

Weathering the “Perfect Storm:” Welcoming Refugees While Protecting the United States at Home and Abroad

PETER VINCENT*

It is both an immense privilege and a daunting challenge to address the current prospects of the United States’ continued indispensable role in the “liberal international order” as a global leader in security, economic, and political matters.¹ Given that many national leaders claim that our country is in a state of dire peril, you would be forgiven for thinking that the forecast is grim. Compounding this sense of doom, especially when attention is turned abroad, some news channels and sensationalist websites showcase nothing but acts of terror in far-flung places, and report on thousands of men, women, and children fleeing horrific violence. These images are intertwined in our consciousness with clips of U.S. politicians railing against immigrant communities. Both pieces of information are generally packaged with little to no substantive context and looped in a repetitive cycle. And as someone who regularly appears in the media to provide my perspective, for what it is worth, I recognize that I have unintentionally contributed to this dynamic. I am frequently called upon to explain the meaning of a particular terrorist attack or to address the heart-wrenching global refugee crisis. As a result, one television producer recently remarked to me in his network’s green room, “Peter, every time you walk into the studio, the temperature drops seventeen degrees.”

* Peter Vincent is a counterterrorism, national security, and refugee law expert who formerly served as a senior official with both the U.S. Department of Justice and U.S. Department of Homeland Security. In law school he was the Editor-in-Chief of the *Virginia Journal of International Law* for Volume 34. Thanks to Larissa Barrett and David Martin for their kind and thoughtful assistance with this article. Additional thanks to the *Virginia Journal of International Law*, the John Bassett Moore Society of International Law, and Jason Trujillo for inviting me to speak at the University of Virginia School of Law’s 66th annual International Law Symposium.

¹ Ivo Daalder & Robert Kagan, *The U.S. can’t afford to end its global leadership role*, BROOKINGS (April 25, 2016), <https://www.brookings.edu/blog/order-from-chaos/2016/04/25/the-u-s-cant-afford-to-end-its-global-leadership-role/>; Simon Reich, *The end of America’s global leadership?*, THE CONVERSATION (June 1, 2017, 10:24 PM), <https://theconversation.com/the-end-of-americas-global-leadership-78736>.

Psychologists point to a so-called “negativity bias,” which refers to “our collective hunger to hear, and remember bad news,” as what drives some media organizations’ shaping of an altogether frightening picture: a desperate, dystopian world collapsing in terrorism, war, starvation, and protests outside our shores.² It is unsurprising, then, that Americans are increasingly disinterested in foreign intervention. A May 2016 Pew Research Center survey indicated 57% of Americans want other countries to “deal with their own problems as best they can,” and 41% believe the United States is too involved in world problems.³ Just under half of the U.S. public supports halting all immigration from areas where terrorist organizations are active, even if it means that refugees fleeing war and terrorism are denied entry and safe haven here.⁴

The United States is at a crossroads: do we continue as a force for democracy, human rights, global trade, and cultural heterogeneity, or do we seek to advance our own fortune at the rest of the world’s expense?⁵ The choice appears stark, but make no mistake, the United States cannot withdraw from its relationships and commitments abroad without causing incalculable and irreparable harm to itself and to its international allies. I am deeply concerned that, for the first time in the postwar era, both a large portion of our populace and political leadership are considering whether that damage is an acceptable price for the security of our nation. I maintain that it is not.

Turning away from international responsibilities and opportunities would severely tarnish the United States’ global reputation and jeopardize its national security.⁶ We should reject those who tell us we cannot both support and protect our fellow U.S. citizens while, at the same time, provide

2 Tom Stafford, *Psychology: Why bad news dominates the headlines*, BBC: FUTURE (July 29, 2014), <http://www.bbc.com/future/story/20140728-why-is-all-the-news-bad>.

3 PEW RES. CTR., PUBLIC UNCERTAIN, DIVIDED OVER AMERICA’S PLACE IN THE WORLD (2016), <http://www.people-press.org/2016/05/05/public-uncertain-divided-over-americas-place-in-the-world/>.

4 QUINNIPIAC UNIVERSITY, AMERICAN VOTERS WANT SECOND OPINION ON OBAMACARE, QUINNIPIAC UNIVERSITY NATIONAL POLL FINDS; VOTERS SUPPORT IMMIGRANTS, BUT ALSO BACK MUSLIM LIST (2017), <https://poll.qu.edu/national/release-detail?ReleaseID=2416>.

5 Conor Sen, Op-Ed, *U.S. Is Still a Global Leader. Trump Can’t Change That.*, BLOOMBERG (July 11, 2017, 10:00 AM), <https://www.bloomberg.com/view/articles/2017-07-11/u-s-is-still-a-global-leader-trump-can-t-change-that>; H.W. Brands, *From Wilson to Trump: How the “American Century” of global leadership ends with “America First,”* THE HILL: PUNDITS BLOG (July 2, 2017, 11:00 AM) from <http://thehill.com/blogs/pundits-blog/the-administration/340277-from-wilson-to-trump-how-the-american-century-of-global>; Reich, *supra* note 1; James Conca, *The Iran Nuclear Deal Without the United States*, FORBES: ENERGY (Oct. 17, 2017, 6:00 AM), <https://www.forbes.com/sites/jamesconca/2017/10/17/the-iran-nuclear-deal-without-the-united-states/#669e4cc63c94>; Conor Gaffey, *Hurricane Irma: U.S. Withdrawal from Paris Climate Deal “The Most Backward Decision” Ever Says Antigua PM*, NEWSWEEK (Oct. 20, 2017, 12:31 PM), <http://www.newsweek.com/hurricane-irma-trump-climate-change-paris-climate-deal-689387>.

6 Richard N. Haas, *The Isolationist Temptation*, WALL ST. J. (Aug. 5, 2016, 11:38 AM), <https://www.wsj.com/articles/the-isolationist-temptation-1470411481>.

assistance and comfort to those in need around the world. The United States *can* guard against nefarious actors who might seek to exploit the irregular migrant crisis across the globe, while simultaneously providing safe haven to refugees and asylum seekers. Moreover, I contend that it is our collective legal and moral—and, indeed, uniquely American—obligation to do so.⁷

The present calls to turn our focus back to the United States is often characterized as anti-globalization, but it is perhaps best understood as a form of isolationism, the roots of which are as old as the republic itself.⁸ Isolationist sentiment among the public is a predictable reaction to any costly foreign undertaking, particularly when those operations could potentially result in the high-profile loss of lives.⁹ Isolationism also appears alongside domestic crises, as experienced in the United States during the Great Depression.¹⁰ In every prominent bomb blast abroad or devastating event at home, we can see the seeds of an isolationist response.¹¹ Today, our climate of isolationism and nationalism¹² can be understood in part as a

⁷ Peter Vincent, Op-Ed, *Welcome Syrians to U.S.*, THE S. F. CHRON. (Sep. 29, 2016, 4:41 PM), <http://www.sfchronicle.com/opinion/openforum/article/Open-forum-Welcome-Syrians-to-U-S-9457627.php>.

⁸ David E. Sanger & Jim Yardley, *In Donald Trump's Rise, Allies See New American Approach*, N. Y. TIMES (May 5, 2016), <https://www.nytimes.com/2016/05/06/world/europe/donald-trump-foreign-policy.html>; Charles Krauthammer, *Trump's Foreign-Policy Revolution*, NAT'L REV. (Jan. 26, 2017, 8:00 PM), <http://www.nationalreview.com/article/444321/trumps-foreign-policy-isolationism-america-first-not-countrys-interest>; Tim Reuter, *An Isolationist United States? If Only That Were True*, FORBES, (Oct. 10, 2013, 8:00 AM), <https://www.forbes.com/sites/timreuter/2013/10/10/an-isolationist-united-states-if-only-that-were-true/#42204b7f5d1b>; Laurence Chandy & Brina Seidel, *Donald Trump and the future of globalization*, BROOKINGS: UP FRONT (Nov. 18, 2016), <https://www.brookings.edu/blog/up-front/2016/11/18/donald-trump-and-the-future-of-globalization/>; Pankaj Ghemawat, *Globalization in the Age of Trump*, HARV. BUS. REV. (July–Aug. 2017), <https://hbr.org/2017/07/globalization-in-the-age-of-trump>; Gary C. Hufbauer & Cathleen Cimano-Isaacs, *Trump versus Globalization*, CAIRO REV. GLOBAL AFF. (Summer 2017), <https://www.thecairoreview.com/essays/trump-versus-globalization/>.

⁹ Cathy Young, Op-Ed, *The Problem With the New Isolationism*, TIME (Apr. 23, 2014) from <http://time.com/68293/the-problem-with-the-new-isolationism/>; Roger Baker *The United States: Between Isolation and Empire*, FORBES (Jan. 31, 2017, 10:05 AM), <https://www.forbes.com/sites/stratfor/2017/01/31/the-united-states-between-isolation-and-empire/#2583b2361139> ([originally published at Stratfor.com](#)); Uri Friedman, *How Donald Trump Could Change the World: A scholar of U.S. Foreign Policy explains why the 2016 race could be the most consequential election—anywhere—since the 1930s*, THE ATLANTIC (Nov. 7, 2016), <https://www.theatlantic.com/international/archive/2016/11/trump-election-foreign-policy/505934>.

¹⁰ U.S. Dep't of State, Bureau of Public Affairs, Office of the Historian, *The Great Depression and U.S. Foreign Policy* (2016), <https://history.state.gov/milestones/1921-1936/great-depression>; Paul Krugman, Opinion, *Protectionism and the Great Depression*, N. Y. TIMES (Nov. 30, 2009, 9:51 AM), from <https://krugman.blogs.nytimes.com/2009/11/30/protectionism-and-the-great-depression/>.

¹¹ Hoard LaFranchi, *American isolationism? World signals it may no longer be possible*, CHRISTIAN SCI. MONITOR (Apr. 13, 2017), <https://www.csmonitor.com/USA/Foreign-Policy/2017/0413/American-isolationism-World-signals-it-may-no-longer-be-possible>.

¹² See generally President George W. Bush, Remarks at the George W. Bush Institute's National Forum on Freedom, Free Markets, and Security: Spirit of Liberty: At Home, In The World (Oct. 19, 2017), <http://www.bushcenter.org/about-the-center/newsroom/press-releases/2017/10/gwb-lwb-spirit-of-liberty-remarks.html>.

reaction to our recent foreign wars, global terrorism, and increased economic distress at home.¹³

But there is another powerful factor, one more difficult to assess: the influence of fear and the perception of uncertainty among those who oppose more immigration and resettling of refugees in the homeland. Put simply, those who experience high anxiety and trepidation about current affairs are more likely to exhibit isolationist tendencies.¹⁴ Unfortunately, the standard American political rhetoric and media diet includes large amounts of alarmist and fear-inducing triggers.¹⁵

These are challenging,¹⁶ oftentimes dangerous,¹⁷ and, perhaps in some ways thrilling, times for journalists.¹⁸ The “fourth estate”—the free press—

13 Bruce Stokes, *American Isolationism, With a Very, Very Big Stick*, FOREIGN POLICY (May 17, 2016, 10:49 AM), <http://foreignpolicy.com/2016/05/17/american-isolationism-with-a-very-very-big-stick-trump-clinton-election/>; Governor Rick Perry, Opinion, *Isolationist policies make the threat of terrorism even greater*, WASH. POST, (July 11, 2014), https://www.washingtonpost.com/opinions/rick-perry-isolationist-policies-make-the-threat-of-terrorism-even-greater/2014/07/11/6dbfba4a-06f0-11e4-bbf1-cc51275e7f8f_story.html?utm_term=.4126b7f6024f.

14 Omar Karasapan, *Refugees, migrants, and the politics of fear*, BROOKINGS: FUTURE DEVELOPMENT, (Apr. 12, 2017), <https://www.brookings.edu/blog/future-development/2017/04/12/refugees-migrants-and-the-politics-of-fear/>; Heather Horn, *Where Does the Fear of Refugees Come From?*, THE ATLANTIC (Apr. 27, 2016), <https://www.theatlantic.com/international/archive/2016/04/refugees-crime-rumors/480171/>; Eric Posner, *Why Are People So Scared of Syrian Refugees?*, SLATE (Nov. 20, 2015, 5:26 PM), http://www.slate.com/articles/news_and_politics/view_from_chicago/2015/11/why_american_people_are_scared_of_syrian_refugees.html; Brian Resnick, *7 lessons from psychology that explain the irrational fear of outsiders*, VOX (Jan. 30, 2017, 9:51 AM), <https://www.vox.com/science-and-health/2017/1/28/14425658/fear-of-refugees-explained>; Michael Birnbaum & Griff Witte, *“People in Europe are full of fear” over refugee influx*, WASH. POST (Sep. 3, 2015), https://www.washingtonpost.com/world/hungarys-leader-to-migrants-please-dont-come/2015/09/03/d5244c6d-53d8-4e82-b9d7-35ec41ca2944_story.html?utm_term=.425a34b0ccff.

15 Eric R. Olson, *The Science of Journalism? Why Sensational Sells*, SCIENCELINE: LIFE SCIENCE BLOG (Sep. 15, 2008), <http://scienceline.org/2008/09/the-science-of-journalism-why-sensational-sells/>; Ray Williams, *Why We Love Bad News*, PSYCHOLOGY TODAY: WIRED FOR SUCCESS (Nov. 1, 2014), <https://www.psychologytoday.com/blog/wired-success/201411/why-we-love-bad-news>; Peter Vanderwicken, *Why the News is Not the Truth*, HARV. BUS. REV. (May–June 1995), <https://hbr.org/1995/05/why-the-news-is-not-the-truth>.

16 Micheline Maynard, *The Trump Administration Is About To Begin, And So Is The Media’s Big Opportunity*, FORBES (Jan. 19, 2017, 10:45 AM), <https://www.forbes.com/sites/michelinemaynard/2017/01/19/the-trump-administration-is-about-to-begin-and-so-is-the-medias-big-opportunity/#281d7cf25fdd>; Jim Rutenberg, *Trump is Testing the Norms of Objectivity in Journalism*, N. Y. TIMES (Aug. 7, 2016), <https://www.nytimes.com/2016/08/08/business/balance-fairness-and-a-proudly-provocative-presidential-candidate.html>; Amie Ferris-Rotman, *Donald Trump Has Been Torture for Foreign Correspondents in Russia*, FOREIGN POLICY (Nov. 29, 2017, 12:33 PM), <http://foreignpolicy.com/2017/11/29/donald-trump-has-been-torture-for-foreign-correspondents-in-russia/>.

17 See generally ATTACKS ON THE PRESS 2015 EDITION, COMMITTEE TO PROTECT JOURNALISTS, <https://cpj.org/2015/04/attacks-on-the-press.php> (last visited Feb. 10, 2018); Rick Gladstone, *Journalists Facing Biggest Threats in Recent Times, Advocacy Group Says*, N. Y. TIMES (Apr. 27, 2015), <https://www.nytimes.com/2015/04/28/world/middleeast/journalists-facing-biggest-threats-in-recent-times-advocacy-group-says.html>.

18 Christiane Amanpour, Opinion, *Journalism faces an “existential crisis” in Trump era*, CNN (Nov. 23, 2016, 11:58 AM), <https://www.cnn.com/2016/11/23/opinions/christiane-amanpour->

plays a critically important, and often underappreciated, role in safeguarding and strengthening democracies, including our own republic, of course.¹⁹ Unfortunately, in the current political environment, journalists and news organizations are routinely and unfairly dismissed as unreliable (or worse) by our political leadership.²⁰ To complicate matters further, the vast majority of us, as consumers of news, no longer rely on a daily newspaper and a nightly newscast to educate us on world affairs. We have a vast array of options across online news bureaus, radio, podcasts, television, blogs, news aggregators, and Twitter feeds, all of which can be curated to meet our pre-existing biases.²¹ This selection is in turn spread over the multitude of devices we employ every day, from our work laptops to personal smart phones, sometimes used simultaneously while we watch television and browse our favorite websites. As information, including what the current administration irresponsibly and baselessly slurs as “fake news”²² while shamelessly promoting so-called “alternative facts,”²³ proliferates around us,

journalism-in-trump-era/index.html; Joe Concha, *CNN's Zucker: Trump's attacks “badge of honor” for employees*, THE HILL (Feb. 17, 2017, 8:50 AM), <http://thehill.com/media/320058-cnns-zucker-trumps-attacks-badge-of-honor-for-employees>.

19 David Cole, *Donald Trump vs. the First Amendment*, THE NATION (Jan. 18, 2017), <https://www.thenation.com/article/donald-trump-vs-the-first-amendment/>; Michael Oreskes, Editorial, *We Cannot Tolerate Legal and Personal Attacks on Journalists for Doing Their Jobs*, NPR (Jan. 17, 2017, 11:36 AM), <https://www.npr.org/sections/npr-extra/2017/01/17/510258353/we-cannot-tolerate-legal-and-personal-attacks-on-journalists-for-doing-their-job>; Brian Stelter, *Donald Trump has “betrayed First Amendment values,” journalism advocates say*, CNN (Oct. 13, 2016, 6:56 PM), <http://money.cnn.com/2016/10/13/media/donald-trump-press-freedom/index.html>; Brian Stelter, *Top journalists warn of threats to press freedom under Trump*, CNN (Nov. 23, 2016, 8:40 AM), <http://money.cnn.com/2016/11/23/media/committee-to-protect-journalists/index.html>; Lisa Muller, *The impact of the mass media on the quality of democracy within a state remains a much overlooked area of study*, LONDON SCH. ECON.: EURO CRISIS IN THE PRESS (Dec. 10, 2014), <http://blogs.lse.ac.uk/eurocrisispress/2014/12/10/the-impact-of-the-mass-media-on-the-quality-of-democracy-within-a-state-remains-a-much-overlooked-area-of-study/>.

20 Editorial, *Trump's War on Journalism*, L. A. TIMES (Apr. 5, 2017), <http://www.latimes.com/projects/la-ed-trumps-war-on-journalism/>.

21 Elizabeth Frieco, *More Americans are turning to multiple social media sites for news*, PEW RES. CTR. (Nov. 2, 2017), <http://www.pewresearch.org/fact-tank/2017/11/02/more-americans-are-turning-to-multiple-social-media-sites-for-news/>; Elisa Shearer & Jeffrey Gottfried, *News Use Across Social Media Platform 2017*, PEW RES. CTR. (Sep. 7, 2017), <http://www.journalism.org/2017/09/07/news-use-across-social-media-platforms-2017/>.

22 Aaron Blake, *Sarah Huckabee Sanders kills irony dead, once and for all*, WASH. POST: THE FIX (Jan. 4, 2018), https://www.washingtonpost.com/news/the-fix/wp/2018/01/04/sarah-huckabee-sanders-kills-irony-dead-once-and-for-all/?hpid=hp_regional-hp-cards_rhp-card-politics%3Ahomepage%2Fcard&utm_term=.a683027eea2f; Matt Ford, *Trump's Press Secretary Falsely Claims: “Largest Audience Ever to Witness an Inauguration, Period,”* THE ATLANTIC (Jan. 21, 2017), <https://www.theatlantic.com/politics/archive/2017/01/inauguration-crowd-size/514058/>; Eric Zorn, *“Baghdad Sean” Spicer doubles down on crowd lies*, CHI. TRIB. (Jan. 23, 2017), <http://www.chicagotribune.com/news/opinion/zorn/ct-sean-spicer-trump-crowd-lies-perspec-0124-20170123-column.html>; Rachel Chason, *Sean Spicer says he “absolutely” regrets crowd-size briefing*, WASH. POST: THE FIX (Sep. 19, 2017), https://www.washingtonpost.com/news/the-fix/wp/2017/09/18/sean-spicer-says-he-absolutely-regrets-crowd-size-briefing/?utm_term=.c64c49c02766.

23 Glenn Kessler & Meg Kelly, *President Trump made 2,140 false or misleading claims in his first year*, WASH. POST (Jan. 20, 2018), <https://www.washingtonpost.com/news/fact->

our attention itself becomes a commodity.²⁴ Our interest becomes more than a collection of habits; it evolves into our self-perception. We differentiate and identify ourselves by the types of media we choose to receive, filtering our preferences to the top and left-swiping away data that does not fit our worldview.²⁵

This is the reality of the attention economy: our browsing habits can now make or break a business' fortune.²⁶ Indeed, our collective browsing habits have reshaped the profitability dynamics²⁷ faster than some companies can keep apace. With so much information to manage, content providers know we are unlikely to finish a television show or an article. We might not even finish a headline. And, as such, the media, not surprisingly, without the benefit of the subscription model that sustained them for decades,²⁸ competes for our time alongside entertainment websites and

checker/wp/2018/01/20/president-trump-made-2140-false-or-misleading-claims-in-his-first-year/?utm_term=.ee7cd494f2e6; Glenn Kessler & Meg Kelly, *President Trump has made more than 2,000 false or misleading claims over 355 days*, WASH. POST (Jan. 10, 2018), https://www.washingtonpost.com/news/fact-checker/wp/2018/01/10/president-trump-has-made-more-than-2000-false-or-misleading-claims-over-355-days/?utm_term=.0b0ef060a157; Glenn Kessler, Meg Kelly & Nicole Lewis, *President Trump has made 1,950 false or misleading claims over 347 days*, WASH. POST (Jan. 2, 2018), https://www.washingtonpost.com/news/fact-checker/wp/2018/01/02/president-trump-has-made-1949-false-or-misleading-claims-over-347-days/?utm_term=.8176db598da3; Glenn Kessler, Meg Kelly & Nicole Lewis, *President Trump has made 1,628 false or misleading claims over 298 days*, WASH. POST (Nov. 14, 2017), https://www.washingtonpost.com/news/fact-checker/wp/2017/11/14/president-trump-has-made-1628-false-or-misleading-claims-over-298-days/?utm_term=.3158990a146c; Eric Bradner, *Conway: Trump White House offered "alternative facts" on crowd size*, CNN (Jan. 23, 2017), <http://www.cnn.com/2017/01/22/politics/kellyanne-conway-alternative-facts/index.html>; Chris Cillizza, *Kellyanne Conway offers alternative fact to explain why Trump isn't lying*, CNN (July 24, 2017), <http://www.cnn.com/2017/07/24/politics/kellyanne-conway-trump/index.html>; Aaron Blake, *Kellyanne Conway and the White House's 100-day alternative facts*, WASH. POST (Apr. 26, 2017), https://www.washingtonpost.com/news/the-fix/wp/2017/04/26/kellyanne-conway-and-the-white-houses-bogus-100-day-alternative-facts/?utm_term=.040b4ce23db6.

²⁴ Kevin Curry, *More and more people get their news via social media. Is that good or bad?*, WASH. POST (Sep. 30, 2016), https://www.washingtonpost.com/news/monkey-cage/wp/2016/09/30/more-and-more-people-get-their-news-via-social-media-is-that-good-or-bad/?utm_term=.61767a1e9ed4.

²⁵ Amy Mitchell, Jeffrey Gottfried, Jocelyn Kiley & Katerina Eva Matsa, *Political Polarization & Media Habits*, PEW RES. CTR. (Oct. 21, 2014), <http://www.journalism.org/2014/10/21/political-polarization-media-habits/>.

²⁶ Simon Hill, *How much do online advertisers really know about you? We asked an expert*, DIGITAL TRENDS (June 27, 2015, 3:00 AM), <https://www.digitaltrends.com/computing/how-do-advertisers-track-you-online-we-found-out/>; Heather Kelly & Scott McLean, *Your browser history is for sale, so here's what you need to know*, CNN (Apr. 6, 2017), <http://money.cnn.com/2017/04/05/technology/online-privacy-faq/index.html>.

²⁷ Jack Murtha, *What it's like to get paid for clicks*, COLUM. JOURNALISM REV. (July 13, 2015), https://www.cjr.org/analysis/the_mission_sounds_simple_pay.php.

²⁸ Kyle Pope, *Is There a Business Model for Serious Journalism in the Age of Trump?*, THE NATION (Mar. 2, 2017), <https://www.thenation.com/article/is-there-a-business-model-for-serious-journalism-in-the-age-of-trump/>.

online games, often using “clickbait”²⁹ to lure readers to articles.³⁰ Many news organizations and journalists—with many courageous and notable exceptions—package the critical news of our day into salacious, dramatic, and exaggerated soundbites, disseminated in short bursts with minimal explanation or background.³¹ In their defense, those media organizations plausibly argue that they are merely giving us what we are asking for in terms of content.³² As such, it is not surprising that the chief goal of some news websites is no longer to inform, but to share a story so controversial, universally intriguing, or emotionally resonant that it reaches the widest possible audience. Truth has become subservient to virality.³³ And one of the strongest components of effective viral content is fear.³⁴

We see this fear in coverage of every conceivable topic, but it is especially strong as it relates to immigrants and refugees. Consider just some of these statements, all from mainstream news organizations:

- The movement of refugees will allow terrorists entry into almost every Western country.³⁵
- The migrant crisis is an ISIS psychological weapon.³⁶
- Male Muslim refugees are going to be easily radicalized by ISIS.³⁷
- Obama is letting hordes of dangerous illegals onto American streets.³⁸
- Flood of immigrant children straining American schools and taxpayers.³⁹

29 Ben Frampton, *Clickbait: The changing face of online journalism*, BBC (Sep. 14, 2015), <http://www.bbc.com/news/uk-wales-34213693>.

30 Bryan Gardiner, *You'll Be Outraged at How Easy it Was to Get You to Click on This Headline*, WIRED (Dec. 18, 2015), <https://www.wired.com/2015/12/psychology-of-clickbait/>.

31 Tom Engelhardt, *How Sensational News Stories Distract Us From Real Crises*, THE NATION (Apr. 3, 2014), <https://www.thenation.com/article/how-sensational-news-stories-distract-us-real-crises/>.

32 Drew Magary, *CNN's Jeff Zucker Thinks This is All Just a Game*, GQ (Apr. 5, 2017), <https://www.gq.com/story/cnn-jeff-zucker-thinks-this-is-a-game>.

33 *Id.*

34 Kerry Jones, Kelsey Libert & Kristin Tynski, *The Emotional Combinations That Make Stories Go Viral*, HARV. BUS. REV. (May 23, 2016), <https://hbr.org/2016/05/research-the-link-between-feeling-in-control-and-viral-content>.

35 Brennan Suen, *Fox News Exploits European Refugee Crisis To Stoke Islamophobic Fear That Muslim Refugees May Be Terrorists*, MEDIA MATTERS (Sep. 10, 2015, 11:57 AM), <http://mediamatters.org/research/2015/09/10/fox-news-exploits-european-refugee-crisis-to-st/205472>.

36 *Id.*

37 *Id.*

38 Jessica Torres & Christina López G., *The Most Absurd Anti-Immigrant Myths Of 2014*, MEDIA MATTERS (Dec. 17, 2014, 5:05 PM), <http://mediamatters.org/research/2014/12/17/the-most-absurd-anti-immigrant-myths-of-2014/201926>.

39 *Id.*

The use of fear to attract audiences is endemic and far-reaching. Pope Francis went so far as to call such reporting a form of “terrorism.”⁴⁰ There are millions of people in this country today who fear refugees precisely because they have been told that they *should* be afraid.⁴¹ And due to the emergence of self-made filter bubbles, these people can go about their lives without being exposed to facts, statistics, information, and forms of argument⁴² that might persuade them otherwise.⁴³

With this current context in mind, we should note that general opposition to refugees or large immigrant populations is not a new phenomenon. In January 1939, just months after Kristallnacht, 67% of respondents to a Gallup poll opposed resettling 10,000 European refugee children in the United States.⁴⁴ Majorities of Americans have been against welcoming vulnerable populations including Jews, Hungarians, Irish, Cubans, Vietnamese, Haitians, and others displaced by crises. Political groups like the so-called “Know-Nothings” created policy platforms around their antipathy to foreigners.⁴⁵ They shared propaganda in the form of cartoons and pamphlets along local networks, similar to contemporary social media feeds.⁴⁶ Disinformation stokes distrust, paranoia, and fear of the “other,” all key elements of isolationism. People driven by these fears will naturally be hostile to groups they perceive as threats.

40 Philip Pulella, *Pope says journalism based on fear-mongering, gossip is form of 'terrorism'*, REUTERS (Sep. 22, 2016, 12:56 PM), <http://www.reuters.com/article/us-pope-media-idUSKCN11S26D>.

41 Kenneth E. Miller, *Are Refugees a Threat to Americans? Cognitive bias, misinformation, and fear mongering have led to unfounded fears*, PSYCHOLOGY TODAY: THE REFUGEE EXPERIENCE (Feb. 20, 2017), <https://www.psychologytoday.com/blog/the-refugee-experience/201702/are-refugees-threat-americans>; Spencer Critchley, *Americans Fear Refugees Because They're Bad with Numbers*, HUFFINGTON POST (Feb. 7, 2017, 11:46 AM), https://www.huffingtonpost.com/entry/americans-fear-refugees-because-were-bad-at-math_us_58995b9ae4b061551b3e032c; Alex Nowrasteh, *Americans' Fear of Foreign Terrorists Is Overinflated*, TIME (Sep. 13, 2016), <http://time.com/4489405/americans-fear-of-foreign-terrorists/>; Moshin Hamid, *REFUGEES: Overcoming Our Fear*, TIME (Oct. 13, 2016), <http://time.com/collection-post/4527253/2016-election-refugees/>.

42 Ana Swanson, *How to change someone's mind, according to science*, WASH. POST: WONKBLOG (Feb. 10, 2016), https://www.washingtonpost.com/news/wonk/wp/2016/02/10/how-to-change-someones-mind-according-to-science/?utm_term=.add923f0d9d7; Elizabeth Kolbert, *Why Facts Don't Change Our Minds*, NEW YORKER (Feb. 27, 2017), <https://www.newyorker.com/magazine/2017/02/27/why-facts-dont-change-our-minds>.

43 Amanda Hess, *How to Escape Your Political Bubble for a Clearer View*, N. Y. TIMES (Mar. 3, 2017), <https://www.nytimes.com/2017/03/03/arts/the-battle-over-your-political-bubble.html>; Kevin J. Delaney, *Filter bubbles are a serious problem with news, says Bill Gates*, QUARTZ (Feb. 21, 2017), <https://qz.com/913114/bill-gates-says-filter-bubbles-are-a-serious-problem-with-news/>.

44 Frank Newport, *Historical Review: Americans' Views on Refugees Coming to U.S.*, Gallup: Polling Matters (Nov. 19, 2015), <http://www.gallup.com/opinion/polling-matters/186716/historical-review-americans-views-refugees-coming.aspx>.

45 Patrick Young, *The Lasting Impact of the Know Nothings on Immigrant America*, LONG ISLAND WINS (Jan. 13, 2012), <https://longislandwins.com/news/national/the-lasting-impact-of-the-know-nothings-on-immigrant-america/>.

46 Amy Briggs, *Meet the 19th-century Political Party Founded on Ethnic Hate*, NATIONAL GEOGRAPHIC (Aug. 16, 2017), <https://www.nationalgeographic.com/archaeology-and-history/magazine/2017/07-08/know-nothings-and-nativism/>.

Beyond the general public, academics and policymakers seeking a precedent for U.S. isolationism can point as far back as George Washington’s administration, which avoided involvement in European affairs.⁴⁷ In his farewell address, Washington implored the American people to avoid permanent alliances and to minimize our political ties to other countries, noting the young nation’s “detached and distant situation” made such independence possible.⁴⁸ Contemporary pro-isolationism thinkers have tried to preserve that notion of independence while defining the term more broadly; Dr. Eric Nordlinger described isolationism’s “strategic vision” as “one of quiet strength and national autonomy.”⁴⁹ At its core, the lasting appeal of isolationism stems from a seductive reduction: our focus should be on our own country, our own borders, and our own people.

Yet, that simple idea contains a number of crucial fallacies and significant questions. A robust foreign policy and security apparatus does not preclude adequate attention to domestic concerns.⁵⁰ Furthermore, overseas commercial interests are intimately tied to our domestic economy and require protection from those who would do us harm.

On the subject of foreign adversaries, the core goal of our intelligence community is to gather critical information that assists our policymakers and protects our country.⁵¹ How do they manage the complex diplomatic and logistical requirements of their mission if our goal is to avoid foreign activities and engagements?

And what of academic institutions, which since their founding have enriched civilizations as intellectual sanctuaries attracting powerful minds from around the world? How do new ideas flourish in an environment that minimizes the value of foreign contributions? Some of the United States’ most successful industries depend heavily upon foreign workers and immigrant families. For instance, more than 15% of Facebook employees were on H-1B visas in 2016.⁵² And 83% of the finalists of the Intel Science

47 Michael Hirsh, *Why George Washington Would Have Agreed With Donald Trump*, POLITICO MAGAZINE (May 5, 2016), <https://www.politico.com/magazine/story/2016/05/founding-fathers-2016-donald-trump-america-first-foreign-policy-isolationist-213873>.

48 President George Washington, *Farewell Address* (Sep. 17, 1796).

49 Doug Bandow, 1 INDEP. REV. 1 (1996), <http://www.independent.org/publications/tir/article.asp?a=489> (reviewing ERIC NORDLINGER, ISOLATIONISM RECONFIGURED: AMERICAN FOREIGN POLICY FOR A NEW CENTURY).

50 Lamont Colucci, Opinion, *No Time for a Learning Curve on Foreign Policy*, U.S. NEWS (Nov. 16, 2015, 2:05 PM), <https://www.usnews.com/opinion/blogs/world-report/2015/11/16/our-next-president-has-to-be-comfortable-with-foreign-policy-on-day-one>.

51 Kenneth Lieberthal, *The U.S. Intelligence Community and Foreign Policy: Getting Analysis Right*, in FOREIGN POLICY AT BROOKINGS 2009, https://www.brookings.edu/wp-content/uploads/2016/06/09_intelligence_community_lieberthal.pdf (Foreign Policy Paper Series Ser. No. 18, 2009); John S. Mohr, *A Call for More Humility in Intelligence Analysis*, 61 STUD. INTELLIGENCE 54 (2017), <https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/vol-61-no-4/a-call-for-humility.html>.

52 Stephen Nellis, Mica Rosenberg & Andy Sullivan, *15% of Facebook employees are vulnerable to Trump’s likely changes for H-1B visas*, VENTUREBEAT (Feb. 2, 2017, 9:44 PM),

Talent Search are immigrants.⁵³ Perhaps most impressively, in 2016, all six U.S. winners of the Nobel Prize in the sciences and economics were immigrants.⁵⁴ Furthermore, “since 2000, immigrants have been awarded 40%...of the Nobel Prizes won by Americans” in medicine, chemistry, and physics.⁵⁵ Our companies, our universities and other educational institutions, and our marketplaces of ideas depend on healthy relationships with the international community.

Isolationism supposes a reality in which strong and stable nations grow and thrive mostly independently of their neighbors. However, isolationist states rarely reap the rewards of global economic prosperity.⁵⁶ Isolationism is not only a simplistic philosophy; it is also an inherently negative one. Bill Keller offered a sobering assessment of U.S. isolationism in 2013:

Isolationism is not just an aversion to war, which is an altogether healthy instinct. It is a broader reluctance to engage, to assert responsibility, to commit. Isolationism tends to be pessimistic—we will get it wrong, we will make it worse, amoral—it is none of our business unless it threatens us directly, and inward-looking—foreign aid is a waste of money better spent at home.⁵⁷

This sounds markedly different from Washington’s call, despite his skepticism of permanent alliances, to “cultivate peace and harmony with all” with the assistance of “religion and morality.”⁵⁸ Yet isolationism requires profound moral choices with daunting implications. When we prioritize our country and our people, before long we descend into a debate about who or what counts as “ours,” which in turn can foster bigotry, xenophobia, and racial nationalism, like the America First Committee, which was supported by luminaries including Charles Lindbergh, among others, in the mid-

<http://venturebeat.com/2017/02/02/15-of-facebook-employees-vulnerable-to-trumps-likely-changes-for-h-1b-visas/>.

⁵³ Stuart Anderson, *83% Of America’s Top High School Science Students Are The Children Of Immigrants*, FORBES (Mar. 11, 2017, 12:11 AM),

<https://www.forbes.com/sites/stuartanderson/2017/03/11/83-of-americas-top-high-school-science-students-are-the-children-of-immigrants/#6e46a9502200>.

⁵⁴ Stuart Anderson, *Immigrants Flooding America With Nobel Prizes*, FORBES (Oct. 16, 2017, 10:48 AM), <https://www.forbes.com/sites/stuartanderson/2016/10/16/immigrants-flooding-america-with-nobel-prizes/#1dae602d6cb6>.

⁵⁵ *Id.*

⁵⁶ See generally Heather Long, *Trump’s isolationism is bad for business*, CNN MONEY (Jan. 30, 2017, 2:33 PM), <http://money.cnn.com/2017/01/30/news/economy/donald-trump-economic-risk-isolationism/index.html>; C. Fred Bergsten, Opinion, *Trump’s Trade Policy Is a Big Loser*, U.S. NEWS (Apr. 19, 2016, 1:00 PM), <https://www.usnews.com/opinion/economic-intelligence/articles/2016-04-19/trumps-trade-policy-is-a-big-loser-for-the-us-economy>.

⁵⁷ Bill Keller, Opinion, *Our New Isolationism*, N. Y. TIMES (Sep. 8, 2013), <http://www.nytimes.com/2013/09/09/opinion/keller-our-new-isolationism.html>.

⁵⁸ Washington, *supra* at note 48.

twentieth century.⁵⁹ To be isolationist is to accept that the United States is unable or unlikely to contribute positively to global emergencies, or, worse, to suggest that such positive contributions are unimportant to America’s cause.

But such theoretical questions detract from the central point. Blessings of geography aside, there is no “detached and distant situation” of U.S. diplomacy.⁶⁰ One could reasonably argue that there never has been. There can be no detachment from the countless agreements and special relationships that have helped the United States develop into a world power.⁶¹ In today’s geopolitical landscape, these connections are more important than ever before.⁶² The first line of defense for the United States’ security should be overseas, and not at our doorstep.⁶³ Diplomacy has traditionally served this role along with intelligence gathering. And certainly there can be no distance when so many critical U.S. assets—such as intellectual property and classified national security information—exist in non-physical space accessible by anyone with sufficiently powerful tools.⁶⁴ This is another critical failure of isolationism: it fails to take into account the state and dimensions of our borders.

59 Krishnadev Calamur, *A Short History of “America First,”* THE ATLANTIC (Jan. 21, 2017), <https://www.theatlantic.com/politics/archive/2017/01/trump-america-first/514037/>; Brian Bennett, “*America First,*” a phrase with a loaded anti-Semitic and isolationist history, L. A. TIMES (Jan. 20, 2017, 2:30 PM), <http://www.latimes.com/politics/la-na-pol-trump-america-first-20170120-story.html>; Louisa Thomas, *America First, For Charles Lindbergh and Donald Trump,* NEW YORKER (July 24, 2016), <https://www.newyorker.com/news/news-desk/america-first-for-charles-lindbergh-and-donald-trump>; Susan Dunn, *Trump’s “America First” has ugly echoes from U.S. history,* CNN (Apr. 28, 2016, 8:02 AM), <http://www.cnn.com/2016/04/27/opinions/trump-america-first-ugly-echoes-dunn/index.html>.

60 Bear F. Braumoeller, *The Myth of American Isolationism,* 6 FOREIGN POL’Y ANALYSIS 349 (2010).

61 Paul Johnson, *The Myth of American Isolationism—Reinterpreting the Past,* FOREIGN AFFAIRS (May/June 1995), <https://www.foreignaffairs.com/reviews/review-essay/1995-05-01/myth-american-isolationism-reinterpreting-past>.

62 Andrew Bacevich, *American Isolationism: Nothing More Than a Myth,* MOTHER JONES (Oct. 24, 2013, 6:48 PM), <http://www.motherjones.com/politics/2013/10/american-isolationism-war-hawk-foreign-policy-myth/>.

63 Amanda Vicinanza, *DHS’ Outer Ring of Border Security: Pushing Homeland Security Beyond US Borders,* HOMELAND SECURITY TODAY (June 3, 2015), <http://www.hstoday.us/single-article/dhs-outer-ring-of-border-security-pushing-homeland-security-beyond-us-borders/1b8ebdb24f7f80f095977252b7099548.html>; Ron Nixon, *US pushes to extend border security to foreign airports,* SEATTLE TIMES (July 24, 2016), <https://www.seattletimes.com/nation-world/us-pushes-to-extend-border-security-to-foreign-airports/>; Janet Napolitano, Sec’y of Homeland Security Reflections on Homeland Security, Address Before the Council on Foreign Relations (Jan. 29, 2015), <https://www.cfr.org/event/reflections-homeland-security>.

64 Anders Corr, Opinion, *Russian and Chinese Cyber and Election Threats; Most Americans Worry—New Poll,* FORBES (May 4, 2017), <https://www.forbes.com/sites/anderscorr/2017/05/04/russian-and-chinese-cyber-election-threats-most-americans-worry-new-poll/#2ae87d557dbe>; James Lewis, *How Russia overtook China as our biggest cyber enemy,* WASH. POST: POSTEVERYTHING (Dec. 16, 2016) https://www.washingtonpost.com/posteverything/wp/2016/12/16/how-russia-overtook-china-as-our-biggest-cyber-enemy/?utm_term=.ec1829a74423; Dorothy Denning, *Cyberwar: How Chinese Hackers Became a Major Threat to the U.S.,* NEWSWEEK (Oct. 5, 2017, 7:00 AM), <http://www.newsweek.com/chinese-hackers-cyberwar-us-cybersecurity-threat-678378>.

We are told that our nation's physical borders are not secured.⁶⁵ Politicians appealing to nativist tendencies⁶⁶ describe our borders as fragile or nonexistent, as mere formalities that fail to keep out a deluge of drugs, terrorists, and criminals.⁶⁷ Refugees fleeing war-torn regions are depicted as "a great Trojan horse" concealing terrorist masterminds and operatives.⁶⁸ The solution, we are told, is stronger borders: we must build a wall, a wall tall and secure enough to protect "us" and keep out the legions of "them."⁶⁹ Such rhetoric, in addition to being incendiary and troubling,⁷⁰ fundamentally

65 Kurtis Lee & Joseph Tanfani, *Donald Trump's claim that Hillary Clinton wants "open border" doesn't hold up*, L. A. TIMES (Oct. 19, 2016, 6:40 PM), <http://www.latimes.com/politics/la-na-pol-open-border-fact-check-20161019-snap-story.html>.

66 Jacqueline Thomsen, *Rep. Steve King: "Diversity is not our strength,"* THE HILL (Dec. 8, 2017, 1:45 PM), <http://thehill.com/homenews/house/363973-steve-king-diversity-isnt-americas-strength>; Michelle Ye Hee Lee, *Donald Trump's false comments connecting Mexican immigrants and crime*, WASH. POST (July 8, 2015), https://www.washingtonpost.com/news/fact-checker/wp/2015/07/08/donald-trumps-false-comments-connecting-mexican-immigrants-and-crime/?utm_term=.a23ef9cc492c; Katie Reilly, *Here Are All the Times Donald Trump Insulted Mexico*, TIME (Aug. 31, 2016), <http://time.com/4473972/donald-trump-mexico-meeting-insult/>; Catalina Camia, *GOP's Don Young apologizes for racial slur*, USA TODAY (Mar. 29, 2013, 11:57 AM), <https://www.usatoday.com/story/news/politics/2013/03/29/don-young-migrant-slur-republican-reaction/2035161/>; David A. Graham, *Steve King's Improbable Ascendance*, THE ATLANTIC (Mar. 13, 2017), <https://www.theatlantic.com/politics/archive/2017/03/steve-king-nearer-the-throne/519336/>.

67 *Congressman claims ISIS fighters caught crossing border through Mexico, DHS denies claim*, FOX NEWS (Oct. 8, 2014), <http://www.foxnews.com/politics/2014/10/08/congressman-claims-isis-fighters-caught-crossing-border-through-mexico-dhs.html>; Rebecca Kaplan, *Homeland Security says terrorists haven't crossed U.S.-Mexico border*, CBS NEWS (Oct. 9, 2014, 3:52 PM), <https://www.cbsnews.com/news/homeland-security-says-terrorists-havent-crossed-us-mexico-border/>.

68 Joseph Tanfani, *Donald Trump warns that Syrian refugees represent "a great Trojan horse" to U.S.*, L. A. TIMES (Oct. 19, 2016, 7:50 PM), <http://www.latimes.com/politics/la-na-pol-syrian-refugees-debate-20161019-snap-story.html>; Tal Kopan, *Donald Trump: Syrian refugees a "Trojan horse,"* CNN (Nov. 16, 2015), <http://www.cnn.com/2015/11/16/politics/donald-trump-syrian-refugees/index.html>; Julie Hirschfield Davis, *Trump Orders Mexican Border Wall to Be Built and Plans to Block Syrian Refugees*, N. Y. TIMES (Jan. 25, 2017), https://www.nytimes.com/2017/01/25/us/politics/refugees-immigrants-wall-trump.html?_r=0. See also Jim Brunsten, *Europe refugee policy is "Trojan horse of terrorism," says Orban*, FIN. TIMES (Mar. 30, 2017), <https://www.ft.com/content/538b2a0a-154e-11e7-80f4-13e067d5072c>.

69 Brooke Scipel, *Trump touts economy, vows to build border wall in Thanksgiving tweets*, THE HILL (Nov. 23, 2017, 6:57 AM), <http://thehill.com/homenews/administration/361645-trump-touts-economy-vows-to-build-border-wall-in-thanksgiving-tweets>; Maria Sacchetti & Nick Miroff, *How Trump is building a border wall that no one can see*, WASH. POST (Nov. 21, 2017), https://www.washingtonpost.com/local/immigration/how-trump-is-building-a-border-wall-no-one-can-see/2017/11/21/83d3b746-cba0-11e7-b0cf-7689a9f2d84e_story.html?utm_term=.bc318ccbcf13; Anna Giaritelli, *Trump's 2018 immigration plan: Overhaul the system and build the border wall*, WASH. EXAMINER (Dec. 29, 2017, 12:01 AM), <http://www.washingtonexaminer.com/trumps-2018-immigration-plan-overhaul-the-system-and-build-the-border-wall/article/2644505>; *Donald Trump's Mexico wall: Who is going to pay for it?*, BBC (Feb. 6, 2017), <http://www.bbc.com/news/world-us-canada-37243269>.

70 Harriet Alexander, David Lawler & Chris Graham, *Mexican president hits back at Donald Trump over border wall but White House summit is still on... "for now,"* THE TELEGRAPH (Jan. 26, 2017, 6:08 AM), <http://www.telegraph.co.uk/news/2017/01/25/donald-trump-order-construction-border-wall-crackdown-refugees/>.

misunderstands how borders work.⁷¹ As my previous boss, former Secretary of Homeland Security Janet Napolitano remarked: “You show me a fifty-foot wall, and I’ll show you a fifty-one-foot ladder at the border.”⁷²

The creation of borders is a philosophical exercise as much as it is a legal one.⁷³ It is axiomatic that it is up to each and every nation to determine what its borders should mean and how they should operate. Most countries collaborate on security along their shared borders because stability and controlled migration is mutually beneficial. On the freer extreme, Europe’s Schengen Area was designed to have no permanent internal border control systems;⁷⁴ the current border controls developed to address the unprecedented irregular migrant and refugee crisis are intended to be short-term measures.⁷⁵ Even in countries with more restrictions, borders are rarely solid lines where one way of life ends and another begins. Cultures blend and trade thrives around border crossings, as anyone who has traveled to our Southwest border can confirm.

Throughout history, some countries have tried to wall off the outside world, but there are precious few success stories. From Hadrian’s Wall to

⁷¹ Lauren Gambino, *Trump and Syrian refugees in the US: separating the facts from fiction*, THE GUARDIAN (Sep. 2, 2016, 10:50 AM), <https://www.theguardian.com/us-news/2016/sep/02/donald-trump-syria-refugees-us-immigration-security-terrorism>.

⁷² Marc Lacey, *Arizona Officials, Fed Up With U.S. Efforts, Seek Donations to Build Border Fence*, N.Y. TIMES (Jul. 19, 2011), <http://www.nytimes.com/2011/07/20/us/20border.html>; Ron Nixon, *Heroin in Soups and Lollipops: How Drug Cartels Evade Border Security*, N.Y. TIMES (Dec. 2, 2017), <https://www.nytimes.com/2017/12/02/us/politics/drug-cartels-border-security-traffickers.html>.

⁷³ See generally Gabe Joselow & Michele Neubert, *Trump’s Wall is Only One Potential Option for Border*, NBC NEWS (Feb. 2, 2017), <https://www.nbcnews.com/news/world/trump-s-wall-only-one-potential-option-border-n708281> (quoting author: “The real challenge for the entire civilized global community is the foreign fighters,” says Peter Vincent, an assistant director of international policy at Borderpol,” and “But Vincent, who is a former official in the U.S. Department of Homeland Security and Department of Justice, says it is ‘unfortunate’ to see European countries building fences and worries that strict controls put in place to stop terrorists will instead impact on lawful travelers” and “The trick for all of us is to have the proper safeguards in place to detect and capture that very small minority of committed terrorists, while the same time providing asylum and refugee status...to those that are truly freeing terrorism, not committing acts of terrorism,” he added.”).

⁷⁴ *Schengen: Controversial EU free movement deal explained*, BBC (Apr. 24, 2016), <http://www.bbc.com/news/world-europe-13194723>; The Schengen area and cooperation: Summaries of EU Legislation, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=LEGISSUM:l33020> (last reviewed Mar. 8, 2009).

⁷⁵ EUROPEAN PARLIAMENT DIRECTORATE GENERAL FOR INTERNAL POLICIES, INTERNAL BORDER CONTROLS IN THE SCHENGEN AREA: IS SCHENGEN CRISIS-PROOF? (2016), [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571356/IPOL_STU\(2016\)571356_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571356/IPOL_STU(2016)571356_EN.pdf); Barbara Tasch, *This map shows how much the refugee crisis is dividing Europe*, BUS. INSIDER (Mar. 1, 2016, 4:46 AM), <http://www.businessinsider.com/map-refugees-europe-migrants-2016-2>; Thomas Escritt & Yannis Behrakis, *EU sounds alarm as internal barriers rise in refugee crisis*, REUTERS (Nov. 25, 2015 9:22 AM), <https://www.reuters.com/article/us-europe-migrants/eu-sounds-alarm-as-internal-barriers-rise-in-refugee-crisis-idUSKBN0TE1RE20151125>; Kathleen R. McNamara, *How to Save the Schengen Zone*, FOREIGN POLICY (Nov. 25, 2015 4:34 PM), <http://foreignpolicy.com/2015/11/25/how-to-save-the-schengen-zone-europe-paris-borders/>; *Europe starts putting up walls*, THE ECONOMIST (Sep. 19, 2015), <https://www.economist.com/news/europe/21665032-germany-and-other-countries-reimpose-border-controls-europe-starts-putting-up-walls>.

the Maginot Line, physical fortifications have never been effective means of border defense or of controlling long-term migration.⁷⁶ Walls are at best temporary solutions to larger problems.⁷⁷ No serious discussion about managing contemporary migration can end with walls. A wall does not ease suffering. It does not remove the urge to migrate. In fact, walls can also worsen existing problems by driving the most desperate to riskier paths. We have already seen this in the United States along our border with Mexico; after border security was enhanced at major crossing points, irregular border crossing deaths nearly doubled over five years, with more than 30% of deaths linked to heat exposure.⁷⁸ Even a wall that stretched from coast to coast—a situation border experts find unrealistic and improbable, if not impossible⁷⁹—would simply drive would-be irregular migrants, including children, to take even riskier approaches to enter the homeland.⁸⁰ It is futile to establish or augment a border strictly to repel our neighbors. Doing so only engenders hostility between bordering nations, which in turn diminishes the very security we seek to create.⁸¹

Moreover, walls alone do not make the end goal less desirable. The illegal drug trade in the United States remains too tempting to ignore. According to a bi-national criminal proceeds study from the U.S. Department of Homeland Security and the government of Mexico, Mexican drug cartels alone earn between \$19 to \$29 billion dollars per year from the

76 Heidi M. Przybyla, *Donald Trump's Great Wall—It didn't work for the Ming Dynasty either*, USA TODAY (Sep. 14, 2015, 4:01 PM), <https://www.usatoday.com/story/news/politics/elections/2015/09/14/donald-trump-border-wall/72026830/>; Jon Henley, *Walls: an illusion of security from Berlin to the West Bank*, THE GUARDIAN (Nov. 19, 2013, 9:35 AM), <https://www.theguardian.com/uk-news/2013/nov/19/walls-barrier-belfast-west-b-ank>.

77 Tara John, *This is Why Border Fences Don't Work*, TIME (Oct. 22, 2015), <http://time.com/4080637/this-is-why-border-fences-dont-work/>.

78 Brian Wolf, *The Current State of Our Failed Border Policy*, CUNY SCHOOL OF LAW: WRITER'S FORUM (2007), <http://www.law.cuny.edu/legal-writing/forum/immigration-law-essays/wolf.html>.

79 Scott Bronstein, Curt Devine & Drew Griffin, *Trump wants a wall. Border experts want a fence*, CNN (Feb. 16, 2017, 6:49 PM), <http://www.cnn.com/2017/02/16/politics/trump-border-wall/index.html>.

80 Priscilla Alvarez, *The Border-Wall Prototypes Are Up—Now What?*, THE ATLANTIC (Oct. 26, 2017), <https://www.theatlantic.com/politics/archive/2017/10/can-trumps-wall-stop-illegal-immigration/544056/>; David Scott FitzGerald & Akos Rona-Tas, *Walls are not the solution*, CNN (Sep. 29, 2015, 7:47 AM), <http://www.cnn.com/2015/09/29/opinions/fitzgerald-walls-not-answer-immigration/index.html>.

81 Ryan B. Greer & Amir Bagherpour, *To Defeat ISIS, Cooperation is Key*, FOREIGN AFFAIRS (Apr. 10, 2017), <https://www.foreignaffairs.com/articles/middle-east/2017-04-10/defeat-isis-cooperation-key>; Kate Linthicum & Tracy Wilkinson, *Dispute over border wall plunges U.S. into crisis with Mexico, as Mexican president scraps White House visit*, L. A. TIMES (Jan. 26, 2017, 4:00 PM), <http://www.latimes.com/nation/la-fg-us-mexico-20170126-story.html>; Azam Ahmed, *As Trump Orders Wall, Mexico's President Considers Canceling U.S. Trip*, N. Y. TIMES (Jan. 25, 2017), <https://www.nytimes.com/2017/01/25/world/americas/trump-mexico-border-wall.html>.

United States.⁸² If drug traffickers stand to gain millions of dollars by selling their poison in the United States, a barrier will not deter them. Few groups are as resourceful, clever, and creative as transnational criminals looking to score a healthy profit. So long as U.S. citizens have an insatiable demand for cheap, high-potency drugs, there will be actors who endeavor to provide the supply by any means necessary.⁸³

That same end goal of entering or remaining in the United States without authorization remains just as attractive for those without serious criminal or sinister intent. For people fleeing war, violence, poverty, corruption, intolerance, and persecution or those seeking better economic and educational opportunities for themselves or their children, the promise of a free and fair society is a powerful allure. We should pride ourselves as a country that attracts individuals from all other nations and walks of life; it is our most cherished values that makes the United States so attractive. Our values alone, not to mention the opportunity to live the proverbial “American Dream,” create our reputation as one of the best countries on Earth to live, work, and raise families, and this reputation will continue to make the United States an appealing destination for immigrants around the world. Upholding our dedication to the rule of law preserves these values and furthers the attractiveness of the United States for potential immigrants. As such, we should be alarmed—not relieved—that refugees and irregular migrants, feeling less than welcome here, are leaving the United States and looking to Canada to provide them with safe haven and opportunities.⁸⁴ Indeed, our collective concept of “American exceptionalism,”⁸⁵ for all of its politically dicey meanings and different interpretations, is under threat of

82 UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES – MEXICO BI-NATIONAL CRIMINAL PROCEEDS STUDY (2010), <https://www.ice.gov/doclib/cornerstone/pdf/cps-study.pdf>.

83 Peter Vincent, *Mexico's extradition of Guzman to U.S. must be prompt*, HOUS. CHRON. (Aug. 25, 2016, 6:05 PM), <http://www.houstonchronicle.com/opinion/outlook/article/Vincent-Mexico-s-extradition-of-Guzman-to-U-S-9185154.php>.

84 Anna Mehler Paperny & Allison Lampert, *Canada sees “unsustainable” spike in asylum seekers at U.S. border*, REUTERS (Aug. 17, 2017, 10:21 AM), <https://www.reuters.com/article/us-canada-immigration/canada-sees-unsustainable-spike-in-asylum-seekers-at-u-s-border-idUSKCN1AX1PO>; Molly Line, *Refugees continue to cross from US to Canada in unprecedented numbers*, FOX NEWS (Oct. 10, 2017), <http://www.foxnews.com/world/2017/10/05/refugees-continue-to-cross-from-us-to-canada-in-unprecedented-numbers.html>; Ashifa Kassam, *Refugees crossing into Canada from US on foot despite freezing temperatures*, THE GUARDIAN (Feb. 7, 2017, 5:00 AM), <https://www.theguardian.com/world/2017/feb/07/us-refugees-canada-border-trump-travel-ban>.

85 David Frum, *The Souring of American Exceptionalism*, THE ATLANTIC (Jul. 3, 2017), <https://www.theatlantic.com/politics/archive/2017/07/the-sunset-of-american-exceptionalism/532548/>; Greg Jaffe, *Obama's New Patriotism*, WASH. POST (Jun. 3, 2015), http://www.washingtonpost.com/sf/national/2015/06/03/obama-and-american-exceptionalism/?utm_term=.6025e063fc6f; Uri Friedman, “*American Exceptionalism*”: *A Short History*, FOREIGN POLICY (Jun. 18, 2012, 1:34 AM), <http://foreignpolicy.com/2012/06/18/american-exceptionalism-a-short-history/>; Stephen M. Walt, *The Myth of American Exceptionalism*, FOREIGN POLICY (Oct. 11, 2011, 12:40 AM), <http://foreignpolicy.com/2011/10/11/the-myth-of-american-exceptionalism/>.

erosion, which degrades our global leadership role, authority, power, and responsibility. Part of what makes the United States exceptional is our magnanimous and admirable treatment of non-citizens within our territorial jurisdiction.

There is a pervasive and pernicious myth that individuals who arrive in the United States outside of native birth or conventional immigration have no legal rights.⁸⁶ To the contrary, the United States has an indisputable legal responsibility to all people within its territorial boundaries.⁸⁷ The United States is a signatory to the 1951 United Nations Refugee Convention and its 1967 amendment.⁸⁸ Under the terms of the treaty, signing parties agree to resettle refugees without discriminating on the basis of race or religion.⁸⁹ All refugees have fundamental rights including the right to work, educate their children, and receive legal assistance.⁹⁰ While undocumented immigrants are not entitled to all of these benefits,⁹¹ it has been settled law for more than 130 years that they enjoy the vast majority of constitutional protections expressly provided to U.S. citizens, including due process, equal protection, and freedom from unreasonable search and seizure.⁹² These basic rights, which were anticipated by James Madison in his assessment of the Bill of Rights⁹³ before they were ultimately confirmed by the U.S. Supreme Court in a series of landmark decisions,⁹⁴ should never be subject to a politician's whim or the unthinking demands of populist fervor. There can be no rational governance when we place our fears above our Constitution.

The United States' legal obligations to all individuals—whether they be citizens, lawful permanent residents, refugees, asylees or undocumented and irregular migrants—within our borders may be unambiguous, but our moral obligations may seem less clear. There is no one document memorializing,

86 Raoul Lowery Contreras, *Yes, illegal aliens have constitutional rights*, THE HILL (Sep. 29, 2015, 12:30 PM), <http://thehill.com/blogs/pundits-blog/immigration/255281-yes-illegal-aliens-have-constitutional-rights>.

87 U.S. CONST. amend. V, cl. 4; amend. XIV § 1, cl.3; amend. XIV § 1 cl. 4; art. IC, § 2, cl. 1; amend. XIV, § 1, cl. 2; see George Rutherglen, *The Rights of Aliens under the United States Constitution: At the Border and Beyond*, 57:3 VJIL at 6-7 (2018).

88 Geneva Convention relating to the Status of Refugees art. 3, Jul. 28, 1951, 19 U.S.T. 6259, 189 U.N.T.S. 137.

89 *Id.* at art. 3 (“The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.”).

90 Holly Yan, *Are countries obligated to take in refugees? In some cases, yes*, CNN (Dec. 29, 2015, 5:15 AM), <http://www.cnn.com/2015/09/08/world/refugee-obligation/>.

91 See David A. Martin, *Graduated Application of Constitutional Protection for Aliens: The Real Meaning of Zadvydas v. Davis*, 2001 SUP. CT. REV. 47 (2001).

92 Ilona Bray, *Legal Rights of Undocumented Immigrants*, LAWYERS.COM (Jul. 12, 2012), <http://immigration.lawyers.com/general-immigration/legal-rights-of-illegal-immigrants.html>.

93 See generally JONATHAN ELLIOT, THE DEBATES IN THE SEVERAL STATE CONVENTIONS ON THE ADOPTION OF THE FEDERAL CONSTITUTION (1836); David Cole, *Are Foreign Nationals Entitled to the Same Constitutional Rights as Citizens?*, 25 T. JEFFERSON L. REV. 367–88 (2003); Karen Nelson Moore, *Aliens and the Constitution*, 88 N.Y.U. L. REV. 801, 803 (2013).

94 See *Zadvydas v. Davis*, 533 U.S. 678, 697 (2001); *Plyler v. Doe*, 457 U.S. 202, 211–12 (1982); *Chin Yow v. United States*, 208 U.S. 8, 12 (1908); *Yick Wo v. Hopkins*, 118 U.S. 356, 368–69 (1886).

let alone codifying, American morals, and we rarely agree on how to put our shared values into practice. However, the United States’ foundation and history as a religious refuge created a precedent for offering asylum to the oppressed. And the Declaration of Independence described a series of American moral obligations even before our country was founded. The Declaration’s clear commitment to equality, freedom, and inalienable rights suggests a desire to emulate a higher moral power.⁹⁵ Perhaps this is what Washington had in mind when he spoke of “a people always guided by an exalted justice and benevolence.”⁹⁶ And we hear hints of that justice when we read the words of Moses Seixas, a synagogue warden in Rhode Island. In 1790, Seixas thanked Washington for helping to create “a government which to bigotry gives no sanction, to persecution no assistance, but generously affording to all liberty of conscience and immunities of citizenship.”⁹⁷ This is a powerful affirmation from a historically maligned minority group, and it is no surprise that Washington himself echoed those same words in his response.⁹⁸ One wonders if Washington would approve of a United States that failed to provide life-saving assistance to refugees fleeing violence and persecution abroad.

Liberty, equality, and freedom from persecution: the very tradition of venerating these values has made them part of the United States’ moral framework.⁹⁹ Our leaders, legislators, and activists evoked and continue to promote these values.¹⁰⁰ Our children are taught from a young age that the United States believes in these things, and that those beliefs make us unique in the history of the world. Our soldiers carry those beliefs with them onto the battlefield. Phil Klay, a U.S. Marine and author, described his understanding of American values as including “a commitment to

⁹⁵ THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776) (“Life, Liberty and the pursuit of Happiness”).

⁹⁶ Washington, *supra* note 48.

⁹⁷ *To Bigotry No Sanction*, Letter from Moses Seixas to President George Washington (Aug. 17, 1790) (on file with the Library of Congress), <http://www.loc.gov/exhibits/treasures/tr11a.html#obj43>.

⁹⁸ *Id.*

⁹⁹ See generally Bush, note 13; Vanessa Carmichael, *Losing American Values*, HUFFINGTON POST (Aug. 14, 2017, 2:22 PM), https://www.huffingtonpost.com/entry/losing-american-values_us_598b5f07e4b0f25bdfb32198; Edward L. Hudgins, *Do Americans Still Value Freedom?*, CATO INSTITUTE (Jul. 4, 2001), <https://www.cato.org/publications/commentary/do-americans-still-value-freedom>; Robert J. Samuelson, Opinion, *Is the U.S. a land of liberty or equality?*, WASH. POST (Jul. 3, 2012), https://www.washingtonpost.com/opinions/is-the-us-a-land-of-liberty-or-equality/2012/07/03/gJQAnXleLW_story.html?utm_term=.0d33a34adb41.

¹⁰⁰ See generally Edward-Isaac Dove, *Obama supports protests: “American values are at stake,”* POLITICO (Jan. 1, 2017, 2:14 PM), <https://www.politico.com/story/2017/01/obama-supports-protests-american-values-are-at-stake-234375>; John Cassidy, *Obama’s Powerful Message: Donald Trump is Un-American*, THE NEW YORKER (Jul. 28, 2016), <https://www.newyorker.com/news/john-cassidy/obamas-powerful-message-donald-trump-is-un-american>; Olivia Beavers, *Obama once invoked Trump’s success as example of American dream*, THE HILL (May 14, 2017, 4:24 PM), <http://thehill.com/homenews/administration/333358-obama-equated-trumps-success-to-the-goal-of-the-american-dream-as-law>.

democracy, to liberty, to the rule of law and to the self-evident equality of all men.”¹⁰¹ That sense of equality, according to Klay, led to U.S. war fighters offering their own blood in a transfusion for an insurgent who had just killed a U.S. Marine.¹⁰² Inalienable rights, an ingrained feature of our own government, are universal values; they do not end at our borders, or exist solely as a privilege to only be enjoyed by those blessed to hold U.S. citizenship.

The United States, notwithstanding painful and inexcusable exceptions—including, of course, the dehumanizing and brutal treatment of Native Americans and African Americans—has always strived to be better than its prejudices and has memorialized that core value into the law, as a reminder for when we fail to be guided “by the better angels of our nature.”¹⁰³ Moral courage lies not only in our best moments, but our ability to acknowledge our worst ones. It is worth reflecting on instances when we did fail, and how we as a nation responded. History reminds us that human motives and political forces remain largely the same no matter the era.

For a possible parallel to our present situation—where the jarring utterance of the politically, racially, and religiously charged slogan “America First” perhaps fails to suggest a dark nativism to our fellow citizens—we could turn to 1942, when our great country witnessed a glimpse of the danger of a body politic ignited by fear.

Following the attack on Pearl Harbor, Executive Order 9066 directed the detention of blameless Japanese-Americans in internment camps throughout the western United States.¹⁰⁴ More than 100,000 people, a majority of whom were citizens of the United States, were deprived of due process and forced from their homes as punishment for being *potential* enemies of the state. The detentions lasted just over four years, but it was more than four decades before the federal government offered a formal response. In 1983, the Congressional Commission on Wartime Relocation and Internment of Civilians produced its final report. The commission concluded that the executive order was “not driven by analysis of military conditions,” but was instead a byproduct of “race prejudice, war hysteria and a failure of political leadership.”¹⁰⁵ Presidents Reagan, H.W. Bush, and Clinton all offered apologies on behalf of the U.S. government, as did Congress itself with the passage of the Civil Liberties Act of 1988.¹⁰⁶ Among other actions, the legislation called for “a public education fund to finance efforts to inform

¹⁰¹ Phil Klay, Opinion, *What We're Fighting For*, N. Y. TIMES (Feb. 10, 2017), <https://www.nytimes.com/2017/02/10/opinion/sunday/what-were-fighting-for.html>.

¹⁰² *Id.*

¹⁰³ Abraham Lincoln, First Inaugural Address (Mar. 4, 1861), <http://www.bartleby.com/124/pres31.html>.

¹⁰⁴ Exec. Order No. 9066, 3 C.F.R. § 1092–1093 (1942).

¹⁰⁵ GEORGE MILLER, COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS, 102D CONG., 2D SESS., PERSONAL JUSTICE DENIED 88-92 (Comm. Print 1992).

¹⁰⁶ Civil Liberties Act of 1988, 50a U.S.C. § 1989b (2012).

the public about the internment so as to prevent the recurrence of any similar event.”¹⁰⁷ The former internment camps are now federally protected historic sites operated by the National Park Service. They serve as reminders of an extraordinary national shame, to be thoroughly understood, somberly recalled, and never repeated. The camps are a stark example of how the United States once failed in its moral obligation to combat all forms of bigotry and persecution. But willingness to highlight our country’s wrongdoing was the first step towards reclaiming our national honor.

For generations born after the war, the camps may seem like a relic. Today, as politicians stoke ethnic and religious fears, I worry that we risk ignoring the internment camps and their reminder of the malevolent power of xenophobia and ignorance. Why do we disregard the toxic potential of those terrible forces, even when we see them commingling the same way today? Is it because we believe any analogies to the events of World War II are unhelpful hyperbole, a type of Godwin’s Law by extension? Or is it because an executive branch surrogate shockingly and irresponsibly cited the camps not as a failure of American and constitutional values, but as a precedent for travel bans?¹⁰⁸

Consider those words from Congress’s report: “race prejudice;”—“war hysteria;” a “failure of political leadership.” Contemplate also the official accounting of the consequences: the “tremendous human cost” and “the loss of liberty.” Today, we run the risk of falling prey to a comparable confluence of dangerous effects. What will the consequences be this time? We must look to our past to help identify our national prejudices, especially in times of war and terrorism.

We disregard recent history at our own peril. The likelihood of a constitutional and human rights calamity is too great to be ignored. Turning away refugees and unmatched numbers of undocumented immigrants is not just foolhardy and destructive policy; it threatens to alter our fundamental notions of what it means to be Americans. Even our most cherished values, including, as former vice president Joe Biden articulated, “inclusivity, tolerance, diversity, respect for the rule of law, freedom of speech, freedom

107 REDRESS FOR HISTORICAL INJUSTICES IN THE UNITED STATES: ON REPARATIONS FOR SLAVERY, JIM CROW AND THEIR LEGACIES 501 (Michael T. Martin & Marilyn Yaquinto eds., 2007). https://books.google.com/books?id=rjmJv389P_sC&pg=PA501&clpg=PA501&dq=#v=onepage&q&f=false.

108 Christiano Lima, *Trump supporter cites Japanese internment ‘precedent’ in backing Muslim registry*, POLITICO (Nov. 17, 2016, 12:30 AM), <http://www.politico.com/story/2016/11/japanese-internment-camps-muslims-231538>; Derek Hawkins, ‘Ob, Konnichiwa,’ *Ryan Zinke tells Japanese American lawmaker discussing internment of her grandfathers*, WASH. POST (March 16, 2018), https://www.washingtonpost.com/news/morning-mix/wp/2018/03/16/oh-konnichiwa-ryan-zinke-tells-japanese-american-lawmaker-discussing-internment-of-her-grandfathers/?noredirect=on&utm_term=.b25493bf7c92.

of the press,”¹⁰⁹ are at risk. We should stand firmly against any American movement centered on the deprivation of liberty or restriction of rights without meaningful due process.¹¹⁰

The United States should not be defined by its physical borders; indeed, we have always pushed beyond them. I refer neither to the Monroe Doctrine and our nation’s threatening the sovereignty of countries in the Western Hemisphere nor to our relatively recent complicated history in Central America. Rather, I refer to our reflexive intellectual yearning to participate in and grow from the wider world whose emigrants have created and shaped our great nation. We are too ambitious to be contained by any kind of wall. The United States at its best does not withdraw into itself, but stretches out. It reaches for the highest achievements, extends a welcome to the farthest corners of the world, and pushes for new discoveries from deep seas to outer space. As Americans, we should champion our values of basic equality and provide compassion to those on our shores fleeing all forms of tyranny. We are legally and morally obligated to protect the fundamental human rights of all individuals within our borders, and to provide everyone at least the minimal constitutional rights of an impartial legal system.

As someone who spent my entire public service career with the U.S. Department of Justice posted to the U.S. Embassy in Bogotá, Colombia and, more recently, the U.S. Department of Homeland Security as a member of the Barack Obama administration, I continue to worry day and night about vulnerabilities, gaps, and weaknesses in our global security and counterterrorism architecture.¹¹¹ Our task now is to fulfill our obligations, promote our values, and protect our homeland even in today’s extraordinarily complex and ever-evolving threat environment.¹¹² We

¹⁰⁹ Joe Biden, Opinion, *Reclaiming America’s Values*, N. Y. TIMES (Sep. 14, 2017), <https://www.nytimes.com/2017/09/14/opinion/joe-biden-more-perfect-union.html>.

¹¹⁰ See generally Bush, *supra* note 12.

¹¹¹ THE WHITE HOUSE, NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA (2017), <https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>; Peter Feaver, *Five Takeaways from Trump’s National Security Strategy*, FOREIGN POLICY (Dec. 18, 2017, 1:42 PM), <http://foreignpolicy.com/2017/12/18/five-takeaways-from-trumps-national-security-strategy/>; Saphora Smith & Michele Neubert, *ISIS will remain a threat in 2018, experts warn*, NBC NEWS (Dec. 27, 2018, 3:17 AM), <https://www.nbcnews.com/storyline/isis-terror/isis-will-remain-threat-2018-experts-warn-n828146> (quoting the author: “[ISIS is] like a cornered cat that will lash out indiscriminately and viciously to save itself,” and “The war has yet to be won, and if it’s ever going to be won it’s going to take many more years, and many more civilians will lose their lives,” and “The international community better be very careful about dancing on top of the tombstones of the Islamic State’s caliphate.”); Peter Vincent, *If We’re Serious About Ending Human Trafficking, Listen to Survivors*, THE GLOBE AND MAIL (Mar. 21, 2018), <https://www.theglobeandmail.com/opinion/article-if-were-serious-about-ending-human-trafficking-listen-to-survivors/>.

¹¹² See generally Saphora Smith, *Las Vegas Shooting: ISIS Claim of Responsibility Is Sign of Desperation*, NBC NEWS (Oct. 3, 2017, 10:01 AM), <https://www.nbcnews.com/storyline/las-vegas-shooting/las-vegas-shooting-isis-claim-responsibility-sign-desperation-say-experts-n807076> (quoting the author: “ISIS is becoming somewhat of a joke among the rank-and-file of the international terrorist elite,” said Peter Vincent, a former official at the Department of Homeland Security and a counterterrorism

understand that isolationism and fixation on the state of our borders is shortsighted, but absent a clearly articulated policy, academics, government executives, and the thought leadership community should help develop plans for a productive way forward. These same groups should also encourage widespread civic participation in the process, because citizens from all walks of life deserve a say in our nation’s progress. Valuable ideas, of course, are not limited to intellectuals, academics and policymakers. But at the highest levels we must advocate for processes, procedures, and policies based on sound reasoning and subject matter expertise.

We have to rethink the prevailing wisdom about how best to safeguard the homeland and U.S. assets. The safety of our borders is not determined by U.S. citizens and residents alone. We need thoughtful, honest dialogue with our regional neighbors and partners about how to control migration patterns, and understand the factors that lead to unusual spikes.

From a defensive perspective, the challenge is not to build ultimately unsustainable border walls, but to invest in improved border security and develop innovative solutions for ensuring our safety. We should support enhanced biometric processing measures, as well as simplified pathways to citizenship. And we must move past the conception of homeland security as pertaining strictly to our physical territory. Thanks to globalized economies and the development of the Internet, it is possible to commit grievous acts of terrorism against the United States without ever setting foot in the country. Even if we were to raise a wall tall enough to keep out everyone we felt would pose a threat, we would still be vulnerable to attacks against the systems that power our financial institutions, our modes of public transportation, even our electrical grid, as well as the threats the United States faces from its ongoing internal emergencies.

We should recognize that not all of the United States’ most pressing threats come from the outside. In fact, many elements of everyday life within the United States, among U.S. citizens, are far more deadly than any foreign attack. Gun violence is frequently treated as an element of homicides, but approximately two-thirds of all gun deaths in the United States are suicides.¹¹³ Many other shootings are related to domestic violence incidents and gross negligence; toddlers have shot themselves or others at a rate of approximately one per week since 2015.¹¹⁴ More than 64,000 of our fellow citizens died of drug overdoses in 2016, the highest number ever recorded

expert,” and “‘It’s a sign of their sheer desperation,’ said Vincent, who added that the claims were indicative of a ‘fractured and damaged’ ISIS,” and “‘They’re losing their ability to self-fund, which made them unique,’ Vincent said.”).

113 Ben Casselman, Matthew Conlen & Rueben Fischer-Baum, *Gun Deaths in America*, FIVETHIRTYEIGHT (Jul. 13, 2016), <https://fivethirtyeight.com/features/gun-deaths/>.

114 Christopher Ingraham, *Toddlers have shot at least 50 people this year*, WASH. POST: WONKBLOG (Oct. 20, 2016), https://www.washingtonpost.com/news/wonk/wp/2016/10/20/toddlers-have-shot-at-least-50-people-this-year/?utm_term=.feca18b333d9.

and more than 22% over the 52,404 drug overdose deaths recorded the previous year.¹¹⁵ That number is greater than the number of homicides and deaths as a result of automobile crashes.¹¹⁶ Indeed, I have argued that the opioid epidemic in the United States is a national security issue that must be immediately addressed by our national leaders and communities.¹¹⁷ In 2015, and continuing in 2016, U.S. life expectancy declined for the first time since 1993.¹¹⁸ While the causes of death increased across the board, among middle-aged white Americans with only a high school education, mortality rose chiefly due to drug overdoses, liver disease, cirrhosis, and suicide, a cluster of conditions sometimes called “diseases of despair.”¹¹⁹ It is no coincidence that this epidemic is most severe in areas that have been hard-hit by increased workforce automation, causing widespread job losses and devastating damage to rural communities. A 2015 study from Ball State University estimated nearly 88% of recent job losses in manufacturing were due to technical and productivity improvements.¹²⁰ The trend is poised to expand quickly to other businesses that rely on repetitive, lower-skill jobs such as long-haul trucking and the service industry—both of which are staples of rural regions. The United States could be hollowed out from the center as more populations are left to languish without stable employment. Where economic mobility declines and opportunities are lost, misery flourishes. The suffering in these areas cannot be overstated, and these populations need help.

Millions of Americans are already at risk of falling victim to internal tragedies. Their ills will not be eased by building walls or digging moats or

115 Josh Katz, *The First Count of Fentanyl Deaths in 2016: Up 540% in Three Years*, N. Y. TIMES (Sep. 2, 2017), <https://www.nytimes.com/interactive/2017/09/02/upshot/fentanyl-drug-overdose-deaths.html>.

116 Mike Stobbe, *A grim tally soars: more than 50,000 overdose deaths in US*, ASSOCIATED PRESS (Dec. 9, 2016, 12:02 AM), <https://www.statnews.com/2016/12/09/opioid-overdose-deaths-us/>.

117 Peter Vincent, *Opioid epidemic a national security issue*, ATL. J. CONST. (Sep. 29, 2017, 3:00 PM), <http://www.myajc.com/news/opinion/opinion-opioid-epidemic-national-security-issue/6wZIUmgY03SQf6SzeJASAN/>; Interview by Lynn Smith with Peter Vincent on CNN Headline News (HLN) (May 23, 2018), <https://www.youtube.com/watch?v=kvkTXJxIkdU> (author interview); Interview by Carol Costello with Peter Vincent on CNN Headline News (HLN) (April 4, 2018), <https://www.youtube.com/watch?v=m1PjWUdto7Q> (author interview).

118 Lenny Bernstein & Christopher Ingraham, *Fueled by drug crises, U.S. life expectancy declines for a second straight year*, WASH. POST (Dec. 21, 2017), https://www.washingtonpost.com/national/health-science/fueled-by-drug-crisis-us-life-expectancy-declines-for-a-second-straight-year/2017/12/20/2e3f8dea-e596-11e7-ab50-621fe0588340_story.html?utm_term=.0fb5aa5626ba; Lenny Bernstein, *U.S. life expectancy declines for the first time since 1993*, WASH. POST (Dec. 8, 2016), https://www.washingtonpost.com/national/health-science/us-life-expectancy-declines-for-the-first-time-since-1993/2016/12/07/7dcde7b4-bc93-11e6-91ee-1adddfe36cbe_story.html?utm_term=.3ad4907e96d3.

119 Gina Kolata, *Death Rates Rising for Middle-Aged White Americans, Study Finds*, N. Y. TIMES (Nov. 2, 2015), https://www.nytimes.com/2015/11/03/health/death-rates-rising-for-middle-aged-white-americans-study-finds.html?_r=0.

120 MICHAEL J. HICKS & SRIKANT DEVARAJ, CTR. BUS. & ECON. RES., BALL STATE U., THE MYTH AND THE REALITY OF MANUFACTURING IN AMERICA (2015).

deporting migrants. We should put effort into uplifting these disadvantaged fellow citizens and residents as a homeland security priority, because the combination of economic anguish and personal hopelessness is a chief influence not only for suicide, but also for violent extremism.

We often focus on international terrorism, but we should never forget that domestic terrorism remains an especially serious threat.¹²¹ Witness the 2016 militant occupation of a wildlife refuge by Ammon Bundy and his armed followers, the horrific Oklahoma City bombing of 1995, and the terror caused by Ted Kaczynski, also known as the Unabomber, from 1978 to 1995.

As such, all of us should be alarmed by the recent decision by the U.S. Department of Homeland Security to exclusively promote and fund U.S. government counter-extremism programs that seek to confront and combat what the current administration either ignorantly or purposefully, yet in either case wholly incorrectly and offensively, refers to as “radical Islamic terrorism.”¹²² Leaving aside the enormously significant differences between the terms “radical Islamic terrorism” and “Islamist extremism,”¹²³ what of violent extremist, insurgent, and separatist movements causing death, destruction, and despair across the globe that do not involve radical *Islamist*

121 Peter Bergen, *Trump’s travel ban is useless. Terrorists mostly come from our own back yard.*, WASH. POST: POSTEVERYTHING (Jun. 5, 2017), https://www.washingtonpost.com/posteverything/wp/2017/06/05/trumps-travel-ban-is-useless-terrorists-mostly-come-from-our-own-back-yard/?utm_term=.a3cccbf3b158.

122 Julia Edwards Ainsley, Dustin Volz & Kristina Cooke, *Exclusive: Trump to focus counter-extremism program solely on Islam – sources*, REUTERS (Feb. 2, 2017, 6:17 PM), <http://www.reuters.com/article/us-usa-trump-extremists-program-exclusiv-idUSKBN15G5VO>; *On MSNBC, terrorism expert criticizes Trump administration for cutting funding to counter white supremacist extremism*, MEDIA MATTERS FOR AMERICA (Aug. 16, 2017, 2:28 PM), <https://www.mediamatters.org/video/2017/08/16/On-MSNBC-terrorism-expert-criticizes-Trump-administration-for-cutting-funding-to-counter-w/217661> (author interview); Bethany Allen-Ebrahimian, *DHS Strips Funding From Group That Counter New-Nazi Violence*, FOREIGN POLICY (Jun. 26, 2017, 5:01 PM), <http://foreignpolicy.com/2017/06/26/dhs-strips-funding-from-group-that-counters-neo-nazi-violence/>; Tom Porter, *“White Terrorism” and Donald Trump: Why Has The President Slashed The Grant For Group Combating KKK?*, NEWSWEEK (Jun. 24, 2017, 11:35 AM), <http://www.newsweek.com/far-right-alt-right-neo-nazis-life-after-hate-628829>.

123 Jasmine Lee, *WH: Trump was “exhausted” when he said “Islamic extremism,”* CNN (May 23, 2017, 1:51 AM), <https://www.cnn.com/2017/05/22/politics/trump-islamic-islamist/index.html>; Kristine Phillips, *“Radical Islamic terrorism,” Trump said over and over. But not in Saudi Arabia.*, WASH. POST (May 22, 2017), https://www.washingtonpost.com/news/the-fix/wp/2017/05/22/radical-islamic-terrorism-trump-said-over-and-over-but-not-in-saudi-arabia/?utm_term=.1f45c93c1272; Greg Jaffe, *A new role for McMaster: Trump’s shield*, WASH. POST (May 16, 2017), https://www.washingtonpost.com/world/national-security/a-new-role-for-mcmaster-trumps-shield/2017/05/16/c49bdcd0-3a60-11e7-a058-dbb23c75d82_story.html?utm_term=.c6f85bcb05ac; Margaret Talev, *Donald Trump drops phrase “radical Islamic terrorism” on Saudi Arabia trip to soften tone on Muslims*, INDEPENDENT (May 22, 2017, 7:38 AM), <http://www.independent.co.uk/news/world/middle-east/donald-trump-saudi-arabia-radical-islamic-terrorism-muslims-soften-tone-iran-palestinians-israel-a7748541.html>; Sonam Sheth, *In a departure from the campaign trail, Trump didn’t say “radical Islamic terrorism” in his speech to the Muslim world*, BUS. INSIDER (May 21, 2017, 12:46 PM), <http://www.businessinsider.com/trump-radical-islamic-terrorism-saudi-arabia-speech-2017-5>.

perpetrators, including organizations that are actively engaged in acts of terrorism in Colombia,¹²⁴ Peru, Sri Lanka, and Burma, to name but a few?

In addition, how can we possibly ignore the stunning fact that from 2007 to 2016, white supremacists, sovereign citizens, and militia adherents committed approximately 70% of all killings linked to domestic terrorism in the United States?¹²⁵

By contrast, according to the libertarian Cato Institute, citizens from the Muslim-majority countries named in the various ill-conceived,¹²⁶ poorly-drafted, and terribly-executed¹²⁷ temporary travel and refugee bans—also referred to as “Muslim bans”—have not committed a single terrorist attack on U.S. soil between 1975 and the end of 2016.¹²⁸ Moreover, any travel ban, whether or not ultimately allowed to take effect by federal courts, including the U.S. Supreme Court, is dangerously counterproductive¹²⁹ in that it serves as a powerful recruiting tool by transnational terrorist organizations, such as the self-proclaimed Islamic State, the various factions of al-Qaeda, including al-Qaeda in the Arabian Peninsula and al-Qaeda in the Islamic Maghreb, and al-Qaeda’s Somali- affiliate al-Shabaab, by fueling their argument that the

124 Peter Vincent, Opinion, *The Best Deal for Colombia*, N. Y. TIMES (Aug. 28, 2016), <https://www.nytimes.com/2016/08/29/opinion/the-best-deal-for-colombia.html>.

125 Press Release, Anti-Defamation League, ADL Report Says U.S. Deaths Linked to Domestic Extremists Second Only to Year of Oklahoma City Bombing (Feb. 16, 2017), <https://www.adl.org/news/press-releases/adl-report-says-us-deaths-linked-to-domestic-extremists-second-only-to-year-of-oklahoma-city-bombing>; ANTI-DEFAMATION LEAGUE, MURDER AND EXTREMISM IN THE UNITED STATES IN 2016 (2017); Press Release, Anti-Defamation League White Supremacist Murders More Than Double in 2017 (Jan. 17, 2018), <https://www.adl.org/news/press-releases/adl-report-white-supremacist-murders-more-than-doubled-in-2017>.

126 Jordan Fabian, *DHS analysis found no evidence of extra threat posed by travel-ban nations: report*, THE HILL (Feb. 24, 2017, 5:14 PM), <http://thehill.com/policy/national-security/321108-dhs-analysis-found-no-evidence-of-extra-threat-posed-by-travel-ban>.

127 U.S. DEP’T OF HOMELAND SECURITY, OFF. OF THE INSPECTOR GEN., DHS IMPLEMENTATION OF EXECUTIVE ORDER #13769 “PROTECTING THE NATION FROM THE FOREIGN TERRORIST ENTRY IN THE UNITED STATES,” (2018); Ron Nixon, *Travel Ban Caught Homeland Security by Surprise, Report Concludes*, N. Y. TIMES (Jan. 19, 2018), <https://www.nytimes.com/2018/01/19/us/politics/homeland-security-travel-ban-inspector-general.html>; Tammy Kupperman, David Shortell & Tal Kopan, *IG: Homeland Security violated court orders during travel ban*, CNN (Jan. 19, 2018, 11:41 AM), <https://www.cnn.com/2018/01/19/politics/inspector-general-travel-ban/index.html>; Josh Gerstein, Ted Hesson & Seung Min Kim, *Watchdog says Homeland Security bottling up travel ban report*, POLITICO (Nov. 20, 2017, 10:58 AM), <https://www.politico.com/story/2017/11/20/homeland-security-travel-ban-253902>.

128 Alex Nowrasteh, *Little National Security Benefit to Trump’s Executive Order on Immigration*, CATO INST.: AT LIBERTY (Jan. 25, 2017, 3:31 PM), <https://www.cato.org/blog/little-national-security-benefit-trumps-executive-order-immigration>; Rick Jervis, *DHS memo contradicts threats cited by Trump’s travel ban*, USA TODAY (Feb. 24, 2017), <https://www.usatoday.com/story/news/2017/02/24/dhs-memo-contradict-travel-ban-trump/98374184/>.

129 Interview by Keir Simmons with Peter Vincent on MSNBC (Feb. 24, 2017), <http://www.msnbc.com/msnbc-news/watch/dhs-draft-citizenship-an-unreliable-indicator-of-terrorist-threat-884862531980> (author interview); Greg Sargent, Opinion, *In leaked document, the case for Trump’s “Muslim ban” takes another huge hit*, WASH. POST (Mar. 3, 2017), https://www.washingtonpost.com/blogs/plum-line/wp/2017/03/03/in-leaked-document-the-case-for-trumps-muslim-ban-takes-another-huge-hit/?utm_term=.f69c11e30062.

West, in general, and the United States, in particular, are hostile towards Muslims.¹³⁰ This is especially troubling given that the global battle against these foreign terrorist organizations requires the United States to partner with its Muslim allies.¹³¹

And policies that temporarily suspend refugee admissions and that drastically reduce the total number of refugees that the United States, after years of careful, I daresay “extreme,” vetting,¹³² will accept do not make our country more secure.¹³³ As noted above, the current focus on violence committed by “other” groups, such as foreign religious or racial minorities, threatens to eclipse the very real threat from domestic extremists.¹³⁴ For instance, witness the white supremacist rally and ensuing tragic events in Charlottesville, Virginia in August 2017.¹³⁵ Moreover, the Federal Bureau of

130 Editorial, *Trump’s travel ban is still indefensible*, WASH. POST (Jan. 3, 2018), https://www.washingtonpost.com/opinions/trumps-travel-ban-is-still-indefensible/2018/01/03/d1296ac0-f0a5-11e7-97bf-bba379b809ab_story.html?utm_term=.2e4b9c814b3d.

131 Jeremy Diamond, “*Drive them out*”: *Trump calls on Muslims to share burden in terror fight*, CNN (May 21, 2017, 12:11 PM), <http://www.cnn.com/2017/05/21/politics/trump-muslim-speech-saudi-arabia/index.html>; Husain Haqqani, Opinion, *The U.S. needs Muslim allies*, WASH. POST (Nov. 1, 2012), https://www.washingtonpost.com/opinions/the-us-needs-muslim-allies/2012/11/01/9a852950-22dd-11e2-8448-81b1ce7d6978_story.html; Jim Gant, *A veteran of Iraq and Afghanistan wars: We must protect our Muslim allies*, SEATTLE TIMES (Feb. 3, 2017, 3:03 PM), <https://www.seattletimes.com/opinion/a-veteran-of-iraq-and-afghanistan-wars-we-must-protect-our-muslim-allies/>.

132 U.S. DEP’T OF STATE, U.S. REFUGEE ADMISSIONS PROGRAM, <https://www.state.gov/j/prm/ra/admissions/>; Rebecca Shabad, *Inside the U.S. vetting system Trump want to replace*, CBS NEWS (Feb. 27, 2017, 6:00 AM), <https://www.cbsnews.com/news/inside-u-s-vetting-for-visas-refugees-and-improvements-that-could-be-made/>; Haeyoun Park & Larry Buchanan, *Refugees Entering the U.S. Already Face a Rigorous Vetting Process*, N. Y. TIMES (Jan. 29, 2017), <https://www.nytimes.com/interactive/2017/01/29/us/refugee-vetting-process.html>; Alex Altman, *This is How the Syrian Refugee Screening Process Works*, TIME (Nov. 17, 2015), <http://time.com/4116619/syrian-refugees-screening-process/>; see Vincent, *supra* note 7.

133 Laura Koran, *Trump administration dramatically scales back refugee admissions*, CNN (Sep. 27, 2017, 7:54 PM), <http://www.cnn.com/2017/09/27/politics/us-trump-refugee-admissions/index.html>; Colum Lynch, *Trump to Cut Number of Refugees in U.S. by More Than Half*, FOREIGN POLICY (Sep. 26, 2017, 12:49 PM), <http://foreignpolicy.com/2017/09/26/trump-to-cut-number-of-refugees-in-u-s-by-more-than-half/>; Julie Hirschfield Davis & Miriam Jordan, *Trump Plans 45,000 Limit on Refugees Admitted to U.S.*, N. Y. TIMES (Sep. 26, 2017), https://www.nytimes.com/2017/09/26/us/politics/trump-plans-45000-limit-on-refugees-admitted-to-us.html?_r=0; Krishnadev Calamur, *Donald Trump’s Other Wall*, THE ATLANTIC (Sep. 20, 2017), <https://www.theatlantic.com/international/archive/2017/09/trump-refugees/540342/>.

134 Ben Kentish, *Terror attacks receive five times more media coverage if perpetrator is Muslim, study finds*, INDEPENDENT (Jul. 3, 2017, 12:00 PM), <http://www.independent.co.uk/news/world-0/terror-attacks-media-coverage-muslim-islamist-white-racism-islamophobia-study-georgia-state-a7820726.html>; Leaf van Boven & Paul Slovic, *The Psychological Trick Behind Trump’s Misleading Terror Statistics: Terrorism by foreign-born individuals is rarer than the administration is leading Americans to believe.*, POLITICO MAGAZINE (Jan. 28, 2018), <https://www.politico.com/magazine/story/2018/01/28/trump-administration-terror-statistics-216541>.

135 Holly Yan, Devon M. Sayers & Steve Almasy, *Virginia governor on white nationalists: They should leave America*, CNN (Aug. 14, 2017), <http://www.cnn.com/2017/08/13/us/charlottesville-white-nationalist-rally-car-crash/index.html>; Kendall Bills, *White Supremacists Assaulted Dozens of Us in Charlottesville. Almost None Have Been Punished*, TIME (Nov. 3, 2017),

Investigation's controversial assessment that "black identity extremists" pose a threat to law enforcement officers in the United States merits a serious conversation.¹³⁶

The focus on "foreignness" also lends credence to insidious stereotypes, lethal ignorance,¹³⁷ and tacit acceptance of crimes against those minorities.¹³⁸ Once we accept that "those people" are naturally more violent, menacing, or inherently different from "us" in dangerous ways, we may be less inclined to protect them, or worse, be less able to view them as fellow citizens,¹³⁹ all while making us more likely to overlook or excuse criminal behaviors from those who look like "us," however one defines "us." Any effective homeland security strategy must anticipate and mitigate both threats from radical foreign actors and the even more likely possibility of violence committed by our fellow American citizens. The potential for terror already exists within our own borders, in our own neighborhoods. We should employ countering violent extremism programs that incorporate a solid understanding of the radicalization cycle,¹⁴⁰ including studying group

<http://time.com/5009452/charlottesville-white-supremacy-dennis-mothersbaugh/>; Abigail Jones, *The White Supremacists Who Attacked Charlottesville Are Coming Back With a Vengeance*, NEWSWEEK (Sep. 11, 2017, 6:40 AM), <http://www.newsweek.com/white-supremacists-charlottesville-campus-fliers-662659>.

136 Max Kutner, *FBI's "Black Identity Extremists" Assessment Spurs Questions From Lawmakers*, NEWSWEEK (Nov. 29, 2017, 4:56 PM), <http://www.newsweek.com/black-congressional-caucus-fbi-identity-extremists-726514>; Clarence Page, *FBI needs to explain its war on "black identity extremists."* CHI TRIB. (Nov. 16, 2017, 1:50 PM), <http://www.chicagotribune.com/news/opinion/page/ct-perspec-page-fbi-black-identity-extremists-sessions-1117-20171115-story.html>; Jana Winter & Sharon Weinberger, *The FBI's New U.S. Terrorist Threat: "Black Identity Extremists,"* FOREIGN POLICY (Oct. 6, 2017, 11:42 AM), <http://foreignpolicy.com/2017/10/06/the-fbi-has-identified-a-new-domestic-terrorist-threat-and-its-black-identity-extremists/>; Khaled A. Beydoun & Justin Hansford, *Opinion, The F.B.I.'s Dangerous Crackdown on "Black Identity Extremists,"* N. Y. TIMES (Nov. 15, 2017), <https://www.nytimes.com/2017/11/15/opinion/black-identity-extremism-fbi-trump.html>.

137 Susan Milligan, *Sikhs Become a Casualty of Anti-Muslim Actions*, U.S. NEWS (Dec. 31, 2015, 10:09 AM), <https://www.usnews.com/news/articles/2015-12-31/sikhs-become-a-casualty-of-anti-muslim-actions>; Emine Saner, *Why are Sikhs Targeted by anti-Muslim extremists?*, THE GUARDIAN (Aug. 8, 2012, 3:00 PM), <https://www.theguardian.com/world/2012/aug/08/sikhs-targeted-anti-muslim-extremists>.

138 Brian Levin, *Islamophobia in America: Rise in Hate Crimes Against Muslims Shows What Politicians Say Matters*, NEWSWEEK (Jul. 17, 2017, 10:36 AM), <http://www.newsweek.com/islamophobia-america-rise-hate-crimes-against-muslims-proves-what-politicians-640184>; Katayoun Kishi, *Assaults against Muslims in U.S. surpass 2001 level*, PEW RES. CTR. (Nov. 15, 2017), <http://www.pewresearch.org/fact-tank/2017/11/15/assaults-against-muslims-in-u-s-surpass-2001-level/>.

139 Eric Lichtblau, *Hate Crimes Against American Muslims Most Since Post-9/11 Era*, N. Y. TIMES (Sep. 17, 2016), <https://www.nytimes.com/2016/09/18/us/politics/hate-crimes-american-muslims-rise.html>; Mark Berman, *Hate crimes in the United States increased last year, the FBI says*, WASH. POST (Nov. 13, 2017), https://www.washingtonpost.com/news/post-nation/wp/2017/11/13/hate-crimes-in-the-united-states-increased-last-year-the-fbi-says/?utm_term=.2eb29b36c1e5.

140 *Special Report: The Psychology of Terrorism*, SCI. AM. (Mar. 25, 2016), <https://www.scientificamerican.com/article/special-report-the-psychology-of-terrorism/>.

dynamics¹⁴¹ and social bonds.¹⁴² And we must focus on provocations to radicalization from instigators across social, economic, political, and religious spectrums.¹⁴³ We should avoid condemning entire groups; such rhetoric makes radicalization more likely, not less.¹⁴⁴

One of the most powerful things we can do for our own defense is to live like neighbors instead of adversaries. This is not about government-driven initiatives, but human ones. It means making a serious effort to improve the integration of marginalized populations into their surrounding environments. The Canadian approach offers one strikingly obvious and intriguing option: Canadian citizens essentially “adopt” or sponsor recent refugees in an effort to include them in the local community so that they feel more engaged and connected to their new neighborhoods and country.¹⁴⁵ Instead of offering inflammatory words, we can work to build trust between new residents and their communities. We should push back against rhetoric that implies that our neighbors are not wanted, or that those who came to the United States to escape unfathomable suffering are undeserving of America’s promise. We can also empower local groups to reach out to marginalized, alienated, disaffected, disappointed, lonely, or isolated individuals who might feel left behind and prone to radical action. On the state and federal level, we can identify the areas with the greatest need and allocate appropriate resources to improve overall well-being. We should try to secure reliable funding sources independent of the government, but we must not hesitate to argue for assistance from taxpayer-funded agencies when necessary, because the health and safety of our communities is certainly a homeland security concern.

Outside the United States, we can reiterate the need for strong relationships and seek cooperative solutions with our allies and, in some situations, even our adversaries to counter violent extremism. We can point to centuries of foreign policy experience that demonstrates the importance

141 Stephen D. Reicher & S. Alexander Haslam, *Fueling Terror: How Extremists are Made*, SCI. AM. (Mar. 25, 2016), <https://www.scientificamerican.com/article/fueling-terror-how-extremists-are-made/>; Dounia Bouzar, *Rescue Mission: Freeing Young Recruits from the Grips of ISIS*, SCI. AM. (Mar. 25, 2016), <https://www.scientificamerican.com/article/rescue-mission-freeing-young-recruits-from-the-grip-of-isis/>.

142 Annette Schaefer, *Inside the Terrorist Mind*, SCI. AM. (Dec. 1, 2007), <https://www.scientificamerican.com/article/inside-the-terrorist-mind/>; Tori DeAngelis, *Understanding terrorism*, 40 AM. PSYCHOL. ASS’N 60 (Nov. 2009), <http://www.apa.org/monitor/2009/11/terrorism.aspx>.

143 Kevin Dutton & Dominic Abrams, *What Research Says about Defeating Terrorism*, SCI. AM. (Mar. 25, 2016), <https://www.scientificamerican.com/article/what-research-says-about-defeating-terrorism/>; Sarah Kershaw, *The Terrorist Mind: An Update*, N. Y. TIMES (Jan. 9, 2010), <http://www.nytimes.com/2010/01/10/weekinreview/10kershaw.html>.

144 Ray Williams, *The Psychology of Terrorism*, PSYCHOL. TODAY: WIRED SUCCESS (Nov. 21, 2015), <https://www.psychologytoday.com/blog/wired-success/201511/the-psychology-terrorism>.

145 Jodi Kantor & Catrin Einhorn, *What Does it Mean to Help One Family?*, N. Y. TIMES (Oct. 22, 2016), <https://www.nytimes.com/interactive/2016/10/22/world/americas/canada-refugees-syria.html>.

of fruitful international partnerships. Wherever feasible, we should try to work with other nations that share our strategic and tactical objectives. We should foster business relationships abroad and increase public awareness at home about the benefits of healthy foreign trade and investment. For approximately 1% of the federal budget,¹⁴⁶ the United States can continue to provide vital economic and development assistance to our foreign partners, especially weak and fragile states, to support crucial developmental, human rights, and humanitarian efforts.¹⁴⁷ As Secretary of Defense James Mattis said while serving as the Commander of U.S. Central Command, “If you don’t fully fund the State Department, then I need to buy more ammunition.”¹⁴⁸

If “America First” is a zero-sum game, then we are not helping other countries to be more prosperous and secure, which would serve to encourage their respective citizens to remain at home rather than to seek refuge and opportunities elsewhere. We should try to exemplify American values by supporting the fight for liberty and the rule of law wherever they are challenged, and providing safe haven for those fleeing tyranny, war, and terrorism.

There is an obvious complication to these goals. How do we engage our neighbors, our fellow citizens, and the wider world when the prevailing trend among our fellow Americans appears to be moving in the other direction? It is not my place to prescribe anyone’s personal choices. Instead, I will offer some overly simplistic advice: do it regardless. The best, most

146 James McBride, *How Does the U.S. Spend its Foreign Aid*, COUNCIL ON FOREIGN REL. (Apr. 11, 2017), <https://www.cfr.org/backgrounder/how-does-us-spend-its-foreign-aid>; Max Bearak & Lazaro Gamio, *The U.S. foreign aid budget visualized*, WASH. POST (Oct. 18, 2016), <https://www.washingtonpost.com/graphics/world/which-countries-get-the-most-foreign-aid/>; Andrew Natsios, *What Trump’s Foreign-Aid Budget Means to the Rest of the World*, THE ATLANTIC (Apr. 4, 2017), <https://www.theatlantic.com/politics/archive/2017/04/what-trumps-foreign-aid-budget-means-to-the-rest-of-the-world/521553/>; George Ingram, *Unpacked: Myths about U.S. foreign aid*, BROOKINGS (Apr. 2, 2017), <https://www.brookings.edu/blog/unpacked/2017/04/07/myths-about-u-s-foreign-aid/>.

147 Open Letter from the U.S. Global Leadership Coalition to Congress (Feb. 27, 2017), http://www.usglc.org/downloads/2017/02/FY18_International_Affairs_Budget_House_Senate.pdf; Dan Lamothe, *Retired generals cite past comments from Mattis while opposing Trump’s proposed foreign aid cuts*, WASH. POST (Feb. 27, 2017), https://www.washingtonpost.com/news/checkpoint/wp/2017/02/27/retired-generals-cite-past-comments-from-mattis-while-opposing-trumps-proposed-foreign-aid-cuts/?utm_term=.141203962bab; Vera Bergengruen, *Why military leaders say Trump’s planned budget cuts are a national security risk*, MIAMI HERALD (Feb. 28, 2017, 6:36 PM), <http://www.miamiherald.com/news/nation-world/national/article135560743.html>.

148 Rebecca Kheel, *Mattis refuses to bite on criticism of Trump budget*, THE HILL (Jun. 13, 2017, 12:57 PM), <http://thehill.com/business-a-lobbying/337595-mattis-defends-trump-budget-request-amid-bipartisan-criticism>; Alex Lockie, *Mattis once said if State Department funding gets cut “then I need to buy more ammunition,”* BUS. INSIDER (Feb. 27, 2017, 4:27 PM), <http://www.businessinsider.com/mattis-state-department-funding-need-to-buy-more-ammunition-2017-2>; James Conway & James M. Loy, *Former Military Leaders: 3 Lessons for Our Next Commander-in-Chief*, TIME (Jun. 2, 2016), <http://time.com/4354225/next-commander-in-chief-lessons/>.

effective solution is no less correct for being unpopular. After all, the United States is famous not only for its diversity—diversity of people, of ideas, and of initiatives—it is likewise admired for its willingness to take on unpopular causes when doing so is righteous. America’s collaborative spirit should not be dampened by some immediate challenges, obstacles which may turn out to be a short-term trend. The United States is equally renowned for its love of individuality and spirited dissent. And it can never be un-American to treat others with decency and respect.

Above all, we can be an America that does not shrink from any part of the world, but embraces it. And we can do so in a way that is both compassionate to the least fortunate and reasonable to those heroically protecting the homeland. Our legal and moral obligations as citizens of this great nation demand it.

* * *