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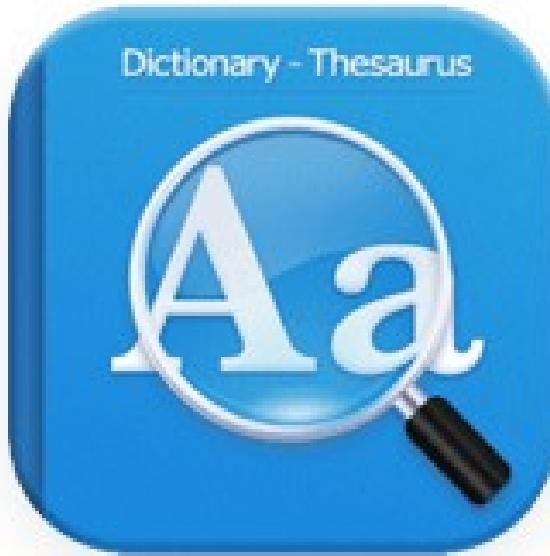


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Goings On

- [Vivian Maier's Treasure Trove of Photographs Uncovered](#)
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Going On

Vivian Maier's Treasure Trove of Photographs Uncovered

Also: the Irish dancemaker Oona Doherty, the howling art of Käthe Kollwitz, Machinedrum's Joshua Tree album, and more.

May 31, 2024



Jackson Arn

The New Yorker's art critic

As late as 2007, the case could be made that some storage lockers in Chicago held the best photography collection in the United States. In the course of that year, the renter defaulted on payments, and everything inside, including many boxes bursting with negatives, was auctioned off to local collectors. One of these—think of him as patient zero—had enough taste to scan the negatives and post about them on Flickr.

Seventeen years, myriad copyright squabbles, incalculable praise, and one Academy Award-nominated documentary later, what do we know about

Vivian Maier? She was born in 1926 and died in 2009, a few years before it had become routine to call her one of the best street photographers of the previous century. She was shy with most people and allergic to attention. She worked as a nanny and later had to rely on financial support from the people she'd once been paid to raise. A former employer recalled that Maier spoke to her children, the baby included, as though they were already grown.



That recollection helps to clarify something about Maier's photographs, more than two hundred of which appear in Fotografiska's exhibition, opening on May 31, "**Vivian Maier: Unseen Work**": innocence is nowhere to be seen in them, possibly because it doesn't exist. Children look world-weary even when they're horsing around. When adults show up, even their leisure looks laborious. Like all the best street photographers, Maier had a fine eye for bathos: a doll in a trash can, an old lady selling pretzels near a sign for a beauty school, a marquee for a Bing Crosby movie shining down on what looks like a corpse.

Maier's finest images may be her self-portraits, in which she finds her frank, sharp, "Whistler's Mother" face in a mirror and makes the rest of the world surround it. When I look at one and then think about all the other great works of art yellowing away in other forgotten lockers, I don't know whether to laugh or cry.



About Town

Off Broadway

The final installment in the Irish Repertory Theatre's Friel Project, Brian Friel's "**Molly Sweeney**," follows a functionally blind woman who is offered the possibility of regaining some vision. The operation, despite slim odds of success, seems like a no-brainer to her husband, Frank (an endearingly tedious John Keating), who lives for far-fetched, noble-minded enterprises, and to the ophthalmologist Mr. Rice (Rufus Collins), who sees "curing" Molly (a superb Sarah Street) as a way to resuscitate his once glorious career. Friel's play, first performed in 1994, presents two would-be Pygmalions who fail to realize that their Galatea is already fully alive. Molly alone grasps the difference "between seeing and understanding"; Charlotte Moore's economical yet elegant staging invites us to do so as well.—Dan Stahl (*Irish Rep; through June 30.*)

In the four decades leading up to the Nazi dictatorship, **Käthe Kollwitz** was Germany's howling, wrenching conscience. A retrospective at *MOMA* occasionally seems more intrigued by her views on war and labor strife than by the drawings, sculptures, and prints in which she expressed them, but the evidence speaks for itself: she had one of the most vivid graphic imaginations of the era. Bodies are forever trying and failing to merge in these images: mothers grip dead children, crowds march almost forward, profiles press into a single head. Unity is often the goal but never the reality; Kollwitz's doubt is as powerful as her faith. She is, in other words, something subtler and more valuable than a crusader: a genuine artist.—*Jackson Arn (MOMA; through July 20.)*

Dance



The young Belfast-raised dancemaker **Oona Doherty** isn't afraid of big music, or big emotions, or delving into anxiety. In "Navy Blue," a heartfelt dance for twelve, set to Rachmaninoff and Jamie xx, Doherty combines lyricism and jaggedness, physical grace and what looks like an uncomfortable unravelling of the body, to produce a portrait of the discomfort of living—a "Rite of Spring" for our time. Both the movement and an insistent voice-over evoke humanity's violent, self-destructive

tendencies and the way that modernity has reduced everything to dollars and cents—and, underneath all this, mankind’s fundamental irrelevance. After all, as the voice-over says, we are just “a pale blue dot on a pale blue dot.”—*[Marina Harss](#)* (*Joyce Theatre, June 4-9.*)

Electronic Music

Under the alias **Machinedrum**, the electronic musician Travis Stewart conjures quirky, beat-driven music that distorts the dimensions of pop sounds into something otherworldly. A multiyear project called “Vapor City” envisioned urban planning through sound design, dedicating its songs to a dream metropolis, and the album “Human Energy,” from 2016, pursued the intangible in prismatic flashes. A new record, “3FOR82,” was inspired by a trip to Joshua Tree National Park, where solitude led Stewart to his old hard drives full of beats he had produced in the late nineties, using Impulse Tracker. The songs tap into the creativity that antiquated technology prompts, pulling an unconventional band of collaborators—aja monet, Tinashe, Jesse Boykins III, Topaz Jones, deem spencer, and more—into his superlunar orbit.—*[Sheldon Pearce](#)* (*Market Hotel; June 7.*)

Off Broadway

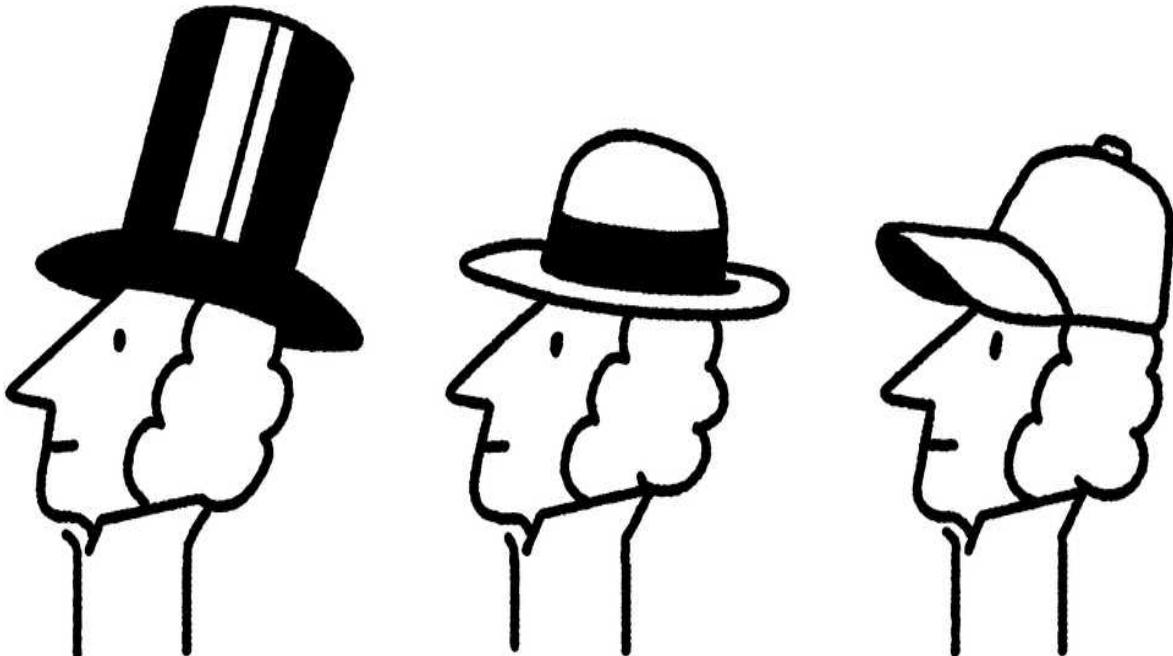


Julia Masli emerges from a dark corridor, a huge contraption looming over her narrow face—part witch’s hat, part Gigeresque GoPro lighting rig. “Ha ha ha,” she intones, the words so thickened by her Estonian accent that they sound like an owl hooting. Masli’s eldritch, exquisite show **“Ha Ha Ha Ha Ha Ha Ha”** was an Edinburgh Festival Fringe hit last year, a mix of elevated clown work (Masli operates in an improvisatory French *bouffon* tradition) and group-therapy session. Slowly, deliberately, she glides up to audience members: “Problem?” she asks. Whatever the problem is—sweatiness, grief, fear of failure on the night I saw it—she tries to solve it with what she has on hand, deploying a roll of electrical tape, for instance, to bind family members together, or exerting her weird, lachrymose compassion. “You’re amazing,” I heard her say to a woman with a hurt foot. “Your foot is metaphor.”—[Helen Shaw](#) (SoHo Playhouse; through June 8.)

Movies

In 1997, the Bulgarian-born, French-based filmmaker Mosco Boucault launched a series of documentaries about police investigations with **“The Shooting on Mole Street,”** centered on the killing of the fifteen-year-old Shafeeq Murrell, in the crossfire of a drug-gang war in Philadelphia. Boucault follows two police detectives (both white) in their maneuverings to

meet and interrogate potential witnesses and suspects (who, like the victim, are Black); he encounters teens trapped in the carceral system and in cycles of violence, and neighbors whose mournful outrage at Shafeeq's death is matched by fear of gang reprisals. Many in the neighborhood, struggling merely to live in peace, have the weary desperation of refugees at home.—*[Richard Brody](#) (Streaming on OVID.tv.)*



Pick Three

The staff writer [Rachel Syme](#) shares current obsessions.

1. Every summer, I attempt a rewatch of an old, multi-season television show; it provides a soothing activity to look forward to on sticky days. (Whenever I get overheated, I just think, At least tonight I'll get to bask in the A.C. with my little show.) This year, I'm rewatching "**Six Feet Under**," the HBO masterpiece from the early two-thousands. It's even better than I remembered. The acting is so strange and spiky and surprising, and the cold opens of most episodes—usually showing the bizarre death of a random person in Los Angeles—are still harrowing and brilliant. I know that when I get to the infamous finale, I'll be a wreck all over again.

2. I cannot stop listening to **the songs from “Stereophonic,”** a new Broadway play that follows a band that may or may not be based on Fleetwood Mac, as it pushes through interpersonal drama to record a new album. The play’s songs, by Will Butler, formerly of the band Arcade Fire, so perfectly mimic a seventies Laurel Canyon sound that you might think that you’ve stumbled upon a cache of lost Stevie Nicks B-sides.



3. I've been pressing Miranda July's new novel, "**All Fours,**" into the hands of many friends. I read it in two sittings and was despondent when it was over. No book has so accurately captured the wandering years that many women experience during their thirties and forties, when we are no longer young but also not yet prepared to be considered old. The book does for perimenopause what Melville did for whales: it makes the subject seem epic and earth-swallowing.

P.S. Good stuff on the Internet:

- [A social history of the cardboard box](#)
- [Björk's springtime song](#)
- [The sundress discourse, explained](#)

The Food Scene

The Casual Confidence of Lola's

An alumna of Danny Meyer's Union Square Hospitality Group offers a Southern-inflected menu that subtly sings.

By Helen Rosner

May 26, 2024



Suzanne Cupps, the chef-owner of a new restaurant called Lola's, in NoMad, may have learned her exceptional sense of restraint from the people she came up working under. Earlier in her career, she cooked at Annisa, Anita Lo's exquisitely minimalist West Village spot. From there, she became a protégé of Michael Anthony, a true chef's chef, working with him at two of the most polished establishments in Danny Meyer's Union Square Hospitality Group, Gramercy Tavern and Untitled, the now closed restaurant at the Whitney Museum, where she eventually rose to the position of executive chef. At Lola's, her cooking privileges subtlety over intensity. The menu features no TikTok bait, no superficial trickery. Spices are used to warm rather than to ignite. At a glance, the deceptively simple food on your plate might seem to verge on ho-hum. But it takes considerable skill to make an unshowy meal that still grabs a diner's attention.



Cupps, wearing a Lola's-branded trucker hat, is stationed each night at the border of the open kitchen, bringing the attention of a master craftsman to details of timing and technique. Pause to appreciate the sticky snap of trout roe against buttery Carolina Gold rice in the scallop-and-shiitake bowl, or the textural pizzazz of a pile of char-edged, nearly raw cabbage atop a floppy-soft cabbage pancake in the Union Square Bento, a trio of seasonal-vegetable sides named in homage to the farmers' market from which she sources most of her ingredients. Sometimes, alas, the food I sampled was actually a bit dull. Hunks of fried tilefish served on butter-lettuce leaves—essentially, tortilla-free fish tacos—were bland and forgettable. Littleneck clams, mixed with crabmeat and Old Bay seasoning and served in their shells, had all the vivacity of a suburban country club. But then another stunning dish would arrive, like Cupps's beef tartare with black barley, in which the tender rubies of raw meat play second fiddle to the chewy, malty grains, bound together by gochujang vinaigrette and ribbons of ginger aioli. It was one of the most exciting tartares I've ever tried, a brilliant plate of food.



Lola's is named in honor of Cupps's Filipina grandmother—*lola* is the Tagalog term for “grandma”—though on my visits the menu bore few overt Filipino touches, beyond a bright wisp of calamansi cutting through the clean, white sweetness of a potent gin gimlet. Cupps cooks from a pantry both global and placeless, with a motif of Southern flavors informed by her childhood in South Carolina. Crispy fried chicken thighs come with a mound of house-made pickles, tangy fermented honey, and a little bottle of coconut vinegar. Country ribs—a fatty, flavorful shoulder cut of pork—are served on skewers over a ladleful of white beans, and the piquant barbecue sauce with which they're brushed has an oniony sweetness that gives them an unexpected but sort of wonderful hint of Ashkenazi brisket. The Lola's space was previously occupied by a highbrow pizza joint, and Cupps has repurposed the built-in oven to fire blistery disks of naan, which are slicked with ghee and served alongside a dish of yogurt swirled with a delicate, brick-orange carrot masala sauce. You'd think a restaurant like this would have some sort of raw fish on the menu—if you have cane-backed barstools and terrazzo countertops in this town, it's practically a legal requirement to serve hamachi crudo—but on my visits the only hint of such a thing appeared on the drinks list: the Leche de Tigre, a tart mezcal cocktail made with the bracing cilantro-jalapeño-onion flavors of fresh ceviche. (Cupps recently added a raw-fluke rice bowl, and the prophecy is fulfilled.)

Helen, Help Me!

[E-mail your questions](#) about dining, eating, and anything food-related, and Helen may respond in a future newsletter.

One particularly gratifying thing that Cupps has brought with her from her previous gigs is a welcoming, casual, truly friendly form of service. An unexpected highlight of all of my meals—eaten variously at the bar, in the dining room, and at a kitchen bar in the back, which is stacked nonchalantly with serving dishes, and offers a terrific view of the action—was interacting with the restaurant's staff. They all seem to like one another, and to like the customers, and to like the idea of Lola's. As I was finishing my dessert one evening—a gorgeously warm and gooey chocolate-chip cookie, made with buckwheat—a server conspiratorially praised me for finishing the little cup of tea-infused oat milk served alongside. It was just a bit tannic, perfect for dunking and sipping. “Sometimes people don’t even try it,” she said, shaking her head. “Their loss, right?” ♦

The Talk of the Town

- [Trump Is Guilty, but Voters Will Be the Final Judge](#)
- [Outside the Trump Courthouse, Times Are Crazy and People Are Strange](#)
- [When Yorkie-poos Fly](#)
- [If You Build It \(a Cricket Stadium on Long Island\), Will They Come?](#)

Comment

Trump Is Guilty, but Voters Will Be the Final Judge

The jury has convicted the former President of thirty-four felony counts in his New York hush-money trial. Now the American people will decide to what extent they care.

By David Remnick

May 30, 2024



In the case of the People of the State of New York v. Donald J. Trump, a jury in Manhattan of five women and seven men found the defendant guilty on Thursday on thirty-four counts of falsifying business records in the first degree.

The conviction on these felony charges is only the most recent stain on the legal history of the former President. Last year, in a civil trial, another New York jury [found Trump liable](#) for sexual abuse and defamation, and awarded the victim of that assault, the advice columnist E. Jean Carroll, five million dollars. A subsequent suit against Trump for defaming Carroll resulted in an

additional award of more than eighty-three million dollars in damages. Trump awaits three more trials—in Washington, D.C., Florida, and Georgia—in which he faces myriad indictments for helping to foment [the violent uprising](#) at the U.S. Capitol; criminally mishandling classified documents; and taking part in a conspiracy to “unlawfully change the outcome” of the 2020 election. He has further distinguished himself in the annals of American law by being the only President to be impeached twice—[the first time](#) for trying to extort the President of Ukraine, [Volodymyr Zelensky](#), [the second](#) for “incitement of insurrection.”

Following the devastating judgment against Trump in Manhattan Criminal Court, voters will now decide to what extent they care. The question is whether any who remain undecided—particularly in the most critical precincts of Michigan, Wisconsin, Pennsylvania, Georgia, Nevada, North Carolina, and Arizona—will be convinced that a felony conviction disqualifies Trump from a second term as Commander-in-Chief, or whether this most recent badge of dishonor is, in the end, of no greater concern than his well-documented history as a bigot, a fabulist, and an authoritarian intent on pursuing a second term inflamed by a spirit of vengeance.

The vast majority of the electorate is, to one degree or another, quite aware of his many characteristics. He has been around a long time. He is aggressively transparent, supremely frank about his furies and his prejudices. He appears to be devoid of shame. Rather than betray regret about a hush-money payment to Stormy Daniels, an adult-film actress with whom he allegedly enjoyed a brief interlude, or even issue denials under oath, Trump, in his many press conferences outside the courtroom at 100 Centre Street, exploited the trial as a means of illustrating the ongoing narrative of his persecution at the hands of [the Biden Administration](#) and the Deep State. His victimhood, he has told his supporters, is *your* victimhood. I am *you*. My retribution will be your retribution. As the trial wore on, he managed to monetize this tall tale. His fund-raising increased, particularly among smaller donors. Such is his talent for self-pity and demagoguery. His continuing legal jeopardy, according to [Politico](#), “may be the most effective tool he has going.”

Trump’s personal adventures and interesting accounting practices appear to have given little pause to even the most self-righteous of G.O.P. leaders.

[Mike Johnson](#), the Speaker of the House, has [called](#) the Bible the bedrock of his “personal world view,” and yet, in the wake of the allegations provided by Daniels, Trump’s former consigliere Michael Cohen, and other witnesses, he still visited the Centre Street courthouse to show his treacly obeisance to Trump and to [denounce](#) the proceedings as a “sham.”

The picture is no different among Trump’s former Republican rivals. Early critics, such as Senators Marco Rubio, of Florida, and J. D. Vance, of Ohio, are now puppy-eager supporters vying for the Vice-Presidency or a Cabinet position; more persistent naysayers, such as Governor Chris Sununu, of New Hampshire, have also fallen into line. Trump’s last real opponent in the Republican primary, his former envoy to the United Nations, [Nikki Haley](#), spent months attacking his character (“Every single thing Donald Trump has said or put on TV has been a lie”) and his mental stability (“He is unhinged. He is more diminished than he was”). She blamed him for the Party’s losses in 2018, 2020, and 2022, and declared that she, at least, was brave enough to say so: “Of course, many of the same politicians who now publicly embrace Trump privately dread him. They know what a disaster he’s been and will continue to be for our party. They’re just too afraid to say it out loud. Well, I’m *not* afraid to say the hard truths out loud.” And yet, as the trial entered its last days, Haley, predictably, crumbled, saying out loud that she would cast her vote for Trump and, implicitly, her integrity to the four winds. In return, Trump tossed Haley a crumb, suggesting vaguely that she might yet gain a place on his team “in some form.”

Some of the titans of Wall Street are showing similar degrees of moral flexibility. Stephen Schwarzman, a billionaire financier who abandoned Trump not because of the insurrection, in 2021, but after the G.O.P.’s poor showing in the 2022 midterm elections, has now returned meekly to the fold. His reasons, he said obscurely, include a variety of policy concerns and “the dramatic rise of antisemitism.” (Trump, who has a long history of antisemitic statements, said earlier this year that “any Jewish person that votes for Democrats hates their religion.”) The hedge-fund manager Kenneth Griffin has similarly overcome his doubts. He once called Trump a “three-time loser”; now he is back on board.

Like so many authoritarians of the past—and, more recently, like Vladimir Putin, Viktor Orbán, and Jair Bolsonaro—Trump deploys a blood-and-soil

rhetoric in which his supporters and the existing order are under dire threat. The United States is a “failing nation” hurtling toward catastrophe. The government and the media may say (accurately) that inflation has trended downward and that the unemployment rate is below four per cent, but Trump darkly forecasts a nightmare world of Chinese dominance and a “1929-type Depression.” Moreover, if Joe Biden is reelected, the country will continue to become “a Third World hellhole ruled by censors, perverts, criminals, and thugs.” The 2024 election is “the final battle,” and only he can redeem us from a “Mad Max” dystopia—or, as he put it at a conference in Maryland last March, a “lawless, open-borders, crime-ridden, filthy, communist nightmare.”

If we have learned anything about Trump, it is that, beneath all the insult-comic improvisations, he means what he says. His authoritarian entertainments are authoritarian intentions. Where he has had the power and the discipline to enact his intentions, he has done so. He set out to appoint Justices to the Supreme Court to eliminate abortion rights, and he did so. He set out to erase the line between fact and lies, and did so. He set out to call into question the efficacy of elections and, for millions of people, he succeeded. He set out to deepen the divides in an already fractured nation and, by every measure, he has succeeded—to his benefit.

In his first term, he threatened the stability of international alliances, such as *NATO*, and in a second term he could easily destroy them. Putin would be pleased. In his first term, Trump routinely appointed mediocrities who, at least in some instances, ultimately put allegiance to the country before allegiance to the President and stood in the way of outright disaster; in a second term, Trump has promised that he will appoint pure loyalists hellbent on implementing his agenda of revenge. In his first term, Trump derided journalists as “the enemy of the people”; in a second term, he could deploy the powers of the I.R.S. and the Justice Department to punish them. His apparent fascination with violence could easily turn into the employment of violence. In his first term, Trump wondered aloud to Secretary of Defense Mark Esper and other officials why protesters couldn’t be shot “in the legs or something.” And has anyone forgotten the tweet, circa 2020, “When the looting starts, the shooting starts. Thank you!”? He suggested the same remedy for migrants crossing the border.

Trump's breezy contempt for African Americans, Latinos, Muslims, Jews, women, the disabled, and the inhabitants of "shit-hole" countries is a matter of record. In the wake of Memorial Day, it is also worth recalling his contempt for those in the armed forces. "He's not a war hero," he said of [John McCain](#), who served as a Navy officer and was a P.O.W. for more than five years in North Vietnam. "He's a war hero 'cause he was captured. I like people that weren't captured." After learning that General Mark Milley, who was the chairman of the Joint Chiefs of Staff, had tried to ease anxieties in Beijing about U.S. military intentions, Trump tweeted, "This is an act so egregious that, in times gone by, the punishment would have been DEATH!"

In short, an understanding of what a second Trump term would mean for all Americans hardly depends on the verdict in the matter of the People of the State of New York v. Donald J. Trump. American democracy, *any* democracy, is by nature fragile, and even the most summary assessment of Trump's rhetoric, actions, and intentions makes clear that the election in November is a matter of emergency. To return an unstable and malevolent authoritarian to the White House risks wounding American democracy in ways that would likely take decades to repair. That is not the only issue on the ballot, but those are the stakes. ♦

In the Streets

Outside the Trump Courthouse, Times Are Crazy and People Are Strange

A surreal gathering to hear the verdict included a crucifix-wielding town crier, someone yelling “Shawshank!,” and a frisson of violence.

By Sarah Larson

May 31, 2024



Before the announcement of [the verdict](#) in Donald Trump’s hush-money trial, on Thursday afternoon, the scene outside the Manhattan Criminal Courthouse had tended toward the mood of a small, fervent *MAGA* rally: a sideshow of eager players strutting and fretting in aggressively branded Trumpwear. American-flag clothing (dresses, sneakers) abounded, as did clothing that swore at you (“*FUCK JOE BIDEN AND FUCK YOU FOR VOTING FOR HIM*”) and signs insulting the prosecutors bringing the case (a drawing of the Manhattan District Attorney, [Alvin Bragg](#), styled like the “Fat Albert” cartoon, with the caption “Fat Alvin and the Commie Kids”). Some fervor was impassioned—a beefy guy in an anti-Biden shirt screaming to cops that a slight, calm guy in a Met Museum shirt had hit him—and

some just seemed performative, like the sporadic group chants of “We love Trump! We love Trump! We love Trump!” that broke out among people holding signs including “*JEWS FOR TRUMP*” and “*GAYS FOR TRUMP*” and, simply, “*TRUMP.*” People in *MAGA* hats said things such as “Racism is a myth—racism stops when you turn off the TV.”

All week, the scene outside the courthouse had reflected the uneasy surreality of the scene inside it. Robert De Niro showed up to stump for Biden, and then an artist showed up to display a painting of Trump knocking De Niro out, “Raging Bull” style. One day, I’d sat on a park bench next to a pile of mysteriously abandoned notebooks, one open to a handwritten list that read “10 Things to Keep Stocked in Case the Bottom Falls Out in NYC.” Some items involved apps and chargers; two were “A small stage” and “Gumption.” All week, a haggard man in a customized jacket proclaiming the three greatest Presidents to be Washington, Kennedy, and Trump had made the rounds, holding a big crucifix in one hand and ringing a big handbell in the other, circumnavigating the park like an ice-cream truck.

“If it wasn’t for this collection of jerk-offs, there would be absolutely nothing going on,” a newswire photographer said to his colleague. “You can quote me on that.” A dapper white-haired citizen observer who regaled me with stories about doo-wop versus rockabilly drag racing—he’d been rockabilly—said that the scene reminded him of a joke from the sixties. “We used to say, ‘How many people does it take to have a Vietnam protest? Thirty-two: two hippies, a cop, and twenty-nine journalists.’ ” He also said that Trump was “like opium for what’s wrong with this country” and paraphrased a great American philosopher: “You may be right / he may be crazy / But it just may be a lunatic you’re looking for.”

In the late afternoon on Thursday, as news about jury activity came, the vibe grew anticipatory, anxious, a bit physical. I worried that violence might explode. Shortly before the verdict arrived, but before we knew it was imminent, a leathery woman in a Trump hat yelled, “Liberal asshole!” at an unadorned guy in a navy-blue T-shirt. “How do you know I’m a liberal?” the man asked. “Because you’re walkin’ around with a dildo up your ass!” the woman screamed back. I eased myself away. A helicopter appeared overhead, hovering loudly, and texts started saying there was a verdict. Then, in the crowd by the fence, someone yelled, “Guilty.” Signs that said

“*GUILTY*” rose up above people’s heads. (Many in the crowd had come prepared.) “Guilty!” another person yelled. “Guilty!” I waited for meltdowns and fights. They didn’t happen, though somebody did yell, “Shawshank!” People smiled, teared up, stared at the courthouse from afar as if trying to understand it. It felt as if a fever had broken.

A man and his teen-age son took a selfie with the courthouse in the background, with expressions that said “weary relief during historic national moment.” They lived nearby. “We’re New Yorkers—we’ve been dealing with Trump for years,” the dad said. “I moved here in ’86. I used to see him when I was a waiter at South Street Seaport. He was a fraud then and he’s a fraud now.” He’d been around for the last headline-making trial at the building, [the Harvey Weinstein case](#). “We used to see Weinstein when I would walk my son to school,” he said. “It was nothing like this.”

A long-haired man in his forties, wearing a Panama hat and a Bob Dylan T-shirt, watched the scene with an expression of wary distaste. “This is the assassination of free speech,” he told me. “It’s a really sad day in America.” He was a Trump supporter. “I like his honesty,” he said. I asked what Dylan songs he liked best, and he told me to listen to “Things Have Changed.” Later, I did. “People are crazy and times are strange / I’m locked in tight, I’m out of range / I used to care, but things have changed.”

Across the street, banner-holding members of the progressive group [Rise and Resist](#) were jubilant. “Count one: Guilty!” they sang. “Count two: Guilty!” They continued for all thirty-four. A man handed out “Guilty” signs with Trump’s face on them. An older cop with a bullhorn politely asked protesters to stay on the sidewalk, and a few people with signs of varying messages (pro-Trump, pro-trans, pro-guilty) convened in a crosswalk. Suddenly the sound of a smack cracked in the air and a man started screaming “Sexually disoriented!” at a trans woman. An elderly security guard walked away from this scene. “Trump turned everybody stupid!” he yelled to the air.

A couple of blocks away, citizens craving refreshment—suit-wearing lawyers, a schoolteacher, a self-described actor/tour guide—bellied up to an al-fresco bar called Jury Duty. People ordered things like the Judge (a burger) and the Defendant (a veggie burger) as a marching band showed up

nearby, outside the New York Supreme Court. Sure, why not? The sky turned pink, and the band played Queen's "Fat-Bottomed Girls." ♦

Here To There Dept.

When Yorkie-poos Fly

Bark Air, a new airline catering to people with pups (for six thousand dollars a ride), just took its inaugural flight. No charge for the wee-wee pads and hunks of pork.

By Adam Iscoe

June 03, 2024



People like to bring their pets everywhere these days. Teacup pigs trot on leashes in Central Park, and Yorkie-poos in duffelbags yap from under the middle seats in airplanes. During the pandemic, as fliers started to exploit the “service animal” gambit beyond reason, some airlines cut back on allowing pets in the cabin. Others have long designated big dogs as cargo, to be stored near the golf clubs and other oversized luggage in a plane’s belly.

Matt Meeker, a serial entrepreneur (in 2002, he co-founded Meetup, the network of offline hobbyists), saw a problem in need of a solution. Earlier this year he started up Bark Air, which markets itself as “a 100% totally real airline for dogs.” The Thursday before Memorial Day weekend, several four-legged passengers checked in at a Signature Aviation terminal at

Westchester County Airport, for Bark Air's inaugural flight—a six-hour trip to Los Angeles, aboard a chartered Gulfstream V (a "G-five," to regulars). The flight manifest: Eddie (golden retriever, native of Wyoming), Brooklyn (dachshund-Pomeranian, from Texas), Poppy (white-haired Chihuahua, terrified), and Tola (Prague ratter, frequent flier), plus their humans. Skyler, an elderly Shar-Pei, was apparently stuck in traffic.

Meeker, who wore jeans and a black T-shirt covered in dog hair, was on hand to greet the first passengers. He knew his audience. "Imagine putting your toddler in a bag and shoving them in front of a seat—although we might *want* to from time to time," he said. "It's unthinkable!" He explained that his inspiration was his own Great Dane, Hugo (R.I.P.), who never got to fly, because he didn't fit under the seat. In March, Meeker said, as part of his research, he crawled into a dog crate, at Naples Airport, in Florida, and flew in the cargo hold of a G-five to Long Island. "It's an absolute horror show," he said.

Bark Air is a lot like Delta or United, except that instead of an air marshal there's an onboard veterinary technician who is trained in doggie CPR. A ticket to Los Angeles runs six thousand dollars, for human and pooch. To bring prices down, Meeker is in talks to purchase a Boeing 747 from an Israeli man who is moving some jets. Meeker dreams of retrofitting the interior with two dog runs and enough lie-flat beds for seventy-seven pups. He also runs the airline's publicly traded parent company—ticker symbol: *BARK*—which has hired designers from Lego and Nickelodeon to create bespoke toys and treats, and has hosted an outdoor music festival for dogs.

At the terminal, Jim King, a bald and bearded Bark Air pilot, wore a nametag that read "Furst Class Crew." He told a story about the time he transported a dolphin from Chicago to Miami in the back of a freight aircraft: "We hung a cargo strap like a hammock, and put him in there!" (The dolphin's handlers sponged him down every so often to keep him alive.) King looked over at his fur-bearing passengers, who were snuffling one another's rears. "I'd rather fly these puppies than people," he said.



The flight was scheduled to depart at 4 P.M. At four-oh-three, a Boykin spaniel named K9 Little, employed by a security firm, sniffed the dog owners' bags, looking for cocaine and cash. Skyler, the Shar-Pei, was a no-show.

Onboard, the humans sat down and buckled in (seat belts were required only for turbulence, takeoff, and landing; otherwise, pups and their people were free to roam the cabin). “Doggie Fine Dining” menus were distributed, as well as an “in-flight safety manual that puts dogs first.” Among the instructions:

NO CATS PERMITTED
TIME TO GO POTTY? GOOD BOY! FEEL FREE TO RELIEVE
YOURSELF WHEREVER YOU WANT
YES, LITERALLY WHEREVER. IT'S TOTALLY FINE

After takeoff, a Bark Air concierge noticed that Poppy the Chihuahua was shaking with fright. Reaching into what she called her “rusty just-in-case bag,” she proffered a complimentary “happy hoodie,” which was strapped around the dog’s tiny head. It resembled a weighted balaclava, and it seemed to do the trick. No canine passengers took the opportunity to relieve themselves, but, in case nature did call, the flight attendant was ready with

wee-wee pads. At cruising altitude, Eddie ran up and down the aisle drooling on everyone. As refreshments, passengers could choose from hunks of pork, a “Barkaccino” (whipped cream topped with powdered chicken), bacon-flavored “calming supplements,” and various beverages, including “Doggie Champagne” (organic chicken-bone broth). Bowls were provided for those who hadn’t brought their own.

About halfway to L.A., Poppy slobbered over an apple-and-banana “cupcake” with potato-honey-yogurt “frosting.” Tola reluctantly accepted a spa treatment, which included a massage with paw balm. Brooklyn looked out a window at the Grand Canyon, forty-three thousand feet below. Eddie licked his balls. ♦

At Wicket

If You Build It (a Cricket Stadium on Long Island), Will They Come?

Eisenhower Park, the weedy patch where the batters and bowlers of Long Island play their rec games, is being transformed to host the biggest event in the sport.

By Simon Webster

June 03, 2024



Late last year, it was announced that New York would host a handful of cricket's T20 World Cup games, in June. One thing was missing: a venue. Since then, a nearly thirty-four-thousand-seat temporary stadium has been under construction on a weedy field in Eisenhower Park, in Nassau County —like "Field of Dreams," with patches of clover instead of cornstalks. On a recent morning, Asim Khizar Gujjar, the manager of the Long Island United Cricket Club, a group of local amateurs who play at the park, checked it out. "It's pretty hard to explain to Americans what cricket is," Khizar, who wore a black Adidas jacket, jeans, and Nikes, said. "Start from baseball. There's a pitcher and there's a batter. He's pitching it and he's smacking it. Then, once

you get close to it, you'll be, like, You know what, this is a lot more complicated."

Khizar works as a chauffeur, and he had driven his black Tesla to the park. He has lived on Long Island—now in Valley Stream—since 2015, having emigrated from Pakistan at the age of eighteen. “The day I migrated, I thought, Cricket is gone,” he said. After two months, he saw some kids playing tape ball—a crude version of the sport—in a park in Bay Shore. They told him about Long Island United, which has four teams and doubles as a social club. Khizar is a batter for his team, with a talent for hitting sixes, cricket’s equivalent of home runs. “Last year, we won a couple of tournaments!” he said. (The team donated the prize money to flood-relief efforts in Pakistan.)

At Eisenhower Park, he tallied the hazards. The ground was lumpy and undulating. Trees encroached on the usual playing area, as on a golf course. “See the potholes?” he asked. Nearby, the construction team was at work finishing the stands. A group of officials had gathered for a tour of the work in progress. Don Lockerbie, a venue director for the United States’ organizing group, greeted Khizar and led everyone into a makeshift war room. Explaining why New York was chosen for the venue, he said, “The first-ever international sporting event—in 1844—was a cricket match in Manhattan!” (Even earlier, in 1778, George Washington, between skirmishes with the British, was described as playing “at Wicket.”)

A slide show began. Jeff Keas, an architect with the firm Populous, clicked through renderings of the stadium. It loosely resembled a bowl, with large stands of seats on two sides, and suites and cabanas on the others. “This is all a kit of parts, like a Meccano set,” Keas said. He paused on a slide showing the suites: “To add a little slice of Americana, we have cabanas, loge boxes, party decks, bunker suites.”

“There might be a d.j.,” Lockerbie added.

They were still deciding on food options. “It can’t be hamburgers and hot dogs,” Keas said. (There will be vegetable samosas, halal lamb burgers, hot and cold chai, and shikanji, a spiced lemonade.)

Hard hats were produced and yellow vests donned. Will Madison, whose company, Arena Americas, is supplying the stadium parts, led the group up narrow stairways that floated dozens of feet off the ground, and into the partially built stands. “Everything’s designed so a low-grade hurricane can blow through and we’re still O.K.,” he said. Was he worried about the glass windows in the suites? “They assured me they cannot hit a six up here,” Madison said. Khizar looked skeptical.

The ground inside the stadium was just dirt, soon to be sodded over with Kentucky bluegrass from a farm in New Jersey. The pitches—twenty-two-yard strips of compressed grass, dirt, and clay, on which play occurs—were also being prepared off-site, in Florida.

Khizar had been distressed when he failed to snag a general-admission ticket to the most anticipated match, Pakistan vs. India, which sold out online in two minutes. (Scalpers are selling seats for fifteen hundred dollars.) Thankfully, a teammate had an extra.

After the tournament is over, the stadium will be disassembled and carted away, and the grass pitches will be replaced by artificial turf. “And then it’s people’s memories,” Keas said.

On his way home, Khizar stopped in Idlewild Park, a preserve consisting mostly of saltwater marsh, next to J.F.K. airport. “This is the best cricket ground we have,” he said. “If I didn’t know how to play cricket, I would have never settled in New York.” He added, “The last time that I cried was when Pakistan lost to India in 2022.” The Idlewild playing field was within a cozy ring of trees. In the middle, a local school team practiced. “These kids are Punjabi, Gujarati, Pathan,” Khizar said. “This is cricket, man.” ♦

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A Reporter at Large

Will Mexico Decide the U.S. Election?

Top officials from the two countries are wrangling over immigration policy. What they resolve will have huge implications on both sides of the border.

By Stephania Taladrid

June 01, 2024



One morning this spring, Alicia Bárcena, Mexico's Secretary of Foreign Affairs, stood at the edge of the Rio Grande, ready to board an airboat manned by U.S. Border Patrol agents. Settling into the front row, Bárcena put on protective glasses as the blades behind her started to whir. The current seemed mild—the water rushing below was barely audible—but agents said that this was the stretch of river where the most migrants had drowned. Earlier this year, the bodies of a Mexican woman and her two young children were recovered there, after they attempted to cross by night.

Bárcena took office last July, with a mandate from Mexico's President, Andrés Manuel López Obrador, to oversee immigration matters. She was at the border to assert her country's presence in a series of increasingly inflamed arguments. It was in this part of Texas, near the town of Eagle

Pass, that Governor Greg Abbott had installed a floating barrier of buoys that drifted into Mexican waters last summer. Bárcena, who had started her job just days earlier, denounced the buoys as “a violation of our sovereignty” and a breach of long-standing treaties between the two nations. She asked the Biden Administration to have them removed. The Department of Justice sued Texas, arguing that the buoys were flagrantly illegal and risked “damaging U.S. foreign policy.”

Abbott ultimately moved the buoys back, but he did not remove them, and his defiance of the federal government’s authority over immigration has only grown more brazen. In January, after stringing miles of concertina wire along the Rio Grande, he deployed the state’s National Guard to patrol the area, effectively blocking federal agents. “The only thing that we’re not doing is, we’re not shooting people who come across the border,” Abbott said. “Because, of course, the Biden Administration would charge us with murder.”

One of Bárcena’s aides likened the scene along the river to “a living museum of deterrence.” The concertina wire was strewn with migrants’ belongings—flannel blankets, T-shirts, toddler shoes, backpacks. Armed guards scanned the riverbank; cameras and motion sensors towered above. On the Mexican side, a boy with a fishing pole stood next to an older girl, who waved timidly. A freight train rattled past a smattering of people protesting the presence of the Texas National Guard. Two men—the agents had them pegged as *polleros*, or smugglers—lounged watchfully in chairs next to a pickup truck.

In the distance, Bárcena spotted the buoys: a string of orange cylinders that extended about a thousand feet. The pilot let the boat drift closer, and it became clear that there were sharp blades in between. A sign read “*Peligro*”—danger. The corpse of a migrant had been found there less than a year before. Whether the man had drowned upstream or after getting stuck in the buoys had been one more subject of dispute between Texan and Mexican authorities.

Over the years, many have argued that Mexico has no immigration policy of its own; it merely reacts to the United States’ continuous demands. During Bárcena’s short time in office, she has worked to defend her country’s

interests. She has described herself as a “*diplomática a la carrera*”—a high-speed diplomat. In Mexico City and in Washington, D.C., she has met every other month with Secretary of State Antony Blinken and other members of Joe Biden’s Cabinet, working toward agreements on how to contain record levels of immigration. “I once told Blinken, ‘I’m pretty sure I see you more than my husband,’ ” she recalled, with a thin smile.

Bárcena has some advantages in these talks. Biden has been to the border just twice, and has been criticized for being intermittently engaged with immigration policy; also, the two countries are so intertwined that the U.S. can penalize Mexico only so much before harming itself. But she faces powerful constraints, too. Mexico has a Presidential election scheduled for early June, and the U.S. has its own in November. As the American election approaches, the Republican base is feverishly insistent on limiting immigration, and Democratic voters are increasingly impatient on the issue. The negotiations, one Mexican official said, were like a soccer final in which time was running out: “We’ve reached the eighty-eighth minute.”

The Ministry of Foreign Affairs, in Mexico City, sits at the edge of the capital’s historic center. A tall, rust-colored structure, it was built in the aftermath of a magnitude-8 earthquake, which flattened entire neighborhoods in 1985. The ministry—surrounded by a bustling plaza and decorated with a mural by Rufino Tamayo—was hailed as a symbol of the city’s *resurgimiento*, or resurgence. Inside, an elevator run by a security detail leads to Bárcena’s office, on the twenty-second floor.

This spring, I met Bárcena in a high-ceilinged conference room with a terrace overlooking the city. Bárcena, who is seventy-two, with cropped gray hair and blue eyes, has been a diplomat for most of her working life, and still has a studious demeanor. She entered the room carrying a large binder, full of notes and statistics, that she deploys to win over skeptics.

A biologist by training, Bárcena came of age at a time of profound social unrest. She attended the National Autonomous University of Mexico, the country’s premier state-funded college, in the nineteen-seventies, when the Institutional Revolutionary Party had been in power for four decades. Young people were taking to the streets to demand change, and many were violently repressed; in 1971, dozens were killed by a paramilitary unit,

which contained agents trained by the United States. Bárcena took part in protests, and augmented her political education by reading such leftist thinkers as Eduardo Galeano, who wrote the anti-imperialist tract “Open Veins of Latin America.”



In the mid-nineties, Bárcena joined the United Nations and oversaw economic and environmental programs. In 2006, Kofi Annan named her his cabinet chief. At the time, countries around the world had embraced Annan’s signature project, the Millennium Development Goals, a set of targets intended to slash poverty and halt the spread of H.I.V. by 2015. It was a moment of unusual consensus on the global community’s responsibility to address intractable problems. Two decades later, Bárcena retains that idealistic perspective. “Immigration cannot be seen as an issue pertaining exclusively to the United States and Mexico,” she told me. “We *have* to get to the root causes. Why are people migrating, and where are they coming from?”

Until the mid-two-thousands, Mexico was generally viewed as a country of origin for migration; nearly a third of all immigrants to the U.S. were Mexican. But as the Great Recession turned the U.S. into a less attractive destination, many of them decided that they would be better off at home. In the years that followed, migrants ventured from more distant places:

Guatemala, El Salvador, Honduras, and Venezuela, but also Tajikistan and the Philippines. Last year, authorities at the border logged an unprecedented 2.5 million encounters with migrants, many of whom had traversed Mexico on their way north. “We’ve become a country of origin, destination, and transit,” Bárcena said.

She flipped open her binder and handed me a graph of recent arrivals at the border—figures that she reviewed with López Obrador every week. In a month, the numbers of people from such countries as Colombia, Ecuador, and Nicaragua had increased between twenty and seventy per cent. Heading toward the U.S., they had to make their way through a country rife with corruption and violence. “Transiting through Mexico is the hardest part,” Bárcena said.

López Obrador—known universally as *AMLO*—has persistently argued that changing migrants’ incentives is more important than enforcement. “People don’t willingly leave their home towns,” he said last year. “They do it out of necessity.” Bárcena, who led the U.N.’s Economic Commission for Latin America and the Caribbean from 2008 to 2022, endorsed a similar view. “It’s not only about dealing with the result but understanding the structure of the problem,” she said.

The causes are complex and varied. In Venezuela, from which almost eight million citizens have fled in recent years, an authoritarian regime and a failing economy are largely to blame. In Honduras, climate change is a major factor, as unprecedented droughts interfere with farming. Even incremental solutions to these kinds of problems are slow to implement, and migrants keep on coming. Statistics from Bárcena’s binder showed that, in the previous week, U.S. Border Patrol agents had recorded an average of more than seven thousand migrant encounters a day, roughly twice the number that they could handle.

While Bárcena focussed on root causes, her U.S. counterparts were under intense pressure to keep as many people as possible from reaching the border. The negotiations were thus a test not just of what might effectively contain immigration but of what was politically viable in each country. Bárcena saw a stark risk: that “we allow a divisive and hostile rhetoric—one that casts us as adversaries rather than as partners—to grow.”

As President, Donald Trump was fixated on the idea that Mexico was trying to “take advantage” of the United States. Secretary of State Mike Pompeo recalled in his memoir that there was hardly a day when the subject didn’t come up. “Mike,” Trump once mused. “How would we do if we went to war with Mexico?”

At first, Trump’s concern was largely about the economy, as officials negotiated the treaty that replaced *NAFTA*. But in 2018, with migrant caravans making their way from Central America, his Administration devised a new policy to deter people who wanted to file for asylum. Under existing law, asylum seekers were permitted to stay in the U.S. while their cases were processed, which could take years; Trump staffers reasoned that, if they were instead forced to wait in northern Mexico, their incentives would change.

At a private meeting in Houston, Pompeo informed Bárcena’s predecessor, Marcelo Ebrard, that the U.S. had decided to return asylum seekers to Mexico. If authorities there didn’t agree to accept them, Trump would shut down the border. Ebrard assented to the policy—which became known as Remain in Mexico—but asked that it be presented publicly as an imposition from Trump, and that it remain a verbal agreement. He kept the deal a secret even from the Mexican Ambassador in D.C.

Trump was only briefly appeased. Months later, he grew annoyed by the numbers of migrants reaching the border and raised the threat of tariffs. Even within his Administration, people recognized that this would devastate the American auto industry, which relies heavily on parts made in Mexico. Pompeo recalled that a top official said, “I have just two words for you on tariffs: Michigan. Ohio.” To retaliate, the Mexican Ambassador instructed her staff to compile a list of products on which Mexico could impose its own tariffs.

In the end, a trade war was averted, as Mexico agreed to ramp up enforcement by deploying its National Guard along the Guatemalan border. But when the Trump Administration pushed for a “safe third country” agreement, which would require migrants passing through Mexico to petition for asylum there instead of in the U.S., Mexican officials refused. “They gave in to something that the Trump Administration wanted, but they

pushed back against the larger American ambition to make Mexico responsible for asylum seekers,” Andrew Selee, the head of the Migration Policy Institute, told me. “They succeeded in not crossing their own red line.”

Still, many in Mexico have questioned where the line was drawn. López Obrador had initially vowed to promote “curtains of development” across the country, where migrants would find job opportunities and visas. Now anyone who set foot in Mexico was confronted by thousands of soldiers blocking the path.

In government circles, Remain in Mexico stirred persistent unease. “Mexican policymakers like to show their independence from the United States,” Selee said. “There’s enormous pride about not being subservient to the neighbor next door.” Although Ebrard argued that he had no choice but to accept the policy, diplomats felt that a core principle had been violated. Mexico had never before taken back foreign nationals. Now that a new precedent had been set, how could they argue against it?

Biden, during his campaign, offered a fresh start. In speeches, he vowed to restore the United States’ “historic role as a safe haven for refugees and asylum seekers.” As the incoming Administration considered the effects of reversing Trump’s border policies, Mexican officials offered a bit of advice: go slowly, to avoid inviting a spike in immigration.

In office, Biden has vacillated between looser rules and tighter ones. Aaron Reichlin-Melnick, a policy expert at the American Immigration Council, called the President’s record a “mixed bag.” (A Mexican official described it to me, less charitably, as “schizophrenic.”) Biden has worked to rebuild the refugee system, to expand legal pathways to citizenship, and to enable humanitarian parole—temporary permission to stay and work—for hundreds of thousands of migrants. At the same time, he has continued to crack down on arrivals at the border. His Administration has devoted about a billion dollars a year to addressing the underlying causes of immigration, but it has spent far more—at least twenty-four billion dollars last year—to fund the agencies that handle enforcement.

Biden's ambivalence has been exacerbated by court battles. When he tried to end Remain in Mexico, which he had called "inhumane," a federal judge stalled the effort for more than a year. The Administration waited until 2022 to attempt to lift Title 42—a *COVID*-era policy that Trump used to limit asylum—and then was blocked by another federal judge. By the time the Administration succeeded, last May, the policy had enabled more than two million expulsions of migrants to Mexico. Throughout, Biden has been assailed by Republicans as weak on immigration, and has sought Mexico's help to counter that perception. Though his Administration has avoided its predecessor's belligerent rhetoric, its goal appears essentially the same: to push the border farther south and to hold Mexico responsible for managing the flow of migrants.

As Title 42 drew to an end, the Biden Administration asked Mexico if it would continue to take Venezuelan, Nicaraguan, Cuban, and Haitian migrants whom the U.S. turned away. Mexico agreed, on the condition that the U.S. provide humanitarian parole to an equal number of people from those countries. Then Biden officials asked Bárcena to consider admitting migrants of other nationalities, too, noting that Ebrard had already agreed to do so. "Where is the agreement?" she asked. There was nothing in writing, the U.S. officials said. In that case, Bárcena replied, there was nothing for her to abide by.

This kind of forceful language set her apart from her predecessor. Ebrard was a political animal, effective but coolly pragmatic. Bárcena, people close to her say, is more concerned with matters of principle and perception. In early meetings, Biden officials pushed to open a safe-mobility office in Mexico—a facility, similar to those in other countries in the region, where the U.S. can screen migrants, process refugees, and assess eligibility for parole. Bárcena declined. "If you want to do that, open a new consulate," she said.

Last December, the Biden Administration faced a crisis. A huge influx of migrants had arrived at the border, and images spread of thousands of people wrapped in foil blankets alongside the Rio Grande. Biden called López Obrador and said that stronger enforcement was "urgently needed." *AMLO* responded by inviting a group of Cabinet members to come meet him in Mexico City. He was offering a "political lifeline," as one official put it, but

the location and the timing—just days after Christmas—made it clear that he was offering it on his terms. Blinken cut his vacation short; Elizabeth Sherwood-Randall, Biden’s homeland-security adviser, flew in from New Mexico.

On December 27th, the U.S. delegation landed at the Felipe Ángeles airport, which López Obrador had built and given to the military to operate. Its three runways, which cost more than four billion dollars to construct, had barely been used. (The old airport remains open and is considerably closer to the city center.) But the facility is a source of pride for the Mexican President—and an emblem of his close alliance with the armed forces.

At the National Palace, *AMLO*’s residence and office, Bárcena led her counterparts into an ornate room, furnished with chandeliers and gilded mirrors, where they stood around a long table, waiting for López Obrador. After several minutes, he arrived and took a seat at the head of the table.

The situation was dire. In December alone, there had been two hundred and fifty thousand apprehensions of migrants at the border—double the numbers that had prompted Trump to threaten tariffs. Thousands more were making their way north. A caravan of people from twenty-four countries had reached Chiapas, in southern Mexico, marching under a banner that read “*Éxodo de la Pobreza*”—the Poverty Exodus.

Amid the crisis, Mexico’s National Migration Institute abruptly ordered the suspension of deportation proceedings. An internal memo obtained by the press cited a “liquidity shortage”—the agency had run out of money. Mexican authorities looked on helplessly as migrants climbed onto freight trains heading north. U.S. Border Patrol agents were overwhelmed. At most, they could process about three thousand people a day, and they were now sometimes seeing more than ten thousand.

The Administration had decided to close four ports of entry, in Texas, Arizona, and California, and had ordered customs agents to set aside their duties and help process migrants. Biden’s aides are careful to contrast their approach with Trump’s; they insist that the relationship with Mexico is based not on coercion but on mutual respect and shared goals. “If we see this as a zero-sum game, we miss important synergies,” Sherwood-Randall said.

Yet the Administration's decision was effectively an ultimatum. In Eagle Pass, freight trains were halted, and vehicle traffic slowed to a crawl; with imports and exports stalled, both sides of the border incurred losses estimated in the hundreds of millions of dollars. The Mexicans were desperate for the ports of entry to reopen. So were the Americans, but they wanted Mexico to do more to relieve pressure on the border.

After the meeting, Bárcena told the press that Mexico had insisted the ports of entry be reopened. The days that followed showed what it was willing to do in return. Deportation flights resumed; guardsmen prevented migrants from boarding trains; thousands of people who had reached the border were bused back south. In Matamoros, bulldozers rolled through a migrant camp near the Rio Grande. The military swiftly dispersed the caravan in Chiapas, and hundreds of migrants surrendered to Mexican immigration authorities.

Within a month, encounters at the border had dropped by more than a third. The cleavage between Mexico's rhetoric and its policies became clear, but so did the United States' reliance on its neighbor. "They are solving one of the Biden Administration's biggest political problems," Selee, of the Migration Policy Institute, said.

Still, many Mexican officials argue that the enforcement-first approach is inherently limited. "It might solve the issue between now and November," Arturo Sarukhán, the Ambassador to the U.S. from 2007 to 2013, told me. "But it's not going to solve the issue structurally, at a time when you've got historic numbers of people on the move in the Americas." He went on, "You can't enforce your way out of a migration crisis. You're going to be playing Whac-A-Mole, changing the routes that smugglers and traffickers take to bring people across the border."

After Bárcena left the Rio Grande, she headed to Eagle Pass, for a breakfast meeting with members of Border Patrol, the local police department, and Homeland Security's main investigative unit. She arrived to find a conference room arranged with diplomatic formality: tables with assigned seats were assembled in a large square, and servers circulated with plates of chilaquiles. As Bárcena greeted the officers, a sound engineer played "La Llorona," a folk song about a ghost who haunts bodies of water, in search of her drowned children.

Bárcena speaks English fluently, but she addressed the crowd in Spanish: “Too often, as federal authorities, we see one reality from our capitals, but when one visits the ground and meets with local authorities—learns what you go through each day—that perspective deepens.” She reminded the attendees that the communities on both sides of the river had a shared heritage. In Eagle Pass, she observed, an overwhelming majority of residents were Latino—“I dare say Mexican.” She invoked a time when there were no walls, buoys, or wires, and when children saw the Rio Grande as their playground. “Probably our grandparents, or your grandparents, used to cross differently,” she said. “We’re faced with a very different situation today.”

With the elections approaching, it was uncertain how the debate over immigration would evolve. Bárcena had built friendly relationships throughout the Administration, from the State Department to Homeland Security and the Department of Justice. But Bárcena knew that both she and her counterparts could be out of office come 2025, while the officers she was talking with would continue making decisions about enforcement on the ground. “We’re here to express the Mexican government’s full support,” she said. “And we want yours, so that anti-immigrant laws don’t prevail.”



Bárcena was referring to S.B. 4, a law endorsed by Abbott that gives state and local police the ability to arrest anyone they suspect of having entered

the country unlawfully. The Biden Administration had challenged S.B. 4's constitutionality in court, and Bárcena's office had filed an amicus brief. When Arizona passed a similar law, fourteen years ago, the Supreme Court ruled against it, arguing that deportations involved "foreign relations and must be made with one voice." But it was unclear how the current Supreme Court, which has a conservative majority, might rule on S.B. 4. "Fortunately, it hasn't yet taken effect," Bárcena said of the law. "But what will we do if it does?"

Lawyers in El Paso and San Antonio had told Bárcena that they could already feel the effects. People were avoiding public spaces, worried that they would be apprehended because of their skin color. Community leaders advised carrying proof of ties to the U.S.: mortgage records, bills, tax forms, anything that might dissuade a potential arrester. The Mexican government had made it clear that it would not recognize any repatriations by Texas, and its consulates were watching out for unlawful arrests and deportations. But Bárcena also needed to secure help from sympathetic American officials.

At the breakfast meeting, the county sheriff, a sturdy, deep-voiced man named Tom Schmerber, said, "I don't agree with S.B. 4." Having worked for Border Patrol, he believed that local law enforcement had no business dealing with immigration. He also worried about the guardsmen coming from other parts of the state. "They don't know the people here," Schmerber said. His family had come from Mexico; he still had relatives in Coahuila, across the border from Eagle Pass. "Most of us are Hispanic," he said. "They're going to be stopping people that are *from* here."

Schmerber assured Bárcena that other sheriffs shared his view. "We all think the same," he said. "This shouldn't be the state's problem." Bárcena leaned into the microphone: "Sheriff, I really do thank you for your stance. If all the sheriffs in Texas thought like you do, we would feel very safe." Yet, in public, others had conveyed a different message. Dozens of sheriffs had recently assembled at the capitol in Austin to show support for S.B. 4. Dressed in suits and cowboy hats, they clustered around Abbott as one read from a letter signed by a hundred and thirty-nine sheriffs: "We stand in unity with the governor."

One evening in Washington, Elizabeth Sherwood-Randall, the homeland-security adviser, sat in her office in the West Wing—a secure, windowless room that she and her staffers call the Cave. Sherwood-Randall is sixty-four, with blond hair and a leonine presence. She has held the job since Biden’s first day in office, but her relationship with the President began decades before. At twenty-six, just after finishing a doctorate at Oxford, she joined Biden’s office in the Senate, advising him on defense and foreign policy. She went on to work for Bill Clinton and Barack Obama, and developed a reputation as a skillful negotiator, credited with persuading former Soviet states to forgo their nuclear arsenals and Iran to restrict its atomic-weapons program.

Sherwood-Randall says that her current job is “to prevent terrible things from happening to the American people and to insure that we’re prepared to deal with those things that we cannot prevent.” This includes everything from wildfires and avian flu to terrorism. Lately, though, there has been an inescapable focus on immigration. When we met, she had recently returned from Mexico City—her tenth trip there in a little more than a year.

From the start, Sherwood-Randall said, a priority for the Administration was to “reëstablish a partnership based on mutual respect.” In part, this meant making sure that the dialogue between the two countries wasn’t limited to the White House, as it had been under the previous Administration; in one Mexican official’s description, “The relationship between Trump and López Obrador was monolithic.” Despite Trump’s public hostility, the two developed a close rapport. During a speech in the Rose Garden, *AMLO* had bemused many of his citizens by saying that Trump had treated Mexicans with “kindness and respect.” Part of the appeal was Trump’s indifference to Mexico’s domestic affairs; as long as López Obrador helped the U.S. contain immigration, Trump largely left him alone.

When Biden won the 2020 election, *AMLO* was among the last leaders to congratulate him. Mexican officials insist that the delay had nothing to do with his fondness for Trump. In 2006, López Obrador had run for President and lost by just 0.6 per cent—the result of fraud, he maintained. Afterward, he called for a judicial review, but leaders around the world had already recognized his opponent. “In his view, Democrats did not come to his aid when he felt that the election was stolen,” a Mexican diplomat told me.

Over time, Biden and *AMLO* have arrived at a careful comity. Both think of themselves as blue-collar men of the people. Both are also conscious that their countries are singularly dependent on each other. “What we do affects Mexico, and what Mexico does affects us,” Sherwood-Randall said.

Since December, apprehensions at the border are down by half. Yet the American electorate’s views have hardened; in one poll, fifty-five per cent of respondents—the largest proportion in decades—called widespread unauthorized immigration a “critical threat to the U.S.” A growing number of voters, especially Republicans, are open to more radical policies. Trump recently declared that if he is reëlected “we will carry out the largest domestic deportation operation in American history,” expelling millions of people. At rallies, he has talked in virulent terms about undocumented migrants, saying, “They are poisoning the blood of our country.”

In this context, Bárcena’s talk of root causes might seem politically inexpedient. But Mexican negotiators seem aware that, with the election coming, the Biden Administration is under even greater pressure to appear in control of the border. In recent months, Bárcena has asked the U.S. for twenty billion dollars in development funds—a sum that even she recognized was enormous. “They might not be able to invest that much,” she allowed. “But at least something that can really help us support the people of Central America.”

For its part, Mexico was working closely with governments throughout the region. Guatemalans have been given temporary visas to work in southern Mexico, one of the country’s poorest regions. Bárcena was finalizing an agreement to cover the first six months of pay for some migrants returning to Venezuela. The idea, Bárcena said, was to give those migrants “a certain incentive to stay.”



In all, Mexico was spending more than a hundred and thirty million dollars on these efforts. But it had budgeted far more money—roughly four billion dollars a year, according to government records—for enforcement. Mexican authorities were flying migrants back home, and shuttling thousands of others south from the border with the U.S., in order to slow their progress. This did little to address root causes, but it reduced the flow of people Border Patrol had to process—and, as Bárcena said gravely, “we made a commitment to lower the numbers.”

Still, there were limits. “We won’t let the United States send back to Mexico those they turn down,” Bárcena said. “They should take them back to their country of origin.” She had conveyed that message to her American counterparts. Nevertheless, in recent months, Biden has repeatedly talked about closing the border—which would likely entail persuading Mexico to take back everyone who wasn’t allowed into the U.S.

Biden first suggested a shutdown in late January, while the Senate was debating a bipartisan immigration bill. Mexican officials were caught off guard; one said that it felt like a “betrayal.” Mexico had not been consulted, even though negotiators for the two countries had committed to “cautiously consider—and preferably agree on—public statements.”

The Administration apparently hasn't ruled out the idea. In the coming days, according to reports by Reuters and PBS, the White House is expected to announce an executive action that would allow Biden to shut down the border if the number of migrants hit a specific threshold. Bárcena suggested that the tougher rhetoric was linked to Biden's poll numbers around immigration. "We see it as an electoral matter," she said. "But our sense is that Biden, or, really, the Democratic Party, have veered slightly to the right—to a tone that is closer to Trump's."

At the negotiating table, Bárcena often sits next to Mexico's Secretary of Defense, Luis Cresencio Sandoval. During *AMLO*'s Presidency, the military has taken on a range of civilian duties—overseeing airports, oil facilities, and trains—and has also assumed a significant role in immigration. Many of the National Migration Institute's leaders come from the military. The National Guard, which leads the country's enforcement efforts alongside the Army, has doubled its deployments in the past five years, and now accounts for nearly half the immigration budget. (The commission that handles asylum requests receives less than one per cent as much.) Human-rights groups have repeatedly denounced the military for abusing migrants. "Members of the armed forces are trained to vanquish an enemy," Ana Lorena Delgadillo Pérez, a prominent human-rights lawyer, wrote in 2022. "They don't let go of their training."

López Obrador, who is nearing his term limit, has increasingly attracted criticism for his deference to the armed forces; he has also been accused of undermining democratic institutions and attempting to subvert electoral rules. Yet as Sarukhán, the former Ambassador, said, "You barely hear a peep coming from Washington." He suggested Biden was conscious that the Mexican government could affect his fortunes. "*AMLO* will be in power until October 1st, and he has the ability to impact the outcome of the election by opening those valves at the right time," he said.

Why López Obrador would help Trump win is a matter of speculation. In private, Mexican officials I interviewed were alarmed by the prospect of dealing with Trump again. Among other concerns, the trade pact is up for review in 2026—a date that both sides encouraged, an official told me, because everyone assumed that *AMLO* and Trump would be safely out of office. "It was, perhaps, a miscalculation," Gerónimo Gutiérrez, Mexico's

Ambassador to the U.S. in the early years of the Trump Administration, said. “Or we didn’t contemplate a scenario in which, four years later, Trump could make a comeback.”

Some pointed out an inescapable irony: Trump’s insistence on forcing Mexico to take up the burden of controlling immigration might help return him to power. “You can’t outsource enforcement-driven immigration policies to other countries, because those countries can weaponize immigration flows,” Sarukhán said. “It’s mind-boggling, despite López Obrador’s fondness for Trump, that his actions could deliver a result which in the long run is the most detrimental for Mexican interests.”

Bárcena left Eagle Pass in a convoy headed to Laredo, the last stop on her trip. Looking out at a flat, arid landscape, she said that Texas wasn’t the first border state she had visited, but it was where politics and immigration clashed the most fiercely. In El Paso, she had toured a memorial for twenty-three people who were shot to death at a Walmart in 2019. The shooter, a man in his twenties, had driven more than six hundred miles to kill Mexicans, in what he described as “a response to the Hispanic invasion of Texas.”

At the memorial, Bárcena approached a woman resting on a bench, her hands folded over a cane. “*Cómo estás?*” she asked. “*Sobreviviendo,*” the woman said—surviving. She introduced herself as Liliana Muñoz, one of the survivors of the shooting. She said that her left leg was still numb, and that she could no longer run or play in the park with her two sons. Five years after the attack, she still lived in fear of what might happen to her and her boys.

In the car, Bárcena lamented the violence, both rhetorical and actual, that surrounded the border. “Trump says that we’re criminals, that we’re here to poison the country’s blood,” she said. His followers seem to have embraced his view; a recent poll showed that nearly half of Republican voters saw Mexico as an enemy. Yet she insisted that the two countries were inseparably bound together.

Last year, Mexico became the U.S.’s largest trading partner, with exchanges approaching eight hundred billion dollars. “We’re trading one and a half

million dollars *per minute*,” Bárcena said. “Our economies are so integrated that any unilateral decision from the United States will backfire.” Even Trump would be constrained by this reality, she suggested. “If he comes into office with an overly protectionist set of policies, Mexico will have to look for other paths,” she said. “China is a country that is constantly looking out for Mexico.”

In the meantime, Bárcena said, “the contributions of the Mexican community are not being appreciated.” More than thirty-seven million people of Mexican descent live in the United States. They contribute three hundred and twenty-four billion dollars a year to the economy and pay taxes, “without always reaping the benefits,” she added, noting that undocumented workers have no safety net. Six out of ten farm workers—the people hired to harvest everything from grapes in Napa to strawberries in Tampa Bay—are Mexican. Who will tend to the fields if Trump carries out his plan? “Deport them,” Bárcena said. “We’ll see what people in Florida have to say.” ♦

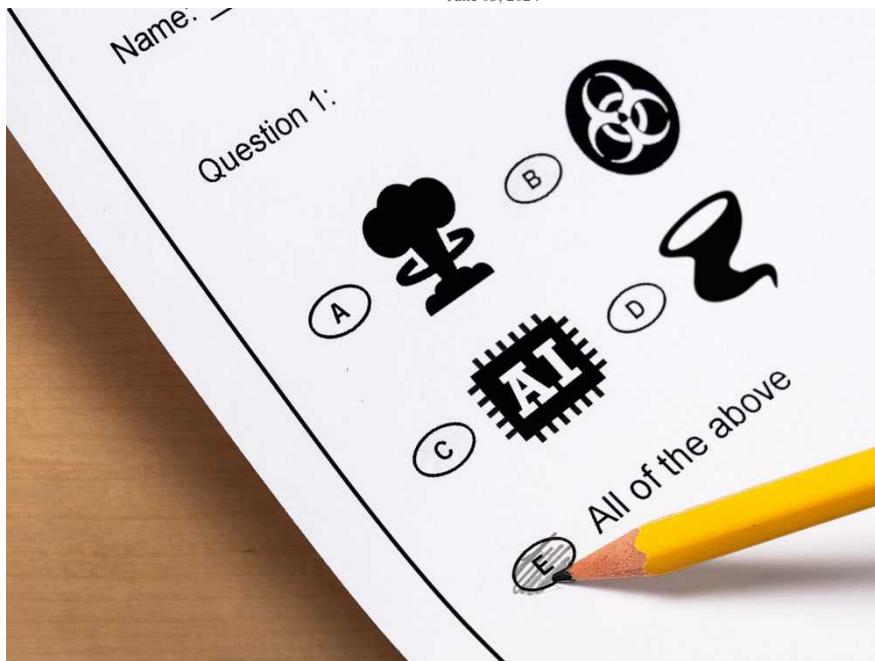
Annals of Inquiry

Are We Doomed? Here's How to Think About It

Climate change, artificial intelligence, nuclear annihilation, biological warfare—the field of existential risk is a way to reason through the dizzying, terrifying headlines.

By Rivka Galchen

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In January, the computer scientist Geoffrey Hinton gave a lecture to *Are We Doomed?*, a course at the University of Chicago. He spoke via Zoom about whether artificial intelligence poses an existential threat. He was cheerful and expansive and apparently certain that everything was going to go terribly wrong, and soon. “I timed my life perfectly,” Hinton, who is seventy-six, told the class. “I was born just after the end of the Second World War. I was a teen-ager before there was AIDS. And now I’m going to die before the end.”

Most of the several dozen students had not been alive for even a day of the twentieth century; they laughed. In advance of Hinton's talk, they had read about how A.I. could simplify the engineering of synthetic bioweapons and concentrate surveillance power into the hands of the few, and how a rogue A.I. could relentlessly pursue its goals regardless of the intentions of its makers—the whole grim caboodle. Hinton—who was a leader in the development of machine learning and who, since resigning from Google, last year, has become a public authority on A.I. threats—was asked about the efficacy of safeguards on A.I. “My advice is to be seventy-six,” he said. More laughter. A student followed up with a question about what careers he saw being eliminated by A.I. “It’s the first time I’ve seen anything that makes it good to be old,” he replied. He recommended becoming a plumber. “We all think what’s special about us is our intelligence, but it might be the sort of physiology of our bodies . . . is what’s, in the end, the last thing that’s better,” he said.

I was getting a sense of how Hinton processed existential threat: like the Fool in “King Lear.” And I knew how I processed it: in a Morse code of anxiety and calm, but with less intensity than I think about my pets or about Anna’s Swedish ginger thins. But how did these young people take in, or not take in, all the chatter about A.I. menaces, dying oceans, and nuclear arsenals, in addition to the generally pretty convincing end-times mood over all? I often hear people say that the youth give them hope for the future. This obscures the question of whether young people themselves have hope, or even think in such terms.

Are We Doomed? was made up of undergraduate and graduate students, and met for about three hours on Thursday afternoons. Each week, a guest expert gave a lecture and fielded questions about a topic related to existential risk: nuclear annihilation, climate catastrophe, biothreats, misinformation, A.I. The assigned materials were varied in genre, tone, and perspective. They included a 2023 report by the Intergovernmental Panel on Climate Change; the films “Dr. Strangelove,” by Stanley Kubrick, and “*Wall-E*,” by Pixar; Ursula K. Le Guin’s novel “The Dispossessed”; a publication from the Bipartisan Commission on Biodefense and Max Brooks called “Germ Warfare: A Very Graphic History”; and chapters of “The Precipice: Existential Risk and the Future of Humanity,” by the philosopher Toby Ord.

Daniel Holz, an astrophysicist, and James Evans, a computational scientist and sociologist, co-taught the course. Evans looks like he's about to give a presentation on conceptual art, and Holz like he's about to go hiking; both wear jeans. Holz is boyish, brightly melancholy, generous, and gently intense, and Evans is spirited, fun, and intimidatingly well and widely read. Evans and Holz taught *Are We Doomed?* once before, online, in the spring of 2021. "As difficult as the pandemic was, my mood was better then," Holz told me in his office, where the most prominent decoration was a framed photograph of a very tall ocean wave. He had conceived of the course after making a series of thrilling research breakthroughs on black holes, neutron stars, and gravitational waves. "I fell into a postpartum depression of sorts," he said. "I wanted to do something that felt relevant." In addition to heading an astrophysics research group, Holz is the founding director of the Existential Risk Laboratory (XLab), at the University of Chicago, which describes itself as "dedicated to the analysis and mitigation of risks that threaten human civilization's long-term survival." In college, the other path of study that tempted Holz was poetry.

Evans's research is focussed in part on how knowledge is built, especially scientific knowledge. He is the founder and director of Knowledge Lab, also at the University of Chicago, which uses computational science and other tools to make inquiries that can't be made by more traditional means. Evans and a co-author recently published an article in *Nature* which, following the analysis of tens of millions of papers and patents, suggested that the most cited and impactful work is produced by researchers working outside their disciplines—a physicist doing biology, to give one example. Evans also studies complex systems, focussing on what leads them to collapse. He likes, basically, to be surprised, and to be open to surprise. "It was important to Daniel and me that there be a sense of play in the course, that there be a level of comfort with uncertainty and ignorance and being wrong," Evans told me. It's hard to envision what the future will look like, he said, because "today just feels like it did yesterday. It doesn't feel like it's any different. But there's the potential for really nonlinear negative outcomes." "Nonlinear" was a word that became as familiar as toast while I was observing this class—the idea of little changes that, at some threshold, lead to tremendous, possibly catastrophic, shifts.

On the first day of class, Holz told a story that is famous among scientists, though accounts of it vary. About five years after the end of the Second World War, during a visit to Los Alamos, the physicist Enrico Fermi was walking to lunch with a few colleagues. Scientists there were trying to develop a hydrogen bomb, a weapon easily a hundred times more powerful than the atomic bombs that devastated Japan. One of the scientists brought up a *New Yorker* cartoon that showed aliens unloading Department of Sanitation trash cans from a spaceship. The conversation moved on to other topics. Then Fermi asked, “But where is everybody?” They all laughed; somehow everyone understood that he was talking about aliens. Surely there existed alien life that was sufficiently advanced to say hello, and yet humanity had received no such greeting. How could that be?

The “Where is everybody?” problem came to be known as the Fermi paradox. One of the more compelling responses to the paradox is to ask, Can a civilization become technologically advanced enough to contact us before blowing itself up? For Fermi and his colleagues, the prospect of nuclear annihilation required no imaginative leap.

The average age of the people who worked on the Manhattan Project at Los Alamos was twenty-five, which is not much older than the students in the class at Chicago. The energy and conviction of youth is a superpower, for better and for worse. But young people live on the highest floors of the teetering tower of our civilization, and they will be the last ones to leave the building. They have the most to lose if the stairwells start to crumble.

On a sunny February afternoon, midway through the course, I spoke with some of the students in a conference room on the fourth floor of the building that houses the department of astronomy and astrophysics. The room overlooks a polymorphous Henry Moore sculpture (from different angles it looks like a skull, an army helmet, or a mushroom cloud) and the glass-domed university library, where robots retrieve your books from stacks that run fifty feet down.

Lucy, a senior majoring in math, deadpanned that she was taking the course because it wasn’t math. “And, also, I have an unrealized prepper soul,” she said. Olivia, a senior who designed her major around the question “How do we agreeably disagree?,” had previously taken a class on the history of the

bomb. She thought that her interest also had to do with family background. “When you have people in your family who have survived the Holocaust, the question of ‘Are we doomed?’ is a really serious one,” she said. Audrey and Aidan, both physics majors, were especially interested in nuclear risk. Isaiah, a sociology major, said that he valued thinking about problems over the long term, on both a personal and a societal level. Mikko, a graduate student in sociology, had two relatives who worked in the nuclear field, which made him feel close to the topic; he was also invested in how the course related to sustainability. (Later, he told me that his own work was on a very different topic: it was about “shitty food porn” and the online communities in which people post photos of unappetizing food.)



The students were talkative, confident, buoyant, very much at ease, and clever. Isaiah, for example, pointed out that “doom” was a pre-modern fire-and-brimstone term, quite different from “risk,” which was tied to modern ideas of chance and probability. In various ways, the students declared the class to be a form of social therapy. Although most described themselves as “pretty pessimistic” or “not a fatalist but not an optimist,” they seemed, as a group, to intuitively inhabit, and occasionally switch, roles: the pragmatist, the persuadable, the expert. But Mikko, who had long hair and black-painted fingernails, and often wore a trenchcoat, was the designated class naysayer. He argued that the question “Are we doomed?” was unproductive, because it

obscured a progressive future for climate change. He found it problematic that the A.I. conversation was driven by its makers rather than by the people most affected by the technology. “I’m a natural-born hater,” he said, acknowledging that his fellow-students sometimes looked at him as if he were wearing spurs on a shared life raft.

I was more than charmed by the students, I admit. Their temperaments were brighter than my own, their thoughts more surprising. It was a tiny, unrepresentative group, but they didn’t resemble “young people” as they are portrayed in popular culture. When I asked them whether concern about the environment or other risks was likely to affect their decisions about having families, they looked at me as if I were a pitiable doomer—no, not really.

Holz is the chair of the Science and Security Board of the *Bulletin of the Atomic Scientists*, which sets the Doomsday Clock each year. The *Bulletin* was founded in 1945 by scientists in Chicago who had worked on the Manhattan Project and wanted to increase awareness, they wrote, of the “horrible effects of nuclear weapons and the consequences of using them.” (The first controlled and self-sustaining nuclear chain reaction—led by Fermi—had taken place beneath what was then the University of Chicago football field and is now a library.) The cover of the *Bulletin*’s first issue as a magazine was a clock set at seven minutes to midnight. The time was chosen, Holz explained, largely because it looked cool. But it was a powerful image; a ticking clock is a classic narrative device for a reason. “The farthest from midnight it ever went was seventeen minutes before midnight, at the end of the Cold War,” Holz said. A humble physical version of the clock—made of what looks to be cardboard and showing only a quarter of a clock face—is kept in a corner on the first floor of a building on the Chicago campus that houses the School of Public Policy and the *Bulletin*. Currently, the clock shows ninety seconds to midnight, the same as last year, and the closest to midnight it’s ever been.

Holz’s days often include listening to the detailed worries and assessments of non-agreeing experts who devote their lives to thinking about biothreats, nuclear risk, climate change, and perils from emerging technologies. It must, I imagine, feel like being pursued by a comically dogged black cloud. “It’s insane that one person can destroy civilization in thirty minutes, that that is the setup,” Holz said, in passing, while we were waiting for an elevator; no

one can veto an American President who decides to launch a nuclear weapon. Yet, if you ask Holz anything about astrophysics, the sun returns. “Black holes are a beacon of hope and light,” he said, visibly pleased by the wordplay. (His papers have titles such as “How Black Holes Get Their Kicks: Gravitational Radiation Recoil Revisited” and “Shouts and Murmurs: Combining Individual Gravitational-Wave Sources with the Stochastic Background to Measure the History of Binary Black Hole Mergers.”) “Cosmology is a consolation, in part because it puts a positive valence on our smallness,” he explained. The universe is magnificent and more than immense, and we’re extremely minor and less than special—and then there are all those civilizations we keep not meeting. Somehow the vast, indifferent cosmos makes Holz feel more inspired to work to give humanity its best chance. “It’s the opposite of nihilism,” he said. “Because we’re not special, the onus is on us to make a difference.”

The students also had their own emotional weather systems. When I spoke to Lawton, a graduate student in international relations and a policy wonk, he said that he was “probably one of the most optimistic people here.” He wanted to work in government, and told me that he was counting on humanity’s desire to survive—that this desire, ultimately, would steer us from disaster. He also told me that he felt pretty different from the other students at Chicago, in part because he had attended a small college in Lakeland, Florida, and was working three part-time jobs, one of which was editing videos—work that, he pointed out lightheartedly, he would presumably soon lose to A.I. As a child, Lawton thought school was fantastic in every way; home was not a great place to be. He said that it was odd to have someone ask his opinion—he hated talking about himself and generally avoided it. When I asked him his age, he replied that he was born in 2000, the Year of the Dragon. I’m a Dragon, too, I told him. That reminded me that I was twice his age. I didn’t feel two Chinese Zodiac cycles older than him—but I did grow up thinking that the microwave was the end point toward which technology had been heading for all those years.

I was curious to learn the students’ first memories of the idea of an end-time. Mikko remembered as a kid seeing a trailer for a reality-TV show on the Discovery Channel, in which contestants battled for survival in faux post-apocalyptic environments. Isaiah recalled losing electricity during Hurricane Sandy. “I remember playing Monopoly by candlelight—at first, it was kind

of novel, this lack of technology, but then it was just very depressing, so I think that was kind of when I had the sense that climate change can affect everyone,” he said. He went through a phase in middle school of being very interested in preppers and going deep into related Reddit threads. “Not much happened,” he said, smiling. “I didn’t have an allowance.”

At the start of the sixth week of class, Holz announced a linked film series that would screen at the Gene Siskel Film Center: “Godzilla,” “WarGames,” “Don’t Look Up,” “Contagion.” The visiting guest that week was Jacqueline Feke, a philosophy professor at the University of Waterloo. She guided students through the etymology of “utopia,” a word invented by the philosopher and statesman Thomas More, who was decapitated for treason. “Utopia” is the title of More’s book, from 1516, about an imagined idyllic place—speculative fiction, we might say today. More’s neologism suggested a place (from the Greek *topos*) that is nowhere (from the Greek *ou*, meaning “not”). The readings, which included E. M. Forster’s “The Machine Stops” and excerpts from Plato’s Republic, were less harrowing than those of other weeks, when students read chapters from “The Button: The New Nuclear Arms Race and Presidential Power from Truman to Trump,” by William J. Perry and Tom Z. Collina, and “The Uninhabitable Earth,” by David Wallace-Wells.

Imagining utopias, imagining dystopias—how do we get to a better place, or at least avoid getting to a much worse one? During the discussion, Mia, a graduate student in sociology who had experience in the corporate world, brought up “red teaming,” a practice common in tech and national security, in which you ask outsiders to expose your weaknesses—for example, by hacking into your security system. In this manner, red teaming functions like dystopian narratives do, allowing one to consider all the ways that things could go wrong.

But hiring people to hack into a system also lays out a road map for breaking into that system, another student argued. Thinking through how humans might go extinct, or how the world might be destroyed—wasn’t this unreasonably close to plotting human extinction?

“Yeah, it’s like ‘Don’t Create the Torment Nexus,’ ” someone called out, to laughter. This was a meme referring to the idea that if a person dreams up

something meant to serve as a cautionary tale—for example, Frank Herbert’s small assassin drones that seek out their targets, from “Dune,” published in 1965—the real-life version will follow soon enough.

“Like, there’s a way that dystopian fiction is a blueprint—”

“It can be aspirational—”

“We’ll end up having a Terminator and a Skynet,” someone else said, in reference to the Arnold Schwarzenegger movies. The discussion was cheerfully derailing, with students interrupting one another.

“So are we thinking that we need to regulate dystopian fiction?” Holz asked sportively.

Evans pushed the logic: “Plato’s Republic says we can’t play music in minor keys because it’s too painful—do we want that?”

No, nobody wanted that, though the students had trouble articulating why.

“Maybe we need to stop teaching this class right now,” Evans proposed. The class laughed. “But we won’t.”

H. G. Wells, in his essay “The Extinction of Man,” writes of the possibility that human civilization might be devastated by “the migratory ants of Central Africa, against which no man can stand.” Wells chose an example that would be difficult to imagine, in part to point out the feebleness of human imagination. Although the term “existential risk” is often attributed to a 2002 paper by the philosopher Nick Bostrom, there is a long, unnamed tradition of thinking about the subject. Among the accomplishments of the sixteenth-century polymath Gerolamo Cardano is the concept that any series of events could have been different—that there was chance, there was probability. It was an intimation—in a time and place more comfortable with fate and God’s will—of how unlikely it was that we came to be, and how it’s not a given that we will continue to be. (Cardano’s mother supposedly tried to abort him; his three older siblings died of the plague.) A more modern formulation of this thinking can be found in the work of the astrophysicist J. Richard Gott, who argues that we can make predictions about how long

something will last—be it the Berlin Wall or humanity—on the basis of the idea that we are almost certainly not in a special place in time. Assuming that we are in an “ordinary” place in the history of our species allows us to extrapolate how much longer we will last. Brandon Carter, another astrophysicist, made an analogous argument in the early eighties, using the number of people that have existed and will ever exist as the expanse. These and similar lines of thought have come to fall under the umbrella of the Doomsday Argument. The Doomsday Argument is not about assessing any particular risk—it’s a colder calculation. But it also prompts the question of whether we can steer the ship a bit to the left of the oncoming iceberg. The biologist Rachel Carson’s 1962 book, “Silent Spring,” for example, can be said to grapple with that question.

Jerry Brown, the two-time governor of California and three-time Presidential candidate, was set to speak to the class on a winter afternoon. One student was eating mac and cheese and another was drinking iced tea from a plastic cup with a candy-cane-striped straw. Holz entered the classroom while on a phone call. Brown’s voice could be heard on the other end, asking if “this generation” would know who Daniel Ellsberg was, or would he need to explain? Holz said that the students would know.

When Brown’s face was projected onto the classroom screen, he was red-cheeked and leaning in to the camera. “I don’t see the class,” he said, his voice on speaker. “There’s no audio here.” One of the T.A.s adjusted something on a laptop. Then Brown got going. He had plenty to say. “You’re young. The odds of a nuclear encounter in your lifetime is high,” he told the students. “I don’t want to sugarcoat this.”

Brown, eighty-six years old, spoke with the energy of someone sixty years his junior who has somehow had conversations with Xi Jinping and is deeply knowledgeable about the trillions of dollars spent on military weapons globally. “We’re in a real pickle,” he said. He brought up Ellsberg, a longtime advocate of nuclear disarmament. Ellsberg, who died last June, thought that the most likely scenario leading to nuclear war was a launch happening by mistake, Brown said. There are numerous examples of close calls. In June, 1980, the *NORAD* missile-warning displays showed twenty-two hundred Soviet nuclear missiles en route to the United States. Zbigniew Brzezinski, Jimmy Carter’s national-security adviser, was alerted by a late-

night phone call. Fighter planes had been sent out to search the skies, and launch keys for the U.S.'s ballistic missiles were removed from their safes. Brzezinski had only minutes to decide whether to advise a retaliatory strike. Then he received another phone call: it was a false alarm, a computer glitch —there were no incoming missiles. In 1983, a Soviet early-warning satellite system reported five incoming American missiles. Stanislav Petrov, who was on duty at the command center, convinced his superiors that it was most likely an error; if the Americans were attacking, they wouldn't have launched so few missiles. In both instances, only a handful of people stood between nuclear holocaust and the status quo.

"A world can go on for thousands of years, and then all hell can break loose," Brown observed. Nonlinear. He spoke of the Gazans, the Ukrainians, the Jews in Germany in the nineteen-thirties. He spoke of the Native Americans. It wasn't just a matter of worst fears being realized—it was a matter of catastrophes that had not been foreseen. It was only luck, Brown said, that we had gone seventy-five years without another nuclear bomb being dropped in combat.



The conversation shifted to student questions. What about the nuclear-arms package that Congress had passed? Was there a way to talk about nuclear disarmament without quashing nuclear energy? What did Brown think about

the idea that with existential risk there's no trial and error? How can predictions be made if they aren't based on events that have happened? The time passed quickly, and Holz asked Brown if he was up for five more minutes. "I'm up for as long as you want," he said. "We're talking about the end of the world."

Nuclear destruction had also been the topic of the first class of the term, when Rachel Bronson, the C.E.O. and president of the *Bulletin*, was the guest lecturer. In that first class, more than half the students had listed climate change as their foremost concern. By the end of the course, nuclear threats had become more of a concern, and students were speaking about climate change as "a multiplier"—by increasing migration, inequality, and conflict, it could increase the risk of nuclear war.

Toby Ord, who has systematically ranked existential risks, believes that A.I. is the most perilous, assigning to it a one-in-ten chance of ending human potential or life in the next hundred years. (He describes his assessments as guided by "an accumulation of knowledge and judgment" and necessarily not precise.) To nuclear technology, he assigns a one-in-a-thousand chance, and to all risks combined a one-in-six chance. "Safeguarding humanity's future is the defining challenge of our time," he writes. Ord arrived at his concerns in an interesting way; as a philosopher of ethics, his focus was on our responsibility to the most poor and vulnerable. He then extended the line of thinking: "I came to realize . . . that the people of the future may be even more powerless to protect themselves from the risks we impose."

"I think about the Fermi paradox literally every day," Olivia told me near the end of the course. "When you break down the notion that it's not going to be aliens from other planets that will be the end of us, but instead potentially *us*, in our lack of responsibility . . ." But she wasn't fearful or anxious. "I'd say I'm more interested in how we cope with existential threats than in the threats themselves."

Finals week arrived. It's like the world stops for finals, one student said, of the atmosphere on campus. Evans was doing downward dogs during a break in class; Holz was drinking a Coke. Both seemed discreetly tired, like parents nearing the end of their kids' school sports tournament. The class had been a kind of high for everyone. And soon it would be over. The

students had been working on their final projects; the assignment was to respond creatively to the themes of the class. In the 2021 course, a student wrote and illustrated a version of the children's classic "Goodnight Moon" which was "adapted for doom." ("Goodnight progress / And goodnight innovation / Goodnight conflict / Goodnight salvation.") One group made a portfolio of homes offered for sale by Doomsday International Realty: a luxury nuclear bunker, a single-family home on the moon.

Lucy and three classmates were putting together syllabi that imagined what Are We Doomed? classes might look like at different points in time: the Enlightenment, the Industrial Revolution, and the year 2054. The majority of Lucy's contributions had been to the Industrial Revolution syllabus. Alexander Graham Bell was the guest lecturer on technology and society, and the readings for his week included works by John Stuart Mill, various Luddites, and Thomas Carlyle. Lucy spoke of how Carlyle wrote with alarm, in "Signs of the Times," about what had been lost to mechanization, the decline of church power, and how public opinion was becoming a kind of police force—observations that, she pointed out, are still relevant. Everything was going to hell, and always has been. A question that came up repeatedly in class discussions was whether our current moment is distinctively risky; most experts argue that it is.

Lawton was working with two friends on a doomsday video game, in which a player makes a series of decisions that move the world closer to or farther from nuclear destruction. "You have three advisers: a scientist, a military chief of staff, and a monocled campaign manager who is focussed entirely on getting you reelected," he said. After facing these decisions, each with difficult trade-offs, the player receives an update on how various dangers—nuclear war, climate change, A.I., biothreats—have advanced or receded. If your decisions lead to nuclear annihilation, the screen reads "The last humans cower in vaults and caves, knowing they are witnessing their own extinction."

Mikko, too, had incorporated a game into his final project. Holz had asked the class to think about how effective the Doomsday Clock was in drawing attention to existential risk. Mikko and his project partner wanted to develop graphics that would better communicate the idea of climate change as a progressive existential threat. "We are already knee-deep, and it's about

mitigation and adaptation,” he said. He thought that the Doomsday Clock, while effective, had a nihilistic feel: even though the time on it can be changed in either direction, our human experience is of time ceaselessly moving forward, which makes nuclear Armageddon feel like a foregone conclusion. The game Snakes and Ladders was an inspiration for one of the graphics, which included a stylized ladder. “More rungs can be added to the ladder or removed from it,” Mikko said, explaining that this made it focussed on action. With climate, he feels that it is not only counterproductive “but also a kind of cowardice” to give up. We can never go back to what we had before, he said, but that was “a prelapsarian ideal about being pushed out of the Garden of Eden.” In his own way, the nay-saying Mikko sounded like what most of us would call an optimist.

I decided to rewatch “La Jetée,” by Chris Marker, a short film from 1962 that was on the syllabus for the week of “Pandemics & Other Biological Threats.” In “La Jetée,” the protagonist is part of a science experiment that requires time travel to the past. But he must also travel to the future, so that he can bring back technology to save the present from a disastrous world war, left mostly undetailed, that has already occurred. The protagonist prefers returning to the past, where he has—as one does in French films from the nineteen-sixties—become close with a beautiful woman whom, before the time-travel experiments, he had seen only once.

I remembered being perplexed and bored by the film when I watched it years ago. Isaiah had made it sound interesting again. “What was so compelling was that the main story wasn’t exactly whatever the disaster was, or what the future was like,” he said. The way the character was stuck in the past, even as the future kept proceeding without him, reminded Isaiah of the pandemic, of how he felt stuck in a “liminal state.” He remembered feeling as if he needed to be told, as happens to the character in the film, to go to the future.

The students were so much less daunted or flattened by reflecting on the future than I was—than most people I speak with are. I wondered, Do we have less equanimity because we know or feel something that the students don’t, or because we don’t know or feel something that they do?

Mikko described a change of sentiment that he had experienced in the final weeks of the course. “I was thinking about the nature of being doomed, on a personal level and on a societal level,” he said. Being doomed is connected to a lack of autonomy, he had decided: “You’re fated to a negative outcome —you’re on rails.” On a societal level, he said, he doesn’t think we’re doomed. But, on an individual level—the majority of people probably *are* doomed. “And that sucks.”

He said that the course had made him think about people throughout time who believed that their world would soon end. “The last week of discussion, I wrote about the cathedral-building problem,” he said. How could people who faced such uncertain lives build cathedrals, the construction of which could go on for lifetimes? “The argument I made was that the people who built cathedrals were people who believed in Revelations, who were sure they were doomed.” He digressed for a moment: “It’s astonishing how many end-of-the-world myths there are, almost as numerous as creation myths.” Then he returned to the cathedral builders, or maybe to himself. “It’s a weird feeling—to be certain that the world will end,” he said. “But also not certain about the specific hour or day of when it will happen. So you think, I may as well dedicate myself to something.” ♦

Profiles

A Surf Legend's Long Ride

For Jock Sutherland, being hailed as the world's best surfer was just one phase in an unlikely life.

By William Finnegan

June 03, 2024



Jock Sutherland's childhood home, on Oahu's North Shore, was a picturesque ruin when he brought me there. It was built after the attack on Pearl Harbor: a wooden barracks at the water's edge, part of the military's frantic preparations for a second attack. The building had a soft V shape, as if embracing the ocean, with a line of louvred windows opening onto a basic deck. Waves pounded the rocky point below. Sutherland's mother, Audrey, bought the house in 1961, for fifteen thousand dollars, and lived there for nearly sixty years.

I thought the place looked salvageable, but Sutherland said no. "Dry rot. Rust. The walls are racked. It's a teardown."

He sounded so unsentimental.

“Anyway, look at the neighborhood.”

He gave me an eyebrow signal that I had to interpret. We couldn’t actually see the neighbors. We were in the yard, surrounded by coconut palms, lush vegetation, an ancient unpainted stake fence. I decided I knew what he meant: mansions were slowly filling every lot along this part of the coast. In fact, Jock and his siblings had already sold this place to wealthy mainlanders. But the new owners seemed to be in no hurry to build, so Jock was still taking care of the yard, and using it to park his van while he surfed nearby.

“Looks fun out there,” he said, peering at waves breaking on a reef off the point. It did look fun. We paddled out through a gantlet of blue-gray lava rocks. I tried to mimic Sutherland’s every move—he had been navigating this tiny, swirling channel since the nineteen-fifties—but still managed to slice my foot. Out in the channel, he took my foot in his hands, studying the cut from various angles. “That’s not from a rock. You kicked an ‘*opihī*’—a limpet. “We can clean it later. I’ve got some good stuff.”

There were a dozen people out, and every one of them greeted Jock as he paddled past: little shakas and fist bumps with old regulars. This spot, where the waves range greatly in quality and intensity, is known as Jocko’s. The eponymous local had arrived.

Jock paddled west, angling away from the pack. A few minutes later, when a set of big waves appeared, he was far outside, the only surfer in position. He caught the first wave, paddling hard, jumping up with a fierce expression. There were shouts of encouragement, tribal ululations. I thought I saw, as I paddled over the shoulder, Jock’s lip curling in a wicked grin.

Sutherland surfs unusually well for a man of seventy-five. Surfing well at his age is unusual, full stop. But he has spent his whole life, nearly, in this wave-rich corner of Oahu. He’s wiry, long-armed, spry, disturbingly lean—five-ten, one-thirty-five—and he still carries, across his upper back, a serious rack of paddling muscles. He works as a roofer, running a small company, and gets in the water whenever possible. His hair is short and gray, his skin sun-punished and deeply lined. But his glance is sharp, and his

default expression is a level, knowing, impish gaze. You need to watch the eyebrows.

Although Jock didn't know it, he and I went way back. I'm a few years younger, and also started surfing as a kid. But my family lived in Los Angeles, where the surf craze of the early sixties—call it the “Gidget” boom—was being manufactured. Jock was out here, on the North Shore of Oahu. Surfing has a cultish aspect, and many of its pilgrimage sites are in this small corner of Hawaii. When I took my vows, surfing had a sacred text, too—a magazine called *Surfer*, which outsiders inevitably called “the Bible of the sport.”



The magazine was created by John Severson, a California surfer and filmmaker who wanted to counter the “Gidget” version with something closer to the real thing. One of his inspired gimmicks was the Reader Poll, which debuted in 1963 and produced an annual list of the world’s best surfers. For my friends and me, the *Surfer* poll established a righteous pantheon. I can still name the top twenty from that first year, possibly in order.

In the mid-sixties, a flashy young haole (Hawaiian for “white person”) named Jock Sutherland made his move on surfing’s main stage—known

simply as the North Shore—riding enormous waves with rare, almost playful aplomb. He was, unlike most surfers, a switch-foot, able to ride equally well leading with his left foot or his right. As a goofy-foot (right foot forward), he rode the Banzai Pipeline, the world's most famous, most photogenic, and, at that time, most dangerous wave. Images of Jock in stylish high gear at huge Pipeline, one hand delicately grazing the water's surface, hung in the bedrooms of surf rats everywhere. He rose swiftly through the *Surfer* poll, and in 1969 was No. 1—the consensus best surfer in the world.

When I mentioned this achievement, faux casually, Jock gave me the fish eye. “That whole thing was rigged,” he said. “Severson decided who would win. I had a part in a film he was releasing.”

We were eating home-cooked Asian-style mixed vegetables at his place, a modest upstairs apartment in the hills above the North Shore. I should not have been shocked, but I was. Hadn’t I faithfully voted, after long deliberations, in each Reader Poll? Hadn’t I worshipped the surfing of young Jock? Of course, I didn’t know anything about him beyond a few great film clips and some classic stills.

His place was jammed with books, magazines, cookware, and tools, but there was no shelf of trophies or mementos—just a faded poster in a hallway from the 1967 Duke Kahanamoku Invitational, a major surf contest that Jock won. He had recently been elected to something called the Hawaii Waterman Hall of Fame, which throws a big banquet in Honolulu. Evidence of the award was nowhere to be seen.

A surfer as famous as he was could have made enough money for an easy retirement, I thought, but Sutherland hadn’t cashed in. Surfing was never, to his mind, a job. Even when he was at the apex of the surfing world, he was unimpressed, stubborn. There was no pro tour in those days. “You could work for a board manufacturer, maybe have your own signature-model board,” he told me. “But that meant sell, sell, sell. That was . . . *crass*. I mean, the banality. It was antithetical to being able to enjoy being out in the water.”

Jock built a different sort of life on his home coast. He's seemingly everybody's favorite roofer, a part-time farmer, a revered elder with garrulous tendencies. I've heard him called "the mayor of the North Shore." My old starstruck view of him was pure projection. In truth, he was, from an early age, leading a strange, half-wild, quite complicated existence.

When Jock was twelve, his mother sent him to stay with a man known as the Hermit of Kalalau, on the island of Kauai. The hermit lived in a cave on the Nāpali Coast—a roadless wilderness where sea cliffs rise as high as four thousand feet. "That was actually his summer cave, down by the beach," Jock told me. "He had a winter cave up the valley."

The hermit's name was Dr. Bernard Wheatley. "I was the object of his displeasure," Jock recalled. "Being a kid, I was unaware of the imperatives of his existence. There was a good little bodysurfing wave out front, but he didn't want me to swim out there. He was responsible for me. I started whining, and I ended up bodysurfing it."

Jock enjoyed himself in Kalalau. "It was like a summer camp, but for more serious stuff than laying around playing cards," he said. "We did a lot of foraging." They also did some hunting—Jock had brought along the family .22. Dr. Wheatley warmed to him, slightly: "He tolerated me. I was curious. I had potential."

Jock suspected that his mother wanted him to spend time with a father figure. His father, John Lauren Sutherland, was a Coast Guard officer who had left the family when Jock was ten. How did his mother know Dr. Wheatley? Well, he was her type of person. She had a job with the Army, doing education counselling, and was raising four kids alone, but she frequented the wilder coasts of Hawaii and had an exceptionally wide circle of friends.

Audrey Sutherland was a one-off. She grew up in California, went to U.C.L.A. at sixteen for international relations, worked as a riveter in the Second World War. She became a long-distance swimmer, married a sailor, worked in commercial fishing, and moved to Oahu in 1952. There she did substitute teaching, taught swimming, got her Army job. Her kids, growing up in the decommissioned barracks at the ocean's edge, were all water

babies. After their father left, they scrounged. “When you’re poor,” Jock told me, “you learn how to find food on the reefs, hunt, pick wild fruit, trade with your neighbors. We set out lobster traps. Spearfishing, night diving. Got a lot of fruit from the hills.”

Audrey drew up a list of things that every child should be able to do by age sixteen and stuck it on the wall. It read, in part:

- Clean a fish and dress a chicken
- Write a business letter
- Splice or put a fixture on an electric cord
- Operate a sewing machine and mend your own clothes
- Handle a boat safely and competently
- Save someone drowning using available equipment
- Read at a tenth grade level
- Listen to an adult talk with interest and empathy
- Dance with any age

This list changed with the times, adding computers and contraception, and nobody really kept score, but everybody got the idea.

Audrey had what she called a “wildcat need” to take wilderness trips alone. She used her short vacations from her Army job to explore backcountry Hawaii—climbing volcanoes, swimming remote coasts, living off the land. She swam the northeast shore of Molokai, perhaps the wildest coast in the islands, from east to west, pulling her supplies behind her on a line. That took a week. She hiked into narrow, once inhabited valleys, got into terrible scrapes on cliffs and landings, nearly lost her life on more than one occasion. In 1978, she published a book about her Molokai expeditions called, after Louisa May Alcott, “Paddling My Own Canoe.”



Audrey had a theory about relations with her kids: “They decided letting me be crazy gave them more freedom.” But sometimes she took one of them along for what Jock called “our mountain education.” The Sutherlands didn’t have a TV when Jock was young, and Audrey was proud to raise readers. The kids went to high school in Waialua, an old sugar-mill town a few miles down the coast. A retired county lifeguard who worked with Jock’s younger brother told me, “All those Sutherlands were really fucking smarty-pants. They read way more books than anybody else.”

Once, Jock and I went inside their old house and wandered its creaky-floored rooms. The house was emptied out, but he described every piece of furniture in the main room as it had been. He put his hands out in one spot, where shelves had held the family’s shell collection. He named shell after shell, in English and Hawaiian and Latin, as if he were looking at them, murmuring and moving from one shelf to the next.

Jock’s father introduced him to surfing—on an old balsa board, as he recalls. He began to surf at spots he could paddle to, or walk to with a board on his head—and surfboards then weighed nearly as much as he did. Just to the west was Laniakea, just to the east Chun’s Reef. Both are well-known breaks, and yet, surfing them with Jock, you learn that every peak and chunk

of reef has a hyperlocalized name: “That’s Piddlies, and that thing over there is Chuckleheads.”

The North Shore has a concentration of spots that, in the wintertime, break bigger and better than any other known coast, and in the fifties a trickle of doughty Californians began making the pilgrimage, testing their skill and nerve alongside a small crew of locals. A few big-wave surfers became household names—at least in the households where I hung out. Board-makers started shaping specialized boards, known as “guns,” for riding huge waves.

But the first time Jock surfed Waimea Bay, which was then considered the largest ridable wave in the world, he did so on the same battered board he rode at Piddlies. He was fifteen. “It was pretty consequential, riding a board that wasn’t all that fast,” he recalled, quietly. His talent drew attention, and older guys started giving him lifts to more distant spots, like Sunset Beach, a complex big-wave reef break farther east. A local board shaper, Dick Brewer, befriended Jock. “He was kind of a proxy father,” Jock said. The relationship had its transactional side. Brewer gave Jock boards that let him surf faster, harder, more freely, and people saw the Brewer sticker under his feet.



Although there was no pro tour yet, there were contests. Jock won the Hawaiian State Championships three years in a row, and in 1966 placed second in the World Championships, in San Diego. These events were all held in small waves—not his specialty—but he was wicked fast, technically solid, and unpredictable. He switched stance, which is something you rarely see in contests. In unchallenging waves, he did silly but difficult things like taking off fin first. He seemed to be out there having fun, and yet he usually won. When he won the 1967 Duke Kahanamoku Invitational, it was the biggest deal in competitive surfing, at least in Hawaii, and it was held at Sunset, in serious waves. Jock, who was still in his teens, got no prize money.

But it was not in contests that he made his name. It was at Pipeline, which sits roughly halfway between Waimea and Sunset Beach. A few surfers rode Pipeline well, notably Butch Van Artsdal, a hellion from La Jolla. But most people were afraid of it. When Pipe is working, it breaks with stupendous force in shallow water, producing one of the world's most beautiful, deadly tubes. Jock and his buddies started riding it on small days. “I made one or two out of ten,” he said.

He kept at it, refining his approach. He started making the takeoffs, and seeing how to avoid the heavy lip, by quickly finding a rideable line and “pulling in”—crouching close to the face and letting the barrel envelop him. Then, with perfect positioning and a bit of luck, he would be thrown into the clear by the explosive force of the lip’s impact. Jock seemed to have more time as he rode than anybody else did. Dropping in to the heaviest waves, he would fade and stall, casually timing his bottom turn to set up the deepest possible barrel. He would disappear into the roaring darkness, then reappear, usually, going very fast, with that little grin.

Pipeline is the Formula 1 of surfing. To ride it well requires a combination of fast-twitch reactions, steady nerves, and board-riding skills so precise that only a few surfers in the world possess them. Jock once rode big Pipe at a level not seen before. Today’s Pipe rippers charge far harder.

Not long ago, I sat on the beach and watched Jock surf alone at ‘Ehukai, the beach park that includes Pipeline, on a small day when random soft blue peaks and walls were running east across the sandbars. There was nobody

else out. He seemed to be always on a wave, milking it down the beach, lanky and graceful on a nine-foot board, expertly reading the vagaries of each swell, pulling out just before the shore break, then paddling back out at an accelerated pace and gliding into another one. It was a master class in making the most of small, disorganized surf, and in aging elegantly as a surfer.

Surfing with Jock can be less serene. If he decides you need instruction, it can be like surfing with a drill sergeant. “Breathe, Bill!” he barks at me, out at Chun’s Reef. I am breathing. I’ve been doing this a long time, too. We’re in not very good waves, and he’s full of advice. “Shake out your arms. Keep moving around.” He follows his own instructions, shaking out his arms. He introduces me to a local kid on a longboard. As the kid paddles up the reef, Jock says, sotto voce, “Excellent water photographer. Excellent longboarder, too.” The kid catches a wave up the line and immediately affirms that assessment.

Jock knows everybody on the North Shore, but he seems to keep special track of good photographers, like the old cover-shot surfer he is. A set comes through, and we need to scramble out. Jock, as always, gets a head start, and catches the first wave. Afterward, he paddles back out and asks me, shyly, if he looked dorky jumping up regular-foot (that’s left foot forward, not his more natural stance), and I assure him that he looked smooth. He nods happily—never too late for vanity.

Later, he insists that I take off in front of him. It’s a small wave, not much wall, and I’m not sure what we’re doing riding it together. He yells, “Come back!” He’s gesturing at me to ride toward him, which I do, though it makes no sense. He keeps gesturing. Now we’re on a collision course. “More!” He cuts back to give me more room. I keep heading toward him, against my better judgment. Our boards are now inches apart. The wave is a dribbler. “O.K.!” he yells, steering away and pointing at the wave beyond me. I turn and see that this small, weak wave has hit a shallow shelf of coral, far closer to shore than people normally surf at Chun’s. The wave stands up, chest high, turns smooth as pearl, and I find myself flying through a lovely section, the sun infusing the lip with a gray-green glow. Jock, now far behind, is giving me a thumbs-up.



He's even bossy about how to end a session. I'll throw my board in a car and maybe put on dry clothes and head off. In Jock's world, you find the hose under the bushes behind the old house, then wash the salt off not only your body but your board. (That's new.) You wrap the leash just so around the fins or, better, remove it from the board entirely, coil it carefully, and then dry the board with a towel. (Also new.) Then, if necessary, you rub the bottom of the board with a foam-filled nylon sock called a Pickle. (A Pickle?) Then you slip the board gently into an immaculate bag, and slip all that gently into the van.

There's more. As you wrap a beach towel around your waist to change, be careful to keep your feet free of dirt. There's a designated little rug to stand on, and a rag to clean your feet. And, speaking of feet, cross the yard only at certain angles, because some patches of the grass have sharp little stickers. Wet trunks and rash guards go in a special bucket.

I resist all this rigmarole the first few times we surf together. Jock shakes his head in pity and disapproval. Then, one day, I decide to do everything his way, just for the hell of it. Rinse the board, dry the board. Wet trunks in the bucket. The rituals are oddly soothing. It's the upside of O.C.D.—everything in its place. These boards will last forever the way we're treating them.

“Now you’re gettin’ it, Bill.”

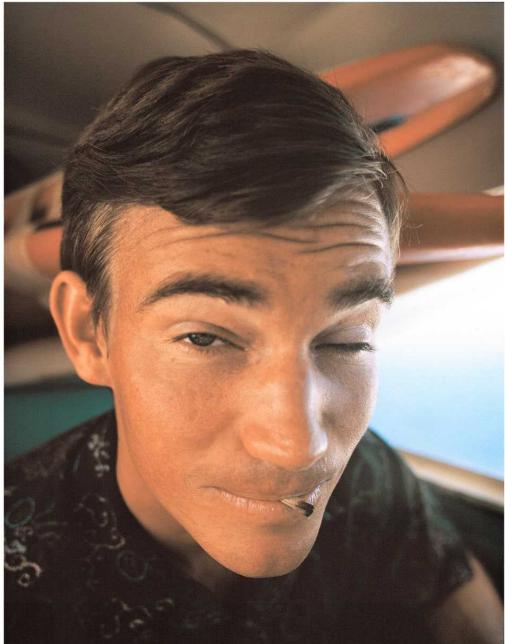
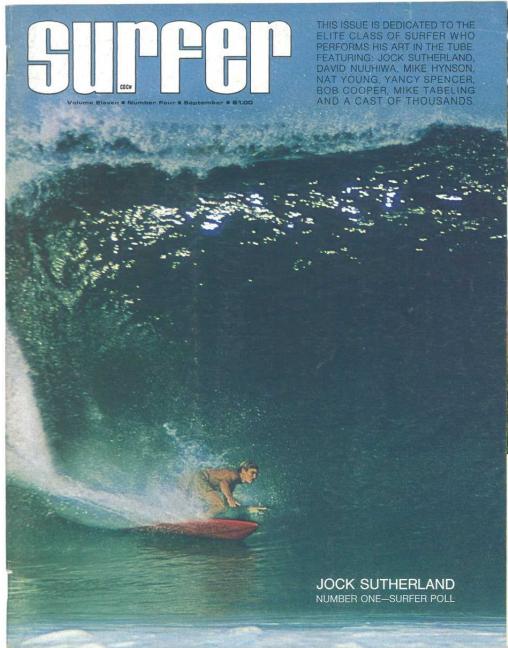
As one of the world’s best-known surfers, Jock was always in the mags, but he laughs at the idea that he was ever in a media spotlight. “There was no spotlight,” he says. “It was a few people. A few photographers, a monthly magazine in California, usually getting everything wrong.”

Still, he gave interviewers their money’s worth, sometimes more. Asked by *Surfer* about his approach, he soliloquized: “You case out the surroundings as fully as possible, find as many variables as you can and their differentiating planes. So, for example, you’re working with two main mediums—sea and air. First, you understand the air variables, the wind and the clouds and the sun, recognize them as part of the territory, and apply them. Then you recognize the water variables, such as consistency of swell, number of people in the lineup, the different types of reformations occurring.”

Air variables? Was he putting us on? He seemed both geeky-earnest and tongue-in-cheek. Asked about the interior of a large Pipeline barrel that he had successfully navigated, he said, “Spacious for sure. Just like the Pope’s living room. Even with all the bric-a-brac, paintings and big overstuffed chairs and sofas.”

This quote lodged in the collective surf memory, becoming a fancy metaphor for a deep barrel. At the 2012 U.S. Open, *Surfer* called its bar-restaurant the Pope’s Living Room. But Jock told me that he actually never said it. “The Pope doesn’t even have a living room,” he said. “That’s gauche, maudlin, inaccurate—and uncomplimentary to the Pope.” The journalist who did that interview insists that Jock did say it. And, for that matter, the Pope does have a living room. But it was 1969, for Christ’s sake. People were smoking a lot of spliffs, on both ends of the interview couch.

The wave of recreational drugs that flooded American youth culture in the late sixties was a tsunami among surfers. Cannabis and psychedelics—LSD, mescaline—seemed designed to make you surf better. Jock took this inspiration to the limit. “I was pretty wild,” he says today. “I worried that I set a bad example.”



Outlandish stories swirled around Jock, who was sometimes called the Sunshine Superman, for a popular variety of LSD known as Orange Sunshine. On the North Shore, he and his pals liked to start their acid trips in the mountains of the Ko‘olau Range, which runs down the east side of Oahu. They knew the mountain streams, and where to find the old work camps from the sugarcane plantations, which had been abandoned as Hawaii’s sugar industry shrank. The workers had kept fabulous gardens, which were now full of wild fruit and vegetables. At some point, Jock’s troupe would head for the coast, to rinse off the day’s psychic grime in the surf.

Psychedelics weren’t harmless—we all came to know many acid casualties. But they had, as many contemporary researchers know, the power of revelation, the potential to expand self-awareness. Jeff Hakman, the other young haole phenom of the period, told an interviewer that the best surfing experience of his life had been enhanced by LSD, and shared with Sutherland. “We used to call him the Extraterrestrial because he was so good at everything,” Hakman said. “He could beat anyone at chess or Scrabble; he could smoke more hash than anyone, take more acid, and still go out there and surf better than anyone.” You never knew what Jock would do on a wave, except that it was likely to be something you had never seen before, like side-slipping in the barrel at Sunset or switching stance at big Waimea.

It was no surprise to anyone that he took the top spot in the 1969 *Surfer* Reader Poll.

But, before the magazine could hold its awards banquet, Jock executed his most radical move yet. Without telling anyone, not even his mother, he went down to the local recruiting station and joined the Army. This was around the height of the Vietnam War, when half a million American troops were there. Jock started basic training at Fort Ord, California, in January, 1970. *Surfer* cancelled the banquet, and did not offer another Reader Poll for the next nine years.

In interviews over the decades, Jock has given various explanations for why he signed up. In the nineteen-nineties, he mentioned an ideological divide that had cleaved surfing. “The pro-contest guys were anti-drug and I was, *ahhh*, shall we say, pro-choice,” he told the surf historian Matt Warshaw. “Meanwhile all the anti-contest guys were on my back, telling me to get off my contest kick and just surf. Except I liked contests! So I was sick of all the tension.”

There was also a local cultural imperative, he said. “This might be a difference between us here in Hawaii and you guys in Southern California, but there was a challenge aspect to the war. I was a local boy, bred in the country, pretty tough, and I just thought I could handle Nam. I wanted to see how I’d stack up.”

When I pressed him on it, he said, “The military is a big deal here. My parents both worked for the military. My dad served in World War Two and in Korea. A lot of my classmates from high school enlisted and went to Vietnam.” Jock knew that lots of his “Caucasian friends,” as he put it, thought his spontaneous enlistment was crazy. Many surfers he knew were busy dodging the draft. “But some people in the community gave me credit for enlisting,” he told me. “It was an honorable thing to do till Vietnam.”

Nearly everybody in his basic-training unit was from Hawaii. He was in training as a field wire repairman, one of the more dangerous Army jobs. Many field wire repairmen were going to Vietnam and not coming back. At Fort Ord, Jock finally began to have doubts about the war. Maybe he didn’t really care to find out how he would stack up. Maybe he just had second

thoughts. (When we talked about it, he referred me to Christopher Hitchens's book on Henry Kissinger: "It's about the vicious idiocy of our élites.") A sergeant recognized him from the surf magazines, and, Jock said, "he pulled some strings and got me rerouted to clerk typist. He probably saved my life." Jock learned to type, used his off-duty hours to surf around Monterey, and was honorably discharged at the end of 1971.

In his absence, surfing's pecking order had changed. Not long before he signed up, Dru Harrison, one of the top California surfers from his age cohort, had written in a surf mag, "Hey Jock, why don't you lay off for a year and let the rest of the world catch up?" Then, "Hey Jock, make that two years." Harrison got his wish.

While Jock was at basic, another Oahu surfer, Gerry Lopez, stepped into his role at Pipeline, with a feline, unadorned style that perfectly fit the wave. When Jock came back, the two surfed Pipe together. "He had not lost a step," Lopez told a reporter.

By then, Lopez had co-founded a surfboard company, Lightning Bolt. Surfing's popularity was booming globally, and Lightning Bolt, cleverly marketed, boomed with it. There were surfers out hustling sponsorships, not just from board-makers but from apparel companies, and eventually even doing beer commercials. But Jock, fresh out of the Army, felt that he needed a regular job. "Surfing didn't offer much," he told me, and shrugged. He worked in a surf shop in Honolulu, then became an apprentice roofer. "The money was good, especially after I got in the union," he said.

The next few years were both happy and sad. Jock fell in love with Frances Cunningham, whom he describes as "gracious, tall, willowy, Lithuanian Irish." Frannie came from a prosperous suburb in East Honolulu. It was 1972, and she was taking a long walk on the wild side. She and Jock got married in a shotgun wedding, as he called it, soon had two sons, and then found themselves living in an old quonset hut on a gravel road in the cane fields of Haleiwa, the main town on the North Shore. "We grew taro and *hasu*—that's lotus root," Jock told me. "There was an irrigation ditch and huge cane rats. We'd hear these big traps go bang at night and then twenty seconds of heavy rat thrashing."

Frannie spent most of her time marooned in this romantic idyll with the babies. Jock was working full time, including roofing jobs on outer islands, and, inevitably, when the waves were good, he was surfing. “I spent less time than I should have with my family,” he told me. At some point, Frannie packed up the kids and moved back to her parents’ comfortable house in town. She and Jock separated in 1976. It was amicable, and the boys, Matt and Gavin, surfed with their dad. Today, Gavin often works with Jock as a roofer.

“It looks like I was a little parsimonious with the caulk here,” Jock says, peering up under the edge of a roof vent. We’re on a steeply sloped roof—dimensional shingles, asphalt and fibreglass—in a little subdivision behind Sunset Point. The house belongs to Mike Takahashi, a surfer and a retired salesman. Jock put the roof on six years ago, with two skylights. Skylights are infamously difficult to seal, but that’s what the client wanted. Now Mike has seen water coursing down the shingles, then missing the rain gutter. Jock says that’s just water wicking back from the overhang. But now he’s studying the skylights. He’s wearing open-heeled sandals—what people in Hawaii call slippahs—but he seems as sure-footed as a spider, twenty-five feet off the ground. I stay where I am, with a death grip on a good edge, and try to follow his calculations about where rainwater might seep. He checks the seals on the skylights.

“Electrolysis,” he says. “This copper step flashing is corroding because it’s touching the aluminum top frame. I’ll put a piece of stainless steel in there, or some other inert material. Maybe some silicone caulking.”

Takahashi seems to trust Jock’s expertise. On our way down, he mutters to me, “He’s the best.”

“I’ll come back Tuesday with the right tools,” Jock says.

Another day, another roof. This one’s in Pupukea Heights, a one-story house surrounded by a big yard with a pair of old hardwood trees—a lychee and a dragon’s-eye, under which goats are grazing. The house belongs to Mark Healey, a big-wave surfer. Healey, like Jock a North Shore homeboy, is a pro surfer in the new entrepreneurial mode. He makes little or no money from competing, but he works as a stuntman in film, has a YouTube channel and

assorted sponsors, and offers high-priced courses in diving, spearfishing, bow-hunting, and big-wave survival.

People in surf world who have houses on the North Shore all seem to want Jock for their roofs. He does work for Kelly Slater, the eleven-time world champion, who has a beachfront mansion, west of Laniakea, with roof problems from a coconut tree someone planted in the wrong spot. From Healey's roof, we can see a gallery of others. An old friend of his, Mark Cunningham, brother of Frannie, told me, "If you took a drone shot of the North Shore and marked every roof that Jock built or has fixed, you wouldn't believe it. There's thousands of houses, and he's probably worked on half of them."

There are a few expensive-looking houses in Pupukea Heights, but the money is down on the coast. "Lot of families up here, some retired military," Jock says. Property values and rents have climbed on the North Shore for decades, driving out poor and working-class people. When I ask Jock about the community he grew up in, he says, "There were a lot more Hawaiians." There are areas legally designated as Hawaiian Home Lands, where people who have at least fifty per cent Native blood can lease low-value land cheaply and build houses. Oahu has numerous Hawaiian Home Lands. Three of the island's four coasts have them. The North Shore has none.

The West Side of Oahu has far more Hawaiian residents than the North Shore does. It also has crushing burdens of poverty, crime, and homelessness. That week, Jock had already gone three times to the West Side, a two-hour round trip, to work on the roof of a children's educational center. This was volunteer work for a group that encourages at-risk youth to get in the ocean.

On Healey's roof, Jock wants to re-paint the edge to guard against a sooty algae that's common in Hawaii. He gives me the Latin—*Gloeocapsa magma*—and wonders why more roofing companies don't use algae block to prevent it. Mark Cunningham told me that he had been haranguing Jock for decades to become a contractor: "Get off the roof, schmooze with the clients, hire a bunch of young guys to do the hard work." But Jock was stubborn, and he didn't trust anybody, with the provisional exception of Gavin, to get it right. "I don't want to be up here when I'm ninety," he told

me, querulously, on Healey's roof, as if I had argued for that. "It's dangerous work!"

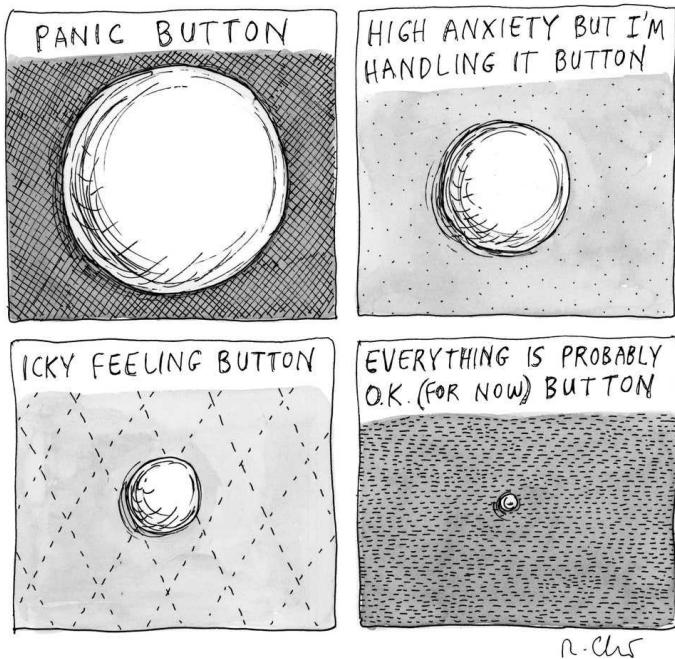
The North Shore surfing-industrial complex has grown considerably from its modest origins—just as surfing itself has gone from a local obsession in a few coastal enclaves to a global pastime with tens of millions of practitioners. During the big-wave season on the North Shore, which starts in roughly November, tens of thousands of surfers, photographers, and camp followers descend on the Seven-Mile Miracle, as it has been styled. Every ambitious young surfer needs to get his or her ticket punched, preferably annually, on the North Shore. The first event of the season on the world pro tour is held at Pipeline, the second at Sunset, and other major contests, some with large purses, are also held at Pipe, effectively privatizing the break for weeks at a time, since only contestants are allowed in the water during heats. Several of the beachfront houses at Pipe are occupied by companies, "surf brands" like Volcom and Billabong, that sponsor both contests and pro surfers.

The perceived glamour of high-calibre surfing on spectacular waves has drawn both gawkers and substantial idle wealth from all over, typically investing in second homes and vacation rentals, pricing out the locals. That ramshackle public-housing complex at Velzyland? Now it's a gated community. Sean Penn bought a place in there. V-Land is a sweet, eccentric wave east of Sunset Point. It was a hotbed of local talent when I was a kid.

When Pipe goes off—big, luminous, sculpted, murderous—filmers and photographers line the berm. In the water, on the shoulder of the great wave, a scrum of water cameras forms. Surfers learn to ignore them, riding right over the photographers as they blow out of the barrel and make their coasting victory pullouts. A few top Pipe riders have taken to gripping GoPro cameras between their teeth. They need the content for their YouTube channels, their vlogs, their Instagram stories, their sponsors. Beach-shot footage, drone footage, water footage, and point-of-view footage, sometimes of the same great ride—it's all money in the bank.

Pipeline has killed surfers—there are nine names on a wooden memorial near the beach, and at least one recent death is not yet up there. The lifeguards have saved countless people, sprinting out of their tower. The first

casualty Jock remembers was a Peruvian kid who hit the reef and died. It doesn't need to be big. Malik Joyeux, known for his exploits at Teahupo'o—a mutant Tahitian wave that's perhaps even more dangerous than Pipeline—was killed on an eight-foot day at Pipe. With advanced lifesaving, including Jet Skis, brain damage has become more common than death. But even pros who survive hitting the reef at Pipe head first rarely surf the same way afterward.



Jock broke his femur in the early eighties, not at Pipe but at Jocko's. "It was an eight-foot wave, and I had to go around a friend who was paddling out. Lip landed right on me," he said. "I tried to get back on my board, but my leg just hung there, like a dead eel. My friends had to help me get in." The accident affected his surfing. "I was afraid of the lip for about a year after that." The lip is the most violent part of the wave, and being afraid of it is a natural reaction—a survival instinct that Jock seemed to have temporarily acquired, until he lost it again.

The real problem for Jock came on land. During his convalescence from the broken leg, he lived next door to a cocaine dealer. Cocaine was cutting a deep swath across surf world. The roster of drug-related casualties is long and includes some of the best in the sport, such as Andy Irons, a three-time world champion from Kauai, who died in 2010 while still on tour. Jock

developed a habit, along with half the people he knew. “I started selling bindles,” he told me, ruefully. “I never made money. I didn’t cut my stuff, just eyed up amounts. Then I got busted muling a pound for somebody else. So stupid. That really shocked my mom.”

He was arrested by federal agents while coming off a flight from Los Angeles. He pleaded guilty to possession and did two and a half years, at a minimum-security federal prison in California and another in Oregon. “I did camp maintenance. Played a lot of baseball. A working vacation, basically.” Though he shrugs it off now, jail was the nadir of his life. He didn’t even use the time inside to stay strong. “My first paddle across from Jocko’s to Chun’s after jail wore me out.” He laughs flatly. “I was in a halfway house in town for six months.” His older sister, Noëlle, once asked him why he started dealing coke. His answer, she told me, was so naked and unassuming, it may be a first in the annals of crime: “I wanted people to be happy to see me show up.”

There’s a patch of sand in front of Audrey’s old house, fronted by gray rocks with seawater sloshing through them. In the afternoon, with the sun beating on the sand, the little beach fills with sea turtles, who crawl ashore to warm themselves. The Hawaiian green sea turtle, known as *honu*, is among the largest in the world. It’s an endangered species, illegal even to touch without a permit. On the beach, they’re easy to mistake for rocks. I think so, anyway. Jock doesn’t have that problem.

“Aw, no, look at that guy,” he said one day, as we were crossing the sand. “That tumor is huge.” He indicated a sleeping turtle with, now that he mentioned it, a bulging growth on the side of his throat. “I’ll tell the research people about him. Maybe they can do something.”

The research people, who were from the University of Hawaii, came often. They counted, measured, photographed the turtles, took readings. Jock pointed out to them that the turtles liked this spot partly because of a freshwater spring that flowed from under some rocks. He led them to the rocks in question. We all drank water from cupped hands—cold and fresh, sure enough, even with seawater all around. The researchers took photos and notes. Jock wagged his eyebrows.

Honu have become a tourist attraction. They live in numbers along the North Shore—which now reportedly pulls almost half of Oahu’s six million annual visitors up to its beaches and its single two-lane highway. Some of the visitors come to see big-wave surfing, but more reliably they come to see and photograph turtles. The best-known turtle-viewing spot is Laniakea, and local government has failed to adequately accommodate the hordes of vehicles, which often means bumper-to-bumper traffic for miles. The tourists, or at least their cars, provoke local ire.

On another afternoon, an Asian family came staggering along the shore toward Audrey’s old place. It was rough walking, over big sharp rocks. The patch of sand was a much needed break for the hikers, and on it they found their elusive goal—turtles. They took photos. Jock went down to say hi. They spoke no English, so he tried a few Asian languages on them. They turned out to be Korean tourists, and they seemed gobsmacked when he welcomed them: “*Annyeong-haseyo.*” He took them through the yard to the road, sparing them the hard hike back. “You should be able to say a few basic things in all major languages,” he told me after they left. He had most of the big Asian and European languages covered.

Jock’s version of the North Shore lies underneath, or behind, the front-lit surfing spectacle that photo-bombs the place each winter. Some longtimers find ways to hang on, usually by moving up into the hills above Waimea, where Jock lives. Some of these folks find profit streams in the mobs of well-heeled visitors—selling T-shirts, running food trucks, teaching surfing at a gentle wave near Haleiwa, renting houses and rooms through Airbnb.



Jock doesn't have much interest in the carriage trade. Small farms and working ranches survive on the North Shore, and, as the old pineapple and sugarcane plantations farther inland have closed, more arable land has become available to local farmers. Jock has a share in a mango orchard. He and his partners sell mangoes to Foodland, a supermarket on the North Shore. Much of the produce that doesn't go to Foodland goes into Jock's van for personal distribution.

The van is a dark-blue Honda Odyssey, jammed to the ceiling with surfboards, buckets, an ice chest, a first-aid kit, and tools he uses in his roofing business. The tools include hammers, pry bars, scratch awls, many sizes of nails, two machetes, a whetstone, and industrial-sized tubes of caulking and sealant. There are cedar shingles, rolls of tarpaper, squares of asphalt. But the items that grab the eye are white buckets filled with gleaming mangoes, guava fruit, fresh-picked avocados. The ice chest next to the fruit is typically full of smoked fish, fresh fish, smoked pork, poke, and homemade avocado delicacies. This spread is why people call Jock's van the Rolling North Shore Farmers' Market.

None of it is for sale. He seems to give most of it away—to old friends, new friends, strangers, frenemies, lifeguards, roofing clients. The rest he trades with other people in a sprawling network. "There are a lot of fishermen,

farmers, and hunters out here,” he says. This is obvious from the constant texts and calls Jock gets while on his rounds. “You’re coming in with aku? You bet I’ll take some, bradah. How’s the wind out there?” I’ve found it hard to pay for things when I’m with Jock on the North Shore. After a long meal at a popular restaurant called Haleiwa Joe’s, and at least twenty conversations with people passing our table, I couldn’t get the cashier to take my money. “*Ohana* discount,” he said. *Ohana* means “family.”

A solid north swell hits the North Shore. It’s way out of season, nearly May. Jock and I check Pipe. The crowd is so thick that the surfers look, from down the beach, like ants stuck on a glue trap, an undulant mass. It’s dead glassy, no wind, and very ominous-looking. The water is gray, almost brown, and the swell seems bunched up for its size. Ten-foot waves come through, and nobody in the crowd even tries to take off. The waves detonate on the reef, most with no corner, no shoulder, confirming the wisdom of the crowd’s prudence. The bunched-up swell makes a two-wave hold-down look all too possible. “Not user-friendly,” Jock says.

We drive to Sunset. The wave there breaks on a long set of reefs far from shore, and it is handling this swell beautifully. Two-story peaks stand against the sky, and then a long clean wall roars toward the channel. Dozens of people are watching from the highway, but there are only a few surfers out. My heart hammers. This is obviously the spot. I start changing. Jock does not.

“You’re not going out?”

Jock looks miserable. “No, I’m going to run some errands. I feel emotionally wounded.” He had a difficult conversation that morning, apparently, with Pia Stern, his longtime girlfriend. Pia, who lives in San Diego, is a painter and an art teacher. She and Jock met in the nineties, when she was teaching at the University of Hawaii. They have never lived together. They fly back and forth when they can. “We’re very attached, very close, but I don’t have a name for it,” Pia told me.

Jock knows something about long distance. His father, even before leaving the family, spent much of his life at sea. While the kids were small, he worked as a marine construction supervisor in Micronesia. Noëlle recalls a

dashing figure. “He could dance the tango and the merengue,” she says. “He was a charmer, a raconteur. Good tennis player, good golfer. He looked so good in a uniform. He was a man’s man, and a ladies’ man.”

Jock idolized his father. He often brings him up, reminiscing about the time he came and took Jock out of school to surf. That only happened once. Pia thinks that John got a pass partly because he was absent. If young Jock, who was headstrong, had clashes with authority, that usually meant with Audrey —John “was never around to play the bad guy.”

Jock quotes Pia often, and seems in awe of her. But, Pia told me, “I’m uncomfortable when he puts me on a pedestal.” This is a theme with Jock. He speaks of his mother with reverential affection. He keeps a collection of her handwritten journals. But his view of his father has developed an edge. “He treated Mom more like a girlfriend than a wife,” he told me. “He had girlfriends everywhere. Really, he was just another selfish surfer.”

At Sunset, Jock offers me a sleek-looking 8'0" to ride. I can't believe I'm doing this alone. But I do it—not well. The waves are magnificent. The bigger ones stand up, feathering in a light wind, and concentrate a frightening amount of power at their apex when they break. A pro surfer could shred these waves on a tiny high-performance board—stand-up barrels, g-force turns, roundhouse cutbacks—but in this small crowd the people getting the best waves are on enormous boards, ten feet, maybe eleven feet long. A short, strong woman in a tank top picks off a number of beauties, riding one of the longest boards I've ever seen. She's got the spot wired.

I miss every wave I paddle for—shrugged off. This board's not big enough for me to catch waves out where the longboarders sit, so I move in closer to shore. I'm preparing for a later takeoff, but when I paddle over a swell I find myself right in front of an eight-foot set that's already breaking. I'm smack in the impact zone. Surprisingly, I enjoy it. I stay above water as long as I can to watch the other surfers' rides—the huge drops, the screaming walls. I bail my board late and get obliterated. Long, sobering hold-downs but still several glorious, gasping visions.

Jock used to own Sunset. He surfed it twice this size with matchless style—taking off behind the peak, back-dooring the tallest part of a huge wave, side-slipping in the barrel. Could he surf it now, in these conditions, on an 8'0"? I'm not sure. He obviously wasn't inspired to try. The beatings are fairly heavy, I can attest. I'm pleased to have survived.

We all slow down, we all age out. It's humbling, or worse, to admit that you can no longer keep up with the young guns at the top breaks, that you need to look for lesser spots—less intense, less competitive, less exciting. I find it difficult, but for a surfer of Jock's stature the down-slide is truly precipitous. He never talks about it. He is so closely focussed on the waves at any given moment, on the possibilities for joy that they present, that the regret-filled long perspective—the differences between these waves and those he tackled in his prime—seems like a foolish distraction.

I heard Dave Rastovich, a superb pro surfer, contrast Jock with the “grumpy old dude who wishes it was yesteryear”—the inevitable guy who grumbles about the days when it wasn't so crowded and, hell, even the waves were better. Jock was the antithesis, “always vibrant and always buzzing,” he said. I couldn't argue with that. He still wanted to surf well, and wanted to look good as he surfed, but I have never heard him fret, even in a sidelong way, about his lost relevance in high-performance surfing. He still likes to compete—in the “old guys’ division,” in local North Shore contests. Last year, he took second at Haleiwa.

And he keeps the rabid surfer's close eye on the weather, studying not just the charts but the skies to the west. He has a lookout spot among the ruins of an old Hawaiian temple near his place, on Pupukea Heights. It's high above the ocean. You can really see the angle of the swell. “See those clouds out there? That's Kauai.” Nearly eighty miles of ocean separate Kauai and Oahu. “I don't know,” he says, looking up. “Wind's kind of *kapakahi*.” That means crossed up.

Jock, after many false starts, is off to see Pia. To prepare, he goes to see a barber who works out of her house near Sunset. He's given her a ton of avocados, so it's a discount haircut. He comes out looking like a boy. Jock, for a world-class athlete, has always had a delicate head and neck, and this haircut makes me want to protect him from the world.

Before he goes, we surf Chun's one more time, and he gives me a wave-judgment tip that I could not have imagined previously. It's a rising swell, and the sets are starting to produce a lovely peak right next to the channel. The crowd has moved over there, but Jock instead points toward the horizon: "Let's go, Bill." I see nothing, but I follow. He's paddling fast, moving way out, away from the crowd. Eventually, a wave appears—easily the biggest of the day, standing up far outside. It's physically impossible, I believe, that Jock could have known that wave was coming. But he gets there in plenty of time, right to the heart of the peak, and spins. Everybody else in the water is caught inside by at least forty yards. People are shouting in dismay and disbelief. It's a demonstration of basically incomprehensible mastery.

Then Jock does something truly weird. He jumps up and goes left. Chun's is a right-hander—the channel is on the west side of the reef. But Jock sets out east, from the main peak across a very long wall. I punch through the lip near the takeoff and turn to watch. The wave runs off for fifty, sixty yards, no sign of Jock, until he finally comes sailing over the shoulder, way down by Piddlies someplace. It is one of the most counterintuitive things I've seen in a lifetime of surfing.

Later, going through the rituals of hosing, drying, standing on certain rags, in deep-shadowed twilight beside his childhood home, I ask him how he knew that set was coming.

"Didn't you see that six-man out there?" He's talking about an outrigger canoe that was passing Chun's, maybe half a mile offshore. I certainly never saw it—a tiny distant figure in the afternoon glare of the ocean's surface. Neither did I see that it disappeared from view for an unusually long time. That meant, to Jock, that there was an unusually large set approaching, still a minute away. "You gotta keep your eyes open, Bill." ♦

The Political Scene

Can State Supreme Courts Preserve—or Expand—Rights?

With a lopsided conservative majority on the U.S. Supreme Court, progressive activists are seeking legal opportunities in state constitutions.

By Eyal Press

June 03, 2024



In November, 2020, Lauren McLane, a professor at the University of Wyoming College of Law, was forwarded a letter from Christopher Hicks, an incarcerated man who'd been sentenced to life without parole for his role in a murder. The letter was part of a petition, prepared by Hicks, laying out "all the pertinent information, charges and reasons" that he deserved consideration for a pardon. The murder, he wrote, had been carried out fifteen years earlier by another man, who entered the victim's house while Hicks remained in the back seat of a car, intoxicated. Noting that he was a teen-ager at the time, Hicks claimed that he'd been pressured into participating in the crime by a third, older man, who lived in the trailer where Hicks had been residing.

McLane runs a clinic that regularly helps indigent clients in Wyoming file motions to reduce their sentences. Yet, when she finished Hicks's petition, she said to herself, "This is an absolute lost cause." In part, she felt this way because of the notorious reputation of Kent Proffit, Sr., the older man who'd orchestrated the murder: Proffit, an alleged child molester, had wanted to prevent the victim, a sixteen-year-old boy, from testifying against him in a sexual-assault trial. Another problem was that Hicks had been nineteen when the crime occurred. In a 2012 [Supreme Court](#) case, *Miller v. Alabama*, the Justices had barred judges from sentencing juveniles to mandatory life without parole, on the ground that doing so violated the Eighth Amendment's ban on cruel and unusual punishment. Justice Elena Kagan, who wrote the majority opinion, argued that children's "diminished culpability and heightened capacity for change" required judges to consider their age when determining their punishments. But, as McLane knew, the *Miller* decision applied only to defendants who were younger than eighteen when they'd committed crimes. Because Hicks had been a little older than this, McLane assumed that no judge would deem his age a mitigating factor.

A few months later, however, she learned about a case that made her reconsider. The case, *In re Monschke*, came before the Supreme Court of Washington State, which, in a 4–3 decision, ruled that *Miller* should be extended to two petitioners who'd committed homicides when they were nineteen and twenty years old, respectively. The justices noted the prohibition on "cruel punishment" in Washington's state constitution, and cited neuroscientific research, presented in court, showing that the brains of young adults were still developing, leaving them susceptible to the same impulsive behavior as juveniles.

One lawyer involved in the *Monschke* case was Jeffrey Ellis, who taught a seminar on capital punishment that McLane had taken in law school, at Seattle University. She began to wonder whether a similar case might be brought in her home state. McLane recognized the vast differences between the political climates of Washington, which had one of the most liberal supreme courts in the country, and Wyoming, where Donald Trump won nearly seventy per cent of the vote in 2020. But she also knew that Wyoming, like much of the rest of the Mountain West, prided itself on not taking directives from the federal government.

McLane combed through recent Eighth Amendment cases that had come before the Wyoming Supreme Court and spotted evidence of this independent spirit. In a 2014 case, *Bear Cloud v. State*, the justices noted that the plaintiff, who sought an itemized sentencing hearing for an aggregate punishment he'd been given for a series of crimes committed when he was sixteen, had made "no more than a passing reference to the protections that might be afforded by our state constitution." They added, "Our state constitution need not necessarily be analyzed by 'blindly follow[ing] the United States Supreme Court's interpretation.' "

Wyoming's constitution, like those of several other states, contains an analogue to the Eighth Amendment that prohibits cruel *or* unusual punishment—a minor but potentially important textual difference. After weighing these factors, McLane called Christopher Hicks. She mentioned the Monschke decision and said, "I think this is something we can do."

In 1976, Justice William Brennan delivered a speech at the annual convention of the New Jersey State Bar Association. In the previous two decades, Brennan, who had served on the New Jersey Supreme Court for five years before Dwight Eisenhower appointed him to the U.S. Supreme Court, had written, or joined, dozens of influential opinions that broadened the rights of criminal defendants, women, Black people, and indigent Americans. Many of these decisions invalidated state laws that sanctioned racial discrimination, by augmenting the authority of the federal government. But Brennan, in his speech, endorsed an idea that seemed to move in the opposite direction, making an impassioned case for state courts to issue rulings that pushed *beyond* protections enshrined in federal law. "State courts cannot rest when they have afforded their citizens the full protections of the federal Constitution," he said. "State constitutions, too, are a font of individual liberties, their protections often extending beyond those required by the Supreme Court's interpretation of federal law."

As Brennan peered around the ballroom where the conventioneers were gathered, he saw the crowd thinning, and became convinced that his speech was flopping—so much so that he walked offstage before finishing it. But, the following year, his full address was published in the *Harvard Law Review*, and it became one of the most widely cited law-review articles ever written, inspiring what legal scholars have called "the new judicial

federalism”—a movement in which state courts, citing provisions in their own constitutions, issued a flurry of decisions widening the scope of rights. Among them was *State v. Novembrino*, a 1987 case in which the New Jersey Supreme Court endorsed protections against unreasonable searches and seizures that were more robust than those in federal law, siding with a suspect who had been charged with possession of illegal drugs on the basis of evidence obtained through a nonconsensual search. (The decision rejected the “good-faith exception” endorsed by the Supreme Court, which critics have argued gives the police too much latitude to engage in misconduct.) Although the Constitution’s supremacy clause forbids states from violating federal rights, nothing bars them from amplifying those rights. In the decade after Brennan’s article appeared, state courts handed down more than two hundred such rulings, on issues ranging from free speech to the death penalty—a tenfold increase from the previous ten years.

Brennan’s article had a major impact because of his stature, and because, by the late seventies, the Supreme Court was no longer engaged in the expansion of rights that had unfolded under Chief Justice Earl Warren, who retired in 1969. The subsequent appointment of four Justices who were nominated by Richard Nixon—including Warren Burger, who succeeded Warren as Chief Justice—had left Brennan increasingly isolated and dismayed, a feeling that he didn’t hide in his speech. The Supreme Court was failing to protect rights, he complained, including in cases involving the equal-protection clause—a retreat that “constitutes a clear call to state courts to step into the breach.”

As necessary as such interventions may have seemed to Brennan nearly half a century ago, a growing number of advocates and legal scholars believe that they are far more urgent today. In February, I heard this view expressed repeatedly at a two-day symposium on state constitutions held at New York University School of Law and organized by the Brennan Center for Justice. (The center is named for Brennan himself.) A decade ago, a conference on such a subject likely would have been a modest gathering. This year, the turnout was so heavy that many attendees had to sit outside the main room and watch the proceedings on a simulcast.

“Justice Brennan’s call to action has never been more salient,” Michael Waldman, the president of the Brennan Center, declared in the opening

address. If the symposium owed a debt to Brennan, it owed no less of one to Senator Mitch McConnell and to President Trump, who helped to entrench a lopsided 6–3 conservative majority on the Supreme Court. Recent Court rulings—from [Dobbs v. Jackson Women’s Health Organization](#), which overturned Roe v. Wade, to Sackett v. Environmental Protection Agency, which weakened the Clean Water Act—have left many progressive analysts convinced that, for at least a generation, trying to expand federal rights will be a hopeless cause. (A notable exception is the rights of gun owners, toward whom the Justices have been solicitous.) State litigation offers far more opportunities, the speakers at the symposium affirmed. Forty-nine states “have stronger protections for voting rights than the U.S. Constitution does,” Waldman noted in his address. State constitutions are also much easier to change: whereas a federal constitutional amendment must be ratified by three-quarters of state legislatures, a process that can take decades, amending the constitutions of most states requires a single referendum. For this reason, pro-choice advocates in numerous states have lately pushed to place amendments legalizing abortion on the ballot. (So far, four states have amended their constitutions to protect abortion rights, and in November there could be referendums on the matter in as many as fourteen states.)



In Dobbs, the Supreme Court left it to states to fashion their own laws and policies on abortion. Fourteen states have bans in effect which criminalize the procedure in nearly all circumstances. But the high courts of eleven others have recognized that their constitutions protect abortion rights independently from the federal Constitution. Some states have also framed abortion access in novel ways—for example, as a matter of equality rather than privacy, an argument that many feminist scholars have long considered superior. Shortly before the N.Y.U. symposium, the Supreme Court of Pennsylvania ruled that a state ban on Medicaid coverage for abortion was “presumptively unconstitutional” because it violated both the Equal Rights Amendment, which Pennsylvania has ratified, and the equal-protection clause in the state’s constitution. At the symposium, Mary Ziegler, a legal historian, speculated that, in fifty years, when scholars write the story of Dobbs’s reversal, “many of the early chapters are going to be about what occurs in state courts.”

One criticism of the call for state courts to play a more prominent role in protecting rights is that the underlying motive is ideological; in Brennan’s case, he was openly trying to counter the Burger Court’s rightward shift. At the N.Y.U. symposium, Goodwin Liu, a justice of the Supreme Court of California and a strong proponent of judicial federalism, said that such concerns were likely why many of his peers “look a little bit askance at this project,” dismissing it as an attempt to preserve only *liberal* rights.

But not everyone who is sympathetic to judicial federalism leans left. At the symposium, Clint Bolick, a self-described “textualist” who served in the Reagan Administration and is now a justice of the Arizona Supreme Court, said, of state jurists, “U.S. Supreme Court Justices do not take oaths to the state constitution, but *we* do.” In Bolick’s view, state courts that reflexively follow the Supreme Court are shirking their duty to protect the rights enshrined in their own constitutions.

The best-known recent book on state-constitutional law is “[51 Imperfect Solutions](#),” by Jeffrey S. Sutton, a judge on the U.S. Court of Appeals for the Sixth Circuit and a former clerk for Justice Antonin Scalia. Sutton writes, “For too long, we have lived in a top-down constitutional world, in which the U.S. Supreme Court announces a ruling, and the state supreme courts move in lockstep in construing the counterpart guarantees of their

own constitutions.” In a diverse democracy, Sutton argues, it is preferable for state courts to exercise independence, spurring the kind of experimentation that America’s federalist system was designed to cultivate. Because state courts preside over smaller jurisdictions, he notes, they can craft remedies without imposing a one-size-fits-all rule on the entire country. One example that Sutton cites is *San Antonio Independent School District v. Rodriguez*, a 1973 case in which the Supreme Court ruled that inequalities in Texas’s public-education system did not violate the Constitution. (The lawsuit was brought by a parents’ association in an underfunded school district.) In response, numerous lawsuits were filed in state courts, many of them invoking the right to a public education—something that all state constitutions explicitly affirm. In 1989, the Texas Supreme Court ordered officials to create a more equitable system, citing the state constitution’s guarantee that the “general diffusion of knowledge” will be fostered. By 2004, the school district in the *Rodriguez* case was spending *more* per pupil than Alamo Heights, an affluent neighborhood that the plaintiffs had highlighted in their original lawsuit.

A skeptic might note that granting states more leeway to work out constitutional questions has sometimes had pernicious effects, particularly in the Jim Crow South. Sutton acknowledges this, but argues that the dynamic has changed. On many issues, he writes, “the state courts in recent years have gone from being civil-rights followers to *leaders*.”

This shift has been especially evident with [gay rights](#). I recently spoke with Mary Bonauto, the senior director of civil-rights and legal strategies at G.L.B.T.Q. Legal Advocates & Defenders (*glad*). In 1997, *glad*, along with two Vermont lawyers, filed a lawsuit on behalf of three same-sex couples in the state who’d been denied marriage licenses. Same-sex marriage was then illegal throughout the United States. Bonauto drew inspiration from Justice Ruth Bader Ginsburg’s formulation, in 1996, that “the history of our Constitution . . . is the story of the extension of constitutional rights and protections to people once ignored or excluded.” Bonauto was also motivated by a personal longing, she told me—the desire to marry the woman she loved.

The case was brought in Vermont’s state-court system, Bonauto said, in part because in the U.S. marriage is regulated by state law. But the choice of

venue was also strategic. She and her co-counsellors didn't want to file a federal case that might eventually come before the Supreme Court, knowing that it could issue a decision that would set back their cause. In 1986, the Justices had ruled, in *Bowers v. Hardwick*, that a Georgia law criminalizing sodomy did not violate the Constitution. A decade earlier, it had dismissed an appeal from two men in Minnesota who'd been denied the right to marry; the Court rejected their petition "for want of a substantial federal question." Bonauto told me, "I don't think any of us who were working on this wanted to have premature Supreme Court review, because we were very confident that we would lose."

Given that states have the final say when interpreting their own constitutions, *glad's* lawsuit in Vermont—one of the first states to pass a nondiscrimination law protecting gays and lesbians—avoided the risk of federal intervention. In 1999, the Vermont Supreme Court, citing a clause in the state constitution that prohibits bestowing favoritism on any particular "set of persons," ruled that same-sex couples were entitled to "the same benefits and protections" afforded to married couples. Bonauto was thrilled, even though the decision left the remedy to the legislature, which passed a civil-union law instead of legalizing same-sex marriage.

glad soon filed a similar lawsuit in Massachusetts, on behalf of seven same-sex couples. In 2003, the Supreme Judicial Court of Massachusetts ruled in the plaintiffs' favor. The decision cited the Massachusetts constitution, particularly its Declaration of Rights, which the justices pointedly described as "*more* protective of individual liberty and equality than the Federal Constitution." Same-sex couples started getting married in Massachusetts more than a decade before the Supreme Court eventually ruled, in *Obergefell v. Hodges*, that all Americans had the right to do so.

The triumph of marriage equality might seem inevitable today. Bonauto doesn't see it that way, recalling how much fear pervaded the L.G.B.T.Q. community when the first cases were filed. "I find it hard to imagine that we would be where we are today without Vermont and Massachusetts," she told me. By the time the *Obergefell* decision was issued, in 2015, popular attitudes had shifted, she acknowledged. The U.S. Supreme Court acted as a "consensus confirmor," she said. But state courts, with their freedom to

experiment, had helped to bring about that social change. “They can have a catalytic effect,” she told me.

Between sessions at the N.Y.U. symposium, I went to a café to meet Kyle Barry, an advocate who hopes that a similar pattern might play out in the movement for criminal-justice reform. Barry came to the conference from San Francisco, where he directs the State Law Research Initiative, a nonprofit organization whose mission is to limit extreme sentences and address inhumane prison conditions by strengthening state-constitutional rights. Criminal-justice scholars have traditionally framed mass incarceration as a national phenomenon driven by such harsh federal legislation as the 1994 crime bill. But, as the authors of a recent *Iowa Law Review* article note, “ninety percent of people confined in U.S. prisons are confined under state laws.” Given this, the authors ask why state courts have been “missing from the debate” about how to curb excessive punishment regimes.

Barry’s organization hopes to address this gap. He told me that state litigation was especially urgent because the Supreme Court has “completely abdicated” enforcing constitutional rights in the criminal-justice system, rubber-stamping extreme sentences that many other countries prohibit. In most of Europe, he noted, the sentence of life without parole is unheard of. In 2022, Canada’s Supreme Court ruled unanimously that such sentences were cruel and unconstitutional for offenders of any age. In the U.S., as of 2020, sixty thousand people were serving what Barry calls “death in prison” sentences—more than in the rest of the world combined. Although the Miller ruling forbade mandatory impositions of life without parole for juveniles, it didn’t ban them altogether. And a more recent Supreme Court opinion, *Jones v. Mississippi*, written by Justice Brett Kavanaugh, relieved judges of having to establish that a juvenile is “permanently incorrigible” before issuing such a sentence.

In a scathing op-ed in the *Washington Post*, the legal scholar John Pfaff argued that the *Jones* ruling demonstrated that America was willing “to throw lives away.” Yet Barry told me that he felt optimistic about the possibilities for state reform, naming Michigan, in addition to Washington, as a place where a high court had recently extended Miller to young adults. Lauren McLane, the law professor fighting to reduce the sentence of

Christopher Hicks, joined us at the café, dressed in a gray University of Wyoming sweatshirt. McLane and Barry had first communicated a few weeks earlier, after she'd read comments that he'd made on a Listserv about Commonwealth v. Mattis, a case in which the Supreme Judicial Court of Massachusetts banned life without parole for "emerging adults"—defined as anyone between eighteen and twenty-one. The ruling, which was made in January, cited the ban on "cruel or unusual punishment" in the Massachusetts constitution, and also the principle that Eighth Amendment jurisprudence should be informed by "the evolving standards of decency that mark the progress of a maturing society"—a standard that the U.S. Supreme Court itself has endorsed.

McLane informed Barry of her plans to file a lawsuit challenging mandatory life without parole for young adults in Wyoming. She discussed Hicks's case, and talked about how she'd got to know him, learning more about his teen-age years—he'd endured extensive abuse—and about his determination to make amends for what he'd done. (At the Wyoming State Penitentiary, Hicks helped to run a mentoring program for incarcerated youth.) McLane acknowledged that, in a conservative state like Wyoming, the odds of securing a new sentencing hearing for Hicks might be long. But, she said, "I've been telling my students, 'If we can do this here, we can do it anywhere.' "

McLane wanted her lawsuit to highlight the commitment to reform that permeates Wyoming's constitution, something its high court had alluded to in several rulings she'd come across. A core tenet of judicial federalism is that state constitutions contain provisions reflecting states' distinctive values and history. In Wyoming, Article 1, Section 15, says, "The penal code shall be framed on the humane principles of reformation and prevention." McLane planned to cite this language in her lawsuit. She also intended to quote an 1898 ruling by the Wyoming Supreme Court which declared that "the modern prison system, at every stage of its evolution, revolves around one central thought—the possibility of reformation. . . . The reformation of the prisoner is its one animating purpose."

McLane told me, "I'll be submitting a motion to challenge Chris's sentence this summer, and I am hopeful that he and other similarly situated young adults in Wyoming will be granted the same grace, dignity, and justice that

those emerging adults in states like Washington and Massachusetts have been extended.”

Any excitement at the N.Y.U. symposium was qualified by an acknowledgment that a victory in a state supreme court has much more limited effects than winning a U.S. Supreme Court case. It’s “a second-best alternative,” Robert Williams, the director of the Center for State Constitutional Studies, at Rutgers, said on one panel. The Mattis ruling underscored this: the decision made more than two hundred incarcerated people in Massachusetts serving life-without-parole sentences eligible for new hearings, but it did nothing for the tens of thousands of people serving similar sentences outside the state.

Williams has been writing about state-constitutional law since 1980. In 2000, Bonauto sought his guidance about the Massachusetts lawsuit that *glad* filed, for which he submitted an amicus brief. As a distinguished figure in a marginalized specialty, he is delighted that his area of expertise is finally generating wider interest. One indication of this change is the A.C.L.U.’s decision, a year ago, to launch a State Supreme Court Initiative. Among the effort’s leaders is Matthew Segal, a senior staff attorney at the organization. Segal was given the job in part because he’d had a string of successes with civil-rights cases while serving as the legal director of the A.C.L.U. of Massachusetts. In 2020, he secured the release of five thousand people from state prisons and jails because of health risks related to *covid-19*. He was the lead A.C.L.U. counsel in two cases that ended with more than sixty thousand drug charges being overturned on the ground that state-run labs had engaged in misconduct and relied on fabricated evidence. According to the A.C.L.U., this is the largest dismissal of wrongful convictions in U.S. history. These victories stood in stark contrast to Segal’s experiences in federal court, which, he told me, had often been frustrating. In 2017, for example, a federal judge declined to extend a temporary restraining order that Segal and several colleagues had obtained to block Trump’s travel ban, which excluded people from seven majority-Muslim countries from entering the U.S. (The Supreme Court later upheld a revised version of the ban.) When the opportunity to run the State Supreme Court Initiative arose, Segal immediately said yes. In the past thirteen months, the project has filed amicus briefs or served as co-counsel in twenty-five cases in eighteen states, on issues ranging from abortion to election reform.

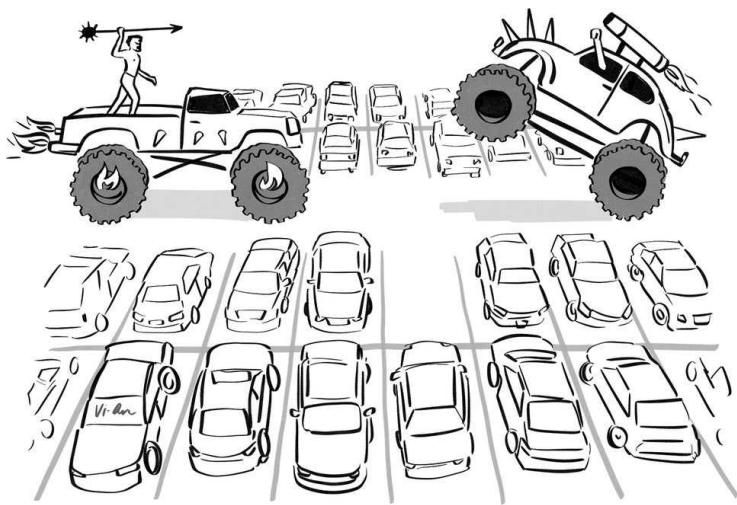
Segal attended [Yale](#) Law School, where, he said, he received little training for such work. “The focus at a lot of law schools that are highly regarded has been federal law,” he said. “There’s been no real teaching in state-constitutional law.” But, last fall, Yale did offer a seminar on the subject—one that Segal co-taught with Julie Murray, another senior A.C.L.U. attorney. Segal told me that he saw the class as a complement to his advocacy work—he is now teaching a similar course at Tufts—and that he hoped to get the next generation of activist lawyers to rethink their priorities. “If there are going to be advances in civil rights and civil liberties in the near term—and maybe even the medium and long terms—they’ll have to come from state courts,” he said.

One Yale student in the seminar was Pragya Malik. The previous year, she’d taken two classes that reflected her passion for social justice: “Litigating Civil Rights, Policing, and Imprisonment,” and “Law and Inequality.” The courses left her deflated, she said, in part because they focussed on federal law, where the barriers to effecting change seemed so daunting. “You’re jumping through all these hoops,” she said. Malik learned that, in addition to the obstacles posed by the Supreme Court’s conservative super-majority, there were legal hurdles such as qualified immunity, which shields law-enforcement officials from liability for abuses unless a violation of specific civil rights is “clearly established.”

Last summer, Malik worked at a public-defender service in Washington, D.C., where she overheard a peer talking about a mass-exoneration case in Massachusetts. She consulted the A.C.L.U.’s Web site to learn more, and saw that the leading force behind the suit, Segal, would be teaching a course at Yale that fall. She signed up. After taking the seminar, she came away excited about the power that lawyers could have to “affect people’s lives” through state courts. Segal told me that, in his class, he emphasizes that state supreme courts, far more than federal courts, viewed themselves as “problem solvers.” The wrongful-conviction cases that he’d litigated came about when the Supreme Judicial Court of Massachusetts invoked its “superintendence authority” over lower courts where tainted evidence had been used, forcing the state to clear thousands of people’s records and enabling the victims to recover millions of dollars in fines and fees. Federal courts also possess this authority, but rarely exercise it. Segal said, “The

world of state courts allows for more creativity and inventiveness than you see in federal court.”

One potential barrier to litigating civil-rights cases in state courts is that, unlike at the federal level, lawyers are generally not entitled to recover attorneys’ fees if they win. At the N.Y.U. symposium, Julie Murray, of the A.C.L.U., recalled that, when she was employed at another nonprofit, she worked on a civil-rights lawsuit in Iowa that dragged on for more than a year. The organization won in trial court, but recouped only three hundred dollars in costs.



MAD MAX: BROOKLYN COSTCO PARKING LOT

James A. Gardner, a professor of law at the University at Buffalo who has written extensively about judicial federalism, has raised other caveats. He is skeptical that state courts can spearhead a meaningful expansion of rights, because of heightened partisanship and “the politicization of constitutional law,” which has eroded the independence of state courts, particularly where Republicans wield power. As Gardner documents in a forthcoming law-review article, in recent years Republicans in places such as Georgia have packed state supreme courts to insure rulings favorable to their agenda. In 2017, Georgia’s Supreme Court expanded from seven justices to nine.

Judges in Republican-controlled states who have made expansive rulings in favor of rights have also been attacked politically, and even threatened with impeachment. For judicial federalism to flourish, “state judiciaries must enjoy genuine independence from transitory political winds,” Gardner argues. “Judges who are tethered tightly to trends in state and national politics, and thus fearful of partisan retaliation for decisions they make, are unlikely to enjoy the independence necessary to forge a state constitutional jurisprudence of any organic distinctiveness.”

State courts are significantly less insulated from political pressure than their federal counterparts. In 2022, the North Carolina Supreme Court struck down a voter-I.D. law that it concluded was racially discriminatory. The next year, the decision was reversed—after Republicans elected two new conservatives to the bench. This shift in the balance of power occurred after Republicans in the state legislature eliminated public funding for appellate judicial elections and changed the law so that party labels could be affixed to candidates. Douglas Keith, a scholar who tracks the role of dark money in judicial campaigns, told me that before these changes judicial elections in North Carolina had been quiet, nonpartisan affairs. They have now become hyperpartisan battles in which candidates bankrolled by the Republican State Leadership Committee—the nation’s largest spender on state-supreme-court elections—have largely prevailed.

A related trend in American politics is politicians’ declining commitment to democracy itself. The journalist Ari Berman, in a new book, “[Minority Rule](#),” examines how tactics such as voter suppression and gerrymandering have undermined the popular will. The Supreme Court has not seemed terribly troubled by this, issuing rulings that have weakened voting rights and, in May, determining that Republicans in South Carolina did not unlawfully consider race when they drew a congressional district in a way that removed thirty thousand Black voters, overriding a lower court that had ordered legislators to redraw the district. A case can be made that the U.S. Constitution was designed to sustain minority rule, protecting white male property owners from the so-called tyranny of the majority. Indeed, as Berman points out, the current Supreme Court is itself a *product* of minority rule: five of the six conservative Justices—including Samuel Alito, who wrote the majority opinion in the South Carolina case—were appointed by Presidents who had assumed office after losing the popular vote.

State constitutions offer a potential counterweight to these trends. They embody what the law professors Miriam Seifter and Jessica Bulman-Pozen have termed “the democracy principle”—a commitment to popular sovereignty that is reflected in language vesting power in the people and in explicit assurances of the right to vote. Seifter co-directs the State Democracy Research Initiative, at the University of Wisconsin Law School, in Madison, which she launched, in 2021, with her husband, Robert Yablon, a professor who specializes in election law. One of their goals is to advance research and dialogue about state courts, thereby strengthening democracy. In Seifter’s state, progressives recently scored a major victory in this arena. Starting in 2011, creatively designed legislative maps enabled Republicans to retain power in the state legislature even after losing the popular vote. Janet Protasiewicz, a circuit-court judge, decried these maps, calling them “rigged.” Her outspokenness on the issue helped her to win election to the state supreme court in 2023. Republicans threatened to impeach Protasiewicz unless she agreed to recuse herself from any cases involving the maps, but the effort failed, and a case challenging partisan gerrymandering soon came before the justices. In December, they ruled that more than half of the legislative districts in Wisconsin violated a provision of the constitution requiring them to be composed of “contiguous territory,” and ordered that new maps be drawn.

Another state in which the “democracy principle” has been tested is Montana, where, in 2021, a coalition of Native American tribes challenged voting restrictions, including the elimination of Election Day registration, which they claimed had a disproportionate impact on them. In recent years, federal courts have rarely taken exception to such measures, applying strict scrutiny only to a law that “severely burdens” the right to vote. In an amicus brief, ten constitutional-law scholars, among them Miriam Seifter and Robert Williams, argued that upholding the voting restrictions would “erase Montana’s distinctive constitutional language, structure, and tradition,” all of which warranted a more exacting standard. (The Montana constitution mandates that all elections “be free and open,” and that no power “*shall at any time interfere* to prevent the free exercise of the right of suffrage.”) In March, the Montana Supreme Court struck down the restrictions, and warned that it would view skeptically any state law that “impermissibly interferes” with the right to vote.

Not only do state constitutions generally express a stronger commitment to democracy than the U.S. Constitution does; they enumerate many rights and protections that have no federal analogue. In several states, for example, a person in custody cannot be treated with “unnecessary rigor.” I discussed this concept recently with Daniel Greenfield, who helps to run the Prisoners’ Rights Clinic at U.C.L.A. Last year, Greenfield petitioned the U.S. Supreme Court to review the case of Michael Johnson, a mentally ill man in Illinois who’d been caged in a filthy solitary-confinement cell for nearly three years, without access to exercise or fresh air. The Court denied the petition, overriding a strong dissent from Justice Ketanji Brown Jackson, who noted the “unusually severe” conditions that he’d endured. The decision, Greenfield told me, left him “with the unshakable feeling that it was time to turn to state courts and state constitutions.” He’s now working with law students to identify state courts where incarcerated clients can get relief. One of the places they are eying is Oregon, whose constitution has an “unnecessary rigor” clause, which has recently been invoked to hold prison officials accountable for inhumane conditions.

Many state constitutions also affirm positive rights absent from the U.S. Constitution, including a right to “social welfare,” which New York recognizes, and a right to grow and harvest food, which was incorporated into Maine’s constitution in 2021, after voters approved an amendment, propelled by concerns about the growing power of agribusiness. The amendment asserts that individuals have the right to “produce and consume the food of their own choosing.” Some scholars contend that the mutability of state constitutions is a flaw. But the comparative ease of amending them also means that many of their provisions “are quite recent, and often reflect contemporary concerns,” Alicia Bannon, a scholar at the Brennan Center who edits State Court Report, a new online publication that tracks state-constitutional developments across the country, told me.

Among the contemporary concerns that state courts have begun addressing is [climate change](#). Held v. Montana, a lawsuit filed in 2020, invokes an inalienable right to “a clean and healthful environment.” This phrase doesn’t appear in the U.S. Constitution, of course, but it’s enshrined in Montana’s constitution, which was rewritten in 1972—two years after the first [Earth Day](#) took place. When the Held lawsuit was filed, the plaintiffs ranged in age from two to eighteen, reflecting the fact that, as the complaint noted,

“children are uniquely vulnerable to the consequences of the climate crisis.” Among those named in the lawsuit are Rikki Held, who grew up on a ranch that has recently been ravaged by floods and wildfires, which have threatened her family’s livelihood, and Olivia Vesovich, a teen-ager who has repeatedly had to leave the state in the summer because smoke-filled air exacerbated her asthma. The complaint quotes the preamble of Montana’s constitution, which celebrates “the quiet beauty of our state, the grandeur of our mountains, the vastness of our rolling plains . . . for this and future generations.”

Our Children’s Trust, a nonprofit public-interest law firm, filed the case. It also litigates in federal court, and in 2015 it submitted a complaint in U.S. District Court on behalf of young people in Oregon. For years, that case stalled as the U.S. Department of Justice filed motion after motion to delay it. The tactic felt particularly egregious, Andrea Rodgers, a lawyer with Our Children’s Trust, told me, because mitigating climate change requires immediate action. In May, a U.S. circuit court of appeals finally weighed in on the case and, to the dismay of the plaintiffs, dismissed it. “I have been pleading for my government to hear our case since I was ten years old, and I am now nearly nineteen,” one of the plaintiffs said. “A functioning democracy would not make a child beg for their rights to be protected in the courts, just to be ignored.”

In Held v. Montana, a very different scenario played out. There were few delays in the case, and last year it went to trial, enabling Held and her fellow-petitioners to testify. A state district court ruled that their rights had been violated. Addressing the plaintiffs’ injuries imposes “an affirmative duty upon their government to take active steps,” the district court declared, striking down a Montana provision that had allowed state agencies to ignore greenhouse-gas emissions when approving energy projects. State officials immediately appealed to the Montana Supreme Court, which, in January, declined to stay judgment in the case. Oral arguments are scheduled to begin in Helena on July 10th.

Our Children’s Trust has since filed another lawsuit challenging inaction on climate change, in Hawaii; the case will go to trial in June. Like Montana, Hawaii recognizes the right to a clean and healthful environment in its constitution. If the Hawaii Supreme Court ends up invoking this provision, it

will not mark the first such occasion. Last year, the court ruled unanimously that a state agency had the power to block an energy company from building a tree-burning facility on the Big Island which, in three decades, would have emitted eight million tons of carbon dioxide. In a concurring opinion, Justice Michael Wilson observed that Hawaii was “constitutionally mandated” to address the climate crisis because it was a “*sui generis*” emergency. (Deadly wildfires engulfed a town on Maui last summer, killing a hundred and one people.) Addressing global warming was also necessary because of the “stark failure of the federal judiciary to grant redress to present and future generations alleging knowing destruction of a life-sustaining climate system,” he went on. Among the examples he cited was *West Virginia v. E.P.A.*, a 6–3 decision, issued in 2022, in which the Supreme Court curtailed the agency’s latitude to regulate greenhouse-gas emissions. The federal courts were abdicating their responsibility “to leave future generations a habitable planet,” Justice Wilson wrote. Unlike those courts, “the Hawai‘i Supreme Court does not choose to ‘throw up our hands.’ ” ♦

Shouts & Murmurs

- [God Explains the Rules of His New Board Game](#)

Shouts & Murmurs

God Explains the Rules of His New Board Game

By **Teddy Wayne**

June 03, 2024



Guys, want to play this new board game? It's called Life. No, it's not "one of God's impossible-to-understand games that take three hours to learn." It'll be fun, I promise!

O.K., so the board starts out with nothing on it and an infinite number of pieces packed into an infinitely small glass ball. To begin, everyone waits for an indeterminate period, because time hasn't been conceived of yet in the game. Then the game master—yours truly—bangs the glass ball with a hammer, and all the pieces in the game explode outward to an infinite distance.

Yes, I'll handle all the cleanup. Watch out for the glass shards, and don't breathe in the radioactive cosmic dust.

Then we wait a few billion years in game time. You draw one random piece to be your player. For instance, one of you will be a thing called a “tail club,” which is a part of another thing called an “ankylosaurus.” Another one will be a “human being” named “Elon Musk,” which seems like one of the best pieces in the game, since it’s really powerful; the only disadvantage is that everyone thinks it’s a “fascist-adjacent dork with a shockingly bad sense of humor,” except for the pieces labelled “extremely online incel.” And you, my friend, will be a “guest star” on a “very special episode” of “Blossom.”

What? You want to quit because someone else got “acting-writing-directing triple threat Bradley Cooper” and you’re just a “pellet” in a “hot mound” of “sloth shit”? I know Bradley Cooper seems like an awesome player, especially since he is equally adept at “bromantic comedy” and “Oscar bait,” but sloth shit can be really cool, too. You get to just sit there, and everyone keeps a respectful distance. Trust me, you got lucky.

Game play entails rolling the dice to move your playing piece around the board, but the game master dictates where you land. Exactly—the dice don’t actually matter. They just give the illusion that the players are in control, so they don’t quit in frustration and flip over the board.

Brace yourself: here comes a “disaster,” which is when the game master pounds the board with his fist a few times or pours his drink over it. Many of you will die randomly—including “*People* magazine’s 2011 Sexiest Man Alive,” Bradley Cooper. But guess who survives to the next round? Not so bad to be a piece of sloth shit now, huh?

At this point in Life, each human player receives an arbitrary quantity of “money.” The amount you start off with almost completely determines how much you end up with. You know, you’re right—that doesn’t really make sense. The game master does have the discretion to change the rules. . . .

Eh, too complicated. So Elon Musk begins with several billion “dollars,” and the rest of you get “usurious student loans.”

Hey—who’s this “icicle” player, and why are you placed in “Egypt”? Did you guys play while I was in the bathroom? Do I have to go through the

entire board and make sure there are no other mistakes? No? Then please explain to me how “Vladimir Putin” became a “ruthless dictator” and not a “beloved mime who sells quilts on Etsy.”

Forget it—you guys aren’t even trying anymore. What year are we up to, 2024? Maybe that’s a good time to stop, anyway. I’ll do a game-ending disaster, either from “climate change,” an “asteroid,” or “Lauren Boebert” becoming the “President” of the “United States” owing to a staggering number of deaths in the “line of succession.”

O.K., we’re done. And the winner is . . . “medieval peasant woman with leprosy”! Wait, that’s wrong—I was looking at the board upside down. The winner is Elon Musk. That’s kind of expected; the winner is usually a “friendless psychopath” driven by “textbook Oedipal issues” and “rejection in middle school.”

Why are the rest of you complaining? Nobody ever said Life was fair. ♦

Fiction

- [Beyond Imagining](#)

Fiction

Beyond Imagining

The friends talked about reviving ladies' lunches in person. "At my place, please, if you don't mind," Farah said.

By Lore Segal

June 02, 2024



[Lore Segal reads.](#)

RUTH

Bessie, Lotte, Ruth, Farah, and Bridget, who had been lunching together for half a century, joined in later years by Ilka, Hope, and, occasionally, Lucinella, had agreed without the need for discussion that they were not going to pass, pass away, and under no circumstances on. They were going to die. It was now several years since Lotte had died in an assisted-living facility. Then, when *Covid* worried their children, Ruth had undertaken to Zoom ladies' lunch. She suggested that anyone who had something to say should show a hand.

Farah put up her hand. She said, “I don’t find it difficult to think about . . . ,” then paused in surprise at not being able to say “dying,” “about choosing not to live if I’m going blind.”

Bessie, Zooming from Old Rockingham, said, “That would be Colin’s choice when he hurts and he hurts all the time.”

Bridget raised her hand. “I think that the reason I think I won’t mind being dead is that I can’t imagine it, and I don’t think we know how to believe what we aren’t able to imagine.”

“You want to repeat that?” Ruth asked her.

“No,” Bridget said and laughed. “I’m not sure that I could.”

•

Then Colin died and Bessie allowed herself to collapse. Her daughter Eve called Ruth to tell her that Bessie was in a Connecticut hospital. Ruth called her there and reported to the group: “Bessie says the room is bright and pleasant enough. I lamely asked her how she was feeling, and she said, ‘Sad. Sad and ill.’ ”

When Farah called her, Bessie said, “Eve wants me to temporarily move into our minuscule Ninety-fourth Street pied-à-terre, which I had made over to her.”

“That’s a good plan, is it, temporarily?”

Podcast: The Writer’s Voice

[Listen to Lore Segal read “Beyond Imagining.”](#)

“Temporarily. Colin and I agreed that Old Rockingham must go to his children. It was never my world. There’s a line I remember, from I forget which school poem, to ‘dance an hour beneath the beeches.’ That’s what my Connecticut years have been. It’s New York that’s for real.”

•

Hope said, “Ruth has been hosting our Zooms all this time and we’ve never done her agenda.”

Ruth asked, “What’s my agenda? I forget.”

“You said you wanted us to discuss our take on wokeness?”

“Which is not a word in the Oxford English Dictionary,” said Ilka, and Bridget said, “Use ‘wokeness’ in a sentence.”

“Just vote it in the next election,” Ruth said.

Farah took out her phone and read: “ ‘Wokeness. The quality of being alert to and concerned about social injustice and discrimination.’ ”

“What we used to call being a liberal,” said Ilka.

“With the gloves off,” said Ruth.

“I’m trying to remember who described liberals as not having enough sense to argue in favor of their own opinions,” Ilka said.

“That’s nice. I like that,” said Bridget, brightening. “I’m going to write a story about two liberals fighting a duel. On the count of ten, they turn and each shoots himself in the foot.”

“Herself in the foot,” Ruth said.

“Themself,” said Ilka.

•

Ruth called Farah and said, “I’ve been feeling stupid and woozy. The doctor is doing tests.”

Farah said, “Can I come and visit you? How is Monday?”

“Monday is good,” Ruth said.

Ruth's elegant daughter opened the door. "It's Helena, isn't it?" Farah said, remembering her from a long-ago mother-and-daughter ladies' lunch.

Helena said, "Mom is expecting you. Mom, it's Farah."

Ruth in a severely buttoned dress and slippers was sitting in an ample wing chair in the familiar living room. Her son, Ben, introduced himself and asked if it was too early for a glass of wine. Ruth said, "The doctor says it will do no harm."

"Then yes, please," Farah said, and Ben left the room.

Ruth said, "I have a tumor."

"Do we know what that means?" asked Farah.

[Read an interview with the author for the story behind the story.](#)

Ruth said, "I find I'm grateful for that conversation," and Farah understood her to mean the conversation about dying and said, "I've been trying to think that I've had the use of my eyes for upward of ninety years and it doesn't seem unreasonable to be expected to give them up." She paused and said, "One looks for a way to think about it."

Ruth said, "They may try radiation, but the doctor says it will do no good."

The son returned with two small glasses of wine. There were the minutes occupied by the business of clearing two surfaces where the two glasses could stand within easy reach. Ben left the room. Farah was aware of searching for something to talk about. She talked about Bessie temporarily sharing the Ninety-fourth Street pied-à-terre with her daughter Eve.

Ruth said, "Temporarily?"

"Colin has left Old Rockingham to his children."

Farah told Ruth about Ilka's latest argument with her cousin Frieda; she talked about Trump, about Bibi and Jerusalem. She said, "Is next Monday good to come and see you? Bridget wants to come."

“Next Monday is good,” Ruth said.

•

It is the nurse who brings Farah and Bridget into the empty living room, goes out and returns with Ruth in a wheelchair. The nurse goes out. Ruth looks like Ruth but her voice is so low that they have to ask her to repeat what she is saying: “My right side has shut down. I don’t have the use of my hand.” The nurse comes back with three small glasses of wine, for which she arranges three convenient surfaces. The nurse goes out.

Ruth watches Farah and Bridget talk.

•

When, the following Monday, Ilka and Hope ring the doorbell, Helena opens the door and says, “Mom is unresponsive, but come in.” Ruth is sitting in the wheelchair. They sit down. No wine, thank you. Helena remains in the room. The fingers of Ruth’s left hand play a nonexistent keyboard on her lap. She looks into the room before her but does not speak.

Afterward, Ilka and Hope talk over a cup of coffee in the corner Starbucks. Hope says, “One yearns to be comfortable for her, but one just sits there.”

Ilka says, “I looked up ‘tumor’ and it’s too much information. What does it mean that ‘the body shuts down?’”

Hope says, “What is the Ruth in the wheelchair thinking? What do we know? Is she in pain?”

•

Bessie comes to see Ruth and takes her hand and presses it to her cheek, weeps and says, “Colin is dead.”

Ruth frowns—is it in an attempt to focus? She says, “Who?”

•

And another Monday. Helena says, “There’s a theory that hearing is the last faculty to go. We asked Mom whether she wanted music, and she said, ‘Conversation.’”

Helena, Farah, Bridget, and Ilka make conversation. Ruth, in a blue bathrobe and the slippers, lies on the sofa. Her head is turned away from the room and the people in it. The open window behind her gives onto a magnificent view of the Hudson River. The fingers of Ruth’s left hand move on her lap. She coughs—is it to clear an obstruction in her throat?

FARAH

The season after Ruth died and *Covid* was over as much as it was ever going to be, the friends talked about reviving ladies’ lunches in person. “At my place, please, if you don’t mind,” Farah said. “My new walker gets me around the apartment, but I no longer feel secure on the street.”

Bessie, about to close up the Connecticut house, did not feel like a trip to town, so Farah set up the computer on the lunch table and Bessie Zoomed in to what turned out to be “a bit of a downer,” as Hope put it. What was wrong with each of them could not be contained within the twenty minutes allotted to complaining: Since Colin’s death, Bessie suffered from debilitating headaches; Hope was scheduled for a pacemaker; Bridget might need meniscus surgery; and Lucinella’s “Book of Late Verses” had not been reviewed by the *Times*. Ilka detailed the dental repair she accused herself of neglecting.

“And I,” Farah said, “can no longer see to read the pages of instructions my ophthalmologist sends home with me.”

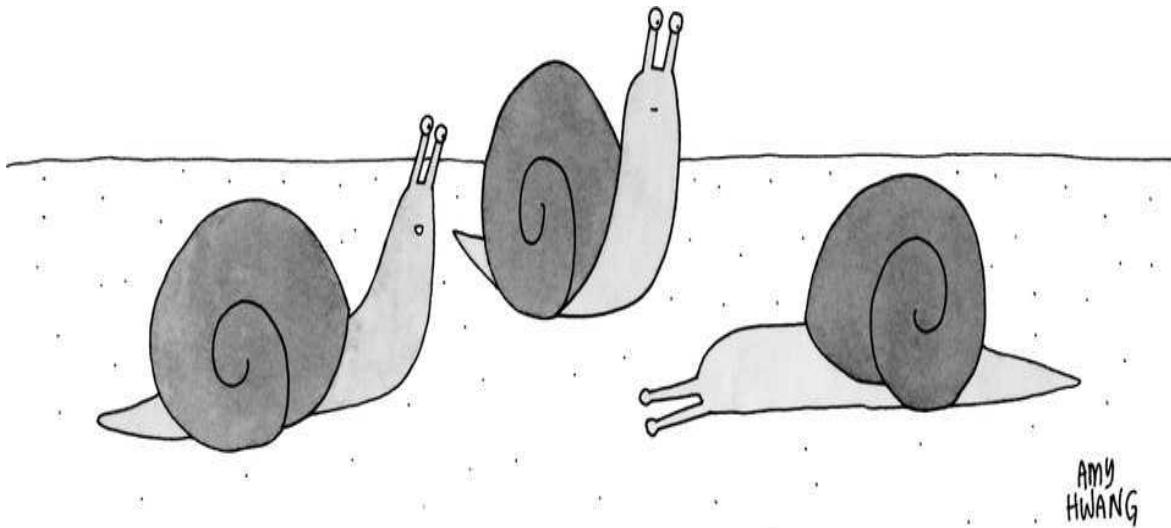
“But you’re a doctor,” Hope said. “Doesn’t that give you insights?”

Farah said, “I always liked the bit in ‘Washington Square’ where the father of—what’s the girl’s name?—gets ill. He’s a doctor and he instructs the household what to do and when. What I understand is that there are a lot of *different* things going wrong with my eyes.”

“Like what?” Bridget asked her.

“There is an interestingly patterned white lace across my field of vision, sometimes a field of white or purple daisies with yellow centers, in gentle, continual right-to-left motion, without moving.”

“What is motion without moving? Sounds like T. S. Eliot,” Lucinella said.



Farah said, “I hold up my hand and watch the lace or the daisies—I’m just describing what I see—moving without ever disappearing in the direction in which they are moving. What do I know? I ask the doctor and he says many people report that the loss of vision finds compensation in visual hallucinations. Which explains exactly nothing.”

“How many fingers?” Ilka asked her.

“That’s not the problem,” said Farah. “Let me give you the plastic-baggie test. I carry one with me in my pocket for the purpose. Look through this and count my fingers.”

“Four fingers,” Ilka said. “I see your four fingers. I see you. I see the room but everything is behind a dark, a dirty mist.”

Farah said, “And I ask the doctor how thick and how much darker will the mist *get*? How dark? Will there be an absence of light, a black darkness?

How black is black? Is it too cold for ice cream?" she asked the friends around the table. "Berries and ice cream, everybody? Anybody?"

•

Before the next lunch, Farah e-mails UWSLadiesLunch. Subject line: "Black Is Black."

Interesting. Last night I had finished cleaning up my supper dishes. You all know my kitchen, Upper West Side, sausage-shaped. It is too narrow for my walker, which was O.K. because I was able to reach things on both sides and touch either wall on my way to the door, where I turned off the light and then reached around the darkness outside for my walker. Which was not where I thought I had left it. When I turned around to put the kitchen light back on, I couldn't find the switch, couldn't find where the entrance to the kitchen might be. I had been a good citizen and turned off all the lights on my way to the kitchen so that now I was moving in total darkness and I did not recognize the objects that met my hands—the doorknob of a door I could not identify. I touched books, a shelf? There is no bookshelf near the kitchen door. Completely disoriented, I could not tell where in my apartment I had got to, where there was another door with a wall on the left. . . .

I don't know how long I stumbled around hoping for something—something that I knew—to grab onto, before I saw the city lights of lower Manhattan in the uncurtained window in my bedroom and turned on the bedside light.

My trial run?

I ask the doctor if I will go blind and he doesn't say—would rather not say? Or is it that we doctors don't know?

ILKA

"Today," Ilka said, "my Maggie is finally getting her Austrian citizenship."

“Congratulations!” “Great!” “That’s wonderful!” said the Zoom gallery of friends. They were back on their computers.

“I guess,” Ilka said. “It seemed to take years of consultations with consulates, documentations. Her birth certificate had to be certified, et cetera, et cetera, a lot of et ceteras.”

“You didn’t apply for citizenship for yourself?”

Ilka said, “I did not. I was remembering my parents’ desperation assembling the papers that were required for our emigration—the morning post that didn’t bring the essential documents before the expiration of two other essential documents.

“Austria had annulled our citizenship. It bemused me to have been not only stateless but unnatural until I became a naturalized American.”

“But that’s not what the word means,” Bridget said. “It means a plant growing naturally where it’s not indigenous.”

Ilka said, “Maggie has bought her ticket to Vienna, where I was indigenous.”

“And you’re not going?”

Ilka said, “You remember how we said no more trains, no more planes?”

“But you’ve been back?”

“I used to go.”

“And how was that?”

“Intensely exciting—the child-in-the-candy-store kind of exciting. I would deposit my bags in the hotel and shoot back out the door in search of a certain palace I remembered on the other side of the street, or a tower glimpsed in the other direction, but I’d get waylaid by an archway and stop to look into a shadowy courtyard with an old water cistern. I remember looking through one open door at a monumental Baroque male supporting the central staircase on his bare back.

“The Viennese dialect of my childhood sounded helplessly dear. The taxi-driver from the airport told me I was lucky that I had got away before the Russians came. My hosts were kind and eager, the children, or grandchildren, surely, of erstwhile anti-Nazis, but by the third day I wanted to be out of there and was glad to find my seat on the plane taking me back to my adoptive New York.”

“That had naturalized you,” Bridget said.

•

Ilka said, “You’ve all seen our family portrait. Let me go get it and I’ll show you. Maggie spent the weekend with me.”

She held it up in front of the monitor. “You see how the photographer has staged the fifteen children—fourteen, actually, because Karl, the youngest, was not born yet—around the father standing behind the seated mother. The three oldest girls are Great Aunt Berta’s, this is the one I call Mali, and Rosa. I’ve told you about the Sunday afternoons we used to spend in Tante Mali’s apartment with my mother’s cousins.”

Farah said, “The aunt who had a stereopticon?”

“Who let you mess with the beads on her curtains,” remembered Bessie.

Ilka said, “The little Onkel Löwy would open the front door into the foyer and show us into the room where Tante Mali with the lovely face, immensely overweight, always sat in the same chair at the big table watching us. You see, in the picture, she is the one with the sweet look. She and Onkel Löwy ended up in Mauthausen.

“Sitting on her left, that’s my grandmother Rosa, around fifteen, maybe. She and the four-year-old Poldi on the low stool would make it out and get to New York. They and the brother who went to Canada before the First World War, and a brother who died of lung disease, were the four ‘survivors’ of my grandmother’s generation.

“All the boys in the picture—what age would you say, between seven and seventeen?—have had their heads shaved for the photograph and wear big

bow ties. No way for me to tell Maggie which one grew up to be Gigerl, who got away to Canada, or Miklosz, who had the bookshop, or Szandor, married to Tante Mali, who had twins, one of whom, Willi, lives in Israel. Which and what was the name of the uncle who had a photo shop with a Bauhaus-style interior?"

•

"Maggie is in Vienna, in Wien," Ilka told her friends on their next Zoom. "She has taken the best I can do in the way of a family tree—the old, broken leather address book—and seems to know how to do the research I didn't do. Was it Rotenturm or Sternngasse where my parents lived after I left? My grandparents moved in with them after the Nazis Aryanized Grandfather's house and shop.

"Maggie e-mails that it was Rotenstern Strasse. She e-mails me the street names of my childhood—Albert Gasse, where I went to school. The bookshop was in the Wollzeile. She has sent a picture of a block of flats. Do I recognize No. 8 Holland Strasse, Tante Mali's address? I don't. I remember the stereopticon, the tall blue tile stove in the corner, the drapes with the wooden beads, the smiling Tante Mali who sat and watched us."

•

"A note from Maggie," says Ilka. "Maggie has visited the Wiesenthal Institute, which keeps the records. Not Mauthausen, as I said. 'On September 24, 1942, Amalie and Maximilian Löwy were deported to Theresienstadt. Deported to Auschwitz, May 16, 1944, where they perished.'

"Where they perished," Ilka says and is silent.

She imagines the days, the week expecting the knock, the banging on the front door. Two uniforms stand outside, walk through the door, they are inside the foyer—the men Hannah Arendt means, doing a job? They transport the old couple to where men will sport with them before they kill them. Ilka tries not to imagine Tante Mali, who needs help getting up from her chair, forced to run to the right, turn and run left. To imagine the men?

Not Dante, not Milton, not Shakespeare has anatomized their human hearts, and about what she cannot imagine she cannot think and I cannot write.

BESSIE

“‘If not now, when?’” quoted Bridget, when the friends met at Farah’s apartment once again. “I would give up a lifetime’s writing to have got that thought into those four words.”

“No, you wouldn’t,” Ilka said. “You wouldn’t give up writing.”

“And that’s true, too,” Bridget said. “I don’t know what to do with myself between my morning coffee and lunch at noon if I’m not writing something, and I wish one of you would have a complaint or a disaster for me to write about.”

“Have some sushi,” said Farah.

Bessie said, “Write about our neighbor Bains buying Old Rockingham, going to change the locks a week from Monday. Eve and Jenny drove me up and we had the week to get rid of the things there’s no room for in Eve’s studio. And what if my next move might be to assisted living?”

Bessie’s friends were silent and looked at her. “My clothes and my own stuff were not the problem,” Bessie continued. “Eve had packed me up when I was in hospital. It’s this endless accumulation of what our kids are supposed to deal with after we’re dead.”

The friends around the table looked at Bessie.

She said, “The local antique dealer came. He took the Bennington ware, some silver, some books and things, and left us to get rid of just so much stuff. There was Colin’s mother’s unfinished patchwork—”

“You’re not going to throw out old patchwork!” they all said.

“And the ancient kitchen scales,” Bessie said. “The cookware, cookbooks, more cookbooks, three inkwells, a box of fountain pens. Jenny made a pile

of the useless things for garbage pickup and Eve went out and brought back what she thought was well designed or beautiful.”

“I know, oh, I know!” Hope said. “I’m a lifelong collector of postcards and clippings from magazines.”

“Clippings? Clippings of what?”

“Anything I thought beautiful. Art. What interested, excited, irritated, puzzled me. There’s a suitcase of my favorites under the bed, and the box of favorite favorites in the foyer. In more than a decade, there has been no moment when I have taken them out and looked at them. There’s a drawer full of these snippets in the closet that I am going to have to empty for Miranda. My granddaughter is moving in with me.”

“Moving in! Goodness! I mean, is that good?” Farah asked her.

“Delightful,” Hope said, “except that carving out room for Miranda is a complication; I have stopped sleeping. Yesterday, I got the wastepaper basket, put that drawer on the table, and picked out one snippet after another snippet after another and put one after another back in the drawer and put the drawer back in the closet.”

“You didn’t throw any of them away!” Ilka said.

“Two,” Hope said. “Write, Bridget, about the things we don’t need, don’t know what to do with but cannot throw away. It feels like a physical inability to let things go.”

“Like the key,” Bessie said, “from when we were leaving Old Rockingham. We’d done the upstairs and cased the downstairs for anything we’d forgotten. Jenny was already in the driver’s seat, Eve put the last bag into the trunk, and I closed the door of the house. Jenny said, ‘Mom, just leave the key. Bains is coming over to change the lock.’ I said, ‘I know, but I’d better hold on to it.’ Eve said, ‘Mom! What on earth for?’

“I said, ‘Just in case.’

“ ‘In case of what?’ they asked me.

“I said I didn’t know.” ♦

The Critics

- [The Man Who Reinvented the Cat](#)
- [What Does Freud Still Have to Teach Us?](#)
- [Briefly Noted](#)
- [Jenny Holzer Has the Last Word, at the Guggenheim](#)
- [The Sexy Mind Games of “Hit Man”](#)

The Man Who Reinvented the Cat

The curious career of the illustrator Louis Wain tells the story of how our feline friends came in from the alley and took up their place at the hearth.

By **Rebecca Mead**

June 03, 2024



In mid-nineteenth-century London, which had a population upward of two million people, the journalist and social researcher Henry Mayhew set out to survey the lives of the working and nonworking poor. One of the now obsolete categories of labor he investigated was that of the cats'-meat men: sellers of boiled horseflesh, who purchased their stinking wares from knackers' yards, then wheeled it in barrows along appointed routes each day, selling it to the public as cat food at two and a half pence per pound. By Mayhew's reckoning, there were a thousand such venders in the capital, serving the needs of a feline population of three hundred thousand: roughly one cat per dwelling house. Cats had a liminal status, perceived by the humans they lived alongside as being somewhere between regulators of vermin—they helped control the population of rats and mice that flourished among the goods brought in and out of London's teeming docks—and

vermin themselves. Weasel-faced and rat-tailed, given to screeching and swiping, the mid-century cat was a rogue scavenger and a fit target for the cruelty of children, thanks to its own well-known predisposition to cruelty.

At the same time, however, a new cat was beginning to emerge. This was a round-faced, wide-eyed, sleek-bodied creature that was pampered, primped, and lavished with affection—like Oliver, a plump, stately, black domestic cat who was a member of a suburban household in the late nineteenth century and who, preserved in taxidermied condition with a yellow ribbon tied in a bow around his neck, is now in the collection of the Museum of London. Consider, too, the proliferating creatures drawn by Louis Wain, an artist born in Clerkenwell in 1860, whose anthropomorphized felines, engaged in activities such as playing cricket or singing in choirs, came to populate the pages of the *Illustrated London News* no less densely than their feral cousins prowled the warehouses along the Thames.

Wain is the figure at the center of “[Catland](#)” (Johns Hopkins), an entertaining and often surprising cultural history by the literary critic Kathryn Hughes. “Catland” chronicles a seventy-year period, stretching from the latter half of the nineteenth century into the early decades of the twentieth, during which, Hughes writes, “cats transformed from anonymous background furniture into individual actors, with names, personalities and even biographies of their own.” In alternating chapters, Hughes narrates the life of Wain—whose drawings at the height of his popularity were as familiar as those of [Beatrix Potter](#), and who spent his later years in a mental asylum, afflicted with symptoms of what may have been schizophrenia—and provides a zesty account of the many ways in which the cat came in from the alley and took up its place at the hearth. Hughes makes the case that the new world of cats which Wain both chronicled and helped to create is a signal instance of modernism in all its confusion and uncertainty. She writes, “When it came to ‘making it new’—that battle cry of early twentieth-century intellectuals—nothing conveyed the principle better than the transformation of the domestic cat from smudgy outlier to cultural obsession.”

Hughes is the author of several books on Victorian luminaries, including Isabella Beeton, whose outlandishly successful “[Mrs. Beeton’s Book of Household Management](#)” was first published in 1861, and the novelist

[George Eliot](#), whose “[Middlemarch](#)” appeared a decade later. She is entirely at home in the era, familiar with its phraseology and wise to its tropes and clichés. When considering, for example, an 1899 autobiographical sketch in which Wain described himself as a delicate child, she recognizes this as “a standard opening gambit for nineteenth-century memoirists, to the point where you could be forgiven for thinking that no eminent Victorian ever came into the world rosy and bouncing, ready to take life on the chin.” Her purview in this volume, though, is not limited to the nineteenth century. The feline references range from the Renaissance, when Montaigne puzzled over his cat’s consciousness—“When I play with my cat who knows if I am not a pastime to her more than she is to me”—to recent decades, with [Jacques Derrida](#) analyzing his sense of indecency at being stringently surveyed by his cat while naked. (He concludes that being regarded by an animal is unsettling because the experience reverses the familiar order of things, in which humans look at animals in order to assert mastery over them and explain them.) Derrida’s cat is pictured in “Catland,” sitting upon the philosopher’s mercifully clothed lap.

Hughes acknowledges that the primary-source biographical material on Wain is thin, but she sorts through the archives with the rigor of a scholar and the deftness of a critic to offer a cat-centric portrait of the age. She finds cats at Leadenhall Market so tall as to be able to see over the countertops, and uncovers the outrage caused by an elderly lady’s bequest of eight hundred pounds a year to her bereaved pets—the equivalent of roughly sixty-two thousand dollars in today’s money. Hughes’s digressive structure allows her to explore the phenomenon of competitive cat shows, as they emerged in the latter nineteenth century, with hierarchies of breed and classification mirroring the country’s social stratification. (It was said that, when a prize category for the cats of working men was introduced at the Crystal Palace, a frequent dodge among genteel cat fanciers “was entering your cat using your housemaid’s name.”) Her analytic insight is typically delivered in an inviting spirit of delight, and she is not above engaging in a little anthropomorphizing. Describing how cat breeders, members of a new profession, sought to secure the paternal purity of a litter—female cats can be impregnated by more than one tom during each fertility cycle—she tells us that such efforts might easily be undermined by a female cat’s urge to “slope off into the potting shed to mate with a passing stray, like a rebellious deb eloping with the gardener.”

Catland, Hughes makes clear, is not so much a geographical location as a common consciousness in which the feline came into focus. Still, the book also offers a new perspective on Victorian and Edwardian London, the evolving urban world into which Louis Wain was born, in 1860. “The city was now so swollen that, if you looked at a map of the country, it was possible to imagine that the nation itself had become haunch-heavy, groaning to sit down,” Hughes writes vividly. Adding to the aural landscape of horse-hoof clatter and cartwheel rumble was the sonic disturbance of hundreds of thousands of cats, which, in an era before sterilization technology or the development of trap-neuter-release programs, caterwaule from rooftops before, during, and after copulation, as toms competed for females in heat. Wain’s London was a precarious place for humans as well. Economic security was hard to come by, and a lower-middle-class family such as Wain’s might easily tumble into hardship and move to a rougher neighborhood—one of the markers of which, according to Charles Booth, the great surveyor and mapper of late-Victorian London’s poverty, was the prevalence of stray cats in the streets.

Wain was the firstborn child of William and Julie Wain, a textiles salesman and a professional embroiderer, respectively, and, though his autobiographical account of childhood frailty may have been standard, it was also verifiable. Wain was born with a cleft lip, which, quite apart from any feeding difficulties he would have experienced as an infant, made him a target for the kinds of schoolyard bullies who might otherwise have taken out their aggression on stray cats. (Hughes does not make note of what the book’s reproductions of Wain’s imagery remind us: that the cat, too, has a divided upper lip.) Wain’s self-consciousness about his appearance was just one aspect of what was, from the outset, a troubled mind. He wrote that, as a child, “I was haunted, in the streets and at home, by day and night, by a vast globe, which seemed to have endless surface, and I seemed to see myself climbing over and over it until, from sheer fright I came to myself and the vision went.” Medical commentators have speculated that Wain was on the autism spectrum, though Hughes warns against reducing his sometimes eccentric sensibility—the driving force behind a long career of creative experimentation—to a symptom.

The Wains went on to have five daughters, and after the death of William Wain, in 1880, there was an expectation that Louis would support them.

Having attained a trade-school education in art, he became an illustrator for hire, jobbing for weekly and monthly periodicals, where he developed the hack artist's capacity for variety and speed. (At one point, he was able to draw one of his signature cats in forty-five seconds.) Wain dismayed his family when, at the age of twenty-three, he proposed to Emily Richardson, a woman seventeen years his senior, who was serving as the governess to his younger sisters. Wain's early biographer, Rodney Dale, who published an account of the artist's life in the late nineteen-sixties, suggested that this disapproval was rooted in the couple's difference in social class—as if the son of a textile salesman marrying a governess were on the same spectrum of scandal as a deb running off with the gardener—but Hughes rejects Dale's framing, and suspects that what mostly spurred the objection of the forever-spinster sisters was the prospect that Louis's earnings would be spread even more thinly.

The marriage of Louis and Emily has been portrayed as a romantic meeting of unconventional minds, tragically cut short when Emily died, of breast cancer, three years after their wedding. That's how it plays in the 2021 film "The Electrical Life of Louis Wain," which starred [Benedict Cumberbatch](#) as an awkward and inspired Louis and Claire Foy as a luminous Emily. Wain's new wife, and a cat they took in and named Peter, certainly helped to set his cat-centric course. But Hughes, as ever, is skeptical of too neat a narrative, closely reading Wain's drawings for clues to his views about matrimony; the many Valentine's Day cards he drew, she suggests, are so downbeat that "you wonder whether they are intended as weapons for unhappy lovers to use in an ongoing war of attrition." The book reproduces one of Wain's most popular images, "A Happy Pair," which shows a cat couple on their wedding day; Hughes carefully notes that the groom's dilated pupils are an indicator of feline stress, and the tension of his body is that of a creature caught in a fight-or-flight crisis, making it hard to read the illustration's title as anything other than darkly ironic.

Hughes is adept in exploring the many, and sometimes contradictory, ways in which cats represented sexual deviation from a cultural norm. "Pussy bachelor" was a term for a certain kind of queer man, who, like a cat, was simultaneously fastidious and given to uncharted nighttime roving—a man such as [Edward Lear](#), the poet, whose domestic happiness depended upon the presence of both his longtime manservant, Giorgio Kokali, and his cat

Foss. Hughes reads Lear's best-known work, "The Owl and the Pussy-Cat," as a parable about queer love and improvised nuptials between creatures whose gender, she points out, is never specified. If men with cats were coded as feminine, women with cats were coded as promiscuous and voracious. By the last decades of the nineteenth century, the term "pussy" had emerged as a synonym for the female genitals. Hughes writes of music-hall acts in which female performers would gradually raise their skirts to reveal a kitten secreted in a front pocket of their bloomers, the creatures' little triangular heads standing in for the female pubis.

The cultural moment in which Wain seized cats as his métier, then, was marked by the destabilization of sexual norms—visible, if not to all, then at least to those who, like cats, could see in the dark—along with social, scientific, and psychological upheaval and innovation. It was "a jumpy time," Hughes says. "The air positively thrummed with disruptive jolts or sparks that you could neither see nor smell but still sensed were everywhere." Wain's cats, with their wide-drawn eyes and bristling fur, expressed the tumult of the period through their bodies. Inspired in part by a 1912 exhibition of Italian futurists, Wain later expanded into ceramics, creating a range of porcelain "Futurist Mascot Cats." The manufacture of his figurines was one of the lesser casualties of the First World War, but for Hughes they mark a high point of his creative genius. She writes, "Like [Picasso](#) with his cubes that were actually flat, or [Matisse](#) with his forays into figures that curled off the page, Louis Wain had entered into an exploratory dialogue between painting and three-dimensional form." A century on—with Hello Kitty a globally familiar phenomenon—Wain's figurines have become highly collectible specimens of the future they foretold.

And what of Wain's drawings—which delighted readers of the *Illustrated London News* and were sufficiently popular to warrant the annual publication of a Christmastime volume? [H. G. Wells](#), a champion of Wain's, declared that "English cats that do not look and live like Louis Wain cats are ashamed of themselves." In subsequent generations, Wain's drawings have come in and out of vogue. His late work, in which his cats almost cease to be representational and dissolve instead into pattern and color, was especially popular in the nineteen-sixties and seventies, when he was seen as a precursor to the zany borderlands of psychedelia.

In his last decades, Wain's own mental illness effloresced. He spent his final years in an asylum that seems to have offered him the best of what that word suggests: a safe place in which he was free from the cares and duties of the commercial marketplace. It has become conventional to view Wain's wilder, stranger cats and landscapes as the product of an increasingly disordered mind; notoriously, psychiatrists interested in the art of the mentally ill used a collection of eight of his late cat pictures to demonstrate the progression of schizophrenia. But, Hughes points out, there is no evidence to confirm that the order in which the psychiatrists placed the pictures was the order in which Wain made them. Another way of looking at these works, she argues, is as the late-in-life experimentation of an artist who was always in the avant-garde, even if his milieu was the popular world of newsprint and deadlines rather than the garrets and galleries of the fine artist.

Wain's late cats, with their curlicued ears and bedazzled whiskers, remain astonishing and often disturbing. For all their hippie-era popularity, they are scarcely in tune with today's therapeutic resurgence of psychedelics: with their startled fur and zonked-out eyes, they look more likely to trigger trauma than to remedy it. And though one might imagine that Wain's earlier œuvre of anthropomorphized felines would be ideally suited to our contemporary age—given that the Internet has become a repository of cat images and videos in quantities surely outstripped only by its supply of pornography—those cats seem as alien today as would the sound of a cats'-meat barrow trundling down the street. Unlike the woodland and domestic creatures of his enduring contemporary Beatrix Potter, which are forever straddling the boundary between human civilization, with its tea parties and buttoned waistcoats, and animal nature, with its savage cruelties and appetites, the cats Wain drew for popular consumption were often rendered as humanoid animals, with the bodies of hominids and only the heads of felids. They are cats doing people things, rather than cats doing cat things.

A scroll through Instagram Reels or TikTok, though, reveals that what we tend to see when we look at cats today is their strangeness, even as they share the spaces in which we live: their celebrated aloofness, their capacity for unwavering focus, their inscrutability, and, above all, their absolute humorlessness. (Wain's cats were often laughing, even if the laughter was strained.) The fascination of looking at cats on social media lies in the distance between their experience and ours—a distance that researchers are

reportedly trying to bridge by way of A.I., trawling YouTube and other sites to explore how differences in ear position, say, might help us resolve Montaigne’s question and tell us what on earth our cats are thinking, especially about us. Wain’s cats were human impersonators in a world undergoing rapid and disconcerting transformation; he was, as Hughes notes, “puzzling out how to get this shaky new world down on paper.” The cats of social media, on the other hand, are doing their own thing. If Louis Wain’s cats were caterwauling heralds of modernism, the unblinking cats of the Internet offer a glimpse into nonhuman experience. They give us a way of preparing ourselves for—or possibly numbing ourselves against—the arrival of what we blurrily recognize to be a post-human world. ♦

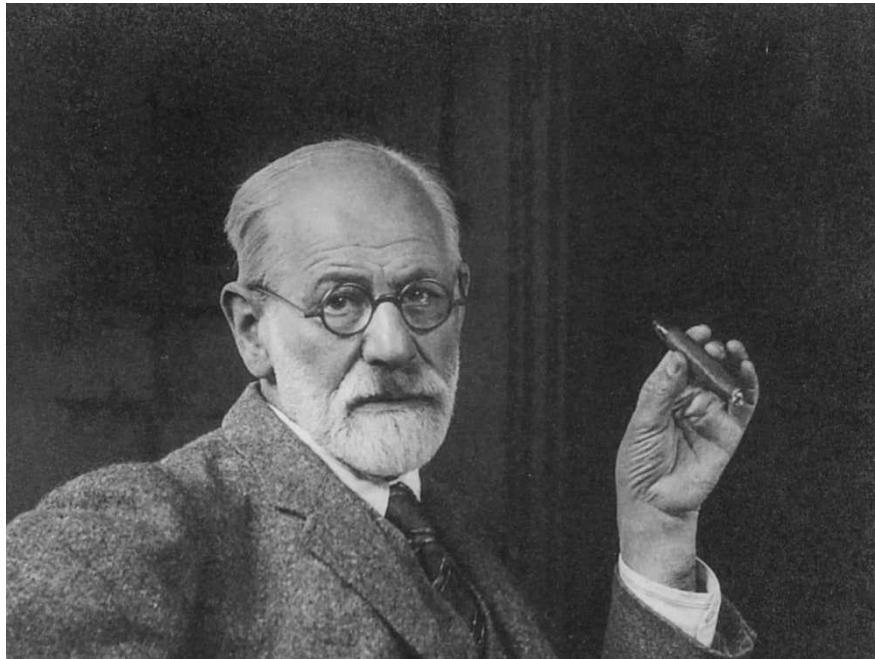
Books

What Does Freud Still Have to Teach Us?

Come for the Oedipus complex. Stay for the later troubled musings on the fate of humanity.

By Merve Emre

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There are more than thirty full-length biographies of [Sigmund Freud](#) in circulation today. Why keep writing them? Generally, there are two justifications for a new biography: an obscure archive may come to light, changing what is known about the subject, or it can become clear that earlier biographers have misunderstood—or even abused—existing sources. In the absence of a discovery or a scandal, what hangs in the balance for the second or third or thirtieth biographer must be a significant reinterpretation of the subject's ideas—where they came from, what they mean, and how they have been transmitted to us from increasingly alien times and places.

With Freud, the possibilities for interpreting his life are limitless, as he well knew. In an 1885 letter to his wife, Martha, written when he was twenty-eight, he boasted that he had burned all his letters, notes, and manuscripts, “which one group of people, as yet unborn and fated to misfortune, will feel acutely. Since you can’t guess whom I mean I will tell you: they are my biographers.” He added, “Let each one of them believe he is right in his ‘Conception of the Development of the Hero’: even now I enjoy the thought of how they will all go astray.” Freud’s wish for the birth of his “unborn” biographers was also a curse laid upon them. Under his ferocious hubris ran an equally ferocious insecurity. He had yet to publish anything of significance, and the ideas that made him famous—repression, infantile sexuality, the libido, and the death drive—were still far in the future.

Nearly all Freud’s biographers have brandished this letter as proof of their daring in accepting his challenge. Like children, some have done so respectfully, others with contempt. His official biographer, the Welsh psychoanalyst Ernest Jones, met Freud in 1908, at the inaugural International Psychoanalytic Congress, in Salzburg, and never strayed far from his side. In the mid-fifties, Jones published a three-volume behemoth, “[The Life and Work of Sigmund Freud](#),” which proceeded with the tender, painstaking, and sometimes misleading attention of an eldest child cataloguing his deceased father’s belongings. The historian Peter Gay’s “[Freud: A Life for Our Time](#),” which appeared thirty years later, reads like the work of a clear-eyed younger son. Anchoring Freud’s origins in the unstable project of nineteenth-century Austrian liberalism and the vexed insider-outsider status of the Jewish bourgeoisie, Gay systematically linked each of Freud’s major writings to its historical epoch. Despite their differences, Jones, the disciple, and Gay, the scholar, were both completists. No one has improved on their essential and extraordinarily vivid books. Efforts to do so—for instance, Élisabeth Roudinesco’s “[Freud: In His Time and Ours](#)” (2014)—read like the imitative, if perfectly serviceable, remembrances of latecomers to a funeral.

After those two monumental works, the next wave of Freud biographies seemed to respond to a strong reciprocal impulse; after all, he had written the most influential biography of us—of man, a creature of pleasure who had been civilized into unhappiness, and of mankind, its members instinctively bound by Eros and aggression. Reciprocity, however, can take

the form of gratitude or vengeance. [Frederick Crews's "Freud: The Making of an Illusion"](#) (2017) is a work of propaganda so savage that one cannot help but imagine its author as a disowned son. His Freud is lazy, insecure, abusive, and deluded, and the practitioners who have followed him are saps and chumps. In contrast, the British psychoanalyst Adam Phillips's devoted and meandering "[Becoming Freud: The Making of a Psychoanalyst](#)" (2016) offers no new details about its subject's life but meditates at length on the sibling rivalry between biography and psychoanalysis. He takes Freud's allergy to biography so deeply to heart that he more or less talks himself out of writing one. Crews and Phillips occupy opposite ends of the love-hate spectrum of biography, but the result is the same. The biographer's psychodrama prevails over the subject's life.

Periodically, though, the call to biography is occasioned by an urge to construct a Freud "for our time," a time that resembles Freud's own in its apprehension and instability. This was an urge whose repetition was foreseen by [W. H. Auden](#), in his 1940 poem "In Memory of Sigmund Freud":

When there are so many we shall have to mourn,
when grief has been made so public, and exposed
to the critique of a whole epoch
the frailty of our conscience and anguish, of whom shall we speak?

"This doctor" was the poem's answer—"an important Jew who died in exile," and who spoke to all the "exiles who long for the future that lives in our power." As Matt Ffytche observes at the beginning of his biography, "[Sigmund Freud](#)" (2022), "there has been a Freud for 1920s Bengal and 1930s Tokyo; a Freud for the early days of the Bolshevik revolution and for modernist poets; a Freud for apartheid South Africa." The past few years have given us a Freud for the pandemic, a Freud for Ukraine and a Freud for Palestine, a Freud for transfemininity, a Freud for the far right, and a Freud for the vipers' nest that is the twenty-first-century American university.

The latest biography, "[Mortal Secrets: Freud, Vienna, and the Making of the Modern Mind](#)" (St. Martin's), is by Frank Tallis, a British clinical psychologist and a crime novelist. (His popular series, "[The Liebermann Papers](#)," is set in an opulent fin-de-siècle Vienna, and features Dr. Max Liebermann, billed as "literature's first psychoanalytic detective.") Tallis is

not the first to give us a Freud for Vienna—the intellectual historian Carl Schorske’s “[Fin-de-Siècle Vienna: Politics and Culture](#),” from 1980, remains the standard-bearer—but what Tallis lacks in novelty or political verve he makes up for in sheer entertainment, drawing inspiration from the briskly plotted intrigue of his crime fiction. Quotation is jettisoned in favor of dramatic paraphrase. Chapters are anchored by colorful Viennese personalities, including patients from Freud’s case studies—Anna O., Dora, Rat Man, Wolfman—and the melancholy aristocrats and philandering artists of his milieu. Reading “Mortal Secrets” is like waltzing around a crowded ballroom, past quivering gold leaf and sternly curved flowers, while your partner murmurs in your ear very elegant, very precise summaries of primal parricide and the topographical model of the mind.

The experience is not just entertaining. It is refreshingly honest. Tallis, to echo Freud, has no “hobby-horse, no consuming passion.” His biography intends to synthesize and clarify, and to dispel any baseless speculation about his subject. He uses his lifetime of professional expertise to adjudicate freely and fairly between the “Freud bashers” and the fanatics who “have treated his works like scripture.” Their battles, he points out, have made it difficult to assess the importance of a thinker who, though routinely debunked, indelibly shaped our ideas about the self. “He is obviously important,” Tallis writes. “But how important?”

Every biographer of Freud must contend with the gruff, withholding story that he told about his own life in “An Autobiographical Study,” which he published in 1925, at the height of his success. From the start, Freud adopts a tone of pure facticity. “I was born on May 6th, 1856, in Freiberg in Moravia, a small town in what is now Czecho-Slovakia,” he writes. “My parents were Jews and I have remained a Jew myself.” He describes his family’s move from Freiberg to Vienna, when he was three, without detail or emotion. His references to his early influences—the Bible, Darwin, Goethe—are glancing. The formative mentorships of Ernest Brücke and Jean-Martin Charcot, and his professional relationship with Josef Breuer, with whom Freud co-authored the 1895 book “[Studies on Hysteria](#),” are swept aside after a few paragraphs. Martha makes a single, strange appearance, in a digression about how she persuaded Freud to stop experimenting with cocaine. “It is the fault of my fiancée that I was not already famous,” he complains. Their six children and eight grandchildren are largely absent. The

faithful disciples are subordinated to the founding institutions of psychoanalysis; the unfaithful Carl Jung is dismissed in an icy parenthetical.

Militantly impersonal in his style, Freud narrates his life through a series of lucid and economic summaries of the ideas that defined his career: first, repression; then infantile sexuality; and, finally, the grand battle between Eros and the death instinct, within individuals and across civilization. It was the first of these ideas, he writes, that gave rise to all the others: "It is possible to take repression as a centre and to bring all the elements of psychoanalytic theory into relation with it." The subject opened one of his earliest papers, "Screen Memories," from 1899, which recounted a conversation that Freud had had with a patient, a thirty-eight-year-old man whose family had moved when he was three from the small town where he was born to a big city. They had suffered "long years of hardship," the man confided. "I don't think there was anything about them worth remembering." He had thrown himself into his studies, achieving considerable intellectual and financial success. Only once, when he was seventeen, did he return to his home town, for the summer; on the trip, he fell in love with a daughter of a family that he was staying with, a girl who wore a striking yellow dress. His most perplexing childhood memory, he told Freud, was of picking bright-yellow flowers in a meadow with his two cousins, a girl his age and a boy slightly older, while a farmer's wife and a nursemaid watched them. "The little girl has the nicest bunch, but we two boys, as if by prior agreement, fall upon her and snatch her flowers from her. She runs up the meadow in tears, and the farmer's wife consoles her by giving her a big slice of black bread."

Yet this patient did not really exist. He was, Tallis writes, "Freud's invented doppelganger," an immigrant who had left his home only to learn how solitary, how grim the reality of growing up was in comparison with childhood. He wondered, What if he had never left his home town? What if he had married the girl he had fallen in love with that summer? Freud knew that all people ask questions like these, and that, upon asking them, life suddenly appears in split screen, with one side drenched in color and the other black-and-white, with long interludes in which nothing much seems to happen. Human beings, Freud wrote, "find reality unsatisfying quite generally, and for that reason entertain a life of phantasy in which we like to make up for the insufficiencies of reality."

These unrealizable fantasies, which were too melancholy to confront, had to be “repressed,” or pushed out of consciousness. Yet “the repressed wishful impulse continues to exist in the unconscious,” he explained. At opportune moments, the impulse sent “into consciousness a disguised and unrecognizable substitute for what had been repressed.” The screen memory, a substitute, emerged “almost like a work of fiction.” It was constructed out of superimposed fantasies of sex and satiation—in this case, the deflowering, as it were, of the little girl, whose flowers were the same vivid yellow as the dress of Freud’s first love, and also the bread, a source of material comfort. The screen memory, associated with the wish to return home and find love waiting there, represented a “compromise” between knowledge and illusion. It was a bearable sign of an unbearable disappointment.



“Screen Memories” belongs to the earliest period of Freud’s writings, along with “The Interpretation of Dreams” (1900), “The Psychopathology of Everyday Life” (1901), and “Jokes and Their Relation to the Unconscious” (1905). All of them concern a repressed wish’s substitutive forms—memories, dreams, slips of the tongue, and jokes, which Freud wrote about with great charm. An enthusiastic popularizer of his ideas, he imagined his audience as anyone who had not managed to turn “his wishful phantasies into reality”—not titans of industry or artists but ordinary people who

longed for more than what they had. The act of attending to their substitutions—of fantasizing—provided a daily experience of creativity, surprise, humor, and interpretive activity. One needed to have only the “courage and determination,” Freud urged, to heed the minor poetry of the unconscious.

“The idea of repression makes Freud’s interest in sex logical,” Tallis writes. The realization, in “Screen Memories,” that the figure of the demanding, sexually aggressive child persisted in the psyche of the self-possessed adult put Freud on the scent of his next major discovery, infantile sexuality. His 1905 book, “[Three Essays on the Theory of Sexuality](#),” described how the child passed through a predictable series of relations—with his mother, his father, and his own body—that guided his libido. Sometimes, however, the pathway of the libido was disturbed—by an ailing parent, a harassing sibling—thereby releasing a desire that had to be repressed. The substitute was not a gratifying aesthetic experience, like a screen memory or a joke, but a disruptive symptom, “expressed in disturbances of other, non-sexual, somatic functions.” In Freud’s patients, symptoms ranged from an aversion to food and drink to migraines, a persistent cough, momentary aphasia, and obsessive-compulsive behaviors.

Infantile sexuality lent the child’s life a generic shape and a sense of fatedness. In “The Interpretation of Dreams,” Freud had noted the prevalence in his neurotic patients of the “Oedipus dream”—having sex with one’s mother—which he understood as an intense and agitated expression of natural filial love. “The persons who are concerned with a child’s feeding, care, and protection become his earliest sexual objects: that is to say, in the first instance his mother,” Freud wrote. The father, a rival for the mother’s attention, presented an obstacle. Indulging his libidinal attachment to his mother, a boy behaved in discomfiting ways—watching his mother undress, sleeping in her bed, proposing marriage, and wishing his father were dead. “One may easily see that the little man would like to have the mother all to himself,” Freud wrote. This behavior may have seemed mild in comparison with incest and patricide, but Freud held that it was “essentially the same”—a difference of degree rather than of kind.

Crucial to Oedipus’ story is that he did not realize that Queen Jocasta was his mother. His was a tragedy of misrecognition, and his eventual self-

blinding literalized his blindness to the nature of his desire. A similar blindness afflicted Freud's patients, he observed, and nowhere more powerfully than in their relationships with "persons who can revive in them the picture of the mother and the father"—lovers, teachers, bosses, priests, and, of course, psychoanalysts. The patient would act out the same patterns that had structured his encounters with his parents, often without understanding what he was doing or why. This displacement of emotion, which Freud called "transference," manifested as a "stormy demand for love or in a more moderate form." Some people "understand how to sublimate the transference, how to modify it until it attains a kind of fitness for existence," he wrote. Others, failing to identify the source of their longings, would never solve the riddle of their need and their hostility.

The Oedipus complex, with its touch of mythological grandeur, has obscured more radical claims about infantile sexuality—and, by extension, sexuality in general—that Freud made in his mid-period writings, especially his 1909 lectures at Clark University. Against the fantasy of the innocent, angelic child, Freud insisted on a baby as a rapacious pleasure-seeker, a thumb-sucking, ear-pulling, cheerfully masturbating creature lacking "shame, loathing, and morality." (Tallis summarizes Freud, wonderfully: "A baby is a promiscuous voluptuary with irregular tastes.") The baby was all instinctual need, attending to his own body with profound concentration, deigning to allow his mother to tickle and stroke and nurse him while he mewled with contentment. He would enter a latency period before the onset of puberty, when the behaviors he exhibited as a child would be checked by adults. But his narcissism and his Oedipal grief would remain forever submerged in his unconscious.

Freud's theory of infantile sexuality allowed him to pursue a startling critique of "'civilized' sexual morality," as he called it, in his 1908 essay of the same name. It was a critique that he prosecuted subtly, at first, with an ironic and counterintuitive definition of the sexual as anything "improper." Impropriety encompassed any sexual activity that had "given up the aim of reproduction" to pursue "the attainment of pleasure"—a child sucking his mother's breast for comfort, oral sex between married people, anal sex between men. Civilization, Freud argued, did not teach people to repress specific sexual activities per se. It taught them to repress the inutile pleasure of sex—and to understand as sexual, or "improper," any experience of

pleasure that exceeded the act of reproduction. “All these crazy, eccentric and horrible things really constitute the sexual activity of people,” Freud observed. Laying the irony on thick, he suggested that all his readers were in thrall to the uselessness of pleasure; that they had been educated into heterosexual object choice, marriage, and having children; and that this education entailed a lifetime of repressing one’s unruly libidinal instincts. People “do not show their sexuality freely,” Freud wrote. “To conceal it they wear a heavy overcoat woven of a tissue of lies, as though the weather were bad in the world of sexuality.”

Among Freud’s biographers, there is much prurient speculation about his own sexuality. How erotic was his early relationship with the otolaryngologist Wilhelm Fliess, who propounded an intimate connection between the nose and the genitals? Did Freud have an affair with his sister-in-law Minna, who was prettier and more attentive to his research than Martha? On such points, Tallis is levelheaded where others have been foolishly excitable, like naughty boys peeking through keyholes. “The truth of the matter is that we can never know what really happened,” he writes. Instead, he stresses what Freud repeatedly stressed: that psychoanalysis, in its encounters with so-called perversions, “has no concern whatever with such judgments of value.” Freud made this point with increasing vehemence in his later work: “The demand for a uniform sexual life for all . . . disregards all the disparities, innate and acquired, in the sexual constitution of human beings, thereby depriving fairly large numbers of sexual enjoyment and becoming a source of grave injustice.” Psychoanalysis erased the difference between “perverts” of all stripes—gays, lesbians, sadists, masochists, fetishists, exhibitionists—and faithfully married heterosexuals. For all of them, Freud held, the aim was the same: “Transforming your hysterical misery into common unhappiness.”

The scandal of infantile sexuality and the Oedipal plot have distracted many of Freud’s biographers from the final phase of his career, when he broadened his fierce and unsettling gaze from the history of the individual to the history of humankind. His postwar writings—“Mourning and Melancholia” (1917), “Reflections on War and Death” (1918), “Beyond the Pleasure Principle” (1920), “Civilization and Its Discontents” (1930), and “Moses and Monotheism” (1939)—attempted to comprehend a world besieged by war and illness. Man was ensnared in a “battle of the giants”: Eros versus

Thanatos, the libido against what Freud named the death drive. The libido drew people together. The death drive tore them apart, repeatedly, across every epoch, and with a bleak determinacy that led Freud to conclude that “the aim of all life is death.”

A strong pessimism had marked Freud’s work from the beginning, but it had been tempered by his quiet appreciation of the poetry of the unconscious. Yet the consolations of fantasy could not withstand the First World War, which sent his sons to the front and bankrupted his practice, leaving his family in Vienna starving. In 1915, he drafted a short and hopelessly poignant essay, “Transience,” on why people mourn. “Mourning over the loss of something that we have loved or admired seems so natural to the layman that he takes it quite for granted,” he wrote. “But for the psychologist, mourning is a great mystery.” The libido bound itself to objects—a lover, a homeland, a profession—that it absorbed into the ego, incorporating them into one’s sense of self. The loss of these objects freed the libido to seek substitutes. Yet it also provoked a wrenching displeasure, which, Freud marvelled, “we have at present no hypothesis to explain.” Mourning, he observed, compelled people to create more ferocious attachments to whatever objects were still present to them. His primary example was the war, which “made our fatherland small again, and made the rest of the world remote.” In the face of war’s losses “the love of the fatherland, the affection for our neighbors and pride in what we have in common have been suddenly reinforced.”

The preoccupation with death in his writings of the twenties and thirties was hardly surprising. The streets of Vienna teemed with veterans suffering “war neuroses” and civilians suffering “the traumatic neuroses of peace,” he observed in “Beyond the Pleasure Principle.” While he was writing that book, his daughter Sophie, his best-beloved child, died of the Spanish flu, at the age of twenty-six. A terrible pathos hangs over “Beyond the Pleasure Principle,” which is concerned with absences that can and cannot be mastered. At its center is a diptych of loss. On one side of it, Freud tells the story of Sophie’s older son, Ernst, who delighted in playing a repetitive and apparently pointless game. He would take a wooden spool attached to a piece of string and throw it into his crib, out of sight. Then he would pull it back, cooing “O-o-o-o,” and shout “Da!” when it reappeared. Freud speculates that the game, “*fort-da*” (“gone-there”), is evidence of the child

learning to renounce his instinctual need for his mother. He “compensated himself” by “staging the disappearance and return of the objects within his reach,” learning to win pleasure from his mastery of loss. On the other side of the diptych are situations in which people repeated painful relations passively and unconsciously, such as “the man whose friendships all end in betrayal by his friends” or “the lover each of whose love affairs with a woman passes through the same phases.” They presented no thrill of novelty, no compensating pleasures. Instead, they modelled the “compulsion to repeat,” leading Freud to conjecture that the death drive is “a need to restore an earlier state of things”—an annihilatory instinct that exceeded sex drives and ego drives.

As the psychoanalyst Ilse Gubrich-Simitis discovered, Freud inserted the death drive into “Beyond the Pleasure Principle” after Sophie’s death; the concept is the impersonal marker of a profoundly personal loss. More losses followed. In 1923, Sophie’s younger son, Heinz, died of tuberculosis; the same year, doctors found cancer in Freud’s mouth. No wonder, then, that his next book, “Civilization and Its Discontents,” stands as his most anxious and disordered work. It can be difficult to determine its central theme, so frantically does Freud shift his topic and tone. He begins by expressing his skepticism about religion, but he also avows interest in a sense of “oneness with the universe”—an “oceanic feeling” corresponding to a “more intimate bond between the ego and the world around it.” Some individuals pursue this bond through prayer. Others seek it in love, which Freud seems to have hardened his heart against. “We never have so little protection against suffering as when we are in love,” he warns. The greatest testament to the human sense of “oneness” is civilization itself, man’s “mastery over space and time” in the form of shared aesthetic and political projects—beauty, order, religion, nationhood.

Yet civilization had not “increased the amount of pleasure” that men could “expect from life.” The telephone that allowed one to hear the voice of a child thousands of miles away would not be needed had the railways not allowed the child to move far away. The ideas that united people in shared projects would not be necessary if civilization had not sacrificed both desire and aggression on the false altar of human perfectibility. Civilization contained within its structures the urge to destroy them. Whoever recalls “the people known as the Mongols under Genghiz Kahn and Tamerlane, the

conquest of Jerusalem by the pious Crusaders, or indeed the horrors of the Great War, will be obliged to acknowledge this as a fact,” Freud wrote. Existence was the struggle between “the life drive and the drive for destruction.” It was impossible to know which would win.

In a letter to Albert Einstein, written in 1932, the year before the Nazis came to power, Freud expressed his hope that “everything that promotes the development of civilization also works against war.” Yet he feared that he belonged to a minority. “How long must we wait before the others become pacifists as well?” he wondered. Shortly after the Anschluss, in 1938, the Gestapo detained and interrogated Freud’s youngest child, Anna, then raided the Freuds’ home. The family fled to London, where Freud died a year later, delirious, inarticulate, and in agony from the cancer that had eaten away at his jaw. The end of his story makes it difficult to disagree with his dejected assessment of civilization. “The life imposed on us is too hard to bear,” he wrote. “It brings too much pain, too many disappointments, too many insoluble problems.”

But it would be wrong to end on such unremitting pessimism. No matter his private grief, Freud always allowed the analytic pendulum to swing in the opposite direction. The smallest but brightest entry among the Freud biographies is “Writing on the Wall,” a 1944 tribute by the modernist poet H.D., who was treated by Freud in the thirties. Dedicated to “Sigmund Freud, blameless physician,” its chapters flit between H.D.’s memories of her sessions with “the Professor” and memories of her father and mother, her stillborn child, and her flight to Greece under a gathering mist of madness. The poetic spirit that animates psychoanalysis—the subterranean glow of fiction, of fantasy, of useless pleasure—finds its apotheosis in H.D.’s free-associative style. She had evidently watched Freud listening just as carefully as he had listened to her speaking. He was “like a curator in a museum, surrounded by his priceless collection of Greek, Egyptian, and Chinese treasures,” she wrote. She found him withdrawn, “quiet, a little wistful.” When he grew annoyed with her, he beat his hand on the headpiece of his famous couch. Re-creating Freud as a mixture of myth and reality, H.D. offered the reader a singularly intimate account of the method of a man who claimed intimacy with everyone but seemed to offer it to no one.

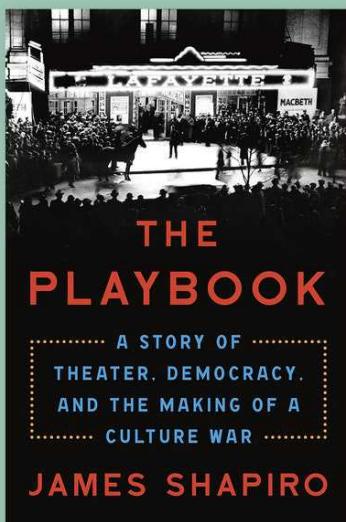
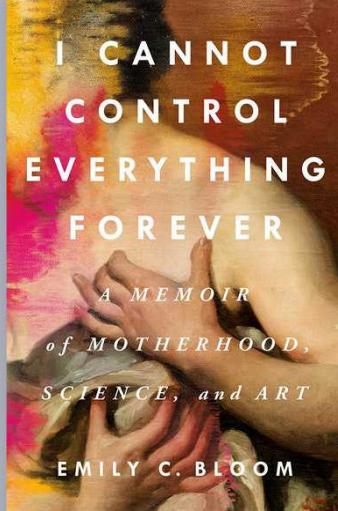
“Writing on the Wall” was published several decades after it was written, in a volume called “[A Tribute to Freud](#),” along with excerpts from H.D.’s diaries and the letters that Freud wrote to her during and after her analysis. Her side of the correspondence is not included, but in May, 1936, she seems to have sent him an especially affectionate letter, for his eightieth birthday. His response was brief but tender. “I had imagined I had become insensitive to praise and blame,” he wrote. “Life at my age is not easy, but spring is beautiful and so is love.” This idea would stay with H.D., and later became a form of psychic protection when air-raid sirens screamed across the London sky: “The Professor himself proclaimed the Herculean power of Eros and we know that it was written from the beginning that Love is stronger than Death.” ♦

Books

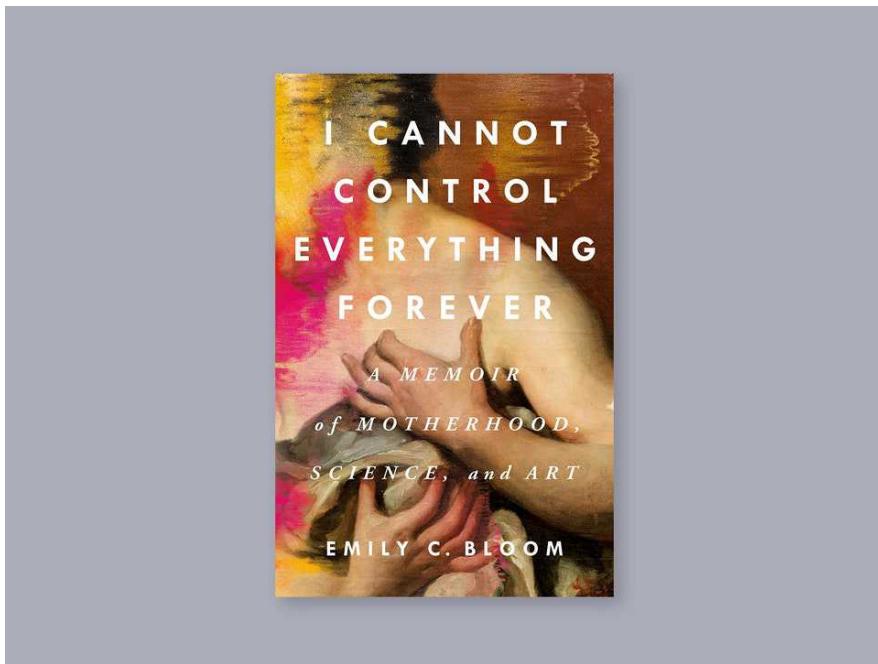
Briefly Noted

“The Playbook,” “I Cannot Control Everything Forever,” “Vagabonds,” and “The Invention of the Darling.”

June 03, 2024



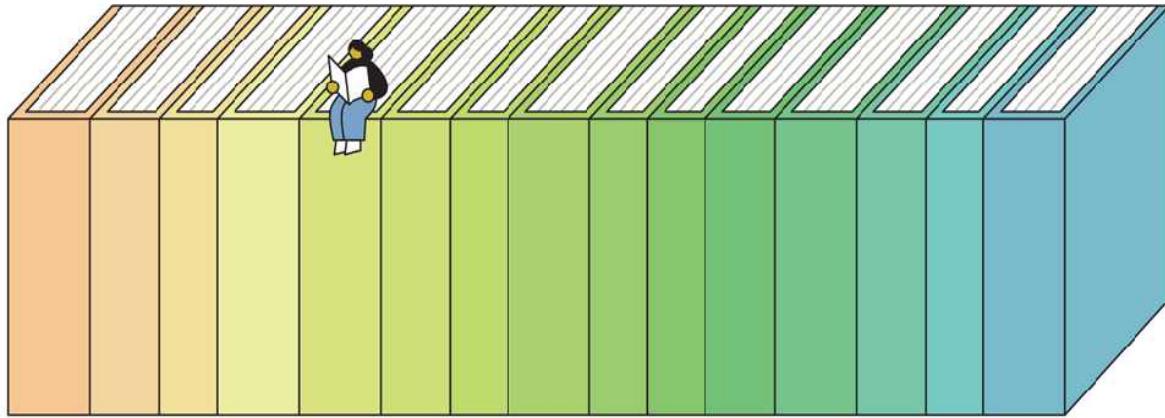
The Playbook, by James Shapiro (Penguin Press). This perceptive history, by a Shakespeare scholar, centers on the Federal Theatre, a short-lived New Deal-era relief program that staged more than a thousand plays and employed more than twelve thousand artists before it was disbanded for allegedly disseminating “Communist propaganda.” Under the stewardship of Hallie Flanagan, a Vassar professor, the theatre produced plays that combined social commentary with documentary realism; its critically acclaimed shows included a voodoo-inflected “Macbeth” set in nineteenth-century Haiti. The theatre ultimately lost its funding after it was targeted by Martin Dies, the director of the House Un-American Activities Committee, whose tactics, Shapiro wryly notes, are still employed by culture warriors seeking to defund or censor the arts.



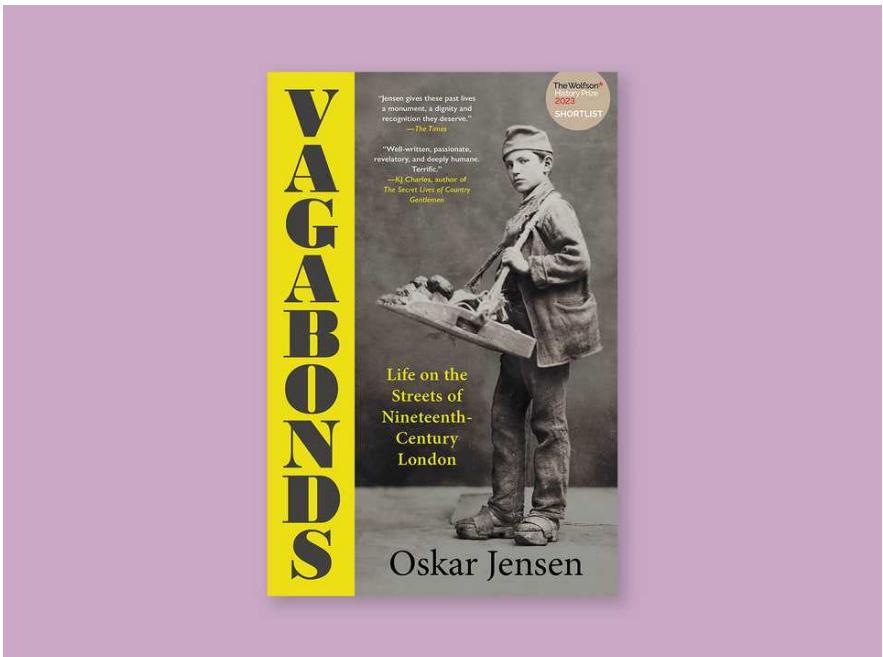
I Cannot Control Everything Forever, by Emily C. Bloom (St. Martin’s). This remarkable memoir, which takes its title from a work by Louise Bourgeois, describes the author’s fraught journey to parenthood and considers pregnancy through the lenses of science and art. Bloom, a literary scholar, interweaves the narrative of becoming the mother of a diabetic and congenitally deaf daughter with analyses of art works and brief medical histories. The sound of the voice-flattening vocoder in Laurie Anderson’s song “O Superman,” for instance, recalls cochlear-implant simulations. “I

care for her and I care for her devices," Bloom says of her child. "I am part mother, part machine."

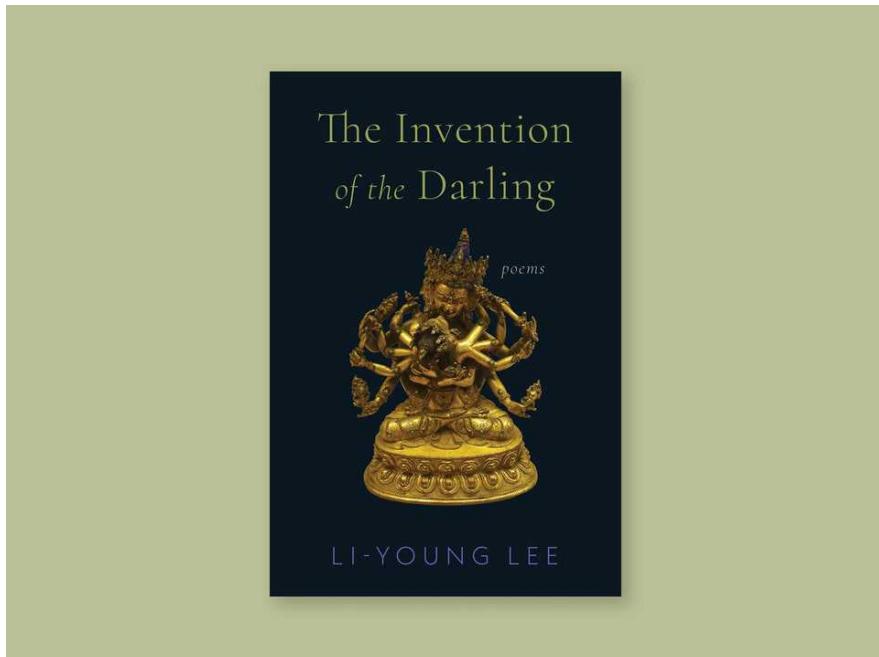
What We're Reading



Discover notable new fiction and nonfiction.



[**Vagabonds**](#), by Oskar Jensen (*The Experiment*). Impoverished nineteenth-century Londoners tend to come to us in the form of caricature or literature; this engaging history seeks to allow them to speak for themselves. Jensen delves into contemporary memoirs, trial proceedings, periodicals, and other sources to capture an “astonishingly eloquent collective.” He pays particular attention to differences not only of class but of race, country of origin, and gender (girls and young women in the streets, he notes, had to navigate “a London that is made of a thousand eyes”). As one fellow who has fallen on hard times puts it, “Hungry in a land of plenty, I began seriously for the first time in my life to enquire *WHY, WHY*—a dangerous question . . . isn’t it, for a poor man to ask?”



The Invention of the Darling, by Li-Young Lee (Norton). “True love looks out / through death’s unswerving gaze,” proclaims the poem that opens this collection, from a writer renowned for his renderings of erotic and spiritual ecstasy, and for work that braids together dream, myth, and memory in unabashed pursuit of the sublime. For Lee, devotion is both shadowed and illuminated by a consciousness of mortality. He employs an acute surrealist sensibility connected to the experience and anticipation of exile—from one’s mother country or tongue, from childhood, from a state of unity with the beloved, and, ultimately, from life. “I wasn’t born in this country, / but I’ll likely be buried here. / Nothing mysterious about that,” he writes. “Mysterious are the myriad gates / by which light comes and goes.”

The Art World

Jenny Holzer Has the Last Word, at the Guggenheim

In the exhibition “Light Line,” the best work is made of phrases on an L.E.D. spiral, which add up to a single epic poem that is a gift to art history.

By Jackson Arn

June 03, 2024



Fair warning: after you leave the Guggenheim’s summer blockbuster, “Jenny Holzer: Light Line,” words will misbehave. Basic signage may seem newly cryptic, ad slogans slacker. Pleasantries of the “What’s up with you?” variety may leave an unpleasant taste in your mouth. The verbal machinery that ordinarily moves things forward will grind and screech until you remember how to tune out the noise.

The part of the show which will pry open your senses is called “Installation for the Solomon R. Guggenheim Museum.” It is made of phrases, enough of them that it takes the words several hours to crawl up an L.E.D. spiral lining the museum’s interior. Many of the phrases (“You have a sick one on your

hands when your affection is used to punish you") are wacky. Some ("Affluent college-bound students face the real prospect of downward mobility") are true, though others ("Forget truths, dissect myth") opt for something mistier. A significant number made the same journey up the Guggenheim's ramp in 1989, for Holzer's first show at the museum, and all are taken from sequences of word art that she composed between the late seventies and the nineties. They add up to a single epic poem that is, by my count, Holzer's one and only gift to art history, so major that it makes a footnote of pretty much everything else in the show.

Does that sound harsh? Most artists, even Guggenheim-fêted ones, make zero gifts to art history, so I'd like to imagine that Holzer would be O.K. with the assessment. In interviews, she seems O.K. with most things—if she's not a placid, polite, eerily normal person, she does a fine impression of one. She grew up in Ohio, where her father sold cars and her mother once taught horseback riding. In college and in grad school, at the Rhode Island School of Design, she made abstract geometric paintings, which she herself has described, with a mix of honesty and Midwestern modesty, as less than good. The earliest works in "Light Line," which were completed between 1975 and 1976, are a set of tiny, faux-brainy scribbles, like something you might see on a blackboard in a cartoon. They're gibberish, but a funny dialect of gibberish which years of algebra headaches have conditioned us to understand instantly: this diagram is smarter than you—don't question its authority.

Word art, in which words hold sway over the reader-viewer even, or especially, when they make no sense, was the logical next step. Holzer was hardly alone in taking it. The big difference between her work from this period and that of Barbara Kruger, with which it's often grouped, is that Holzer made text first and aesthetic objects second. The Futura black, white, and red of a Kruger sign is distinctive enough to be clocked from the corner of your eye. "Truisms," a cycle of almost-aphorisms that Holzer began scattering across New York in the late seventies, has no signature color or typeface or look of any kind, with the upshot that it can thrive anywhere—walls in SoHo, T-shirts, Spectacolor signs in Times Square, a Vegas marquee, a Qatar airport. The words speak with the authority of whichever billboard they've crashed, only to squander it on advice that is either too obvious or too obscure to help us. What they reveal is not capitalism's secret

messaging so much as an absence of all messages, nothing but surfaces desperate for eyeballs.



There are no bad places to see Holzer's art, but the inner spiral of the Guggenheim is a particularly good one. True, you miss out on the jolt of discovering non-slogans lurking among real ones, but you get an endless vulturine circle of words in changing typefaces and colors. Phrases of all sorts have been tossed into the museum's blender, to brain-pulping effect. Tender, almost erotic confessions—"I touch your hair"—lulled me into something like sympathy for a phantom author, but my reward was the Nixonian bluster of "Delay is not tolerated for it jeopardizes the well-being of the majority." Someone else might find that first phrase ickily possessive, or the second one democratic. And yet uncertainty never hardens into distrust. There is always just enough that is profound or close to it—"Private property created crime"—to keep us scanning for more. Faith in language is held in precise, acrobatic balance with the suspicion that we'll believe whatever nonsense we're told.

Write enough almost-aphorisms and people will call you an aphorist. Graduation speakers who quote "To thine own self be true" might be surprised to find that the "Hamlet" character who says so is an old fool. By the same token, it's funny that "Abuse of power comes as no surprise," the

most famous thing that Holzer has written, became an unironic political slogan in the twenty-tens, brandished at protests the world over. Seen one way, it's a bold call to activism; seen another, it's a cynical shrug, half an inch from Donald Trump's "You think our country's so innocent?" Words mean what people want them to mean.

Even so, it is rather incredible that an artist who for years specialized in subtle blends of truth and untruth and anti-truth and quasi-truth is now praised for truthtelling. As curated by Lauren Hinkson, the exhibition fully endorses this smoothing out of Holzer's work, and Holzer may even endorse it herself: in the thirty-five years since her last showing in these galleries, she has stopped writing new messages and started projecting Henri Cole poems onto the sides of buildings. (One, "Necessary and Impossible," is on the Guggenheim.) In her recent work, beautiful language trumps babble, faith in communication trumps doubt, and everything trumps Trump. Some worldwide case of Stockholm syndrome might be to blame, as the mass media get shriller but artists get sick of making the same complaints about them—that, or Holzer just got sick of making the same type of art over and over. Either way, I missed the old balance.

Late Holzer belongs to a booming genre—typified by the work of Trevor Paglen, Laura Poitras, David Maisel, and others—that I think of as "Aha!" art, wherein an intrepid, politically minded artist pores over once secret government documents, collects striking bits, and displays them to an audience pleased to be reminded that governments can't be trusted but artists can. At the genre's best, the menace has an almost musical richness. More often, the artist's glee at finding something is the first and last thing you notice. "It's a little harder to say it wasn't about oil when you see this," Holzer said, in 2015, of a declassified George W. Bush-era map of Iraq labelled "SEIZE N. Oil," which she converted into an ugly, redundant oil-on-linen painting. A second version, made in 2023 for some reason, hangs in this show, along with declassified-document paintings indicating that the U.S. government indiscriminately bombed Vietnam, spied on supposed Communists, waterboarded suspected terrorists, and did assorted other things that will astonish people who had themselves cryogenically frozen circa 1950.

The Trump Presidency should have been tough for “Aha!” art—how do you expose people who sin in broad daylight? Making the obvious visible has always been Holzer’s strong suit, though. Recent pieces of hers that are worth mentioning in the same breath as her early word art were occasioned by the events of January 6, 2021, and consist of paintings of texts to and from the former White House chief of staff Mark Meadows. One of the texts reads, “We must exhaust all options.” Another ends, “I pray to you.” In the lower left corner of each, there is a squiggly logo of an eagle marked “*AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO*,” the G.P.O. being the Government Publishing Office, a federal agency that opened its doors the month before the Civil War started. The eagle squiggle says, Trust the government. The texts say, The government can’t be trusted, but only if one trusts the eagle squiggle in the first place, and on and on, a loop as tight and endless as “*Ceci n’est pas une pipe.*” As with language, it’s hard to question authority without believing in it a little. An infuriating point, in this of all years. But from the top of the Guggenheim, as we look down on an art work that refuses to soothe us when we need to be smacked awake, it should come as no surprise. ♦

The Current Cinema

The Sexy Mind Games of “Hit Man”

In Richard Linklater’s romantic crime comedy, an undercover operative transforms his love life by means of professional deceptions.

By Richard Brody

May 31, 2024



Years before Hannah Arendt coined, in the [pages of](#) this magazine, the phrase “the banality of evil,” popular films and fiction were embodying that idea in the character of the hit man. In classic crime movies such as “This Gun for Hire” (1942) and “Murder by Contract” (1958), hit men figure much as Nazis do in political movies, as symbols of abstract evil. The hired gunman in [Ernest Hemingway](#)’s 1927 short story “The Killers”—who, when asked “What’s the idea?,” answers, “There isn’t any idea”—is a primordial counterpart to the guard in Auschwitz who told the inmate [Primo Levi](#), “Here there is no why.” Instead of filling in these blanks, filmmakers have tended to welcome them. Thus, like the movie Nazi, the hit man has become so emptied of substance as to be, with rare exceptions, a ponderous cliché—a deadly bore.

A prime virtue of [Richard Linklater](#)'s new film, "Hit Man," is that it features no hit man. Rather, it's centered on a character who *portrays* a hit man—an actor, in a sense, albeit one whose masquerade has nothing to do with entertainment. Linklater, faced with a plethora of precursors and stereotypes, leans into them with a diabolically smart yarn about illusion and imagination—less the psychology of the hit man than the psychology of the myth of the hit man. His comedic approach gets deeper into the archetype, by way of mere talk about violence, than many similar movies do with the grim depiction of gore. What's more, the film is also a romantic comedy, among the cleverest and most resonant recent examples of the genre.

"Hit Man" is loosely based on a true story: a 2001 [report](#) in *Texas Monthly* by Skip Hollandsworth about a professor in Houston named Gary Johnson who, in 1989, started working with local police on a peculiar basis. In the movie, which updates the action to the present day and transplants it to New Orleans, Gary (played by Glen Powell, who also wrote the script with Linklater) is a chipper, nerdy thirtysomething professor of philosophy and psychology, a cat person and a bird-watcher who also enjoys tinkering with electronics. This skill has led the police department to enlist his help in operating surveillance equipment. During a sting operation to arrest someone who is trying to hire a hit man, two officers inform him that the policeman who was to pose as the assassin has just been suspended for misconduct, and they hastily urge Gary to take his place.

Meeting with his prospective client, Gary instantly delights in the act of deception, thanks to what he characterizes in a wry voice-over as a professional fascination with "the eternal mystery of human consciousness and behavior." He proves to be a quick study, deftly tailoring his hit manner to win the mark's confidence. Exhorting himself to "think hit-man thoughts," he impersonates a killer with devastating effectiveness. Gary's new colleagues, listening from the van, are astonished at his transformation into an aggressive criminal, capable of regaling the mark with elaborate and absurdly gruesome descriptions of how he'll dispose of the body.

The scene, which runs seven minutes, unfolds Gary's improvised persona with a breezy virtuosity energized by Powell's focussed enthusiasm. It also underlines the crucial role that the experience will quickly come to play in Gary's life. The professor takes to his part-time undercover work, and a

police sergeant says that he has a better conviction rate than his predecessor did. Gary is galvanized by the power of psychological manipulation—and by the awakening of the long-suppressed multitudes that he contains. Studying accents and makeup on YouTube, he applies temporary tattoos, stains his teeth, crafts faux scars, and dons wigs to create distinctive personalities—a black-clad Eastern European, a buttoned-down businessman, a folksy skeet shooter—that he thinks will loosen suspects' tongues.

Then one sting goes wrong, and yet all too right. Gary goes to a restaurant to meet a woman named Madison Figueroa Masters (Adria Arjona), who wants to pay him to kill her abusive husband. After consulting her social-media profiles and police records, Gary decides to slick back his floppy hair and present himself as a suave charmer named Ron. But Gary falls in love with Madison at first sight, and, in a tautly written scene of flirtation, their meeting rapidly comes to resemble a date. Knowing the fate that awaits Madison just outside the door if she agrees to go through with the deal, Gary—or, rather, Ron—dissuades her from hiring him. Though his colleagues are listening in with bewilderment, they're also wowed by the seductive character he creates. When Madison texts “Ron” for an actual date, Gary can't resist, and they quickly become a couple, albeit with unusual boundaries. Madison believes that her new boyfriend is a hit man who carefully compartmentalizes his life to keep a low profile, and Gary delights in the brashly confident persona that he gets to inhabit. (Even his students notice a change in his personality.) But coincidences abound on city streets, and, when Gary is seen with Madison, suspicions arise. The liaison soon gets riskier still, when Madison's husband turns up dead.

Linklater's direction keeps “Hit Man” brisk and jazzy, as does the jovial force of Powell's performance. Gary's self-deprecating personality emerges most potently in voice-overs, addressed to the audience, in which he riffs on the idiosyncrasies of law enforcement, the psychology of his felonious clients, the ins and outs of his academic ruminations, and the peculiarity of his situation: Is he the bait or the prey? (“I was having sex with someone who was clearly capable of having a lover killed,” he reflects.) Arjona, vigorously conveying a survivor's desperation and a romantic adventurer's impulsiveness, matches Powell beat for beat, feint for feint, and the two generate a subtle yet charged chemistry. Powell—a Texan, like Linklater—

got his first major movie role in the director's largely autobiographical comedy "Everybody Wants Some!!" (2016), playing a swaggering, athletic intellectual of high-flown patter. In "Hit Man," Linklater again endows Powell with both fast-talking high-mindedness and bravado, but here he makes the unlikely connection of those traits the subject of the film.

"Hit Man" revolves around the extent to which Gary's portrayal of Ron threatens to take over his identity, and, early on, there's a poignant dramatic exposition of the source of Gary's drive to impersonate. While teaching a class involving "personality, self, and consciousness," he notices a visitor in the back of the classroom: his ex-wife, Alicia (Molly Bernard). They chat afterward, and it's clear that they still have a meaningful friendship, but it's also hinted that she ended the marriage because of his failure to connect. Behind a mask of bonhomie, he is inexpressive, even impersonal, nerdily caught up in upbeat runs of off-kilter reflections. (At one point, he mentions that overthinking has also made him something of a dud in bed.) But in the bittersweet, if cerebral, intimacy of his chat with Alicia, she tells him about new research that suggests the ease with which, with a little coaching, people can quickly but drastically change their personalities. That chat shivers with premonitions of the perverse erotic bond that will soon unite Madison and Gary—a woman who wants her husband killed and the man she hopes will make it happen.

When Gary gets together with Madison while in the guise of Ron, I was reminded of Alfred Hitchcock's "Vertigo." There, James Stewart plays a former police detective who falls desperately in love with a woman who turns out to be role-playing as part of a criminal scheme—and, even after discovering her ruse, he remains obsessed with the illusion that she created. In "Hit Man," Linklater and Powell stand the notion on its head, with Gary creating a persona that does more than attract a woman he loves—with his impersonation, he also unleashes his own long-inhibited virility. This game of multilayered deceptions finds a climactic embodiment in an antic yet explosively tense scene, in which Gary puts his cell phone to exceptional, imaginative use in an effort to deflect suspicion about the clandestine relationship and to keep it beyond the reach of the law.

"Hit Man" proceeds with enticing rapidity, but, by the same token, rushes through Gary's actorly transformations and races past his backstory, omitting

details that would deepen his character. (For instance, the real-life Johnson, who died in 2022, was a Vietnam War veteran.) And, in the haste to wrap things up, the movie’s dénouement falls back on clichés; near the end, the script pushes the takeover of identity by imitation to an absurdly artificial extreme. Yet the moment is also symbolically significant—and its symbolism reaches far beyond the notion of ambient evil to illuminate the reckless passions that an intense sexual relationship comprises and the dangerous vulnerability that a romantic bond entails. Linklater, a longtime master of many genres, is perhaps most celebrated for the romantic dramas of his “Before” trilogy, which famously build the protagonists’ attraction largely through conversation; the talk in “Hit Man,” which conveys the twisted fury of desire, makes this film a far more satisfying and substantial love story. ♦

Poems

- [The Age of Miracle Weapons](#)
- [This Living](#)

Poems

The Age of Miracle Weapons

By D. Nurkse

June 03, 2024



[Read by the author.](#)

There was a protest outside Thomas Jefferson
and children were lying down histrionically,
pretending the blast had killed them,
or radiation, or nuclear darkness, closing their eyes
no doubt to better picture it, and I took my place
among them gingerly: let that searing asphalt
ruin my jeans, not scorch my wrist—

but my father looked down from his office tower
and said, “That’s my son, there,
in the ranks of the dead”—when the police came
and began swinging clubs, giving free rein
to their prancing horses, my father’s eyes

narrowed and he said, “It’s over, some are running,
some willing themselves to be even more dead,
some hiding in each other’s arms”—gas cannisters
flew and my father said, “That was long ago,
that war never came, when he opened his eyes
my son found himself in his lover’s arms”—

“All around him the city as it once was,
ranked tenements, laundry like sails on roofs,
elms gray from coal smoke, but the sticks
keep falling, and all around the great horses
step daintily, afraid to trample the human body.”

Poems

This Living

By Amber Tamblyn

June 03, 2024



[Read by the author.](#)

It's going to be a lunar eclipse.

It's going to be critically acclaimed and win
none of the awards.

It's going to start as an argument
over what's buried inside the tomb
but end in silence
over what's discovered
beneath it.

It's going to happen on your birthday
in front of the mailman,

while you're receiving the letter for your sister
sent by her murderer.

It's going to appear once a week
in your back yard
for decades
without ever speaking.

It's going to ruin the cake
when you throw an urn full of cat ashes
in your ex-best friend's face
at her baby shower.

Do it.

It's going to make you get under
the table
and drink there.

It's going to explode
right there
in the dairy aisle.

It's going to make you laugh.

It's going to remind you
why you can't go in mosh pits anymore.

It's going to freeze to death,
right there in your arms.

It's going to make all the kids
stare out the school-bus window
and sing to you.

It's going to rain where he is.
It's going to be impossible for you
not to flood.

It's going to hurt for a while.
It's going to have to.

It's going to make you buy all the scarves
in his girlfriend's favorite patterns.

It's going to happen in the wind,
during the middle of fire season,
while he's telling you
it's going to have to end soon.

It's going to be hard
to end soon.

It's going to wipe out
your entire wildlife.

It's going to be remembered fondly, your heart
unable to keep its hands to itself.

It's going to be a strong love,
but only parallel his lover,
never perpendicular her.

It's going to make you unable to quell
the bad thoughts
of his dainty gull
and her inkless quill.

It's going to bring out the best
of the worst in you.

It's going to outlast *television*.

It's going to take the shape of poems
left under the doormats
of retired generals.

It's going to happen any day now.

It's going to be so good,
if it doesn't kill us first.

The way things are going,
it's probably going
to kill us first.

It's going to be a nightmare
when the Pope gets here.

It's going to change everything.

It's going to make your metaphors make you,
even if you don't want to.

It's going to sound like coyotes
killing behind your back,
spook like a stallion's ghost.

It's going to cost you.

It's going to sound familiar:
a truck driver
humming Schubert.

It's going to have to be removed
by a doctor.

It's going to go into too much detail.

It's going to use your daughter against you.

It's going to make you eat everything
on all the plates
at all the hours.

It's going to fill you with sorrow.
It's going to fill you with relief.

It's going to show you
how you got here.

It's going to say
something cliché like,
It's going to be okay.

It's going to be okay.

It's going to hit any minute now.

It's going to leave you speechless.

It's something you're going
to have to carry
for the rest of your life.

It's going to get dark soon.

It's going to feel
like it just happened yesterday.

It's going to sit well with no one.
It's going to be worth it.

It's going to build you back up.

It's going to get better every day.

It's never going to give up.

It's going to belong to you.

Puzzles & Games

- [The Crossword: Wednesday, May 29, 2024](#)

Crossword

The Crossword: Wednesday, May 29, 2024

A beginner-friendly puzzle.

By Patrick Berry

May 29, 2024



The Mail

- [Letters from Our Readers](#)

The Mail

Letters from Our Readers

Readers respond to Nina Berman's photo portfolio of protests at Columbia University and Manvir Singh's article about diagnosis and identity.

June 03, 2024

A Wider View

I was disappointed by Nina Berman's photo portfolio, which appeared with text by Jelani Cobb, of protests at Columbia University ("A Campus in Crisis," May 13th). For many years, I refrained from subscribing to *The New Yorker* despite the many excellent pieces forwarded to me by friends; living in the Midwest, I thought that I would find it too narrow. Since subscribing, more than a decade ago, I have been pleasantly surprised to learn that I was wrong. Of course, some sections are, by definition and design, New York-centric. But most of the long-form articles, fiction, and reviews have a broad reach, and I find myself reading every word.

It's against this backdrop that my disappointment emerged. I sympathize with the concerns of the protesters and am appalled at the response of Columbia's administration. But the story covers no new ground and is, strangely, told by people with close affiliations to its subject—both Berman and Cobb are on Columbia's faculty. One might also be tempted to point out that the story is another example of the media's outsized focus on communities of privilege: Columbia, an Ivy League school, charges its students more than sixty-eight thousand dollars in annual tuition, while many state schools, where equally charged protests have also occurred, have tuitions that are a fraction of that. In all, the portfolio left me with the impression that perhaps the magazine would do well with a reminder that there is life beyond the Hudson.

*George Wood
Amesville, Ohio*

Making Up a Mind

As a psychiatrist, I thought that Manvir Singh's article about psychiatric labels and the ever-evolving *Diagnostic and Statistical Manual of Mental Disorders*, also known as the *DSM*, omitted an important aspect of the manual's usefulness ("Read the Label," May 13th). Although, as he points out, the *DSM*'s categories can be so broad and change so much as to seem arbitrary, diagnoses are still the basis of much psychiatric research—and therefore help us judge which interventions work. The manual may not be perfect, by any means, but, at present, it is a crucial tool that helps us find treatments for potentially deadly diseases.

*Lisa J. Rosenthal
Chicago, Ill.*

Post-traumatic stress disorder, which Singh mentions briefly, is a particularly interesting example of a label that carries a narrative with it and has changed substantially over time. First introduced in the *DSM-III*, in 1980, P.T.S.D. was carved out of the field of stress studies in an attempt to characterize a specific set of reactions to a specific class of highly traumatic stressors. By the time the *DSM-5* was published, in 2013, an individual could develop P.T.S.D. by simply hearing that a loved one had experienced trauma, or even by watching traumatic events on TV, if doing so was a part of his work. The list of stress reactions characterized as potential symptoms also grew from twelve in the *DSM-III* to twenty in the *DSM-5*. Prior to the publication of the latter, Robert Spitzer, who oversaw the introduction of P.T.S.D. as chair of the *DSM-III* task force, co-authored an article in the *Journal of Anxiety Disorders* in which he warned against these shifts, arguing that more stringent criteria were needed if P.T.S.D. was to remain a meaningful diagnostic category. Instead, with the continued expansion of its criteria, P.T.S.D. has become the king of reified psychiatric labels.

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