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**STRATEGIC COMMUNICATIONS AND THE
DEPARTMENT OF HOMELAND SECURITY:
IMMIGRATION POLICIES, MIXED MESSAGING,
AND INFORMATION FRATRICIDE**

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Monterey, CA; Naval Postgraduate School

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**NAVAL
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MONTEREY, CALIFORNIA

THESIS

**STRATEGIC COMMUNICATIONS AND
THE DEPARTMENT OF HOMELAND SECURITY:
IMMIGRATION POLICIES, MIXED MESSAGING, AND
INFORMATION FRATRICIDE**

by

Jonathan M. Graham

March 2021

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REPORT DOCUMENTATION PAGE			<i>Form Approved OMB No. 0704-0188</i>	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington, DC 20503.				
1. AGENCY USE ONLY (Leave blank)		2. REPORT DATE March 2021	3. REPORT TYPE AND DATES COVERED Master's thesis	
4. TITLE AND SUBTITLE STRATEGIC COMMUNICATIONS AND THE DEPARTMENT OF HOMELAND SECURITY: IMMIGRATION POLICIES, MIXED MESSAGING, AND INFORMATION FRATRICIDE			5. FUNDING NUMBERS	
6. AUTHOR(S) Jonathan M. Graham				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A			10. SPONSORING / MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.				
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release. Distribution is unlimited.			12b. DISTRIBUTION CODE A	
13. ABSTRACT (maximum 200 words) Under President Trump, the Department of Homeland Security (DHS) rolled out the controversial parent-child separation policy, also known as zero tolerance, and the Migrant Protection Protocols (MPP) program in 2018–19. How DHS conducts strategic communications about such controversial policies is directly related to public and stakeholder perception of these policies. A newly developed stakeholder-centric measurement and evaluation model used to evaluate these two policy case studies demonstrates that Trump's DHS used messaging which was, at times, inconsistent and even contradictory. While communications on MPP showed an evolution in DHS's ability to successfully engage in strategic communications related to these enforcement efforts, the parent-child separation policy represents the prototypical example of information fratricide. The research methodology adopts an outsider viewpoint and employs a media content analysis of high-level public communications of DHS officials. Identification and future use of DHS's top communications strengths, as displayed in these sample communications, can lead to more effective strategic communications and improved stakeholder engagement. The thesis concludes with generalized recommendations for future communications policy within DHS based on lessons learned from this thesis research.				
14. SUBJECT TERMS strategic communications, immigration enforcement, immigration policy, measurement and evaluation of communications, information fratricide, mixed messaging, public communications, parent-child separation, Migrant Protection Protocols, MPP, asylum policy, Department of Homeland Security, DHS, Immigration and Customs Enforcement, policy recommendations			15. NUMBER OF PAGES 163	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UU	

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**STRATEGIC COMMUNICATIONS AND THE DEPARTMENT OF HOMELAND
SECURITY: IMMIGRATION POLICIES, MIXED MESSAGING, AND
INFORMATION FRATRICIDE**

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Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES
(HOMELAND SECURITY AND DEFENSE)**

from the

**NAVAL POSTGRADUATE SCHOOL
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ABSTRACT

Under President Trump, the Department of Homeland Security (DHS) rolled out the controversial parent-child separation policy, also known as zero tolerance, and the Migrant Protection Protocols (MPP) program in 2018–19. How DHS conducts strategic communications about such controversial policies is directly related to public and stakeholder perception of these policies. A newly developed stakeholder-centric measurement and evaluation model used to evaluate these two policy case studies demonstrates that Trump’s DHS used messaging which was, at times, inconsistent and even contradictory. While communications on MPP showed an evolution in DHS’s ability to successfully engage in strategic communications related to these enforcement efforts, the parent-child separation policy represents the prototypical example of information fratricide. The research methodology adopts an outsider viewpoint and employs a media content analysis of high-level public communications of DHS officials. Identification and future use of DHS’s top communications strengths, as displayed in these sample communications, can lead to more effective strategic communications and improved stakeholder engagement. The thesis concludes with generalized recommendations for future communications policy within DHS based on lessons learned from this thesis research.

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LIST OF ACRONYMS AND ABBREVIATIONS

§ 1325	8 U.S.C. § 1325(a)
CBP	U.S. Customs and Border Protection
COVID-19	coronavirus disease 2019
DHS	U.S. Department of Homeland Security
EO	Executive Order
ERO	Enforcement and Removal Operations, ICE
FAMU	family unit
FY	fiscal year
GAO	Government Accountability Office
HHS	U.S. Department of Health and Human Services
ICE	U.S. Immigration and Customs Enforcement
M&E	measurement and evaluation
MPP	Migrant Protection Protocols
OIG	DHS Office of Inspector General
ORR	Office of Refugee Resettlement
UAC	unaccompanied child/children
UNHCR	United Nations High Commissioner for Refugees
USC	United States Code
USCIS	U.S. Citizenship and Immigration Services

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EXECUTIVE SUMMARY

Many Americans disapproved of the immigration enforcement policies of the Department of Homeland Security (DHS) during the Trump administration. This thesis begins by asking what can be learned about DHS's communications strategy during controversial policy rollouts and whether a negative perception of those policies can be improved. Previous research has not examined in depth the nature of DHS's public-facing communications on these issues (rather than researching the policies themselves). This thesis targets the gap in understanding about DHS's strategic communications efforts in contentious areas of immigration policy.

As case studies, the thesis examines the parent-child separation policy from 2018 and the Migrant Protection Protocols (MPP) program from 2019. How DHS conducted strategic communications about these controversial policies is related to public and stakeholder perception of these policies. The research question focuses on how DHS conducts strategic communications about such controversial policies, and which *measurement and evaluation* (M&E) model can be used to gauge the effectiveness of communications output. To answer this question, the thesis reviews the literature on public communications theories and builds upon it to develop a working model of measuring the effectiveness of output of strategic communications. The research methodology adopts an outsider viewpoint and employs a qualitative media content analysis of high-level public communications of DHS officials. Source documents consist of published media articles, congressional reports, non-governmental organization (NGO) reports, official DHS press releases, and other official DHS communications.

None of the existing evaluation models described in the literature were satisfactory for the analysis required in this thesis. They are fairly high level and do not offer enough specificity to analyze actual examples of communications output. Thus, the development of a new model serves several important purposes. First, it is useful for analyzing the particular communications at issue in the two case studies. Second, it may be of future use for practitioners or researchers seeking to evaluate a law enforcement agency's communications output. Third, the development of a new model allows for the inclusion

of critical concepts from the literature, including *Good and Bad Strategy*, *information fratricide*, *participatory* and *emergent strategy*, timing of messaging, and the *Dark Side* of communications.¹

The model developed for this thesis is the *Stakeholder-Centric Communications Output Evaluation Model for Government*, depicted in Figure 1. It has a primary focus on stakeholders and publics as both informing the communications strategy and being the recipient of communications output. The model contains general sections pertaining to the strategy, messaging, and language of an organization’s desired or emergent communications output, which roughly correspond to an agency’s strategic, tactical, and operational communications decisions.

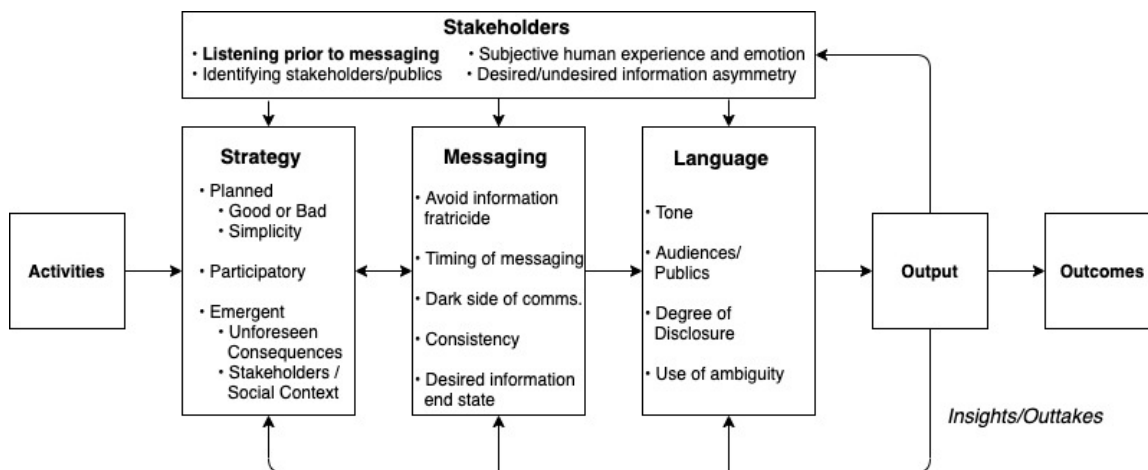


Figure 1. Stakeholder-Centric Communications Output Evaluation Model for Government

Evaluation of the two policy case studies using the model demonstrates that DHS used messaging which was at times inconsistent and contradictory. The parent-child separation policy represents the prototypical example of *information fratricide*, which occurs when one component or official of an agency releases public information or

¹ Richard Rumelt, “The Perils of Bad Strategy,” *McKinsey Quarterly*, June 1, 2011, <https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/the-perils-of-bad-strategy>; Ronald E. Dulek and Kim Sydow Campbell, “On the Dark Side of Strategic Communication,” *International Journal of Business Communication* 52, no. 1 (January 2015): 123, <https://doi.org/10.1177/2329488414560107>.

statements which undercut the messaging of another component or official.² This policy went by several names: zero tolerance, parent-child separation, and family separation. It remains unclear what the precise motivations were for enacting the policy, and the thesis examines the various justifications. In addition to lack of clarity about motivations for the policy, messaging about fundamental aspects of the policy emanated simultaneously from multiple levels of authority. The mixed messaging regarding many facets of the policy caused public and stakeholder confusion and outrage, courtroom losses, and may have resulted in DHS Secretary Kirstjen Nielsen's ouster.

By contrast, communications on MPP showed a progression in the ability of DHS to successfully engage in strategic communications related to this enforcement effort. These communications were more consistent, both vertically through time and horizontally across different speakers. The inconsistencies in messaging previously seen during the parent-child separation policy were noticeably absent in the MPP-related communications. Key officials issued consistent messaging and thereby did not engage in information fratricide, did not undermine each other's efforts to achieve policy successes, and did not speak publicly with messaging that was different than the positions the agency had previously taken.

After evaluating these two cases, several of DHS's key strengths in strategic communications are determined to be: (1) creating strong, emotional messaging; (2) utilizing awareness of likely pending outrage (emotion) and litigation, developed from the agency's prior experiences; and (3) capitalizing on diplomatic successes and partnerships with regional nation partners. While the use of strong messaging was arguably one of the administration's communications strengths, it was used at an inappropriate time during the zero tolerance policy. In an appropriate situation, use of such messaging could be part of a powerful strategy to achieve favorable communications outcomes. As events actually unfolded in 2018, however, it is not clear why the use of strong messaging was needed.

² *Getting Better at Strategic Communication*, House, 112th Cong., 1st sess., July 12, 2011, 5–8, https://www.rand.org/content/dam/rand/pubs/testimonies/2011/RAND_CT366.pdf; Christopher Paul, *Strategic Communication: Origins, Concepts, and Current Debates* (Santa Barbara, CA: Praeger, 2011), 6–7.

Under Rumelt’s conception of Good and Bad Strategy, a mismatch between the use of key strengths and appropriate pivot points in the external environment is not a successful application of Good Strategy.³ With MPP, however, the opposite occurred. The messaging was more refined and less emotional, signaling an awareness that restraint was needed due to the possible negative public reaction about the rollout of the program and the potential of future litigation. The use of such restraint was well-timed during the policy rollout and allowed the program to expand to location after location and scale up operations. These two case studies represent progression in the ability of DHS to successfully engage in strategic communications on enforcement policy.

Finally, the thesis considers generalized guidance for future communications policy within DHS, discussing such potential future policy action through the use of if-then policy statements. A summary of these recommendations is listed in Table 1 of this executive summary.

In summary, this thesis targets a gap in understanding of appropriate methods to evaluate communications output. When controversial policies are involved, the communications supporting a policy rollout will never be perfect. With careful, thoughtful planning and appropriate evaluation along the way, an agency can discover and make appropriate use of effective strategy in its communications.

³ Rumelt, “Perils of Bad Strategy.”

Table 1. Strategic Communications Policy Recommendations

Policy Issues	Recommendations
<p>Future unpopular policies:</p> <p>If DHS wants to roll out a potentially unpopular immigration policy in the future, then prudent actions in the area of strategic communications to ensure the success of communications objectives include:</p>	Identifying communications strengths in advance
	Devoting significant resources toward these strengths
	Considering information end-states
	Identifying appropriate policy justifications before messaging
<p>Replacing existing unpopular policies:</p> <p>If DHS wants to replace an already unpopular policy with a more palatable version, then appropriate communications methods include:</p>	Timely acknowledging and taking ownership of prior problems
	Varying the use of clarity or ambiguity in messaging to the agency’s advantage
	Reframing issues to distance a new policy from a problematic one
<p>Political appointee role:</p> <p>If a future administration or DHS leadership appoints so-called hardliner or politically charged figures to highly visible positions, then the role of such officials in the development or coordination of messaging can include:</p>	Coordinating among agency leadership who takes the lead on public communications
	Ensuring that public statements of lower-level, non-leadership officials are completely consistent with leadership-approved messaging
	Designating a lead agency or department for messaging decisions during multi-agency policy rollouts
	Using inter-agency clearance processes to vet release of controversial policy details or arguments
<p>Undisclosed policy pilots:</p> <p>If DHS conducts future pilots of controversial policies in an undisclosed manner, then prudent safeguards to minimize fallout if such policies are later made public include:</p>	Justifying non-disclosure with appropriate reasoning to withstand public or judicial scrutiny
	Expecting and preparing for eventual full disclosure
	Incorporating disclosure planning into information end-states
	Preparing for accusations that the agency has intentionally released inaccurate, conflicting, incomplete, or otherwise unsavory information

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ACKNOWLEDGMENTS

Completion of this thesis is a significant milestone in my academic and professional career, and I could not be prouder to have represented the courageous women and men of U.S. Immigration and Customs Enforcement (ICE) throughout this eighteen-month journey at the Naval Postgraduate School. This thesis is dedicated to the critical work these officers, agents, and attorneys do to protect America from the crime and illegal immigration that threaten national security and public safety.

I thank my agency leadership in San Antonio and at ICE and DHS headquarters that made my participation in this program possible. It's a bit unusual for a lawyer to want to go back to school for a master's program, and I truly appreciate my agency's support as I sought out and applied for this incredible educational opportunity.

I thank my thesis committee, Dr. Tristan Mabry and Lynda Peters, for their helpful suggestions, guidance, contributions, and patience as I worked my way through this arduous process and unfamiliar topic. I further thank Dr. Chris Bellavita for the encouragement and accountability he provided, which was incredibly helpful as I brought this project to completion.

I recognize my colleagues in cohort 1905/1906 for the support, intellectual stimulation, frustrations, and laughs that we have all shared since the summer of 2019. We survived COVID-19 and countless hours of Zooming together, learned a ton along the way, and came out the better for it.

Last, but certainly not least, I thank my husband, parents, family, and friends for the moral support over the past year and a half. I truly could not have done it without you.

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I. INTRODUCTION: TRUMP'S DHS DRAWS NEGATIVE ATTENTION¹

The immigration enforcement components of the Department of Homeland Security (DHS)—Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP)—drew significant negative attention from the public, the media, and Congress during the Trump administration during 2017–2020.² There are few issues in America as polarizing as immigration enforcement policy. Often, official statements from DHS during the administration, ostensibly aimed at convincing the public of the legitimacy of DHS's actions, were conflicting and inconsistent regarding the rationale of policy choices.³ Such conflicted public communications from DHS arguably added to the polarization among the public. Relatedly, DHS was plagued by an inability to retain executive personnel in the positions of secretary of homeland security and top agency leadership during the Trump administration.⁴ Frequent turnover in these key positions

¹ The views, arguments, and interpretations expressed in this thesis are the personal opinions and views of the author, and do not represent the official positions of the U.S. government, the U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, or the ICE Office of the Principal Legal Advisor.

² Frank P. Harvey, *The Homeland Security Dilemma: Fear, Failure and the Future of American Insecurity* (Abingdon, UK: Routledge, 2010).

³ For example, this 2019 letter to the public explained the rationale behind recent enforcement actions after the fact: Immigration and Customs Enforcement, “ERO Letter to the American Public” (Washington, DC: Immigration and Customs Enforcement, September 12, 2019), <https://www.ice.gov/statements/enforcement-and-removal-operations-mythbuster>.

⁴ Richard Kleinfeld, “The Politicization of Our Security Institutions,” *Just Security*, April 25, 2018, <https://www.justsecurity.org/55383/politicization-security-institutions/>; Rew Restuccia and Daniel Lippman, “Nielsen’s Allies Trying to Rehab Her Image for Life after Trump,” *Politico*, April 9, 2019, <https://politi.co/2G1o5l5>.

begged the question of who is running DHS this month.⁵ The leadership turnover was tied to problems with several major policy rollouts and subsequent failures.⁶

Under the Trump administration, DHS engaged in several policy changes that drew negative attention, such as the 2018 parent-child separation policy and the 2019 rollout of the Migrant Protection Protocols (MPP), also known informally as the remain-in-Mexico program.⁷ The variety of reactions from the public, Congress, the courts, and the media about these policies are typical of the wide range of positive and negative sentiment generated by the Trump administration’s immigration enforcement policy. While much has already been written in the press and in academia about the *merits* of these policies, previous research has not examined in depth the nature of DHS’s public-facing *communications* on these issues. This thesis seeks to fill the gap in understanding of DHS’s strategic communications efforts in this contentious area of public policy.

A. PROBLEM STATEMENT: THE UNCLEAR ROLE OF STRATEGIC COMMUNICATIONS IN TRUMP’S IMMIGRATION POLICY

Using the rollout of the parent-child separation policy and MPP program as examples, it is unclear whether the effectiveness or persuasiveness of communications

⁵ Leandra Bernstein, “DHS Has Always Had High Leadership Turnover; It’s Getting Worse under Trump,” NBC Montana, November 4, 2019, <https://nbcmontana.com/news/nation-world/dhs-has-always-had-high-leadership-turnover-its-getting-worse-under-trump>; Jerry Markon, Ellen Nakashima, and Alice Crites, “Turnover at Top Levels Hampers Department of Homeland Security,” *Washington Post*, September 21, 2014, https://www.washingtonpost.com/politics/top-level-turnover-makes-it-harder-for-dhs-to-stay-on-top-of-evolving-threats/2014/09/21/ca7919a6-39d7-11e4-9c9f-ebb47272e40e_story.html.

⁶ Molly O’Toole, “Must Reads: John F. Kelly Says His Tenure as Trump’s Chief of Staff Is Best Measured by What the President Did Not Do,” *Los Angeles Times*, December 30, 2018, <https://www.latimes.com/politics/la-na-pol-john-kelly-exit-interview-20181230-story.html>; *Chaos and Crisis: Senior Trump Admin Officials Implicated in Child Separation* (Washington, DC: Restore Public Trust, 2019), <https://restorepublictrust.org/wp-content/uploads/2019/04/20190406-RPT-OpenLetterCorporateAmerica-FINAL-1.pdf>.

⁷ “Family Separation under the Trump Administration—A Timeline,” Southern Poverty Law Center, June 17, 2020, <https://www.splcenter.org/news/2020/06/17/family-separation-under-trump-administration-timeline>; “Migrant Protection Protocols,” Department of Homeland Security, January 24, 2019, <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>.

plays a visible or strategic role in communications development and messaging for DHS.⁸ Other policy rollouts, such as a variety of reforms to the asylum system—or attempts to dismantle existing policies, depending on perspective—have been better received but continue to face uphill battles in the courts.⁹ A 2019 DHS-wide report with “information on the Department’s Strategic Review and . . . Agency Priority Goals” contains only two isolated references to strategic communications successes. Both examples were in the context of communications by the Transportation Security Administration directed toward travelers, but there was nothing regarding immigration enforcement.¹⁰

The problem of why around half of the U.S. population holds unfavorable opinions of DHS’s enforcement mission and work is a thorny, possibly unsolvable problem.¹¹ A 2018 Pew study showed that “about as many Americans view [ICE] favorably (44%) as unfavorably (47%).”¹² DHS’s enforcement activities are ripe for public discourse and targeted strategic communications aimed at achieving public understanding, and possibly even greater support, in these areas. The migrant communities and stakeholders that are

⁸ Darrel W. Stephens, Julia Hill, and Sheldon Greenberg, *Strategic Communication Practices: A Toolkit for Police Executives* (Washington, DC: Community Oriented Policing Services, 2011), 13, <https://cops.usdoj.gov/RIC/Publications/cops-p222-pub.pdf>; Muzaffar Chishti, Sarah Pierce, and Jessica Bolter, “Muscular Public Relations Strategy to Paint Immigrants and Immigration as Negatives Embedded Deep within Trump Executive Orders,” Migration Policy Institute, March 22, 2017, <https://www.migrationpolicy.org/article/muscular-public-relations-strategy-paint-immigrants-and-immigration-negatives-embedded-deep>.

⁹ David Inserra, “Seeking Asylum: Congress Should Fix Critical Loopholes to Secure the Southern Border and Help the Persecuted,” Heritage Foundation, May 7, 2018, <https://www.heritage.org/immigration/report/seeking-asylum-congress-should-fix-critical-loopholes-secure-the-southern-border>; Robert Barnes, “Supreme Court Says Trump Administration Can Begin Denying Asylum to Migrants While Legal Fight Continues,” *Washington Post*, September 11, 2019, https://www.washingtonpost.com/politics/courts_law/supreme-court-says-trump-administration-can-begin-denying-migrants-asylum-while-legal-fight-continues/2019/09/11/94b90da4-d017-11e9-8c1c-7c8ee785b855_story.html.

¹⁰ Department of Homeland Security, *FY2018-2020 Annual Performance Report* (Washington, DC: Department of Homeland Security, 2019), 78, https://www.dhs.gov/sites/default/files/publications/19_0318_MGMT_CBJ-Annual-Performance-Review-DHS-Overview_0.pdf.

¹¹ Such problems have been called “wicked” in the literature. Jos C. N. Raadschelders, Jennica Larrison, and Aditi V. Thapar, “Refugee Migration as a ‘Wicked Problem’: American Controlling, Palliative, and Governance Policies in Global Context,” *World Affairs* 182, no. 3 (September 2019): 230, <https://doi.org/10.1177/0043820019864103>; Stephens, Hill, and Greenberg, *Strategic Communication Practices*, 77. For a discussion of the relationship between political polarization and the increasing view that DHS enforcement serves the Republican Party’s interests, see Kleinfeld, “Politicization.”

¹² Pew Research Center, *Growing Partisan Differences in Views of the FBI; Stark Divide over ICE* (Washington, DC: Pew Research Center, 2018), <https://www.people-press.org/2018/07/24/growing-partisan-differences-in-views-of-the-fbi-stark-divide-over-ice/>.

targeted by DHS's enforcement activities are populations whose very existence and presence in the United States may be threatened by increased enforcement. The main "customers" of DHS's enforcement activities are the populations seeking to illegally cross the border (in the case of CBP) and the population of individuals who are unlawfully present in the United States (in the case of ICE). Naturally, neither of these populations wants or appreciates DHS's presence to the extent such presence is disruptive to their attempts to enter or illegally remain in the United States. Such stakeholders can be termed an *adversarial population*.¹³

Although the public benefits from general enforcement of the law, including immigration and border-related laws, the public is not a direct consumer of DHS's enforcement efforts. Critics of such enforcement argue that DHS's enforcement activities destroy families, weaken communities, and unfairly target people of color.¹⁴ At times, DHS has struggled with connecting concrete, tangible problems with its enforcement priorities and strategic communications efforts, arguably resulting in unfavorable public opinion about the agency.¹⁵ Achieving a greater understanding of DHS's efforts in these areas may lead to improvement in DHS's ability to communicate with the public about enforcement matters and improve its effectiveness at achieving its enforcement goals.¹⁶

According to the DHS Inspector General, managers and leaders in roles responsible for the rollout of policies should be expected to have training, education, and background

¹³ For a few examples of the limited academic use of the term "adversarial population," see Gideon Van Riet, "Intermediating between Conflict and Security: Private Security Companies as Infrastructures of Security in Post-Apartheid South Africa," *Politikon* 47, no. 1 (January 2020): 2, <https://doi.org/10.1080/02589346.2020.1714282>; Ralph Hartley, "Sleeping with the Enemy: An Essay on Mixed Identity in the Context of Violent Conflict," *Social Identities* 16, no. 2 (March 2010): 238, <https://doi.org/10.1080/13504631003691058>; Caitlin Gokey and Susan Shah, eds., *How to Serve Diverse Communities*, Police Perspectives: Building Trust in a Diverse Nation 2 (Washington, DC: Vera Institute of Justice, 2016), vii, https://www.vera.org/downloads/publications/police-perspectives-guide-series-building-trust-diverse-nation-diverse-communities_1.pdf.

¹⁴ United We Dream and Immigrant Legal Resource Center, *Ending Local Collaboration with ICE: A Toolkit for Immigrant Advocates* (Washington, DC: United We Dream, 2015), 21, https://www.ilrc.org/sites/default/files/resources/toolkit_final.compressed.pdf.

¹⁵ For a brief discussion of the difficulties in communicating with the public regarding immigration policy, see Stephens, Hill, and Greenberg, *Strategic Communication Practices*, 13.

¹⁶ Bobbie L. Johnson, "Managing the Reputation of DHS and Its Components" (master's thesis, Naval Postgraduate School, 2009), <https://doi.org/10.1037/e662172010-001>.

in strategic communications to tackle any public relations challenges associated with controversial policy rollouts.¹⁷ Ideally, DHS would make a strong case to the public and stakeholders to sell the idea that policy problems exist before rolling out proposed solutions to solve them. This thesis research asks whether the communications output of DHS during the parent-child separation policy and MPP reflects these strategic principles.

This thesis examines how DHS employs strategic communications while doing its job enforcing immigration law and whether such communications appear aimed at increasing the public's understanding of DHS's enforcement policies. The thesis reviews existing public communications theories and builds upon them to develop a working model to measure the effectiveness of the output of strategic communications, which is appropriate for use by a large federal law enforcement agency such as DHS. The project results in a deeper understanding of DHS's communications successes and failures, as well as several policy recommendations addressing future communications issues. More generally, these recommendations should have wider import to other large non-DHS agencies, particularly those struggling with strategic communications challenges.

B. RESEARCH QUESTION

How does DHS conduct strategic communications about controversial immigration policies, and can analysis of such communications using an evaluation metric or framework provide insight into DHS's strengths and weaknesses in this area?

C. LITERATURE REVIEW: WHERE IS THE STRATEGY IN “STRATEGIC COMMUNICATIONS”?

The literature contains several subject areas that provide the necessary academic framework and tools of analysis for this project. These areas include discussion of *strategy* in general, *strategic communications*, methods of *measurement and evaluation*, and models of measurement. Subtopics within these general areas include *information fratricide* and *information end-states*.

¹⁷ Office of Inspector General, *Major Management and Performance Challenges Facing the Department of Homeland Security*, OIG-18-11 (Washington, DC: Department of Homeland Security, 2017), <https://www.oig.dhs.gov/sites/default/files/assets/2017-11/OIG-18-11-Nov17.pdf>.

1. Bad Strategy Is Commonplace

The starting point is the debate over what should be considered effective and ineffective descriptions and implementation of strategy for an organization. Observing the confusion in the literature on strategy is helpful for understanding the nuances of the term *strategic communications*, particularly for adopting the critical perspective needed to research the nebulous subject. The use of the broader term *strategy* varies on a spectrum, ranging from broad usage to accomplish any sort of goal setting and long-term planning by an organization to narrower usage focused on capitalizing on a handful of key strengths of an agency to overcome specific challenges. The broader majority is exemplified by Dulek and Campbell's oversimplified view: "Strategy at its simplest form is the goal that the strategist wants to achieve."¹⁸ The research of Hallahan et al. analyzes the use of the term *strategic* in the context of strategic communications and notes several prominent uses. For example, for communications to be considered strategic, they "privilege [] a management discourse and emphasize [] upper management's goals for the organization as given and legitimate."¹⁹ This usage implies that strategy simply refers to the location on the organizational chart where decisions are made.²⁰

Multiple authors agree that the use of the term strategy originated in warfare and is associated with power and decision-making, particularly by those at the "strategic apex" of an agency.²¹ The term "evokes a one-sided approach to organizational management" while also being associated with organization survival and efficiency.²² Although there is

¹⁸ Ronald E. Dulek and Kim Sydow Campbell, "On the Dark Side of Strategic Communication," *International Journal of Business Communication* 52, no. 1 (January 2015): 124, <https://doi.org/10.1177/2329488414560107>.

¹⁹ Kirk Hallahan et al., "Defining Strategic Communication," *International Journal of Strategic Communication* 1, no. 1 (December 2007): 11, <https://doi.org/10.1080/15531180701285244>.

²⁰ Hallahan et al., 11.

²¹ Hallahan et al., "Defining Strategic Communication," 12; Jim Macnamara and Anne Gregory, "Expanding Evaluation to Progress Strategic Communication: Beyond Message Tracking to Open Listening," *International Journal of Strategic Communication* 12, no. 4 (2018): 470, <https://doi.org/10.1080/1553118X.2018.1450255>; H. Mintzberg, *The Structure of Organizations* (Englewood Cliffs, NJ: Prentice-Hall, 1979).

²² Hallahan et al., "Defining Strategic Communication," 11, 13; Charles Perrow, "Organisational Theorists in a Society of Organizations," *International Sociology* 7, no. 3 (September 1992): 371–80, <https://doi.org/10.1177/026858092007003008>.

a fair amount of agreement on strategy's historical origins, the confusion sets in when scholars and practitioners attempt to define sound practices in terms of effective or well-articulated strategy.

To point out these failing practices, Richard Rumelt lambasted (throughout several articles and a book) the phenomenon of “bad strategy.” In his view, “good strategy” involves “identifying pivot points that can multiply the effectiveness of effort.”²³ In contrast to other scholars, his definition of *Good Strategy* includes a deep awareness of an organization's key strengths, or pivot points. As discussed in this thesis, the terms Good or Bad Strategy refer to Rumelt's research into and characterizations of effective versus ineffective strategy, and references to these concepts in this thesis are capitalized.

According to Rumelt, truly Good Strategy requires introspection, self-honesty, and a thoughtfully developed approach to overcome real challenges, while Bad Strategy is a de facto checklist of “broad goals, ambition, vision [,] and values.”²⁴ He recommends avoiding the conflation of goals with strategy, especially long-term goals that no one knows how to achieve or when they will be achievable. Rather, the more immediate work of the strategist is specifically to “create the conditions that will make the push effective.”²⁵

In Rumelt's view, the hallmark of Good Strategy includes a focus “on one, or a very few, pivotal objectives” rather than a laundry list of lofty goals.²⁶ Maintaining focus on these crucial objectives should “lead to a cascade of favorable outcomes.”²⁷ In sum, Good Strategy has a diagnosis of a challenge, a guiding policy of how to deal with obstacles, and coherent actions tailored to overcoming these obstacles and achieving the guiding policy.²⁸ This understanding is in contrast to the majority view and more common

²³ Richard Rumelt, “The Perils of Bad Strategy,” *McKinsey Quarterly*, June 2011, <https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/the-perils-of-bad-strategy>.

²⁴ Rumelt.

²⁵ Rumelt.

²⁶ Rumelt.

²⁷ Rumelt.

²⁸ Rumelt, “Perils of Bad Strategy”; Richard Rumelt, *Good Strategy, Bad Strategy: The Difference and Why It Matters* (New York: Crown Business, 2011), 7.

articulation of strategy as simply a “goal that the strategist wants to achieve.”²⁹ Although Rumelt may be a minority voice in the strategy literature, he nonetheless offers an avenue for sorting out effective and ineffective use of strategy in the field of public communications.

2. Strategic Communications: Top-Down and Planned, or Emergent and Inclusive?

The literature on strategic communications includes ongoing debate about the extent to which communications strategy can be planned from the top down, or if it is something less palpable that emerges through an organization’s interaction with stakeholders. As early as 1979, the literature on strategic communications demonstrated that the skill of communicating effectively was increasingly required and important for all participants in the public sphere.³⁰ The point of strategic communications is not to make the entire public love an organization or to allow an agency to pursue offensive policies. Instead, it is to create support and consensus for efforts to do good and make correct decisions.³¹ In this vein, Hallahan et al. posit that “effective strategic communication includes examining how an organization presents itself in society as a social actor in the creation of public culture and the discussion of public issues.”³² Despite these noble claims, the field has traditionally taken a top-down approach, focused on achieving organizational goals rather than communicating in “ways that meet the needs or interests of stakeholders and publics.”³³ Holthauzen’s 2013 research, which still favors the interests of the organization, “refers to ‘set [ting]’ goals with no reference to stakeholders or publics,” suggesting a lack of consensus on the proper orientation of communications

²⁹ Ronald E. Dulek and Kim Sydow Campbell, “On the Dark Side of Strategic Communication,” *International Journal of Business Communication* 52, no. 1 (2015): 124, <https://doi.org/10.1177/2329488414560107>.

³⁰ Hallahan et al., “Defining Strategic Communication,” 15; Jürgen Habermas, *Communication and the Evolution of Society* (Boston: Beacon Press, 1979).

³¹ Christopher Paul, *Strategic Communication: Origins, Concepts, and Current Debates* (Santa Barbara, CA: Praeger, 2011), 175.

³² Hallahan et al., “Defining Strategic Communication,” 27.

³³ Macnamara and Gregory, “Expanding Evaluation,” 470.

within the literature of strategic communications.³⁴ This lack of consensus signals confusion about whether ideal communications are driven by an organization's concerns from the top down or if stakeholder needs from the bottom up must play a role.

3. Who Are the Strategic Communicators in an Organization?

Part of the literature discusses who the decision-makers are vis-à-vis the actual practitioners of strategic communications, sparking debate about who in an organization should bear the responsibility for effective communications planning. Buhmann and Likely, relying on Brønn's 2011 research, suggest that practitioners "be active members of the top management team where strategic decisions are taken."³⁵ Any envisioned cycle or model of strategic communications that views it as part of a linear progression—culminating in evaluation by practitioners separate and apart from the actual decision-makers—is erroneous and lacks rigor and utility. Instead, managers and communications practitioners should be more integrated from the beginning.³⁶ Buhmann and Likely further note that good strategy is "formed and re-formed rather than [pre]formulated."³⁷ Macnamara and Gregory note that the measurement and evaluation process can provide insight into strategy development and allow a practitioner "to observe the concepts and principles applied in practice."³⁸ Measurement and evaluation are thus as useful for planning purposes as they are for analyzing results.³⁹

³⁴ Derina R. Holtzhausen and Ansgar Zerfaß, "Strategic Communication—Pillars and Perspectives of an Alternative Paradigm," in *Organisationskommunikation und Public Relations*, ed. Ansgar Zerfaß, Lars Rademacher, and Stefan Wehmeier (Wiesbaden: Springer, 2013), 73–94, https://doi.org/10.1007/978-3-531-18961-1_4; Macnamara and Gregory, "Expanding Evaluation," 470.

³⁵ Alexander Buhmann and Fraser Likely, "Evaluation and Measurement in Strategic Communication," in *The International Encyclopedia of Strategic Communication*, ed. Robert L. Heath and Winni Johansen (Malden, MA: Wiley-Blackwell, 2018), 3; Peggy S. Brønn, "Communication Managers as Strategists? Can They Make the Grade?," *Journal of Communication Management* 5, no. 4 (October 2001): 313–26, <https://doi.org/10.1108/13632540110806857>.

³⁶ Buhmann and Likely, "Evaluation and Measurement," 3.

³⁷ Buhmann and Likely, 3.

³⁸ Macnamara and Gregory, "Expanding Evaluation," 469, 473.

³⁹ Macnamara and Gregory, 473.

Other research discusses in technical detail the roles of various staff. For an agency such as DHS, of interest to this project are the identified roles of public relations and political communication staff.⁴⁰ Adherents of the possibility of emergent strategy, as discussed below, reject the notion that lower-level communication technicians merely execute “strategic” decisions made higher up in the food chain.⁴¹ Further, literature on contemporary management, such as Mirabeau and Maguire’s 2014 article, discusses the “need to change from a top-down ‘command and control’ approach in which senior management predetermines strategy unilaterally inside the organization to one that . . . is adaptive.”⁴²

What does the literature generally say about the effectiveness and purpose of strategic communications? The consensus—again, from the top-down perspective—is that effectiveness is “achieving a desired communication result against a pre-set objective . . . [while] monitor [ing] the organization’s environment, thus increasing the reflective capacities of strategic management decisions.”⁴³ Definitions of the term strategic communications range from Buhmann and Likely’s somewhat circular definition—“any purposeful use of communication to fulfill an organization’s mission and strategy”—to broader notions that strategic communications are not limited to corporations or governments but also may be used by “activist organizations and social and citizen movements.”⁴⁴ Casting the field as an “emerging paradigm,” Hallahan et al. note that “various communications disciplines share common purposes and that their objectives and strategies for achieving those objectives are similar.”⁴⁵ Perhaps, in losing meaning through overuse, the term has become synonymous with public relations, political persuasion, and

⁴⁰ Hallahan et al., “Defining Strategic Communication,” 6.

⁴¹ Hallahan et al., 14.

⁴² Macnamara and Gregory, “Expanding Evaluation,” 472; Laurent Mirabeau and Steve Maguire, “From Autonomous Strategic Behavior to Emergent Strategy,” *Strategic Management Journal* 35, no. 8 (August 2014): 1202–29, <https://doi.org/10.1002/smj.2149>.

⁴³ Buhmann and Likely, “Evaluation and Measurement,” 4, 5.

⁴⁴ Buhmann and Likely, 5; Hallahan et al., “Defining Strategic Communication,” 4.

⁴⁵ Hallahan et al., “Defining Strategic Communication,” 5.

characterized crisis communications.⁴⁶ Foucault’s somewhat cynical view as early as 1982 was that “all relationships are political and therefore strategic.”⁴⁷

4. A Darker Perspective on Communications

Some authors reject an overly naive view of organizational communication in discussing the so-called “dark side” of strategic communications and related notions of emergence.⁴⁸ Dulek and Campbell suggest that focusing the message on the purpose and sender rather than the context and recipient engages the Dark Side of strategic communications.⁴⁹ They suggest that “ambiguity, and even deception, may be appropriate choices, depending on strategic intent.”⁵⁰ This perspective, of course, disregards the earlier, perhaps more noble, idea that communication must be as clear as possible such that clarity becomes a goal even unto itself.⁵¹

To be sure, excessive pursuit of clarity in messaging *can* interfere with a legitimate strategic purpose, just as ambiguity can be “normal rather than deviational.”⁵² Indeed, the strategic literature is replete with studies of methods used for creating intentional ambiguity.⁵³ More technically, authors have found that “implicature ambiguity is often the

⁴⁶ Hallahan et al., 9.

⁴⁷ Michel Foucault, “The Subject and Power,” in *Michel Foucault: Beyond Structuralism and Hermeneutics*, ed. H. L. Dreyfus and P. Rainbow (Chicago: University of Chicago Press, 1982); Hallahan et al., “Defining Strategic Communication,” 15.

⁴⁸ As noted above in the discussion of Good or Bad Strategy, references to seemingly normative concepts such as the Dark Side of strategic communications are capitalized in this thesis as a stylistic preference. This clarifies that such concepts are used and applied in a non-normative, academic manner, and not to pass judgment on aspects of communications which authors from the literature might call “dark.”

⁴⁹ Dulek and Campbell, “On the Dark Side,” 123; Macnamara and Gregory, “Expanding Evaluation,” 471.

⁵⁰ Dulek and Campbell, “On the Dark Side,” 122.

⁵¹ Dulek and Campbell, 122, 136; C. W. Shannon and W. W. Weaver, *The Mathematical Theory of Communication* (Urbana: University of Illinois Press, 1949).

⁵² Dulek and Campbell, “On the Dark Side,” 123; Jeffrey Pfeffer, *Power: Why Some People Have It—and Others Don’t* (New York: HarperCollins, 2010); Eric M. Eisenberg, “Ambiguity as Strategy in Organizational Communication,” *Communication Monographs* 51, no. 3 (1984): 227–42, <https://doi.org/10.1080/03637758409390197>.

⁵³ Dulek and Campbell, “On the Dark Side,” 125.

foundation of deceptive messages.”⁵⁴ Ambiguous interpretations are traceable to disparities in information awareness, or information asymmetry, between individuals with varying amounts of knowledge about an event or subject.⁵⁵ The strategic actor, of course, has the deliberate choice of attempting to resolve such information asymmetries or intentionally allowing ambiguity to persist.⁵⁶ This choice raises the question of whether it is ever ethical for government to be less than perfectly clear.⁵⁷ Dozier’s earlier 2013 writings support Dulek’s point, noting that organizations with “publicity/press agency model [s] . . . spread favorable propaganda about the organization with only moderate regard for information accuracy.”⁵⁸

Conversely, and related to the Dark Side, *astroturfing* (essentially a planned and false information campaign) should be avoided.⁵⁹ If the deception is revealed, it will damage the organization’s reputation significantly.⁶⁰ Paul’s volume provides more extensive discussion of what he terms “black information capabilities,” such as his recommendations that such activities be separated within an organization from more traditional communications functions.⁶¹ While Paul’s research and writings focus primarily on the military/defense aspect of strategic communications, broader value can be gleaned from his belief that successful efforts in stakeholder engagement will result in

⁵⁴ Dulek and Campbell, 128.

⁵⁵ Dulek and Campbell, 130.

⁵⁶ Dulek and Campbell, 136.

⁵⁷ Dulek and Campbell, 136.

⁵⁸ David M. Dozier, “The Organizational Roles of Communications and Public Relations Practitioners,” in *Excellence in Public Relations and Communication Management*, ed. James E. Grunig (New York: Routledge, 1992), 345.

⁵⁹ The notion of astroturfing has a “long history in the [public relations] industry . . . [referring to] a campaign that is planned by an organization and masked to create the impression of being spontaneous and carried out at grass roots level.” Jesper Falkheimer and Mats Heide, “Strategic Communication in Participatory Culture,” in *The Routledge Handbook of Strategic Communication*, ed. Derina Holtzhausen (New York: Routledge, 2014), 346, <https://doi.org/10.4324/9780203094440>.

⁶⁰ Falkheimer and Heide, 346; Paul, *Strategic Communication Origins*, 181.

⁶¹ Paul, *Strategic Communication Origins*, 181.

“maximum credibility, increased respect, and as much support for our policies and operations as possible.”⁶²

5. Communications Strategy Can Emerge Unintentionally

A newer trend and ongoing debate in the strategic communications literature concerns the intent required to engage in strategy or whether strategy emerges even where it is unintended. To be sure, the public “do [es] not necessarily differentiate between the various forms of communications in which [agencies] might engage.”⁶³ In this respect, there is an unintentional aspect of strategic communications rooted in the variation and unpredictability of public perception.⁶⁴ Moreover, as Hallahan et al. describe, “Postmodern philosophers . . . hold that meaning is solely shaped by the receiver, who receives communication and creates meaning within the context of her or his own life experiences and references.”⁶⁵ Attempts at significant control over the meaning of messaging are arguably illusory because the “meaning of communication itself is ‘irretrievably transformed’ during the communication process.”⁶⁶ Thus, Hallahan et al. recognized that it might not be possible to get others to think as an organization would like them to think. Indeed, a linear understanding of communications may no longer be possible or realistic.⁶⁷ A more realistic goal is to have a target audience *understand* an agency’s efforts rather than be *persuaded* by them, so managers should set their expectations accordingly.⁶⁸ Nonetheless, the debate over emergence is far from settled. As recently as 2015, Schneider still harkened back to the top-down strategic approach in recognizing the

⁶² Paul, 175.

⁶³ Hallahan et al., “Defining Strategic Communication,” 10.

⁶⁴ Hallahan et al., 10.

⁶⁵ Hallahan et al., 24.

⁶⁶ Hallahan et al., 24.

⁶⁷ Hallahan et al., 26.

⁶⁸ Hallahan et al., 26.

so-called “‘rise of strategic communication’ in government . . . with a primary focus on changing the attitudes and behaviour of target audiences”—if that can still be done.⁶⁹

Significant disagreement exists as to whether strategic communications can be unintentional or emergent, such as the argument of Hallahan et al. that the “purposeful nature of strategic communications is critical” and that “random or unintentional communications” are not strategic.⁷⁰ Likewise, in a 2012 text about DHS in particular, Thomas and Logan agree that strategic communication is an “intentional, choice-based process.”⁷¹ Scholars such as King note that strategy emerges regardless of speaker intent, despite any planned actions to achieve intended results.⁷² Carried to their full conclusion, King’s writings beg the question of whether DHS’s attempts at strategic communications matter at all. It is unresolved in the literature how to reconcile the two camps’ views, as the disagreement appears to be rooted in a fundamental divergence of opinion in the nature of strategy itself.

Regardless of whether King’s theory of emergence merits wider acceptance and application, several points from her research stand out for this current project. First, King believes “emergent strategies may be taken as deliberate by the audience, regardless of whether the strategy was planned for or not.”⁷³ Next, emergent strategy, to the extent it exists, “will not necessarily be stable over time because the construct is inherently dynamic.”⁷⁴ Finally, King notes that “a strategy relies on the interdependence of opposing participants” for both planned and emergent communications strategies, much as the

⁶⁹ Macnamara and Gregory, “Expanding Evaluation,” 471; Michael D. Schneider, “U.S. Public Diplomacy Since 9–11: The Challenges of Integration,” in *International Public Relations and Public Diplomacy: Communication and Engagement*, ed. Guy J. Golan, Sung-Un Yang, and Dennis F. Kinsey (New York: Peter Lang, 2015), 18.

⁷⁰ Hallahan et al., “Defining Strategic Communication,” 7, 27.

⁷¹ Gail F. Thomas, “Strategic Communication,” in *Introduction to Homeland Security*, ed. Keith G. Logan and James D. Ramsay (Abingdon, UK: Taylor & Francis, 2012), 265.

⁷² Cynthia L. King, “Emergent Communication Strategies,” *International Journal of Strategic Communication* 4, no. 1 (January 2010): 19, <https://doi.org/10.1080/15531180903415814>; Macnamara and Gregory, “Expanding Evaluation,” 472.

⁷³ King, “Emergent Communication Strategies,” 22.

⁷⁴ King, 23.

justification for DHS's enforcement work relies on the existence of terrorists, illegal aliens, and criminal aliens.⁷⁵

Overall, in contrast to Rumelt's research, King's notion of strategy appears to be just a stand-in for the result of competitive circumstances. In King's view, "strategy" is what emerges following a contentious competition "in which writers and speakers attempt to gain advantage over other forces that compete for their audience's attention."⁷⁶ She also diverges from the work of more traditional scholars in her idea that "communication is strategic even if it is not intentional."⁷⁷ However, such divergence is ultimately unsurprising when there is no clear agreement on what "strategy" is.

Other less orthodox views on strategy include the notion of participatory strategy, which includes wide stakeholder engagement, also referred to as democratizing strategy or open strategy.⁷⁸ In their work on participatory strategy, Falkheimer and Heide argue that future "strategic communications between organizations and stakeholders will be less relevant to the larger question of how common meaning is created," assuming it is still possible to have common meaning between adversarial populations and organizations.⁷⁹ In their view, the "boundaries between transmitter and receiver" are less clear and other boundaries will continue to blur.⁸⁰ Thus, analysis of participatory strategy recognizes the downstream effects of stakeholder interaction on an organization's initial, planned strategy.

6. Failures of Consistency: Information Fratricide

Sometimes planned strategy fails due to adverse internal influences. *Information fratricide* occurs when one component or official of an agency releases public information

⁷⁵ King, 23.

⁷⁶ King, 21.

⁷⁷ King, 25.

⁷⁸ Macnamara and Gregory, "Expanding Evaluation," 471; Kurt Matzler et al., "Open Strategy: Towards a Research Agenda," *SSRN*, March 2014, <https://dx.doi.org/10.2139/ssrn.2416937>.

⁷⁹ Falkheimer and Heide, "Strategic Communication in Participatory Culture," 340.

⁸⁰ Falkheimer and Heide, 340.

or statements which undercut another component's or official's work.⁸¹ In the military, information fratricide is defined as “employing information operations elements in a way that causes effects in the information environment that impede the conduct of friendly operations or adversely affect friendly forces.”⁸² This phenomenon can happen indirectly when information from competing friendly voices “create improper impressions” on the listener.⁸³ Defined in this way, it is possible that “information fratricide” occurs within DHS, at least to the extent that one component's policies or public statements can negatively impact casework, adjudications, or enforcement actions of other components.⁸⁴

In sum, the literature on strategic communications suggests it is still an immature science, composed of loosely related theories.⁸⁵ Certainly, the field has evolved from one characterized by a unitary, top-level source disseminating information to one where consumers of information actively seek out the information they want.⁸⁶ Today, the many communicate with many, with sometimes unexpected effects.⁸⁷ The literature has only begun to scratch the surface of these changes in understanding of the field.

D. RESEARCH DESIGN

This thesis is essentially a qualitative study of media reporting and public communications of DHS relevant to several case studies. According to principles laid out in Leedy and Ormrod's *Practical Research Planning and Design*, the case study is the most

⁸¹ *Getting Better at Strategic Communication*, House, 112th Cong., 1st sess., July 12, 2011, 5–8, https://www.rand.org/content/dam/rand/pubs/testimonies/2011/RAND_CT366.pdf; Paul, *Strategic Communication Origins*, 6–7.

⁸² U.S. Army, “FMI 3–07.22, Chapter 3: Counterinsurgency Operations,” Field Manual-Interim, accessed January 21, 2021, <https://www.globalsecurity.org/military/library/policy/army/fm/3-07-22/ch3-iv.htm>.

⁸³ U.S. Army.

⁸⁴ E.g., Debra Cassens Weiss, “Union for Asylum Officers Files Brief Opposing Remain-in-Mexico Policy,” ABA Journal, June 28, 2019, <https://www.abajournal.com/news/article/union-for-asylum-officers-files-brief-opposing-remain-in-mexico-policy>.

⁸⁵ Hallahan et al., “Defining Strategic Communication,” 28; Thomas. S. Kuhn, “Reflections on My Critics,” in *Criticism and the Growth of Knowledge*, ed. I. Lakatos and A. Musgrave (London: University Press, 1970), <https://doi.org/10.1017/CBO9781139171434.011>.

⁸⁶ Falkheimer and Heide, “Strategic Communication in Participatory Culture,” 343.

⁸⁷ Falkheimer and Heide, 343.

applicable and useful methodology for this project.⁸⁸ This type of research design is best suited to study a given event or events over a specific period. Leedy and Ormrod note that such usage is helpful where there is the goal of “mak [ing] comparisons, build [ing] theory, or propos [ing] generalizations.”⁸⁹ The research question for this thesis has exactly those aims, as it seeks to understand how DHS performs strategic communications and to identify strengths and weaknesses in this area. To answer this question, the communications regarding two DHS policy rollouts from 2018–19 are viewed from an outsider perspective, meaning that the project focuses on publicly available communications and media reporting.

The research for this project occurred in several phases, and the following is a general overview of the path taken by the project. The research first identified in the literature viable possibilities to use for measurement and evaluation of DHS’s organizational communications. As discussed in Chapter II, several viable candidate models were identified and then synthesized into a new model better tailored to evaluation of specific DHS communications. The project identified appropriate case studies and collected publicly available documents such as newspaper and internet articles, press releases, journal and law review articles, congressional testimony, and public speeches by key officials relevant to the chosen two case studies. Of particular interest were organizational communications that appeared to be targeted to a specific audience. Excluded from review and analysis were less scholarly or academic opinion pieces on the merits of DHS’s policy *actions or inactions*, which lack focus on DHS’s *communications*.

In analyzing these events, the thesis discusses the “historical, economic, and social factors” relevant to the analysis, factors which Leedy and Ormrod identified as appropriate for the case study method.⁹⁰ The thesis is not an analysis of data regarding the legal, moral, political, or public policy merits of DHS’s actions during these events. The purpose of this thesis is to discuss and apply concepts from the strategic communications literature in a

⁸⁸ Paul D. Leedy and Jeanne Ellis Ormrod, *Practical Research Planning and Design*, 12th ed. (New York: Pearson, 2019), 230.

⁸⁹ Leedy and Ormrod, 231.

⁹⁰ Leedy and Ormrod, 231.

non-normative, academic manner and not to pass judgment on any “good” or “bad” aspects of DHS’s policy or communications. While specific policy issues are certainly worth serious academic study, they are outside the scope of this thesis and involve complex issues of modern politics and immigration policy. Instead, the research focuses on the specific communications strategies (especially the actual communications documents and public statements themselves) employed by DHS and agency leadership during these policy rollouts and measures such strategies against a model for evaluating strategic communications efforts. Finally, the analysis uses the developed model to identify whether any apparent gaps exist in DHS’s use of strategic communications efforts. The following four sections provide further detail about the research design.

1. Source Collection Methodology

Source documents for this thesis consisted of published media articles, congressional reports, non-governmental organization (NGO) reports, official DHS press releases and other official DHS communications, and other published material which contained direct quotes or significant paraphrases of statements by key government officials regarding these two policies. These communications were located primarily through internet searches designed to capture communications relevant to these two policies, using keywords pulled from language in the policies. The communications were further located from a review of sections of the DHS website containing press releases and other public communications, and by following footnote and bibliography references of published works about these policies.

Potential source documents were scanned to determine if they contained any direct quotes or significant paraphrases of statements by key administration officials about these two policies. If so, the source information and statements of the officials were cataloged for further analysis. Documents were generally not considered as source documents if they contained commentary about the policy merits but did not contain any direct quotes or significant paraphrases of key administration officials, because they did not contain any actual examples of communications.

To be sure, this research has not captured every single word uttered by key officials about these two policies. The goal was to identify the major public press releases, speeches, and other communications which defined the administration’s communications strategy (or lack of strategy) during these two policy rollouts.

2. Qualitative Content Analysis

The research methodology used in this thesis consists primarily of content analysis of the public speeches, press releases, quotations in the media, and other writings and documented communications of various DHS and governmental officials. Macnamara notes that a qualitative review method is useful to obtain “in-depth insights and understanding of particular cases, characteristics, categories, or groups of people.”⁹¹ This method can support “inferences about the policies, views, and intentions of various sources, as well as potential audience effects, without directly contacting those sources.”⁹²

Macnamara further describes content analysis as first identifying appropriate cases and communications.⁹³ The analysis then turns to “examining the data to identify the topics, issues, and messages that most frequently occur, and then . . . making inferences about what those elements might reveal about the speakers, authors, or audience effects.”⁹⁴ The interpretive frame of “narratology, which focuses on the narrative or story-telling within a text to interpret what meanings are likely to be produced by its structure and choice of words,” is considered a useful tool for conducting a qualitative method of content analysis.⁹⁵ This type of a qualitative method includes analysis of such elements as: adjectives depicting “a speaker’s and writer’s attitude”; “tonal qualities such as aggressiveness, sarcasm, flippancy, and emotional language”; “figures of speech such as

⁹¹ Jim Macnamara, “Content Analysis,” in *Mediated Communication*, ed. Philip M. Napoli, vol. 7, *Handbooks of Communication Science* (Berlin: De Gruyter, 2018), 10.

⁹² Macnamara, 13.

⁹³ Macnamara, 11.

⁹⁴ Macnamara, 11.

⁹⁵ Macnamara, 11.

metaphors and similes”; use of “nuance, sarcasm, double-entendre, and other particular uses of language”; and other “context factors such as the credibility of spokespersons.”⁹⁶

Although such a qualitative research method may have inherent concerns of “introducing subjectivity and bias,” such concerns are mitigated by the presence of clear evaluation criteria.⁹⁷ This thesis introduces a set of evaluation criteria with the output evaluation model developed in Chapter II. Further, the possibility of bias in case selection is minimized when the analysis includes “rationale that justifies why and how such cases are selected.”⁹⁸ The rationale for selection of the two cases in this thesis is described below.

3. Rationale for Case Selection

Potential candidates for study were limited to policies of the Trump administration for several reasons. First, the idea for this thesis project arose *during* the height of the administration, when multiple controversial immigration policies were front and central in the collective minds of the public, the media, and DHS policymakers. These policies contrasted rather sharply with those of prior administrations, so it was natural to begin searching for appropriate case studies with the Trump administration. Second, broadening the search for cases to include those prior to the Trump administration necessarily introduces additional variables and adds to the complexity of the study. As Bowles remarked in his work on presidential studies, “there are usually too many variables to permit robust, comparative theories of political behavior and policy outcomes with cross-national and *intertemporal explanatory applicability* [emphasis added].”⁹⁹ Making “interesting generalizations,” particularly about a subject as underdeveloped as strategic communications for public agencies, is increasingly difficult for more than a “small . . . slice of time.”¹⁰⁰

⁹⁶ Macnamara, 11.

⁹⁷ Macnamara, 10.

⁹⁸ Macnamara, 10.

⁹⁹ Nigel Bowles, “Studying the Presidency,” *Annual Review of Political Science* 2 (1999): 2, <https://www.annualreviews.org/doi/pdf/10.1146/annurev.polisci.2.1.1>.

¹⁰⁰ Bowles, 1.

a. *Why These Cases Were Chosen*

The parent-child separation policy was a public relations disaster, drawing near-universal bipartisan condemnation from Congress, the media, and the public.¹⁰¹ It is also a good example of multiple administration officials at all management levels of DHS issuing public statements defending the policy. DHS communications regarding this criminal-enforcement-turned-child-separation policy merit study as the policy has been described by a media critic as “one of the worst crises of [Trump’s] presidency.”¹⁰²

MPP was chosen as the second case study because it is an example of another immigration-related policy of the Trump administration that was controversial yet played a key role in the administration’s overall immigration agenda. Indeed, it has been described by DHS as the “cornerstone” of the administration’s immigration policy.¹⁰³ Beginning as a one-site pilot program in southern California, the program grew to seven sites across the border from San Diego (San Ysidro) to Brownsville, Texas.¹⁰⁴ The MPP program did not garner significant criticism in the mainstream media or among the public, at least not to the extent that the parent-child separation policy was universally condemned. Indeed, many

¹⁰¹ John Cassidy, “Why a Rogue President Was Forced to Back Down on Family Separation,” *New Yorker*, June 21, 2018, <https://www.newyorker.com/news/our-columnists/why-a-rogue-president-was-forced-to-back-down-on-family-separation>; Lachlan Markay, Andrew Desiderio, and Justin Miller, “Trump Stops Separating Immigrant Families After Claiming He Couldn’t,” *Daily Beast*, June 20, 2018, <https://www.thedailybeast.com/trump-stops-separating-immigrant-families-after-claiming-he-couldnt>.

¹⁰² Maria Sacchetti, “ACLU: U.S. Has Taken Nearly 1,000 Child Migrants from Their Parents Since Judge Ordered Stop to Border Separations,” *Washington Post*, July 30, 2019, https://www.washingtonpost.com/immigration/aclu-us-has-taken-nearly-1000-child-migrants-from-their-parents-since-judge-ordered-stop-to-border-separations/2019/07/30/bde452d8-b2d5-11e9-8949-5f36ff92706e_story.html.

¹⁰³ Department of Homeland Security, *Assessment of the Migrant Protection Protocols (MPP)* (Washington, DC: Department of Homeland Security, 2019), 6, https://www.dhs.gov/sites/default/files/publications/assessment_of_the_migrant_protection_protocols_mpp.pdf.

¹⁰⁴ American Immigration Council, *Policies Affecting Asylum Seekers at the Border: The Migrant Protection Protocols, Prompt Asylum Claim Review, Humanitarian Asylum Review Process, Metering, Asylum Transit Ban, and How They Interact* (Washington, DC: American Immigration Council, 2020), 2, https://www.americanimmigrationcouncil.org/sites/default/files/research/policies_affecting_asylum_seekers_at_the_border.pdf.

members of the public have likely never heard of MPP, which is notable given DHS's description of the program as a "cornerstone" policy.¹⁰⁵

Contrasted together, these two case studies raise questions of what Trump's DHS did correctly and incorrectly in its efforts at strategic communications. Thus, this thesis focuses on two immigration policies from the Trump administration which fell on a spectrum from being near-universally condemned to having a favorable, or at least palatable, reception.

b. Ruling Out Other Possible Case Studies

Other possible policy case studies were considered but ruled out for various reasons. For example, the third country transit bar prevented an asylum seeker from being granted asylum if he or she had passed through a third country without first applying for asylum in the third country, waiting for a decision, and receiving a denial before continuing onward to the United States.¹⁰⁶ Since almost all migrants arriving at the southern U.S. border pass through Mexico and several Central American countries, most were ineligible for asylum since they had not applied for asylum in those countries.¹⁰⁷ Following litigation on the rule, it was enjoined in July 2020 by a federal district court judge in D.C.¹⁰⁸ Further, the rule did not garner significant criticism in the mainstream media or among the public to the extent of the parent-child separation policy or MPP. The subject matter of the rule concerns a fairly niche area of asylum law, unlike the more fundamental effect of separating parents from children or requiring asylum seekers to remain in another country while their cases are pending. This rule was excluded as a case study for these reasons.

¹⁰⁵ For an example of the claim that the public had never heard of MPP, see Ranit Mishori and Kathryn Hampton, "The Worst Immigration Policy You've Never Heard Of," *The Hill*, January 8, 2020, <https://thehill.com/opinion/immigration/477329-migrant-protection-protocols-the-worst-immigration-policy-youve-never>; see also Department of Homeland Security, *Assessment of MPP*, 6.

¹⁰⁶ American Immigration Council, *Policies Affecting Asylum Seekers*, 6.

¹⁰⁷ Andrew R. Arthur, "SCOTUS Hands Trump Win on Third-Country Transit Bar to Asylum," Center for Immigration Studies, September 12, 2019, <https://cis.org/Arthur/SCOTUS-Hands-Trump-Win-ThirdCountry-Transit-Bar-Asylum>.

¹⁰⁸ Andrew R. Arthur, "D.C. District Court Judge Vacates Third-Country Transit Bar," Center for Immigration Studies, July 3, 2020, <https://cis.org/Arthur/DC-District-Court-Judge-Vacates-ThirdCountry-Transit-Bar>.

Another possible case study concerns the practice of “metering,” the practice where CBP allegedly prevents asylum seekers from entering a port of entry at a land border crossing and requires them to remain in Mexico until their name comes up on a waiting list, due to resource constraints at the ports of entry.¹⁰⁹ The practice is controversial for multiple reasons and DHS has never directly acknowledged that such a practice exists or existed. Moreover, this practice has been litigated extensively in the pending *Al Otro Lado* litigation and there is currently an injunction in place at the time of this writing.¹¹⁰ To the extent that such alleged metering policies prevented asylum seekers from entering the country prior to the onset of the third country transit bar, the injunction essentially prohibits adjudicators from holding the late entry date into the U.S. against *Al Otro Lado* class members.¹¹¹ The alleged metering policy is also a relatively niche area of asylum law related to the third country transit bar and was not selected as a case study for the same reasons as the third country transit bar.

Another example policy is the safe third country agreement, with nations such as Guatemala, whereby the U.S. government and the third country enter into an agreement for the third country to accept and house asylum seekers from the United States.¹¹² This program was implemented on a small scale with Guatemala prior to the onset of the COVID-19 pandemic, but it never had the scope or impact of a much larger program such as MPP and a Guatemalan court initially blocked its further implementation in mid-2019.¹¹³ The administration reportedly began sending small numbers of migrants to

¹⁰⁹ Hillel R. Smith, *The Department of Homeland Security’s Reported “Metering” Policy: Legal Issues* (Washington, DC: Congressional Research Service, 2019), <https://fas.org/sgp/crs/homesecl/LSB10295.pdf>; American Immigration Council, *Policies Affecting Asylum Seekers*, 1.

¹¹⁰ American Immigration Council, “Challenging Customs and Border Protection’s Unlawful Practice of Turning Away Asylum Seekers,” American Immigration Council, accessed January 30, 2021, <https://www.americanimmigrationcouncil.org/litigation/challenging-customs-and-border-protections-unlawful-practice-turning-away-asylum-seekers>.

¹¹¹ American Immigration Council.

¹¹² Sofia Menchu, “Guatemalan Court Halts ‘Safe Third Country’ Designation for Asylum Seekers,” Reuters, July 15, 2019, <https://www.reuters.com/article/us-usa-immigration-guatemala-idUSKCN1UA1TK>.

¹¹³ Menchu.

Guatemala under the agreement by November 2019.¹¹⁴ This program was not selected as a case study due to the limited scope of the program as it existed before the COVID-19 pandemic.

c. Conclusion

The most informative policy cases using appropriate “non-probability sampling” methods are the parent-child separation policy and the Migrant Protection Protocols.¹¹⁵ The parent-child separation policy is suitable for analysis due to the magnitude of the public outrage following the rollout of the policy and the diversity of DHS’s public communications regarding the rollout. The MPP program is appropriate as it has been self-described by DHS as the “cornerstone” of the administration’s immigration policy.¹¹⁶ For the chosen case studies, the breadth of available source documents is quite significant. The section below discusses the need to narrow down the range of source documents to meaningfully analyze DHS’s communications on these two policies within the scope of this thesis.

4. Excluded Subjects, Types of Communications, and Speakers

Key Trump administration officials issued numerous statements about policy developments related to the two case studies over the four years of the administration. For purposes of this thesis, it was necessary to narrow down the scope of data collection and exclude certain subjects, types of communications, and speakers to achieve a manageable body of source documents. Discussion of the excluded issues, types of communications, and speaker statements are left to future researchers and writers.

¹¹⁴ Adam Shaw, “Trump Administration Begins Sending Migrants to Guatemala as Part of ‘Safe Third Country’ Agreement,” Fox News, November 21, 2019, <https://www.foxnews.com/politics/trump-administration-begins-sending-migrants-to-guatemala-as-part-of-safe-third-country-agreement>.

¹¹⁵ Such sampling methods are common in “qualitative research [which] seeks in-depth insights and understanding of particular cases, characteristics, categories, or groups of people rather than statistical data . . . [and do not] require the use of probability sampling as applied in quantitative research.” Macnamara, “Content Analysis,” 10.

¹¹⁶ Department of Homeland Security, *Assessment of MPP*.

Accordingly, the following list of subjects, types of communications, and speakers were intentionally excluded from data collection and analysis in this thesis for the reasons stated:

- *Statements or testimony of officials of the Department of Health and Human Services (HHS).* The Office of Refugee Resettlement (ORR), a part of HHS, assumes and maintains custody of unaccompanied alien minors after arrest by DHS.¹¹⁷ ORR was involved with maintaining custody of children after parent-child separations in 2018. However, statements of HHS officials are excluded because it is a separate Cabinet-level department with a different mission, operational environment, and set of interests than DHS.
- *Statements or testimony of officials of the Department of Justice, other than the Attorney General.* There are available statements from lower-ranking DOJ officials, such as from U.S. Attorneys. However, these officials were largely carrying out policy orders from higher-ranking DOJ officials and their statements do not necessarily reflect the position of DHS. Since the focus of this thesis is on strategic communications of DHS (along with a few high-ranking non-DHS officials such as the U.S. Attorney General, whose role is intricately tied to immigration policy and enforcement), communications from lower-level DOJ employees were excluded from consideration.
- *Statements of DHS and DOJ when serving as the legal representative of DHS contained in various court filings in the multitude of litigation filed against DHS during the Trump administration.* These filings were prepared by attorneys rather than communications professionals and are

¹¹⁷ E.g., Julia Edwards Ainsley, “Exclusive: Trump Administration Considering Separating Women, Children at Mexico Border,” Reuters, March 3, 2017, <https://www.reuters.com/article/us-usa-immigration-children-idUSKBN16A2ES>; Office of Inspector General, *DHS Lacked Technology Needed to Successfully Account for Separated Migrant Families* (Washington, DC: Department of Homeland Security, 2019), 4, <https://www.oig.dhs.gov/sites/default/files/assets/2019-11/OIG-20-06-Nov19.pdf>.

subject to legal ethics guidelines and requirements beyond the scope of this thesis. This thesis focuses primarily on communications issued by communications departments or political appointees of the relevant agencies. Further, many of these lawsuits remain in active litigation in various stages and it would be premature to comment on these filings.

- *Statements made on Twitter by President Donald Trump.* These communications are not formal releases by communications professionals. Further, the evaluation model introduced in Chapter II does not capture the nuances of communication via Twitter or other social media, and further research is needed into evaluation of output via those media, particularly with regard to the frequency and extent that President Trump used Twitter to communicate with the public.¹¹⁸ While these tweets are related to the strategic communications of the U.S. government as a whole, it is difficult to sufficiently isolate for analysis the public relations effects of these tweets vis-à-vis more formal DHS communications within the scope of this thesis.
- *Statements from prior administration officials who were no longer serving in government, such as officials from the Obama Administration.* The focus of this thesis is on the strategic communications efforts of DHS during the Trump administration, so the personal opinions of former officials evaluating those communications were excluded.
- *Statements quoted from internal memoranda obtained by the media, which were leaked or otherwise not intended for public release.* While these statements are relevant to policy analysis, they are less relevant to analyzing public communications output because they were not intended

¹¹⁸ E.g., Cody Baker, “How Twitter Has Changed the Way Advertisers Communicate,” *Undergraduate Review* 14, no. 1 (2018): 12–22, https://vc.bridgew.edu/cgi/viewcontent.cgi?article=1433&context=undergrad_rev; “How Does Twitter Influence the Way We Communicate?,” *Pacific Standard*, June 14, 2017, <https://psmag.com/news/how-does-twitter-influence-the-way-we-communicate>.

for public release. In theory, such released material may have had indirect effects upon subsequent public communications and indeed may form part of the emergent strategy discussed in Chapter II. However, such second-order effects are speculative and the issue of downstream effects of releases of non-public material is an issue better suited for future research.

- *Statements or comments from any sources from March 2020 and later related to asylum policy and COVID-19.* COVID-19 does not affect the discussion of the child separation policy (the first case study) due to the timing. However, the pandemic directly impacts the discussion of MPP (the second case study), since the MPP program was placed on hold at the beginning of the pandemic in late March 2020.¹¹⁹ It will never be known how long or in what manner MPP might have continued and what communications might have been issued post-March 2020. Because issues related to COVID-19 remain fluid, uncertain, and will merit future research, any statements regarding the effect of COVID-19 on MPP are excluded from discussion in this thesis. Future research into the government-wide impacts of COVID-19 should include the suspension of MPP and COVID-19's general impact on immigration enforcement policy.

E. CHAPTER OVERVIEW

This thesis continues with Chapter II which discusses the distinct body of literature in the field of measurement and evaluation (M&E) of communications and focuses on how to measure the strategic communications output of a large agency such as DHS. The chapter reviews existing M&E models and introduces a new model for use in evaluating the communications output of DHS.

¹¹⁹ E.g., Department of Homeland Security, "Joint DHS/EOIR Statement on the Rescheduling of MPP Hearings," May 10, 2020, <https://www.dhs.gov/news/2020/05/10/joint-dhseoir-statement-rescheduling-mpp-hearings>.

In Chapters III and IV, public communications from DHS and other government leaders are discussed in the parent-child separation case study from 2017–2018 and MPP from 2019–2020. Chapter III reviews the various justifications offered by DHS and government officials for the rollout of the parent-child separation policy and discusses conflicts in messaging. Chapter IV turns to the MPP case study and walks through DHS communications on the policy rollout in a methodical, chronological fashion.

Chapter V contains a critical evaluation of these two case studies, walking through and applying the sections of the evaluation model devoted to stakeholders, strategy, messaging, and language.

Finally, Chapter VI begins with a synthesis of these findings and offers general policy recommendations for DHS and other large law enforcement agencies to maximize the effectiveness of their strategic communications efforts. The chapter further discusses several lingering issues which are suited for future research.

II. TOWARD OBJECTIVE MEASUREMENT OF THE STRATEGIC COMMUNICATIONS OUTPUT OF DHS

“What gets measured is what gets done in organizations,” or so goes management writer Tom Peters’s oft-quoted insight.¹²⁰ The literature discusses in depth the increasing “pressure for accountability and improvement” in sophisticated evaluation capability.¹²¹ Yet for all of the academic interest in measurement and evaluation (M&E), it has not translated into widespread application in strategic communications practice.¹²²

An initial hurdle of this thesis research is identifying appropriate and useful metrics and factors to use to evaluate the strengths and weaknesses of DHS’s strategic communications efforts. This chapter discusses the literature on M&E of communications, with an eye toward measuring the strategic communications output of DHS. The chapter reviews existing M&E models and the work of researchers such as Jim Macnamara and concludes that none of the extant models are sufficiently detailed to answer the research question presented in this thesis. The chapter then introduces and explains the development of a new stakeholder-centric model for use in evaluating the strategic communications output of DHS, which includes sections on stakeholder equities, types of strategy, messaging considerations, and language formulation.

A. MEASUREMENT AND EVALUATION OF STRATEGIC COMMUNICATIONS OUTPUT

Studies of evaluation methods have been a major focus over the past fifty years, yet it is not clear that evaluation does what it is supposed to do.¹²³ This section surveys the history of the M&E field, including existing models for measurement of communications. For starters, the careful scholar and practitioner should distinguish between the distinct

¹²⁰ Macnamara and Gregory, “Expanding Evaluation,” 469.

¹²¹ Buhmann and Likely, “Evaluation and Measurement,” 15; Hallahan et al., “Defining Strategic Communication,” 2.

¹²² Buhmann and Likely, “Evaluation and Measurement,” 15; Hallahan et al., “Defining Strategic Communication,” 2.

¹²³ Buhmann and Likely, “Evaluation and Measurement,” 1–2; Daniel L. Stufflebeam and Chris L.S. Coryn, *Evaluation Theory, Models, and Applications* (New York: Jossey-Bass, 2014).

practices of measurement and evaluation, heeding Macnamara’s warning that practitioners and academics alike have erroneously fused these two concepts.¹²⁴ The two are not interchangeable, as evaluation has “distinct qualities that are quite different to measurement and research.”¹²⁵

Buhmann and Likely’s research identifies conceptual, historical, and critical perspectives on evaluation in the strategic communications literature.¹²⁶ The *conceptual perspective* literature describes formative evaluation research, such as “organizational listening, environmental scanning, and public opinion research,” as overall types of evaluation processes.¹²⁷ Next, *process evaluation* involves assessing “whether processes are ‘on track’” with planned objectives. This real-time type of evaluation occurs contemporaneously with the strategic communications activity being studied.¹²⁸ Third, *summative evaluation* makes a post hoc inquiry into alignment between results and objectives.¹²⁹ Macnamara’s 2014 research confirmed a frequent backward-looking focus in a study of numerous corporate M&E reports.¹³⁰ However, this notion of summative evaluation was rejected by Watson and Noble based on the belief that proper evaluation occurs at the planning stages of communications, rather than “something done at the end of a program.”¹³¹

Recent literature on evaluation seeks to answer two broad questions: how to evaluate effectiveness of communications, and where to find or how to create valid and

¹²⁴ Jim Macnamara, “Breaking the Measurement and Evaluation Deadlock: A New Approach and Model,” *Journal of Communication Management* 19, no. 4 (November 2015): 379, <https://doi.org/10.1108/JCOM-04-2014-0020>.

¹²⁵ Macnamara, 380; Hallahan et al., “Defining Strategic Communication.”

¹²⁶ Buhmann and Likely, “Evaluation and Measurement,” 2–3.

¹²⁷ Buhmann and Likely, 4.

¹²⁸ Buhmann and Likely, 4.

¹²⁹ Buhmann and Likely, 4.

¹³⁰ Macnamara, “Breaking the M&E Deadlock,” 379; Tom Watson and Paul Noble, *Evaluating Public Relations: A Best Practice Guide to Public Relations Planning, Research, and Evaluation* (London: Kogan Page, 2014).

¹³¹ Macnamara, “Breaking the M&E Deadlock,” 379; Watson and Noble, *Evaluating Public Relations*.

reliable models or measures.¹³² The debate has shifted from analysis of the reach of messaging to reviewing effects on stakeholders, as well as how to explain the value of strategic communications internally to the organization.¹³³

Existing evaluation models date back decades and more or less resemble input/output logic models.¹³⁴ Likely and Watson's summary of research from 1977 to 2012 indicates that Grunig's extensive pioneering research helped "bridg[e] the gap between academic research and practitioner research on measurement and evaluation" and application of theory.¹³⁵ Earlier models during this period focused on using opinion research which must be "precisely evaluated."¹³⁶ The sophistication of models has increased over the years as they moved from mass communications theory and began incorporating concepts from fields such as program evaluation.¹³⁷ Nonetheless, as Salter and Kothari note in their paper on realist evaluation, traditional evaluation methods gauge effectiveness "through the assessment of outcomes, often established *a priori*," a technique criticized as oversimplified.¹³⁸ Buhmann and Likely further recognized that the advent of social media has seen a shift "from survey research to social media and web monitoring and tracking."¹³⁹

Macnamara and Gregory's 2018 paper illuminates twenty "widely-discussed and promoted models," concluding that none of them adequately account for stakeholder

¹³² Buhmann and Likely, "Evaluation and Measurement," 5.

¹³³ Buhmann and Likely, 5.

¹³⁴ Buhmann and Likely, 6; Macnamara and Gregory, "Expanding Evaluation," 474.

¹³⁵ Fraser Likely and Tom Watson, "Measuring the Edifice: Public Relations Measurement and Evaluation Practices Over the Course of 40 Years," in *Public Relations and Communication Management: Current Trends and Emerging Topics*, ed. Krishnamurthy Sriramesh, Ansgar Zerfaß, and Jeong-Nam Kim (New York: Routledge, 2013), 146.

¹³⁶ Macnamara, "Breaking the M&E Deadlock," 372; Likely and Watson, "Measuring the Edifice," 144.

¹³⁷ Buhmann and Likely, "Evaluation and Measurement," 7.

¹³⁸ Katherine L Salter and Anita Kothari, "Using Realist Evaluation to Open the Black Box of Knowledge Translation: A State-of-the-Art Review," *Implementation Science* 9, no. 1 (December 2014): 2, <https://doi.org/10.1186/s13012-014-0115-y>.

¹³⁹ Buhmann and Likely, "Evaluation and Measurement," 7.

interests.¹⁴⁰ The omission of these interests from the models fails to capture the effects of emergent and participatory strategy discussed above. These omissions further symbolize the “one-way, top-down [,] organization-centric notion of strategy and communication that lingers in evaluation literature.”¹⁴¹ Even the acclaimed 2016 AMEC model, which incidentally discusses “social goals” such as “improved public health,” remains exclusively geared toward the top-down, goal-specific approach, in Macnamara and Gregory’s view.¹⁴² Nor did these twenty surveyed models suggest, much less require, analysis of unforeseen consequences, a key component of emergent strategy.¹⁴³ Buhmann and Likely’s 2018 article points out that many models “downplay or even neglect the role of intervening variables,” focusing instead on a closed system evaluation that relies on the shaky assumption that communicators retain control over the system.¹⁴⁴

Currently, methods of evaluation remain a controversially-debated issue.¹⁴⁵ Macnamara identifies a current “deadlock” between M&E theorists and actual public relations and corporate communications practitioners.¹⁴⁶ As early as 1979, Wright observed that “practitioners resist measurement of their work because they are ‘artists rather than managers.’”¹⁴⁷ This resistance, which Buhmann and Likely call “stasis in practice,” persists today due to an unhelpful disconnect between academic research and actual application.¹⁴⁸

The stasis persists for a variety of reasons. Buhmann and Likely identified in 2018 several “self-reported obstacles in the profession.” These include a narrow focus on

¹⁴⁰ Macnamara and Gregory, “Expanding Evaluation,” 473, 480.

¹⁴¹ Macnamara and Gregory, 480.

¹⁴² Macnamara and Gregory, 480.

¹⁴³ Macnamara and Gregory, 481.

¹⁴⁴ Buhmann and Likely, “Evaluation and Measurement,” 11.

¹⁴⁵ Buhmann and Likely, 10, 13.

¹⁴⁶ Macnamara, “Breaking the M&E Deadlock,” 371.

¹⁴⁷ Donald K. Wright, “Some Ways to Measure Public Relations,” *Public Relations Journal* 35, no. 7 (July 1979): 17; Dozier, “Organizational Roles of Communications,” 349.

¹⁴⁸ Buhmann and Likely, “Evaluation and Measurement,” 10.

communication *effectiveness* rather than looking more broadly at the *value* of communications to an organization's overall strategy, as well as confusing terminology and lack of standards.¹⁴⁹ In practice, evaluation suffers from a "fixat [ion] on performance and objectivity to stabilize a particular ideology" without being a "functional element of a rational management process."¹⁵⁰ Were communications an actual functioning element, then communications inputs and outputs would play a significant role in management decision-making, rather than being something that occurs after critical decisions are already made. This improper fixation results in evaluation for its own sake rather than accomplishing anything that the organization can rationally define as strategy. Writing in the *FBI Law Enforcement Bulletin*, Hoover concludes that, after all, an "agency must have a strategy to begin with, and incorporate [strategic communications] into the policy development process, not think of it as an afterthought."¹⁵¹

Years of modeling by academics and professionals have not resulted in the development of useful or detailed evaluation approaches.¹⁵² Other identified obstacles include a lack of interrelatedness between literature from different fields in the strategic communications domain and a "lack of diversity and interdisciplinary focus."¹⁵³ Most practitioners and academics alike often continue to employ a myopic view, using "seat of the pants" methods for evaluation.¹⁵⁴ Hoover confirms in the realm of law enforcement that such approaches "lack strategy but it can undermine an organization's long-term goals."¹⁵⁵

A short-sighted approach to evaluation does not do justice to the potential of an organization's strategic communications. Buhmann and Likely note this myopia results in

¹⁴⁹ Buhmann and Likely, 10–11.

¹⁵⁰ Buhmann and Likely, 12.

¹⁵¹ Cris Hoover, "The Strategic Communication Plan," *FBI Law Enforcement Bulletin*, August 1, 2010, <https://leb.fbi.gov/articles/featured-articles/the-strategic-communication-plan>.

¹⁵² Buhmann and Likely, "Evaluation and Measurement," 14.

¹⁵³ Buhmann and Likely, 13.

¹⁵⁴ Macnamara, "Breaking the M&E Deadlock," 374.

¹⁵⁵ Hoover, "The Strategic Communication Plan."

a lack of focus on “situational problems that feed into the communication strategy” rather than on the overall value added by the communication itself, such as how successful communications based on key strengths can actually drive the organization’s overall performance.¹⁵⁶ In other words, situational problems present a distraction to assessing whether strategic communications add overall value, resulting in gaps in understanding an organization’s strategic capabilities.¹⁵⁷

Buhmann and Likely additionally warn that models based on positivist epistemology are naive, meaning that “models tend to be taken for granted as true representations of reality” only if such models claim to be based upon observable empirical evidence. But since these models ostensibly describe “subjective human experience and interpretation, which elude quantitative observation,” the researcher should employ “healthy skepticism” of such naive perspectives.¹⁵⁸ Macnamara agrees that M&E activities based on “arbitrary scales and ratings” are inadequate to capture subjective, humanistic phenomena.¹⁵⁹ Perhaps this strict development of theory from academia, in contrast with the all-too-common use of “seat of the pants” methods by communications managers and other practitioners, explains the persistent wide gap between the two camps.¹⁶⁰ With these gaps and deficiencies in mind, the following section explores the possibilities of new model development to address these concerns.

B. LITERATURE ON DEVELOPING NEW MODELS FOR EFFECTIVENESS OF STRATEGIC COMMUNICATIONS

It should be clear from the above section that the field of strategic communications, such as it is, is not well served by existing models.¹⁶¹ If existing models do not work, the question arises whether the researcher or practitioner can or should develop a new model

¹⁵⁶ Buhmann and Likely, “Evaluation and Measurement,” 11.

¹⁵⁷ Buhmann and Likely, 10–11.

¹⁵⁸ Buhmann and Likely, 12–13.

¹⁵⁹ Macnamara, “Breaking the M&E Deadlock,” 379.

¹⁶⁰ Macnamara, 374.

¹⁶¹ Macnamara and Gregory, “Expanding Evaluation,” 483.

to address his or her research needs. Macnamara believes that improvements in evaluation can increase customer-centricity, citizen participation, and lead to better policymaking for government.¹⁶² He proposes better evaluation is more ethical and is “increasingly expected and demanded by stakeholders and publics.”¹⁶³ This focus on ethics of evaluation is rooted in “the view that organizations have an obligation to stakeholders and society . . . arising from corporate social responsibility and maintaining a ‘licence to operate.’”¹⁶⁴ These stakeholder expectations likely hold true even where stakeholders know nothing about communications theory, yet they still demand consistent and participatory messaging from their leaders to support various public policies.

1. Efforts to Identity the Audience(s)

Authors of modeling literature such as Falkheimer and Heide suggest that a model should account for the fact that in the social media age, “communication professionals have never been able to define with any certainty who is part of a public, and have almost never been able to influence them to do what the organization wishes.”¹⁶⁵ This blurring of the lines and modernization of communications would ideally be accounted for in future model development.¹⁶⁶ Falkheimer and Heide warn that concepts from earlier models such as “transmitter, target groups, and beneficiaries” are no longer useful due to the illusory nature of control of communications.¹⁶⁷ Any model of strategic communications using these terms is arguably obsolete, in their view. Likewise, any extant internal evaluation processes at government agencies that include these definitive elements of control over communications might be considered suspect. More stakeholder-centric evaluation processes would better account for the shifty nature of defining and influencing specific stakeholders. As the Defense Science Board Task Force points out, today’s “new

¹⁶² Macnamara and Gregory, 483.

¹⁶³ Macnamara and Gregory, 483.

¹⁶⁴ Macnamara and Gregory, 483.

¹⁶⁵ Falkheimer and Heide, “Strategic Communication in Participatory Culture,” 344.

¹⁶⁶ Falkheimer and Heide, 340.

¹⁶⁷ Falkheimer and Heide, 347.

environment” means that “the ‘change state’ is the constant state in politics and business today.”¹⁶⁸

The realist evaluation perspective, developed by Pawson and Tilley, says the key question in evaluation should be “what works in which circumstances and for whom?”¹⁶⁹ This question, although relativistic, is not unlike Rumelt’s quite simple formulation of Good Strategy. Pawson and Tilley are essentially describing the key strengths operating during important pivot points. Of interest to the emergent strategy camp, realist evaluation specifically adds “attention to stakeholders and social context” as part of the inquiry into “what works in which circumstances.”¹⁷⁰

2. Examining Existing Evaluation Models

The 2014 and 2018 articles by Macnamara and Buhmann and Likely, respectively, include their formulations of updated models of strategic communication evaluation, although both are quite generic and high level.¹⁷¹ The 2014 model adds mid-cycle feedback, which Macnamara calls “insights,” which should provide “inferences, predictions, suggestions and recommendations” before final evaluation.¹⁷² This addition appears to be reasonable, as such a “forward-looking approach,” at least for the latter stages of the communications cycle, avoids the possibility that later communications issued during the evaluation process may be “seen as post hoc rationalization.”¹⁷³ In other words, paying attention to the external *effects* of communications output during the entire communication process prevents the possibility of a mad rush at the end of a campaign to

¹⁶⁸ Defense Science Board Task Force on Strategic Communication, *Report of the Defense Science Board Task Force on Strategic Communication* (Washington, DC: Department of Defense, 2004), 48, <https://fas.org/irp/agency/dod/dsb/commun.pdf>.

¹⁶⁹ Ray Pawson and Nick Tilley, “Realistic Evaluation Bloodlines,” *American Journal of Evaluation* 22, no. 3 (September 2001): 8, <https://doi.org/10.1177/109821400102200305>; Macnamara and Gregory, “Expanding Evaluation,” 473.

¹⁷⁰ Macnamara and Gregory, “Expanding Evaluation,” 475.

¹⁷¹ Macnamara, “Breaking the M&E Deadlock,” 381; Buhmann and Likely, “Evaluation and Measurement,” 14.

¹⁷² Macnamara, “Breaking the M&E Deadlock,” 382.

¹⁷³ Macnamara, 382.

attempt a pivot in messaging. Macnamara and Gregory's 2018 paper continues to assert that a valid implementation of evaluation will "provide feedforward information, not only feedback."¹⁷⁴ Such "learning and insights . . . can inform future strategic planning."¹⁷⁵ In summary, paying attention to these insights along the way and communicating accordingly is preferable to implementing complex policy first and communicating about those policies as an afterthought.

3. Ideal Attributes of a New or Improved Model

In response to many years of criticisms of a lack of focus on stakeholder and societal impact, any updated model would ideally include effects on these areas as key components.¹⁷⁶ In Macnamara and Gregory's view, a useful model should balance the agency's objectives "with the needs, expectations [,] and interests of stakeholders, publics, and society."¹⁷⁷ In her 2012 text about DHS, Thomas affirms that DHS's attempts at strategic communications must involve stakeholders to "better understand the needs and concerns of its constituents."¹⁷⁸ The Defense Science Board Task Force agrees that successful communicators will have "in-depth knowledge of other cultures and factors that motivate human behavior."¹⁷⁹ The Task Force further notes that attempts to reach an audience must "begin by listening to that audience."¹⁸⁰ None of the models discussed above, however, mention listening as a starting point.

Finally, Hon's 1997 anecdotal research identifies several indicators of communications effectiveness, such as changing attitudes, affecting legislation, defusing

¹⁷⁴ Macnamara and Gregory, "Expanding Evaluation," 471; Georg Schreyögg and Horst Steinmann, "Strategic Control: A New Perspective," *Academy of Management Review* 12, no. 1 (January 1987): 91–103, <https://doi.org/10.5465/AMR.1987.4306487>.

¹⁷⁵ Macnamara and Gregory, "Expanding Evaluation," 471; Schreyögg and Steinmann, "Strategic Control: New Perspective."

¹⁷⁶ Linda Childers Hon, "What Have You Done for Me Lately? Exploring Effectiveness in Public Relations," *Journal of Public Relations Research* 9, no. 1 (January 1997): 1–30, https://doi.org/10.1207/s1532754xjpr0901_01; Macnamara and Gregory, "Expanding Evaluation," 481.

¹⁷⁷ Macnamara and Gregory, "Expanding Evaluation," 482.

¹⁷⁸ Thomas, "Strategic Communication," 265.

¹⁷⁹ Defense Science Board Task Force, *Defense Science Board Report*, 29.

¹⁸⁰ Defense Science Board Task Force, 37.

opponents, and others.¹⁸¹ However, these factors are largely descriptive of the effects of *policy* on stakeholders and publics, rather than assisting the project of measuring and evaluating the *communications* themselves.

Not to ignore the Dark Side of strategic communications, a new or modified model of evaluation might incorporate the reality of information asymmetry and assess whether such asymmetry is desired or not, including varying degrees of asymmetry between multiple publics and the sender.¹⁸² In other words, is it advantageous for an agency to communicate more information to one stakeholder than to another and to allow this asymmetry to persist?

Related to the Dark Side is the issue of timing. An agency that attempts to employ strategic silence runs the risk that an adversary will have the opportunity to discover adverse information about the agency's operations and gain the chance to frame the issues first for the public and stakeholders.¹⁸³ Being the first out of the gate provides a significant strategic advantage. Further, it provides the opportunity for what Stephens et al., in their *Toolkit for Police Executives*, describe as "the 'inoculation' effect."¹⁸⁴ This refers to the release of information to a party in advance of a confrontational situation so that the information cannot be used against the releasor in the future.¹⁸⁵ This is essentially a positive, advance use of straw man arguments so that those arguments are already defeated if an adversary wishes to raise them in the future.

Ambiguous language plays a role in intended communications strategy as well. Dulek and Campbell believe building in "ambiguity is critical when organizations state goals that concern their publics in order to allow the freedom to adapt to change in the future," and this preserves deniability should it be needed.¹⁸⁶ A reluctant practitioner

¹⁸¹ Hon, "What Have You Done," 11–12, 22.

¹⁸² Dulek and Campbell, "On the Dark Side," 130.

¹⁸³ Stephens, Hill, and Greenberg, *Strategic Communication Practices*, 12, 91.

¹⁸⁴ Stephens, Hill, and Greenberg, 91.

¹⁸⁵ Stephens, Hill, and Greenberg, 91.

¹⁸⁶ Dulek and Campbell, "On the Dark Side," 132; Eisenberg, "Ambiguity as Strategy."

uncomfortable with the concept of deniability could just as easily frame this resource as flexibility. According to Dulek and Campbell, successful incorporation of these aspects of the Dark Side of strategic communications “bring [s] that dark side into the light.”¹⁸⁷ Above all else, a model should not be naive and must “include the dark side and explain how, when, and under what conditions this dark side [legitimately] emerges.”¹⁸⁸ To do otherwise means that a model only captures half of reality. Finally, King’s research on emergent strategic communications indicates that a model should include the influences of emotion on the part of sender and recipient. In her view, the implied absence of emotion is a “faulty omission in both planned and emergent strategies.”¹⁸⁹

Keeping in mind Rumelt’s criticisms of the strategy industry in general, a new model could incorporate some form of checks and balances to ensure that his guidance on strategy formulation is followed.¹⁹⁰ Since “bad strategy is more than the absence of good strategy,” the communicator must be cautious not to make affirmative mistakes in this area.¹⁹¹ A useful sanity check is whether the design of strategy is coherent and straightforward or is a set of multiple unconnected objectives with little to do with each other.¹⁹² Incorporating this wisdom about strategy in general could improve the reliability and usefulness of a model.

Finally, the literature on *information end-states* is useful for establishing the benefits of considering where the desired ending point is for any attempt at strategic communications. Paul recommends that strategic planners consider the “end-state” of a given proposed policy in the public view, along with considering what the results of the policy may be.¹⁹³ Paul notes that identifying information end-states in advance helps make real progress in strategic communication since it forces decision-makers “to consider the

¹⁸⁷ Dulek and Campbell, “On the Dark Side,” 136–37.

¹⁸⁸ Dulek and Campbell, 136–37.

¹⁸⁹ King, “Emergent Communication Strategies,” 23.

¹⁹⁰ Rumelt, *Good Strategy, Bad Strategy*, 7.

¹⁹¹ Rumelt, 7.

¹⁹² Rumelt, 9.

¹⁹³ H., *Getting Better at Strategic Communication*, 14–15; Paul, *Strategic Communication Origins*.

information environment and communication consequences” all the way down the chain of command.¹⁹⁴ In other words, Paul is effectively playing chess and attempting to imagine the game many moves ahead. With these characteristics of an ideal evaluation model in mind, the following section surveys existing models and their limitations discovered during this thesis research.

C. **SHORTCOMINGS OF EXISTING MODELS IN THEIR APPLICATION TO EVALUATING SPECIFIC DHS COMMUNICATIONS**

All models are wrong, but some are useful.

—George Box, “Robustness in the Strategy of Scientific Model Building”

This discussion now examines existing models of measurement and evaluation of strategic communications and reviews several possible models for evaluation of the case studies in this thesis. An exhaustive compilation of all models is beyond the scope of this thesis, while a thorough survey can be found in Macnamara and Gregory’s 2018 article and Macnamara’s 2018 book *Evaluating Public Communication*.¹⁹⁵ Their surveys discuss models from the late 1800s through 2018.¹⁹⁶

None of the models described in the 2018 article and book are satisfactory for the analysis required in this thesis. The models are generic and high level and do not offer enough granularity or specificity to analyze specific instances of DHS’s strategic communications. Thus, the models do not have the factors and characteristics consistent with the preceding discussion and “wish list” of what an ideal model for analysis of DHS’s strategic communications might contain.

Any discussion of the merits of models should be done critically if “all models are wrong.”¹⁹⁷ For example, arguably the most sophisticated and all-encompassing model is

¹⁹⁴ Paul, *Strategic Communication Origins*, 177.

¹⁹⁵ Macnamara and Gregory, “Expanding Evaluation”; Jim Macnamara, *Evaluating Public Communication: Exploring New Models, Standards, and Best Practice* (London: Routledge, 2018).

¹⁹⁶ Macnamara and Gregory, “Expanding Evaluation”; Macnamara, *Evaluating Public Communication*, 73.

¹⁹⁷ Macnamara, *Evaluating Public Communication*, 72.

Macnamara’s 2018 “integrated model of communication evaluation.”¹⁹⁸ This model purports to capture the entire communication evaluation process for an organization, including inputs, activities, outputs, outcomes, and impact.¹⁹⁹ Within each section, the model contains factors and activities relevant to each piece of the evaluation process, along with suggested evaluation methods. As this thesis focuses on evaluating communications output, the section of Macnamara’s 2018 model pertaining to output is most relevant for the present discussion. The output section of his model is excerpted in Figure 1.²⁰⁰ The model, however, takes a 30,000-foot view of the process and is less useful for practitioners conducting post hoc assessments of specific examples of communications.²⁰¹

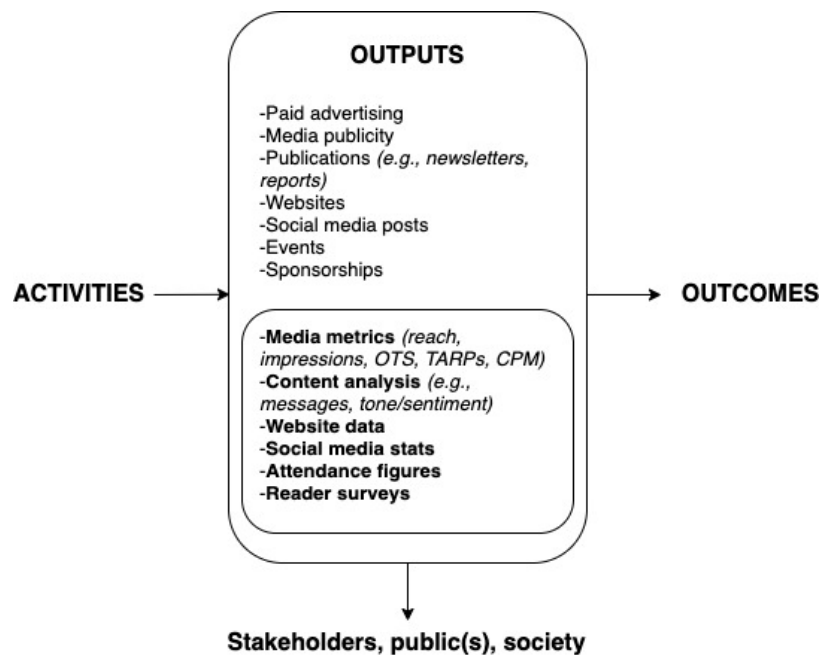


Figure 1. Outputs Section of Jim Macnamara’s Integrated Model of Communication Evaluation²⁰²

¹⁹⁸ Macnamara, 135, fig. 3.18.

¹⁹⁹ Macnamara, 135, fig. 3.18.

²⁰⁰ Macnamara’s complete model contains sections relating to other parts of the strategic communications process which are less relevant to this thesis. Those sections are omitted from Figure 1.

²⁰¹ Discussion of other existing models contained in the 2018 article and book and from other sources is left for future researchers.

²⁰² Figure by author, adapted from Macnamara, *Evaluating Public Communication*, 135, fig. 3.18.

Since specific assessment of actual real-world communications is the goal of this thesis, a more detailed and granular model is needed to focus on communications output. Thus, it is necessary to employ a model that “zeroes in” on the output piece of the communications evaluation process. A search of the available literature, specifically with law enforcement agency communications in mind, does not reveal any existing models suited for this purpose. A new model is thus introduced to accomplish the goals of this thesis.

Development of a new model serves several worthwhile purposes. Primarily, it is useful for analyzing the specific communications at issue in the two case studies discussed in this thesis. Second, it may be of future use for practitioners or researchers seeking to analyze communications output of a law enforcement agency. Third, development of a new model allows for the inclusion of important concepts from the literature previously discussed in this thesis that are not accounted for in Macnamara’s 2018 model. These concepts include Good versus Bad Strategy, information fratricide, participatory and emergent strategy, timing of messaging, the Dark Side of communications, and other relevant topics.²⁰³

D. INTRODUCING A MODEL OF STRATEGIC COMMUNICATIONS OUTPUT EVALUATION THAT CAN BE APPLIED TO DHS

This section introduces a new model for further analysis of the communications output at issue in the two case studies, entitled the Stakeholder-Centric Communications Output Evaluation Model for Government (subsequently referred to as “the model”). It is based on the literature discussed previously and existing generic models. As indicated in the title, it focuses on stakeholders and publics as both informing the communications strategy and being the recipient of communications output. The model contains general sections for the strategy, messaging, and language of an organization’s desired or emergent communications output, which roughly correspond to an agency’s strategic, tactical, and operational communications decisions.

²⁰³ Rumelt, “Perils of Bad Strategy”; Dulek and Campbell, “On the Dark Side,” 123.

The model follows the “Activities” section of extant models such as Macnamara’s 2018 model presented above. The model ends with the “Outcomes” section of the same model. Thus, the model can be viewed as a zoomed-in, more granular look at the “Output” section of extant models, with a specific focus and applicability toward law enforcement agencies such as DHS. The model is presented in Figure 2, and the following explanation discusses each part in turn.

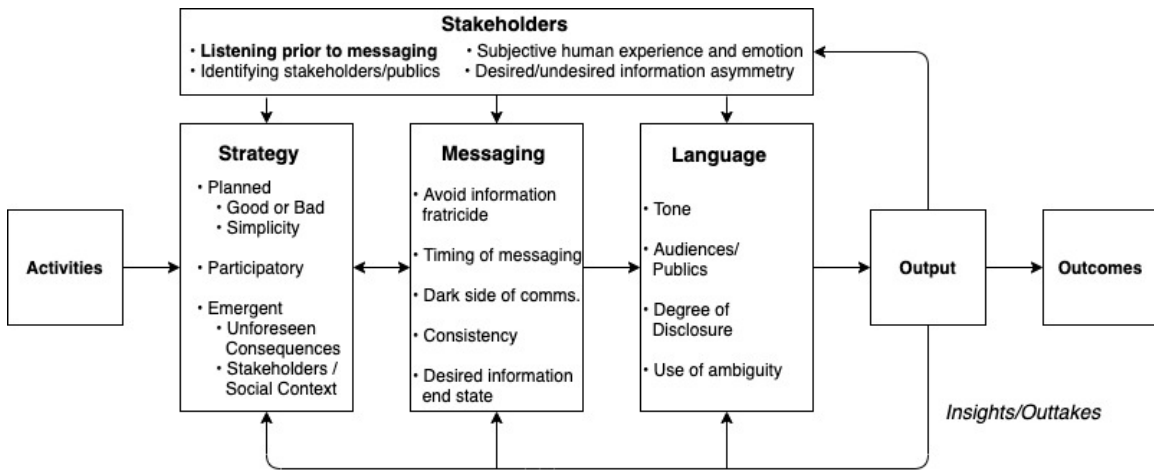


Figure 2. Stakeholder-Centric Communications Output Evaluation Model for Government

1. General Format

As informed by the literature and Macnamara’s survey of extant models, this model is constructed in the general format of a logic input-output model, with progressive flows of information and action depicted by one-way or bidirectional arrows. The model generally progresses temporally from left to right, with the top box (Stakeholders) depicting flows of information or action that can enter the communications process at various stages. Consistent with Macnamara’s 2014 and later models, the new model includes mid-cycle feedback, which he calls “insights.” These insights, also known as outtakes in the literature, provide “inferences, predictions, suggestions and

recommendations” before final evaluation.²⁰⁴ These insights serve as a feedback loop and avoid the possibility that later communications issued during the evaluation process may be “seen as post hoc rationalization.”²⁰⁵

2. Stakeholders

Recent literature contains the criticism that none of the extant models adequately refer to the interests of stakeholders and publics vis-à-vis the organization, a remnant of prior top-down understandings of the nature of organizational communications.²⁰⁶ Here, the output evaluation model begins with stakeholder interests. In particular, listening prior to messaging is a significant initial component of the process. This inclusion is consistent with warnings by the Defense Science Board Task Force that attempts to reach an audience must “begin by listening to that audience.”²⁰⁷ As discussed earlier, none of the models presented in the literature specify listening as a starting point. Thus, this is a novel introduction.

The stakeholders section contains additional key factors such as identifying the stakeholders/publics, consideration of subjective human experience and emotion, and consideration whether information asymmetry between recipient audiences is desired or undesired. The first factor represents a recognition that multiple “target” audiences (to use an outmoded term), both known and unknown, typically exist. It is prudent to identify them and, if necessary, to distinguish their interests. The consideration of subjective human experience and emotion heeds King’s criticism that the implied absence of emotion is a “faulty omission in [models of] both planned and emergent strategies.”²⁰⁸ It thus follows that models of communication evaluation should include this factor. Finally, consideration of whether information asymmetry between recipient audiences is desired or undesired is

²⁰⁴ Macnamara, “Breaking the M&E Deadlock,” 382.

²⁰⁵ Macnamara, 382.

²⁰⁶ Macnamara and Gregory, “Expanding Evaluation,” 481.

²⁰⁷ Defense Science Board Task Force, *Defense Science Board Report*, 37.

²⁰⁸ King, “Emergent Communication Strategies,” 23.

related to the recognition that multiple stakeholders exist and avoids the naivete found in simplistic, one-audience models.

3. Strategy

The strategy section of the model highlights the importance of the various types of strategy which guide government communications with the public. An organization's primary focus is likely on its own planned strategy, which hopefully is consistent with Rumelt's teachings that the hallmark of Good Strategy includes a focus "on one, or a very few, pivotal objectives" rather than a laundry list of lofty goals.²⁰⁹ Since simplicity is an elemental feature of Good Strategy, it is also listed in this section of the model.

Next, this section considers the effects of participatory and emergent strategies as necessary parts of the evaluation process. This inclusion recognizes Falkheimer and Heide's view that due to wide stakeholder engagement, future "strategic communications between organizations and stakeholders will be less relevant to the larger question of how common meaning is created."²¹⁰ The addition of emergent strategy heeds King's point that "emergent strategies may be taken as deliberate by the audience, regardless of whether the strategy was planned for or not."²¹¹ For this reason, any evaluation of communications should include consideration of the effects of emergent strategies.

4. Messaging

The messaging section of the model considers tactical-level decision-making on coordination of messaging, avoiding information fratricide, timing of messaging, and other related items. First, the need for avoidance of information fratricide is practically self-evident. As noted in Chapter I, an organization cannot be maximally effective in communicating its policies if its leaders undercut each other with conflicting, inconsistent information. Timing of messaging is important to whether any strategic advantage accrues

²⁰⁹ Rumelt, "Perils of Bad Strategy."

²¹⁰ Falkheimer and Heide, "Strategic Communication in Participatory Culture," 340.

²¹¹ King, "Emergent Communication Strategies," 22.

from being first to release information rather than engaging in strategic silence.²¹² Timing is also related to advantages of the inoculation effect described by Stephens et al. in *Toolkit for Police Executives*.²¹³

Inclusion of the Dark Side contemplates the possibility that an organization might find it advantageous to release inaccurate, conflicting, incomplete, or otherwise unsavory (should it become known) information as a matter of strategy. While a discussion of the ethics of such practices is left to future researchers, it is prudent for the model to acknowledge that such practices may exist and to consider their effects. This acknowledgment heeds Dulek and Campbell's admonition that above all else, a model must not be naive and must "include the dark side and explain how, when, and under what conditions this dark side emerges."²¹⁴

Finally, consideration of the desired information end-state may be valuable as a matter of choice of messaging. The desired end-state affects choices related to each of the factors described above. Paul notes that identifying information end-states is helpful to making real progress in strategic communication since it forces decision-makers "to consider the information environment and communication consequences" all the way down the chain of command.²¹⁵ Thus, it follows that an evaluation of communications should consider whether such consideration has occurred.

5. Language

The final section of the model, language, represents the operational-level decisions made in formulating actual messaging and putting specific words to paper. Of course, such ground-level decisions can only occur once an organization's overall communications strategy and messaging issues have been considered. This section considers such issues as tone of messaging and consideration of the identities of the various audiences and publics so that messaging can be tailored to these audiences. The two related topics of degree of

²¹² Stephens, Hill, and Greenberg, *Strategic Communication Practices*, 12, 91.

²¹³ Stephens, Hill, and Greenberg, 91.

²¹⁴ Dulek and Campbell, "On the Dark Side," 136–37.

²¹⁵ Paul, *Strategic Communication Origins*, 177.

disclosure and use of ambiguity represent the operational-level implementation of message timing, desired information asymmetry, and possibly, resort to the Dark Side of communications. Evaluation of these factors against the achieved outcome may provide insight to an organization about the effectiveness of its communications.

E. CONCLUDING THOUGHTS

In summary, this chapter asked how to gauge the effectiveness of governmental communications and where to find or how to create a valid and reliable model or measure. While recognizing that methods of evaluation remain a controversially debated issue, the chapter reviewed a variety of features and issues identified in the literature for potential inclusion in a new model. The chapter introduced a new model called the Stakeholder-Centric Communications Output Evaluation Model for Government.

While this newly developed model may be of broader applicability in explaining the output section of more high-level models (such as Macnamara's 2018 model), it was developed with the specific research question and case studies of this thesis in mind. Any wider application must be made critically and consistently with published literature cited in this thesis. Further, the model does not capture the nuances of communication via Twitter or other social media and any differences between those social-media-based communications vis-à-vis more traditional communications. Due to these potential differences, the model does not address such social media communications. As previously noted, such communications (primarily President Trump's tweets) were excluded from analysis.²¹⁶ Further research is needed into the evaluation of output via those media.²¹⁷

The following two chapters introduce and discuss the two case studies and provide specific examples of communications by DHS and governmental officials for later evaluation using the model developed in this chapter.

²¹⁶ While these tweets are related to the strategic communications of the U.S. government as a whole, it is difficult to sufficiently isolate for analysis the public relations effects of these tweets vis-à-vis more formal DHS communications within the space available for this thesis.

²¹⁷ E.g., Baker, "How Twitter Has Changed"; Pacific Standard, "How Does Twitter Influence."

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III. CASE STUDY ONE: THE PARENT-CHILD SEPARATION POLICY

The United States has no policy of separating migrant families at the border. There is such a policy, but it's all the Democrats' fault. The policy was a "simple decision," but one "nobody likes." The policy is good, legal, and Jesus would approve.

—Scott Bixby, *The Daily Beast*²¹⁸

A. A TALE OF TWO IMMIGRATION ENFORCEMENT POLICY ROLLOUTS, AND WHAT DHS SAID ABOUT THEM

The following two chapters discuss two examples of significant policy rollouts during the Trump Administration related to immigration and border enforcement. These policies garnered significant public attention and numerous examples exist of communications by DHS and other high-level government employees. These policies are the parent-child separation policy, also known as the zero tolerance policy, which was officially in place from May 2018 to June 2018.²¹⁹ The second policy is the Migrant Protection Protocols (MPP) which was in place between January 2019 and March 2020.²²⁰ Both of these policies present an opportunity for studying DHS's style of strategic communications due to the variety of communications issued by high-ranking government officials on these controversial policies.

Each chapter briefly provides a timeline for both policies and discusses in depth various communications from key officials of the Departments of Homeland Security and

²¹⁸ This quote is used to open this case study because it succinctly summarizes the variety of justifications and claims made about the parent-child separation policy. Scott Bixby, "Trump Administration Has No Idea Whether It Backs Family Separation at the Border," *Daily Beast*, June 20, 2018, <https://www.thedailybeast.com/the-trump-administration-has-no-idea-whether-it-backs-family-separation-at-the-border-or-not>.

²¹⁹ Aaron Hegarty, "Timeline: Immigrant Children Separated from Families at the Border," *USA Today*, June 27, 2018, <https://www.usatoday.com/story/news/2018/06/27/immigrant-children-family-separation-border-timeline/734014002/>.

²²⁰ Department of Homeland Security, "Joint DHS/EOIR Statement"; Ben Harrington and Hillel R Smith, "*Migrant Protection Protocols*": *Legal Issues Related to DHS's Plan to Require Arriving Asylum Seekers to Wait in Mexico* (Washington, DC: Congressional Research Service, 2019), <https://fas.org/sgp/crs/homsec/LSB10251.pdf>.

Justice (DHS and DOJ, respectively). The discussion identifies trends in these communications and attempts to categorize them accordingly. As noted throughout this thesis, the goal is not to analyze the merits, successes, or failures of the operational policies themselves; such an analysis is outside the scope of this thesis and is left to future writers and researchers. Rather, the purpose of these case study chapters is to *identify, categorize, and summarize* the wide-ranging communications that emanated from key administration officials during the height of each policy. As used here, “key administration officials” refers to high-ranking individuals, typically political appointees, such as the secretary of DHS, senior leadership of ICE and CBP, the Attorney General, and White House officials such as the White House press secretary.²²¹ Where these officials’ statements diverge from other positions taken by lower-ranking officials, particularly during the parent-child separation policy, the case study chapters highlight those inconsistencies and mixed messaging.

B. INTRODUCTION TO THE PARENT-CHILD SEPARATION POLICY

The parent-child separation policy, also known as the zero-tolerance policy, consisted of near-total enforcement of laws regarding illegal border crossings. Such enforcement occurred even against individuals who were part of so-called family units, which resulted in the separation of thousands of children from their parents upon apprehension by DHS.²²² Family units consist of a male or female head of household (or both) accompanied by one or more minor children.²²³ Border crossing violations are commonly referred to as “§ 1325 violations,” based on the section of federal criminal law

²²¹ None of these officials, whose communications are discussed in the sections below, remained in office past the end of the Trump administration. For brevity, the following discussion omits references to them as “former” officeholders. The reader should assume that all officials referenced below are former officials who served in the capacities listed.

²²² Because this policy has been referred to in communications and in the media as both a parent-child separation policy and a zero tolerance criminal enforcement policy, this thesis will use these terms interchangeably, unless a particular usage is qualified by additional details or limitations.

²²³ “Supplemental Policy Guidance for Additional Improvement of the Migrant Protection Protocols” (official memorandum, Washington, DC: Department of Homeland Security, 2020), 2, https://www.dhs.gov/sites/default/files/publications/supplemental_policy_guidance.pdf.

that is most often violated, 18 U.S.C. § 1325.²²⁴ This statute prohibits entry into “the United States at any time or place other than as designated by immigration officers, . . . elud[ing] examination or inspection by immigration officers, or . . . [entering] by a willfully false or misleading representation or the willful concealment of a material fact.”²²⁵

Before the child separation policy, enforcement of this statute against adult individuals entering with children was relatively rare.²²⁶ Because enforcement of this criminal statute requires a criminal arrest of the violator and transfer to U.S. Marshals custody, arrangements must be made for the placement of any minor child or children accompanying the violator. Such children would necessarily be separated from the adult head of household for the criminal arrest to occur.²²⁷ These custody arrangements could consist of placing the child with a family member, if possible, or placing the child in the custody of the Office of Refugee Resettlement (ORR), part of the U.S. Department of Health and Human Services (HHS).²²⁸ ORR is the government agency charged with maintaining custody of unaccompanied alien children, whether such children cross the

²²⁴ Kelsey Y. Santamaria, *Immigration-Related Criminal Offenses* (Washington, DC: Congressional Research Service, 2020), 1, <https://fas.org/sgp/crs/homesecc/IF11410.pdf>.

²²⁵ 8 U.S.C. § 1325(a) (1996); Santamaria, 1.

²²⁶ “Immigration experts have told us that family separations were relatively rare under Obama and other past administrations. They did not happen at nearly the scale that they did under the Trump administration. George W. Bush’s Operation Streamline referred for prosecution immigrants who crossed into the country illegally, but made exceptions for adults traveling with children. The Obama administration initially kept families together in detention, but after losing a legal challenge, released families out of detention after holding them for a limited time.” Miriam Valverde, “Fact-Check: Did Obama Have a Family Separation Policy Before Trump?,” *Austin American-Statesman*, June 25, 2019, <https://www.statesman.com/news/20190625/fact-check-did-obama-have-family-separation-policy-before-trump>; Lisa Riordan Seville and Hannah Rappleye, “Trump Admin Ran ‘Pilot Program’ for Zero Tolerance at Border in 2017,” NBC News, June 29, 2018, <https://www.nbcnews.com/storyline/immigration-border-crisis/trump-admin-ran-pilot-program-separating-migrant-families-2017-n887616>.

²²⁷ Committee on Oversight and Reform, *Child Separations by the Trump Administration* (Washington, DC: U.S. House of Representatives, 2019), 12, <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-07-2019.%20Immigrant%20Child%20Separations-%20Staff%20Report.pdf>.

²²⁸ Mary Kay Mallonee, “DHS Considering Proposal to Separate Children from Adults at Border,” CNN, March 4, 2017, <https://www.cnn.com/2017/03/03/politics/dhs-children-adults-border/index.html>; Ainsley, “Exclusive: Trump Considering Separation”; Merrit Kennedy, “ACLU Sues ICE for Allegedly Separating ‘Hundreds’ of Migrant Families,” NPR, March 9, 2018, <https://www.npr.org/sections/thetwo-way/2018/03/09/592374637/aclu-sues-ice-for-allegedly-separating-hundreds-of-migrant-families>; Lomi Kriel, “Trump Moves to End ‘Catch and Release’, Prosecuting Parents and Removing Children Who Cross Border,” *Houston Chronicle*, December 7, 2017, <https://www.houstonchronicle.com/news/houston-texas/houston/article/Trump-moves-to-end-catch-and-release-12383666.php>.

border unaccompanied or become unaccompanied due to the criminal arrest of their parent, as typically occurred during the parent-child separation policy.²²⁹ Therefore, any policy requiring zero tolerance of border crossing violations significantly increased enforcement of § 1325 violations against family unit heads of households and necessarily resulted in greater numbers of parent-child separations. For context, “about 54,000 children and their guardians were apprehended [during the four months] between Oct. 1, 2016, and Jan. 31, 2017, more than double the number caught over the same time period a year earlier.”²³⁰

Unlike the second case study in this chapter, the Migrant Protection Protocols, which had well-defined start and end dates, assigning a precise beginning and end date to the parent-child separation policy is more elusive. While it is clear that the majority “of child separations at the southern border occurred between April and June 2018,” evidence indicates that the policy actually began before April and continued after June.²³¹ DOJ formally began its “zero tolerance policy” in April 2018.²³² Court-ordered efforts to identify separated children resulted in DHS identifying 2,816 children who were covered by the *Ms. L* class-action lawsuit, one of the major litigation cases resulting from the separation policy.²³³ After this litigation and the resulting court orders, “Acting Homeland Security secretary Kevin McAleenan has said that family separations remain ‘extraordinarily rare’ and happen only when the adults pose a risk to the child because of their criminal record, a communicable disease, abuse or neglect,” and that such separations are now “carefully governed by policy and by court order.”²³⁴ Figure 3 depicts a timeline of the zero tolerance policy generated by the DHS Office of Inspector General.

²²⁹ E.g., Ainsley, “Exclusive: Trump Considering Separation”; Office of Inspector General, *DHS Lacked Technology Needed*, 4.

²³⁰ Ainsley, “Exclusive: Trump Considering Separation.”

²³¹ “House Oversight Report,” 9.

²³² “House Oversight Report,” 9.

²³³ “House Oversight Report,” 13.

²³⁴ Sacchetti, “ACLU: 1,000 Migrants Taken.”

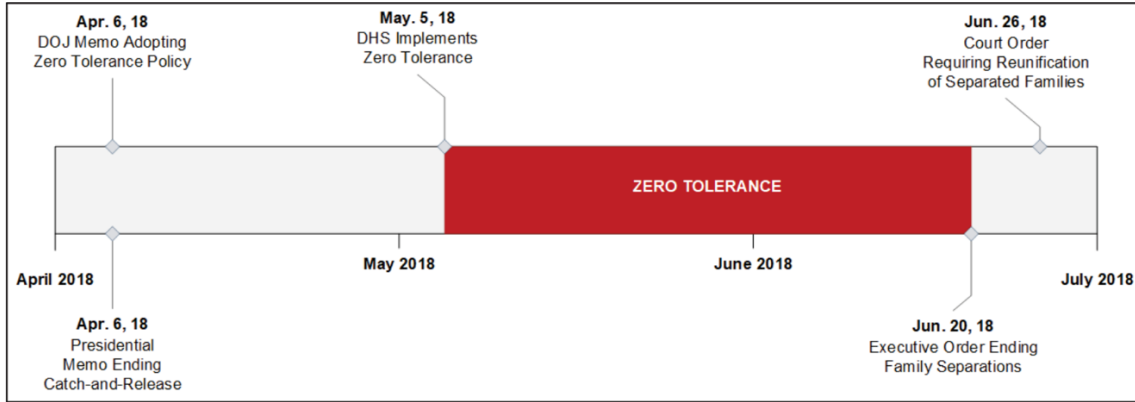


Figure 3. Timeline of Zero Tolerance Policy²³⁵

Subsequent audits by both the “DHS Office of Inspector General [OIG] and the Government Accountability Office (GAO) found that the Trump Administration conducted these separations with no plans to track separated children [and] made false statements about the ability to track these children and reunite families.”²³⁶ In contrast to the figures noted above that were provided during the *Ms. L* litigation, the OIG investigation noted that CBP reportedly separated 3,014 children from their parents during the zero tolerance policy.²³⁷

C. OFFICIAL MESSAGING ON THE PARENT-CHILD SEPARATION POLICY

The following discussion provides a topical and thematic overview of the various public statements made in speeches, press releases, and other official documents and statements issued by DHS concerning the various phases of the parent-child separation policy.²³⁸ This approach to these communications is most appropriate for this case study, which contains multiple points of inconsistencies and problematic issues which are best organized and presented thematically.

²³⁵ Source: Office of Inspector General (OIG)-generated from DHS data and Zero Tolerance related legal documentation. Office of Inspector General, *DHS Lacked Technology Needed*, 2, fig. 1.

²³⁶ “House Oversight Report,” 9; Office of Inspector General, *DHS Lacked Technology Needed*.

²³⁷ Office of Inspector General, *DHS Lacked Technology Needed*, 2.

²³⁸ Bixby, “Trump Has No Idea.”

1. Various Policy Justifications Are Given for the Policy

As early as two months into the Trump administration, in March 2017, DHS Secretary John Kelly was asked about “separat [ing] the children from their moms and dads,” to which he responded, “Yes, I am considering, in order to deter more movement along this terribly dangerous [smuggling/trafficking] network, I am considering exactly that.”²³⁹ Kelly also stated during this time “that he ‘would do almost anything to deter’ Central American migration, including separating children from their parents and placing them in detention facilities or foster care.”²⁴⁰

a. *Justification 1: The Policy Protects Against Child Endangerment*

Thus, as early as March 2017, a DHS official had publicly stated a purpose of possible separations would be to generate a deterrent effect.²⁴¹ Interestingly, a March 2017 Reuters article discussing this possibility quoted only “three [unnamed] government officials.”²⁴² It is unclear from the article if these officials were speaking with authorization and if this use of anonymity to deliver a policy announcement was intentional on the part of DHS. Kelly later tried to walk these early comments back during his April 2017 Senate testimony, stating that separations might occur “only if the situation at that point in time requires it . . . [n]ot routinely,” and only “if [Kelly] thought the child was endangered.”²⁴³

In other reporting, Kelly claimed “separations would occur only in extenuating circumstances such as an illness.”²⁴⁴ Kelly did not further describe what situations involving “illness” might justify separation, although there is media reporting of one

²³⁹ Daniella Diaz, “Kelly: DHS Is Considering Separating Undocumented Children from Their Parents at the Border,” CNN, March 7, 2017, <https://www.cnn.com/2017/03/06/politics/john-kelly-separating-children-from-parents-immigration-border/index.html>.

²⁴⁰ Ingrid V. Eagly, “The Movement to Decriminalize Border Crossing,” *Boston College Law Review* 61, no. 6 (June 2020): 1992.

²⁴¹ E.g., Ainsley, “Exclusive: Trump Considering Separation.”

²⁴² Ainsley.

²⁴³ Seville and Rapple, “Trump Admin Ran Pilot.”

²⁴⁴ Kriel, “Trump Moves to End.”

example of three sisters being separated from a parent due to the parent’s HIV positive status.²⁴⁵ A CBP spokesman later acknowledged that although “HIV is not considered a communicable disease that would bar entry into the U.S., nor is it grounds for family separation,” the medical condition might nonetheless justify separation given “additional considerations,” such as “the ‘potential requirement for hospitalization’ and the best interest of the child.”²⁴⁶

b. Justification 2: The Policy Deters the Exploitation of Children

As a somewhat different rationale, “a senior DHS official had previously told CNN that the department was considering a proposal to separate children from adults [which was] meant to deter the exploitation of children.”²⁴⁷ Another spokesman claimed the agency wanted to “discourage [migrants] from even beginning the journey.”²⁴⁸ Even in these early days of the policy, where there might have been general agreement about the policy as a deterrent, there was ambiguity about exactly what was to be deterred.

These early statements are in direct contrast to later statements by DHS Secretary Kirstjen Nielsen denying the zero tolerance policy’s intended deterrent effect. She stated it was “offensive” to suggest that the policy was “intend [ed] to send a message” to would-be border crossers.²⁴⁹ However, she did not explain why the use of prosecutions as a deterrent would be offensive or controversial in her view (especially if it was to deter child exploitation, as previously suggested). At a June 2018 briefing, Nielsen declined to answer questions attempting to contrast her claim that zero tolerance was not intended as a deterrent with prior statements of Attorney General Jeff Sessions indicating that it was a

²⁴⁵ Beth Fertig, “Three Young Girls Were Separated at the Border from a Father with HIV,” WNYC, September 3, 2019, <https://www.wnyc.org/story/three-young-girls-were-separated-border-father-hiv/>.

²⁴⁶ Fertig.

²⁴⁷ Diaz, “DHS Considering Separating Children.”

²⁴⁸ Diaz.

²⁴⁹ “House Oversight Report,” 12.

clear deterrent.”²⁵⁰ As for official press releases on the rationale for zero tolerance, DHS posted a “Frequently Asked Questions: Zero Tolerance Immigration Prosecutions” document in June 2018.²⁵¹ This document justified separations that occur where “DHS cannot ascertain the parental relationship, when DHS determines that a child may be at risk with the presumed parent or legal guardian, or if a parent or legal guardian is referred for criminal prosecution, including for illegal entry.”²⁵² Related to this justification, Attorney General Sessions noted that “if you are smuggling a child, then we will prosecute you and that child will be separated from you as required by law. . . . If you don’t like that, then don’t smuggle children over our border.”²⁵³

c. Justification 3: The Policy Deters Unlawful Border Crossing

Joining Kelly’s camp and undermining Nielsen’s position was Attorney General Sessions: “when asked if the child separations policy was intended as a deterrent, [he] said, ‘yes, hopefully people will get the message and come through the border at the port of entry and not break across the border unlawfully.’”²⁵⁴ By May 2018, White House Chief of Staff John Kelly again relied on deterrence as a justification for zero tolerance, claiming “‘a big name of the game is deterrence.’ . . . [a]nd separating families ‘could be a tough deterrent.’”²⁵⁵

²⁵⁰ Sarah Sanders and Kirstjen Nielsen, “Press Briefing by Press Secretary Sarah Sanders and Department of Homeland Security Secretary Kirstjen Nielsen,” American Presidency Project, June 18, 2018, <https://www.presidency.ucsb.edu/documents/press-briefing-press-secretary-sarah-sanders-and-department-homeland-security-secretary>.

²⁵¹ “Frequently Asked Questions: Zero Tolerance Immigration Prosecutions,” Department of Homeland Security, June 15, 2018, <https://www.dhs.gov/news/2018/06/15/frequently-asked-questions-zero-tolerance-immigration-prosecutions>.

²⁵² Department of Homeland Security.

²⁵³ Hegarty, “Timeline: Immigrant Children Separated”; Jonathan Blitzer, “How the Trump Administration Got Comfortable Separating Immigrant Kids from Their Parents,” *New Yorker*, May 30, 2018, <https://www.newyorker.com/news/news-desk/how-the-trump-administration-got-comfortable-separating-immigrant-kids-from-their-parents>; Pete Williams, “Sessions: Parents, Children Entering U.S. Illegally Will Be Separated,” NBC News, May 7, 2018, <https://www.nbcnews.com/politics/justice-department/sessions-parents-children-entering-us-illegally-will-be-separated-n872081>.

²⁵⁴ “House Oversight Report,” 12.

²⁵⁵ Blitzer, “How Trump Got Comfortable.”

Kelly went on to make remarks about the demographics of migrants recently attempting to enter the United States. For example, Kelly stated, “overwhelmingly rural people in the countries they come from – fourth, fifth, sixth grade educations are kind of the norm. They don’t speak English, obviously that’s a big thing . . . [t]hey don’t integrate well, they don’t have skills. They’re not bad people. They’re coming here for a reason. And I sympathize with the reason.”²⁵⁶

Statements by Attorney General Sessions, who had “long advocated extremely aggressive efforts to prevent illegal entry into the country and crack down on undocumented immigrants already here,” likewise continued the justification of deterring illegal migration.²⁵⁷ In an October 2017 speech, he claimed that President Trump was “going to fix” the “loopholes” that result in “many of these people simply disappear [ing]” into the United States after apprehension by DHS.²⁵⁸ By May 2018, Sessions made plain that “*every* adult who crosses the southwest border illegally [would be prosecuted,] acknowledg [ing] this will require the government to separate children from the adults traveling with them.” While he claimed to have “‘no doubt’ people illegally crossing the border are fleeing danger or despair . . . he pointed out that ‘[w]e cannot take everyone on this planet who is in a difficult situation.’”²⁵⁹ In comparing the population of illegal aliens in the United States with the population of the state of Georgia, Sessions remarked, “We’re not going to stand for this. We are not going to let this country be invaded. We will not be stampeded. We will not capitulate to lawlessness.”²⁶⁰

²⁵⁶ John Burnett, “Transcript: White House Chief of Staff John Kelly’s Interview with NPR,” NPR, May 11, 2018, <https://www.npr.org/2018/05/11/610116389/transcript-white-house-chief-of-staff-john-kellys-interview-with-npr>.

²⁵⁷ Michael D. Shear, “White House Makes Hard-Line Demands for Any ‘Dreamers’ Deal,” *New York Times*, October 8, 2017, <https://www.nytimes.com/2017/10/08/us/politics/white-house-daca.html>.

²⁵⁸ Kriel, “Trump Moves to End.”

²⁵⁹ Sari Horwitz and Maria Sacchetti, “Sessions Vows to Prosecute All Illegal Border Crossers and Separate Children from Their Parents,” *Washington Post*, May 7, 2018, https://www.washingtonpost.com/world/national-security/sessions-says-justice-dept-will-prosecute-every-person-who-crosses-border-unlawfully/2018/05/07/e1312b7e-5216-11e8-9c91-7dab596e8252_story.html.

²⁶⁰ Horwitz and Sacchetti.

By June 2018, Sessions invoked the Apostle Paul’s “clear and wise command in Romans 13, to obey the laws of the government because God has ordained them for the purpose of order . . . [because o]rderly and lawful processes are good in themselves and protect the weak and lawful.”²⁶¹ In the same speech given to church leaders, he criticized stakeholders who were adversarial to his policy preferences, such as the “open borders, pro-amnesty crowd,” the “open borders radicals and well-paid lobbyists,” and the “elites and the Washington insiders.”²⁶²

d. Justification 4: The Policy is Similar to Other Criminal-Arrest-Related Family Separations

Other justifications for the policy included analogies to family separations which may occur if an adult is arrested for a non-immigration-related crime in the United States. This was an apparent attempt to equate administrative immigration arrests or minor immigration-related criminal arrests with arrests for more serious offenses, the criminalization of which is less controversial.²⁶³ For example, White House Press Secretary Sarah Sanders noted in June 2018 the “number of individuals that are permanently separated from their families due to the illegal aliens that have come across this border and murdered and killed American citizens.”²⁶⁴

Other speakers described the separation policy under Trump as “‘continu [ing] a long-standing policy by the previous administration,’ . . . listing risk to the child and criminal prosecution of the parent as among the reasons for separation.”²⁶⁵ While this statement appears to be generally accurate in terms of the fact that such separations did occur under the prior administration, it’s unclear to what extent since the Trump

²⁶¹ Sessions made these biblical references in the context of “concerns raised by our church friends about separating families.” Hegarty, “Timeline: Immigrant Children Separated”; Department of Justice, “Attorney General Sessions Addresses Recent Criticisms of Zero Tolerance by Church Leaders,” June 14, 2018, <https://www.justice.gov/opa/speech/attorney-general-sessions-addresses-recent-criticisms-zero-tolerance-church-leaders>.

²⁶² Department of Justice, “Sessions Addresses Recent Criticisms.”

²⁶³ “House Oversight Report,” 12.

²⁶⁴ Sanders and Nielsen, “Press Briefing.”

²⁶⁵ Seville and Rappleye, “Trump Admin Ran Pilot.”

administration “declined to provide month-by-month figures” from before and after Trump’s inauguration.²⁶⁶

e. Justification 5: The New Policy Is Consistent with Long-Standing Policy

At a June 2018 press briefing with Press Secretary Sarah Sanders, Secretary Nielsen offered to correct “a lot of misinformation about what DHS is and is not doing as it relates to families at the border.”²⁶⁷ Nielsen reiterated her perspective that “this administration did not create a policy of separating families at the border,” and again repeated the claim that “we have a long-existing policy. Multiple administrations have followed that outline when we may take action to protect children. We will separate those who claim to be a parent and child if we cannot determine a familial or custodial relationship exists.”²⁶⁸

Similar to Attorney General Jeff Sessions’s comments discussed below, Nielsen acknowledged that “we no longer exempt entire classes of people who break the law. Everyone is subject to prosecution.”²⁶⁹ Nielsen made clear that “parents who entered illegally are, by definition, criminals. Illegal entry is a crime as determined by Congress,” using language that is technically accurate but may not appeal to or resonate with all stakeholders.²⁷⁰ Nielsen pointed the finger at Congress, claiming “it is the beginning of the unraveling of democracy when the body who makes the laws, instead of changing them, tells the enforcement body not to enforce the law.”²⁷¹ Her statement did not explicitly state who within Congress had asked DHS not to enforce the law, although it previously referred to prior testimony she had given to Congress.²⁷²

When asked a series of questions about allegations of child abuse, unfavorable statements made by Laura Bush, and comparing the enforcement policy to Japanese

²⁶⁶ Seville and Rappleve.

²⁶⁷ Sanders and Nielsen, “Press Briefing.”

²⁶⁸ Sanders and Nielsen.

²⁶⁹ Sanders and Nielsen.

²⁷⁰ Sanders and Nielsen.

²⁷¹ Sanders and Nielsen.

²⁷² Sanders and Nielsen.

internment during World War II, Nielsen addressed a different issue each time, declined to comment on “hearsay stories,” and reiterated that Congress should act through the democratic process to favorably change the law.²⁷³

Overall, these statements from DHS secretaries, the attorney general, and the White House chief of staff contained considerable variation about whether the zero tolerance policy was intended to have deterrent effects on general migration.

2. DHS’s Silence as a Form of Communication

As early as “July 2017, the [a]dministration began a secret pilot program to separate children and their parents arriving at the border in the El Paso sector,” resulting in the separation of 281 migrants.²⁷⁴ This pilot was not publicly announced in advance nor as it was rolled out. It only later came to light after it was well underway and stakeholders in El Paso “heard increasing numbers of migrants talk of their children being taken away — and having no idea where they were.”²⁷⁵ Officials later claimed that no separations occurred “prior to the April 2018 zero tolerance policy,” but such claims appear incorrect.²⁷⁶ Other reporting from June 2018 put the separation numbers “between October 2016 and February 2018” at 1,768, although it was not reported how many of those occurred prior to the inauguration of the Trump administration in January 2017.²⁷⁷

House committee investigations revealed another notable aspect to the claims that separations were a necessary result of referrals for criminal prosecution of parents, concluding that there had been a lack of candor on the part of the administration about the separation policy.²⁷⁸ For example, House committee data show that “some parents who were separated from their children were never sent to U.S. Marshals or other federal criminal custody, but instead went straight from CBP custody to ICE detention,” while

²⁷³ Sanders and Nielsen.

²⁷⁴ “House Oversight Report,” 10.

²⁷⁵ Seville and Rappleye, “Trump Admin Ran Pilot.”

²⁷⁶ “House Oversight Report,” 11.

²⁷⁷ Seville and Rappleye, “Trump Admin Ran Pilot.”

²⁷⁸ “House Oversight Report,” 21.

others only had a brief stint in criminal custody and were then returned to immigration custody.²⁷⁹ Available public statements from key officials do not mention this subset of parents subjected to the separation policy. It is unclear if these omissions were intentional or if such nuanced detail about the implementation of the policy was unknown to the officials.

Finally, the House committee investigation report noted multiple instances in which bipartisan committee members had sought information from the administration in June and July 2018 regarding the separation policy.²⁸⁰ DHS and other agencies (DOJ and HHS) did not fully comply and produce the requested information for over six months.²⁸¹ It is unclear from the committee report whether this was an intentional use of strategic silence by DHS or if some other internal rationale justified the non-responsiveness to these congressional stakeholders.

3. Other Conflicts in Messaging

A great deal of the inconsistent messaging from key officials related to whether the Trump administration had an official policy of parent-child separation or not. There is at least one example of a public meeting where officials had face-to-face communication with stakeholders about the policy rollout. In October 2017, over 20 “advocates, attorneys and faith leaders in El Paso sat down with government officials [from CBP, ICE, and DHS] for a meeting about immigration” at a meeting coordinated by the local House representative.²⁸² Instead of messaging from or supported by high-ranking DHS officials, a local Border Patrol agent spoke for DHS and claimed, “the new policy is that we can separate children as long as they are 10 or over.”²⁸³ After the meeting, however, a local CBP attorney sent an email to the attendees representing that “the Border Patrol does not have a blanket policy requiring the separation of family units. . . . any increase in separated

²⁷⁹ “House Oversight Report,” 21.

²⁸⁰ “House Oversight Report,” 4–5.

²⁸¹ “House Oversight Report,” 5–6.

²⁸² Seville and Rappleye, “Trump Admin Ran Pilot.”

²⁸³ Seville and Rappleye.

family units is due primarily to the increase in prosecutions of immigration related crimes.”²⁸⁴

These conflicting communications continued with a statement from an official CBP spokesman, in which it was reported that “prior to zero tolerance . . . CBP had no policy of separating families for reasons other than medical need, fraud or criminal cases, which could include criminal immigration violations.”²⁸⁵ The phrasing of this statement raises the question of what the policy was *after* zero tolerance was implemented, since the administration continued to rely on the need to prosecute criminal immigration violations during zero tolerance. Another related conflict arose with a prior statement from an “assistant Border Patrol chief . . . [that] said agents do not refer family units for criminal charges unless an adult has a prior conviction, claiming ‘[w]e don’t prosecute family units.’”²⁸⁶

Later in 2017, a local CBP spokesman in El Paso commented on the alleged policy, stating it was a “matter of officials in Washington.” CBP then deferred to ORR for further questions, which deferred back to CBP.²⁸⁷ Thus, at least five different CBP officials were on record providing different and sometimes conflicting information about the nature of a separation policy, if one existed.

Later statements in March 2018, in response to litigation, claimed that “DHS does not currently have a policy of separating women and children. However, we retain the authority to do so in certain circumstances—particularly to protect a child from potential smuggling and trafficking activities.”²⁸⁸ Advocates, however, claimed the enforcement policy was “tantamount to a de-facto policy of family separation.”²⁸⁹ Another DHS statement from March “ask [ed] that members of the public and media view advocacy

²⁸⁴ Seville and Rappleye.

²⁸⁵ Seville and Rappleye.

²⁸⁶ Kriel, “Trump Moves to End.”

²⁸⁷ Kriel.

²⁸⁸ Kennedy, “ACLU Sues ICE.”

²⁸⁹ Kriel, “Trump Moves to End.”

group claims that we are separating women and children for reasons other than to protect the child with the level of skepticism they deserve.”²⁹⁰ Tom Homan, ICE acting director, also went on record in May 2018 using the “no blanket policy” language, stating “DHS does not have a blanket policy on separating families as a deterrent. . . . There is no new policy. This has always been the policy,” although the reporting does not indicate whether he further explained exactly *what* has “always been the policy.”²⁹¹

Secretary Nielsen claimed on multiple occasions that “there was no policy to separate children from their parents.”²⁹² In April 2018, Secretary Nielsen testified before a House committee, stating “that there is no policy that calls for the separation of families as a deterrence. ‘The standard is to—in every case—is to keep that family together as long as operationally possible . . . When we separate, we separate because the law tells us to, and that is in the interest of the child.’”²⁹³ In Senate testimony in May 2018, she stated, “We do not have a policy to separate children from their parents,” and a month later she tweeted, “We do not have a policy of separating families at the border. Period.”²⁹⁴ Instead, Nielsen claimed that the policy was simply that “everyone is subject to prosecution” for illegal border crossings, even if such increased prosecutions would result in “necessary” separations of families.²⁹⁵ Such statements conflict with other reported communications, such as the October 2017 statement from the El Paso Border Patrol agent claiming that “the new policy is that we can separate children as long as they are 10 or over.”²⁹⁶ Due in part to this mixed messaging about the nature of the policy, if one existed, Senate Democrats

²⁹⁰ Kennedy, “ACLU Sues ICE.”

²⁹¹ Williams, “Sessions: Parents, Children Entering U.S.”

²⁹² “House Oversight Report,” 11.

²⁹³ Hegarty, “Timeline: Immigrant Children Separated”; Tal Kopan, “DHS Secretary Clarifies Circumstances for Separating Immigrant Families,” CNN, April 11, 2018, <https://www.cnn.com/2018/04/11/politics/dhs-separating-families-immigrants-kirstjen-nielsen/index.html>.

²⁹⁴ “House Oversight Report,” 11.

²⁹⁵ “House Oversight Report,” 12.

²⁹⁶ Seville and Rappleye, “Trump Admin Ran Pilot.”

later “asked the FBI to open a perjury investigation” into Nielsen’s testimony on this issue, based on documents later uncovered.²⁹⁷

In a reference to the credibility of reporting, Secretary Nielsen stated in June 2018 regarding the care that minors receive in government custody that “it is important to note that these minors are very well taken care of. . . . Don’t believe the press. They are very well taken care of.”²⁹⁸ Nielsen made this statement following press accounts that a child housing “facility was understaffed and prison-like,” where “children were running away, screaming, throwing furniture and attempting suicide.”²⁹⁹

Overall, these speakers appear to have fundamental disagreement about what the official policy of the U.S. government was regarding parent-child separation, and this disagreement was widely apparent in the variety of messaging on this issue. Further, several examples exist of these officials attacking the media and public reports when challenged on aspects of the policy. The following section discusses other proffered justifications for parent-child separations during the use of the policy.

4. June 2018 Policy Rollback

By mid-June 2018, the policy had come under increasing public and media pressure, as well as threats from impending litigation.³⁰⁰ President Trump initially “claimed to be powerless to stop [the family separations], saying: ‘We can’t do it through

²⁹⁷ Anne Flaherty and Quinn Owen, “Leaked Memo Shows Trump Administration Weighed Separating Families at Border, Sen. Merkley Wants Nielsen Investigated for Perjury,” ABC News, January 18, 2019, <https://abcnews.go.com/Politics/leaked-memo-shows-trump-administration-weighed-separating-families/story?id=60459972>. As discussed above, this thesis will not examine in detail statements quoted from internal memoranda obtained by the media, which were leaked or otherwise not intended for public release. While these statements are relevant to policy analysis, they are less relevant to an analysis of public communications output because they were not intended for public release. Such analysis is left to future researchers.

²⁹⁸ Betsy Swan, “DHS Secretary Kirstjen Nielsen: ‘We Will Not Apologize’ for Family Separation Policy,” *Daily Beast*, June 20, 2018, <https://www.thedailybeast.com/dhs-secretary-kirstjen-nielsen-we-will-not-apologize-for-family-separation-policy>.

²⁹⁹ Swan.

³⁰⁰ Elliot Spagat, “Judges Push Back Against ‘Zero-Tolerance’ Immigration Policy,” AP News, December 18, 2018, <https://apnews.com/article/ac6f4a9df031482bb42d99d4da7d77e9>.

executive order,” although he did not explain why not.³⁰¹ Despite this statement, he nonetheless issued an Executive Order on June 20, 2018, which rolled back the policy to “maintain family unity.”³⁰² As with later communications on MPP discussed in the next chapter, the Executive Order criticized the “unfortunate . . . Congress [ional] failure to act” on immigration reform and border issues as creating the need to separate parents from their children upon their illegal entry.³⁰³ The order was later criticized by immigration advocates as “not provid [ing] any guidance about how to reunify families who were forcibly separated under the policy. Similarly, it lacked guidance about the circumstances in which family separations might occur in the future.”³⁰⁴ In commenting on his issuing the order, President Trump stated he didn’t “like the sight or the feeling of families being separated.”³⁰⁵ White House Counselor Kellyanne Conway likewise said that “nobody likes seeing babies ripped from their mothers’ arms.”³⁰⁶ An anonymous White House aide noted that “at a certain point the reality of the optics and politics sets in,” as part of the reasoning for President Trump’s reversal of the policy.³⁰⁷

D. PARENT-CHILD SEPARATION POLICY CONCLUSION

This policy has gone by several names: zero tolerance, parent-child separation, and family separation. Almost three years after the official end of the policy, it remains unclear what the precise motivations were for enacting the policy. Justifications included protecting children against endangerment or illness, deterring the exploitation of children, deterring unlawful border crossing, making analogies to other criminal arrest situations

³⁰¹ “House Oversight Report,” 12.

³⁰² “House Oversight Report,” 12.

³⁰³ Donald J. Trump, Executive Order 13841, “Affording Congress an Opportunity to Address Family Separation,” *Federal Register*, vol. 83, no. 122 (2018 comp.), <https://www.govinfo.gov/content/pkg/FR-2018-06-25/html/2018-13696.htm>.

³⁰⁴ Kids in Need of Defense, “Family Separation: Two Years Later, the Crisis Continues” (Washington, DC: Kids in Need of Defense, July 2020), 5, <https://supportkind.org/wp-content/uploads/2020/07/Family-Separation-Report-2020-FINAL-2.pdf>.

³⁰⁵ Eagly, “Movement to Decriminalize Border Crossing,” 2020; Seville and Rappleye, “Trump Admin Ran Pilot”; Trump, Executive Order 13841.

³⁰⁶ Bixby, “Trump Has No Idea.”

³⁰⁷ Markay, Desiderio, and Miller, “Trump Stops Separating Families.”

where children are separated from arrestees, and noting the consistency with other long-standing government policies.

As described by *Daily Beast* reporter Scott Bixby, communications regarding the policy were a “public-relations pileup [,] just a facet of the botched rollout” of the policy.³⁰⁸ Each speaker who has publicly commented on the policy, whether high or low ranking in the administration, offered slightly different (and in some cases quite different) views on whether the policy was intended as a deterrent and whether the government had an official policy of parent-child separation at all. The nuances of these disparate examples of communications are further discussed and analyzed in Chapter V.

³⁰⁸ Bixby, “Trump Has No Idea.”

IV. CASE STUDY TWO: MIGRANT PROTECTION PROTOCOLS

The Migrant Protection Protocols (MPP) is a program whereby illegal aliens encountered along or near the southern border are processed for removal proceedings and then returned to Mexico to await their hearing dates in immigration court. Hearings were held on the border at multiple “tent court” locations in San Ysidro, California; Calexico, California; Nogales, Arizona; El Paso, Texas; Eagle Pass, Texas; Laredo, Texas; and Brownsville, Texas.³⁰⁹ The first MPP immigration court hearings began in San Ysidro (south of San Diego) in late January 2019 and they continued until March 2020, the onset of the COVID-19 pandemic.³¹⁰ The administration successfully defended the program against various legal challenges ultimately reaching the U.S. Supreme Court, which issued a ruling favorable to DHS.³¹¹

On the morning of a scheduled MPP immigration court hearing, an alien would appear at a CBP-operated port of entry and CBP would transport the alien to the hearing site, what DHS called “soft-sided structures.”³¹² After each hearing, the alien was given a notice of the future hearing date and CBP transported him or her back to the port of entry and the alien was returned to Mexico.³¹³ Participants in this program were housed in a variety of living arrangements on the Mexican side of the border, including federal and

³⁰⁹ American Immigration Council, *Policies Affecting Asylum Seekers*, 2.

³¹⁰ Department of Homeland Security, “Joint DHS/EOIR Statement”; Harrington and Smith, *MPP: Legal Issues*, 1–2.

³¹¹ Camila DeChalus, “Supreme Court Rules ‘Remain in Mexico’ Program Can Continue During Challenge,” Roll Call, March 11, 2020, <https://www.rollcall.com/2020/03/11/supreme-court-rules-remain-in-mexico-program-can-continue-during-challenge/>.

³¹² Nick Miroff, “Along Texas Border, Trump Administration Sets up Tent Courts for Virtual Asylum Hearings,” *Texas Tribune*, September 18, 2019, <https://www.texastribune.org/2019/09/18/texas-border-tent-courts-erected-virtual-asylum-hearings/>; Stephanie Leutert and Savitri Arvey, *Migrant Protection Protocols Update* (Austin: Robert Strauss Center for International Security and Law, 2020), 3, https://www.strausscenter.org/wp-content/uploads/MPPUpdate_December2020.pdf; Andrew R. Arthur, “Tent Courts Aren’t Tents—And Provide Due Process,” Center for Immigration Studies, February 4, 2020, <https://cis.org/Arthur/Tent-Courts-Arent-Tents-and-Provide-Due-Process>.

³¹³ E.g., Miroff, “Trump’s Tent Courts”; Harrington and Smith, *MPP: Legal Issues*, 3.

private shelters and rented apartments.³¹⁴ After the initial rollout in San Ysidro, additional MPP court sites were added incrementally to scale up the operations of the program all along the southern border.

Despite the administration’s defense of the program in various litigation, MPP was not without its criticisms.³¹⁵ Lack of access to U.S.-based counsel while in Mexico was a major criticism, along with claims that forcing MPP participants to remain in Mexico unnecessarily subjected them to risk of harm or violence while in Mexico.³¹⁶

A. DHS’S MESSAGING ON MPP

The following discussion provides an overview of public statements made in speeches, press releases, and other official documents and statements issued by DHS concerning phases of the MPP program. Unlike the preceding discussion of the parent-child separation policy for which a thematically organized presentation format was used, a chronological discussion of the communications for this case study is presented here given the more measured, methodical, and incremental manner in which DHS issued communications concerning MPP between late 2018 and early 2020. A summary of the major themes of the communications is found in the chapter conclusion.

December 20, 2018: DHS announced that it would begin a program of requiring non-Mexican arrivals to return to Mexico, but such arrivals “may return to the United States as necessary and appropriate to attend their immigration court proceedings,” and a “joint effort” with Mexico to implement the program.³¹⁷

³¹⁴ Clare Ribando Seelke, *Mexico’s Immigration Control Efforts* (Washington, DC: Congressional Research Service, 2020), <https://fas.org/sgp/crs/row/IF10215.pdf>.

³¹⁵ Harrington and Smith, MPP: Legal Issues, 1–2; Seelke, Mexico’s Immigration Control Efforts.

³¹⁶ Human Rights First, “Delivered to Danger,” December 15, 2020, <https://www.humanrightsfirst.org/campaign/remain-mexico>; Miroff, “Trump’s Tent Courts.”

³¹⁷ Kirstjen Nielsen, “Policy Guidance for Implementation of the Migrant Protection Protocols” (official memorandum, Washington, DC: Department of Homeland Security, 2019), https://www.dhs.gov/sites/default/files/publications/19_0129_OPA_migrant-protection-protocols-policy-guidance.pdf.

In a statement on the same date, Secretary Nielsen began by framing the need for the policy as an “illegal immigration crisis.”³¹⁸ Although the statement referred to the United States’ “humanitarian commitments,” the statement also employed stronger language such as “aliens trying to game the system” and disappear and “skip their court dates.”³¹⁹ The statement further referred to replacing “‘catch and release’ . . . with ‘catch and return.’”³²⁰ The statement further used statistics to appeal to the audience, claiming that “the number of asylum claims soared 67 percent compared to the previous year [while most of these claims are not meritorious.]”³²¹

The last line of the statement indicates that “vulnerable populations will get the protection they need while they await a determination in Mexico” on any protection claims filed with the Mexican government.³²² However, the statement lacks detail about what steps, if any, the U.S. government would take to guarantee such protection.

January 24, 2019: DHS issued a press release about MPP several days in advance of the beginning of MPP hearings.³²³ The release opened with a quote from Secretary Nielsen framing the need for the program in the context of “the urgent humanitarian and security crisis at the Southern border” and the need to “end the exploitation of our generous immigration laws.”³²⁴ The release primarily referred to DHS’s law enforcement-related mission, while the first reference to immigrant stakeholder interests was several paragraphs into the statement, acknowledging the need to “ensur [e] that vulnerable populations receive the protections they need.”³²⁵

³¹⁸ Department of Homeland Security, “Secretary Nielsen Announces Historic Action to Confront Illegal Immigration,” December 20, 2018, <https://www.dhs.gov/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration>.

³¹⁹ Department of Homeland Security.

³²⁰ Department of Homeland Security.

³²¹ Department of Homeland Security.

³²² Department of Homeland Security.

³²³ Department of Homeland Security, “Migrant Protection Protocols.”

³²⁴ Department of Homeland Security.

³²⁵ Department of Homeland Security.

The release included numerous statistics concerning the numbers of arrivals of “illegal and inadmissible aliens . . . at the Southern border,” and changes in demographic trends of arrivals from “predominantly single adult males from Mexico” to “family units and unaccompanied children.”³²⁶ The release included language appealing to law and order interests and claimed the new policy “provide [s] a safer and more orderly process that will discourage individuals from attempting illegal entry and making false claims to stay in the U.S., and allow more resources to be dedicated to individuals who legitimately qualify for asylum.”³²⁷

In a section of the press release dedicated to the issue of access to counsel, the release included two sentences about choosing counsel at the alien’s expense and a “list of legal services providers in the area which offer services at little or no expense to the migrant,” but the release did not address the question of how U.S.-based immigration attorneys would meet with and effectively represent clients housed out of the country in Mexico.³²⁸ The primary benefits of MPP touted in the release are “reduc [ing] the number of aliens taking advantage of U.S. law and discourag [ing] false asylum claims,” and preventing aliens from “disappear [ing] into the U.S. before a court issues a final decision” on their cases.³²⁹

January 25, 2019: Secretary Nielsen issued guidance to the heads of CBP, ICE, and USCIS regarding the rollout of MPP, claiming that MPP participants would be afforded “all legal and procedural protection [s]” while residing in Mexico waiting for their MPP hearings.³³⁰ However, the memorandum did not specify how these protections were to be provided or indicate whether any stakeholders other than the government of Mexico had been involved with drafting the guidance or implementing the program.³³¹

³²⁶ Department of Homeland Security.

³²⁷ Department of Homeland Security.

³²⁸ Department of Homeland Security.

³²⁹ Department of Homeland Security.

³³⁰ Nielsen, “Policy Guidance for MPP.”

³³¹ Nielsen.

January 29, 2019: Secretary Nielsen addressed DHS law enforcement personnel at the San Ysidro MPP location.³³² Her remarks indicated that she held her law enforcement audience in high regard, as she was “continually impressed with the daily success stories [she heard] from the exceptional men and women of ICE.”³³³ In referring to the participants in the MPP program, Nielsen noted that a primary goal was eliminating “chaotic migration flows” and “restoring the rule of law.”³³⁴ She again referred to “allowing DHS to focus resources on providing relief to individuals fleeing persecution,” without any details of any concrete steps which would help accomplish this goal.³³⁵ There is no indication in the release that any non-DHS stakeholders or immigration advocates were present at the event.

April 1, 2019: By April, Secretary Nielsen claimed that “the crisis at our border is worsening,” as a reason to order the assignment of additional CBP personnel to the border and to increase the numbers of aliens returned daily to Mexico pursuant to MPP.³³⁶ For apparently the first time during the MPP program, Nielsen directly blamed Congress for its “fail [ure] to act yet again,” and threatened that “all options are on the table.”³³⁷

April 7, 2019: A press release describing a visit to Calexico with members of Congress and President Trump described the “bold action being taken by DHS to address the dramatic influx of unaccompanied children and families,” language possibly intended to impart a great sense of urgency to the actions described in the communication.³³⁸ As with prior addresses during site tours, Secretary Nielsen used stakeholder-centric language

³³² Department of Homeland Security, “Readout from Secretary Nielsen’s Trip to San Diego,” January 29, 2019, <https://www.dhs.gov/news/2019/01/29/readout-secretary-nielsen-s-trip-san-diego>.

³³³ Department of Homeland Security.

³³⁴ Department of Homeland Security.

³³⁵ Department of Homeland Security.

³³⁶ Department of Homeland Security, “Secretary Nielsen Orders CBP to Surge More Personnel to Southern Border, Increase Number of Aliens Returned to Mexico,” April 1, 2019, <https://www.dhs.gov/news/2019/04/01/secretary-nielsen-orders-cbp-surge-more-personnel-southern-border-increase-number>.

³³⁷ Department of Homeland Security.

³³⁸ Department of Homeland Security, “Secretary Nielsen, President Trump Assess Humanitarian and Security Emergency Response in Calexico,” April 7, 2019, <https://www.dhs.gov/news/2019/04/07/secretary-nielsen-president-trump-assess-humanitarian-and-security-emergency>.

(“you have my undying respect and appreciation”) when interacting with law enforcement stakeholders such as CBP and ICE personnel, “the Arizona National Guard [,] and U.S. Marines,” yet there was no indication that other non-governmental stakeholders or immigration advocates were present at the address.³³⁹

Nielsen again focused on Congress’s inaction, noting that “the only way to truly fix this crisis is with legislation. Outdated laws and misguided court decisions have created an illegal fast-pass into America.”³⁴⁰ In response to what she characterized as a “near system-wide meltdown,” Nielsen pivoted into “taking a full-fledged ‘disaster response’ approach to the border emergency,” borrowing terminology from outside the traditional immigration enforcement arena and from the field of emergency management.³⁴¹

August 8, 2019: Shortly after the preceding site visit in April 2019, Secretary Nielsen resigned and was replaced by Acting Secretary Kevin McAleenan, a prior CBP commissioner.³⁴² At an Arizona press conference in August, Secretary McAleenan made his case for the effectiveness of the MPP program using improvements in border crossing metrics, arguing that the success of the program should be measured in terms of the decrease in apprehensions of illegal aliens of certain nationalities.³⁴³ The secretary’s comments did not initially include statistics about “providing access to protection to those who need it,” despite his acknowledgment of such protection as an objective of the overall enforcement plan.³⁴⁴ In response to a question later in the briefing, McAleenan touted a benefit to migrant stakeholders of faster court decisions in MPP than through traditional non-MPP immigration courts in the interior of the United States, and he also acknowledged the contributions of the government of Mexico, a key stakeholder and partner in the MPP

³³⁹ Department of Homeland Security.

³⁴⁰ Department of Homeland Security.

³⁴¹ Department of Homeland Security.

³⁴² Ed Pilkington and Martin Pengelly, “Kirstjen Nielsen Resigns as Trump Homeland Security Secretary,” *Guardian*, April 7, 2019, <http://www.theguardian.com/us-news/2019/apr/07/kirstjen-nielsen-resigns-trump-homeland-security-secretary>; Department of Homeland Security, “Transcript: Press Conference in Yuma, AZ on August 8, 2019,” August 9, 2019, <https://www.dhs.gov/news/2019/08/09/transcript-press-conference-yuma-az-august-8-2019>.

³⁴³ Department of Homeland Security, “Transcript: Press Conference.”

³⁴⁴ Department of Homeland Security.

program.³⁴⁵ However, he commented negatively on the purported asylum claims of a large majority of asylum seekers, noting that the asylum process is “not a pathway to an economic migration or to choose what country you want to live in.”³⁴⁶

Like his predecessor, McAleenan referred to the need for Congressional reform and support. Instead of outright blaming Congress for the crisis, he noted the need “to seek the targeted fixes to our immigration laws that we’ve been asking for from Congress.”³⁴⁷ He freely discussed overcrowding at various CBP facilities in response to a question, noting that the overcrowding situation “was very difficult to manage.”³⁴⁸

September 17, 2019: In a reuse of deterrence-related language that proved troublesome during the parent-child separation policy, Secretary McAleenan visited the new MPP facility in Laredo, Texas, and claimed that ongoing operation of MPP “will deter people who don’t have valid asylum claims,” in contrast with other MPP justifications offered throughout the program.³⁴⁹ During the tour, Acting CBP Commissioner Mark Morgan deferred to Mexico as having “responsibility to provide security for migrants en route to their court hearings on the U.S. side.”³⁵⁰ He distanced DHS from obligations regarding security in Mexico by pointing out that the United States must take care not “to paint an entire nation as a war zone.”³⁵¹ Morgan cast doubt on reports of cartel violence against migrants, stating, “I don’t believe that. We are not receiving that information from the government of Mexico.”³⁵²

September 23, 2019: A month later, Secretary McAleenan addressed the Council on Foreign Relations (CFR) on a variety of immigration topics. He again acknowledged the “very difficult humanitarian conditions” at border processing facilities, in part due to

³⁴⁵ Department of Homeland Security.

³⁴⁶ Department of Homeland Security.

³⁴⁷ Department of Homeland Security.

³⁴⁸ Department of Homeland Security.

³⁴⁹ Miroff, “Trump’s Tent Courts.”

³⁵⁰ Miroff.

³⁵¹ Miroff.

³⁵² Miroff.

Congress’s lack of responsiveness to requests for additional resources.³⁵³ He referred to the “significant diasporas of Guatemalans, Salvadorans, and Hondurans” as a significant pull factor for irregular migration, a statement which this particular stakeholder community might view as being made in a somewhat negative context.³⁵⁴ Other symbolism present in the speech might likewise be viewed as disparaging by certain stakeholders, such as the characterization of migrant caravans as a “conveyor belt” of large groups.³⁵⁵ On a positive note, he continued the theme of outreach to foreign government stakeholders/partners, with references to cooperation such as “providing \$47 million in aid to build asylum capacity in Guatemala” and the provision of “personnel supporting border operations in Guatemala.”³⁵⁶

Regarding MPP specifically, McAleenan claimed DHS had “provided protections to hundreds of asylum seekers,” and he again praised MPP for “provid[ing] expeditious access and decisions for meritorious claims, and . . . discourag[ing] individuals with inadequate or false asylum claims” from gaining access to the United States, a statement which possibly lumped together non-meritorious and fraudulent claims.³⁵⁷ The speech did not dispel concerns of violence affecting MPP participants while staying in Mexico, even though he acknowledged the existence of some “unique asylees to whom protection is provided immediately, if it is deemed too dangerous from [credible] fear screenings to return them to Mexico.”³⁵⁸

Finally, McAleenan ended his remarks to CFR with comments about an “area of progress [described as] fundamental,” namely “enhanc[ing] care and conditions, alleviat[ing] overcrowding in border facilities,” and other improvements in the ability of the

³⁵³ Department of Homeland Security, “Acting Secretary McAleenan’s Prepared Remarks to the Council of Foreign Relations,” September 23, 2019, <https://www.dhs.gov/news/2019/09/23/acting-secretary-mcaleenans-prepared-remarks-council-foreign-relations>.

³⁵⁴ Department of Homeland Security.

³⁵⁵ Department of Homeland Security.

³⁵⁶ Department of Homeland Security.

³⁵⁷ Department of Homeland Security.

³⁵⁸ Department of Homeland Security.

government to care for detained migrants.³⁵⁹ This explicit acknowledgment of migrants' well-being as "fundamental" stands in contrast to messaging during the parent-child separation policy the year before.

October 28, 2019: In a document entitled *Assessment of the Migrant Protection Protocols* released that month, DHS provided updates on the status of MPP and offered additional justifications for expansion of the program.³⁶⁰ Noting that "MPP is a core component of U.S. foreign relations and bilateral cooperation with" Mexico, DHS attempted to elevate the posture of the program beyond a mere domestic immigration policy and place it in the realm of foreign relations.³⁶¹ DHS continued to characterize the border situation as "an ongoing national emergency," even though the statistics provided in the assessment purportedly demonstrate "a rapid and substantial decline in apprehensions in those areas where the most amenable aliens have been processed and returned to Mexico pursuant to MPP."³⁶²

Regarding benefits to stakeholders, the assessment noted without further quantification that "a small subset of completed cases have resulted in grants of relief or protection, demonstrating that MPP returnees with meritorious claims can receive asylum" faster through MPP than via traditional court hearings.³⁶³ DHS continued to employ language such as "free ticket into the United States" when describing the claims of aliens denied relief.³⁶⁴ The assessment noted that "DHS understands that MPP returnees in Mexico are provided access to humanitarian care and assistance, food and housing, work permits, and education," although it does not identify the basis for such an "understanding" or outline the steps taken by DHS to ensure that these Mexican promises were actually fulfilled.³⁶⁵

³⁵⁹ Department of Homeland Security.

³⁶⁰ Department of Homeland Security, *Assessment of MPP*.

³⁶¹ Department of Homeland Security, 1.

³⁶² Department of Homeland Security, 2.

³⁶³ Department of Homeland Security, 3.

³⁶⁴ Department of Homeland Security, 3.

³⁶⁵ Department of Homeland Security, 4.

In discussing cooperation with Northern Triangle countries “to form partnerships on asylum cooperation,” the document invoked the name and mandate of the “United Nations High Commissioner for Refugees [(UNHCR), which] has called for international cooperation to face the serious challenges in responding to large-scale movement of migrants and asylum-seekers travelling by dangerous and irregular means.”³⁶⁶ This invocation is notable given the view among some stakeholders that MPP is in contravention of UNHCR requirements.³⁶⁷ In the concluding paragraph, the statement noted that one goal of MPP (a “cornerstone” of immigration efforts) is “to reduce the incentive for aliens to assert claims for relief or protection.”³⁶⁸

October 28, 2019: In a press release regarding the opening of the Eagle Pass, Texas MPP court (the sixth such MPP location to open), DHS acknowledged the risk of “adverse court action” against DHS concerning the legality of the program, but noted its continued investment in the “critical program.”³⁶⁹ The release justified the program as “reliev [ing] the crushing backlog of pending cases,” but it did not explain how the operation of a collateral program to the existing nationwide immigration court system helps to reduce the backlog of cases, especially where immigration judges are re-assigned to hear MPP cases rather than pending non-MPP cases.³⁷⁰ Where DHS officials previously criticized Congress’s more recent inaction in passing immigration reform, here DHS referred favorably to the legislative branch, noting that MPP was “implemented in January 2019 in accordance with a law passed by Congress in 1996.”³⁷¹

January 2, 2020: DHS announced the opening of the seventh MPP location in Nogales, Arizona. In contrast to the statement two months earlier, this time the justification

³⁶⁶ Department of Homeland Security, 5.

³⁶⁷ E.g., Felipe González Morales, *Mandate of the Special Rapporteur on the Human Rights of Migrants* (Geneva: U.N. Office of the High Commissioner for Human Rights, 2019), 3, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24381>.

³⁶⁸ Department of Homeland Security, *Assessment of MPP*, 6.

³⁶⁹ Department of Homeland Security, “DHS Expands MPP Operations to Eagle Pass,” October 28, 2019, <https://www.dhs.gov/news/2019/10/28/dhs-expands-mpp-operations-eagle-pass>.

³⁷⁰ Department of Homeland Security.

³⁷¹ Department of Homeland Security.

for MPP’s operation was its “proven effective [ness] at reducing human smuggling across the Southwest Border,” rather than references to reducing the immigration court backlog.³⁷² The statement again referred to Congress’s 1996 legislation authorizing the program and added that Congress passed the 1996 law “on a bipartisan basis.”³⁷³ The statement concluded that judicial disruption of the program would “most benefit those who seek to profit from human misery.”³⁷⁴ However, the statement did not mention the claims of stakeholders about the poor conditions in various shelters and camps in Mexico, such as the “thousand people . . . still living in the miserable, muddy camp along the banks of the river in Mexico, awaiting their chance at asylum in the U.S.”³⁷⁵

January 29, 2020: DHS announced that Brazilians would now be processed under MPP. DHS claimed that “the fact that Brazilians are now part of the program shows that the Department . . . [has] always sought to expand the program in a safe and responsible manner.”³⁷⁶ In a December 2019 statement, Acting CBP Commissioner Mark Morgan referenced the “urgent” need to add non-Spanish-speaking individuals to MPP, who had previously not been subjected to MPP and were required to remain in Mexico.³⁷⁷

December 7, 2020: By December, Acting Secretary Chad Wolf had taken the reins of DHS, becoming the third senior DHS official to exercise responsibility over the MPP

³⁷² Department of Homeland Security, “DHS Begins MPP Returns at Nogales Port of Entry in Arizona,” January 2, 2020, <https://www.dhs.gov/news/2020/01/02/dhs-begins-mpp-returns-nogales-port-entry-arizona>.

³⁷³ Department of Homeland Security.

³⁷⁴ Department of Homeland Security.

³⁷⁵ Dianne Solis, “Asylum-Seekers in Matamoros Fear They’ll Be Forgotten,” *Dallas Morning News*, September 7, 2020, <https://www.dallasnews.com/news/immigration/2020/09/07/asylum-seekers-in-matamoros-fear-theyll-be-forgotten/>.

³⁷⁶ Department of Homeland Security, “DHS Expands MPP To Brazilian Nationals,” January 29, 2020, <https://www.dhs.gov/news/2020/01/29/dhs-expands-mpp-brazilian-nationals>.

³⁷⁷ American Immigration Council, *Policies Affecting Asylum Seekers*, 3; Camilo Montoya-Galvez, “‘Remain Home:’ Trump Officials Say Policies Responsible for Sharp Drop in Border Apprehensions,” CBS News, December 10, 2019, <https://www.cbsnews.com/news/trump-administration-touts-sixth-consecutive-monthly-drop-in-migrant-apprehensions-at-the-mexican-border/>.

program. In announcing new policy guidance, Wolf took a softer tone in claiming that “good government means making sound policies better over time.”³⁷⁸

Other undated messaging: At some point during the program, DHS posted a webpage in question-and-answer (Q&A) format addressing operational, legal, and other stakeholder issues and questions.³⁷⁹ The page was available in English and Spanish, with parts of the page also available in Portuguese. In contrast to the press releases and memoranda discussed above, this Q&A document was more oriented toward migrant stakeholders in that it provides specific information about access to counsel; issues of physical and mental health while in removal proceedings; links to other outside legal resources, such as those provided by the immigration court; media access to observe MPP facilities; and “Know Your Rights” documents in several languages.³⁸⁰ The page also included links to all DHS press releases on MPP and links to several “Metrics and Measures” documents that purport to illustrate “how DHS is meeting the intended goals of MPP.”³⁸¹

B. MPP POLICY CONCLUSION

MPP lasted from January 2019 through the onset of COVID-19 in March 2020 when hearings were suspended. During these fourteen months, three different DHS secretaries frequently commented about the merits of the program. Several justifications for MPP were used interchangeably, such as reducing the court backlog in the traditional immigration courts; reducing the ability of smugglers to take advantage of migrants; and ensuring faster decisions (which were most often denials) for MPP participants. In contrast to communications about the parent-child separation policy, these communications were more consistent, both vertically through time and horizontally across different speakers.

³⁷⁸ Department of Homeland Security, “DHS Announce Supplemental Guidance for MPP Implementation,” December 7, 2020, <https://www.dhs.gov/news/2020/12/07/dhs-announce-supplemental-guidance-mpp-implementation>.

³⁷⁹ As the document is undated, it is unclear when DHS first posted these FAQs to its website. The document was last updated in January 2021. Department of Homeland Security, “Migrant Protection Protocols,” accessed January 31, 2021, <https://www.dhs.gov/migrant-protection-protocols>.

³⁸⁰ Department of Homeland Security.

³⁸¹ Department of Homeland Security.

The inconsistencies in messaging previously seen during the parent-child separation policy were noticeably absent in the MPP-related communications.

The analysis in the following chapter reviews the DHS's and other U.S. government officials' communications through the lens of the communications output evaluation model developed in Chapter II.

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V. CRITICAL EVALUATION OF DHS'S STRATEGIC COMMUNICATIONS OUTPUT IN THESE TWO CONTROVERSIAL POLICY ROLLOUTS

In this chapter, the thesis examines the rollouts of the parent-child separation policy and Migrant Protection Protocols (MPP) program discussed in the prior two chapters and analyzes the communications output from key administration officials. This chapter provides a high-level overview of DHS's approach to strategic communications in this context. It then reviews each case study separately using the communications output evaluation model previously developed and discussed in Chapter II and synthesizes the outcome of the evaluation. Finally, the chapter offers a frank analysis of whether DHS communications related to these two case studies were consistent with the factors of positive and effective strategic communications identified in the model.

A. EVALUATION OVERVIEW: SUMMARY OF FINDINGS

The communications in Chapters III and IV vary on a spectrum ranging from effective, to somewhat effective, to quite ineffective at achieving positive communications results. As for the most effective examples of strategic communications, key officials involved in communications related to MPP all seemed to be on the same page. They issued consistent messaging, did not engage in information fratricide, did not undermine each other's efforts to achieve policy successes, and did not speak publicly with messaging that was different than the positions the agency had previously taken. Further, the continued operation of the program up until the onset of the COVID-19 pandemic is significant. Had the strategic communications issued by key DHS officials related to this program been at odds with each other, undermined each other, or undermined the purpose of the program itself, then DHS might not have continued operation of the program for so long.

Turning to the parent-child separation case study, comparatively poor communications choices abound. First, messaging about key aspects of the policy emanated simultaneously from multiple levels of authority, from a low-ranking CBP attorney and Border Patrol agent, to the DHS secretary, to the attorney general, and even to the president. As discussed in more detail below, this variety of messaging was

inconsistent at best and outright contradictory at worst. In an essay for the Brookings Institution on political appointees, Cohen notes that “multiple layers of political appointees only increase the likelihood of mixed or contradictory messages and slow down the communication, and complicate the enforcement, of Administration policies.”³⁸² This mixed messaging regarding many facets of the zero tolerance policy caused both public and stakeholder confusion and outrage, swift courtroom losses, and may have resulted in the ouster of Secretary Nielsen. This case study represents the prototypical example of information fratricide. It further shows the failure to achieve unity of message or clarity of purpose and shows a lack of Good Strategy in communications development and messaging.

B. EVALUATION OF CHILD SEPARATION POLICY COMMUNICATIONS

Throughout this thesis, the analytical approach has been to adopt an outsider viewpoint, examining high-level DHS communications concerning the two case studies and analyzing the communications output through the lens of a measurement and evaluation model. The Stakeholder-Centric Strategic Communications Output Evaluation Model (the “model”) developed in Chapter II, as the name suggests, incorporates stakeholder equities throughout the communications planning and development process. This analysis progresses through the output evaluation model stage by stage. By identifying strengths and weaknesses in this manner, the two case studies are contrasted to enable a conclusion as to whether any improvement or worsening was apparent from one case to the next.

1. Stakeholders

The model begins with a call for listening to stakeholders prior to undertaking a messaging campaign or communication effort. It is not possible to know for purposes of this thesis whether or to what extent key officials engaged in private dialogue and listened to stakeholders before undertaking communications on the parent-child separation policy.

³⁸² David Cohen, “Amateur Government: When Political Appointees Manage the Federal Bureaucracy” (working paper, The Brookings Institution, 1996), 12, <https://www.brookings.edu/wp-content/uploads/2016/06/amateur.pdf>.

Nonetheless, it is noteworthy that of the public events described in Chapter III, only a handful of events permitted the presence of immigrant community stakeholders or permitted media or other participant questions, according to the available sources describing these events.³⁸³

It is likewise not possible to know whether or to what extent these officials sought to identify and distinguish among different stakeholders and publics prior to messaging. However, the choices of fora and attendees indicate that these officials had awareness of which stakeholders were likely to be less adversarial. For example, speeches before law enforcement groups, the military, and church leaders would be expected to be better received than before immigrant advocacy organizations.

The third factor of the stakeholders section of the model, subjective human experience and emotion, can be seen in relatively few of the communications studied in this thesis, at least with regard to adversarial stakeholders such as migrant communities and populations. On the other hand, speakers such as Attorney General Sessions repeatedly appealed to Americans' desire for a working immigration system. Other comments were made that can also be characterized as appeals to subjective human experience and emotion.

Finally, it is important to assess whether information asymmetry exists across different instances of messaging, and if so, whether such asymmetry was intentional or unintentional. The communications discussed in Chapter III do not demonstrate any significant asymmetry.³⁸⁴ There were no identified instances from publicly available documents of DHS releasing more information to certain stakeholders and less information to others. Nor is there any indication that having access to more information gave certain stakeholders a relative or competitive advantage in any way. The analysis next turns to various types of strategy and whether these factors were identified in the example communications about the parent-child separation policy.

³⁸³ These events were the October 2017 El Paso meeting, Secretary Nielsen's congressional testimony, and the June 2018 White House press briefing.

³⁸⁴ Press releases were available via the Internet and speeches were either made in a public forum or a transcript or readout was readily available of speeches made at secure locations such as CBP ports of entry.

2. Strategy

In analyzing strategic communications output, it is helpful to first consider Rumelt's formulation of Good and Bad Strategy with respect to an organization's strengths, weaknesses, opportunities, and threats. This section of the evaluation model considers initially whether the example communications demonstrate simplicity and planned strategy. A follow-up to planned strategy analysis is whether any unexpected strategy has emerged as a matter of stakeholder participation or unforeseen consequences.

a. Planned Strategy

It is admittedly difficult from the outsider analyst perspective adopted in this thesis to assess planned strategy on the part of DHS during this policy rollout. While key strengths and weaknesses can be identified from the examples of communications, it is challenging to assess whether the use of such strengths (or failures due to weaknesses) are intentional elements of strategy or are simply aspects of strategy which emerged due to unforeseen consequences or stakeholder participation. It is also quite possible that both occurred.³⁸⁵

Nonetheless, a key strength that became apparent during the parent-child separation policy rollout was creating strong, emotional messaging. Top officials created emotional, strongly worded messages and delivered them with vigor. While this policy was ultimately halted by the courts and by President Trump, perhaps in part due to the mixed messaging and failure to fully engage stakeholders, the fact nonetheless remains that the statements of Attorney General Sessions and Secretary Nielsen were examples of strong rhetoric. Arguably, the use of such rhetoric was an intentional and planned strategic choice, possibly made to pivot away from prior usage of strategic silence. The prior usage of silence had backfired during the 2017 secret El Paso pilot discussed in Chapter III. For Attorney General Sessions to refer to migrants as invading and stampeding the United States,

³⁸⁵ Without expanding the research design to include internal documents and communications beyond the scope of the present research, attempting to discern planned strategy is admittedly speculative in the absence of affirmative strategy-related statements by officials.

painting them as enemies and animals, respectively, is certainly an intentional choice of language and evidence of planned strategic use of strong, emotional messaging.³⁸⁶

b. Participatory Strategy

It is important to consider alternative explanations of this messaging, such as whether participatory strategy is apparent from DHS's communications during this policy rollout. The question for evaluation and analysis is whether there is evidence of common meaning being created through the communications efforts in a way that emphasizes key strengths or weaknesses of DHS.³⁸⁷ This question implies a progression of understanding and development of common meaning on the part of DHS, stakeholders, or both, throughout the communications process and policy rollout.

An area of developed shared understanding between key officials and stakeholders concerns whether or not the zero tolerance policy was intended to have a deterrent effect. There is evidence of progression of understanding on the part of DHS, as various officials are on record denying the existence of deterrent intent (CBP officials and Secretary Nielsen). In contrast, subsequent statements by other officials reflect the existence of deterrent intent (Attorney General Sessions). Such progression in understanding is likewise visible on the part of stakeholders such as the media and immigrant advocacy groups when examining what occurred following the October 2017 El Paso meeting and when reviewing the questions posed to officials during the June 2018 White House briefing. These stakeholders, while previously unaware of a forthcoming zero tolerance policy during the

³⁸⁶ Horwitz and Sacchetti, "Sessions Vows to Prosecute."

³⁸⁷ This question is based on a synthesis of Falkheimer and Heide's notion of participatory strategy and Rumelt's general understanding of Good Strategy. Falkheimer and Heide's participatory strategy includes wide stakeholder engagement and is also referred to as democratizing strategy or open strategy. Falkheimer and Heide argued that in the context of participatory strategy, "strategic communications between organizations and stakeholders will be less relevant to the larger question of how common meaning is created." Macnamara and Gregory, "Expanding Evaluation to Progress Strategic Communication," 471; Matzler et al., "Open Strategy: Towards a Research Agenda"; Falkheimer and Heide, "Strategic Communication in Participatory Culture," 340.

early days of the secret El Paso pilot program, came to believe that the administration intended for the policy to have a deterrent effect on future migration of family units.³⁸⁸

As for whether this shared understanding emphasizes key strengths or weaknesses of DHS such that a strategy is discernible, there is no evidence to indicate that the development of shared understanding concerning deterrence emphasized any key communications strengths on the part of DHS. To the contrary, as the media and other critics hammered DHS and White House staff on the deterrence factor in the face of official denials by Secretary Nielsen and Press Secretary Sanders, an important weakness emerged: the apparent failure of officials to coordinate messaging on a vital aspect of the policy. The communications of officials such as Secretary Kelly and Attorney General Sessions were at utter odds with those of Nielsen and Sanders on this point. While it is not possible to know for purposes of this thesis whether these officials were truly unable or unwilling to achieve transparency and consistency of messaging on this important issue, the failure of the government to speak with one voice in support of the policy is fairly interpreted as a strategic weakness in the final analysis.

c. Emergent Strategy

Finally, the strategy section of the model asks whether there is evidence of other types of emergent strategy rooted in unforeseen consequences. One example of a strategy that emerged due to unforeseen consequences concerns the use of emotional messaging in response to emotional outrage from stakeholders. As noted above, a key strength that became apparent during the parent-child separation policy rollout was creating strong, emotional messaging, delivered with vigor. Yet it did not appear that the use of this strength was intended or planned in the early days of the zero tolerance policy. Indeed, during the secret El Paso pilot, there were no public communications whatsoever on the policy, much less any communications that utilized this strength. It was only after the local pilot policy became public in late 2017, after DOJ officially rolled out the border-wide zero tolerance

³⁸⁸ E.g., Beth Van Schaack, “New Proof Surfaces That Family Separation Was about Deterrence and Punishment,” Just Security, November 27, 2018, <https://www.justsecurity.org/61621/proof-surfaces-family-separation-deterrence-punishment/>.

policy in April 2018, and after public, media, and stakeholder outrage became apparent that officials pivoted to the use of tailored, emotional, and strongly worded messaging, in a possible display of emergent strategy.³⁸⁹

3. Messaging

The model next examines factors related to messaging, the mid-level section of the evaluation model which corresponds to the tactical aspects of the agency's communications.

a. Information Fratricide

Clear, consistent, and transparent messaging was not a characteristic of the zero tolerance policy communications. One of the primary and most important findings from this research concerns the information fratricide and lack of consistent messaging that occurred throughout the parent-child separation policy rollout. Speakers were inconsistent about the onset dates of the policy, both locally in El Paso and nationally; about the motivation for the policy and whether it was intended as a deterrent; and whether the policy was intended as a criminal law enforcement policy or as a family separation policy to deter migration.³⁹⁰ As a result, each subsequent speaker's credibility was diminished and these communications problems obscured and outright prevented a frank and transparent discussion of the policy merits. A good example of this is the multiple communications from CBP officials in late 2017 about the existence or non-existence of a separation policy, where at least five different CBP officials were on record providing different and at times conflicting information about the nature of a separation policy, if one existed.³⁹¹ This lack of clear, unified messaging about a policy that garnered so much public attention is astounding.

³⁸⁹ It is not known from this thesis research whether such outrage was truly an unforeseen circumstance for the administration, since separating parents and children was predictably a controversial policy idea. Assuming that it was an unforeseen consequence, then the administration's pivot to the use of strong, emotional messaging is an example of a communications strategy which emerged following this unforeseen circumstance.

³⁹⁰ Chapter III discusses examples of speakers of all levels of government making oral and written public statements on these issues which proved to be at odds with one another.

³⁹¹ Kriel, "Trump Moves to End."

The unraveling of these inconsistencies came to a head at the June 2018 press briefing where Secretary Nielsen had Attorney General Sessions's deterrence comments thrown back at her.³⁹² Rather than address the reporter's pointed comparison between Nielsen's and Sessions's claims on deterrence, she answered, "that's not the question that you asked me" and returned to discussing Congress's role in passing appropriate laws.³⁹³ Two days later, the situation continued to escalate and President Trump issued his executive order to roll back the enforcement policy.³⁹⁴

At other times, the same DHS official made statements conflicting with his or her own prior comments. For example, DHS Secretary Kelly stated in March 2017 "that he 'would do almost anything to deter' Central American migration."³⁹⁵ In later reporting, Kelly claimed "separations would occur only in extenuating circumstances such as an illness."³⁹⁶ However, separation only in cases of child endangerment or illness is much different than doing "almost anything" to deter migration as a general matter.³⁹⁷ Had the administration been operating on a cleaner slate without the inconsistent messaging and information fratricide, it is possible that the policy might not have come to such an abrupt end or that it could have been modified in a way that it was acceptable to the courts and stakeholders.

b. Timing of Messaging

The use or misuse of timing of messaging is also an important takeaway, especially as it relates to the use of strategic silence. This aspect of the messaging section of the model asks *when* it is appropriate to initiate communications on a given subject and how long an organization should refrain from public discussion. The secret El Paso pilot was not publicly announced in advance or as it was rolled out, and only later came to light after it

³⁹² Sanders and Nielsen, "Press Briefing."

³⁹³ Sanders and Nielsen.

³⁹⁴ Trump, Executive Order 13841.

³⁹⁵ Eagly, "Movement to Decriminalize Border Crossing," 1992.

³⁹⁶ Kriel, "Trump Moves to End."

³⁹⁷ As discussed elsewhere in this thesis, the impact of COVID-19 on enforcement policies after the onset of the pandemic is outside the scope of this thesis.

was well underway and stakeholders in El Paso “heard increasing numbers of migrants talk of their children being taken away — and having no idea where they were.”³⁹⁸ It was not until four months later that a local Border Patrol agent admitted, “the new policy is that we can separate children as long as they are 10 or over.”³⁹⁹

It is not clear from public documents and reporting what the agency gained, if anything, from conducting this pilot in secret rather than disclosing its existence to stakeholders up front. To the contrary, by conducting the pilot in secret, the agency lost the ability to be the first to frame the policy issues for public consideration.⁴⁰⁰ Intentional use of “the ‘inoculation’ effect,” which refers to the release of information in advance of a confrontational situation so that the non-disclosure of information cannot be used against the releaser in the future, might have resulted in a more favorable long-term perception of the pilot program.⁴⁰¹ At a minimum, disclosure of the pilot program would have provided the administration with the talking point that the pilot was being conducted in a transparent manner.

To be sure, there are valid reasons for conducting pilot programs in secret. Giving a program a head start and the time needed to develop sufficient data supporting the efficacy of a program before public disclosure might be effective for justifying the program in the future, both to stakeholders and in litigation. This rationale, of course, relies on the assumption that such program data are sufficient to overcome any adverse opinion or perceptions of a policy. Next, operational details of a program might be sensitive and there may be an investigative need for secrecy, although this rationale may be inapposite where details of a policy necessarily become public through anecdotal reporting as soon as a

³⁹⁸ The House committee investigation showed that the 2017 secret El Paso pilot began as early as “July 2017, [when] the Administration began a secret pilot program to separate children and their parents arriving at the border in the El Paso sector.” “House Oversight Report,” 10; Seville and Rappleye, “Trump Admin Ran Pilot.”

³⁹⁹ Seville and Rappleye, “Trump Admin Ran Pilot.”

⁴⁰⁰ As discussed in Chapter II, an agency which attempts to employ strategic silence runs the risk that an adversary will have the opportunity to discover adverse information about the agency’s operations and gain the chance to frame the issues first for the public and stakeholders. Stephens, Hill, and Greenberg, *Strategic Communication Practices*, 12, 91.

⁴⁰¹ Stephens, Hill, and Greenberg, 91.

policy rollout begins. Finally, concern about litigation and the possibility of restraining orders or injunctions are other possible reasons for secrecy. No policymaker wants to roll out a program only to have it immediately enjoined by a court. However, these potential reasons for silence are in tension with the need from a communications perspective to be first out of the gate, to claim the opportunity to frame the issues for further discourse. An agency weighing communications timing issues should anticipate these tensions and develop proactive communications accordingly, if possible.

c. Dark Side of Communications

Next, the messaging section of the evaluation model inquires into any usage or exploration of the Dark Side of strategic communications.⁴⁰² The communications concerning the zero tolerance policy reveal several possible instances of Dark Side communications. One example is the House committee data which show that “some parents who were separated from their children were never sent to U.S. Marshals or other federal criminal custody, but instead went straight from CBP custody to ICE detention,” despite the administration’s claims that the separations were all due to criminal enforcement against the parents.⁴⁰³ Such non-prosecution cases are problematic in that they contradict the administration’s stated goal of increased criminal enforcement of border-crossing violations.

The DHS statement from March which “ask [ed] that members of the public and media view advocacy group claims that we are separating women and children for reasons other than to protect the child with the level of skepticism they deserve” is relevant to the Dark Side analysis.⁴⁰⁴ This statement raises the question whether the statement is an example of the speaker using unfortunate language while on the defensive or if something darker was occurring, such as a deliberate attempt at stakeholder alienation.

⁴⁰² When reviewing an organization’s communications output, an unbiased analyst must be careful not to assume Dark Side motivations simply due to the presence of conflicting or ambiguous information, as other explanations may exist for a communication to have these qualities. Clear evidence is needed to definitely assign such Dark Side motivations to a speaker.

⁴⁰³ “House Oversight Report,” 21.

⁴⁰⁴ Kennedy, “ACLU Sues ICE.”

Another possible Dark Side communication relates to White House Press Secretary Sarah Sanders's comment in June 2018 about the "number of individuals that are permanently separated from their families due to the illegal aliens that have come across this border and murdered and killed American citizens."⁴⁰⁵ This apples and oranges argument does not acknowledge that a significant number of Americans oppose the criminalization of illegal entry or the manner in which 18 U.S.C. § 1325 has been enforced.⁴⁰⁶

Without further research and review of internal communications and documents, it is not possible to definitively conclude for purposes of this thesis that such communications were intentionally inaccurate, conflicting, or ambiguous. Multiple alternative explanations are possible, such as that high-ranking officials were unaware of or had not been fully briefed on any exceptions to the policy where a separation might have occurred but there was no criminal prosecution. It is also possible that different officials who had roles in the development and rollout of the policy each had differing rationales and motivations, and that no unified effort was made to ensure all public speakers employed uniform messaging on this issue. Nonetheless, this case study teaches that inaccurate or ambiguous messaging about controversial subjects, whether intentional or not, creates the likelihood of retrospective accusations of Dark Side messaging by the media and adversarial stakeholders. To the extent that clearer communications may mitigate this possibility, such clarity is a worthwhile goal of messaging development.

d. Information End-States

Finally, the messaging section of the model examines whether any desired information end-states were present and if the messaging were tailed to such desired end-states. Identifying information end-states is helpful to making real progress in strategic communication, since it forces decision-makers "to consider the information environment

⁴⁰⁵ Sanders and Nielsen, "Press Briefing."

⁴⁰⁶ Eagly, "Movement to Decriminalize Border Crossing," 2016; Bixby, "Trump Has No Idea." "According to a new Ipsos poll . . . only 27 percent of respondents agree that it is 'appropriate to separate undocumented immigrant parents from their children when they cross the border in order to discourage others from crossing the border illegally.'"

and communication consequences” all the way down the chain of command.⁴⁰⁷ Officials responsible for making tactical decisions about messaging should consider the desired perception of a message by recipients and stakeholders and consider how a message may be received, taken in or out of context, or even rejected. It is not enough for a communication to be consistent and on message, accurately and clearly state the organization’s position, be well timed, and avoid information fratricide. It must also accomplish something in the mind of the recipient, and it is that “something” that information end-states seek to understand. As with other factors discussed above, it is not possible for purposes of this thesis to definitively conclude what various speakers had in mind for information end-states (if anything at all), without further research and review of internal communications and documents.

In sum, a significant amount of inconsistency and information fratricide occurred concerning the onset dates of the policy, the motivation for the policy and whether it was intended as a deterrent, and whether the policy was intended as a criminal law enforcement policy or as a family separation policy to deter migration. The timing of messaging and inappropriate use of strategic silence concerning the El Paso pilot placed the administration’s messaging on the defensive and resulted in a lost opportunity for use of the inoculation effect.

4. Language

The model last examines factors related to language, the lowest-level section of the evaluation model which corresponds to the operational, the so-called on-the-ground, aspects of an agency’s communications.

a. Tone

The communications on the child-separation policy reflect a great deal of variation in tone. Although some of the communications were delivered orally, this thesis considers

⁴⁰⁷ Paul, *Strategic Communication Origins*, 177.

those communications after they were transcribed and thus considers only aspects of tone in the written word.⁴⁰⁸

Usage of tone in the parent-child separation case ranges from detached and non-emotional language to the use of emotionally charged and likely offensive language heavy with connotation. For example, the “Frequently Asked Questions: Zero Tolerance Immigration Prosecutions” document, which DHS posted online in June 2018, was of a much more neutral tone than statements at the other end of the spectrum, such as many of Attorney General Sessions’s comments on the policy.⁴⁰⁹ Such openly hostile language toward stakeholders and beneficiaries of immigration policy is likely to have unpredictable effects upon efforts to execute planned communications strategy or achieve effective messaging output. If the pro-strong-enforcement demographic were the only public that mattered, such language would probably be effective and well advised. However, other stakeholders with different perspectives exist, and the effects of language and tone upon these stakeholders cannot be discarded. Such language triggers subjective human experience and emotion (a factor from the stakeholders section of the model) and impacts emergent strategy. To the extent that not all speakers are willing or able to engage in the same level of charged rhetoric, consistency problems and even information fratricide can arise if stark differences in tone are conflated with differences in substantive messaging.

The use of defensive language is another aspect of tone which is observable during the parent-child separation policy rollout. Both Secretary Nielsen and Attorney General Sessions gave speeches in June 2018 hoping to dispel “misinformation about what DHS is and is not doing as it relates to families at the border.”⁴¹⁰ Why DHS and DOJ did not take proactive steps to communicate about the policy prior to its rollout went unexplained

⁴⁰⁸ “Tone in writing refers to the writer’s attitude toward the reader and the subject of the message. The overall tone of a written message affects the reader just as one’s tone of voice affects the listener in everyday exchanges.” Purdue University, “Tone in Business Writing,” Purdue Online Writing Lab, accessed February 13, 2021, https://owl.purdue.edu/owl/subject_specific_writing/professional_technical_writing/tones_in_business_writing.html; Scott Ober, *Contemporary Business Communication* (Boston: Houghton Mifflin, 1995), 88.

⁴⁰⁹ Department of Homeland Security, “FAQs: Zero Tolerance Prosecutions.”

⁴¹⁰ Sanders and Nielsen, “Press Briefing”; Department of Justice, “Sessions Addresses Recent Criticisms.”

during these speeches. As noted earlier, misuse of strategic silence runs the risk that an adversary may frame the issues first for the public and stakeholders, putting the agency on the defensive.⁴¹¹ A few other aspects of Sessions's church leader speech were notable, such as his use of a false dichotomy in presenting a binary choice between open borders or enforcement of laws.⁴¹² He did not explain why the situation presented no middle ground.

Such use of defensive communications presents several obstacles to effective strategic communications. According to Gibb's work on defensive communications, the use of defensive messaging "prevents the listener from concentrating upon the message. Not only do defensive communicators send off multiple value, motive and affect cues, but also defensive recipients distort what they receive. . . . [d]efensive behavior [s have been] correlated positively with losses in efficiency in communication."⁴¹³ This suggests that had Nielsen and Sessions presented the same information earlier in the policy rollout as they did in June 2018, prior to their perceived need to counter "fake news" and "misinformation," there might have been a more fulsome appreciation of their messaging by stakeholders.

b. Identification of Audiences and Publics

The issues of tone are necessarily related to the second factor of the language section of the model, the identification of audiences and publics for a given message. The conventional wisdom that communications should be tailored to the audience is in tension with the present reality that "communication professionals have never been able to define with any certainty who is part of a public, and have almost never been able to influence them to do what the organization wishes."⁴¹⁴ Because of the illusory nature of control of

⁴¹¹ Stephens, Hill, and Greenberg, *Strategic Communication Practices*, 12, 91.

⁴¹² Department of Justice, "Sessions Addresses Recent Criticisms."

⁴¹³ Jack R. Gibb, "Defensive Communication," *ETC: A Review of General Semantics* 22, no. 2 (June 1965): 221–22, <https://www.jstor.org/stable/42574118>.

⁴¹⁴ Falkheimer and Heide, "Strategic Communication in Participatory Culture," 344.

communications, the determination of the appropriate audience for a given communication must be made loosely and with flexibility in mind.⁴¹⁵

With this understanding, it is helpful to distinguish between the primary audience of a message and any secondary or subsequent distribution of a message. None of the communications identified in Chapter III stand out as particularly inappropriate for their primary audience. The problem arises when considering the secondary and subsequent distribution of communications in the internet age. The possibility that a speaker can make remarks to one audience without further distribution to a secondary audience is likely no longer reasonable. This is especially true where the media are in attendance or where prepared remarks are posted to the agency's website, as with Sessions's speeches.⁴¹⁶ A high-level speaker thus should not consider him or herself able to vary the use of language across audiences to a significant extent.⁴¹⁷

c. Degree of Disclosure and Use of Ambiguity

The two related factors of degree of disclosure and use of ambiguity examine the operational-level implementation of message timing, desired information asymmetry, and possibly, resort to the Dark Side of communications.⁴¹⁸ The legitimate use of ambiguity allows for flexibility, preserves deniability, and allows pivoting among varying rationales for a policy should such adaptability be needed.⁴¹⁹

The parent-child separation policy case study contains several examples of ambiguous messaging, but the evidence does not support effective use of this device to move forward the administration's communications agenda. For example, a variety of

⁴¹⁵ Falkheimer and Heide, 347.

⁴¹⁶ Department of Justice, "Attorney General Sessions Delivers Remarks to the Association of State Criminal Investigative Agencies 2018 Spring Conference," May 7, 2018, <https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-association-state-criminal-investigative>; Department of Justice, "Sessions Addresses Recent Criticisms."

⁴¹⁷ A detailed discussion of the effects of the internet on broadening, perhaps infinitely, the potential audience and reach of a controversial speech is beyond the scope of this thesis.

⁴¹⁸ These factors of the language section of the model inquire into the relative transparency or opacity of communications, and relatedly, whether communications use clear or ambiguous language.

⁴¹⁹ Dulek and Campbell, "On the Dark Side," 132; Eisenberg, "Ambiguity as Strategy."

statements were made about the policy’s deterrent effect, but these statements remained ambiguous as to what exactly was to be deterred. When questioned about the deterrence effect at the June 2018 press briefing, Secretary Nielsen did not even attempt an appropriate use of ambiguity as a means to attempt reconciliation with prior affirmative statements on the deterrent effect.⁴²⁰ Instead, she simply denied having the intention to separate parents from children and claimed to find the question “offensive.”⁴²¹

The specific choice of words used in a communication plays a role in the perceived ambiguity of a statement. The email from the CBP attorney to the El Paso community meeting attendees is remarkable in this respect for several reasons, including the measured use of “blanket policy” and “primarily,” signaling (perhaps unintentionally) that there might be an ad hoc policy of separation, or that other non-prosecution related reasons for separation may be a non-“primary” reason for the uptick in separations. Another example is the March 2018 statement that “DHS . . . retain [s] the authority to [separate] in certain circumstances—particularly to protect a child from potential smuggling and trafficking activities.”⁴²² Yet in the eyes of stakeholders, any purported daylight between an official “policy” of separation and the “authority” to take certain action may be a distinction without a difference, and an example of intentional use of ambiguous messaging or even failure to consider stakeholders’ views and the likely audience.

For a different example of ambiguity, Secretary Nielsen remarked “in April [2018] DHS aim [ed] to keep families together ‘as long as operationally possible’” and that “there is no policy that calls for the separation of families as a deterrence.”⁴²³ While it is technically true that there has been no official policy made public that calls for either zero tolerance or family separation as a “deterrent,” this comment is nonetheless disingenuous. It fails to answer the question whether deterrence was a desired effect of the zero tolerance policy. Further, her circular statement of the administration’s intent did not at all make

⁴²⁰ Sanders and Nielsen, “Press Briefing.”

⁴²¹ Sanders and Nielsen.

⁴²² Kennedy, “ACLU Sues ICE.”

⁴²³ Horwitz and Sacchetti, “Sessions Vows to Prosecute”; Hegarty, “Timeline: Immigrant Children Separated”; Kopan, “DHS Secretary Clarifies Circumstances.”

clear whether the policy on separation was dependent upon operational feasibility, or if it were the other way around and desired policy outcomes drove operational decisions. Thus, a recurring inconsistency among DHS communications on the policy concerned whether the policy was one of parent-child or family separation, or if it was zero tolerance criminal enforcement for illegal border crossers. Such semantic disputes are a false dichotomy because separations and criminal border enforcement are so intricately related that the policy could be both.

In sum, the language section of the model demonstrates disadvantageous use of tone and defensive language. Administration officials could have made more effective use of ambiguity to preserve flexibility for future policy changes and attempt reconciliation with seemingly inconsistent prior messaging.

C. EVALUATION OF MPP POLICY COMMUNICATIONS

The following section progresses through the output evaluation model stage by stage and reviews the MPP-related communications from Chapter IV. As discussed below, this analysis reveals that DHS learned the value of communications and employed a more measured tone, consistent messaging, and straightforward approach than seen during the parent-child separation policy.

1. Stakeholders

Unlike the prior case study, many of the MPP-related press releases and communications contain references to stakeholders and their interests, including migrant populations that may be adversarial to the goals of MPP. For example, the January 24, 2019 press release issued in advance of MPP’s rollout in San Diego referred to “the urgent humanitarian and security crisis at the Southern border,” and acknowledged the need to “ensur [e] that vulnerable populations receive the protections they need.”⁴²⁴ Later during MPP’s rollout, Secretary McAleenan discussed the “fundamental” need to “enhance care and conditions, alleviate overcrowding in border facilities,” and make other improvements

⁴²⁴ Department of Homeland Security, “Migrant Protection Protocols.”

in the government’s ability to care for detained migrants.⁴²⁵ This explicit acknowledgment of migrants’ well-being as “fundamental” represents inclusion of stakeholder interests in MPP messaging. Further, DHS identified and sought to appeal to stakeholders other than migrant communities during the MPP rollout, such as law enforcement and military stakeholders.⁴²⁶

Unlike what was noted in the first case study analysis, the communications regarding MPP do not demonstrate any significant information asymmetry.⁴²⁷ To the contrary, the evidence indicates that DHS actively shared transparent information about MPP’s current operations and future plans. For example, DHS posted a webpage in question-and-answer format addressing operational, legal, and other stakeholder issues and questions.⁴²⁸ The page was available in multiple languages and included links to all DHS press releases on MPP and several “Metrics and Measures” documents.⁴²⁹ Overall, DHS’s communications during the MPP rollout demonstrate an increased level of attentiveness and consideration of stakeholder interests compared to that previously seen during the parent-child separation policy.

2. Strategy

This section of the evaluation model considers whether the example communications demonstrate simplicity and planned strategy that appropriately utilize key communications strengths. A follow-up to planned strategy analysis is whether any unexpected strategy has emerged as a matter of stakeholder participation or unforeseen consequences.

⁴²⁵ Department of Homeland Security, “McAleenan’s Prepared Remarks to CFR.”

⁴²⁶ Department of Homeland Security, “Nielsen and Trump Assess in Calexico.”

⁴²⁷ Press releases were available via the Internet and speeches were either made in a public forum or a transcript or readout was readily available of speeches made at locations such as CBP ports of entry. There were no identified instances from publicly available documents or reporting of DHS releasing more information to certain stakeholders and less information to others.

⁴²⁸ As the document is undated, it is unclear when DHS first posted these FAQs to its website. The document was last updated in January 2021. Department of Homeland Security, “MPP FAQs.”

⁴²⁹ Department of Homeland Security.

a. *Planned Strategy*

A key strength of DHS communicators was utilizing awareness of potential pending outrage and litigation due to the subject matter of the policy. Unlike during the first case study, the messaging was far more refined and less emotional than previously seen during the child separation policy. This refinement possibly signals an awareness that restraint was needed in messaging due to pending stakeholder outrage and, perhaps more importantly to the program's ongoing success, future litigation that could threaten the policy's existence. For example, at least one press release regarding the opening of the sixth MPP court location acknowledged the risk of "adverse court action" but also noted DHS's continued investment in the "critical program."⁴³⁰ This language signals that communications decisions were being made considering their future impact on litigation.

A second key strength was apparent in the communications regarding partnerships with regional nation partners, such as Mexico and Guatemala, formed to implement MPP and related programs. The administration was able to capitalize on diplomatic successes with these nations in its public communications.⁴³¹ For example, Secretary McAleenan's embrace of the theme of outreach to foreign government stakeholders and partners, and DHS's publication of the MPP assessment document proclaiming that "MPP is a core component of U.S. foreign relations and bilateral cooperation with" Mexico, both serve as examples of this diplomatic posturing.⁴³² This elevated the status of the program beyond a mere domestic immigration policy and placed it in the realm of foreign relations. This successful planned communications strategy made it difficult for critics of the program to argue that increased cooperation with foreign governments or providing foreign aid to regional partners was a bad thing. This strategy further insulated these portions of the policy from strong criticism.

⁴³⁰ Department of Homeland Security, "DHS Expands to Eagle Pass."

⁴³¹ Nielsen, "Policy Guidance for MPP."

⁴³² Department of Homeland Security, *Assessment of MPP*, 1.

b. Participatory Strategy

In terms of any manifestations of participatory strategy apparent in the MPP-related communications, a prominent example is the common meaning created through the near-universal adoption of the “remain in Mexico” label to describe the MPP program. Although DHS labeled the program as the Migrant Protection Protocols, the program quickly became known as the “remain in Mexico” program by the media and stakeholders.⁴³³

Unlike in the previous case study where DHS eschewed the “parent-child separation policy” label in favor of “zero tolerance,” this time DHS did not shy away from the growing usage of the “remain in Mexico” label to describe MPP. Indeed, press releases throughout the program used this exact language (with the addition that DHS “allows” MPP participants to remain in Mexico).⁴³⁴ Development of this common meaning allowed DHS to capitalize on the two strengths discussed above: the awareness of potential pending outrage and litigation due to the subject matter of the policy, and the ability to build upon and communicate regarding diplomatic successes with partner nations.

Use of the former strength is demonstrated because unlike the concept of “parent-child separation,” there is nothing inherently controversial about an alien spending time or remaining in Mexico, a country which most MPP participants voluntarily entered and transited during their northward journey to the U.S. border. Awareness of when a potential catchphrase is likely to cause outrage or not, and when a phrase used by stakeholders should be co-opted, is a helpful strategic strength. The second strength, the ability to communicate regarding diplomatic successes, is demonstrated with the use of the “remain in Mexico” language, since the phrase impliedly nods toward Mexico’s acceptance of the program and the underlying diplomatic agreements.

⁴³³ E.g., Human Rights Watch, “Q&A: Trump Administration’s ‘Remain in Mexico’ Program,” Human Rights Watch, January 29, 2020, <https://www.hrw.org/news/2020/01/29/qa-trump-administrations-remain-mexico-program>; Vanessa Romo, “U.S. Supreme Court Allows ‘Remain in Mexico’ Program to Continue,” NPR, March 11, 2020, <https://www.npr.org/2020/03/11/814582798/u-s-supreme-court-allows-remain-in-mexico-program-to-continue>.

⁴³⁴ E.g., Department of Homeland Security, “DHS Begins MPP at Nogales”; Department of Homeland Security, “DHS Expands to Eagle Pass.”

c. Emergent Strategy

Lastly, the strategy section of the model inquires whether there is evidence of other types of emergent strategy rooted in unforeseen consequences. Some of these consequences include the alleged lack of access to U.S.-based counsel while participants remained in Mexico, along with claims that forcing MPP participants to remain in Mexico unnecessarily subjected them to risk of harm or violence while in Mexico.⁴³⁵ However, there is little evidence that these potentially unforeseen consequences caused DHS to alter its strategic communications trajectory, and DHS was largely able to sidestep both issues.

DHS squarely addressed the access to counsel issue in initial press releases and other publications and it reiterated its long-standing position about an alien's right to choose counsel at the alien's expense and right to access local legal providers.⁴³⁶ This status-quo communications approach appears to have been successful, as the access to counsel issue never became problematic during the program rollout.

Regarding the second unforeseen consequence, the claimed risk of violence to MPP participants while in Mexico, DHS utilized its strength of communicating regarding diplomatic successes to sidestep this criticism as well. For example, Acting CBP Commissioner Morgan deflected by stating that Mexico had the "responsibility to provide security for migrants en route to their court hearings on the U.S. side" when asked about the risk of violence.⁴³⁷ He further created doubt regarding "the accounts of kidnappings and disappearances of migrants at the hands of criminal cartels," stating, "I don't believe that. We are not receiving that information from the government of Mexico."⁴³⁸ While a stakeholder hearing this statement might doubt the credibility of this source of information, Morgan's reference to official information from the Mexican government serves to externalize the issue and repel criticism away from DHS. For these reasons, unforeseen consequences did not cause DHS to alter its strategic communications trajectory. Thus,

⁴³⁵ Human Rights First, "Delivered to Danger"; Miroff, "Trump's Tent Courts."

⁴³⁶ Department of Homeland Security, "Migrant Protection Protocols."

⁴³⁷ Miroff, "Trump's Tent Courts."

⁴³⁸ Miroff.

emergent strategy did not play as significant a role during the MPP rollout as it did during the parent-child separation policy.

3. Messaging

The model next examines factors related to messaging, the mid-level section of the evaluation model which corresponds to the tactical aspects of the agency's communications output. These aspects include coordination of messaging, avoiding information fratricide, timing of messaging, and use of the Dark Side of communications.

a. Lack of Information Fratricide

During the MPP rollout, DHS primarily issued public communications in the form of press releases or statements from the three officials who served as DHS secretary during the period the program was active. These statements were remarkably consistent and speakers remained on message, especially compared to the inconsistencies seen during the parent-child separation policy.⁴³⁹ For example, in August 2019 Secretary McAleenan made public comments and referred to the need for congressional reform and support of DHS's initiatives to improve the border situation.⁴⁴⁰ These comments were consistent with those of his predecessor, Secretary Nielsen, on the issue of Congress's shared responsibility for fixing the immigration system. The language in his comments in this regard was less accusatory and more measured.

b. Timing of Messaging

The use of timing of messaging during MPP was also markedly different than the parent-child separation policy. DHS initiated public conversation about the rollout in late 2018, over a month before the opening of the first MPP location in California.⁴⁴¹ By being first to publicly discuss the upcoming program, DHS gained the chance to frame the issues

⁴³⁹ This thesis research did not locate any instances of conflict in messaging about MPP which could be labeled information fratricide.

⁴⁴⁰ Department of Homeland Security, "Transcript: Press Conference."

⁴⁴¹ Department of Homeland Security, "Nielsen Announces Historic Action."

for the public and stakeholders.⁴⁴² This release of information and exercise in transparency in advance of a confrontational situation allowed DHS to take advantage of the inoculation effect, which likely resulted in a more favorable long-term perception of the program and allowed for its subsequent expansion to more sites along the southern border.⁴⁴³

Further, Secretary Nielsen’s framing of the need for the program in the context of “the urgent humanitarian and security crisis at the Southern border” allowed DHS to characterize its new policy as essentially an affirmative response to an emergency.⁴⁴⁴ Such framing arguably reduced the likelihood that DHS would be placed on the defensive. Later in 2019, Secretary McAleenan built upon this stance by releasing messaging related to DHS’s diplomatic successes with Mexico and Guatemala on both MPP and asylum policy.⁴⁴⁵ This messaging was an effective implementation of strategy and use of the key strength of communicating regarding diplomatic partnerships.

c. Dark Side of Communications

Turning to the factor of usage of the Dark Side of strategic communications, this research into MPP-related communications did not reveal any obvious examples of DHS releasing inaccurate, conflicting, incomplete, or otherwise unsavory information as a matter of strategy.⁴⁴⁶ Many of the MPP communications were transparent and forthcoming about DHS’s intentions with the program. In a reuse of deterrence language from the parent-child separation policy, Secretary McAleenan noted that ongoing operation of MPP “will deter people who don’t have valid asylum claims.”⁴⁴⁷ Unlike the previous policy rollout, however, there was no confusion or ambiguity about this intended deterrent effect.

⁴⁴² Stephens, Hill, and Greenberg, *Strategic Communication Practices*, 12, 91.

⁴⁴³ Stephens, Hill, and Greenberg, 91.

⁴⁴⁴ Department of Homeland Security, “Migrant Protection Protocols.”

⁴⁴⁵ Department of Homeland Security, “McAleenan’s Prepared Remarks to CFR.”

⁴⁴⁶ Dulek and Campbell, “On the Dark Side,” 122.

⁴⁴⁷ Miroff, “Trump’s Tent Courts.”

Likewise, statements about replacing “‘catch and release’ . . . with ‘catch and return’” were transparent and clear about DHS’s intentions in rolling out the MPP program.⁴⁴⁸

d. Information End-States

To definitively conclude what various speakers had in mind for information end-states, further research and review of internal communications and documents would be required. However, it is a fair assumption that speakers such as Secretaries Nielsen and McAleenan were aware of the public relations fallout during and after the parent-child separation policy. In other words, at least one desired information end-state during MPP was likely that the public and stakeholders would come to accept the operation of the policy as the new status quo and method of processing border crossing cases post-January 2019. Choices of messaging in pursuit of this information end-state were largely effective and tailored toward “consider [ing] the information environment and communication consequences” all the way down the chain of command.⁴⁴⁹ Officials put forth messaging that was clear, transparent, and consistent about how MPP was to be rolled out, both in advance and during the actual rollout and expansion to more locations. This messaging proved to be largely successful in achieving a favorable information end-state up until the suspension of MPP hearings at the onset of the COVID-19 pandemic.

Overall, MPP messaging was generally consistent from one speaker to the next and key pronouncements were delivered by official DHS press release or by high-level speakers such as the DHS secretary. This messaging was not undercut by contradictory statements by other senior or lower-level officials, as seen in the prior case study. The timing of messaging demonstrated a level of transparency and intention to inform the public in advance of the pending policy rollout, which was an important use of the inoculation effect.

⁴⁴⁸ Department of Homeland Security, “Nielsen Announces Historic Action.”

⁴⁴⁹ Paul, *Strategic Communication Origins*, 177.

4. Language

The model last examines factors related to language, the lowest-level section of the evaluation model which corresponds to the operational aspects of DHS's communications on the MPP policy.

a. Tone

As with the parent-child separation policy, the MPP communications exhibit variation in tone. The formal press releases generally had a neutral tone and presented factual information about the policy rollout, while speeches and other public commentary by specific officials took a more adversarial attitude. Certain press releases and announcements took an adversarial or antagonistic tone as well.

For example, Secretary Nielsen's December 2018 announcement about MPP framed the need for the policy as an "illegal immigration crisis."⁴⁵⁰ Although the statement made a token reference to the United States' "humanitarian commitments," the statement quickly returned to stronger language such as "aliens trying to game the system," and disappear and "skip their court dates."⁴⁵¹ Despite the strong tone, the statement was comparatively transparent and clear about DHS's intentions in rolling out the MPP program.⁴⁵² Similarly, the primary benefits of MPP touted in the January 2019 press release were "reduc [ing] the number of aliens taking advantage of U.S. law and discourag [ing] false asylum claims," and preventing aliens from "disappear [ing] into the U.S. before a court issues a final decision" on their cases.⁴⁵³ These statements reflect an antagonistic position and attitude toward at least some of the MPP participants.

Subsequently, DHS Secretary McAleenan likewise took an adversarial position vis-à-vis immigrant stakeholders in criticizing the purported asylum claims of a large majority of asylum seekers, noting that the asylum process is "not a pathway to an economic

⁴⁵⁰ Department of Homeland Security, "Nielsen Announces Historic Action."

⁴⁵¹ Department of Homeland Security.

⁴⁵² Department of Homeland Security.

⁴⁵³ Department of Homeland Security, "Migrant Protection Protocols."

migration or to choose what country you want to live in.”⁴⁵⁴ DHS employed arguably divisive language such as “free ticket into the United States” when describing the claims of aliens denied relief.⁴⁵⁵ In contrast, in January 2019 guidance, Secretary Nielsen took a somewhat conciliatory and stakeholder-centric tone in promising that MPP participants would be afforded “all legal and procedural protection [s]” while residing in Mexico waiting for their MPP hearings.⁴⁵⁶

However, other examples of press releases reflect a sense of urgency rather than antagonism. An April 2019 press release describing a visit to Calexico with members of Congress and President Trump described the “bold action being taken by DHS to address the dramatic influx of unaccompanied children and families.”⁴⁵⁷ Use of a defensive tone has also occurred during the MPP communications. In January 2020, DHS announced that Brazilians would now be processed under MPP, claiming that “the fact that Brazilians are now part of the program shows that the Department . . . [has] always sought to expand the program in a safe and responsible manner.”⁴⁵⁸ It is unclear though what this ambiguous and arguably defensive statement was intended to accomplish.

b. Identification of Audiences and Publics

As to the second factor of the language section of the model, none of the communications identified in Chapter IV stand out as particularly inappropriate for their primary intended audience. Press releases were generic enough to provide useful information to a primary audience and to serve as a background resource for secondary distribution to the public.

Some MPP communications do reveal a possible attempt to appeal to a certain type of audience. For example, Secretary Nielsen’s 2018 early MPP announcement and the policy assessment released almost a year later contain numerous statistics about migrant

⁴⁵⁴ Department of Homeland Security, “Transcript: Press Conference.”

⁴⁵⁵ Department of Homeland Security, *Assessment of MPP*, 3.

⁴⁵⁶ Nielsen, “Policy Guidance for MPP.”

⁴⁵⁷ Department of Homeland Security, “Nielsen and Trump Assess in Calexico.”

⁴⁵⁸ Department of Homeland Security, “DHS Expands MPP to Brazilians.”

processing before and after MPP.⁴⁵⁹ These statistics were also used to support claims that fraud was occurring, such as the statement that “the number of asylum claims soared 67 percent compared to the previous year [while m]ost of these claims are not meritorious.”⁴⁶⁰ And, at an Arizona press conference, Secretary McAleenan made his case for the effectiveness of the MPP program using improvements in border crossing metrics, arguing that the program’s success should be measured in terms of a decrease in apprehensions of illegal aliens of certain nationalities.⁴⁶¹

c. Degree of Disclosure and Use of Ambiguity

MPP-related communications employed several examples of the use of ambiguity and varying degrees of disclosure. Examples can be found in Secretary Nielsen’s 2018 announcement about the program, such as the references to replacing “‘catch and release’ . . . with ‘catch and return.’”⁴⁶² Unlike communications from the parent-child separation policy, this statement was comparatively transparent and clear about DHS’s intentions in rolling out the MPP program.⁴⁶³ Regarding later allegations of humanitarian issues at border processing facilities, Secretary McAleenan acknowledged these operational challenges, in part due to Congress’s lack of responsiveness to requests for additional resources.⁴⁶⁴ In another document, DHS notes that a goal of MPP is “to reduce the incentive for aliens to assert claims for relief or protection.”⁴⁶⁵ This is a remarkably transparent statement about the administration’s intentions with the program, in contrast to the murky messaging found during the parent-child separation policy.

Other communications displayed greater use of ambiguity, such as Secretary Nielsen’s claim that “vulnerable populations will get the protection they need while they

⁴⁵⁹ Department of Homeland Security, “Nielsen Announces Historic Action”; Department of Homeland Security, *Assessment of MPP*.

⁴⁶⁰ Department of Homeland Security, “Nielsen Announces Historic Action.”

⁴⁶¹ Department of Homeland Security, “Transcript: Press Conference.”

⁴⁶² Department of Homeland Security, “Nielsen Announces Historic Action.”

⁴⁶³ Department of Homeland Security.

⁴⁶⁴ Department of Homeland Security, “McAleenan’s Prepared Remarks to CFR.”

⁴⁶⁵ Department of Homeland Security, *Assessment of MPP*, 6.

await a determination in Mexico” on protection claims filed with the Mexican government.⁴⁶⁶ However, the statement lacks detail about what steps, if any, the U.S. government would take to guarantee such protection.⁴⁶⁷ Likewise, on the issue of access to counsel, a January 2019 release includes two sentences about choosing counsel at the alien’s expense, but the release does not address the question of how U.S.-based immigration attorneys could meet with and effectively represent clients housed out of the country in Mexico.⁴⁶⁸ In its October 2019 MPP policy assessment, DHS noted “that MPP returnees in Mexico are provided access to humanitarian care and assistance, food and housing, work permits, and education,” although it does not identify the basis for such an understanding or outline any steps taken by DHS to ensure that these promises of the Mexican government were fulfilled.⁴⁶⁹ Likewise, the reference to many of Mexico’s “32 states enjoying low unemployment and crime” might not even pass the smell test, since some of the highest levels of crime in Mexico occur in the states along the U.S. southern border to which MPP participants are returned following their hearings at border court facilities.⁴⁷⁰ The border state of Tamaulipas, for example, is classified by “the State Department . . . as the same level of danger as Syria, Afghanistan, and Yemen.”⁴⁷¹

The use of ambiguity can also prompt action from stakeholders or shift debate on an issue from one discursive frame to another.⁴⁷² Feront and Bertels, however, note that “the interplay between framing activities, meaning construction, and the interpretive

⁴⁶⁶ Department of Homeland Security, “Nielsen Announces Historic Action.”

⁴⁶⁷ Department of Homeland Security.

⁴⁶⁸ Department of Homeland Security, “Migrant Protection Protocols.”

⁴⁶⁹ Department of Homeland Security, *Assessment of MPP*, 4.

⁴⁷⁰ E.g., Julián Aguilar, “Mexican Border Cities: Too Dangerous for Americans but Safe Enough for Migrants, U.S. Government Says,” *Texas Tribune*, December 11, 2019, <https://www.texastribune.org/2019/12/11/us-government-mexican-border-dangerous-americans-safe-migrants/>; for a contrasting view, see Russell Contreras, “FBI Stats Show Border Cities Are among the Safest,” *Axios*, December 1, 2020, <https://www.axios.com/border-cities-safest-fbi-data-4133476d-5056-477e-9194-a091692045a9.html> (noting the relative safety of cities on the U.S. side of the southern border); American Immigration Council, *Policies Affecting Asylum Seekers*, 5.

⁴⁷¹ American Immigration Council, *Policies Affecting Asylum Seekers*, 5.

⁴⁷² For a discussion of “the value of using ambiguity to initiate change processes around contentious issues,” see Cecile Feront and Stephanie Bertels, “The Impact of Frame Ambiguity on Field-Level Change,” *Organization Studies*, December 2019, 1–2, <https://doi.org/10.1177/0170840619878467>.

dynamics of various field constituents” is “largely unexamined” in the literature.⁴⁷³ For purposes of the present analysis, it is sufficient to point out communications examples from DHS where the speaker at least potentially intended to prompt field-level stakeholder action and to shift public discussion or awareness in a positive direction.

For example, Secretary Nielsen claimed in April 2019 that “the crisis at our border is worsening,” as a reason to order the assignment of additional CBP personnel and to increase the numbers of aliens returned daily to Mexico pursuant to MPP.⁴⁷⁴ For apparently the first time during the MPP program, Nielsen directly blamed Congress for its “fail [ure] to act yet again,” and threatened that “all options are on the table.”⁴⁷⁵ It is unclear to what effect Nielsen intended this statement. In another April statement, in response to what she hyperbolically characterized as a “near system-wide meltdown,” Nielsen pivoted into “taking a full-fledged ‘disaster response’ approach to the border emergency,” borrowing terminology from outside the traditional immigration enforcement arena.⁴⁷⁶ This ambiguous reference to disaster response, a concept from the field of emergency management, can be interpreted as an attempt to re-frame the immigration debate and move the administration’s enforcement policies into the mainstream discourse.

Intentional ambiguity can also take the form of straw-man arguments, such as Acting CBP Commissioner Morgan’s comments about Mexico’s “responsibility to provide security for migrants en route to their court hearings on the U.S. side.”⁴⁷⁷ He pointed out that the U.S. must avoid casting the entire nation of Mexico as a dangerous place, denying stories of harm occurring to MPP participants.⁴⁷⁸ Yet no one had suggested that the entire nation of Mexico is a war zone, only that the dangerous border states where MPP participants were most often housed were the most dangerous.⁴⁷⁹ Through this use of

⁴⁷³ Feront and Bertels, 2.

⁴⁷⁴ Department of Homeland Security, “Nielsen Orders CBP to Surge.”

⁴⁷⁵ Department of Homeland Security.

⁴⁷⁶ Department of Homeland Security, “Nielsen and Trump Assess in Calexico.”

⁴⁷⁷ Miroff, “Trump’s Tent Courts.”

⁴⁷⁸ Miroff.

⁴⁷⁹ American Immigration Council, *Policies Affecting Asylum Seekers*, 5.

ambiguity, Morgan deflected the conversation from a discussion of the merits of returning MPP participants to dangerous border states to one about whether the “entire nation [of Mexico] was a war zone.”⁴⁸⁰

For a final example of ambiguous messaging, Secretary McAleenan claimed DHS had “provided protections to hundreds of asylum seekers,” and he praised MPP for “provid[ing] expeditious access and decisions for meritorious claims, and . . . discourag [ing] individuals with inadequate or false asylum claims” from gaining access to the United States.⁴⁸¹ This grouping of inadequate and false claims to depict illegal immigration as a unitary evil that MPP seeks to prevent represents an ambiguity in messaging. His comment that one of MPP’s main accomplishments is “keeping families together . . . without keeping them in custody” served as a signal that MPP could be viewed as a more palatable version of the parent-child separation policy.⁴⁸² Instead of prosecuting heads of household and separating families, the new policy kept them together but sent them back to Mexico as a family unit.⁴⁸³

In sum, the language section of the model demonstrates both advantageous and disadvantageous use of tone and defensive language. Administration officials made significant use of ambiguity throughout the MPP rollout. Arguably, though, such usage preserves flexibility for future policy changes and can be used as a device to maintain consistency with prior messaging.

D. LIMITATIONS OF ANALYSIS

Several limitations to this analysis are notable. First, it cannot be determined from an outsider perspective whether DHS significantly increased its outreach to or interaction with stakeholders, particularly with adversarial populations, during either policy rollout or the period between the two case studies. Such outreach and direct communication with private parties are likely not reported in the media and are not reported publicly by either

⁴⁸⁰ Miroff, “Trump’s Tent Courts.”

⁴⁸¹ Department of Homeland Security, “McAleenan’s Prepared Remarks to CFR.”

⁴⁸² Department of Homeland Security.

⁴⁸³ Department of Homeland Security.

DHS or private parties. Thus, it is not possible for this thesis to assess whether DHS increased its outreach to adversarial stakeholders over time, or if so, at which stages of the communications process.⁴⁸⁴ Finally, to the extent that the communications output evaluation model contains any deficiencies or omissions, it is possible that this analysis likewise has similar limitations.

The following chapter concludes the thesis by reviewing the evaluation findings from this evaluation, drawing conclusions about the strengths and weaknesses of DHS's communications strategy, and turning to policy recommendations.

⁴⁸⁴ Such analysis would require obtaining internal documents such as emails, phone records, communications logs, and other documentation of community outreach. For the same reasons, communications directly at or with private parties are not publicly available, and thus this thesis does not address the characteristics or effectiveness of such communications, if they exist.

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VI. PUTTING IT INTO PRACTICE: WHAT AGENCIES CAN LEARN FROM THESE CASES

The previous chapters inquire whether DHS's public-facing communications are objectively measurable in a way that can inform policymaking during times of controversial policy rollout. Since "what gets measured is what gets done in organizations," a focus on the measurement and evaluation (M&E) process is a natural starting point.⁴⁸⁵ This is especially true since, for all the academic interest in M&E, it has not translated into widespread application in strategic communications practice.⁴⁸⁶ To bridge the gap between the theoretical and practical side of strategic communications, the model developed in Chapter II was used to evaluate the strengths and weaknesses of DHS's strategic communications efforts in the context of two immigration policy rollouts.

This concluding chapter reviews the evaluation findings from Chapter V and draws conclusions about the strengths and weaknesses of DHS's communications strategy. The chapter then offers generalized policy recommendations for DHS and other large law enforcement agencies to maximize the effectiveness of their strategic communications efforts.

A. BREAKING DOWN DHS'S COMMUNICATIONS STRATEGY

The M&E process analyzes communications output according to an objective model to identify the agency's strengths and weaknesses in relevant areas. Rumelt's conception of Good Strategy demands awareness of the few key strengths that can be used in an adverse situation to "multiply the effectiveness of effort" at key pivot points.⁴⁸⁷ Based on the evaluation in Chapter V, some of DHS's top strengths in strategic communications are determined to be: (1) creating strong, emotional messaging; (2) utilizing awareness of likely pending outrage (emotion) and litigation, developed from the

⁴⁸⁵ Macnamara and Gregory, "Expanding Evaluation," 469.

⁴⁸⁶ Buhmann and Likely, "Evaluation and Measurement," 15; Hallahan et al., "Defining Strategic Communication," 2.

⁴⁸⁷ Rumelt, "The Perils of Bad Strategy."

agency's prior experiences; and (3) capitalizing on diplomatic successes and partnerships with regional nation partners. The next logical step in assessing an organization's overall communications strategy inquires whether those strengths were appropriately applied when needed.

In the parent-child separation case study discussed in Chapter III, top officials created emotional, strongly worded messages and delivered them with vigor. While the policy was short lived and ultimately rolled back, in part due to the mixed messaging and failure to engage stakeholders, the communications of Attorney General Jeff Sessions and Secretary Kirstjen Nielsen were nonetheless examples of strong rhetoric. In an appropriate situation, such messaging could be part of a powerful strategy to achieve favorable communications outcomes. For instance, after a significant focusing event such as a national emergency, serious natural disaster, or terrorist attack, strong messaging could be needed to swiftly gain public attention and support for the agency's planned course of action.⁴⁸⁸ As events actually unfolded in 2018 during the zero tolerance policy rollout, however, it is unclear why these speakers felt such stern messaging and use of strong tone were needed at the time. No focusing event preceded the public rollout of the policy in April 2018. To the contrary, the administration kept its pilot program in El Paso secret in 2017 and the public was mostly unaware of the pending policy changes. Thus, while the use of strong messaging was arguably one of the administration's communications strengths, it was used at an inappropriate time during the zero tolerance policy. Under Rumelt's conception of Good and Bad Strategy, a mismatch between the use of key strengths and appropriate pivot points in the external environment is not a successful application of Good Strategy. In an appropriate situation, use of such messaging could be part of a powerful strategy to achieve favorable communications outcomes.

In the MPP case study discussed in Chapter IV, the opposite occurred. The messaging was more refined and less emotional, signaling an awareness that restraint was needed due to the possible negative public reaction about the rollout of the program and

⁴⁸⁸ Focusing events are "sudden, attention-grabbing events" which are "potential triggers for policy change." Thomas A. Birkland, "Focusing Events, Mobilization, and Agenda Setting," *Journal of Public Policy* 18, no. 1 (January 1998): 53, <https://doi.org/10.1017/S0143814X98000038>.

the potential of future litigation. The use of such restraint was well-timed during the policy rollout and allowed the program to expand to location after location and scale up operations until the onset of the COVID-19 pandemic.

A third key strength was apparent in the communications regarding diplomatic successes and partnerships with regional nation partners, formed to implement MPP and related asylum reforms. The administration was able to capitalize on diplomatic successes with these nations.⁴⁸⁹ Essentially a form of diplomatic posturing, some of the more positive messaging from the MPP case study demonstrates the theme of outreach to and cooperation with foreign government stakeholders and partners. Use of this theme was a successful planned communications strategy because it made it difficult for critics of the program to argue that increased cooperation with foreign governments or providing foreign aid to regional partners was a negative. Further, officials employed this strength at the appropriate times, which helped DHS expand (or pivot, to use Rumelt's terminology) from a one-site pilot to a border-wide program spanning seven sites and multiple states, all while minimizing the impact of public criticism.

Thinking more broadly, imagine if these and other strengths are utilized at the appropriate pivot points during *future* communications challenges for DHS. In some situations, strong, even forceful, messaging will be needed to break through the media noise and reach a critical mass of listeners. According to the evaluation model developed in this thesis, even strong messaging must also include stakeholder engagement, awareness of potential emergent strategy, and a purposeful lack of information fratricide. But there is also an appropriate time to scale back the tone and vigor of messaging out of awareness that public outrage and litigation are on the horizon. And certainly, developing messaging centered on the United States' diplomatic successes can be beneficial at pushing forward a successful communications strategy.

These two case studies represent progression in DHS's ability to successfully engage in strategic communications related to its immigration enforcement efforts. While the parent-child separation policy typifies a public relations disaster and is arguably a

⁴⁸⁹ Nielsen, "Policy Guidance for MPP."

communications strategy failure, by the time MPP was rolled out, it was apparent that the agency had learned the value of communicating with a more measured tone, consistent message, and straightforward approach.

With these strategic lessons in mind, the following section explores future application of the evaluation model and policy recommendations for future communications challenges.

B. A WAY FORWARD: FUTURE EVALUATION CAPABILITY AND POLICY SUGGESTIONS

This section considers the present usage of the evaluation model developed in Chapter II and its potential future. It continues with a review of potential scenarios which implicate communications challenges and applies strategic lessons learned through this thesis research.

1. A Matter of Perspective: Comparing a Post Hoc, Outsider Evaluation with a Future Practitioner-Oriented Evaluation

A few words are in order to distinguish the outsider perspective adopted in this thesis from future analyses using a real-time, insider practitioner perspective. As discussed in Chapter II, the M&E literature contains multiple models which identify factors related to all phases of the communications planning, execution, and evaluation processes. Likewise, some of the factors of the model developed in this thesis align more closely with certain phases of the communications process than others. The factors which lend themselves to a post hoc style of evaluation of communications output were discussed in greater detail in Chapter V than factors more suited to the planning or pre-messaging phases of the strategic communications process. These factors include use of planned and emergent strategy, timing and consistency of messaging, use of tone, degree of disclosure, and use of ambiguous language. Discussion of these factors on a post hoc basis is possible because such usage and characteristics are apparent from the communications themselves.

Conversely, other factors presented in the model are better suited for internal planning use prior to final communications output and are less appropriate for a post hoc analysis of an organization's communications about a historical issue. For example,

without interviews and review of internal communications and documents, it is not possible to form definitive conclusions about speakers' intent and consideration of information end states, intent behind the use of ambiguity in messaging, or private engagement with and listening to stakeholders prior to messaging. Where multiple explanations or conclusions are possible, such uncertainty was noted in the analysis in the preceding chapters. Such aspects of the evaluation model are more useful for the earlier planning stages of communications and thus were outside the scope of the evaluation in this thesis. Nonetheless, all factors in the model are important for strategic, tactical, and operational planning for future communications campaigns. It is recommended that communications professionals consider these forward-looking aspects of strategic communications in future planning and development of messaging.

Future communications planning should also include the incremental feedback and adjustments provided through what Jim Macnamara calls insights or outtakes. As demonstrated in Chapters I and II, a strict, linear approach to strategic communications culminating in evaluation by practitioners separate and apart from the actual decision-makers is erroneous and lacks rigor and utility. Instead, the functions of managers and communications practitioners should be more integrated from the beginning. Macnamara's conception of insights or outtakes, or mid-cycle feedback, can provide helpful "inferences, predictions, suggestions and recommendations" prior to final evaluation.⁴⁹⁰ For purposes of the evaluation performed in this thesis, there was a degree of analytical overlap between such insights-style feedback and the analysis of emergent and participatory strategy. This is because the impact of communications on stakeholders at a given point in time necessarily has a corresponding subsequent impact on the agency's future communications development. Whether this subsequent impact is called "insights" or is described as a part of emergent or participatory strategy is mostly dependent on the agency's awareness and encouragement of the process. An unwanted or unbeknown impact might form an emergent strategy, while the active incorporation of feedback into future communications would be a use of insights.

⁴⁹⁰ Macnamara, "Breaking the M&E Deadlock," 382.

Adopting an outsider perspective required the evaluation in this thesis to focus on emergent and participatory strategy due to the lack of internal information about feedback processes during the policy rollouts. Use of the evaluation model in future communications campaigns is likely to include a more substantial use of insights, however. Such feedback can be internal, such as pre-decisional internal conversations during a policy rollout, or debriefings following a press conference or other major public policy event.⁴⁹¹

2. Recommendations for Future Communications Challenges

This section examines generalized findings from this research for future communications policy within DHS. An appropriate method for discussing such potential future policy action is through the use of if-then statements. Public policy literature is replete with examples of an if-then mode of analysis as a “basic structure of a theory of change.”⁴⁹² Such analysis generally includes isolating an issue for scrutiny, investigating inputs from an organization, and predicting output activities with an accompanying explanation of the rationale.⁴⁹³ Based on the research of this thesis, several such if-then inquiries are feasible and are discussed below.

If DHS wants to roll out a potentially unpopular immigration policy in the future, then prudent actions in the area of strategic communications to ensure the success of communications objectives include:

- **identifying communications strengths in advance;**
- **devoting significant resources toward these strengths;**
- **considering information end-states; and**
- **identifying appropriate policy justifications before messaging.**

This scenario occurred during both case studies discussed in this thesis. It would be prudent for an organization considering how to conduct messaging on an unpopular policy

⁴⁹¹ Macnamara, 382.

⁴⁹² E.g., Matt Andrews, “Public Policy Failure: ‘How Often?’ and ‘What Is Failure, Anyway?’” (working paper, Center for International Development at Harvard University, 2018), 9, 19, https://bsc.cid.harvard.edu/files/bsc/files/public_policy_failure_cidwp344.pdf; Des Gasper, “Analysing Policy Arguments,” *European Journal of Development Research* 8 (June 1996): 41, <https://doi.org/10.1080/09578819608426652>.

⁴⁹³ Andrews, “Public Policy Failure,” 9.

to study its top two or three communications strengths in advance of policy rollout and messaging development and to devote significant resources to using those strengths to achieve objectives. Further, the objectives can be defined in advance in terms of information end-states. The organization should have a clear vision of the operational need and justification for a policy to facilitate unconflicted communications about the policy during the rollout. Just as it is difficult to repair an airplane in mid-flight, it is difficult to tweak messaging about the justification for a policy after the policy has already been implemented and has drawn criticism. Attempting to justify a policy on an ad hoc basis can result in the semantic disputes and mixed messaging seen during the parent-child separation policy.

If DHS wants to replace an already unpopular policy with a more palatable version, then appropriate communications methods include:

- **timely acknowledging and taking ownership of prior problems;**
- **varying the use of clarity or ambiguity in messaging to the agency's advantage; and**
- **reframing issues to distance a new policy from a problematic one.**

If a policy appears unsalvageable during a rollout and it is necessary to pivot to something more tolerable to the public and stakeholders, several steps may ensure a better reception of the revised or reimagined policy. First, it is likely necessary to acknowledge and take ownership of prior problems, preferably before such action is forced by court order or another external driver of compulsory change. During the parent-child separation policy, the administration pivoted in June 2018 with the issuance of an executive order to stop separations, although the order was preceded by unhelpful ambiguous statements about whether the president had the legal authority to stop the separations.

The use of ambiguity, however, may be helpful in the rollout of a *revised* version of a previously unpopular policy, depending on the level of similarity or difference between the original and revised policies. It may work to the agency's advantage to use messaging that approaches the new policy as something altogether new, rather than a revision of a problematic existing policy, and which minimizes public perception that the revised policy is just more of the same. Arguably, this occurred with the rollout of MPP, as the agency

did not attempt to portray MPP as a reimagined zero tolerance policy, despite the similarity in the objectives of the two policies.

If a future administration or DHS leadership appoints so-called hardliner or politically charged figures to highly visible positions, then the role of such officials in the development or coordination of messaging can include:

- **coordinating among agency leadership who takes the lead on public communications;**
- **ensuring that public statements of lower-level, non-leadership officials are completely consistent with leadership-approved messaging;**
- **designating a lead agency or department for messaging decisions during multi-agency policy rollouts; and**
- **using inter-agency clearance processes to vet release of controversial policy details or arguments.**

Future appointment of individuals who push for “extremely aggressive efforts” to address policy problems may present conflicts when such individuals make public comments which vary significantly in tone or message from those made by other administration officials, particularly from non-political career officials.⁴⁹⁴ As Cohen notes, “multiple layers of political appointees only increase the likelihood of mixed or contradictory messages and slow down the communication, and complicate the enforcement, of Administration policies.”⁴⁹⁵ Having multiple uncoordinated speakers opining on a policy, at a minimum, creates inefficiency and conflict and can lead to information fratricide. If subordinate employees are authorized to speak at all publicly about a controversial policy, care should be taken that such lower-level statements are completely consistent with leadership-approved messaging.⁴⁹⁶

⁴⁹⁴ Shear, “White House Hard-Line Demands.”

⁴⁹⁵ Cohen, “Amateur Government: Political Appointees,” 12.

⁴⁹⁶ Indeed, many law enforcement agencies either outright prohibit employees from speaking to the media or require significant involvement of a designated public information officer. E.g., Carolyn S. Carlson and Paymon Kashani, *Mediated Access: Police Public Information Officers’ Media Management Efforts, Use of Social Media, Handling of Body Camera Footage and Public Records* (Indianapolis: Society of Professional Journalists, 2016), 3–4, <http://spj.org/pdf/sunshineweek/police-pios-survey-report.pdf>.

Such conflict is magnified when multiple Cabinet departments share responsibility for various operational aspects of a policy and each department has its own communications staff. Given this overlap and potential for mixed messaging, it would be prudent for one agency or department to take the lead on messaging decisions during a policy rollout and for officials to actively coordinate to avoid information fratricide. Adequate inter-agency clearance processes should be in place and utilized to vet the release of controversial policy details and arguments, as an agency cannot assume that its counterparts within DHS or in other Cabinet departments are issuing consistent messaging on the same issues. While it is true that agencies may have diverging equities and may view their piece of the communications pie as distinct from that of other agencies, this is unlikely to hold true for public and stakeholder perceptions of a policy.⁴⁹⁷ The consequence is that a speaker from one agency is unlikely to be able to deflect negative attention to another agency if problem issues arise.

If DHS conducts future pilots of controversial policies in an undisclosed manner, then prudent safeguards to minimize fallout if such policies are later made public include:

- **justifying non-disclosure with appropriate reasoning to withstand public or judicial scrutiny;**
- **expecting and preparing for eventual full disclosure;**
- **incorporating disclosure planning into information end-states;**
- **preparing for accusations that the agency has intentionally released inaccurate, conflicting, incomplete, or otherwise unsavory information.**

As Chapter V discussed, there are at times valid reasons for conducting pilot programs in secret. Such reasons can include giving a program a head start to develop data supporting the efficacy of a program; maintaining secrecy of operational details due to sensitivity or an investigative need; or preserving the agency's position in anticipation of litigation and the possibility of restraining orders or injunctions.

⁴⁹⁷ In the parent-child separation policy, for example, DHS (ICE and CBP), DOJ (DOJ headquarters and various U.S. Attorney's Offices), and HHS (ORR) each held distinct but overlapping equities in the enforcement of the policy. From stakeholders' perspectives, these bureaucratic distinctions are likely far less important.

However, the public, media, and stakeholders will likely demand full disclosure if such programs come to light and may question the late timing of the disclosure. As a component of planning for information end-states, agencies should expect and be prepared to head off unwarranted accusations of Dark Side messaging by adversarial stakeholders. As noted earlier, Dark Side messaging generally refers to the intentional release of inaccurate, conflicting, incomplete, or otherwise unsavory information as a matter of strategy.⁴⁹⁸ Clearer communications may mitigate this possibility and such clarity is a worthwhile goal of messaging development. Certainly, significant coordination of messaging between agencies sharing responsibility for a policy rollout will likewise be prudent in cases of undisclosed policies.

C. UNRESOLVED ISSUES FOR FUTURE RESEARCHERS

The myriad of issues raised in the two case studies are complex and warrant future research into various topics outside the scope of this thesis. This research specifically avoided analyzing the merits of either policy, although such issues are ripe for study. Further, using an outsider perspective for this research only allows study of the model factors which correspond to the observable characteristics of communications effects on the public. Internal issues and processes within DHS were assumed to be unknown during this research, and thus the aspects of model factors pertaining to internal issues such as motivation and intent were not addressed. A more comprehensive application of a strategic communications model to analyze the entirety of DHS's communications process would also entail examination of internal documents, interviews with employees, and other more invasive and resource-intensive research methods.

The impact of the Twitter effect is another important issue not accounted for in any extant strategic communications models and should be researched in the future. In other words, the phenomenon where agency leaders speak directly about official matters on social media accounts such as Twitter raises the question whether they are speaking in their personal or official capacities.⁴⁹⁹ Such statements will likely be used against the agency in

⁴⁹⁸ Dulek and Campbell, "On the Dark Side," 122.

⁴⁹⁹ Falkheimer and Heide, "Strategic Communication in Participatory Culture," 341.

the media, public opinion, or litigation, yet they may technically be personal statements. In extreme cases involving Tweets ostensibly phrased as orders or commands, the larger question arises whether such statements have binding legal effect.⁵⁰⁰ Future research and work on M&E models should include the effects of such quasi-personal communications.

D. FINAL THOUGHTS

This thesis began by asking about the role of strategic communications in enacting immigration policy during the Trump administration. In developing an evaluation model, working through several case studies, and synthesizing the findings, this thesis targets a gap in understanding appropriate methods to evaluate the communications output of a large law enforcement agency. When controversial policies are involved, the communications supporting a policy rollout will never be perfect. However, with careful, thoughtful planning and appropriate evaluation along the way, an agency can discover and make appropriate use of effective strategy in its communications.

⁵⁰⁰ Oriana Gonzalez, “DOJ Says Trump’s Tweets ‘Declassifying’ Russia Probe Documents Are Not Orders,” *Axios*, October 13, 2020, <https://www.axios.com/trump-tweets-declassification-russia-doj-1b1e48fa-8564-4936-adde-45b1e1ed0bfd.html>.

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LIST OF REFERENCES

- Aguilar, Julián. “Mexican Border Cities: Too Dangerous for Americans but Safe Enough for Migrants, U.S. Government Says.” *Texas Tribune*, December 11, 2019. <https://www.texastribune.org/2019/12/11/us-government-mexican-border-dangerous-americans-safe-migrants/>.
- Ainsley, Julia Edwards. “Exclusive: Trump Administration Considering Separating Women, Children at Mexico Border.” Reuters, March 3, 2017. <https://www.reuters.com/article/us-usa-immigration-children-idUSKBN16A2ES>.
- American Immigration Council. “Challenging Customs and Border Protection’s Unlawful Practice of Turning Away Asylum Seekers.” Accessed January 30, 2021. <https://www.americanimmigrationcouncil.org/litigation/challenging-customs-and-border-protections-unlawful-practice-turning-away-asylum-seekers>.
- . *Policies Affecting Asylum Seekers at the Border: The Migrant Protection Protocols, Prompt Asylum Claim Review, Humanitarian Asylum Review Process, Metering, Asylum Transit Ban, and How They Interact*. Washington, DC: American Immigration Council, 2020. https://www.americanimmigrationcouncil.org/sites/default/files/research/policies_affecting_asylum_seekers_at_the_border.pdf.
- Andrews, Matt. “Public Policy Failure: ‘How Often?’ and ‘What Is Failure, Anyway?’” Working paper, Center for International Development at Harvard University, 2018. https://bsc.cid.harvard.edu/files/bsc/files/public_policy_failure_cidwp344.pdf.
- Arthur, Andrew R. “D.C. District Court Judge Vacates Third-Country Transit Bar.” Center for Immigration Studies, July 3, 2020. <https://cis.org/Arthur/DC-District-Court-Judge-Vacates-ThirdCountry-Transit-Bar>.
- . “SCOTUS Hands Trump Win on Third-Country Transit Bar to Asylum.” Center for Immigration Studies, September 12, 2019. <https://cis.org/Arthur/SCOTUS-Hands-Trump-Win-ThirdCountry-Transit-Bar-Asylum>.
- . “Tent Courts Aren’t Tents—And Provide Due Process.” Center for Immigration Studies, February 4, 2020. <https://cis.org/Arthur/Tent-Courts-Arent-Tents-and-Provide-Due-Process>.
- Baker, Cody. “How Twitter Has Changed the Way Advertisers Communicate.” *Undergraduate Review* 14, no. 1 (2018): 12–22. https://vc.bridgew.edu/cgi/viewcontent.cgi?article=1433&context=undergrad_rev.

- Barnes, Robert. "Supreme Court Says Trump Administration Can Begin Denying Asylum to Migrants While Legal Fight Continues." *Washington Post*, September 11, 2019. https://www.washingtonpost.com/politics/courts_law/supreme-court-says-trump-administration-can-begin-denying-migrants-asylum-while-legal-fight-continues/2019/09/11/94b90da4-d017-11e9-8c1c-7c8ee785b855_story.html.
- Bernstein, Leandra. "DHS Has Always Had High Leadership Turnover; It's Getting Worse under Trump." NBC Montana, November 4, 2019. <https://nbcmontana.com/news/nation-world/dhs-has-always-had-high-leadership-turnover-its-getting-worse-under-trump>.
- Birkland, Thomas A. "Focusing Events, Mobilization, and Agenda Setting." *Journal of Public Policy* 18, no. 1 (January 1998): 53–74. <https://doi.org/10.1017/S0143814X98000038>.
- Bixby, Scott. "Trump Administration Has No Idea Whether It Backs Family Separation at the Border." *Daily Beast*, June 20, 2018. <https://www.thedailybeast.com/the-trump-administration-has-no-idea-whether-it-backs-family-separation-at-the-border-or-not>.
- Blitzer, Jonathan. "How the Trump Administration Got Comfortable Separating Immigrant Kids from Their Parents." *New Yorker*, May 30, 2018. <https://www.newyorker.com/news/news-desk/how-the-trump-administration-got-comfortable-separating-immigrant-kids-from-their-parents>.
- Bowles, Nigel. "Studying the Presidency." *Annual Review of Political Science* 2 (1999): 1–23. <https://www.annualreviews.org/doi/pdf/10.1146/annurev.polisci.2.1.1>.
- Brønn, Peggy S. "Communication Managers as Strategists? Can They Make the Grade?" *Journal of Communication Management* 5, no. 4 (October 2001): 313–26. <https://doi.org/10.1108/13632540110806857>.
- Buhmann, Alexander, and Fraser Likely. "Evaluation and Measurement in Strategic Communication." In *The International Encyclopedia of Strategic Communication*, edited by Robert L. Heath and Winni Johansen, 640–52. Malden, MA: Wiley-Blackwell, 2018.
- Burnett, John. "Transcript: White House Chief of Staff John Kelly's Interview with NPR." NPR, May 11, 2018. <https://www.npr.org/2018/05/11/610116389/transcript-white-house-chief-of-staff-john-kellys-interview-with-npr>.
- Carlson, Carolyn S., and Paymon Kashani. *Mediated Access: Police Public Information Officers' Media Management Efforts, Use of Social Media, Handling of Body Camera Footage and Public Records*. Indianapolis: Society of Professional Journalists, 2016. <http://spj.org/pdf/sunshineweek/police-pios-survey-report.pdf>.

- Cassidy, John. “Why a Rogue President Was Forced to Back Down on Family Separation.” *New Yorker*, June 21, 2018. <https://www.newyorker.com/news/our-columnists/why-a-rogue-president-was-forced-to-back-down-on-family-separation>.
- Chishti, Muzaffar, Sarah Pierce, and Jessica Bolter. “Muscular Public Relations Strategy to Paint Immigrants and Immigration as Negatives Embedded Deep within Trump Executive Orders.” Migration Policy Institute, March 22, 2017. <https://www.migrationpolicy.org/article/muscular-public-relations-strategy-paint-immigrants-and-immigration-negatives-embedded-deep>.
- Cohen, David. “Amateur Government: When Political Appointees Manage the Federal Bureaucracy.” Working paper, The Brookings Institution, 1996. <https://www.brookings.edu/wp-content/uploads/2016/06/amateur.pdf>.
- Committee on Oversight and Reform. *Child Separations by the Trump Administration*. Washington, DC: U.S. House of Representatives, 2019. <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-07-2019.%20Immigrant%20Child%20Separations-%20Staff%20Report.pdf>.
- Contreras, Russell. “FBI Stats Show Border Cities Are among the Safest.” Axios, December 1, 2020. <https://www.axios.com/border-cities-safest-fbi-data-4133476d-5056-477e-9194-a091692045a9.html>.
- DeChalus, Camila. “Supreme Court Rules ‘Remain in Mexico’ Program Can Continue During Challenge.” Roll Call, March 11, 2020. <https://www.rollcall.com/2020/03/11/supreme-court-rules-remain-in-mexico-program-can-continue-during-challenge/>.
- Defense Science Board Task Force on Strategic Communication. *Report of the Defense Science Board Task Force on Strategic Communication*. Washington, DC: Department of Defense, 2004. <https://fas.org/irp/agency/dod/dsb/commun.pdf>.
- Department of Homeland Security. “Acting Secretary McAleenan’s Prepared Remarks to the Council of Foreign Relations.” September 23, 2019. <https://www.dhs.gov/news/2019/09/23/acting-secretary-mcaleenans-prepared-remarks-council-foreign-relations>.
- . *Assessment of the Migrant Protection Protocols (MPP)*. Washington, DC: Department of Homeland Security, 2019. https://www.dhs.gov/sites/default/files/publications/assessment_of_the_migrant_protection_protocols_mpp.pdf.
- . “DHS Announce Supplemental Guidance for MPP Implementation.” December 7, 2020. <https://www.dhs.gov/news/2020/12/07/dhs-announce-supplemental-guidance-mpp-implementation>.

- . “DHS Begins MPP Returns at Nogales Port of Entry in Arizona.” January 2, 2020. <https://www.dhs.gov/news/2020/01/02/dhs-begins-mpp-returns-nogales-port-entry-arizona>.
- . “DHS Expands MPP Operations to Eagle Pass.” October 28, 2019. <https://www.dhs.gov/news/2019/10/28/dhs-expands-mpp-operations-eagle-pass>.
- . “DHS Expands MPP To Brazilian Nationals.” January 29, 2020. <https://www.dhs.gov/news/2020/01/29/dhs-expands-mpp-brazilian-nationals>.
- . “Frequently Asked Questions: Zero Tolerance Immigration Prosecutions.” June 15, 2018. <https://www.dhs.gov/news/2018/06/15/frequently-asked-questions-zero-tolerance-immigration-prosecutions>.
- . *FY2018-2020 Annual Performance Report*. Washington, DC: Department of Homeland Security, 2020. https://www.dhs.gov/sites/default/files/publications/19_0318_MGMT_CBJ-Annual-Performance-Review-DHS-Overview_0.pdf.
- . “Joint DHS/EOIR Statement on the Rescheduling of MPP Hearings.” May 10, 2020. <https://www.dhs.gov/news/2020/05/10/joint-dhseoir-statement-rescheduling-mpp-hearings>.
- . “Migrant Protection Protocols.” January 24, 2019. <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>.
- . “Migrant Protection Protocols.” Accessed January 31, 2021. <https://www.dhs.gov/migrant-protection-protocols>.
- . “Readout from Secretary Nielsen’s Trip to San Diego.” January 29, 2019. <https://www.dhs.gov/news/2019/01/29/readout-secretary-nielsen-s-trip-san-diego>.
- . “Secretary Nielsen Announces Historic Action to Confront Illegal Immigration.” December 20, 2018. <https://www.dhs.gov/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration>.
- . “Secretary Nielsen Orders CBP to Surge More Personnel to Southern Border, Increase Number of Aliens Returned to Mexico.” April 1, 2019. <https://www.dhs.gov/news/2019/04/01/secretary-nielsen-orders-cbp-surge-more-personnel-southern-border-increase-number>.
- . “Secretary Nielsen, President Trump Assess Humanitarian and Security Emergency Response in Calexico.” April 7, 2019. <https://www.dhs.gov/news/2019/04/07/secretary-nielsen-president-trump-assess-humanitarian-and-security-emergency>.

- . “Supplemental Policy Guidance for Additional Improvement of the Migrant Protection Protocols.” Official memorandum. Washington, DC: Department of Homeland Security, 2020. https://www.dhs.gov/sites/default/files/publications/supplemental_policy_guidance.pdf.
- . “Transcript: Press Conference in Yuma, AZ on August 8, 2019.” August 9, 2019. <https://www.dhs.gov/news/2019/08/09/transcript-press-conference-yuma-az-august-8-2019>.
- Department of Justice. “Attorney General Sessions Addresses Recent Criticisms of Zero Tolerance by Church Leaders.” June 14, 2018. <https://www.justice.gov/opa/speech/attorney-general-sessions-addresses-recent-criticisms-zero-tolerance-church-leaders>.
- . “Attorney General Sessions Delivers Remarks to the Association of State Criminal Investigative Agencies 2018 Spring Conference.” May 7, 2018. <https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-association-state-criminal-investigative>.
- Diaz, Daniella. “Kelly: DHS Is Considering Separating Undocumented Children from Their Parents at the Border.” CNN, March 7, 2017. <https://www.cnn.com/2017/03/06/politics/john-kelly-separating-children-from-parents-immigration-border/index.html>.
- Dozier, David M. “The Organizational Roles of Communications and Public Relations Practitioners.” In *Excellence in Public Relations and Communication Management*, edited by James E. Grunig, 327–55. New York: Routledge, 1992.
- Dulek, Ronald E., and Kim Sydow Campbell. “On the Dark Side of Strategic Communication.” *International Journal of Business Communication* 52, no. 1 (January 2015): 122–42. <https://doi.org/10.1177/2329488414560107>.
- Eagly, Ingrid V. “The Movement to Decriminalize Border Crossing.” *Boston College Law Review* 61, no. 6 (June 2020): 1967–2020. <https://lawdigitalcommons.bc.edu/bclr/vol61/iss6/2>.
- Eisenberg, Eric M. “Ambiguity as Strategy in Organizational Communication.” *Communication Monographs* 51, no. 3 (1984): 227–42. <https://doi.org/10.1080/03637758409390197>.
- Falkheimer, Jesper, and Mats Heide. “Strategic Communication in Participatory Culture.” In *The Routledge Handbook of Strategic Communication*, edited by Derina Holtzhausen, 337–50. New York: Routledge, 2014. <https://doi.org/10.4324/9780203094440>.

- Feront, Cecile, and Stephanie Bertels. "The Impact of Frame Ambiguity on Field-Level Change." *Organization Studies*, December 2019. <https://doi.org/10.1177/0170840619878467>.
- Fertig, Beth. "Three Young Girls Were Separated at the Border from a Father with HIV." WNYC, September 3, 2019. <https://www.wnyc.org/story/three-young-girls-were-separated-border-father-hiv/>.
- Flaherty, Anne, and Quinn Owen. "Leaked Memo Shows Trump Administration Weighed Separating Families at Border, Sen. Merkley Wants Nielsen Investigated for Perjury." ABC News, January 18, 2019. <https://abcnews.go.com/Politics/leaked-memo-shows-trump-administration-weighed-separating-families/story?id=60459972>.
- Foucault, Michel. "The Subject and Power." In *Michel Foucault: Beyond Structuralism and Hermeneutics*, edited by H. L. Dreyfus and P. Rainbow. Chicago: University of Chicago Press, 1982.
- Gasper, Des. "Analysing Policy Arguments." *European Journal of Development Research* 8 (June 1996): 36–62. <https://doi.org/10.1080/09578819608426652>.
- Gibb, Jack R. "Defensive Communication." *ETC: A Review of General Semantics* 22, no. 2 (June 1965): 221–29. <https://www.jstor.org/stable/42574118>.
- Gokey, Caitlin, and Susan Shah, eds. *How to Serve Diverse Communities*. Washington, DC: Vera Institute of Justice, 2016. https://www.vera.org/downloads/publications/police-perspectives-guide-series-building-trust-diverse-nation-diverse-communities_1.pdf.
- González Morales, Felipe. *Mandate of the Special Rapporteur on the Human Rights of Migrants*. Geneva: U.N. Office of the High Commissioner for Human Rights, 2019. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24381>.
- Gonzalez, Oriana. "DOJ Says Trump's Tweets 'Declassifying' Russia Probe Documents Are Not Orders." Axios, October 13, 2020. <https://www.axios.com/trump-tweets-declassification-russia-doj-1b1e48fa-8564-4936-adde-45b1e1ed0bfd.html>.
- Habermas, Jürgen. *Communication and the Evolution of Society*. Boston: Beacon Press, 1979.
- Hallahan, Kirk, Derina Holtzhausen, Betteke van Ruler, Dejan Verčič, and Krishnamurthy Sriramesh. "Defining Strategic Communication." *International Journal of Strategic Communication* 1, no. 1 (December 2007): 3–35. <https://doi.org/10.1080/15531180701285244>.

- Harrington, Ben, and Hillel R Smith. “*Migrant Protection Protocols*”: *Legal Issues Related to DHS’s Plan to Require Arriving Asylum Seekers to Wait in Mexico*. Washington, DC: Congressional Research Service, 2019. <https://fas.org/sgp/crs/homesecc/LSB10251.pdf>.
- Hartley, Ralph. “Sleeping with the Enemy: An Essay on Mixed Identity in the Context of Violent Conflict.” *Social Identities* 16, no. 2 (March 2010): 225–46. <https://doi.org/10.1080/13504631003691058>.
- Harvey, Frank P. *The Homeland Security Dilemma: Fear, Failure and the Future of American Insecurity*. Abingdon, UK: Routledge, 2010.
- Hegarty, Aaron. “Timeline: Immigrant Children Separated from Families at the Border.” *USA Today*, June 27, 2018. <https://www.usatoday.com/story/news/2018/06/27/immigrant-children-family-separation-border-timeline/734014002/>.
- Holtzhausen, Derina R., and Ansgar Zerfaß. “Strategic Communication—Pillars and Perspectives of an Alternative Paradigm.” In *Organisationskommunikation und Public Relations*, edited by Ansgar Zerfaß, Lars Rademacher, and Stefan Wehmeier, 73–94. Wiesbaden: Springer, 2013. https://doi.org/10.1007/978-3-531-18961-1_4.
- Hon, Linda Childers. “What Have You Done for Me Lately? Exploring Effectiveness in Public Relations.” *Journal of Public Relations Research* 9, no. 1 (January 1997): 1–30. https://doi.org/10.1207/s1532754xjpr0901_01.
- Hoover, Cris. “The Strategic Communication Plan.” *FBI Law Enforcement Bulletin*, August 1, 2010. <https://leb.fbi.gov/articles/featured-articles/the-strategic-communication-plan>.
- Horwitz, Sari, and Maria Sacchetti. “Sessions Vows to Prosecute All Illegal Border Crossers and Separate Children from Their Parents.” *Washington Post*, May 7, 2018. https://www.washingtonpost.com/world/national-security/sessions-says-justice-dept-will-prosecute-every-person-who-crosses-border-unlawfully/2018/05/07/e1312b7e-5216-11e8-9c91-7dab596e8252_story.html.
- Human Rights First. “Delivered to Danger.” Human Rights First, December 15, 2020. <https://www.humanrightsfirst.org/campaign/remain-mexico>.
- Human Rights Watch. “Q&A: Trump Administration’s ‘Remain in Mexico’ Program.” Human Rights Watch, January 29, 2020. <https://www.hrw.org/news/2020/01/29/qa-trump-administrations-remain-mexico-program>.
- Immigration and Customs Enforcement. “ERO Letter to the American Public.” Washington, DC: Immigration and Customs Enforcement, September 12, 2019. <https://www.ice.gov/statements/enforcement-and-removal-operations-mythbuster>.

- Inserra, David. *Seeking Asylum: Congress Should Fix Critical Loopholes to Secure the Southern Border and Help the Persecuted*. Washington, DC: Heritage Foundation, 2018. <https://www.heritage.org/immigration/report/seeking-asylum-congress-should-fix-critical-loopholes-secure-the-southern-border>.
- Johnson, Bobbie L. "Managing the Reputation of DHS and Its Components." Master's thesis, Naval Postgraduate School, 2009. <https://doi.org/10.1037/e662172010-001>.
- Kennedy, Merrit. "ACLU Sues ICE for Allegedly Separating 'Hundreds' of Migrant Families." NPR, March 9, 2018. <https://www.npr.org/sections/thetwo-way/2018/03/09/592374637/aclu-sues-ice-for-allegedly-separating-hundreds-of-migrant-families>.
- Kids in Need of Defense. "Family Separation: Two Years Later, the Crisis Continues." Washington, DC: KIND, July 2020. <https://supportkind.org/wp-content/uploads/2020/07/Family-Separation-Report-2020-FINAL-2.pdf>.
- King, Cynthia L. "Emergent Communication Strategies." *International Journal of Strategic Communication* 4, no. 1 (January 2010): 19–38. <https://doi.org/10.1080/15531180903415814>.
- Kleinfeld, Richard. "The Politicization of Our Security Institutions." *Just Security*, April 25, 2018. <https://www.justsecurity.org/55383/politicization-security-institutions/>.
- Kopan, Tal. "DHS Secretary Clarifies Circumstances for Separating Immigrant Families." CNN, April 11, 2018. <https://www.cnn.com/2018/04/11/politics/dhs-separating-families-immigrants-kirstjen-nielsen/index.html>.
- Kriel, Lomi. "Trump Moves to End 'Catch and Release', Prosecuting Parents and Removing Children Who Cross Border." *Houston Chronicle*, December 7, 2017. <https://www.houstonchronicle.com/news/houston-texas/houston/article/Trump-moves-to-end-catch-and-release-12383666.php>.
- Kuhn, Thomas. S. "Reflections on My Critics." In *Criticism and the Growth of Knowledge*, edited by I. Lakatos and A. Musgrave, 231–78. London: University Press, 1970. <https://doi.org/10.1017/CBO9781139171434.011>.
- Leedy, Paul D., and Jeanne Ellis Ormrod. *Practical Research Planning and Design*. 12th ed. New York: Pearson, 2019.
- Leutert, Stephanie, and Savitri Arvey. *Migrant Protection Protocols Update*. Austin: Robert Strauss Center for International Security and Law, 2020. https://www.strausscenter.org/wp-content/uploads/MPPUpdate_December2020.pdf.

- Likely, Fraser, and Tom Watson. "Measuring the Edifice: Public Relations Measurement and Evaluation Practices Over the Course of 40 Years." In *Public Relations and Communication Management: Current Trends and Emerging Topics*, edited by Krishnamurthy Sriramesh, Ansgar Zerfaß, and Jeong-Nam Kim, 20. New York: Routledge, 2013.
- Macnamara, Jim. "Breaking the Measurement and Evaluation Deadlock: A New Approach and Model." *Journal of Communication Management* 19, no. 4 (November 2015): 371–87. <https://doi.org/10.1108/JCOM-04-2014-0020>.
- . "Content Analysis." In *Mediated Communication*, edited by Philip M. Napoli, 7:191–212. Handbooks of Communication Science. Berlin: De Gruyter, 2018.
- . *Evaluating Public Communication: Exploring New Models, Standards, and Best Practice*. London: Routledge, 2018.
- Macnamara, Jim, and Anne Gregory. "Expanding Evaluation to Progress Strategic Communication: Beyond Message Tracking to Open Listening." *International Journal of Strategic Communication* 12, no. 4 (August 2018): 469–86. <https://doi.org/10.1080/1553118X.2018.1450255>.
- Mallonee, Mary Kay. "DHS Considering Proposal to Separate Children from Adults at Border." CNN, March 4, 2017. <https://www.cnn.com/2017/03/03/politics/dhs-children-adults-border/index.html>.
- Markay, Lachlan, Andrew Desiderio, and Justin Miller. "Trump Stops Separating Immigrant Families After Claiming He Couldn't." *Daily Beast*, June 20, 2018. <https://www.thedailybeast.com/trump-stops-separating-immigrant-families-after-claiming-he-couldnt>.
- Markon, Jerry, Ellen Nakashima, and Alice Crites. "Turnover at Top Levels Hampers Department of Homeland Security." *Washington Post*, September 21, 2014. https://www.washingtonpost.com/politics/top-level-turnover-makes-it-harder-for-dhs-to-stay-on-top-of-evolving-threats/2014/09/21/ca7919a6-39d7-11e4-9c9f-ebb47272e40e_story.html.
- Matzler, Kurt, Johann Fuller, Katja Hutter, Julia Hautz, and Daniel Stieger. "Open Strategy: Towards a Research Agenda." *SSRN*, March 2014. <https://dx.doi.org/10.2139/ssrn.2416937>.
- Menchu, Sofia. "Guatemalan Court Halts 'Safe Third Country' Designation for Asylum Seekers." Reuters, July 15, 2019. <https://www.reuters.com/article/us-usa-immigration-guatemala-idUSKCN1UA1TK>.
- Mintzberg, Henry. *The Structure of Organizations*. Englewood Cliffs, NJ: Prentice-Hall, 1979.

- Mirabeau, Laurent, and Steve Maguire. "From Autonomous Strategic Behavior to Emergent Strategy." *Strategic Management Journal* 35, no. 8 (August 2014): 1202–29. <https://doi.org/10.1002/smj.2149>.
- Miroff, Nick. "Along Texas Border, Trump Administration Sets up Tent Courts for Virtual Asylum Hearings." *Texas Tribune*, September 18, 2019. <https://www.texastribune.org/2019/09/18/texas-border-tent-courts-erected-virtual-asylum-hearings/>.
- Mishori, Ranit, and Kathryn Hampton. "The Worst Immigration Policy You've Never Heard Of." *The Hill*, January 8, 2020. <https://thehill.com/opinion/immigration/477329-migrant-protection-protocols-the-worst-immigration-policy-youve-never>.
- Montoya-Galvez, Camilo. "'Remain Home:' Trump Officials Say Policies Responsible for Sharp Drop in Border Apprehensions." *CBS News*, December 10, 2019. <https://www.cbsnews.com/news/trump-administration-touts-sixth-consecutive-monthly-drop-in-migrant-apprehensions-at-the-mexican-border/>.
- Nielsen, Kirstjen. "Policy Guidance for Implementation of the Migrant Protection Protocols." Official memorandum. Washington, DC: Department of Homeland Security, 2019. https://www.dhs.gov/sites/default/files/publications/19_0129_OPA_migrant-protection-protocols-policy-guidance.pdf.
- Ober, Scott. *Contemporary Business Communication*. Boston: Houghton Mifflin, 1995.
- Office of Inspector General. *DHS Lacked Technology Needed to Successfully Account for Separated Migrant Families*. Washington, DC: Department of Homeland Security, 2019. <https://www.oig.dhs.gov/sites/default/files/assets/2019-11/OIG-20-06-Nov19.pdf>.
- . *Major Management and Performance Challenges Facing the Department of Homeland Security*. Washington, DC: Department of Homeland Security, 2017. <https://www.oig.dhs.gov/sites/default/files/assets/2017-11/OIG-18-11-Nov17.pdf>.
- O'Toole, Molly. "Must Reads: John F. Kelly Says His Tenure as Trump's Chief of Staff Is Best Measured by What the President Did Not Do." *Los Angeles Times*, December 30, 2018. <https://www.latimes.com/politics/la-na-pol-john-kelly-exit-interview-20181230-story.html>.
- Pacific Standard. "How Does Twitter Influence the Way We Communicate?" June 14, 2017. <https://psmag.com/news/how-does-twitter-influence-the-way-we-communicate>.
- Paul, Christopher. *Strategic Communication: Origins, Concepts, and Current Debates*. Santa Barbara, CA: Praeger, 2011.

- Pawson, Ray, and Nick Tilley. "Realistic Evaluation Bloodlines." *American Journal of Evaluation* 22, no. 3 (September 2001): 8. <https://doi.org/10.1177/109821400102200305>.
- Perrow, Charles. "Organisational Theorists in a Society of Organizations." *International Sociology* 7, no. 3 (September 1992): 371–80. <https://doi.org/10.1177%2F026858092007003008>.
- Pew Research Center. *Growing Partisan Differences in Views of the FBI; Stark Divide over ICE*. Washington, DC: Pew, 2018. <https://www.people-press.org/2018/07/24/growing-partisan-differences-in-views-of-the-fbi-stark-divide-over-ice/>.
- Pfeffer, Jeffrey. *Power: Why Some People Have It—and Others Don't*. New York: HarperCollins, 2010.
- Pilkington, Ed, and Martin Pengelly. "Kirstjen Nielsen Resigns as Trump Homeland Security Secretary." *Guardian*, April 7, 2019. <http://www.theguardian.com/us-news/2019/apr/07/kirstjen-nielsen-resigns-trump-homeland-security-secretary>.
- Purdue University. "Tone in Business Writing." Purdue Online Writing Lab. Accessed February 13, 2021. https://owl.purdue.edu/owl/subject_specific_writing/professional_technical_writing/tone_in_business_writing.html.
- Raadschelders, Jos C. N., Jennica Larrison, and Aditi V. Thapar. "Refugee Migration as a 'Wicked Problem': American Controlling, Palliative, and Governance Policies in Global Context." *World Affairs* 182, no. 3 (September 2019): 228–55. <https://doi.org/10.1177/0043820019864103>.
- Restore Public Trust. *Chaos and Crisis: Senior Trump Admin Officials Implicated in Child Separation*. Washington, DC: Restore Public Trust, 2019. <https://restorepublictrust.org/wp-content/uploads/2019/04/20190406-RPT-OpenLetterCorporateAmerica-FINAL-1.pdf>.
- Restuccia, Rew, and Daniel Lippman. "Nielsen's Allies Trying to Rehab Her Image for Life after Trump." *Politico*, April 9, 2019. <https://politi.co/2G1o515>.
- Romo, Vanessa. "U.S. Supreme Court Allows 'Remain in Mexico' Program to Continue." NPR, March 11, 2020. <https://www.npr.org/2020/03/11/814582798/u-s-supreme-court-allows-remain-in-mexico-program-to-continue>.
- Rumelt, Richard. *Good Strategy, Bad Strategy: The Difference and Why It Matters*. New York: Crown Business, 2011.
- . "The Perils of Bad Strategy." *McKinsey Quarterly*, June 1, 2011. <https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/the-perils-of-bad-strategy>.

- Sacchetti, Maria. "ACLU: U.S. Has Taken Nearly 1,000 Child Migrants from Their Parents Since Judge Ordered Stop to Border Separations." *Washington Post*, July 30, 2019. https://www.washingtonpost.com/immigration/aclu-us-has-taken-nearly-1000-child-migrants-from-their-parents-since-judge-ordered-stop-to-border-separations/2019/07/30/bde452d8-b2d5-11e9-8949-5f36ff92706e_story.html.
- Salter, Katherine L, and Anita Kothari. "Using Realist Evaluation to Open the Black Box of Knowledge Translation: A State-of-the-Art Review." *Implementation Science* 9, no. 1 (December 2014): 115. <https://doi.org/10.1186/s13012-014-0115-y>.
- Sanders, Sarah, and Kirstjen Nielsen. "Press Briefing by Press Secretary Sarah Sanders and Department of Homeland Security Secretary Kirstjen Nielsen." American Presidency Project, June 18, 2018. <https://www.presidency.ucsb.edu/documents/press-briefing-press-secretary-sarah-sanders-and-department-homeland-security-secretary>.
- Santamaria, Kelsey Y. *Immigration-Related Criminal Offenses*. Washington, DC: Congressional Research Service, 2020. <https://fas.org/sgp/crs/homesecc/IF11410.pdf>.
- Schneider, Michael D. "U.S. Public Diplomacy Since 9–11: The Challenges of Integration." In *International Public Relations and Public Diplomacy: Communication and Engagement*, edited by Guy J. Golan, Sung-Un Yang, and Dennis F. Kinsey, 15–36. New York: Peter Lang, 2015.
- Schreyögg, Georg, and Horst Steinmann. "Strategic Control: A New Perspective." *Academy of Management Review* 12, no. 1 (January 1987): 91–103. <https://doi.org/10.5465/AMR.1987.4306487>.
- Seelke, Clare Ribando. *Mexico's Immigration Control Efforts*. Washington, DC: Congressional Research Service, 2020. <https://fas.org/sgp/crs/row/IF10215.pdf>.
- Seville, Lisa Riordan, and Hannah Rappleye. "Trump Admin Ran 'Pilot Program' for Zero Tolerance at Border in 2017." NBC News, June 29, 2018. <https://www.nbcnews.com/storyline/immigration-border-crisis/trump-admin-ran-pilot-program-separating-migrant-families-2017-n887616>.
- Shannon, Claude E., and Warren Weaver. *The Mathematical Theory of Communication*. Urbana: University of Illinois Press, 1949.
- Shaw, Adam. "Trump Administration Begins Sending Migrants to Guatemala as Part of 'Safe Third Country' Agreement." Fox News, November 21, 2019. <https://www.foxnews.com/politics/trump-administration-begins-sending-migrants-to-guatemala-as-part-of-safe-third-country-agreement>.

- Shear, Michael D. “White House Makes Hard-Line Demands for Any ‘Dreamers’ Deal.” *New York Times*, October 8, 2017. <https://www.nytimes.com/2017/10/08/us/politics/white-house-daca.html>.
- Smith, Hillel R. *The Department of Homeland Security’s Reported “Metering” Policy: Legal Issues*. Washington, DC: Congressional Research Service, 2019. <https://fas.org/sgp/crs/homsec/LSB10295.pdf>.
- Solis, Dianne. “Asylum-Seekers in Matamoros Fear They’ll Be Forgotten.” *Dallas Morning News*, September 7, 2020, <https://www.dallasnews.com/news/immigration/2020/09/07/asylum-seekers-in-matamoros-fear-theyll-be-forgotten/>.
- Southern Poverty Law Center. “Family Separation under the Trump Administration—A Timeline.” Southern Poverty Law Center, June 17, 2020. <https://www.splcenter.org/news/2020/06/17/family-separation-under-trump-administration-timeline>.
- Spagat, Elliot. “Judges Push Back Against ‘Zero-Tolerance’ Immigration Policy.” AP News, December 18, 2018. <https://apnews.com/article/ac6f4a9df031482bb42d99d4da7d77e9>.
- Stephens, Darrel W., Julia Hill, and Sheldon Greenberg. *Strategic Communication Practices: A Toolkit for Police Executives*. Washington, DC: Community Oriented Policing Services, 2011. <https://cops.usdoj.gov/RIC/Publications/cops-p222-pub.pdf>.
- Stufflebeam, Daniel L., and Chris L. S. Coryn. *Evaluation Theory, Models, and Applications*. New York: Jossey-Bass, 2014.
- Swan, Betsy. “DHS Secretary Kirstjen Nielsen: ‘We Will Not Apologize’ for Family Separation Policy.” *Daily Beast*, June 20, 2018. <https://www.thedailybeast.com/dhs-secretary-kirstjen-nielsen-we-will-not-apologize-for-family-separation-policy>.
- Thomas, Gail F. “Strategic Communication.” In *Introduction to Homeland Security*, edited by Keith G. Logan and James D. Ramsay, 263–84. Abingdon, UK: Taylor & Francis, 2012.
- Trump, Donald J. Executive Order 13841. “Affording Congress an Opportunity to Address Family Separation,” *Federal Register*, vol. 83, no. 122 (2018 comp.). <https://www.govinfo.gov/content/pkg/FR-2018-06-25/html/2018-13696.htm>.
- United We Dream and Immigrant Legal Resource Center. *Ending Local Collaboration with ICE: A Toolkit for Immigrant Advocates*. Washington, DC: United We Dream, 2015. https://www.ilrc.org/sites/default/files/resources/toolkit_final.compressed.pdf.

- U.S. Army. "FMI 3–07.22, Chapter 3: Counterinsurgency Operations." Field Manual-Interim. Accessed January 21, 2021. <https://www.globalsecurity.org/military/library/policy/army/fm/3-07-22/ch3-iv.htm>.
- U.S. Congress. House. *Getting Better at Strategic Communication*. 112th Cong., 1st sess., July 12, 2011. https://www.rand.org/content/dam/rand/pubs/testimonies/2011/RAND_CT366.pdf.
- Valverde, Miriam. "Fact-Check: Did Obama Have a Family Separation Policy Before Trump?" *Austin American-Statesman*, June 25, 2019. <https://www.statesman.com/news/20190625/fact-check-did-obama-have-family-separation-policy-before-trump>.
- Van Riet, Gideon. "Intermediating between Conflict and Security: Private Security Companies as Infrastructures of Security in Post-Apartheid South Africa." *Politikon* 47, no. 1 (January 2020): 81–98. <https://doi.org/10.1080/02589346.2020.1714282>.
- Van Schaack, Beth. "New Proof Surfaces That Family Separation Was about Deterrence and Punishment." Just Security, November 27, 2018. <https://www.justsecurity.org/61621/proof-surfaces-family-separation-deterrence-punishment/>.
- Watson, Tom, and Paul Noble. *Evaluating Public Relations: A Best Practice Guide to Public Relations Planning, Research, and Evaluation*. London: Kogan Page, 2014.
- Weiss, Debra Cassens. "Union for Asylum Officers Files Brief Opposing Remain-in-Mexico Policy." ABA Journal, June 28, 2019. <https://www.abajournal.com/news/article/union-for-asylum-officers-files-brief-opposing-remain-in-mexico-policy>.
- Williams, Pete. "Sessions: Parents, Children Entering U.S. Illegally Will Be Separated." NBC News, May 7, 2018. <https://www.nbcnews.com/politics/justice-department/sessions-parents-children-entering-us-illegally-will-be-separated-n872081>.
- Wright, Donald K. "Some Ways to Measure Public Relations." *Public Relations Journal* 35, no. 7 (July 1979): 17.

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