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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI‘I**

STATE OF HAWAI‘I and ISMAIL ELSHIKH,
Plaintiffs,

v.

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

Defendants.

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

**DECLARATION OF NEAL K.
KATYAL IN SUPPORT OF
PLAINTIFFS’ MOTION TO
CONVERT TEMPORARY
RESTRAINING ORDER TO
A PRELIMINARY
INJUNCTION; EXHIBITS A,
B, AND C IN SUPPORT OF
PLAINTIFFS’ MOTION TO
CONVERT TEMPORARY
RESTRAINING ORDER TO
A PRELIMINARY
INJUNCTION;
CERTIFICATE OF
SERVICE**

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**DECLARATION OF NEAL K. KATYAL IN SUPPORT OF PLAINTIFFS’
MOTION TO CONVERT TEMPORARY RESTRAINING ORDER TO A
PRELIMINARY INJUNCTION**

I, NEAL K. KATYAL, hereby state and declare as follows:

1. I am counsel for Plaintiffs, the State of Hawai‘i and Ismail Elshikh. I have personal knowledge of and am competent to testify to the truth of the matters stated herein. This Declaration is submitted in support of Plaintiffs’ Motion to Convert Temporary Restraining Order to a Preliminary Injunction, filed concurrently herewith.

2. Attached as Exhibit A is a true and correct copy of remarks made by President Donald J. Trump at a rally in Nashville, Tennessee on March 15, 2017, as published on Time.com. *See* Katie Reilly, *Read President Trump’s Response to the Travel Ban Ruling: It ‘Makes Us Look Weak’*, Time (Mar. 16, 2017), <https://goo.gl/UcPHfg>.

3. Attached as Exhibit B is a true and correct copy of an interview of President Trump on Fox News on March 15, 2017, as transcribed by the Washington Post. *See* Chris Cillizza, *Donald Trump’s explanation of his wire-tapping tweets will shock and amaze you*, Washington Post (Mar. 16, 2017), <https://goo.gl/yMLIlm>.

4. Attached as Exhibit C is a true and correct copy of a New York Times article published electronically on March 16, 2017 and in print on March 17, 2017.

See Stephanie Saul, *Amid 'Trump Effect' Fear, 40% of Colleges See Dip in Foreign Applicants*, N.Y. Times (Mar. 16, 2017), <https://goo.gl/7iMhgq>.

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

DATED: Washington, D.C., March 21, 2017.

/s/ Neal K. Katyal
Neal K. Katyal



President Donald Trump speaks at a rally on March 15, 2017 in Nashville, Tennessee. Andrea Morales/Getty Images

WHITE HOUSE

Read President Trump's Response to the Travel Ban Ruling: It 'Makes Us Look Weak'

Katie Reilly
Mar 16, 2017



President Donald Trump on Wednesday spoke at a rally in Nashville, Tenn., where he **responded** to a new ruling by a federal judge in Hawaii placing a **nationwide restraining order** on his **revised travel ban**.

Trump criticized the ruling as "an unprecedented judicial overreach."

"You don't think this was done by a judge for political reasons, do you? No," he said to applause. "This ruling makes us look weak, which, by the way, we no longer are. Believe me."

Read Trump's full remarks from the rally, where he also spoke about the **Republican health care plan**:

TRUMP: Thank you very much, everybody. Thank you.

EXHIBIT A

(APPLAUSE)

So, we're just going to let the other folks come in, fill it up. This is some crowd. You have to see what's outside. You wouldn't even believe it.

(APPLAUSE)

Unbelievable.

(APPLAUSE)

So, I'm thrilled to be here in Nashville, Tennessee, the home...

(APPLAUSE)

... of country music, southern hospitality, and the great President Andrew Jackson.

(APPLAUSE)

I just came from a tour of Andrew Jackson's home to mark the 250th anniversary of his birth.

(APPLAUSE)

Jackson's life was devoted to one -- a very crucial principle. He understood that real leadership means putting America first.

(APPLAUSE)

Before becoming president, Andrew Jackson served your state in the House of Representatives and in the United States Senate. And he also served as commander of the Tennessee Militia.

(APPLAUSE)

Tough cookies. Tough cookies.

So, let's begin tonight by thanking all of the incredible men and women of the United States military and all of our wonderful veterans. The veterans.

(APPLAUSE)

AUDIENCE: USA! USA! USA!

TRUMP: Crazy. Amazing.

There's no place I'd rather be than with all of you here tonight, with the wonderful, hardworking citizens of our country.

(APPLAUSE)

I would much rather spend time with you than any of the pundits, consultants or special interests, certainly or reporters from Washington D.C. (APPLAUSE)

It's patriotic Americans like you who make this country run and run well. You pay your taxes, follow our laws, support your communities, raise your children, love your country, and send your bravest to fight in our wars.

(APPLAUSE)

All you want is a government that shows you the same loyalty in return.

(APPLAUSE)

It's time that Washington heard your voice and, believe me, on November 8th they heard your voice.

(APPLAUSE)

The forgotten men and women of our country will never be forgotten again. Believe me.

(APPLAUSE)

I want to thank so many of your state leaders; State Party Chairman Scott Golden, Congressman Scott DesJarlais...

(APPLAUSE)

... Congresswoman Marsha Blackburn...

(APPLAUSE)

... Congresswoman Diane Black...

(APPLAUSE)

... Congressman Jimmy Duncan, right from the beginning...

(APPLAUSE)

... Governor Bill Haslam...

(APPLAUSE)

... a great friend of mine, Senator Bob Corker...

(APPLAUSE)

... an incredible guy, respected by all, Senator Lamar Alexander...

(APPLAUSE)

... and so many more. Thank you all for being here. We're going to be working closely together -- thank you; to deliver for you, the citizens of Tennessee, like you've never been delivered for before.

Thank you. Thank you.

(APPLAUSE)

Thank you.

(APPLAUSE)

We are going to reduce your taxes.

(APPLAUSE)

Big league. Big. Big. And I want to start that process so quickly. Got to get the health care got done. We got to start the tax reductions.

(APPLAUSE)

We are going to enforce our trade rules and bring back our jobs, which are scattered all over the world.

They're coming back to our country.

(APPLAUSE)

We're going to support the amazing, absolutely amazing men and women of law enforcement.

(APPLAUSE)

Protect your freedoms and defend the Second Amendment.

(APPLAUSE)

And we are going to restore respect for our country and for its great and very beautiful flag.

(APPLAUSE)

It's been a little over 50 days since my inauguration and we've been putting our America First agenda very much into action. You see what's happened (ph).

We're keeping our promises. In fact, they have signs, he's kept his promise. They're all over the place. I have.

We have done far more, I think maybe more than anybody's done in this office in 50 days. That I can tell you.

(APPLAUSE)

And we have just gotten started. Wait till you see what's coming, folks.

(APPLAUSE)

We've appointed a Supreme Court Justice to replace the late, great Antonin Scalia. His name is Judge Neil Gorsuch.

(APPLAUSE)

He will uphold and defend the Constitution of the United States.

We are proposing a budget that will shrink the bloated federal bureaucracy -- and I mean bloated; while protecting our national security. You see what we're doing with our military; bigger, better, stronger than ever before. You see what's happening.

(APPLAUSE)

And you're already seeing the results.

Our budget calls for one of the single largest increases in defense spending history in this country.

(APPLAUSE)

We believe, especially the people in Tennessee -- I know you people so well...

(APPLAUSE)

... in peace through strength. It's what we're going to have.

(APPLAUSE)

And we are taking steps to make sure that our allies pay their fair share. They have to pay.

(APPLAUSE)

We've begun a dramatic effort to eliminate job-killing federal regulations like nobody has ever seen before.

Slash, slash. We're going to protect the environment. We're going to protect people's safeties, but let me tell you, the regulation business has become a terrible business and we're going to bring it down to where it should be.

(APPLAUSE)

(BOOING)

(APPLAUSE)

OK, let's go.

One person, and they'll be the story tomorrow. Did you hear there was a protester?

(APPLAUSE)

We're going to put our miners back to work. We're going to put our auto industry back to work.

(APPLAUSE)

Already, because of this new business climate, we are creating jobs that are starting to pour back into our country like we haven't seen in many, many decades.

(APPLAUSE)

In the first two job reports since I took the oath of office, we've already added nearly half a million new jobs.

And believe me, it's just beginning.

(APPLAUSE)

I've already authorized the construction of the long-stalled and delayed Keystone and Dakota access pipeline.

(APPLAUSE)

A lot of jobs.

(APPLAUSE)

I've also directed that new pipelines must be constructed with American steel.

(APPLAUSE)

They want to build them here, they use our steel.

We believe in two simple rules. Buy American and hire American.

(APPLAUSE)

On trade, I've kept my promise to the American people and withdrawn from the Trans-Pacific Partnership disaster.

(APPLAUSE)

Tennessee has lost one-third of its manufacturing jobs since the institution of NAFTA, one of the worst trade deals ever in history.

(BOOING)

Our nation has lost over 60,000 factories since China joined the World Trade Organization; 60,000. Think of that. More than that.

We're not going to let it happen anymore. From now on, we are going to defend the American worker and our great American companies.

(APPLAUSE)

And if America does what it says and if your president does what I've been telling you, there is nobody anywhere in the world that can even come close to us, folks. Not even close. (APPLAUSE)

If a company wants to leave America, fire their works, and then ship their new products back into our country, there will be consequences.

(APPLAUSE)

That's what we have borders for. And by the way, aren't our borders getting extremely strong?

(APPLAUSE)

Very strong.

(APPLAUSE)

Don't even think about it. We will build the wall. Don't even think about it.

(APPLAUSE)

In fact, as you've probably read, we went out to bid. We had hundreds of bidders. Everybody wants to build our wall.

(APPLAUSE)

Usually, that means we're going to get a good price. We're going to get a good price; believe me. We're going to build a wall.

Some of the fake news said, I don't think Donald Trump wants to build the wall. Can you imagine if I said we're not going to build a wall? Fake news.

(BOOING)

Fake, fake news.

(BOOING)

Fake news, folks. A lot of fake.

(BOOING)

No, the wall is way ahead of schedule in terms of where we are. It's under design and you're going to see some very good things happening. But the border by itself right now is doing very well. It's becoming very strong.

(APPLAUSE)

General Kelly has done a great job. General Kelly.

(APPLAUSE)

My administration is also following through on our promise to secure, protect, and defend that border within our United States. Our southern border will be protected always. It will have the wall. Drugs will stop pouring in and poisoning our youth.

(APPLAUSE)

And that will happen very, very soon. You're already seeing what's going on. The drugs are pouring in to our country folks. They are poisoning our youth and plenty of others and we're going to stop it. We're not going to be playing games. Not going to be playing games.

(APPLAUSE)

Following my executive action -- and don't forget, we've only been here for like, what, 50 days? We've already experienced an unprecedented 40 percent reduction in illegal immigration on our southern border,

61 percent -- 61 percent since inauguration day. Sixty-one percent; think about it.

(APPLAUSE)

And now people are saying we're not going to go there anymore 'cause we can't get in, so it's going to get better and better. We got to stop those drugs, though. We got to stop those drugs.

During the campaign, as I traveled all across this country, I met with many American families whose loved ones were viciously and violently killed by illegal immigrants because our government refused to enforce our already existing laws.

These American victims were ignored by the media. They were ignored by Washington. But they were not ignored by me and they're not ignored by you and they never will be ignored, certainly any longer. Not going to happen.

(APPLAUSE)

As we speak, we are finding the drug dealers, the robbers, thieves, gang members, killers, and criminals preying on our citizens. One by one -- you're reading about it, right?

(APPLAUSE)

They're being thrown out of our country, they're being thrown into prisons, and we will not let them back in.

(APPLAUSE)

We're also working night and day to keep our nation safe from terrorism.

(APPLAUSE)

We have seen the devastation from 9/11 to Boston to San Bernardino; hundreds upon hundreds of people from outside our country have been convicted of terrorism-related offenses. In the United States courts, right now we have investigations going on all over. Hundreds of refugees are under federal investigation for terrorism and related reasons.

We have entire regions of the world destabilized by terrorism and ISIS. For this reason, I issued an executive order to temporarily suspend immigration from places where it cannot safely occur.

(APPLAUSE)

AUDIENCE: USA! USA! USA!

TRUMP: But let me give you the bad news. We don't like bad news, right? I don't want to hear an alternative to good. But let me give you the bad, the sad news.

Moments ago, I learned that a district judge in Hawaii...

(BOOING)

... part of the much overturned 9th Circuit Court...

(BOOING)

... and I have to be nice. Otherwise I'll get criticized for...

(APPLAUSE)

... for speaking poorly about our courts. I'll be -- I'll be criticized by these people, among the most dishonest people in the world.

(APPLAUSE)

I will be criticized...

(BOOING)

(APPLAUSE)

I'll be criticized by them for speaking harshly about our courts. I would never want to do that.

A judge has just blocked our executive order on travel and refugees coming into our country from certain countries.

(BOOING)

The order he blocked was a watered down version of the first order that was also blocked by another judge and should have never been blocked to start with.

(APPLAUSE)

This new order was tailored to the dictates of the 9th Circuit, in my opinion, flawed ruling.

(APPLAUSE)

This is the opinion of many, an unprecedented judicial overreach.

(APPLAUSE)

The law and the Constitution give the President the power to suspend immigration when he deems -- or she -- or she -- fortunately it will not be Hillary-she.

(APPLAUSE)

When he or she deems it to be in the national interest of our country.

AUDIENCE: Lock her up! Lock her up! Lock her up!

TRUMP: So we have a lot of lawyers here. We also have a lot of smart people here. Let me read to you, directly from the federal statute, 212(f) of the immigration, and you know what I'm talking about, right? Can I read this to you? Listen to this.

Now, we're all smart people, we're all good students, were all everything. Some are bad students, but even if you're a bad student, this is a real easy one, let me tell you. Ready?

So here's the statute, when they don't even want to quote when they overrule it. And it was put here for the security of our country. And this goes beyond me, because there'll be other presidents and we need this. And sometimes we need it very badly for security -- security of our country.

It says -- now listen to easy -- how easy this is. Whenever the president finds that the entry of any aliens or any class of aliens would be detrimental to the interests of the United States, he may, by proclamation and for such period as he -- see, it wasn't politically correct, 'cause they should have said he or she. You know, today they'd say that.

(LAUGHTER)

That's (inaudible)

(LAUGHTER)

Actually, that's the only mistake they made -- as he shall deem necessary, suspend the entry of all aliens or any class of aliens, as immigrants or non-immigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.

In other words, if he thinks there's danger out there, he or she, whoever is president can say, I'm sorry, folks, not now, please. We got enough problems.

(APPLAUSE)

We're talking about the safety of our nation, the safety and security of our people.

(APPLAUSE)

Now, I know you people aren't skeptical people, 'cause nobody would be that way in Tennessee. Nope, nobody. Not Tennessee.

You don't think this was done by a judge for political reasons, do you? No.

(APPLAUSE)

This ruling makes us look weak, which, by the way, we no longer are. Believe me.

(APPLAUSE)

Just look at our borders.

(APPLAUSE)

We're going to fight this terrible ruling. We're going to take our case as far as it needs to go, including all the way up to the Supreme Court.

(APPLAUSE)

We're going to win. We're going to keep our citizens safe. And regardless, we're going to keep our citizens safe. Believe me.

(APPLAUSE)

Even liberal democratic lawyer, Alan Dershowitz -- good lawyer; just said that we would win this case before the Supreme Court of the United States.

(APPLAUSE)

Remember this. I wasn't thrilled, but the lawyers all said, oh, let's tailor it. This is a watered down version of the first one. This is a watered down version.

And let me tell you something. I think we ought to go back to the first one and go all the way, which is what I wanted to do in the first place.

(APPLAUSE)

The danger is clear. The law is clear. The need for my executive order is clear. I was elected to change our broken and dangerous system and thinking in government that has weakened and endangered our country and left our people defenseless.

(APPLAUSE)

And I will not stop fighting for the safety of you and your families. Believe me. Not today, not ever. We're going to win it. We're going to win it.

(APPLAUSE)

We're going to apply common sense. We're going to apply intelligence. And we're never quitting and we're never going away and we're never, ever giving up.

The best way to keep foreign terrorists or, as some people would say in certain instances, radical Islamic terrorists from attacking our country is to stop them from entering our country in the first place.

(APPLAUSE)

We'll take it, but these are the problems we have. People are screaming break up the 9th Circuit and I'll tell you what. That 9th Circuit -- you have to see. Take a look at how many times they have been overturned with their terrible decisions. Take a look. And this is what we have to live with.

Finally, I want to get to taxes. I want to cut the hell out of taxes, but...

(APPLAUSE)

... but...

(APPLAUSE)

... before I can do that -- I would have loved to have put it first. I'll be honest. There is one more very important thing that we have to do and we are going to repeal and replace horrible, disastrous Obamacare.

(APPLAUSE)

If we leave Obamacare in place, millions and millions of people will be forced off their plans and your senators just told me that in your state you're down to practically no insurers. You're going to have nobody. You're going to have nobody. And this is true all over. The insurers are fleeing. The insurers are fleeing. It's a catastrophic situation.

And there's nothing to compare anything to because Obamacare won't be around for a year or two. It's -- it's gone. So it's not like, oh gee, they this -- Obamacare is gone.

(APPLAUSE)

Premiums will continue to soar, double digits and even triple digits in many cases. It will drain our budget and destroy our jobs. Remember all of the broken promises? You can keep your doctor. You can keep your plan. Remember the wise guy?

(BOOING) Remember the wise guy that essentially said the American people -- the so-called architect; the American people are stupid because they approved it? We're going to show them. Those in Congress who made these promises have no credibility whatsoever on health care.

And remember this; remember this. If we took -- because there's such divisiveness. And I'm not just talking now, with me. There was Obama, there was with Bush, the level of hatred and divisiveness with the politicians.

I remember years ago, I'd go to Washington. I was always very politically active. And Republicans and Democrats, they'd fight during the day and they'd go to dinner at night. Today, there's a level that nobody's seen before.

Just remember this. If we submitted, the Democrats' plan, drawn everything perfect for the Democrats, we wouldn't get one vote from the Democrats. That's the way it is. That's how much divisiveness and other things there are, so it's a problem. But we're going to get it by.

So I've met with so many victims of Obamacare, the people who've been so horribly hurt by this horrible legislation. At the very core of Obamacare was a fatal flaw. The government forcing people to buy a government-approved product.

(BOOING)

There are very few people. Very few people.

(BOOING)

And by the way, watch what happens. Now you just booed Obamacare. They will say Trump got booed when he mentioned...

(LAUGHTER)

They're bad people, folks. They're bad people.

(BOOING)

(APPLAUSE)

Tonight I'll go home. I'll turn on. I'll say, listen, I'll turn on that television. My wife will say, darling, it's too bad you got booed. I said I didn't be booed. This was (inaudible). I said no, no. They were booing Obamacare. Watch, a couple of them will actually do it, almost guaranteed. But when we call them out it makes it harder for them to do it, so we'll see.

(APPLAUSE)

It's the fake, fake media. We want Americans to be able to purchase the health insurance plans they want, not the plans forced on them by our government.

(APPLAUSE)

The House has put forward a plan to repeal and replace Obamacare, based on the principles I outlined in my joint address, but let me tell you. We're going to arbitrate. We're going to all get together. We're going to get something done.

Remember this. If we didn't do it the way we're doing it, we need 60 votes, so we'd have to get the Democrats involved. They won't vote. No matter what we do they're not going to vote. So we're doing it a different way, a complex way, it's fine.

The end result is when you're at phase one, phase two, phase three; it's going to be great. It's going to be great.

(APPLAUSE)

And then, we get on to tax reductions, which I like.

(APPLAUSE)

The House legislation does so much for you. It gives the states Medicaid flexibility and some of the states will take over their health care. Governor Rick Scott in Florida said, just send me the money. They run a great plan. We have states that are doing great. It gives great flexibility.

Thank you, folks. Thank you.

(APPLAUSE)

Thank you.

(APPLAUSE)

It repeals hundreds of billions of dollars in Obamacare taxes. It provides tax credits to people to purchase the care that is rightfully theirs. The bill that I will ultimately sign, and that will be a bill where everybody's going to get into the room and we're going to get it done. We'll get rid of Obamacare and make health care better for you and for your family.

(APPLAUSE)

And once this is done, and a step further, we are going to try and put it in phase three. I'm going to work on bringing down the cost of medicine by having a fair and competitive bidding process.

(APPLAUSE)

We welcome this health care debate and its negotiation and we're going to carry it out and have been carrying it out in the full light of day, unlike the way Obamacare was passed.

(APPLAUSE) Remember, folks, if we don't do anything, Obamacare is gone. It's not like, oh gee, it's going to be wonderful in three years. It's gone. It's gone. It's gone. Not working. It's gone.

(APPLAUSE)

What we cannot do is to be intimidated by the dishonest attacks from Democratic leaders in Congress who broke the system in the first place and who don't believe you should be able to make your own health care decisions.

(APPLAUSE)

I am very confident that if we empower the American people, we'll accomplish incredible things for our country, not just on health care, but all across our government. We will unlock new frontiers in science and in medicine.

We will give our children the right to attend the school of their choice, one where they will be taught to love this country and its values.

(APPLAUSE)

We will create millions and millions of new jobs by lowering taxes on our businesses and, very importantly, for our workers. We're going to lower taxes.

(APPLAUSE)

Big (ph).

(APPLAUSE)

And we will fight for the right of every American child to grow up in a safe neighborhood, attend a great school, and to graduate with access to a high-paying job that they love doing.

(APPLAUSE)

No matter background (ph), no matter our income, no matter our geography, we all share the same home. We all salute the same flag. And we all are made by the same God.

(APPLAUSE)

AUDIENCE: USA! USA! USA!

TRUMP: It's time to embrace our glorious American destiny. Anything we can dream for our country, we can achieve for our country. All we have to do is tap into that American pride that is swelling our hearts and stirring our souls and we found that out very recently in our last election. A lot of pride.

(APPLAUSE) We are all Americans and the future truly belongs to us. The future belongs to all of you. This is your moment. This is your time. This is the hour when history is made. All we have to do is put our own citizens first and, together, we will make America strong again.

(APPLAUSE)

We will make America wealthy again.

(APPLAUSE)

We will make America proud again.

(APPLAUSE)

We will make America safe again.

(APPLAUSE)

And we will make America great again.

(APPLAUSE)

Thank you. God bless you. Thank you.

(APPLAUSE)

God bless you, everybody.

The Fix • Analysis

Donald Trump's explanation of his wire-tapping tweets will shock and amaze you

By **Chris Cillizza** March 16

Donald Trump sat down with Fox News's Tucker Carlson on Thursday night to chat about his first two months in office. The two talked about Trump's recently-released 2005 tax returns, how he uses Twitter and, well, a lot of other random stuff. Using [Genius](#), I annotated it. You can too! Sign up for [Genius](#) and annotate alongside me! To see an annotation, click or tap the highlighted part of the transcript.

TUCKER CARLSON, FOX NEWS HOST: Mr. President, thanks for joining us.

DONALD TRUMP, PRESIDENT OF THE UNITED STATES: Thank you.

CARLSON: So last night, your tax return from 2005, the first two pages, appeared, and the reporter who got it, he said in his mailbox, said that the front of it is stamped client copy, and he suggested that it did not come from the IRS, but that it was leaked to him potentially by someone in the White House, wasn't it?

TRUMP: Well certainly not from the White House. That, I can tell you. I don't know where they got it. This guy's been following me for 25 years. He's -- he's not much. And I don't know, I have no idea where they got it, but it's illegal, and you're not supposed to have it, and it's not supposed to be leaked. And it's certainly not an embarrassing tax return at all, but it's an illegal thing. They've been doing it, they've done it before, and I think it's a disgrace.

CARLSON: So it showed that you paid about a little less than 25 percent federal taxes on your income that year, which was more than a lot of people, but it's still less than the 40 percent that wage earners, people do investments (ph) would be paying. Is it fair to have a tax system -- I know you're doing tax reform soon -- where wage earners pay twice the tax that investors do?

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TRUMP: Well I actually paid less than that, and it is not fair, because the income was actually \$250 million for the year, and if you notice, there was about \$100 million in tax deductions and depreciation and various other charges. So actually the income was at the 250 level, and if you look at it, it's really a lower number, and no, I don't think it's fair. And I've been complaining about it for a long time.

Because I don't care about me anymore. I care about the people out there. Me, I'm very satisfied. I'm not going to go back into building major buildings someday. I'm not going to be doing what I used to do, and used to have a good time doing it. This is what I'm doing now, and I'm saving a lot of money. On the airplanes, I saved \$725 million, probably took me a half an hour if you added up all of the times. And we've saved a tremendous amount of money in government already, and that's just the beginning.

I will tell you, the tax -- people are paying too high a tax. And one of the reasons I want to get the healthcare taken care of -- and it has to come statutorily and for other reasons, various complex reasons, having to do with politics, and also Congress -- it has to come first. It really has to come first. One of the reasons I want to get it finished, ideally soon, is because I want to start on the taxes. People are paying too high, companies are paying too high, it's affecting our jobs, it's affecting a lot of things.

Now with that being said, the country's doing, right now, really well. The level of optimism is up highest it's been in 15 years. You see the kind of numbers coming out, it's amazing the enthusiasm. I saw it this morning on "Fox And Friends", I watch -- I like that group of three people. But they had a man who was saying, Trump is the greatest president ever and there will never be one like him.

Now, the thing is, I've only been there for like 50 days. But he was very enthusiastic. But he was talking -- he's a manufacturer. And I've taken off regulations by the thousands, and we're just starting. We're just starting. So there's great optimism about the economy, but we have to get the taxes reduced.

CARLSON: But you want to start -- and you can imagine a system where I think federal top is a little less than 40 percent. Obviously taxes at the top on capital are 20, but you'd like to see them at parity?

TRUMP: It has to go down. Well, it's going to go -- first of all, it's going to go way down for the middle class. It's going to go way down for business. I'm going to try and get the 15 percent level if we can for the business. I think we'll probably be a little bit higher than that, but we're going to try and get the 15 percent level.

There's tremendous waste in this country. There's tremendous -- the bidding procedures in the country -- I'll give you an example. Medicine. I met with a man that I really liked, Elijah Cummings, Congressman. And he was in my office, and so passionate about prescription drugs, and drugs, the fact that they're so expensive in this country and so expensive for people, and I'm going to work and put in this bill, or shortly thereafter a new bill bidding for drugs and prescription drugs.

You go to Europe, they buy them for a fraction, from the same company, they buy them for a fraction of what they pay in the United States. Because we have a middle man system, and we have a lot of bad systems, but basically, we don't have a good bidding system, and we're going to get drug prices so far lower than they are now your head will spin.

CARLSON: So you said, in a subsequent bill -- let's talk about this bill. So it's been seven years since Obamacare passed, and Republicans have said the whole time, we're going to get rid of it, and we're going to give you something better. Are you satisfied with the bill we're now looking at that Paul Ryan is pushing is the best the Republicans could do after seven years of thinking about it?

TRUMP: I think we're going to have negotiation. But you have to understand, we only have 52. We only have two vote -- we have a two vote margin. And you're always -- to get 52 people is very hard. If we had 60 or 60 votes, we could do something differently. But we're never going to get a Democrat vote, they're never going to vote for us.

If I had the greatest bill in the history of the world, they would not vote for us, because they hate the Republicans, probably hate me, but they hate the Republicans so badly that they can't see straight. So they're always going to vote against us. It's really a shame.

CARLSON: Right.

TRUMP: Because -- and that's one of the problems that we have when people come into my office about lowering drug prices, lowering other things -- the Democrats are always going to vote against us. It's been simmering for years. The hatred has been there for years, not just with me. I mean the hatred has been there for years.

You know, when I was in Washington years ago, I'd come -- and Republicans, they'd fight with the Democrats during the day, and then you'd see them out to dinner at a restaurant together, their families would be out, I mean, they got along. The hatred is so incredible. And it, honestly, it's been like that for a long time. It's been like that through the Obama years. It's been like that, to a large extent, through the Bush years.

But, if we had 60 votes, perhaps we'd do it a different way. But the only way you're going to get it passed is with Republican votes, because the Democrats -- no matter how bad Obamacare is, and it's the worst anybody's ever seen, it's a disaster -- Obamacare is a disaster. The premiums are going up at numbers as high as 116 percent. And by the way, this year will be the

Obamacare is imploding, it's a disaster, and the Democrats know that. If we had the greatest healthcare bill ever in history and we needed eight votes from the Democrats to get us up to the 60 number that you would need, they wouldn't vote for it. It's a very selfish thing. They're doing a very, very bad disservice to the country.

CARLSON: This bill has, as one of its centerpieces, a tax cut for investors that would primarily benefit people making over \$250,000 a year. Already done pretty well in the past 10 years, as you know. A Bloomberg analysis showed that counties that voted for you, middle class and working class counties, would do far less well under this bill than the counties that voted for Hillary, the more affluent counties.

TRUMP: Oh, I know. I know.

CARLSON: It seems like --

TRUMP: It's very preliminary, Tucker.

CARLSON: -- maybe this isn't consistent with the message of the last election.

TRUMP: No. A lot of things aren't consistent. But these are going to be negotiated. We've got to go to the Senate. We're going to see what happens in the Senate. Right now, we have five or six senators that look like maybe they're not going to -- I'm talking about Republicans, because we're not going to get one Democrat to vote for it.

Again, if this bill were perfect, if it was the greatest thing for Democrats and Republicans, we wouldn't get one Democrat vote. They're going to vote against it. Because of selfish, because of stupidity, because it's politics -- it's really bad for our country, what's going on. What's going on for years, but it's really bad for our country. We will take care of our people or I'm not signing it, OK, just so you understand. This is very preliminary.

CARLSON: Are you confident that Paul Ryan -- I mean, doesn't seem like you agree on economics or foreign policy or social policy. Are you confident that you share enough in common that he can -- he's on board with your interests?

TRUMP: I think he is on board with the American people. I do believe that strongly. I think he is on board with my presidency. I think he wants to make it very successful. I like him. We had our run ins, as you probably have heard, initially. But I think he is very much -- he wants to do the right thing. That I believe 100 percent. We're going to take care of the people.

And by the way, if we're not going to take care of the people, I'm not signing anything. I'm not going to be doing it, just so you understand.

CARLSON: Right.

TRUMP: I'm, in a little way, I'm an arbitrator. We have the conservatives, we have the more liberal side of the Republican Party, we have the left, we have the right within the Republicans themselves, we got a lot of fighting going on, we have no Democrats, again, no matter what we do, we're never going to get a Democrat. Maybe we'll get one along the way.

Now, if we could get, and the one thing they don't add is phase three, because phase three makes a lot of things very good -- but if we could get some Democrat vote, we could change the bill. We could have it different. We could have a repeal, which really, essentially we have anyway. But we could have a specific repeal. But we're not going to get any Democrats, no matter what we do. Doesn't matter what we do. We're not going to get --

For phase three, we're going to get some Democrats, I believe. Because phase three, there will be incentives added, and there are so many good things, including that's where I'm going to put the bidding for medicine. I'm going to put that, I want them to put that in phase three. Phase three is a part of it. You have phase one, which you know about. You have phase two, which is really not a phase. That's where our secretary, who's a terrific guy, by the way, Tom Price -- is going to sign away. He's going to sign his heart away, and he's going to get rid of those horrible things that have been signed over the years.

And then phase three, a lot of the goodies are added in, and we're going to add now in medicine. We think we're going to be able to do that, or I'm going to have a separate bill for the bidding of medicine. We're going to bring the cost of medicine way down, prescription drugs and drugs.

CARLSON: So on March 4, 6:35 in the morning, you're down in Florida, and you tweet, the former administration wiretapped me, surveilled me, at Trump Tower during the last election. How did you find out? You said, I just found out. How did you learn that?

TRUMP: Well, I've been reading about things. I read in, I think it was January 20 a "New York Times" article where they were talking about wiretapping. There was an article, I think they used that exact term. I read other things. I watched your friend Bret Baier the day previous where he was talking about certain very complex sets of things happening, and wiretapping. I said, wait a minute, there's a lot of wiretapping being talked about. I've been seeing a lot of things.

Now, for the most part, I'm not going to discuss it, because we have it before the committee and we will be submitting things before the committee very soon that hasn't been submitted as of yet. But it's potentially a very serious situation.

CARLSON: So, 51,000 people retweeted that. So a lot of people thought that was plausible, they believe you, you're the President -- you're in charge of the agencies. Every intelligence agency reports to you. Why not immediately go to them and gather evidence to support that?

TRUMP: Because I don't want to do anything that's going to violate any strength of an agency. We have enough problems.

And by the way, with the CIA, I just want people to know, the CIA was hacked, and a lot of things taken -- that was during the Obama years. That was not during us. That was during the Obama situation. Mike Pompeo is there now doing a fantastic job.

But, we will be submitting certain things and I will be perhaps speaking about this next week, but it's right now before the committee, and I think I want to leave it. I have a lot of confidence in the committee.

CARLSON: Why not wait to tweet about it until you can prove it? Don't you devalue your words when you can't provide evidence?

TRUMP: Well, because "The New York Times" wrote about it. Not that I respect "The New York Times". I call it the failing "New York Times". But they did write on January 20 using the word wiretap. Other people have come out with --

CARLSON: Right, but you're the President. You have the ability to gather all the evidence you want.

TRUMP: I do. I do. But I think that frankly we have a lot right now. And I think if you watch -- if you watched the Bret Baier and what he was saying and what he was talking about and how he mentioned the word wiretap, you would feel very confident that you could mention the name. He mentioned it. And other people have mentioned it. But if you take a look at some of the things written about wiretapping and eavesdropping --

And don't forget, when I say wiretapping, those words were in quotes. That really covers, because wiretapping is pretty old fashioned stuff. But that really covers surveillance and many other things. And nobody ever talks about the fact that it was in quotes, but that's a very important thing.

But wiretap covers a lot of different things. I think you're going to find some very interesting items coming to the forefront over the next two weeks.

CARLSON: Do you talk to anyone before you tweet? And is there anyone in the White House who can say to you, Mr. President, please don't tweet that, who you would listen to?

TRUMP: Well, let me tell you about Twitter. I think that maybe I wouldn't be here if it wasn't for Twitter, because I get such a fake press, such a dishonest press. I mean, if you look at -- and I'm not including Fox, because I think Fox has been fair to me, but if you look at CNN and if you look at these other networks, NBC -- I made a fortune for NBC with "The Apprentice". I had a top show where they were doing horribly, and I had one of the most successful reality shows of all time. I made -- and I was on 14 seasons. And you see what happened when I'm not on. You saw what happened to the show was a disaster. I was on -- I was very good to NBC, and I -- they are despicable. They're despicable in their coverage.

CBS, ABC, you take a look at what's going on -- I call it the fake press, the fake media. It is a disgrace what's happening. So, let me just tell you --

CARLSON: But then they say to you, but you're -- I mean, as you know, the response -- look, so you had this big speech to the joint session on Tuesday. You had great press all week, bipartisan, and then you let off this tweet, and immediately, people say --

CARLSON: You can't back up what you say.

TRUMP: Excuse me. I had a very successful night. Joint session, it was very successful. I got reviews even from people that I would never think I was going to get good reviews. I got great reviews. And then all of a sudden they came up with a new dialogue in order to kill that. So that speech was hot for about two or three hours after the speech was made, because they came up with other things, having to do with other people, that they shouldn't have been able to do and they shouldn't have done, but they did it. And you know exactly what I'm talking about.

So the news is not honest. Much of the news. It's not honest. And when I have close to 100 million people watching me on Twitter, including Facebook, including all of the Instagram, including POTUS, including lots of things -- but we have -- I guess pretty close to 100 million people. I have my own form of media. So if I tweet two or three or four or five times a day, and if most of them are good -- and I really want them all to be good -- but if I make one mistake in a month -- this one, I don't think is going to prove to be a mistake at all.

CARLSON: Do you think it's OK to make -- the counterargument, even from people who support you, who say look, I support Donald Trump, I believe what he believes, and I want him to succeed badly, but if the President says something that cannot be proved or is demonstrably untrue, he devalues his own currency.

TRUMP: Let's see whether or not I proved it. You looked at some proof. I mean, let's see whether or not I prove it. I just don't choose to do it right now. I choose to do it before the committee, and maybe I'll do it before the committee. Maybe I'll do it before I see the result of the committee. But I think we have some very good stuff. And we're in the process of putting it together, and I think it's going to be very demonstrative. But just on Twitter, if I don't do that, I won't get my word out. Because when I tell -- when I say things, the press doesn't cover it accurately. They cover it very inaccurately. Much of the press.

Some of the press -- by the way, some of the finest people I know are reporters. Reporters are wonderful. I'm talking about the fake media, the fake news. And there's a lot of fake news. So if I'm not going to -- if they're not going to do me the honor and the public the honor of spreading my word accurately as it was meant, and you know exactly what I'm talking about, because there's been nobody in history that got more dishonest media than I've gotten. You look at some of the stories in "The New York Times". You look at some of the stories in "The Washington Post". Take a look at what's going on with CBS and NBC in particular and ABC -- take a look at CNN. It's a complete hit job. No matter what you do, no matter how good -- no matter how great it is, they don't report it in a positive fashion.

So, when I can reach, whether it's 90 million or 100 million or 80 million, however many people it may turn out to be, when you add everything up -- and then of course it gets disseminated from there, when I can reach that many people, Twitter is a wonderful thing for me, because I get the word out.

CARLSON: Does it ever go through any kind of mediator --

CARLSON: Do you show your staff and --

TRUMP: Sometimes I'll have something and I'll say, what do you think about this? A lot of times, my staff comes to me and they say, could you do a tweet on this or that? Because it's not being shown correctly. I mean, they'll come to me a lot and they'll say, could you do -- I probably wouldn't be here -- I'm not talking about Twitter, because it's really Twitter, Facebook, and lots of other things, OK. But I might not be here talking to you right now as President if I didn't have an honest way of getting the word out.

CARLSON: Last question. European nationalism, obviously, is flowering, and a lot of it is about immigration and culture. Do you think it's possible to move a large Muslim population into the West and successfully integrate them into Western culture? Have you seen that anywhere?

TRUMP: Well, it's not easy. And it certainly hasn't been easy. You look at Germany, you know, I took a lot of heat over Sweden and then the next day they had this massive riot and now nobody talks about it. It certainly has not proven to be easy.

At the same time --

CARLSON: Could we do it here?

TRUMP: Well, they've been trying, and we'll let you know. The assimilation has been very, very hard. It's been a very, very difficult process. I want this country to be safe. I want this country to be great. And it's called make America great again. That's where I got elected. I want people that love our country. And many Muslims do. Many, many Muslims do. But it has been a hard process.

If you look at Germany, what's happened. If you look at Sweden, what's happened. If you look at Brussels, take a look at Brussels, I mean look what's going on. Take a look at so many other places. It has been a very hard process. We are going to try very, very hard to make it work.

CARLSON: Mr. President, thanks.

TRUMP: Thank you very much.

U.S.

Amid ‘Trump Effect’ Fear, 40% of Colleges See Dip in Foreign Applicants

By STEPHANIE SAUL MARCH 16, 2017

The president of Portland State University, Wim Wiewel, met last week with 10 prospective students in Hyderabad, India. But what started as a get-acquainted visit quickly turned into more of a counseling session, as the students expressed fears about coming to the United States this fall.

One student, who is Muslim, said his father was worried that America had an anti-Muslim attitude, Mr. Wiewel recounted. “Several others said they were concerned about the ‘Trump effect,’” he said in an email.

“I’d say the rhetoric and actual executive orders are definitely having a chilling effect,” Mr. Wiewel wrote, referring to the Trump administration’s travel ban.

Like many universities across the country, the Oregon university is getting fewer international applications.

Nearly 40 percent of colleges are reporting overall declines in applications from international students, according to a survey of 250 college and universities, released this week by the American Association of Collegiate Registrars and Admissions Officers. The biggest decline is in applications from the Middle East.

Many officials cited worries among prospective students about Trump administration immigration policies. “International student recruitment professionals report a great deal of concern from students all over the globe,” the study said.

On Wednesday, the federal judge in Hawaii who blocked the latest version of the administration’s travel ban cited the financial harm the executive order posed to the state’s university system, which recruits students and hires faculty members from the six target countries. (Washington State officials raised similar concerns in successfully challenging the first travel ban.)

Graduate schools appear to be feeling the worst pinch, with nearly half reporting drops. “Our deans describe it as a chilling effect,” said Suzanne Ortega, president of the Council of Graduate Schools.

The numbers — while not yet final — are provoking anxiety in some programs that rely on international students, who bring more than \$32 billion a year into the United States economy. International enrollment at American colleges has been on the rise over the past decade, and for the first time exceeded one million students last year.

Still, despite the steady increase, the movement of students from one country to another is sensitive to fluctuations tied to political and economic forces. So some officials cautioned that a “Trump effect’ is just one possible explanation for this year’s application figures. Beyond that, many schools, including New York University, the University of Southern California and Northeastern University, reported that their international numbers are up. Purdue University reported a 1.2 percent decline in graduate school applications.

Mr. Wiewel made his trip to Hyderabad not long after residents of the city held funeral services for a young Indian man who was killed in a bar in Olathe, Kan., where he worked as an engineer. The shooting is being investigated as a hate crime.

Mr. Wiewel reassured the students — all admitted to Portland State’s graduate engineering program — that his university’s environment was safe and welcoming. He was a bit surprised by their concerns, he said, because students he visited earlier

in New Delhi and Bangalore had been more anxious about financing their graduate studies, apparently a reaction to India's recent currency shortage. Other economic factors may also be involved in the application declines, Ms. Ortega said, including crude oil prices in Saudi Arabia.

Also at play: uncertainty about the future of a visa program called H-1B that international graduates frequently rely on to remain in the United States to work.

For several graduate schools, the Trump administration's travel ban, which initially affected seven predominantly Muslim countries, could not have been more poorly timed. It was announced in late January as deadlines loomed for applications to some graduate programs, and it came on the heels of Mr. Trump's virulently anti-immigrant rhetoric during the campaign.

Slumping graduate school applications can now be seen at universities ranging from giant Big Ten public universities like Ohio State and Indiana University to regional programs such as Portland State, with just over 27,000 students, including more than 1,900 international students.

At Indiana University, international applications for undergraduate programs increased 6 percent, but graduate applications for some programs are posting big drops, said David Zaret, vice president for international affairs.

Mr. Zaret said international applications to the masters program in business were down 20 percent, and down 30 percent in both the master of law program and at the School of Informatics and Computing. The university will not have problems filling the programs, but the drop might affect the overall quality of the applicant pool, he said.

Ohio State has also seen an increase in international undergraduate applications but a significant overall drop — 8.4 percent — in international applicants to its graduate programs, a university spokesman, Chris Davey, said. The biggest decline was among students from China — a fact Mr. Davey said did not support the "Trump effect" theory. In 2016, he said, there were 2,412 graduate applications from China; this year the number was down to 1,952.

“We’re inclined to say that the overarching factors that might be influencing this are probably global economic factors and it would be premature to conclude that it’s the travel ban,” Mr. Davey said. “But it certainly could be.”

Because application deadlines at several larger colleges had passed before Mr. Trump’s travel ban was announced, some universities are more worried about the “yield” — the number of students offered admission who end up enrolling, said Frances Leslie, vice provost for the graduate division at the University of California, Irvine.

Applications at Irvine are not down, but students have expressed concerned about coming to the United States, Ms. Leslie said. “We’re hearing from students, even beyond the seven countries, expressing concern,” Ms. Leslie said, referring to Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen, which were singled out in the first travel ban. “This year, even when students are admitted, they may not be willing to accept the offers.”

The university will not have those numbers until April 15, a national deadline for students to make a decision.

At Portland State, where undergraduate international applications are up 4 percent but international graduate applications are down 15 percent, the vice provost for international affairs, Margaret Everett, said she had heard recently from a Chinese student who canceled his application, citing the political climate.

“Obviously we’re concerned about the climate and the rhetoric and the administration policies and travel ban,” Ms. Everett said.

A version of this article appears in print on March 17, 2017, on Page A12 of the New York edition with the headline: In a Survey, 40% of Colleges Report a Drop in Foreign Applicants.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

STATE OF HAWAII, and ISMAIL
ELSHIKH,

Plaintiffs,

v.

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

Defendants.

Civil No. 17-00050-DKW-KSC

CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below,
a true and correct copy of the Declaration of Neal K. Katyal in Support of
Plaintiffs' Motion to Convert Temporary Restraining Order to a Preliminary
Injunction was served on the following at their last known addresses:
**Served Electronically through CM/ECF on March 21, 2017, on counsel for all
amicus parties of record and the following:**

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DATED: Washington, D.C., March 21, 2017.

Respectfully submitted,

/s/ Neal K. Katyal

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