A Modest Memo

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A MODEST MEMO

Yxta Maya Murray*

A MODEST MEMO is a satire in the form of a legal memo written for President-Elect Donald Trump circa November 2016. It counsels Mr. Trump to obtain Mexican funding for a United States-Mexico “Wall” via United Nations Security Council sanctions. These sanctions would freeze remittances (that is, “hold them hostage”) until Mexican President Enrique Peña Nieto wired the United States sufficient monies for construction. The memo, which is entirely the product of my imagination and legal study, contemplates one of the many possible worst case scenarios threatened by the Trump presidency. Through the arts of law and literature, I aim to show how the rule of law may so easily buckle and splinter beneath the increasing tide of United States, as well as global, nationalism and racism. I take inspiration, of course, from Jonathan Swift’s A MODEST PROPOSAL (1729), as well as the legal-literary experiments found in DERRICK BELL’S FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM (1993) and Richard Delgado’s Storytelling for Oppositionists and Others: A Plea for Narrative, 87 MICH. L. REV. 2411 (1989).

Breitbart News Network
149 South Barrington Avenue
Suite 735
Los Angeles, CA 90049
United States

MEMORANDUM
November 23, 2016

Subject: “The Wall”
To: President-Elect Donald Trump
From: Sean M. Miller
Of Counsel to Breitbart News Network

Dear President-Elect Trump,

This memo responds to our exciting conversation about “The Wall” that took place in the men’s room at the Blue Duck Tavern on October 28, 2016. I was the tall, lanky, twenty-eight-year-old Breitbart lawyer wearing the navy-blue suit and red MAGA visor and using the very last stall in the bathroom, if such details might help your recollection. It was at


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one of your last D.C. fundraisers before your election? The one where Mr. Baio told all of those brave and hilarious jokes?\footnote{Regarding Mr. Baio’s valor, see, e.g., Paul Bond, Scott Baio: Death Threats for Supporting Donald Trump, Cheers for Billy Bush, \textit{Hollywood Rep.}, Sept. 12, 2016. On Baio humor, see, e.g., Scott Baio Tweets Michelle Obama Joke, Gets Death Threats, \textit{Huffington Post} (May 25, 2011), http://www.huffingtonpost.com/2010/01/21/scott-baio-tweets-michelle-obama-joke-getso-death-threats_n_431214.html (Baio tweeted a close-up photograph of the then-First Lady and added the caption, ‘WOW He wakes up to this every morning.’}). In any event, you may remember that as we committed ourselves to our ablutions, I confessed that I found your campaign promises concerning illegal immigration\footnote{See infra text accompanying notes 10–13.} so inspiring that when not defending Breitbart against multiculturalist conspiracies,\footnote{See, e.g., The Hill: Breitbart News Planning Lawsuit Against ‘Major Media Company’, \textit{Breitbart} (Nov. 15, 2016), http://www.breitbart.com/big-journalism/2016/11/15/breitbart-news-planning-lawsuit-major-media-company.} I enjoy researching the best legal path to the erection of a Mexican-funded barrier on the United States-Mexico border. “The felicities of the rule of law have long been a passion project of mine,” I explained.

You half-turn toward me and proclaimed in enthusiastic terms your intention to see Mexican President Enrique Peña Nieto “fork over” sufficient monies to cover your Wall’s cost. You also explained in vivid language your intention to amend (or, rather, have Congress amend?) the Patriot Act\footnote{See Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Pub. L. No. 107-56, § 302(b), 115 Stat. 272, 297 (2001) (defining the purposes of the Patriot Act’s Title III).} in order to hold hostage billions of dollars of Mexican remittances until President Peña Nieto succumbed and wired us funds sufficient for construction. When I mentioned that I had conceived of a moderate and jurisprudentially sound strategy that involves sanctions levied by the United Nations Security Council (UNSC),\footnote{See discussion infra Part II.} you said that I should write to you directly. I do so here with Mr. Bannon’s\footnote{Steve would call this memo a salvo in the effort to “turn on the hate”—in the best possible way, of course. See Betsy Woodruff, Donald Trump’s New Chief Steve Bannon Called Republican Leaders ‘C**ts’, \textit{Daily Beast} (Aug. 19, 2016), http://www.thedailybeast.com/articles/2016/08/19/donald-trump-s-new-chief-steve-bannon-called-republican-leaders-c-t-s.html.} encouragement. I am very grateful for this opportunity, and herein I provide my review of the contemporary history of The Wall, my critiques of the Patriot Act approach, and my UNSC-based policy suggestions for acquiring the Mexican financing of the fortification that you seek.

I. Your Account of Our “Undocumented” Problem.

In your energizing calls-to-action on the hustings, you articulated to the People the crisis presented to the United States by undocumented Mexican immigration. You explained that Mexicans carry over our bor-
ders a deluge of virulent maladies, a predisposition toward committing sexual atrocities on American women, and an avid appetite for our jobs. Your policy solution championed the building of an “impenetrable, physical, tall, powerful, beautiful,” concrete, 55-foot, 200- to 2,000-mile long Southern border wall. Better yet, Mexico “would pay” for it.


8. Id. These serious problems of sexual violence, of course, can be easily distinguished from the baseless feminist contumely directed your way in recent months. See Max Blau, These Women Have Accused Trump of Sexual Harassment, CNN (Oct. 24, 2016), http://www.cnn.com/2016/10/14/politics/trump-women-accusers/ (allegations of you being an “octopus” made by various Clinton lackeys of questionable and thus impeachable pulchritude).

9. Your complaints about Latin foreigners taking jobs, actually, do not seem to distinguish between illegal aliens here and foreign nationals legally residing on their own terra firma. These concerns received the most notice when you observed that NAFTA “has destroyed our country.” See Patrick Gillespie, Donald Trump Check: Has NAFTA Destroyed Our Country?, CNN MONEY (Sept. 16, 2016), http://money.cnn.com/2016/09/16/news/economy/donald-trump-nafta-mexico-china-tariff/. I read your fears about illegal outlanders stealing work from U.S. citizens as being embedded in your NAFTA analysis combined with your larger assault on Mexicans as being perfidious generally. See id.

Just as an aside, I agree that the prospect of Mexican hombres taking American manufacturing jobs proves far more alarming than the promising specter of attractive Romanian girls serving drinks at Mar-a-Lago. See Scott Bronstein, Curt Devine, Drew Griffin, & Will Cadigan, Trump’s Decade-Long Record of Hiring Foreign Guest Workers, CNN MONEY (July 28, 2016), http://money.cnn.com/2016/07/28/news/donald-trump-foreign-workers/ (“Trump seems to like his overseas workers to be young and attractive, and with strong specific accents from Romania and South Africa... Donald Trump especially likes the workers when they are women.”).


13. Id.
However, you indirectly acknowledged that Peña Nieto would not voluntarily write us a check\(^{14}\) for the project when you suggested that the United States should freeze the $24 billion a year in remittances\(^{15}\) that millions\(^{16}\) of Mexican aliens working in the United States send home.\(^{17}\) This asset seizure would persuade President Peña Nieto to deliver to us the $5–10 billion\(^{18}\) required for The Wall. In order to capture the remittances, you suggested amending section 326 of the Patriot Act’s “know your customer” provision, which requires banks to extract and surrender customer identifications.\(^{19}\) Your reform would dragoon companies that issue wire transfers into these disclosure requirements\(^{20}\) because Mexicans do not use banks. You would then use this information to hold undocumented immigrants’ unlawfully obtained monies until Peña Nieto buckled and paid us our ransom.

Difficulties present themselves with this proposal, however: It would require a reform of the Patriot Act. As I am sure you know, such an

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15. Id. (“Trump says Mexico receives an estimated $24 billion a year in remittances from people in the United States, and that the majority comes from undocumented immigrants.”).

16. Regarding the number of Mexican remitters, see Anthony Cave, Donald Trump Claims Most Wire Transfers to Mexico Are from Undocumented Immigrants, POLITIFACT (Apr. 8, 2016), http://www.politifact.com/arizona/statements/2016/apr/08/donald-trump/donald-trump-claims-most-wire-transfers-mexico-are (“The Pew Research Center estimates that there are 5.6 million undocumented Mexican immigrants living in the United States as of 2014 . . . [it is] estimated that 48 percent of remittances are sent by undocumented Mexican immigrants.”).

17. See Valverde, supra note 14.


amendment would mandate time-wasting Congressional approval. More importantly, it would aggravate liberals in this country, who exorciate the Act for its severe treatment of terrorists and the individuals who give them aid and comfort. Brandishing the Patriot Act under the Left’s noses would only encourage yet more distracting complaints that your incoming administration resembles that of strongmen such as Augusto Pinochet when he exercised the full flowering of his powers or Adolf Hitler when he enjoyed the enactment of the Ermächtigungsgesetz.

The contested character of the undocumented Mexican immigrant himself only doubles your dilemma. While those who voted you into office agree with your assessments of these invaders as carriers of deadly viruses and as rapacious miscreants, undocumented immigrants enjoy the sympathy of the millions of leftists who imperiled your victory to such a degree that some extremists grumble that Hillary Clinton legitimately won the popular vote. Mexicans, themselves, also enjoy a stunning sum of


23. See Ben Wofford, Pinochet. Chavez. Trump?, POLITICO (Mar. 24, 2016), http://www.politico.com/magazine/story/2016/03/bienvenido-el-presidente-trump-213764 (“Scholars, writers and public officials across the continent . . . emphasized that Trump has caudillo qualities the way Pinochet had medals: Cult of personality, rage against the elite, unbridled machismo, an acerbic disregard for the rules—coupled with an apparent willingness to break them at nearly any cost.”).

24. See, e.g., Now This Election, The Trump and Hitler Companions Keep Coming, FACEBOOK (Mar. 8, 2016), https://www.facebook.com/NowThisElection/videos/vb.908009612563863/1121334927897996/?type=2&theater. Regarding Hitler’s achievement with the Ermächtigungsgesetz, see MARK ALLINSON, GERMANY AND AUSTRIA SINCE 1814, at 87 (2014) (“This allowed the government full powers to take whatever measures seemed appropriate for Germany’s recovery, without Reichstag support”).

25. See infra text accompanying notes 59–62.


27. With respect to this term as it applies to voters, recall your use of it concerning Judge Gonzalo Curiel. See infra note 142.
An objective study of undocumented Mexican immigrants shows why they garner such unjustly preferential treatment: These people consistently demonstrate their tenacity and inventiveness by getting here, winning U.S. jobs, convincing U.S. citizens through their accomplishment of their humble trades that said jobs no longer qualify as noble work, colonizing our cities with their sprawling colorful families and admittedly enchanting cuisine, and winning allies with none other than the former President himself by virtue of their undeniably astonishing work ethic, etc.


29. Sir, you will have noticed by now that I am attempting to use the descriptor “undocumented” in this memorandum. I do realize that you might prefer the term “illegal(s),” as do I. In my efforts to design for you a legal and policy initiative that might best pass muster with the majority of American citizens, I am striving to use rhetoric that perhaps overcorrects in its attempt to “give respect” to the Hispanics who might prove the most trouble-making. It appears that many of them regard “illegal” as a form of hate speech. See, e.g., Cindy Chang & Marisa Gerber, *‘Illegal Immigrant’: What Words to Use Becomes a Debate Itself*, L.A. TIMES (Apr. 3, 2013), http://articles.latimes.com/2013/apr/03/local/la-me-ff-ap-illegal-immigrants-20130404. Even our Supreme Court Justice Sonia Sotomayor has taken to using the term “undocumented” in her opinions. See, e.g., Mohawk Industries, Inc. v. Carpenter, 558 U.S. 100, 103–04 (2009). I am experimenting with using the most delicate language that I can. However, I worry that I might “slip up” occasionally in this memo, as Mr. Bannon is screaming at me so loudly to get it to you ASAP that I have not edited it perfectly. Should you care to circulate this proposal to a wider audience, please let me know, and I will be sure to “streamline” it. See infra note 166 (regarding “slips”).

30. Ted Hesson, *4 Challenges Immigrants Face Before the Border Fence*, ABC NEWS (May 27, 2013), http://abcnews.go.com/ABC_Univision/Politics/us-mexico-border-challenges-immigrants-face-reaching-border/story?id=18826350. (“[A]ctivists estimate that since 1994, there have been more than 6,000 deaths along the border.”).


34. When Obama offered amnesty in 2014, he said: “They work hard, often in tough, low-paying jobs. They support their families.”). The White House, *REMARKS BY THE PRESIDENT IN ADDRESS TO THE NATION ON IMMIGRATION*, Nov. 20, 2014. The executive orders that issued from this promise were called Deferred Action for Childhood Arrivals (DACA), see *Deferred Action for Childhood Arrivals, DEP’T OF HOMELAND SEC.* (July 17, 2015), http://www.dhs.gov/deferred-action-childhood-arrivals, and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), see Memorandum from Jeb Johnson, Sec’y U.S. Dep’t of Homeland Sec., to León Rodríguez, Dir. U.S. Citizenship and Immigration Services,
In other words, the droves of undocumented Hispanics currently hurtling into this country prove formidable adversaries both in terms of the seeming economic gifts\(^{35}\) that they bring, as well as for the admirable parts of their character that we must acknowledge, at least privately, in the gentlemanly spirit of good soldiering.\(^{36}\) These laudatory features will only cause trouble in your efforts to immobilize their money.

Yet if you acted with the support of our allies in the United Nations, then your gambit would enjoy an international moral confirmation, which would help defeat any nasty objections at home.

I thus conclude that seeking a Resolution from the United Nations Security Council will prove the best path toward getting the Wall—or, as you shall see, “the walls”\(^{37}\)—built with the aid of our South-of-the-Border neighbor. The United States has already helped pave this potentially very lucrative route, as I am sure you know. It did so in the form of sanctions sought against (just as an example) Iran for Iran’s failure to comply with UN Resolution 1696, which required Iran to suspend its enrichment of uranium.\(^{38}\) The United States froze these monies pursuant (in part)\(^{39}\) to a

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35. Actually, they do add to the economy, but that is not my point here. See infra note 135 (regarding economics).

36. See Candy Moulton, Chief Joseph: Guardian of the People 199 (2013) (General Sherman praised the Nez Perces as “extraordinary” and “courage[ous]” before assigning them “extreme” punishment at Fort Leavenworth and the Indian Territories).

37. See infra text accompanying note 166.

38. S.C. Res. 1696 (July 31, 2006); see also, e.g., supra note 18 (discussing effectiveness of sanctions against Iraq).

39. The U.S. has issued unilateral sanctions to penalize Iran for its weapons program. In 1996, for example, Congress reacted to Iran’s efforts to gain a weapon of mass destruction by enacting the Iran and Libya Sanctions Act of 1996, Pub. L. No. 104-172, 110 Stat. 1541 (1996) (codified in part at 50 U.S.C. § 1701). The U.N. issued its first sanctions against Iran for its nuclear program in 2006. See sources cited supra note 38. Congress may be seen as operating pursuant to, or in the spirit of, the U.N. directives by its passing of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, Pub. L. No. 111-195, 124 Stat. 1312 (2010) (codified in part at 22 U.S.C.A. § 8501), which tightened sanctions. Note that, though the Iran sanctions seemingly excluded remittances under certain circumstances involving depository institutions or securities brokers (not wire transfers), see 31 C.F.R. § 560.550(a) (“In cases in which the transfer involves a noncommercial, personal remittance, the transfer of funds to or from Iran or for or on behalf of an individual ordinarily resident in Iran . . . is authorized, provided that the transfer is processed by a United States depository institution or a United States registered broker or dealer in securities and not by any other U.S. person; does not involve debiting or crediting an Iranian account; and is not by, to, or through the Government of Iran, as defined in § 560.304.”), the UNSC and the U.S. have pursued remittances before. See infra note 108.
raft of resolutions approved by the Security Council under Articles 39-41\textsuperscript{40} of Chapter VII of the Charter of the United Nations.\textsuperscript{41}

We could follow suit by freezing Mexican remittances pursuant to U.N. sanctions. Since Peña Nieto will be both shamed and face immense political pressure by a U.N. incapacitation of these funds, we can use this newfound leverage to persuade him to pay us the $5–10 billion we need for The Wall.\textsuperscript{42} We may proceed under the articles of the U.N. Charter, which hold so much promise for a leader with your particular appeal.

II. AN OVERVIEW OF ARTICLES 39 AND 41 OF CHAPTER VII OF THE U.N. CHARTER AND WHAT THEY CAN DO FOR YOU.

Articles 39 and 41 of Chapter VII of the United Nations’ Charter address “Actions With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.”\textsuperscript{43} They create two steps for the seizing of assets from a threatening state.\textsuperscript{44} The first, codified under Article 39, requires that nine out of the UNSC’s 15\textsuperscript{45} members issue affirmative votes determining the existence of any “threat to the peace, breach of the peace, or act of aggression.”\textsuperscript{46} Once the Council hands down this decision, it may decide the safeguard measures to take under Article 41.\textsuperscript{47}

Under Article 41, the UNSC decides on which nonmilitary tactics it will use to pressure the aggressor state into more peaceable behaviors, including “the interruption of economic relations,”\textsuperscript{48} such as sanctions.

\textsuperscript{40} See U.N. Charter, ch. VII, arts. 39–41; see also S.C. Res. 1737 (Dec. 27, 2006) (ordering sanctions while citing Article 41). Predicate Resolution 1696 mentions direct threats to the peace, which seemingly refers to Article 39. See also supra note 38.

\textsuperscript{41} U.N. Charter, ch. VII.

\textsuperscript{42} See sources cited supra note 18.


\textsuperscript{44} See sources cited infra notes 45–48.

\textsuperscript{45} See U.N. Charter, ch. V, art. 27(3) (“Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members.”); see also LORAIN SIEVERS & SAM DAW, THE PROCEDURES OF THE UN SECURITY COUNCIL 295 (4th ed. 2014) (setting forth the rule). Regarding the number and status of UNSC members, see U.N. Charter, ch. V, art. 23(1).


A) An Article 39 Threat?

The first question would require a UNSC resolution that illegal Mexican immigration to the United States constitutes a “threat to the peace,” a standard that appears less taxing than an actual peace breach or an aggressive act. In the interests of the ease of doing business, we should proceed under this clause.

International apologists for soft rather than hard power have bemoaned the vagueness of “threat,” “breach,” and “aggressive act,” worrying that the rule of law does not drive Article 39 determinations. A glance at history—UNSC resolutions concerning unmanageable Palestine and raving Yugoslavia—does suggest that armed conflict should exist prior to an Article 39 finding of an interstate threat. However, and happily, the liberals are correct: the UNSC does not find itself bound by any definition of “threat to the peace.” That is some of the good news I am here to deliver to you in this brief: In invoking Article 39, we will adhere to “the rule of law,” but there are really very little in the way of legal limitations here. And for a man like you, President-Elect Trump, the only law with which you need concern yourself is the law of the deal.

49. See Galván, supra note 46 (noting that article 39 acts against threats to the peace, breaches to the peace, and aggressive acts).

50. See id.

51. Id. at 148 (“[T]here is no express provision in the UN Charter that establishes the limits of this power or suggests the form in which the Security Council has to interpret the term ‘threat to the peace.’”). Cf. N.D. WHITE, KEEPING THE PEACE: THE UNITED NATIONS AND THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY 44 (2d ed. 1997) (“A ‘threat to the peace’ is a very flexible concept.”).


53. The only other limitation that exists requires that “Security Council action[s] be consistent with the principles of the United Nation’s Charter.” See Lieutenant Todd A. Wynkoop, The Use of Force Against Third Party Neutrals to Enforce Economic Sanctions Against a Belligerent, 42 NAVAL L. REV. 91, 94 (1995) (citing U.N. Charter art. 24(2)). With respect to the agreeable frangibility of this restraint, see infra note 115.

54. Regarding free rein, see Kristen E. Boon, Coining a New Jurisdiction: The Security Council as Economic Peacekeeper, 41 VAND. J. TRANSNAT’L L. 991, 1036 (2008) (“[T]here are very limited means of reviewing Security Council resolutions.”). See also Alexander Orakhelashvili, The Power of the UN Security Council to Determine the Existence of a ‘Threat to the Peace,’ 1 IRISH Y.B. INT’L L. 61, 63 (2006) (“[T]he general concept of a threat to the peace does not objectively denote a specific factual or legal situation, nor does it have any inherent, or specific, substantive content and scope. . . . [I]t is merely the key necessary for unlocking measures under Chapter VII.”).
“Threat to the peace,” in other words, can mean whatever you want. Insofar as we seek precedent, the UNSC’s 1990’s response to the Lockerbie bombing demonstrates that a nation’s failure to secure its rabble will constitute a threat to international peace. Furthermore, in 1991 the UNSC responded to “massive [refugee over]flow” when it enacted Resolution 688 to restore peace after Saddam Hussein’s savaging of the Kurds.

We thus find ourselves at a perfect legal moment for a determination of an Article 39 breach. As you have already carefully explained, the national penetration by overflowing Mexican sexual predators and murderers and carriers of lethal contagions threatens international peace just as did explosive Libyans and rampant Iraqis. “When Mexico sends its people, they’re not sending their best,” you clarified during your June 2016 announcement of your Presidential bid. “They’re bringing drugs.

Regarding the trust that we may place in your masterful deal-making skills, see also Ken Ritter & Jill Colvin, Republican Presidential Candidate Donald Trump Says There’s Nothing Wrong with a Little Deal-making to Get Things Done, U.S. NEWS (Jan. 22, 2016), https://www.usnews.com/news/politics/articles/2016-01-21/donald-trump-a-little-establishment-doesnt-hurt (where you describe how you will use your negotiating talents to bring the Republican party together and so bring revolution to the Obamacare-riddled administrative state) (“The party has to be healed; it has to be brought together,” he said. “And I think the party can be brought together.”).


56. Following the bombing of Pan Am Flight 103 in 1992, the UNSC issued resolution 748, which found that Libya’s failure to turn over suspected nationals constituted a failure to renounce terrorism. The Security Council found that this failure, itself, constituted a threat to international peace. See S.C. Res. 748 (Mar. 31, 1992).


58. See supra text accompanying note 10.

59. See, e.g., supra note 7.

60. See supra notes 56–57. See also Wilstein, note 57, supra.

They’re bringing crime. They’re rapists.” A month later, you alerted us to additional, possibly even worse, hazards created by undocumented immigrants. In a three-page memo that you circulated to the international press, you warned that “tremendous infectious disease is pouring across the border. The United States has become a dumping ground for Mexico.”

That an Article 39 threat exists is to us perfectly obvious, of course. However, as noted above, such a threat must receive affirmation in the form of 9 votes from the UNSC before it issues a sanctions resolution.

B) Can We Get the 9 Votes?

The legal niceties of the UN Charter will require that you obtain 9 votes on the UNSC regarding a threat to the peace. Specifically, you must persuade 4 permanent members and 4 temporary representatives of the UNSC that Mexicans’ illegal immigration into our union qualifies as such a peril. Who, you might ask, are these UNSC members?

Sitting permanently on the UNSC we find, beside ourselves, Russia, the People’s Republic of China, France, and the United Kingdom. Each of these member states must determine that an Article 39 threat exists in

62. Id.
64. See supra text accompanying notes 45–47.
65. Id.
66. Though our beguiling and newly floated UN Ambassador Nikki Haley could bring this calamity to the Security Council, see Nahal Toosi & Alex Isenstadt, Trump Taps Nikki Haley to Be UN Ambassador, POLITICO (Nov. 23, 2016, 8:00 AM), http://www.politico.com/story/2016/11/trump-to-announce-south-carolina-gov-nikki-haley-to-be-un-ambassador-231788, I maintain that you should personally argue for UNSC action. Some on the Council will wonder if Mexican immigration really does present a catastrophe on the order of the existential threat shaking the Middle East, or the evil of Milosevic, or the wanton ways of the Lockerbie mass murderers. While the gracious Ms. Haley surely will be effective in finessing a multitude of international glitches as our U.N. representative, only a figure as charismatic as yourself can “push hard” enough to crush your domestic and global opposition. See DONALD TRUMP & TOM SCHWARTZ, THE ART OF THE DEAL 42 (1987) (discussing “push[ing] hard”); see also infra text accompanying note 99.
67. See supra note 45.
68. Id.
the form of an illegal Mexican invasion. A quirk of the Security Council requires that every signatory sitting permanently possess a veto power.

Yet your timing could not be more perfect! The UNSC’s permanent members also hate and fear their immigrants, or wish ill luck on Mexico, or love you. When British PM and super-Brexiter Theresa May gave her keynote speech at the Tory conference in October 2016, she literally embraced “parochial” anti-immigration politics, warning that illegals would be “controll[ed].” And in the wake of the Charlie Hebdo and the Bataclan attacks, even that milquetoast (and probably politically doomed) François Hollande takes his page from Marine Le Pen and declares war on France’s own dangerous aliens. Both of these countries’ leaders take strength from the ascendant powers of their more “glorious” constituents, which has motivated them to seek international support when embarking upon their hasty expulsions of wretched Eritreans and Syrians. In you, they will know that they will obtain the most consoling reciprocity.

71. Id.
72. Theresa May’s Keynote Speech at Tory Conference in Full, INDEPENDENT (Oct. 5, 2016, 10:47 AM), http://www.independent.co.uk/news/uk/politics/115theresa-may-speech-tory-conference-2016-in-full-transcript-a7346171.html; see also Alan Travis, Driving Licences Wrongly Revoked Under May’s Immigration Measures, GUARDIAN (Oct. 13, 2016, 12:27 PM), https://www.theguardian.com/uk-news/2016/oct/13/driving-licences-wrongly-revoked-theresa-may-immigration-measures (“Hundreds of people have been wrongly refused bank accounts or had their driving licences revoked under the former home secretary Theresa May’s measures to ‘create a hostile environment for illegal immigrants,’ the immigration watchdog has revealed.”).
73. Henry Samuel, France Has ‘Problem with Islam’ and There Is ‘Too Much Unwanted Immigration’, Says Hollande in Explosive Book, TELEGRAPH (Oct. 12, 2016, 4:16 PM), http://www.telegraph.co.uk/news/2016/10/12/france-has-problem-with-islam-and-there-is-too-much-unwanted-imm (“I there [sic] think there are too many arrivals, of immigration that shouldn’t be there.”) (quoting François Hollande). At Breitbart, we’ve been privy to manifold rumors that poor old Hollande is a dead man walking and that he will likely be replaced by the Soviet-admiring, Thatcherite François Fillon, which would be fantastic for us. See Angelique Chrisafis, Anglophile Fillon Is New French PM, GUARDIAN (May 17, 2007, 7:09 PM), https://www.theguardian.com/world/2007/may/18/france.angeliquechrisafis.

In response, France recently cleansed its Calais “jungle” of migrants, and Britain will only take children under 12 who are at risk of serious sexual exploitation or are 15 or under and of Sudanese or Syrian ancestry. Ashley Cowburn, Government Efforts to Resettle Unaccompanied Child Migrants From Calais Blamed a ‘Disgrace’, INDEPENDENT (Nov. 16, 2017, 2:45 PM), http://www.independent.co.uk/news/uk/politics/government-efforts-to-resettle-unaccompanied-child-migrants-from-calais-branded-a-disgrace-a7421081.html.

Beijing also looks plausible for a “yes” vote, since it competes with Mexico’s NAFTA advantage. While it fears your threat to increase tariffs to 45 percent, your corporate interest in Taiwan, and your trial balloon about Japan going nuclear, Xi remains a businessman—and you know he wants that Big Mac! You could barter concessions—perhaps on aluminum or steel—and also wave the Russian trikolor at him. As for Russia,
as you well know, Vladimir Putin regards you as a true friend as long as you keep faith on Syria. 82

Then you would take four votes from the list of temporary seats: These are Egypt, Japan, Senegal, Ukraine, Uruguay, Bolivia, Ethiopia, Kazakhstan, Sweden, and Italy/the Netherlands (who are splitting 2017 and 2018). 83 Egypt is a lock, 84 particularly since they’ve been looking for love since the Rabaa massacre. 85 Japan sees you as the only cure for China, 86 and will keep dancing in the hopes of a free South China Sea 87 and any post-TPP trade joy. 88 Former Russian protectorate Kazakhstan’s Nur-

82. Neil MacFarquhar, Putin and Trump Talk on Phone and Agree to Improve Ties, KREMLIN SAYS, N.Y. TIMES (Nov. 15, 2016), https://www.nytimes.com/2016/11/15/world/europe/putin-calls-trump.html (“The Russian government was one of the few around the world that was openly gleeful about the American election result.”); see also Jay Solomon, DONALD TRUMP JR. HELD TALKS ON SYRIA WITH RUSSIA SUPPORTERS, WALL ST. J. (Nov. 23, 2016), https://www.wsj.com/articles/donald-trump-jr-held-talks-on-syria-with-russia-supporters-1479920753 (“The president-elect has argued . . . [for] allying with Russia, which has deployed its air force to bolster Mr. Assad.”).

Incidentally, I’ve heard rumors of bonhomie in Moscow; I trust that any meetings are going well. See HOW VLADIMIR PUTIN IS USING DONALD TRUMP TO ADVANCE RUSSIA’S GOALS, YEREPOUNI DAILY NEWS, Aug. 29, 2016 (“last year Michael Flynn flew to Moscow to attend [a Russian TV] . . . station’s 10th anniversary gala, where he sat two chairs away from Putin.”).


85. Amy Austin Holmes, WHY EGYPT’S MILITARY ORCHESTRATED A MASSACRE, WASH. POST (Aug. 2, 2014), https://www.washingtonpost.com/news/monkey-cage/wp/2014/08/22/why-egypts-military-orchestrated-a-massacre/?utm_term=.5b9953157bf8 (“Egyptian security forces killed at least 817 people on a single day at Rabaa al-Adawiya Square alone, and more than 1,000 when including the number of casualties across Egypt. It was the biggest mass killing of civilians in modern Egyptian history.”).


sultan Nazarbayev also seeks mutual goodwill on curbing unstable elements (the press, protesters).

That leaves only one more country, though the path here proves less steady. Bolivia looks like a solid negative—except that it is also in bed with Russia, and hopes for Putin’s money to build a “nuclear research center.” So some negotiating room exists with the Bolivian presidency, though our triangulating with Russia and Bolivia does increase the odds of Evo Morales getting a weapon. That is not a problem, however, since you think that Bolivian-level armament is inevitable anyway and that we should extract goods from proliferation while we have the chance.

As to the rest of the temporaries—all, except perhaps for Ethiopia and the Netherlands, appear to constitute a clear Negative.

89. Casey Michel, What to Expect From US Central Asia Policy Under President Trump, DIPLOMAT (Nov. 14, 2016), http://thediplomat.com/2016/11/what-to-expect-from-us-central-asia-policy-under-president-trump/ (“As to presidential-level relations, regional leaders—Kazakhstan’s Nursultan Nazarbayev and Uzbekistan’s Shavkat Mirziyoyev, most especially—will espy a kindred spirit in Trump, who has shown a distinctly anti-democratic streak regarding public protests and media coverage.”).


93. Gene Gerzhoy & Nick Miller, supra note 78.

94. Ethiopia would have given us full support even four years ago, as former PM Meles Zenawi knew how to “put the stick about.” (These are my scare quotes). Under his leadership, the country put down its dissidents, and would have voted for The Wall in return for continued monies and quid pro quo re: toleration of purges. See Jeffrey Gettleman, Ethiopian Leader’s Death Highlights Gap Between U.S. Interests and Ideals, N.Y. TIMES (Aug. 22, 2012) (“Despite being one of the United States’ closest allies on the continent, Mr. Meles repeatedly jailed dissidents and journalists, intimidated opponents and their supporters to win mind-bogglingly one-sided elections, and oversaw brutal campaigns in restive areas of the country.”). But with the rise of PM Hailemariam Desalegn, protesters have gained the upper hand. See Jeffrey Gettleman, ‘A Generation Is Protesting’ in Ethiopia, Long a U.S. Ally, N.Y. TIMES (Aug. 12, 2016), https://www.nytimes.com/2016/08/13/world/africa/ethiopia-protests.html?_r=0.

Protests and some government capitulation convulse Ethiopia as I write this. Id. The chaos could, however, spell an opportunity for us: We could buy Desalegn with the promise of continued aid, and to help him control the troublemakers in a more Meles-like manner. See Ben Quinn, Will Trump Honour Pledge to ‘Stop Sending Aid to Countries That Hate Us’?, GUARDIAN (Nov. 13, 2016), https://www.theguardian.com/global-development/2016/nov/13/will-trump-presidency-honour-pledge-stop-sending-foreign-aid-to-countries-that-hate-us-usaid (“Some observers detect signs of policy continuity however, in particular in Africa. [One expert] . . . said he expected cuts but suggested that the role of Ethiopia, Kenya, Tanzania as
No matter. You see in the preceding analysis that you remain the holder of an excellent-to-solid batch of yes votes.\textsuperscript{95} And even if you do find this a hard bargain, you have waded into far choppier waters before, Mr. President-Elect. After all, you are the man who played Khrushchev to Walter Hoving’s JFK in 1979 (gaining you Tiffany & Co.’s air rights for Trump Tower),\textsuperscript{96} who practically strangled Ed Koch and sued the Chinese for a cool $1 billion during the 1980’s Manhattan West Side Yards war,\textsuperscript{97} regional allies against terrorism could buffer them. The same applied to Nigeria, due to receive $600m in US development assistance this year.”).


Can the Kremlin and Manafort get you Ukraine? I will assume not—though you may have a secret ace that I’m not aware of. Manafort’s busy right now anyway. See Evan Perez, First on CNN: Feds Investigate Manafort Firm as Part of Ukraine Probe, CNN (Aug. 19, 2016), http://www.cnn.com/2016/08/19/politics/paul-manafort-donald-trump-ukraine/.


\textsuperscript{95.} See supra text accompanying notes 72–93.

\textsuperscript{96.} G. RICHARD SHELL, BARGAINING FOR ADVANTAGE: NEGOTIATION STRATEGIES FOR REASONABLE PEOPLE 103 (2006) (describing how you threatened Tiffany CEO Walter by promising to build a Tiffany-destroying eyesore if you did not obtain the rights).

\textsuperscript{97.} Phillip Lenz, NBC Brings Koch-Trump Fend to New Laws, CHIC. TRIB. (June 28, 1987), http://archives.chicagotribune.com/1987/06/28/page/8/article/nbc-brings-koch-
and who pioneered too-big-to-fail by terrifying your creditors to forgive $960M worth of debt in the 1990’s.98

“My style of deal-making is quite simple and straightforward,” as you wrote in The Art of the Deal. “I aim very high, and then I just keep pushing and pushing and pushing to get what I’m after.”99 Your defenestration approach ensures that any signatory would do far better as your friend than your foe, as you taught us in Think Big: Make It Happen in Business and Life: “When someone crosses you, my advice is ‘Get even’ . . . . If you do not get even, you are just a schmuck! When people wrong you, go after those people, because it is a good feeling. . . . I love getting even.”100

I possess the utmost confidence that you will experience the tingle of that “good feeling” during these negotiations, Mr. President-Elect.

C) Determinations of Sanctions Under Article 41

Once the UNSC offers up 9 votes agreeing that illegal Mexican immigration poses a threat to the United States’, and thus, international, peace,101 it may then issue sanctions under Article 41 in the form of freezing remittances. The protocol for imposing sanctions under the UNSC often involves the development of a Sanctions Committee, which a temporary member of the UNSC chairs.102

As in the Iran example, sanctions may include freezing the assets of entities or individuals.103 Note here that there exists no law nor limitation on whom may suffer these UNSC prerogatives. The UNSC’s latitude to


100. DONALD TRUMP & BILL ZANKER, THINK BIG: MAKE IT HAPPEN IN BUSINESS AND LIFE 15 (2008).

101. See supra text accompanying notes 72–93.


act against private people (like your Mexican remitters) found itself reaf-

firmed with the levying of sanctions against Libya and its fanatics post-

Lockerbie.105 Similarly, in 2013, the UNSC stranded and beggared peace-

less North Korean nuclear-testers,106 and in 2015, targeted Al-Qaeda and 

ISIL madmen for “undermining [state] stability.”107 Also, take special 

note that in the circa 2015 case of ISIL, the UNSC’s sanctions measures 

moved specifically against remittances!108 

Thus, the UNSC would possess the legitimate and precedented 

power to order sanctions in the form of freezing individual illegals’ remit-

tances held by wire transfer organizations like Western Union.109 Frien-

105. In the mid-1990s, the UNSC issued Resolutions 731 (non-bindingly issued under 

Chapter VI) and 748 (binding under Chapter VII), requiring the Libyan Government to surren-

der the individual Libyan nationals who committed the Lockerbie bombing, and sanctioning it 

for failure to do so. See Scott S. Evans, The Lockerbie Incident Cases: Libyan-Sponsored Terrorism, 


106. See S.C. Res. 2094 Annex I, at 7 (Mar. 7, 2013) (identifying individuals for travel bans 

and asset freezes). 

107. See S.C. Res. 2253 at 1 (Dec. 17 2015) (instigating asset freeze against Al-Qaeda, 

ISIL, and associated individuals). 

108. See S.C. Res. 2253, ¶ 21 (Dec. 17, 2015) (admonishing member states to “take[ ] into 

account relevant [Financial Action Task Force] Recommendations and international standards 

designed to prevent the abuse of non-profit organizations, formal as well as informal/alternative 

remittance systems and the physical trans-border movement of currency, while working to mitigate 

the impact on legitimate activities through these mediums.”) (second emphasis added); see also 

U.N. S.C. ISIL (Da’esh) & Al-Qaida Sanctions Committee, Fact Sheet on Updating the Al-


updating-list (“Once the updated Al-Qaida Sanctions List is communicated to Member States, 

States are encouraged to circulate it widely, such as to banks and other financial institutions, 

border points, airports, seaports, consulates, customs agents, intelligence agencies, alternative re-

mittance systems and charities.”) (emphasis added). 

Note that 2253’s admonishment to “mitigate the impact on legitimate activities” does not 

hobble our efforts here, since the receipt of illegally-obtained monies does not qualify as a “legit-

imate activity.” See infra note 126 (discussing the illegitimacy of illegals’ remittances). Further, 

even if the remittance ban imposes hardship on impecunious Mexican nationals, that side effect 

should not deter us. It would not be the first time that the United States has supported interna-

tional policy shifts based on that strategy. See, e.g., Donald G. McNeil, Jr., A Nation Challenged: 


www.nytimes.com/2002/04/13/world/a-nation-challenged-sanctions-how-blocking-assets-

erased-a-wisp-of-prosperity.html (describing the United States’ post-2001 asset freeze of 

Somalian bank Al Barakaat, which “crippled the company” and “cut off” remittances to Somalis 

from Europe and the U.S. “Malnutrition rates among children in the southern Gedo region 

were at ‘very alarming levels’ in January, said Laura Melo, a World Food Program spokeswoman, 

because of a combination of poor rains, a ban on cattle and camel exports for health reasons, 

runaway inflation and the abrupt cutoff of Al Barakaat remittances.”). 

109. For Western Union’s U.S.-to-Mexico remittance service, see This is Sending Money 


money-to-mexico.html (last visited April 18, 2017). MoneyGram also has a good U.S.-to-Mex-

ico remittance system, See Send Money to Mexico; Start Sending Now; Find a Location, 


18, 2017).
dies we position on the UNSC’s Sanctions Committee and its affiliates would do an excellent job of investigating and designating these sanctionees. Our Treasury Department’s Office of Foreign Assets Control (OFAC) agents could also lend a hand by conducting its own dragnet of aliens, perhaps pursuant to an Executive Order.

The scope of these sanctions against millions of as-yet unnamed individuals would prove groundbreaking, and require a breathtakingly mas-

110. See Cave, supra note 16.


112. As noted, the remitters number in the millions. See supra note 16. When sanctioning individuals, the UNSC typically targets a limited number of specifically-named people. See, e.g., Security Resolution 1737, supra note 40; S.C. Res. 1737 Annex C–E (Dec. 23, 2006) (listing 10 people); see also Exec. Order No. 13661, 79 Fed. Reg. 15535 (Mar. 19, 2014), at Annex (listing 7 people); Carisch & Rickard-Martín, supra note 111, at 4 (“In recent years, there has been ever-increasing detail and consistency in resolution language concerning . . . assets freezes.”); id. at 7 (“Persons and entities . . . targeted . . . [find] . . . their names and identifying information entered on lists annexed to resolutions.”).

This punctiliousness annoys, of course, but the UNSC does remain giddily free of any evidentiary burdens, see id. at 19, and its contemporary fastidiousness may be rendered more slovenly via quid-pro-quo negotiations that return us to the Great Unbuttoning of 2001. See also id. at 17: “a torrent of listings were adopted in response to the 9/11 attacks . . . [n]ot all . . . were prepared with adequate precision and care.”; see also supra text accompanying notes 72–93 (regarding your negotiation strengths).

A “Mexicans” Annex that initially reads “TBD” and expands continually would be excellent, for example. However, state implementation instruments that followed a similar course might well be submerged beneath the human rights squeamishness of Joined Cases C-402 & 415/05P, Kadi & Al Barakaat Int’l Found. v. Council & Comm’n, 2008 E.C.R I-6351 (European Community’s implementations of UNSC sanctions had to follow fundamental rights respected by European Community law) and U.S constitutional customs pursuant to Medellin v. United States, 128 S. Ct. 1346, 1356 (2008) (“[I]nternational commitments . . . are not domestic law unless Congress has either enacted implementing statutes or the treaty itself conveys an intention that it be self-executing and is ratified on these terms.”) (quotation marks omitted); see also Gráinne de Búrca, The European Court of Justice and the International Legal Order After Kadi, 51 Harv. Int’l L.J. 1, 31 (2010) (regarding the implications of Kadi). Yet not all would be lost. See discussion of Kadi v. Geithner, 42 F. Supp. 3d 1, 38 (D.D.C. 2012); Al Haramain Islamic Foundation, Inc. v. U.S. Dep’t of Treasury (Al Haramain II), No. 07-1155-KI, 2009 WL 3756363, at *14–15 (D. Or. Nov. 5, 2009), aff’d in part, rev’d in part, 686 F.3d 965 (9th Cir. 2011), infra note 116 (describing the state-friendly approaches of U.S. courts when dealing with sanctions).
sive expansion of the UN Sanctions Committee apparatus and possibly OFAC so that they might conduct relentless blanket searches. This move would likely pass muster under the U.N. Charter’s gossamer legal limitations. Enlightened domestic legal precedent concerning OFAC’s rampages also skews favorably. Moreover, if Ryan or Schumer

113. See Enrico Carisch & Rickard-Martin, supra note 111, at 4 (“The Committee . . . designates persons and entities subject to individual targeted sanctions.”). Specifically, a colossal bureaucracy could be grown out of the Committee’s helpful investigators who form their “Panel[s] of Experts.” Id. at 5. Though these “experts” are “expected to resist political pressure” when discovering and designating targets, “there is no comprehensive manual or training provided” to them. Id. So, the experts are unformed clay we shall mold by funding their “training.” See Patrick Goodenough, U.S. Pays $3B for UN—More Than 185 Other Countries Combined, CNS News (May 7, 2015), http://www.cnsnews.com/news/article/patrick-goodenough/us-pays-3b-un-more-than-185-other-countries-combined.


115. See U.N. Charter, supra note 53 (citing Article 24(2)’s requirement that actions taken under Chapter VII “be consistent” with the principles of the Charter). The Charter’s principles find expression in Article I’s amorphous “Purposes,” which consist of hysterical tautologies such as the Charter’s ambition “[t]o maintain international peace and security [by] . . . [r]emov[ing] . . . threats to the peace . . . by peaceful means.” U.N. Charter, art. 1, ¶ 1. They also reside in Article II’s “Principles,” which bombast about vague aims, including the “sett[ling] of . . . international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.” U.N. Charter, art. 2, ¶ 3.

116. U.S. courts largely blush at constitutional challenges to OFAC blocking orders. See Jones, supra note 111, at Part III; see also, e.g., Kadi v. Geithner, 42 F. Supp. 3d 1, 38 (D.D.C. 2012) (finding for the government in a Fourth Amendment challenge to OFAC asset blocks because warrants were impracticable); Al Haramain Islamic Foundation, Inc. v. U.S. Dep’t of Treasury (Al Haramain II), No. 07-1155-KI, 2009 WL 3756363, at *14–15 (D. Or. Nov. 5, 2009), aff’d in part, rev’d in part, 686 F.3d 965 (9th Cir. 2011) (Fourth Amendment special needs exception for the government).

117. Representative Ryan’s rebellions from your leadership are well-known, see, e.g., Deidre Walsh & Manu Raju, Paul Ryan Rips Donald Trump Remarks as ‘Textbook Definition of a Racist Comment’, CNN (June 7, 2015), http://www.cnn.com/2016/06/07/politics/paul-ryan-donald-trump-racist-comment, though he has done an exquisite job of kissing the ring in recent days. See Kate Reilly, Road Paul Ryan’s Speech Calling Donald Trump’s Victory the ‘Most Incredible Political Feat’, TIME Mag. (Nov. 9, 2016), http://time.com/4564832/paul-ryan-speech-donald-trump-election.

clutch their pearls at your audacity, you could even dispense with Congressional permission (at least, at first). 119

One potential problem exists with this plan, however.

D) Possible “Wrinkles” in the Plan.

Certain constituencies may react to your sanctions scheme unfavorably, unless you succeed in selling the idea as a righteous and necessary one. This issue relates to the above-noted controversial character of illegals. 120 Subversives may argue that illegals’ remittances to Mexican family members qualify as symbols of love and utter sacrifice on the part of hardworking economic refugees who brave racism, the dangers of illegal immigration, the perils of criminal incarceration, and the degradation of doing jobs that American Whites refuse to even consider, etc., etc. 121 In other words, they will try to shame you out of pursuing illegals in terrifying sweeps 122 and freezing their assets.

To quash this resistance, you will accomplish with remittances the same magic that you will have already practiced against the tropes of “Mexicans” 123 as well as “threat to the peace” 124 and “the law” 125—that is, the complete subjugation of a social, racial, or jurisprudential idea to your personal will and vision via politics. You will help us see remittances not as icons of loving-kindness, but rather as polluted, stolen property.

I predict that in the end you will find very little meaningful pushback at all. Domestically, there exists an expressive movement agreeing that

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120. See supra text accompanying notes 25–34.
121. See, e.g., Ernesto Castaneda & Lesley Buck, Remittances, Transnational Parenting, and the Children Left Behind: Economic and Psychological Implications, LATIN AMERICANIST 85, 85 (2011) (“Remittances are proof of sacrifices and a serious commitment to the migrants’ loved ones left behind.”); Ezra Rosser, Immigrant Remittances, 41 CONN. L. REV. 1, 59 (2008) (“[R]emittance policies must be developed in a way that recognizes the rights of transnational families to express their love across national borders.”); Tyrone Beason, Families Here Send What They Can to Those Back Home, SEATTLE T IMES (Mar. 4, 2014), http://www.seattletimes.com/pacific-nw-magazine/families-here-send-what-they-can-to-those-back-home (“In order to provide for the family she hasn’t seen in person for nearly a decade, Barahona lives frugally here, sleeping in a rented room in another family’s house in South Seattle. When asked what it means to send money home to daughters she’s had to watch grow up via Skype, Flor starts to cry.”).
122. See supra text accompanying notes 113–114 (discussing round-ups).
123. See infra text accompanying note 142.
124. See supra text accompanying note 55.
125. See supra text accompanying note 72–93.
Mexican remittances qualify as ill-gotten gains illegally obtained from drug dealing, prostitution, and other “disgusting” ventures.126

Internationally, you also find a ready audience, and for many of the same reasons. The current geopolitical observer witnesses the rise of wildly popular “strong leader[s],”127 like yourself, who may not find themselves cozily grouped as Left or Right, but rather cherish the Ubermensch’s greater aim—that of composing the country in the way that they like. And with these winners arrives an increasing international affection for masculinist ultimatums that see U.N. signatories quite happily fleecing undesirables of their money. In 2011, Bolivia froze the assets of a cement company majority-owned by a political rival of President Evo Morales.128 In May 2016, Lord Reginald Norman Morgan Empey advanced a U.K. bill that would use frozen Libyan assets to compensate IRA victims for their losses129—but Parliament blocked it as a human rights violation.130 In July of that year, Russia threatened to freeze Ukrainian assets in response to an unpaid debt.131 In September, Egypt froze the assets of human rights activists and three Non-Governmental Organizations.132 A month later, China readied legislation that would freeze the assets of troublemaking

126. Your savvy use of what the Left describe as “dog whistles”—your description of Mexican rapacity and disease, for example—has contributed to a flowering of dissent against illegal aliens, which finds a home on the web. These internet patriots take your cues and make them explicit for all to read and share. On dog whistles, see Ian Haney López, Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism and Wrecked the Middle Class 4 (2015) (“using a dog whistle . . . means speaking in code to a target audience.”). On the reaction to hearing such clandestine kazoos, see, e.g., Comments to Donald Trump: Putin Has Been a Leader ‘Far More Than Our President Has’, FORTUNE (Sept. 7, 2016), http://fortune.com/2016/09/07/donald-trump-putin-obama-leader (describing Mexicans remittances in unapologetic terms).


129. See Robert Mendick, Outrage as Human Rights Laws Used to Block Compensation to Terror Victims of IRA Attacks Funded by Gaddafi, TELEGRAPH (June 10, 2016, 6:44 PM), http://www.telegraph.co.uk/news/2016/06/10/outrage-as-human-rights-laws-used-to-block-compensation-to-terror/ (“Lord Empey, an Ulster Unionist peer, is proposing a private members’ bill that would allow the Treasury to prevent the release of Libyan frozen assets until a settlement is reached with the UK victims.”).

130. Id. (“British victims of Libyan-sponsored IRA terrorism are being blocked from receiving millions of pounds in compensation because of human rights laws.”).


“hackers.”133 In making your proposal to the UNSC, you will prove yourself the First Citizen of this stalwart company of Caesars who do not fear spreading economic ruin in the pursuit of a more prosperous state.

You see, Mr. President, the moment for crushing Mexico beneath your heel has come. We find ourselves at the precipice of a bolder world. The new order looks to you as a leader of this golden age, indeed, as a man who will not only break inferior foreign powers, but also profitably sow discord and anxiety at home.

E) You Are a Great Man and This Plan Will Make You Even Greater

It is here that I come to the most exciting part of my proposal, which announces that you cannot lose this battle even if you fail to get nine votes on the Council. You have ingeniously promised a Wall that will not—I emphasize, will never—deter Mexican migrants from pursuing illegal entry into our country, no matter how high its reach or thick its breadth. Mexicans’ love for each other and their hunger for prosperity, combined with their aforementioned tenacity and ingenuity,134 will always find them massing in our nation’s cities and agricultural centers: People brave enough to risk their lives to gain an existence less broken by terror and poverty will discover a multitude of strategies to breach yours or any fortress.

But you knew that anyway. And that is why, when you made your promise about the Wall, you did not guarantee to keep out migrants at all. On the contrary, this country would be up s***t’s creek if you did.135 No, you proposed a method of social control far more effective than any one measly barricade. You offer the American people not one Wall, but so many walls—yes: You will bring us many, many, many walls that will spring up not on any geographical border, but rather within the psyches of an embattled Hispanic minority, or anyone whose unluckily darkened complexion or tendency for expansive gesturing could cause them to be mistaken as such a one.


134. See supra text accompanying notes 25–36.

Many years ago, in my stupid youth, I studied literature, history, philosophy, and psychology. From these seemingly useless disciplines, I will concede that I gained manifold weapons for today’s war against a changing America, which has so veered from the ordered liberty of my father’s youth into a stranger’s wasteland (my poor Papa, now a bitter Gulf War veteran of Scots-Canadian descent, who lives on a pittance in Dinuba, California after the local K-Mart closure). In any case, during my second year at Stanford Law School, I whiled away one idle afternoon reading the turgid and often incomprehensible work of a Bulgarian-French theorist named Julia Kristeva, who invented the notion of “abjection.” Abjection qualifies as a febrile psychological condition that causes undesirables to comprehend themselves as soiled and outside of the social order. These scapegraces cope with their flaws by obsessively attempting to cleanse themselves of their degeneracy. While Kristeva herself bemoaned such a state, it stands, of course, as the most desirable attitude we could ever hope a racial insurgent to possess. For when such creatures battle themselves, they divert all of their energies away from the lobbying necessary for their promotion in the political hierarchy.

Your call for a Wall, and for Mexico’s payment of it, creates just this distracting debasement. It finds its justification in the contagious and dastardly menace of illegals and their facsimiles. When you paired your call for a Wall with a condemnation of Latino Judge Gonzalo Curiel as “Mexican” and “biased” (during that unfair lawsuit) you revealed that the American scourge expanded beyond the category of “illegals” into an ever-widening circle of suspects that might include not

136. Indeed, I imagine that this curriculum does not match up to your tastes. See Trump in Nevada: ‘I Love the Poorly Educated’, YouTube (Feb. 23, 2016), https://www.youtube.com/watch?v=Vpdt7omPoa0.


138. See J. KRISTEVA, POWERS OF HORROR: AN ESSAY ON ABJECTION 6 (Columbia Univ. Press 1982) (1980) (“What he has swallowed up instead of maternal love is an emptiness, or rather a maternal hatred without a word for the words of the father; that is what he tries to cleanse himself of, tirelessly.”).

139. See id.

140. See id.

141. See supra text accompanying notes 59–63.

142. Nina Totenberg, Trump Presses Case That ‘Mexican’ Judge Curiel Is Biased Against Him, NPR (June 4, 2016, 6:00 AM), http://www.npr.org/2016/06/04/480714972/trump-presses-case-that-mexican-judge-curiel-is-biased-against-him (“[H]e’s a Mexican. We’re building a wall between here and Mexico.”).

143. Id.

144. A woman in Los Angeles has written about the use of this kind of language, and she agrees that it sometimes creates an overwhelming psychological response in Hispanics. See Yxta Maya Murray, Inflammatory Statehood, 30 HARV. J. RACIAL & ETHNIC JUST. 227, 231 (2014)
only U.S.-born Mexicans but also the whole farrago of dusky Nonwhites we seek to ban (Muslims\textsuperscript{145}) and silence (Blacks\textsuperscript{146}). And then you were, sir, elected, gaining your taxonomic theories their former sheen\textsuperscript{147} of political clout. This election, moreover, will allow you to make your case of racial contagion to the Council, and some of its members will\textsuperscript{148} vote with you, garnering your viewpoint an international status, even if you do not formally succeed.

Thus, every unredeemed racial minority or those with unclean ideologies will now regard themselves as so weighed and measured on both local and global levels. In order to maintain their middling social positions and personal safety, they will attempt a constant and impossible delousing to rid themselves of any signs of deviance. Depression, despair, addic-

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\textsuperscript{145} Press Release, Donald J. Trump, Statement on Preventing Muslim Immigration (Dec. 7, 2015), https://www.donaldjtrump.com/press-releases/donald-j-trump-statement-on-preventing-muslim-immigration ("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 is going on.") deleted from website, see Jessica Estapa, ‘Preventing Muslim Immigration’ Statement Disappears from Trump’s Campaign Site, USA Today (May 8, 2017), https://www.usatoday.com/story/news/politics/onpolitics/2017/05/08/preventing-muslim-immigration-statement-disappears-donald-trump-campaign-site/101436780 (noting that the statement referenced above was deleted); see also Donald J. Trump Statement On Preventing Muslim Immigration, Wayback Machine Internet Archive, https://www.usatoday.com/story/news/politics/onpolitics/2017/05/08/preventing-muslim-immigration-statement-disappears-donald-trump-campaign-site/101436780 (the deleted statement can be found on the Wayback Machine, an internet archive that takes snapshots of original internet postings on a regular basis). In recent months, you appear to have shifted your position slightly, indicating that the ban might only persist briefly and also that Scottish Muslims (presumably those who like to golf) would remain welcome. See How Donald Trump’s Plan to Ban Muslims Has Evolved, FORTUNE (June 28, 2016), http://fortune.com/2016/06/28/donald-trump-muslim-ban. In July of 2016, however, you specified that you intended to get around political flack regarding the Muslim ban by focusing on immigrants of particular Muslim-majority countries, not immigrants' religion per se. See Jeremy Diamond, Trump on Latest Iteration of Muslim Ban: 'You Could Say It's an Expansion', CNN (July 24, 2016, 11:45 AM), http://www.cnn.com/2016/07/24/politics/donald-trump-muslim-ban-election-2016 ("I’m looking now at territory. People were so upset when I used the word Muslim. Oh, you can’t use the word Muslim. Remember this. And I’m OK with that, because I’m talking territory instead of Muslim.").

\textsuperscript{146} See Jeremy Diamond, Trump: Black Lives Matter Has Helped Instigate Police Killings, CNN (July 19, 2016, 5:47 AM), http://www.cnn.com/2016/07/18/politics ("Donald Trump said Monday he believes the Black Lives Matter movement has in some cases helped instigate the recent killings of police officers, and suggested he might direct his future attorney general to investigate the civil rights activist group. . . . They certainly have ignited people and you see that . . . It’s a very, very serious situation and we just can’t let it happen," Trump said.").

\textsuperscript{147} See, e.g., Woodrow Wilson, The Significance of American History, in Woodrow Wilson: Essential Writings and Speeches of the Scholar-President 216 (N.Y.U. Press 2006) ("No foreign stock long keeps its identity in our affairs.").

\textsuperscript{148} See supra text accompanying notes 72–93.
tion,\textsuperscript{149} and even a vivacious pox of hate crimes\textsuperscript{150} can only ensue. These metastasizing ills will suppress effective dissent. Indeed, your strategy of persecuting a complex class of minorities and their friends resembles that of not only contemporary China\textsuperscript{151} and Egypt\textsuperscript{152} but also the efficiencies of the French Terror\textsuperscript{153} and Stalinist Russia.\textsuperscript{154}

In other words, you, like those great men of yore, have discovered a technology that will so mesmerize the American public that your first legal success (in the form of UNSC upvotes) could snowball into the deliverance of all powers—Congressional,\textsuperscript{155} then judicial,\textsuperscript{156} then military,\textsuperscript{157} then each and every other illusion that composes that historical relic, the rule of law—straight to you.

Bravo, sir! Yours is a most impressive feat. Yet you must remain on your guard. I have noted that there remains a distressing quantum of resilience in the Hispanic people, who free themselves of White supremacy’s mental shackles long enough to build families, alliances, and even racial


\textsuperscript{150} See, e.g., J. Harold Ellens, EXPLAINING EVIL 264 (2011) (“[Hate crimes find inspiration in] unacceptable aspects of the self. . . .S]exual orientation or skin color . . . form the basis of self-loathing . . . . The related feelings . . . are then projected upon a group of individuals, such as Latino/as or lesbian, gay.”).


\textsuperscript{152} Egypt: Events of 2015, HUMAN RIGHTS WATCH (2016), https://www.hrw.org/ world-report/2016/country-chapters/Egypt (“The authorities continued to restrict freedom of expression and association by . . . arresting people suspected of being gay or transgender, and prosecuting those accused of defaming religion.”).

\textsuperscript{153} See Bronislaw Baczko & Michael Petherman, ENDING THE TERROR: THE FRENCH REVOLUTION AFTER ROBESPIERRE 69 (1994) (showing the aristocrat’s effortless slide from “citizen” to “traitor” during the Terror).

\textsuperscript{154} See Arthur Koestler, DARKNESS AT NOON (1941) (an excellent if pejorative treatment of this phenomenon).

\textsuperscript{155} See Bradner, supra note 21.


pride. This hidden source of political calories will only feed powerful movements against you. You have witnessed the gains of Black Power, with its attendant flowering of culture and self-love and astonishing political reach. You behold the radical gender reconfigurations created by gay marriage (though you deny that it bothers you). You see women floundering about in their supposed emancipation. You continue to withstand Muslim defiance, such as when the “Gold Star” father Khizr Khan brandished the United States Constitution at you at the Philadelphia Democratic Convention. As well, the annexation of Ukraine will not be easy. Assad looks to us for aid, but the Syrian rebellion remains fractious. Iran plots and waits. Our acquisition of national and also global supremacy is not assured.

Still, your strategy remains the best hope in our sight. Please forgive me one reference that leaks out from the long dribble of the humanities:


161. See, e.g., Dismantle Patriarchy, WOMEN’S LIBERATION FRONT, http://womensliberationfront.org (“[The Women’s Liberation Front (“WoLF“)] is a radical feminist organization dedicated to the total liberation of women.”) (last visited May 23, 2017).

162. Khizr Khan is the father of Humayun Khan, the U.S. Army Captain who was killed in Iraq in 2004. See Philip Bump, The Father of Muslim Soldier Killed in Action Just Delivered a Brutal Repudiation of Donald Trump, WASH. POST (July 28, 2016), https://www.washingtonpost.com/news/the-fix/wp/2016/07/28/the-father-of-muslim-soldier-killed-in-action-just-delivered-a-brutal-repudiation-of-donald-trump/?utm_term=.88e77816f2de&wpisrc=nl_most-draw &wpmm=1 (“If it was up to Donald Trump, [Humayun] never would have been in America,’ Khan said. ‘Donald Trump consistently smears the character of Muslims. He disrespects other minorities, even his own party leadership. He vows to build walls and ban us from this country.”)

163. John E. Herbst & Alina Polyakova, How Many More Years Will Putin Occupy Ukraine?, NEWSWEEK (Feb. 27, 2016), http://www.newsweek.com/how-many-more-years-will-putin-occupy-ukraine-431023 (“Despite a growing chorus of pro-Putin voices in Europe, the EU must remain steadfast in its commitment to sanctions until the Minsk agreements are fully implemented and Russia withdraws its troops from Ukraine.”).


Sigmund Freud. In his *Civilization and Its Discontents*, Freud wrote that “guilt . . . expresses itself as a need for punishment. Civilization, therefore, obtains mastery over the individual’s dangerous desire for aggression by weakening and disarming it and by setting up an agency within him to watch over it, like a garrison in a conquered city.”  

That garrison, Mr. President, is your Wall. In order to prevail against the forces of chaos and racial defilement, I advocate that you bring your request to humiliate Mexico, its descendants, and, ultimately, the whole wide world of its Nonwhite brethren, by lobbying the UNSC to freeze remittances and build your structure with the wealth handed over by Peña Nieto. By so doing, you will not only build a huge concrete Wall that will delineate the ever-pregnable contours of this country, but you will also invent millions of invisible walls, which you will import into your enemies, who will then become the objects that you conquer.

Should you have any further questions, sir, you can reach me at any time at Sean.Miller156@gmail.com or at 555-554-2311.

Sincerely, and yours,

Sean M. Miller, Esq.