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The White House

Office of the Press Secretary

For Immediate Release

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Statement by Press Secretary Sean Spicer

James S. Brady Press Briefing Room

1:09 P.M. EST

Good afternoon. I know you're all looking forward to what promises to be a historic night for the nation and for this President. The President is very excited to make his announcement of the next Associate Justice to the Supreme Court later this evening.

According to some polls -- and you know we love polls around here -- for 70 percent of the voters, the President's choice for Supreme Court was an important factor in their choice at the ballot box in November. For more than one in five, it was the most important factor. Tonight, he will formally present his nominee to the American people, and I can assure you that this individual will make those voters and every American very, very proud.

This particular choice is one that the President takes very seriously. He knows it will impact the course of our country's jurisprudence for generations to come. As such, he's taken careful steps to ensure that this process has both been transparent and inclusive. He has been speaking about the list of individuals that he may nominate since May of this year, and, after consulting with several influential groups, released a definitive list of 21 in September, pledging that his nominee will solely come from that list. He sought the advice and consent of both Republicans and Democrats, senators throughout this process.

The President recognizes the gravity of his choice to fill the seat left by Justice Scalia, one of the most steadfast protectors of our liberty and devotees of our Constitution that ever graced the bench. Whomever the President selects will be a worthy successor to the brilliant legal mind and constitutional dedication of Justice Scalia.

It's our intention to start promptly tonight in the East Room at 8:02 p.m. Pre-set will begin at 6:30. The East Room will be available for live shots approximately 20 minutes following the announcement, and both the Briefing Room and Pebble Beach outside have extended hours tonight to accommodate any additional journalistic needs. We'll have further guidance on tonight's plans as the day evolves.

Moving to the news of the day, I know that Secretary Kelly, alongside other DHS officials, just recently concluded a briefing on the operational implementation of the President's executive order. I think it's pretty clear from the Secretary's press conference that this executive order was enacted with the proper preparation and coordination between the White House and DHS, and that implementation will continue and proceed as planned.

We also have a few updates on the leadership of some of our most critical government agencies. Last night, as you know, the President relieved Sally Yates of her duties as acting Attorney General and named Dana Boente, as the U.S. Attorney for the Eastern District of Virginia, to serve as the acting Attorney General until Democratic senators finally quit their obstruction and confirm the unquestionably qualified Senator Jeff Sessions as our next Attorney General.

Ms. Yates failed to enforce a legal order, approved by the Department of Justice's Office of Legal Counsel and designed to protect the citizens of the United States. Calling for tougher vetting for individuals traveling from seven nations is not extreme. It is reasonable and necessary to protect our country.

Around 9:00 p.m. last night, the President signed an affidavit of nomination for Mr. Boente. As one of his first official actions in his new post as acting Attorney General, he signed a memorandum rescinding Sally Yates' guidance regarding the President's executive order to ensure its full implementation.

Last night, the President also announced the appointment of Thomas Homan as Acting Assistant Secretary of Homeland Security and Director of ICE. Mr. Homan has had a long career at ICE, most recently serving as the Executive Associate Director for Enforcement and Removal Operations. Having a professional in place like this go serve as the acting director is critical to ensuring the efficient administration of the President's agenda.

One other update on a story from yesterday. I hope you all saw the statement that was put out from the Joint Chiefs of Staff, where Chairman Dunford noted -- discussed the reorganization of the National Security Council. And he made it clear that he continues to fully participate in the interagency process and provide the best possible military advice to the President and members of the NSC. I really hope that that statement closes the book on the misleading narrative, and this should hopefully be the final time that we have to address what was in the national security directive.

The family of the President -- excuse me, the President also had a very somber and lengthy conversation with the family of [Navy] Chief Petty Officer William "Ryan" Owens. The President offered his sincerest condolences to Officer Owens's wife, his father, and their three children. Chief Owens was on his 12th deployment, from what I understand. We could never repay the debt of gratitude we owe him, the freedom that he fought for, and the sacrifice that he made, as well as the other members of his unit who were injured in this operation.

Today in the Senate, two of the President's nominees advanced out of the committee. The Energy and Natural Resources Committee approved the nominations of both Congressman Ryan Zinke as the next Interior Secretary and the nomination of former Texas Governor Rick Perry as the next Secretary of Energy. Elaine Chao also gratefully received the approval of the full Senate to become the next Secretary of Transportation. I expect further guidance on her official swearing-in to come very soon.

The Senate Democrats have done everything in their power to slow the work of the Senate, while the President continues to take decisive action, just like he promised. So it's unfortunate that Senate Democrats remain so out of touch with the message that the American people sent this past November -- that people want change. President Trump is delivering that change, and the only response from Senate Democrats so far is to try to stall the core functions of our government.

I know that I've repeated this every day, but honestly it's getting a bit ridiculous. The idea that these highly qualified nominees have the votes for their nominations to be endorsed out of committee and get a full vote are being stalled because Democrats are boycotting the committee vote is outrageous. The mere idea that they're not even showing up to hearings is truly outrageous. So I'd like to give a special shout-out to the folks at C-SPAN for making sure that all of these embarrassing actions by Senate Democrats get the wall-to-wall

coverage that they deserve. Voters are going to remember what senators stood in the way of when President Trump -- by President Trump trying to install his agency and department leaders the next time their name is on a ballot.

I don't mean to sound like a broken record, but the numbers don't lie. Sixteen of President Trump's nominees to head major department or agencies are still waiting to be confirmed. At the same time in 2009, President Obama only had seven of these people awaiting confirmation. In 2001, President Bush had all but two.

Moving on, here at the White House, this morning, we reiterated the President's intention to continue to enforce the executive order protecting employees from the anti-LGBTQ discrimination while working for the federal government or contractors.

Also this morning, the President had a breakfast and listening session with major pharmaceutical company executives in the Roosevelt Room: Merck, Johnson & Johnson, Celgene, Amgen, Eli Lilly, and the PhRMA trade group were represented at the meeting. Chairman Greg Walden, Chairman of the House Committee on Energy and Commerce, also participated. During the meeting, the President commended their progress in lowering drugs prices but also reiterated his insistence that there is more work to be done. He promised to continue reducing the burdensome regulations that raise the cost of doing business in America.

He was pleased to hear that the Chairman of Amgen, Robert Bradway, discussed how 1,600 American jobs will be added by Amgen. This administration will continue to prioritize jobs and make it easier for businesses around this country to hire more Americans.

The President had lunch with Mayor Giuliani just a short time ago, who serves as the CEO of an international security firm, Giuliani Partners, and was tapped by the President to lend his expertise to the administration's cyber efforts. Mayor Giuliani was asked to initiate this process because of his long and very successful government career in law enforcement and his 15 years private sector security, providing solutions for the challenges that we face in the cyber world.

During the transition, the President announced that he intended to host a series of meetings with senior corporate executives from companies that are facing challenges, such as hacking, intrusions, disruptions, manipulations, theft of data and identities, and securing information from technological infrastructures. These are the same challenges facing the government that are facing public entities and businesses, and the President believes that solutions to these issues will often come from the private sector.

Following the lunch with Mayor Giuliani, the President will host a listening session with these cybersecurity experts and Mayor Giuliani. No consensus or advice on the recommendations resulting from the group are wildly expected, but we do expect a spirited

and wide-ranging discussion regarding the growing cybersecurity threats that our nation is facing.

Later this afternoon, the President will sign an executive order -- or potentially sign one -- the federal government cybersecurity efforts, and give leaders the tools they need to keep the country safe from cyberattacks.

The order does three main things: It secures the federal networks we operate on behalf of the American people. It will work with industry to protect critical infrastructure and maintain our way of life. And it will advance the cause of Internet freedom.

More information will be available later this afternoon, but the executive order is the first step in the President taking to address the new security challenges of the 21st century.

The Vice President today participated in the Republican Policy lunch today in the Senate. He'll hold several meetings with members on Capitol Hill, the beginning of extensive outreach by our Legislative Affairs team on the President's Supreme Court choice.

Tonight, the Vice President will swear in Elaine Chao, as I mentioned. We'll have further updates. We expect it to be at 5 o'clock in the ceremonial office across the way, in the Old Executive Office Building.

Secretary Chao is one of the most successful Cabinet officials in American history, having been the longest tenured Secretary of Labor since WWII, and also serving as the Deputy Secretary of Transportation under George H.W. Bush's administration. She's the perfect choice to lead the Department of Transportation into what promises to be a significant period of modernization and improvement.

As I already mentioned, the last thing on our schedule for tonight is the President's announcement of the next Associate Justice for the Supreme Court.

Tomorrow is the kick-off for Black History Month, and the White House is excited to host a series of events this month in recognition of it. In particular, the U.S. Post Office will hold a ceremony tomorrow celebrating the official issuance of the Dorothy Height Forever stamp. Dr. Height led the National Council of Negro Women for four decades and is a true pioneer in the Civil Rights Movement.

Finally, a couple administrative notes. On Friday, the President will depart from this White House to the "Winter White House" down at Mar-A-Lago, where he'll spend the weekend and be holding meetings. Further guidance on both trips will be coming out throughout the week.

And I'm excited to announce that following up on our announcement of expanding the press briefing room to Skype seats, we'll officially be launching the briefing room tomorrow. The

inaugural panelists will be Natalie Herbeck, from Fox 8 in Cleveland, Ohio; Lars Larson of the Lars Larson Show; Jeff Jobe, from Jobe Publishing in South Central Kentucky; and Kimberly Kalunian, from WPRI in Rhode Island. Not sure how she snuck in there. (Laughter.)

I look forward to virtually welcoming them to the briefing room. And with that, some questions.

John Roberts.

Q The removal last night of Ms. Yates from her position has raised questions as to how this President will deal with dissent in the ranks currently and in the future. Does he see what she said yesterday as a difference of opinion, an active insubordination? How would he read it? And how will he act on similar things in the future?

MR. SPICER: Well, there's a big difference, John, between listening and sharing ideas, and executing lawful orders. It is the right of every American to express their idea and opinion, and, frankly, that's what you've seen the President do today. We're talking about leaving -- at 2 o'clock hour, him sitting down with cyber experts to get their opinions and ideas on how to protect our critical infrastructures.

But there's a difference. When she, as the Acting Attorney General, is not only responsible but required to execute lawful orders and defiantly says "no," as someone who was chosen to lead a department, she was rightfully removed. That is a position of leadership that is given to somebody who is supposed to execute orders that are handed down to them properly, of which that executive order was 100 percent done.

Ironically, it went through their office's -- the Department of Justice Office of Legal Compliance. So the idea that it went through the entire process of which they were part of, and then she chooses not to execute it, actually is bewildering as well as defiant.

Q So is the President -- so, sorry, can I just follow up on that? So is the President laying down a marker now to all of his Cabinet secretaries and all of his other officials to say, if I give you a directive and you do not follow it, you're gone?

MR. SPICER: Well, I think that that kind of comes with the job, right? If you don't believe in the President's agenda -- and I think every one of the Cabinet members, every one of the appointees understands that they serve at the pleasure of the President. We talked about this at length during the transition. This isn't about joining the government to execute your ideas or your initiatives. The President was very clear during the campaign, whether it was economic security or national security, that he has an agenda that he articulated very, very clearly to the American people, and that --

Q But --

MR. SPICER: Hold on. Thank you. And that it is his job to lay that vision out, and that the people that he appoints and nominates and announces as staff members or Cabinet-level members or agency heads, their job is to fulfill that. And if they don't like it, then they shouldn't take the job. But it is the President's agenda that we are fulfilling here.

Trey.

Q Thanks, Sean. As it relates to the executive order today, how will the Trump administration ensure the digital privacy of all Americans as the President looks to strengthen U.S. cybersecurity?

MR. SPICER: Well, look, just to be clear on the executive order, I think one of the things that the President -- the reason the President wants Mayor Giuliani and some of these cyber experts to come in is to get their ideas, to make sure that where we're headed in cybersecurity is fulfilling the intent that ensures that our critical infrastructures throughout the government and, frankly, throughout business -- to the extent that the government can be helpful in that -- are protected and secured.

So I just want to caution what we may or may not do today. I think the President has got a pretty good idea of where he's going to go, but I think he wants to hear what Mayor Giuliani and some of these other experts have to say about the steps that we can take in terms of executive action that will help secure further these critical infrastructures.

April.

Q Sean, I have a couple of questions. I want to go back to the issue of this travel ban.

MR. SPICER: Well, first of all, it's not a travel ban. I think you heard Secretary Kelly -- I apologize, I just want to make sure I get this straight. I think Secretary Kelly or one of the other individuals that got up there from DHS mentioned I think a million people have now come into this country. That's not a ban.

What it is, is to make sure that the people who are coming in are vetted properly from seven countries that were identified by the Obama administration. A ban would mean people can't get in. We've clearly seen hundreds of thousands of people come into our country from other countries. Sorry. Go ahead.

Q Okay. But mind you, I have two questions. (Laughter.)

MR. SPICER: I know, of course.

Q So with all of this happening, and as you're trying to give specifics about what's happening, what is the concern about the fallout from other countries who are viewing this still in a certain way? Have you looked at the fallout and how to counter it, and how to work

with these other countries that may be allies, or even may not be allies, in order to prevent something from happening?

MR. SPICER: Well, I think, April, one of the things that we're doing is trying to make sure that people understand what actually happened. I saw reporting today that Secretary Kelly was out of the loop and he was on a plane and flying, and then it was reported on one of the networks and major institutions about what happened. And Secretary Kelly comes out and says, I was briefed on this time, I was talked on this time, the edits came from my staff. I don't know how -- I don't want to spend each of these briefings talking about misinformation, but at the end of the day, a major newspaper and a major network reported today that they were kept out of the loop. The Secretary detailed multiple occasions in which he was briefed on it. His staff made edits to it.

I don't know how much more -- and so I think part of what we're trying to do is make sure that people actually understand what happened, what the process was, and what the order actually does. Because when we use words like "travel ban," that misrepresents what it is. It's seven countries previously identified by the Obama administration where, frankly, we don't get the information that we need for people coming into this country.

Because what this isn't about is not just the people. It's about the information that another country provides us. So we work with other countries, and we have systems in place to ensure that when you travel from our country to their -- or from their country to our country or vice versa, that we are sharing information about passengers and citizens that are going in and out.

These seven countries in particular, we don't have the information that is necessarily required to make an accurate determination at the time of entry into our country. So we are going to make sure that because that country doesn't have maybe either the systems in place or, in some cases, the willingness to provide us the information necessary to ensure that the people that are coming into this country are properly vetted.

This isn't about refugees, it's about travelers. And that's what this is about.

And so part of what we're doing is, frankly, making sure that other countries understand exactly what was in the order, how it, how it applies, what it means to visas and waivers and all this kind of stuff. But for the most part, you've seen a lot of panic, and the people actually stopping, reading the order, and realizing, "oh, that's it?"

And I think that's what we've tried to make sure that people have the facts.

Q So you're doing outreach for that?

MR. SPICER: We're doing -- we're not just doing outreach. I think we're doing as many briefings -- Secretary Kelly going out there a little while ago with the head of both ICE and CBP is trying to make sure that people understand that the process is working correctly -- it's working very well -- that the government is doing what it's supposed to, to protect its people. And that's the number one thing that we can do.

Yeah.

Q One other -- you said, two.

MR. SPICER: I'm sorry. You're right.

Q Now, the President met with the pharmaceutical heads.

MR. SPICER: Yeah.

Q When is this meeting scheduled for Congressman Elijah Cummings and President Trump, after that call that President Trump made --

MR. SPICER: Right. My understanding is that Congressman Cummings was -- he was invited to this meeting. He had a scheduling conflict, and we're looking at setting it back up. But he was invited to the meeting today. He informed us he had a scheduling conflict. And we're looking to get it back on the books as soon as we can.

Q Would it be one on one? Not --

MR. SPICER: I expect at this point it will be one on one.

Q Thanks, a lot, Sean. Does the President anticipate a difficult confirmation fight for his nominee, whoever that is?

MR. SPICER: No. I think we've proven so far that the Democrats can try to obstruct, but at the end of the day, the will of the American people is going to overcome that.

And again, what I mentioned at the outset of this is the advice and consent piece of this. He and our team have met with senators from both sides of the aisle to make sure that we understand the qualities that they are looking for in the next associate justice. And I think that we have done a very, very good job of getting a nominee in place that will be announced tonight that meets the criteria that they set forth. They may not like their political or philosophical background, but I think the criteria in terms of academia background, time on the bench, the expertise and criteria meets the intent of both Republicans and Democrats.

John Gizzi.

Q Do you believe you can get nine Democrats to support this nominee?

MR. SPICER: I do. Absolutely. Because I think at the end of the day, one of the things that's been a time-honored tradition in this country is that we recognize that the confirmation process is -- the default is that if you're qualified for the position, then you should be confirmed. Not the other around.

And I think that most Democrats realize that at some point that is -- having a court that is not fully operational is not the political fight to have.

John Gizzi.

Q Sean, let me ask you the obvious follow-up question then. At least one Republican senator has said Democrats have removed the filibuster from just about every other appointment, aside from the Supreme Court. And he said several Republicans say they would have no hesitation about moving for another nuclear option if Democrats attempt a filibuster of any of the possible nominees. Is this something the President would support? And has he discussed it with members of the Senate?

MR. SPICER: Well, I think first and foremost taking a step to the last question, I think we're going to get the nine senators regardless, and I wouldn't be surprised if we get more. When you look -- and I'll be able to shed more light on this tomorrow in terms of the background. But I think that he is -- we've got an individual that I think is hopefully going to garner widespread bipartisan support because I think this individual has the qualifications and the experience and the judicial philosophy that should win bipartisan support.

That being said, beyond that, I would suggest that that's -- Senator McConnell has done a phenomenal job of moving things along in the Senate to the extent that Democrats will let him. And I'll leave any further questions on how the Senate operates to him.

Blake.

Q Sean, thanks. We know that the list of 21 was put out during the campaign. We know that, at 8:02 tonight, the President is going to reveal his selection. Can you kind of fill the gap in between as to how often the President might have spoken with this person, whether there were any meetings here at the White House, just any of the -- how he got there? And then the last hours -- (laughter) -- or in the last days here, really, who has he leaned on to kind of narrow this down? And then a follow-up, if you don't mind.

MR. SPICER: I will say, I think I can probably shed a lot more light on this tomorrow. I appreciate the effort to try to head that off. Tomorrow I think we might be able to have a little bit more of a discussion as to how the President came to this choice. He may touch on it a little tonight; I'll leave it to him. But I appreciate that.

Q Let me ask you about the news of the day. Prescription drug prices -- the President met with the pharma leaders earlier today. What makes him so confident that he can drive down drug prices, whereas administrations past have tried to do the same but haven't been able to? How is he going to go about it?

MR. SPICER: Well, I think it's the story of his entire administration. He's a successful businessman and a top-notch negotiator. Several people tried to get the cost of planes down, the cost of the F-35 and the cost of the Air Force One. And through a couple of conversations, he did it -- shaved billions off of the cost of both -- excuse me, off the F-35 and significant off the next generation of Air Force One.

I think he has a track record so far just during the transition, but also as a businessman -- he knows how to negotiate. And I think he is going to sit down with these individuals the same way that he's getting people to understand the agenda and the regulatory and tax climate that he wants to institute that's bringing jobs home. People are making a commitment to him to bring jobs and manufacturing back based on his track record as a businessman and his word. They understand that he's going to create a climate that supports the American worker and American manufacturing.

So I think -- you look over and over again, the number of companies that want to come back and say, we want to be part of this agenda to grow the economy and to create jobs or to help you fight on behalf of taxpayers, and I think you're going to continue to see that.

He understands the challenges that the bureaucracy that's holding back some of the negotiating, that's allowing these prescription drug prices to drop or get the best deal for the government in cases whether it's Medicare or Medicaid, who are such large buyers of the VA - - that you're not -- you have got such purchasing power that's not being utilized to the full extent.

Hunter Walker.

Q Thank you, Sean. The President is meeting with Mayor Giuliani today. What do you think of the mayor's claim that the executive order on those seven countries evolved from the Muslim ban that the President proposed during the campaign? Is that accurate?

MR. SPICER: I think the President has talked about extreme vetting and the need to keep America safe for a very, very long time. At the same time, he's also made very clear that this is not a Muslim ban. It's not a travel ban. It's a vetting system to keep America safe -- that's it, plain and simple. And all of the facts and a reading of it clearly show that that's what it is.

Q Mayor Giuliani stressed that too, but he said that it came out of the desire to have a Muslim ban.

MR. SPICER: Then you should ask Mayor Giuliani. That's his opinion. I'm just telling you what the President has said and what the President has done has been to focus on making sure that we keep the country safe and that the executive order that was drafted does just that -- is to make sure and to ensure that people coming in from seven countries, identified by the Obama administration, that we didn't have the proper systems to know who was coming into our country was put in place, and a 90-day period was also granted to ensure that we knew how to further address vetting situations in the future.

Zeke.

Q Thanks, Sean. Just following up again about the strike over the weekend in Yemen. Can you confirm that the eight-year-old -- the reports that the eight-year-old daughter of Anwar al-Awlaki was killed in that strike? And if you can address sort of the killing of the American citizen in this anti-terrorism operation.

MR. SPICER: I'm not going to go any further than what the Department of Defense has released. Obviously, we recovered a tremendous amount of information, and we killed an estimated 14 members of al Qaeda in -- AQAP individuals. And then we suffered the loss of life of a servicemember, and four people were injured. That's as far as I'm willing to go at this time.

Kristen.

Q Sean, thanks. You're saying it's not a ban. This was President Trump's tweet yesterday: "If the ban were announced with a one-week notice, the 'bad' would rush into our country during that week." So he says it's a ban.

MR. SPICER: He's using the words that the media is using. But at the end of the day, it can't -

-

Q Those are his words.

Q Wait a minute.

MR. SPICER: Hold on, hold on, hold on. It can't be --

Q That's his words, his tweet.

MR. SPICER: Jonathan, thanks, I'll let Kristen talk. It can't be a ban if you're letting a million people in. If 325,000 people from another country can't come in, that is by nature not a ban - it is extreme vetting.

Q I understand your point. But the President himself called it a ban.

MR. SPICER: I understand that.

Q Is he confused or are you confused?

MR. SPICER: No, I'm not confused. I think that the words that are being used to describe it are derived from what the media is calling this. He has been very clear that it is extreme vetting.

Q It seems to fit into this broader point, Sean, which Paul Ryan said today: "I think it's regrettable that there was some confusion on the rollout of this." The House Speaker saying that. What do you say to Republicans who argue that this is a part of a broader issue with the President not enacting this policy smoothly?

MR. SPICER: Well, first of all, I think we've addressed that -- that we could have either telegraphed this days in advance, in which people could have gotten on planes and come over here, which would have undermined the exact nature of what this sought to prevent. Or we could have done it in a way that inconvenienced some folks for a little while --

Q But do you dispute that there was confusion --

MR. SPICER: Can I answer the -- no, no, I do -- there's clearly some confusion. But I think part of it, your network was one of the people that just hours ago told people that General Kelly was unaware of what's going on. And then moments later he gets on air saying, here's how many times I got briefed. So, I mean, with all due respect, I think you have been part of the confusion. You have helped cause this, despite claims that whatever. You claim that you have sources that tell us. General Kelly stands up and says, this is how many times I've been briefed, this is how many people were involved. And yet you were out there for --

Q I think there was a New York Times report that was cited --

MR. SPICER: Oh, okay, so I apologize if NBC News's reporting is based on The New York Times's false reporting.

Q It was accurate reporting, Sean.

MR. SPICER: How can it be accurate reporting, Glenn, if --

Q Both things can be true.

Q It was accurate reporting, Sean.

MR. SPICER: Okay, so the --

Q They can be true that he --

MR. SPICER: The Secretary of Homeland Security just stood up, and so you're calling him a liar?

Q He didn't say he saw the specifics of the --

MR. SPICER: Jonathan, I'm talking to Glenn. I'm talking to Glenn.

Q No one is calling anyone a liar. I'm saying we --

MR. SPICER: You said that the report in the New York Times said that he was unaware of the ban.

Q Sean, let me ask you a question.

MR. SPICER: Hold on. No, no, answer the question. Because you just called this --

Q So a couple of minutes ago you stood at the podium and you reiterated something you said yesterday about anyone who doesn't agree in terms of career bureaucracy should hit the road. I'm paraphrasing. You had a statement that President Trump made where he accused the acting Attorney General of "betraying" her own department by expressing a counter opinion. Don't you think that kind of language has a chilling effect on the public statements that your officials make?

MR. SPICER: No, I think there's a big difference. Think about the process that worked it here. The Department of Justice's Office of Legal Compliance vetted the executive order, sent it back to us saying it was completely compliant. Then the acting Attorney General goes out and says, I'm not going to enforce it. You tell me how that jives. Because at the end of the day, if the action Attorney General has an office under her jurisdiction that says that something is legal and compliant, and then she gets out there and says, I'm not going to enforce it, that doesn't sound like an Attorney General that is upholding the duty that she swore to uphold.

Q Well, if she think it's illegal --

MR. SPICER: At the end of the day -- then she should step down. But at the end of the day, the Attorney General either had a problem with her own division approving something. But it wasn't the President she had a problem with. The President followed the process, sought feedback, went through the inter-agency review, had other departments sign off, despite the reporting that said it was otherwise.

Q But is this a betrayal, though?

MR. SPICER: Hold on. Guys --

Q Is it a betrayal?

MR. SPICER: David.

Q That's a very hard word.

MR. SPICER: Why don't we just let me answer Glenn so we can be polite now, huh?

And what the answer is, is that we went through the process. The Office of Legal Compliance came back and said, this is a compliant executive order, it's fully legal, and it can be executed.

So then for the Attorney General to turn around and say, I'm not going to uphold this lawful executive order is clearly a dereliction of duty. And she should have been removed, and she was. I just -- it is odd to me that we're having a discussion about somebody whose job it is to execute lawful orders who chose not to do it -- hold on -- who chose not to do it, and then we're questioning whether or not we were right to remove her. That's the right thing to do.

And if you looked at the folks from the right and the left, constitutional scholars this morning -- they said, we might not agree with some of the policies or the political -- or the party of the President, but he was right to do this. He had every right --

Q So why use the word "betrayal" --

MR. SPICER: Because the department's job is to execute. They're the Department of Justice. And if you have a legally executed order and the Attorney General says, I'm not going to execute it, that truly -- that clearly is a betrayal of what she's --

Q Let's define the word "betrayal."

MR. SPICER: I'm not going to define the word, Glenn.

Yes.

Q Sean, I think the New York Times report said that the Secretary did not receive a full briefing until the executive order was being signed. So my question is, can we expect that secretaries, agency heads, when there are future executive orders or changes of policy, may not receive full briefings before --

MR. SPICER: Look, the Secretary was briefed on multiple occasions with the language of the order. I don't know how you can say this any other way.

Q Well, I'm just talking about a full briefing, which is what the New York Times reported.

MR. SPICER: And I'm telling you that I don't believe the New York Times reporting is accurate. What I'm telling you is that the Secretary on multiple occasions was briefed, his senior officials were briefed -- not just briefed; they were part of the drafting process. It went through -- not only that. Just back up. So they get consulted and briefed. It goes through

the Office of Legal Compliance. Then it gets shipped out to the NSC and the Homeland Security Council. This went through a very, very extensive staffing process.

So the idea that you can talk whether or not he got fully briefed or -- he was briefed multiple times, saw the language. His staff made edits. It came back multiple times. I'm not sure how much more briefing you can do.

Q Thank you, Sean. Zoe Daniel, from Australian Broadcasting. Thanks for taking the question. The Australian government made a recent deal with the Obama administration whereby the U.S. would take refugees from Australia's offshore detention centers. Now most of these people are from Iran, but also some are from Iraq and Somalia, among other places. Can you confirm that this deal is still on? Are those refugees exempt from what you describe as the extreme vetting? Or will that deal change or be delayed?

MR. SPICER: So the deal specifically deals with 1,250 people. They're mostly in Papua New Guinea, being held. Those people -- part of the deal is that they have to be vetted in the same manner that we're doing now. There will be extreme vetting applied to all of them. That is part and parcel of the deal that was made. And it was made by the Obama administration with the full backing of the United States government.

The President, in accordance with that deal to honor what had been agreed upon by the United States government, and in ensuring that that vetting will take place in the same manner that we're doing it now, will go forward.

Yes.

Q The big question -- looking at the bigger picture -- this President, when he came in, said he was going to gather us all together, that he was going to bring us together. And the actions taken in the first 10 days seem to indicate otherwise from people in his own party -- the use of the word "betrayal." How is this President going to address the fact that people are looking to him to bring people together, and yet with his own words seems to be driving us apart?

MR. SPICER: I think that's a very one-sided way of looking at this. I think he's brought --

Q Elaborate.

MR. SPICER: I will. I think he's brought unions together, business leaders together, Republicans, Democrats, independents. I think someone who doesn't carry out an act and using that as a way to describe that he's not bringing the country together is not exactly a representation.

Q I have one quick follow-up.

MR. SPICER: Hold on. I don't -- I'm not -- the President has done a tremendous amount through both what he has said and done, more importantly, to start to bring this country together. And his policies, frankly, are focused on keeping every American safe and getting every American a higher-paying and better-paying job. I think that is something that benefits all of us.

Q The follow-up -- I asked you about a shield law for journalists last week. You said you would get with this?

Q If I could just --

MR. SPICER: Hold on.

Q -- ask real quick on trade. Now that notices have been given to the TPP countries, are you considering any changes in the roles of your three sort of official trade negotiators? And what area of the globe are you going to start first on negotiations?

MR. SPICER: Well, there's no change in their roles. I'm not entirely sure. I think they -- as announced --

Q (Inaudible) negotiator --

MR. SPICER: He is the U.S. -- I mean, he's got to be confirmed first, but the U.S. trade representative is clearly the leader of negotiating trade deals. Wilbur Ross and Peter Navarro and Jason Greenblatt -- there's a great, unbelievably robust, brilliant team that has continued to work on behalf of deals and renegotiating, looking at them. So it's a two-step process.

I think, number one, we're going to reexamine all of the current trade deals, figure out if we can re-improve them. But secondly, I think we're going to start talking to other countries around the globe, including some of those TPP partners. I think of the 11 other countries, five of them we have current trade deals with. So you would examine those to see if we can improve upon them and then look at the other countries in there and see if there's a willingness to engage with some of those other countries.

Q Sean, the President has previously indicated that he would encourage the targeting of families of terror suspects. Is that still his current position?

MR. SPICER: When did he say that?

Q December 3rd, on Fox. He said, "The other thing with [the] terrorists is you have to take out their families." Is that still his position?

MR. SPICER: I think he's been very clear that when it comes to seeking out ISIS and other terrorists, that he's going to lean on Director Pompeo, General Mattis, and seek their opinion on stuff. And I think that will be continued.

Sarah.

Q Even the families of terror suspects, civilian members of families, Sean?

MR. SPICER: Thank you. Rebecca.

Q On Guantanamo, Sean. Thanks for taking this question. I know that you've indicated at that podium that there will be further action. What does this look like? And there are five detainees that have been cleared for transfer that are sitting at Guantanamo. Would this administration take action in the next coming months on those detainees?

MR. SPICER: I think all of those actions are being currently reviewed, and we don't have anything further at this time.

Q The Obama administration's endangerment finding undergirds the Clean Power Plan. Does the President still plan to revoke the Clean Power Plan? And would he perhaps even go further and try and revoke the endangerment finding?

MR. SPICER: Well, I think the President has made very clear with respect to energy policy that he wants to review all of the options that we have to use our natural resources to better the country in terms of wind power, solar, clean coal. We're in the process of reviewing all of our energy policies. I'd go back to note that we don't have an Energy Secretary confirmed right now because the Senate hasn't yet moved forward with that. I hope that once that's done, we will have further updates on energy.

Matt.

Q Sean, Sally Yates was obviously an Obama appointee, was holding it through the transition. How many more of them are there throughout the government at this time, as the transition and confirmation process plays out? And do you expect any more problems from any of the other ones?

MR. SPICER: In some cases, we've held some individuals over because they hold a critical position within government. In some cases, we've named folks as acting. It's a case-by-case basis. And again, I think part of it right now is the President wanted to focus on getting his Cabinet up and complete. We'll continue to make nominations both at the deputy, under and assistant secretary-level.

But in key agencies -- so, ICE being one of them, where it's an assistant secretary. But there are 30 other agencies where we've named acting heads to ensure that as we move through

the confirmation process, we have somebody in that position to ensure continuity of government.

Daniel.

Q Sean, yesterday you said 109 individuals were affected by this extreme vetting.

MR. SPICER: Right.

Q DHS officials said that it was over 1,100.

MR. SPICER: No, no, no, hold on. First of all, just to be clear, what they're talking about is the number of people who weren't allowed to board a plane coming in. So they were stopped at their port of entry, had to get additional clearance, and then take off. There's a big difference. The numbers that we're talking about were the initial group of people that were in transit at the time the executive order was signed.

And then there's another group of people -- and the Department of Homeland Security has those numbers up to date on their website -- where they're talking about people that are stopped at the port of entry to ensure that they're properly vetted before they board a plane. There's a very, very delicate distinction between people who were on the plane coming into this country when the executive order was signed, all of who have been vetted and cleared, and the people who have been stopped at a port of entry in one of those seven countries to ensure that the proper vetting took place before they were able to move on.

Q Sean, Hallie's question was about civilians that are being targeted by the administration in anti-terror raids. And Zeke's question was about al-Awlaki's daughter. So let me ask you: Is the President willing to kill and target American citizens, even minors, just because their family members are terrorists?

MR. SPICER: No American citizen will ever be targeted.

Q One more follow-up there. If you're qualified for the position -- you said earlier, if you're qualified for the position, you should get confirmed. That's not how Merrick Garland was treated in the previous administration.

MR. SPICER: No, there's never been a situation in which you had a fourth-term -- someone that late in an election cycle. That had never occurred before. And I think that the Senate Republicans were very clear that we should wait and let the voters have a choice, and that's exactly what happened.

As I noted at the beginning of this, 70 percent of people thought that the President's choice for the next Supreme Court was a major decision. That was something he campaigned on. I think when you're that late in a term -- it had never happened before. And the goal was to

make sure that the voters had a say in allowing that to happen. And I think that, clearly, it worked. The voters looked at that as a major reason in which they voted for the President. And I think that as we move forward, that's why I think we're going to get the support we need.

Q Sean, if the President does get his pick on the bench, what are any specific cases that the administration hopes that the Court takes up in the near future

MR. SPICER: Well, there's a lot of cases that I think are in the queue right now that have the potential to be 4-4. I think the idea is to get this individual confirmed as soon as possible just to get the docket moving. That's probably the biggest priority right now.

Thank you guys very much. Have a great day. I'll see you tonight. Good luck. Eight o'clock.

END - 1:50 P.M. EST



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