

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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<b>JAMES MADISON PROJECT, <i>et al.</i>,</b>	)	)	
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<b>Plaintiffs,</b>	)	)	
	)	)	
<b>v.</b>	)	<b>No. 1:17-cv-00144-APM</b>	
	)	)	
<b>DEPARTMENT OF JUSTICE, <i>et al.</i>,</b>	)	)	
	)	)	
<b>Defendants.</b>	)	)	
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**DEFENDANTS’ SUPPLEMENTAL SUBMISSION AND FURTHER RESPONSE TO  
PLAINTIFFS’ POST-BRIEFING NOTICES**

**PRELIMINARY STATEMENT**

The Court has asked defendants Office of the Director of National Intelligence (ODNI), Central Intelligence Agency (CIA), Department of Defense, and Department of Justice to provide “insight on . . . the President’s tweets and what they are, how official they are, are they statements of the White House and the President.” Stat. Conf. Tr. at 6:8-10 (Nov. 2, 2017). When it made its request, the Court referred to the argument in the “final pleading” of plaintiffs James Madison Project and Josh Gerstein “that we just can’t dismiss these tweets out of hand.” *Id.* at 6:11-12.

Going beyond the argument in their “final pleading,” plaintiffs have filed several post-briefing “notices” asserting that the President and the White House Press Secretary have disclosed in five recent statements, including three that are not tweets, that ODNI, the CIA, the National Security Agency (NSA), or the Federal Bureau of Investigation (FBI) has made a final determination as to the veracity of one or more of the factual allegations allegedly contained in the two-page synopsis of the so-called dossier. ECF No. 23 at 1-2; ECF No. 24 at 1-2; ECF No.

26 at 3; ECF No. 27 at 1-2. Plaintiffs argue on the basis of that assertion that ODNI, CIA, NSA, and the FBI have waived the *Glomar* responses they have provided to Items 2 and 3 of plaintiffs' request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.<sup>1</sup> *See id.*

Plaintiffs' argument is without merit. The government is treating the statements upon which plaintiffs rely as official statements of the President of the United States, but nothing in the statements states or even implies that ODNI, the CIA, NSA, or the FBI has made a final determination as to the veracity of any factual allegation allegedly contained in the two-page synopsis. That fact is dispositive because an official statement cannot waive a *Glomar* response unless the information disclosed matches exactly the information requested. Neither the President nor the White House Press Secretary has disclosed the basis for any of the statements that he or she has made about the so-called dossier. Plaintiffs complain, in fact, that the President has not done so. Nothing in the statements upon which plaintiffs rely thus constitutes a waiver of the *Glomar* responses of ODNI, the CIA, NSA, or the FBI to Items 2 and 3 of plaintiffs' FOIA request.

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<sup>1</sup> Directed to ODNI, the CIA, NSA, and the FBI, Items 2 and 3 of plaintiffs' request seeks "final determinations regarding the accuracy (or lack thereof) of any of the individual factual claims listed in the two page synopsis" and "investigative files relied upon in reaching the final determinations referenced in category #2." ECF No. 7 ¶ 14. The two-page synopsis has not been produced to plaintiffs and plaintiffs do not challenge its withholding pursuant to FOIA Exemptions 1 and 3.

## FACTUAL BACKGROUND

The five statements to which plaintiffs point in arguing that the *Glomar* responses of ODNI, the CIA, NSA, and the FBI to Items 2 and 3 of plaintiffs' request have been waived are the following:

1. A tweet of October 19, 2017, in which the President said: "Workers of firm involved with the discredited and Fake Dossier take the Fifth. Who paid for it, Russia, the FBI or the Dems (or all)?" ECF No. 25-4.<sup>2</sup>

2. A tweet of October 21, 2017, in which the President said: "Officials behind the now discredited 'Dossier' plead the Fifth. Justice Department and/or FBI should immediately release who paid for it." ECF No. 25-5.

3. An October 21, 2017, interview conducted by Lou Dobbs of Fox Business. Ex. A at 1.<sup>3</sup> Asked during the interview to comment on "efforts by the Hillary Clinton campaign and the Democratic National Committee (DNC) to fund research in [an] attempt to smear his presidential campaign," the President said:

Don't forget Hillary Clinton totally denied this. She didn't know anything. She knew nothing. All of a sudden they found out. What I was amazed at, it's almost \$6 million that they paid and it's totally discredited, it's a total phony. I call it fake news. It's disgraceful. It's disgraceful.

*Id.*

4. An October 31, 2017 press briefing during which the White House Press Secretary was asked to provide a "definition of collusion" that would explain her view that "Trump didn't

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<sup>2</sup> All of the tweets to which plaintiffs refer are from @realDonaldTrump, the personal Twitter account President Trump established in 2009 and continues to use to tweet about a variety of topics.

<sup>3</sup> References to exhibits are to the exhibits to this memorandum.

collude [with the Russians] but Hillary did.” Ex. B at 9. Her response was: “I think the exchanging [of] millions of dollars to create false information is a pretty big indication.” *Id.*

5. An interview of the President, broadcast on November 5, 2017, during which he was asked by Sharyl Atkisson to respond to revelations that “the Hillary Clinton campaign . . . funded that so-called dossier.” Ex. C at 2. His response included the following:

[W]hen you look at that horrible dossier which is a total phony fake deal like so much of the news that I read when you look at that and take a look at what’s gone on with that and the kind of money we’re talking about it is a disgrace.

*Id.*

## ARGUMENT

### **NOTHING IN THE STATEMENTS UPON WHICH PLAINTIFFS RELY CONSTITUTES A WAIVER OF THE *GLOMAR* RESPONSES OF ODNI, THE CIA, NSA, OR THE FBI TO ITEMS 2 AND 3 OF PLAINTIFFS’ FOIA REQUEST.**

The Court has asked, broadly, about the official status of the President’s tweets. *See* Stat. Conf. Tr. at 6: 8-10 (asking the parties to “provide insight on . . . the President’s tweets and what they are, how official they are, are they statements of the White House and the President”). In answer to the Court’s question, the government is treating the President’s statements to which plaintiffs point – whether by tweet, speech or interview – as official statements of the President of the United States. The key point, however, is that, regardless of the medium, none of those statements matches the information plaintiff is seeking. Accordingly, the statements cannot constitute a waiver of the *Glomar* responses that ODNI, the CIA, NSA, and the FBI have provided to Items 2 and 3 of plaintiffs’ request

“[L]ike other information withheld pursuant to an exemption, an agency can waive a *Glomar* response through official acknowledgment.” *Mobley v. CIA*, 806 F.3d 568, 584 (D.C. Cir. 2015). “An agency’s official acknowledgment of information by prior disclosure . . . cannot be based,” however, “on mere public speculation, no matter how widespread.” *Wolf v. CIA*, 473

F.3d 370, 378 (D.C. Cir. 2007). “[A] strict test [thus] applies to claims of official disclosure.” *Moore v. CIA*, 666 F.3d 1330, 1333 (D.C. Cir. 2011) (quoting *Wilson v. CIA*, 586 F.3d 171, 186 (2d Cir. 2009)). This test requires the plaintiff to show that “the information requested [is] as specific as the information previously released . . . match[es] the information previously disclosed . . . and . . . [has] already . . . been made public through an official and documented disclosure.” *Id.* (quoting *ACLU v. Dep’t of Def.*, 628 F.3d 612, 620-21 (D.C. Cir. 2011)); accord *ACLU v. Dep’t of Justice*, 640 F. App’x 9, 11 (D.C. Cir. 2016); *Mobley*, 806 F.3d at 583 (D.C. Cir. 2015); *Wolf*, 473 F.3d at 378; *Pub. Citizen v. Dep’t of State*, 11 F.3d 198, 202 (D.C. Cir. 1993); *Krikorian v. Dep’t of State*, 984 F.2d 461, 467-68 (D.C. Cir. 1993); *Fitzgibbon v. CIA*, 911 F.2d 755, 765 (D.C. Cir. 1990).

None of the statements upon which plaintiffs rely identifies information provided by ODNI, the CIA, NSA, or the FBI as the basis for the assertions contained in the statements that the so-called dossier is “discredited,” “phony,” “fake,” or “false.” No “match” therefore exists between anything disclosed in the statements and the information plaintiffs seek in Items 2 and 3 of their FOIA request. *See Moore*, 666 F.3d at 1333 (quoting *ACLU*, 628 F.3d at 620). The Court cannot assume that the President was expressing a view based on “some knowledge and understanding” *provided by these agencies*. Stat. Conf. Tr. at 6:17-18. No waiver of the *Glomar* responses of ODNI, the CIA, NSA, or the FBI to Items 2 and 3 may therefore be inferred from any of the statements.

*ACLU v. CIA*, 710 F.3d 422 (D.C. Cir. 2013), which the Court referred to at the status conference, does not suggest otherwise.<sup>4</sup> *See Stat. Conf. Tr.* at 7:17-21. The court found in

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<sup>4</sup> The Court asked whether a Presidential tweet is “the equivalent of” the “public statements and speeches” at issue in *ACLU v. CIA*. Stat. Conf. Tr. at 7:17-21. The answer is that a tweet can be

*ACLU* that the CIA’s broad *Glomar* response to a request for ten categories of documents pertaining to drone strikes generally, and not merely to the CIA, was not “logical” or “plausible” due to official acknowledgments by the President and others that the United States engages in targeted strikes using drones. 710 F.3d at 431. The court did not purport to deviate from its long-standing doctrine on the official acknowledgment of information. Using the standard instead for evaluating the validity of withholdings under FOIA exemptions, the court said: “The question before us, then, is whether it is ‘logical or plausible[.]’ . . . for the CIA to contend that it would reveal something not already officially acknowledged to say that the Agency ‘at least has an intelligence interest’ in such strikes.” *Id.* at 429 (quoting *Wolf*, 473 F.3d at 375). The portion of *Wolf* on which the court expressly relied was a discussion of Exemption One, and whether it met the “logical and plausible” standard by which courts normally evaluate that exemption.

The “‘logical’ or ‘plausible’” standard has never been the standard for the official acknowledgment of information. Although the court was less than precise in *ACLU*, it has subsequently reiterated its adherence to the traditional standard. It did so, in fact, in a later appeal in the same case. Stating that “[t]his circuit applies a three-part test to determine when an agency has ‘officially acknowledged’ requested information,” the court said:

This test is quite strict. “Prior disclosure of similar information does not suffice; instead, the *specific* information sought by the plaintiff must already be in the public domain by official disclosure.” This court has explained that this “insistence on exactitude recognizes the Government’s vital interest in information relating to national security and foreign affairs.” In each case where a FOIA requester contends that an agency has acknowledged information it seeks to withhold, the burden is on the requester to point to specific information in the public domain that “appears to duplicate that being withheld.”

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the equivalent of a public statement or speech, but the medium is not determinative. The significance of any statement, regardless of the medium, will depend on its substance.

*ACLU v. DOJ*, 640 F. App'x 9, 11 (D.C. Cir. 2016) (quoting *Wolf*, 473 F.3d at 378) (citations omitted).

Nor would *ACLU* be apposite even assuming, *arguendo*, that it had any applicability beyond its facts. Plaintiffs concede that President Trump may have “issued his tweets based strictly and exclusively upon his own personal knowledge independent of what he has learned as President of the United States, as well as what he may have seen on cable television.” ECF No. 26 at 2. Plaintiffs thereby concede that the characterization of the so-called dossier as something that is “discredited,” “phony,” “fake,” or “false” in the statements upon which they rely may be based on something other than information provided by ODNI, the CIA, NSA, or the FBI. None of those statements thus waives the *Glomar* responses provided by ODNI, the CIA, NSA, and the FBI to Items 2 and 3 of plaintiffs’ FOIA request.

Plaintiffs express dismay that the President has not identified the information that forms the basis for his views about the so-called dossier, *see* ECF No. 26 at 2-3, but plaintiffs are not entitled to clarification of what the President has chosen to say. The above *Glomar* responses should therefore be upheld.

### **CONCLUSION**

Defendants’ motion for summary judgment should be granted, and plaintiffs’ cross motion for summary judgment denied, for the reasons set forth above and for the other reasons presented by defendants.

Respectfully submitted,

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Deputy Director

*s/ David M. Glass*

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Dated: November 13, 2017

#### **CERTIFICATE OF SERVICE**

I hereby certify that on November 13, 2017, I served the within memorandum and the exhibits to the memorandum on all counsel of record by filing them with the Court by means of its ECF system.

*s/ David M. Glass*



*James Madison Project v. Dep't of Justice*  
No. 1:17-cv-00144-APM

Defendants' Supplemental Submission and  
Further Response to Plaintiffs' Post-Briefing  
Notices

Ex. A

**FOX BUSINESS**

# Trump EXCLUSIVE: President blasts Democrats' dirty dossier play, hints at Fed choice

By Henry Fernandez | Published October 25, 2017 | FOX Business

President Trump told FOX Business' Lou Dobbs on Wednesday that efforts by the Hillary Clinton campaign and the Democratic National Committee (DNC) to fund research in attempt to smear his presidential candidacy is "disgraceful."

"Don't forget Hillary Clinton totally denied this. She didn't know anything. She knew nothing. All of a sudden they found out. What I was amazed at, it's almost \$6 million that they paid and it's totally discredited, it's a total phony. I call it fake news. It's disgraceful. It's disgraceful, Trump said on "Lou Dobbs Tonight."

Hillary Clinton recently slammed new reports of her ties to Russia's nuclear energy deals, claiming the corruption allegations have been "debunked repeatedly."

The former secretary of state said on C-SPAN Monday that "It's the same baloney they've been peddling for years, and there's been no credible evidence by anyone."

Trump said the Clinton camp is now trying to backtrack from the dossier that contained allegations that the Russian government had collected compromising information about Trump and that the Kremlin was engaged in an active effort to assist his presidential campaign.

"It is very interesting. She denied it. Her own people denied it. Everybody and now they are sort of scooting around trying to figure out what to say," he said.

The House Intelligence Committee announced Tuesday it's joining the House Oversight Committee in investigating why the Obama administration approved the sale of Uranium One to Russia, giving Moscow control of 20% of U.S. uranium supply, despite a federal investigation that revealed Russian kickbacks and extortion.

"That's the real collusion, believe me. There was no collusion on my side, I can tell you that," Trump said.

According to the Washington Post, Marc E. Elias, an attorney representing the Clinton campaign and the DNC, retained the D.C.-based firm Fusion GPS to conduct opposition research that resulted in the infamous and controversial Trump dossier. The dossier contained allegations that the Russian government had collected compromising information about Trump and that the Kremlin was engaged in an active effort to assist his presidential campaign.

The president noted that the push to connect his 2016 campaign to Russia has always been an excuse by the Democrats for losing the election.

"When you hear the kind of money they spent, and when you see all of the things about [Tony] Podesta and you see all the relationships that they actually have with Russia," Trump said, referring to what he called Democratic efforts to link his campaign to Russia.

Special Counsel Robert Mueller is reportedly investigating the Democratic lobbying group led by Tony Podesta, brother of Hillary Clinton's campaign manager, John Podesta.

The president also continued to hedge on who might be the next Federal Reserve chair as the focus appears to be on Stanford University economics professor John Taylor and current Fed Governor Jerome Powell.

"I really have it down to two and maybe three people and I think over the next, very short period of time I will be announcing it. It won't be a shock," Trump said.

Trump expressed his admiration for current Fed Chair Janet Yellen but said the decision to select a new head of the central bank is something to which he would like to contribute.

“You like to make your own mark which is maybe one of the things she’s got a little bit against her, but I think she is terrific. We’ve had a great talk and we are obviously doing great together, you look at the markets,” Trump said.

**URL**

<http://www.foxbusiness.com/politics/2017/10/25/trump-exclusive-president-blasts-democrats-dirty-dossier-play-hints-at-fed-choice.html>

Quotes delayed at least 15 minutes. Real-time quotes provided by BATS BZX Real-Time Price. Market Data provided by Interactive Data (Terms & Conditions). Powered and Implemented by Interactive Data Managed Solutions. Company fundamental data provided by Morningstar. Earnings estimates data provided by Zacks. Mutual fund and ETF data provided by Lipper. Economic data provided by Econoday. Dow Jones & Company Terms & Conditions.

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*James Madison Project v. Dep't of Justice*  
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Defendants' Supplemental Submission and  
Further Response to Plaintiffs' Post-Briefing  
Notices

Ex. B

the WHITE HOUSE PRESIDENT DONALD J. TRUMP



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## The White House

Office of the Press Secretary

For Immediate Release

October 31, 2017

# Press Briefing by Press Secretary Sarah Sanders, 10/31/2017, #29

James S. Brady Press Briefing Room

2:37 P.M. EDT

MS. SANDERS: Good afternoon. Happy Halloween. I thought for sure I'd see some costumes today.

Q We're dressed as reporters.

MS. SANDERS: That's not nearly as exciting as what you could have come as, but we'll let it slide for today.

Today, I'm once again pleased to talk about the topic that we and, more importantly, the American people are all very excited about: tax cuts.

We're approaching the release of legislation based on the tax reform framework the President supports. Unfortunately, no matter how great the plan is for the hardworking families, Democrats are expected to criticize the tax cuts as they've done in recent years, putting partisan politics ahead of their constituents' pocketbooks.

While arguing over President Reagan's 1981 tax cuts, Democrats claimed it would only benefit the rich. The Democrat Speaker of the House at the time, Tip O'Neill, called them royal tax cuts, because he claimed they favored the wealthiest Americans.

What really happened was more than 14 million new jobs were created over five years; incomes grew by over 22 percent for the next seven years; and the economy grew by over 3.5 percent, on average, for the rest of the decade.

Some Democrats must have been paying attention to history, because as recently as last year, they publicly supported many of the principles for which the President is advocating today. That includes lowering the corporate tax rate, which is the highest among developed nations, so that our greatest businesses can be more competitive.

In fact, Presidents Obama and Clinton both advocated for cutting corporate tax rates. Senate Democrat Leader Chuck Schumer in the past called our tax system “upside down and inside out.” And last year, he actually admitted that cutting corporate taxes is “really important for American competitiveness.” Minority Leader Nancy Pelosi apparently agreed, because she said, “It is long past time for tax reform that would lower the corporate tax rate.”

The only thing that seems to have changed since then is who occupies the White House.

Since day one, the President has been committed to jumpstarting our economy and giving hardworking Americans the raise they deserve. Under the framework supported by the President, our economy will grow, businesses will invest back in

the country, and American workers will see their wages grow. In fact, the Council for Economic Advisers estimates that a typical, hardworking American family would get a \$4,000 pay raise.

So to Democrats in Congress, particularly those who would like to place American jobs and middle-class tax relief ahead of partisan politics, the question is very simple: Do you believe the Americans people deserve a pay raise?

We certainly do. And that's what we'll be focused on and fighting for. The choice is yours.

And with that, I'll take your questions.

Steve.

Q Sarah, where does the President stand on this tax deduction for state and local taxes? That seems to be in dispute up on the Hill.

MS. SANDERS: Look, we've laid out our priorities for the tax cut plan. Those haven't changed. The President is going to continue working with both the House and the Senate to push forward and make sure that the principles he laid out are achieved. And we haven't made any adjustments to that at this time.

Q But what about the mortgage interest deduction?

MS. SANDERS: Again, same point here: We haven't made any changes to the priorities that we've laid out. I'm not going to negotiate between you and I. But the President is going to be involved in ongoing conversations with members of both the House and Senate, and we've laid out what our priorities are and we're going to stick to those as we move forward.

Q Has it come up in the conversation with Speaker Ryan just now?

MS. SANDERS: They're still meeting now, and we'll have a readout on that meeting once it's completed.

Matthew.

Q Thanks, Sarah. A question on yesterday's Mueller news. President Trump's nominee to serve as chief science advisor over at the Agriculture Department is Sam Clovis, and Clovis was the campaign supervisor cited in that Papadopoulos plea. And his lawyer has since acknowledged that he was the one in that plea who

encouraged Papadopoulos in August 2016 to make a trip to Russia to meet with Russia officials about the campaign.

Given all that, is the President still comfortable with him, Sam Clovis, serving in the administration?

MS. SANDERS: I'm not aware that any change would be necessary at this time.

Q And on that note, is the administration aware of who the other three or four campaign individuals who were referenced in that Papadopoulos plea were? And are any serving in or advising the administration?

MS. SANDERS: I'm not aware of the specific individuals. What I can say is that I think Papadopoulos is an example of actually somebody doing the wrong thing while the President's campaign did the right thing.

All of his emails were voluntarily provided to the special counsel by the campaign, and that is what led to the process and the place that we're in right, was the campaign fully cooperating and helping with that.

What Papadopoulos did was lie, and that's on him, not on the campaign. And we can't speak for that.

Jon.

Q The Chief of Staff, John Kelly, said that this counsel investigation has been very distracting to the President. Can you elaborate on that? Is this affecting his ability to get the job done here?

MS. SANDERS: I don't think it's at all affecting his ability to get his job done. And that wasn't the point he was making. You guys seem completely obsessed with this, while there are a lot of other things happening around the country, and, frankly, a lot of other things that people care a lot more about. The media refuses to cover it, and I think that's the distraction, instead of the focus being constantly on tax cuts and tax reforms.

My guess is, if you look at the records, the questions that I take in here day out have far more to do with an investigation that, frankly, most Americans don't care too much about, and a whole lot less to do with policies that actually impact them.

Q Why are you so confident that the investigation won't go on much longer?

MS. SANDERS: Because we have confidence that it's going to come to a close in short time.

Glenn, go ahead. (Phone rings.) Glenn has got a call. Maybe he needed to phone a friend to get help with his question. (Laughter.)

Q Sarah --

MS. SANDERS: Glenn, I had more faith in you to be able to ask a question all by yourself, but --

Q The other thing that General Kelly said yesterday was in reference to General Lee, and he said that the Civil War was a result of a failure to compromise. Was he suggesting that there be compromise on the abolition of slavery? Can you expand on exactly what he was talking about?

MS. SANDERS: Look, all of our leaders have flaws -- Washington, Jefferson, JFK, Roosevelt, Kennedy. That doesn't diminish their contributions to our country, and it certainly can't erase them from our history. And General Kelly was simply making the point that just because history isn't perfect, it doesn't mean that it's not our history.

Q Let me follow up. You're a proud daughter of the South. When you see Nathan -- like a statue as they had in Memphis of somebody like Nathan Bedford Forrest, who was responsible for the Fort Pillow Massacre, and other folks like that, is there a differentiation? Do you think there are certain Confederate figures who don't deserved to be honored, like Nathan Bedford Forrest?

MS. SANDERS: Look, I don't think that we should sit here and debate every moment of history. I think those moments took place. There are moments that we're going to be a lot less proud of than others, but we can't erase the fact that they happened. I think you have to determine where that line is. The President has said that those are something that should be left up to state and local governments, and that's not who I'm here representing today, so I'm not going to get into the back and forth on it.

Jon.

Q Thanks a lot, Sarah. Just to follow up on what you said yesterday and what you have reiterated today about this investigation and your belief that it's going to be wrapping up soon. Yesterday, you said that, "Those are the indications that we have

at this time." From your point of view, is what you're saying wishful thinking? Is it spin? Are you getting leaked information that gives you that indication? Why do you continue to say that you believe that it is wrapping up soon?

MS. SANDERS: Again, that position has not changed, and we do think that it will wrap up soon. I didn't say it would be three or four days; I said soon. And we hope that that's the case, in large part because we know that the facts are on our side, there was no collusion. And we're looking forward to moving forward, and hoping that you guys can as well, and we can actually start talking about and focusing on some of the things that I mentioned to Jonathan that we feel the American people would rather the conversation be turned towards.

Jessica.

Q At the Papadopoulos hearing --

MS. SANDERS: Sorry, I'm going to keep moving.

Q I just want to ask you this one thing about one of the prosecutors that is on Bob Mueller's team. At the plea hearing for Mr. Papadopoulos last month, he hinted at the possibility of more to come in the investigation. He said the Mueller probe is "a large-scale, ongoing investigation of which this case" -- the Papadopoulos case -- "is a small part." So, given what he said, as an officer of the court, are you disagreeing with anything that he said in his remarks during that plea hearing?

MS. SANDERS: Maybe his reference is in looking more to come between the Democrats and the Clinton campaign, since I think if there's any evidence that we've seen to date, it's between them colluding with other foreign governments, certainly not from our side.

Jessica.

Q Sarah, I have one question about what the President said today, and then an Asia trip question, broadly. But the first question is: The President mentioned in the tax reform meeting there that he was going to be announcing "soon" some companies that are coming back to the United States. Can you either name them or give us the industry that we're talking about?

MS. SANDERS: You know I'm not going to get ahead of an announcement that the President is going to make. If he wasn't willing to tell you today, I'm certainly not going to step in and do it.

Q And then on the Asia trip, the speech that he's making at APEC is being billed as a theme for the trip as well as the Indo-Pacific. Does this administration see India as a pivotal part of your strategy when it comes to the Asia-Pacific more broadly?

MS. SANDERS: It certainly plays a big role, and General McMaster will be here later this week to discuss the trip in greater depth and more detail. And he'll be happy to address more of those questions at that time.

Q Sarah, the former White House strategist, Steve Bannon, is saying the administration should push back harder against Special Counsel Robert Mueller. Does the President support defunding the special counsel?

MS. SANDERS: No. And I'm not sure what we'd push back against since, so far, all they've done is come up with ways and shown more and more that there was no connection between the Trump campaign and collusion with Russia.

John.

Q Thank you, Sarah. Two questions, please. First, the President is quoted last year as calling Mr. Papadopoulos, and I quote, "a great guy." And today it was "a liar." And I wonder, just to kind of clear the air, how well did he actually know him? And was briefed by him often? Did he have frequent meetings? How well does he know this man?

MS. SANDERS: My understanding is the only interaction he ever had was the one meeting that the advisory council gathered together, where he was in a large group of other people in the room. And to my knowledge, that's the only interaction they ever had.

Again, this was a campaign volunteer. He wasn't somebody that was a senior advisor, as many of you want to bill him to be. He was somebody that played a minimal roll, if one at all, and was part of a voluntary advisory board. That's it.

Q And he only met the President -- candidate Trump, one time?

MS. SANDERS: That's my understanding, John. That's the only incident that we're aware of.

Q The other thing I wanted to ask was that a few weeks ago, when the President sent out Twitters about the media, he suggested that equal time be applied. Now, to many people, that was a euphemism for the Fairness Doctrine, something that

President Ronald Reagan helped eliminate and which Democrats, such as Leader Pelosi, have tried to revive. Is he seriously in favor of reviving the Fairness Doctrine? And I might add that its premier opponent of revival was a young congressman named Mike Pence.

MS. SANDERS: I don't know that he's into the deep weeds of the Fairness Doctrine, but I know he certainly believes in fairness. And I think that he would like to see that applied, certainly, to his administration in a way that it probably hasn't been so far.

Charlie.

Q The President -- sorry, Republican Senate candidate Roy Moore is on Capitol Hill today. Does the President have plans to meet with him at any point today or this week before he leaves for Asia?

MS. SANDERS: No, there's no planned meetings at this time.

Q Sarah, there is still a lot to be negotiated on taxes -- SALT, which was just brought up; possible phasing in of the corporation rate, just to name a couple. When the tax bill -- whatever of it -- is released tomorrow, will the President wholeheartedly endorse this as his plan?

MS. SANDERS: As of right now, we see no reason to feel otherwise. But until we see the details of that, I'm not going to speculate on where we are. We've laid out what our principles are, and we expect that that piece of legislation to reflect those principle. If it does, you'll certainly see the administration come in with full-throated support.

Q And lastly, on the Fed -- I know you're not going to give us a name. I'm not asking you to give us a name.

MS. SANDERS: But what if I did, wouldn't it be fun? (Laughter.)

Q Then we would love the name.

Q Come on --

MS. SANDERS: That's the most excitement we've ever gotten out of this room. (Laughter.) Sorry.

Q If you want to give us a name, we will take it. If not, my simple question is: Has the President made his decision, or is he still debating it?

MS. SANDERS: I can tell you that it's not Major Garrett. (Laughter.) But beyond that, I don't have anything to weigh in on.

go ahead.

Q President Trump, during the campaign, repeatedly castigated Hillary Clinton for not coming forward and coming clean when she got debate questions ahead of the debates. Why didn't anyone in the Trump campaign, including his son, come forward when there were solicitations from Russian agents to provide dirt on his opponent?

MS. SANDERS: I'm not sure how those two things are even remotely related, so I couldn't begin to figure out how to answer that question.

Q I'm just getting to the sense of the proactive duty to come clean when there is an ethical question. And is the President upset that people in campaign did not come clean when there were ethical questions and ethical lines being broached?

MS. SANDERS: I don't believe that to be an ethical question. That's a pretty standard campaign operating procedure.

Q Collaborating with the Russians is?

MS. SANDERS: That's not collaboration with the Russians. Sorry, Noah. I know you want it to be, but it just isn't.

Go ahead, Mara.

Q I have two questions. The first one is: You've been very clear that Trump didn't collude but Hillary did. What is your definition of collusion?

MS. SANDERS: Well, I think the exchanging millions of dollars to create false information is a pretty big indication. I think taking millions of dollars into a foundation that benefits you while making decisions that impact people that gave that money, I think those are certainly areas of collusions that should certainly be looked at.

Q And my second question is about --

MS. SANDERS: Steven. Sorry.

Q Just to follow up from Glenn. Robert E. Lee aside -- and I understand your point about how all leaders have flaws -- but what Kelly said yesterday was that an inability to compromise led to the Civil War. And back in the spring, the President said that he thinks that Andrew Jackson could have made a deal to avert the war. What is the compromise that they're talking about? To leave the southern states slaves and the northern states free? What was the compromise that could have been made?

MS. SANDERS: I don't know that I'm going to get into debating the Civil War, but I do know that many historians, including Shelby Foote, in Ken Burns' famous Civil War documentary, agreed that a failure to compromise was a cause of the Civil War. There are a lot of historians that think that, and there are lot of different versions of those compromises.

I'm not going to get up here and re-litigate the Civil War. But there are certainly, I think, some historical documentation that many people -- and there's pretty strong consensus from people from the left, the right, the north, and the south -- that believe that if some of the individuals engaged had been willing to come to some compromises on different things, then it may not have occurred.

Q Thanks, Sarah. Apropos what's going on on the Hill this afternoon, and Facebook disclosing yesterday that more than 100 million Americans were apparently exposed to what amounts to Russian propaganda, what's the White House's view of that notion, that more than 100,000 people have been reading and watching what this Russian outlet has been putting out?

And what do you make of the notion that there ought to be some kind of requirement that Facebook be required to disclose -- the way that many broadcasters are required to disclose -- when political ads are made?

MS. SANDERS: I think we need to see how this process works out over the next several days. And some of those questions are things that you're going to have to ask Facebook. That's not something that the federal government can weigh in on at this point, until the findings of that investigation and those hearings are completed.

Hallie.

Q Sarah, I'd like you to follow up on something you said earlier, but I also want to follow up on the conversation that's been happening about the slavery compromise. I'm not asking you to re-litigate the Civil War. We don't need a history

lesson on the compromises that have happened. But does the White House at least acknowledge that the Chief of Staff's comments are deeply offensive to some folks, and historically inaccurate?

MS. SANDERS: No. Because as I said before, I think that you can't -- because you don't like history, doesn't mean that you can erase it and pretend that it didn't happen. And I think that's the point that General Kelly was trying to make. And to try to create something and push a narrative that simply doesn't exist is just, frankly, outrageous and absurd.

I think the fact that we keep trying to drive -- the media continues to want to make this and push that this is some sort of a racially charged and divided White House -- frankly, the only people I see stoking political racism right now are the people in the groups that are running ads like the one you saw take place in Virginia earlier this week. That's the type of thing that I think really is a problem. And I think it is absurd and disgraceful to keep trying to make comments and take them out of context to mean something they simply don't.

Q There's a new poll out that shows that the public seems to trust many of the mainstream media outlets that the President criticizes more than they trust the President himself. Why do you think this would be? And do you think the White House agrees with that?

MS. SANDERS: I haven't seen anything to suggest that. I'd have to look into it. I certainly can't comment on some study I know nothing about and don't agree with.

Q Sarah, given some of the criticism we've heard from the President's outside advisors, is the President happy with his legal team right now? Does he feel well-represented, well-defended when it comes to the Mueller probe particulars?

MS. SANDERS: I'm not sure how he couldn't, considering -- as I said yesterday and I've repeated several times today -- all of the revelations that have taken place over the last several days and hours have nothing to do with the President, have nothing to do with his campaign. And I think the further we get into it, the more and more we see that happening.

Kevin.

Q Thank you, Sarah. I just wanted to ask about taxes and then maybe just a very quick follow on the discussion about compromise. If I'm understanding you

correctly, what you're really saying is, he's not just suggesting a compromise on slavery, he's talking about other compromises that may have been germane to that period of history. Is that fair?

MS. SANDERS: Look, I think that was part of the conversation that a lot of people have had. He didn't get into the specifics because that's something that's been discussed very widely by many historians, again, from both the left, the right, the north, the south -- however you want to look at it. And he didn't get into the details of it because it wasn't the point he was making.

Q On taxes. I just want to get a sense of what the President might really be interested in as far as the child tax credit and as far as the Obamacare individual mandate. Is it your opinion that the President would be supportive of both? Meaning, that they need to be a major tenet of the tax reform that will be unveiling this week?

MS. SANDERS: He certainly supports the childcare tax credit. I'm sorry, what was the other piece you were asking?

Q The Obamacare individual mandate. Does that have to be a part of tax reform?

MS. SANDERS: I don't believe it has to be part of tax reform, but the childcare tax credit is something he'd certainly like to see.

I'll take one last question.

Major.

Q Sarah, you said to us a few moments ago the Papadopoulos plea agreement is an example of an individual doing the wrong thing but the campaign doing the right thing -- if I remember what you said -- correct me. Does that extend to Sam Clovis encouraging George Papadopoulos to go to Russia on behalf of the campaign to solicit information?

MS. SANDERS: My understanding is there wasn't encouragement. He made multiple attempts at setting up a variety of meetings that were constantly rebuffed. He also made false statements to investigators. That's something that the campaign nor the administration would ever support. All of his emails, again, were voluntarily provided to the special counsel by the campaign, and that is how they got to the place that they're in right now.

Q Are you saying that Clovis is being misinterpreted by George Papadopoulos?

MS. SANDERS: I'm not getting into the detail of that. I'm talking specifically about the multiple attempts that he made in setting up a variety of meetings. There were more than one instance in which he tried to set up meetings that were rebuffed by the campaign. He lied about a lot of those activities, and that is the place that you, I think, see come through in the emails that were voluntarily turned over.

Q Let me ask you about one thing you said yesterday. You were asked at one point during yesterday's briefing when the President became aware that Russia was behind hacking and possession of emails. You said, "I'm not sure of the specific date of when that took place, so I'd have to look and get back to you."

MS. SANDERS: Yeah. I can respond to that now. The President was briefed in a pretty widely publicized meeting back in January. Later that very day, he said publicly that he had received the intelligence briefing and he believed Russia was behind the email hacks.

Thanks so much guys. I hope you have a happy and safe Halloween.

END

2:59 P.M. EDT



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*James Madison Project v. Dep't of Justice*  
No. 1:17-cv-00144-APM

Defendants' Supplemental Submission and  
Further Response to Plaintiffs' Post-Briefing  
Notices

Ex. C

# President Trump on the Russian Investigation and Security

BY FULL MEASURE STAFF | SUNDAY, NOVEMBER 5TH 2017



*Trump Interview*

A A A



Sharyl: On Russia, nobody admitted it during the campaign that we now know it was the Hillary Clinton campaign that funded that so-called dossier that had all the negative information that's unproven about you apparently in an attempt to affect the election. It was given to the FBI. What do you make of that?

President Trump: Well I think it's terrible I think it's despicable the amount of money that I hear being thrown around is ridiculous. Somebody said that this guy Steele that wrote it and we'll figure that out eventually that he paid money to the Russians. And frankly, if that was, in fact, Russia involved they don't like me very much just the opposite of what people were saying. And you know I have said over the last period of time the last person they want is me because I want a strong, strong military which I've proven in many ways and that was part of my campaign. And I also want lower oil prices and lots of oil which is not good for Russia. So I would think I would be the last one. But when you look at that horrible dossier which is a total phony fake deal like so much of the news that I read when you look at that and take a look at what's gone on with that and the kind of money we're talking about it is a disgrace.

Sharyl: The origins of the dossier supposedly is conservative funding. What does that tell you?

President Trump: Well I heard the other day that it might be and then I heard that basically they started something but the Democrats really took it up and started it and then the question is did the FBI get involved with it. And did the FBI use it. Because if they did that's a real problem for them. So we'll find out. But I have a feeling that the Democrats started it I'm sure the conservatives started something else but it was a much more mellow situation and they did say they didn't hire Steele and the phony people that worked on it.

Sharyl: Do you think Mueller is doing a good job?

President Trump: But we're going to see. Look all I can say is that I have nothing to do with Russian collusion nothing whatsoever and everybody knows it and nobody really has even been able to find you know with all of these committee meetings. They walk out even the other side they say well there's been no collusion yet but we continue to look. I've been watching this for how long has it been a year? It's very unfair. It's very bad for our country. But with all of the work that the Democrats are trying to do to obstruct and to you know false charges every time I see them walking out they're saying even Dianne Feinstein that no collusion and I respect her for saying it. I'll be honest with no collusion. But there are at these meetings and they go through documents and there is no collusion. Russia wouldn't help me. And I think the last one Russia would want to be president is me because of my attitude on oil and because of my attitude on the military and strength.

Sharyl: Do you think you would ever consider trying to have Mueller removed are you planning to stay out of that?

President Trump: Well I hope he's treating everything fairly and if he is I'm going to be very happy because when you talk about innocent I am truly not involved in any form of collusion with Russia. Believe me. But the last thing I can think of to be involved in.

Sharyl: Who wasn't you remember who convinced you to take Paul Manafort on as the campaign manager?

President Trump: Well it was a friend of mine who was a businessman very successful businessman and a good person. And you know Paul was not there very long. What people don't mention Paul was not there for a very long period of time.

Sharyl: What was it that convinced him that he had to be let go?

President Trump: Well I think we found out something about him may be involved with or with certain nations and I don't even know exactly what it was in particular but there was a point at which we just felt Paul would be better off because we don't want to have any potential conflicts. And if there was a conflict I don't want to be involved in any conflicts even though it was I could have kept them longer. I don't think anybody would have complained. But we don't want to have any potential conflicts of interest at all.

Sharyl: Have you questioned why the businessman who brought you his name do you want to say that that is.

President Trump: I don't want to get him involved he's a private person.

Sharyl: Have you questioned why he brought him to the campaign or you think that was just it just happened in a way.

President Trump: Look people don't realize Paul Manafort worked for Ronald Reagan. He worked for Bob Dole. I think the firm was involved with many people I don't have to mention names but I heard they were involved with John McCain who's an honorable guy. They were involved with many people I mean many many people. I certainly wasn't the first. This was a firm that was well known in Washington for years and represented many many big people politically speaking. And Ronald Reagan being number one. So the reputation I always felt was very good and I had him for a very short period of time you know he was only in there for a very finite period of time. But you know I feel badly for him because I was going to be really a very nice person.

Sharyl: Last question on this topic have you been told to expect to be questioned by the special counsel. Are you prepared for that?

President Trump: No. Nobody's told me. As far as I'm concerned I have been told that we were under investigation. I'm not under investigation. You know when it comes to Russia collusion. They're looking at the wrong person absolutely the wrong person. So I don't even to the best of my knowledge my lawyers told me I'm not even under investigation. I have not been told that at all.

Sharyl: On Terrorism. You've just called for an end to the diversity lottery visa that allows Sayfullo Saipov into the U.S. what would replace it what's your idea in a nutshell?

President Trump: Why don't think replace it. I think that the whole element. Are you talking about the lottery system. It's a ridiculous thing. We do we take it like a lottery like who knows who they put in there. And I guarantee you these countries they don't put their finest in the lottery system. They put people probably in many cases that they don't want. Why is this country doing it. The lottery system has to end. And what we want Sharyl we want it very badly and we want it you know as far as immigration is concerned we've been treated so badly and we've handled immigration prior to me because we have been very tough on it but we've handled immigration in the United States so poorly. We want a merit-based system

Sharyl: When it comes to Islamic extremist terrorism. Do you think Americans are safer today than they were a year ago two years ago?

President Trump: I think we are. I think that we have a much tougher vetting process. I call it extreme vetting. We are very strong with our vetting. But people can slip through. But I say as strong as we are we have to get stronger. This person came in through a lottery and not only came in through a lottery but you have this whole system where you can bring people with you chain migration it's horrible it's horrible. Somebody had mentioned he may have brought. And he only had a green card. But twenty three people may have come in indirectly or directly through him. Now I don't want those people and family members whoever they may be I don't want them and you saw what he did and you saw his evilness because they go back to the town or they go back to the area where he grew up not where he's lived even you go back to the country as I understand it. I mean this is not the kind of people we want in the United States so we have to get rid of chain migration.

Sharyl: I feel like ordinary Americans every time there's another terrorist attack or a similar pathology they start to feel helpless now that there's been tough talk for years and yet nothing concrete they can point to that will prevent another one. I think some people are actually adjusting their expectations and thinking this is our new way of life.

President Trump: I know they are in a lot of people do that. And frankly the Democrats have been absolutely terrible on immigration because they want anybody to come in. You know they obstruct make it very tough and they want on immigration and crime. I mean they want people to just pour in over the border. That's not going to happen. And we're stopping it. Now we want a merit-based system. I don't want people to come into our country but it's got to be a merit-based system and we can take that for the norm. What you just said we cannot just say oh well it's going to happen let's get used to it. We cannot allow it to happen. And we're getting I can tell you the Trump administration is getting tougher and tougher and tougher and we are now as you know looking at different forms of the wall. The wall is going to happen. The vetting is now at a point that is the toughest it's ever been and we're now going to make it even tougher. But this person this animal that did what he did in the West Side of Manhattan we just can't allow this to continue.