



Tragedy on the Horizon

A History of Just and Unjust
Withdrawal

Tens of thousands of Iraqis have served alongside our troops.

The terrorist group that has already abducted, tortured, and assassinated hundreds of our employees just announced plans to redouble their efforts as America leaves Iraq.

We must not leave them behind.

May 2010

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Affairs Staff Show Strains of Social Discord

SENSITIVE

14. (SBU) Some of our staff do not take home their American cell phones, as this makes them a target. Planning for their own possible abduction, they use code names for friends and colleagues and contacts entered into Iraq cell phones. For at least six months, we have not been able to use any local staff members for translation at on-camera press events.

15. (SBU) More recently, we have begun shredding documents printed out that show local staff surnames. In March, a few staff members approached us to ask what provisions would we make for them if we evacuate.

Tragedy on the Horizon

A History of Just and Unjust Withdrawal

As the United States departs from Iraq, it must not abandon the thousands of Iraqis currently risking their lives to work alongside our soldiers, diplomats, and aid workers. The Obama Administration cannot wait until the final hours of the withdrawal to address this moral imperative. In this report, we draw from the bloody lessons of withdrawals past and present a set of recommendations to mitigate a repeat.

May 2010



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Cover photograph: U.S. Army soldiers wait to board a C-17 Globemaster III aircraft at Joint Base Balad, Iraq, on November 17, 2008. Tech. Sgt. Erik Gudmundson, U.S. Airforce.

Abbreviations

| | |
|--------|---|
| AQI | Al-Qaeda in Iraq |
| CBO | Congressional Budget Office |
| CLASS | Consular Lookout and Support System |
| DHS | Department of Homeland Security |
| DOD | Department of Defense |
| DOS | Department of State |
| FLN | National Liberation Front (Algeria) |
| GAO | Government Accountability Office |
| GOI | Government of Iraq |
| IDP | Internally Displaced Person |
| IOM | International Organization for Migration |
| ISI | The Islamic State of Iraq Group |
| MEMCON | Memorandum of Conversation |
| MNF-I | Multi-National Force-Iraq (now U.S. Forces-Iraq) |
| NSC | National Security Council |
| OPE | Overseas Processing Entity |
| PRM | Department of State Bureau of Population Refugees and Migration |
| SAO | Security Advisory Opinion |
| SIGIR | Special Inspector General for Iraq Reconstruction |
| SIV | Special Immigrant Visa |
| SOFA | Status of Forces Agreement |
| TLP | The List Project to Resettle Iraqi Allies |
| UNHCR | United Nations High Commissioner for Refugees |
| USAID | United States Agency for International Development |
| USCIS | United States Citizenship and Immigration Services |
| USG | United States Government |
| USRAP | United States Refugee Admissions Program |

Letter from the Executive Director

America is leaving Iraq. We already itch to forget. Apart from Newsweek's recent declaration of "Victory in Iraq," our media gave more coverage to the elections in Zimbabwe than those held last month in Iraq. We award Oscars to films about Iraq but don't particularly care to watch them. The seventh anniversary of our occupation passed with little notice.

Another regrettable anniversary is upon us, one from which President Obama might take heed. The fall of Saigon, thirty-five years ago this month, marked the end of the Vietnam War and the beginning of a seismic refugee crisis. In the final weeks of the war, President Ford belatedly convened dozens of meetings to explore options for saving thousands of South Vietnamese who had assisted the U.S. (In a declassified National Security Council transcript, Kissinger estimated an 'irreducible list' of 174,000 individuals). An eleventh hour request for \$722 million to evacuate our allies reflected little planning and went unfunded by a war-weary Congress. What ensued in those early morning hours on the rooftops of Saigon would sear the American conscience with the war's final image of desperate Vietnamese clamoring beneath disappearing helicopters.

Al-Jazeera rebroadcast these scenes of abandonment throughout 2005, when I worked for the U.S. Agency for International Development in Baghdad and Fallujah on the reconstruction. My Iraqi colleagues who risked their lives to help us were demoralized by the footage, and worried about what would happen to them when we left.

Since my return, I have been trying to help thousands of Iraqis who fled the assassin's bullet. They have been tortured, raped, abducted, and killed because they worked for America. My organization maintains the largest list in existence of these imperiled Iraqis and assists them in navigating the straits of our winding refugee resettlement bureaucracy. And while I once thought that the dark years of Iraq's civil war in 2006-08 were the bleakest for those on my list, I am increasingly concerned that the worst days are yet ahead.

We are now aggressively redeploying from Iraq, and will have pulled half of our 100,000 troops out by the end of this August. Our generals, brash with confidence, compare their logistics efforts to Hannibal crossing the Alps with his elephants. Tens of thousands of troops have been reassigned to this effort, which will dismantle hundreds of bases in the coming months. We have planned it out so well, they say, that we can even track a coffeepot on its journey from Baghdad back to Birmingham.

Impressive as this is, it masks a fundamental and dangerous oversight in our vaunted withdrawal strategy: as with Vietnam, there are no serious or comprehensive contingency plans to evacuate the thousands of Iraqis who currently work for us and live alongside us as interpreters, engineers, and advisors. When we shutter our bases, these Iraqis will be cut loose to run the resettlement gauntlet which typically takes a year or more.

Last week, I came across a frightening document which outlines another group's designs for the coming year of withdrawal. Published in Fallujah by the Islamic State of Iraq, the umbrella organization composed of numerous insurgent and terrorist groups (including Al-Qaeda in Iraq), the manual sets forth their "balanced military plan" in chilling simplicity: "1) nine bullets for the traitors and one for the crusader, 2) cleansing, and 3) targeting." They are practical: "this cannot be accomplished within one or two months, but requires continuous effort." Those who believe that the ISI, which has assassinated many of our Iraqi employees over the years, has been rendered irrelevant by the surge might reflect upon the scores of victims from the group's triple suicide car bombing which targeted foreign embassies just weeks ago.

We know where this road heads. When the British drew down from southern Iraq just two years ago, militias conducted a systematic manhunt for Iraqi employees of the UK. In a single incident, 17 interpreters were

publicly executed, and reports surfaced of others dragged to their deaths behind cars through the streets of Basrah. To imagine this as an isolated experience ignores the history of withdrawal, a bloody and predictable churn of violence upon those who 'collaborated' with the departing power. Tens of thousands of Algerian harkis were slaughtered upon France's withdrawal in 1962. Thousands of loyal Assyrians were massacred in northern Iraq upon British withdrawal in 1932. On our own soil, Americans formed militias and hunted Loyalists in the aftermath of the Revolution.

Depressing as this history is, it is not inevitable. Iraq is not Vietnam. We are not evacuating, but withdrawing. That distinction, however, presents an opportunity to avoid the mistakes of the past. We have many positive precedents from which to work. After the bloodletting in Basrah, the British responded by airlifting remaining Iraqi staffers directly to a RAF base in Oxfordshire. Indeed, each of our principal Coalition partners – the UK, Poland, and Denmark - have honored their moral obligation to endangered Iraqi employees through airlifts to military bases.

President Ford eventually did the right thing in airlifting hundreds of thousands of Vietnamese, but not before thousands were slain or lost to the reeducation camps. President Clinton flew 7,000 at-risk Iraqis in 1996 to our base in Guam, where processing took weeks, not years. The 'Guam Option' has in fact been the standard in swiftly saving refugees while maintaining security as processing occurs in military bases, but this option requires the backing of the President.

As a candidate, President Obama lamented the languorous pace of processing for our Iraqi employees, declaring that "Now is a time to be bold. We must not stay the course or take the conventional path because the other course is unknown...we must not allow ourselves to become 'prisoners of uncertainty.'" Of course, it's easy to be imprisoned by uncertainty if we forget or ignore what we have already been capable of as a nation when our Commander-in-Chief embraces a moral imperative. Without presidential leadership, however, America will stumble along the conventional path Obama criticizes, a path littered with broken promises, bureaucratic hurdles, belated action, and abandonment.

America has made positive strides in the past couple years by resettling many thousand Iraqis, but the process we've established will not work quickly enough when it's needed most. I hope I'm wrong about what lies ahead for the Iraqis on my list, but I've spent enough time in Iraq to see the disastrous consequences wrought by plans based upon wishful thinking. President Obama has an opportunity to forestall tragedy by heeding these past lessons and initiating contingency planning while there are still resources and time.

"This won't be an easy mission, and we'll have to confront both social and security obstacles, but it is a worthy struggle....just because the goals are difficult doesn't mean we should abandon them." These aren't my words, but the Islamic State of Iraq's, mustering their murderous resolve in the closing pages of their strategy.

We're not at the rooftop yet, but we are fast approaching.



Kirk W. Johnson

Founder & Executive Director
The List Project to Resettle Iraqi Allies

The threat is not hypothetical.

Before tackling this report, we urge you to take a moment to read through a list that was never supposed to see the light of day. It was compiled by a contractor which hired thousands of interpreters to serve alongside our soldiers and Marines to help adjudicate insurance claims to AIG (which routinely denied benefits to wounded interpreters).¹

This list, a blood list, documents what happened over 79 random days in a 2,500 day-old war to interpreters working for just one company. This is the reason why the List Project was founded and is what it fights to prevent. It is why we have issued this call to action in the closing stage of our involvement in the Iraq war.

While we have removed identifying information, we have kept their first names, to remind the reader that these are not statistics, but human beings who believed in America, and chose to serve alongside us at lethal personal risk. We include their names as a sober reflection of the dangers ahead.

Unless President Obama acts, this list will expand dramatically and unnecessarily as we withdraw from Iraq.

| DATE | FIRST NAME | LAST NAME | BADGE # | DEATH, INJURY, KIDNAP | EVENT DESCRIPTION |
|----------|--------------|-----------|---------|-----------------------|---|
| 04/26/08 | Bahaa | | | DEATH | Death caused by multiple injuries sustained during torture |
| 04/14/08 | Morad | | | INJURY | Multiple lacerations to face, neck, left hand, and upper body |
| 04/08/08 | Nabeel | | | INJURY | Amputation above the knee of his left leg from EFP blast |
| 03/22/08 | Sirwane | | | DEATH | IED blast and fire |
| 03/14/08 | Faysal | | | DEATH | Suicide Bomber |
| 03/10/08 | Saif | | | DEATH | Head Trauma |
| 03/04/08 | Ashraf | | | DEATH | IED Blast to chest |
| 02/23/08 | Habeeb | | | INJURY | Stabbing |
| 01/31/08 | Yora | | | DEATH | Gun Shot Wounds |
| 01/29/08 | Basim | | | INJURY | IED with chlorine gas |
| 01/22/08 | Nazar | | | INJURY | Sniper fire |
| 01/09/08 | Mohammed | | | DEATH | Death due to booby trapped house |
| 12/31/07 | Mohammed | | | INJURY | Gunshot wound Jaw |
| 12/20/07 | Abass | | | INJURY | RPG Attack |
| 12/10/07 | Abdulrahman | | | DEATH | Blunt force trauma resulting in death |
| 11/26/07 | Ali Ghalib | | | INJURY | Traumatic amputation of both legs by IED |
| 11/22/07 | Abdul-Hassan | | | DEATH | Gunshot wounds |
| 11/18/07 | Majeed | | | INJURY | Severed right arm and injured right gluteal muscle |

| DATE | FIRST NAME | LAST NAME | BADGE # | DEATH, INJURY, KIDNAP | EVENT DESCRIPTION |
|----------|------------|-----------|---------|-----------------------|---|
| 10/02/07 | Abaas | | | INJURY | Gunshot wound to the abdomen |
| 09/29/07 | Barakat | | | DEATH | Massive blood loss |
| 09/21/07 | Hadi | | | DEATH | Fatal gunshot wound |
| 08/20/07 | Muhannad | | | DEATH | Death caused by IED Explosion |
| 08/19/07 | Yesar | | | INJURY | Right leg laceration and broken bone (possible amputation) |
| 08/15/07 | Ahmed | | | INJURY | Gun shot wounds to the face and hip |
| 08/14/07 | Muhammed | | | DEATH | Multiple gunshot wounds |
| 07/21/07 | Dhafir | | | DEATH | Fatal Gunshot wounds |
| 07/17/07 | Ammar | | | DEATH | Blunt force trauma |
| 07/15/07 | Hamede | | | DEATH | Gun shot wound to the head |
| 07/04/07 | Mohammed | | | INJURY | Gun Shot wound to neck. |
| 06/20/07 | Rahim | | | DEATH | Assassination. |
| 06/17/07 | Bassim | | | KIDNAP | Kidnapped |
| 06/11/07 | Jawad | | | INJURY | Fractured right leg and lacerations to chest and arms. |
| 06/06/07 | Ali | | | DEATH | Traumatic amputation from IED. |
| 04/25/07 | Saad | | | INJURY | Amputation of both legs below the knees and burns to lower body. |
| 04/16/07 | Gazwan | | | INJURY | Ruptured ear drums. |
| 04/07/07 | Ahmed | | | INJURY | Loss of sight for 30 minutes, bruised right side, hair slightly burned. |
| 04/01/07 | Omar | | | DEATH | Death- gunshot wound to head |
| 03/20/07 | Mohammed | | | INJURY | Multiple lacerations to head, face, and hand; amputation of left small finger. |
| 03/19/07 | Amer | | | INJURY | Three bullet wounds to the left leg and handcuff lacerations on both wrists. |
| 02/23/07 | Bilal | | | INJURY | 1 Round in Rt Thigh, 1 Round in the upper Rt thigh, 1 Round In the Scrotum |
| 02/01/07 | Alaa | | | INJURY | Shrapnel to lower extremity, possible broken leg. |
| 01/27/07 | Khtaer | | | DEATH | Gun shot wound to the head. |
| 01/20/07 | Jasem | | | INJURY | Shockwave caused collapsed lung |
| 01/19/07 | Raid | | | INJURY | Loss of both his legs. |
| 01/17/07 | Khalil | | | INJURY | Gun shot wound to upper left thigh/groin area. |
| 12/30/06 | Abdul | | | INJURY | Injuries to both legs, preliminary diagnosis is that he will likely lose both legs as a result of injuries. |
| 12/03/06 | Saadi | | | DEATH | Assassination |
| 11/17/06 | Sahar | | | KIDNAP | Kidnapped |
| 10/22/06 | Mohammed | | | DEATH | Death - fatal shrapnel wounds |
| 10/20/06 | Diyaer | | | INJURY | Loss of both legs and serious damage to hip area. |
| 09/24/06 | Malik | | | INJURY | Loss of right leg above the knee and 3 fingers missing on the left hand. Possible loss of remaining leg. |

| DATE | FIRST NAME | LAST NAME | BADGE # | DEATH, INJURY, KIDNAP | EVENT DESCRIPTION |
|----------|------------|-----------|---------|-----------------------|--|
| 09/08/06 | Hyder | | | KIDNAP, DEATH | Kidnapped, then later killed by gunshot to the head. |
| 08/31/06 | Aous | | | INJURY | Loss of right leg, partial amputation of right hand, and partial amputation of penis. |
| 08/24/06 | Hussam | | | INJURY | Both legs broken below the knee, two fractured vertebrae (C2/C6), fractured pelvis, removed spleen and partially removed pancreas, and various lacerations and bruises. |
| 08/02/06 | Fouad | | | INJURY | Contusions and lacerations to facial area |
| 08/01/06 | Mohammed | | | INJURY | Multiple gunshot wounds to the upper body. |
| 02/28/06 | Abbas | | | DEATH | Gunshot to right side of head |
| 01/15/06 | Kadhim | | | KIDNAP, DEATH | Death (kidnapped and assassinated) |
| 10/10/05 | Omar | | | DEATH | Chest, vital organs, death caused by severe blood loss |
| 10/10/05 | Ammar | | | DEATH | Gunshot wounds |
| 10/10/05 | Haydar | | | INJURY | Lost left eye, ear, part of brain, shrapnel to left arm |
| 09/11/05 | Dieyer | | | KIDNAP, DEATH | Abduction - Death |
| 08/29/05 | Saraa | | | DEATH | Injury to her jaw, mouth, her left foot and ankle and right ankle resulting in death after arriving at CSH. |
| 07/04/05 | Anwar | | | INJURY | Broken right leg and minor scratches. Note: this occurred after this LNL positively identified the killer of another LNL (Local National - Iraqi) in Al Hillah. There was also a death threat to this LNL stating that he would be next. |
| 05/20/05 | Ameer | | | DEATH | Death instantly. |
| 05/19/05 | Ramadhan | | | DEATH | Shot in Head - Death |
| 05/14/05 | Haitham | | | DEATH | Gunshot wounds resulting in death. |
| 04/23/05 | Ahmed | | | DEATH | Burns on 40% of his body 2nd and 3rd degree burns, face, lower part of his body and extensive burns to lungs. Fractured hip and abdominal surgery performed. He later died of a massive infection on April 29, 2005. |
| 01/09/05 | Khalid | | | KIDNAP, INJURY | Kidnapped and then released. |
| 01/08/05 | Ragad | | | KIDNAP, INJURY | Kidnapping |
| 01/07/05 | Ali | | | KIDNAP, INJURY | Kidnapping, later released |
| 12/02/04 | Mukhlis | | | KIDNAP, INJURY | Kidnapping |
| 11/30/04 | Abbas | | | DEATH | Death / multiple gunshot wounds / gunshot wound to the head |
| 11/27/04 | Samir | | | DEATH | Gunshot wounds |
| 10/30/04 | Mahmood | | | KIDNAP, INJURY | Kidnapping |
| 06/29/04 | Lamees | | | DEATH | Shot several times in her arms and then gunshot wound to the head - Death |
| 05/06/04 | Dunia | | | INJURY | Hearing loss and shock |
| 01/25/04 | Falah | | | DEATH | Drowning - Death |
| 11/15/03 | Victor | | | DEATH | Four gunshot wounds in the head and torso - Death |

I. Executive Summary

When the United States went to war in Iraq, now seven years ago, it did so with virtually zero capacity to interpret the Arabic language, Iraq customs and social mores. Our men and women, serving as soldiers, Marines, diplomats, and aid workers were consequently hobbled in their ability to carry out the most basic of functions. As our military rolled into villages, this linguistic and cultural gap between occupier and occupied was bridged by a unique group of Iraqis who stepped forward to help as interpreters. They became, in effect, our eyes, our ears, and our voice as we tried to make the best of an increasingly harrowing situation. Without question, their work has saved American lives.

Over the years, tens of thousands of Iraqis have played critical roles in assisting America: translators, engineers, civil society experts, advisors, to name but a few. The Department of Defense estimates that over 36,000 Iraqis were working for it in Iraq as of the second quarter of 2009.² The Congressional Budget Office reported that as of August 2008, roughly 70,000 Iraqis were working for U.S. government agencies or their contractors in Iraq.³

But their decision to work with the American mission also exposes them to grave risks. Threats are frequent, and hundreds, if not thousands, have been killed.

The United States is now leaving Iraq. In the coming few months, nearly half of our 100,000 troops will be withdrawn. Hundreds of bases will be dismantled. The Iraqis upon whom we have relied won't be needed anymore, and will be 'cut loose.' As our military footprint shrinks, so too will our capacity to protect or save these Iraqis as they become increasingly exposed to reprisals. One contractor alone currently employs over 5,000 Iraqis as interpreters, many of whom live on bases alongside our troops.

It is a grim history, when occupying forces leave behind those 'collaborators' upon whom they relied. The United States owes its Iraqi allies an

immense debt for their service. As the American presence in Iraq winds down, we have a basic but urgent moral obligation to ensure that we do not repeat the mistakes of past withdrawals, abandoning them to a bloody fate.

In this report, we analyze the lessons of the past, stretching from the immediate aftermath of the American Revolution up to withdrawal by Coalition Forces in the current war in Iraq. We also analyze the American response to the Iraqi refugee crisis thus far, with the hopes that the positive strides made in the past few years are not overshadowed by what looms on the horizon.

The Past: Mixed Progress

The United States Government has taken laudable steps towards bringing allies out of Iraq. In just a few years, the U.S. managed to move from admissions levels of roughly 200 Iraqis per year to nearly 19,000 last year. Many Department of State and Homeland Security employees have worked at great personal risk inside Iraq and throughout the region to achieve this improvement.

While this increase is laudable, the vast majority of these newly-resettled Iraqis did not work alongside the U.S. While many millions of Iraqis have fled horrific circumstances over the years, we recognize that resettlement is not a viable option for a still-massive displacement crisis. Unfortunately, the Iraqis to whom we have a special obligation have not yet been admitted in substantial numbers. Of the 34,470 Iraqi refugees admitted to the United States in the past three years, less than 10% were known U.S.-affiliated Iraqis.⁴

The Special Immigrant Visa (SIV) program, established through the bi-partisan 2008 Refugee Crisis in Iraq Act instructed the U.S. Government to resettle 5,000 U.S.-affiliated Iraqis per year over five years, effectively opening up 25,000 slots. Despite Congressional intent, the program has been anemic and undersubscribed, hitting

roughly 30% of the goals.⁵ (SEE PAGES 17-30 FOR A MORE DETAILED ASSESSMENT)

Crucially, despite the progress made by these programs, neither will work quickly enough when our Iraqi employees most need our help.

The Present: We Are Running Out of Time

Current plans call for all American forces to withdraw from Iraq by December 2011. The Status of Forces Agreement signed in November 2008⁶ calls for American soldiers to withdraw from the country in stages – a process known as “The Waterfall” – gradually ceding more and more territory to Iraqi control while bringing Americans out. The Agreement does not address any protection of U.S.-affiliated Iraqis once the withdrawal is over.⁷

The withdrawal of an enormous American force takes time, and the Pentagon has conducted intense planning. Tens of thousands of military personnel and contractors have been assigned to this logistics effort, which has been compared to Hannibal crossing the Alps with his elephants.⁸ Our system is reportedly so advanced that the United States will have the capacity to track a coffeepot back home.

However, there are no contingency plans underway to provide emergency protection to our Iraqi employees. This is a dangerous oversight, which sets us on a path that is well-worn with tragedy.

What is Past is Prologue: the Lessons of Withdrawal

We know full well what will happen if our efforts amount to too little, too late. The history of withdrawal is a bloody churn of assassination and reprisal, targeting those who ‘collaborated’ with the departing power.⁹ Montagnards who assisted U.S. Special Forces in Vietnam fled the country alongside hundreds of thousands of South Vietnamese Boat People in 1975. Similarly, the Hmong, who were backed by the U.S. to confront

the Vietcong in Laos became prime targets upon our withdrawal from Vietnam and the subsequent overthrow of the Lao kingdom.¹⁰ France’s withdrawal from Algeria in 1962 is scarred by the abandonment of the harkis, Algerians who had served alongside the pied-noirs. Tens of thousands were left behind to face torture and assassination in public squares.¹¹

The history of targeting collaborators even runs through our own blood, beginning in the closing months of the American Revolution, when tens of thousands of Loyalists were subjected to reprisals and persecution by Americans.¹²

Violence against collaborators in Iraq is not imagined or new. In 1933, Iraqis massacred thousands of Assyrians who had been in league with the recently-departed British. The ensuing massacre of 3,000 at Sumayl contributed to Raphael Lemkin’s coining of the term genocide.¹³

In the current war, there has been a steady but brutal bloodletting of Iraqis who have assisted American and Coalition forces. (SEE PAGES 19-20 AND 35-36 FOR AN ANALYSIS) While the full scale of violence will likely never be known with certainty, hundreds and likely thousands have already been slain. Many more have been abducted, tortured, raped, and forced to flee as a result of their collaboration.

The consequences of not having any plans for helping Iraqi employees upon our withdrawal have already reared their head. The British conducted little contingency planning throughout their withdrawal from Basrah in Southern Iraq. As they withdrew, militias systematically hunted British-affiliated Iraqis, warning them to “get out or die.” In a single mass killing, 17 interpreters were assassinated; their bodies were strewn throughout the streets of Basrah.¹⁴

Compounding the urgency, the terrorist group which is responsible for the slaying of many U.S.-affiliated Iraqis over the years, the Islamic State of Iraq, has just issued its strategic plan, which

the List Project has examined.¹⁵ There are clear references to steadily and patiently targeting U.S.-affiliated Iraqis in the wake of our departure. The perception, however desirable, that the ‘surge’ eliminated the possibility of terrorist groups to carry out complex and high-impact attacks ignores the numerous attacks of the past few weeks alone which have killed scores. The Islamic State of Iraq, an umbrella organization which includes Al-Qaeda in Iraq, has claimed responsibility for these most recent attacks, several of which targeted foreign embassies.¹⁶

We ignore these signs at great moral peril.

Recommendations: What Can The United States Do?

President Obama himself has spoken forcefully in favor of strong action and about the moral obligation the United States owes to the refugees and U.S.-affiliated Iraqis. While campaigning, he has blasted the slow pace of processing, and spoke of the need to be ‘bold.’

Keeping this moral obligation is a key part of how we turn the page in Iraq. Because what’s at stake is bigger than the war – it’s our global leadership. Now is a time to be bold. We must not stay the course or take the conventional path because the other course is unknown. To quote Dr. Brzezinski - we must not allow ourselves to become “prisoners of uncertainty.”¹⁷

We know where the conventional path leads. The path we are currently on will not work quickly enough when our Iraqi employees need it most. Too many have been lost already, and those losses are likely to accelerate in the security vacuum created amidst our withdrawal.

In this paper, we argue that while our principal recommendation may seem unconventional on its face, it draws from a rich history of precedent, whereby America has swiftly moved high-priority refugees while maintaining the integrity of the security process. We have researched these examples, which we colloquially refer to as the “Guam Option” because of the role that our base on that island has frequently played in airlifting

and processing refugees. We hope that a fuller understanding of the effectiveness and efficiency of this option may broaden the Administration’s thinking beyond the conventional path.

In the end, the easiest tonic to uncertainty is to study and embrace what we as a nation have already been capable of in the past.

In particular, the List Project calls for the President, his Administration, and Congress to take the following steps in order to fulfill our moral obligation to the Iraqis who have stood by us for so long. (SEE PAGES 35-41 FOR MORE DETAILS)

1. Initiate Contingency Plans for a Guam Option

In a war that has rarely presented silver bullet solutions, this comes close. The President should order the development of plans for a Pentagon-run airlift of eligible Iraqis to a base such as Guam for processing. While the same security checks take place, the myriad bureaucratic hurdles presented by operating in a war zone are eliminated, all the while keeping our Iraqi allies safe.

The Guam Option is not a novel idea. The United States evacuated 7,000 endangered Iraqis to Guam in 1996. Similar efforts at the end of the Vietnam War led to the resettlement of over 130,000 Vietnamese by the end of 1975.

As you will learn in this report, our primary Coalition Allies have routinely conducted airlifts of their Iraqi employees (in the case of the U.K., somewhat belatedly) directly to military bases upon their withdrawal. The U.K., Poland, and Denmark did not erect year-long bureaucratic hurdles for their Iraqi employees, but airlifted them using a secure process. The United States should begin making plans to do the same.

2. Account For and Consult With Currently-Employed U.S.-affiliated Iraqis

Each of the many American contractors, federal agencies, and NGOs has employed Iraqis throughout the war. However, there are no firm figures on the total number of Iraqis. In

Washington, this absence of information makes policy planning subject to guesswork and imagination, hindering our ability to effectively plan or protect our Iraqis in the coming year of withdrawal.

We therefore recommend a systematic count of all the current and former Iraqi employees. Any count of U.S.-affiliated Iraqis should also coincide with consultation about what will or will not happen to them during the withdrawal, so as to help choose the best course for them and their families.

3. Remove Nonsensical Consular Interpretation to improve SIV Program

During the previous administration, the State Department, decided to implement the 2008 legislation pertaining to the Special Immigrant Visa in an artificially narrow manner. The consular interpretation has arbitrarily interpreted the statute to deny visas to Iraqis who worked for certain American agencies based on legal technicalities. (SEE PAGES 43-44 FOR A MORE DETAILED ANALYSIS)

This interpretation substantially narrows the availability of visas for Iraqi allies in contravention of bi-partisan Congressional intent, which recognized a moral obligation and called upon resettlement actors to admit 25,000 U.S.-affiliated Iraqis. The Iraqis denied visas under this interpretation face no fewer risks than those who are eligible; insurgents in Iraq do not target U.S.-affiliated Iraqis on the basis of obscure U.S. Government funding mechanisms.

The State Department Legal Adviser can revise this interpretation at his discretion; this analysis recommends that he do so in order to effectuate Congress' intent and permit more U.S.-affiliated Iraqis to take advantage of the visa program created for them.

4. Increase Congressional Oversight of How the Withdrawal Plans will Protect our Iraqi Employees

Congress, which has led on this issue over the years, deserves to hear the administration's plans for addressing increased risks to U.S.-affiliated Iraqis in the context of our withdrawal. This analysis recommends that Congress conduct such a hearing in order to ensure that the administration makes and receives adequate resources to keep our Iraqi allies safe and secure.

As you will learn from this report, President Ford did not seriously turn his attention to the imminent threat to the tens of thousands of South Vietnamese helping the U.S. until the final weeks of the war. The last-minute request for emergency funding was rejected by a Congress wary of an absence of sound planning. The consequences of this eleventh-hour scramble have lingered painfully in the American conscience for decades.

5. Devote Sufficient Resources and Staff for Affiliate and Refugee Processing

All of these recommendations will require staff time, resources, and commitment. This analysis therefore recommends that the Administration and Congress commit the budget, personnel, and will to ensuring that these recommendations become reality.

To do less not only will reflect negatively on our sense of moral responsibility, but will be used as a weapon against us as we seek to win the hearts and minds of Afghan citizens who must put themselves at risk versus the Taliban if we are to achieve our objectives of denying long-term safe haven to Al Qaeda in Afghanistan.

بسم الله الرحمن الرحيم

((ولن ترضى عنك اليهود ولا النصارى حتى تتبع ملتهم))

إلى بيت الرافضي ([REDACTED])

الأنذال يا من بعتم دينكم وأهلكم بعرض من
الدنيا لقد تبين أنكم من الذين خانوا عهد الله
ورسوله وإنكم تحاربون المجاهدين بأفكاركم
وأعمالكم لذا نمهلك ثلاثة أيام للخروج من بيتكم
نهائيا و إلا فالعقاب العقاب...

وقد أعذر من انذر



مجلس شورى المجاهدين

In the Name of God, the Most Gracious, Most Merciful

"Never will the Jews or the Christians be satisfied with thee unless thou follow their form of religion."

To the house of the infiltrator [Name redacted], the depraved, who sold your religion and family for a cheap offer. It is clear that you betrayed God's will and his messenger with this act. You are fighting al-Mujahideen, thus we will give you three days to leave your house or you will be punished.

Due notice...

Mujahideen Shura Council

Note: the Mujahideen Shura Council morphed into the Islamic State of Iraq in late 2006.

II. Introduction

A. About This Report

While Iraq has sundered the predictions of most experts, we at the List Project hope that the predictions within this report are proven wrong. Unfortunately, there has been a steady and merciless grind of history that suggests otherwise. We ignore it at great cost.

We have released this report to coincide with the 35th anniversary of the fall of Saigon, which marked the end of the Vietnam War and the beginning of a seismic refugee crisis. President Ford and his National Security Council only turned their attention to the possibilities of evacuating our South Vietnamese employees in the final few weeks of a very long war. As a result, many thousands were left behind, lost to the reeducation camps and worse fates.

In response to this tragedy, the United States eventually did the just thing by admitting hundreds of thousands of Vietnamese Boat People. Our principal goal in this paper calls upon our nation to rise to this moral imperative *before* a tragedy unfolds in the vacuum created by our withdrawal from Iraq.

In only four months, the United States will have withdrawn roughly half of our nearly 100,000 forces from Iraq. According to the Status of Forces Agreement, we will re-deploy the bulk of our remaining forces in the subsequent twelve months. While our military footprint is rapidly changing, the United States still has the time and resources available to conduct and implement contingency planning with respect to the many thousands of Iraqis still working alongside America as interpreters, engineers, and civil society experts.

America has made positive strides in the past few years by resettling thousands of Iraqi refugees who have been displaced by the war. The process we have emplaced, however, will not work quickly enough for our Iraqi employees when they need it the most; Iraqis typically are

made to wait up to a year and frequently longer under the current system before they have a chance at safety.

The window of opportunity to do the just thing is closing rapidly. Failure to act on these recommendations, which draw from the lessons of the history of withdrawal and refugee resettlement, will likely result in a redux of the last-second planning and abandonment documented on the rooftops of Saigon thirty-five years ago.

The benefits of forestalling tragedy extend beyond any moral framework: from a strategic perspective, we will be hard-pressed to find Afghans eager to work alongside Americans if such service is perceived as a one-way path to abandonment.

This report covers:

- (1) **The History of the Iraqi Refugee Crisis:** The origins of the refugee crisis and the plight of U.S.-affiliated Iraqis;
- (2) **Progress of the U.S. Response to Date:** The shape, scale, and effectiveness of the American response to the crisis thus far;
- (3) **The Past as Prologue:** The dangers that loom for U.S.-affiliated Iraqis in the coming year, as informed by an analysis of prior withdrawals throughout history; and
- (4) **Recommendations for a Just Withdrawal:** A clear set of recommendations for preventing a catastrophe for U.S.-affiliated Iraqis.

B. About the List Project

In November 2006, an Iraqi employee of USAID was photographed by a militia as he left the Green Zone. The next morning, "Y" (real name withheld), found a severed dog's head on his front step, with a note pinned to it, stating "your head will be next." When the U.S. government offered him no help, "Y" and his wife packed

what they could carry and, after years of service to America, fled Iraq. In December 2006, he wrote in desperation to Kirk W. Johnson, a former colleague at USAID who worked in Baghdad and Fallujah as Regional Coordinator for Reconstruction throughout 2005.

Johnson wrote an op-ed in the *Los Angeles Times*¹⁸ describing Y's plight and calling on the U.S. to save those Iraqis imperiled by their belief in America and its state-building effort. Soon thereafter, Johnson began hearing from many others who had endured similar fates. He began documenting the names and whereabouts of former Iraqi colleagues and found that nearly 70% of the Iraqis he had worked with throughout 2005 had fled to Syria, Jordan, the UAE, and other countries. Within weeks, his list had grown dramatically.

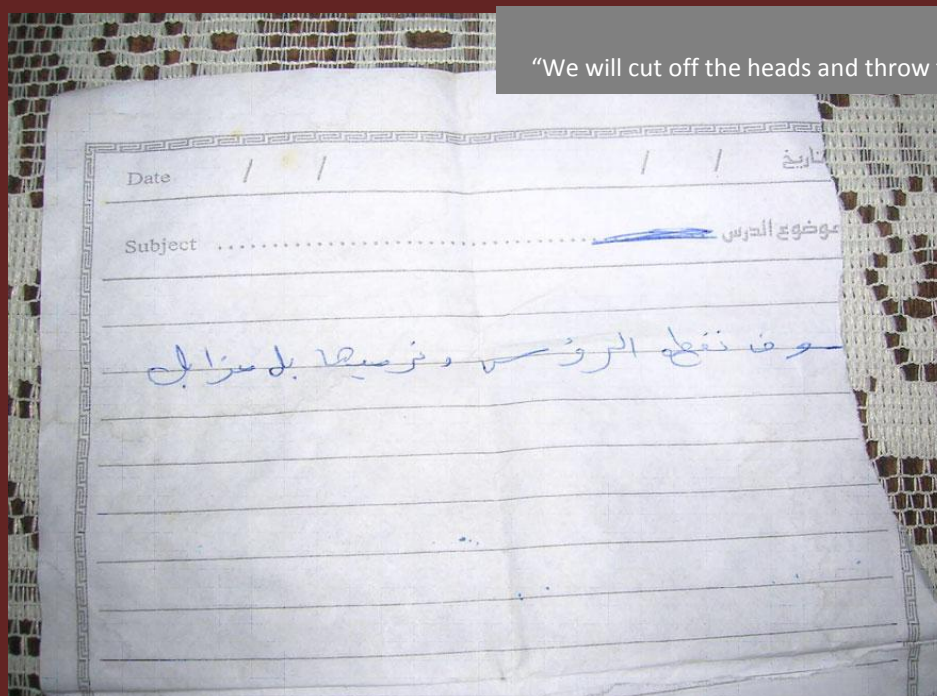
When he had accounted for the whereabouts of all of his former USAID colleagues, Johnson delivered his List to the State Department's Bureau of Population, Refugees, and Migration (PRM) in Washington DC, as well as the United Nations High Commissioner for Refugees (UNHCR). Following these meetings, the State Department committed to referring the names of the Iraqis on the List to UNHCR for priority

processing.

As more and more Iraqis, Foreign Service Officers, veterans, and aid workers heard about the List, they referred names of U.S.-affiliated Iraqis to the List Project for help. Now several thousand names long, the List is the largest in existence.

The List Project has created a ground-breaking model of assistance, marshaling the expertise of hundreds of attorneys from three top law firms¹⁹ – Holland & Knight, Mayer Brown, and Proskauer Rose – to provide tens of thousands of hours of *pro bono* assistance to the Iraqis on the List, helping them navigate a labyrinthine resettlement process.

To date, nearly 700 Iraqis on the List have been resettled to safety in the United States. Thousands remain imperiled in the region, either as refugees in neighboring countries or as internally-displaced persons within Iraq. Despite the public perception that Iraq has been pacified by the surge, the List Project receives new applications from endangered U.S.-affiliated Iraqis on a daily basis, and anticipates a spike in the coming months of withdrawal.



Y's Threat Letter

"We will cut off the heads and throw them in the trash."

III. History of Flight: the Crisis of Iraqi Refugees and those who Helped America

A. The Iraqi Refugee Crisis

In the run-up to the 2003 Iraq invasion, many feared a refugee crisis would ensue as Iraqis fled combat. Considerable effort went into planning for this contingency,²⁰ but this anticipated refugee crisis did not materialize: the war did not immediately prompt the displacement or exodus that many feared. In the initial aftermath of combat operations, the refugee situation even improved; between 2003 and 2005, some 325,000 Iraqi refugees repatriated after having fled during the regime of Saddam Hussein.²¹

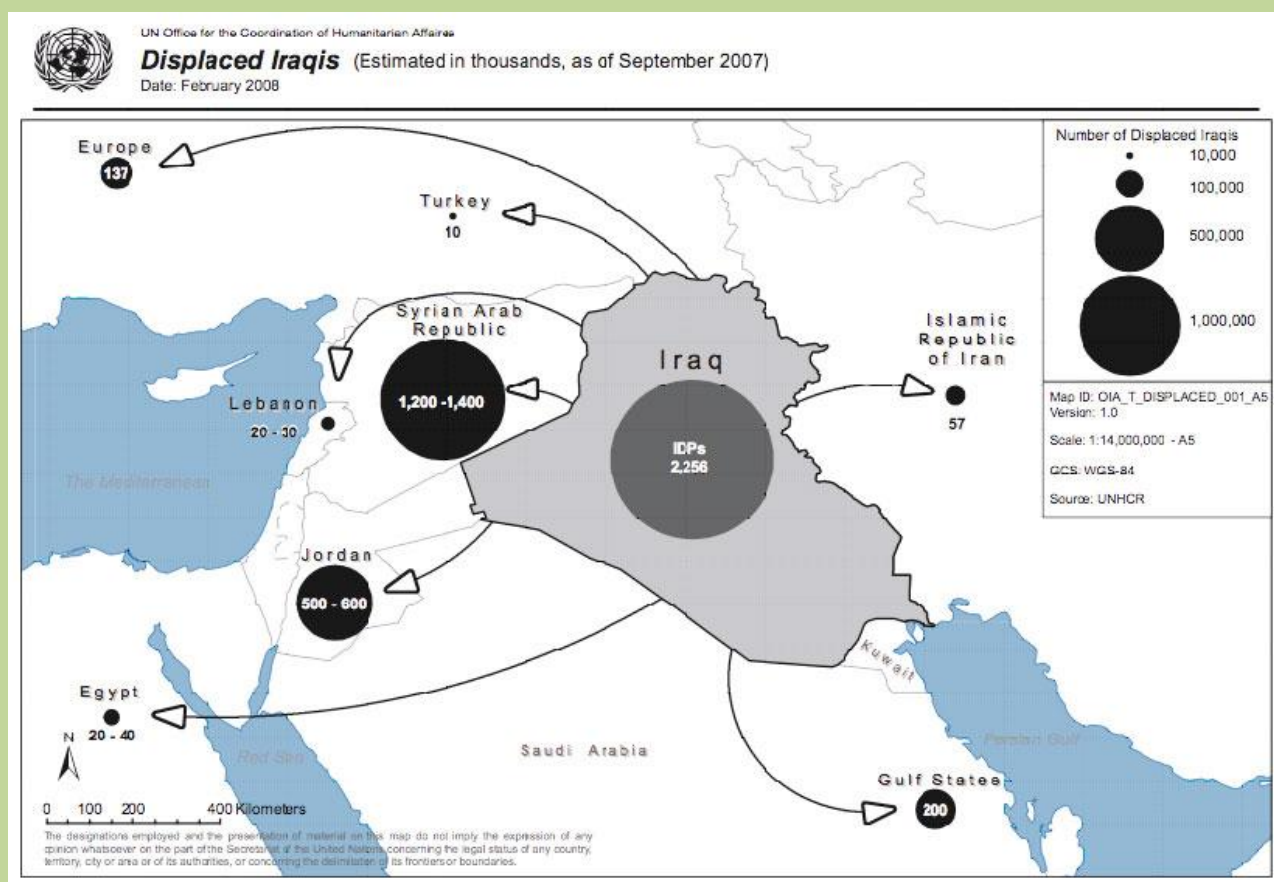
However, as sectarian violence escalated in 2005 and 2006, the security situation deteriorated and displacement exploded. Most importantly, the February 2006 bombing of the Al-Askari Mosque in Samarra, and the civil war that followed, sparked massive waves of displaced people

beyond Iraq's borders.²² This exodus constitutes the largest movement of refugees in the Middle East since the founding of the State of Israel.

This violence dramatically reversed the favorable repatriation trends of 2003; tens of thousands of refugees left Iraq each month, and thousands of others were displaced internally.²³ By the end of 2006, roughly four million Iraqis had fled. Iraq and neighboring states struggled to provide basic humanitarian assistance, and appeals issued by the UNHCR called upon the international community to act.²⁴

The U.S., which had admitted a mere 202 Iraqi refugees in 2006, committed to resettling more Iraqis, but the bureaucracies with the responsibility to operationalize this commitment were inadequately funded and staffed to swiftly ramp up any ambitious efforts.²⁵

The scope of the refugee problem has grown substantially. Since 2006, the number of



displaced Iraqis has peaked at almost five million.²⁶ As of March 2010, some 2.8 million remain within Iraq as internally displaced persons (IDPs).²⁷ To be sure, the scope of daily violence has diminished considerably in the past two years. This has prompted a few hundred thousand Iraqis – the vast majority of which are IDPs – to return to their provinces. While the estimates of those displaced outside of Iraq as refugees vary widely and have been the subject of much debate, it is certain that hundreds of thousands of Iraqis are scattered across Syria, Jordan, and other countries throughout the region and beyond.²⁸ These refugees face uncertain futures as host countries strain to support massive amounts of Iraqi refugees amidst dwindling international attention.²⁹

B. The Plight of U.S.-affiliated Iraqis

Within the much larger Iraqi refugee crisis, U.S.-affiliated Iraqis present a unique problem. Their work for the United States puts them at great risk of violence from insurgents and other Iraqis who perceive them as collaborators or traitors. Our embassy in Baghdad has been aware of the threats to Locally-Engaged Staff (LES) since early on in the war. In 2005 a cable surfaced in which they described the scale of violence already underway:

[I]nsurgents' intimidation campaign has touched our LES corps personally: two of our LES employees have been gunned down in execution-style murders, and two others barely escaped a similar fate in August. Our LES employees live in fear of being identified with the Embassy of the U.S. For the first half of 2005 ten of 14 [resignations] were due to security concerns. Of 58 job offers, thirteen employees did not show up for work or resigned within 30 days. The reality is that the embassy can offer them little protection outside the International Zone (IZ) and is not in a position to grant their repeated requests to house them and their families within the IZ.³⁰

The situation for U.S.-affiliated Iraqis continued to deteriorate, prompting another cable which eventually leaked in June 2006:

[e]mployees began reporting a change in demeanor of guards at the green zone checkpoints. They seemed to be more militia-like, in some cases seemingly taunting.

One employee asked us to explore getting her press credentials because guards had held her embassy badge up and proclaimed loudly... 'Embassy' as she entered. Such information is a death sentence if overheard by the wrong people... a few staff members approached us to ask what provisions would we make for them if we evacuate.³¹

These threats are not imagined. Johnson lost several colleagues at USAID to assassination, and many Iraqis on the List working for other contractors and reconstruction implementing partners have faced the same danger and threats. An internal investigation by just one contractor, conducted in May 2008, identified hundreds of cases of injury, abduction, and murder of U.S.-affiliated Iraqis at the hands of insurgents.³²

Despite the perception that the surge has pacified Iraq, the country is still unsafe for most of the Iraqis who have played a critical role supporting U.S. efforts there. In addition, many U.S.-affiliated Iraqis currently live alongside Americans on military bases and in protected compounds. As our military footprint shrinks and hundreds of bases are dismantled in the coming months, our ability to provide even the most basic level of protection for our Iraqi staff will diminish accordingly. Once U.S.-affiliated Iraqis are 'cut loose,' they will be at the mercy of insurgent groups and militias that have already assassinated hundreds, if not thousands of our employees.

The Islamic State of Iraq, the umbrella organization composed of many insurgents and terrorists – including Al-Qaeda in Iraq – has been responsible for the assassination of many U.S.-affiliated Iraqis.³³ This group recently published its strategic plan for the coming period of U.S. withdrawal. The List Project has translated several sections of the document, which lays out a clear and murderous intent. With respect to Iraqis perceived as serving U.S. interests, their "balanced military plan" is simple: "1) nine bullets for the traitors and one for the crusaders, 2) cleansing, and 3) targeting." They are patient: "this cannot be accomplished within one or two months, but requires continuous effort."

The ISI and Al-Qaeda in Iraq have mounted numerous large-scale attacks through the month of April 2010 alone: a triple suicide car bombing targeting foreign embassies in early April killed scores.³⁴ On April 23, days after the killing of two top Al-Qaeda leaders in Iraq, twelve ISI bombs killed at least 58 more throughout Baghdad.³⁵

Although they constitute a small part of the overall refugee crisis, U.S.-affiliated Iraqis are the most imperiled. The United States has a clear and urgent moral and strategic obligation to ensure that they are not left behind to face the ISI and Al-Qaeda in Iraq.

“Baathists, those involved in Saddam's government, Takfiris and Wahhabis [extremist Sunni Muslims] are all our enemies...[S]o are the occupation armies and those helping them. Interpreters are not working for the good of Iraq, they are working for invading powers, they are traitors and are to be punished like traitors.”³⁶

Abu Kamael

Jaysh al-Mehdi Militia Member

"A History of a Future"

By Fady Aqrabi, an Iraqi on the List

It was back in 2003 when the history of my future began. Before this date, everything was as casual time as any other lived in parts and corners of Iraq. As any other kid of my age in 2003, I was waiting to finish my high school to go to college. Any young person not enrolled in college would have been obliged to join the Iraqi Army.



Once the U.S. war with Iraq began, the choice was no longer mine. April 2003 was the time when everything had changed, it was too dangerous to attend school and most of the male students my age feared that the Bath Party members would force us into Army service. With a great command of the English language and a desire to help my country, I looked to the American Army for a position as a translator. I had seen that since the start of the war there weren't enough interpreters and confusion was rampant.

Deciding to work with Americans was a turning point for me, because many things had changed, I no longer felt the fear that I had before. Working with the U.S. forces gave me the opportunity to work towards a free and democratic Iraq. In recognition of my services I received two appreciation certificates and my fellow friends were supporting the job I did and were hoping to find a similar job for themselves.

However, it wasn't long before the violence escalated and in 2004 my home, Mosul, had become a battleground. Iraqis who helped Americans felt themselves in grave danger. Overnight the friends you knew turned against you, giving information about your whereabouts to insurgents and terrorists. Two of my friends who worked with Americans were beheaded, their murders caught on camera and sold in the open markets, labeled "Punishment of Traitors".

Panic surrounded everyone who helped the Americans, Mosul fell under insurgency's control, police members left their positions in police-stations and many joined the insurgency, providing weapons, vehicles, radios, and information. I sought refuge in a Monastery, keeping a low profile of myself, trying to avoid people around me. One night the police came to the monastery for a weapons check and I hid in the Church fearing they were searching for those who worked for the Americans, the so-called "traitors."

The situation was unbearable and I knew I would be killed or kidnapped. I made my escape to Syria, and then fled to Turkey, where I connected with the List Project. After two years, I was resettled to New England in September 2009 thanks to the help of my attorneys at Holland & Knight. Here in the U.S., I am starting another chapter of life that is full of surprises, forming another future that I desperately long to have on the land of Uncle Sam!

C. Evolution of American Efforts

2006-2009 – Bush Administration

As the scope of the 2006 refugee crisis became clear, the United States appeared to have been caught unprepared. Neither the Bush Administration nor Congress articulated any commitment to resettling refugees until a full year after the Samarra bombing. Resettlement of any substantial numbers of refugees in the United States took another year. Efforts at resettlement were mired within tremendous inertia in the Bush Administration and Congress.

The slow rate of Iraqi refugee admissions prompted the late Senator Edward Kennedy to hold the first Congressional hearing on the issue of displacement in January 2007.³⁷ The Bush Administration soon responded with a commitment to admit 7,000 Iraqi refugees under the USRAP for the 2007 fiscal year,³⁸ but missed this modest target by a wide margin, admitting only 1,608 Iraqis.³⁹

Spurred by a flurry of media coverage of a steadily-spiraling crisis, pressure began to mount. In the spring of 2007, Ambassador Richard Holbrooke noted the Bush State Department's glacial pace of refugee processing in the context of a book review about the few brave consular officers who ignored instructions to delay processing visas during World War II.⁴⁰ He drew special attention to the uniquely dangerous plight of U.S.-affiliated Iraqis left behind⁴¹ and warned of the diplomatic indifference of the 1930's repeating itself in the modern Middle East: "That the sorry story of the 1930s is being repeated -- with so little public outrage -- is more than disturbing; it is shameful. Why is the White House doing so little?"⁴²

Ryan Crocker, then ambassador to Iraq, cabled in September 2007 that the United States process for refugee resettlement took far too long and that the administration was not devoting sufficient resources to the refugee problem.⁴³ The administration responded with the

appointment of a State Department coordinator for Iraqi refugees and modest increases in the availability of resources.⁴⁴

Shortly after Ambassador Crocker's cable became public, Samantha Power, then a campaign advisor for Senator Barack Obama and now Senior Director for Multilateral Affairs at the National Security Council, wrote forcefully about the crisis.⁴⁵ Highlighting the need to make the refugee crisis a central element of any future plans in Iraq, she wrote, '[i]t is long past time that we stop simply debating the "fate of Iraq" and start addressing the fate of Iraqis."⁴⁶ Senator Obama took up the issue on the stump, blasting the bureaucracies:

We must also keep faith with Iraqis who kept faith with us. One tragic outcome of this war is that the Iraqis who stood with America - the interpreters, embassy workers, and subcontractors - are being targeted for assassination. An Iraqi named Laith who worked for an American organization told a journalist, "Sometimes I feel like we're standing in line for a ticket, waiting to die." And yet our doors are shut. In April, we admitted exactly one Iraqi refugee - just one!

That is not how we treat our friends. That is not how we take responsibility for our own actions. That is not who we are as Americans. It's time to at least fill the 7,000 slots that we pledged to Iraqi refugees and to be open to accepting even more Iraqis at risk. It's also time to go to our friends and allies - and all the members of our original coalition in Iraq - to find homes for the many Iraqis who are in desperate need of asylum.

Keeping this moral obligation is a key part of how we turn the page in Iraq. Because what's at stake is bigger than this war - it's our global leadership. Now is a time to be bold. We must not stay the course or take the conventional path because the other course is unknown. To quote Dr. Brzezinski - we must not allow ourselves to become "prisoners of uncertainty."⁴⁷

Recognizing the untenable nature of such a languorous resettlement process, a broad, bi-partisan coalition of Senators led by Kennedy introduced the Refugee Crisis in Iraq Act,⁴⁸ which

called on the government to develop a comprehensive approach to meet the needs of Iraqi refugees, particularly to those affiliated with the United States. Senator Kennedy argued: “America has a special obligation to keep faith with the Iraqis who now have a bulls-eye on their back because of their association with our government.”⁴⁹

This legislation sought to facilitate the resettlement of Iraqis who face immediate threat or danger due to their affiliation with the U.S. government in Iraq or government contractors. It also created 25,000 Special Immigrant Visas (SIV) for U.S.-affiliated Iraqis who have worked for the U.S. military and contracting companies in Iraq for a minimum of one year, to be administered at the rate of 5,000 per year.⁵⁰

The Refugee Crisis in Iraq Act ultimately passed as part of the National Defense Authorization Act for Fiscal Year 2008.⁵¹

2009 – 2010 – Obama Administration

As the general level of violence has decreased, and the U.S. withdrawal process has begun, the Obama Administration has shifted priorities to focus more intently on facilitating returns of refugees and IDPs.⁵²

In late 2009, Samantha Power of the NSC and Eric Schwartz, Assistant Secretary of State for Population, Refugees, and Migration, traveled to Iraq and the region for a review of the refugee crisis; Schwartz’ subsequent report focused on the importance of maximizing the return and reintegration of displaced Iraqis from whence they came: “Voluntary return and reintegration of displaced Iraqis will be critical to [Iraq’s] well-being, and we will continue to focus our energy and resources in support of these efforts.”⁵³ On her return, Power laid out a vision for the administration’s approach to the refugee crisis focusing on (1) protection via resettlement, (2) protection via support for UNHCR, and (3) furthering the long-term goal of returns.⁵⁴

While the List Project fully supports these policies in principle, they cannot come at the expense of our ability to provide swift resettlement to U.S.-affiliated Iraqis as America withdraws from Iraq. The Iraqis on the List have overwhelmingly indicated that they see no future for themselves in Iraq. Furthermore, the steady flow of applicants to the List confirms that the lethal dangers faced by U.S.-affiliated Iraqis have not disappeared as a result of decreased violence. While the Obama administration is staffed with officials who have demonstrated a keen understanding of the refugee crisis, we hope that they do not fall prey to the optics and politics of ‘perception;’ that Iraq is now ‘safe,’ out of the newspapers, and therefore our Iraqi employees must not be in any danger.

D. Process and Progress

Since 2008, under the Administrations of both Presidents Bush and Obama, the Departments of State and Homeland Security have implemented many of its directives, through two principal programs: the U.S. Refugee Admissions Program (USRAP) and the SIV program.

U.S. Refugee Admissions Program (USRAP)

USRAP requires an Iraqi wishing to resettle in the United States to obtain a referral from UNHCR, the local U.S. embassy, or certain NGO’s,⁵⁵ and meet certain qualifications, such as employment with the United States or a contractor in Iraq.⁵⁶ This program has been the primary ‘mover’ of Iraqi refugees over the past few years, responsible for admitting 34,470 Iraqis in FY2006-2009, a small portion of which have been U.S.-affiliated Iraqis.

At the direction of Congress, the State Department established In-country refugee processing in Iraq, which began in June 2008. Rather than forcing Iraqis to flee and become refugees before they can even have a chance at resettlement, In-Country processing allows them to initiate their applications within Iraq.

Special Immigrant Visa Program (SIV)

The Special Immigrant Visa was created by Congress to grant special visas for Iraqis and Afghans assisting the U.S. abroad. Its history is one of starts and sputters, and remains an underutilized tool. Since FY2007, the State Department has issued 4,634 SIVs to Iraqis, but this does not reflect the total number of Iraqis actually admitted.

Unfortunately, admissions still lag well behind the Congressionally-intended goal of 5,000/year. As those that aren't used roll over to the following year, there are still well over 15,000 available SIVs as intended by Congress.

Hard #'s of Progress

Through the U.S. Refugee Admissions Program, there has been a significant increase in admissions over the past three years. The spike in numbers masks a simple problem, however: **less than 10% of the Iraqis arriving to America through this program** (through the Direct Access Program) **are U.S.-affiliated Iraqis**. While we applaud the protection given to these other Iraqis, we know that resettlement must be granted to the direst cases, as we obviously cannot resettle the millions of the displaced. It is our contention that Iraqis who have worked for the U.S. are the most imperiled, and on that front

Table 1: Iraqi Refugee Admissions to the United States, Fiscal Years 2006 through 2009

| Fiscal year | Referred from UNHCR, embassies, and certain NGOs | Applied through Direct Access Program | Other | Total |
|--------------|--|---------------------------------------|------------|---------------|
| 2006 | 183 | 0 | 19 | 202 |
| 2007 | 1,592 | 0 | 16 | 1,608 |
| 2008 | 13,600 | 187 | 35 | 13,822 |
| 2009 | 15,758 | 2,905 | 175 | 18,838 |
| Total | 31,133 | 3,092 | 245 | 34,470 |

Source: State.

Note: Other includes family members of persons lawfully admitted to the United States as refugees.

Table 2: Special Immigrant Visas Issued to Iraqis, Fiscal Years 2007 through 2009

| Fiscal year | Principal applicants | | Dependents | |
|--------------------------------------|----------------------|---------------|---------------|--------------|
| | Number authorized | Number issued | Number issued | Total issued |
| Section 1059^a | | | | |
| 2007 | 500 | 429 | 383 | 812 |
| 2008 | 500 | 357 | 350 | 707 |
| 2009 | 50 | 28 | 59 | 87 |
| Total | 1,050 | 814 | 792 | 1,606 |
| Section 1244 | | | | |
| 2008 | 5,000 | 169 | 125 | 294 |
| 2009 | 5,000 | 1,406 | 1,328 | 2,734 |
| Total | 10,000 | 1,575 | 1,453 | 3,028 |
| Section 1059 and Section 1244 | | | | |
| Total | 11,050 | 2,389 | 2,245 | 4,634 |

Source: State.

Note: Issuance data do not indicate number of SIV holders who have been admitted into the United States.

^aThe Section 1059 program targets Iraqi and Afghan translators and their dependents. These data are only for Iraqi SIV holders and do not include Afghan SIV holders.

our admissions policy has not yet succeeded. The systems that have been erected over the past two years have without question saved many lives, but it is ill-equipped to handle any dramatic spikes as the U.S. withdraws from Iraq. As we leave Iraq, the resettlement processes won't work quickly enough to save our Iraqi employees when they most need the protection. (See page 29 for a glimpse of how the process works in ideal [non-war] conditions).

Returns

The improving security situation means that many Iraqis have repatriated, and we can expect more to do so should violence continue to decline in Iraq.⁵⁷ UNHCR estimates that in just one nine month period, between January and October 2009, over 140,000 Iraqis returned to their homes.⁵⁸ A total of 426,000 have returned to their homes since the crisis began.⁵⁹ This figure indicates real progress towards mitigating the refugee crisis and achieving a principal goal of

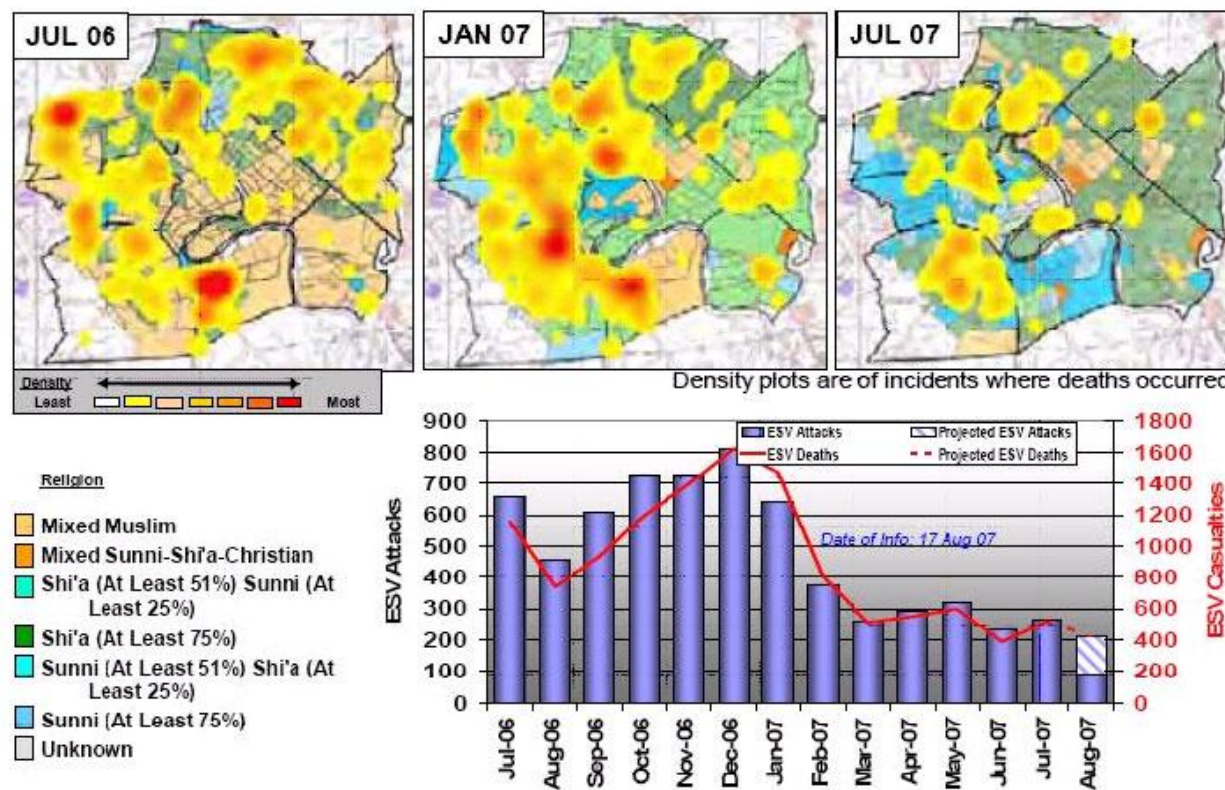
the United States, Iraq, and other stakeholders in the region.

However, a more detailed look at this picture reveals that IDPs, rather than the refugees abroad, account for most returning Iraqis. Research from the International Organization for Migration (IOM) indicates that of the 50,000 families which have returned to Baghdad, only some 8 percent were refugees displaced abroad; the rest were IDPs who had fled elsewhere in Iraq.⁶⁰

The evidence suggests further that returning Iraqis are doing so to areas of the country where sectarian violence and intimidation has already cleared out ethnic and religious minorities.

A Year of Ethnic Cleansing:
While this captures one year of violence, the consequences will be generational
(Source: MNF-I)

Figure 7: Ethno-Sectarian Violence: Baghdad Security Districts



Source: MNF-I

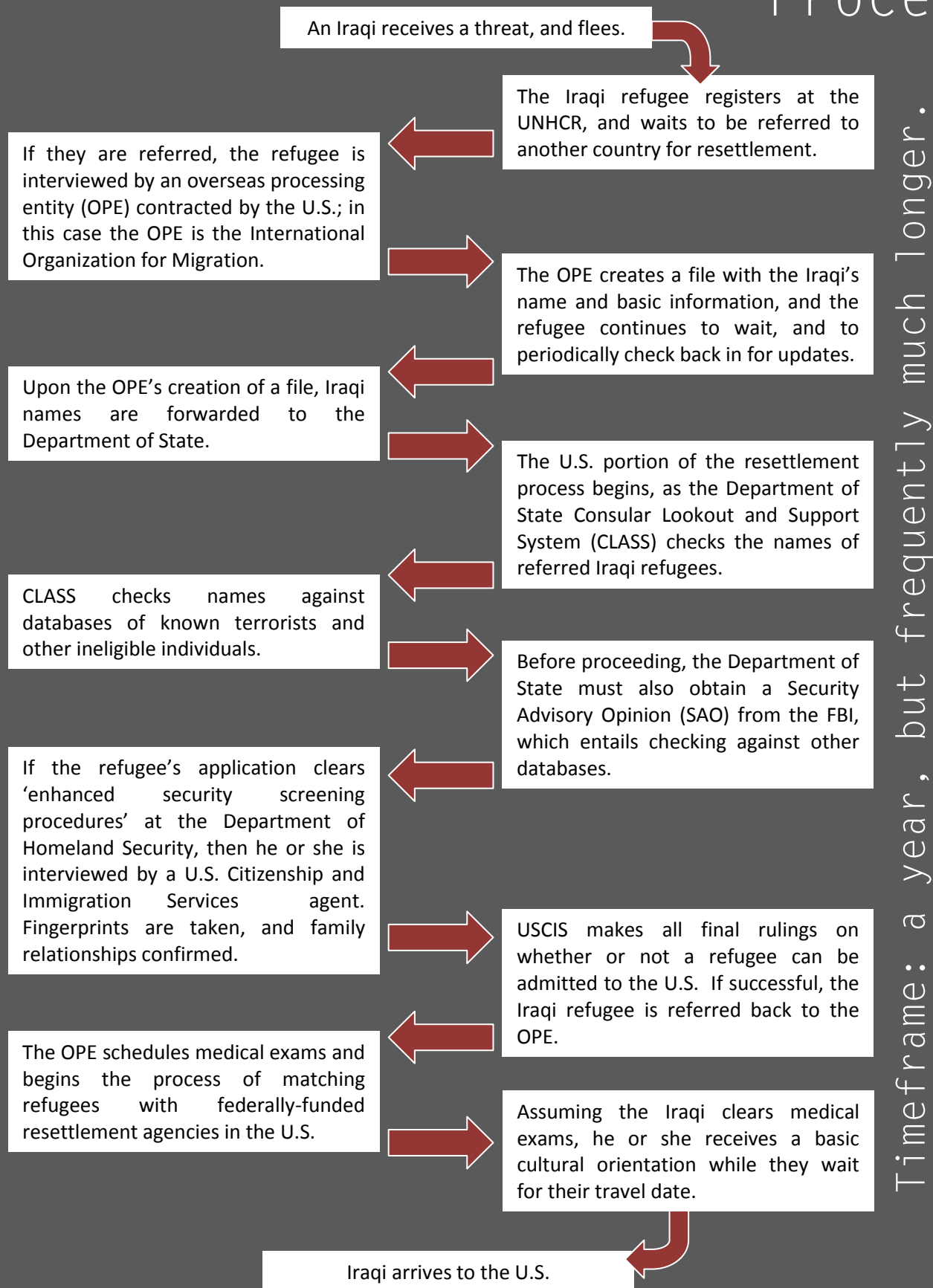
Figure 7 below provides an illustration of this trend as it played out in Baghdad between July 2006 and July 2007.⁶¹ Violence declined as the city became more ethnically segregated: the same story has played out across Iraq generally.

Returns would almost certainly stop if violence in Iraq were to escalate. It bears noting that the UNHCR, which has been the final international arbiter, has deemed conditions on the ground in Iraq unsuitable for any mass returns. In their most recent report, a rather dispirited appeal⁶² against forgetting the millions of still-uprooted Iraqis, the UNHCR states that roughly 2,000 Iraqi refugees are returning each month, a minute fraction of the total displaced. Most of the Iraqis unwilling to return to their homes name fear for their safety within Iraq as their primary reason for not returning.⁶³ Although factors such as the lack of infrastructure and substandard economic opportunity also play a role, concerns about sectarian violence continue to keep most refugees away.⁶⁴

We celebrate the decline in daily violence, and hope that Iraq emerges through this intensely-challenging period of its history in peace, with a representative government. We cannot, however, responsibly predicate planning upon wishful thinking. Any successful strategy designed around the goal of greater returns must also incorporate contingency plans for critically-endangered subsets of the larger displacement population who will be affected by our withdrawal. When considering both moral and strategic imperatives, we believe that it should be self-evident that Iraqis who have worked for the U.S. should be of primary concern.

Without additional contingency planning, the current systems will not be able to withstand the pressure of additional displacement caused by an uptick in violence after the American withdrawal. In particular, a campaign of targeted violence against U.S.-affiliated Iraqis will overwhelm an already-strained resettlement process.

The U.S. Refugee Admissions Process



D. Barriers to Further Progress

Our Iraqi employees are passing through the resettlement system slowly because of legal, procedural, and policy barriers to rapid processing.⁶⁵ Any viable contingency planning for resettlement must successfully dismantle these barriers to effective implementation.

1. Legal Barriers

When the Refugee Crisis in Iraq Act passed, the previous administration's leadership at the Department of State produced a 'consular interpretation' – marching orders to consular officers – that was excessively restrictive and has resulted in many U.S.-affiliated Iraqis being denied access to the SIV program intended for them. This interpretation excludes many U.S.-affiliated Iraqis who the SIVs authorizing statute plainly covers and improperly narrows the pool of endangered Iraqi affiliates to whom the United States can extend safe harbor.

The State Department's implementing guidance documents interpret the authorization included in the SIV organic statute to cover only Direct Hires (DOS and USAID), contract, and subcontract employees of the United States in Iraq.⁶⁶ In practice, this interpretation excludes many agencies operating in Iraq under grants and cooperative agreements, which are commonly-used methods of funding reconstruction initiatives in Iraq. Examples of grantees include the National Democratic Institute, International Republic Institute, and U.S. Institute of Peace, which is funded by Congress, and is required in its bylaws to have the sitting Secretaries of State and Defense on its board.

No reasonable interpretation would conclude that such organizations are not clearly American, or that Iraqis in their employ would not be subject to the same lethal stigma. In contrast, the statutory language clearly specifies that eligibility extends to Iraqis employed "on behalf of the United States."⁶⁷ The statute pointedly does not limit itself to contractor or subcontract employees of the United States.⁶⁸

This interpretation frustrates the Congressional intent of the SIV program that is plain from the statute, namely to extend the possibility of an SIV to Iraqis who served the United States.⁶⁹ It is hard to construe in good faith a just reason for such a nonsensical interpretation.

2. Procedural Barriers

Applicants to both SIV and USRAP have to navigate complex bureaucratic procedures. One independent observer has counted at least nine separate steps required to process a SIV application.⁷⁰ Many of these steps require obtaining official documentation and access to often high-ranking American personnel.⁷¹

Furthermore, the programs do not effectively reconcile their overlapping jurisdiction. The State Department recommends to potential applicants that if they have already begun the USRAP process, that the SIV should be pursued as a second option if their USRAP application is denied.⁷²

Finally, a significant portion of the bottlenecks and delays happen at the security processing stage. The SIV legislation requires that each Iraqi approved to resettle in the United States undergo a background check and appropriate security screening.⁷³ This sensible requirement has, in practice, slowed the pace of resettlement considerably.⁷⁴ The delays caused by this requirement also make little sense for Iraqis who have already held sensitive positions, faced extensive background checks, and undergone polygraph examinations.

USRAP suffers from similar processing delays. Even Iraqis approved for resettlement must still await completion of a Central Intelligence Agency security advisory opinion before leaving for the United States.⁷⁵ The Government Accountability Office (GAO) has determined that a substantial number of Iraqis already cleared for resettlement are still in Iraq because of delays in obtaining these opinions.⁷⁶

3. Policy Barriers

The gradual evolution of American policy from favoring resettlement to favoring returns⁷⁷ will inevitably take a toll on the resettlement process. As policymakers at the top of the foreign policy machinery prioritize returns, resources and attention necessarily flow that way as well. This policy preference further exacerbates the problems of resource deficiency in the processing of resettlement applications and contributes to further delays.

Furthermore, the absence of a policy pertaining to U.S.-affiliated Iraqis in the context of our withdrawal prevents any serious contingency planning.

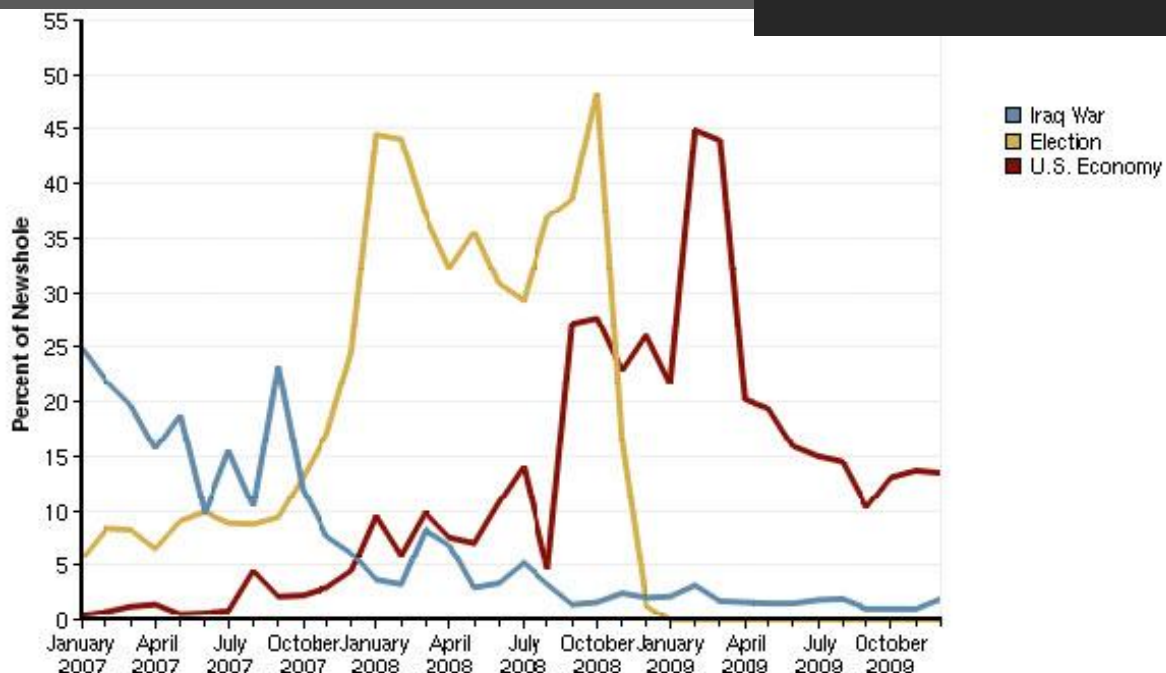
4. Practical Barriers

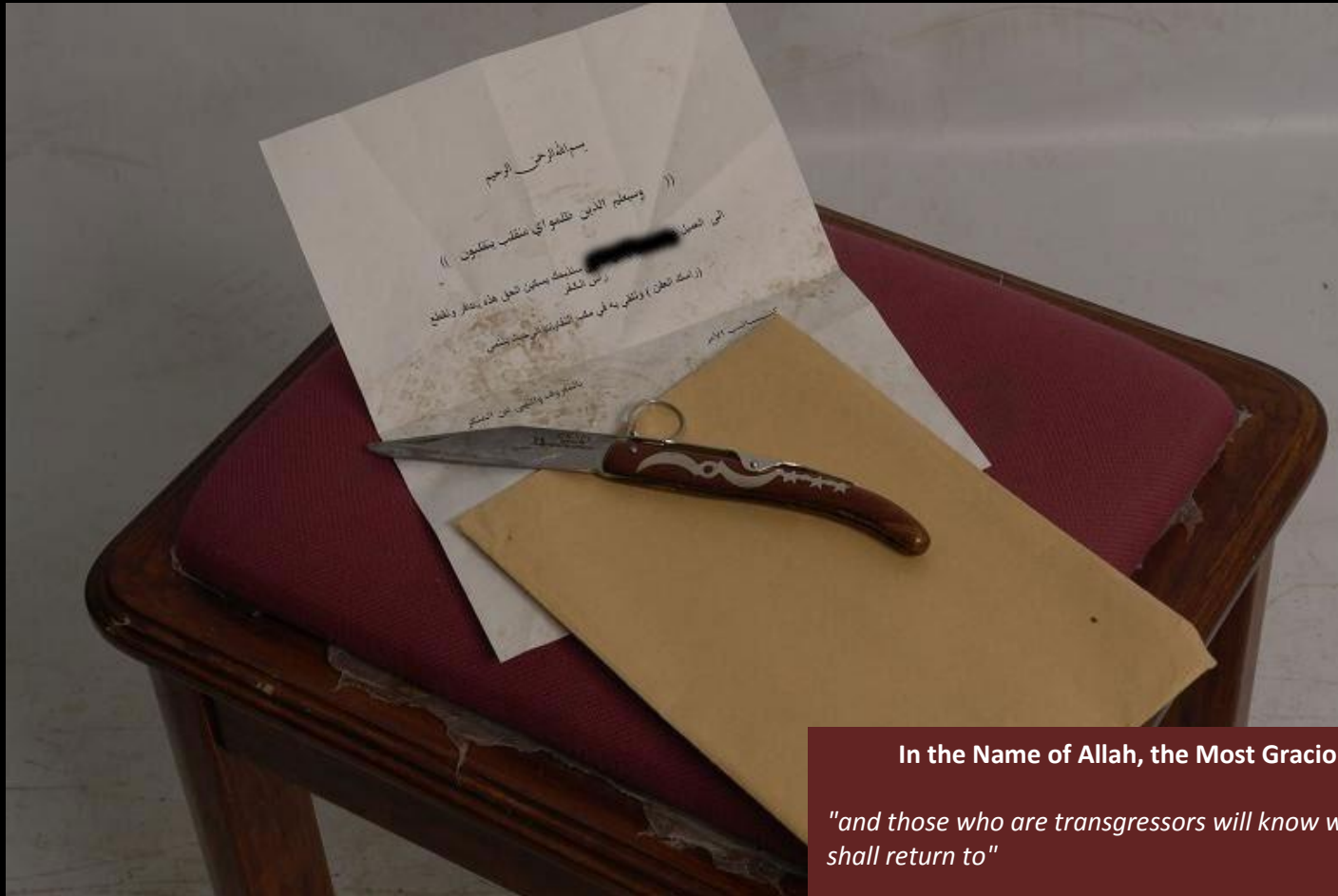
The crisis in Iraq has gradually faded from the public eye. Whereas almost 25 percent of total journalism stories in early 2007 featured conditions in Iraq, that number fell to two percent by the end of 2009.⁷⁸ Although the situation in Iraq remains as fragile and important to U.S. interests as ever, it simply does not command the attention of citizens and

policymakers as it once did.

In addition, combat operations in Afghanistan and Northwest Pakistan have occupied much of the public debate in national security circles recently. Resources and attention have followed, leaving less to satisfy the many needs of American policy in Iraq. U.S.-affiliated Iraqis face the problem of withered attention and resources in an environment where less and less are available.

Iraq slips from a weary public eye
(Pew: "Three Years, Three Stories")





Source: U.S.-affiliated Iraqi on the List

In the Name of Allah, the Most Gracious, Most Merciful

"and those who are transgressors will know what kind of result they shall return to"

To the Agent [Name redacted], with this knife of righteousness we shall slaughter you, infidel. We shall behead your rotten head and through it in the garbage where it belongs.

Promotion of Virtue and Prevention of Vice Brigades

IV. What is Past is Prologue: Lessons for Iraq

In the fall of 2009, The List Project traveled to Syria, Jordan, and Iraq to meet with scores of Iraqis on his List who are currently working for the United States. Executive Director Kirk Johnson was accompanied by Christopher Nugent, Senior Counsel from the law firm of Holland & Knight LLP, which along with the law firms of Mayer Brown LLP and Proskauer Rose LLP has represented hundreds of Iraqis on the List. Many Iraqis traveled days through checkpoints and violence to meet with the List Project team over the span of a week.

In meeting after meeting, Iraqis conveyed an intense fear that their applications for resettlement would not be approved in time; the United States would leave them behind. A former colleague of Johnson's said "It will be the time for revenge. The Americans won't be around anymore, and if you call the Iraqi forces they don't show up for a dozen hours." Despite the decreased general violence, these Iraqis employed the same security precautions used by our Iraqi employees throughout the war. (American-issued badges were hidden in shoes, tucked into socks, for example). U.S. Certificates of Appreciation and Commendation, photos documenting service alongside American diplomats and Marines, and copies of death threats were secreted into our meetings.

Their fears are not far-fetched, but are based on a churn of targeting and assassination of their colleagues that has gone on for years. The prospect of withdrawal is not itself foreign; U.S.-affiliated Iraqis have witnessed the departure of the Coalition Forces of several nations over the past two years. They have seen what has happened to Iraqis who aided the United Kingdom and they are worried. They point to the examples set by other nations such as the UK, Denmark, and Poland and hope that the United States follows their lead.

In the coming pages, we examine the precedents set by Coalition Forces in withdrawing from Iraq. We also point to both hopeful and depressing examples from other conflicts, in order to provide a broader historical framework for our principal recommendation: contingency planning for an airlift of U.S.-affiliated Iraqis coinciding with our withdrawal.

The looming possibility of a humanitarian catastrophe prompted these coalition members, like Great Britain and Denmark, to help resettle, or evacuate, their Iraqi affiliates before or during their own withdrawal.⁷⁹ The British, Danish, and Polish all executed airlift operations of their Iraqi allies when they pulled their troops from Iraq. These successful operations can provide the blueprint for a similar American operation on a grander scale.

Unless we take steps now, many of the Iraqis who have risked their lives to help America will be slain upon our withdrawal. The persistence of terrorist groups such as the Islamic State of Iraq – which includes Al-Qaeda in Iraq as a member – produces a clear and present danger to Iraqi employees of America. The ISI's continued capacity to carry out devastating attacks as amply demonstrated in the past few weeks alone is wedded to a clearly and coldly articulated strategy of targeted assassinations of our allies upon our withdrawal. Their most recent strategic document confirms a clear intent to attack U.S.-affiliated Iraqis in the wake of our withdrawal.

We ignore these factors at great moral peril. There can be no just withdrawal without a comprehensive plan, at the directive of President Obama, to ensure that we do not leave our Iraqi allies behind to a fate that history nearly guarantees will be savage. Failure to do so will bring about a redux of the scenes from the Saigon rooftop that is inexorably seared into the national conscience.

This fate is not inevitable. Iraq is not Vietnam. The United States is withdrawing, not evacuating from Iraq. That distinction presents an opportunity to avoid the mistakes of the past. The United States can take many steps to prepare U.S.-affiliated Iraqis for the withdrawal and permit many more of them to reach safety in the United States. There is enough time remaining to engage in exactly this type of contingency planning.

The List Project hopes that these dire predictions do not materialize. Unfortunately, America's experience in Iraq has been fraught with the disastrous consequences of plans which are based on wishful thinking. Good policy is built on planning for the worst instead of hoping for the best. Because we have enough time to prepare, and because history teaches how to prepare, the United States needs to seize this opportunity before it fades from possibility.

1. The Logistics of Our Withdrawal

While campaigning, President Obama often declared that "we have to be as careful getting out as we were careless getting in" to Iraq.⁸⁰

In contrast to the uneven progress resettling Iraqi refugees and U.S.-affiliated Iraqis, the American withdrawal from Iraq is proceeding on schedule. The U.S. military has already begun comparing the monstrous task of withdrawing from Iraq to some of the great military campaigns of ancient history.⁸¹ In August 2009, about 3,000 shipping containers and 2,000 vehicles were shipped out of Iraq, and the heavy lifting was just beginning. By October 2009, the military had over 15 percent of its force in Iraq dedicated to the logistical challenges of withdrawal.⁸² The effort includes a program to inventory and keep track of every piece of equipment the U.S. military has brought to Iraq, "from tanks to coffeemakers."⁸³ Tens of thousands of our soldiers have been reassigned to logistics operations.

While this withdrawal operation is indeed impressive, it reflects a fundamental oversight: there are no serious or comprehensive contingency plans to evacuate the thousands of U.S.-affiliated Iraqis who currently work for us and live alongside us as interpreters, engineers, and advisers, or who have done so in the past. When we shutter our bases, these Iraqis will be cut loose to run the resettlement gauntlet, which will not prove swift enough in the most critical period. For all of the tens of thousands of soldiers tracking blast walls and coffeepots, there are none assigned to help our Iraqi employees. This dangerous imbalance in priorities portends worrisome consequences.

1. Withdrawal Timeline

According to the U.S.-Iraq Status of Forces Agreement, U.S. combat troops will be withdrawn from Iraq by December 2011. While such a date seems well into the future, another benchmark looms just months away: by the end of August 2010, we will have pulled half – nearly 50,000 troops – out of Iraq.

As of the date of this publication, we were on track to meet the first benchmark of August 2010. The Congressional Budget Office's report to the Subcommittee on National Security and Foreign Affairs, in the House Committee on Government Oversight, confirmed this deadline on October 7, 2009.⁸⁴

2. The Consequences of Withdrawal

The SOFA references Iraqi citizens in only six of its provisions. There is no mention of Iraqis who worked with the United States. Most relevantly, Article 3(2) of the Agreement expressly prohibits transfer of any person into or out of Iraq, unless in accordance with applicable Iraqi laws and regulations.⁸⁵ Additionally, the Agreement transfers full control of the Green Zone to the Iraqi government after full withdrawal.⁸⁶

As our military footprint shrinks over the coming year, so will our ability to protect Iraqi employees. The agreement governing our

withdrawal currently provides no mechanism for the United States to ensure the safety of our Iraqi employees subsequent to such withdrawal. The United States must not wait until the final hours of the war to determine how it can help imperiled U.S.-affiliated Iraqis. This mistake, committed by most withdrawing powers, invariably leads to abandonment to a murderous fate of those who 'collaborate.'

In the coming pages, you will learn about what transpires in the absence of any contingency planning with respect to local employees. We examine the impact of withdrawal on 'collaborators' through numerous historical precedents: Coalition forces and Iraq, the U.S. and Vietnam in 1975, France and Algeria in 1962, Great Britain and Iraq in 1932, and the British Empire's departure following the American Revolution throughout 1783. We

examine both positive and negative examples, pointing to the most critical lessons of each, with the hopes that the Obama administration will not fall prey to the clutches of a merciless history.

The 'Waterfall':
We're leaving, and we're leaving soon.
(Source: CBO)

Withdrawal of U.S. Military Forces from Iraq Under the Administration's Plan



Source: Congressional Budget Office.

Note: The actual numbers of military personnel are shown for March through September 2009; thereafter, the numbers are CBO's estimates.

2. Lessons from Current and Prior Conflicts in Iraq

While the United States has been the principal member of Multinational Forces-Iraq (now U.S. Forces-Iraq), many countries have sent military forces over the years. The average size of these contingents was in the hundreds, with the exception of the United Kingdom, which deployed roughly 45,000 troops at its peak.

British and Coalition Forces found themselves struggling with the same linguistic hurdles, and soon employed Iraqis in the same fashion as the United States. The dangers faced by these Iraqis were similarly lethal; the militias and terrorist groups did not discriminate between one occupying force and another when targeting ‘collaborators.’

Great Britain - 2007-2008

As the United Kingdom initiated its withdrawal in late 2006, first pulling back from Basrah in Southern Iraq, there was a similar absence of forethought regarding Iraqi interpreters who had worked for British forces. The British public simply wanted to get out of Iraq, a war that had turned deeply unpopular.

A power vacuum opened up as the UK departed, and different militias stepped into a void that anemic Iraqi Security Forces were unable to fill. The consequences were tragic: a systematic manhunt for British-affiliated Iraqis ensued, and in a single incident, 17 interpreters were assassinated in a mass execution.⁸⁷ Their bodies were strewn throughout the streets of Basrah as a message to other Iraqis aiding British forces.⁸⁸

Outrage spilled from the British press and public, and the newly-elected Prime Minister Gordon Brown announced that Britain would review its [non]policy. In August 2007, Brown announced that Britain would embrace its commitment to locally-engaged staff in Iraq.⁸⁹ The policy called for British-affiliated Iraqis

meeting certain criteria to choose between two options: (1) permanent resettlement in Britain for those who served for a minimum of 12 months,⁹⁰ or (2) a one-time financial package, determined by their salary, time employed, and number of dependents, if they remained in Iraq.⁹¹ The Foreign & Commonwealth Office (FCO) followed in October with detailed criteria and the mechanics of the plan.⁹²

After the FCO came under withering criticism for restrictive application of the government’s plan,⁹³ an initial 600 British-affiliated Iraqis and their families were resettled to England.⁹⁴ Importantly, resettlement did not take the shape of a year long process, requiring Iraqis to survive long enough to see safety. The British implemented airlifts, beginning in April 2008, directly from Basrah to a Royal Air Force base in Oxfordshire, England.⁹⁵

The British example reflects the tragic consequences when withdrawal plans don’t consider local employees. However, the steps taken by Brown demonstrate the possibilities when a Prime Minister or President recognize and direct authorities to uphold a national moral imperative.

Denmark - 2007

Denmark, which had a much smaller contingent of forces, had the benefit of learning from the mistakes committed by the United Kingdom. With a withdrawal scheduled by August 2007,⁹⁶ the Danes proactively airlifted their Iraqi employees before militias and other groups had the opportunity to carry out any manhunts. In July 2007, the Danish government secretly airlifted⁹⁷ some 200 Iraqi interpreters and employees, based on “concern for the interpreters and their families’ security as well as the security of the Danish base in Iraq.”⁹⁸ Following the successful operation, Denmark announced its expectation that it would grant full asylum to the allies.⁹⁹ Currently, 370 Danish-affiliated Iraqis have been resettled.¹⁰⁰ “The signal we want to send is that we of course take

care of our employees if the business they have been doing for us is putting them into danger," said Danish military spokesman Lt-Cdr Nils Markussen.¹⁰¹

Poland - 2008

Poland, which had approximately 2,500 troops at its peak, was scheduled to withdraw its forces from Iraq by October 2008.¹⁰² Building on the successful precedent set by Denmark and the eventual British airlift, the Polish government offered all of their Iraqi employees either full resettlement or a one-time payment of \$40,000 if they remained in Iraq.¹⁰³

Northern Iraq - 1996

During the First Gulf War the U.S. military set up Operation Provide Comfort to create a safe haven for Iraqi Kurds in the Kurdish district in northern Iraq.¹⁰⁴ In 1996, when Saddam Hussein attacked the safe haven, President Clinton and his National Security Council recognized that the traditional resettlement process would be ill-equipped to protect these Iraqis. He soon ordered Operation Pacific Haven, whereby the Pentagon swiftly moved 6,600 Iraqi Kurds across the border into Turkey.¹⁰⁵ They were held briefly in Turkey to undergo pre-airlift security screening before being flown to Guam.¹⁰⁶ Once in Guam, the full asylum process took place out of harm's way. The process also moved at an expedited pace, taking an average of 90-120 days.¹⁰⁷ In total, Operation Pacific Haven cost \$10 million and lasted 281 days between September 1996 and April 1997.¹⁰⁸

At the time, Operation Pacific Haven Task Force Commander Maj. Gen. John Dallegger stated, "[o]ur success will undoubtedly be a role model for future humanitarian efforts."¹⁰⁹

Serendipitously, the institutional knowledge to carry out a similar operation clearly resides at the Department of State and at the National Security Council and stands ready to be tapped:

the current Assistant Secretary of State for Population, Refugees, and Migration, Eric Schwartz, served as the coordinator for the 1996 Guam airlift operation while on the staff of the National Security Council. Samantha Power, now the Senior Director for Multilateral Affairs at the National Security Council, presently holds the same position that Schwartz held during Operation Pacific Haven.

Great Britain during the Mandate - 1932

At the end of the First World War, the United Kingdom seized the three Ottoman provinces of Mesopotamia – Basrah, Baghdad, and Mosul – and formally took control of the newly-created country in 1920. The occupation was immediately unpopular on the home front, and a mounting Shiite insurgency only compounded public criticism.¹¹⁰ T. E. Lawrence gave voice to this concern, which eventually morphed into the 'Quit Mesopotamia' campaign: "The people of England have been led in Mesopotamia into a trap from which it will be hard to escape with dignity and honour."¹¹¹

The British had managed their occupation partly through the use of Assyrian Levies, which were among the first Iraqi military forces established under direct British command.

When the British government finally succumbed to public pressure to withdraw from Iraq in 1932, it left behind Assyrians to face the consequences of their association with the departing occupier. In August of 1933, the massacre at Sumayl in Northern Iraq was the start of a systematic killing spree of an estimated 3,000 Assyrians.¹¹²

3. Lessons from Other Wars

We turn our attention to several wars throughout history, some American, some foreign. In the coming pages, you'll learn that the United States has implemented airlifts of critical refugee groups routinely throughout its history. We have also left others behind.

Success or failure in each case depended on the degree of Presidential leadership: without it, resettlement mechanisms will never work swiftly enough.

Albania/Balkans - 1999

The Serbians invasion of Kosovo in 1999, prompted the flight of ethnic Albanians from Kosovo. President Clinton and the United States offered to grant asylum to 20,000 Kosovar Albanians who were in danger and could not remain in refugee camps.¹¹³ Those put into the “emergency” class were airlifted from Macedonia to Fort Dix, New Jersey.¹¹⁴ Once safely removed from harm, the refugee’s claims were heard and their status on admittance settled.¹¹⁵ The resettlement of 20,000 refugees cost \$140 million.¹¹⁶

Within weeks of President Clinton’s order of Operation Shining Hope,¹¹⁷ the numerous resettlement actors – NGOs, Department of State, and others – were able to swiftly process thousands within the security of a U.S. military base.¹¹⁸

Vietnam - 1975

Despite the length of our involvement in Vietnam, the United States did not turn its attention to the fate of its South Vietnamese employees until the final weeks of the war. Declassified White House transcripts¹¹⁹ from the period confirm that President Ford and Secretary of State Henry Kissinger did not seriously begin discussions about saving our Vietnamese employees until just three weeks before the fall of Saigon. In those conversations, Kissinger estimated an ‘irreducible list’¹²⁰ of 174,000 South Vietnamese allies to whom we had a special obligation. A frenzied eleventh-hour request for \$722 million to fund an evacuation went unfunded by a war-weary Congress¹²¹, which was critical of the absence of any comprehensive or realistic plans to implement such a program.

The excerpt on page 39 from a declassified MEMCON¹²² (Memorandum of Conversation) of an early April 1975 White House meeting with the Joint Congressional leadership reveals how political considerations hindered capacity to help the nearly 200,000 South Vietnamese who were in mortal danger as America pulled out of Vietnam. Throughout dozens of conversations in the closing weeks of the war, it was clear to both the President and Congress that no serious capacity had been constituted to evacuate our Vietnamese employees.

What ensued was a frantic mess. Generals ignored immigration law and conducted ‘black flights’ of Vietnamese employees. Embassy and aid workers arranged last-minute sham marriages and adoptions to bring their imperiled friends out. A poorly-planned airlift of 149 orphans crashed minutes after taking off, killing all but a few. U.S.-policy effectively came down to which South Vietnamese were persistent enough to push their way past Embassy guards and find a seat on a handful of helicopters.¹²³ (These scenes were more recently broadcast on Al-Jazeera throughout the Iraq war to the demoralization of Iraqis who were working for Americans).¹²⁴

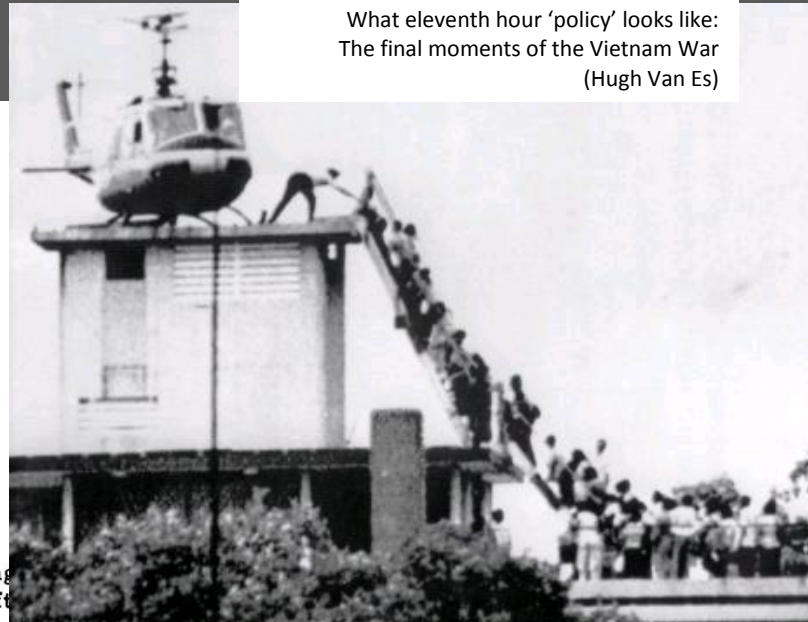
Clearly, the United States did not plan in advance, and we lost many South Vietnamese employees to killings and reeducation camps. Hundreds of thousands more faced imprisonment, persecution, and death as the U.S. withdrew from Vietnam.¹²⁵

To his great credit, President Ford eventually committed the United States to a massive resettlement program following the tragic events of our evacuation from Vietnam. This effort began with an initial airlift of over 130,000 South Vietnamese refugees to our military base in Guam.¹²⁶

The Vietnamese refugees were then sent to one of four reception camps in the United States for processing and security screening, and resettled by the State Department through the

coordinated efforts of churches, civic groups, and individual families.¹²⁷ In the years that followed Operation New Life, the United States admitted over 900,000 Vietnamese refugees.¹²⁸ The eight-month operation cost \$405 million.¹²⁹ Despite the high cost, President Ford declared that, "To do less would have added moral shame to humiliation."¹³⁰

What eleventh hour 'policy' looks like:
The final moments of the Vietnam War
(Hugh Van Es)



MEMORANDUM

THE WHITE HOUSE
WASHINGTON

~~CONFIDENTIAL~~

MEMORANDUM OF CONVERSATION

JOINT LEADERSHIP MEETING

DATE: Early April, 1975
PLACE: The Cabinet Room
PARTICIPANTS: President Ford
Secretary of State Kissinger
Lt. Gen. Brent Scowcroft

O'Neill: What about the 150,000 -- 200,000 friends we have in South Vietnam?

The President: That will in fact be a serious problem. I will bring it out in my speech but it is too sensitive to discuss the details now.

Mahon: I think we shouldn't talk about the danger to the 150-200 people. My final hearing on the supplemental is scheduled for tomorrow. This is the time for an addition if we are going to -- there is not much chance.

The President: Can you delay until Friday? If not, do it on the floor next week.

Cedarburg: Has any assessment been made of our inability to help 150,000 in Vietnam and what it does for our credibility? It must be near zero.

Kissinger: It is not near zero, but it has hurt. It has had an impact on the Middle East situation. We have seen signs in Japan. But there is nothing we can do about that. If we can salvage something, move forward and not load things like the Turkish amendment on us. It is nonsense to say we lose credibility only if we say so. We have suffered a setback.

Cedarburg: People say we should go to the North Vietnamese and talk.

Kissinger: We should stay out of this. However it comes, it should not be an American achievement. We can be in touch about evacuation, humanitarian aid.

Cedarburg: It would be a disaster to have 175,000 people massacred.

Kissinger: We can't say anything before the President speech because we have no chips with which to negotiate.

Algeria - 1962

In the early months of the Iraq war, the Department of Defense held screenings¹³¹ of Gillo Pontecorvo's 1965 film *The Battle of Algiers*, which conveys the brutal insurgency carried out by the National Liberation Front (FLN) against 132 years of French colonial rule in Algeria. Not portrayed in the film is the miserable fate of the tens of thousands of Algerians, known as *harkis*, who had served the French throughout their rule.

On December 29, 1961, President Charles de Gaulle reassured a war-weary French public that "one way or another," the occupation of Algeria would end in the following year.¹³² As the withdrawal gathered steam, it became clear that the *harkis* would not be brought along in any significant numbers. A May 23, 1962 top secret note from de Gaulle's office ordered officials to "cease all initiatives linked to the repatriation of *harkis*."¹³³

When a *harki* leader who had already lost ten family members to assassination, pleaded with the French President, de Gaulle reportedly replied: "Eh bien! Vous souffrirez."¹³⁴ (*And so, you'll suffer.*)

And so they did. Out of the quarter of a million who had worked for France, less than 15,000 managed to escape. Alistair Horne's account of those that remained:

Hundreds died when put to work clearing the minefields along the Morice line, or were shot out of hand. Others were tortured atrociously; army veterans were made to dig their own tombs, then swallow their decorations before being killed; they were burned alive, or castrated, or dragged behind trucks, or cut to pieces and their flesh fed to dogs. Many were put to death with their entire families, including young children.¹³⁵

Final estimates of the number of *harkis* killed range between 30,000 and 150,000.¹³⁶

The Jewish Refugee Crisis on the Eve of the Holocaust - 1933-1945

James G. McDonald, an American diplomat who served as the League of Nations High Commissioner for Refugees Coming from Germany, resigned his post in 1935 in an effort to draw attention to the true designs of the Nazi regime. He eventually became chairman of President Roosevelt's Advisory Committee on Political Refugees in the late 1930s until the end of the war.

His meticulous diaries, which have only recently been published,¹³⁷ document his increasing despair as Europe sank into conflict, hundreds of thousands were displaced. Having met Hitler, McDonald knew full well that Germany had no plans to protect or eventually repatriate Jewish refugees. McDonald urgently tried to find ways within the bureaucracies to save them, but was met with resistance at each turn. Many were concerned that Jews would be security threats to the United States, forced into espionage by Hitler.

A memo from Assistant Secretary of State Breckinridge Long outlined the various bureaucratic tactics that could be employed to thwart any ambitious resettlement of imperiled Jewish refugees:

We can delay and effectively stop for a temporary period of indefinite length the number of immigrants into the United States. **We could do this by simply advising our consuls, to put every obstacle in the way and to require additional evidence and to resort to various administrative devices which would postpone and postpone and postpone the granting of the visas.** However, this could only be temporary. In order to make it more definite, it would have to be done by suspension of the rules under the law by the issuance of a proclamation of emergency--which I take it we are not yet ready to proclaim.¹³⁸

In a confidential letter to McDonald, the Rabbi Stephen Wise commiserated about the frustrating pace of processing:

With regard to the political refugees, we are in the midst of the most difficult situation, an almost

unmanageable quandary. On the one hand, the State Department makes all sorts of promises and takes our lists and then we hear that the Consuls do nothing. A few people slip through, but we are afraid, - this in strictest confidence, - that the Consuls have private instructions from the Department to do nothing, which would be infamous beyond words.¹³⁹

Any ambitious resettlement efforts were abandoned upon the bombing at Pearl Harbor and the consequent American entry into the Second World War.

Post-Revolution America - 1782-1783

The British Empire relied on the support of tens of thousands of Loyalists throughout the American Revolutionary War. With no exit strategy "other than victory,"¹⁴⁰ the defeated British scrambled to meet the great challenge of evacuating remaining troops and determining the fate of their Loyalists, whose future in the newly-recognized United States would be grim.

Thousands of Americans loyal to King George III fled to New York City following the war. Maya Jasanoff reports this stunning chapter in U.S. history:

Loyalists are the American Revolution's guilty secret: rarely spoken of, hauntingly present. At least one in five Americans is believed to have remained loyal to Britain during the war. They expressed their opinions passively and actively: refusing to forswear allegiance to the king, signing petitions or joining loyalists military regiments – as nearly 20,000 men did – to defend their vision of British America. In retaliation, they faced harassment from their peers, most vividly...by tarring and feathering.¹⁴¹

What ensued was astonishing by today's standards: throughout 1783, the British Empire dispatched hundreds of ships to evacuate tens of thousands of Loyalists from America. **The 29,244¹⁴² Loyalists that were evacuated by boat in a few months from New York to Nova Scotia 227 years ago still dwarfs what we, the United States have been capable of doing in the 21st century.**

“We must also keep faith with Iraqis who kept faith with us.
One tragic outcome of this war is that the Iraqis who stood with America –
the interpreters, embassy workers, and subcontractors –
are being targeted for assassination.

Keeping this moral obligation is a key part of
how we turn the page in Iraq.
Because what’s at stake is bigger than the war –
it’s our global leadership.
Now is a time to be bold.

We must not stay the course or take the conventional path
because the other course is unknown.”

President Barack Obama¹⁴³
Iowa, America. Sept. 12, 2007.

“Nine bullets for the traitors and one for the crusaders.
Cleansing.
Targeting.

This won’t be an easy mission;
we’ll have to confront both social and security obstacles,

but it is a worthy struggle....
just because the goals are difficult
doesn’t mean we should abandon them.”

The Islamic State of Iraq¹⁴⁴
Fallujah, Iraq. 2010.

١- تسع رصاصات على المرتدين و رصاصة على الصليبيين .
٢- التطهير .
٣- الاستهداف .

و بالطبع ..
لن يكون هذا سهلاً، بل سيواجه بعض العقبات الأمنية و الاجتماعية و غيرها،
و لكنه مشروع يستحق الغناء،



V. Recommendations for a Just Withdrawal

A. Recommendations for the President

1. Immediate Contingency Planning for the “Guam Option”

The List Project urges the President and his administration to begin planning, immediately, for an emergency evacuation of Iraqi allies if widespread violence, or a campaign of attacks specifically targeted at affiliates, breaks out.

This vulnerable group already faces terrifying risks, and all the signs indicate that they will be in even more danger after American combat units leave.

The administration’s first step would be to direct the relevant agencies to start planning and coordinating for the operation. This task involves many bureaucratic stakeholders and will be difficult, but Samantha Power’s unique position in the NSC as coordinator for Iraqi refugee issues¹⁴⁵ positions her to lead. Successful operations in the past have required efforts by the Departments of State, Homeland Security, Health and Human Services, and Defense.

By planning now, the President and the administration ensure that the United States clears these operational hurdles in time to respond to an outbreak of violence or other emergency. Fortunately, the administration already has experts in such operations working within it. Eric Schwartz, now Assistant Secretary of State for Population, Refugees, and Migration, served as the coordinator for the 1996 Guam airlift operation; he can help the task force apply the best practices learned from similar operations. Although difficult, planning and executing the Guam option is thoroughly doable.

In addition, The List Project recommends developing other contingency plans as interim measures until the Guam Option is ready or

becomes necessary. In particular, the United States should grant safe haven to any Iraqi affiliate who arrives at a military base, diplomatic post, or other establishment able to show that he or she and his or her family is threatened or under duress. This short-term protection will not jeopardize American safety – the facilities are already secure – and it will provide much-needed relief to Iraqi affiliates in danger. The List Project strongly recommends readying procedures and the capacity to implement such an interim, safe haven plan.

2. Devote Sufficient Resources and Staff for U.S.-Affiliated and Refugee Processing

U.S.-affiliated Iraqis face considerable barriers and delays to the timely resolution of their applications. Many of these barriers, such as the long waits for security determinations and other processing delays, are the result of inadequate staffing and resource commitment to efficiently process resettlement applications.

The administration also can reduce the ultimate cost of an emergency evacuation or other drastic action to protect Iraqi affiliates by devoting sufficient resources to processing those who wish to resettle now.

If an emergency evacuation like the Guam Option becomes necessary, its success will depend on the devotion of sufficient resources to its planning and execution. Accordingly, The List Project recommends that the administration commit serious resources to planning for a Guam Option, and accounting for our Iraqi allies before the time to do so runs out.

B. Recommendation for the Departments of Defense, State, and Homeland Security

1. Task Chief of Mission Agencies, Military, Contractors and Implementing Partners with Survey of Iraqi Staff to Estimate Need (Department of State, Defense, Homeland Security)

The List Project recommends an immediate, comprehensive campaign to (1) survey current and former employees of the United States and its grantees, (2) ask them about what plans they have after the withdrawal, especially about resettlement, and (3) counseling them about what will happen during the withdrawal and what it will mean for them and their families.

First, this project will require tremendous coordination among all the agencies and grantees operating in Iraq. All the various agencies operating in Iraq, such as the State Department, the Defense Department, and USAID, must themselves undertake this endeavor. In addition, in order to be complete, these agencies must task all their contractors and grantees with making this inquiry of their employees and former employees a priority.

The critical, but possibly most overlooked, component of the solution to the Iraqi affiliate crisis is arriving at an understanding of just how many Iraqis (including family members), might be affected and asking them what they want to do. The List Project has informally carried out this role, but we of course recognize that our List is only reflective, not comprehensive. Until the administration and Congress know how many U.S.-affiliated Iraqis there are and how many plan to resettle, contingency planning will occur in a vacuum and will suffer as a consequence.

Such a survey can also add efficiencies to the processing of affiliates who wish to resettle. By ascertaining details relevant to adjudicating a visa application, such as an Iraqi's employment

with the United States or American firms, desire to resettle, and other activities and employment in Iraq, this inquiry can speed up the administration of resettlement.

A comprehensive inquiry will help U.S.-affiliated Iraqis and their families make the best-informed decision and, in the process, may reveal less drastic solutions than evacuation or other measures. As discussed earlier, when the British evacuated their Iraqi affiliates from Basra, only some 30 percent wished to leave; the remainder took a monetary settlement rather than leave the country.¹⁴⁶

2. Revise Arbitrarily Restrictive Consular Interpretation (Department of State)

The List Project calls on the State Department's Legal Adviser to revise the unnecessarily narrow consular interpretation which limits access to the Special Immigrant Visa.

Eligibility for U.S. Government protection and resettlement should rest on the realities on the ground in Iraq and the actual risks that affiliates face. Eligibility should not depend on artificial restrictions based on legal technicalities.

The State Department's Foreign Affairs Manual arbitrarily interprets the 2007 legislation creating the SIV program for all Iraqis working "on behalf of the United States" to include only those employees working as "contract or subcontract" employees of the United States.

As a result, the State Department interpretation instructs consular officers evaluating applications for SIV's to deny as ineligible Iraqis who do not work directly for the United States. The State Department therefore expressly instructs consular officers to deny SIV's Iraqis who work for organizations operating under grants from the U.S. Government in Iraq.

This interpretation means that the legal status of an organization, not the risks faced by the Iraqis who work for it, determines whether those Iraqis can seek safe resettlement in the

United States. But the reality is that Iraqis who have worked for organizations operating under American grants face the same dangers in Iraq as those who work for the military or any other U.S. government agency.

The State Department can revise interpretations of law in its Foreign Affairs Manual at any time. An immediate memorandum to consular officers in Egypt, Syria, Jordan, and Iraq – the primary sites for evaluating SIV applications – can reverse this interpretation and open the SIV to all those Iraqis in danger because of their status as American employees.

C. Recommendations for Congress

1. Hold Congressional Hearing(s) to Oversee Implementation of Visa Programs and Planning for Evacuation of U.S.-affiliated Iraqis during Withdrawal

Congress must hold hearings in order to ensure that the administration makes the plans necessary to keep our Iraqi allies safe and secure.

First, Congress' inherent oversight authority means that it has the obligation to oversee the development of the United States' plans for withdrawing from Iraq. Given the overwhelming, bipartisan support for greater protections for Iraqi allies, Congress would be well within oversight authority to call the administration to account for its plans to continue protecting U.S.-affiliated Iraqis during the withdrawal.

In addition, because Congress has repeatedly acted with remarkable consensus to create mechanisms making it easier and faster for Iraqi allies to resettle in the United States, it has an obligation to ensure that its statutory directives designing programs like the SIV are implemented faithfully and fully.

An effective oversight hearing would bring together responsible civilian and military officials, such as Assistant Secretary of State Schwartz, NSC Director Samantha Power, and General Odierno, to learn their plans for protecting our Iraqi employees in the coming year of withdrawal.

In addition, an effective hearing would support the other necessary steps proposed in this report, such as planning for an airlift of Iraqi allies. Those responsible for the previous airlift operations (Vietnam, Iraq, Kosovo) might offer valuable insights and increase Congress' ability to oversee preparations for such an evacuation.

2. Devote Sufficient Resources and Staff for U.S.-Affiliated and Refugee Processing

Just as the List Project recommends that the administration devote sufficient resources to using the tools for resettlement currently at its disposal, Congress must provide adequate appropriations to ensure continued and, as appropriate, expanded use of the tools currently available. Without cooperation from Congress, the President and his Administration will not be able to carry the burden of sufficient funding and devotion of staff and resources to resolving the problem of Iraqi allies and the broader refugee crisis.

We note that while supplemental funds were requested by the President in the FY2010 supplemental appropriations bill to expand the US civilian presence in the wake of the military withdrawal, nothing was requested to assist in drafting a plan and procedure to rescue U.S.-affiliated Iraqis. As Congress considers FY11 funding and supplemental bills, these issues should be considered.

VI. Conclusion

With respect to the refugee crisis that has uprooted nearly a fifth of Iraq's population, America has made many positive strides in the past few years. A vigorous and important debate played out in this country as we realized that many of the Iraqis working for us were suffering the savage consequences of helping the U.S. The public wrote letters to Congressmen, to their local newspapers, and Congress held a series of hearings to examine what role America had in mitigating the uglier dimensions of the crisis. We at the List Project gathered names of thousands of U.S.-affiliated Iraqis, provided free legal support, and tried to help them through a resettlement process that was as mystifying as it was torpid.

A bi-partisan piece of legislation passed and declared a moral obligation to these brave Iraqis who served alongside us throughout the war. The United States would provide increased assistance to the millions of Iraqi refugees in the region, and dramatically ramp up admissions. Our List grew, and so did our hopes.

Nearly 35,000 Iraqis were admitted as a consequence of all these efforts. The only problem: less than 10% are Iraqis who worked for the U.S. Of all the Iraqis admitted in the past few years, only 700 were on our List, which is several thousand names long (in fact, we have had to stop taking new names as a result of the recession and finite resources). By that count, the British Empire in 1783 managed to save – using boats – more than ten times the number of their Loyalists than America has in the 21st century.

But this report is not an indictment. It is written against the callous trundle of history, the history of withdrawal, of final abandonment of those who help. The progress we have made in helping our Iraqi employees over the past few years is about to be overshadowed by a new tragedy. This is not inevitable, and we still have time to conduct contingency planning to mitigate the likelihood of a disastrous exit. Failure on this front, though, or a policy of self-congratulatory inertia will set America upon a well-worn path that runs through the rooftops of Saigon and points towards betrayal.

The Islamic State of Iraq, which includes Al-Qaeda in Iraq, has already claimed the lives of many of our Iraqi interpreters. They have just laid out their strategy for exploiting the power vacuum that our withdrawal will create in clear terms: 'nine bullets for each traitor.' In the final pages, they gird their resolve for the upcoming challenge. "This won't be an easy mission, and we'll have to confront both social and security obstacles, but it is a worthy struggle....just because the goals are difficult doesn't mean we should abandon them."¹⁴⁷

Our recent history provides ample evidence of policies and strategies that dramatically accelerate the resettlement process while carefully considering the country's legitimate security concerns. Further, the institutional memory required to implement such an operation exist within the Obama administration. President Obama must not repeat the mistakes of past Presidents by waiting for tragedy to strike in the final hours. He must direct his Administration to initiate contingency planning now, so that we might end a challenging war with a just withdrawal.

Appendix A: Common Misperceptions about the Iraqi Refugee Crisis

Didn't The Surge Make Iraq Safe?

The 2007-2008 troop surge greatly contributed to and coincided with a significant decline in day-to-day violence throughout Iraq. In 2006, at the height of sectarian violence, over 200 attacks were carried out each day. In a recent speech, General Petraeus pegged the level of attacks now at about 20 per day.¹⁴⁸ These daily trends, however, do not reflect a corresponding decline in the stigma faced by U.S.-affiliated Iraqis, who are applying to the List at the same rates today as they had in earlier periods of broader violence.

The successes prompted by the surge have not, however, eliminated many potentially explosive conditions within Iraq, any one of which could spark new violence during or after the American withdrawal. While the List Project hopes for continued stability for Iraq in the coming period of dramatic transition, we recognize that policies predicated on wishful thinking do not last long in Iraq. Worrying signs include:

- Heightened tension between Kurds and Arabs over the future of Kirkuk.¹⁴⁹
- The Sahwa (Awakening) groups, which formed the backbone of the surge's counter-terrorism strategy, are now facing an increasingly uncertain future. Many have been driven from Iraq or arrested, and there have been high-profile assassinations of key Sahwa leaders and their families. Failure by the Government of Iraq (GOI) effectively to integrate them into Iraq will likely lead to profoundly destabilizing consequences.¹⁵⁰
- Iraqi infrastructure still lacks the capacity to deliver essential services reliably, hampering economic recovery and creating substandard living conditions.¹⁵¹

The withdrawal of tens of thousands of American troops will necessarily create a power vacuum which the Iraqi Security Forces are unlikely to be able to immediately fill. In the weeks since the

March 2010 elections, there have been an escalating series of significant terrorist attacks upon key targets, reflecting the intent of the Islamic State of Iraq and Al-Qaeda in Iraq to undermine public confidence in the central government.¹⁵² Insurgents have already begun planning for a renewed campaign of violence after the American withdrawal.¹⁵³

Why can't the refugees and IDP's just go home?

For most refugees, this option is always the most desirable: after all, nobody dreams of becoming a refugee and leaving their homeland. When conditions inside Iraq permit it, some, if not most of the refugees will return. The Government of Iraq is currently encouraging the return of displaced Iraqi refugees, and the U.S. government has been encouraging Iraqi refugees to return as well.

As mentioned above, the UNHCR has not yet deemed the security situation in Iraq suitable for any significant returns. The number of returns is still slight: a recent UNHCR report¹⁵⁴ estimated the number of Iraqis returning each month at around 2,000. Returning to Iraq depends primarily on better security, more developed infrastructure, and better economic opportunities.¹⁵⁵ As a result of these current barriers to return, some 90% of Iraqi refugees in Jordan and 86% of Iraqi refugees in Syria have no intention or wish to return to Iraq.¹⁵⁶ No policy should force these refugees back into an environment if they believe return will put their welfare, and their families' welfare, in jeopardy.

Most of all, U.S.-affiliated Iraqis already face terrible dangers in Iraq, which will only intensify as the United States withdraws. Evidence gathered by TLP indicates that most Iraqi allies do not wish to stay and fear for their safety if they are forced to.

What makes U.S.-affiliated Iraqis unique?

As discussed above, because of their small numbers, high visibility, and prominent status as

targets, American affiliated Iraqis represent a uniquely vulnerable population.

They face terrifying threats.¹⁵⁷ They are routinely branded traitors to their country.¹⁵⁸ Hundreds, and likely thousands, have already been killed by insurgents, al-Qaida in Iraq, and their fellow citizens.¹⁵⁹

In addition, many U.S.-affiliated Iraqis fled their homes for the safety of American bases as violence escalated in 2006 and 2007. These Iraqis now live side-by-side with Americans and depend on the American military for their security. When the Americans withdraw, they will face the dangerous prospect of returning home to the hostile neighborhoods they fled years ago.

Shouldn't these Iraqis stay and help rebuild their country?

Iraq has suffered from a serious “brain drain” problem, as many qualified and well-educated citizens have been forced by violence, a veritable industry of kidnapping, and an anemic economy, to leave the country and resettle abroad. Iraq will not develop into a stable, safe, prosperous country with its best administrators, engineers, physicians, and other professionals languishing abroad.

However, Iraq's brain drain problem exists separately from the thousands of U.S.-affiliated Iraqis who wish to leave the country because of the dangers and stigma they currently face. A 2008 International Crisis Group report lamented the “extent to which the better educated have been targeted by militia leaders from all confessional groups—including their own... Ironically—and tragically—large segments of the middle class in which so many hopes were invested at the dawn of the occupation now reside abroad.”¹⁶⁰ Highly qualified professionals – doctors, administrators, and engineers – have fled Iraq in droves in fear of both the instability in the country, targeted violence, and a veritable industry of kidnapping.¹⁶¹

Ideally, conditions in Iraq would reach the point that our Iraqi employees would be able to remain, in safety and with the capacity to contribute to Iraq's development. In reality, U.S.-affiliated Iraqis must overcome a deep and lethal stigma of having worked for America. TLP has documented many cases of U.S.-affiliated Iraqis denied employment by the Government of Iraq (GOI) because of their former work with America. Many Iraqi employees of the U.S. are terrified to seek employment with the GOI out of a fear that their prior work experience will be revealed, ushering in new threats.

Iraq, the United States, and the international community must find a workable solution to Iraq's broader refugee crisis in order to combat the brain drain problem. But denying American affiliated Iraqis the opportunity to resettle safely will not contribute to that goal. Put simply, U.S.-affiliated Iraqis cannot reverse the brain-drain problem, and should not suffer through further tragedy in the service of an idealized notion of how Iraq ought to be.

Why does the United States have to participate in solving the crisis?

President Obama, Secretary of State Clinton, Congress, and others have recognized that the United States has a fundamental moral obligation to Iraqis who have risked their lives on behalf of our military and diplomatic corps. As the driving force behind the invasion of Iraq, America also has an obligation to ameliorate the broader refugee and displacement crisis, in order to bring the situation in Iraq closer to peace and stability. That means working alongside the governments of Iraq and its neighbors, relief organizations, and displaced Iraqis to find a stable solution that minimizes bloodshed and human suffering. Only then can the United States truly turn the page in Iraq, as the President wishes.¹⁶²

Finally, the United States has the capacity to accept a certain number refugees who cannot remain in Iraq. Since the start of the crisis, UNHCR has referred 82,500 individuals to 15 countries for refugee resettlement. UNHCR has

referred about 62,000 of these to the United States, 75 percent of the total, with the remaining refugees heading to Canada, Australia, Germany, Sweden and other nations.¹⁶³ While the United States appears to be the leader in these figures, Sweden – which had no role in the war – has still provided asylum for more Iraqis than any other country.

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