

Allies Ep. 5: Extreme Vetting FINAL

05-26-21

MJ

A warning for listeners. This podcast features harsh language and descriptions of war, terrorism and violence. It's important to hear... but it can also be disturbing.

Back in Episode 3... you heard about Fred. An Afghan interpreter who served with American soldiers for more than 13 years.

[Fred: "I was thinking the troops is going to stay in Afghanistan forever. I will, I will be with the troops forever. As long as I'm alive, I'm going to help these troops to bring peace and prosperity to my country."]

Fred went on hundreds of combat missions in Afghanistan. To many American soldiers... Fred was known as one of the best interpreters in the field.

[Lemoine: "Fred is a tough guy and very smart and just had tremendous instinct... And he was so good at it that whenever troops were going out on patrol, they would want to bring him with them"]

That's Dave Lemoine. A former FBI agent who worked with Fred in Afghanistan. Lemoine passed away in 20-20. This audio is from an interview with the International Refugee Assistance Project or IRAP.

[Lemoine: "Fred was always out on combat missions. Sometimes he'd be out all day and he'd come back late in the evening and then somebody would be going out at night and he hadn't been back an hour and they asked him to go out again and he never would refuse."]

Lemoine and Fred met in 2008. They bonded over a shared sense of humor and a relentless belief in the U-S mission in Afghanistan. They were admittedly an odd duo. Lemoine... a former cop with a thick southern accent. Fred... a soft-spoken Afghan who learned profanity from American soldiers.

When Lemoine went back to the U-S... he stayed in touch with Fred. Fred told him he was trying to come to America too. But Fred was having lots of problems with his application for a Special Immigrant Visa.

Here's Fred:

[Fred: "I always thinking one thing when I applied for visa: my case is going to get denied again. Cause no one knows what's going on. Right? ... There's somebody else in charge of all the paperwork, they process it ... They don't care about you, who you are.

Yeah. Yeah. You serve for the U S government. Sure. You're a still active duty person, but ... you're Afghan, you did not deserve it."]

In 20-13... Congress passed a series of reforms to the SIV program. You heard about them in the last episode. IRAP came up with those reforms from their experience dealing with past cases. Those reforms were tailored to fix problems that they were encountering with the application process. In effect... those reforms led to more Afghans getting visas.

So Lemoine told Fred to keep applying.

[Lemoine: "He had given up at one time after the second, third, maybe a third or fourth time, he got rejected. He wanted to quit. I said, 'well, you might quit but Sari and I aren't quitting. So you might as well come along for the ride.'"]

That other name he mentioned... is a woman named Sari Long. She was an attorney who was doing pro-bono work. Long was given Fred's case through IRAP in 20-14.

[Long: "I'm not sure how many times it was denied before I met him. I know how many times it was denied after I started working on it."]

To start... Long had a Skype call to meet Fred... though she uses his full-name: which is Fraidoon...

[Long: "The other thing I will say, I tell everybody this: Fraidoon knew English before he started working with the military, but most of the English that he really acquired came from enlisted soldiers. So you might say that his language and linguistic choices were a little salty.

Almost every other word, I think in that first conversation, was fuck. 'This fucking guy, this fucking paper.'"]

When Sari Long read Fred's case file... she was stunned that he didn't get a visa. She says it was clear he wanted to serve... that Fred wanted to be a part of the U-S mission in Afghanistan. If this guy was ineligible... who was the SIV program even for?

[Long: "And then I saw this packet of letters of support in his own application ... this person was just roundly lauded by any of the U-S service men that he worked with.

And I thought, what a privilege to be able to help someone like that."]

Together... Sari Long and Dave Lemoine started pulling together documents, re-filing paperwork.

But Fred's application got hung up on one step: approval from command. Apparently there was something in Fred's employment record. A sort of red flag about his service.

[Long: "... all we saw on the denial for his COM approval was 'there's derogatory information associated with your case.'

What could that even mean? What could that even include?"]

[Allies Theme]

From Lawfare and Goat Rodeo... This is Allies... a podcast about America's eyes and ears in the War in Afghanistan.

I'm your host Bryce Klehm.

In this episode... we're gonna teach you about the S-I-V *process*. You'll hear from Fred and an ad hoc team of lawyers and veterans. They'll describe the efforts to push his application through the bureaucracy.

... and you'll hear how a new President brought the entire program to a screeching halt.

This is Episode 5: Extreme Vetting.

[THEME FADES]

At this point in the show, it's important to remember that Fred's application got rejected or sent back to him at least 5 times. So to figure out why... let's take a moment and go through the SIV process step-by-step. But spoiler alert... it's not very fun.

[MUSIC]

So... let's say you're an Afghan who's been working with the U-S for a couple of years. Now you want to get your Special Immigrant Visa to come to the United States.

Well first, you'll need to get a few documents. To start... that'll include what's called a verification letter. That's from your employer and confirms you worked for them. That you showed *Faithful and Valuable Service* to the U-S government.

Next... you'll need another letter... a letter of *recommendation* from a direct supervisor. Say your employer was a defense contractor. Those companies who were notoriously bad with paperwork. Well... your supervisor might have returned to the U-S... or been sent off to another warzone... or unfortunately passed away. So good luck getting that letter.

If you get that letter... then fill out form DS-157... or an '*Ongoing Threat*' form. Basically, give some evidence to show your life is in danger. Sometimes these threats were obvious... like the letter the Taliban nailed to Fred's door. But sometimes... they're informal or verbal... like a phone call. So... they're hard to prove. An organization called the National Visa Center will spend at least a couple of months checking that out.

A sidenote: as of this May... the Visa Center is still working on applications from August of *last year*.

Then your paperwork goes to command for 'Chief of Mission' or COM approval. This is the step Fred got stuck on. The Chief of Mission takes a look at your record and decides if you're worthy of getting a visa. By the way... the 'Chief of Mission' is actually just *one* person. Now they have a lot of staff to help... but it's still just one person signing off on all this. Historically... getting COM approval can take 1 to 3 years.

But let's say you get COM approval. After that... you fill out *another* form. Form I-360... to actually *request* your visa. That goes to *another* federal agency. If you pass that... you get *conditional* approval for an S-I-V. That usually takes another 3-4 months.

But even then... it's not over. The National Visa Center takes *another* look at your case. And don't forget to have physical copies of more documents: ID forms, marriage or birth certificates... stuff like that. Give another couple months to get that sorted.

Next... you travel to the U-S embassy in Kabul to get approval during an *in-person* interview.

But these interviews paused during Covid. And now there's not even an embassy in Afghanistan to host them. So current applicants hope to go to a third country for processing.

Then finally... you'd get a medical check-up. That usually happens about 1 or 2 years after your interview. Only *then*... would you actually get your visa and get a flight scheduled. And remember: all of this is *supposed* to happen within a 9-month time frame set by Congress.

And the whole process is done in English... likely your second or third language.

[MUSIC FADES]

In addition to all of that... is the security and administrative screening of an applicant.

In 2016... Ambassador Mark Storella was the Deputy Assistant Secretary of State for refugees and migration. During his career... Ambassador Storella processed SIV applications. He saw this screening up close.

[Storella: "And it is the most rigorous screen process for anyone entering the United States of any type."]

This screening built up over years... and got even stricter post-9/11. So Iraqi and Afghan SIV applicants went through tons of background checks from federal agencies...

[Storella: "... ranging from the FBI to CIA, ---and an alphabet soup of other intelligence and law enforcement agencies. Anyone who might have information – we always call it 'derogatory information' – on a possible applicant."]

[MUSIC]

In total... around 12 *different federal agencies* look for derogatory information.

And while movies make it seem like the government can just “pull up a file” on you... Storella says, in reality, it’s more complicated than that. There’s not a single database across the federal government for this sort of thing...

[Storella: “... you actually had to go through piecemeal one at a time. They all had separate processes going ... And then you really need an analyst because usually, the vast majority of cases, there is not a clear red flag saying this is a dangerous person.

Rather you get fragmentary information: this person once made a phone call to such and such a person who had turns out at a later date was involved in some crime or terror incident...”]

[MUSIC FADES]

So... in 20-17... this screening flagged something in Fred’s SIV application. By this point... it had been 7 years since he first applied for a visa. And his friend and attorney Sari Long says it was incredibly hard to find out what his *derogatory information* was.

And the constant denials were getting to Fred.

[Long: “ ...he just wanted to give up, he was like, ‘This is never going to work’ ...

At that point, you know, he’s got a wife and two little kids ... They were afraid to lose him. They were afraid for themselves. And I think that really for him ... it definitely motivated him more. I think if he had just been a single guy, he maybe wouldn’t have ever left.”]

Without Chief of Mission approval... Fred’s SIV application was denied once again. But this time... Sari Long tried something different. As part of the reforms passed in 20-13... applicants could now *appeal* a denial. Fred didn’t even know that was an option.

So his team appealed... and Sari Long went back through the paperwork. That’s when she found the smoking gun.

Remember when Fred was sent home after the Taliban threatened his life? Well, it turns out... the defense contractor who hired him marked up his employment record.

Here’s Dave Lemoine to explain.

[Lemoine: “Later on, somebody came in and they were cleaning up some of the bookwork and they saw that this guy is no longer with us and they had to fill out the paperwork terminating him. And it said reason for termination and they checked ‘refusal to go on a mission.’

And that had been the problem we didn't know about.”]

[MUSIC]

So that note went on Fred's record... permanently. Fred was shocked. To him... this was a serious accusation. He *loved* being a combat interpreter... and prided himself on never turning down a mission.

[Fred: “I've been in more than 500 combat missions with the troops ... I used to go to mission every single days. I never miss any mission.”]

So Fred said there had to be a mistake on his file. Sari Long tried to get it changed.

[Long: “I remember calling the supervisor who had signed that letter. And I had all of this evidence to show, not only did Fred never refuse a mission, but that he kept contacting the employer for more work. And we had records, we had letters, we had all of this evidence and this guy simply refused to fix the letter.

And I have never, I mean, that's, that's the first and last time I think I've cried in the office was that day. Cause I thought if we can't get past this, there's no hope.”]

All this frustration... these years of hiding from the Taliban... of having denial after denial. It was all apparently because of this bureaucratic error. Some *mistake* in a personnel file that a single person refused to correct.

Sari Long is still mad about it. At the time... she was *terrified* that Fred wouldn't make it out of Afghanistan. Remember... the Taliban had him marked for death.

[Long: “I was worried for four years straight that something would happen. And every time I saw something in the news, another bombing in Kabul, I mean, he lost friends when there would be roadside attacks in the course of the four years that I represented him ...

I will tell you too, there were several times over the course of this representation that I had Kayak pulled up to look at fares to Kabul. Cause I was ready to fly there and literally beat someone up for this because it was so frustrating that things weren't moving.”]

Long... who's a corporate attorney... says she never experienced something like this. The level of stonewalling and delays during Fred's case was mind-boggling.

[Long: “And partly because there is no playbook, half of the things that we did in this case ... were not things that you could look up in the regulations.

It felt like the wild west and half the time I said, ‘I don't feel like an attorney right now. I feel like a fixer. I feel like a mobster making calls in the middle of the night. None of it was legally based.”]

They weren't getting anywhere with the government... so Dave Lemoine tried to play the role of fixer. He called one of his contacts... the head of one of the biggest contracting companies in Afghanistan.

Lemoine told him there was a mistake in Fred's file. But the official on the phone didn't believe him.

[Lemoine: “I'm gonna tell you, I said ‘I was an FBI agent, I'm a pretty good judge of character. I got so much faith in Fred that when he does get his visa – and he's going to get it, cause we're not going away – he's going to come and live at my house with my wife and kids. That's how much confidence I have in him.’”]

Fred... Sari Long and Dave Lemoine had spent years following the rules to get an S-I-V. They filed the right paperwork. They got help from the right people. They followed *the rules* every step of the way.

But it was Dave Lemoine's phone call that made a difference. After that... Fred's employment record was changed. After years of bureaucratic hurdles, red tape and clerical errors... Fred's application was approved.

All because of the right call to the right person at the right time.

So after 7 years and at least 5 applications, Fred... his wife and kids all got their visas.

In September 20-17... Sari Long, Dave Lemoine and a group of veterans were at the airport to greet Fred. Fox News was there too.

[Fox News: crowd: “Welcome Home Fred!”

Anchor: “The soldiers who served with him called him Fred ... asked how he felt to finally be in America?”

Fred: “My wife and kids, they're happy to be here... I hope my kids should grow up in a society like America. To study hard and be a human. For these guys I don't know what to say”]

[MUSIC FADES]

Since the SIV program was created for interpreters... there's been lots of cases like Freds. Applicants who got lost in a bureaucratic maze. Many simply gave up. Some even took the smugglers road out of Afghanistan.

Fred was one of the lucky ones. He and his family live in the U.S. today. Not far from where Dave Lemoine lived.

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It's worth saying that – despite problems like this – to this point the SIV program was working as well as it ever had. From 20-13 to 20-17... The State Department issued more than 14-thousand SIVs to Afghans. That's the largest amount since the program was created.

Here's Ambassador Mark Storella again.

[Storella: “At the end of the Obama administration, we still were having difficulty processing Afghan special immigrant visa applicants. The situation had improved, we had pretty good resourcing ... So I would say in general, there was a sense that, that the operation was going in a fairly good direction.”]

But that was all about to change.

[MUSIC]

[Trump: “Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country’s representatives can figure out what the hell is going on. We have no choice. We have no choice.

[APPLAUSE]”]

As you probably know... Donald Trump won the presidency and was inaugurated in January 2017.

Just one week into his administration... he followed through on that campaign promise you just heard. The White House enacted an executive order that barred travel to the U-S from seven majority-muslim countries.

[Anchor: “That order signed Friday, leading to instant chaos and confusion at airports at home and around the world. Travelers not allowed to board flights bound for the US, some – including children – detained upon landing ... “]

The first two executive orders on travel were knocked down in the courts. But a third was upheld by the Supreme Court.

The Travel Ban didn’t affect Afghanistan. But the new administration’s stance on immigration and refugee programs was clear.

Ambassador Storella says many State Department officials spent their careers trying to offer protection to vulnerable refugees. This new administration seemingly wanted them to do the opposite.

[Storella: “Most of us were deeply proud of the fact that our country is a country of immigrants, a country that has offered protection to people ... most of us thought that these traditions that the United States has frankly reflected some of the best impulses of our country.

But we had policies that we had to implement and I implemented them. Because I took an oath ... to respect our constitution and our elected authorities.”]

Later that year... the Trump administration followed through on another campaign promise. Trump wanted *extreme* vetting of supposed terror threats trying to enter the country. In essence... the administration wanted more restrictions on refugees and SIV applicants.

Ambassador Storella says a lot of the new rules were redundant, ineffective or hard to implement – like parsing through an applicant's social media posts. So they required a lot more time and effort. But staff across the federal government were being diverted away from programs like the SIV.

[Storella: “Not only were there too few people doing the work, but also it was made very clear to folks that if you encountered some kind of ambiguity or some kind of obstacle, rather than trying to resolve the problem, you would never be criticized if you simply refuse the applicant.

...And the result was the whole process slowed down to a snail's pace.”]

Over time... many in the State Department felt demoralized. Some staff members came to Ambassador Storella's office in tears. Their new work was racking their conscience. And officials were resigning their posts, retiring or asking for transfers.

[Storella: “It was at times very excruciating to see this, this piece of our program that I thought represented some of the best impulses of the American people ... quickly being dismantled.”]

The doors were closing for refugees... asylum seekers and SIV applicants. But some officials inside the administration tried to fight back.

[MUSIC]

Olivia Troye was the Homeland Security and Counterterrorism advisor to Vice President Mike Pence. She says Pence was acutely aware of the problems with the SIV program.

She remembers seeing a headline in the Washington Post. It was about an interpreter who was stuck just like Fred WAS. The Vice President marked the story up with a sharpie indicating that he wanted his staff to follow up on it...

[Troye: ... and you know, you walk into the office the next day and there's this newspaper that says question mark, what is going on? Please see me...”]

The Vice President wanted to know why the SIV process had slowed to a trickle. Olivia Troye started asking around... but it was hard to get much info from other officials in The White House. They said interpreters were just going through more “security checks”.

It turns out... the policy was being crafted by Senior White House Advisor Stephen Miller. Troye says Stephen Miller had extreme, far-right viewpoints. Indeed, he didn't make a secret of them, including on national television:

Here he is speaking in September 20-21.

ADD MILLER HERE

Inside the White House... Miller openly showed disdain for refugee programs:

[Troye: "Stephen Miller at one meeting did say, 'What is it that you people want? You want a bunch of Iraqi and Afghan communities around the country? Is that what you want? You want little Iraqs and Afghan... 'little 'Stans' is what he said..."]

The culture inside the White House became deeply affected by hardline advisers like Stephen Miller. And those viewpoints were now being translated into policy. Executive orders were slowing down the SIV program and refugee admissions.

[Troye: "... and what you'll see is a lot of the agendas start to get classified. People start to get pushed out of the meetings.

Not going to lie, I had to fight my way into meetings sometimes because it was my job to be in the room so that I could inform the vice president of where things stood and what was happening."]

In September 2018... Secretary of Defense James Mattis wrote a memo about Iraqi refugees. He wrote, "A failure to honor our commitments to those who have supported the United States would undermine our diplomatic and military efforts abroad..."

[Troye: "... he writes that memo because he knows that it's probably going to get lost in the shuffle. And if he doesn't write it and go on paper and get it delivered in front of everyone and put it in front of everyone, I think he is concerned that the message won't be received loud and clear."]

Over 4 years... The Trump administration sapped tons of resources from the SIV and refugee programs. They were putting the brakes on a program that already moved at a snail's pace.

Fred got his visa in 20-17 before a lot of these procedures were in place. That year... the United States gave out more than 4,000 visas. But for each of the next three years

the government would issue only about half that number. The Iraq program did even worse. NBC News reported that, in 2018, only 2 former Iraqi interpreters received visas.

And because of the administration's extreme vetting procedures... wait times for SIV applicants increased to 3 and 4 years again.

Advocacy groups tried to fight back. IRAP... the same organization that helped Fred... sued the Trump administration in 2018. They said The White House was not adhering to the 9-month timeline for SIV applicants that Congress had mandated.

After almost two years of litigation... the administration agreed to new timeframes among other stipulations.

But the legal process couldn't move fast enough for Afghan interpreters trying to get out. For the ones still in Afghanistan... the prospect of leaving the country was fading away.

Here's Olivia Troye again:

[Troye: "Honestly, it was heartbreaking because I thought about: How many of these people were in danger, how many of them were in danger, how many of them were going ... to get killed, and their families ... "]

So instead of getting visas... more translators were getting stranded on the battlefield...

And that warzone was getting bloodier by the day.

In 20-17 the Taliban ramped up suicide bombings in Afghanistan... where they now controlled a third of the country. The Trump administration sent a couple thousand more US troops to the warzone.

At the White House... President Trump kept saying the war might change.

[TRUMP: "America will work with the Afghan government as long as we see determination and progress, however our commitment is not unlimited and our support is not a blank check."]

Jonathan Schroden is with the Center for Naval Analyses. Schroden has researched the War extensively... and has been to Afghanistan 13 times in the last decade. He says when President Trump took office... his public stance on the War was simple.

[Schroden: “He made no bones about the fact that he thought the US had failed miserably in Afghanistan ... And that we should just get out, right. It all looked like a bad deal to him.”]

By 20-17... the U-S support of the Afghan Army still hadn't paid off. The Afghan Army was struggling to recruit fresh soldiers.

Meanwhile The Taliban captured provincial capitals and overran poorly defended checkpoints. It made off with advanced military equipment that hastened their campaign.

[Schroden: “... and they caused a lot of casualties ... we're talking tens of thousands of casualties that the Afghan security forces were taking during this time period.”]

The U-S backed Afghan government was also full of corruption and mismanagement. But The Taliban's influence was growing. It made deals to get the support of village and community elders across the country.

Then... the Trump administration did something that caught many Afghans and Americans by surprise.

[Trump SOTU: “My administration is holding constructive talks with a number of Afghan groups, including the Taliban...”]

After 18 years... the U-S government started to negotiate *with* its long-time adversary.

[Trump SOTU: “... We do not know whether we'll achieve an agreement, but we do know that after 2 decades of war, the hour has come to at least try for peace, and the other side would like to do the same thing.”]

The Trump administration was looking for a couple things out of these negotiations. An inclusive Afghan government to still exist. The Afghan people to keep the democratic rights they had. But mostly... the administration wanted U-S forces out.

The Taliban were bullish with their own demands. But Schroden says Trump's posturing made the negotiations difficult.

[Schroden: “In the background you had President Trump tweeting things that were resoundingly unhelpful ... Constantly signaling that at any time, he might

just tweet an order to withdraw all US forces from Afghanistan ... he was signaling at his level that he had little faith in these negotiations, that he didn't really even want them, that if it were up to him, that he would just abruptly withdraw.”]

Eventually... at the negotiating table in Doha... Qatar... the two sides reached a tenuous agreement. The administration got what they wanted: a ceasefire... and a deadline to pull out U-S forces. And The Taliban said terrorists could no longer use Afghanistan as a home base.

Here’s then-Secretary of State Mike Pompeo at the signing ceremony in February 2020:

[POMPEO: “This effort only became real for the United States when the Taliban signalled interest in pursuing peace and ending their relationship with Al-Qaeda and other foreign terrorist groups. They also recognized that military victory was impossible.]

A key point here is that only The Taliban and *the U-S* agreed to a ceasefire. The deal was supposed to pave way for more negotiations after the withdrawal. Those would happen between *the Afghan government* and the Taliban.

But with one deal in-hand... the Taliban started their last offensive against Afghan Security Forces. They swept across the country. The Taliban defeated forces with low morale and dwindling support from the Americans.

Here’s General Kenneth McKeznie... head of U-S Central Command. He later testified before Congress about the effect the U-S Taliban deal had on the fight:

[McKenzie: “The Taliban and the Afghan military, they have the same DNA. So it comes down to the fighting heart of the man on the ground ... The Taliban were heartened by what they saw happen at Doha and what followed and our decision to eventually get out by a certain date, I think the Afghans were very weakened by that, morally and spiritually...”]

Even after the agreement... many Afghans on the ground still didn’t think the U-S withdrawal would happen.

[MUSIC]

For two decades this war represented two visions of Afghanistan's future. Democratic rule backed by foreign governments... or fundamentalist rule by Taliban hardliners. Thousands of Afghans made choices during those twenty years that placed them on one side of that line or the other.

Now... with this negotiated exit... the consequences of those choices put a whole population into deep uncertainty. What would happen to the SIV applicants still waiting for approval? Could the Afghan government protect them if the US really did leave?

On top of all of this... the coronavirus pandemic temporarily shut down visa processing at US embassies. Now... SIVs weren't even getting processed as the Taliban marched on.

The crumbling Afghan government held out hope that the US government might change its policy. After all, 2020 was an election year. And a new U-S presidential administration might reverse course and halt the withdrawal.

When Joe Biden won... some analysts thought he wouldn't abide by the deal his predecessor struck with the Taliban. But... in April 20-21... President Biden let the whole world know he wasn't going to change course.

[Biden: "I'm now the fourth United States President to preside over American troops presence in Afghanistan, I will not pass this responsibility on to a fifth. After consulting closely with our allies and partners, I've concluded that it's time to end America's longest war.

It's time for American troops to come home."]

President Biden announced that U-S forces would be out of Afghanistan by the 20th anniversary of 9/11. That set the stage for a U-S withdrawal during the Taliban counter-offensive.

The Taliban said they would keep the fight away from the Americans. But US military officials couldn't count on that promise from their long-time enemies.

Here's Jonathan Schroden again:

[Schroden: "... and so it had to treat the withdrawal as a withdrawal under fire, or at least potentially under fire. That is one of the most dangerous military operations that one could try to undertake, right.

And so the way that you do that – while attempting to meet the president's priority of minimizing risks to US service members – is to do it as quickly as you possibly can.”]

The U.S. and its Afghan allies spent 20 years trying to build an inclusive Afghan government. Thousands of Afghans like Fred spent years of their life dedicated to that mission.

But in the wake of Trump’s deal with the Taliban and Biden’s decision to withdraw... that Afghan government began to unwind... quickly.

[ALLIES THEME]

Next time on Allies... we’ll head to the place where this war ended: The Kabul airport. You’ll hear from Afghans who tried to flee... and the politicians, civilians and veterans who tried to get them out.

Allies was created, written and produced by the show’s Lead Producers Max Johnston... and me, Bryce Klehm.

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Senior Producers at Goat Rodeo are Megan Nadolski and Ian Enright.

At Lawfare... editorial support from Natalie Orpett, Katherine Pompilio, Claudia Swain and Scott Anderson.

A special thanks to Fred, Sari Long, the family of Dave Lemoine, Kim Staffieri, The International Refugee Assistance Project, Ambassador Mark Storella, Olivia Troye and Jonathan Schrodin.

Allies is a production from Lawfare & Goat Rodeo. You can find it wherever you get your podcasts. Please rate & Review the show... it helps spread the word.

[CREDITS/ALLIES THEME]