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## 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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\* Professor, Loyola Law School. Stanford Law School, ‘93. Many thanks to Kristen E. Boone, Gerald Torres, Kevin Johnson, Deborah Weissman, Cesare Romano, Ezra Rosser, Richard Delgado, Robin Geiss, Editor-in-Chief Emmanuela Jean-Etienne, and the editors at the amazing *Michigan Journal of Race & Law*.

one of your last D.C. fundraisers before your election? The one where Mr. Baio told all of those brave and hilarious jokes?<sup>1</sup> 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<sup>2</sup> so inspiring that when not defending Breitbart against multiculturalist conspiracies,<sup>3</sup> I enjoy researching the best legal path to the erection of a Mexican-funded barrier on the United States-Mexico border. “The felicitous of the rule of law have long been a passion project of mine,” I explained.

You half-turned 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<sup>4</sup> 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),<sup>5</sup> you said that I should write to you directly. I do so here with Mr. Bannon’s<sup>6</sup> 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-

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1. Regarding Mr. Baio’s valor, see, e.g., Paul Bond, Scott Baio: Death Threats for Supporting Donald Trump, Cheers for Billy Bush, HOLLYWOOD REP., Sept. 12, 2016. On Baio humor, see, e.g., Scott Baio Tweets Michelle Obama Joke, Gets Death Threats, HUFFINGTON POST (May 25, 2011), [http://www.huffingtonpost.com/2010/01/21/scott-baio-tweets-michell\\_n\\_431214.html](http://www.huffingtonpost.com/2010/01/21/scott-baio-tweets-michell_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.’”).

2. See *infra* text accompanying notes 10–13.

3. See, e.g., *The Hill: Breitbart News Planning Lawsuit Against ‘Major Media Company’*, BREITBART (Nov. 15, 2016), <http://www.breitbart.com/big-journalism/2016/11/15/breitbart-news-planning-lawsuit-major-media-company>.

4. 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).

5. See discussion *infra* Part II.

6. 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’*, DAILY BEAST (Aug. 19, 2016), <http://www.thedailybeast.com/articles/2016/08/19/donald-trump-s-new-chief-steve-bannon-called-republican-leaders-c-ts.html>.

ders a deluge of virulent maladies,<sup>7</sup> a predisposition toward committing sexual atrocities on American women,<sup>8</sup> and an avid appetite for our jobs.<sup>9</sup> Your policy solution championed the building of an “impenetrable, physical, tall, powerful, beautiful,”<sup>10</sup> concrete, 55-foot,<sup>11</sup> 200- to 2,000-mile long<sup>12</sup> Southern border wall. Better yet, Mexico “would pay” for it.<sup>13</sup>

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7. Olivia Nuzzi, *Donald Trump Warns of Diseased Immigrants Coming Across the Border—Adds Insult to Injury*, DAILY BEAST (July 6, 2015), <http://www.thedailybeast.com/articles/2015/07/06/trump-warns-of-diseased-immigrants-coming-across-the-border-adds-insult-to-injury.html> (recounting your observations of crime, disease, and rape); see also *Donald Trump: Deport 'Bad Hombres' – Video*, GUARDIAN (Oct. 20, 2016), <https://www.theguardian.com/us-news/video/2016/oct/20/donald-trump-bad-hombres-us-presidential-debate-las-vegas-video>. On the personal and political hazards of the unwashed, see also Geoff Earl, *Jeb Says Trump is a Germophobe Who Hates Shaking Hands*, NEW YORK POST (Sept. 2, 2015), <http://nypost.com/2015/09/02/jed-says-trump-is-a-germophobe-who-hates-shaking-hands/> (“One of the curses of American society is the simple act of shaking hands, and the more successful and famous one becomes the worse this terrible custom seems to get. . . . I feel much better after I thoroughly wash my hands, which I do as much as possible.”) (quoting you).

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.”).

10. *Donald Trump’s Mexico Wall: Who Is Going to Pay for It*, BBC (Feb. 6, 2017), <http://www.bbc.com/news/world-us-canada-37243269> (quoting you).

11. See Philip Bump, *Donald Trump’s Mexico Border Wall Will Be as High as 55 Feet, According to Donald Trump*, WASH. Post (Feb. 26, 2016), <https://www.washingtonpost.com/news/the-fix/wp/2016/02/26/so-how-high-will-donald-trumps-wall-be-an-investigation>.

12. See Laura Bult, *President-elect Trump’s Proposed Wall Along U.S.-Mexico Border Would Be an Additional 200 Miles, Border Patrol Official Says*, N.Y. DAILY NEWS (Nov. 17, 2017), <http://www.nydailynews.com/news/national/trump-proposed-u-s-mexico-wall-200-miles-long-article-1.2877220>.

13. *Id.*

However, you indirectly acknowledged that Peña Nieto would not voluntarily write us a check<sup>14</sup> for the project when you suggested that the United States should freeze the \$24 billion a year in remittances<sup>15</sup> that millions<sup>16</sup> of Mexican aliens working in the United States send home.<sup>17</sup> This asset seizure would persuade President Peña Nieto to deliver to us the \$5-10 billion<sup>18</sup> 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.<sup>19</sup> Your reform would dragoon companies that issue wire transfers into these disclosure requirements<sup>20</sup> 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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14. Miriam Valverde, *How Trump Plans to Build, and Pay for, a Wall Along U.S.-Mexico Border*, POLITIFACT (July 26, 2016), <http://www.nydailynews.com/news/national/trump-proposed-u-s-mexico-wall-200-miles-long-article-1.2877220> ("Mexican President Enrique Peña Nieto has explicitly said there's 'no way' his country would pay for the wall.").

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] estimate[d] that 48 percent of remittances are sent by undocumented Mexican immigrants.").

17. See Valverde, *supra* note 14.

18. See Geoffrey A. Hoffman, *Would Trump's Border Wall Even Be Legal? \*(Hint: No.) And How Would He Make Mexico Pay for It?*, SALON (Sept. 25, 2016), <http://www.salon.com/2016/09/25/would-trumps-border-wall-even-be-legal-hint-no-and-how-would-he-make-mexico-pay-for-it/> ("According to [sections of] the Trump website [that you seem to have taken off of the internet], Mexico 'could make a one-time payment of \$5 [billion to] \$10 billion to ensure that the \$24 billion continues to flow into their country.'"). You are correct that sanctions can create much motivation. See, e.g., Christophe Joyner, *United Nations Sanctions After Iraq: Looking Back to See Ahead*, 4 CHI. J. INT'L L. 329, 300 (2003) (U.N. Sanctions can prove "economically devastating on their targeted citizenry.").

19. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Pub. L. No. 107-56, § 326(a), 115 Stat. 272, 317-18 (2001) (codified as amended in 31 U.S.C. § 5318(l) (2003)); Customer Identification Programs for Banks, Savings Associations, and Credit Unions, 67 Fed. Reg. 48,290-01 (July 23, 2002) (to be codified at 12 C.F.R. pt. 21); Financial Crimes Enforcement Network; Customer Identification Programs for Certain Banks (Credit Unions, Private Banks and Trust Companies) That Do Not Have a Federal Functional Regulator, 67 Fed. Reg. 48,299-01 (July 23, 2002) (to be codified at 31 C.F.R. pt. 103); see also Eric J. Gouvin, *Bringing Out the Big Guns: The USA Patriot Act, Money Laundering, and the War on Terrorism*, 55 BAYLOR L. REV. 955, n.72 (2003).

20. Valverde, *supra* note 14.

amendment would mandate time-wasting Congressional approval.<sup>21</sup> More importantly, it would aggravate liberals in this country, who excoriate the Act for its severe treatment of terrorists and the individuals who give them aid and comfort.<sup>22</sup> 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<sup>23</sup> or Adolf Hitler when he enjoyed the enactment of the *Ermächtigungsgesetz*.<sup>24</sup>

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,<sup>25</sup> 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.<sup>26</sup> Mexicans,<sup>27</sup> themselves, also enjoy a stunning sum of

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21. While the Republicans kept their grip on the majority on November 8, (see Eric Bradner, *Republicans Keep Control of Congress*, CNN (Nov. 9, 2016), <http://www.cnn.com/2016/11/08/politics/congress-balance-of-power-2016-election>), your No. 1 Steve Bannon (and you) have had occasion to cross swords with Speaker Paul Ryan (R, Wis.), (see Eric Levitz, *Why Steve Bannon Hates Paul Ryan*, N.Y. MAG. (Nov. 17, 2016), <http://nymag.com/daily/intelligencer/2016/11/why-steve-bannon-hates-paul-ryan.html>; Philip Rucker, *Trump Refuses to Endorse Paul Ryan in GOP Primary: 'I'm Just Not Quite There Yet'*, WASH. POST (Aug. 2, 2016) [https://www.washingtonpost.com/politics/trump-refuses-to-endorse-paul-ryan-in-gop-primary-im-just-not-quite-there-yet/2016/08/02/1449f028-58e9-11e6-831d0324760ca856\\_story.html?utm\\_term=.5ff1f73a07e9](https://www.washingtonpost.com/politics/trump-refuses-to-endorse-paul-ryan-in-gop-primary-im-just-not-quite-there-yet/2016/08/02/1449f028-58e9-11e6-831d0324760ca856_story.html?utm_term=.5ff1f73a07e9)). You also do not seem to trust the usual suspects, which would give you greater incentive to work around Congress where possible. Reuters, *Donald Trump Taps Little-Known Lawmaker to Be 'Eyes and Ears' in Congress*, FORTUNE (Nov. 16, 2016), <http://fortune.com/2016/11/16/donald-trump-chris-collins-congress>.

22. See, e.g., Cheryl R. Lee, *Constitutional Cash: Are Banks Guilty of Racial Profiling in Implementing the United States Patriot Act?*, 11 MICH. J. RACE & L. 557, 566 (2006) (“[The] Patriot Act . . . promote[s] institutional racism.”).

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 Comparisons 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.

26. See, e.g., Madeline Conway, *Clinton's Lead in the Popular Vote Passes 1 Million*, POLITICO (Nov. 15, 2016), <http://www.politico.com/story/2016/11/clinton-popular-vote-trump-2016-election-231434>.

27. With respect to this term as it applies to voters, recall your use of it concerning Judge Gonzalo Curiel. See *infra* note 142.

voting power in this country.<sup>28</sup> An objective study of undocumented<sup>29</sup> Mexican immigrants shows why they garner such unjustly preferential treatment: These people consistently demonstrate their tenacity and inventiveness by getting here,<sup>30</sup> winning U.S. jobs,<sup>31</sup> convincing U.S. citizens through their accomplishment of their humble trades that said jobs no longer qualify as noble work,<sup>32</sup> colonizing our cities with their sprawling colorful families and admittedly enchanting cuisine,<sup>33</sup> and winning allies with none other than the former President himself<sup>34</sup> by virtue of their undeniably astonishing work ethic, etc.

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28. See Lauren Etter, *Hispanic Voting Power Swells to Record for 2016, Pew Study Says*, BLOOMBERG (Jan. 19, 2016), <https://www.bloomberg.com/politics/articles/2016-01-19/hispanic-voting-power-swells-to-record-for-2016-pew-study-says>.

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](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.”).

31. *Illegal Aliens Taking U.S. Jobs*, FED’N FOR AM. IMMIGR. REFORM, <http://www.fairus.org/issue/illegal-aliens-taking-u-s-jobs> (updated March 2013) (the loss is about 8.5 million jobs); but see Art Carden, *Illegal Immigrants Don’t Lower Our Wages or Take Our Jobs*, FORBES (Aug. 28, 2015) (“[I]llegal immigrants actually raise wages for documented/native workers.”); see also *infra* note 135.

32. Cf. *Immigrants Do Jobs Natives Won’t Do*, OPEN BORDERS, <https://openborders.info/immigrants-do-jobs-natives-wont-do> (“[I]mmigrants do jobs that wouldn’t exist if the immigrants weren’t there to do them.”).

33. See, e.g., Mely Martínez, *Albóndigas con Chipotle*, MEXICO IN MY KITCHEN (Oct. 17, 2014), <http://www.mexicoinmykitchen.com/2014/10/chipotle-sauce-meatballs-albondigas-con.html>.

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<sup>35</sup> 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.<sup>36</sup> 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”<sup>37</sup>—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.<sup>38</sup> The United States froze these monies pursuant (in part)<sup>39</sup> to a

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Thomas S. Winkowski, Acting Dir. U.S. Immigration and Customs Enforcement & R. Gil Kerlikowske, Comm’r U.S. Customs and Border Prot. (Nov. 20, 2014), [https://www.dhs.gov/sites/default/files/publications/14\\_1120\\_memo\\_prosecutorial\\_discretion.pdf](https://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf). A federal district court in Texas and the United State Supreme Court destroyed DAPA, however. *See United States v. Texas*, 136 S. Ct. 2271 (2016) (upholding *United States v. Texas*, 86 F. Supp. 3d 591 (S.D. Tex. 2015)).

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 Percés 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<sup>40</sup> of Chapter VII of the Charter of the United Nations.<sup>41</sup>

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.<sup>42</sup> 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."<sup>43</sup> They create two steps for the seizing of assets from a threatening state.<sup>44</sup> The first, codified under Article 39, requires that nine out of the UNSC's 15<sup>45</sup> members issue affirmative votes determining the existence of any "threat to the peace, breach of the peace, or act of aggression."<sup>46</sup> Once the Council hands down this decision, it may decide the safeguard measures to take under Article 41.<sup>47</sup>

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," such as sanctions.<sup>48</sup>

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.

41. U.N. Charter, ch. VII.

42. See sources cited *supra* note 18.

43. See U.N. Charter, ch. VII, arts. 39–41.

44. See sources cited *infra* notes 45–48.

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 LORAINÉ SIEVERS & SAM DAWS, *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).

46. U.N. Charter, ch. VII, art. 39. "Without this determination the Security Council cannot impose . . . non-military measures" under Article 41 to react to the breach of peace. Mónica Lourdes de la Serna Galván, *Interpretation of Article 39 of the UN Charter (Threat to the Peace) by the Security Council: Is the Security Council a Legislator for the Entire International Community?*, XI ANUARIO MEXICANO DE DERECHO INTERNACIONAL 147, 151 (2011).

47. See U.N. Charter, ch. VII, arts. 39–41.

48. See U.N. Charter, ch. VII, art. 41; see also Felicia Swindells, *U.N. Sanctions in Haiti: A Contradiction under Articles 41 and 55 of the U.N. Charter*, 20 FORDHAM INT'L L.J. 1878, 1904 (1996) (quibbling with powers to sanction under Article 41).

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.<sup>49</sup> 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,”<sup>50</sup> worrying that the rule of law does not drive Article 39 determinations.<sup>51</sup> 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.<sup>52</sup> 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.<sup>53</sup> And for a man like you, President-Elect Trump, the only law with which you need concern yourself is the law of the deal.<sup>54</sup>

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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.”).

52. Armed battle in Palestine after the declaration of Israel in 1948 led to UNSC’s Resolution 54. See S.C. Res. 54 (July 15, 1948). Also, the internecine wars of Yugoslavia in the early 1990’s led to UNSC Article 39 determinations that threats to the peace existed. See Faiza Patel King, *Sensible Scrutiny: The Yugoslavia Tribunal’s Development of Limits on the Security Council’s Powers Under Chapter VII of the Charter*, 10 EMORY INT’L L. REV. 509, 518 (1996) (citing S.C. Res. 808 (1993); S.C. Res. 827 (1993)). The United Nations determined that “the large-scale violations of international humanitarian law in the conflict in the former Yugoslavia constituted a threat to international peace and security.” *Id.* Civil wars in Somalia, Rwanda, and Angola also led to findings of Article 39 breaches to the peace. See S.C. Res. 733 (1993); S.C. Res. 918 (1994); S.C. Res. 929 (1994); S.C. Res. 864 (1993).

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) (“there 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. . . . [It] is merely the key necessary for unlocking measures under Chapter VII.”).

“Threat to the peace,” in other words, can mean whatever *you* want!<sup>55</sup> 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.<sup>56</sup> 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.<sup>57</sup>

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<sup>58</sup> by overflowing Mexican sexual predators and murderers and carriers of lethal contagions<sup>59</sup> threatens international peace just as did explosive Libyans and rampant Iraqis.<sup>60</sup> “When Mexico sends its people, they’re not sending their best,” you clarified during your June 2016 announcement of your Presidential bid.<sup>61</sup> “They’re bringing drugs.

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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.’”).

55. During the drafting of the U.N. Charter, several signatory States clamored for a clearer definition of Article 39 that would have limited the Security Council’s discretion. This constraint found itself mercifully rejected. *See* King, *supra* note 52, at 518–19; *see also* U.N. Conf. on Int’l Org., Apr. 25 to June 26, 1945, Provisional Text of the Report of M. Paul-Boncour, Rapporteur, on Chapter VIII, Section B, 12 U.N.C.I.O. Docs. 445, 448, U.N. Doc. 788, III/3/42, (June 5, 1945) (hereinafter III/3 Report) (“The Committee . . . [left] to the Council the entire decision as to what constitutes a threat to peace, a breach of the peace, or an act of aggression.”); HANS Kelsen, *THE LAW OF THE UNITED NATIONS: A CRITICAL ANALYSIS OF ITS FUNDAMENTAL PROBLEMS* 729 (1950, reprinted 2000).

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).

57. S.C. Res. 688, ¶ 4 (Apr. 5, 1991). The UNSC noted that “massive flow of refugees towards and across international frontiers and to cross-border incursions” . . . “threaten[ed] international peace and security in the region.” *Id.* at ¶¶ 4, 10; *see also* Galvan, *supra* note 46, at 166–70 (addressing refugee overflow in Somalia, Rwanda, Haiti, and Afghanistan, and its role in resolutions and the UNSC determination of peace threat). Respectfully, please also note that when I mention Kurds here, I mean those in Iraqi Kurdistan, not anywhere else, like Iran, where they might be mistaken for Quds, particularly if interviewers aren’t enunciating properly. *See* Matt Wilstein, *Donald Trump Doesn’t Quite Know the Difference Between the ‘Kurds’ and the ‘Quds’*, MEDIAITE (Sept. 3, 2015, 6:41 PM), <http://www.mediaite.com/online/donald-trump-doesnt-quite-know-the-difference-between-the-kurds-and-the-quds/>.

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*.

61. *Full Text: Donald Trump Announces a Presidential Bid*, WASH. POST (June 16, 2015), [https://www.washingtonpost.com/news/post-politics/wp/2015/06/16/full-text-donald-trump-announces-a-presidential-bid/?utm\\_term=.aaa907e1b4c3](https://www.washingtonpost.com/news/post-politics/wp/2015/06/16/full-text-donald-trump-announces-a-presidential-bid/?utm_term=.aaa907e1b4c3).

They're bringing crime. They're rapists."<sup>62</sup> 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."<sup>63</sup>

That an Article 39 threat exists is to us perfectly obvious, of course. However, as noted above,<sup>64</sup> such a threat must receive affirmation in the form of 9 votes from the UNSC before it issues a sanctions resolution.<sup>65</sup>

### B) *Can We Get the 9 Votes?*

The legal niceties of the UN Charter will require that you<sup>66</sup> obtain 9 votes on the UNSC regarding a threat to the peace. Specifically, you must persuade 4 *permanent members*<sup>67</sup> and 4 *temporary representatives*<sup>68</sup> 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.<sup>69</sup> *Each* of these member states must determine that an Article 39 threat exists in

62. *Id.*

63. Hunter Walker, *Donald Trump Just Released an Epic Statement Raging Against Mexican Immigrants and 'Disease'*, BUS. INSIDER (July 6, 2015, 4:47 PM), <http://www.businessinsider.com/donald-trumps-epic-statement-on-mexico-2015-7>; Rupert Neate & Jo Tuckman, *Donald Trump: Mexican Migrants Bring 'Tremendous Infectious Disease' to US*, GUARDIAN (July 6, 2015, 6:29 PM), <https://www.theguardian.com/us-news/2015/jul/06/donald-trump-mexican-immigrants-tremendous-infectious-disease>.

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.*

69. CURRENT MEMBERS: PERMANENT AND NON-PERMANENT MEMBERS, U.N. Security Council, <http://www.un.org/en/sc/members>.

the form of an illegal Mexican invasion:<sup>70</sup> A quirk of the Security Council requires that every signatory sitting permanently possess a veto power.<sup>71</sup>

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].”<sup>72</sup> 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.<sup>73</sup> 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.<sup>74</sup> In you, they will know that they will obtain the most consoling reciprocity.

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70. VOTING SYSTEM AND RECORDS, U.N. SECURITY COUNCIL, <http://www.un.org/en/sc/meetings/voting.shtml>.

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/115heresa-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>.

74. On the accelerating triumph of values in Britain and France, see Fintan O'Toole, *Brexit is Being Driven by English Nationalism. And It Will End in Self-Rule*, THE GUARDIAN (June 18, 2016), <https://www.theguardian.com/commentisfree/2016/jun/18/england-eu-referendum-brexit>; Harrison Stetler, *How Marine Le Pen Has Upended French Politics*, NEW REPUBLIC (Oct. 13, 2016), <https://newrepublic.com/article/137756/marine-le-pen-upended-french-politics>.

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 Branded 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>.

On “gloriousness,” see *c.f.* Gerald Warner, *Hoist it High and Proud: The Confederate Flag Proclaims a Glorious Heritage*, BREITBART (July 1, 2015), <http://www.breitbart.com/big-govern>

Beijing also looks plausible for a “yes” vote, since it competes with Mexico’s NAFTA advantage.<sup>75</sup> While it fears your threat to increase tariffs to 45 percent,<sup>76</sup> your corporate interest in Taiwan,<sup>77</sup> and your trial balloon about Japan going nuclear,<sup>78</sup> Xi remains a businessman—and you know he wants that Big Mac!<sup>79</sup> You could barter concessions—perhaps on aluminum or steel<sup>80</sup>—and also wave the Russian *trikolor* at him.<sup>81</sup> As for Russia,

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ment/2015/07/01/hoist-it-high-and-proud-the-confederate-flag-proclaims-a-glorious-heritage. See also Peter Foster, *The Rise of the far-Right in Europe Is Not a False Alarm*, THE TELEGRAPH (May 19, 2016), <http://www.telegraph.co.uk/news/2016/05/19/the-rise-of-the-far-right-in-europe-is-not-a-false-alarm> (“[T]he far-Right drumbeat has now become the constant knocking in the pipes of Europe’s politics at a time when the plumbing looks increasingly fit to burst.”).

75. Kevin Gallagher & Enrique Dussel Peters, *How China Crashed the Nafta Party*, GUARDIAN (Jan. 2, 2014, 11:01 AM), <https://www.theguardian.com/global-development/pov-erty-matters/2014/jan/02/china-crashed-nafta-party-free-trade>.

76. Huilleng Tan, *A 45% Tariff on China Will Hurt US Consumers, Capital Economics Say*, CNBC (Sept. 29, 2016, 11:41 PM), <http://www.cnbc.com/2016/09/29/us-presidential-election-news-trumps-tariff-plan-for-chinese-goods-will-hurt-us-consumers.html>.

77. *Trump Wants to Expand Business Empire to Taiwan, Creating Another Potential Conflict of Interest*, SHANGHAIIST (Nov. 18, 2016), [http://shanghaiist.com/2016/11/18/trump\\_taiwan\\_expand.php](http://shanghaiist.com/2016/11/18/trump_taiwan_expand.php).

78. Gene Gerzhoy & Nick Miller, *Donald Trump Thinks More Countries Should Have Nuclear Weapons. Here’s What the Research Says*, WASH. POST (Apr. 6, 2015), [https://www.washingtonpost.com/news/monkey-cage/wp/2016/04/06/should-more-countries-have-nuclear-weapons-donald-trump-thinks-so/?utm\\_term=.c27f7555274b](https://www.washingtonpost.com/news/monkey-cage/wp/2016/04/06/should-more-countries-have-nuclear-weapons-donald-trump-thinks-so/?utm_term=.c27f7555274b) (“Trump declared that proliferation is ‘going to happen anyway.’ And just a week earlier, Trump told the New York Times, ‘If Japan had that nuclear threat, I’m not sure that would be a bad thing for us.’ Nor would it be so bad, he’s said, if South Korea and Saudi Arabia had nuclear weapons, too.”).

79. Javier C. Hernandez, *Trump and Xi Jinping, China’s Leader, Hold Cordial First Phone Call*, N.Y. TIMES (Nov. 14, 2016), <https://www.nytimes.com/2016/11/15/world/asia/trump-china-xi-jinping.html?r=0> (“Mr. Xi . . . told Mr. Trump that ‘facts have shown that cooperation is the only correct choice’ for the United States and China.”). See Ian Hantchett, *Trump: China’s Pres Should Get McDonald’s On Visit, US Should Have Put Tariff on Chinese Goods*, BREITBART (Aug. 24, 2015), <http://www.breitbart.com/video/2015/08/24/trump-chinas-pres-should-get-mcdonalds-on-visit-us-should-have-put-tariff-on-chinese-goods> (“Republican presidential candidate Donald Trump said he would give China’s president a McDonald’s burger when he comes to visit.”).

80. Keith Bradsher, *In China-U.S. Trade War, Trump Would Have Weapons*, N.Y. TIMES (Nov. 10, 2016), <https://www.nytimes.com/2016/11/11/business/international/trump-china-us-trade-war.html> (“Should Mr. Trump want to signal an aggressive stance quickly, he could move against imports of steel and aluminum from China.”).

81. Andrew Higgins, *An Unfinished Bridge, and Partnership, Between Russia and China*, N.Y. TIMES (July 16, 2016), <https://www.nytimes.com/2016/07/17/world/asia/unfinished-bridge-russia-china-amur-river.html> (announcing “an ever closer Russian-Chinese partnership”). It also remains possible that China could abstain and the vote would still go through. THE CHARTER OF THE UNITED NATIONS: A COMMENTARY Vol. 1 (Bruno Simma et al. eds., 2d ed., 2002) (“In legal doctrine, the view has been advanced that in the framework of Chapter VII, [Security Council] decisions on which a permanent member abstains are ‘valid’, but not ‘legally binding’. . . . Legally, however, there is no justification in the UN Charter for a distinction between validity and legally binding effects based on . . . abstention.”).

as you well know, Vladimir Putin regards you as a true friend as long as you keep faith on Syria.<sup>82</sup>

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).<sup>83</sup> Egypt is a lock,<sup>84</sup> particularly since they've been looking for love since the Rabaa massacre.<sup>85</sup> Japan sees you as the only cure for China,<sup>86</sup> and will keep dancing in the hopes of a free South China Sea<sup>87</sup> and any post-TPP trade joy.<sup>88</sup> 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.").

83. *Security Council Elections: Italy and the Netherlands Agree to a Split Term*, WHAT'S IN BLUE (June 29, 2016), <http://www.whatsinblue.org/2016/06/security-council-elections-italy-and-the-netherlands-agree-to-a-split-term.php>; CURRENT MEMBERS: PERMANENT & NON-PERMANENT MEMBERS, U.N. Security Council, <http://www.un.org/en/sc/members/>.

84. Katie Reilly, *Egypt's Sisi Says 'No Doubt' Donald Trump Would Make Strong Leader*, TIME (Sept. 21, 2016), <http://time.com/4502537/egypt-sisi-trump-strong-leader>.

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=.b59953157bfb](https://www.washingtonpost.com/news/monkey-cage/wp/2014/08/22/why-egypts-military-orchestrated-a-massacre/?utm_term=.b59953157bfb) ("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.").

86. Koyishi Takenaka, *Abe Aims to Underscore Importance of Japan-U.S. Alliance with Trump*, REUTERS (Nov. 12, 2016, 9:13 PM), <http://www.reuters.com/article/us-usa-election-abe-idUSKBN13800D> ("[After] Trump[,] . . . Tokyo [worries] about a possible rift in a security alliance with Washington that has been the bedrock of its defense since World War Two.").

87. Emiko Jozuka, *Japan to Join US in South China Sea Patrols*, CNN (Sept. 16, 2016, 4:48 PM), <http://www.cnn.com/2016/09/15/asia/japan-south-china-sea-patrols>.

88. Anna Vidor, *TPP: Trade Pact Dead, Buried, Cremated Amid Donald Trump Presidency*, ABC AUSTRALIA (Nov. 9, 2016), <http://www.abc.net.au/news/2016-11-09/tpp-trade-pact-dead,-buried,-cremated-amid-trump-presidency/8010736> ("But Donald Trump's victory in the United States' presidential election has likely killed off the Trans-Pacific Partnership (TPP)."); Isabel Reynolds & Takashi Hirokawa, *Japan's Abe to Make Trade Case to Trump in New York Meeting*, BLOOMBERG (Nov. 14, 2016), <https://www.bloomberg.com/news/articles/2016-11-14/japan-s-abe-to-make-free-trade-case-to-trump-in-new-york-meeting>.

sultan Nazarbayev also seeks mutual goodwill on curbing unstable elements (the press, protesters).<sup>89</sup>

That leaves only one more country, though the path here proves less steady. Bolivia looks like a solid negative<sup>90</sup>—except that it is also in bed with Russia, and hopes for Putin’s money to build a “nuclear research center.”<sup>91</sup> 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.<sup>92</sup> 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.<sup>93</sup>

As to the rest of the temporaries—all, except perhaps for Ethiopia and the Netherlands, appear to constitute a clear Negative.<sup>94</sup>

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.”).

90. *Bolivian President Morales Casts Doubts on Donald Trump’s Mental Health*, SPUTNIK INT’L (Mar. 5, 2016), <https://sputniknews.com/us/201606031040730912-us-trump-mental-health-morales/> (“I think, pardon me, but he [Donald Trump] needs psychiatrist . . .” Morales said.”).

91. *Morales Wants Bolivia Nuclear Center to Be South America’s Largest*, SAN DIEGO-UNION TRIB. (Nov. 19, 2015), <http://www.sandiegouniontribune.com/hoy-san-diego/sdhoymorales-wants-bolivia-nuclear-center-to-be-south-2015nov19-story.html> (“Bolivian President Evo Morales said Thursday he wanted the nuclear research center planned for the city of El Alto, near La Paz . . . [It will] use Russian technology.”).

92. Actually, the bigger problem is probably Iran. See Avi Jorisch, *Why Iran and Bolivia Are in Business*, UPI (May 10, 2011), <http://www.upi.com/Outside-View-Why-Iran-and-Bolivia-are-in-business/29341305022140/> (indicating Bolivian lithium could be a building block for the bomb).

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](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.<sup>95</sup> And even if you *do* find this a hard bargain, you have waded into far choppiest 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),<sup>96</sup> who practically strangled Ed Koch and sued the Chinese for a cool \$1 billion during the 1980's Manhattan West Side Yards war,<sup>97</sup>

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regional allies against terrorism could buffer them. The same applied to Nigeria, due to receive \$600m in US development assistance this year.”).

The Netherlands panic at your trade initiatives, and there will be zero joy unless anti-immigrant (and deflating) PVV party head Geert Wilders gets voted PM—which remains possible, though. *What Does Donald Trump's Presidential Win Mean for the Netherlands?*, DUTCH NEWS (Nov. 10, 2016), <http://www.dutchnews.nl/news/archives/2016/11/what-does-donald-trumps-presidential-win-mean-for-the-netherlands> (noting “crumbling” support for PVV).

Otherwise, Sweden's Stefan Löfven talks a sweet security game. *See Sweden Ready to Work with Future Trump Administration in US*, SPUTNIK INT'L (Sept. 11, 2016), <https://spuniknews.com/politics/201611091047241323-sweden-us-trump/> (“[Sweden will] safeguard Swedish and European interests, and . . . promote global security and stability,” Löfven said, as quoted in a Swedish government statement.”). But I don't buy it. Sweden remains soft on immigration. The liberal press has been crying about Sweden's new tough line on immigration and the elevation of the Sweden Democrats to the third-largest party in parliament. But the country still plans on retaining fully half of the immigrants who wash up seeking asylum. Alistair Scrutton & Daniel Dickson, *As Sweden Tightens Borders, an Afghan Faces Return to Home He Doesn't Know*, REUTERS (Oct. 20, 2016), <http://www.reuters.com/article/us-europe-migrants-sweden-insight-idUSKCN12K10D> (“The government . . . expects to deport around half of those who seek asylum.”).

Uruguay, also, is probably a no. *Uruguay's Mujica Reacts to Trump Victory: “Help!”*, FOX NEWS LATINO (Nov. 9, 2016), <http://latino.foxnews.com/latino/politics/2016/11/09/uruguay-mujica-reacts-to-trump-victory-help/>.

Senegal doesn't seem likely because it's majority Muslim and predictably hostile. *See Felicia Schwartz, West African Leader Expects Trump to Moderate His Most Controversial Stands*, WALL ST. J. (Nov. 13, 2016), <https://www.wsj.com/articles/west-african-leader-expects-trump-to-moderate-his-most-controversial-stands-1479057126>.

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/>.

Italy—no: Renzi is fighting for his life. *See Katya Adler, Italian PM Renzi's Brexit Blues and Risky Referendum*, BBC (Sept. 29, 2016), <http://www.bbc.com/news/world-europe-37503225> (“I found myself wondering if [Matteo Renzi] had seen the latest polls.”). Also, Italians have a Berlusconi hangover. *See Eric J. Lyman, Italians to Americans: Beware of Trump-like Candidates*, USA TODAY (July 3, 2016), <https://www.usatoday.com/story/news/world/2016/07/02/italians-americans-trump-like-candidates/86592154>; *but see Trump Win Raises Risk of Italy 'No' Vote*, REUTERS (Nov. 9, 2016), <http://www.reuters.com/article/us-usa-election-italy-referendumidUSKBN1341MT> (you have inspired Italian populism).

95. *See supra* text accompanying notes 72–93.

96. *See 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).

97. Phillip Lentz, *NBC Brings Koch-Trump Feud to New Lows*, 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.<sup>98</sup>

“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.”<sup>99</sup> 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.”<sup>100</sup>

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,<sup>101</sup> 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.<sup>102</sup>

As in the Iran example, sanctions may include freezing the assets of entities or individuals.<sup>103</sup> Note here that there exists *no law nor limitation* on whom may suffer these UNSC prerogatives.<sup>104</sup> The UNSC’s latitude to

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trump-feud-to-new-lows/index.html (during deal, calling Koch a “moron” with “no talent and only moderate intelligence.”). Even biased treatments of your lawsuit against the Chinese observe that you earned \$425M in the deal. See Aaron Elstein, *The Three Big Deals That Slipped out of Trump’s Grasp*, *CRAIN’S N.Y. BUS.* (Apr. 19, 2016).

98. Shawn Tully, *Donald Trump: An Ex-Loser Is Back in the Money*, *FORTUNE* (July 22, 1996), [http://archive.fortune.com/magazines/fortune/fortune\\_archive/1996/07/22/214724/index.htm](http://archive.fortune.com/magazines/fortune/fortune_archive/1996/07/22/214724/index.htm) (“Trump successfully exploited their fears.”).

99. DONALD TRUMP & TONY SCHWARTZ, *TRUMP: THE ART OF THE DEAL* 45 (1987).

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

101. See *supra* text accompanying notes 72–93.

102. *United Nations Security Council Subsidiary Bodies: An Overview*, UNITED NATIONS, <https://www.un.org/sc/suborg/en/scsb>.

103. S. C. Res. 1737, ¶ 12, U.N. Doc. S/RES/1737 (Dec. 17, 2006), (“[A]ll States shall freeze the funds” of Iran proliferators.); see also, e.g., Kelsey Davenport, *UN Security Council Resolutions on Iran*, ARMS CONTROL ASS’N (2017), <https://www.armscontrol.org/factsheets/Security-Council-Resolutions-on-Iran> (“[Under Resolution 1737] states must freeze the funds, financial assets, and economic resources of designated individuals who are involved with Iran’s nuclear programs.”).

104. As the eminent jurist Hans Kelsen observed in 1950 (possibly with some ambivalence): “The Charter . . . [does not] bind[] the Council with respect to the persons against whom these measures shall be directed.” HANS KELSEN, *THE LAW OF THE UNITED NATIONS: A CRITICAL ANALYSIS OF ITS FUNDAMENTAL PROBLEMS* 729 (Lawbook Exchange 2000) (1950).

act against private people (like your Mexican remitters) found itself reaffirmed with the levying of sanctions against Libya and its fanatics post-Lockerbie.<sup>105</sup> Similarly, in 2013, the UNSC stranded and beggared peaceless North Korean nuclear-testers,<sup>106</sup> and in 2015, targeted Al-Qaeda and ISIL madmen for “undermining [state] stability.”<sup>107</sup> Also, take special note that in the circa 2015 case of ISIL, the UNSC’s sanctions measures *moved specifically against remittances!*<sup>108</sup>

Thus, the UNSC would possess the legitimate and precedented power to order sanctions in the form of freezing individual illegals’ remittances held by wire transfer organizations like Western Union.<sup>109</sup> 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 surrender 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, Judicial Review and the Political Question Doctrine*, 18 MD. J. INT’L L. & TRADE 21, 38–43 (1994).

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 “*tak[e] 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-Qaida Sanctions List ¶ 10, <https://www.un.org/sc/suborg/en/sanctions/1267/fact-sheet-on-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 remittance 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 “legitimate 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 international policy shifts based on that strategy. See, e.g., Donald G. McNeil, Jr., *A Nation Challenged: Sanctions; How Blocking Assets Erased a Wisp of Prosperity*, N.Y. TIMES (Apr. 13, 2002), <http://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 Online to Mexico: Get Started*, WESTERN UNION, <https://www.westernunion.com/us/en/send-money-to-mexico.html> (last visited April 18, 2017). MoneyGram also has a good U.S.-to-Mexico remittance system. See *Send Money to Mexico; Start Sending Now; Find a Location*, MONEYGRAM, <http://www.moneygram.com/us/en/send-money-to-mexico> (last visited April 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.<sup>110</sup> 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.<sup>111</sup>

The scope of these sanctions against millions of as-yet unnamed individuals *would* prove groundbreaking,<sup>112</sup> and require a breathtakingly mas-

110. See *Cave*, *supra* note 16.

111. On the role of states in securing sanctions, see ENRICO CARISCH & LORAINÉ RICKARD-MARTIN, *GLOBAL THREATS AND THE ROLE OF UNITED NATIONS SANCTIONS* 6 (2011) ("Effective sanctions implementation [includes] the active support . . . of . . . states."). Just as an example, OFAC designated (now, presumably, soon-to-be in the clear) Russian sanctionees, targeted pursuant to Executive Orders 13360 and 13661. See *Ukraine and Russia Sanctions*, U.S. DEP'T STATE, <https://www.state.gov/e/eb/tfs/spi/ukrainerussia/> (last visited Apr. 6, 2017) (listing sanctions executed under Executive Orders 13660-13661, issued in 2014); see also Chris Jones, *Caught in the Crosshairs: Developing a Fourth Amendment Framework for Financial Warfare*, 68 STAN. L. REV. 683, 693-94 (2016) (noting that the Office of Foreign Assets Control ("OFAC") designated 117 individuals and entities vulnerable to E.O. 13360-61 sanctions by "conducting an investigation using a broad range of sources."). As in that case, your "Mexicans" E.O. would be executed pursuant to the International Emergency Economic Powers Act ("IEEPA"), 50 U.S.C. § 1701.

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-MARTIN, *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 Gräinne 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<sup>113</sup> and possibly OFAC so that they might conduct relentless blanket searches.<sup>114</sup> This move would likely pass muster under the U.N. Charter's gossamer legal limitations.<sup>115</sup> Enlightened domestic legal precedent concerning OFAC's rampages also skews favorably.<sup>116</sup> Moreover, if Ryan<sup>117</sup> or Schumer<sup>118</sup>

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-185-other-countries-combined>.

114. See Jones, *supra* note 111 (describing OFAC’s “broad” designation and investigation powers). Also, the intelligence gathering by such bureaucracies could obviously later aid you in your promised purges. Tom LoBianco, *Donald Trump Promises ‘Deportation Force’ to Remove 11 Million*, CNN (Nov. 12, 2015), <http://www.cnn.com/2015/11/11/politics/Donald-trump-deportation-force-debate-immigration>.

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 1’s amorphous “Purposes,” which consist of hysterical tautologies such as the Charter’s ambition “[t]o maintain international peace and security [by] . . . remov[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 “settling 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).

The worst precedent exists in Judge James Carr’s *Kindhearts for Charitable Humanitarian Dev. v. Geithner*, 710 F. Supp. 2d 637 (N.D. Ohio 2010)—discussed in Jones, *supra* note 111, at Section II and III—holding that OFAC blocks violated the Fourth and Fifth Amendments. Note, however, that Carr is a radical leftist whom perhaps we should have a word with; he cited FRANZ KAFKA, *THE TRIAL* (1925). See *Kindhearts*, 710 F. Supp. 2d at 659.

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, *Read 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>.

118. You might have to unleash on House Minority Leader Chuck Schumer. See Stephen Collinson, *Democrats Hope Trump Meets His Match in Schumer*, CNN (Nov. 17, 2016), <http://www.cnn.com/2016/11/17/politics/chuck-schumer-donald-trump>; Jennifer Senior, *Review: Megyn Kelly Tells Tales Out of Fox News in Her Memoir, ‘Settle for More’*, N.Y. TIMES (Nov. 10, 2016), [https://www.nytimes.com/2016/11/12/books/review-megyn-kelly-tells-tales-out-of-](https://www.nytimes.com/2016/11/12/books/review-megyn-kelly-tells-tales-out-of-fox)

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

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.<sup>120</sup> Subversives may argue that illegals’ remittances to Mexican family members qualify as symbols of love and utter sacrifice on the part of hard-working 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.<sup>121</sup> In other words, they will try to shame you out of pursuing illegals in terrifying sweeps<sup>122</sup> 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”<sup>123</sup> as well as “threat to the peace”<sup>124</sup> and “the law”<sup>125</sup>—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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fox-news-in-her-memoir-settle-for-more.html (“I almost unleashed my *beautiful Twitter account* against you,’ she says he told her, ‘*and I still may.*’”).

119. Michal R. Gordon & David E. Sanger, *U.N. Vote on Iran Nuclear Deal Irks Congress*, N.Y. TIMES (July 20, 2015), <https://www.nytimes.com/2015/07/20/world/middleeast/un-vote-on-iran-nuclear-deal-irks-congress.html> (“At least two senior Democrats have joined the Republican leadership in complaining that the Security Council action . . . pre-empt[s] the congressional debate. Their concern is that . . . American lawmakers have [not] had time to vote on it.”).

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 TIMES (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.<sup>126</sup>

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],”<sup>127</sup> like yourself, who may not find themselves cozily grouped as Left or Right, but rather cherish the Übermensch’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.<sup>128</sup> 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 losses<sup>129</sup>—but Parliament blocked it as a human rights violation.<sup>130</sup> In July of that year, Russia threatened to freeze Ukrainian assets in response to an unpaid debt.<sup>131</sup> In September, Egypt froze the assets of human rights activists and three Non-Governmental Organizations.<sup>132</sup> A month later, China readied legislation that would freeze the assets of troublemaking

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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 LOPEZ, *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).

127. Like Putin, for example. See *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>.

128. Caludia Soruco & Luis Andres Henao, *Bolivia Judge Freezes Assets of Cement Maker Soboce*, *REUTERS* (Apr. 15, 2011, 10:27 PM), <http://www.reuters.com/article/bolivia-cement-soboce-idUSN1530290920110416>.

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.”).

131. *Russia Will Seek Ukraine Foreign Assets Freeze if \$3bn Debt Not Repaid*, *RT* (July 29, 2016, 11:07 AM), <https://www.rt.com/business/353884-russia-freeze-ukraine-assets/>.

132. *Egypt Court Freezes Assets of Rights Defenders and NGOs*, *AL JAZEERA* (Sept. 17, 2016), <http://www.aljazeera.com/news/2016/09/egypt-court-freezes-assets-rights-defenders-ngos-160917144339206.html>.

“hackers.”<sup>133</sup> 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,<sup>134</sup> 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.<sup>135</sup> 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.

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133. *China’s Cybersecurity Draft Law Targets Foreign Hackers*, U.S. NEWS & WORLD REP. (Nov. 1, 2016, 2:36 AM), <https://www.usnews.com/news/technology/articles/2016-11-01/chinas-cybersecurity-draft-law-targets-foreign-hackers> (“Chinese authorities could freeze assets and take other actions against foreign hackers . . . under a revised draft of a new cyber security law.”).

134. *See supra* text accompanying notes 25–36.

135. *See, e.g.*, Jeanna Smialek & Brendan Case, *What Would Happen to the Economy If Trump Got His Way*, BLOOMBERG (Aug. 18, 2015, 1:39 PM), <https://www.bloomberg.com/news/articles/2015-08-18/here-s-what-the-u-s-economy-would-look-like-if-trump-deported-undocumented-immigrants> (“Undocumented workers contributed \$13 billion in payroll taxes to old age, survivor and disability insurance in 2010, a Social Security Administration study from 2013 found. They accessed about \$1 billion in benefits, so that nets to a \$12 billion contribution that wouldn’t exist if you deported them.”).



Many years ago, in my stupid youth, I studied literature, history, philosophy, and psychology. From these seemingly useless disciplines,<sup>136</sup> 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).<sup>137</sup> 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."<sup>138</sup> Abjection qualifies as a febrile psychological condition that causes undesirables to comprehend themselves as soiled and outside of the social order.<sup>139</sup> These scapegraces cope with their flaws by obsessively attempting to cleanse themselves of their degeneracy.<sup>140</sup> 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<sup>141</sup> and their facsimiles. When you paired your call for a Wall with a condemnation of Hispano-American Judge Gonzalo Curiel as "Mexican" and "biased"<sup>142</sup> (during that unfair lawsuit<sup>143</sup>) you revealed that the American scourge expanded beyond the category of "illegals" into an ever-widening circle of suspects<sup>144</sup> 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>.

137. See *List: 78 Sears, Kmart stores closing*, USA TODAY (Apr. 22, 2016, 9:59 AM), <https://www.usatoday.com/story/money/business/2016/04/21/list-sears-kmart-stores-closing-across-us/83356912/>.

138. See JULIA 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<sup>145</sup>) and silence (Blacks<sup>146</sup>). And then you were, sir, *elected*, gaining your taxonomic theories their former sheen<sup>147</sup> 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*<sup>148</sup> 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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(noting that state actions that “humiliate [Latinos] . . . treat them as filthy, [and] and censor their ethnic expression . . . institute inordinate private suffering.”).

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.”).

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.”).

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.”).

148. See *supra* text accompanying notes 72–93.

tion,<sup>149</sup> and even a vivacious pox of hate crimes<sup>150</sup> 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<sup>151</sup> and Egypt<sup>152</sup> but also the efficiencies of the French Terror<sup>153</sup> and Stalinist Russia.<sup>154</sup>

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,<sup>155</sup> then judicial,<sup>156</sup> then military,<sup>157</sup> 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

149. See Andrea J. Romero & Anna Ochoa O'Leary, *Undergraduate Student Responses to Arizona's "Anti-Ethnic Studies" Bill: Implications for Mental Health*, 26 *LATINO POL'Y & ISSUES BRIEF* 1 (2011), <http://www.chicano.ucla.edu/press/briefs/documents/PB26> (detailing mental illness that comes with "minority stress," that is, discrimination).

150. See, e.g., J. HAROLD ELLENS, *EXPLAINING EVIL* 264 (2011) ("[Hate crimes find inspiration in] [u]nacceptable 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.").

151. The Chinese now persecute the Uighurs. See Isabel Larocca, *Chinese Persecution of the Muslim Uighurs Could Drive Them to ISIS*, *NEWSWEEK* (Sept. 12, 2015), <http://www.newsweek.com/chinese-persecution-muslim-uighurs-could-drive-them-isis-371362> ("The Uighurs, a Turkic-speaking ethnic group indigenous to the Xinjiang region, were limited in their religious observance by bans . . . ."); Usaid Siddiqui, *The Ethnic Roots of China's Uighur Crisis* *AL JAZEERA* (July 21, 2015), <http://america.aljazeera.com/opinions/2015/7/the-ethnic-roots-of-chinas-uighur-crisis.html> (describing the Byzantine distinctions made between suppressed Uighur and tolerated Hui Muslims).

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.").

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).

154. See ARTHUR KOESTLER, *DARKNESS AT NOON* (1941) (an excellent if pejorative treatment of this phenomenon).

155. See Bradner, *supra* note 21.

156. See, e.g., Matt Ford, *What President Trump's Supreme Court Would Look Like*, *ATLANTIC* (Sept. 23, 2016), <http://www.theatlantic.com/politics/archive/2016/09/trump-cruz-supreme-court/501461> ("On the campaign trail, Trump frequently invokes his desire to appoint conservative judges in Scalia's image.").

157. See Hannah Hartig et al., *Poll: Trump Leads Clinton Among Military and Veteran Voters*, *NBC NEWS* (Sept. 7, 2016), <http://www.nbcnews.com/storyline/data-points/poll-trump-leads-clinton-among-military-veteran-voters-n643501>.

pride.<sup>158</sup> 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.<sup>159</sup> You behold the radical gender reconfigurations created by gay marriage (though you deny that it bothers you).<sup>160</sup> You see women floundering about in their supposed emancipation.<sup>161</sup> 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.<sup>162</sup> As well, the annexation of Ukraine will not be easy.<sup>163</sup> Assad looks to us for aid, but the Syrian rebellion remains fractious.<sup>164</sup> Iran plots and waits.<sup>165</sup> 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:

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158. See, e.g., YOLANDA ALANIZ & MEGAN CORNISH, *VIVA LA RAZA: A HISTORY OF CHICANO IDENTITY AND RESISTANCE* 52 (2008).

159. Alex Altmant, *Person of the Year, The Short List, No. 4: Black Lives Matter*, TIME MAG. (2015), <http://time.com/time-person-of-the-year-2015-runner-up-black-lives-matter> (“All summer, Black Lives Matter protesters . . . forced politicians to grapple with radioactive questions of race and justice.”).

160. Eli Stokols, *Trump Says He’s ‘Fine’ with Legalization of Same-sex Marriage*, POLITICO (Nov. 13, 2016, 7:00 PM), <http://www.politico.com/story/2016/11/donald-trump-same-sex-marriage-231310>.

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-draw8&wpmmm=1](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-draw8&wpmmm=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, women, judges, 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.”).

164. Philip Issa, *Syrian Rebels Launch Offensive to Break Assad’s Siege in Aleppo*, STAR (Oct. 28, 2016), <https://www.thestar.com/news/world/2016/10/28/syrian-rebels-launch-offensive-to-break-assads-siege-in-aleppo.html> (“Fierce fighting broke out around the northern Syrian city of Aleppo Friday as rebels announced a large-scale offensive to break the government’s nearly two-month siege of opposition-held areas.”).

165. Guy Benson, *Fox Poll: 83 Percent Call Iran Untrustworthy, Huge Majority Says Obama Must Get Congressional Approval for Deal*, HOT AIR (Apr. 1, 2015, 9:21 PM), <http://hotair.com/archives/2015/04/01/fox-poll-83-percent-call-iran-untrustworthy-huge-majority-says-obama-must-get-congressional-approval-for-deal>.

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.”<sup>166</sup>

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](mailto:Sean.Miller156@gmail.com) or at 555-554-2311.

Sincerely, and yours,  
Sean M. Miller, Esq.

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166. SIGMUND FREUD, *CIVILIZATION AND ITS DISCONTENTS* 70-71 (1961).