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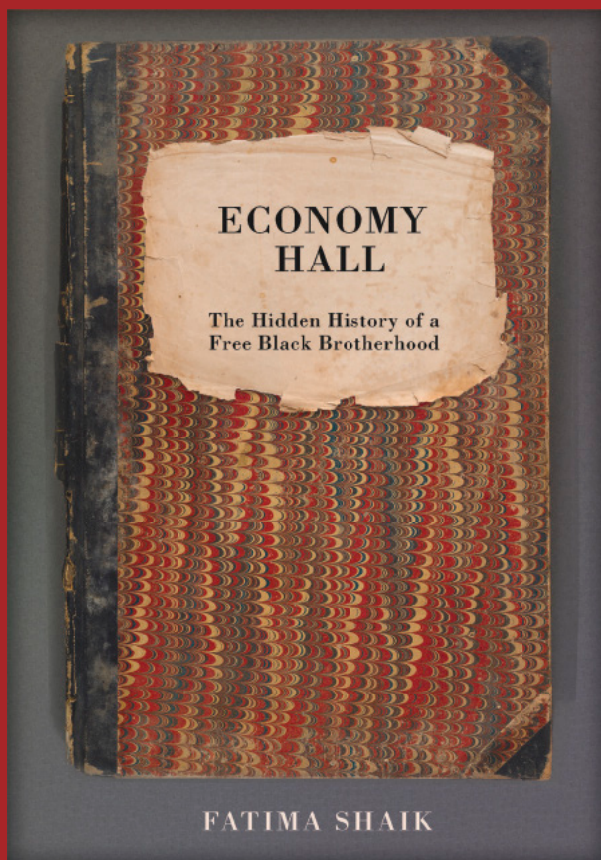
JOHN SEMLEY

A Royal Send-Off

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visit to the Caribbean helped
stoke the movements for
independence and reparations.

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accountability for the
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EDITORIAL / JEET HEER FOR THE NATION

The Economy, Stupid



WITH TWO WEEKS TO GO UNTIL THE MIDTERMS AS WE GO TO PRESS, THE GOP IS gaining traction in many Senate races and taking a small lead in the overall congressional polls. As *The New York Times* recently reported, “Republicans enter the final weeks of the contest for control of Congress with a narrow but distinct advantage as the economy and inflation have surged as the dominant concerns, giving the party momentum to take back power from Democrats in next month’s midterm elections, a New York Times/Siena College poll has found.”

It’s tempting to dismiss this one survey, as some Democrats have done. But we also have aggregates of polling data, such as those provided by *FiveThirtyEight*. These show a consistent story of dwindling Democratic opportunities in the Senate and the House.

Some leading Democrats are reluctant to even acknowledge that economic problems might be decisive. “Inflation’s an issue, but it’s global,” House Speaker Nancy Pelosi told *Punchbowl News*. “So in any case, [President Joe Biden] brought unemployment [down], cut it in half. Inflation is there but it’s...not as bad as it is in some countries. We’ll have to message it better in the next three weeks ahead. I think we’re in great shape.”

While Pelosi acknowledges inflation as an issue, the thrust of her comments suggests complacency, calling to mind the ill-fated “America is already great” message the Democrats ran on in 2016.

Bernie Sanders, as is his wont, has been more blunt, arguing forcefully for Democrats to send a robustly populist economic message that places the blame for inflation on corporate profiteering. “While the abortion issue must remain on the front burner,” Sanders argued in an essay for *The Guardian*, “it would be political malpractice for Democrats to ignore the state of the economy and allow Republican lies and distortions to go unanswered.” A number of concerned Democrats well outside the Sanders camp have said the same thing, including pollster Stanley Greenberg, a Clintonian moderate, and former Obama adviser Dan Pfeiffer.

For the most part, however, the Democrats have ceded the field of economic debate, letting their opponents win by default. Writing in *The Lever*, Andrew Perez and David Sirota report: “Republican candidates and political groups have spent \$44 million on TV ads focused on the economy and inflation since Labor Day.... In the same period, Democrats have spotlighted these issues in just \$12 million worth of ads, less than 7 percent of the party’s total ad spending during that time. The party has put another \$18 million into ads mentioning jobs and infrastructure—but overall, Republicans are significantly outspending them on messaging around economic issues.”

The Democrats’ ads dealing with jobs and infrastructure are

likely to be ineffective, because they tout past achievements rather than address current or future concerns. In other words, they are in keeping with the “America is already great” message.

The problem, Perez and Sirota contend, is that Democrats are unwilling to ruffle the feathers of wealthy donors. “Caught between a bad economy and not wanting to offend big donors,” they write, “Democrats have not aired a unified populist message hammering the business profiteering fueling inflation.”

This analysis rings true, although Perez and Sirota also note that individual Democratic candidates like Pennsylvania Senate hopeful John

Fetterman and incumbent Colorado Senator Michael Bennet are making economic appeals.

If Democrats wanted to, they could—as a party—embrace that message: Their analysis blames corporations for both profiting from and driving inflation.

Democrats could also highlight GOP extremism on economic issues, including repeated calls from top Republicans to slash Social Security and Medicare—programs that are extremely popular.

If Democrats are to win in November, they need to address voters’ concerns about reproductive freedom, right-wing extremism, and economic distress.

The Democrats have managed to stay competitive so far by emphasizing the importance of reproductive rights and the threat of MAGA Republicans. These arguments have bloodied the GOP. But they haven’t delivered a knockout blow.

Without a populist economic message, Democrats won’t close the deal with midterm voters.

COMMENT/TINA GERHARDT

Loss and Damage

At COP27, activists will be focused on climate justice and the human rights abuses of the Egyptian regime.

DELEGATES FROM NEARLY 200 NATIONS, AS WELL AS hundreds of activists and representatives from nongovernmental organizations that focus on climate change and the environment, are convening in November in Sharm el-Sheikh, Egypt, for the UN climate negotiations, known as the Conference of the Parties (COP). At this year's version, COP27, nations will once again work together to achieve the goals of the 2015 Paris Agreement, which requires each country to submit a detailed plan to reduce its emissions of greenhouse gases such as carbon dioxide, methane, and nitrous oxide. The UN gathers these binding commitments, known as Nationally Determined Contributions, to establish what the collective impact will be. In accordance with the Paris treaty, nations agreed to submit their NDCs by 2020 and then report back every five years. The plan was to ramp up commitments in successive years. And change is needed soon: The Paris Agreement reminds us that 2030 is the critical year by which global CO₂ emissions must have been reduced by 45 percent to avoid the irreversible consequences of climate change.

In fact, earlier this year, the United Nations stated that emissions need to have peaked by 2025, be reduced by 43 percent by 2030, and be at net zero by 2050. Unfortunately, according to a new report released by the World Resources Institute, the commitments made so far will reduce emissions only 7 percent from 2019 levels by 2030. This reflects a shortcoming of the Paris Agreement: Some nations could ride the coattails of the commitments made by other nations and thus avoid making significant cuts themselves.

The goal is to keep the increase in global temperature to 2 degrees Celsius (3.6 degrees Fahrenheit), and ideally to 1.5°C (2.7°F). The mantra of Pacific Islanders—"1.5 to stay alive!"—bespeaks the reality that any greater increase in temperature would lead to a rise in sea levels that would threaten the survival of island nations around the world.

Finance is also a key topic at COP27. The Paris Agreement aims to ensure that funds and technology will be transferred from "developed" (in UN-speak) to "developing" nations. The latter are already experiencing the effects of climate change, often disproportionately and with fewer resources to address them. In 2009, developed nations agreed to pay \$100 billion each year to developing nations until 2020 to support mitigation and adaptation. That promise went largely unfulfilled.

Since wealthier nations have not made good on those commitments, developing nations have demanded what is referred to as "loss and damages" at the UN negotiations. It is what it sounds like: compensation for loss (irreversible) and for damages (reparable). (G20 member nations produce 80 percent of global emissions.)

The Vulnerable 20, or V20, a group of nations (now numbering 58) that are the most vulnerable to the impacts of climate change,

have put forward a range of proposals to raise funds, either for mitigation and adaptation or loss and damages, ranging from taxes on fossil fuels to taxes on flying. V20 nations are experiencing the double whammy of debt and of the costs related to the climate crisis. According to a recent report, the incomes of V20 nations have been reduced by a projected 20 percent in the past two decades because of the effects of climate change. Thus they have also demanded that the debt of poorer countries be restructured and have threatened to stop payments on these debts unless wealthier nations pay the promised amounts for mitigation and adaptation and for loss and damages. These demands, which have come from many island nations in the Caribbean and the Indian Ocean, are sure to grow louder over the course of COP27.

Debt and mitigation financing for poorer countries are key issues at this year's UN climate negotiations.

Lastly, while these topics will be negotiated inside COP27, demands to address the human rights violations of Egypt's el-Sisi regime have been increasing. Attention has already been brought to this issue by public figures like Naomi Klein and Greta Thun-

berg, and an online petition has been signed by hundreds of organizations and activists. As Klein recently wrote at *The Intercept*, while Egypt might be attempting to improve its image ahead of COP27, it is "greenwashing a police state." She called attention to the imprisonment of Alaa Abd El Fattah and more than 60,000 other political prisoners.

Global climate activists have spoken up in support of the release of Abd El Fattah, who has been on a hunger strike for over 200 days. Not surprisingly, many are from countries that are under right-wing leadership, such as Brazil and the Philippines, who know from personal experience what is at risk and the importance of speaking up. A thread runs through and weaves together these negotiations and movements, which is one for justice, whether it's framed as social, political, or climate justice. They are all related and sure to be part of the interwoven demands at this year's conference. **N**

Tina Gerhardt is an environmental journalist whose writing has also been published in Grist, The Progressive, Sierra Magazine, and Washington Monthly. You can follow her on Twitter @TinaGerhardtE7.

COMMENT / KIANA KARIMI

Iran's Uprising

The women-led protests in Iran are revolutionary—and highlight the need for global solidarity.

IN “SHORTCOMINGS OF MEN,” THE SATIRIST BIBI Khanoom Astarabadi proposes that men stop trying to educate women and instead invest in edifying themselves, an urgent task because “yours truly does not believe that she is able to edify men.” Dated 1895, the pamphlet represents one of the earliest criticisms of mansplaining in Iran. Around that

time, Iranian women protested en masse against a government tobacco concession that would have profoundly hurt farmers and merchants. Women mobilized for other progressive causes and significantly helped in advancing the Constitutional Revolution at the turn of the century. But when it came to drafting the Constitution, their demands were completely dismissed by the country’s leaders. In response, women decided to organize for their own rights and agreed that they should prioritize education, marking the beginning of the women’s movement in Iran.

If nothing else has gone in favor of Iranian women in the 160 years since Astarabadi wrote her pamphlet, her original vision did come true. In 2001, women outnumbered men in university classes, and in 2012, they accounted for 60 percent of university admissions. More recently, the controversial reformist politician Mostafa Tajzadeh predicted that the next revolution in Iran will be led by women. While Iranian women are given ample opportunity for education, he posited, they are also constantly slighted by the government, deprived of even the smallest of everyday joys. They are not allowed to sing, dance, or dress in public as they please. These contrasting forces will eventually reach a breaking point. It is not clear whether Tajzadeh considers this a concern for the government or for women. But that no longer matters: Women have taken to the streets, with many men by their side, and are calling for the termination of the Islamic Republic. Their uprising is revolutionary in spirit.

You would think that if a Muslim-majority country is facing nationwide protests against compulsory hijab, there must be lots of resentment toward women who wear hijab by choice. But that is not the case. This could be because wearing hijab is so common that by itself it does not say anything about a person. A woman may wear hijab out of religious beliefs, but also habit, comfort, or family customs. The recommendation to wear hijab is rooted in Islam, but the motivation to wear it is layered and varies by individual. Put simply, the protests are about choice—elective rather than mandatory hijab—not unlike the demands of abortion rights supporters in the United States. When a woman in Iran shouts, “Get your politics out of my hair,” as an Iranian living in the US, I could add, “And out of my uterus.”

Since I arrived in the United States from Iran in 2005, I’ve found that it’s difficult to explain the distinction between elective and enforced hijab to many Americans, who almost always associate hijab with coercion. I often feel uneasy when I’m in the position of having to say anything at all about it, because of the risks involved: If I speak against hijab, I might be painted as an imperialist with low regard for my “Iranian roots.” If I dare

defend the right of women in the West to wear hijab of their own free will, I might be considered an apologist for Islam. The line between the two accusations is quite thin, and I, like many Iranian and Arab women, try to walk it. But for years, I turned down requests from Western media to comment on the horror of arresting and imprisoning women for improper hijab out of fear of adding to the negative image of Iran, which I saw as a product of conservative media. And I was equally terrified of the unintended consequences of speaking publicly about it after learning that many criticisms voiced by Iraqi feminists were used to justify the aggression toward their country. In talking about women’s choice and freedoms, the price of any misstep is high. But I decided to speak up when I came to understand that my silence was more harmful than helpful.

The protests are about choice—elective rather than mandatory hijab—not unlike the demands of US activists.

In Iran, state-run TV networks continue to produce and uplift hijab debates. Those debates always seem to end with the same conclusions: that hijab liberates the mind from the base demands of the body, guarantees entrance to heaven, and makes women look better. But in one state interview with a teenager that went viral, when asked about her preference between Islam’s and the West’s notions of women’s dress (with the assumption being that she would defend hijab out of fear), the young girl responded, “Let’s not make it about West or Islam. I think every woman should do what she likes.” In one sentence, she dismissed the ideological polarization that has been central to Iranian politics. And her sentiment is shared by many Gen-Z Iranians.

I like to think that the teenager closed a chapter that started in 1936, when Reza Shah banned all Islamic veils as a sign of “backwardness” and recommended European women’s fashion, forcing women’s rights activists to clarify whether they were on the side of Islam or the West. This is a burden faced by many activists in the Global South. Perhaps we should dismiss polarization altogether and return to a vision of global solidarity in which women are fully in charge of their bodies, as the uprising in Iran seeks. The protests are an inspiring example of what happens when, as one popular piece of graffiti reads, “The body has risen.” **N**

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Kiana Karimi is a PhD candidate in performance studies at New York University.

Back Talk Alexis Grenell



Context Collapse

*Social media exhorts us to share indiscriminately.
It's also causing us to judge indiscriminately.*

IT HAS BECOME INCREASINGLY COMMON TO READ about people getting fired, punished, or otherwise “canceled”—often with good reason—for something they said on Twitter. Some of these casualties become free speech warriors or the subjects of searching profiles on the blurry line between our imagined “right” to be who we are on the Internet and our ability to still

retain a job. And then there's the recent case of Erick Adame, a popular weatherman on NY1 who lost his job after being anonymously harassed with images someone stole of him performing sex acts on a private, non-commercial website. We're faced with fast-evolving standards of appropriate conduct. But we're also dealing with the dissolution of boundaries between who we are and what we say or do depending on where we are.

This “context collapse,” a term coined by researchers in a 2010 paper published in *New Media & Society*, explains how Twitter users conceive of their audience and “contend with groups of people they do not normally bring together, such as acquaintances, friends, co-workers, and family.” Twitter has effectively destroyed what social scientists call “variable self-presentation,” since tweets are viewable by a wide and diverse audience. The platform's perpetually refreshing feed means that users' self-presentation is constant, like a diary; tweets feel immediate and personal, except they're open to a general public. Constantly “sharing,” as opposed to directing communication to a particular person or group, is now considered more authentic.

“The days of you having a different image for your work friends or coworkers and for the other people you know are probably coming to an end pretty quickly,” Facebook CEO Mark Zuckerberg declared over a decade ago, at the dawn of the social media era. “Having two identities for yourself is an example of a lack of integrity.”

That just used to be normal life for anyone who wasn't a dead-eyed android. You went to church or school or work and adjusted your speech depending on the context. There was nothing false about it. Calibrating conversation to different audiences was how you expressed ideas appropriate to that context. It's what kept you from praying at work or talking about your sex life to the supermarket cashier. You could still be your “whole self,” just not all the time to everyone. Far from censorship, it reflected good judgment.

Lack of judgment is the through line that connects many Twitter-induced downfalls. But Adame's firing represents a moral panic rather than any material damage to his employer. Unlike, say, a political editor at *The New York Times* tweeting that Representatives Rashida Tlaib (D-Mich.) and Ilhan Omar (D-Minn.) aren't really Midwestern, or a *Washington Post* reporter retweeting “Every girl is bi. You just have to figure out if it's polar or sexual,” or the chair of psychiatry at Columbia calling a famously dark-skinned model a “freak of nature,” evidence of a sex life has no impact on Adame's ability to credibly inform us if it's going to be sunny or gray. There's no real impact on his work. In the aforementioned examples, no one was even fired, merely suspended or demoted, and all of them apologized.

The same can't be said of the former Levi's executive claiming in a lawsuit that she didn't get promoted to CEO because of “viewpoint discrimination.” Jennifer Sey defied repeated warnings about tweeting against public health guidance during the height of the pandemic, at a time when the company was trying to implement safety protocols across its stores and distribution centers. Her nonstop and often ridiculing challenges to federal policy earned her appearances on Naomi Wolf's YouTube show and Fox News, undermining her leadership responsibilities at work. The ubiquitous disclaimer “Tweets do not reflect the views of my employer” does not apply when you are accountable to shareholders and employees or, in the case of journalists and mental health professionals, readers and patients. Sey now tweets from an account branded as “Sey Anything” (also the name of her new Substack), which is fine, but it's absurd to demand that free speech remain consequence-free as well.

Adame arguably exercised good judgment when he confined himself to camming for a discreet audience on an adults-only website geared toward gay men. Although he posted a statement on Instagram detailing his “lapse in judgment,” he had a reasonable expectation of privacy according to the website's own terms of service, which forbid disseminating content. It's also illegal in New York City (and all 50 states) to nonconsensually distribute nudes, which makes

Adame a crime victim. Far from reckless, his actions were in fact in line with guidance from NYC public health officials to minimize risk by taking our sex lives online during Covid. His employer doesn't seem to see it that way, and Adame isn't suing to get his job back,

Twitter has effectively destroyed what social scientists call “variable self-presentation,” since tweets are theoretically viewable by anyone.

possibly because the terms of his contract likely included some kind of clause about unbecoming conduct. Toward the middle of his pleading post, he apologized to his employer, coworkers, friends, and family “for any embarrassment I may have caused you. You expected and deserved better from me.”

Except it’s not Adame who’s guilty of context collapse here.

Is there a lie in having a sexuality? As it turns out, Adame’s television audience was not in fact his only audience, but imagining his non-workplace identity as somehow misleading or sinister or reflecting a “lack of integrity” is simultaneously extremely Victorian and uniquely modern. The same goes

for the various underpaid nurses and EMTs who’ve been fired for having OnlyFans accounts to supplement their income.

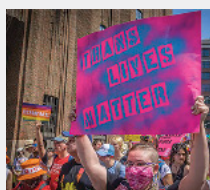
People are not always what they seem, either on the flattened existence of our screens or in any other particular context. Nor

should they be. But context collapse has shattered our ability to separate public remarks that cause material damage from the fact that practically anyone’s private behavior can be rendered public by a bad actor more easily than ever in history. There’s nothing particularly authentic about that. **N**

Practically anyone’s private behavior can be rendered public more easily than ever in history.



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Russia Hating

Journalists and professors who have called Russia a fascist country are playing a poisonous game.



UKRAINE IS A COUNTRY WE ARE JUST GETTING TO KNOW. What is more important is to hate Russia: an emotion in which Americans have been well trained. Media workers and the experts they interview, one notices, can’t help stumbling occasionally: “the Soviet Union—I mean, Russia.” A history of contempt takes us back to an entity at once exotic and primitive, suspended in time and space.

This Russia hovers between barbarism and modernity, between Asia and Europe, an uncertain profile that has long troubled the Western mind. But the task has now been simplified: Hate Putin, hate “Putin’s Russia,” hate Russia—before, during, and after the fact, and in excess of the facts. And the Russian people? We will come back to them.

The Western moral calculus that ramps up war fever can be detected in a headline like “Fear of Reprisal for Bridge Blast Dims Kyiv’s Joy” (*The New York Times*, October 10, print edition). You sense it, too, in the teacherly posture of news analysis: “Putin’s Plan to Bomb Kyiv Into Submission? History Says It Won’t Work” (the *Times*, October 11). Was that, in fact, Putin’s idea? Pretty clearly, he did not decide to bomb Kyiv until Ukraine blew up the bridge connecting Crimea to Russia. The tone of polite journalism on this subject hardly differs from that of the tabloids: “How Moscow Grabs Kids and Makes Them Russians” (ABC News, linked on *Drudge Report*, October 13).

A recent on-the-ground story by Jeffrey Gittleman in *The New York Times* conveyed the experiences of a freelance American soldier in Ukraine; the long headline and deck in the print edition brought together the politics and human interest and the necessary ethical judgment: “American Finds in Ukraine the War He Sought: A Morally Clear Effort After Tours in Iraq and Afghanistan.” What is the meaning of the second part of the headline? War is a kind of health, it says, if only we find the right war. But the phrase “moral clarity” has also become a mantra for left-wing activist reporters. It instructs you to know where you are headed before you set out to write. Don’t let a morally clear viewpoint be confused by subtle, complex, and inconvenient facts: Those are the boring middle part of the story, and they can safely be skipped. Clarity is crystallized by silent omissions and an economy of truth. Your choice of adjectives and adverbs, meanwhile, will vouch for your passion.

The media in the US and in other NATO countries have achieved a harmonious moral clarity, and they are skipping the part with the inconvenient facts. “Putin’s Russia” functions as a kind of suture that binds the relevant wartime emotions to a generalized hatred of Russia—Russia past, Russia present, and the Russia to come. An exemption is carved out for courageous Russians who protest openly, or the disaffected ones who have left

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the country or hope to exit soon. How many does that leave us to hate? Possibly quite a few.

The Gettleman story was filed from Solder, a town in Donetsk Oblast in eastern Ukraine, 80 miles northwest of Luhansk, where clashes between Russian-leaning inhabitants and the Ukrainian army go back to the ascent of an anti-Russian government in 2014. Yet the story makes a puzzle out of one old woman's reluctance to obey Ukrainian orders that all non-Russians should evacuate immediately. The solitary woman whom the American soldier and the reporter met on the road may simply have preferred not to follow those orders, not to leave her home (without hope of ever returning), but to gamble on the Russian army sparing it. This was not a Peasant Mystery. It was more like an ordinary calculation.

Why have such perceptual errors become so common? The reason is that they fit into the selective division of allowed facts in the liberal-corporate media. We hear of the anti-war

There is no evidence that the Ukrainian people want a long war, just as there is no evidence that the Russian people desired the invasion in February.

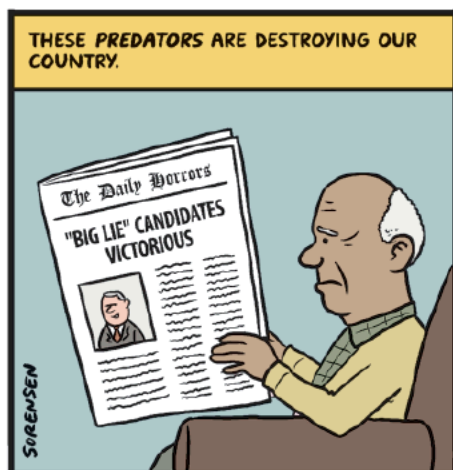
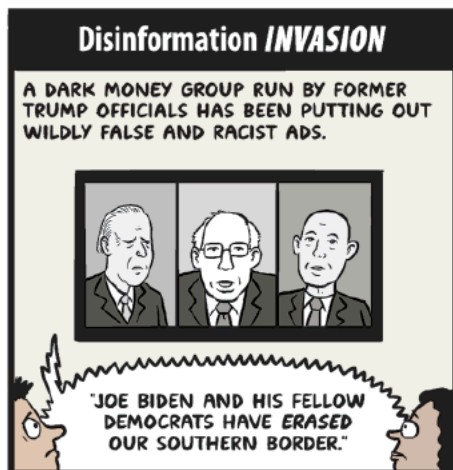
the assassination of Ukrainian mayors who were insufficiently hostile to Russia, and mainstream attention has sunk to zero (except here and there, in a subordinate clause) regarding the history and politics of the Azov Battalion.

None of these facts justifies anything that Russia has done. But they are, to repeat, facts, and they should be known by the citizens of a country that is well on the way to committing \$100 billion in assistance and weapons to Ukraine for the purpose of prolonging this war. Such facts are part of the present crisis, which honest reporters have a duty to convey. But this means full publicity must also be accorded to facts that are inconvenient for your own position—in this case, your loyal membership in a West for whom the defeat of Russia has become suddenly more important than climate change, nuclear disarmament, the prevention of starvation in Africa, and many other causes that cannot be thought of honestly without a recognition that they stand in some tension with unconditional victory over Russia.

Do the people who call “Putin’s Russia” a totalitarian state affix any answerable meaning to the word “totalitarian”? Russia indeed has a heavy-handed authoritarian government whose censorship and obstruction of dissent have greatly increased since the start of the war. Even so, there have been protests inside Russia; the crowds have not been fired on, and most of the persons involved have not been arrested. The media hosts and the clutch of military, think tank, and



OPPART / JEN SORESENSEN



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academic experts who call Russia totalitarian should see if they can find anything remotely comparable in the annals of Stalinist Russia or Nazi Germany. A recent report on NPR told of a Ukrainian family returning to the bombed-out city of Mariupol. They were coming back voluntarily, though they blamed the Russians for the damage. They had decided to leave their safe haven in Warsaw, where permanent refuge was available, because they felt that Mariupol, even when occupied by Russian soldiers, was still their home. How many civilians ever chose to go back to a city occupied by Hitler's army or Stalin's?

THE RUSSIAN INVASION OF UKRAINE IN FEBRUARY met the definition of an international war of aggression. But it was not unprovoked. Ever since the change of government in 2014 and the subsequent series of military clashes with Russia, Ukraine has subjected the Donbas region to persistent artillery shelling. The current war might have been avoided but for two circumstances: the US refusal to accept Ukraine as an independent nation outside NATO, and the Russian refusal to accept Ukrainian membership in the EU. A chance to resolve the dispute was apparently agreed on, in late March, by Recep Erdogan and Volodymyr Zelensky, with a proposed cease-fire set to open the way for negotiations. The US dispatched then-British Prime Minister Boris Johnson to scuttle the deal and inform Zelensky that a cease-fire was not an option agreeable to the West. Whether or not you classify it as a war crime, the deliberate protraction of the suffering of war is an immoral act. We say we do it because this is what Ukraine wants. But there is no evidence that the Ukrainian people want a long war, just as there is no evidence that the Russian people desired the invasion in February.

The Second World War is the picture that has held us captive. Every tyrant since then has looked like Hitler or Stalin. So every temptation to fight becomes an urgent imperative whose only alternative is appeasement. During the Cold War, the picture seemed to fit real events, but the Cold War ended and still the picture held us captive. The myth of the Second World War corrupted the wits of many clever people during the Vietnam War. Any act of aggression thereafter by a hostile non-Western government, in response to which the US had an ostensible moral justification and an economic or political motive for intervention, flipped the same switch: The year once more was 1938, and diplomacy was Munich. Saddam Hussein and Bashar al-Assad and Vladimir Putin have all been tapped to answer our need for a new Hitler. Or, for that matter, a new Stalin. George Will in a March 2014 column referred to Putin as "Stalin's spawn."

Eight years later, in his column on October 7, Will

averred that "the behavior of the Russian army in Ukraine demonstrates...a centuries-old continuity: a culture of cruelty." The reports of atrocities in Bucha are now proof of "Russia's endemic cruelty"—in short, to be Russian is to be cruel. The diagnosis is medical: "Putin's Russia has a metabolic urge to export its pathologies." But consider now the implications of the "metabolic urge." It resembles what used to be said about the desire by men of the darker races for white women—that, too, was an ingrained and irresistible reflex. Combine the biological tinge of this amateur analysis with the word "endemic" and you are inhabiting a well-known frame of mind: nation-as-race, race-as-virus. There were people in the 1930s who called the Jews a "bacillus." Hatred is an extraordinary passion.

Let us try and return things to the human scale. Anyone who lived through the 1980s can remember the call to American leaders to overcome the "Vietnam syndrome"—that is, to restore the national self-confidence that enables a great nation to fight its good wars. We were told that this syndrome had been surmounted by the US invasion of Panama and, close on its heels, the Gulf War. Read the grim history of actual Russians in Svetlana Alexievich's *Secondhand Time*, and you see how inconceivable they must find the idea of war as a healthy restorative. Some 21 million Soviet citizens were killed in World War II, and—though we find the fact hard to acknowledge—the Soviet Union itself was responsible, more than any other country, for the victory over fascism. The journalists and professors who have called Russia a fascist country are playing a poisonous game with words. They get away with it because war is only a distant dream to a great many Americans, and because most Americans now know the Second World War only as a myth.

"I'm trying to figure out," President Biden said on October 6, "what is Putin's off-ramp?" A better use of his time might be to determine our own off-ramp, short of the total defeat of Russia on its own border. The US withdrawal from the INF Treaty in 2019 and from the Open

Skies Treaty in 2020 must have left Russians wondering how far the US would go in the cause of nonappeasement and reordering the world. Because an all-but-avowed American goal since the second expansion of NATO in 2004 has been to dismantle post-Soviet Russia: a design already achieved in part, which no imaginable Russian leader will permit the US to complete. And what would follow after bringing Russia to its knees, militarily and economically, even if that were possible? The sabotage of the Nord Stream pipelines and the Crimea bridge, and now the Russian attacks on Ukraine's civilian infrastructure, are sowing such mutual hatred that compromise on either side will soon be as inadmissible as defeat. No one seems to have thought it through.

The phrase "moral clarity" has also become a mantra for left-wing activist reporters. It instructs you to know where you are headed before you set out to write.

The SCORE

Get a Life

BRYCE COVERT +
MIKE KONCZAL

In June, more than 3,300 people in Britain embarked on an exciting experiment: Their employers had signed up to pilot a four-day workweek in what is currently the world's biggest trial of this shorter working schedule. Seventy-three British companies have reduced their employees' working hours by 20 percent for six months while still giving them their full pay.

Similar pilot programs are also underway in Australia, Iceland, Japan, and Spain. Some companies in the United States have taken the same step. One study found that more than 8 million US workers switched to a four-day schedule between 1973 and 2018.

So far, the evidence that's rolling in points in a clear direction: A shorter week allows workers to better take care of themselves without sacrificing productivity.

Halfway through the six-month trial, all but two of the 41 British companies that responded to a survey said that productivity has either stayed the same or improved, and six said that productivity has significantly improved. Those findings track with others. In Iceland, where more than 1 percent of the workforce saw their hours reduced to 36 per week or less, productivity has stayed constant or improved. According to one study of individual businesses, about two-thirds of those with four-day workweeks said productivity has increased, and about half said it has saved them money. Job performance stayed the same during a trial at a New Zealand-based firm, and at Microsoft Japan productivity rose by 40 percent.

The effects on employees' well-being are even more stunning. In Britain, workers putting in 32 hours a week have been getting an average of 7.58 hours of sleep a night, nearly a full hour more than those working 40 hours. And the share of those who would be classified as sleep-deprived dropped from around 43 percent to less than 15 percent. Since they don't have to cram so much into each day, they no longer have to sacrifice sleep to get everything in their lives done.

Working fewer hours is proving to have other benefits for people's bodies and minds. In Iceland, employees reported less stress and burnout and better health and work/life bal-

ance. They spent more time exercising, taking care of household chores, running errands, engaging in hobbies, and spending time with family and friends. As one participant put it, reducing hours "shows increased respect for the individual. That we are not just machines that just work.... We are persons with desires and private lives, families and hobbies." In a Gallup survey of US workers, people who worked four days a week had higher levels of "thriving wellbeing" and lower rates of chronic burnout than those who worked five or six.

Despite the mounting evidence for the benefits of a four-day workweek, Americans overwhelmingly put in longer hours, frequently going past 40 per week. Nearly one-third of Americans work 45 hours or more a week, and about 8 million of us clock 60 or more.

Altering that picture for everyone—not just for white-collar employees at a handful of do-gooder companies—requires systemic change. It was only after decades of mass strikes that Congress passed the Fair Labor Standards Act of 1938, which forced employers to pay workers overtime if they put in more than 40 hours a week.

In Iceland, the pilot programs have been significantly expanded, with 86 percent of the workforce either already on a four-day schedule or set to take one up in the next few years. Why has it caught on so quickly there? One reason is that 90 percent of the country's workers are unionized, and the labor movement has played a big role in pushing for the adoption of shorter schedules. By contrast, just 10.3 percent of American workers belong to a union.

One avenue for change is rewriting overtime rules. Some members of Congress have proposed changing the definition of a standard workweek under the Fair Labor Standards Act to 32 hours instead of 40. But because that law applies to only a fraction of workers—currently only 15 percent are covered—any workweek reform would have to be coupled with other changes. The Biden administration is reportedly working on a proposal to make it apply to more people.

Until things change, most Americans will risk exposure to, in the words of more than a dozen researchers, "the largest of any occupational risk factor calculated to date"—a long workweek.

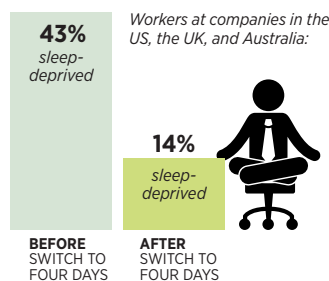
Bryce Covert

A Four-Day Workweek Pays Off

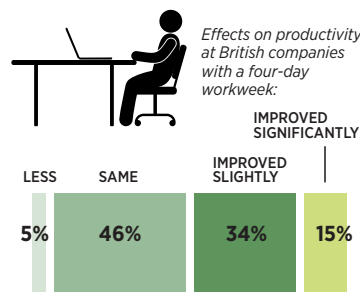
Nearly one-third of US workers put in 45 or more hours a week.



Companies that implement a four-day workweek see improved well-being...



...without a drop in productivity.



Sources: 4 Day Week Global mid-pilot results; economist Juliet Schor



SNAPSHOT/Debarchan Chatterjee

Global Calls for Justice

Students in Kolkata, India, demonstrate on October 20 over the death of Mahsa Amini, who died shortly after her arrest in Tehran for “improper hijab.” The incident sparked global actions protesting Iran’s morality police. A United Nations panel called on Iranian authorities “to hold an independent, impartial, and prompt investigation into Ms Amini’s death...and hold all perpetrators accountable.”

By the Numbers



50%

Portion of all new vehicles sold in 2030 that will be required to have zero emissions, according to President Biden’s new target

336

Estimated number of additional graphite, lithium, nickel, and cobalt mines that will be needed to supply the new electric vehicles, taking the recycling of raw materials into account

1%

Portion of the world’s lithium that is mined in the US

150

Age of the federal law that governs the mining of

“hardrock” minerals (such as gold, silver, lithium, and nickel) on public lands

35

Maximum distance, in miles, of the majority of energy-transition metal reserves from Native lands

17%

Portion of the money the US government spends to “protect” Native lands that goes to projects led by Indigenous peoples

CALVIN TRILLIN

DeadlinePoet

Supply-Side Economics Strikes Again

We bid farewell to poor Liz Truss.

Her economics caused a fuss.

Supply-side loyalty prevails.

Despite the fact it always fails.

Liz thought that wealth would downward trickle.

That quickly put her in a pickle.

A Royal Send-Off



How William and Kate's **visit to the Caribbean** helped **stoke** the movements for independence and reparations.

BY **MICHELA MOSCUFO**

ON TUESDAY, MARCH 15, SIX MONTHS BEFORE the death of Queen Elizabeth II would reignite a conversation about the British crown's colonial legacy, the chairman of Indian Creek, an Indigenous Maya village in southern Belize, received a call. A police officer told Sebastian Shol, the chairman, that the village would have to cut down the trees bordering a soccer field in the next few days, because a helicopter would be landing there. Despite being pressed by Shol, the officer refused to give any other information.

The next day, Shol received a call from a woman representing the Ministry of Foreign Affairs. She apologized for not providing information sooner and told him that the visitors would be Prince William and his wife, Kate Middleton, who would be traveling to Belize, Jamaica, and the Bahamas the following week to celebrate Queen Elizabeth's platinum jubilee, marking her 70 years on the throne.

Although all three countries fought for their independence from the crown, they have not become republics like Barbados, Guyana, or Trinidad and Tobago; instead they remain, along with the majority of countries in the Caribbean, part of the British Commonwealth, with the British monarch as the head of state. Each country has a British High Commission in its capital and a governor-general who represents the monarch in "overseas territories" as a government executive.

Shol convened an emergency meeting during which the villagers decided to stage a protest. Their biggest concerns, he told me during a phone interview, were the fact that they were not consulted before the visit, the requirement that the villagers would have to stay 200 meters away from the royal couple at all times, and an ongoing land dispute with Flora Fauna International, a charity with connections to the royal family. Last year, 12,800 acres in Indian Creek were sold to FFI, but, according to the association of Maya villages in the region, the land—which includes the village school,

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ILLUSTRATION BY **JOSH GOSFIELD**



Though intended to celebrate the UK's relationship with its former colonies, the royal couple's visit would do largely the opposite.



Getting the message out: A small protest outside the Fond Doux cocoa plantation and eco resort in St. Lucia in March.

In the past seven months, politicians representing Antigua and Barbuda, Belize, and Jamaica have announced that their countries are taking steps to remove the British monarch as their head of state and to become republics. Following the queen's death, the prime minister of Antigua and Barbuda reaffirmed to British media that the country would take steps to become a republic within the next three years. In Jamaica, meanwhile, virtual and in-person town hall meetings on a national reparatory justice proposal will begin this fall, according to Laleta Davis-Mattis, chair of the National Reparations Council. If it is formalized, Jamaica will be the first country in the Caribbean—and likely the world—to have adopted such a proposal.

The royal visit “highlighted certain issues and created momentum,” Henry Charles Usher, Belize's minister of the public service, told me during a phone call.

the community center, and a couple hundred homes—was sold illegally.

On March 18, the day before the Duke and Duchess of Cambridge were set to arrive, dozens of people gathered at the soccer field carrying signs that read “Not Your Land / Not Your Decision,” “Prince William Leave Our Land,” and “Indian Creek Say No to FFI / Keep Out.” Not long after, the government of Belize told the *Daily Mail* that, because of “issues,” the visit to Indian

Creek had been canceled and the royal couple would visit another village instead. A spokesperson from Kensington Palace confirmed the cancellation to the newspaper.

AS THE ROYAL COUPLE TRAVELED ACROSS THE CARIBBEAN over the next week, they were met with demonstrators nearly every step of the way. Though intended to celebrate the kingdom's relationship with its former colonies, their visit would do largely the opposite: It would galvanize organizers in the three countries, drawing international attention to the long-standing movement for reparations while stoking the flame of independence in the region.

By mid-autumn, a commission will be formed to decide whether Belize will adopt a new constitution or amend the current one—and, ultimately, whether the country will become a republic.

“The protests against William and Kate... [were] an indication that people are fed up, and that the reparations message is getting around,” said Verene Shepherd, director of the Centre for Reparation Research at the University of the West Indies, in a phone interview. “I don't think we've ever had so many people shouting ‘Reparations now!’ across the region.”

But while the visit clearly drew attention and energy to the cause, it should not be considered the precipitating event. Shepherd pointed out that the growing calls for reparations come after more than a decade of public education programs and grassroots (although she doesn't like using that word) organizing. And since 2013, when the Caribbean Community, or CARICOM, formed a Reparations Commission, the governments of its 15 member states have also been involved, with 12 setting up their own national reparations committees. These have been organizing educational programs, developing policy, and coordinating public responses to events like the royal couple's visit.

As a result, the demands for reparations for slavery and colonization have become widespread in the Caribbean, seeping into both public and private conversations. On television shows like *Talking History* in Jamaica and *Reparations Now* in Guyana, hosts delve into the intricacies of the reparations issue. The Jamaican newspaper *The Gleaner* publishes a biweekly column called “Reparation Conversations” by the Centre for Reparation Research, in which

guest writers weigh in on the latest developments. (“Now would be as good a time as any to invest some of that extracted wealth back into Jamaica as part of a reparations package,” wrote University of the West Indies lecturer Michael Barnett in a May column.) At the university level, the history of the reparations struggle is part of the curriculum for qualifying exams, and starting this fall, a textbook on the movement will be distributed to secondary schools across the Caribbean.

As the movement has expanded throughout the region, it has also deepened and evolved. Currently, the CARICOM Reparations Commission is meeting in Guyana, Trinidad, and Jamaica with the descendants of Indians who were brought to the Caribbean by colonial powers to serve as indentured servants. Members of these communities have felt “unincluded in the reparations





movement,” according to Niambi Hall Campbell-Dean, the chair of the Bahamas National Reparations Committee.

At the same time, research projects such as SlaveVoyages, an interactive digital archive created in 2017 with information on more than 36,000 voyages of slave-trading ships, and the publication by the University College London in 2013 of the compensation paid to former enslavers for the loss of their “property” after slavery was abolished, have placed current reparatory justice demands in a detailed historical context. “All of this information is making people realize how unjust it is for those who committed crimes against humanity to refuse to apologize or to take any steps toward reparation,” Shepherd told me.

TO BE SURE, MANY IN THE CARIBBEAN recognized this injustice long before the present moment. Formal calls for reparations go back almost to the beginning of the independence era. In the years following their independence from the crown—beginning in 1962 with Jamaica and continuing through 1983 with St. Kitts and Nevis—every former British colony in the Caribbean demanded some sort of reparations package, based on the argument that the British government had exploited and extracted wealth from their countries for centuries. Yet none received any. In contrast, when slavery was abolished in the British Empire, the UK had no problem paying enslavers for the loss of their “property.”

In 1833, the British government took out a loan of \$20 million to settle approximately 40,000 claims from former enslavers. Kris Manjapra, a professor at Tufts University, has found that the UK likely continued to make payments on this loan until 2015. “The implication, number one, is that British citizens for many generations were paying taxes towards paying off this debt,” Manjapra said during a phone interview. “Number two, people of the Caribbean, through the colonial machinery, were also paying for the debt [until their independence].”

The most frequently cited example of this type of injustice is Haiti’s independence from France in 1804. In exchange for its freedom, Haiti was forced to pay its former colonizer 150 million francs, a sum that took it 122 years to pay off. (*The New York Times*’ recent investigation into the country’s crippling indemnity to France is just the latest effort to explore the subject.) The legacy of this debt spurred then-Haitian President Jean-Bertrand Aristide to make the first formal request for reparations in the postcolonial period. In 2004, Aristide demanded \$21 billion from France. Not long after, and with the support of the US military, he was removed from power in a coup.

These stories and statistics bolster the Caribbean reparatory justice movement, which began “from the moment of capture and shipment across the Middle Passage,” Shepherd said. “People were resisting. People were saying, ‘No!’” In practice, it has taken numerous international summits, such as the Pan-African Conference on Reparations, held in Abuja, Nigeria, in 1993, and the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in

“Seh yuh sorry”:
Demonstrators gather in Kingston, Jamaica, to protest the visit of William and Kate and to demand reparations.



“The protests against William and Kate... [were] an indication that people are fed up and the reparations message is getting around.”

—Verene Shepherd

Throwback: Prince William and Kate Middleton evoke an earlier colonial era during a military parade in Jamaica.



2001, to slowly build the movement's political viability. "Over time, other heads of state became convinced," Shepherd said.

Every year, CARICOM writes letters to the former colonial powers that trafficked enslaved people and ruled over the region. In these letters it encloses a document called the Ten Point Plan, the manifesto for the Caribbean reparatory justice movement, which also served as a template for the US National African American Reparations Commission's own reparatory justice plan and as a reference for organizers worldwide. The manifesto states that the victims of European crimes against humanity and their descendants "have a legal right to reparatory justice, and that those who committed these crimes, and who have been enriched by the proceeds of these crimes, have a reparatory case to answer."

In making this case, the Ten Point Plan integrates broad calls for the funding of cultural institutions, health care institutions, and science and technology programs—all of which address the colonial legacies of economic underdevelopment—with more particular calls for investment in Indigenous communities and demands for repatriation to Africa by Rastafari organizers. Reparations can take the form of financial funding,

"but also human resources development...technology transfer, diplomatic services and interventions," according to Dorbrene O'Marde, the vice chair of the commission.

Crucially, the plan calls for debt cancellation. Since independence, countries in the Caribbean have suffered from high levels of debt and have been forced to make costly restructuring deals with the

International Monetary Fund, which have debilitated their economies even further. Jamaica, for instance, which has been caught in a cycle of debt, has sought bailout loans from the IMF nearly every year. Jamaica's national reparatory justice policy will be based on the Ten Point Plan, according to Davis-Mattis, the country's National Reparations Council chair.

A week before the royal couple were set to arrive in Jamaica, the Advocates Network, a coalition of community leaders and academics in the country, published an open letter demanding reparations from Britain and its royal family, with an accompanying document listing 60 reasons why. "These issues are too long on the table," economist and organizer Rosalea Hamilton told me over the phone. "We need to bring it to the attention of the royals, and in so doing bring it to the attention of the society."

When the Duke and Duchess of Cambridge arrived in Kingston on March 22, what was originally supposed to be 60 protesters swelled to 300, according to Hamilton. Once again, international media outlets were there to cover the demonstrations. The banners carried by the protesters and the T-shirts they wore read "Seh yuh sorry"; many had been created for former British prime minister David Cameron's visit in 2015. During his stay, Cameron gave an infamous speech at the Jamaican Parliament in which he called on Jamaicans to "move on from this painful legacy" of slavery.

The next day, in Montego Bay, two dozen Rastafari held a demonstration at the headquar-



Colonial queen: Queen Elizabeth II visits Antigua and Barbuda in 1985.



ters of the Coral Gardens Benevolent Society. During the Coral Gardens Massacre, which unfolded over a week in April 1963, at least eight Rastafari were killed and as many as 150 injured in a series of police raids. Jamaica's then-prime minister, Alexander Bustamante, had called for officers to "Bring them in, dead or alive."

Ras Drick I, who attended the protest in Montego Bay and whose uncle was a survivor of the massacre, told me, "What I and I are still fighting for is to free ourselves from all the colonialism and the British monarchy," using the Rastafari expression "I and I" instead of "we." "I and I is talking about freeing ourselves: mental repatriation, physical repatriation, and physical reparations."

Since 1930, when the Rastafari community officially removed King George V as their monarch and replaced him with Haile Selassie, the emperor of Ethiopia, they have been the spiritual leaders of the reparatory justice movement, calling for reparations as well as repatriation to Africa for nearly a century. When Jamaica became the first country in the region to create a national council on reparations in 2009, a couple years before the CARICOM Reparations Commission was formed, it was building on the work of Rastafari organizers. Credit also goes to the Jamaican politician Mike Henry, who first brought the reparations proposal to Parliament in 2007.

BY THE TIME WILLIAM AND KATE ARRIVED in the Bahamas on March 24, the Bahamians were organized. While the royal couple was still in Jamaica, the Bahamas National

Reparations Committee published its official demand. At the end of its statement, it reprinted the lyrics from the 1972 song "Pay Me What You Owe Me," by the Bahamian musician Tony McKay. The song repeats the phrases "Pay me for my blood in the water / Pay me for my sons and my daughter" and "Pay me for all of my dead / Pay me for the blood that you shed." When I asked Hall Campbell-Dean, the committee chair, why it chose to include these lyrics, she said, "We wanted to show that this is a call that the Bahamian people have been demanding in various ways for many years."

March 25 was the International Day of Remembrance of Victims of Slavery and the Transatlantic Slave Trade. At sunrise, Hall Campbell-Dean held a libation ceremony at

Yamacraw Beach in Nassau, the capital, pouring bottled water, purple bougainvillea flowers, and paper money into the ocean to honor the 15 million killed during the four centuries of the slave trade. In Nassau and in Freeport, on another island across the channel, Rastafari organizers held protests. They had tried to get an audience with the duke and duchess and to hand a letter to the high commissioner, but they were told they were too late, said Priest Rithmon McKinney, one of the organizers.

On Friday, March 25, exactly one week after the royal couple touched down in Belize, they had their final dinner in Nassau, hosted by Belize's governor-general. Addressing the three countries the couple had visited on their tour, Prince William said, "We support with pride and respect your decisions about your future," referring to the growing independence movements across the Caribbean. Two days later, organizers from Belize, Jamaica, and the Bahamas announced in a joint statement published by the Advocates Network, "We stand united in rejecting the so-called charm offensive of the Caribbean undertaken by William and Catherine, the Duke and Duchess of Cambridge."

IN THE MONTHS AFTER WILLIAM AND KATE DEPARTED THE Caribbean, much of the international media followed suit, but the organizing and agitation didn't cease. In April, another pair of royals—Edward and Sophie, the Earl and Countess of Wessex—traveled to the region. A planned visit to Grenada was canceled at the last minute, without an explanation, and they faced protests in St. Lucia as well as St. Vincent and the Grenadines. In Antigua and Barbuda, Prime Minister Gaston Browne pressed Prince Edward (Elizabeth's youngest son) and his wife on the subject of reparations, asking them to use their political influence to support the reparatory justice movement.



Entitled: Sophie, Countess of Wessex, reacts as she and Prince Edward speak to schoolgirls during their visit to St. Lucia.

News reports characterized the exchange as awkward. At one point, Prince Edward told Browne, "I wasn't keeping notes, so I'm not going to give you a complete riposte." Speaking to *The Guardian*, the former BBC royal correspondent Peter Hunt said that future trips by the royal family would be "unwise."

Then, on September 8, Queen Elizabeth II died. International media outlets were quick to return to the Caribbean, asking organizers and political leaders what the death of the monarch meant for the region's reparations and sovereignty movements. The reactions were mixed; the tone was mostly somber. Flags were lowered to half-mast, condolences were published, and organizers refrained, for

the most part, from making political statements.

One exception was the Barbadian folk singer and official cultural ambassador Anthony "Gabby" Carter, who published a poem titled "Good Riddance to Rubbish" that circulated online. In it, he wrote, "She inherited millions of pounds / From the gains of slavery / Yet she allowed each colony / To wallow in poverty."

On the subject of Charles III, Carter was brief and to the point: "He will become the Monarch / The British Ruler / The King! / If he brings us Reparations / Then I will support him!"


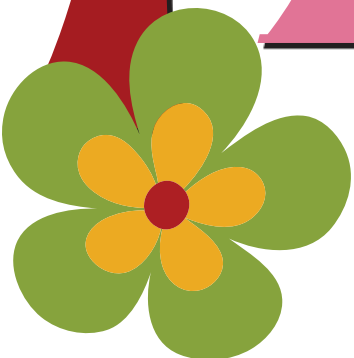
While the visit by the royal couple clearly drew attention and energy to the cause, it should not be confused with the precipitating event.





Scott Wiener's

ACID TEST



The California state senator wants to decriminalize psychedelics. Can he convince the state that his bill will reduce the “sheer misery” drug use is causing now?

BY **JOHN SEMLEY**

IN AN UNASSUMING, OFF-WHITE, TWO-STORY HOUSE IN SAN Francisco’s Mission District, built in the Italianate style that predominates in the neighborhood, you’ll find the Institute of Illegal Images, aka the Blotter Barn. It houses an extensive personal collection of LSD art, called “blotter paper,” lovingly curated by Mark McCloud, a wizened, affable remnant of the city’s counterculture. McCloud came to California from Argentina as an adolescent, attended one of Ken Kesey’s early Acid Test “happenings” in the 1960s, puttered around the globe, and eventually put down stakes in the Mission in the mid-’70s, opening a home gallery that serves as an unbound history of the War on Drugs.

Each perforated, dyed tab of paper tells a story. One pulpy print pays tribute to the Swiss chemist Albert Hofmann, the “Father of LSD,” who chanced upon the drug in 1938. Another, covered in blue cartoon unicorns, memorializes the Blue Unicorn, a Beat (and later hippie) hangout that claimed Allen Ginsberg

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and Lawrence Ferlinghetti among its clientele, alongside local characters with colorful names like Tarot Tom, Larry the Flute, and Joe Narc. On a recent visit, McCloud pulls down a “Gorby”: a framed tab depicting the former Soviet president Mikhail Gorbachev, whose appearance on late-’80s LSD tabs spoke to his image as a peacemaker. But the pride of the Blotter Barn’s collection—which numbers in the tens of thousands of sheets of LSD—is a cherry red sheet featuring an intricate mandala that, upon closer inspection, reveals the seal of the Federal Bureau of Investigation on each tab. Like a lot of early blotter art, these FBI tabs are ironic and even a little needling: chemically saturated stamps paying trippy tribute to the counterculture’s archenemy.

McCloud sees drug users and the Feds as ancient adversaries. He’s watched generations of dealers get entrapped, busted, and shipped off to prison for 20-year stints. On the federal level, America’s long War on Drugs remains an active battlefield. In early October, President Biden pardoned thousands of people federally convicted for marijuana offenses, acknowledging decades of injustice and, as he put it, “clear racial disparities around prosecution and conviction.” The move sent a strong signal to governors (the number of state drug convictions far exceeds the number of federal ones).

The Blotter Barn: Mark McCloud runs the Institute of Illegal Images, a collection of framed acid tabs and other psychedelic art, out of his home in San Francisco.

It was a refreshing, and overdue, step. It was also an about-face for Biden, who as a senator in the late 1980s asserted that then-President George H.W. Bush’s policies on policing and imprisoning drug users were “not tough enough.” But the War on Drugs still rages. Drug offenses remain the leading cause of arrest in the United States. As some legislators (along with the president) call for a rethinking of marijuana laws, others are doubling down on the punitive approach, like Arizona Republican Paul Gosar, who is demanding the death penalty for anyone convicted of selling synthetic opioids. Florida’s attorney general recently implored the White House to reclassify fentanyl as a weapon of mass destruction. A poll last year by the ACLU showed that 65 percent of voters favored ending the Drug War, with an even greater share (83 percent) declaring it an abject failure; these views were more or less consistent among Democrats, Republicans, and independents. Meanwhile, more than

\$3 billion was funneled to the Drug Enforcement Administration in 2021, while overdose deaths continued to skyrocket. For a record number of Americans of all political affiliations, the country’s domestic crusade against drugs is a boondoggle of epic proportions. And yet it’s not over. “What you need is somebody to point that out in a normal society,” says McCloud, who’s wearing a tie-dyed Grateful Dead shirt under a plaid blazer and nimbly spinning up a double-wide joint. “But who points it out?”

San Francisco state Senator Scott Wiener is trying to point it out. Wiener, a Democrat, has been pushing—and amending, and pushing again—a bill that would decriminalize “certain

hallucinogenic substances” in California. As originally conceived, Senate Bill 519 would remove criminal penalties for the possession, consumption, and “social sharing” of a range of mind-expanding compounds. This includes classic psychedelics like mescaline, LSD, DMT, and psilocybin (the hallucinogenic catalyst in magic mushrooms), along with a smattering of other drugs, such as MDMA, ibogaine, and ketamine. The bill also authorizes a state-funded study on the potential benefits of these drugs, as a way of easing potential misgivings about their use. Despite initial enthusiasm in California’s Senate, the bill was recently amended by the Assembly Appropriations Committee, which reviews all bills with a potential fiscal impact, to remove the whole decriminalization aspect, while retaining funding for a study of these compounds.



Sixty-five percent of voters favor ending the War on Drugs, but it’s far from over: Drug offenses remain the leading cause of arrest in the US.



“No good deed goes unpunished,” Wiener says, sitting in a coffee shop near San Francisco’s Tenderloin district. He had proposed the government study as a way to shore up confidence in the relative harmlessness, as well as the benefits, of psychedelic drugs. But as he points out, many studies have already been done. In the past decades, research pouring out of institutions ranging from Johns Hopkins and New York University to UC Berkeley (which recently opened its Center for the Science of Psychedelics) has shown that psychedelic compounds may prove useful in treating a range of disorders that were previously deemed intractable, from treatment-resistant depression to end-of-life anxiety. Now the proposed study is the only part of the bill that remains. For Wiener, it feels like pointless busywork.

In a press release in August, Wiener said he was “extremely disappointed” by the Assembly committee’s decision. In person, his frustration is palpable. “We know that drug criminalization is a disaster,” Wiener insists. “We don’t need any further studies to show that criminalizing drug use is a mistake.”

SCOTT WIENER HAS SERVED CALIFORNIA’s 11th Senate District—covering San Francisco and a chunk of San Mateo County—since 2016. Before that, he served on San Francisco’s Board of Supervisors. His CV reads like a greatest hits album of progressive policies: affordable housing quotas, tying public transit funding to population growth, expanding access to HIV/AIDS treatments, renewable energy rebates, and bike lane infrastructure.

But SB 519, with its proposal to decriminalize a range of Schedule I chemicals, has proved to be a harder sell than his other initiatives. Local jurisdictions—Oakland, Santa Cruz, and, most recently, San Francisco—have voted to effectively decriminalize psychedelics. And, at the state level, voters in Oregon removed criminal penalties on the personal possession of psilocybin in 2020 via a ballot measure, while voters in Colorado will soon consider a similar measure in their state. But Wiener’s proposal is more aggressive, both because of the breadth of the drugs it covers and because it applies to the most populous state in the union. What’s more, the existing patchwork of laws on the local level feels like a stopgap. As Wiener notes, municipalities do not actually have the power to properly decriminalize these drugs; they can only strike deals with local police, who can promise not to enforce existing

state and federal laws. A broader bill would change that. But historically, such progressive drug policies have fizzled out at the state level. “I get it,” the senator adds. “There are a lot of people who are really frustrated with open-air drug use, and with the sheer misery.”

Wiener’s own district has become an epicenter of this misery. Sidewalks in San Francisco’s Tenderloin are lined with tents, housing a generation of displaced people whose lives have been ravaged by the opioid epidemic. Such scenes are by no means unique to the Tenderloin, the Bay Area, or America’s left coast. Between 2019 and 2020, the Centers for Disease Control and Prevention traced a harrowing 31 percent increase in drug overdose deaths, largely driven by cheaply manufactured synthetic drugs like fentanyl.

Amid a nationwide epidemic, it’s perhaps understandable why Wiener is having difficulty pushing a bill that would make some drugs more accessible. For many legislators and voters, issues of drug use and abuse are still understood through the good-versus-evil thinking that has long characterized the Drug War. There are the permitted drugs, like alcohol, caffeine, acetaminophen, and (in some jurisdictions) cannabis. And they’re fine. And then there are the illegal drugs, which are a scourge.

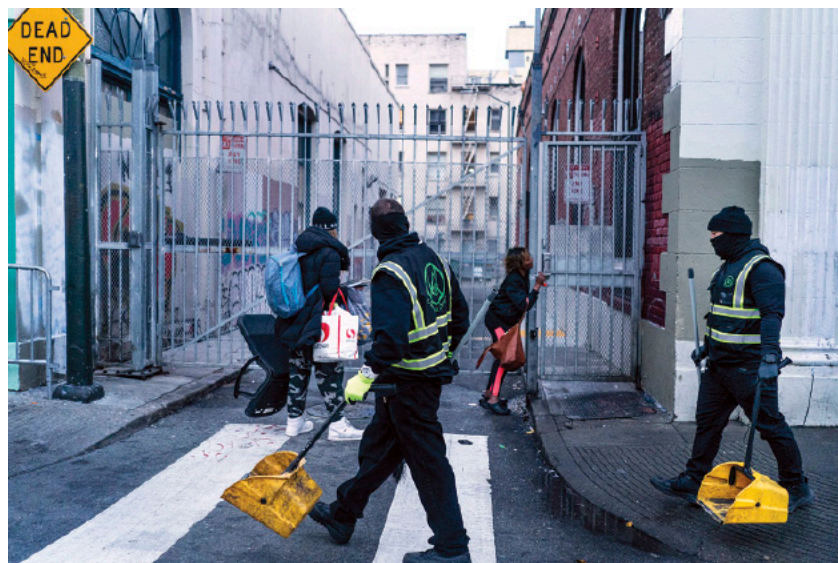
California Governor Gavin Newsom recently vetoed a bill that would have authorized medically supervised safe-injection sites in Los Angeles, Oakland, and San Francisco. Wiener, who drafted that legislation as well, calls the decision “absurd.” Newsom’s decision flies in the face of evidence supporting the efficacy of safe-injection sites in reducing overdose deaths; he made the choice amid speculation that he’s plotting a presidential run. Facing increasing scrutiny, the governor may well be worried about seeming “soft” on drugs. While San Francisco may not be unique among opioid-ravaged American cities and towns, its progressive history makes it an easy target.

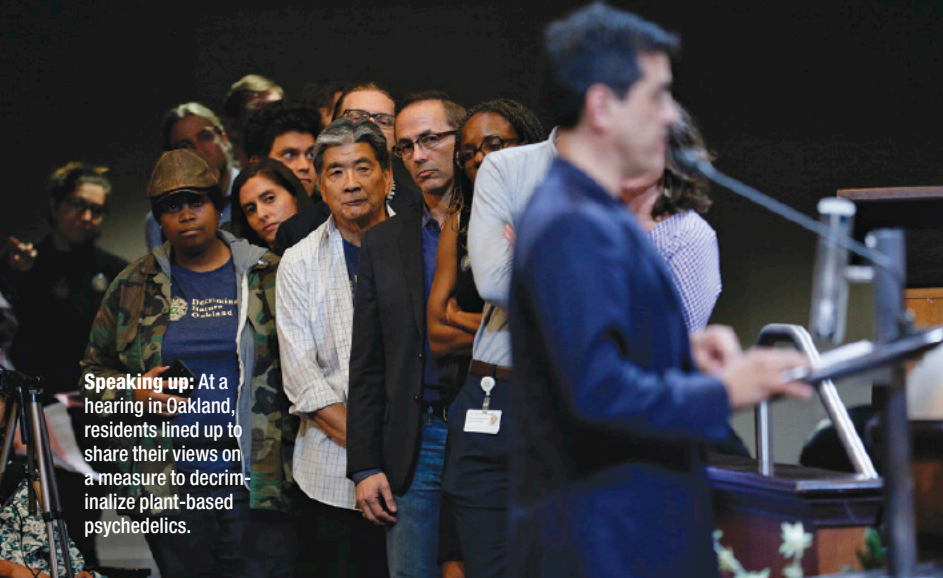


“If criminalization were an antidote for drug use and addiction, we would have no drug use and addiction.”

—California state Senator Scott Wiener

Street sweep: Urban Alchemy crews begin their daily cleanup of the streets in the Tenderloin, a San Francisco neighborhood hit hard by the opioid crisis.





Speaking up: At a hearing in Oakland, residents lined up to share their views on a measure to decriminalize plant-based psychedelics.

In the right-wing media, San Francisco has become something of a meme: a lawless Thunderdome thronged with the drug-sick, where Rite Aids are ransacked by marauding gangs. Fox News agitator Tucker Carlson, himself a native son, has labeled San Francisco an “American dystopia.” Such competing images speak to a deeper ideological contest that has played out across the city and state. For all its bona fides as a progressive, permissive paradise, California is also the place that launched the political careers of some of the nation’s most fervent drug warriors, from Richard Nixon to Ronald Reagan. San Francisco is the historic home of both Harvey Milk and Dan White, Jerry Garcia and, well, Tucker Carlson. “‘If you put the Democrats in power, they’re going to turn you into San Francisco,’ right?” says Wiener, mockingly imitating the right-wing pundits. “They’re rooting for San Francisco to fail.”

Just say no: California Governor Gavin Newsom vetoed a bill that would have authorized safe-injection sites in Los Angeles, Oakland, and San Francisco.

THE STREET LIFE OF SAN FRANCISCO HAS LONG BLURRED the distinction between the kooky and the straight-up dispossessed. Time was, you’d spot a lady in a nun’s habit pushing a kitty cat in a dinged-up stroller, and you’d be forgiven for thinking her some workaday weirdo. Now, the needle slants more definitively away from eccentricity and toward immiseration. As Wiener and I chat, a stooped, shoeless, middle-aged woman enters and makes a loopy circuit of the cafe, asking over and over if anyone can help her. Wiener greets the woman with a friendly if noncommittal smile. She’s shadowed by a young man in a lime green safety vest. “Ma’am, you can’t be in here.... Ma’am, you can’t be in here.... Ma’am, you can’t be in here,” he repeats in a steady monotone.



While Wiener hopes to change attitudes around the criminalization of psychedelics, a bill like SB 519 risks further stigmatizing other drugs.

The neon vest is the uniform of Urban Alchemy, a nonprofit organization dedicated to reforming districts like the Tenderloin, which have become open-air microcosms of the opioid epidemic. Urban Alchemy’s employees, many of whom have histories of drug addiction and incarceration, pick up litter, offer medical services, reverse overdoses, and shepherd panhandlers away from tourists or out of coffeehouses. “The contracts that we get,” says



Kirkpatrick Tyler, Urban Alchemy’s chief of governmental and community affairs, “are things that nobody else wanted to do.”

Urban Alchemy says it has helped reduce the number of tents and the incidence of violent crime in the Tenderloin. But Tyler’s view of drug decriminalization bills like Wiener’s is nuanced. His focus is the on-the-ground, day-to-day work of cleaning up neighborhoods, saving lives, and keeping people safe regardless of their drug consumption. He keeps an eye on policy, “but,” he notes, “decriminalization can become a skewed conversation.”

Though Wiener hopes to change attitudes around certain drugs—psychedelic hallucinogens specifically—a bill like SB 519 risks further stigmatizing other drugs. If the bill were passed, a new generation of psychonauts excited by the latest research papers and the latest Netflix psychedelic travelogue could turn on, tune in, and drop out, safely ensconced in their shaded Berkeley bungalows, while less privileged drug users languished in sagging Coleman tents. Such discrepancies in stigma tend to play out across the familiar lines of race and class. Tyler compares it to the crack epidemic of the 1980s, when police resources and public awareness shifted from powdered cocaine to rock cocaine—a move that served as the pretext for increased policing in lower-income, largely Black communities. “We see the same

thing with marijuana,” Tyler says. “There are people from the ’90s and 2000s who are incarcerated right now because they were marijuana dealers. But now, here, marijuana is legalized, and you can buy a CBD biscuit for your dog.”

For his part, Wiener is keenly aware that perception shapes policy. To wit: He’s considering redrafting SB 519 to focus squarely on “plant-based” psychedelics and will reintroduce the bill in December. The decision can seem like the sort of compromise common in political horse-trading. At the chemical level, a “plant-based” or “natural” drug is identical to its synthetic equivalent. But for some, the notion of nibbling the cap of a gnarled, dark-spored mushroom plucked from the soil of a subtropical forest is preferable to popping a capsule marked “C₁₂H₁₇N₂O₄P.” The epidemic of fentanyl and other cheaply made opioid substitutes has no doubt given “synthetics” a bad name. For Wiener, the change would be an attempt to progress incrementally, taking one step back in order (he hopes) to take two steps forward. “It just seems more benign,” he says. “People don’t view

mushrooms as being some crazy party drug.”

The more ambitious, even starry-eyed goal of legislation like this is to expand people’s minds on the subject of drugs more generally, and to help them see that stigma and punishment only make the problem worse. From psychedelic amnesty to safe-injection sites, Wiener is attempting to add shades of gray to the stubbornly black-and-white thinking that still defines drug policy in America and elsewhere. If synthetic opioids are the current face of the Drug War and all its multifarious miseries, then maybe psychedelics can be a sunnier front on which a disarmament effort begins—the shroom-shaped tip of the spear. “There are still legislators who think we should still be criminalizing drug use and arresting people for it,” Wiener says. “If criminalization were an antidote for drug use and addiction, we would have no drug use and addiction.”

If Wiener can successfully change the minds of legislators (and voters) about a class of drugs long dogged by the stigma of hedonism and hippie freak-outs, then an even more extensive, more compassionate approach to all drugs and all drug-related disorders seems, at the very least, conceivable. Further, Wiener points to research suggesting that certain psychedelics, like the psychoactive root bark ibogaine, can actually help counter opioid addiction and other substance use disorders. “People have been using drugs

since the beginning of time,” Wiener notes. “The idea of criminalizing drugs that can actually help people get healthy? It just blows my mind.”

Tour San Francisco in 2022, and the lesson is obvious. There are the tent communities of the Tenderloin, Mid-Market, and Little Saigon. Elsewhere, whole streets are painted in rainbow, proud shrines to the city’s history of psychedelia. But stroll past a (now perfectly legal) cannabis dispensary in Haight-Ashbury, selling weed-infused sodas at \$10 a pop, patrolled by an armed guard in a balaclava, and you can’t help but feel that the “spirit of the ’60s” has receded into history like one of the city’s perennial fogs.

But if others—including the state’s own Democratic governor—seem to be rooting against San Francisco, Scott Wiener is betting on its future. It’s a future that evokes something of the city’s heyday as a free, permissive place—and also a place that can help shape progressive policy-making at the state and national levels. “We should always be on the cutting edge of empowering human beings to be who we are and to be able to make decisions about our lives,” Wiener says. “And that includes drug use.”

If Wiener succeeds, LSD historian Mark McCloud plans to celebrate the occasion with a commemorative run of customized blotter paper bearing the senator’s image. “If he pulls it off, I’ll do a sheet for him,” says McCloud, a living link to the counterculture before it was commodified and a survivor of the earliest salvos of the War on Drugs, who seems to speak for generations of hippies and heads and free spirits. “He’s the only senator we got!”

N



San Francisco is not unique among opioid-ravaged American cities, but its progressive history makes it an easy target for the right.

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How to Crush a Movement



Heavy-handed policing, with an assist from the Trump and Biden Justice Departments, put Dawn Jeffrey in jail and left her fellow racial justice protesters demoralized and demobilized.

BY AARON MIGUEL CANTÚ
AND KANDIST MALLET

Little Rock, Ark.

IT'S A SCORCHING JULY DAY DURING THE PANDEMIC'S FIRST SUMMER. IN THE month since the murder of George Floyd, residents have gathered frequently in front of the Arkansas State Capitol, marching to protest the police killings of Black people across the country.

But today there's something more confrontational on the horizon. About 20 anti-police-violence activists are preparing to "hold the line"—with homemade protest signs as their shields—as a group of Blue Lives Matter supporters barrel toward them. Brittany Dawn Jeffrey is among the demonstrators. Over the course of the summer, the 30-year-old activist has become a recognizable figure throughout the state, known for her relentless organizing and social media presence.

In a video captured by a reporter, six large men can be seen striding directly toward Jeffrey and her fellow activists, followed by dozens of others. Leading them is Richard Fought, a home insulation salesman, who is wearing a muscle shirt and holding a large Thin Blue Line flag. Pummeling their way through, Fought and the other men crash into Jeffrey's group as police nearby stand and watch. Brawls break out. Fought would later brag on social media that he "smashed a couple" of activists, in one case with police assistance, though he later told us via text message that his violence was in self-defense. Some of the racial justice protesters were injured, according to a demonstrator who was there.

The Little Rock Police Department told us it never investigated Fought's actions; there's no evidence assaults by police supporters were ever investigated. Instead, police immediately confronted Jeffrey, part of a pattern that summer in which Black activists and their allies say they were singled out for surveillance and mistreatment.

Video from that day wound up being important for another reason: Authorities used it to build criminal cases against Jeffrey and others—kicking off a federal prosecution that would land her

in jail, where she remains today.

The Nation and Type Investigations reviewed hundreds of law enforcement e-mails obtained through records requests. They show that police began monitoring Jeffrey and other protesters just days after Floyd's murder, apparently for participating in peaceful demonstrations. This surveillance continued for months.

It's not unusual for police to monitor and attend protests, but what's troubling, notes Holly Dickson, the executive director of the ACLU of Arkansas, is the level of surveillance that Jeffrey and her fellow activists were subjected to. "Anytime we have seen this kind of overreaction by law enforcement officers" in Little Rock, "it's in response to racial justice movements and gatherings organized by members of the Black community," Dickson said.

As the protests escalated across the country, Jeffrey's frustrations mounted—fueled in part by what she saw as harassment by police—and her actions grew more confrontational. In December 2020, five months after the incident at the State Capitol, Jeffrey was arrested for attending a nighttime attack where others threw homemade Molotov cocktails at empty police cars. There's no evidence Jeffrey herself made or used incendiary devices, but she

acknowledged planning to slash tires and break car windows with others.

Had Donald Trump not been president, Jeffrey might have escaped with comparatively lenient felony vandalism charges under Arkansas law. Instead she became a target of a historic federal crackdown that year against racial justice protesters and organizers. In building these cases, prosecutors throughout the country leaned on rarely used conspiracy charges to cast a wide net. In Jeffrey's case, that meant a potential prison sentence of 30 years or more. She has been incarcerated since June 2021.

The national crackdown in 2020 was far from the first time the federal government has responded to Black liberation movements with repressive force to disrupt activist organizations before they gain momentum. But the cases in Little Rock are especially illustrative of this dynamic, which now spans two presidential administrations.

Nationwide, the 2020 racial justice protests resulted in at least 326 federal cases, according to Princess Masilungan, a staff attorney at Creating Law Enforcement Accountability & Responsibility (CLEAR) at the City University of New York School of Law. She is a coauthor of a report published by the Movement for Black Lives that documents the Trump administration's broad crackdown on Black activists in 2020. Some of those activists are still incarcerated or awaiting trial.

"You can make very clear through lines between the uprisings of summer 2020 for racial justice and COINTELPRO in the 1950s and 1960s," Masilungan told us, referring to the notorious FBI counterintelligence program against political movements. "In both instances, the federal government had the same goal, and that goal is disruption." A key strategy of disruption includes "impairing the operational capabilities of the key threat actor," she said.

In Little Rock, that meant Dawn Jeffrey.

AT THE TIME OF GEORGE Floyd's death, the Little Rock Police Department had already been accused of racist violence. In 2018, Officer Josh Hastings, who was known to have attended a meeting of the Ku Klux Klan, shot and killed 15-year-old Bobby Moore during an attempted

"Anytime we have seen this kind of overreaction by law enforcement, it's in response to racial justice movements."

—Holly Dickson, Arkansas ACLU

Aaron Miguel Cantú is a reporting fellow at Type Investigations. Kandist Mallett is a journalist based in Los Angeles and a columnist for Teen Vogue.

Authorities zeroed in on Black activists for protests, while largely dismissing the threat posed by counterprotesters.

This story was reported in partnership with Type Investigations, with support from the Puffin Foundation and the Fund for Constitutional Government and records request assistance from the Arkansas Nonprofit News Network.

Grassroots: Supporters of activist Dawn Jeffrey use crowdfunding to help with her legal fees.

car robbery. In February 2019, Officer Charles Starks killed Bradley Blackshire, 30, during a traffic stop. Hastings was fired and found civilly liable; Starks resigned. Both killings incited local outrage. Jeffrey and other activists saw them as part of a pattern.

Jeffrey had been involved in community work and political watchdogging for years. She said she attended her first protest after the 2012 killing of Trayvon Martin, and friends paint a picture of a dedicated activist.

An award she received in 2018 from a local lifestyle magazine honored her community outreach work empowering Black youth, homeless people, and others in need—values she said she learned from her mother.

“I’m just someone who cared about my community, an organizer who cared about what was going on with Black people—to me, ‘Black Lives Matter’ is a slogan, but I’m Black, and my life matters,” she told us from jail.

IN EARLY 2020, JEFFREY ORGANIZED A CAMPAIGN FOR A SEAT IN the state legislature for her friend Ryan Davis, a prison reform activist and the executive director of UA Little Rock Children International, a partnership between the University of Arkansas and a nonprofit organization that serves families in the area. Davis lost by a single vote.

“There are folks who are very vocal about the fact that they think [Jeffrey] was too loud, that she was, in their words, doing too much,” Davis said. But “I don’t find anybody out here right now as intrepid as her, because she was such a powerful voice.”

In the weeks following Floyd’s murder, Jeffrey started a statewide bail fund for protesters.

It’s now a permanent fund for people in Little Rock who can’t afford bail.

In a video promoting the fund, Jeffrey laid out her theory of change. “Protests disrupt daily lives as usual, so it’s good to start disrupting business as usual for them,” she says. “When you start taking it to them and put it in their face, where they can’t ignore it, then they start listening and say, ‘Well, what are they talking about?’”

Other Arkansas activists shared her approach. Demonstrations for racial justice in Little Rock were disruptive but peaceful. That soon changed. Police amped up their use of riot munitions. Protesters smashed the windows of downtown businesses late in the night, according to police incident reports sent to us in response to a records request.

Arkansas State Police began using a “fusion center,” a post-9/11 innovation that was meant to facilitate information sharing between local and federal police for anti-terrorism purposes, to track even peaceful protesters—endangering First Amendment rights to free speech and assembly. Records indicate that the FBI, the Department of Homeland Security, and the Arkansas State Police compiled lists of upcoming protest events, including some explicitly described as peaceful, echoing the War on Terror-era surveillance of Muslim gatherings.

“There was a concerted effort by law enforcement to do cross-agency cooperation and communication in response to these protests,” said the ACLU’s Dickson regarding the sharing of tips between the city police and state fusion center. “It was very clear it was happening, from [the use of] infiltrators to [carrying out] open and obvious surveillance.”

Apart from tracking Jeffrey, local police were following false leads, including an unsubstantiated rumor that busloads of antifa activists were booking hotels in the city. Federal and state police tracked protests across Arkansas, while US Attorney General Bill Barr activated all 56 of the nation’s FBI Joint Terrorism Task Forces, which rely on deputized local law enforcement, to stop “violent radical elements.”

In July, Barr traveled to Little Rock to meet with local law enforcement officials. In public remarks, he said the FBI’s terrorism task forces were working with local police to share intelligence “and go after the people we think are ringleaders” behind protest violence.

The Nation and Type Investigations, in partnership with the Arkansas Nonprofit News Network, sent public records requests to the Arkansas State Police and Little Rock Police Department for all documents related to protest activity, rioting activity, and the destruction of property in Little Rock from June through September 2020. The response included hundreds of pages of e-mail records between local police, state intelligence officers, and federal agents. Taken together, they show authorities zeroing in on Black activists, including Jeffrey, for protest activity—while largely dismissing the threat posed by counterprotesters.

In an e-mail dated May 30, 2020, Heath Helton, the assistant police chief in Little Rock, warned of an event “which to my understanding

is being organized by Dawn Jeffrey.... Our partners at ASP [Arkansas State Police] and the State Capital have been made aware of this event, which is supposed to be peaceful.” A June 1 screenshot of Jeffrey’s Facebook page about a die-in—when protesters simulate being dead—also appears to have originated from the Arkansas fusion center.

The state police did not respond to questions we sent about Jeffrey. The Little Rock Police Department defended its approach. “As with any policing agency, the role of LRPD is to protect the

citizens ...they serve. Ms. Jeffrey had/has a public page which means it is viewable,” a spokesperson for the department said. “Therefore, there can be no violation in looking at a public page.”

Jeffrey is by far the most mentioned activist in the law enforcement e-mails we reviewed. In one instance, surveillance records line up with an arrest. On July 12, she was arrested by local police at a demonstration outside of a custard shop in nearby Conway. A video recorded by a reporter shows police calling Jeffrey by name and then immediately handcuffing her without



a clear reason. The Conway Police Department said she was arrested for trespassing. Intelligence officers for the Arkansas State Police were aware that Jeffrey would be at the event because they were monitoring her Facebook page in the fusion center and sent out an e-mail with a link to a livestream of the protest. While it's not clear whether this monitoring led directly to her arrest that day, the e-mail was one of at least eight sent by senior intelligence officials in the fusion center that referred to Jeffrey's organizing or her participation in nonviolent protests. By comparison, out of hundreds of e-mails and other communications, we saw few that referred to counterprotest groups—and even when they were mentioned, law enforcement focused not on the threat of violence they might pose but on possible violence initiated by racial justice protesters. In one e-mail, an FBI agent dismissed a man's threats "encouraging the destruction of African Americans' property" as "just talking online."

THE HEAVY SURVEILLANCE OF THE PROTESTERS ultimately caught up with Jeffrey—thanks in part to a T-shirt.

One of her closest friends, Mujera Benjamin Lung'aho, was also at the July protest at the Capitol. The two first met in high school, where they played soccer together, and reconnected years later as the racial justice uprising in Ferguson, Mo., reverberated across the country. They eventually grew close enough that Jeffrey spoke at Lung'aho's father's funeral.

At the Capitol clash, Lung'aho had worn a distinctive shirt. According to a warrant later filed to search his phone, a detective claimed to have recognized Lung'aho's shirt and other specific features from surveillance video taken a few days earlier during a vandalism spree at a local Confederate cemetery, where several people were caught on camera destroying monuments. Officers showed up at Lung'aho's residence and arrested him after a foot chase. "Under the current climate, I just was compelled to flee," Lung'aho recalled in a conversation with us.

When the police searched his phone, they found encrypted group chats and social media messages that they claim tied him to high-profile demonstrations in Little Rock throughout 2020. This turned out to be a key moment for law enforcement—and a big payoff after months of tracking Black activists.

According to the authorities, messages on Lung'aho's phone indicated that he participated in several attacks on police vehicles. After arresting him, the police reached out to another alleged participant, Emily Terry, who'd messaged with Lung'aho the morning after the most recent outing. According to police documents, Terry positively identified others who were involved. Although a criminal complaint

alleged that Terry threw a Molotov cocktail, Terry was never indicted. Terry declined to speak with us when reached by phone.

On December 17, Jeffrey was arrested and charged. Federal prosecutors alleged that she was present when Molotov cocktails were made at her house and drove with friends who tried but failed to set an empty squad car on fire. Three other activists, Renea Goddard, Loba Espinosa-Villegas, and Emily Nowlin, were also arrested and agreed to plead guilty to lesser charges. In interviews, they said they were friends with Jeffrey and that her home had become a haven for activists that summer. None recalled her plotting illegal actions, and the police affidavit doesn't identify her by name when describing the more serious incidents that night.

Espinosa-Villegas told us that it seemed, based on police questioning, that prosecutors saw Jeffrey and Lung'aho, the only Black defendants charged, as the "big fish."

"Their intention was to try and figure out, was it [Jeffrey or Lung'aho] who was the leader?" The actual leader, Espinosa-Villegas said, was another person whom prosecutors accused of illegal actions, according to a criminal complaint naming multiple defendants. The documents also show that prosecutors named two others, including Terry, who allegedly committed similar crimes. None were indicted.

In repeated interviews, Jeffrey denied she had ever possessed or used a Molotov cocktail. Under immense pressure given the charges against her, and fearful of her chances at trial, she accepted a plea deal in May. In her plea agreement, Jeffrey acknowledged being present during the attack and the mixing of Molotov cocktails and "agreed with others to commit acts of vandalism on government buildings and damaging police cars by puncturing tires and/or breaking windows."

"There's no way you can be an American citizen feeling like you're being attacked or at war with your own government," she said in an interview. "When do the scales balance for justice?"

Jeffrey's supporters present an image of a leader dispensing hard truths about political injustices in America, unfairly persecuted by the powerful entities she criticized. By contrast, those on the other side of the political spectrum see her as a provocateur who got what she deserved.

In a Facebook group called "Make Little Rock Great Again," whose moderators have alluded to being local police officers, an administrator of the page posted a cartoon of a police officer shooting a Black woman in the head, mocking a post by Jeffrey. One person commented, "Be a shame if she came up missing," and followed that with: "Lemme rephrase that correctly...replace she with it." When asked about the page, a police department spokesperson said, "There's no way to conclusively determine if this page is moderated by any member of the Little Rock Police Department."

Lung'aho, a spoken-word artist, told us that he and Jeffrey had both been targeted for their politics. He's accused of throwing Molotov cocktails on multiple occasions and faces more time in prison than anybody else. "The entire reason why we were doing the activism that we were involved in is because we were doing something for Black people," Lung'aho said, speaking to us from jail.

NOT ALL OF THE JURISDICTIONS THAT EXPERIENCED unrest in the wake of George Floyd's murder—even when that unrest turned destructive—resorted to federal prosecutions. Our past reporting found that such prosecutions were especially likely in jurisdictions whose US attorneys were politically affiliated with the Trump administration.

In Little Rock, Trump had an ideological ally in Cody Hill, then the US attorney for the Eastern District of Arkansas.

"There's no way you can be an American citizen feeling like you're being attacked or at war with your own government."

—Dawn Jeffrey



A former local prosecutor—and, before that, deputy chief of staff to former governor Mike Huckabee—Hiland showed an eagerness to pursue the Trump administration's political goals, once resurrecting an investigation into the Clinton Foundation. In Congress, GOP Senator Tom Cotton, who later called for federal troops to be deployed against racial justice protests, lauded Hiland's nomination by Trump.

In an op-ed published amid the protests, Hiland wrote, "It is my prayer that the shrill cries of 'Defund the Police' always be muted by our nation's earnest declaration that we 'thank God for the Police.'"

When police found messages and photos on Lung'aho's phone suggesting he was involved in the attacks, they sent the evidence to agents at the Bureau of Alcohol, Tobacco, Firearms and Explosives. Hiland soon got personally involved in the case, inviting Lung'aho's attorney, Michael Kaiser, to meet with him at the police station where Lung'aho was being detained.

The US attorney hoped that he could persuade Lung'aho to provide information about other protesters, according to Kaiser. Hiland told Kaiser he had the authority to add several charges involving the use of a destructive device in a crime of violence that would carry sentences of 30 years to life. "I hadn't ever seen that before," Kaiser said, adding that it was unusual for a US attorney to get so involved in a case that didn't involve charges like murder or drug trafficking.

Prosecutors' actions in the case align with findings from the Movement for Black Lives report. The authorities filed multiple and redundant charges against protesters, a technique critics say is meant to pressure defendants into accepting plea deals. The same technique was used by federal prosecutors against at least 84 racial justice protesters in 2020. One protester in Philadelphia was hit with four federal arson charges for burning two police cars, because the cars had benefited from federal funding and, the government claimed in a filing, had a role in interstate commerce.

Hiland resigned from his federal post in the final weeks of Trump's presidency and is now working on Sarah Huckabee Sanders's gubernatorial campaign; Sanders recently nominated him to be the next chair of the Arkansas Republican Party. Hiland didn't respond to our calls and texts regarding this story.

Meanwhile, local pro-Trump Facebook pages tracked Jeffrey's and Lung'aho's cases. During an early pretrial hearing for Lung'aho, over a dozen men wearing paramilitary clothing and carrying rifles loitered on street corners near the courthouse.

Over a dozen men carrying rifles loitered near the courthouse during a pretrial hearing for the defendants.

FOR MOST OF THE PAST year, Jeffrey and Lung'aho were held in separate wings of the Greene County Detention Center in rural Arkansas. Judges revoked bond for both of them less than a year after they were arrested. The courts faulted them for failing tests for cannabis use, missing

check-ins, and, in Lung'aho's case, an arrest for public intoxication. Recently, after pleading guilty to a single count of conspiracy to possess a destructive device, Jeffrey was transferred back to a detention center in Little Rock.

As both cases have plodded along for nearly two years, Jeffrey's supporters have continued their efforts to raise awareness and funds. She eventually hired Phillip Hamilton, a New York City-based corporate lawyer, as her counsel. In a motion to appeal her ongoing detention, Hamilton described Jeffrey's distress: Her long separation from her 12-year-old daughter and her family had reached "the point where it was making her mentally and emotionally sick," Hamilton wrote, adding that he had been unable to communicate regularly with Jeffrey because of staffing shortages at the Pulaski County Regional Detention Facility.

When Jeffrey spoke to us in January, she described the pain of the family separation, noting that she was her daughter's primary caregiver. In the messages she sends to her daughter, "I'm

always reflecting that I love her, and that she's my forever," Jeffrey said. "It's really hard not being in her life, making her lunch and dinner, tucking her into bed."

Lung'aho is still fighting his case and hoping that his battle can help others in his position. In November 2021, Kaiser filed a motion urging the judge to consider whether prosecutors had stretched "the reach of federal criminal law beyond its constitutional bounds." He argues that the Justice Department lacks jurisdiction in the case, pointing out that federal funding for the affected police agencies is minuscule. "From minute one, we've said this is a state case charged federally because of politics," Kaiser said in an interview.

Almost a year later, US District Judge D.P. Marshal ruled that although the destroyed police cars were not federal property nor purchased with federal financial assistance, Lung'aho could still be federally charged with arson. But Marshal dismissed three of Lung'aho's 13 charges, each of which prescribed a 30-year mandatory minimum sentence, for using a destructive device during a crime of violence. "Federal arson is not a crime of violence," Marshal wrote—at least in Lung'aho's case.

The ruling dropped Lung'aho's maximum prison sentence from more than 90 years to somewhere between 10 and 30, according to Kaiser. But federal prosecutors immediately filed an appeal to the US Court of Appeals for the Eighth Circuit, which could take up to eight months to issue a ruling—and Lung'aho would remain in jail the whole time.

If the ruling is upheld, he is considering going to trial, despite the risk of prison time and the extraordinarily low success rates of federal defendants.

"Ten years is scary, but the 30-to-life is what they threatened at the beginning, and now it's all gone," Kaiser said the morning of the ruling. Lung'aho is more willing to face a jury "now that the potential sentence for accepting a plea deal is only slightly better than what we'd face at trial."

Meanwhile, Jeffrey's incarceration has been a devastating coda to a summer that initially held so much hope for change. Since then, the GOP-controlled Arkansas legislature has passed a raft of regressive bills loosening checks on police and private militias and restricting public education under the guise of stopping "critical race theory."

The surveillance and prosecutions "crumbled the activist movement in Arkansas, because nobody can trust anybody," said Brooklen Mason, a Little Rock activist who knows Jeffrey and several other defendants. "And part of the work is being able to trust people."

The ACLU's Dickson agrees, noting that Jeffrey's long incarceration has had a "chilling effect" on local activism. "That's not a defect," she said. "That's part of the design." **N**



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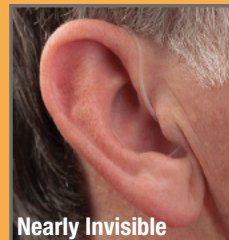
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The Odyssey

Javier Zamora's borderland memories

BY JESÚS A. RODRÍGUEZ

IN THE MOST TRIVIAL SENSE, BOOKS about being undocumented are about immigration. Dan-el Padilla Peralta's *Undocumented*, Julissa Arce's *My (Undocumented) American Dream*, Jose Antonio Vargas's *Dear America*, Karla Cornejo Villavicencio's *The Undocumented Americans*, and Qian Julie Wang's *Beautiful Country* are all about how US immigration policies can sever family ties and categorically exclude populations deemed "undesirable." These narratives are also about much more: They are about family, childhood, trauma, gender, loss, and joy. They are about the ways in which migrants are far more than the sum of what the United States puts

them through. They are agents in their own right, who define and shape their histories.

In his new memoir, *Solito*, the poet Javier Zamora tells a story that US readers will be familiar with from news reports: A young child crosses the border without his parents, unaccompanied, “*solo, solito, solito de verdad*.” But through its exacting detail, down to the faces and voices of the immigration officials who lock a 9-year-old Zamora up in detention, the book does something else, too: It challenges American nativism by showing how migrants write their own history—and how, in the face of state violence, they insist on their freedom.

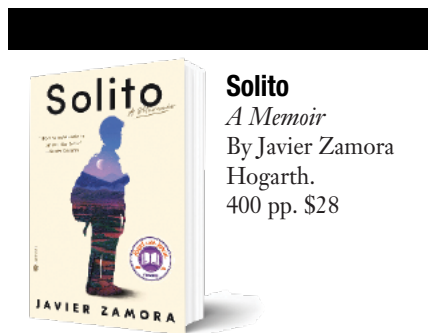
Zamora began his 3,000-mile journey from La Herradura, El Salvador, in 1999. But almost all of the details found in his book—from the sound of helicopters patrolling the border to the icy temperatures inside the American detention centers—will read as if this story had been told today. Even though President Joe Biden came into office promising to reverse the inhumanity of the Trump years, two years later the terms of the debate on immigration have only moved rightward. Congressional Democrats are still waffling about the best way to restart the asylum process at the southern border; and while Biden was able to codify the Deferred Action for Childhood Arrivals program into the Federal Register, the Senate has hidden behind procedure to defer debate on a path to citizenship. Talk of “invasions” and “strained resources” has not ceased. Republican governors in Florida and Texas internally deport asylum seekers to score points with their base. Overall, Zamora thinks today’s panorama is much worse: “The chances of me surviving now would have been slim,” he recently told *The Guardian*, explaining that the border has become “hugely militarized” and most coyotes now belong to cartels.

Zamora, like the memoirists of migration that came before him, wants to document the persistence of this cruel reality, but he also hopes a new narrative can break through, one that carves undocumented experiences out of and away from the shallow portrayals of many American news outlets and demonstrates that so long as we hold the pen, we can hold the power.

The migrant has a strong incentive to forget the severance from their homeland instead of mourning the life they’ve left behind. But for Zamora, remembering is a defiant act of healing. He opens *Solito* with an epigraph explaining why: “Our bodies are the texts that carry the memories and therefore remembering is no less an act of reincarnation.”

Zamora’s memoir begins when he’s a 9-year-old child in El Salvador. His mother and father have left for the United States years earlier, seeking a better life up

Jesús A. Rodríguez is an undocumented writer and lawyer based in Washington, D.C., and the publisher of the newsletter Alienhood. Their articles and essays have also appeared in The Atlantic, Politico Magazine, and Vox.



Solito

A Memoir

By Javier Zamora

Hogarth.

400 pp. \$28

north. The parent-child bond is sustained by photos exchanged every few months (“in the pictures Dad looks kind and strong. I like his thick mustache.... The gold chain he wears over his shirt, his muscles showing”) and memories (“I remember everything about her. Her harsh voice like a wave crashing when she got mad at me. Her breath like freshly cut cucumbers”). He has been left in the care of his grandparents.

By 1999, Zamora has started to hear whispers of a forthcoming “trip.” The coyote who took his parents to “La USA,” as they call the United States, swings by the house more often than he had in the past. “I can put two and two together,” Zamora writes. “I’m my grade’s valedictorian; I get a diploma every year for being the best student.” Zamora knows what is coming even before his grandparents tell him. To enable him to leave, Zamora’s grandparents concoct a lie for the mother superior at his Catholic school, asking her permission for Javierto to visit the zoo in Guatemala. Zamora carries the burden of being the gifted student, and as someone who has had the honor of having shaken the president’s hand, he feels he somehow has the power to save his country from the devastation of war. “Lying makes me feel cool. I hope Mother Superior doesn’t suspect anything; that

she won’t call the police. My grandparents have said they remember, after I got to nationals, Mother Superior saying El Salvador needs kids like me, that people like me will make this country better, that it would be a shame if I ever left, like some kids at school already have.” On his last day of school, nobody knows it’s his last, so no one tries to stop him.

This small act of disloyalty opens the compressed and harrowing coming of age that follows in the next seven weeks. Zamora’s world expands as he meets other children on the road, both fellow migrants and kids whose job is to help other migrants cross the border. In Ocos, Guatemala, the scary risks of migration reveal themselves aboard a shark-hunting boat, which Zamora takes along with several others, including a group of strangers that his grandfather has entrusted with the task of watching over him during the journey. The boat races from Ocos to Oaxaca, México, with the stench of burning fuel heavy in the air as the passengers take turns heaving the contents of their stomachs overboard. “Gasoline feels like a finger in the throat,” Zamora recalled.

Much of the migrants’ trip is monotonous, with long waits on boats or buses as they try to get to the next food stand, the next shower they can find. To pass the time, Zamora learns to perform citizenship: He rehearses the story line that will allow him to assimilate into whatever town he has to pass through. “I repeat what I practiced with Grandpa. *Chiapas. DF. Los Mochis. Hermosillo. Tijuana. All the way to San Rafael, California*,” he writes. “I listen to the Mexican coyotes speaking. I take notes. When we land, I will be Mexican. Tapatio. Headed to el DF. I know the anthem. The presidents. I repeat this when I get tired of looking at everyone.... I want the night to arrive so I can look at the stars.” He dreams of flying like Superman or Gokú, who are unimpeded by borders.

Pretending to be someone you are not in order to evade the authorities is nearly impossible, and there is a series of close encounters. At a taco stand somewhere in Sinaloa, Zamora asks for a straw for his Coke—except he uses the word *pajilla* instead of *popote*, as one would in Mexico. “I messed up. I’m stupid. I don’t know what to do,” he

Mama I Am Sorry

For the stillbirth and the live ones. For
my books, degrees, and all the other

ways I have betrayed you. For unlinking
our arms a dozen times the year before

your surgery, unconvinced you needed
that relief until the afternoon I walked

up from the subway station and that
before you saw me, I then watched you

on the street, alone without even a rail,
lurching and winding. The calls, of

course, that I did not return, the care I
would not acknowledge out of cowardice

and a hope to never need you or to need
anyone. For every question I refused

to answer, or did not answer generously.
For remembering the orange juice you

put in the guacamole and the sprouts
washed in hot water. That this list, like

your prescription deliveries and the group
chats, will end before either of us is ready.

About the rug you saved for, and the man
who pretended not to speak the street

language, your holding up the cash as you
pointed to what you wanted. *I'm sorry,*

he said, *I can't understand you.* You know,
mama, that I am sorry differently; I promise

you I will not say it to be cruel or polite:
that never will I be so banal, so American.

CINDY JUYOUNG OK

recalls. The *taquera* clocks him immediately. “Pinches mojados, learn to speak,” she tells him, prompting a spiral of questions in Zamora’s mind. “The old lady is still laughing. I can hear her through the crowd. I feel terrible. ¿Are we gonna be ok? ¿Is she gonna call the cops? She knows we’re Salvadoran.... There’s a pupusa on our foreheads.” More banal but equally important rites of passage take place as well: the first puff of a cigarette, the fear of being naked in front of other people in a shower, the shock of seeing another man’s genitals. But they cast in sharp relief the extent to which migrating means losing one’s innocence.

To keep going through his journey, Zamora fixes his thoughts on the *cadejo*, a Salvadoran legend about a dog- or wolf-like creature with red eyes and goat hooves. The myth says that God created a light-colored *cadejo* to protect humans, and the devil in his jealousy created a dark-colored one. Every person has one, and his grandfather tells him his is gray: “not all good, not all bad, not all black, not all white.” This is the amulet that Zamora’s grandfather gives him as he embarks on his solo journey, telling him that the *cadejo* will watch over the narrator as he travels. The *cadejo* takes on a religious character, with Zamora calling on him whenever trouble occurs. “Cadejo, cadejito,” he intones after the sound of helicopter rotors overhead pierces the desert’s silence. By the end, after those who have been entrusted with his care desert him, he wonders whether the *cadejo* has forgotten about him too.

In a world that is not this world, I can walk into a bookstore and the memoirs about being undocumented and about the experiences of the migrant are not found in the “immigration” section. They don’t occupy the space next to a highly technical volume on the “root causes” of the mass migration of millions to the north each year. There is no card next to it on which one of the store’s staff can laud the book for how authentic it is or how it goes beyond the headlines to entice those with no connection to the issue to open their purses. In such a world, perhaps an undocumented canon does not exist because no one is undocumented at all. It is a world in which the undocumented are liberated from the categories of the documenters.

We do not yet live in such a world, but a growing canon devoted to the undocumented is emerging to help bring it about. Thus far, that canon has had the unhappy, gargantuan task of attempting to undo the nativist myths that many Americans have held in their imaginations for decades: that the undocumented come only from Latin America, have low levels of educational and career achievement, and could adjust their status if they simply “got in line.” When Dan-el Padilla-Peralta’s *Undocumented* came out in 2015 and impressed readers with his journey from homeless-shelter resident to Ivy League classicist, the Associated Press had just two years earlier changed its stylebook to abandon the term “illegal immigrant,” although activists had been pressing for “undocumented” for a few years. Before Jose Antonio Vargas revealed in a story for *The New York Times Magazine* that he had been working at *The Washington Post* while undocumented, few white Americans understood that crossing the Mexican border was not the only way of becoming undocumented and that there was a significant population of undocumented Asian Americans in the US. Karla Cornejo Villavicencio’s book squarely placed “undocumented” on the list of categories of Americans, a category as complicated as the label itself. Many of us feel that we are of this country, even if this country does not recognize us or welcome us. Like these books, Zamora’s is a distinctly American memoir, and he tells a distinctly American story.

Latin Americans will see the book as theirs, too, reading the slang that is common in our conversations but that never finds representation in mainstream TV shows and films: words and phrases like *patatús*, *chiripiorca*, and *pimp-it-is-nice*. The characters point to objects with their lips. The dogs don’t woof, they *guao*. Never italicized, the words of Spanish in *Solito* don’t get the chance to become foreign. And despite the all-too-common warnings from book editors that readers won’t understand these words, three weeks after its release, Zamora’s book reached the third place on the *New York Times* hardcover nonfiction bestseller list. There is a difference between crossing “unaccompanied” and crossing “*solito*.”

The migrant has a strong incentive to forget. Zamora’s book insists we remember.

Undocumented writers and the narratives they produce are, of course, products of the environments they live in. They may declare their freedom, but they are also bound by the dehumanizing policies that surround them. After all these years of activists dressing up in graduation robes and sending letters to members of Congress, one more tale of struggle and sojourning is almost certainly insufficient to change US politics. But *Solito* finds Zamora on another quest as well: He wants to offer a much longer,

if subtle, view about the violence inherent in the dynamics of US state power in Central America. “In first grade, I was the only one who didn’t have both parents with me. Mali says they left because before I was

born there was a war, and then there were no jobs,” he writes. This view is less about the narrow specifics of federal policies and more about memorializing the consequences of these policies. Unlike Zamora’s poetry, this exercise in remembrance allows the author to produce a prose that is unburdened by the politics of any one specific moment. (In this summer’s immigrant anthology *Somewhere We Are Human*, Zamora is much more explicitly political: “Every election / a candidate promises: papers, / papers, & more. / They gift us Advance Parole. / We want flight.”)

Zamora also seeks to place the people experiencing this violence at the center of his story, and in particular those who are rarely heard from on cable news or social media—those unaccompanied migrant children. Even though books like Sonia Nazario’s classic *Enrique’s Journey* and, more recently, Jacob Soboroff’s *Separated* made strides in describing the pain that children are forced to go through when they attempt to reunite with their families, many of these narratives are necessarily processed and warped by US-born journalists. In the worst-case scenarios, these power dynamics have led to caricatured portrayals, like Jeanine Cummins’s *American Dirt*, in which immigrants were reduced to a “helpless, impoverished, faceless brown mass, clamoring for help at our doorstep,” as the author put it. Even when the stories are told with compassion, the words cease to belong to the immigrants.

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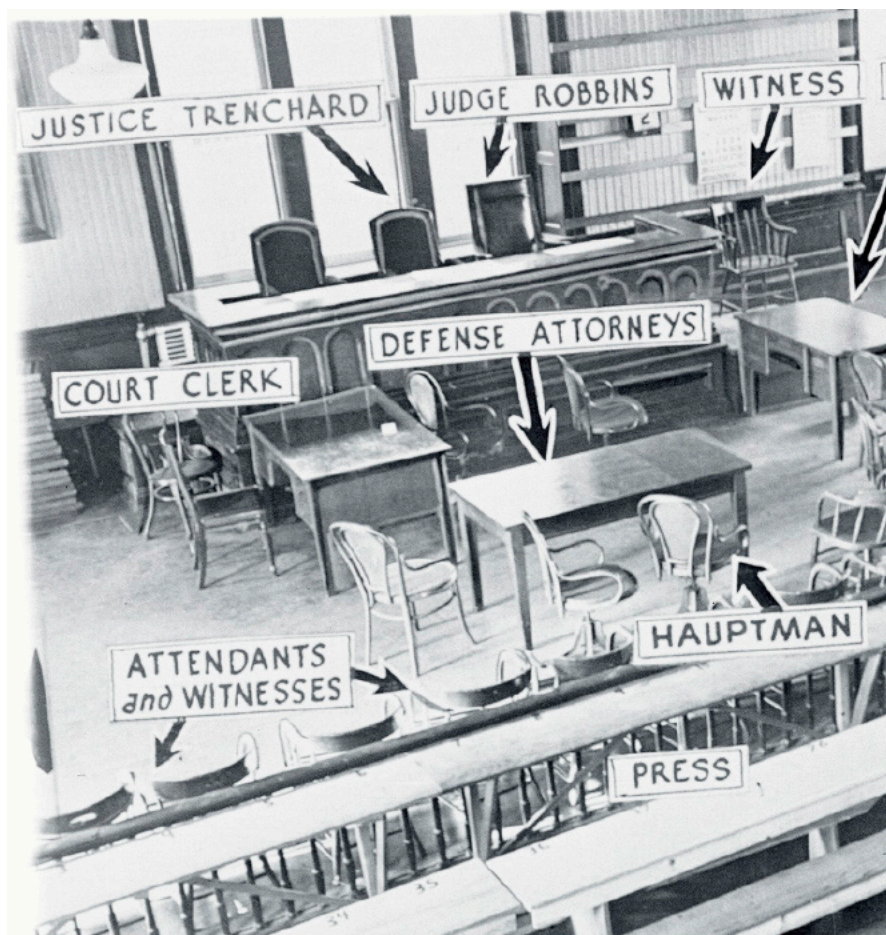
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Zamora also wants to resist the impulse to give his story a redemptive arc, common in a publishing industry in which 95 percent of books are written by white authors. Zamora does eventually reunite with his parents but says little of the life that he led later in “La USA.” There is no mention of the archetypal struggles of undocumented life, like getting a driver’s license, attending college, or living in constant fear of deportation. The almost obligatory nods of the genre—to the American Dream, to the nation’s values, or to how grateful he is to live a better life here than he would have in El Salvador—are absent from his book. Building on the success and subversiveness of previous books, Zamora has opened up an even wider space for undocumented writers to tell their truths outside of the myth that one is granted humanity only in proportion to one’s gratitude to America. We don’t know what happens to Zamora after he makes it back with his parents. But no more explanations are needed. Sometimes, to a child, that’s worth the world.



Guilty Before Innocent

How the courts keep the wrongfully convicted from proving their innocence

BY JED S. RAKOFF

WRITING IN 1923, THE PROMINENT AMERICAN JUDGE AND legal philosopher Learned Hand stated that “under our criminal procedure the accused has every advantage. While the prosecution is held rigidly to the charge, [the defendant] need not disclose the barest outline of his defense. He is immune from question or comment on his silence; he cannot be convicted when there is the least fair doubt in the minds of any one of the twelve [jurors].... Our dangers do not lie in too little tenderness to the accused. Our procedure has been always haunted by the ghost of the innocent man convicted. It is an unreal dream.”

As a factual matter, Hand’s argument was completely wrong, for as we now know—thanks chiefly to DNA testing—hundreds of innocent people have been wrongly convicted of the most serious crimes in just the past few decades. It is bad enough that our

vaunted criminal procedure utterly failed to prevent their convictions. But as Daniel Medwed shows convincingly in his new book, *Barred: Why the Innocent Can’t Get Out of Prison*, American criminal procedure more often serves to hide their innocence, even after they’ve been wrongly convicted.

Medwed’s excellent book—aimed at the general reader rather than the specialist—is a model of clarity and persuasive-

ness. In 12 short chapters, he describes how procedural barriers, ranging from largely limited pretrial discovery to highly deferential reviews on appeal, have been implemented by the courts in ways that severely hinder the proof of innocence at every stage of the judicial process.

Many of the examples Medwed gives of innocent defendants whose release from prison was delayed or even entirely blocked by procedural technicalities are truly disturbing, not least because of what they say about both prosecutors and judges. Take, for example, the case of Keith Edward Turner. In 1983, he was convicted in Texas of rape, largely on the basis of the victim’s identification of Turner as her assailant—an identification that was not made until several months after the crime was committed and that suffered from some of the shortcomings that have made mistaken eyewitness identification the single most common factor in wrongful convictions. At trial, Turner took the stand and testified that he was home watching *Monday Night Football* at the time of the crime. But on cross-examination the prosecutor asked him why, if that was the case, he hadn’t offered this alibi to the police when they first questioned him, instead of simply denying his involvement and otherwise choosing to remain silent at the time of his arrest. The question was a clear violation of Turner’s constitutional right to remain silent. But his defense lawyer initially failed to object, so the prosecutor repeated variations on the question several more times, to which the defense counsel made only belated and conclusory objections that the judge overruled. The jury convicted Turner, and he was sent to prison.

On appeal, the Texas Court of Criminal Appeals, while recognizing that the prosecutor’s questions were improper, nevertheless affirmed the conviction, holding that Turner’s claim of error had not been preserved because “trial counsel failed to make timely objections each time the appellant was questioned regarding his post-arrest silence” and that “trial counsel also failed to identify exactly what he was objecting to and to specify the grounds of his objections.” Nineteen years later, after Turner, largely acting as his own attorney, finally convinced the trial judge to have a DNA test done on the sample of the rapist’s semen obtained from the victim’s

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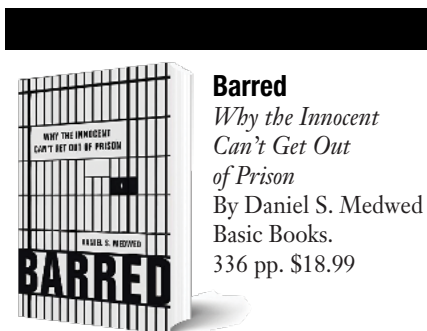
cervix shortly after the attack, the results conclusively proved that someone else had committed the crime. Turner was exonerated, but not before he had served many years in prison and his life had been made a shambles.

Medwed also examines the case of Dion Harrell, who was accused of raping a teenager in Long Beach, N.J. Once again, the prosecution's main evidence was the victim's belated identification of her attacker, coupled in this instance with the input of a forensic expert, who said that the blood found at the scene of the crime was of the same type as Harrell's—and that this type was possessed by only 2 percent of the population. Although this assertion was grossly inaccurate (though not untypical of the testimony by so-called "forensic experts," which has been shown to be a factor in another large group of wrongful convictions), Harrell's defense attorney, rather than challenging either element of the prosecution's case, relied mainly on Harrell's own testimony that he'd been playing basketball with friends on the night of the crime and then had visited the home of another friend. Even though several witnesses corroborated his alibi, Harrell was convicted—and when he was finally released from prison, he found it difficult, as a registered sex offender, to get a job or a permanent residence and wound up living in homeless shelters.

In 2013, the Innocence Project took up Harrell's case and demanded access to the biological evidence from the victim and the crime scene gathered by the police so that DNA tests could be performed. But by the time the Innocence Project had become involved, the US Supreme Court had already ruled that a defendant has no constitutional right to the use of DNA testing to prove his innocence, so the prosecutors refused to comply on the ground that Harrell was no longer in the state's custody and therefore lacked "standing" to qualify for access to crime evidence under New Jersey law. Only after the Innocence Project began lobbying the New Jersey legislature to change this law (which eventually happened) did the prosecutors relent and allow Harrell's lawyers access to the biological evidence. The DNA tests totally exonerated Harrell, and in 2015—more than 25 years after he'd been sent to prison—his conviction was overturned by the New Jersey courts. Harrell, by then a broken man, died a few years later.

The stories Medwed tells in his book are damning and heartbreaking. They also point to serious flaws in our legal system. It is perhaps not surprising that prosecutors are resistant, for the most part, to evidence of innocence that surfaces following a conviction, since it is hard for advocates, however well-intentioned, to admit that they have made a mistake of such magnitude.

But more troubling is the tendency of judges, in the interests of "finality," to gloss over such



Barred

Why the Innocent Can't Get Out of Prison

By Daniel S. Medwed
Basic Books.

336 pp. \$18.99

evidence, even when coupled with clear trial errors, such as those that occurred in Turner's case. What happens, as Medwed demonstrates repeatedly, is that judges tend to interpret otherwise established doctrines in such a way as to make it very difficult for convicted defendants to get a chance to prove their innocence, even with the aid of newly developed techniques like DNA testing.

In Turner's case, as I mentioned earlier, the appellate court refused to find error even in the clearly improper questioning of the defendant by the prosecutor, on the ground that the defendant's counsel had failed to adequately object. Of course, the failure of a trial counsel to make timely and adequate objections is a well-recognized ground for denying appellate challenges. Medwed's point, however, is that judges tend to carry such doctrines to an extreme in cases involving very serious crimes, a tendency that seems suspicious and that Medwed attributes to conscious and unconscious biases on the part of judges against overturning the convictions of people in such cases.

A good example of what Medwed means by this is his description of the doctrine known as "harmless error," by which an appellate court can determine that even obvious errors made at a defendant's trial were "harmless" in the context

of the overall case, because the evidence of the defendant's guilt was "overwhelming." In other words, the appellate court rules that even if the wrongly admitted evidence had been excluded, the cold record presented to the judges satisfies them "beyond a reasonable doubt" that the jury would still have convicted the defendant.

As Medwed points out, while some form of the harmless-error doctrine is undoubtedly necessary to prevent even the most trivial errors from occasioning a whole new trial, the hypothetical and artificial exercise in which appellate judges engage in deciding whether a given error is "harmless" can easily be affected by the aforementioned biases. Why would this be the case? To begin with, most trial judges in state criminal courts are former prosecutors themselves, and perhaps this in itself can bias them against accusations of prosecutorial error. Also, in most states, these judges are elected and face a potential backlash if they are seen as freeing a convicted murderer or rapist on a "technicality."

I would go farther and suggest that when an awful crime has been committed, there is an innate human desire to see the perpetrator caught and punished, and this instinctively biases judges—as it does juries and, indeed, everyday citizens—against the reversal of such convictions in emotionally fraught cases involving crimes like murder and rape. The practical result is that all sorts of errors are swept under the rug through the application of judicial thought experiments like the harmless-error doctrine. And the further result is that many innocent people get convicted through the introduction of improper evidence that should never have been allowed at trial.

In any event, as Medwed demonstrates, this tendency of judges to interpret the law a way that makes it very difficult for wrongly convicted defendants to prove their innocence pervades the judiciary, reaching even to the Supreme Court. This was on full display in the Supreme Court's 2009 ruling that there is no constitutional right to post-conviction DNA testing, even though, in cases where DNA has been recovered from the crime scene, it is usually the most important evidence by far of guilt or innocence.

Jed S. Rakoff is a federal district judge in the Southern District of New York.

Fortunately, most (though not all) states have now responded to this decision with legislative actions that require providing access to DNA evidence. But what about the cases where, long after all the appeals have been exhausted, the defendant is finally able to provide strong proof of his innocence not through DNA evidence (which, after all, is not available in the majority of crime investigations) but through other forms of evidence, such as recantations by eyewitnesses, confessions from other suspects, perjury convictions of government witnesses, and so forth?

Medwed offers as an example the case of Leonel Herrera, who was convicted and sentenced to death in 1982 for the murder of two law enforcement officers. But some years later, before the execution was scheduled to take place, Herrera's defense team—which had always believed that the real culprit was Leonel's brother Raul (one of the original suspects)—obtained an affidavit from Raul's attorney stating that his client had confessed to committing the murders (which the lawyer was able to provide because he was no longer bound by attorney-client privilege after Raul's death), along with an affidavit from Raul's son saying that he had witnessed his father killing the two officers. Leonel then brought a habeas petition that in 1993 finally made it to the Supreme Court, only to be denied. While a bare majority of the court declared that "a truly persuasive demonstration of 'actual innocence' made after trial" might make it unconstitutional to execute a defendant, the bar for such proof of actual innocence must be "extraordinarily high," a standard that the majority ruled had not been met in this case. Four months later, Herrera was executed.

Although it is not mentioned in Medwed's book, I should include here that in 2002, as a federal district judge, I extrapolated from the Supreme Court's *Herrera* decision in an opinion in *United States v. Quinones* that, since DNA testing had by then established the post-conviction innocence of many so-called "death eligible" defendants to the highest possible standard of proof, the federal death penalty must itself be considered unconstitutional, since it deprived executed defendants of the opportunity to prove their innocence through such testing. To no one's surprise, the Court of Appeals disagreed with my interpretation of *Herrera* and promptly overruled my decision.

First Foray Into Apophatic Theology

and then God is not like the sound the kindling makes as it meets the matchhead, not like the buoy in the bay invisible at night, not like the gravity calling to the pear on the bough above the field, nor the beam from which the boy you knew roped a knot around his neck to yoke this life to the next if there is a next and if not then to—nothingness. God is not like nothingness.

If God transcends all, then God transcends language. If God transcends language, we cannot deploy language to particularize God. If we cannot articulate what God is, we can only announce what God is not. This is how I approach the divine; I study the corona that circles the eclipse, which I've been told not to look at, still there's some elegance in the bright

blur of pain behind my eyes. And so, unable to see the center, I trace the edges; I outline the mystery's border; like making chalk silhouettes of the body at a murder investigation—a technique no detective actually uses as it contaminates the evidence. God is not the evidence. Not the residue, the shell casings, the blood pattern, or the partial fingerprint. Not the container or the object emptied. I'm not saying God is the negation. I'm saying the crime scene has been compromised. I'm the one who compromised it.

MATTHEW OLZMANN

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Medwed examines this litany of injustice in heart-wrenching detail, providing numerous examples of innocent people who were convicted of murder or rape and spent many years in prison before being exonerated and released (albeit not without deep psychological scars that they bore for the rest of their often difficult lives). But when it comes to fixing this problem, Medwed is somewhat pessimistic that judicial attitudes are likely to change enough to enable these innocents to get prompt relief in the courts. So what about the other players in the criminal justice system? The most powerful of these, Medwed argues, are not the judges but the prosecutors, for it is their unwillingness to face the possibility that they have convicted the wrong persons that presents the biggest barrier to prompt exoneration. Although, as Medwed notes, the increasing public awareness of wrongful convictions has led some progressive prosecutors to independently reexamine some prior cases—and even, in a few offices, to create entire units dedicated to such re-examinations—most prosecutors have not gone down this route. Medwed argues that it is hardly a “natural” path for them to take, not only because most American prosecutors are political animals highly sensitive to the public’s understandable concerns about reducing crime, but also because it is very difficult for advocates who have spent a great deal of time and energy convicting someone of a serious crime to consider the possibility that they have made a dreadful mistake.

Another potential path to reform is through legislation, especially since, as I noted earlier, most states have now passed laws permitting post-conviction DNA testing. But Medwed points out that these laws often require the defendant to establish various forms of “standing” that are difficult to meet. Moreover, state legislators are notoriously sensitive to the issue of violent crime. Most of the aforementioned laws were passed when crime rates were historically low. But if they begin to rise again (as they have in some cities), the chances of further legislative reform seem low.

Medwed therefore argues that the best solution is the creation, either on the national or, at the least, the state level, of permanent

independent commissions whose job would be to reexamine prior convictions whenever there is a more than frivolous showing of actual innocence. The United Kingdom has created just such a commission, with what Medwed describes as very positive results, and at least one US state (North Carolina) has created a somewhat similar agency. But I am a bit less optimistic than Medwed that this solution will be widely adopted. It reminds me of the final recommendation in the 2009 report by the National Academy of Sciences, which exposed the many flaws in most “forensic science” apart from DNA testing. Even though the

report was written by a distinguished group of scientists and other experts, and even though defective forensic science has been shown to be a major cause of wrongful convictions, the report’s proposed solution—the creation of a national agency that would assess each forensic

science and provide scientific protocols for its application and improvement—has never gone anywhere, primarily because of opposition by politicians, prosecutors, and police. The proposed agency that Medwed describes—one that any politician could easily denounce as designed to “cut ’em loose”—would likely face even greater opposition from such constituencies.

So what is the solution? I am afraid the best one I can offer consists of educating Americans about the ever-growing number of specific and awful examples of wrongful convictions in the hope that, over time, this trickles up into demands for larger reforms. This would include challenging the practices of prosecutors and judges, perhaps leading both to roll back many of the barriers to a post-conviction proof of innocence. As even Learned Hand acknowledged, our courts and criminal justice system have always been “haunted” by the “ghost” of the innocent person wrongly convicted. But this is not some “unreal dream”—as Medwed shows, it is a very real nightmare. For this reason, I very much hope that his book will reach a wide audience, not least among the judiciary, for it is an excellent step toward educating the general public on how our criminal procedure, for all its pretensions, serves more often to keep wrongly convicted persons in prison than to set them free.

N

Medwed provides numerous examples of innocent people who were convicted of murder or rape and spent years in prison.



The Two Wars

The battle over who would profit from the Civil War

BY STEPHANIE MCCURRY

A NUMBER OF YEARS AGO, IN HIS BOOK *YANKEE LEVIATHAN*, the political scientist Richard Franklin Bensel insisted that the relationship between the federal government and finance capital that was forged during the Civil War “mortgaged a radical Reconstruction” before the conflict had even ended. It is an arresting argument, and a relevant one. The idea that wars make states—because governments have to create the capacity to wage and pay for them—certainly holds true for the Civil War. The claim that the conflict saw the birth of the modern American state is also now widely accepted. But what kind of state, and what kind of economy, did the war produce? Did it create a state dedicated to emancipation, or to big business?

Roger Lowenstein’s new book, *Ways and Means*, provides one answer. Offering a highly readable account of how Abraham Lincoln’s government financed the Union’s efforts during the Civil War, it tells the

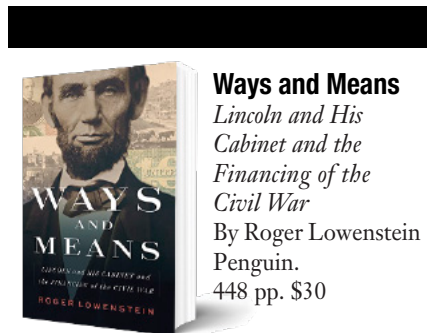
story of two parallel conflicts, one between armies, the other within the economy. Out of each, Lowenstein shows, came a process of political centralization through which the modern American state was created. It is in many ways a fairly conventional account, albeit one well told, particularly in its emphasis on the challenges and unpredictability of the commodity markets during the war. But it is also a strangely optimistic, even boosterish account of fi-

nance for a post-2008 history of American capitalism, and one quite removed from the anti-triumphalist turn in recent scholarship on the Civil War and what it accomplished. For Lowenstein, the American fiscal and military state was an instrument of moral purpose, most notably emancipation. Taken on its own, this is a defensible argument. But Lowenstein’s liberal, economic view of historical change separates forces that might be better understood in terms of political economy, which means that he misses the way big moneyed interests—finance capital—set the terms for free labor and stacked the political deck even at the moment of greatest democratic promise. Whatever the cause, the effect is to leave him unprepared to tackle the era that followed the war, which he covers in an 18-page epilogue that turns unexpectedly dark.

From its outset, the Civil War posed problems of scale for the Union: not just in terms of the number of men to be mustered, the amount of materiel manufactured, and the size of the armies transported, but also in terms of the war's cost. It was staggering, and as Lowenstein tells us, the "government's financial system...resembled that of a primitive state." When Lincoln's treasury secretary, Salmon P. Chase, took office in March 1861, his department's coffers were empty; the country had no currency of its own, no ability to borrow in the money that did exist (the notes of private banks), and no taxing mechanism except a tariff on imported goods. As the nation geared up for war, expenses far outran revenue: In Chase's first three months at the Treasury, the government spent \$24 million while collecting about \$6 million. Chase sold the last of the bonds authorized by Lincoln's predecessor, James Buchanan. Then, after the shooting started, he went hat in hand to Wall Street to sell \$8 million more in long-term bonds and short-term notes, but the capital markets were not receptive. Far from rising to the challenge, investment bankers navigated the market as they had always done and, regarding the federal government as a poor credit risk, agreed to lend only on short, highly discounted terms. As Chase learned, New York bankers were not to be relied on: As in 1861, they would continue to be fair-weather friends of the Union cause; for them, patriotism was a market value. As the war went into its second, third, and fourth years, the financial pressure was unrelenting. Upon the news of the Emancipation Proclamation, the markets plunged. The Treasury Department careened from crisis to crisis. The cost of the war was unprecedented, and the means devised to meet it amounted to nothing short of a revolution.

There are, Lowenstein tells us, only three ways to finance a war: You can tax; you can borrow; you can print money. In his attempts to do any of these things, Chase faced the same constraints as his Confederate counterpart, Christopher Memminger, although they chose different paths. By a constant process of innovation, Chase managed to leverage all three fiscal strategies, while Memminger resorted to printing money at a frantic pace, sending the Confederacy into an inflationary spiral.

Chase's strategy required political will and coordination—in particular from Lincoln and Congress—and he did all he could to persuade Lincoln of his cause. In July 1861, Lincoln summoned Congress into special session to raise men and money. With war expenses running at about \$1 million a day, he called for at least 400,000 men and \$400 million. It was "a frightful sum," but one required for what, after Bull Run, was clearly going to be a long war. Chase proposed to raise \$80 million through taxation while borrowing the rest. At first he worked through existing chan-



Ways and Means

Lincoln and His Cabinet and the Financing of the Civil War

By Roger Lowenstein

Penguin.
448 pp. \$30

nels, teaming up with the congressional Ways and Means Committee to authorize \$250 million in government debt to be offered through private banks as 20-year bonds and three-year notes. New York bankers were wary of the scale of capital required and the drain on their liquidity. They also feared that the notes would end up like the currency in the Revolutionary War—which is to say, "not worth a continental." They reluctantly agreed to take \$50 million of the debt secured with Treasury notes but insisted on retaining the gold in their vaults as well as charging a hefty interest rate. For the rest of the sum, Chase teamed up with the Philadelphia banker Jay Cooke, who marketed the Treasury notes in small denominations directly to citizens through a network of agents. The relationship between the two became so cozy that Congress eventually investigated. Cooke's marketing strategy paid dividends throughout the war, offering ordinary folks a stake in their government's success, a patriotic investment in the nation.

As the pressures mounted, Chase also sought to create new ways to harness the nation's wealth. To enhance its credit, the government had to grow its revenues, and it did so first by doubling duties on imports—the Morrill Tariff of July 1861—and, far more radically, by creating a

source of "internal" revenue. In August 1861, Congress passed the country's first income tax: a 3 percent tax on incomes above \$800. Few households passed that threshold. A year later it formed the Bureau of Internal Revenue, lowered the threshold income, and raised the rate for incomes above \$10,000 to 5 percent. To force compliance, the bureau published lists of taxpayers and their incomes in the newspapers. Lobbyists swarmed the capital seeking to weaken the bill. Over the course of the war, the Union raised a sixth of its revenue by taxation, but the importance of taxes went far beyond the money. Like conscription, another harsh necessity the government came to, the imposition of taxes marked an unprecedented exertion of federal authority and "eventually would redefine the average citizen's interaction with government." The fiscal war state made for a more centralized nation-state.

Throughout the war, Chase and his Treasury colleagues were enmeshed in a tense relationship with the nation's bankers. In late 1862, there were 1,400 state-chartered banks in the Union states, about 8,000 different kinds of bills in circulation, no national bank, and no national currency. By that point, the drain on specie (or money in coins) was so severe that New York bankers suspended the redemption of bank notes in specie. Chase needed a currency that was not tied to the gold standard. In his first report to Congress, he ventured a plan to organize a "new system of banks, privately owned but chartered by the federal government," that would be required to invest in government bonds and to issue a new uniform national currency. But if this plan came full-blown from the head of Zeus, as Lowenstein implies, its legislative history was fraught and stuttering.

The currency part came first, a "revolutionary" Legal Tender Act that came out of the House Ways and Means Committee. It authorized the Treasury to print US notes to pay soldiers, suppliers, and others. The paper—soon known as "greenbacks" from the color of the ink—was not redeemable in specie but

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was declared money by government fiat (which is to say, it was lawful for the payment of all public and private debts). Nobody liked the idea: It was “a measure of necessity, and not of choice,” and by the time the act was finished, senators had revised it to make the greenbacks redeemable in coin, but only for holders of government securities. As Lowenstein points out, it was an inegalitarian system in which soldiers would get paper and bondholders coin.

Lowenstein treads lightly here, but there can be no mistaking the power of what he calls the “financial class” to dictate terms in the creation of the US banking and currency system. Thaddeus Stevens denounced it as “a cunning scheme.”

Lincoln—who was a Western loose-money man—signed it into law on February 25, 1862. With it came an unrelenting wave of inflationary pressure. Chase blamed it on the notes of the private banks, which remained in circulation even after a tax was imposed to eliminate them. The value of greenbacks (and, inversely, gold) rose and fell with the Union’s military fortunes. At the end of the war, \$431 million in greenbacks were in circulation, and the return to the gold standard was one of the most divisive issues in American politics for the rest of the century.

The banking leg of the new system took even longer to enact. The National Banking Act was not signed until February 1863 and got off to a slow start. It aimed not at establishing a central bank (which Chase opposed) but rather a public-private arrangement of nationally chartered banks that would be required to invest a portion of their capital in Treasury bonds and would issue the national currency. Bankers were naturally opposed—it was their banks and notes that Chase aimed to phase out—and fought the bill. Despite their efforts, it passed, but a year later there were only 100 or so national banks in existence, which issued a total of \$4 million in bank notes—“a laughable sum,” as Lowenstein notes, “for a supposedly national currency.”

Chase found himself locked in a bitter struggle with New York bankers protecting their position as the primary funnel

for the country’s capital. After the Associated Banks (a New York City group) sought to block the acceptance of national bank notes, Chase pulled out the big guns, threatening to deposit federal funds only in the new banks. He also invited Cooke to open one in New York. The banking titans didn’t exactly fall into line after this, but they did deal, extracting significant concessions for their support, including lower reserve requirements (which meant bank capital would still flow into their vaults). They were also allowed to keep their names, some of which are still familiar today, including Moses Taylor’s City Bank and JP Morgan Chase, the latter in honor of the secretary himself. There would continue to be private

banks issuing private notes for years after the war, but the conflict produced a new national banking system “anchored firmly on Wall Street,” Lowenstein writes. New York banks finished the war stronger than when they had

started it, “poised to dominate finance during the Gilded Age.”

As the necessities of war led to the centralization of power and authority in the federal government, the architecture of the public-private partnership—of government and big capital—became the heart of the modern American economy and state. There were winners and losers, as Lowenstein acknowledges fleetingly. He notes the “disequilibria between the financial class and everyone else” created by the Legal Tender Act and the “one sizable caveat” to the Union’s booming economy: that “many workers didn’t share in it.” He also notes the cronyism of the Pacific Railroad Act, with its giveaways of land and shares; the deference of the Treasury Department to cotton speculators on confiscated land on the Sea Islands and in the Mississippi Valley; and the way the ever-heavier tariff proved to be a “Republican gift to business,” especially industry. There is even one mention of the dispossession of Native people on which the Homestead Act was premised.

In all of this, Lowenstein mildly acknowledges the sway of capital over the government and its wartime giveaways but declines to go any further. The word

“class” is never used (except in reference to the “financial class”), and “capitalism” barely appears (though “capital” is often discussed). Instead, Lowenstein talks in terms of the entrenched “political geographies” of East and West and of “racial and economic fissures.”



he focus of Lowenstein’s book is finance, but fiscal policies are inseparable from the larger political economy from which wealth is drawn, and he has little to say about that, including the incredible growth of industry and agribusiness through government contracts and the partnerships with government that developed in those sectors during the war, with such profound effects for the nation afterward. Likewise, he leaves out the social forces and class conflicts that the war policies unleashed. The Civil War era was one in which a series of ascendant working classes were beginning to define themselves, including a large population of emancipated Black people, Western grain farmers, and Northeastern and Midwestern industrial workers, all seeking to protect their interests.

The limits of Lowenstein’s economic approach are most evident in his treatment of the Confederacy, which he addresses periodically as a foil to the Union’s story. In his retelling of its formation, Lowenstein offers a straightforward if unfashionable account: Secession, he argues, was a conflict between two societies, one forward-looking and progressive, the other economically and socially backward. The argument that the slave South was the leading edge of American capitalism, made most forcefully by Walter Johnson, Edward Baptist, and Calvin Schermerhorn, is subjected to withering criticism by Lowenstein. As he argues, “present-day capitalism is the antithetical inverse of the southern system,” a position he supports with a few undeniable but recently overlooked facts. Slaveholders, he tells us, had no liquid capital, crippling industrial deficits, and assets that were “practically immobile.” In contrast to that of the Union, the Confederacy’s fiscal state was a disaster—a disaster that began with its decision to embargo cotton, its only valuable asset, and ended with the government printing money on wallpaper. As an economy, the Confederacy

Greenbacks were an inegalitarian measure in which soldiers got paper and bondholders got coin.

was all guns and no butter, which meant it basically devoured its own substance. The result was hyperinflation and, by 1863, famine. All of this is true.

Lowenstein attributes this dire state of affairs to the poor decision-making of the Confederate leadership and its rigid commitment to states' rights and what he calls (not "slavery" but) "white supremacy." But his grasp of the Confederacy's political economy is too limited to identify the real source of its financial straits. He acknowledges that the Confederacy's tax in kind was "far more intrusive than anything southerners had endured" from the federal government yet sticks to an erroneous generalization about the big, centrist Union state and the small Confederate one. As I explained some years ago, the Confederacy faced a particular set of structural problems as a slave regime at war, which forced it to adopt a series of harsh conscription, exemption, tax, and impressment policies to command resources from the center. You can only exploit the economy you have, and the Confederacy had to make war with one based on chattel slavery. The irony, which Lowenstein misses, is that the Confederacy was a more centralized state because it was less modern.

The one fascinating part of Lowenstein's story is his account of the Erlanger loan. This was a bond issue for \$15 million that the Confederate government floated in Europe in 1863 to leverage the value of cotton marooned behind the Union blockade. Lowenstein calls it a "moonshot." It was handled by a French banker, Frédéric Émile d'Erlanger, who had ties to John Slidell, the Confederate minister to France. The bonds were 20-year instruments payable at 7 percent interest in sterling or at any time in cotton at the prewar price, a return that would quadruple the

investment. They were a huge success: Investors flocked to them even though they had no way to get the cotton—Richmond had no obligation to deliver it, so in order to collect, investors either had to run the Union blockade or wait until the Confederacy won. At times, the bonds held their value better than the Union ones, and they continued to sell even after the Confederacy fell. Lowenstein takes this as a moral lesson about how investors lose their heads when presented with the potential for vast profits. But it was also likely a hangover effect of the antebellum cotton fever that had, for a brief time, made the slave South a magnet for global capital.

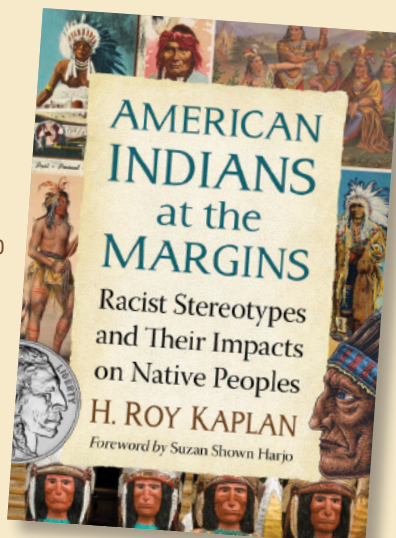
In the last few pages of *Ways and Means*, Lowenstein turns to the consequences of the revolution in finance and government that the Civil War delivered. And here the story turns dark: In quick succession, he lists the postwar policy decisions on protective tariffs, hard money, and the elimination of the income tax that show how the party of emancipation became the party of big business. Most of the how, when, and why, however, are left unaddressed, and the analysis Lowenstein does offer is suspect. Far from the counterrevolution of property that W.E.B. Du Bois described in *Black Reconstruction*, Lowenstein instead embraces an argument about the harsh peace that the Republican victors imposed on the conquered South, seemingly unaware of the tainted origin of this account of the "failure" of Reconstruction. Telescoping decades of history, Lowenstein lays out the bleak postwar landscape. He begins by noting, accurately enough, that the Republicans would soon abandon their progressive stance on Black people's rights. The party of emancipation believed in opportunity, not confiscation, so Sea Island "Negroes" and other "Blacks" (Lowenstein's language) were not sustained in their claims on land. Meanwhile, the rest of the South was abandoned and sank further into poverty. But Lowenstein's description of how all this happened swerves dangerously close to the Dunning school view of a victimized white South. "The federals never tested the South's potential for reform by offering generous economic support," he says. The region received only a trickle of federal spending, and the generous pension policy it enacted "excluded Confederate soldiers." In his view, this was not only a "missed opportunity" but a "Marshall plan for the winners." It never seems to occur to him that the defeated Confederates had been offered a gentle peace by President Andrew Johnson and had rejected the offer, or that they would battle to preserve their political and racial power—even at the cost of economic development—after the war as they had done before it.

Ways and Means offers a reliable account of the revolution in public and private finance that the Civil War unleashed, but an impoverished analysis of the world it created—one which, as Lowenstein observes, we still live in. Moving directly from the 1860s and '70s to the 1960s at the end of the book, he makes no mention of the ensuing century of historic struggle over the terms of capitalism and democracy in the United States. Only after "the Civil Rights movement in the 1960s," he writes, "did a more...modern, and prosperous southern economy emerge" and "begin to catch up with the history it had missed." Which I guess is one way of putting it, if for you that "history" is composed only of Whiggish development and the capture of the economy by finance capital. **N**

To learn about racism and Native Americans, read *American Indians at the Margins*, by H. Roy Kaplan.

"Kaplan provides readers with a summary that shows how these stereotypes continue to impede Native Peoples in American society" and 'peels away the veneer of bigotry that perpetuates these toxic characterizations.'"

—Suzan Shown Harjo



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Letters

The Real Labor Revival

Re John Nichols's interview with Vice President Kamala Harris ["Q&A," Oct. 3/10]: Kamala Harris may be part of the most pro-labor Democratic administration since at least the 1960s, but this is barely a beginning. The expulsion during the McCarthy era of leftist unions from the Congress of Industrial Organizations removed many of the most activist, energetic, and committed leaders from the American labor movement. Under George Meany, the AFL-CIO became a passive arm of the Democratic Party, supporting the Vietnam War; even supposedly liberal unions such as the United Auto Workers refused to back protests against the war. To this day, the AFL-CIO barely utters a word against national Democratic policies, whatever they are. Why hasn't it organized massive demonstrations in support of the PRO Act and a \$15 minimum wage? The answer is that it is embedded in the neoliberal Democratic web, and institutional Democratic victories mean more to its leaders than labor progress. The real revival of the American labor movement that is occurring now is taking place at the grassroots level: on the streets, in Amazon warehouses, and among Starbucks baristas. **CALEB MELAMED**

The Platform Is the Message

The problems that Patricia J. Williams describes in her important analysis of social media—lack of privacy, de-contextualization, narcissism, data mining and exploitation,

harassment, and political polarization—are features, not bugs, of cyberspace ["The Public Eye," Oct. 3/10]. Social media platforms exist solely to attract and keep human eyeballs. Their algorithms are designed to emphasize and disseminate outrage, disinformation, and conspiracy theories.

The discipline of media ecology, which grew largely out of the work of Marshall McLuhan and Neil Postman, shows us that every communication technology creates its own environment. In their book *The Paradox of Democracy*, authors Sean Illing and Zac Gershberg bring this idea into the political arena, noting that the communication environment we inhabit often determines how we conduct our politics. Policy arguments and factual analysis fall by the wayside of what was once called the "information highway," while even the most innocent posts trigger torrents of vitriol and abuse. As Williams puts it, we are ensnared in "an eternal reality show that rewrites the notion of an open society into a tyranny of voyeurs and pornographers." The more toxic the content, especially if it's related to race, the more likely it is to be shared.

GARY KENTON
GREENSBORO, N.C.

Correction

Due to an editing error, the Food & Environment Reporting Network, which coproduced "The Great Herring Row," by Brett Simpson [Sept. 5/12], was misnamed.

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Q&A

Becca Andrews

Reporter Becca Andrews's book about the erosion of abortion rights was supposed to come out in January 2023, the 50th anniversary of *Roe v. Wade*. But in May, Andrews got a call from her editor:

A draft of a Supreme Court opinion had been leaked showing that *Roe* was about to be overturned, and Andrews needed to get the book done ASAP. The result is a book that reads like the final days of legal abortion captured in amber. In the pages of *No Choice*, a patient awaits her abortion at a clinic in Tuscaloosa, Ala.; clinic defenders talk back to anti-abortion protesters outside the last clinic in Mississippi; a Tennessee abortion provider considers whether he will one day have to move to continue his life's work. In all those states, legal abortion is now gone. "I saw the last of something," Andrews told me. "I don't really know how to wrap my head around that yet." But *No Choice* looks ahead, too, at how the abortion rights movement must change in order to win access for all—and how activists on the ground are already doing this necessary work.

—Amy Littlefield

AL: In the introduction, you write that you were raised in a tiny evangelical Methodist church in a West Tennessee farming community and that, for 23 years, you were vehemently anti-abortion. What did you hear about abortion growing up?

BA: It just felt like such an unquestionable evil at that time. When you see abortion as murder, that feels pretty black-and-white. So it's funny being a reporter now who covers abortion; people will come up to me and just tell me their abortion stories. It is the honor and the privilege of my life to be able to hear those stories. It's also interesting that lots of people from my hometown have had abortions. Just because it's not talked about doesn't mean it hasn't happened. I've always been very adamant, as a reporter from the South, that no one fits into the binaries that we think they fit into. There are lots of people who work in abortion care who are people of faith. I've had conversations with people who identify as conservative but also are like, "The government should not have a say in what I do with my body." People aren't just one thing. That does often leave more space for conversation.

AL: You interview a Black woman named Tamika while she's seeking an abortion in Tuscaloosa. She wants a baby but isn't economically stable, and she has fibroids that went misdiagnosed for so long that she's afraid she might not be able to get pregnant again.

BA: She is one of those people I'm going to think about for the rest of my life. In the room, I could feel how much she wanted that baby. It felt really important to me to get into the ways that Black women are often gaslit by the medical industry and ignored. This is something that has happened forever. It hasn't changed. It's not OK. It's a human rights violation. It's abject racism. We have to do something.

AL: A story from the book that challenged me was Dani's story. Dani goes to an abortion clinic in Huntsville, Ala., that's overwhelmed with patients from other states. She's treated brusquely and ends up self-managing her abortion instead.

BA: People's stories matter most to me, maybe even especially when they're messy. That story challenged me, too. I felt bad about putting that stuff on the page, even though that's what she experienced. I also really wanted to get at the cost of burdening clinics so much to where they can't provide the kind of care that they should. I think that if we don't have these conversations about where things are complicated and don't fit into this neat little package, then people like Dani are going to be left behind.

AL: So much of what you captured in this book is now gone. How does that feel?

BA: *Roe* fell on a Friday. The following Monday I was at a clinic in Montgomery, Ala., and watched two or three people drive up and ask for care and be turned away. I will never forget the looks on those women's faces when they were told, "There's nothing we can do. We can't even give you a recommendation for a place to go, because the law's so unclear right now." I talked to people who had just lost their jobs. There's no preparing for your life's work to be completely ripped away from you like that. I would love to say that I have been this strong journalist who it hasn't affected. But man, I've been a mess.

N



"I saw the last of something. I don't really know how to wrap my head around that."

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Katrina vanden Heuvel
Editorial Director and Publisher, *The Nation*

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