

White House press briefing

09/24/21

2:45:39 p.m.

3 minutes and 21 seconds

STEVEN PORTNOY: My first question is I was hoping that you could explain more of your view that these agents on the border acted in a way that violated policies or procedures, can you tell us what they did wrong, to start, and my second question has to do with what this episode — how this episode informs your understanding or thinking about the current and ongoing asylum review and whether perhaps if the administration were to take a more permissive stance to — toward asylum, membership in a particular social group, that this episode could be seen as one of many in the future?

SECRETARY ALEJANDRO MAYORKAS: So I think if I may, you're conflating two very different phenomenon, two very different processes. First of all, the images, as I expressed earlier, the images horrified us in terms of what they suggest and what they conjure up in terms of not only our nation's history, but unfortunately the fact that that page of history has not been turned entirely. And that means that there is much work to do, and we are very focused on doing it, but I will not prejudge the facts. I do not in any way want to impair the integrity of the investigative process. We have investigators who are looking at it independently. They will draw their conclusions according to their standard operating procedures. And then, the results of that investigation will be determined by the facts that are deduced. Now with respect to the asylum process that is an independent process that I'm not sure I understood your question. If you're asking about the definition of a particular social group, and just for everyone's benefit, the asylum laws provide that the first step in an asylum process is a claim of credible fear. Economic need, flight from generalized violence does not qualify as credible fear, but rather credible fear is credible fear of persecution by reason of one's membership in a particular social group. What is the definition of a particular social group was significantly constrained. That's an understatement in the Trump administration, and there is a body of law that speaks to that definition. And that definition is currently under review.

PORTNOY: Mr. Secretary, if I may, and forgive me for — just to follow up on this point —

MAYORKAS: Yes?

PORTNOY: — the question was, if this administration were to take a more permissive stance toward that definition, could this be, what we just experienced in the last several weeks, just the first of many similar instances to occur in this country on the border?

MAYORKAS: What instance are you referring to?

PORTNOY: Well, we have 15,000 migrants that the United States has had to now process and —

MAYORKAS: We determine the standards to apply in a claim of persecution, according to the

principles that a government should have both domestically and in the international architecture with the treatment of individuals who are fleeing persecution by reason of their membership in a particular social group. It is not a tool of deterrence to define what a particular social group means.

(...)

2:53:43 p.m.

1 minute and 6 seconds

ED O'KEEFE: Starting with the situation in Del Rio, the mounted units are temporarily suspended. Are you considering eliminating them altogether?

MAYORKAS: So we're going to take a look. What we were focused on right now is addressing the urgency of the situation in Del Rio, under that bridge. We are still getting through it. Remember, as I mentioned in response to the prior question, we still have operational needs across the border with respect to this particular population of individuals. But we're going to be taking a look at this. What the horse patrol is customarily used to do, for everyone's benefit, is horses are able to cross terrain that might not otherwise be traversed. And what they often do and, in fact, most often do is assess a situation and actually assist in helping people in distress. And that horse patrol, the horse patrol that the customs and border protection employs, the border patrol specifically, has actually saved lives many times before, but we will take a look.

(...)

2:55:45 p.m.

1 minute and 42 seconds

RACHEL SCOTT: I know you said you would look into this, but the President was really clear today. He said those border patrol agents on horseback seen in those images will pay. He says it's dangerous, he says it's wrong, and he said there will be consequences, so do you disagree with that?

MAYORKAS: Oh, no. I know the President was echoing the sentiments of the American public in response to the images and what the images suggest. But I want to speak to the fact that this investigation will be based on the facts that the investigators learn and the results of the investigation will be driven by those facts and nothing less and nothing more.

SCOTT: But the President said that they would pay, so you guys are not on the same page on that?

MAYORKAS: I think the President was speaking in terms of the horror that he observed from seeing the images and what they suggest. That investigation will have integrity, I can assure you of that.

PHIL MATTINGLY: Alright, Mr. Secretary, I understand you guys have been saying since January 20th, you inherited a broken system, there's a lot of work to be done here. But you had thousands of people living in squalid conditions, limited opportunities to go through asylum processes here. Advocates have been warning about situations like this for months now. How much responsibility do you — does the administration take for these situations continuing to kind of pop up in various places?

MAYORKAS: So if you're addressing the situation in Del Rio, I will tell you that it is unprecedented for us to see that number of people arrive in one discreet point along the border in such a compacted period of time. That is unprecedented. We have the chief of the border patrol, Raul Ortiz, is, I think, a 30-year veteran and he has not seen that before. What we do when we see something unprecedented is we respond and respond we did.

(...)

2:59:34 p.m.

2 minutes and 15 seconds

PETER DOOCY: Just to go back, please, to the images of these mounted border patrol officers. You said on Saturday — or rather, on the 20th — to ensure control of the horse, long reins are used. The person who took these photos of the Border Patrol agents says, “I've never saw them whip anyone.” So, why is the President out there today talking about people being “strapped?”

MAYORKAS: So — so, let me — let me correct the statements in your question, if I may. It was on Friday —

DOOCY: They weren't your quotes?

MAYORKAS: — no, if — if I may — it was on Friday when I was — actually, it was on Monday, I believe, when I was in Del Rio on the ground and I made the statements without having seen the images. I saw the images on the flight back and I made the statement that I did with respect to what those images suggested. Their — the horses have long reins and the image in the photograph that we all saw and that horrified the nation raised serious questions about I — let me finish — about what occurred. And, as I stated clearly, it conjured up images of what happened in the past. Let me finish. There is a question how one uses the horse and how one interacts with individuals with the horse. And so, I'm going to let the investigation run its course. I'm not going to interfere with that investigation. The facts will be determined by the investigators and then the results will be driven by the facts that are determined.

DOOCY: And just, to follow-up, please. Before the facts are in, is it helpful to your investigation for the President of the United States to use inflammatory language like people being strapped?

MAYORKAS: Well, let me just be very clear and repeat what I've said: I'm not concerned with the respect of the integrity of the investigation. We know how to conduct an investigation with integrity. I served as 12 years as a federal prosecutor. There were a great deal of comments in

many of the cases that were handled in the public sphere and I know how to maintain the integrity of an investigation and this investigation will have integrity.

(....)

3:03:55 p.m.

5 minutes and 21 seconds

RACHEL SUTHERLAND: The congregation under the bridge and congregating there. You just mentioning [sic] Covid. What is the situation there? I know that the crowd has been dispersed. Do we know who has tested positive? Have people who got sick? Any symptoms among this group of 15,000, you said?

MAYORKAS: Yes, so we do not — we did not test that population of individuals. We do not — I do not know, I should say, if I may be perfectly accurate, I do not know whether anyone was sick with Covid. We certainly had some individuals get sick, not specifically with Covid to my knowledge and we addressed their illnesses. In fact, we set up medical tents that had a certain standard of ability to address medical needs. It is — it was — it is hot in Del Rio, Texas. We had cases of dehydration. We had other situations. And this is precisely why we surged 150 — approximately 150 medical professionals to address the medical needs of that population. That is why we set up medical facilities with the appropriate equipment to address their medical needs. And I must say, what I saw of the border patrol and other personnel was quite frankly heroic. They took — this is not their customary obligations and, yet, they took great pride in addressing the needs of the people.

UNIDENTIFIED REPORTER: With all due respect, sir, your statement that this is not who we are belies the actual treatment of Haitian immigrants, not just in this administration but in administrations of both parties going back decades. And you seem to be distinguishing between violence and violence. What is the difference between —

MAYORKAS: I'm sorry?

UNIDENTIFIED REPORTER: — the type of violence that Haitians fleeing in Haiti and the type of devastation and — and — and other devastation that they are fleeing as compared to other immigrants and asylum seekers. Democrats left and right, up and down, have been talking about the violence people who have been fleeing Central America and — and South America, and the President, even during his campaign, talked about the fact that this created a need to create a pathway and an asylum system. This doesn't seem to be the case when it comes to the Haitians. There are — the fact that the —

MAYORKAS: Oh —

UNIDENTIFIED REPORTER: — images are true graphic representation of the way Haitian immigrants and immigrants of African descent have been treated, not just by this administration.

PSAKI: Can you please get to the question.

MAYORKAS: If I may, I would respectfully disagree with you and let me — let me —

UNIDENTIFIED REPORTER: I'm an immigrant and I'm standing on the wrong side of U.S. immigration for the last 20 years? So, I have some experience with it.

MAYORKAS: Oh, no, no, I — I wasn't commenting on your personal experience, sir, and I am an immigrant as well. I wasn't commenting on your personal experience. I was respectfully disagreeing with an assertion you made. If I may —

UNIDENTIFIED REPORTER: There is zero difference.

MAYORKAS: — if I may. An asylum claim is determined based on the facts that are presented in the individual case. In fact, the Title 42 authority has been applied to irregular migration since the very beginning of this administration and before. And it has applied to individuals from Guatemala, Honduras, El Salvador, and other countries. It has been applied equally, and the exceptions that I cited have been the exceptions that have applied to all. There are three exceptions: the convention against torture, acute vulnerabilities such as extreme medical needs, and operational capacity. Those are the three exceptions. Title 42 authority has been applied, irrespective of the country of origin, irrespective of the race of the individual, irrespective of other criteria that don't belong in our adjudicative process and we do not permit in our adjudicative process.

PSAKI: Thank you, Secretary Mayorkas.

UNIDENTIFIED REPORTER: One lie: the whipping. The — the whips. The horse whips. You did not address that.

MAYORKAS: Sir, that is something — that is something that horrified us all, and you know, this morning I was on radio and the interviewer said that it was — it troubled very profoundly the Black and the African-American community, and I — I said one thing, and this should be clear, those are not the only communities that it horrified. Those are not the only communities that it concerned. Of course, that concern might be most acute given the history in this country and in other parts of the world, but all of America is horrified to see what those images suggest.

(....)

3:15:34 p.m.

2 minutes and 3 seconds

KIMBERLY HALKETT: You know, we've talked about the images that these — the al-Jazeera footage exposed with respect to the horses —

PSAKI: Yep.

HALKETT: — along the border, the pain that that conjures up for African-Americans in this country. The President has condemned this, but the President has also promised African-Americans in this country that he had their back. Al Sharpton has said this week, “We’re being stabbed in the back. Mr. President, we need you to stop the stabbing, from Haiti to Harlem.” He’s talking about the failure of the police reform bill. What does the President need to do to address this? What does he need to do more for the community? He said this week there’s been the engagement with leaders, but does the President need to do more than that? And what should he be doing?

PSAKI: Well, first, I would say since you’ve referenced police reform, the President is absolutely frustrated that we haven’t been able to move forward with police reform. He supported the efforts by negotiators on the Democratic side, on the Republican side to try to find common ground. He also was frustrated that they weren’t able to move forward, despite the fact that there was agreement from even police organizations and others about what the path forward looked like. So he’s incredibly frustrated. It requires Congress moving forward in order to have that kind of lasting impact, but the President has also been clear, he’s going to engage with advocates, engage with members, and also consider options like executive actions, which is something that we did not act on, because we wanted to leave space for these negotiations to continue.

HALKETT: But [INAUDIBLE] African-American voters feel recognized that they are being seen, that they’re being heard? I mean, bring it down to the — to the layman level.

PSAKI: You asked me specifically about police reform, so that’s why I addressed that specific question. I would say that the President has been an advocate for civil rights changes, for reforms that are needed, for equity across our system for many, many decades, and that is a central tenant of his presidency. And that is evidenced in a range of executive orders that he signed early on in his presidency, his advocacy for voting rights, for police reform, and certainly the comments and remarks you heard him give this morning.

(...)

3:19:44 p.m.

1 minute and 50 seconds

SHELBY TALCOTT: So we know that the Vice President has been tasked with addressing the root causes of migration. A Democratic Congressman from Texas told CNN yesterday that the Vice President’s trip to Mexico and Central America had no impact. So first I’m wondering if the administration can just detail some tangible examples of the actions in addressing the root causes of migration that have had a tangible, you know, this — an actual impact. And then secondly, what specific causes — root causes is the Vice President currently addressing to help curb patient migration from places like Chile and Brazil?

PSAKI: Well, I think as the Vice President and the President have both conveyed, this is going to be a long term effort, and what the focus is on is addressing root causes like corruption, like economic circumstances that are impacting people and prompting them to want to come to the

United States. So that requires working with governments, both to put in place new migration proceedings and processes or limitations, sometimes at borders, we've seen some impacts of those over the course of the last several months. It also includes providing assistance, and engaging closely with these leaders on what steps can be taken. And the Vice President has been deeply engaged in this, but again, as it relates to Haiti, as it relates to our broken immigration system, the clear step that needs to be taken is an immigration bill needs to pass Congress. It's a broken system, one that is ineffective, one that is not moral, in many cases at this point in time, it's long overdue. There are a lot of Republicans out there giving speeches about how outraged they are about the situation at the border, not many who are putting forward solutions or steps that we could take. So we're a little tired of the speeches, we'd like to partner on solutions and working together to address this problem that has not been partisan in the past.

(...)

3:28:10 p.m.
53 seconds

KAREN TRAVERS: The DHS secretary several times said he didn't want to impair the integrity of the investigation into the Border Patrol agent. He said, "I will not prejudge the facts." Did the President prejudge the facts when he said, "I promise you those people will pay."

PSAKI: I think what you heard from the President is a very human and visceral response to those images, which I think reflects how a lot of people in the country felt when they saw them. There is an investigation the Department of Homeland Security is overseeing that will determine what the personnel decisions may be, any other policy decisions, and that needs to see itself through. But I think the President wanted to make clear to people who watched those photos, who had an — understandably emotional responses that that's not acceptable to him, even while the investigation is happening and moving forward, that will determine what the consequences will look like.

(...)

3:32:39 p.m.
2 minutes and 10 seconds

DOOCY: Two topics really quick. First, the President has said, and you have tweeted, that allegations of wrongdoing based on files pulled from Hunter Biden's laptop are Russian disinformation. There is a new book by a *Politico* reporter that finds some of the files on there are genuine. Is the White House still going with Russian disinformation?

PSAKI: I think it's broadly known and widely known, Peter, that there was a broad range of Russian disinformation back in 2020.

DOOCY: Okay. Moving on to the border. [REPORTERS LAUGHING] Following up on a question from earlier in the week, why hasn't President Biden ever visited the southern border?

PSAKI: What would you like him to do at the southern border? And what impact do you think that would have on the policies?

DOOCY: Why doesn't he want to go?

PSAKI: I don't think it's an issue of wanting to go. I think it's an issue of what's most constructive to address what we see as a challenging situation at the border and a broken immigration system. And his view is the most constructive role we can play is by helping to push immigration reform forward, helping reform the broken policies of the last several years and listening to his team of advisors who have been to the border multiple times about what the path forward should look like.

DOOCY: Why is this the one crisis then that he thinks he can manage better from here without having seen it than going to the southern border and seeing it?

PSAKI: I can assure you, the President is well aware of what the challenges are in our broken immigration system, something he watched closely over the last four years. [TO PORTNOY] Okay. Go ahead, Steve.

PORTNOY: Just to put a fine point on your answer to Karen's question.

PSAKI: Sure.

PORTNOY: I'm sure that the union officials and lawyers who will be representing these agents —

PSAKI: Yeah.

PORTNOY: — want to know: Is it your view, or the White House's position, that what the President said this morning is not legally operative with respect to consequences and these people paying? It was simply his personal view and not representative of actions that the government will take?

PSAKI: The President was not prejudging the outcome of an investigation either. The President was responding from his heart and responding to seeing horrific photos that we have seen over the last several days.

PORTNOY: But he is the head of the executive branch, the Constitution invests him with the authority in Article II. You're saying that what he said will not necessarily be the outcome?

PSAKI: Again, there's an investigation that's ongoing. I don't know that anyone saw those photos and didn't have a similar reaction to the President's, and that was what it was a reflection of.