane from Erbil, the capital of the autonomous Kurdish region in northern Iraq, in their second attempt to reach the United States. Iraqi Kurdish troops, known as Peshmerga, are a crucial U.S. ally in the fight against ISIS in the city of Mosul, the Islamic militant group's last stronghold in the country.

In their first steps on U.S. soil, the Sulemans arrived at New York's Kennedy Airport Sunday afternoon before boarding another flight to Nashville, their final destination. A crowd of residents, activists and government officials anxiously awaited the family's arrival at Nashville International Airport with welcoming signs.

"Hopefully, they'll be allowed to stay once they're here," Nashville resident Joyce Stainbrook told ABC Nashville affiliate WKRN-TV as she waited. "I think [Trump] is going to have quite a fight on his hands because he has no idea the sleeping tiger that he awoke in this country."

U.S. Rep. Jim Cooper, D-Tenn., Nashville Mayor Megan Barry and actress Connie Britton of the show "Nashville" were also among the hundreds in attendance.

disney.com disney.com
theundefeated.com theundefeated.com
Privacy PolicyPrivacy Policy
Your CA Privacy RightsYour CA Privacy Rights
Children's Online Privacy PolicyChildren's Online Privacy Policy
Interest-Based AdsInterest-Based Ads
Terms of UseTerms of Use
Contact UsContact Us
Yahoo!-ABC News Network | © 2017 ABC News Internet Ventures. All rights reserved.
Shows
Good Morning America Good Morning America
World News Tonight World News Tonight
Nightline Nightline
20/20 20/20
This Week This Week
Live 2
Watch

"Our great city of Nashville is known for southern hospitality, and it's very important that we extend that hospitality to families like Fuad Suleman's family so that they know that they're welcome here," Cooper said, addressing the crowd. "Nashville is a city of the American dream and we got to keep it that way."

As the Suleman's disen
erupted in loud cheers
"Welcome home."

Suleman and his family
they made their way th
and gifts. Suleman said
who came to welcome

"Today is a very impor
first day of my new life
America," Suleman sai
here and the amount o



Michael Flynn: Everything You Need to Know

S.
orld
olitics
Lifestyle
Entertainment
Health
... ...
Entertainment
Health
Tech
Investigative
Sports
Weather
More ABCNews
Cities Cities
New York City New York City
Los Angeles Los Angeles
Chicago Chicago
Philadelphia Philadelphia
San Francisco - Oakland - San Jose San Francisco - Oakland - San Jose
Houston Houston
Durham - Raleigh - Fayetteville Durham - Raleigh - Fayetteville
Fresno Fresno
Partner Sites Partner Sites
abc.com abc.com
espn.com espn.com
fivethirtyeight.com fivethirtyeight.com
Menu
Log In
Comments

Speaking to WKRN Sunday night, Suleman was overwhelmed with emotion and struggled to find the words in reaction to the welcome.

"I don't know how to describe it," he said. "The welcoming, it was genuine. You see genuine smiles, genuine happiness in their faces."

Suleman plans to continue his college education here and wants his children to get a U.S. education as well, he told the TV station, adding that he was looking forward to some down time in his new home.

"It was a long journey from Erbil to Nashville," he said. "This day is a turning point in my life."

ABC News' Randa Ali, Eva Pilgrim, Darren Reynolds, Benjamin Siegel and Veronica Stracqualursi contributed to this report.

disney.com disney.com
theundefeated.com theundefeated.com
Privacy PolicyPrivacy Policy
Your CA Privacy RightsYour CA Privacy Rights
Children's Online Privacy PolicyChildren's Online Privacy Policy
Interest-Based AdsInterest-Based Ads
Terms of UseTerms of Use
Contact UsContact Us
Yahoo!-ABC News Network | © 2017 ABC News Internet Ventures. All rights reserved.
Shows
Good Morning America Good Morning America
World News Tonight World News Tonight
Nightline Nightline
20/20 20/20
This Week This Week
Live 2
Watch



Michael Flynn: Everything You Need to Know

Ware Declaration

Exhibit J

Michael Flynn in August: Islamism a 'vicious cancer' in body of all Muslims that 'has to be excised'

By Andrew Kaczynski, CNN

Updated 8:36 PM ET, Tue November 22, 2016

Story highlights

Flynn: "This is Islamism, it is a vicious cancer inside the body of 1.7 billion people on this planet and it has to be excised."

In the same speech, Flynn falsely claimed that Florida Democrats voted to impose Islamic shariah law at the state and local level.

(CNN) — Donald Trump's pick to be national security adviser, retired Lt. Gen. Michael Flynn, called Islamism a "vicious cancer inside the body of 1.7 billion people" that has to be "excised" during an August speech.

Flynn, who has called Islam as a whole a "cancer" in the past, made the comments during a speech to the Ahavath Torah Congregation in Stoughton, Massachusetts. Video of his speech is available on YouTube and was reviewed by CNN's KFile.

"We are facing another 'ism,' just like we faced Nazism, and fascism, and imperialism and communism," Flynn said. "This is Islamism, it is a vicious cancer inside the body of 1.7 billion people on this planet and it has to be excised."



Flynn's views a departure from US policy 02:44

In the same speech, Flynn falsely claimed that Florida Democrats voted to impose Islamic shariah law at the state and local level. The claim, peddled by far-right blogs in 2014, was rated "pants on fire" by the independent fact-checking organization PolitiFact, which explained that the bill in question was about prohibiting judges from using

Case: 17-35105, 02/06/2017, ID: 10304380, DktEntry: 82-3, Page 108 of 119
(142 of 153)

foreign law in family law cases if the law conflicted with existing U.S. policy. Democrats voted against the bill, saying it was unnecessary and targeted Muslims in the state.

"Look up something called 'the American laws for American courts,'" Flynn said. "I don't know if it's happening up here in Massachusetts, it's happening in other states. I have had people in the media, mainstream media, say, 'oh, that's all a conspiracy, it's a lie.'"

"No, in the state of Florida," he continued. "The state of Florida they have 36 senators at the state level. 36 senators at the state level. 12, of them are Democrats, the Republicans hold the majority in the Florida state senate. All 12 Democrats, all 12 Democrats voted to impose shariah at the local and state level. Now, it was beaten because the Republicans are in charge. I'm telling you, this is 'American laws for America's courts.'"

Flynn didn't respond to a comment request for this story. CNN's KFile reported last week Flynn shared fake news and interacted with figures of the so-called alt-right on Twitter. On Monday, CNN's KFile reported Flynn said "who knows" when asked about a conspiracy about the 2013 sarin gas attack in Syria being a "false flag."



Related Article: Trump's pick for national security adviser once bashed torture, drone strikes, night raids

In the speech, Flynn fielded a question asking if President Obama was a Muslim.

"Okay let me repeat the question," Flynn said. "Is Obama doing this intentionally or is he incompetent and is he a Muslim? This is where I say we're to blame. We. We. You, me, are to blame. All you have to do, and most people don't do these things, I do because it's part of who I am, all you got to do is read what he's written and listen to what he says. It's that simple."

"Well before he became president of the United States the first time, he said what he was going to do," Flynn added. "He said it. The second time -- fool me once, shame on me. Fool me twice, shame on you. I mean what happened? The second time he comes in -- honestly, the first time I was kind of hopeful. Maybe we're enlightened. This country, this is going to be a good guy. He says all these things. I'm listening to what he's saying. I'm like, 'wow. This is different. This is different.'

"This is an individual who has an ideology ,and he has apologized for all the ill will of the United States of America over our history, for who we have been. He has. The apology tour. His speech in Cairo was unbelievable. I'm sitting there and I'm listening to it because I was deployed at that time and we were watching what our president's saying because it's going to cause some impact, and boy did it cause some impact. It caused the Muslim world to blow up."

Watch the full speech:

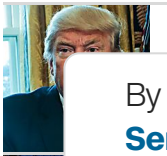
By using this site, you agree to the **Privacy Policy** and **Terms of Service**.

Case: 17-35105, 02/06/2017, ID: 10304360, DktEntry: 82-3, Page 109 of 119

"Field of Fight" with Ret. Lt. Gen. Michael T. Flynn



Rapper falls on stage with Drake



Donald Trump's most bone-chilling tweet

By using this site, you agree to the **Privacy Policy** and **Terms of Service**.



All eyes on 9th Circuit Court of Appeals in battle over Trump's travel ban



UK Speaker 'strongly opposed' to Trump speech in Houses of Parliament

By using this site, you agree to the **Privacy Policy** and **Terms of Service**.

Ware Declaration Exhibit K

The Washington Post

The Fix

Donald Trump just completely undercut his own Muslim ban alternative

By Aaron Blake September 15, 2016

The question of whether Donald Trump still supports a ban on Muslim immigrants and refugees coming to the United States just got a whole lot murkier.

The Republican presidential nominee has recently sought to emphasize the concept of "extreme vetting" -- apparently as an alternative to his previous blanket proposal to block all foreign Muslims from coming to the United States. But his comments Wednesday night in Canton, Ohio, suggest that even he doesn't think such vetting could work.

"We don't know where these people come from," he said while discussing Syrian refugees. "We don't know if they have love or hate in their heart, and there's no way to tell."

Trump's comment that "there's no way to tell" whether people have hate in their heart is completely at odds with his proposal to exhaustively vet immigrants. He said last month that the vetting would include an ideological screening test to determine whether people "share our values and respect our people."

In other words, the test is meant precisely to determine whether people have love or hate in their hearts.

Trump was talking specifically about Syrian refugees, who apparently still would be banned even under his revamped proposal. But he also is talking about a matter of the heart -- not documentation, which Syrian refugees may not have. And if you can't see what's in a Syrian refugee's heart, you also can't see what's in the heart of a Muslim immigrant from England. The latter might have more paperwork, but that's not what Trump is talking about here.

It's just the latest example of the candidate seeming to argue with himself about his proposed ban.

While adding the "extreme vetting" proposal, the Trump campaign has offered conflicting signals about just whom the vetting would cover and how much he's backing away from his previous proposal to ban all Muslims from coming to the United States. That proposal, by the way, still appears on the Trump campaign website under the headline: "Donald Trump Statement on Preventing Muslim Immigration."

In May, the candidate deflected questions about whether the Muslim ban was still his policy, saying, "We're going to look at a lot of things."

In June, Trump suggested that the ban would not be on Muslims but on countries "where there is a proven history of terrorism."

Later that month, Trump said it "wouldn't bother me" to admit a Muslim immigrant from Scotland. A spokeswoman at the time told CNN that his Muslim ban applied only to Muslims from "terror states," but didn't elaborate beyond that.

Trump then delivered his speech on extreme vetting in August.

Trump's comments Wednesday even contradict his own remarks from two weeks ago when Sean Hannity asked him specifically about vetting what's in one's heart and Trump suggested there was a way:

> HANNITY: How do you possibly vet what's in their heart?
>
> TRUMP: Right, let me just tell you, you get very smart people, and there are those people. And they are very good at understanding what's going on. But beyond that, you use social media, because a lot of these people, I mean, they are better at social media than we are. ISIS, if you look at what ISIS is doing with social, they are recruiting over the Internet. And I also said we have to end that.

5-Minute Fix newsletter
Keeping up with politics is easy now.
Sign up

Through it all, the Trump campaign hasn't clarified whether he is disowning his blanket ban on Muslim immigration, whether he is strengthening it, or whether he is scaling it back. He or his top aides and surrogates have indicated all of these things at one point or another. (The New York Times has a good visualization of how the proposal has shifted over time.)

Asked in July whether he was scaling back his proposal, Trump told NBC's Chuck Todd: "I don't think so. I actually don't think it's a rollback. In fact, you could say it's an expansion."

Trump's comments Wednesday night further obscure what his exact proposal on this is. In his Ohio speech, Trump repeated a previous comment that Syrian refugees could represent "the great Trojan horse."

"I don't want to be known in 200 years for having created the Trojan horse with a different name," he said.

Trump still doesn't appear to have decided precisely how he would halt that Trojan horse.

Aaron Blake is senior political reporter for The Fix. Follow @aaronblake



Do you like game shows? Do you like politics? Whatever, you'll LOVE The Ciquizza anyway.

Listen on iTunes.

Listen on Stitcher.

The Post Recommends

CNN's president has fired a warning shot at Donald Trump

Jeff Zucker said it would be a "mistake" for Trump to keep bashing the network.

Opinion

The true, correct story of what happened at Donald Trump's inauguration

This is the true story that has been hidden for so long.

How Donald Trump totally destroyed Chris Christie

A tragedy, in a LOT of acts.

PAID PROMOTED STORIES

Recommended by



Use Data To Sell Your Home For More

Homelight



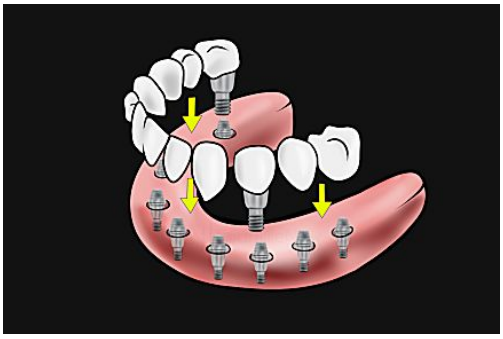
Thousands of Cancer Patients Now Know Why They Aren't Getting Well

Envita



How Older Men Tighten Their Skin

The Modern Man Today



Here's What New Dental Implants Should Cost You - View Pricing & Dentist Information

New Dental Implants



3 Tips To A Flat Stomach After 40

MAX Workouts



Boston, MA: This Brilliant Company Is Disrupting a $19 Billion Industry

EverQuote

Ware Declaration

Exhibit L



Donald J. Trump
@realDonaldTrump

Follow

Christians in the Middle-East have been executed in large numbers. We cannot allow this horror to continue!

RETWEETS	LIKES
60,117	226,830



7:03 AM - 29 Jan 2017

56K 60K 227K

Ware Declaration
Exhibit M



Donald J. Trump
@realDonaldTrump

Follow

We must keep "evil" out of our country!

RETWEETS	LIKES
44,286	201,457



3:08 PM - 3 Feb 2017

85K 44K 201K