

## Allies Ep. 4: Numerical Limitations: FINAL

MJ/BK

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*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.*

Matt Zeller was deployed to Afghanistan in 2008. He was in Ghazni Province in Southern Afghanistan. One of the most violent provinces near the border with Pakistan.

He was on a mission when the lead vehicle in his convoy drove over an IED. Matt and a team of American and Afghan soldiers huddled around the damaged humvee. They were waiting for backup to pick it up.

Matt looked around. The team seemed to be in the middle of nowhere. Their convoy was scattered on an empty road. The only things in sight were a farm and some small homes.

**[Zeller: "And that's when I turned and I noticed that the building that's in front of us ... there's a guy on the top of the walls with binoculars and a military radio looking down right at us ... So I turned my weapon up to put him in my scope to see, because my scope is telescopic and I can see him closer that way.**

**And he drops down."]**

Something didn't *feel* right. So Matt walked toward his commanding officer to report all this...

**[Zeller: "The next thing I remember ... I was on the ground on my left side of my body. I had no idea how I got there. I was in the dirt... the dirt in front of me was jumping, going up and down,**

**... I started to hear a sound again, it sounded like firecrackers going off around my head ... And that's when my brain kicked in and made sense of everything and went, it's not jumping dirt, you idiot, those are bullets. Someone is shooting at you, you are being shot at."]**

Matt realized that artillery fire was raining down around him.

**[Zeller: “Now, I have shot artillery. I've shot artillery at people. I've never been on the receiving end until this moment. And it sucks. It sucks to be pinned out and to watch rounds get closer and know there's nothing you can do about it.**

**And I just remember thinking ‘You're going to die today.’**

**‘You're going to die right here, probably in the next couple of minutes. Your mom and dad are going to get the worst phone call any parent could ever get. There's nothing you can do by the way to prevent, comfort, stop – you are actually the cause of this tragedy, your choices brought you to this moment.**

**You're never gonna have kids, you know, get married,’ you know, just everything kind of rushed through my brain.**

**And then I just, there was this moment of clarity. It was, well, ‘If I'm going to die, I'm going to go out fighting.’”]**

**[CAR APPROACHING]**

Matt stood up to return fire as reinforcements arrived from a nearby village. An American humvee ripped into the battlefield in front of him... laying down suppressing fire on the ridge.

**[Zeller: “And I will freely admit to, at this point, losing my military bearing because instead of turning back to monitor my field of fire, I turned to watch the assault on the ridgeline. And I kind of wanted to see the Taliban up there get what they had coming to them.**

**Had I been monitoring my field of fire I would have seen the two Taliban fighters emerge from the mosque and come at me with their weapons drawn.**

**I had no idea if they were intending to shoot me or take me, but I was alone by myself in the middle of this field.”]**

Just then... someone blindsided Matt... tackling him to the ground.

**[Zeller: “... and he puts his shoulder down and he basically checks me like you would knock somebody on their ass in football or check them into the boards in hockey.**

**And as he hits me, he starts shooting his AK-47. From my perspective, I don't see him. I don't feel him. I just feel I get hit and it sounds like an AK-47 going off, like right next to me.**

**So I'm like, 'Well, the Taliban got me.' And as I'm trying to like, get my breath, sort of assess myself, all of a sudden this man stands up right over me with his hand outstretched.**

**He says to me, 'I'm Janis, I'm one of your translators, you're not safe.'”]**

### **[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 Matt Zeller will describe this war from the frontlines... where he formed a lifelong bond with his Afghan interpreter. You'll hear about the team of veterans and lawyers who fought to get S-I-Vs for these interpreters and translators. But that process was so difficult... they went to Congress to try and fix it.

This is Episode 4: Numerical Limitations.

### **[THEME FADES]**

By 2008... the War in Afghanistan was at a stalemate. Matt Zeller went there as part of an embedded combat advisor team. His job was to live with the Afghan military and mentor them.

**[Zeller: “The Afghan military by and large at the point however were mostly in the ... they needed to have their hands held most of the time or they weren't able to function without us.”]**

The day of the ambush... started when Matt and his team went to an outpost. They were checking on the local police.

**[Zeller: “I remember asking their commander, ‘How much territory do you control?’ He said, ‘I control 700 meters in any direction.’ I said, ‘That’s a really specific number. Why that?’**

**And he goes, ‘It’s as far as my weapons can shoot, everything else belongs to the Taliban.’**

So Matt and his team left. They were headed back to base. And they decided to take a different path than the one they took in. Basically... they’d be going in a big circle.

**[Zeller: “So that way the Taliban didn’t just have to like wait on the road that we had driven in and come back and wait in place to ambush us.**

**Well long story short, we got lost because the maps and the satellite imagery that we had, they had been created in 1984 and hadn’t been updated since. They were useless. They were completely worthless.”]**

**[MUSIC FADES W/Car engine... ]**

So Matt and his team followed a small river nearby... that river eventually would intersect with the highway. They drove toward a small village.

That’s when their lead vehicle went right over a roadside bomb. Matt saw the blast toss the lead car into the air.

**[Zeller: “... literally gets catapulted and launched up into the air like it was a Coke can, and when it landed, it didn’t have an engine or a front right tire. They were just gone...”]**

Matt and his team rushed to the humvee. Everyone inside survived... but they were shaken up. Several had concussions.

Standard operating procedure called for them to place a thermite bomb on the damaged humvee. That would melt down what was left so the Taliban couldn’t take any gear.

But that process would take a long time... so the team radio’d command.

**[Zeller: “... And we’re in the middle of nowhere, we’re literally out in the open, in the middle of a field, there’s no cover, there’s no concealment ...**

**So we want to leave and we radio our intention to do all of this. And what we were told was, I'll never forget this, this Colonel comes back on the radio and he says, 'I don't leave behind monuments to our failure like the Soviets, if you don't come back without that vehicle, you shouldn't come back at all. You are to remain in place until properly relieved.'**

**It's what we call a "Die in Place" order."]**

They waited for backup. That's when Matt saw a man with binoculars on a nearby building... just watching them.

**[Zeller: "Two minutes later, his prepubescent daughters come out of the house with the families to herd the livestock ...**

**They couldn't have cared less about these goats. These girls walked around that field and counted us one by one. This guy sent his daughters out to recon us.**

**We didn't know it at the time, but he was the senior Taliban commander for the entire area And we were in his front yard. He thought we were there for him.**

**We were just trying to get home."]**

This is when that ambush we told you about earlier started. The blast that knocked Matt down. The American reinforcements. Amid all that action... Matt didn't see two Taliban members headed right for him. That's when an Afghan interpreter named Janis tackled Matt to the ground.

**[Zeller: "... and as he pulled me up out of the hole, that's when I saw the bodies of the two guys he had just shot and killed saving my life."]**

**[MUSIC]**

By this point the tide of the battle had turned. American reinforcements fought off the ambush... the surviving Taliban members fled.

Later once the dust settled... Matt and his team hooked their busted humvee to a tow truck and dragged it away. They went back to their base... where Matt tried to sleep. He barely could because his adrenaline was still flowing.

**[Zeller: “The next morning I got up, and then after that, like, like kind of coming to terms like, ‘Oh my God, I could have been killed yesterday. I came this close.’**

**I went to go get breakfast ... So I walked into our chow hall and it was empty except for one person – Janis.”]**

Matt walked over to Janis and asked if he could join him.

**[Zeller: “And he said sure, and I sat down and I realized, I didn't even know his name at that point, I did not remember his name. I just knew this was the guy who saved my life the day before. And I hadn't talked to him since then, so I said, ‘My name's Matt.’**

**And he goes, ‘Yeah, I know. I've met you before.’**

**I said, ‘Yeah, I know. Your name is?’ and he goes, ‘I'm Janis.’**

**And I said, ‘Well, I can't thank you enough for saving my life.’ And he goes, ‘Don't mention it’ basically.**

**And I said, ‘No, I don't understand, you don't know me and you're now as important in my existence as my parents are. I don't know anything about you, you've lived on the other side of the planet for the last, all of our life. Like, I don't know anything about you and you, why –’**

**I just started peppering him with questions, like, ‘Why did you do this? Why did you save my life?’ And like, ‘Why are you on our side?’**

**And he basically said, ‘You know nothing about Afghans.’**

**I said, ‘You're right, would you teach me?’]**

**[MUSIC FADES]**

**[Zeller: “And he said, ‘Okay, if I joined the Taliban, my mom would have kicked my ass,’ those were his exact words. I said, ‘Wait a minute, this wasn't the answer I was expecting, I thought women didn't have rights here.’**

**And again, ‘You know, nothing of Afghans.’**

He goes, 'Alright, first lesson, Afghan men can't fight without the blessings of their mothers.'

I'm like, 'Are you telling me that everybody on the other side of yesterday's battle had mom's permission to be there?' He said, 'Yeah, if mom's still alive, probably.'

I go, 'what makes your mom so much more enlightened than their mom? How come your mom says you can't join the Taliban, but their mom says they can?'

He goes, 'Oh, that's simple. My mom can read and write for herself. She's read the Quran for herself, she knows what the Taliban preaches in Islam is bullshit.'

And then he got really serious. He looked me right in the eye and he said, 'Why do you think it is that the Taliban burn down schools for girls? It's because they don't want a generation of literate, Afghan women, like my mother, who grow up and say no to their sons when the Taliban come knocking for recruits. Because the moment that happens is the moment their movement dies.']

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Janis and Matt sat there for a while. They talked about Afghanistan and the war... then about themselves. Janis was born in Afghanistan... but went to Pakistan in the 1990s when the Taliban had taken control.

When U-S forces later invaded... Janis wanted to fight. So he signed up to be an interpreter. He happened to be working at a base nearby when Matt and his team were ambushed. Janis would later say that after he saved Matt... the two were bonded for life.

After they met... Matt asked his Commanding Officer if Janis could be his personal interpreter.

**[Zeller: "And I said ... I need him connected at my hip because I trust him now just about more than anybody else I trust in this life."]**

The two ended up going on many more combat missions together. Zeller eventually went back to the states in 2009. He made sure to say goodbye to Janis before he left.

**[Zeller: "... and I told him at that point, how much I cared for him and if he ever needed anything, he just had to ask.**

**And he said to me, ‘One day, you're going to come back and be a guest in my country. And we're going to go fishing in my home village in the river.’**

**And I really hoped he was right, but I kind of knew at that moment – no. I just had this feeling.**

**I reminded him. I said, ‘Do you remember? I told you back, the day after you saved my life, the morning that we talked?’ and he looked at me and I said, ‘I told you, I owe you a life debt and I mean it. If there's anything I ever can do, to include commandeering an aircraft, whatever you need, man, I will come and take care of you. You just ask.’”]**

The two exchanged emails and Skype numbers to stay in touch. Janis was fighting in Afghanistan when The Surge ended and the U-S started packing up.

That’s when The Afghan Army was supposed to take over the fight... but it wasn’t going well. At that point... The Afghan National Army had an attrition rate of about 30 percent... meaning there was constant turnover and the fighting force was shrinking.

**[MUSIC]**

By 20-13... Janis worked at a military base in Kabul. At this point he had helped capture hundreds of Taliban fighters. Matt was back in the states when he got a message from Janis. Matt just figured... Janis probably wanted to catch-up.

But when they connected over Skype... Janis said his time as an interpreter was almost over. His base was being handed over to Afghan security forces.

And they had told Janis, ‘when the Americans go, you go too.’ There’d be no need for interpreters anymore.

**[Zeller: “... And he called to tell me that there was a bounty on his head and that the Taliban were hunting him...**

**And he wanted to know if I would sponsor him for this newly created visa program called the Special Immigration Visa for people like him.”]**

Janis had applied for an SIV earlier in 20-11. But he’d been waiting for two years... a common occurrence for many SIV applicants.

You see... even though Congress had expanded the SIV program for translators... the process was rarely a straight path to the U-S. At the time Congress had allotted 1,500 Visas each year for Afghans. But according to a 20-13 NPR report... the State Department only ended up giving out less than 15 percent of them. That created a *huge* backlog of applicants.

On top of all this... the program was about to end. It had a 'sunset date' and was only going to operate through 20-13. So the clock was ticking.

**[Zeller: "And so I said to him, I said, 'Look, I think the only real option we have here is, I think we have to embarrass the government into doing the right thing, which means we have to go public with your story, which means we're going to be a much bigger bullseye on you. But if it works, we get you out of danger.'**

**So we decided to roll the dice."]**

**[MUSIC FADES]**

Matt started to do anything to help with Janis' visa. He gave interviews to the New Yorker... Fox News and N-P-R. All about his friend Janis. And he started reaching out to lawmakers... lawyers and non-profits... anyone who might be able to help.

The problems and delays for Afghans were numerous. For one... an SIV application involved all this paperwork that went through the chain of command. Many of the people interviewed on this podcast... from soldiers to politicians to diplomats... they all say applying for an SIV was extremely confusing. From the government's perspective... processing them was confusing too.

Eric Coulson was a Foreign Service Officer at the State Department. He worked in a number of U-S embassies handling Refugee cases.

He says many SIV applications probably died on the vine. According to Coulson... plenty of applicants were sent away and told to try again. Most likely because they didn't have the right documents.

**[Coulson: "it's a document intensive sort of thing. And the consular officer who's interviewing you is mostly interested in checking off that list. And I can say that because I've been that consular officer.**

**Now that I'm retired and I know some of my fellow consular officers might hear this and they're gonna be not necessarily thrilled with that, but that's the truth. The burden was on that applicant who may or may not have had the ability or skill set to comply with our bureaucratic requirements.”]**

And Coulson says embassy staff weren't allowed to give immigration advice. So the applicants had to sift through this paperwork – often in their second or third language mind you – on their own.

But The *biggest* delay was the security screening process. That's when SIV applicants had their names run through databases across the federal government. The background checks were meant to look for any connection to terrorist cells.

But Coulson says this screening wasn't very efficient. For example... if you were running a security check on an applicant named Abdul Muhammed... you'd get tons of hits simply because of how common the name was.

**[Coulson: “Now I'm sorting through it – I think this person's perfectly qualified for a visa, but I have an Abdul Muhammad with no known place of birth and no known date of birth, I still have to figure out how to – depending on the type of hit – eliminate this person as a potential security threat.**

**So the idea that our security checks are really drilling down into the person that you're talking about is rather far-fetched.”]**

On top of all of this.. Coulson says there wasn't much funding or manpower at the State Department to process all these applications.

**[Coulson: “You've got that Afghan family in front of you and you want to help them and you need to help them, but there's like five behind them. And we don't have enough time because we don't have enough people because we're still trying to do the things that are necessary to process on the level that we have.”]**

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This meant that the process was extremely difficult for an applicant to navigate by themselves. Matt filled out the paperwork for Janis' application and advocated for him in the media. He was also taking meetings in D-C... pushing for reforms to the program.

**[Zeller: “I would learn firsthand just how impossible it was to get someone as deserving as quite frankly, a slam dunk, easy home run – the visa program was made for this guy.**

**It was everything that the program was intended to do was to get someone like him out. And, and yet it couldn't, it didn't function.”]**

Janis' case was stuck in a weird back and forth. His SIV application was initially approved... but then revoked and placed under review.

With the delays mounting... Matt and Janis started looking for legal help. Katie Reisner was the policy director for a non-profit called the International Refugee Assistance Project or I-RAP. I-RAP helped SIV applicants make sense of this program.

**[Reisner: “Matt Zeller was at first, just trying to help his own interpreter Janis ... to get him through the Visa process. He was just banging his head against the wall, trying to figure out: how do I unstick this?”]**

By 20-13... I-RAP took on a ton of cases like Janis.'

Reisner says the wait times for SIV applications were going up. Sometimes getting to 2, 3 or 4 years. And applicants were being denied for seemingly arbitrary reasons.

**[Reisner: “The process itself was so deeply unfair, in the sense that, you know, all these folks have to pull these records from different places, from organizations that may not even exist anymore. They don't have an opportunity to be represented by counsel...”]**

This meant the State Department didn't issue anywhere near the number of visas that Congress had allocated for the program. And the 'sunset date' for the legislation was approaching...

**[Reisner: “So this huge number of visas were going to go away with the sunset date. And meanwhile, the backlog was thousands upon thousands of people long.”]**

They kept fighting for Janis' case and pushing the State Department to give him an SIV. Finally... after years of red-tape... Janis and his family got their visas. They flew into Washington, D-C in October 20-13.

Matt was there to meet Janis... greeting his friend with a big hug. A C-B-S News crew caught their reunion.

**[MUSIC]**

**[CBS/Janis: "As-Salam-u-Alaikum..."]**

**CBS/Zeller: "I got the last member of my unit home, I can breathe a sigh of relief for the first time in 5 years. I got my buddy home."**

**CBS/Janis: "I'm feeling very happy, because finally we made it."**

**Anchor: "Did you ever think this was not going to happen, did you ever give up hope?"**

**Janis: "I had a brother here to fight for me, and I was thinking I could make it."]**

To get Janis settled in the United States... Matt had started a GoFundMe campaign that went viral. It raised 35-thousand dollars.

**[Zeller: "So I tried to give it to him and I explained to him, I said, 'Look, there's about \$35,000 that has come into this account and it's, it's all for you and your family to help you start your new life in America. And it's not nearly enough to repay our nation's debt to you, but it certainly will cover your first years worth of food and rent.**

**So I want you to take the money, I want you to put your feet up and honestly play with your kids and take a sigh of relief for the first time in your life, because no one is actively trying to kill you anymore. You're safe here.'**

**And he thought about accepting this money for all of maybe half of a heartbeat ... And he looked me in the eye and said, 'I can't take it.'**

**And I said, 'Well, what do you mean you can't take it? What do you want me to do with the money then? And he said, 'Well, what about Hasan and Mywand and Latif and Jamshet and Habib?'**

**He was naming all the other interpreters who at that point we had worked with, who ... were back in Afghanistan in Ghazni working the mission with the next unit.**

**I said, 'What about them?' He said, 'Don't they deserve to be here too?'**

**So I said, 'What do you want me to do with the money?' And he said, 'Can we use this to start an organization to do for them what you've done for me?' And that became the birth of the organization we started called 'No One Left Behind.'"]**

'No One Left Behind'... a non-profit that advocates for other interpreters like Janis.

**[Zeller: "The part of the story I normally don't tell is we got invited – this is mind you Janis' fourth day in America – we get invited up to Capitol Hill to meet with Senators John McCain and Jeanne Shaheen."]**

CBS News caught their introduction... Matt and Katie Reisner introduced Janis to the Senators...

**[CBS, Zeller: "This is Janis Shinwari, my interpreter from Afghanistan....**

**This is Senator Jeanne Shaheen from the state of New Hampshire and Senator John McCain from the state of Arizona, and they are the principle champions of the program that brought you here..."]**

**[Zeller: "So we go into this meeting and Senators McCain and Shaheen wanted to hear intently from Janis about his personal experiences. So for 20 minutes, Janis just kind of walked them through everything he had been through and the difficulty he had faced.**

**And I'll never forget McCain, just pounding into his hand, going, 'God dammit, Jean, we've got fucking fix this problem. It's Vietnam all the fuck over again.' I can't believe it, he was all riled up. And then he turned, he said, 'You have my full support, whatever it takes.'**

**And he then had to excuse himself, cause he had to get out for a vote. And I remember we're sitting now in Senator Shaheen's private office and Senator Shaheen turns to us and she said, 'Well, you heard the man. We've gotta get this done, what do you think it'll take to fix the SIV program? Do you have some proposed changes?' And we said, 'Yeah, we have some ideas.'**

**And she said, 'Do you think you could give it to us in the next hour?"]**

**[MUSIC]**

So Katie... Matt and Janis left Senator Shaheen's office with a few of her staff members. They walked down to the cafeteria in the basement of the U-S Senate. Everyone sat down in a booth.

**[Zeller: "... and while Janis plays Candy Crush on his phone and occasionally answers some questions that we need to ask him, Katie and I sat there and basically sketched out what became verbatim, the language that fundamentally changed the SIV program."]**

Here's a few of the reforms ... they mapped out:

First... they asked that the State Department had to set a timeline for processing SIVs. They didn't want another interpreter like Janis to wait years for a decision. So they asked for a timeline of 9 months.

Second... they wanted an appeals process. That way if an interpreter was denied... they would have some recourse.

Third... if an applicant was denied... they had to be told *why*. Prior to this... they would essentially just be told 'no' with little explanation.

Fourth... the State Department had to appoint a coordinator. Someone to oversee the SIV program for Afghans.

Shaheen's staff jotted all this down. And they went back in and inserted this language... nearly verbatim... into the legislation. President Barack Obama later signed it into law.

These changes made a huge difference in the SIV program. Just look at the numbers:

Over the four years since the SIV program had been expanded, only about 1,200 visas had been issued. In 20-14 alone... they nearly tripled that number.

But... the program needed more visas to match the number of translators and interpreters that the US had hired during the Surge. So later that year... Congress added thousands more annual visas.

Here's IRAP's then/former Policy Director... Katie Reisner.

**[Reisner: “This visa program is a great testament to a lot of values that I think many people want to see the United States embody. But it felt like these improvements were ones that helped ensure that the program actually was living up to those values.”]**

But it wouldn't be all smooth sailing for the SIV program. After 2013... the program had to get renewed every year, attached to massive must pass legislation – it still does.

That's because, frankly... Congress didn't even know how long the US was going to be in Afghanistan. So... they didn't know how long the SIV program would be necessary. I mean, imagine if someone told you in 20-14 that the war wouldn't end for another 7 years.

Molly Reynolds is a senior fellow in governance studies at the Brookings Institution. She says a yearly review of the legislation was intentional.

**[Reynolds: “The reason to want to take a regular look at the program could be because we think things might be getting better. It could also be because we think things might get worse ... The world might be changing in that time, and there's a real reason to put in a motivation to go back and look at the program and say 'okay, this is what the world looked like last year, this is what the world looks like this year we're gonna make a different choice because things on the ground are different. ”]**

While a yearly allocation process might sound harmless, that's far from the case.

**[Reynolds: “Every year, you have to make sure that you're going to have the coalition in place to support the program. And you have to sort of fend off potential challenges from people who might really dislike it and really be interested in undermining it..”]**

**[MUSIC]**

Senator Shaheen's office told us the annual review gave the program's *opponents* many chances to put constraints on the SIV program. And limit the eligibility of applicants. One year when the SIV program was up for renewal again in 20-16... Senator Shaheen spoke in support of it.

**[SHAHEEN 6:22: “And yet ... despite the persuasive arguments of our military and civilian leaders, the Senate NDAA does not currently reauthorize and extend the SIV program ... because of the objections of some few in this body ...”]**

The opposition for the program mainly came from Republicans. Senator Mike Lee reportedly opposed it as leverage for a completely unrelated bill. The Huffington Post reported that Senators Chuck Grassley and Jeff Sessions *publicly* said the program was too expensive. But in private... they said they didn't want any more foreigners coming to the U.S. than was necessary.

To them it simply didn't matter that SIV applicants had served next to U-S soldiers. Senator John McCain was a staunch supporter of the SIV. So he called out his own party.

**[MCCAIN: 7:48:10: “I woke up in the middle of the night last night thinking about this issue. And it made me think of a long time ago when I saw a lot of brave Americans die ... Several times I thought I could have prevented their deaths.**

**I can't imagine how it must bother someone who is literally signing the death warrants of some people who in their innocence decided they would help the United States of America ... and I believe that what we're doing here by blocking this amendment ... to allow these wonderful people ... to leave a place where death is almost certain... that we're blocking this ability to save lives ... I do not understand.”]**

Congress renewed the program in 2016, but with fewer visa spots than supporters of the program had wanted.

Over time... those yearly negotiations came at a cost. For example... one year the SIV program was amended. Applicants would now have to prove that they worked for the US for two years instead of one. Do you think the Taliban cared about the difference?

So each year... the SIV program's supporters and critics revisited the program and negotiated the fine print. Much of it to the detriment of the Afghans who were desperate to receive SIVs.

For every case like Janis' ... many more Afghans were left behind.

**[ALLIES THEME]**

In the next episode we'll talk about how these changes impacted other Afghan translators. And how a new administration's approach to immigration and the war in Afghanistan affected the SIV program.

**[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."]**

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Ben Wittes is our Executive Producer.

Mixing and additional editing from Rebecca Seidel. (SIGH-dell)

Production and Editorial Assistance from Ian Enright... Isabelle Kerby-McGowan... Cara Shillen and Megan Nadolski.

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