



Whose Life Is It Anyway? – US Government Is Not Responsible for Saving Errant Americans Around the World

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As if President Joe Biden didn't have enough trouble to deal with, he now is supposed to rescue imprisoned Americans around the globe. Last weekend relatives of a couple dozen citizens and residents held overseas sent an open letter to the president demanding action.

Organized by the James W. Foley Legacy Foundation – journalist Foley was kidnapped a decade ago in Syria and later murdered – the letter lamented that "Every day we wonder how much longer our loved ones must endure their captivity, not knowing when they will return home, and not being able to fully understand the efforts the United States government is undertaking to secure their freedom."

There's no doubting the ordeal that those wrongly detained endure. Hence the pain felt by friends and family members. The letter-writers observed that Secretary of State Antony Blinken's call had "provided hope to so many families who heard this administration promise that their loved ones' freedom was a national priority."

However, apparently nothing happened as a result: "as of this letter, so many of us remain in the same situation, or worse, more than 8 months later." So now they are kvetching. "We have not been able to meet with you or even with your National Security Advisor to discuss our loved

ones' captivity, which leads us to believe that your administration is not prioritizing negotiations and other methods to secure their release," they wrote.

Obviously, the president has nothing else important to do. So why haven't the prisoners been freed?

Frankly, Washington's options are limited. So most Americans detained overseas remain imprisoned. Tragic, yes. But Biden's fault, no. This reality obviously upset Blinken's correspondents. Realistically, however, what do they expect the administration to do?

To start, rescuing errant travelers is not Washington's job. That doesn't mean they shouldn't be released. But when you leave the U.S. and go to a country consumed with violent conflict or ruled by the law of force rather than law, you have chosen to risk your life and freedom. You shouldn't then expect other Americans to rush to your rescue.

Consider James Foley. He was first kidnapped, and then released, during the Libyan civil war. Then he traveled to Syria *convulsed by an even more turbulent civil war*, where he was kidnapped shortly before heading out of the country. Tragically, after two years of imprisonment and torture, he was beheaded.

He was intrepid but reckless. He tempted fate, repeatedly traveling to areas where journalists were injured and killed in combat and captured and murdered by combatants. He went where battlelines were imprecise, multiple armed factions were in battle, and criminal gangs were active. He did all that outside the protection of the United States government, both its theoretical responsibility and practical capability. (Yet the Obama administration still tried rescue him, launching a military operation that failed because he had been moved.)

Americans are entitled to take risks. I made numerous trips to eastern Burma with ethnic Karen insurgents, drove around Kosovo as violent resistance was spreading, stayed at a Polisario refugee camp in Algeria, twice visited Afghanistan, met warring Christians and Muslims in Ambon, Indonesia, and explored wrecked cities in Syria. Perhaps the greatest danger that I faced was visiting Peshawar, Pakistan, and nearby refugee camps, a region both hostile and turbulent.

Luckily, nothing went wrong – or, more accurately, nothing that went wrong had catastrophic results – on any of my trips. Had I been in danger, I certainly would have welcomed rescue. But I wouldn't have expected it. After all, the US government and military were not created to save the foolhardy, however, sympathetic their cause. Paying ransom spends other people's money and increases the value of foreign captives. Military action is even more problematic. Although members of the armed forces are prepared to risk their lives, their duty is to the American people as a collective, not American adventurers as individuals. Expecting those in uniform to sacrifice for those who consciously took needless risks is sheer chutzpah.

Most of those held improperly ventured not to warzones, but to authoritarian states where the rule of law does not prevail. Some governments target dual citizens. Paranoid regimes see spies everywhere. Nations frequently seize hostages to trade for imprisoned nationals. Countries that wrongly hold American citizens or residents usually are at odds with Washington, often under sanctions and/or military threat, such as China, Iran, Russia, and Venezuela. Then every American visitor will be at risk.

People should still travel but recognize that threats to their freedom are inherent to venturing overseas. I've visited many potentially problematic countries: Algeria, Burma/Myanmar, Cambodia, China, Cuba, Egypt, Kosovo, Kyrgyzstan, Laos, North Korea, Pakistan, Russia, Serbia, Soviet Union, South Sudan, Sudan, Syria, Thailand, Turkey, United Arab Emirates, Venezuela, Yugoslavia, and Zimbabwe. Thankfully, most of these trips were uneventful. My problems have been minor. My most fraught travel probably was to Egypt: I twice joined legal delegations focused on human rights after the 2013 military coup. We probably would not be admitted today.

Nevertheless, an aspect of diplomatic relations is fair treatment of travelers. What should Washington do if another government unjustly detains a US citizen or resident?

American officials always should consider the impact of their policies, which may encourage retaliation against travelers. That is unjust, to be sure, but is a common consequence of Washington's constant intervention here, there, and everywhere around the world. For instance, the US has declared economic war on Iran, Russia, North Korea, Venezuela, Cuba, Syria, and China. Such policies help turn visiting Americans into unknowing combatants.

For instance, with reason Beijing considered Washington's recent attempt to extradite Huawei's Meng Wanzhou from Canada, to enforce unilateral US sanctions against Iran, little more than legalized kidnapping. China responded by seizing two Canadians to put pressure on Ottawa, a crime but perhaps predictable.

The US government still has a duty to its citizens to press other governments to follow fair procedures. Diplomatic pressure is always appropriate. As well as official complaints. A coordinated *démarche* with allied nations, especially ones suffering similar problems, is justified. Also warranted are official warnings to prospective travelers. And private groups always are free to protest and boycott.

However, there often is little more the U.S. can do, especially when it is on bad terms with the offending government. Such was the case of Sam Goodwin, who was detained in Syria while attempting to complete his quest to visit every country. The US had spent years attempting to overthrow the Assad government, which unsurprisingly was not responsive to Washington. Instead, personal contacts initiated through Goodwin's sister were key to his release.

Another option would be mimicking China and other states in seizing de facto hostages. However tempting, doing so would sacrifice principles very dear, compounding the original injustice. Nor should Washington reflexively trade away US policy objectives for someone's freedom. Swapping American prisoners, often foreign spies, for innocent but unlucky US travelers, is similarly problematic. If nothing else, doing so creates an incentive for foreign governments to kidnap US visitors. When the US is at fault, as in the case of Meng, Washington should fold. However, while winning the freedom of wrongly imprisoned Americans is important, it does not necessarily trump the government's security or other interests.

Imposing economic pressure through tariffs and sanctions also is problematic. Other than individually targeted "Magnitsky" penalties, which rarely change government behavior, these policies involve nations and entire peoples. Punishment is collective and reaches far beyond the guilty parties. Moreover, economic coercion rarely resolves the underlying political issues. The best argument for such an approach, coordinated with like-minded states, is if violations are systemic and multiple, as opposed to a single case.

Finally, what of military action? Although satisfying when successful, targeted strikes needlessly put US military personnel at risk for personal benefit rather than national purpose. Such raids are usually viable only when dealing with largely ungoverned or conflictual spaces, such as in Afghanistan and Syria. Such operations also risk entangling Washington in new or increasing stakes in old conflicts of minimal interest to America.

Even more so, it is hard to imagine how a broader campaign – bombing, invading, or otherwise intervening militarily – could be justified in the case of an unlucky globetrotter. Absent foreign action that otherwise would justify war, a very high standard to meet, military action would be inappropriate. It would not be tailored to address the problem, would be too costly and risky, and would be unjust to both populations.

Americans should be free to wander the world. However, global gadabouts are responsible for the risks that they take. If something goes wrong, they might still appeal for Washington's assistance. However, they shouldn't expect Uncle Sam, like Superman, to stage a rescue, which most likely would be inappropriate, ineffective, or both.

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