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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JEWISH FAMILY SERVICE OF
SEATTLE, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States,
et al.,

Defendants.

No. 2:17-cv-01707-RSM

JOINT DECLARATION OF FORMER
NATIONAL SECURITY OFFICIALS

JOINT DECLARATION OF FORMER NATIONAL SECURITY OFFICIALS

We, the below named individuals, declare as follows:

1. We are former national security, foreign policy, and intelligence officials in the United States Government:

- a. Madeleine K. Albright served as Secretary of State from 1997 to 2001. A refugee and naturalized American citizen, she served as U.S. Permanent Representative to the United Nations from 1993 to 1997. She has also been a member of the Central Intelligence Agency External Advisory Board since 2009 and of the Defense Policy Board since 2011, in which capacities she has received assessments of threats facing the United States.

- 1 b. Rand Beers served as Deputy Homeland Security Advisor to the President of the
2 United States from 2014 to 2015.
- 3 c. John B. Bellinger III served as the Legal Adviser for the U.S. Department of State
4 from 2005 to 2009. He previously served as Senior Associate Counsel to the
5 President and Legal Adviser to the National Security Council from 2001 to 2005.
- 6 d. Daniel Benjamin served as Ambassador-at-Large for Counterterrorism at the U.S.
7 Department of State from 2009 to 2012.
- 8 e. Antony Blinken served as Deputy Secretary of State from 2015 to January 20,
9 2017. He previously served as Deputy National Security Advisor to the President
10 of the United States from 2013 to 2015.
- 11 f. John O. Brennan served as Director of the Central Intelligence Agency from 2013
12 to 2017. He previously served as Deputy National Security Advisor for Homeland
13 Security and Counterterrorism and Assistant to the President from 2009 to 2013.
- 14 g. R. Nicholas Burns served as Under Secretary of State for Political Affairs from
15 2005 to 2008. He previously served as U.S. Ambassador to NATO and as U.S.
16 Ambassador to Greece.
- 17 h. William J. Burns served as Deputy Secretary of State from 2011 to 2014. He
18 previously served as Under Secretary of State for Political Affairs from 2008 to
19 2011, as U.S. Ambassador to Russia from 2005 to 2008, as Assistant Secretary of
20 State for Near Eastern Affairs from 2001 to 2005, and as U.S. Ambassador to
21 Jordan from 1998 to 2001.
- 22 i. James Clapper served as U.S. Director of National Intelligence from 2010 to
23 January 20, 2017.
- 24 j. David S. Cohen served as Under Secretary of the Treasury for Terrorism and
25 Financial Intelligence from 2011 to 2015 and as Deputy Director of the Central
26 Intelligence Agency from 2015 to January 20, 2017.

- 1 k. Eliot A. Cohen served as Counselor of the U.S. Department of State from 2007 to
2 2009.
- 3 l. Bathsheba N. Crocker served as Assistant Secretary of State for International
4 Organization Affairs from 2014 to 2017.
- 5 m. Ryan Crocker served as U.S. Ambassador to Afghanistan from 2011 to 2012, as
6 U.S. Ambassador to Iraq from 2007 to 2009, as U.S. Ambassador to Pakistan
7 from 2004 to 2007, as U.S. Ambassador to Syria from 1998 to 2001, as U.S.
8 Ambassador to Kuwait from 1994 to 1997, and U.S. Ambassador to Lebanon
9 from 1990 to 1993.
- 10 n. Thomas Donilon served as U.S. National Security Advisor from 2010 to 2013.
- 11 o. Jen Easterly served as Special Assistant to the President and Senior Director for
12 Counterterrorism from October 2013 to December 2016.
- 13 p. Daniel Feldman served as U.S. Special Representative for Afghanistan and
14 Pakistan from 2014 to 2015, Deputy U.S. Special Representative for Afghanistan
15 and Pakistan from 2009 to 2014, and previously Director for Multilateral and
16 Humanitarian Affairs at the National Security Council.
- 17 q. Jonathan Finer served as Chief of Staff to the Secretary of State from 2015 until
18 January 20, 2017, and Director of the Policy Planning Staff at the U.S.
19 Department of State from 2016 to January 20, 2017.
- 20 r. Michèle Flournoy served as Under Secretary of Defense for Policy from 2009 to
21 2013.
- 22 s. Robert S. Ford served as U.S. Ambassador to Syria from 2011 to 2014, as Deputy
23 Ambassador to Iraq from 2009 to 2010, and as U.S. Ambassador to Algeria from
24 2006 to 2008.
- 25 t. Josh Geltzer served as Senior Director for Counterterrorism at the National
26 Security Council from 2015 to 2017. Previously, he served as Deputy Legal

1 Advisor to the National Security Council and as Counsel to the Assistant Attorney
2 General for National Security at the Department of Justice.

3 u. Suzy George served as Deputy Assistant to the President and Chief of Staff and
4 Executive Secretary to the National Security Council from 2014 to 2017.

5 v. Phil Gordon served as Special Assistant to the President and White House
6 Coordinator for the Middle East, North Africa and the Gulf from 2013 to 2015,
7 and Assistant Secretary of State for European and Eurasian Affairs from 2009 to
8 2013.

9 w. Chuck Hagel served as Secretary of Defense from 2013 to 2015, and previously
10 served as Co-Chair of the President's Intelligence Advisory Board. From 1997 to
11 2009, he served as U.S. Senator for Nebraska, and as a senior member of the
12 Senate Foreign Relations and Intelligence Committees.

13 x. Avril D. Haines served as Deputy National Security Advisor to the President of
14 the United States from 2015 to January 20, 2017. From 2013 to 2015, she served
15 as Deputy Director of the Central Intelligence Agency.

16 y. Luke Hartig served as Senior Director for Counterterrorism at the National
17 Security Council from 2014 to 2016.

18 z. General (ret.) Michael V. Hayden, USAF, served as Director of the Central
19 Intelligence Agency from 2006 to 2009. From 1995 to 2005, he served as
20 Director of the National Security Agency.

21 aa. Heather A. Higginbottom served as Deputy Secretary of State for Management
22 and Resources from 2013 to 2017.

23 bb. Christopher R. Hill served as Assistant Secretary of State for East Asian and
24 Pacific Affairs from 2005 to 2009. He also served as U.S. Ambassador to
25 Macedonia, Poland, the Republic of Korea, and Iraq.

26 cc. John F. Kerry served as Secretary of State from 2013 to January 20, 2017.

- 1 dd. Prem Kumar served as Senior Director for the Middle East and North Africa on
2 the National Security Council staff of the White House from 2013 to 2015.
- 3 ee. Richard Lugar served as U.S. Senator for Indiana from 1977 to 2013, and as
4 Chairman of the Senate Committee on Foreign Relations from 1985 to 1987 and
5 2003 to 2007, and as ranking member of the Senate Committee on Foreign
6 Relations from 2007 to 2013.
- 7 ff. John E. McLaughlin served as Deputy Director of the Central Intelligence Agency
8 from 2000 to 2004 and as Acting Director in 2004. His duties included briefing
9 President-elect Bill Clinton and President George W. Bush.
- 10 gg. Lisa O. Monaco served as Assistant to the President for Homeland Security and
11 Counterterrorism and Deputy National Security Advisor from 2013 to January 20,
12 2017.
- 13 hh. Cameron P. Munter served as U.S. Ambassador to Pakistan from 2009 to 2012
14 and to Serbia from 2007 to 2009.
- 15 ii. James C. O'Brien served as Special Presidential Envoy for Hostage Affairs from
16 2015 to January 20, 2017. He served in the U.S. Department of State from 1989
17 to 2001, including as Principal Deputy Director of Policy Planning and as Special
18 Presidential Envoy for the Balkans.
- 19 jj. Matthew G. Olsen served as Director of the National Counterterrorism Center
20 from 2011 to 2014.
- 21 kk. Leon E. Panetta served as Secretary of Defense from 2011 to 2013. From 2009 to
22 2011, he served as Director of the Central Intelligence Agency.
- 23 ll. Jeffrey Prescott served as Special Assistant to the President and Senior Director
24 for Iran, Iraq, Syria and the Gulf States from 2015 to 2017.
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- 1 mm. Samantha J. Power served as U.S. Permanent Representative to the United
2 Nations from 2013 to January 20, 2017. From 2009 to 2013, she served as Senior
3 Director for Multilateral and Human Rights on the National Security Council.
- 4 nn. Susan E. Rice served as U.S. Permanent Representative to the United Nations
5 from 2009 to 2013 and as National Security Advisor from 2013 to January 20,
6 2017.
- 7 oo. Anne C. Richard served as Assistant Secretary of State for Population, Refugees
8 and Migration from 2012 to January 20, 2017.
- 9 pp. Kori Schake served as the Deputy Director for Policy Planning at the U.S.
10 Department of State from December 2007 to May 2008. Previously, she was the
11 director for Defense Strategy and Requirements on the National Security Council
12 in President George W. Bush's first term.
- 13 qq. Eric P. Schwartz served as Assistant Secretary of State for Population, Refugees
14 and Migration from 2009 to 2011. From 1993 to 2001, he was responsible for
15 refugee and humanitarian issues on the National Security Council, ultimately
16 serving as Special Assistant to the President for National Security Affairs and
17 Senior Director for Multilateral and Humanitarian Affairs.
- 18 rr. Wendy R. Sherman served as Under Secretary of State for Political Affairs from
19 2011 to 2015.
- 20 ss. Vikram Singh served as Deputy Special Representative for Afghanistan and
21 Pakistan from 2010 to 2011 and as Deputy Assistant Secretary of Defense for
22 Southeast Asia from 2012 to 2014.
- 23 tt. Jeffrey H. Smith served as General Counsel of the Central Intelligence Agency
24 from 1995 to 1996. Previously, he served as General Counsel of the Senate
25 Armed Services Committee.
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1 uu. James B. Steinberg served as Deputy National Security Adviser from 1996 to
2 2000 and as Deputy Secretary of State from 2009 to 2011.

3 vv. William Wechsler served as Deputy Assistant Secretary for Special Operations
4 and Combating Terrorism at the U.S. Department of Defense from 2012 to 2015.

5 ww. Samuel M. Witten served as Principal Deputy Assistant Secretary of State for
6 Population, Refugees, and Migration from 2007 to 2010. From 2001 to 2007, he
7 served as Deputy Legal Adviser at the State Department.

8 2. We have collectively devoted decades to combatting the various terrorist threats
9 that the United States faces in a dynamic and dangerous world. We have held the highest
10 security clearances, and many of us were current on active intelligence regarding all credible
11 terrorist threat streams directed against the United States as recently as one week before the
12 issuance of the Jan. 27, 2017 Executive Order on “Protecting the Nation from Foreign Terrorist
13 Entry into the United States” (“Travel Ban 1.0”). A number of us joined a declaration that was
14 filed in support of a legal challenge to that first Executive Order.¹ Each of us also joined an
15 amicus brief that was filed in the Supreme Court in support of the challenge of the plaintiffs in
16 this case to the subsequent March 6, 2017 Executive Order (“Travel Ban 2.0”),² and a joint
17 declaration filed in the U.S. District Court for the District of Maryland in support of the
18 plaintiffs’ challenge to the September 24, 2017 Proclamation titled “Presidential Proclamation
19 Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United
20 States by Terrorists or Other Public-Safety Threats”(“Travel Ban 3.0”).³ Because Travel Ban 3.0
21 does not address the entry of those seeking refugee status in the United States, we file this
22 additional declaration with respect to that issue.

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24 ¹ Joint Decl. of Madeline Albright et al., No. 17-35105 (9th Cir. Feb. 6, 2017),
<https://apps.washingtonpost.com/g/documents/politics/declaration-of-national-security-officials/2324/>.

25 ² Br. of Amici Curiae Former National Security Officials in Support of Respondents, Nos. 16-1436 and 16-
1540 (U.S. Sup. Ct. Sept. 18, 2017),
26 https://law.yale.edu/system/files/documents/pdf/Clinics/rolc_amicus_9.19.17_.pdf.

³ Joint Decl. of Madeline Albright et al., No. TDC-17-0361 (D.Md. Oct. 11, 2017).

1 3. The Refugee Ban

2 a. Travel Ban 1.0 included an indefinite ban on Syrian refugees, a 120-day
3 suspension of the U.S. Refugee Admission Program (USRAP), and an explicit
4 preference for admission of refugees who are religious minorities. On February 3,
5 2017, the U.S. District Court for the Western District of Washington (Robart, J.)
6 issued a temporary restraining order against each of these aspects of Travel Ban
7 1.0 suspending refugee admissions.

8 b. Travel Ban 2.0 included a 120-day suspension of USRAP, subject to case by case
9 waivers. On March 29, 2017, the U.S. District Court for the District of Hawaii
10 (Watson, J.), preliminarily enjoined the U.S. Government’s suspension of
11 USRAP, but the Supreme Court later permitted it to go into effect pending appeal
12 for refugees lacking a “credible claim of a bona fide relationship with a person or
13 entity in the United States.”

14 c. Travel Ban 3.0 did not speak to the issue of refugees.

15 d. On October 24, 2017, when the 120-day suspension in Travel Ban 2.0 expired,
16 President Trump issued a new Executive Order that purported to resume USRAP
17 with the exception of “[c]ertain [c]ategories of [r]efugees.” A Memorandum
18 accompanying this Executive Order then proceeded to create a new effective ban
19 (“Refugee Ban 3.0” or “Ban”) for nearly half of the refugees in USRAP via: (1) a
20 90-day de facto suspension of entry for refugees who are nationals of (or stateless
21 persons who last habitually resided in) 11 countries that are subject to Security
22 Advisory Opinions (SAO), through the reallocation of resources away from
23 processing those applications, with admission permitted only through case-by-
24 case waivers, and (2) an indefinite suspension of the “follow-to-join” family
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1 reunification program.⁴ According to one analysis, 76 percent of all Muslim
2 refugees who entered the United States during the last 15 years came from the 11
3 countries described in the Memorandum.⁵

4 4. Refugee Ban 3.0 preserves the sweeping country-based approach of the original
5 Travel Bans, without providing any persuasive evidence that these measures are necessary to
6 enhance our national security or foreign policy interests. We agree that the United States faces
7 real threats from terrorist networks and must take all prudent and effective steps to combat them,
8 including the appropriate vetting of travelers to the United States. Yet, we are unaware of any
9 national security threat that would justify Refugee Ban 3.0. To the contrary, its enforcement
10 would cause serious harm to the national security and foreign policy of the United States.

11 **II. Refugee Ban 3.0 Serves No Genuine National Security or Foreign Policy Purpose**

12 5. As a national security measure, this Ban is of unprecedented scope. Yet in
13 adopting Refugee Ban 3.0, the Administration alleges no derogatory factual information or any
14 credible threat about any particular refugee applicant from the countries banned. The new
15 Executive Order does not even allude to any such information, while the Memorandum only
16 references unspecified “concerns” as a rationale for its restrictions.

17 6. Refugee Ban 3.0’s generalized, country-based approach with respect to countries
18 subject to SAO is substantially the same as its predecessors’. We have seen no evidence,
19 however, that such a sweeping, country-based ban on refugees is necessary for this objective.
20 In fact, the only concrete evidence to emerge from this administration on this point to date has
21 shown just the opposite—that country-based bans are ineffective. A leaked DHS Office of
22 Intelligence and Analysis memorandum analyzing the ban in the January Order found that
23 “country of citizenship is unlikely to be a reliable indicator of potential terrorist activity.” The
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25 ⁴ Memorandum to the President, *Resuming the United States Refugee Admissions Program with Enhanced*
26 *Vetting Capabilities* (Oct. 23, 2017), <https://www.state.gov/documents/organization/275306.pdf>.

⁵ See, e.g., Alex Nowrasteh, *Make “Enhanced” Vetting Great Again*, CATO Institute: CATO at Liberty
(Oct. 31, 2017).

1 memorandum went on to note that a majority of the U.S.-based individuals who were inspired by
2 a foreign terrorist organization to participate in terrorism-related activity were citizens of the
3 United States; the minority of foreign-born individuals were scattered from among twenty-six
4 different countries; and most of the top origin countries of those individuals are not the countries
5 listed in the Order.⁶

6 7. A number of us held for extended periods of time the most senior responsibility
7 within the U.S. Government for overseeing the refugee resettlement process. We know of no
8 factual basis for the Government's claim that the targeted refugees pose a particular security
9 threat to the United States that would justify the bans. To the contrary, the Government's
10 position entirely misunderstands the realities of—and the national security protections provided
11 by—the existing vetting process.

12 8. Refugees already receive the most thorough vetting of any travelers to the United
13 States.⁷ Refugee candidates are vetted repeatedly throughout the resettlement process, as
14 “pending applications continue to be checked against terrorist databases, to ensure new, relevant
15 terrorism information has not come to light.”⁸ By the time refugees referred by the United
16 Nations High Commissioner for Refugees (“UNHCR”) are approved for resettlement in the
17 United States, they have been reviewed not only by UNHCR but also by the National
18 Counterterrorism Center, the Federal Bureau of Investigation, the Department of Homeland
19 Security, the Department of Defense, the Department of State, and the U.S. intelligence
20 community.⁹

23 ⁶ U.S. Dep't of Homeland Sec., *Citizenship Likely an Unreliable Indicator of Terrorist Threat to the United*
24 *States*, <https://assets.documentcloud.org/documents/3474730/DHS-intelligence-document-on-President-Donald.pdf>.

25 ⁷ U.S. Dep't of State, *U.S. Refugee Admissions Program FAQs*,
26 <http://www.state.gov/j/prm/releases/factsheets/2017/266447.htm>.

⁸ Amy Pope, *The Screening Process for Refugee Entry into the United States* (Nov. 20, 2015),
<http://obamawhitehouse.archives.gov/blog/2015/11/20/infographic-screening-process-refugee-entry-united-states>.

⁹ U.S. Dep't of State, *The Refugee Processing and Screening System*,
<http://www.state.gov/documents/organization/266671.pdf>.

1 9. The refugee vetting process is also reviewed and enhanced on an ongoing basis in
2 response to particular threats.¹⁰ For example, in 2015 the Department of Homeland Security
3 described a layer of enhanced review for Syrian applicants that involves collaboration between
4 the U.S. Citizenship and Immigration Services' Refugee, Asylum, and International Operations
5 Directorate and the Fraud Detection and National Security Directorate. Among other measures,
6 this review provided additional, intelligence-driven support to refugee adjudicators that U.S.
7 officials could then use to more precisely question refugees during their security interviews.¹¹

8 10. Under current vetting procedures, refugees often wait eighteen to twenty-four
9 months to be cleared for entry into the United States.¹² Fewer than one percent of all refugees
10 determined by the UNHCR to be eligible for resettlement were settled in any single country in
11 2015.¹³ Because refugees do not decide where they will be resettled, the odds that any terrorist
12 posing as a refugee will be resettled in the United States are vanishingly small.

13 11. So-called "derivative refugees" who follow-to-join family members who have
14 already been resettled in the United States are also already subjected to their own thorough
15 vetting and security screening procedures.¹⁴

16 12. During the four decades from 1975 to the end of 2015, over three million refugees
17 have been admitted to the United States. Despite this number, only three refugees have killed
18 people in terrorist attacks on U.S. soil during this period. None of these refugees were from the
19 11 listed countries in the Memorandum.¹⁵ Between October 1, 2011 and December 31, 2016,
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22 ¹⁰ U.S. Citizenship and Immigration Services, *Fact Sheet: Refugee Security Screening* (Dec. 3, 2015),
[http://www.uscis.gov/sites/default/files/USCIS/Refugee%2C%20](http://www.uscis.gov/sites/default/files/USCIS/Refugee%2C%20Asylum%2C%20and%20Int%271%20Ops/Refugee_Security_Screening_Fact_Sheet.pdf)

[Asylum%2C%20and%20Int%271%20Ops/Refugee_Security_Screening_Fact_Sheet.pdf](http://www.uscis.gov/sites/default/files/USCIS/Refugee_Security_Screening_Fact_Sheet.pdf).

23 ¹¹ U.S. Dep't of State, *supra* note 9; Andorra Bruno, Cong. Research Serv., R44277, *Syrian Refugee*
24 *Admissions and Resettlement in the United States: In Brief* 4-5 (Sept. 16, 2016).

25 ¹² U.S. Dep't of State, *U.S. Refugee Resettlement Processing for Iraqi and Syrian Beneficiaries of an*
Approved I-130 Petition (Mar. 11, 2016).

26 ¹³ U.N. High Commissioner for Refugees, *Resettlement*, <http://www.unhcr.org/en-us/resettlement.html>.

¹⁴ U.S. Dep't of State, *Follow-to-Join Refugees and Asylees*,
<https://travel.state.gov/content/visas/en/immigrate/join-refugees-and-asylees.html#overseas>.

¹⁵ Nowrasteh, *supra* note 5.

1 more than 18,000 Syrian refugees were resettled in the United States; we know of none who has
2 been detained due to an alleged connection with terror.¹⁶

3 13. In imposing yet another country-based set of restrictions, the Executive Order and
4 the Memorandum address none of this overwhelming evidence. The Government alleges no
5 specific information about any vetting step omitted by these current procedures that would
6 demand a generalized suspension of the refugee program in the way that has been done here.

7 **III. Refugee Ban 3.0 Will Harm the National Security and Foreign Policy Interests of the**
8 **United States**

9 14. In our professional judgment, Refugee Ban 3.0 would undermine the national
10 security of the United States, rather than making us safer. In particular, based on public
11 reporting about the countries that are subject to the SAO:

- 12 a. The Refugee Ban harms interpreters and others who assisted our troops abroad at
13 great risk to their own lives. The reallocation of resources away from processing
14 the applications of nationals of countries subject to the SAO would affect
15 individuals, who because they assisted the United States overseas, are waiting for
16 admission as refugees under the already-backlogged refugee program.¹⁷ By
17 discouraging future assistance and cooperation from these and other affected
18 military allies and partners, the ban would jeopardize the safety and security of
19 our troops.
- 20 b. The Ban will disrupt critical counterterrorism, foreign policy, and national
21 security partnerships that are critical to our obtaining information sharing and
22 collaboration in intelligence, law enforcement, military, and diplomatic channels
23 necessary to address the threat posed by terrorist groups such as IS. The Ban will
24 further strain our relationships with partner countries in Europe and the Middle
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26 ¹⁶ *Ibid.*

¹⁷ Jill Colvin, *Refugee Advocates Denounce Trump's Latest Order*, Wash. Post (Oct. 25, 2017).

1 East, many of whom are shouldering the burden of taking in great numbers of
2 refugees, and on whom we rely for vital counterterrorism cooperation. By
3 alienating these partners, we frustrate access to the intelligence and resources
4 necessary to fight the root causes of terror or disrupt attacks launched from
5 abroad, before an attack occurs within our borders.¹⁸

6 c. For current information, our intelligence officers may rely on human sources in
7 some of the 11 countries in Refugee Ban 3.0. The Ban breaches faith with these
8 sources, who have risked much to keep Americans safe—and whom our officers
9 have promised to always protect with the full might of our government and our
10 people.

11 d. The Refugee Ban’s disparate impact on Muslim refugees would feed the
12 recruitment narrative of IS and other extremists that portray the United States as
13 at war with Islam. As government officials, we took every step we could to
14 counter violent extremism. Because of the Ban’s disparate impact on Muslim
15 travelers and immigrants, it would fuel IS’s narrative and send the wrong message
16 to the Muslim community here at home and all over the world: that the U.S.
17 Government is hostile to them and their religion. The Ban also might endanger
18 Christian communities, by handing IS a recruiting tool and propaganda victory that
19 spreads their message that the United States is engaged in a religious war.

20 e. The Refugee Ban disrupts ongoing law enforcement efforts. By alienating
21 Muslim-American communities in the United States, it would harm our efforts to
22 enlist their aid in identifying radicalized individuals who might launch attacks of
23 the kind recently seen in San Bernardino and Orlando.

24 ¹⁸ As just one illustration, after Travel Ban 3.0 issued, Chad withdrew hundreds of troops from a regional
25 effort to fight against Boko Haram. Two weeks earlier, their communications minister said that Travel Ban 3.0
26 “seriously undermines Chad’s image and the good relations between the two countries, notably in the fight against
terrorism.” Conor Gaffey, *After Trump Travel Ban, Chad Pulls Troops From Boko Haram Fight in Niger*,
Newsweek (Oct. 13, 2017).

1 f. The Refugee Ban has a devastating humanitarian impact. The refugee
2 suspensions in the prior two travel bans have already disrupted the movement of
3 countless people, including women and children, who are fleeing danger and have
4 been victimized by actual terrorists.

5 15. For all of the foregoing reasons, in our professional opinion, Refugee Ban 3.0
6 does not further—but instead harms—sound U.S. national security and foreign policy. Issuing
7 an order against Refugee Ban 3.0 would not jeopardize national security. It would simply
8 preserve the status quo ante, still requiring individuals to be subjected to all the rigorous legal
9 vetting processes that are currently in place. Allowing Refugee Ban 3.0 to take effect would
10 wreak havoc on innocent lives and deeply held American values.

11 16. The current administration of the USRAP ensures that all refugees in the program
12 will develop close *bona fide* relationships with U.S.-based entities by virtue of the refugee
13 process, in some cases well before a formal assurance of admittance is provided. The decision to
14 admit individual refugees, once screened, depends on the U.S. Government’s assessment that an
15 agency in the United States is prepared to handle the particularized and often unique cultural,
16 medical, and familial needs of individual refugees. By the time refugees have made their way
17 through this intensive vetting process of matching individuals to resources, and have been
18 formally admitted, all have necessarily acquired a formal and documented “*bona fide*
19 relationship” with the United States.¹⁹

20 17. At bottom, the U.S. refugee resettlement program is a humanitarian assistance
21 program that was not set up to benefit relatives of American citizens or residents, nor to serve the
22 employment or educational needs of American companies or institutions. It was instead
23 established to further the noble and historic American tradition of aiding people fleeing
24 persecution. Of course, this includes people with relatives and other prior connections to the
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26 ¹⁹ See generally Br. of Amici Curiae Former National Security Officials in Opposition to the Motion for
Clarification at 6-9, *Trump v. Hawaii*, No. 16-1540 (U.S. July 19, 2017), 2017 WL 3045234.

1 United States. But it also includes people who, before having their case considered, had no
2 relationship at all with the United States, and after full vetting under rigorous, individualized,
3 and modern procedures, have been found to pose no national security threat.

4 18. Ours is a nation of immigrants and refugees, committed to the faith that we are all
5 equal under the law and abhor discrimination, whether based on race, religion, sex, or national
6 origin. As government officials, we sought diligently to protect our country, even while
7 maintaining an immigration system as free as possible from discrimination, that applies no
8 religious tests, and that measures individuals by their merits, not stereotypes of their countries or
9 groups. Blanket restrictions, without evidence, of refugees from certain countries are beneath the
10 dignity of the nation and Constitution that we each took oaths to protect.

11 Respectfully submitted,

12 s/MADELINE K. ALBRIGHT
13 s/RAND BEERS
14 s/JOHN D. BELLINGER III
15 s/DANIEL BENJAMIN
16 s/ANTONY BLINKEN
17 s/JOHN O. BRENNAN
18 s/R. NICHOLAS BURNS
19 s/WILLIAM J. BURNS
20 s/JAMES CLAPPER
21 s/DAVID S. COHEN
22 s/ELIOT A. COHEN
23 s/BATHSHEBA N. CROCKER
24 s/RYAN CROCKER
25 s/THOMAS DONILON
26 s/JEN EASTERLY
s/DANIEL FELDMAN
s/JONATHAN FINER
s/MICHÈLE FLOURNOY
s/ROBERT S. FORD
s/JOSH GELTZER
s/SUZY GEORGE
s/PHIL GORDON
s/CHUCK HAGEL
s/AVRIL D. HAINES
s/LUKE HARTIG
s/MICHAEL V. HAYDEN
s/HEATHER A. HIGGINBOTTOM
s/CHRISTOPHER R. HILL
s/JOHN F. KERRY

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s/PREM KUMAR
s/RICHARD LUGAR
s/JOHN E. MCLAUGHLIN
s/LISA O. MONACO
s/CAMERON P. MUNTER
s/JAMES C. O'BRIEN
s/MATTHEW G. OLSEN
s/LEON E. PANETTA
s/JEFFREY PRESCOTT
s/SAMANTHA J. POWER
s/SUSAN E. RICE
s/ANNE C. RICHARD
s/KORI SCHAKE
s/ERIC P. SCHWARTZ
s/WENDY R. SHERMAN
s/VIKRAM SINGH
s/JEFFREY H. SMITH
s/JAMES B. STEINBERG
s/WILLIAM WECHSLER
s/SAMUEL M. WITTEN

Executed this 9th day of November, 2017

*All original signatures are on file with Harold Hongju Koh, Rule of Law Clinic, Yale Law School, New Haven, CT. 06520-8215 203-432-4932

We declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.