

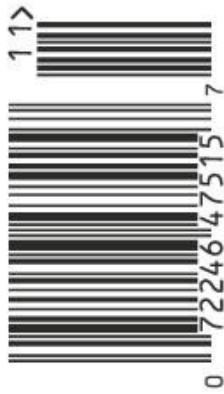
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FREE MINDS AND FREE MARKETS

The Case Against Biden | The Case Against Trump



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FREE MINDS AND FREE MARKETS



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Editor in Chief Katherine Mangu-Ward (kmw@reason.com), **Publisher** Mike Alissi (malissi@reason.com), **Editors at Large** Nick Gillespie (gillespie@reason.com), Matt Welch (matt.welch@reason.com), **Managing Editor** Stephanie Slade (sslade@reason.com), **Art Director** Joanna Andreasson (joanna@reason.com), **Features Editor** Peter Suderman (peter.suderman@reason.com), **Books Editor** Jesse Walker (jwalker@reason.com), **Senior Editors** Elizabeth Nolan Brown (elizabeth.brown@reason.com), Brian Doherty (bdoherty@reason.com), Damon Root (droot@reason.com), Robby Soave (robbysoave@reason.com), Jacob Sullum (jsullum@reason.com), **Science Correspondent** Ronald Bailey (rbailey@reason.com), **Deputy Managing Editor** Mike Riggs (mriggs@reason.com), **Associate Editors** Christian Britschgi (christian.britschgi@reason.com), Scott Shackford (sshackford@reason.com), **Staff Editor** Liz Wolfe (liz.wolfe@reason.com), **Assistant Editors** Billy Binion (billy.binion@reason.com), Zuri Davis (zuri.davis@reason.com), **Reporters** Eric Boehm (eric.boehm@reason.com), C.J. Ciaramella (cj.ciaramella@reason.com), **Web Developer** Justin Maurer (justin.maurer@reason.org), **Editorial Assistant** Mary Toledo (mtoledo@reason.org)

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*News of politicians, police,
and bureaucrats behaving
badly from around the world*

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francescoch/iStock

Executive Editor, Reason TV Jim Epstein (jim.epstein@reason.com), **Director, Special Projects** Meredith Bragg (mbragg@reason.com), **Senior Producers** Austin Bragg (austin.bragg@reason.com), Paul Detrick (paul.detrick@reason.com), Justin Monticello (justin.monticello@reason.com), Zach Weissmueller (zach@reason.com), **Producers** Ian Keyser (ian.keyser@reason.com), John Osterhoudt (john.osterhoudt@reason.com), Isaac Reese (isaacreece@reason.com), Lex Villena (lexvillena@reason.com) **Assistant Producer** Regan Taylor (regan.taylor@reason.com)

Contributing Editors Peter Bagge, Greg Beato, Gregory Benford, Veronique de Rugy, James V. DeLong, Charles Paul Freund, Glenn Garvin, Mike Godwin, David R. Henderson, John Hood, Kerry Howley, Carolyn Lochhead, Loren E. Lomasky, Mike Lynch, John McClaughry, Deirdre N. McCloskey, Michael McMenamin, Michael Valdez Moses, Michael C. Moynihan, Charles Oliver, Walter Olson, John J. Pitney Jr., Julian Sanchez, Jeff A. Taylor, J.D. Tuccille, David Weigel, Ken White, Cathy Young, Michael Young, **Legal Adviser** Don Erik Franzen

Headquarters
5737 Mesmer Avenue
Los Angeles, CA 90230-6316
Tel: 310-391-2245, Fax: 310-391-4395

Washington Offices
1747 Connecticut Avenue NW
Washington, DC 20009
Tel: 202-986-0916, Fax: 202-315-3623

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WHY CAN'T THEY BOTH LOSE?

KATHERINE MANGU-WARD

THEY SAY IF you don't vote you can't complain. They're wrong. Complaining is prior to voting. It is deeper and more powerful than voting. It is the original act of politics. Before there was democracy, there was sitting around the campfire complaining about the way the headman allocated the shares of mastodon meat. Bellyaching about the boss is more than a political right. It is a human right.

And so, in *Reason's* 2020 election issue, we are here to complain. The candidates from the major parties are subpar. They display troubling authoritarian tendencies. Their records in office—one long, one short—are underwhelming and frequently self-contradictory. Their actions consistently fail to match their rhetoric. If they agree on one thing, it is that they have the right, and perhaps even the obligation, to tell you what to do in the bedroom and in the boardroom, in the streets



and in the sheets. If they agree on a second thing, it is the necessity of spending ever-larger sums of taxed and borrowed money in pursuit of ever-vaguer goals. They helm parties that are similarly compromised and hypocritical.

Even if, by some miracle, you fully agreed with a set of principles and plans as articulated by one of the candidates in a particular campaign speech or policy paper, you could not reasonably have a shred of confidence that those principles would be carried through into consistent governance—something President Donald Trump (page 20) and former Vice President Joe Biden (page 26) have repeatedly demonstrated.

The fact that many voters in 2020 believe they must nonetheless actively support one of these two deeply flawed characters is a testament to the brokenness of the system that produced them. The fact that those voters feel like they only have two choices in the first place is a criminal failing in a country with such blooming, buzzing diversity in our commercial, social, and cultural lives.

Every presidential election of my lifetime so far has been “the most important election of my lifetime.” If you squint, that might even be true this time around. The executive grows more powerful with each passing term, and there’s no denying that 2020 has asked a lot of the occupant of the Oval Office. But it doesn’t follow logically that, because an election is important, you must hold your nose and go out of your way to vote for the candidate you merely hate the least.

Replacing your toilet is an important choice, and you’d be absolutely furious if your plumber told you that, despite the existence of numerous makes and models, due to the way the toilet selection system works you must pick right now between one that leaks and another that has a broken seat. The more fundamental something is, the angrier and more vocal you should be at being asked to choose between bad options. You do not have a moral obligation to talk yourself into the idea that a damp bathroom floor is OK, no matter what people are saying in your social media feeds or on your family phone calls.

We understand that many of our readers will be voting for one of the two major-party candidates, and may even feel some connection or loyalty to that candidate or the party he represents. We understand that those readers may find the notion of giving equal airtime to the failures of each candidate an abhorrent exercise in false equivalency and whataboutism. We disagree. We think the records of these two candidates are troubling enough that both deserve to be laid out in the weeks before the election. *Reason* is not here to attack your tribe or shame you for the way you choose to vote (or not vote). But we hope you agree that it would be preferable to live in a world where the stakes of any given election are lower and where there are more electorally viable tribes.

HERE ARE A few things we are *not* saying in this issue of *Reason*:

We are not saying the outcome of this election doesn’t matter. Elections matter. The next four years will be different in important ways for many, many people depending on who is president. Different wars will be waged. Different taxes will be levied. Different laws will be passed. Different judges will be appointed. Different bureaucracies will be empowered. Different research will be funded. Elections



PHOTO

BELARUS RISES UP

BELARUS PRESIDENT ALEXANDER

Lukashenko has run the formerly Soviet country since 1994, but his latest victory, following a Potemkin election on August 9, may be the beginning of the end for the man European media often call “Europe’s last dictator.” Within days of the vote, formerly loyal factory workers refused to allow him to speak, employees of state-run media walked off the job, and citizens packed the streets to demand Lukashenko step down. 



matter. That's why we're so disappointed at the low quality of the available options.

We are not telling you how to vote. As we do every four years, we will ask *Reason* staffers to share who they're voting for in the presidential contest and post the results online in October. We do this because we think it's important for people who subscribe to our magazine and read our website and watch our videos and listen to our podcasts to know where our writers and editors and producers are coming from. More publications should consider this form of disclosure, especially those who claim to primarily be purveyors of fact and not opinion or analysis. But telling you how *we* vote is a very different thing from telling you how *you* should vote.

We are not telling you whether to vote third-party. In this issue, we tackled the candidacies of the two people who could plausibly win the presidency. We know Libertarian Party nominee Jo Jorgensen exists. We have covered her campaign and will continue to do so. But the vast majority of the country views this as a choice

between Joe Biden and Donald Trump. There are many structural reasons that it's hard for Jorgensen (or Kanye West or the Green Party's Howie Hawkins, for that matter) to get purchase in American politics, from the difficulty of ballot access in the 50 states to collusion between the two parties that keeps Libertarians and others off the debate stage. Those barriers should be removed, but acknowledging that they exist is not an attack on third parties.

CHANGING THE AMERICAN political system is hard and depends on many variables outside of your control. *Reason* can and will come back to the technical questions of reforms that might mean American voters someday have more and better choices. But as a chaser to the rap sheets of the major-party candidates, we wanted to offer you something more immediately useful in this issue: a case for changing your relationship to politics instead. Philosopher Christopher Freiman argues that simply choosing not to engage as much with politics would be better not only for you but for society

as a whole (page 32). Freiman describes the ways in which our partisan identities are swallowing the rest of our identities, a doubly bad sign when partisan identities are increasingly built around cults of personality and the personalities are neither principled nor predictable.

At the beginning of 2021, barring one last wildcard from 2020, one of the major-party candidates will be inaugurated as president. They can't both lose. Your choices at the ballot box are limited and limiting. But the world outside of politics—even in the constrained circumstances of 2020—remains varied, interesting, and worthy of your attention.

So complain about your choices, think about ways to get better ones next time, recognize that you owe nothing to the two men at the top of the tickets or the parties that put them there, and then seriously consider turning it all off and doing something pleasant and useful instead. 

KATHERINE MANGU-WARD is editor in chief of *Reason*.

IMMIGRATION

TRUMP'S STUDENT VISA DISASTER

SHIKHA DALMIA

THERE ARE 1.2 million foreign students in the United States, enrolled in 5,300 American colleges and universities. Most come to America on nonimmigrant F-1 and M-1 visas that require them to maintain a full course load at universities approved by the Immigration and Customs Enforcement (ICE) Student and Exchange Visitor Program. In order to guard against diploma mills, the program grants accreditation mostly to universities that offer classroom instruction and usually limits foreign students to three credit hours of online instruction per semester.

When COVID-19 hit and colleges moved

online, ICE did the sensible thing and allowed international students to finish their spring and summer semesters by taking their classes online without voiding their visas. The agency rescinded that guidance in early July, however, ordering international students attending online-only programs to either leave or face deportation and risk getting barred from the U.S. for 10 years. This meant several hundred thousand foreign students would have had to quickly terminate leases on apartments, uproot the lives they've built here, and find exorbitantly expensive flights back home without any idea of when they would be allowed to return to complete their education.

Lawsuits by Harvard University and the Massachusetts Institute of Technology prompted the Trump administration to issue new rules in late July allowing foreigners who are already enrolled to continue their studies online. But even though students who are here will be allowed to stay, the new rules will still deny visas to incoming freshmen from abroad whose universities are offering only online courses in response to the pandemic. They can either defer for a semester or begin their programs online from their home countries—a logically challenging proposi-

tion for many due to time differences.

Roughly 80,000 people, or about 30 percent of new international students, even before the new pandemic visa rules, had decided not to come this fall, according to Brad Farnsworth, vice president of the American Council on Education. Given the political uncertainty, many of them might permanently abandon their plans to study in the U.S. and go to more welcoming countries instead.

The ban is a major hit to American universities. International students constitute 5.5 percent of all students. They pump around \$41 billion into colleges annually and support nearly 460,000 jobs on campus and in surrounding communities. Many of them pay full tuition, which subsidizes the price tag for American kids. Universities also depend on foreign graduate students to assist in classroom instruction, especially in science, technology, engineering, and math (STEM) fields.

America was already facing declining international enrollment for three years straight. The administration's move will only intensify that trend. 

SHIKHA DALMIA is a senior analyst at Reason Foundation.

CIVIL LIBERTIES

THE FEDERAL DEATH PENALTY RETURNS

SCOTT SHACKFORD

THE FEDERAL GOVERNMENT is back in the business of executing prisoners.

Prior to 2020, the last federal death row inmate to be executed was Louis Jones Jr., put to death by lethal injection in 2003. Only three federal prisoners were executed under GOP President George W. Bush, among them

Oklahoma City bomber Timothy McVeigh. None were executed under Democratic President Barack Obama.

Seventeen years after Jones' execution, on July 14, the United States government executed Daniel Lewis Lee. Just two days later, the feds executed Wesley Ira Purkey. The next day, the feds executed Dustin Lee Honken. On August 26, they executed Lezmond Mitchell. The Trump administration has now executed more death row inmates than any president since Dwight Eisenhower.

U.S. Attorney General William Barr announced in July 2019 that he had directed the Bureau of Prisons to resurrect the execution protocols and scheduled Lee, Purkey, Honken, and two other men for lethal injections. The Justice Department selected death row inmates who had been convicted of particularly brutal crimes involving either the elderly or children.

When Barr made his announcement, he said that the Justice Department and the federal government "owe it to their victims and their families to carry forward the sentence imposed by our justice system."

But in Lee's case, the family of the victims had opposed his execution for years. Lee was convicted in 1999 after he traveled to Arkan-

sas to rob gun dealer William Mueller as part of a white separatist plot. He ended up killing Mueller, his wife Nancy, and their 8-year-old daughter, Sarah, and dumping their bodies in the Illinois Bayou.

Lee was the accomplice of another man who had masterminded the crimes and had been sentenced to life in prison—the same sentence the victims' family wanted for Lee.

While the legal fights delayed Lee's execution, with challenges making it all the way up to the U.S. Supreme Court, the Justice Department was ultimately granted permission to carry out the execution via injection of pentobarbital.

Barr's move is a significant reversal of a broad trend away from capital punishment. State-level executions have been on the decline since 2000. Since 1973, 170 inmates on death row have been exonerated, according to the Death Penalty Information Center. Three have been freed just this year. There's a very real possibility that if federal executions continue, Barr will be sending innocent men to their deaths. 

SCOTT SHACKFORD is an associate editor at Reason.

Bad to the Bone

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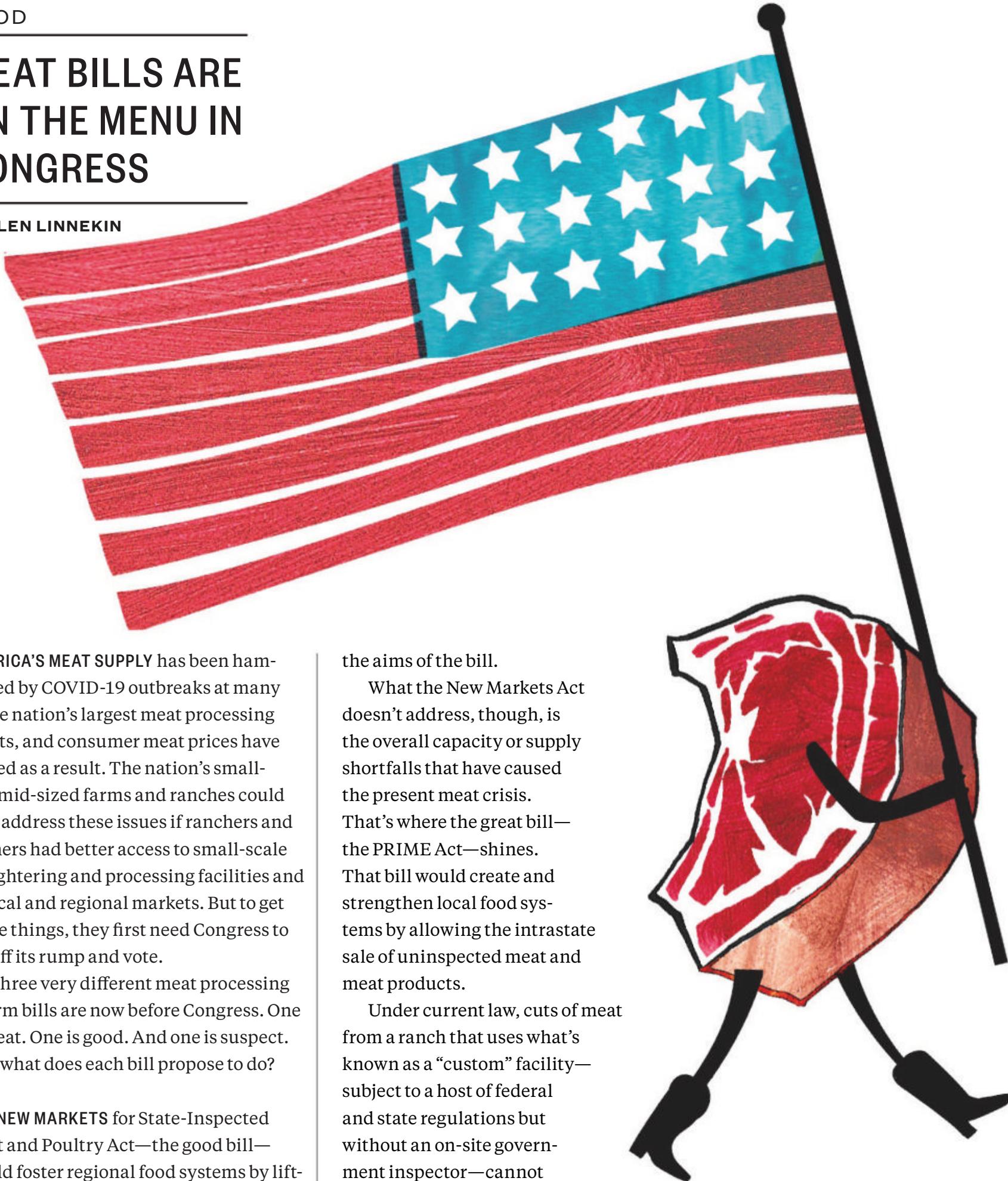
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FOOD

MEAT BILLS ARE ON THE MENU IN CONGRESS

BAYLEN LINNEKIN



AMERICA'S MEAT SUPPLY has been hampered by COVID-19 outbreaks at many of the nation's largest meat processing plants, and consumer meat prices have spiked as a result. The nation's small- and mid-sized farms and ranches could help address these issues if ranchers and farmers had better access to small-scale slaughtering and processing facilities and to local and regional markets. But to get those things, they first need Congress to get off its rump and vote.

Three very different meat processing reform bills are now before Congress. One is great. One is good. And one is suspect. Just what does each bill propose to do?

THE NEW MARKETS for State-Inspected Meat and Poultry Act—the good bill—would foster regional food systems by lifting a senseless ban on the interstate sale of state-inspected meat. Under current federal law, meat produced and inspected by authorities in 20 states cannot be sold elsewhere solely because those states use their own inspectors, rather than U.S. Department of Agriculture (USDA) employees, to enforce food-safety regulations. That approach makes so little sense that even the USDA has said it embraces

the aims of the bill.

What the New Markets Act doesn't address, though, is the overall capacity or supply shortfalls that have caused the present meat crisis. That's where the great bill—the PRIME Act—shines. That bill would create and strengthen local food systems by allowing the intrastate sale of uninspected meat and meat products.

Under current law, cuts of meat from a ranch that uses what's known as a "custom" facility—subject to a host of federal and state regulations but without an on-site government inspector—cannot be sold to the public at all.

The PRIME Act would allow such ranchers to sell that meat within their home states directly to consumers and through local grocers, butchers, and restaurants. By allowing the local sale of meat from these operations, the PRIME Act would encourage the proliferation of small-scale processors, adding diversity, resilience, and badly needed additional



capacity to our national processing system. (The bill would also allow states to adapt or adopt their own inspection requirements for custom facilities.)

Now the more dubious option: The RAMP-UP Act would authorize the USDA to provide five- and six-figure grants to existing small- and mid-sized process-



ing facilities, which owners could use to pursue USDA facility inspection. The process for obtaining USDA meat inspection—which can take years and is deeply flawed—would remain unchanged under the bill.

What's more, if the RAMP-UP Act were to succeed at its stated goal—to bring still more facilities under USDA inspection—it would require the agency to hire many more Food Safety and Inspection Service (FSIS) inspectors. That's a fool's errand, given that FSIS has long suffered from inspector staffing shortages.

Many supporters of the RAMP-UP Act (including many of the large processors that have had thousands of workers sickened by COVID-19) are also steadfast opponents of the PRIME Act. They cite concerns about allowing uninspected meat on the intrastate market, but that's fearmongering. A USDA exemption already allows many poultry farmers to slaughter thousands of their own chickens on their farms without continuous federal or state inspection and to sell those chickens to grocers. Zero cases of foodborne illness have been tied to this uninspected poultry. That's in sharp contrast to the nation's largest processors, which have faced numerous meat recalls and foodborne illness cases.

THE PRIME ACT is solid legislation, and the New Markets Act is an eminently sensible bill. But the RAMP-UP Act won't change the rules of the game for farmers and ranchers and would have little or no immediate impact on the meat supply. It may, in fact, be little more than a stalking horse for large agricultural firms and other special interests that's intended to suppress competition and supplant actual reform.

The COVID-19 pandemic has proven that significant changes are required to ensure the nation's meat supply is safe, affordable, diversified, and available. We shouldn't wait another day to rebuild and strengthen our local food systems. ❶

BAYLEN LINNEKIN is a food lawyer and the author of *Biting the Hands That Feed Us: How Fewer, Smarter Laws Would Make Our Food System More Sustainable* (Island Press).

SCIENCE

RAPID HOME COVID-19 TESTS ARE THE BEST PATH TO A NEW NORMAL. THEY'RE ILLEGAL.

RONALD BAILEY

COVID-19 DIAGNOSTIC TESTING has been greatly scaled up from a few thousand tests per week back in early March to 2 million tests per week in early August. But the summer upsurge in COVID-19 diagnoses, hospitalizations, and deaths in the U.S. highlights the fact that we still don't have enough testing to provide individual Americans and health care professionals with the information needed to squelch the pandemic.

A huge part of the problem is that most asymptomatic, presymptomatic, and mildly afflicted people don't know they're infected, even as they spread the virus to others while working, shopping, and gathering in enclosed spaces such as bars and restaurants. Making cheap, fast tests available for use at workplaces, schools, and homes could solve this information deficit problem. "The way forward is not a perfect test," Harvard medical professor Ashish Jha argued in *Time*, "but one offering rapid results."

The good news is that a number of companies, including biotech startup E25Bio, diagnostics maker OraSure, and the 3M Co., are working on and could quickly deploy rapid at-home COVID-19 diagnostic tests. These antigen tests work by detecting, within minutes, the presence of coronavirus proteins using specific antibodies embedded on a paper test strip coated with nasal swab samples or saliva. Somewhat like at-home pregnancy tests, the antigen tests change color or reveal lines if COVID-19 proteins are recognized.

But there is one major problem. "Everyone says, 'Why aren't you doing this already?' My answer is, 'It is illegal to do this right now,'" Harvard epidemiologist Michael Mina told *The Harvard Gazette* in August. "Until the regulatory landscape changes, those companies have no reason to bring a product to market."

It took Food and Drug Administration regulators until July to finally issue the agency's template for approving tests that "can be performed entirely at home or in other settings besides a lab" and without a prescription.

It would cost around \$20 billion to provide 330 million Americans with rapid at-home test kits costing \$1 each for weekly use. Given that the federal government has already borrowed \$3 trillion in response to the pandemic and appears interested in borrowing trillions more, that would be a real bargain. Such a testing regime "will stop the vast majority of transmission and it will cause these outbreaks to disappear in a matter of weeks," Mina said. "This is something we can actually do at warp speed." ❶

Science Correspondent RONALD BAILEY is the author of *The End of Doom: Environmental Renewal in the 21st Century* (St. Martin's).

A PLAGUE OF PANDEMIC RESTRICTIONS BUILDS HERD IMMUNITY TO ARBITRARY RULES

J.D. TUCCILLE

PERHAPS THE ONLY thing worse than being subjected to seemingly arbitrary and intrusive rules imposed to fight a pandemic is when those same rules fail to accomplish their goals. Instead of effective infectious disease control, you get fatigue with commands issued by officials who seem to have no idea what they're doing, as we're seeing during the COVID-19 crisis. Given the resulting pushback against ineffective, nonsensical rules, expect widespread cynicism toward official dictates to linger after the virus is history.

Consider New York Gov. Andrew Cuomo, a Democrat who, early in the crisis, ordered his state's nursing homes—over their protests—to take in people who had tested positive for COVID-19. "In the weeks that followed the March 25 order," *ProPublica* reported, the disease "tore through New York state's nursing facilities, killing more than 6,000 people."

While that fatal error did not lead Cuomo to grapple publicly with his own poor judgment, it did diminish his credibility. He later decreed which drinking establishments were allowed to open based not on health criteria but on their sale of snacks. "Establishments must only serve alcohol to people who are also ordering food," he announced.

Perhaps doubtful about the antiviral powers of munchies, some bar owners complied by making menus featuring things like \$1 "Cuomo chips" and penny lollipops. "More than just hors d'oeuvres,

chicken wings, you had to have some substantive food," the visibly annoyed governor huffed in response. "The lowest level of substantive food were sandwiches." He was soon reduced to issuing repeated complaints about the multitude of bars engaged in "egregious violations of pandemic-related Executive Orders."

Not that New York was alone. In Texas, where forced business closures and stay-at-home orders hobbled social relations and economic activity without preventing a summer surge of COVID-19 cases, over 800 bars joined together to open in defiance of state rules.

"Recently we have spoken with business owners who tell us they don't intend to follow the orders," A. Bentley Nettles, executive director of the Texas Alcoholic Beverage Commission, said in a press release. Officialdom was not happy about being ignored, but bar owners lost patience with rules that proved more effective at killing bars than eliminating viruses.

The revolt among establishments serving alcoholic beverages is relatively easy to track, because they're closely monitored. But you see the same rule fatigue among barbershops, car washes, furniture stores, gyms, smoke shops, and even houses of worship. "After California Gov. Gavin Newsom shut down indoor religious services for the majority of the state, some churches chose to defy the order," *The Sacramento Bee* reported in late July.

Newsom had already blinked once on the issue, softening restrictions after hundreds of churches vowed to reopen at the end of May despite being deemed "nonessential" and thus subject to closure orders. "The current governmental orders are not narrowly tailored here because innumerable secular enterprises and places where people gather are deemed essential, including those that pose even greater risks of COVID-19 than religious assem-

blies," pastors protested in an open letter.

Inconsistency about whether mask wearing was virtuous or antisocial also bred defiance of mask requirements, turning the pieces of fabric into "a flash point in the virus culture wars," as *The New York Times* put it. Blame for the controversy can be laid, at least in part, on confusion sown by government officials themselves.

"Seriously people- STOP BUYING MASKS!" U.S. Surgeon General Dr. Jerome Adams tweeted on February 29, in an effort to maximize masks available to health care workers. "They are NOT effective in preventing general public from catching #Coronavirus."

By June, the Centers for Disease Control and Prevention had changed its messaging and was urging general use of masks. But that guidance was contradicted by the World Health Organization, which said that "the widespread use of masks everywhere is not supported by high-quality scientific evidence."

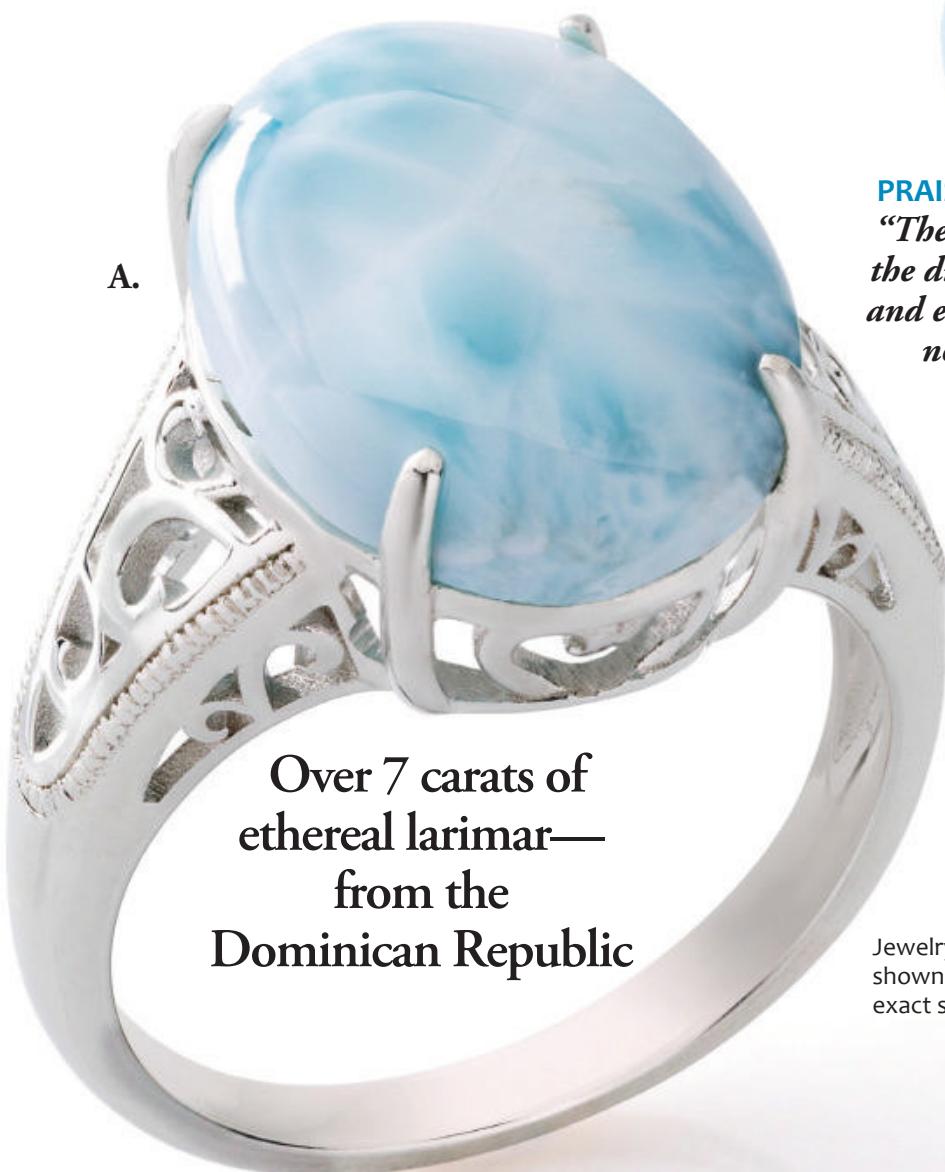
Even as calls for voluntary behavior were botched and muddled, mask mandates spread like wildfire, enforced by fines and even police stings in some jurisdictions. Inevitably, mask-wearing rules resulted in refusal and even violence by people bristling at conflicting claims and commands from supposedly responsible authorities.

Beyond the human cost of COVID-19, government credibility is a victim of this pandemic. It's unlikely to recover anytime soon, no matter how the health crisis itself is resolved. ◐

J.D. TUCCILLE is a contributing editor at *Reason*.



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**BE PATIENT:
WE MIGHT NOT
KNOW WHO WON
THE ELECTION
RIGHT AWAY**

ERIC BOEHM

PLEASE STAND BY:

AMERICANS HAD TO wait more than a month after Election Day to learn that George W. Bush had beaten Al Gore in 2000. Declaring a winner involved recounting about 62,000 votes in a single state and a ruling from the Supreme Court.

If this year's election also seems to stretch out longer than it should, it won't be due to butterfly ballots or hanging chads. The election controversy is likely to revolve around—indeed, it already *is* revolving around—the expanded use of absentee ballots and mail-in voting as an alternative to having millions of people line up at polling places in the midst of a pandemic.

The tradeoff that comes with safer voting options is that absentee ballots typically take days or sometimes weeks to be counted. Georgia, New York, and other big states that relied heavily on mail-in voting for primary elections during the late spring and early summer experienced long delays in reporting results. It took New York more than a month to finish counting all of its absentee ballots—and larger volumes are expected in November.

"If it's very close, Florida 2000 will look like a picnic compared to what we could have," says Richard Hasen, a professor of political science at the University of California, Irvine, and the author of *Election Meltdown* (Yale University Press), a new book exploring how incompetent public officials and inflammatory rhetoric have created an environment where more voters distrust the basic processes of democracy.

Three weeks after the meltdown at this year's Iowa caucuses, where the use of new vote-recording software led to confusion and delayed caucus reporting, Hasen hosted a hastily organized conference with the goal of making suggestions for how states could better secure the legitimacy of the 2020 general election despite the challenges of COVID-19. In April, the group released a report with 14 recommendations ranging from expanding mail-in and early voting options to informing the public about the potential delays in reporting results. He says voters, candidates, and observers should anticipate a long lag time between the end of voting and getting official results.

While a few states have moved to full-scale vote-by-mail operations in recent years—and have done so without any uptick in voter fraud or disadvantage to either major party—that process takes time and money. This year, most states have neither. Instead, they are bootstrapping expanded vote-by-mail operations onto existing absentee ballot systems and hoping for the best.

In New Hampshire, for instance, all voters will be allowed to request absentee ballots and list "COVID-19" as a valid excuse for not showing up at the polls. Illinois and Massachusetts have decided to automatically send absentee ballots to all eligible voters at their last registered address. Wisconsin will send absentee ballot request forms to all voters and make absentee ballots available to anyone who returns the paperwork.

Most voters say they would rather cast their ballots in person, but they want the option of voting by mail, especially this year. A July poll by ABC News and *The Washington Post* found that 59 percent of Americans would prefer to vote in person.

A July survey from the Pew Research Center found that 65 percent of Americans believed voters should be allowed to vote by mail without giving an excuse, but Democrats (83 percent) were far more likely than Republicans (44 percent) to say so.

In-person voting is generally preferable because it limits common mistakes—like voting for too many candidates or failing to sign the ballot—that are more likely to happen when people vote absentee. Research by Charles Stewart, a professor of political science at the Massachusetts Institute of Technology and founder of the MIT Election Data and Science Lab, found that an estimated 800,000 absentee ballots were rejected in 2008 by local election authorities, mostly due to mismatched signatures or because they arrived too late. Counting absentee ballots requires reviewing them one by one, and even though computers help, much of the work is still done by hand. That's going to be especially true in states without a true vote-by-mail infrastructure in place.

In short, even though fraud is not really a concern for mail-in balloting—there's a literal paper trail for every vote cast—there are good arguments in favor of in-person voting. It's faster and less vulnerable to user error. The goal of expanding vote-by-mail is not to abolish voting booths—only to provide an alternative for those who want it.

POLITICS, OF COURSE, are obscuring the granular nuance of this debate. President Donald Trump has repeatedly attacked the legitimacy of mail-in voting, even though he voted in Florida's Republican primary in March using an absentee ballot and even though he has used his Twitter account to encourage Republicans in some swing states to do the same. He has also suggested that delays in reporting should be viewed with skepticism. "Must know Election results on the night of the Election, not days, months, or even years later!" he tweeted on July 30.

That's a standard that would be nearly impossible to guarantee. Even in years without Bush-Gore levels of controversy, close elections can remain uncalled for

days. Federal law allows 35 days for election officials to certify results.

Changing that deadline could be one way to avoid some of the possible chaos this year. There are 78 days between the election and the start of the new congressional session on January 3, but states are given less than half that time to certify results. Yuval Levin, a constitutional scholar at the American Enterprise Institute, a conservative think tank, argues that Congress should extend that deadline and postpone the Electoral College's meeting, currently scheduled for December 14. "There's really no reason that has to happen in December. It could happen in January," he says. "A simple bill in Congress could move those dates back by two or three weeks and give states more time to count."

Sen. Marco Rubio (R-Fla.) has introduced a bill to give states until January 1 to finish counting presidential ballots, postponing the Electoral College's meeting until January 2.

But even allowing more time for counting ballots doesn't resolve the bigger potential political crisis looming over this election. In 2018, absentee and mailed-in ballots counted days and weeks after the polls closed swung the outcome of two congressional races in Orange County, California, that Republicans appeared to have won on Election Day. Hasen worries that something similar happening in key Senate races or presidential swing states could become a major controversy even if there's nothing nefarious going on.

"COVID-19 has put incredible stresses on the election system—and would have in the best of times, but we are not in the best of times," he says. "We are in times of high polarization, high distrust in elections, and we have a president who is fanning those flames."

Trump is unlikely to change his behavior between now and November. That's why it is incumbent on voters to be informed about the process and willing to accept that slow election results are more likely to be the result of the unprecedented circumstances than

deliberate malfeasance.

"We all need to be prepared to expect and explain a long vote count in the days and perhaps weeks following Election Day," says Kyle Kondik, managing editor of the political newsletter *Sabato's Crystal Ball*, published by the University of Virginia's Center for Politics. Election Day could end up being "a mess" if polling places have to be closed at the last minute due to outbreaks and if it isn't feasible for states to expand early voting or vote-by-mail options.

"I fear it's going to be difficult," he adds, "and that conspiracy mongering will fill the void of an uncalled election."

Patience is not a guiding principle in American politics. This year, it might have to be. 

ERIC BOEHM is a reporter at *Reason*.

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WELCOME TO THE NEW WORLD CIVILIZATION

VIRGINIA POSTREL

SOMETHING EXTRAORDINARY HAPPENED over the last few decades. For the first time in human history, a single global civilization emerged.

"We are witnessing a cultural shift of world-historic proportions," I wrote in an essay for *Reason's* 20th anniversary. "East and West are fusing in the most momentous combination of powerful civilizations since Hellenism collided with the Middle East—leaving Christianity in its wake."

It was 1988, the last full year of Ronald Reagan's presidency and, we did not yet realize, of the Berlin Wall. The Soviet Union still existed. The internet as we know it—the World Wide Web, with its

hyperlinks and browsers—did not. China was liberalizing but still awaited the economic reforms that would transform it into a global powerhouse and allow it to gain entry into the World Trade Organization.

Unanticipated in my *Reason* essay, the end of the Cold War, the rise of the internet, and China's increased openness secured its most sweeping and accurate prediction: "Western civilization is disappearing, or, more accurately, being folded into a new world civilization." The change wasn't a loss but a gain.

Its fruits show up in everything from scientific articles written in English for a global audience to the worldwide spread of hip-hop and K-pop, emojis and Disney, yoga and meditation. You can buy its nonmetaphorical fruits in your supermarket. Americans didn't eat mangos, spicy tuna rolls, or sriracha sauce when I was growing up. And you didn't find Colonel Sanders serving southern fried chicken in Hangzhou.

We barely realize what has happened,

settling for the less-than-precise term globalization. But you can have global trade or conquest or diplomatic relations without forging a global civilization. In her recent book *The Year 1000*, historian Valerie Hansen argues that globalization started around 1000 A.D. You could date it from the European discovery of the Americas. It certainly began long before the 1990s. World civilization is something more consequential—and entirely new.

The term *civilization* is slippery and often fraught with moralism: "civilization vs. barbarism," "uncivilized behavior." What I'm talking about is something more neutral yet absolutely essential. In his 1934 tome *Judaism as a Civilization*, Mordcaï Kaplan offered a good definition: "the accumulation of knowledge, skills, tools, arts, literatures, laws, religions and philosophies which stands between man and external nature, and which serves as a bulwark against the hostility of forces that would otherwise destroy him."

Kaplan's description captures two critical dimensions that together distinguish civilization from related concepts, such as culture.

First, civilization is *cumulative*. It exists in time, with today's version built on previous ones. A civilization ceases to exist when that continuity is broken. The Minoan, Sogdian, and Incan civilizations disappeared. Conversely, a civilization may evolve over a long stretch of history while the cultures that make it up pass away or change irrevocably. The Western Europe of 1980 was radically different in its social mores, religious practices, material culture, political organization, technological resources, and scientific understanding from the Christendom of 1480, yet we recognize both as Western civilization. Mao's Communism did not eradicate Chinese civilization, although it sometimes tried.

Second, civilization is a *survival technology*. It comprises the many artifacts—designed and evolved, tangible and intangible—that stand between vulnerable human beings and natural threats, and that invest the world with meaning. These artifacts range from textiles to tractors, accounting systems to surgical



procedures. They encompass rituals and fashions, libraries and universities, housing designs and manufacturing practices. They include the stories we tell about ourselves and the media with which we tell them.

Along with the perils and discomforts of indifferent nature, civilization protects us from the dangers posed by other humans. Ideally, it allows us to live in harmony. Eighteenth-century thinkers used the term to refer to the intellectual and artistic refinement, sociability, and peaceful interactions of the commercial city. Their concept of civilization was a liberal ideal. But rare is the civilization that exists without organized violence. At best, a civilization encourages cooperation, curbing humanity's violent urges; at worst, it unleashes them to conquer, pillage, and enslave.

A civilization often incorporates multiple cultures, nations, and states, all contributing to its shared heritage and at times jockeying for dominance. Europe's religious wars took place within the same civilization. Chinese civilization includes the Warring States period. Regimes may come and go while the civilization endures. One century's leading power may not be the previous century's or the next's. But even as specific states or regions rise and fade in prominence, their inhabitants continue to enjoy the benefits of their civilization's cumulative experience and knowledge.

WHAT DISTINGUISHES A global civilization from mere globalization—or from the lopsided exchanges of conquest and colonialism—is the depth and range of resources an individual inhabitant can partake in. A civilization is a communal project, constructed mostly without direction or plan. The more people who contribute, the stronger it can be. The fewer formal barriers to shared knowledge and experiences, the more resilient and cohesive the results.

A mere generation old, our global civilization is now endangered. COVID-19 has demonstrated its value, as scientists worldwide collaborate and share data. But the pandemic has also broken previous bonds. International students are stranded in their home countries, unable

to return to school. Supply chains are broken. Would-be tourists are settling for staycations.

Business travel has plummeted, and video chat can only go so far in establishing trust and sharing tacit knowledge—the hard-to-articulate know-how that requires imitation and feedback. In an August article published in *Nature Human Behavior*, Michele Coscia, Frank M.H. Neffke, and Ricardo Hausmann analyze corporate credit card data to track international business travel as a source of economic improvements. It is, they find, more important than trade, foreign direct investment, or migration. A complete shutdown, they estimate, would shrink global output by 17 percent.

The reason, explains Hausmann in a *Project Syndicate* essay, is know-how. "To run a firm, you need not only information, but also the capacity to figure things out," he writes, noting that "one of the advantages of multinational corporations and global consulting, accounting, and law firms is that they can move that capacity to different points in their network." They do that by putting people on planes.

As if the pandemic weren't enough of a threat, Chinese President Xi Jinping is increasingly hostile to the outside world—and U.S. politicians are increasingly hostile not merely to the Chinese government but to its citizens. At a private dinner for CEOs in 2018, President Donald Trump reportedly suggested that most Chinese students in the U.S.—more than 350,000 in 2019—are spies. The *Politico* report's source may have exaggerated Trump's statement, but the suspicion is widespread, particularly on the right.

In May, Republican Sens. Tom Cotton of Arkansas and Marsha Blackburn of Tennessee introduced a bill to ban all U.S. visas for Chinese nationals seeking graduate or postgraduate study in technical fields. The draconian proposal assumes that knowledge is a fixed quantity that American professors pour into Chinese heads, allowing these foreign plants to abscond with it. But graduate students also create knowledge, many of them stay here after getting their degrees, and even those who return home continue to col-

laborate across borders. They contribute to our shared civilization.

The Trump administration's drive to ban WeChat similarly threatens to sever international bonds. People in China rely on the multifunctional app to communicate, make purchases, and generally manage their lives. Friends, relatives, business contacts, and tourist destinations abroad use it to keep in touch with them. About 19 million U.S. residents use it every day. Although not free of Chinese government control, it is an essential form of international communication. China itself has banned most other forms, including Facebook and WhatsApp. Chinese people tend not to check their email, observes *Technology Review*'s Karen Hao, and "emails often mysteriously disappear while transmitting across borders."

A U.S. ban on WeChat, writes Hao, the daughter of a Chinese immigrant, "would be the weakening or severing of hundreds of millions, maybe billions, of connections—a loss undeniable albeit difficult to quantify." *Bloomberg Opinion*'s Adam Minter fears the effect on tourism, which has brought individuals in the two countries closer even as their governments fought. Restricting WeChat, he writes, "isn't the only reason, but it is another blunt reminder to Chinese people that they're not as welcome in the U.S. as they used to be." And China's increasingly repressive policies discourage Americans, myself among them, from returning to visit that country.

Of course, neither the U.S. nor China is the only potential source of common experiences and valuable ideas. Their people aren't the only ones contributing to global civilization—or aspiring to influence its direction. The more those two nations seek to isolate themselves, the more they risk fading in prominence. The ties of civilization often prove stronger than the divisions between individual nations. 

VIRGINIA POSTREL, a columnist for *Bloomberg Opinion*, is the author of the forthcoming *The Fabric of Civilization: How Textiles Made the World* (Basic Books).

IS THE SENATE FILIBUSTER A ‘JIM CROW RELIC’?

JACOB SULLUM

DURING HIS JULY eulogy for Rep. John Lewis (D-Ga.), a leading figure in the civil rights movement, former President Barack Obama expressed support for eliminating the Senate filibuster, which he called a “Jim Crow relic.” That position contradicted the one Obama took as a senator in a chamber controlled by Republicans, and his historical framing was more than a little misleading.

In its current form, the filibuster prevents a vote on legislation without 60 votes to cut off debate. The maneuver, which was accidentally authorized by a rule change the Senate approved in 1806, was first used in 1837 during the controversy over the Second Bank of the United States. It has been deployed many times since for reasons having nothing to do with government-enforced white supremacy.

Segregationists did use the filibuster to oppose civil rights legislation in the 1950s and ’60s. But just as the principle of federalism does not qualify as a “Jim Crow relic” simply because segregationists invoked it, the filibuster is not inherently a tool of oppression simply because they found it useful. Like other restraints on the majority’s will—including those mandated by the Constitution, such as requiring bicameral approval of legislation and the president’s assent in the absence of a congressional supermajority—the filibuster is an ideologically neutral obstacle that makes it harder to pass laws.

When they are in the majority, senators may complain that the filibuster is undemocratic. But the same could be said of many constitutional provisions that prevent a legislative majority from doing whatever it wants, including the restrictions imposed by the Bill of Rights, not to mention the basic principle that Congress may exer-

cise only those powers it has been explicitly granted.

Senators have used the filibuster for causes as varied as resisting U.S. involvement in World War I, protesting a presidential policy of “targeted killing” by drone, and opposing the extension of federal tax cuts. Both Democrats and Republicans have used or threatened filibusters to block the nominations of judges whose records they found alarming.

That last option was largely foreclosed in 2013, when a Democrat-controlled Senate, frustrated by Republican opposition to Obama’s judicial picks, approved a rule that allowed a simple majority to end debate on almost all presidential nominations. An exception for Supreme Court justices was eliminated four years later, after Republicans regained control of the Senate in 2014 and Donald Trump was elected president in 2016.

Majority Leader Harry Reid (D-Nev.), who had opposed new filibuster limits as a threat to venerable Senate norms when George W. Bush was president and Republicans ran the Senate, switched positions in 2013. So did Minority Leader Mitch McConnell (R-Ky.), who as the majority whip during the Bush administration threatened to make the rule change that Reid was then resisting.

McConnell warned Democrats they would regret their shortsighted move. And presumably they did once McConnell, converting again, greased the skids for Trump’s Supreme Court nominees and the president began reshaping the federal judiciary. As the Cato Institute’s Gene Healy noted in 2013, “Serious political movements shouldn’t try to knock down all the barriers to power whenever they temporarily enjoy it, because nothing is permanent in politics save the drive for more federal power, and the weapons you forge may someday be detonated by the other side.”

When politicians are in the mood to defend filibusters (i.e., when their party is not in charge of the Senate), they often say



the tactic helps ensure that the minority’s views receive adequate consideration as legislation is crafted. Former Vice President Joe Biden, who served in the Senate for 36 years, used to think so. But as he contemplated a victory over Trump that looked increasingly likely this summer, he decided it might be time to remove this impediment to presidential agendas. “It’s going to depend on how obstreperous [Republicans] become,” he said.

These filibuster flip-flops could be seen as evidence that the time-honored tradition is nothing more than a tricky maneuver that members of both major parties praise when it’s convenient and condemn when it’s not. But the relevant question is whether that tricky maneuver, on balance, gives us better or worse government. When you think about the gratuitous, pernicious, and blatantly unconstitutional legislation that Congress manages to pass even when the filibuster option is available, it is hard to imagine that eliminating this obstacle would improve the situation. ↩

Senior Editor JACOB SULLUM is a nationally syndicated columnist.

ECONOMICS

PPPARTY TIME!

CHRISTIAN BRITSCHGI

ALTHOUGH IT DIDN'T technically qualify for aid, carmaker Lamborghini has benefitted from the Paycheck Protection Program (PPP), the federal government's \$670 billion effort to save distressed small businesses during the COVID-19 pandemic.

Within days of receiving \$1.6 million in PPP loans for his construction and logistics businesses, Lee Price III of Houston bought himself a 2019 Lamborghini Urus for \$233,337, plus a \$14,000 Rolex watch and close to \$5,000 worth of entertainment at a strip club and various bars around town. In early August, the Department of Justice (DOJ) filed fraud charges against Price for allegedly filing applications with banks claiming fictitious payroll expenses in order to qualify for a PPP loan.

His scheme was audacious but hardly original. The DOJ had already brought similar fraud charges against Miami man David T. Hines, who had allegedly spent his ill-gotten PPP loans on a new \$318,000 Lamborghini Huracán EVO.

These purchases, needless to say, were not what Congress had in mind when it created the PPP as part of its \$2.2 trillion Coronavirus Aid, Recovery, and Economic Stability (CARES) Act in March. The program was supposed to keep small businesses afloat by offering them loans that would be forgiven on the condition that most of the money was

spent retaining staff.

While the program has been a lifeline for many businesses that were forcibly closed by stay-at-home orders (and have since had to contend with anemic demand and extensive social distancing regulations), PPP loans seemingly went to a lot of people who didn't need them quite as badly. Loan recipients include companies founded by members of Congress and prominent D.C. lobbying firms. Presidential adviser Jared Kushner's family businesses, including their media and real estate concerns, received PPP loans, as did the clothing brand of rapper and aspiring president Kanye West.

Early on, the PPP was criticized for being too prescriptive about how businesses should spend the money they received. Congress addressed those concerns with a subsequent bill giving recipients a little more flexibility.

But there was seemingly little it could or would do to prevent taxpayer dollars from being used to make personal purchases of luxury goods. With the DOJ announcing new fraud charges against alleged PPP hucksters almost every week, there's a lesson here about the tradeoffs inherent to doling out federal relief funds: Making sure money goes only to the truly needy requires rules and red tape that ultimately slow down the process; doling out money too quickly means it might end up paying for bottle service.

The federal government somehow managed to provide relief at a snail's pace to people who didn't need it. 

CHRISTIAN BRITSCHGI is an associate editor at *Reason*.





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SHROOMS ARE ON THE D.C. BALLOT

MAX DUNAT



THIS JUDGE IS WRONG ABOUT ECONOMIC LIBERTY AND THE CONSTITUTION

DAMON ROOT

IN HIS MAY dissent in *Ladd v. Real Estate Commission of the Commonwealth of Pennsylvania*, Pennsylvania Supreme Court Justice David Wecht berated his colleagues for letting a legal challenge proceed against a state occupational licensing scheme. “I cannot endorse a constitutional standard that encourages courts,” he declared, “to second-guess the wisdom, need, or appropriateness” of duly enacted economic regulations.

The Pennsylvania Supreme Court, Wecht complained, is now living in its “own *Lochner eraLochner v. New York*, which struck down a state regulation on the grounds that it served no

valid health or safety purpose and violated the economic liberty protected by the 14th Amendment. “For many years, and under the pretext of protecting ‘economic liberty’ and ‘freedom of contract,’ the Supreme Court routinely struck down laws that a majority of the Court deemed unwise or improvident,” Wecht wrote. “Most now recognize that those decisions had nothing to do with the text or history of the Constitution.”

Wecht should read more history, starting with the speeches of the late Rep. John Bingham (R-Ohio). In 1866, Bingham served as the principal author of Section 1 of the 14th Amendment, which, among other things, forbids states from passing or enforcing laws which violate the privileges or immunities of citizens. As Bingham told the House of Representatives, “the provisions of the Constitution guaranteeing rights, privileges, and immunities” include “the constitutional liberty...to work in an honest calling and contribute by your toil in some sort to the support of yourself, to the support of your fellow men, and to be secure in the enjoyment of the fruits of your toil.”

That view was widely shared by those who framed and ratified the 14th Amendment. Even those who opposed the amendment’s passage did so because they knew it was designed to protect economic liberty from overreaching state regulation. Rep. Andrew

Jackson Rogers (D-N.J.), for example, complained to the House in 1866 that “all the rights we have under the laws of the country are embraced under the definition of privileges and immunities,” including “the right to contract.” He continued: “I hold if that ever becomes a part of the fundamental law of the land it will prevent any State from refusing to allow anything to anybody embraced under this term of privileges and immunities.”

Contrary to Wecht’s flawed assertion, economic liberty most certainly does have something to do with the text and history of the Constitution. 

Senior Editor DAMON ROOT is the author of the forthcoming book *A Glorious Liberty: Frederick Douglass and the Fight for an Antislavery Constitution* (Potomac Books).



RESIDENTS OF WASHINGTON, D.C., will have a chance to vote for the decriminalization of certain psychedelic drugs this November. The reformers who canvassed for signatures for the initiative say they're optimistic it will pass despite objections from Congress, which controls D.C. spending.

In August, the D.C. Board of Elections certified that Decriminalize Nature D.C. had collected enough legitimate signatures to add Initiative 81 to the ballot. The Entheogenic Plant and Fungus Policy Act of 2020 would "make investigation and arrest of adults for...engaging in practices with entheogenic plants and fungi among the lowest law enforcement priorities for the District of Columbia," according to the proposal. The law would not reduce penalties, but it does encourage D.C.'s attorney general and U.S. attorney to drop prosecutions for "non-commercial planting, non-commercial cultivating, purchasing, transporting, distributing" or possessing magic mushrooms, mescaline,

and other natural psychedelics.

"D.C. voters are really well-educated and well-read," says Decriminalize Nature D.C. campaign manager Melissa Lavasani. "If we do our job right in the educational component of this campaign, we can have a resounding yes."

But the group's biggest challenge may not be convincing voters. Just days after activists submitted their collected signatures to the D.C. Board of Elections, Rep. Andy Harris (R-Md.) announced he would leverage congressional control over D.C.'s finances to bar the use of public funds for Initiative 81's enforcement.

"Public health has to be maintained," Harris told the *New York Post*. "What would prevent people from using hallucinogens, getting behind the wheel of a car and killing people?"

This is not Harris' first brush with overturning the will of D.C. voters, who have limited autonomy under the Home Rule Act of 1973, which gives Congress authority

over the District's budget and veto powers over local legislation. The Baltimore County physician is also responsible for the "Harris rider" that thwarted a key part of the District's 2014 landmark cannabis legalization vote by prohibiting D.C. from instituting a tax-and-regulate scheme. District residents are permitted to possess, gift, and grow small amounts of marijuana for personal use on private property.

But while Harris was able to prevent the creation of a legal retail market for marijuana, he hasn't been able to stop D.C. residents from finding creative ways to interpret the rule allowing "gifting," nor can he force local D.C. police to prioritize drug arrests.

Lavasani says Harris' concerns about safety are "completely understandable" but that educating voters will help them appreciate the risks and benefits of psychedelics. r

MAX DUNAT was the summer 2020 Burton C. Gray Memorial Intern at Reason.



POLICY

THE FEDS INVADE PORTLAND

C.J. CIARAMELLA

MOST OF THE time in conversation, when libertarians warn about masked government agents snatching folks off the street in unmarked vans, people politely change the subject. This past July, reality caught up with our dystopian imaginations.

The Trump administration deployed more than 100 federal law enforcement officers from the Department of Homeland Security (DHS) to Portland, Oregon, to quell weeks of unrest following the police killing of George Floyd in Minneapolis. The administration claimed it was simply protecting a federal courthouse.

News reports and videos, though, showed something different. First, federal

law enforcement officers, many of them from a Customs and Border Protection tactical unit, shot a protester in the head with a non-lethal munition, fracturing his skull. The man was hospitalized and required facial reconstruction surgery. Then videos emerged of anonymous federal agents in camouflage and body armor quite literally abducting protesters off the streets and dragging them into unmarked vehicles. Oregon Public Broadcasting reported that one detainee was taken by federal authorities, interrogated, and then released about 90 minutes later with no charges.

The federal government has the authority to protect federal property, of course, but civil

liberties groups and legal observers said the operation stretched the legal limits of that authority. The American Civil Liberties Union of Oregon called the street abductions and detainments "flat-out unconstitutional."

This operation may have been less contentious if Oregon officials had asked for help, but the feds were in Portland *despite* fierce opposition from local and state politicians. "We do not need or want their help," said Mayor Ted Wheeler.

The response from the Trump administration? Get used to it.

"I don't need invitations by the state, state mayors, or state governors to do our job," Chad Wolf, the acting secretary of the DHS, said in a Fox News interview. "We're going to do that whether they like us there or not."

An August report from the Government Accountability Office found that Wolf and acting DHS Deputy Secretary Ken Cuccinelli were both illegally appointed to their positions, which makes the Portland operation seem even more authoritarian.

The feds eventually reached an agreement with local officials and stood down. As of early September, there were still nightly clashes between protesters and Portland police. The situation in Portland is serious: Violence and property destruction seem to be escalating. But that's a problem for Portland to solve, not the feds. r

C.J. CIARAMELLA is a reporter at Reason.

WHEN IT COMES TO LIMITING THE SIZE AND SCOPE OF GOVERNMENT AND PROTECTING INDIVIDUAL LIBERTIES, AMERICA'S 45TH PRESIDENT HAS BEEN ACTIVELY MALIGN.

MATT WELCH

WE DO NOT view Lyndon Johnson's presidency through the lens of the Texan's legendary vulgarity; the Great Society and Vietnam War loom much larger on his scorecard. Nor do we judge George Washington's generalship by the Continental Army's autumn 1776 squandering of New York—every leader of consequence has bad days or weeks in the face of unprecedented challenge.

So before assessing Donald Trump's worthiness to receive a second term, let us set aside the two cudgels wielded most often by his media and Democratic tormentors: the 45th president's polarizing personality, and his administration's scattershot response to a once-in-a-century pandemic.

Focusing on Trump's deeds, instead of words, from Inauguration Day until just before the first reported U.S. death from COVID-19 on February 29, is a clarifying, even liberating, exercise. At a time when so much of American discourse is about symbolism instead of policy, adjectives instead of nouns, feelings instead of facts, this approach waves away the toxic political fog and drills down into the bedrock of this presidency. What has the Manhattan real estate developer actually built in Washington; how has that already impacted the lives of his constituents; and what lasting changes are likely if his job performance is ratified by the voting public in November?

Working through those questions will produce different answers for everyone, but here's a preview of mine: On the broad federal issues I care about most—limiting the size and scope of government, protecting individual liberties, allowing for peaceful exchange between willing partners, and contributing to international peace and human flourishing—Trump has been not just passively suboptimal but actively malign. Rewarding his record will cement bad policy and complete the Republican Party's transformation into a vehicle for big-government

The Case Against Trump | Donald Trump Is an Enemy of Freedom



nationalism that's openly suspicious of free markets and perceived enemies.

THE TRILLION-DOLLAR TAX

"KEEP YOUR EYE on one thing and one thing only: how much government is spending," economist Milton Friedman famously said during the Carter administration. "Because that's the true tax."

Under Trump's signature, even before the coronavirus, the sticker price on that annual levy was jacked up by almost \$1 trillion.

The Constitution tasks Congress, not the president, with initiating all federal expenditures. The Budget Control Act of 1974 further instructs the legislature to pass a dozen specific appropriations each year by certain deadlines. The last time those deadlines were met was in 1994. This is a "broken system that Congress has created," Rep. Justin Amash (L-Mich.) says.

Instead of budget deliberations with debates and amendments and votes, there are closed-door negotiations between House and Senate leadership that typically produce either last-minute continuing resolutions to keep the federal apparatus functioning or must-pass omnibus bills that no member has enough time to read. But if the core blame for our budgetary dysfunction rests squarely on the shoulders of those choosing to fritter away the legislative branch's prerogatives, that should not let this or any president off the hook.

Congressional terror at making recorded votes on issues of potential controversy consciously offloads decision-making responsibility onto the executive. Which means that presidents have real power to shape legislative behavior. When asked in September 2019, for example, about taking up a gun bill that had been passed by the House of Representatives, Senate Majority Leader Mitch McConnell (R-Ky.) sounded more like a White House spokesman than the leader of a co-equal branch: "The administration is in the process of studying what they're prepared to support, if anything."

Republicans, of whom Trump is by far the country's most popular within the party, held a majority in both chambers on Capitol Hill during his first two years of office. In the waning days of that 114th Congress, McConnell's No. 2 in leadership, Sen. John Cornyn (R-Texas), was queried by reporters about the Senate's approach to funding the federal government past a December 22, 2018, deadline. "I don't know of a specific plan yet," Cornyn said, just days before the lights went out. The legislative branch was waiting on appropriations instructions from the White House.

So what has Trump done with his considerable leverage to affect the level of federal expenditures? Sign a half-dozen continuing resolutions, plus a few longer-term omnibus deals, that

together eliminated Obama-era spending caps, suspended the debt ceiling borrowing limit, and ratcheted up the size of government, all at the tail end of a historically long economic expansion and stock market bull run.

Federal spending under Barack Obama went from \$2.98 trillion in George W. Bush's last full fiscal year of 2008 to \$3.52 trillion in the stimulus-weighted fiscal year of 2009, an increase for which Obama and the Democratic-controlled 111th Congress deserve the lion's share of responsibility. Since the 44th president's last full fiscal year of 2016 saw expenditures of \$3.85 trillion, we can say that during his two terms of office—which included a major federal response to an economic crisis—annual spending went up by around \$900 billion.

Trump matched that increase in just one term, *before* his own crisis hit.

Fiscal 2017 featured spending of \$3.98 trillion, with most of the \$140 billion increase over the previous year coming under Trump's sharpie. Then things really took off—\$4.11 trillion in 2018, \$4.45 trillion in 2019, and a whopping \$4.79 trillion destination at the halfway point of fiscal 2020. And then came the pandemic.

Discretionary spending—meaning that part of the budget (roughly one-third) requiring explicit congressional approval, as opposed to "mandatory" items such as Social Security, Medicare, and Medicaid—never topped \$1.2 trillion during Obama's second term. Trump's wholly owned, pre-virus budgets saw the discretionary portions rise from \$1.28 trillion to \$1.36 trillion to \$1.44 trillion.

Congressional Republicans, who had put the budgetary screws on Obama as soon as they won a House majority in January 2011, lost their appetite for hardball the moment the GOP regained control of the Senate four years later. Trump in 2015–16 then ran and won handily on the least fiscally conservative platform of a crowded presidential primary field, serially mocking the entitlement-reform mantras mouthed by a generation of fiscal conservatives. "We're going to save your Social Security without killing it, like so many people want to do," he vowed at a June 2016 rally. "And your Medicare."

The reason that Republicans and Democrats alike (if not quite in equal measures) spent decades before 2015 talking about the need to restructure the country's old-age transfer programs is that, as the historically large baby boom generation shifts from contributor to recipient, these programs are on an inexorable trajectory toward insolvency. In 1950 there were 16.5 workers paying into Social Security for every one retiree receiving benefits; in 2019 that ratio was just 2.9 to 1. In an annual report finished just prior to the pandemic, the Social Security Administration Trustees projected that the trust fund, if politicians continued doing nothing, would be forced to enact automatic, across-the-board cuts to recipients beginning in 2035.

Yet doing nothing has been Trump's intention all along. In March 2017, Robert Draper of *The New York Times Magazine* suggested to the president that conservatives should not expect entitlement reform during his first term. "I think you're right," Trump accurately forecasted, before pivoting to the virtues of government spending: "We're also going to prime the pump. You know what I mean by 'prime the pump'? In order to get [the economy] going, and going big league, and having the jobs coming in...we're going to have to prime the pump to some extent. In other words: Spend money to make a lot more money in the future. And that'll happen." You can't say he didn't warn us.

The president did flex his muscles on two notable occasions during congressional budget negotiations, each leading to government shutdowns. But that wasn't because Congress was spending too much—it was because lawmakers were spending too little for his liking on immigration enforcement.

Conservatism during Obama's first term was all about blocking Obamacare, forcing conversations about entitlement solvency, and raising the alarm over trillion-dollar budget deficits. Republicans in Trump's first term have failed to reform Obamacare, sidestepped conversations about long-term fiscal sustainability, and brought trillion-dollar deficits roaring back.

In December 2018, when there were still at least some advisers inside the White House mouthing concerns about a future debt crisis, the president reportedly dismissed them by saying, "Yeah, but I won't be here." There is only one sure way to make that prediction come true.

INDUSTRIAL POLICY MAKING

DONALD TRUMP IN 2016 became the first GOP presidential candidate to successfully campaign on trade protectionism since Herbert Hoover. And though he doesn't have a Smoot-Hawley tariff on his ledger, the president has made consumer goods more expensive, export markets more difficult to access, and government subsidization of industrial sectors more likely, both here and abroad.

Republicans during the Obama presidency made great hay, and rightly so, over the \$11.3 billion the federal government lost in its post-financial crisis takeover and restructuring of General Motors. Trump's trade wars have topped that number three years running on agriculture bailouts alone—\$12 billion to compensate for the retaliatory clampdowns on export-market access in 2018, \$16 billion in 2019, and \$19 billion in 2020 pre-COVID.

"We now have a huge \$20 billion-plus farm subsidy program that most experts are worried is never going to disappear," says trade lawyer and Cato Institute analyst Scott Lincicome. "There's nothing so permanent as a temporary government program. That old Milton Friedman line is certainly true in the case of farm subsidies."

The president has expanded the latitude for his successors and America's trade partners alike to use bogus justifications for erecting tariffs. In March 2018, Trump exercised the little-used Section 232 national security exemption to the 1962 Trade Expansion Act in order to enact a 25 percent tariff on imported steel and a 10 percent tariff on aluminum. This despite the fact that his own military rejected the security argument, that six of the top 10 foreign suppliers of steel are NATO allies, and that two months later the president himself tweeted that the tariffs were in response to a Canadian tariff on dairy products.

"For decades, presidents, and governments in general around the world, were extremely hesitant to invoke national security in order to achieve economic protectionism for really not national-security-related grounds," Lincicome says. "The Trump administration has really opened Pandora's Box with respect to Section 232."

The move "has provided future administrations a really easy way to unilaterally implement certain policies," Lincicome continues. "So, for example, you could quite easily see a Biden administration determining that climate change is a national security threat and thus imposing national security tariffs on imports from countries that don't sign under the Paris agreement." With courts generally deferential to the executive branch's national security claims (and with Congress dispositionally unwilling to take on the president), future trade wars now have a template.

As predicted by the vast majority of trade economists, Trump's tariffs have failed in their stated intent to prop up domestic producers and jobs, triggered reciprocal actions that have punished American exporters, and created a cottage industry of lobbying in Washington for exemptions.

Trump campaigned against the seven-decade Washington-led international system of mutual tariff reduction without ever having a coherent plan to replace it. His promised bilateral trade deals have mostly failed to materialize; other countries and blocs are now signing pacts that freeze out American producers; and the dispute-resolution body at the World Trade Organization (WTO), which has historically proven favorable to U.S. claims, has ground to a halt because of Trump's unwillingness to appoint representatives.

Sen. Josh Hawley (R-Mo.) and his allies like to say "we should get out of the WTO" and "replace it with something that doesn't kowtow to China," Lincicome says. "The problem is, [Trump has] done none of that. Instead, it's all just might-makes-right unilateralism."

The president's troubled negotiations with China, in addition to materially harming U.S. consumers and producers, have by his own admission discouraged him at several key moments from speaking out about the communist country's human rights atrocities against its Uighur population and its ongoing crack-

down against Hong Kong. Now that talks have broken down in an election year, the administration is ratcheting up its aggressiveness, including through an August executive order to kick out the Chinese-owned social media video giant TikTok within 45 days.

The president's trade record and hands-on approach to industrial policy threaten to overrun one of the best aspects of his first term—his conscious, system-wide slowdown of the ever-expanding administrative state.

"Trump's regulatory streamlining," the Competitive Enterprise Institute stated in May in its annual regulations survey *The Ten Thousand Commandments*, "is being offset by his own favorable comments and explicit actions toward regulatory intervention in the following areas: Antitrust intervention, financial regulation, hospital and pharmaceutical price transparency mandates and price controls, speech and social media regulation, tech regulation, digital taxes, bipartisan large-scale infrastructure spending with regulatory effects, trade restrictions, farming and agriculture, subsidies with regulatory effect, telecommunications regulation, including for 5G infrastructure; personal liberties: health-tracking, vaping, supplements, and firearms; industrial policy or market socialist funding mechanisms (in scientific research, artificial intelligence, and a Space Force), [and] welfare and labor regulations."

Trump's shocking win in 2016, particularly in an industrial Midwest that Democrat Hillary Clinton barely visited, may have led political commentators to overcorrect for their previous blind spots by convincing themselves voters were against free trade. In fact, public approval of international trade has reached record polling highs during Trump's first term. The president is once again campaigning to the left of the Democratic nominee on tariffs; another victory would likely turn a decisive majority of the political class against the single greatest global anti-poverty measure ever invented.

IMMIGRATION CRUELTY

ON HIS EIGHTH day in office, Trump signed an executive order asserting that "whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate."

First up for suspension were all travelers—including, during the first 48 hours, a half-million legal U.S. permanent residents—from Syria, Iran, Iraq, Sudan, Libya, Somalia, and Yemen, plus any refugee from anywhere on earth. College students, green-card holders, and people who had finally gained admission after years of waiting for permission boarded flights

under one set of conditions, only to discover upon landing in an American city that the rulebook had changed and they had to turn back. The move caused chaos and anguish at airports and in immigrant communities all over the country.

The travel ban was challenged and rewritten several times, but in 2018's 5–4 *Trump v. Hawaii* decision, the Supreme Court codified the chief executive's power to select which foreigners can and cannot enter the country, including based on factors (such as religion or political beliefs) that if applied to legal U.S. residents would be deemed unconstitutional.

Though Trump emphasized cracking down on illegal immigration during the 2016 campaign, in fact his deportation numbers pale in comparison to Barack Obama's. Instead, his "biggest contribution" has been restricting the *legal* variety, according to Cato Institute immigration policy analyst David Bier. "We're talking about just an incredible number of actions to reduce legal immigration," he says. Beginning, most ungenerously, with refugees.

Fueled by grisly wars in the Middle East and Africa, the global population of refugees doubled between 2012 and 2017, from 10 million to 20 million, a historically high level where it has remained ever since. The incoming president, having won on the most restrictionist platform since World War II-era Franklin Roosevelt, promptly slashed America's refugee intake to historic lows—22,000 in fiscal year 2018, down from 85,000 in 2016.

The last time worldwide refugees doubled in so short a span, in the late 1970s and early 1980s, presidents Jimmy Carter and Ronald Reagan took lead roles in organizing the global response, and America welcomed into the country roughly 1 out of every 70 refugees—from Vietnam, Cambodia, the Soviet Union, Iran, Cuba, and so forth. Under Trump, the U.S. has withdrawn from anything like leadership of the free-world response, and its refugee intake is more like 1 out of every 900.

Though the Trump administration had already reduced just about every category of legal immigration, some of the most significant restrictions went into effect only this year. The new "public charge" rule, wherein applicants for visas are required to prove that they'll never go on welfare, will precipitate massive reductions in by far the most common type of immigration: the family-sponsored visa, which traditionally has accounted for six out of every seven legal immigrants to the United States.

"This rule basically makes it impossible to get around it if you're poor and you don't have a college degree," Bier says. "We're forcibly separating U.S. citizens from their spouses, from their parents....It is something [that], if it was imposed on any other U.S. citizen, would be considered an affront to liberty and an imposition that we wouldn't tolerate for a second if the spouse was born in the United States or a parent was born in the United States."

Trump has changed asylum rules so that even those with

ironclad cases of being persecuted back home will be automatically returned there if they enter America via a third country. Asylum seekers who arrive at ports of entry to make their cases are now routinely turned away instead of processed. The number of foreign college students has been chopped down. And most shockingly, in numbers never before seen, the White House made a conscious policy to separate minor children from their asylum-seeking parents.

"This was an intentional effort by the Trump administration to target parents with children," Bier says. "And not based on any kind of risk factor or criminal history or prior crossings or anything. It was, 'If you're a parent and you are crossing with a kid, we're going to target you for prosecution specifically'....The zero-tolerance justification was just a facade to justify what they wanted to do, which was terrify these asylum seekers into not coming, basically."

Even more than trade, immigration was a signature Trump campaign issue in 2016, and it's been a focus of his attention in the Oval Office. If you believe it humane for U.S. citizens to be able to import their foreign-born immediate family, or for children to not be separated from their parents, or for America to extend a helping hand to the world's wretched, or for deserving asylum seekers to be able to make their cases, then Donald Trump is anathema to your values. Like trade, immigration has on balance contributed to the wealth of America and lifted tens of millions of people out of poverty. The president's opposition to the free movement of people from countries he disfavors will, if he receives another term, be translated into policy that actively harms millions of U.S. citizens, for many years to come.

CRISIS MANAGEMENT

IN CONSIDERING TRUMP'S presidency through February 2020, it is fair to ask what he did to prepare for a crisis such as the one now crippling the country. Because no matter what or when or how, the crisis always comes.

Here the president's erratic temperament comes into play. He has proven an alienating figure in the international arena, repeatedly insulting America's traditional allies while cultivating a more dodgy and less powerful band of cronies in places like Hungary and Saudi Arabia. Pandemics require urgent global cooperation; instead the president has spent precious time dubbing COVID-19 the "China virus" and doubling down on supply chain-damaging trade wars.

"Let's face it—we've pissed off almost every other country in the world at a time when global collaboration for a vaccine or a cure is most needed," Lincicome says. "And that type of action has consequences. If a vaccine is developed outside of the United States, and it's developed in a country with which we've had pretty hostile trade and economic relations, will Americans

In December 2018, when there were still at least some advisers inside the White House mouthing concerns about a future debt crisis, the president reportedly dismissed them by saying, "Yeah, but I won't be here."

be disadvantaged in terms of access?"

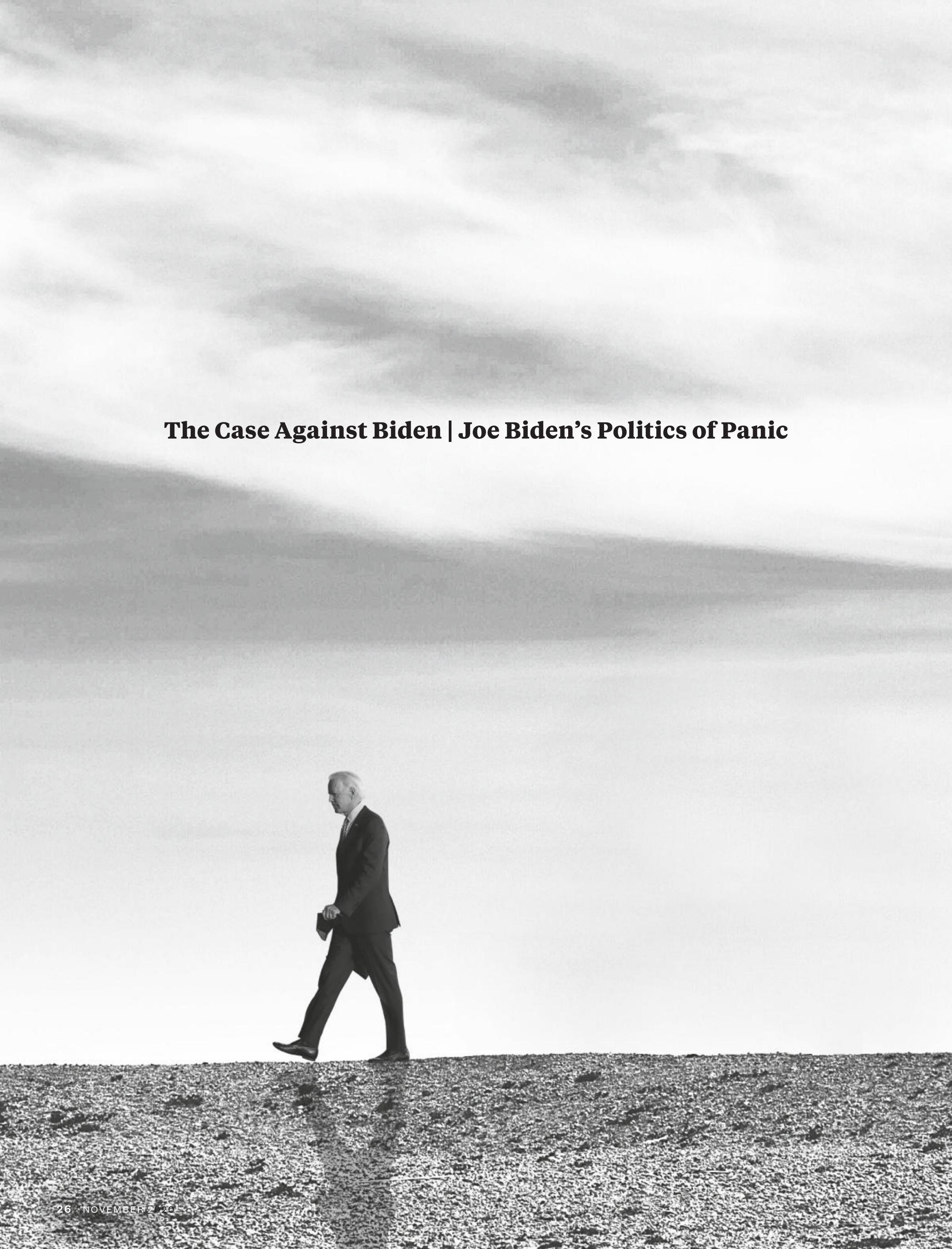
Economic crises are like margin calls, exposing where governments have left themselves out of position and creating sharp new demands for government services even as the tax base dwindles. Trump inherited a growing economy, a bullish market, a massive debt burden, and a certain future implosion of the old-age entitlement programs. Instead of saving for the inevitable rainy day, the president primed the pump, ran deficits back over \$1 trillion, and put the country in a historically vulnerable position to make the biggest economic policy gamble—and commitment—since the New Deal.

Meanwhile, his preexisting management style—demanding private loyalty and public flattery from his ever-revolving Cabinet, personalizing policy responses and entire federal departments, contradicting himself and the available facts on a daily basis—has shown itself to be a tangible governing handicap. The first rule of pandemic crisis response is that public officials must be sane, sober, and truthful in communicating with the public. Trump did not build his remarkable career around these traits.

Republican voters will flatter themselves this fall by imagining that they're striking a blow against socialism and doddering old men. And it's true: The Democrat in this race looks a few cards short of a full deck while sitting atop a party desperate to fulfill generations' worth of big-government fantasies.

But we don't need to conjure up an erratic authoritarian to fight off. He's sitting right there in the Oval Office. 

MATT WELCH is editor at large at *Reason*.



The Case Against Biden | Joe Biden's Politics of Panic



THE FORMER VICE PRESIDENT HAS A LONG HISTORY OF RECKLESS RESPONSES TO THE MENACES DU JOUR.

JACOB SULLUM

DURING A DEMOCRATIC presidential debate last year, Cory Booker weaponized one of Joe Biden's proudest accomplishments. The New Jersey senator noted that the former vice president, who represented Delaware in the Senate for 36 years, "has said that, since the 1970s, every major crime bill—every crime bill, major and minor—has had his name on it."

Said was an understatement. Biden has not just noted his leading role in passing those laws; he has crowed about it repeatedly over the years, throwing it in the face of Republicans who dared to think they could be tougher on crime and fellow Democrats he viewed as too soft. Now here he was, after a notable shift in public opinion about criminal justice issues, bemoaning the excessively, arbitrarily punitive policies he had zealously promoted for decades.

"The house was set on fire, and you claimed responsibility for those laws," Booker continued. "You can't just now come out with a plan to put out that fire."

Biden's response was telling. Those crime bills, he said, "were passed years ago, and they were passed overwhelmingly." More recently, he noted, he had tried to ameliorate some of their worst consequences—for example, by sponsoring a 2007 bill that would have eliminated the unjust, irrational sentencing disparity between the smoked and snorted forms of cocaine, which led to strikingly unequal treatment of black and white drug offenders. That gloss brushed over the fact that, just a few years before he entered the 2020 presidential race, Biden was

still bragging about the incarceration-expanding Violent Crime Control and Law Enforcement Act—or, as he preferred to call it, “the 1994 Biden Crime Bill.”

Booker, one of three African-American senators, was not impressed by Biden’s excuses. “You are trying to shift the view from what you created,” he said. “There are people right now in prison for life for drug offenses because you stood up and used that ‘tough on crime’ phony rhetoric that got a lot of people elected but destroyed communities like mine. This isn’t about the past, sir. This is about the present right now. I believe in redemption. I’m happy you evolved. But you’ve offered no redemption to the people in prison right now for life.”

The exchange was a powerful reminder of Biden’s faults. The Democratic nominee’s main qualification for office, aside from the fact that he is not Donald Trump, is his long history of public service. But that history is littered with egregious misjudgments on a wide range of issues, some of which he sticks with still. Even when Biden changes his positions—as he has on issues such as gay marriage, immigration, the Iraq war, and the death penalty, as well as drug policy and mandatory minimum sentences—he tends to rewrite history, saying he only did what everybody else was doing, implying that he acted based on the best information available at the time, or suggesting that he voted strategically to prevent even worse outcomes.

Biden’s reluctance to forthrightly acknowledge his errors blurs the contrast with Trump, a man who seems incapable of taking the blame for anything. Biden magnified that problem by choosing as his running mate Sen. Kamala Harris (D-Calif.), a former prosecutor who, like Biden, has recently recast herself as a criminal justice reformer while airbrushing her hardline past. More to the point, Biden’s persistently misguided policy instincts, spanning nearly half a century, make you wonder what fresh disasters his presidency would bring.

‘A BIG MISTAKE’

BIDEN’S HANDIWORK IN the Senate included the Comprehensive Crime Control Act of 1984, which he introduced along with Sen. Strom Thurmond (R-S.C.), an archconservative and former segregationist. That law abolished parole in the federal system, increased drug penalties, established mandatory sentencing guidelines, and expanded civil asset forfeiture.

Two years later, Biden wrote the Anti-Drug Abuse Act of 1986, which prescribed new mandatory minimums for drug crimes and created the notorious weight-based sentencing distinction that treated crack cocaine as if it were 100 times worse than cocaine powder, even though these are simply two different ways of consuming the same drug. Under that law, possessing five grams of crack with intent to distribute it triggered the same five-year mandatory minimum sentence as 500 grams of

cocaine powder; likewise, the 10-year mandatory minimum required five kilograms of cocaine powder but only 50 grams of crack. Two years later, Biden co-sponsored another Anti-Drug Abuse Act, which established the “drug czar” position he had been pushing for years and created additional mandatory minimums, including a five-year sentence for crack users caught with as little as five grams, even if they were not involved in distribution.

As Biden explained it on the Senate floor in 1991 while holding up a quarter, “we said crack cocaine is such a bad deal that if you find someone with this much of it—a quarter’s worth, not in value, but in size—five years in jail.” To be clear: Biden was not marveling at the blatant injustice of that punishment but touting his anti-drug bona fides.

Because federal crack offenders were overwhelmingly black, while cocaine powder offenders were more likely to be white or Hispanic, the rule Biden championed meant that darker-skinned defendants received substantially heavier penalties than lighter-skinned defendants for essentially the same offenses. As that trend became clear, the African-American legislators who had supported the law turned against it. By the early 1990s, pressure was building for reform of crack penalties.

“We may not have gotten it right,” Biden conceded 16 years after he helped establish the 100-to-1 rule. Five years later, during an unsuccessful bid for his party’s 2008 presidential nomination, he introduced a bill to equalize crack and cocaine powder sentences. That was the bill he cited in response to Booker’s criticism, suggesting he had seen the injustice of excessively harsh drug penalties by then. Yet as vice president in 2012, he was still citing his work with Thurmond on the 1984 crime bill, which started the ball rolling on mandatory minimums, as an inspiring example of bipartisan collaboration.

The distinction between smoked and snorted cocaine “was a big mistake when it was made,” Biden admitted in a speech he gave just before entering the presidential race in 2019, nine years after Congress approved a law that shrank but did not eliminate the sentencing gap. “We thought we were told by the experts that crack...was somehow fundamentally different. It’s not different.” The misconception, he added, “trapped an entire generation.”

That was by no means Biden’s only mistake. Even as some of his fellow Democrats in Congress were beginning to question the conventional wisdom that drug penalties can never be too severe, he was working to make them more draconian.

Biden was eager to portray himself as tougher on drugs than the Republicans. In a televised response to a 1989 speech in which then-President George H.W. Bush announced yet another escalation of the war on drugs while waving a plastic bag of crack, Biden questioned the administration’s zeal. “Quite frankly,” he said, “the president’s plan’s not tough enough, bold enough, or

imaginative enough to meet the crisis at hand,” which he called “the No. 1 threat to our national security.”

‘HOLD EVERY DRUG USER ACCOUNTABLE’

AFTER BILL CLINTON was elected in 1992, Biden joined forces with the president to outflank the Republicans on crime issues, long a vulnerability for Democrats. Thus was born Biden’s pride and joy, the biggest crime bill in U.S. history.

The 1994 law created 60 new capital offenses, increased drug penalties yet again, established a federal “three strikes” rule requiring a life sentence for anyone convicted of a violent crime after committing two other felonies (one of which can be a drug offense), and provided \$10 billion in subsidies for state prison construction, contingent on passage of “truth in sentencing” laws that limited or abolished parole, along with funding to hire 100,000 police officers. Biden, who bragged that he had conferred with “the cops” instead of some namby-pamby “liberal confab” while writing the bill, was proud of all the extra punishment. Like a crass car salesman hawking a new model with more of everything, Biden touted “70 additional enhancements of penalties” and “60 new death penalties—brand new—60.” He denounced as “poppycock” the notion, which would later be defensively deployed by Clinton, that “somehow the Republicans tried to make the crime bill tougher.”

Decades later, Biden was still defending his toughness. “I knew more people would be locked up across the board,” he told *The New York Times* in 2008, “but I also said it would drive down crime.” Yet a long downward trend in violent crime had already begun by the time Congress approved the 1994 bill. The violent crime rate, which includes homicide, rape, robbery, and aggravated assault, peaked in 1991 and fell for three consecutive years before the law took effect.

Although Biden said he was trying to lock up the sort of dangerous thugs who would “knock my mother on the head with a lead pipe,” “shoot my sister,” or “beat up my wife,” his ire was not restricted to predatory criminals. Equating peaceful transactions involving arbitrarily proscribed intoxicants with “a rising tide of violence,” he wanted to imprison low-level drug dealers and punish their customers. “We have to hold every drug user accountable,” he said in his 1989 response to Bush’s speech, “because if there were no drug users, there would be no appetite for drugs, and there would be no market for them.”

Biden likewise had no reservations about civil asset forfeiture, a system of legalized theft that allows police to seize cash and other property based on a bare allegation that it is connected to drug offenses. At that point, the owner has the burden of challenging the forfeiture, a process that often costs more than the property is worth. “The government can take *everything* you own,” Biden exulted in 1991, “everything from your car to your

By the early 1990s, pressure was building for reform. “We may not have gotten it right,” Biden conceded 16 years after he helped establish the 100-to-1 sentencing rule for crack vs. powder cocaine.

house, your bank account.”

Nor did Biden think through the implications of his Reducing Americans’ Vulnerability to Ecstasy (RAVE) Act, part of a long campaign against “club drugs.” The RAVE Act, which Biden renamed the Illicit Drug Anti-Proliferation Act in 2003 after critics complained that he was attacking a specific musical genre and the lifestyle associated with it, amended the so-called crack house statute, a provision of the Anti-Drug Abuse Act of 1986 that made it a felony, punishable by up to 20 years in prison, large fines, and property forfeiture, to “manage or control any building, room, or enclosure” and knowingly make it available for illegal drug use.

Biden thought that language was inadequate to go after rave promoters—the scum who should be put in jail—because they often used spaces owned by other people. So he expanded the provision to cover temporary venues used for raves or other events where people consume drugs.

A month after the law was enacted, the Drug Enforcement Administration (DEA) used it to shut down a fundraising concert in Billings, Montana, sponsored by two groups critical of the war on drugs, the National Organization for the Reform of Marijuana Laws and Students for Sensible Drug Policy. During a July 2003 confirmation hearing for DEA Administrator Karen

Tandy, Biden pronounced himself “disturbed” by that use of his law. He asked Tandy to explain how she planned to “reassure people who may be skeptical of my legislation that it will not be enforced in a manner that has a chilling effect on free speech.”

In addition to chilling the exercise of First Amendment rights, Biden’s anti-rave law discouraged efforts to reduce drug hazards. Rave promoters who tried to protect MDMA users from dehydration and overheating by distributing water bottles and providing “chill out” rooms, or who let organizations such as DanceSafe distribute harm reduction literature, would thereby be providing evidence that they knowingly made a place available for illegal drug consumption. In recent years, the Justice Department has cited Biden’s legislation while threatening to prosecute any organization that sets up supervised consumption facilities where people can use opioids in a safe environment monitored by medical personnel.

‘JOE BIDEN WROTE THOSE LAWS’

BIDEN’S RECORD AS a drug warrior is so appalling that Trump has attacked him from the left on the issue. “Anyone associated with the 1994 Crime Bill will not have a chance of being elected,” the president tweeted last year. “In particular, African Americans will not be able to vote for you. I, on the other hand, was responsible for Criminal Justice Reform, which had tremendous support, & helped fix the bad 1994 Bill!” Trump was alluding to the FIRST STEP Act, a package of modest reforms that he signed in 2018.

“Mass incarceration has put hundreds of thousands behind bars for minor offenses,” says a Trump campaign video released in May. “Joe Biden wrote those laws.” In a June 2 blog post, the campaign slammed Biden as “the chief architect of mass incarceration and the War on Drugs, which targeted Black Americans.”

Today Biden portrays himself as a criminal justice reformer, calling for the abolition of the mandatory minimums and death penalties he once championed. He also says the federal government should let states legalize pot. But unlike most of the candidates he beat for the Democratic nomination, he resists repealing the national ban on marijuana, saying he is waiting for science to clarify “whether or not it is a gateway drug”—a rationale for prohibition that drug warriors have been citing for 70 years.

Given the current climate of opinion in the Democratic Party, it seems unlikely that Biden could get away with reverting to his old drug-warrior ways. But his history on drug policy and criminal justice epitomizes his readiness to react mindlessly whenever he perceives a menace to public safety or national security.

One part of the 1994 crime bill that Biden definitely does not regret is the federal ban on semi-automatic guns that Con-

gress described as “assault weapons,” which expired in 2004. Biden favors a new and supposedly improved version of that law, including a requirement that current owners of the targeted firearms either surrender them to the government or follow the same tax and registration requirements that apply to machine guns. During an argument with a Detroit autoworker in March, Biden suggested that the Second Amendment no more protects the right to own guns he does not like than the First Amendment protects the right to falsely cry “Fire!” in a crowded theater.

In a *New York Times* op-ed piece last year, Biden conceded that the 1994 “assault weapon” ban had no impact on the lethality of legal guns, because manufacturers could comply with the new restrictions “by making minor modifications to their products—modifications that leave them just as deadly.” But that is a problem shared by all such bans, since they draw lines based on features, such as folding stocks, barrel shrouds, and flash suppressors, that make little or no difference in the hands of criminals. The distinction that Biden perceives between guns with those features and functionally identical models without them is just as spurious as the distinction he once perceived between crack and cocaine powder.

As he did when confronting “the drug problem” in the 1980s and ’90s, Biden feels an overpowering urge to do something, whether or not that thing makes any sense. “There’s no excuse for inaction,” he tweeted after the 2017 massacre in Las Vegas. “We must act now,” he insisted after the 2019 mass shooting in Virginia Beach (which, like most such crimes, was committed with ordinary handguns rather than “assault weapons”). Such comments reflect the same sort of knee-jerk urgency that, by Biden’s account, “trapped an entire generation” because he did not bother to educate himself about matters on which he was legislating.

AN ‘EPIDEMIC’ OF SEXUAL ASSAULT ON CAMPUS

BIDEN’S CAREER WAS built on the politics of panics. In the 1990s, he supported a Trump-like crackdown on illegal immigration, including a border fence and expedited removals, that resembled tactics he now deplores. A decade later, he was still calling for more border barriers, saying employers who hire unauthorized residents should go to prison, opposing driver’s licenses for people who can’t prove their citizenship, and condemning “sanctuary cities” that refuse to cooperate with immigration enforcement.

When he was vice president, Biden played a key role in Department of Education guidelines that undermined the due process rights of college students facing sexual assault allegations. To comply with the department’s new advice regarding Title IX, which prohibits sex discrimination in educational programs that receive federal money, colleges dramatically

expanded their definitions of punishable behavior and adopted streamlined procedures that effectively presumed the guilt of accused students.

As critics such as the journalist Emily Yoffe have noted, the new rules commonly denied students the right to testify, the right to present exculpatory evidence, and even the right to know the details of the charges against them. The upshot was that students were suspended or expelled based on conflicting recollections of frequently drunken encounters that both parties agreed started consensually.

Biden said the regulatory guidance that gave rise to these kangaroo courts was necessary to address an “epidemic” of sexual assault on campus. He repeatedly cited a discredited estimate that “one in five” female college students is sexually assaulted by graduation, eight times the rate indicated by Justice Department data. And he falsely claimed that “we’ve made no progress” in reducing sexual assault of young women since the early 1990s, when in fact the rate of victimization among female college students had been cut in half.

After 9/11, Biden did not just vote for the PATRIOT Act, which expanded the federal government’s surveillance authority in the name of fighting terrorism. He bragged that it was essentially the same as legislation he had been pushing since 1994. And when President George W. Bush reacted to Al Qaeda’s attacks by targeting a country that had nothing to do with them, Biden did not just vote to authorize the use of military force against Iraq. He steadfastly defended the administration’s strategy, warning his colleagues that “failure to overwhelmingly support” the resolution was “likely to enhance the prospects that war will occur.”

Biden later claimed he never thought Bush actually would go to war, seeing the authorization as a way to pressure Saddam Hussein into cooperating with international arms inspectors. “Immediately, the moment it started, I came out against the war at that moment,” he told NPR last year. But that is not true. Although he occasionally criticized Bush for acting too hastily and with insufficient international backing, Biden repeatedly voiced support for the war. He did not publicly acknowledge that his vote to authorize it was a mistake until November 2005, more than two years after the U.S. invasion.

If Biden has learned anything from the Iraq debacle, it was not apparent in his response to a *New York Times* questionnaire about executive power last year. Biden argued that presidents have the authority to use military force without congressional approval “when those operations serve important U.S. interests and are of a limited nature, scope, and duration.” Since “U.S. interests” are in the eye of the beholder and the president unilaterally decides when military operations are “limited” enough that they do not qualify as “war,” that formulation amounts to a blank check.

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At 78, Biden would be the oldest president ever elected in the United States. But there is little sign that he has acquired much wisdom during a career filled with lessons about the limits of government power and the fallible judgments of the people who wield it.

Should the government tax violent entertainment and use the proceeds to help crime victims? Biden sees “no legal reason” why not. Should the president fight COVID-19 by requiring all Americans to mask up, notwithstanding the lack of a plausible legal basis for such an order? “Yes, I would,” Biden says. Should Congress repeal Section 230 of the Communications Decency Act, which made the internet as we know it possible by protecting online platforms from liability for content posted by users, because Biden is mad at Facebook? You bet. What could possibly go wrong?

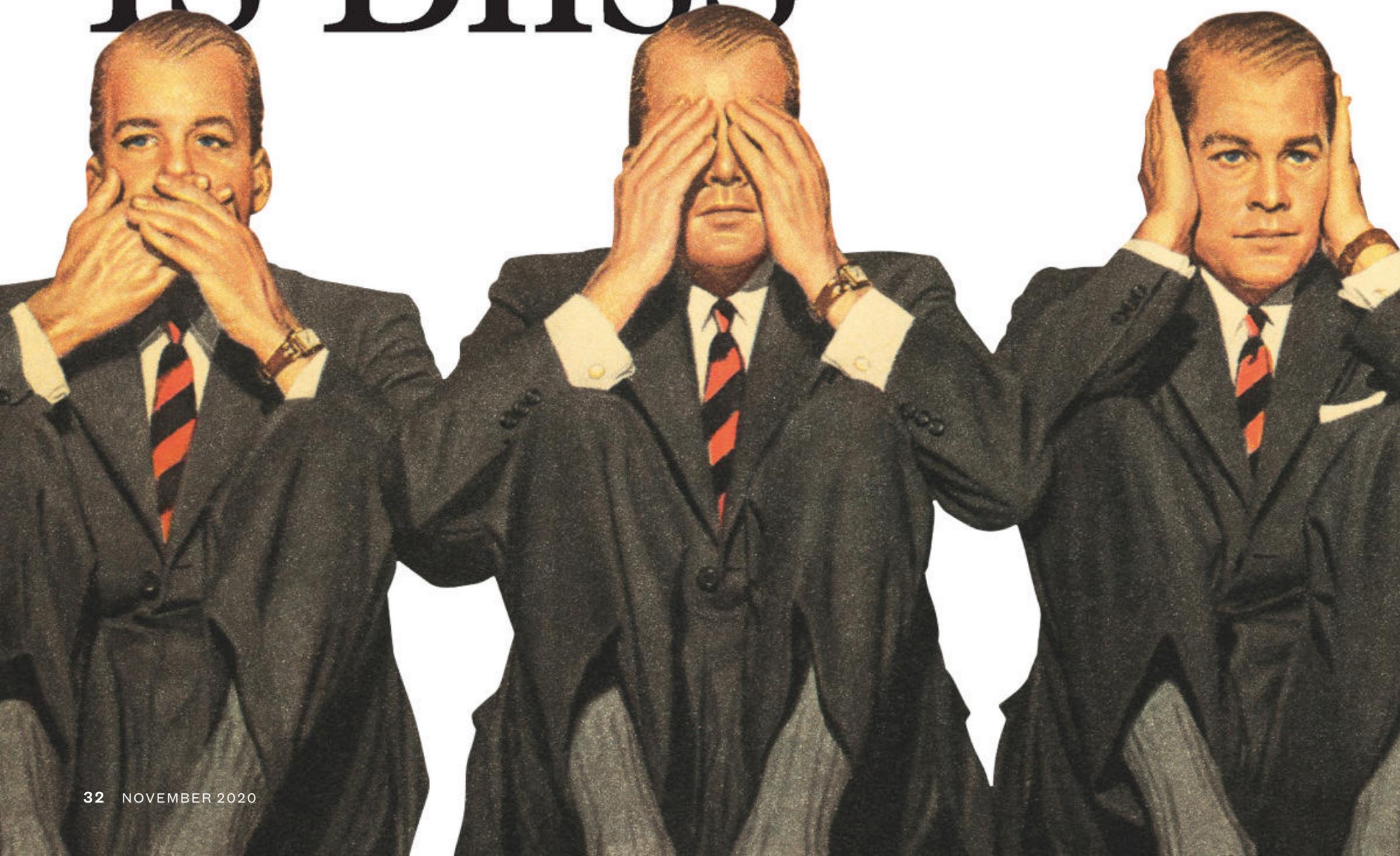
It’s a question that Biden, who presents himself as an alternative to an intolerably impulsive and shortsighted president, never seems to ask. r

Senior Editor JACOB SULLUM is the author of *Saying Yes: In Defense of Drug Use* (Tarcher/Penguin). JUSTIN MONTICELLO, who produced a video for Reason about Biden’s record, contributed research for this article.

COULD PAYING LESS ATTENTION TO POLITICS BE
BETTER FOR YOU, YOUR RELATIONSHIPS, AND SOCIETY?

CHRISTOPHER FREIMAN

Political Ignorance Is Bliss



H

ERE'S SOMETHING DUMB I do every year. At some point during October in Virginia, the weather cools down enough that I switch the thermostat from air conditioning to heating. But inevitably we run into a spell of hot weather that lasts a few days. How do I respond? *I literally get mad at the weather.* I stare at the thermostat and fume at the prospect of flipping it back to air conditioning. In other words, I resent having to move my finger an inch because I feel as though I have been wronged by the weather—it's *unfair* that it would be hot in October. (I told you it was dumb.)

Why am I mentioning this? Because it illustrates the irrationality of getting angry over something you can't change. I can't change the weather. However, I can adjust my own behavior in response to the weather. It makes no sense to seethe at the heat spell—I should switch on the A.C. and move on with my life.

You should do the same with politics. You and I cannot change the country's political situation. (For instance, the odds of your vote changing the result of the presidential election are between one in 10 million and one in a billion, depending on your state.) However, we can adjust our own behavior in response to a political situation. It's pointless to rage at politicians and pundits because you think they're wrong about how to alleviate poverty. Maybe they *are* wrong, but there's nothing you can do about it. Instead, you should focus on what you *can* control; you could, for instance, do your part to alleviate poverty by working overtime and donating your extra earnings to an effective charity.

There's a robust debate over whether a moral obligation to participate in politics exists. I'd argue that there is no such obligation, largely because we can meet our obligation to promote justice and the common good in wholly nonpolitical ways, such as contributing to organizations that feed the hungry, shelter the homeless, and enrich the poor. But the argument is to some degree separate from what follows, which is a discussion of the therapeutic and philanthropic benefits of ignoring politics: It's good for you, your relationships, and society as a whole.

POLITICS MAKES US MISERABLE

THE PHILOSOPHER JOHN Rawls writes of the typical citizen in a just society: "The time and thought that he devotes to forming his [political] views is not governed by the likely material reward of political influence. Rather it is an activity enjoyable in itself that leads to a larger conception of society and to the development of his intellectual and moral faculties." Whatever the merits of Rawls' description of citizens in an ideal society, it doesn't seem to apply to citizens of our own society. Politics tends to make us

miserable rather than being "enjoyable in itself."

One reason staying politically informed can lower our happiness is that both news outlets and news consumers tend to focus on bad news instead of good news. Ninety-five percent of American adults report regularly following the news—82 percent check it every day—and over half of them say that it's a source of stress.

I've always found it strange that people will dedicate hours of their day to watching and discussing the news, only to be infuriated by it. Imagine if 95 percent of Americans reported regularly eating mushroom pizza—82 percent eating it at least once a day—but over half of them didn't like mushroom pizza. After working through your initial puzzlement at their behavior, I presume your advice to them would be simple: Stop eating mushroom pizza. To quote my 5-year-old son, "Why does Grandpa watch the news if he doesn't *like* the news?" (In the interest of transparency: No, I don't always follow my own advice here. I'd say that's an indictment of me rather than my advice, though.)

Consider also that the psychological harm of "losing" in politics is greater than the psychological benefit of "winning." A 2019 working paper by Sergio Pinto, Panka Bencsik, Tuugi Chuluun, and Carol Graham finds that the loss of well-being experienced by partisans when their party loses is significantly larger than any well-being gain experienced by the winners. And seeing one's side lose an election can have surprisingly devastating results. Immediately after their candidate lost the 2016 presidential election, the decline in life satisfaction experienced by Democrats was greater than the adverse effects of losing a job—a life event that has some of the worst documented effects on people's well-being. Estimates based on recent survey data suggest that roughly 94 million Americans believe that politics has caused them stress, 44 million believe that it has cost them sleep, and 28 million believe that it has harmed their physical health.

I suggest looking to the advice offered by the ancient Stoics for coping with fate. "When a dog is tied to a cart," philosophers Zeno and Chrysippus analogized, "if it wants to follow it is pulled and follows, making its spontaneous act coincide with necessity, but if it does not want to follow it will be compelled in any case. So it is with men too: Even if they do not want to, they will be compelled in any case to follow what is destined."

Electoral outcomes are, for all practical purposes, a matter of fate over which we as individuals have no control. We can either accept them and adjust our behavior accordingly or we can pointlessly obsess over them to the detriment of our own well-being.

POLITICS SWALLOWS EVERYTHING

HERE'S SOMETHING THAT worries me more than the stress of

politics: Our partisan commitments are beginning to swallow up the rest of our identities. University of Maryland, College Park, political scientist Lilliana Mason writes in her 2018 book *Uncivil Agreement: How Politics Became Our Identity*, “A single vote can now indicate a person’s partisan preference *as well as* his or her religion, race, ethnicity, gender, neighborhood, and favorite grocery store. This is no longer a single social identity. Partisanship can now be thought of as a mega-identity, with all the psychological and behavioral magnifications that implies.” According to a 2015 paper in the *American Journal of Political Science* by political scientists Shanto Iyengar and Sean Westwood, “The sense of partisan identification is all encompassing and affects behavior in both political and nonpolitical contexts.” You can use someone’s vote to make a decent guess about her opinion of NASCAR, Whole Foods, and Lynyrd Skynyrd.

More significantly, we can even use someone’s vote to make a decent guess about her opinion of the severity of, and appropriate response to, a pandemic. Republicans are far less concerned about the spread of COVID-19 than Democrats. Unsurprisingly, they’re also more comfortable going to restaurants and parties and less likely to say that masks should be worn in public. Democrats are more likely to support online schooling in the fall. Even if you’re untroubled by the politicization of grocery stores, you should worry that epidemiology has become a partisan battleground.

Furthermore, the monopolization of our identity by our politics homogenizes our social circles. “At a dinner party today, talking about politics is increasingly also talking about religion and race. They are wrapped together in a new way,” Mason writes. “Ironically, politics and religion may be increasingly acceptable topics at a dinner party today, because most of our dinner parties include mainly socially and politically similar people.”

This kind of sorting is increasing a sense of distance and competition between the opposing political sides. When people’s other social identities align with their partisan identities, the members of one party drift further apart from members of the other party, and political conflict becomes more heated. By contrast, people with “cross-cutting” identities—that is, people whose partisan identities do *not* align with their other social identities in the standard pattern (picture a Prius-driving, Unitarian Republican who regularly attends vegan cooking classes)—are less hostile to out-party members and less likely to get angry about politics. But as these “cross-cutters” grow scarce, politics gets bloodier.

So if your social identities are all over the road, don’t despair. Perhaps, like me, you find that your television preferences lean left (apparently conservatives don’t appreciate *Brooklyn Nine-Nine*), but your grocery store preferences lean right (I’m not sure that I’ve ever set foot in a Whole Foods). Being jumbled up

in this way has a calming effect on your politics. Now, it also makes you less *enthusiastic* about politics, but I consider this another plus rather than a minus.

To make matters worse, research by University of Memphis political scientist Eric Groenendyk indicates that “partisans’ identities are increasingly anchored to hatred of the outparty rather than affection for their inparty.” We hate the other team more than we like our team. Why? We need to ramp up our animosity to the out-party to rationalize our continued dedication to our own party despite its obvious shortcomings. (“I know my party can be spineless and ineffective, but I’ve got to stick with it because the other side is downright *evil*.”) In brief, hatred of the out-party is becoming increasingly central to our political identities, just as politics is becoming increasingly central to our identities as such. I don’t know about you, but I’d rather not be defined by stuff I hate—I don’t want my life to revolve around inner-ear infections and the Dallas Cowboys.

POLITICS IS BAD FOR YOUR RELATIONSHIPS

THE PHILOSOPHER JOHN Stuart Mill said that “it is from political discussion, and collective political action, that one whose daily occupations concentrate his interests in a small circle round himself, learns to feel for and with his fellow-citizens, and becomes consciously a member of a great community.” Politics, on this view, expands our social circle and brings the community closer together. Unfortunately, evidence suggests the reverse: Politics has the effect of tearing people apart. As Georgetown University ethicist Jason Brennan writes in his 2016 book *Against Democracy*, “Politics tends to make us hate each other, even when it shouldn’t....We tend to view political debate not as reasonable disputes about how to best achieve our shared aims but rather as a battle between the forces of light and darkness.”

In the most recent presidential election—according to polling data from CNN, Pew, Reuters, and other sources—13 percent of Americans blocked friends on their social media accounts due to political disagreements. Sixteen percent stopped talking to a friend or family member because of politics; 13 percent *ended* a relationship with a friend or family member. Over a quarter of Americans limited their “interactions with certain friends or family members” as a result of politics. Nearly 30 percent of Americans consider it important to live where most people share their political opinions.

Politics is now infiltrating our attitudes toward dating and marriage. People prefer to date co-partisans. More than 60 percent of partisans want their children to marry within their own party (compared to about 30 percent in the late 1950s). About half of Republicans and one-third of Democrats reported being “somewhat or very unhappy at the prospect of inter-party mar-

riage.” Not only does it seem exhausting to police your relationships by politics, it can drive you away from friends and family (not to mention prospective friends and family).

Things look even worse when we move from personal relationships to the country as a whole. In the United States, it is becoming more common for partisans to see the other side as morally bad and worthy of blame and loathing. Roughly half of Republicans believe that Democrats are “ignorant” and “spiteful,” and similar numbers of Democrats think the same of Republicans. About 40 percent of Democrats and Republicans believe that members of the other party “are not just worse for politics—they are downright evil.” Twenty percent of Democrats and 15 percent of Republicans agreed that “we’d be better off as a country if large numbers of” the opposing party “just died.” Think about that: Politics is driving people to think that out-party deaths are a *good thing*.

When politics becomes partisan warfare, social trust and cohesion suffer. In experimental settings, people are less trusting of out-party members and less generous toward them. Employers are less likely to pursue job applicants whose résumés signal a partisan affiliation contrary to their own. People are less likely to award a scholarship to an out-party member. Consumers are more likely to buy from a politically like-minded seller. As Iyengar and his colleagues summarize, “Partisanship has bled into the non-political sphere, driving ordinary citizens to reward co-partisans and penalize opposing partisans.”

Perhaps most troubling of all is partisans’ willingness to dehumanize those on the other side. A study by Vanderbilt University’s James Martherus and others found that more than half of partisans rated members of the opposing party as less evolved than members of their own party—they located out-party members farther away from an image of a modern human on a scale showing the stages of human evolution. Martherus and his colleagues also presented partisans with a fake report, accompanied by a photo of broken chairs, about a cookout where a fight had broken out, causing a rush to the exit and a number of injuries. When the event was affiliated with the Republican Party, Democratic subjects were more likely to agree that the eventgoers were “like animals”; a similar result was found when Republicans were told the gathering was Democratic. A different study yielded a similar finding: About 20 percent of respondents believe that many members of the opposing party “lack the traits to be considered fully human—they behave like animals.”

Dehumanization is a grave social problem: It can lead to discrimination, increased punitiveness, and violence. Indeed, 18 percent of Democrats and 13 percent of Republicans “feel violence would be justified” if the other party wins the 2020 presidential election.

Although I’ve focused on the ways in which politics can make

In the most recent presidential election, 16 percent of Americans stopped talking to a friend or family member because of politics; 13 percent ended a relationship with a friend or family member.

us unhappy and antisocial, it’s worth noting that these findings also weaken the case for a moral duty to participate in politics. Suppose there were a television show that made its viewers less generous, less sympathetic, and more violent toward those who think differently. It’s safe to say that you’d have a moral obligation to avoid that show unless you had a very powerful reason to watch it. Generally speaking, we have a moral obligation to avoid doing things that worsen our moral character. And politics tends to do just that.

WHY NOT DISOWN THE OTHER SIDE?

ONLY ABOUT A third of partisans think that members of the opposing party “have their heart in the right place but just come to different conclusions about what is best,” according to a 2019 working paper by Mason in collaboration with Louisiana State University’s Nathan Kalmoe. So you might think maybe we *should* disown out-party members, because their politics expose their manifestly horrible character. You wouldn’t keep Stalin on your Christmas card list, would you?

In reply, I’ll first mention that our beliefs about people on the other side of the political aisle tend to be uninformed (a finding that should be unsurprising in light of the increasing social distance between the parties). Although people are misinformed about their own party, their misperceptions of the other side are worse. For instance, Republicans estimate that over one-third of Democrats are atheist or agnostic, but the right number is under one-tenth. Democrats think that 44 percent of Republicans earn at least \$250,000 per year. The right number is 2.2 percent.

On policy matters, we think that there are enormous differ-

ences between our views and the views of the other side. It turns out that the gap is smaller than we think. On issues such as taxes and immigration, the perceived divide between Democrats and Republicans is larger than the actual divide. You should at least have accurate beliefs about members of the other party before you disown them.

But what about those out-party members who do, in fact, endorse policies that you find morally objectionable? Surely *they* are ignorant, spiteful, or perhaps even evil people. How else could they err so badly?

This line of thought might be persuasive if the correct policy positions were obvious. In that case, people who hold incorrect views must be ignorant or evil. But it is simply not obvious what ought to be done about abortion, immigration, gun control, foreign aid, capital punishment, international trade, taxation, environmental regulation, criminal justice, military intervention, and many other policy matters. These are extremely complicated issues. Honest, well-meaning people can reach different conclusions about politics.

I'd also suggest that the ease with which we ascribe ignorance or evil to out-party members is much more a reflection of our own psychology than of *their* moral character. Politically motivated reasoning causes us to selectively accept information that flatters our side and condemns the opposition. No wonder, then, that our side seems clearly right and the other side seems clearly wrong. Moreover, as noted earlier, we justify our continued allegiance to our own side by amplifying the flaws of the other side, a tendency that could easily lead us to believe that members of the out-party are malicious or stupid.

As a general point, we think we are more moral and less biased than others. So it is natural (although not *justified*) that we would believe, in the words of Emily Pronin, Carolyn Puccio, and Lee Ross in *Heuristics and Biases* (Cambridge University Press), that our own "perspective is the one that affords the greatest accuracy," causing us to "feel frustrated or even angry with those who dispute the authenticity and special insight" of our views.

To be clear: I'm not endorsing the view that all political opinions have equal merit. There are opinions that are beyond the boundaries of what is reasonable or decent. (Don't be friends with Stalin.) But we have grounds for thinking that many, if not most, of our political opponents are not downright evil. There *are* downright evil people in this world, but we should use caution when we apply this label. Someone can disagree with your politics and still be worthy of your business, your friendship, and your respect.

IN DEFENSE OF APOLITICAL POLITICS

IRONICALLY, IF POLITICS weren't so central to our social identities,

we'd probably get better politics. As the New York University social psychologist Jonathan Haidt told *Reason* in 2018, "The more passionately we feel about something, the more likely it is that our reasoning is warped and unreliable." When our partisan anger is stoked, we're less responsive to information and more prone to minimize risks. Anger can also prompt "defense of convictions, solidarity with allies, and opposition to accommodation," plus more politically motivated reasoning. In brief, as politics absorbs more of our identity, political participants get more partisan, more hostile, and less willing to compromise.

Debates over whether to increase or decrease immigration restrictions, for example, would be more productive if they were more like debates over whether to use plastic or copper pipes and less like a holy war. We don't feel as though our sense of self is under attack when someone challenges our plumbing choices. Plumbing is not at the core of (most of) our identities.

Of course, expecting people to bring the same clinical detachment to political decisions that they bring to plumbing decisions is a pipe dream. And that's understandable: There are weighty moral issues at stake in politics that aren't at stake in plumbing. But a world in which political debates were *more* clinical would be an improvement over the status quo. As things stand, partisans exert an outsized influence on our national politics. Those with the strongest political identities and strongest hostility to the other side are the most politically active. We can do better. Politics need not be a Frankenstein's monster of religious zeal and sports fanaticism.

How could we move ourselves in that direction? One option is to take opportunities to work with out-party members in nonpolitical settings—maybe you could adopt a highway or volunteer with Habitat for Humanity together. Indeed, even observing cooperative interactions that reach across the aisle may help reduce polarization.

It also might be worth trying to tie your social identity to nonpolitical affiliations. (If these are cross-cutting identities, all the better.) Psychologists Jay Van Bavel and Andrea Pereira noted in a 2018 article in *Trends in Cognitive Sciences* that "when people are hungry for belonging, then they are more likely to adopt party beliefs unless they can find alternative means to satiate that goal." You could start following your city's National Basketball Association team and cheer for basketball instead of politics. Better yet, quit your political party and join a local effective altruism group in your newly spared time. If you insist on disregarding my advice to ignore politics, at least divorce your social identity from your politics. Your political participation will be better for it. 

CHRISTOPHER FREIMAN is associate professor of philosophy at William & Mary. This article is adapted by permission from his recent book *Why It's OK To Ignore Politics* (Routledge).

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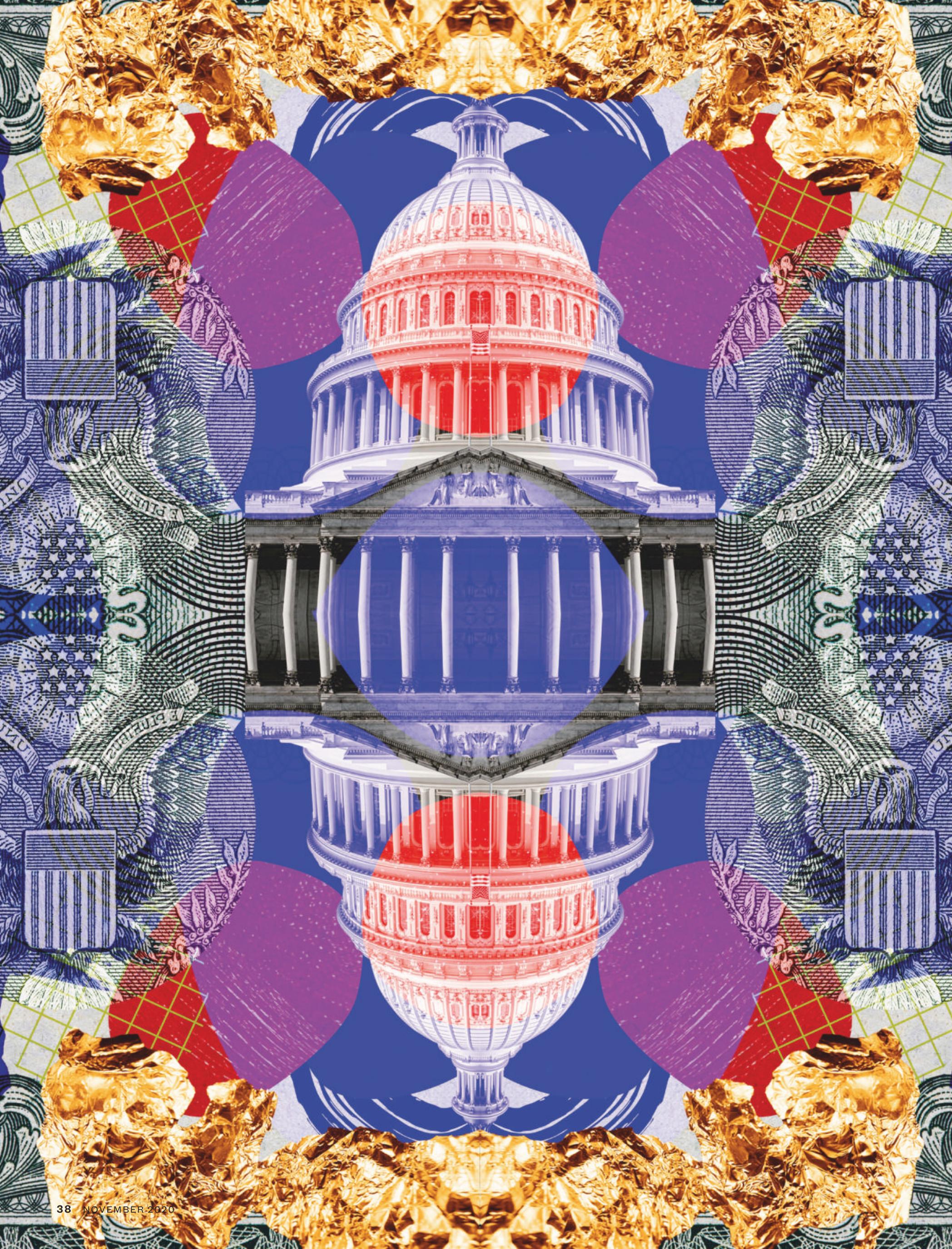


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DEFICIT RECKONING

AFTER YEARS OF FEDERAL FISCAL RECKLESSNESS, IS WASHINGTON'S BILL FINALLY COMING DUE?

PETER SUDERMAN

T'S A DIFFICULT time to be a deficit hawk.

In March, Congress passed the CARES Act, named to show what lawmakers on both sides of the aisle wanted to be seen to be doing in the wake of the economic devastation caused by the outbreak of COVID-19. They cared to the tune of about \$2.2 trillion, all of it billed to the deficit, making it the single biggest legislative care package in history by a wide margin. It was the first time Congress had ever passed a bill with a trillion-dollar price tag. As a point of comparison, the Affordable Care Act, the 2010 health law that would be known as Obamacare, which was viewed as unusually costly, had to be whittled down during the legislative process so as not to technically exceed the trillion-dollar mark. Its 10-year price tag, at the time of passage, came in around \$940 billion.

But any real worries about those sky-high figures appear to have melted away in the face of the pandemic, which has exposed the underlying unseriousness of Washington's approach to budgeting. For nearly 40 years, federal lawmak-

ers have been trying, or at least pretending to try, to reduce the deficit. But when asked to make tough budgetary choices, they consistently buckle under the pressure of partisan politics. This, in turn, has given rise to simplistic economic theories designed to justify whatever outcomes are most convenient.

The CARES Act followed a series of smaller relief bills and would be succeeded by a \$310 billion top-up to the original bill's small business loan program, bringing Congress' total coronavirus relief spending to nearly \$3 trillion. And that was just for starters. By summer's end, House Democrats and Senate Republicans were haggling over a new round of stimulus, with Democrats pushing a \$3 trillion aid package and Republicans, representing the limited-government side of the argument, backing a mere \$1 trillion in additional deficit spending.

When their bickering went as congressional bickering often does—nowhere—President Donald Trump eventually stepped in to impose extensions via executive fiat of some of the original CARES Act programs, including a boost to unemployment

insurance that would cost tens of billions more. Did it matter that Trump's unilateral move raised questions about his constitutional authority to authorize such spending? Not really. There was money to spend, or maybe, given the state of the federal fisc, there wasn't, but either way, some politician, somewhere, somehow, was going to find a way to spend it. Trump even argued that his orders were designed to prod recalcitrant lawmakers into making a deal, which is to say, a deal to spend more.

Even before the virus wreaked havoc on the economy, projections showed that America's 2020 budget deficit—the gap between federal tax revenues and total spending—would surpass \$1 trillion for the first time in nearly a decade, and would continue to do so for years to come. The Medicare and Social Security trust funds, meanwhile, faced insolvency.

In 2016, Trump had campaigned on eliminating the national debt in under a decade. Yet by June 2020, the federal budget deficit had reached \$864 billion...for just the month. That was more than the entire budget gaps in either 2017 or 2018. By September, the nonpartisan Congressional Budget Office (CBO) was projecting a \$3.3 trillion annual deficit in 2020. Federal debt levels, which equaled just 35 percent of the economy in 2007 and 79 percent of the economy in 2019, would reach 98 percent. The CBO had previously warned that persistently high debt and deficits would have consequences: slower economic growth, an ever-increasing share of the budget consumed by interest payments on the debt, and reduced capacity to act should a major crisis arise.

And yet as the virus consumed the nation, even many deficit hawks were recommending more spending, at least in the short term. In April, the Committee for a Responsible Federal Budget (CRFB), perhaps the foremost organization devoted to advocating lower federal deficits, issued a statement saying "today's high deficits are needed to combat the current crisis" while also warning "they are by no means free."

"It is strange to be a deficit hawk advocating for higher deficits," CRFB Senior Vice President Marc Goldwein says, "until you realize why we are fiscal hawks in the first place: so you have fiscal space when you need it." That was the bigger problem: It wasn't just \$3 trillion in new deficit spending; it was \$3 trillion on top of the tens of trillions that had built up during so many decades past.

Deficits hawks have never had it easy. Although they were occasionally afforded a measure of superficial respect, the last two decades have seen them increasingly branded as scolds who want to raise taxes and force cuts to entitlements, domestic programs, and defense spending. Elected officials, who prefer to promise voters pretty much anything but that, tended to pay lip service to the idea of balanced budgets and paid-for legislation—and then tended to ignore the deficit, except to score points against their political opponents.

Even still, this time seemed different. COVID-19 wasn't just a novel virus. It was a novel economic problem, and the old guardrails suddenly seemed to vanish. While both parties had often used gimmicks and conveniently magical economic theories to justify shrugging at past pile-ups of debt, they had typically striven to maintain the pretense of fiscal responsibility. Now even that appears to have fallen away, another victim of the pandemic.

How will we pay for all this? As Congress debates trillions more in aid spending and Democrats prepare to erect a vast new infrastructure of federally funded programs should they win in November, it increasingly looks as if the answer is: Actually, we won't.

'A BAD IDEA WHOSE TIME HAS COME'

THE MODERN MOVEMENT to control the deficit can be traced back to 1985 and the passage of the Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act. President Ronald Reagan is often remembered as a hero to proponents of limited government, and it is certainly true that he spoke their language. But under his watch, federal spending grew. By the middle of the decade, deficits had more than doubled. In 1980, the gap was about \$74 billion, equal to 2.6 percent of the overall economy. By 1983, it was about \$208 billion, or 5.6 percent of the economy.

In theory, this was a bipartisan issue, with concerned legislators on both sides of the aisle wanting to be seen as fiscally responsible. The deficit had grown too large. Something had to be done. But what?

Looked at one way, the solution was straightforward, even obvious. Reagan had slashed tax rates while increasing federal spending, particularly on the military. With more federal spending and lower tax rates, the gap between outlays and revenues—that's the deficit—had grown. To reduce the size of the deficit, lawmakers had essentially two levers they could pull: increasing revenue via tax hikes, and cutting spending.

On the one hand, this was fairly simple. On the other hand, it was incredibly complicated, because those who make a living asking large numbers of people to vote for them tend to be wary of pulling either lever. Broadly speaking, voters like tax cuts and spending hikes, not the reverse. Looked at this way, the solution was not obvious at all.

Gramm-Rudman-Hollings was an attempt to solve both the deficit problem and the political problem it created. Its congressional namesakes were two Republicans, Sens. Phil Gramm of Texas and Warren Rudman of New Hampshire, and a Democrat, Sen. Ernest Hollings of South Carolina. What they realized was that the real problem wasn't pulling the two levers—it was being *seen* to pull them. Hence the insight that informed their solu-

tion: What if no one pulled them at all? What if, instead, they just magically pulled themselves?

Gramm-Rudman-Hollings was intended to put the United States on a path to a balanced budget in five years via a forcing mechanism: If Congress failed to hit certain deficit reduction targets each year, it would trigger a round of automatic spending cuts, reducing spending across every category by a certain percentage, via a process known as sequestration.

The idea that neither party's policy priorities should take precedence was one that would guide budget reform efforts for years to come: The deficit would be reduced through shared pain and shared responsibility.

In theory, lawmakers could avoid these across-the-board cuts by settling on other methods for hitting the targets. But if Congress could not agree on an alternative, the program's broad-based reductions would go into effect, whether anyone thought they were a good idea or not. Any automatic spending cuts would be calculated and carried out by the comptroller general, whom the president would nominate from a list of options provided by Congress. The important thing was that no one in Congress would be directly responsible.

The distribution of the spending reductions was also important, because among the problems facing Congress in pursuing deficit reduction was a basic disagreement over which programs to trim. Republicans favored reducing domestic spending and preserving spending on defense. Democrats preferred the opposite. If the automatic reductions kicked in, everyone's priorities would be affected.

Imagine a debate between doctors about which of an ailing patient's limbs to amputate: The Republican doctors say the patient needs arms to fend off attackers. The Democratic doctors say the patient needs legs to walk. The sequester would resolve this impasse by amputating all four hands and feet.

It was ugly by design, and no one thought this was a particularly good solution—not even Gramm, Rudman, or Hollings. Rudman famously referred to the legislation as “a bad idea whose time has come.”

As it turned out, it was a bad idea that didn't work. In 1986, the Supreme Court found that the arrangement with the comptroller was unconstitutional. Under the Constitution's separation of powers, Congress has the power to pass laws but not to execute them. Since the comptroller would be fireable by Congress, he or she would be essentially an agent of the legislative branch. And just as Congress cannot play any role in the execution of laws, neither can it delegate that power to an agent.

After the Supreme Court issued its ruling, President Reagan concluded that “now Congress must make the difficult choices” and “act promptly” to control the deficit. Legislators, the Court had determined, would have to pull the levers themselves.

As if to demonstrate that Congress was the kind of organiza-

tion that could really get things done, congressional lawmakers acted promptly to ensure that they would not have to.

Congress passed, and Reagan signed, the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, which reaffirmed lawmakers' commitment to avoiding the sort of difficult budgetary choices they had been attempting to avoid from the beginning. Sequestration authority was moved to the Office of Management and Budget (OMB), a body inside the executive branch, in order to conform to the Constitution's separation of powers. Told to make hard choices, Congress had once again assigned someone else to make them.

Lawmakers also bought themselves time. The follow-up raised legally allowable debt limits and extended the original five-year deadline for balancing the budget by an additional two years.

This failed too. When the time came, instead of allowing the automatic cuts to go into place, Congress discovered workarounds. Because the deficit targets were based on budget projections—on expectations about spending and revenues over the next few years—those projections could be massaged to make it easier to hit the targets. Some outlays (for example, on anti-poverty programs) could be made exempt from the cuts. Other outlays could be moved from one fiscal year to another, at least on the ledger, providing the appearance of reduced spending. Even after relieving itself of direct responsibility, Congress found clever ways to keep the lever from being pulled.

There was another issue as well, at least among Republicans. In the early '80s, some lawmakers had come under the influence of a macroeconomic theory that would come to be known as “supply-side economics.” This theory held that tax cuts could, in budget parlance, “pay for themselves” by boosting economic growth so much that the federal government would actually raise more revenue if it reduced rates.

There was some trivial truth to this. Imagine a world in which loaves of bread are taxed at 99 percent. This is a world in which not many loaves of bread are produced or sold and thus not much revenue is raised from the bread tax. Reduce the rate to, say, 50 percent, and you would probably see a marked increase in the production and sale of bread—and higher bread tax revenues as a result. Reduce the tax further, and the bread market would probably expand even more. Supply-side effects are real, but they typically offset only a small percentage of lost revenue.

Some Republicans took this to mean that tax cuts of just about any kind would often, and perhaps even always, result in higher federal revenues. At some point, however, lowering rates does in fact end up lowering revenues. A 0.001 percent tax on bread might unleash a powerful market in artisanal bread-making. It would probably not produce higher total levels of tax revenue than a somewhat higher rate would.

In reality, this simplistic version of supply-side orthodoxy was not a macroeconomic theory so much as a convenient excuse for Republican lawmakers to give their voters what voters tend to want: tax cuts without spending reductions, i.e., a government they didn't have to pay full price for.

Not every Reagan-era Republican bought into this theory, and even its proponents did not always espouse the most simplistic version. But it guided the party's governance in spirit, if not always in strict practice or formal principle.

Reagan reduced income tax rates twice, spurring economic growth in the process, even as his Treasury Department foresaw a relative decrease in revenues. But revenues were only one side of the equation. Under Reagan's administration, total federal spending increased by an average of 9 percent annually, rising from about \$678 billion at the end of 1981 to about \$1.1 trillion in 1989. The national debt nearly tripled from just under \$1 trillion to about \$2.9 trillion.

Among the chief proponents of supply-side theory was economist Arthur Laffer, who served as an adviser to Reagan and other Republicans of the era. Laffer has not espoused the vulgar version of supply-side theory himself. "Does every tax cut pay for itself? No," he told *National Review* in 2010. Tellingly, however, he was opposed to Reagan-era deficit control measures such as sequestration.

In 1990, the *Los Angeles Times* published a forum on whether to keep Gramm-Rudman-Hollings on the books. Laffer was among the contributors. He blamed the law for crashing the stock market in 1987, warned that its budget cuts would be "detrimental," and called the law's effect on politics "catastrophic." Gramm-Rudman-Hollings, he wrote, "should be legislated out of existence." That very year, as the federal deficit hit \$221 billion, it was. The deficit hawks had lost.

THE TROUBLE WITH DIETS

IF THERE IS a case to be made that Gramm-Rudman-Hollings was successful, it is not in its direct and immediate effects but in its aftermath. The law was succeeded by a pair of new deficit control measures, the Budget Enforcement Act (BEA) of 1990, which set caps on discretionary spending, and "pay-go," short for pay-as-you-go, a provision of the BEA that was initially applied to entitlement program spending. With these measures, Congress was essentially putting itself on a fiscal diet, except instead of limiting calories and offsetting extra cheeseburgers with exercise, it was limiting spending and offsetting new fiscal expansions with either cuts elsewhere or tax hikes.

As with many diets, it worked—for a time. Bill Clinton began his presidency by raising the top income tax rate from 28 percent to 36 percent—an increase, but still far lower than the top rate at the beginning of Reagan's presidency. And then, following the

Republican takeover of Congress, Clinton negotiated with GOP lawmakers to lower projected federal spending—when politicians talk about spending "cuts" they are often referring to reductions of planned future spending—particularly on welfare assistance. Accordingly, the deficit dropped from \$203 billion in 1994 to \$22 billion in 1997.

Forced to work across the aisle, Clinton and the Republican Congress had done what their predecessors had failed to do: reduce the deficit. Federal spending dropped as a percentage of gross domestic product, which boomed under the first wave of internet-induced investments—the 1990s tech boom. The rapidly growing economy kept voters from revolting, and Clinton framed the budgetary contraction not as a reduction in government services but as an end to federal overreach.

"We know big government does not have all the answers," he said in his 1996 State of the Union address. "We know there's not a program for every problem. We have worked to give the American people a smaller, less bureaucratic government in Washington. And we have to give the American people one that lives within its means. The era of big government is over."

In Clinton's second term, the already shrunken deficit ceased to exist. By the year 2000, the federal government was running a \$236 billion annual surplus. Finally, the deficit problem seemed to have been solved.

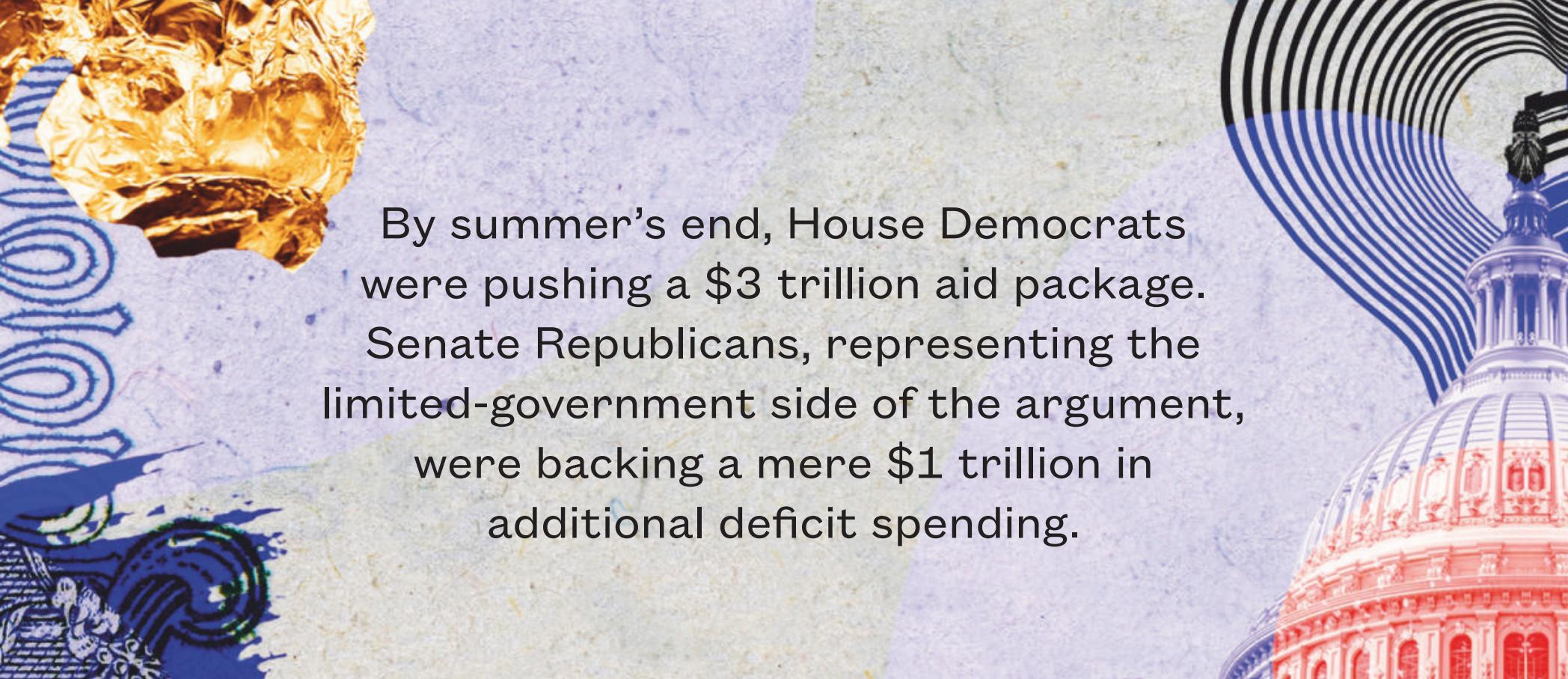
The trouble with diets is that even when they work, they're hard to stick to. That is especially true when the diet must be renegotiated among a rotating cast of 535 lawmakers and a new president every four to eight years.

And so, under President George W. Bush, deficits returned, pushing past \$400 billion and then \$500 billion annually. The pattern under Bush was much the same as it had been under Reagan. Eyeing Clinton's surplus, Bush promised and delivered a reduction in tax rates. But then—following the 9/11 attacks, a renewed conflict in Iraq, and the war on terror—Bush and Congress increased spending, especially on the military. Once again, reductions in tax rates plus spending increases were followed by a rapidly growing deficit.

Democrats regularly attacked Bush for fiscal profligacy; mismanagement of the federal budget was a regular talking point during Barack Obama's presidential run. "When President Bush came into office," Obama said in 2008, "we had a budget surplus, and the national debt was a little over \$5 trillion. It has doubled over the last eight years. And we are now looking at a deficit of well over half a trillion dollars."

Once again, there were calls for deficit reduction. In 2005, writing in *The Atlantic*, Jonathan Rauch proposed a renewed version of Gramm-Rudman-Hollings, describing it as "a bad idea whose time has come again." Under Bush, the call would go unheeded. But eventually, the idea would return.

Federal deficits exceeded \$1 trillion every year during



By summer's end, House Democrats were pushing a \$3 trillion aid package. Senate Republicans, representing the limited-government side of the argument, were backing a mere \$1 trillion in additional deficit spending.

Obama's first term. Much of this, at first, was a holdover from the Bush years and the fiscal effects of the recession. But Obama's first major legislative act was an \$830 billion stimulus plan—entirely deficit-funded—and under his leadership, the emergency federal spending levels that Bush instituted during his final year in office became permanent.

This time, Republicans would be the ones to complain of profligacy and fiscal irresponsibility. Among the most outspoken of these critics was Rep. Paul Ryan (R-Wis.), who eventually became the party's vice presidential nominee and speaker of the House.

Obama's first response was the redoubt of many a blame-wary politician: a bipartisan committee. The National Commission on Fiscal Responsibility and Reform was formed in 2010. It was nicknamed after its two most prominent members, Alan Simpson and Erskine Bowles, a Republican senator and a former Democratic staffer in the Clinton White House, who served as figureheads of the bipartisan push to reduce the deficit.

Simpson-Bowles consisted of 18 people—a bipartisan mix of a dozen members of Congress and six private citizens—tasked with producing a set of recommendations for deficit reduction. There were difficult choices ahead. The committee's job was to suggest which ones should be made.

The commission was a classic Washington gambit in that, outwardly, it was an attempt to solve a policy problem, but in reality, it was a politically motivated attempt to avoid solving that very problem.

Nominally, the problem the committee was tasked with solving was how to reduce the deficit. But that wasn't the actual problem it was trying to solve, because since the 1980s the solution had remained fairly obvious: To reduce the gap between outlays (spending) and revenues (taxes), Congress would need to either increase tax revenue, reduce spending, or do some combina-

tion of the two. To be genuinely effective, the tax hikes probably would have to hit the middle class and the spending cuts probably would have to hit entitlements.

The actual problem the committee was intended to solve, then, was that, despite occasional protestations to the contrary, neither congressional lawmakers nor the president wanted to do any of this.

In the end, Simpson-Bowles recommended cutting spending and increasing taxes. In particular, it recommended cutting spending on entitlements and raising some taxes on the middle class in order to broaden the tax base.

The proposals were called "reforms" and were lightly disguised so as not to look *too* much like spending cuts or tax increases, but that's what they were: Although some tax rates would be lowered, the committee also proposed eliminating all but a handful of tax carve-outs, many of which benefit the middle class. Under the plan, payroll taxes intended to fund Social Security would be expanded to hit a larger share of the wage base, and the age of eligibility for full benefits would slowly increase from 66 to 69. Revenue would go up. Spending would go down. The deficit would shrink.

And so, of course, neither the president nor congressional lawmakers agreed to any of it.

Eventually, someone in Washington came up with a solution to this problem: another bipartisan committee. This one, technically named the Joint Select Committee on Deficit Reduction but more widely known as "the supercommittee," failed to produce any formal recommendation at all. The committee members, all elected officials who relied on voters to keep their jobs, understood that in order to reduce the deficit, they would either need to increase tax revenue or cut spending, and they couldn't agree on how to do it.

What they *could* all agree on was that the other party was

entirely to blame. In November 2011, after the supercommittee reported that it had not been able to reach an agreement, Obama delivered a somber speech from the White House podium pinning the failure on Republicans who “continue to insist on protecting \$100 billion worth of tax cuts for the wealthiest 2 percent of Americans at any cost.” Sen. Mitch McConnell (R-Ky.), then the minority leader, said the body failed “not because Republicans were unwilling to compromise, but because Democrats would not accept any proposal that did not expand the size and scope of government.”

A year later, with the presidential race in high gear, the parties were still trading barbs over the failures of the two committees. “Obama created a bipartisan debt commission,” groused Paul Ryan—by then the vice presidential nominee—at the Republican National Convention in 2012. “They came back with an urgent report. He thanked them, sent them on their way, and then did exactly nothing. Republicans stepped up with good-faith reforms and solutions equal to the problems. How did the president respond? By doing nothing—nothing except to dodge and demagogue the issue.” What Ryan failed to mention was that he was on the Simpson-Bowles commission—and he’d voted against its recommendations.

Yet in the years that followed, something happened: The deficit, which ran more than \$1 trillion every year between 2009 and 2012, began to shrink. Not to zero, or even close, but to levels that more closely resembled those of the Bush administration, and in a bigger economy. By 2015, the deficit was \$442 billion, or about 2.4 percent of GDP. The deficit problem hadn’t gone away. But its urgency had been reduced.

What had happened? In part, the major fiscal effects of emergency measures tied to the recession had shrunk. But even though the supercommittee had failed to issue a formal recommendation, its work had been tied to another budget process: sequestration, which put caps on federal spending and required Congress to cut \$109 billion from the budget each year, equally divided between mandatory spending (which includes programs that run on autopilot, such as entitlements) and discretionary spending (which includes the military budget and a hodgepodge of other federal programs). Meanwhile, a bipartisan budget deal let temporary Bush-era tax cuts for high earners expire, while making them permanent for the middle class.

The bad idea’s time had come again, and this time it had an effect. Sort of. For a little while.

‘THE POOR DEFICIT HAWK...IS EXTINCT’

THE PROBLEM WITH Congress—OK, a problem with Congress—is that it can’t tell itself what to do. Not for very long, anyway. The 112th Congress in 2012 has no power to bind the 113th Congress, which means that if Congress in 2013 does not like

the instructions passed down from its forebearers, it can tell the 112th Congress to go get stuffed. Which is more or less what happened.

Immediately, Congress started making deals to undermine the sequester. Starting in 2013, Ryan and Sen. Patty Murray (D-Wash.), his Democratic counterpart in the upper chamber, agreed to increase overall spending caps. The deal called for \$63 billion in what they referred to as “sequester relief,” split between defense and domestic discretionary spending. More spending hikes followed. Sequestration wasn’t completely ignored, but its effects were diluted.

At first, these divergences were small. But over time they added up—and the avoidance efforts became more brazen. By the time Trump became president, most pretense of spending restraint had been dropped.

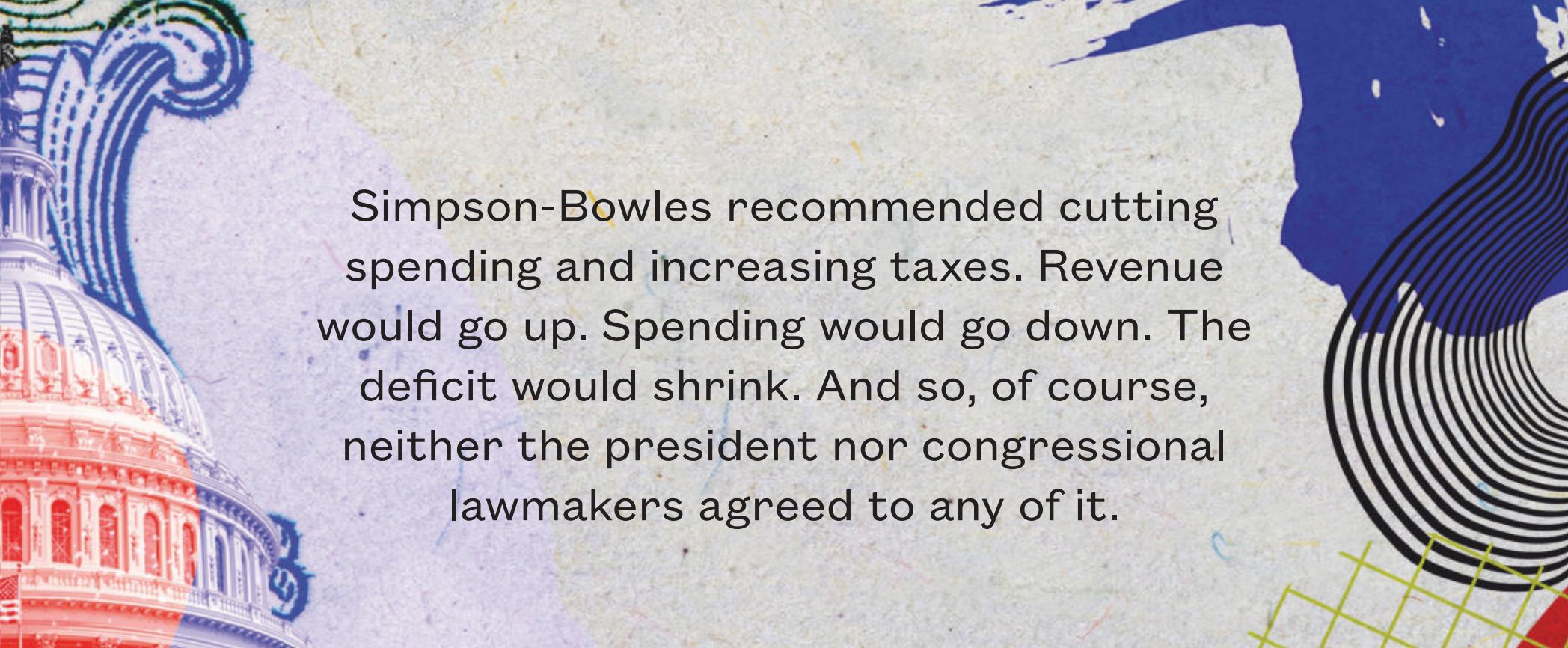
In 2015–16, Trump, like most Republicans, had run against the federal debt. His promise to eliminate it completely in eight years was deeply unrealistic, backed by no specific plan, and predicated in part on Trump’s confusion of the trade deficit (which measures inflows and outflows of goods between the United States and other countries) and the budget deficit (which measures how much more the federal government spends than it takes in). But it was, at least, a rhetorical concession to the Republican fiscal politics of the Obama years.

In early 2018, House Democrats negotiated a budget deal with Senate Republicans that suspended sequestration caps and authorized \$300 billion in spending above previously allowed levels. The particulars were complex, as budget deals often are, but in broad strokes, the agreement was straightforward: Democrats got more funding for domestic spending, while Republicans got more funding for the military. Trump signed the bill, proclaiming, “We love and need our Military and gave them everything—and more.” The bill, he tweeted, would also mean “JOBS, JOBS, JOBS.”

For years, Democrats and Republicans had bickered over budget priorities. With the 2018 spending bill, they resolved their differences—by agreeing to spend more on everything.

That bill followed 2017 legislation, pushed through by Republicans, that lowered tax rates for both individuals and corporations. Some of those reductions—in particular, the bill’s permanent lowering of the corporate income tax—had been favored in some form by tax policy experts for years. But the overall impact would be to reduce projected tax revenue by about \$1 trillion over a decade, relative to where it would have been otherwise, and probably more, if the individual rate reductions, which were temporary, were eventually made permanent. Not only did Republicans not offset those reductions with spending cuts, they also negotiated a deal with congressional Democrats to increase federal outlays across the board.

Once again, Republicans insisted that the tax cuts would



Simpson-Bowles recommended cutting spending and increasing taxes. Revenue would go up. Spending would go down. The deficit would shrink. And so, of course, neither the president nor congressional lawmakers agreed to any of it.

result in no loss of revenue at all. “I’ll stick with my projections that the tax deal will pay for itself,” said Treasury Secretary Steve Mnuchin. Asked about the deficit impact of the tax bill, Paul Ryan said, “We believe we’re going to be fine on that,” citing “economic growth that gives us more revenue.”

Yet by 2019, the federal deficit had soared back to nearly \$1 trillion. Even before anyone saw COVID-19 on the horizon, the CBO was projecting trillion-dollar shortfalls as far as the eye could see. The basic math, as always, was almost comically simple. Congress had reduced tax rates and increased spending. The gap between revenues and outlays had grown.

In a sense, there was a symmetry in this arrangement, with Democrats and Republicans each getting more spending for their priorities. Everyone should have been happy, as much as that’s possible in politics. But Democrats weren’t, because Republicans didn’t just get more spending for the military. They also got a package of tax cuts that congressional Democrats had universally rejected, with not a single one crossing the aisle to vote for the plan. And they had done so under the absurd pretense that this wouldn’t increase the deficit at all.

Democrats were angry. Shortly after the tax bill passed, Nancy Pelosi (D-Calif.), then the House minority leader, delivered a blistering attack on the bill and the Republican justifications for it.

“The GOP said [the tax bill] would pay for itself,” she said. “Instead, it will explode the national debt.” She attacked Ryan specifically and said that “every credible analysis” from both the right and the left found that “Republicans are exploding the debt.” Republicans, she charged, knew their arguments were false but plowed ahead anyway in order to advance their political priorities. The GOP cared about deficits only when it was time to “invest in people”—which is to say, when Democratic priorities were at stake. Fiscal concerns were a political cudgel, she implied, not a good-faith policy disagreement. Republicans

had gotten away with something by dishonest means. And that had changed the shape of the debate.

“The poor deficit hawk,” Pelosi concluded, “is not just an endangered species. It is extinct.”

WASHINGTON FINDS ITS BALANCE

IN WASHINGTON, THINGS tend eventually to balance out. Not fiscally, but politically and strategically, with the two major parties and their respective ideological movements copying and countering each other’s moves. Conservative cable news networks launch in response to the perception that mainstream news has a liberal bias. A powerful think tank ecosystem on the right is replicated on the left. An escalation in tactical uses of the filibuster begets a push to eliminate its use. Republican Electoral College victories result in Democratic calls for a national popular vote. As in physics, every action has an opposite reaction, if not always an equal one.

Politics is a game of tit for tat, an eye for an eye, and when one side finds an advantage, the other side will eventually seek out a comparable advantage of its own. But that political balance, negotiated between rival elites, almost always comes at a cost—to individual freedoms, to norms of governance, to basic fiscal and budgetary responsibilities.

What Democrats saw not only in the 2017 tax bill but in the decadeslong deficit wars was that Republicans had found a political advantage in arguing that tax cuts paid for themselves. There was a clear pattern to federal budgeting: Under Republicans, tax rates would go down, spending would increase, and the deficit would rise. Under Democrats, tax rates would rise slightly, spending would hold more or less steady, and the annual deficit levels would decline. The GOP, which had long branded itself the party of limited government and fiscal responsibility, was the party of neither.

To the party's base, this didn't just mean that conservatives were hypocrites. It meant they could pursue their priorities without pressure to make concessions or tradeoffs. They had an argument, a rhetorical strategy—or, at the very least, a convenient and self-serving pretext—that insulated them from the understanding of shared pain and shared responsibility.

To rectify that political imbalance, the left—particularly the young, online left, which increasingly favored aggressive spending programs far more expansive than even many life-long Democratic politicians would dare contemplate—would need a pretext of their own. And they would get it, in the form of Modern Monetary Theory (MMT).

Serious policy thinkers have always known you eventually have to pay for new spending with tax hikes and offset tax reductions with spending cuts. What MMT dares to suggest is: Maybe you don't?

As with supply-side economics, the central insight of MMT is both true and trivial: The U.S. budget is not, strictly speaking, like a household budget or a business budget, because unlike a household or business, the federal government can print its own money. From this single observation, MMT theorists have constructed an entire macroeconomic worldview, which says explicitly that deficits don't matter and, consequently, the government can and should print money to fund federal spending projects on a massive scale.

In this understanding of the economy, debt is not a constraint; nor are interest rates charged by bondholders. Debt can be paid down with a few congressionally authorized keystrokes on central bank computers generating new dollars. Bondholders will have little recourse but to accept these newly created dollars, because America's currency is the global reserve.

The only real constraint MMT proponents recognize is inflation, which serves as a signal that there are too many dollars in the economy and that some should be recalled by the government. But inflation has been running low for years.

The upshot of all of this is a belief not only that current deficit levels are sustainable but that they are actually *too low*. Congress, MMT proponents argue, should be spending far, far more. Fears about accumulating a large national debt should disappear entirely.

Among the chief evangelists of MMT is Stony Brook University economist Stephanie Kelton. In her recent book, *The Deficit Myth* (PublicAffairs), Kelton preaches the gospel of MMT, spreading the good news that deficits simply don't matter.

"Congress has the power of the purse," she writes. "If it really wants to accomplish something, the money can always be made available." Therefore, "spending should never be constrained by arbitrary budget targets or a blind allegiance to so-called sound finance."

From late 2014 through early 2016, Kelton served as the

chief economist for the Democratic minority staff of the Senate Budget Committee, a position she eventually left to become an economic policy adviser to Vermont Sen. Bernie Sanders' presidential campaign.

In her book, Kelton draws on this experience to observe that conservatives often selectively apply their deficit hawkery to big-ticket social programs—and makes the case for MMT's deficit defiance as a response. "Whenever the topic of Social Security comes up, or when someone in Congress wants to put more money into education or health care," she writes, "there's a lot of talk about how everything must be 'paid for' to avoid adding to the federal deficit. But have you noticed this never seems to be a problem when it comes to expanding the defense budget, bailing out banks, or giving huge tax breaks to the wealthiest Americans, even when these measures significantly raise the deficit?"

Again, the political logic is explicitly laid out: If Republicans can casually dismiss the deficit increases caused by war spending and tax reductions, why shouldn't Democrats do the same with their priorities?

The reaction was opposite—but not equal. GOP-backed reductions in tax rates had contributed to the deficit over the years, forgoing revenue if not always reducing it. (Revenues increased slightly after the Trump tax cuts, for example. But even with a fairly strong economy, they came in below pre-tax cut projections.)

The GOP tax bill had increased the deficit by about \$1 trillion over a decade on paper and perhaps \$2 trillion if the individual rate reductions are (as expected) eventually made permanent. Yet MMT, taken at face value, could plausibly justify programs, like Medicare for All, that would require tens of trillions in new federal spending over each decade. And the long-term rise in debt and deficits was already driven more by projected increases in spending, especially on entitlements, than by missing revenue.

This was political blowback. But it wasn't proportional.

MMT has other components as well. For example, Kelton wants to significantly reduce the influence of the Federal Reserve, which manages interest rates to nudge both inflation and job creation. Instead, Congress would manage inflation risks through spending. The CBO, which currently produces a "score" projecting how most legislation will affect the deficit, would be tasked with estimating a given law's effect on inflation instead. If inflation did increase, under this model, Congress would rein in the economy by pulling back on spending and increasing taxes to reduce the supply of currency in circulation.

As a matter of political economy, Kelton's expectations are fanciful at best and are often undermined by her own self-described experiences. She repeatedly complains about congressional mismanagement of the budget and lawmakers' misunderstanding of economics. Yet somehow she expects

Congress to be able to manage the day-to-day of the economy via fiscal policy, with a jobs guarantee as a macroeconomic stabilizer. Her notion that politicians would work together to respond to an inflation crisis with contractionary fiscal policy—swift tax hikes and perhaps spending cuts—suggests an unfamiliarity with actual politicians. On a purely practical level, her ideas are either extremely cynical or extremely naive.

But what Kelton makes clear, perhaps inadvertently, is that MMT is best understood not as an economic system but as a political program, designed to solve a political problem. Although Kelton and her fellow MMT economists will readily admit that, at some point, there are limits on the productive resources that can be employed and thus limits on the power of Congress to spend new programs into existence, they rarely if ever recognize those limits in the real world. Instead, the focus is almost always on how political actors can spend more without consequence. “We can’t use deficits to solve problems,” she writes, “if we continue to think of the deficit itself as a problem.”

Few Democratic politicians are explicit proponents of MMT. Rep. Alexandria Ocasio-Cortez (D-N.Y.) has said that the idea deserves a “larger part of the conversation,” but even Kelton’s former boss Sanders still pays lip service to the notion that “every American should be concerned” about federal debt and deficits.

Yet as the Democratic presidential primaries played out, it became clear that the party’s leading lights were less concerned about fiscal restraint than ever. Sanders alone proposed more than \$31 trillion in new spending, with just \$16 trillion in offsets, according to the Committee for a Responsible Federal Budget. Biden’s vice presidential pick, Sen. Kamala Harris (D-Calif.), proposed some \$46 trillion, according to Manhattan Institute budget scholar Brian Riedl. Even Joe Biden, a comparative moderate, proposed roughly \$10 trillion in new spending.

Some of Biden’s proposed new spending was paired with offsets to keep the deficit impact down. Some was not. Some, like Massachusetts Sen. Elizabeth Warren’s Medicare for All proposal, was technically offset, but in a manner so convoluted and politically unlikely that it might as well not have been.

The Democratic Party is not a bastion of MMT. But driven by its leftward flank, the party’s desire for federal largesse has clearly grown, with plans like Medicare for All and the Green New Deal that would require trillions in new government spending making their way from the party’s fringes toward its mainstream.

In August, an economic adviser to the Biden campaign warned that the party’s agenda would be stymied by high deficits left over from the Trump era. He was swiftly criticized by Ocasio-Cortez: “To adopt GOP deficit-hawking now,” she said, “when millions of lives are at stake, is utterly irresponsible.”

As with Republicans and supply-side economics, it is the spirit of MMT, rather than the theoretical particulars, that guide

its proponents in Congress. Which perhaps should not be a surprise, since the theories’ origins are conjoined.

MMT has roots in notions that go back decades, if not all the way to Adam Smith’s ideas about sovereign currency. But its modern-day godfather is hedge fund executive Warren Mosler, who Kelton says acted as a mentor, shaping her understanding of the economy.

In the late 1990s, as the deficit was briefly blooming into a surplus, Mosler became enamored of the idea that government’s status as a currency issuer rendered deficit fears pointless. He began to search for allies, and, according to *The New Yorker*, eventually connected with Donald Rumsfeld, the former Republican congressman who would become President George W. Bush’s defense secretary. Rumsfeld, in turn, introduced Mosler to someone who turned out to be “most helpful,” according to the article: Arthur Laffer, who “helped Mosler workshop his ideas” and put him in touch with a group of sympathetic economists “who became MMT’s founding thinkers.”

Two decades later, MMT is gaining currency in progressive circles, especially online. While its proponents would almost certainly say that the deficit-financed relief spending in response to COVID-19 is still insufficient, it represents a substantial move in their direction and a further breakdown of the sense that somehow, government spending must be paid for.

MMT backers seem to believe the world is awakening to their ideas. In an August interview with *Dissent*, Kelton described how, in the wake of the coronavirus, Congress had begun to leave behind old debates about paying for spending. “We spent a year arguing about where the money would come from,” she said, “and then suddenly the world opened to a new reality.”

Supply-side economics, meanwhile, retains its beachhead within the Republican Party, whose leadership continues to prioritize tax reductions above nearly all else, regardless of the budgetary impact. Over the summer, Trump advocated a payroll tax cut, eventually imposing a deferral he has hinted he’d make permanent if reelected. The president also reportedly has been looking at ways to unilaterally cut capital gains taxes. As he pushed both measures, he reportedly consulted with Laffer.

Congress, for its part, spent the summer arguing about whether to spend an additional \$1 trillion or an additional \$3 trillion on coronavirus relief, following the nearly \$3 trillion that had already been spent.

The supply-siders had triumphed on the right, and the MMTers were winning crucial battles on the left. The deficit had always been a bipartisan problem. At last, America’s politicians had found a bipartisan solution. Lower taxes. Higher spending. And the biggest deficit ever. Finally, Washington had found its balance. r

PETER SUDERMAN is features editor at Reason.

‘This Building Has Caused More Problems Than It Solved’

Secretary of Education Betsy DeVos on schooling during COVID-19, the future of higher ed, and why her cabinet department probably shouldn’t exist at all

interview by
ROBBY SOAVE



BETSY DEVOS BECAME President Donald Trump's education secretary on February 7, 2016, following Vice President Mike Pence's vote to break a Senate deadlock—an inauspicious first for a Cabinet-level confirmation. Furious opposition to her nomination came from the nation's teachers unions: American Federation of Teachers President Randi Weingarten called DeVos an "ideological" opponent of public education.

But DeVos' tenure has shown that she's an ideological opponent, not of public education, but of public education managed by federal bureaucrats. And she includes herself in that.

"I would not be at all unhappy to work myself out of a job," she says.

A former chair of the Michigan Republican Party, DeVos was known as an advocate for vouchers, charter schools, and more educational options for parents well before President Trump offered her the nation's top ed job. These issues became even more relevant in 2020, after the coronavirus pandemic forced schools to close or go virtual, leaving millions of families in the lurch. With teachers unions all over the country fighting on behalf of their members to stop schools from reopening, many parents might be feeling ideologically opposed to the K-12 status quo as well.

While school choice is DeVos' signature issue, her tenure as secretary will probably be best remembered for implementing significant changes to Title IX, the federal statute that prohibits sexual harassment and discrimination in education. During the Obama years, heavy-handed guidance in the form of a "Dear Colleague" letter from the federal Office for Civil Rights caused colleges to abandon norms of due process in sexual misconduct hearings. DeVos spent two years writing a new rule that would restore basic fairness to these procedures. It formally took effect on August 14.

Much like DeVos herself, the new rules are a lightning rod—and deeply unpopular with a host of policy makers and advocates who say the secretary is callously making college campuses less safe for women. Sen. Patty Murray (D-Wash.) has accused DeVos of "silencing survivors." The activist group Know Your IX predicted that sexual violence would increase as a result of the administration's actions.

In August, *Reason*'s Robby Soave interviewed the secretary in her offices at the Department of Education in D.C.—a building that "has done more harm than good," according to DeVos. "I view this department as one that probably never should have been stood up," she says.

Reason: COVID-19 is an unprecedented crisis. So many school districts have to make difficult choices. But at the

same time, many experts think it's really important for kids to have in-person learning. Here in Washington, D.C., they're not going to reopen schools until at least November. What should schools be prioritizing as they make decisions on whether to reopen?

DeVos: I think they should be prioritizing getting kids back to school in person. The data suggest that in most places across the country, it's perfectly safe to do so, and in fact, they should do so. Arguably, it's more unsafe for the kids not to be in school by multiple measures, whether it's mental health, social-emotional growth, academic growth. We know for a fact that there are places where children are being harmed because they're either left alone or they're with someone who is harming them. The notion that getting back to school—we all say when it's safe—but it's been elusive to find out from some people what they deem safe.

It would be one thing if we knew the disease would be completely eradicated by January 1—maybe you would just say, "OK, no school this semester." But it's never magically going away.

And kids are only 5-year-olds once, or 8-year-olds. You miss those months or that time period, you can't ever get that back. That's a significant part of the kid's life.

Can virtual learning ever work for kids of that age? Can you teach a child to read or to do basic arithmetic through a screen?

There are kids for whom distance learning, virtual learning, works very well. But for most kids, they need to be together with other kids. They need to be with their peers, with their teachers. The reality is that families ultimately need to have more choices to do what's right for each of their children.

If there's anything that this pandemic has shown us, it's what I've been talking about for decades: Kids have got to have more choices, and the whole K-12 system has got to be changed to allow for and facilitate those kinds of choices on the part of parents.

The same kind of educational regime doesn't work for every single student.

Right. I think we're going to see inevitably a lot of changes that parents will develop on their own. We're never going to go back to K-12 school as we knew it, I don't believe. But the ones that I feel most heartbroken about are the [disadvantaged kids] for whom I fought for 30 years, who aren't going to have those same opportunities right now. That's an injustice that I simply find untenable.

“If there’s anything that this pandemic has shown us, it’s what I’ve been talking about for decades: Kids have got to have more choices.”

A lot of the opposition to in-person learning in public schools is coming from teachers unions right now. Many parents who don’t have the financial resources for private or pod-based learning are frustrated by that. Do you share those frustrations?

Yes. They’re not only fighting it but making parents who are trying to figure out something that’s going to work for their children feel guilty in doing so. Again, I think this whole situation is pointing out the need for the system in general to be changed dramatically. The teachers unions have clearly laid their cards out. They are about protecting a system and protecting adult jobs. They’re not about doing what’s right for children.

Their most persuasive argument would be, “Well, we have to advocate on behalf of our older teachers or immunocompromised teachers.” Do you think maybe those people should not return to work?

There are undoubtedly families for whom having their child in a distance learning environment is the right answer for that child. Well, there’s no reason why those older teachers or immunocompromised teachers couldn’t be teaching those children remotely. But that should be the exception, not the rule.

Congress’ pandemic relief plan included \$13 billion for schools. Can you talk a little bit about how those funds are being allocated? Some have said you have allowed them to be spent in a manner akin to vouchers—to go toward options other than traditional public schools.

We’ve got a small portion of that \$13 billion that is going into some competitive grants to introduce some more imaginative

solutions in K-12 schools. Then the governors also got \$3 billion to use as they see fit in their states to meet the needs of kids because of the virus. We’re seeing some real good creative approaches to that.

A couple of the governors have decided to do microgrants to families, which will address some of these issues very directly. Parents who decide they want to put a little micro-school together, maybe this can help defray some of their costs. And the same thing for those who decide they want to homeschool. But we’ve also seen that in the states where the governors are doing that, they’re immediately being legally challenged by those who want to see the one-size-fits-all system continue to prevail.

There was a story local to Massachusetts, where the Department of Children and Families had put out some guidance to teachers saying that as they’re doing virtual learning they should ask kids, “Did you have breakfast today?” or “How’s your mental health?” The concern being, you could ask some 6-year-old, and maybe he forgot to eat breakfast, and now there’s going to be a child services investigation.

Obviously, there’s genuine abuse that people need to be vigilant for. But that level of inviting the state into people’s homes starts to worry me as a libertarian. I’m concerned that at this stressful time for parents, you’re just giving them another thing to worry about.

Absolutely. Or Tennessee, where there was a school district that sent out notices to parents asking for a waiver to ensure parents wouldn’t eavesdrop on their children’s classes. This is ridiculous. Or the Denver school board, who sent the letter to all of their families saying, “We highly discourage this pod



formation. And by the way, if you do form a pod, don't unenroll your child, because we need that funding." It's just....

Heads you lose, tails I win.

Yeah.

Some parents during this distance learning experiment have perhaps seen the quality of the curriculum.

Or lack thereof. I think parents are much more aware of their children's education today than they were six or eight months ago. Whether they have a robust curriculum; whether they're learning things that they personally feel are consistent with their own family's values. There's a lot of concern on the part of a lot of parents.

You are someone who has advocated for more choice, more local decision making, in education. But then you were thrust into the role of national education official.

It had to be tempting to use that position to really push local governments to implement more of the ideas that you have. But your idea is that there shouldn't be some person in charge of telling everyone what to do. Do you ever feel this tension?

I do. The previous administration went exactly the opposite direction and overreached in multiple areas. Much of what I've had to do is come back and undo a lot of that. But at the same time, there are plenty of folks who've been critical of my not implementing all kinds of conservative policies that, in my view, would be desirable for students and their families. But I think my [approach] here has been one of restraint, and that I believe is ultimately a big accomplishment.

I view this department as one that probably never should have been stood up. I think there are ample arguments for it having gotten more in the way of students and their futures than actually being any kind of value-add.

Should the Department of Education be abolished—or gradually abolished, perhaps?

I would not be at all unhappy to work myself out of a job. I think that states and local communities and, most importantly, the family has to be the epicenter of these decisions. The 40 years since this department has existed, there's been over a trillion dollars spent to close the achievement gaps. They haven't closed one little bit. They've only opened in multiple areas. So why would we continue to advocate for doing more of the same thing and expect something different?

President Trump announced an executive order in March 2019 on campus free speech. For people who want colleges and universities to be more respectful of free speech, should the direction to do that come from the federal government?

I think it's more about pursuing egregious complaints about the lack of respect for free speech—making examples of those institutions that deny it for whatever purpose—than to try to regulate it. Because if we tried to regulate free speech in the manner that we think appropriate, it would undoubtedly get twisted in a future administration to do just the opposite.

So much of this rhetoric and so much of the cancel culture...well, I think you can draw a direct line back to the previous administration in this building really helping foster a lot of what we see today in college campuses. I think even beyond that, the abject failure of the K–12 system to ensure students have a well-rounded understanding of American history and civics—we see students today that have no idea what the Lincoln-Douglas debates were, much less even knowing who Lincoln or Douglas were.

We're seeing the results of a lack of education, a lack of understanding, a lack of preparation. I think what I have tried to do here is ensure that the rules that we have put forward, or the ones that we have pulled back on, have respected constitutional protections and have pointed to the fact that the public sphere is where these debates have to happen. We have got to protect people's rights to have those debates.

It's not just conservative speakers and conservative professors getting shut down by their students. There are plenty of examples of a professor saying something “anti-American,” and it gets recorded, and then there are conservatives calling for the person to be disciplined. It's not like this only exists on the left, right?

That's true. But I think there's a greater preponderance of it on the left. If you really embrace and respect freedom of speech, then you have to acknowledge that some of the things you hear from someone else you're not going to like, and that's OK. But

you have to be able to deal with it, and debate it, and discuss it. We don't see nearly enough of that, primarily on one side, but I think it is a broader issue.

On the higher-education front, many kids are discovering that if you went into debt to get a degree, and it does not qualify you for the job you expected, maybe it wasn't worth it. This speaks to concrete government policy: the subsidization of student loans. Is that something the government should be doing?

I think it's a very valid question and one that needs to be wrestled with going forward. There are far too many students that are taking on inordinate amounts of debt for programs that aren't compensating at the kind of level that you would expect. But one of the things that we've done that I think has been very useful and will become increasingly useful is [providing] the additional information on the college scorecard by field of study at every institution. What it costs and what you're going to earn the first year upon graduation, based on real data from students who have completed those programs.

I suspect that if used well, it's going to weed out a lot of really bad programs. Schools are going to conclude that they should no longer be offering them—at least, they *should* conclude that. Students, I hope, will conclude that pursuing them is not going to result in what they hoped and will perhaps choose something different.

At least not if you're going to have to go \$50,000 or \$100,000 into debt for it.

Right. Again, I think COVID is going to reveal a lot of other alternatives and options. It may be a certificate program or shorter-term learning of something that is going to get you into a job more quickly than perhaps sitting out and waiting for your higher-ed institution to decide they're going to conduct in-person classes again. There's been very strong growth in a lot of these online schools in the last number of years.

I think that's going to only increase as students decide to either spend a whole bunch of money to go to a school “in-person” but remote vs. doing something at your own speed. Online learning for a college student is a significantly different proposition than a kindergartener.

Let's turn to Title IX. This has been perhaps the major initiative your administration has undertaken: reforming how sexual misconduct adjudication happens on campus. These are changes that are very popular with certain civil liberties groups but have also been wildly unpopular with victims' rights activists. What was your thought process for deciding that this was a fight worth having? Did you know how controversial it was going to be?

“Doing the right thing for students is what I’m here for. It was clear that [Title IX] had to be dealt with in order to ensure we were doing the right thing for students.”

Well, I knew anecdotally coming in about the problem that the [Obama administration’s] “Dear Colleague” letter had resulted in. As soon as I got a broader understanding of the horrible results that were being realized across the country, it was clear that it was something that I was going to have to tackle. Doing the right thing for students is what I’m here for. It was clear that that had to be dealt with in order to ensure we were doing the right thing for students.

Was the “Dear Colleague” letter characteristic of the approach the previous administration took with education matters?

The Obama and Biden administration was all about getting headlines and talking a good line but not about getting results. Well, they did get results, but they were unjust results. We know that because more than 170 [Title IX cases] have been overturned, and that’s just a representative sample of, I think, what’s really going on.

I remember one of the roundtables that I had in preparation to going out and doing the rulemaking. It was a young man who went to a college in Georgia. He had actually worked for a railroad for a number of years, and I think had been in the military at some point, then had gone back to school as a little bit older student and was just a few weeks shy of graduation. Suddenly, he was informed via an email on his computer that he could not step foot on campus any longer.

There was a campus-wide alert sent out saying, “This is a dangerous person.” He was charged with sexual assault, and he had no idea who was bringing the complaint, what he had done, what happened. And that went on for years, actually.

I’m pleased to say, now, I understand he is in his final year of law school. I don’t think he’s ever gotten full justice from his college, but there were folks who heard his story and helped.

Was there any group or individual response to the reforms that has really surprised you, either positively or negatively?

How can the [American Civil Liberties Union] call themselves the ACLU and file against this, specifically against due process protections? But it wasn’t a surprise. They’ve shown themselves to not exactly be for civil liberties.

Could a new administration just say, “Nope, we’re going back to the old ‘Dear Colleague’ Title IX standard as soon as the administration changes”?

Well, the only way it could be done is through a Congressional Review Act or reregulating, which would have to go through the whole [Administrative Procedures Act] process again. I think it would be very hard to turn back. It, obviously, would be terribly ill-advised, because what we have here is a very well-thought-out, balanced, fair rule that treats everyone rightly and fairly.

Have the last four years gone by quickly for you?

Well, it’s only been three and a half, but it has gone very quickly. The temptation for anyone in this role is to implement policy that is reflective of your political persuasion or philosophy. I don’t think that’s the right way to approach policy, particularly from this building. I think I’ve continued to be very circumspect about that, because I know what I had to come in and undo. This building has caused more problems than it solved. 

This interview has been condensed and edited for style and clarity.







THE GAMES MUST GO ON

COVID-19 UPENDED THE NBA, THE NFL, THE NHL, AND MLB. HOW THE PROFESSIONAL SPORTS LEAGUES RESPONDED OFFERS A GLIMPSE INTO OUR FUTURE.

ERIC BOEHM

IN ANY OTHER baseball season, two Cleveland Indians pitchers hitting the bars in Chicago after a Saturday night game wouldn't be news. It wouldn't cause a minor scandal within the team's clubhouse, and it certainly wouldn't result in the two offending players being immediately removed from the Indians' roster.

But that's exactly what happened after Mike Clevinger and Zach Plesac—two-fifths of Cleveland's excellent starting pitching rotation—got caught trying to sneak back into their hotel in the early morning hours of August 8. Their teammates were so upset that they threatened to opt out of the rest of the season if the two pitchers were allowed to remain with the team, according to media reports. Facing a clubhouse revolt, Cleveland's front office made the decision to "option" both players off the major league roster for 10 days—a maneuver that would typically mean a player was demoted to the minor leagues, if only there were minor leagues this year.

Sports are back! Clearly, however, things are still far from normal.

There's no playbook for how to conduct professional athletic events in the midst of a pandemic. The guidelines that we've all learned to follow in recent months are only so helpful—good

luck playing any team sport while maintaining six feet of social distance from your opponents on the field, court, or rink and your teammates in the locker room.

In that regard, bringing the games back before the pandemic dissipated was, like everything else we do these days, not about eliminating risk but about mitigating it. Different leagues have responded in different ways, and their various choices have relied on a combination of formal strategies shaped by economic and political considerations unique to each sport and informal coping mechanisms—like Cleveland’s ballplayers policing one another’s behavior and objecting when the actions of one or two people put everyone else at risk.

As is always the case, sports during COVID-19 have served as a reflection of the broader American experience. But sports don’t just reflect the culture; they exist in dialogue with it. The return of professional athletics is not a return to normalcy by any means—the stadiums are empty, the cheering simulated—but after a long setback, it does represent a step forward into the next stage of living with a serious problem that we don’t yet know how to solve. In some ways, sports offer a massive real-world experiment in how to safely navigate a pandemic without simply shutting everything down.

THE BLACKOUT AND THE BUBBLES

THAT EXPERIMENT BEGAN, of course, by simply shutting everything down.

On the evening of March 11, National Basketball Association (NBA) players from the Utah Jazz were preparing to host the Oklahoma City Thunder when Rudy Gobert, a forward for the Jazz who had been feeling unwell for days, tested positive for COVID-19. The game was immediately canceled, just minutes before tip-off.

From there, the dominoes fell quickly. Gobert’s teammates were told to go home and quarantine immediately. But the Jazz had played five other teams in the previous two weeks, and each of those teams had played several others. Epidemiological lingo like “test and trace” was not yet familiar to most Americans, but NBA Commissioner Adam Silver quickly did the unpleasant arithmetic. The next morning, he announced that the league would enter a 30-day hiatus—one that would eventually be extended to more than four months. The National Hockey League (NHL) also suspended play on March 12, and Major League Baseball (MLB) teams began canceling spring training games. The chaos of the moment was perhaps best demonstrated by the Big East, a college athletics conference, which made the decision to cancel its annual basketball tournament that same day—in the middle of a game between St. John’s University and Creighton University.

The last pro basketball game played before the pandemic

was a 113–97 win for the Dallas Mavericks against the Denver Nuggets. The game began like any other, but the teams were informed midway through the third quarter that the league was shutting down. They walked off the floor not knowing when they would return.

It would be 131 days before any of the four major North American sporting leagues resumed competition, when the first pitch of the new MLB season was thrown on the evening of July 23. (If you count Major League Soccer, which returned to play a few weeks before baseball did, the blackout still lasted more than 100 days.)

The shutdown was a completely unprecedented event in the century-plus history of organized team sports in America. The Spanish flu epidemic had caused the cancellation of the 1919 Stanley Cup final between the Montreal Canadiens and the Seattle Metropolitans after several players on both teams came down with the disease (one later died), but other sports had continued apace. There were some disruptions during World War II, when star players such as the Boston Red Sox’s Ted Williams went off to fight; some franchises temporarily merged with others—the Philadelphia Eagles and the Pittsburgh Steelers briefly became the “Steagles,” for example—in order to field full teams, due to the shortage of able-bodied men. In the aftermath of the defining tragedy of the first two decades of the 21st century, the 9/11 terror attacks, both Major League Baseball and the National Football League (NFL) suspended their seasons for a week.

But terrorist attacks are discrete events. When they’re over we cry, and we rebuild, and we look to familiar pastimes to feel like things are normal again. When the Hall of Fame catcher Mike Piazza hit a crucial home run in the New York Mets’ first game after 9/11, some 45,000 fans packed into Shea Stadium and countless more watching on television were able to forget, for just a few moments, all the awfulness they’d seen the week before.

Sometime in the weeks that followed March 12, it became apparent that there would be no such catharsis associated with this national tragedy. The number of cases and deaths rose, then fell, then climbed again. The economy abruptly tanked, unemployment spiked, and a full recovery seemed distant and uncertain. The return of sports was, for a time, equally uncertain. President Donald Trump talked about reopening the economy by Easter, and MLB officials floated the idea of returning to play in early June, or at least by the July 4 weekend. All of those dates blew by.

By May, both the NBA and the NHL were discussing plans to finish their suspended seasons behind closed doors, with players, coaches, officials, and support staff isolated in so-called “bubbles” for the duration.

In the end, the NBA invited 22 teams—any that had been within a few games of one of the league’s 16 playoff spots when

the season was suspended—to the Walt Disney World resort near Orlando for a postseason tournament. Meanwhile, the NHL set up bubbles in Toronto (for Eastern Conference teams) and Edmonton (for Western Conference teams). The league had strongly considered sites in the United States, but as the COVID-19 outbreak worsened in late spring, the plan shifted northward. Twenty-four of the league's 31 teams were invited to the tournament, with 12 playing in each city.

To keep the bubbles virus-free, both leagues employed similar four-step quarantine processes. Starting in June, players and staff were required to self-quarantine in their homes for at least two weeks. Group workouts and informal practices among quarantined players began after that. By early July, teams began holding training camps in their home cities, keeping players and team staff isolated from the general public in smaller versions of the “bubbles” that would be used once play resumed: Everyone on the team would stay in the same hotel and travel to and from practice together.

By the time teams arrived in Orlando, Edmonton, and Toronto, everyone involved in the resumption of play had been separated from the world for weeks and repeatedly tested. Any-one who had to leave his bubble—perhaps to get treatment for an injury or to witness the birth of a child, as Washington Capitals forward Lars Eller did—was required to self-isolate for more than a week and have four negative tests before he could rejoin his teammates. Importantly, players in both leagues were allowed to opt out of the entire thing if they chose. A few did; most did not.

The monthslong experiment has yielded weird new experiences for both players and fans. Both leagues set up the equivalent of courtside and rinkside Zoom conference calls to allow fans to “cheer” remotely for their favorite teams. Confined to their hotels between games, teams have taken to playing a lot of Ping-Pong and video games, judging by players’ social media posts.

It hasn’t all been fun and games. Paul George of the NBA’s Los Angeles Clippers admitted to battling anxiety and depression while being locked in the bubble. And the NBA playoffs were temporarily interrupted on August 26—not by COVID but by a players’ strike meant to bring attention to the police shooting of Jacob Blake in Wisconsin.

Still, from a public health standpoint, the bubble strategy seems to have worked—at least for the relatively short period of time necessary to conduct playoffs and determine a champion. By September 2, more than a month after the NHL and the NBA resumed competitive games, neither league had had a single positive test. Both appeared to be on course to finish their unusual seasons and crown champions by mid-October.

“I think we all understand how unique this year is and how crazy it’s been,” Bill Guerin, general manager for the NHL’s Min-

In some ways, sports offer a massive real-world experiment in how to safely navigate a pandemic without simply shutting everything down.

nesota Wild, told ESPN in July. “We’ve just got to roll with it a little bit.”

But then what? Because the long blackout pushed back play, the next regular season is supposed to begin soon after this year’s playoffs end. Both leagues say they intend to play a full schedule in 2020–21. That creates a host of new problems—problems that Major League Baseball is already navigating.

BEING CAREFUL AND HOPING FOR THE BEST

“I THINK THERE’S still some doubt that we’re going to have a season now,” Andrew Miller, a relief pitcher for the St. Louis Cardinals, told MLB.com’s Anne Rogers on July 5.

It took weeks of tense negotiations between the players union and team owners before both sides had agreed, somewhat unhappily, to a 60-game season (down from the usual 162) that would start on July 23 and end with the World Series being played, as usual, in late October. There would be no “bubble”—teams would travel from city to city as usual, and games would be played in home ballparks, albeit without fans.

By the time Miller made those remarks on July 5, players were already reporting to training camps and getting ready for the season. And yet, as his comments implied, it didn’t quite feel like the season was definitely going to happen until the moment when Anthony Fauci, director of the National Institutes of Allergy and Infectious Diseases, stepped onto the field of Nationals Park in Washington, D.C., to throw the ceremonial first pitch of the season’s opening game. The pitch missed home

plate by about 20 feet—a fitting visual representation of just how off-kilter everything about this baseball season has been.

“We’re trying,” Miller had said in that same July 5 interview. “We’re going to give it our best effort.”

In contrast to the strict, sterile processes implemented by the NBA and NHL, baseball’s “best effort” at holding a 2020 season has more closely resembled America’s general response to the pandemic: being reasonably careful and hoping for the best.

It didn’t take long for the coronavirus to cause chaos under those conditions. By the end of the season’s first week, a COVID-19 outbreak among members of the Miami Marlins and the Philadelphia Phillies, who had played each other July 24–26, set off a domino effect of cancellations across the schedule. A separate outbreak within the St. Louis Cardinals’ clubhouse prevented that team from playing even a single game between July 30 and August 14. Once they resumed playing, the Cardinals faced the daunting prospect of playing 55 games in 43 days to make up all the missed contests.

That’s a lot of doubleheaders in an already-shortened season. If a team suffers a similar outbreak later in the season, it will be a logistical nightmare. If an outbreak occurs during the playoffs, no one is sure what might happen.

Without a formal “bubble” to provide some measure of protection, baseball players have had to adapt much like the rest of us. Some have taken risks and paid the price: The Marlins’ early-season outbreak was traced back to a postgame visit to the hotel bar.

Unlike basketball and hockey, which merely had to figure out how to finish already-started seasons, Major League Baseball had to figure out how to begin one. MLB owners—facing a substantial revenue hit without fans to buy tickets, let alone \$15 beers and \$7 hot dogs—wanted the players to take pay cuts above and beyond what the players had agreed to in March, when the season was suspended. The players union, meanwhile, resisted any suggestion that the season be played in one or more bubbles that would keep players away from their families for an extended period of time. As they haggled over how to conduct the unorthodox 2020 season, both sides were also looking ahead to next year’s renegotiation of the sport’s collective bargaining agreement, hoping to gain leverage.

Those political, economic, and logistical considerations partially explain why MLB went in such a conspicuously different direction from the NBA and NHL. But the sport’s culture is part of the answer too. Put simply, if baseball were a state, it would be a red one.

Like states, sports are not monolithic, so the metaphor is limited—but still useful. It is undeniably true that the ethos of baseball is more conservative, with greater deference given to tradition and a heavier emphasis on individual performance. While star players in the NHL or NBA might be individually

The NBA and NHL bubbles are the sporting equivalent of the strict isolation that made it possible for places like Singapore and New Zealand to weather the COVID-19 pandemic.

transcendent talents, most pro hockey and basketball players earn their paychecks by being cogs in a bigger machine. That is, they know how to spread the floor to open holes in an opposing defense or understand the mechanics of an effective blue-line trap. Baseball players are part of a team too, of course, but they earn their money by excelling at individual acts: hitting a curveball, say, or running down a fly ball in the gap.

A successful baseball team excels because of the culmination of all those individual performances. It can’t simply hand the ball to its star player in the crucial game-winning moment and let him do the job.

As it turns out, that’s a lot like how society fights a pandemic.

“It’s not just about you or your team,” Tampa Bay Rays pitcher Tyler Glasnow told the *Tampa Bay Times* during the week when the Rays’ in-state rivals, the Marlins, were waylaid by the virus. “It affects every other person and staff member. So to take it that irresponsibly and go out and do some sort of self-serving acts is pretty ridiculous.”

THE GAME GOES ON

FROM THE FAN’S perspective, there is little doubt that the NBA’s and NHL’s use of bubble sites has provided the better experience. Beyond the main priorities of keeping players safe and games on schedule, both leagues leaned into the weirdness of their respective situations and even had a laugh at it. The scoreboard operators at one first-round NHL game in Edmonton reminded viewers at home to “please exit your couch safely at

the conclusion of the game.”

The nature of those two sports helps. Every time the camera tracks a long fly ball during a baseball game, you are reminded of the thousands of empty seats framing the action on the field. In basketball and ice hockey, the action stays mostly on the ground, and the blackened background of empty stands fades into the, well, background.

For a minute, sometimes, it’s possible to almost feel like things are normal.

But they aren’t, of course, and that’s why baseball’s grand experiment with playing through the pandemic probably matters more. The NBA and NHL bubble tournaments are the sporting equivalent of the strict isolation that made it possible for places like Singapore and New Zealand to weather the COVID-19 pandemic. Those arrangements might be the most effective way of stopping the disease for a season’s duration, but they’re ultimately unsustainable and unnatural for the long term. That’s true even if your lockdown experience involves hanging out at a Disney World hotel all day and getting paid millions to play a game every other night.

Baseball’s messier, more uneven reopening is what sports

will actually look like—indeed, what society will look like—until the disease disappears or is vanquished by a vaccine. The National Football League also plans to hold games this fall in empty or partially empty stadiums but will not use a “bubble.”

It is far from ideal. It comes with greater risks for players’ health, the chance for chaos in day-to-day and week-to-week scheduling, and few long-term certainties. It means relying on one another to make good choices, recognizing that we’re ultimately responsible for our own health and the health of those around us—and not merely trusting the authorities to ensconce the world in a protective bubble. It means muddling through and trying to win even when your best players do something stupid on a Saturday night.

“I am not a quitter in general, and there is no reason to quit now,” MLB Commissioner Rob Manfred said in early August, amid widespread speculation that the season would have to be scrapped just a week after it began. “We have to be fluid, but it is manageable.”

The important thing is that the game goes on. 

ERIC BOEHM is a reporter at Reason.

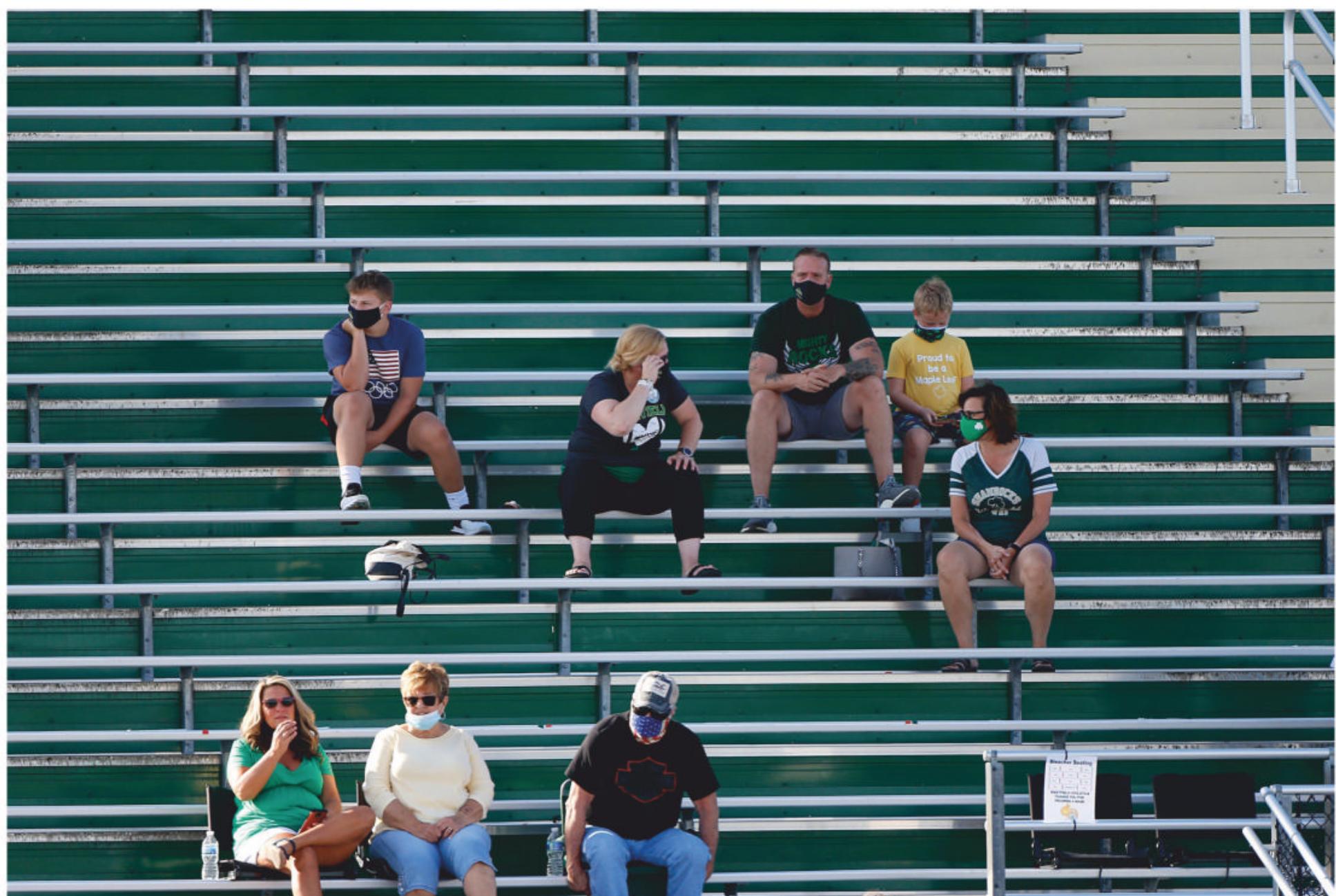


Photo: Families maintain social distancing before an August 21 game between the Cathedral Fighting Irish and the Westfield Shamrocks in Westfield, Indiana; Justin Casterline/Getty

Salvaging Secession

BILL KAUFFMAN



HE LATE THOMAS Naylor, gentle godfather of the modern Vermont independence movement, used to sign off with “God bless the Disunited States of America.”

Naylor attracted a stalwart and colorful band to his project, ranging from the diplomat George Kennan (the author

of the Cold War “containment” policy had come to view the United States as overly confining) to a delightful mélange of populist “woodchucks” (native Vermonters), organic-farming greens, Ethan Allen impersonators, and more. Naylor’s Second Vermont Republic had a merry, slap-happy, larkish feel, but Naylor, who died in 2012, was dead serious. And now, barely two decades since secession talk first scented the Green Mountain air, the entire country is getting an invigorating whiff.

Break It Up—a book about America’s episodic secessionist flare-ups, by *Nation* contributor Richard Kreitner—may well be a firebell in the night, to borrow Thomas Jefferson’s phrase. Secession, after all, is our heritage and our probable future. It is as American as applejack, runaway slaves, and prison baseball. His fellow progressives, says Kreitner, “too hastily dismiss one of America’s founding principles—the right to alter or abolish a destructive form of government—as irreparably sullied by association with slaveholders.”

Kreitner argues that disunion “is a hidden thread through our entire history, from the colonial era to the early republic and the Civil War and beyond,” and he backs up that claim with a vigorous account that takes in everything from the fractious colonies of the 17th century to the irrepressible Aaron Burr’s separatist hijinks to the bloodbath of 1861–65 all the way up through secessionist feints and spasms in recent years by Black Panthers, Lone Star patriots, and people pissed off by the election of Donald Trump. (If history is a reliable guide, this last-named band will turn coat the day after the next Democrat is elected president, while Trumpian nationalists will experience sudden secessionist epiphanies.)

KREITNER TAKES A clear-eyed view of the Philadelphia Convention of 1787 and the subsequent ratification of the Constitution, seeing it as a coup in which the well-born, the articulate, and the merchant class of the coasts threw out the decentralist Articles of Confederation and fastened upon the 13 states

a consolidated national government that would lead, as opponents such as Maryland’s Luther Martin warned, to empire and oligarchy.

Rightly observing that the campaign for the Constitution in the state ratifying conventions was marked by “deceit, censorship, and force,” Kreitner commends the localist vision of the Anti-Federalists, the original unheeded prophets of American history.

The Founders understood union as a strategic necessity, not a moral imperative. Join or die, as the Revolutionaries preached, is practical advice, not holy writ. Should union prove an obstacle to the enjoyment of life, liberty, and the pursuit of happiness, then to hell with it. When in the course of human events, and all that....

“New Englanders had been the original disunionists,” Kreitner notes. Some kicked at the Louisiana Purchase, seeing in expansion the seeds of corruption. The choleric Federalist Timothy Pickering, secretary of state under George Washington and John Adams, asked despairingly, “How many Indian wars, excited by the avidity of the Western and Southern States for Indian land, shall we have to encounter” before New England would cut the rest of the continent adrift?

The War of 1812 convinced many Northeasterners that the slavocracy held the whip hand and that the free states had better get out while the gettin’ was good. At the Hartford Convention of December 1814, New England delegates walked up to the precipice of secession and blinked, proposing instead a set of mostly praiseworthy constitutional amendments, including ones requiring a two-thirds vote to declare offensive war, admit new states, and impose embargoes. (These proposals are still on the floor, waiting to be picked up.)

Antebellum Northerners defiantly asserted the rights of the states by passing “personal liberty laws,” which nullified the Fugitive Slave Act. If the price of union included sending escaped bondsmen back to servitude, that price was too high. Ralph Waldo Emerson wrote: “Union is a delectable thing, and so is wealth, and so is life, but they may all cost too much, if they cost honour.”

The United States had simply grown too large for meaningful representative government. The scale had become inhuman. Yet expansionists had their greedy, beady eyes on Texas, California, and Oregon. Both parties were guilty: The Democrats wanted Cuba as *lebensraum* for slavery, while Republicans such as Charles Sumner, Thaddeus Stevens, and William Seward dreamed of a North American empire.

The interregnum between Lincoln's election and his assumption of the presidency featured not only hot language (and acts) of secession by Southern fire-eaters but also a significant "good riddance" attitude among Northerners. Novelist Nathaniel Hawthorne, something of a Peace Democrat, said, "Whatever happens next, I must say that I rejoice that the old Union is smashed. We never were one people, and never really had a country."

And the war came, as Lincoln said. And some of the most vocal advocates of disunion screeched for young men to go trampling out the vintage where the grapes of wrath were stored.

Abolitionist William Lloyd Garrison, who once had called the Constitution an "unholy alliance with slavery," now whooped for war and became, as one biographer wrote, a "super-patriot who discovered traitors and treason everywhere." The smell of gunpowder drove many an abolitionist, even the Christian pacifists, into the rooting section for Mars—though there were noted exceptions, such as Adin Ballou. Pretty political principles are usually the first casualty of war. It is so easy and cost-free to mouth Christian or humanist strictures against mass murder, but so hard to stand against the blood-lusting mob as it bears down on you.

Seven hundred thousand men died in an abattoir that, while it had the salutary effect of ending the wicked institution of slavery, was declared and fought, at first, for an abstraction called "Union." The men who conceived this Union four score years earlier would scarce have believed it.

ONE ALWAYS HAS quibbles with a book of engaged and eristic history. In his account of the anti-war Copperheads of the North, I wish that Kreitner had relied more on the work of Frank Klement, a pro-Bill of Rights University of Wisconsin progressive who cast doubt

upon the lurid conspiracy tales spun by the Republican press. Kreitner largely ignores the most serious and historically justified contemporary secession movements, those of the Cold War states of Alaska and Hawaii, whose annexation disrupted the contiguous integrity of the Old 48. In the final chapters, when Kreitner brings the story up to date, the author uncharacteristically lapses into Yeah Team Blue/Boo Team Red caricature. Traditional Southern whites, he says, are distinguished by "barely disguised racism," while "blue-collar voters in the heartland"—the people in hollowed-out and forgotten communities whose sons die in forever wars—are consumed by "a gnawing paranoia."

But these cavils do not detract from the value of Richard Kreitner's book. It is richly informative. And hey, the political margins are always the most interesting places. (The aspiring state of Franklin, now the eastern rim of Tennessee, proposed to make brandy legal tender and ban lawyers from public office. These issues, too, await their modern champion.)

Would a President Biden or a President Trump order a federal invasion of a breakaway state? Dropping the 82nd Airborne into the Green Mountains to put down Vermont's peaceable disunionists seems preposterous, though in other instances one can easily imagine the corporate media preparing the ground for a Biden-ordered assault.

If, say, a libertarian-tinged state of the Rocky Mountain West should seek to leave the Union, the rebels surely would be smeared as meth-manufacturing, child-abusing white supremacists. Or if Portland, Oregon, taking a cue from Fernando Wood, the Civil War-era mayor of New York City who proposed making Gotham a free and independent city-state, should declare an independent Portlandia, President Trump might well introduce those angry-faced white girls throwing Molotov cocktails

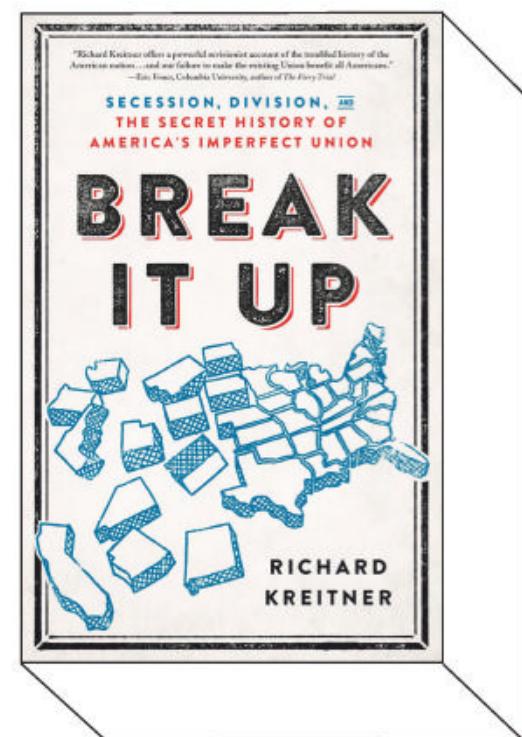
and hissy fits to the M1 Abrams Tank.

Unlike in 1861, there is no sectional fault line along which the union could cleave. A likelier scenario is the fissioning of states, as mammoth entities such as California and New York, whose rural and small-city populations are powerless outlanders, fracture into more comprehensible units. Lose the Last Frontier and the Aloha State, gain Alta California and Upstate New York. You don't even need to redesign the flag.

I hope Richard Kreitner's book gains a wide readership, especially on the thoughtful left. A loose federation of states, as existed under the Articles of Confederation—or even a continent of smallish republics—would be preferable to the current madness.

Walt Whitman, a laissez-faire Democrat before the War, wrote in *Leaves of Grass*: "To the States or any one of them, or any city of the states, Resist much, obey little." Resist much. Obey little. You can't get much more American than that. 

BILL KAUFFMAN is the author of 11 books, among them *Bye Bye, Miss American Empire* (Chelsea Green).

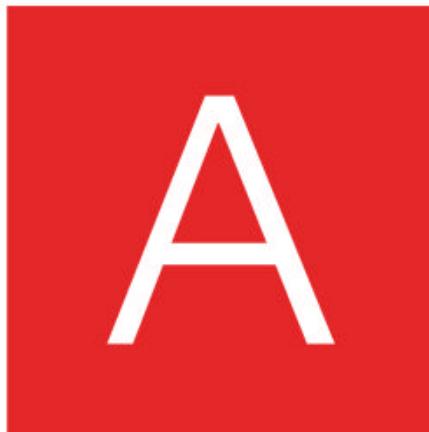


Break It Up: Secession, Division, and the Secret History of America's Imperfect Union, by Richard Kreitner, Little, Brown and Co., 496 pages, \$30

The Long, Dark History of Family Separations

How politicians used the drug war and the welfare state to break up black and Native American families

DEBBIE NATHAN



MERICA EXPLODED WITH indignation in 2018, when the Trump administration initiated mass separations of border-crossing migrant children from their parents, shipping the kids to the federal equivalent of orphanages.

The administration said the parents had broken a federal law that prohibits crossing the border without documents. Never mind that many, if not most, of the families intended to claim asylum, or that they handed themselves to Border Patrol agents as soon as they traversed the international line. Never mind that when claiming asylum, a person without papers can legally cross at any place on the border whatsoever. These parents had broken no law, but the administration defined them as criminals subject to arrest and trial. While in jail they couldn't care for their children, officials said, so the government needed to take the kids.

The administration also said that it was sending a "deterrence" message to Central Americans: If you come here, we will take your children.

Public outrage and civil rights lawsuits quickly softened President Donald Trump and swayed judges. By summer's end, most of the parents and children were reunited. Most, that is, who fit a highly constrained definition of "families"—adults caring for their biological children only. Aunts, uncles, grandmothers, and older siblings head many families in poverty-stricken and violence-ridden countries. But extended kin trying to escape terrible conditions are often accused of "trafficking" the children in their care.

As a result, many immigrant children remain in federal detention. Family separations continue apace, but most of us have moved on, telling ourselves that the boys and girls of 2018 are back with mom and dad, that the whole thing was an aberration, that America loves family unity.

But these separations, as shocking as they were to some Americans, are part of a much longer history. Different arms of the government have been destroying families for a very long time, a history entangled with race, immigration, and

colonization. The current administration's family separation policy is only the most recent example of this appalling legacy.

MOST OF US already know some of what Laura Briggs writes about in *Taking Children*. Most of us are aware that, for hundreds of years, African-American children were routinely and forcibly separated from their parents on auction blocks. And many know that in the 19th century, Native American children were removed from their families and shipped to white-run boarding schools, where they were stripped of their Indigenous clothing, dressed as Westerners, forbidden to speak their native tongues, and kept from their parents for years.

If slave sales and boarding school seizures were the family separations described in *Taking Children*, the work would read like an A.P. high school textbook. But Briggs, a historian at the University of Massachusetts Amherst, also recounts outrages that are only a few decades old. Resurrecting this forgotten history, she demonstrates its continuity with the recent separation of migrant families.

For years in America, unmarried, pregnant white women had been disciplined by being hidden in "homes for unwed mothers" and pressured to relinquish their newborns for adoption. Cloistered and closeted, most of these white women remained invisible, even as unwed-mother homes and adoption agencies wanted nothing to do with pregnant black women. Unmarried African Americans mostly kept their babies, and the families were highly visible.

But as the civil rights movement reached its apex in the 1950s and early 1960s, white supremacists lashed back. Beginning in 1958, the Mississippi legislature started crafting legislation to discipline unwed mothers. One 1964 bill called for charging them with a felony, punishable by sterilization or three years in prison. The de facto targets were black women and their children.

The Mississippi bills did not pass. But other Southern states devised related punishments, using welfare as a tool of social engineering. In 1957, at the height of Little Rock's school desegregation fight, Arkansas Gov. Orval Faubus enacted a rule to remove families headed by unwed mothers from the welfare rolls. During the same period, Florida ceased to recognize common-law marriages, redefining them as "illicit rela-

tionships” and “illegal cohabitation.” Florida and Tennessee defined households headed by unmarried mothers—again, disproportionately black women—as “unsuitable” and kicked the women and their kids off assistance.

Seven Southern states enacted laws along these lines. Briggs documents caseworkers telling mothers that if they wanted to stay on the rolls, they needed to relinquish their sons and daughters to foster care.

One of those seven states was Louisiana. In 1960, after New Orleans faced a court decision requiring it to racially integrate city schools, Gov. Jimmie Davis and the legislature announced a “segregation package” of new laws to stop the desegregation order. Most were deemed illegal by the federal courts, but one that survived was a “suitable home” provision intended to prohibit 23,000 children from receiving welfare. Black New Orleans residents considered the rule a political punishment and turned it into a national and international issue. Black civil rights groups and white allies organized “Operation Feed the Babies” to collect food, clothing, and funds for the threatened families. Aid came from as far away as England.

The statute was overturned. But in 1961, the federal Department of Health, Education, and Welfare mandated that children could be removed from homes deemed “unsuitable”—including because of a mother’s extramarital sex and cohabitation—if the mom refused to “rehabilitate.” Not until 1968 did the Supreme Court forbid welfare bureaucrats from investigating poor parents’ sex lives. In the meantime, the foster care system swelled with black and brown children.

While compulsory boarding school attendance for Native American children was abolished in the 1930s, Briggs notes that it was quickly replaced: White welfare workers were soon coming on to reservations to evaluate children’s need for foster care. Particularly

vulnerable to being taken were children whose mothers weren’t married or whose caretakers were extended family, such as grandmothers. (Grandparents were considered too old to raise children.) Again, foster care numbers burgeoned. By the 1970s in North Dakota, Native Americans constituted only 2 percent of the state’s population but half of the children in foster care.

Sustained activism by Native Americans resulted in the 1978 Indian Child Welfare Act, which mandated that tribal governments, not white-dominated county welfare departments, decide whether Native children should stay with their families. But it’s not clear whether the situation improved. One federal study found that a third of Native children were still in out-of-home care in the mid-1980s.

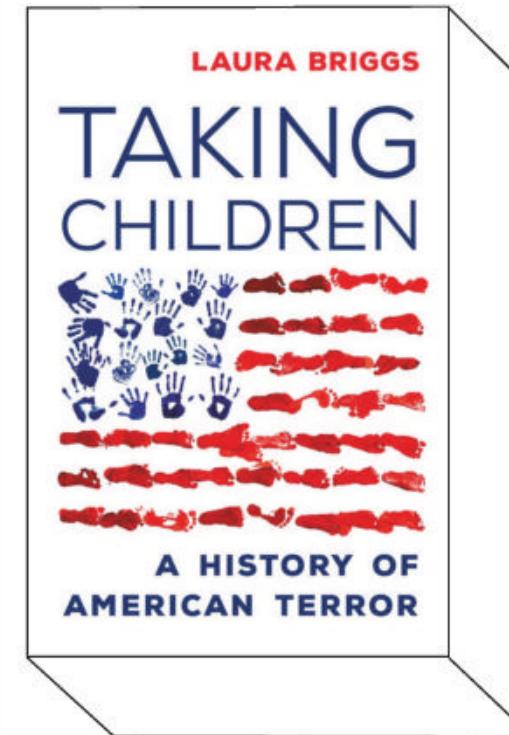
MEANWHILE, THE SEPARATION of American children from their American parents continued with a vengeance, mainly because of the drug war. This too fell more heavily on the poor, thanks in part to mandatory minimum sentences for possession of crack—a relatively affordable drug—compared to much lighter sentencing for crack’s monied-people cousin, powder cocaine. Black children entered foster care at an alarming pace as crack charges put their parents in prison. Incarceration rates for women tripled in the 1980s, and four out of five black women in jail or prison had children living with them when they were arrested. Today 10 million American kids, including one in nine black children, have a parent who has been locked up.

Briggs also decries the criminalization of pregnant women who test positive for illegal drugs or alcohol. Many of us remember the ’80s and ’90s press panic about “crack babies” with permanently destroyed brains. These babies’ abnormal symptoms turned out to be short-lived and mostly due to other conditions related to their mothers’

poverty. During the same period, fetal alcohol syndrome in newborns became a concern. It’s a medically valid one, although maternal drinking’s worst effects on babies are also tied to poverty. But rather than seeking to address the poverty, authorities arrest the pregnant mothers and take their older children. Native women are disproportionately prosecuted. Briggs notes that the most avid supporters of criminalizing women for mistreating their unborn fetuses are people who are trying to overturn *Roe v. Wade*.

So the family separations of 2018 were hardly the first time the government unjustly tore kids from their parents, and they probably won’t be the last time either. Then–Homeland Security Secretary Kirstjen Nielsen said it best while explaining why she thought taking children from their parents on the border was OK. It was “no different,” she explained, “than what we do every day in every part of the United States.” 

DEBBIE NATHAN, an El Paso-based journalist, writes frequently about immigration, race, and sex panics. She is the author of *Sybil Exposed* (Free Press) and *Pornography: A Groundwork Guide* (Groundwood Books), among other books.



Taking Children: A History of American Terror, by Laura Briggs, University of California Press, 256 pages, \$24.95

The Weird Beauty of Suburbia

AMANDA KOLSON HURLEY

I

WAS SCROLLING THROUGH the posts on my Maryland neighborhood's Listserv this summer when a notice for a bake sale caught my eye. This was no brownies-on-a-card-table affair. It sounded like a banquet, with snickerdoodles, madeleines, pecan butter-balls, lemon shortbread, and other treats spread out in a senior center's parking lot.

Anyone who lives in a middle-class suburb knows that when Type A parents organize to raise money for the PTA, nothing can stand in their way. But this was a fundraiser for an initiative called Bakers Against Racism. All of the proceeds went to Black Lives Matter DC and, more generally, to groups that are fighting police brutality.

Suburbia is supposed to represent everything bland and boring, yet it still manages to surprise us. How can a place that we're intimately familiar with—more than half of America lives in the suburbs—be so unknowable? This is the enigma Jason Diamond plumbs in *The Sprawl*, a collection of essays tracing the “undercurrent of strangeness” running beneath fescue lawns and chain restaurants, linking Ray Bradbury to *Poltergeist* to punk rock. The result is an enjoyable, generous, and heartfelt tour around the suburbs of the American psyche, although Diamond sometimes boxes himself in with a too-rigid conception of the suburban way of life.

Diamond lives in Brooklyn, but his roots are suburban. Growing up, he bounced around communities on Chicago’s North Shore. These are not just any suburbs: They’re the suburbs, thanks to *Sixteen Candles*, *Ferris Bueller’s Day Off*, and other movies that John Hughes filmed in the area, shaping the world’s perceptions of American suburbia for a generation to come. The misfits of *The Breakfast Club* are the kind of suburban souls whom Diamond most identifies with—creative, lonely teenagers restless to explore the world beyond their cul-de-sacs.

Diamond’s basic theory of suburban creativity is that dull suburbs foster a sense of alienation or anxiety or bottled-up longing that sometimes becomes art. So you get John Cheever’s famous short story “The Swimmer,” about a suburbanite who makes his way home from a party by pool-hopping across the backyards of his neighbors, a journey that turns progressively darker; but you also get the spate of suburban horror movies of the 1980s, with a menacing Freddy Krueger hinting

at suburbanites’ fears of both urban crime and Russian nukes.

And you get lots and lots of music. Probably the strongest essay in the book is “In the Garage,” where Diamond explores the unselfconsciousness of teens messing around with riffs or beats in suburban basements. The raw, fatalistic rock of Suzi Quatro’s band the Pleasure Seekers sprang, he notes, not from mean city streets but from genteel Grosse Pointe, Michigan. In another Detroit suburb—Belleville—Juan Atkins, Derrick May, and Kevin Saunderson bonded in high school over their love of Kraftwerk and Bootsy Collins and went on to create Detroit techno.

Describing the suburban genesis of hardcore punk, Diamond takes a detour through the blog *Hardcore Architecture*, which brilliantly pairs punk bands of the 1980s with Google Street View photos of the homes at the mailing addresses they used. Mechanized Death was based in a Colonial Revival house in Montclair, New Jersey; No Comply produced “harsh abrasive thrash” in a little ranch house in Clearwater, Florida. Diamond locates the *omphalos* of suburban punk in Lodi, New Jersey, a working-class, largely Italian suburb of 25,000. In an unremarkable home there, Glenn Allen Anzalone, a.k.a. Glenn Danzig, put out the debut seven-inch of his band, the Misfits. The Misfits assembled their songs from the bric-a-brac of suburban adolescence: comic books, horror movies, William Burroughs novels. Other punk bands railed against conformity, but not so much the Misfits: “They didn’t write songs about the suburban experience; instead, they channeled it.”

Emphasizing suburbia’s role as a container for the child and teen psyche, Diamond fluidly weaves in moments of autobiography. In the most poignant of these, he returns to Buffalo Grove, Illinois, and the split-level on a hill that his parents bought when he was a baby, only to separate and move away shortly afterward. On childhood visits to family who lived in the same neighborhood, he writes, he would sometimes sneak away to the old house and gaze into what had been his bedroom.

For the author, escaping an unhappy childhood meant escaping from the suburbs. But having done so, he is unexpectedly struck by suburban longings. The smell of lighter fluid on a Weber grill full of charcoal briquettes is his madeleine. He gets nostalgic about skateboarding in parking lots, eating fries at Denny’s, and hanging out at the mall. (He hopes Generation Z will reinvent the mall as a true public space, fulfilling the utopian vision of its creator, architect Victor Gruen.)

Diamond’s effort to reexamine the places of his youth feels familiar, at least to this reader: As a teenager, I projected my

feelings onto the world around me, but I later came to realize that my unhappiness sprang from *who* I was then, not where. The teenage angst animating the book gives it an emotional center.

YET IT'S ALSO a limitation—suburbia is inhabited by more than moody high-schoolers. American suburbs have undergone considerable changes over the past few decades. The prevalence of aging Baby Boomers and a low birth rate mean that many suburban households these days don't include kids. Suburban poverty is sharply on the rise. And despite a legacy of racial exclusion, suburbs are more diverse than ever; more black Americans now live in suburbs than in central cities, and immigrants have been flocking to suburbia. Diamond recounts these trends carefully at the beginning of the book, and he spends part of a chapter exploring suburban fiction by writers of color, but his core conception of what suburbia *is* doesn't really budge.

After the election of 2016, Diamond confides, he started to seek out the enervating atmosphere of suburban chain stores and restaurants as a form of relaxation. Watching football at a Chili's or wearing a Patagonia fleece to stand in line at Starbucks, you don't need to worry about anyone judging you—it's obvious that you're not cool. "When I drive through the suburbs anywhere in the country, I notice all the same corporate boxes that anybody from any background can fit into. You might find some indie record store or a great Mexican restaurant...but it isn't likely."

Say what? In the area where I live, city people make trips to the suburbs just for Chinese and Vietnamese food. While not all cities have large suburban immigrant enclaves, many American suburbs are dotted with restaurants that serve up dishes from around the world, a reflection of residents' diverse backgrounds and the importance of aging strip malls as small-business incubators. The idea

The Misfits assembled their songs from the bric-a-brac of suburban adolescence: comic books, horror movies, William Burroughs novels.

of taking solace in Buffalo Wild Wings is funny, but a little more attention to majority-minority suburbs like Edison, New Jersey, or Missouri City, Texas, would have pointed in a different direction and enriched the book.

There's also a misstep in the penultimate essay, "The Battle for the Soul of Nod Road." Here Diamond recounts a campaign by homeowners in Avon, Connecticut, to block the construction of condos on a nearby golf course. "This was suburban activism," Diamond notes with some surprise, and he comes around to their way of thinking: "It isn't about keeping people out or stopping developers from doing business; it's about retaining peace of mind. About holding people accountable and holding back the sprawl....Suburbia would only benefit if more of its people did the same."

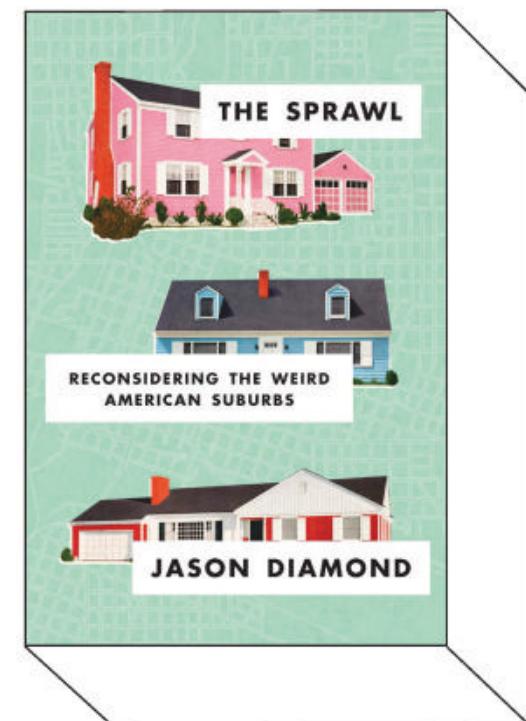
Yes, this is a form of suburban activism. But it isn't surprising, and it's certainly not beneficial. The campaign Diamond describes fits the larger pattern of affluent pushback to new development and, especially, to housing for people of limited means. (In 2018, the average household income in Avon was \$132,500.) Defeating land-use reforms, as the Avon homeowners succeeded in doing, excludes would-be residents

from desirable neighborhoods and schools in order to protect the status quo. This is what single-family zoning has done around the country for decades now, deepening racial and economic segregation.

But suburban activism takes many forms. Since the killing of George Floyd, Americans have protested in hundreds of suburbs, gathering in town squares, stopping traffic, and forming car caravans. Suburban demonstrators have sometimes faced police crackdowns, as in Aurora, Colorado, where police used pepper spray and batons to break up a June vigil for Elijah McClain, a local 23-year-old black man killed by police last year.

It's much easier, of course, to put a Black Lives Matter sign in your yard—or to organize an anti-racist bake sale. But suburbia is already changing, perhaps more rapidly than Diamond is willing to credit. And as old attitudes are challenged, there's reason to think the suburbs of the future will be more inclusive—and weirder—than the suburbs of today. 

AMANDA KOLSON HURLEY is the author of *Radical Suburbs: Experimental Living on the Fringes of the American City* (Belt).



The Sprawl: Reconsidering the Weird American Suburbs, by Jason Diamond, Coffee House Press, 264 pages, \$16.95



MUSICAL HAMILTON

STEPHANIE SLADE

In its first year on Broadway, the smash musical *Hamilton* raked in 11 Tony awards and a Pulitzer Prize. When a filmed version of the stage show debuted on Disney+ just in time for Independence Day 2020, it quickly became the most-streamed program not just of July but of any month this year. But perhaps the strongest evidence of *Hamilton*'s overwhelming popularity is that it was enough to stave off a progressive mob at a moment when little else has survived being scrutinized through contemporary moral lenses.

Amid demonstrations against police killings of black Americans this summer, some protesters turned their ire to the Founding Fathers, many of whom owned slaves. When a crowd in Portland, Oregon, tore down and set aflame a statue of George Washington in June, it was hard not to wonder whether public opinion might be coming for Lin-Manuel Miranda's hip-hop story next. Sure enough, the hashtag #CancelHamilton began trending on Twitter shortly after the musical's streaming release.

Alexander Hamilton was indeed an elitist with authoritarian tendencies and supposed ties to the slave trade. But in the end, the small number of would-be cancelers were no match for the musical's devoted fans, many of whom are delighted to see America's founding stories presented in a way that captures the ethnic and cultural diversity of the country that founding begat. r

BOOK GUNS AND CONTROL

JACOB SULLUM

"We are neither pro-gun nor anti-gun," proclaims the Gun Facts Project, an organization launched by San Francisco writer Guy Smith two decades ago. "We are pro-math and anti-BS."

Smith, a marketing consultant with a background in quantitative management, stays true to that ethos in *Guns and Control*, which summarizes reams of relevant data while evenhandedly faulting advocates on both sides of the debate for manipulating numbers to fit their agendas. The book nevertheless is apt to leave open-minded readers more skeptical of conventional responses to gun-related deaths.

That problem, Smith emphasizes, is multifaceted. In the United States, suicides account for nearly two-thirds of the deaths that gun control advocates misleadingly describe as the toll from "gun violence." The gun homicide rate has fallen dramatically

since the early 1990s, although polling indicates that most Americans think otherwise. That misperception may have something to do with the publicity received by mass shootings, which represent a tiny percentage of gun homicides but have been rising since 1999. Fatal gun accidents, meanwhile, are rare and getting rarer.

Based on international comparisons, Smith finds little evidence that the availability of firearms explains differences in suicide and homicide rates. That suggests policies aimed at reducing access to guns won't do much good, especially since criminals generally obtain firearms from sources the law cannot reach.

Smith's discussion of nondiscretionary carry permit laws is emblematic of his data-driven approach. While cautioning against assuming that the "massive expansion of public carry in the United States since 1988" drove down crime, he notes that the bloodbath predicted by opponents of those laws never materialized. That "criminological experiment," he suggests, "is important to understanding people, guns, and violence." r

BOOK PRISON BY ANY OTHER NAME

ELIZABETH NOLAN BROWN

"Ending mass incarceration is only the beginning," write journalists Maya Schenwar and Victoria Law in *Prison by Any Other Name: The Harmful Consequences of Popular Reforms*. The book delves into the many ways Americans are surveilled, separated from their communities, punished, and controlled by "prison alternatives" like probation, house arrest with electronic monitoring, mandatory drug treatment, and prostitution "diversion" programs. It also covers supposedly preventive measures (such as involuntary psychiatric hospitalizations and the sex offender registry) and state "care" systems such as child protective services.

As a primer on the deep reach of our prison industrial complex and a roadmap for how to reform the reforms, the book works well. It's less persuasive in its hostility toward incremental reformers; the authors seem to believe that abolishing prisons *and* all of the rest of it is feasible.

Most jarringly, the book suggests that America must not just abolish bad laws but tackle the very roots of poverty, racism, drug addiction, depression, lack of social cohesion, health care issues, etc.—often with heavy involvement from government.

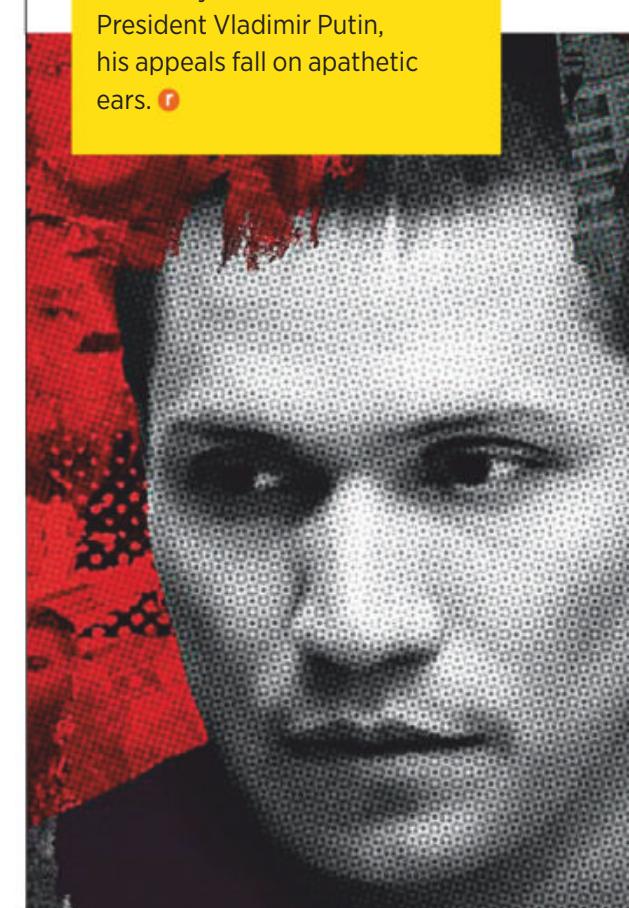
But state involvement in people's lives—even "for their own good"—ends up becoming a backdoor way of policing and control, as the book itself nicely illustrates. If we can imagine a world in which prisons are being abolished in favor of nonstate justice, can't we also imagine one in which we tackled even bigger problems without government meddling? r

WELCOME TO CHECHNYA

SCOTT SHACKFORD

In Russia's Chechen Republic, gay people face violence not just from strangers on the street but from their own family members, encouraged by a culture that scapegoats and victimizes them. *Welcome to Chechnya* documents the sometimes harrowing efforts of activists running essentially a modern underground railroad to help at-risk gay citizens flee the predominantly Muslim country.

Chechnian leader Ramzan Kadyrov famously said in a 2017 interview that there were no gay men in his country. *Welcome to Chechnya* reveals the purges that seek to make this absurd claim true. Dozens have been imprisoned and reportedly tortured. Some, like singer Zelim Bakaev, disappear and are simply never seen again.

A young woman is blackmailed by her uncle in an effort to make her have sex with him. One man's entire family has to go into hiding and flee with him, because they've all been threatened with harm. The man tries to get the Russian government to intervene, but given Kadyrov's cozy ties with Russian President Vladimir Putin, his appeals fall on apathetic ears. 

BOOK

APOCALYPSE NEVER

RONALD BAILEY

We are frequently warned that humanity is beset by ecological catastrophes that could kill off civilization, perhaps even our species. Not so, insists environmental activist Michael Shellenberger in his new book, *Apocalypse Never: Why Environmental Alarmism Hurts Us All*.

Shellenberger, whose activism led *Time* to name him a "Hero of the Environment" in 2008, argues that while significant global environmental problems exist, they don't constitute inexorable existential threats.

Shellenberger's analysis relies on largely uncontroversial mainstream science. He points out that climate change has not made natural disasters more harmful to human life and wealth, and that fires have declined 25 percent around the world since 2003. (They have become more frequent and dangerous in some specific areas in the past decade, though not to historically unprecedented levels.)

He uses data to question frightening predictions about species extinctions. Warming will affect sea levels and food production, he grants, but the problems thus caused would be manageable by an ever-wealthier human race.

Environmentalism fills a spiritual emptiness and gives meaning to many people's lives, Shellenberger suggests. "If the climate apocalypse is a kind of subconscious fantasy for people who dislike civilization, it might help explain why the people who are the most alarmist about environmental problems are also the most opposed to the technologies capable of addressing them, from fertilizer and flood control to natural gas and nuclear power."

The book is a sustained argument that poverty is humanity's

most important environmental problem and that rising prosperity and increasing technological prowess will ameliorate or reverse most deleterious environmental trends. 



TV

PERRY MASON

PETER SUDERMAN

"It's the state, Emily. The power of the state wants to crush you. No matter how minor your transgressions might seem to be." If HBO's exquisitely produced revival of *Perry Mason* has a mission statement, it's in those few lines.

The scene comes at a pivotal moment near the end of the fourth episode, in which defense lawyer Elias Birchard consults with Emily Dodson, a client wrongly accused of abetting the kidnapping and murder of her own infant son.

The crime was actually a product of corrupt cops and church elders, and Dodson was fingered for the murder not only because she'd had an affair with one of the kidnappers but because a sleazy district attorney thought pinning the crime on an unfaithful woman would be attention-grabbing—and thus politically useful in his mayoral quest.

Perry Mason is about the ways the criminal justice system fails to produce justice, sometimes because it is flawed,

and sometimes because those who wield its power use their authority to pursue their own selfish ends rather than truth or fairness.

Whether the state is merely incompetent or actively corrupt, the show seems to suggest, the burdens of its failures fall primarily on women and minorities, the poor and the vulnerable, those who have the fewest means to defend themselves from overreach and abuse.

Co-director Tim Van Patten also worked on HBO's similarly luxurious *Boardwalk Empire*. Just as that show explored how Prohibition empowered avaricious men on both sides of the law, *Mason* is a show about how the law itself encourages cruelty and power seeking. In both series, the state is an engine of injustice and a corrupter of souls. But *Perry Mason*, at least, offers some hope in the form of personal decency, acts of conscience, and a dogged private attorney. 

BOOK

WELFARE FOR THE RICH

KATHERINE MANGU-WARD

Sometimes you just want a speedy, informative rage read—a book where you can learn a little something and also get your heart rate up. For people of nearly every political stripe, *Welfare for the Rich* should fit the bill. The subtitle is "How Your Tax Dollars End Up in Millionaires' Pockets—and What You Can Do About It," but the first bit is the most compelling and attention-grabbing.

Longtime friend of *Reason* Phil Harvey and his co-author Lisa Conyers lay out in absolutely infuriating detail how the wealthy use the power of the state to snatch your money for their farms, stadiums, banks, real estate developments, and more. The topic is timely, but sadly most of Harvey's and Conyers' examples are both evergreen and bipartisan. 

20

YEARS AGO

November 2000

"You can see...why black reparations activists might get the idea that such political settlements, no matter how secure and final they looked at the time, are subject to perpetual reconsideration: They've been watching the stunningly successful campaign over World War II-era reparations. After the end of that war, American policy makers concluded treaties with the former Axis powers intended to resolve with finality questions of who owed what and to cut off the prospect of debilitating litigation. For about 50 years they thought they'd succeeded, until American lawyer-activists suddenly appeared on the front pages demanding separate, added reparations."

WALTER OLSON

"Stale Claims"

25

YEARS AGO

November 1995

"From the beginning, stories about 'assault weapons' blurred the distinction between semi-automatics and machine guns. Machine guns are automatics: They fire as long as the trigger is held back. The possession of such firearms has been strictly regulated by the federal government since 1934...and no new automatics have legally entered civilian circulation in the United States since 1986. But semi-automatics, regardless of how much some of them may look like machine guns, fire one shot per trigger pull. Civilians have commonly used them for recre-

ation and self-defense since the turn of the century."

WILLIAM TONSO

"Shooting Blind"

"Social workers across the country have a longheld practice of preventing the adoption of minority children by different-race parents, calling interracial adoption 'cultural genocide.' Since the infants and children involved don't have lobbyists, their voices go unheard as they get shuffled from foster home to foster home."

NINA SHOKRAII

"Adopting Racism"

35

YEARS AGO

November 1985

"The East River tunnel is supposed, one day, to improve train service between Queens and midtown Manhattan, but as construction has dribbled on, there has been controversy about which line to connect it to on the east side. The under-river tunnel itself—already 14 years in the making—is due to be finished within the next two years. And the rail connection at the east end is going to be a whole lot slower....A mere 520-foot length of subway, this connecting line is going to take eight years to build, according to an MTA spokesman. That works out to 65 feet a year!"

PETER SAMUEL

"Snail Beats Subway"

"In its view of 'social responsibility,' much of American business and the American public still follow [Andrew] Carnegie. They accept as he did that wealth and economic power entail responsibility for the community. They may not share his vision of the rich man as social reformer, but they accept, at least in theory,

Carnegie's assertion that doing well commits one to doing good. Carnegie's innovation has become a uniquely American institution: the foundation, with one after the other of the super-rich, from Rockefeller to Ford, following Carnegie's example."

PETER DRUCKER

"Doing Good Makes Cents"

45

YEARS AGO

November 1975

"Since the end of the Second World War, Britain has become almost completely socialized. All of the great socialist ideals have been legislated into existence in Britain: subsidized medical care, subsidized housing, food,

redistribution of income, social planning. The failure of each and every one of these plans combined with towering balance of payments deficits have left the country on the verge of social disintegration and economic collapse."

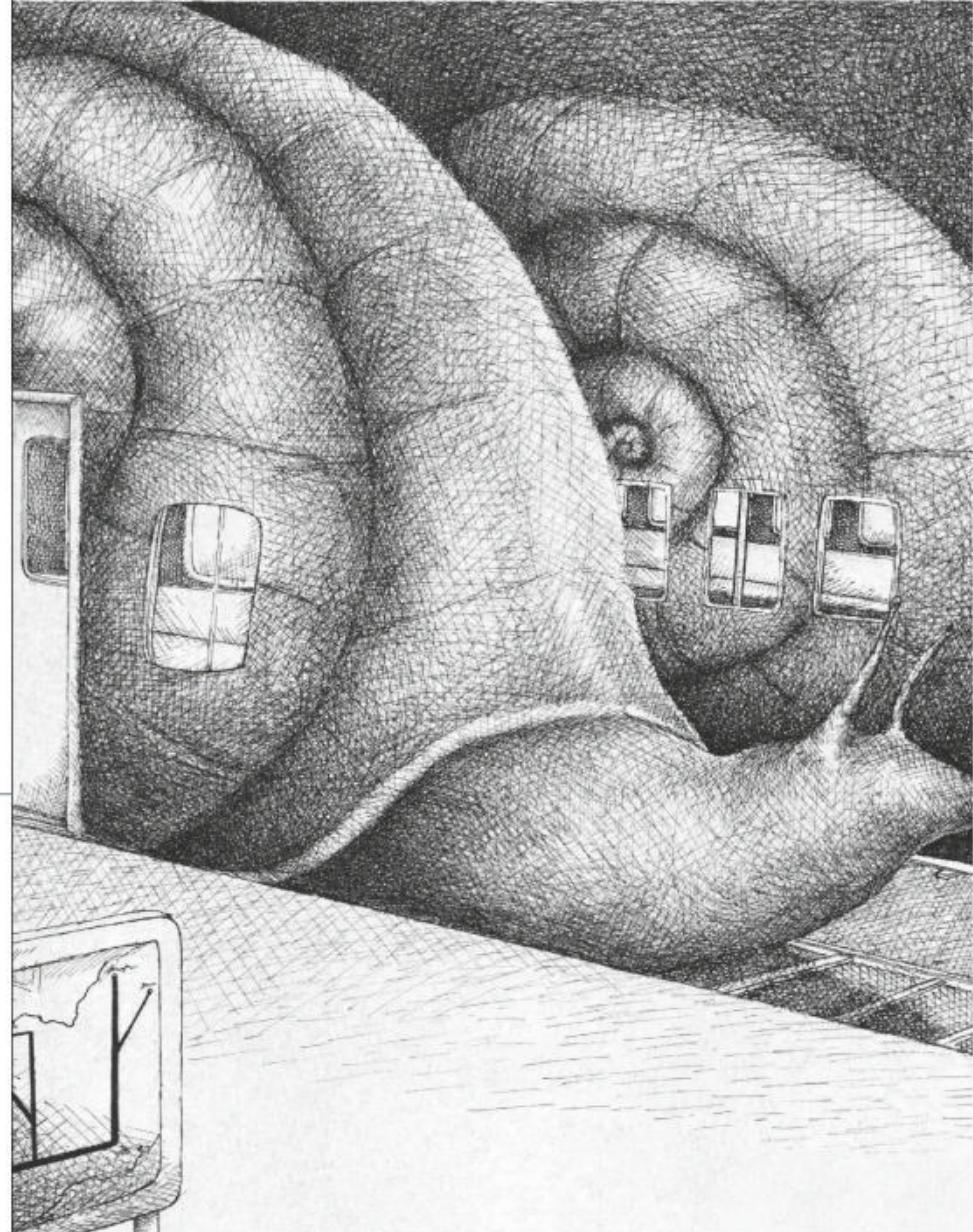
A. KEERMA

"The Socialization of Canada"

"As owner of my home, my 'property rights' include (among other things) the privilege of entering it whenever I please, the right that others not enter without my permission, the immunity against unilateral revocation of these rights or privileges by any private individual, and the power to transfer my rights and privileges of ownership to another through sale."

EDWIN DOLAN

"The Limits of Liberty"



The New York Times' Jia Lynn Yang on the Ebb and Flow of Immigration

INTERVIEW BY NICK GILLESPIE

A DEPUTY NATIONAL editor at *The New York Times*, Jia Lynn Yang is the author of a timely new book, *One Mighty and Irresistible Tide: The Epic Struggle Over American Immigration, 1924–1965* (W.W. Norton & Co.). The book begins at a dark moment in American immigration policy, when a restrictive law ended a long period of relatively open borders and effectively stopped mass movement to the United States for the next 40 years. It tells the story of the decadeslong process that led the U.S. to begin accepting foreigners once again. Yet almost nobody involved in that fight foresaw the extent to which the 1965 law finally signed by President Lyndon B. Johnson would open the door to large numbers of new immigrants, including Yang's family.

Reason's Nick Gillespie sat down with Yang first in March and then again in May after the COVID-19 pandemic began to have a major effect on U.S. immigration policy. Among other things, it prompted President Donald Trump to temporarily halt legal migration and led to a delay in asylum hearings on the Mexican border.

Q: You have a personal connection to immigration, particularly the laws of the period that your book covers. What is it?

A: My family would not be here if not for the Immigration and Nationality Act of 1965. When I began working on this whole project, I'd never heard of the law, never been taught it in high school or college. I had just been told—like, I think, a lot of American families—the gauzy story of how we ended up here at all. Basically, my family's from China. After the civil war and the Communists won in 1949, my grandparents left for Taiwan, like a lot of other refugees. My parents grew up there and then came to the U.S. in the '60s and '70s for college and grad school.

Q: Talk about American immigration policy from the beginning of the republic up through the 1882 Chinese Exclusion Act.

A: Our immigration policy was quite open. We needed people to come and colonize this land. If you basically wanted to show up, we didn't have visas, there were no passports, there wasn't border control. If you got here—and this was true until really the 1920s—and you made it physically [through] the long, long journey, you could be here.

In 1882, the U.S. passed, for the first time, an immigration law restricting people coming in based on their ethnicity. This was fueled by a huge anti-Asian backlash against Chinese laborers in particular. From that point on, you can see that we are as a country slowly but surely adding more and more restrictions.

Q: What happened with immigration policy between 1925 and 1950?

A: Imagine the 1920s as being a very isolationist, very pro-American, nationalist time where we're literally closing off borders.

As we're fighting [World War II], it becomes clear that our immigration laws don't match our foreign policy. The Chinese Exclusion Act of 1882 banned the naturalization of anyone who's Chinese, but during the war, the Chinese are allies, and it seems embarrassing and downright insulting to signal to our ally, "We don't actually think that you're up to snuff to be citizens." So we slowly crack the door open to Chinese immigration.

Q: How did President Ronald Reagan deal with immigration?

A: The last major, truly ambitious reworking of American immigration laws comes under Reagan, and he basically creates a path to citizenship for all these people. He creates amnesty.

I'd argue the next pass at this, under [President] Bill Clinton, is at least as transformative. In the moment it wasn't considered as ambitious as what Reagan did, but Clinton is the one who really creates this sort of perpetual state of illegal immigration crisis, because he both narrows the pathways to citizenship and increases the reasons to deport people.

Q: Will immigration policy change if a Democrat wins the White House, or are these forces that oscillate between expansive and restrictive immigration policy bigger than any one politician?

A: I feel like [people in the Trump administration] know this history in a way that Democrats don't. They will talk about the 1920s and they'll talk about 1965. They understand that there's almost a dial that you can turn on American immigration. Sometimes [we] allow a lot of people in. Sometimes we don't. And they of course want to turn the dial back toward more restriction.

The Democrats—I'm hard-pressed to know what their plan is. They talk a lot about a nation of immigrants, and they celebrate this gauzy mythology, but unless they're advocating open borders, I'm not clear on what their preferences are for who comes in and who doesn't. 

This interview has been condensed and edited for style and clarity. For a podcast version, subscribe to The Reason Interview With Nick Gillespie.





Douglas County, Nevada, Public Library Director Amy Dodson said a statement from the library in support of the Black Lives Matter movement was not an attack on police. But that's not how Sheriff Daniel Coverley interpreted it. "Due to your support of Black Lives Matter and the obvious lack of support or trust with the Douglas County Sheriff's Office, please do not feel the need to call 911 for help," Coverley wrote in a letter to the library. A spokesman later said that, despite Coverley's letter, the sheriff's office would continue to respond to emergency calls from the library.

Police in Golden Valley, Minnesota, used drones to see if anyone was bathing

nude or topless on a secluded beach on Twin Lake. Nude and topless sunbathing is illegal, but visitors have been stripping off at that beach for decades. Police Sgt. Randy Mahlen told a local TV station that using drones to police nude sunbathing is "no different than a surveillance camera in a... high-crime area."

The city of San Diego has been paying for three years to lease the former Sempra Energy headquarters, even though asbestos issues have prevented the city from occupying the building. When a local TV station obtained documents that showed, among other things, that the city did not seek an

independent assessment of the building, City Attorney Mara Elliott opened a criminal investigation of how reporters got the material. After the station posted a copy of a letter it received from Elliott's office, the city announced it was dropping the investigation.

The Chinese government has ordered Christians to remove religious symbols and objects from their homes and replace them with portraits of Chairman Mao Zedong and President Xi Jinping, according to *Bitter Winter*, a magazine that monitors religious freedom issues in China.

London Metropolitan police officers, accompanied by police dogs, raided a home and arrested a 12-year-old boy after someone reported seeing a black male with a gun. The weapon turned out to be a BB gun with a blue slider showing it wasn't a real firearm.

Several employees of an Arizona Department of Child Safety office were fired after a photo circulated showing them wearing T-shirts

during work hours that read "professional kidnapper" on the front and "Do you know where your children are?" on the back.



A teenage boy being held at Los Angeles County's East-lake Juvenile Hall developed enlarged breasts after being given estrogen, a female hormone, without his family's permission as a treatment for oppositional defiant disorder, according to a lawsuit.

The Phoenix, Arizona, police initially said they were responding to an emergency domestic call when they fatally shot a man in the doorway of his apartment. In fact, they were responding to a noise complaint.

—CHARLES OLIVER



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