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A Critic at Large

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Rita Indiana's Songs for the Apocalypse

On her new album, the Dominican musician and novelist transforms this miserable moment into something defiant and danceable.

By [Daniel Alarcón](#)

October 19, 2020



If I close my eyes and concentrate, I can recall what it felt like to go days at a time without considering the end of the world. Now these thoughts are constant, the thrumming background noise of ordinary life, a vast and terrifyingly specific catalogue of horrors. Smoke billows across the West, submerging our cities in a murky orange twilight; more than two hundred thousand Americans die of a virus whose dangers half the country seems intent on ignoring. The world's most powerful democracy teeters, and children sleep in cages at its southern border. We've submitted willingly to mass surveillance and filled the oceans with microscopic plastics; the climate refugees, it turns out, are us. It all happened so fast, or at least it feels that way, speed being an essential feature of this bewildering era we're staggering through—the relentless, furious acceleration of it all. Surely this is part of the reason that, for the past several weeks, I've been listening to the Dominican novelist and musician Rita Indiana's masterly new album, "Mandinga Times," on repeat. The title song, which races along at a hundred and ninety beats per minute, is a frenetic, danceable soundtrack for this miserable moment, a song that transforms pain and worry into something plaintive, angry, and defiant. Not every cut maintains this rhythm, but even the quiet ones have a certain urgency. It's no accident that Indiana calls "Mandinga Times" "a songbook for the apocalypse."

The album, the forty-three-year-old Indiana's first in a decade, was produced by Eduardo Cabra, of the legendary Puerto Rican band Calle 13. When Cabra first approached Indiana about a possible collaboration, several years ago, she demurred. She had left Santo Domingo and settled in San Juan, a self-imposed exile from the music industry and from a kind of fame that had drained her. She'd achieved international recognition, but her notoriety at home made daily life intolerable: she couldn't go anywhere in Santo Domingo without being asked for autographs or selfies. In Puerto Rico, she rediscovered quiet and returned to writing, publishing three novels, including "Tentacle" (2015), a gender-bending sci-fi story set in a near-future Dominican Republic in the aftermath of an environmental catastrophe, and, most recently, "Made in Saturn" (2018), an acerbic comic novel about a flailing, drug-addled Dominican artist who is sent to dry out in Havana, so as not to embarrass his corrupt father in the middle of a political campaign.

Last year, Indiana felt ready to come back to music. Much of the recording was done in the fall, just months after Puerto Rico's most tumultuous time in recent memory, when two weeks of raucous street protests forced the resignation of the

governor. The political energy of last summer is evident on the album; its songs, sung in the voice of Mandinga, Indiana's gender-neutral alter ego, feel like anthems of discontent. The finishing touches were applied after the world had shut down, making the album feel less like a warning about a dark but still avoidable future and more like musical stenography documenting our current predicament. But, like Indiana's earlier music, and like her work more broadly, "Mandinga Times" is also an immersion in hybridity: it's merengue with a heavy-metal heart; it's *gagá* mixed with thrash, reggaetón and punk, dembow, trap, and Middle Eastern melodies; it's love songs and battle raps and protest music. When I asked Cabra to describe the album to me, he struggled. To say that it was eclectic was only half true, he said. In fact, each song was eclectic, diverse moods and styles alternating in a single track. "I find it hard to place Rita's project within a genre," he said. "If I describe how her music sounds, I think that takes away its power."

In the Dominican Republic, Rita Indiana is known as the Monster, or La Montra, in the local Spanish dialect, where "s"es are purely voluntary. The nickname emerged from deep in the comments section of YouTube, when the video for her 2009 single "El Blue del Ping Pong" went unexpectedly viral and made her a star. While the name alludes to her outsized talent, Indiana has embraced every connotation of the word. "When people started calling me that," she told me last month, "I was like, *coño*, I couldn't have thought of a better nickname." At six feet three, Indiana is not the sort of person who can go unnoticed. She's lanky, androgynous, sharply angled, an unapologetically queer woman in a country with few openly gay celebrities. Her personality, she told me, was shaped by her inability to fit in: even when she was a child, no one quite knew what to make of her. She was beaten and bullied for her size, for her ambiguous gender.



"Move the heavens! Align the stars! Jen is running late for the dentist!"
Cartoon by Ellis Rosen and Jerald Lewis

Indiana started writing young. She was placing stories in a Santo Domingo literary zine in her late teens, and, at twenty-one, self-published a collection called “Rumiantes,” which was photocopied, stapled, and distributed among friends. She went to art school, but dropped out after a year, got work writing publicity copy and marketing jingles, and in 2000, at the age of twenty-three, self-published her first novel, “La Estrategia de Chochueca” (“Chochueca’s Strategy”), printing five hundred copies with money given to her by her boss. Half the run was passed to family and friends, and the other half was sold. For those who read the novel, a dark, gritty snapshot of the Santo Domingo underground of the nineteen-nineties, it was a jolt of something new in Dominican letters: not a political novel dealing with the dictatorship of Rafael Trujillo, one of the bloodiest in Latin-American history; not a Caribbean folktale, idealizing a rural past; not an immigration novel, chronicling the alienation and struggle of a new life in the United States. Instead, “Chochueca” was a novel about disenchanted teen-agers and their long nights of drug use and loud music. It became a cult hit, endlessly photocopied and passed from hand to hand among young people who saw themselves in its pages. When a copy of “Chochueca” found its way to the Puerto Rican critic Juan Duchesne-Winter, he was intrigued. “It was another language, another focus,” he told me. He invited Indiana to be a guest lecturer at the University of Puerto Rico and introduced her to the editor who would publish her next book.

That book was “Papi” (2005), Indiana’s breakout novel, a pulsating, thrilling coming-of-age story, told by a preadolescent girl in awe of her wayward, charismatic, and dangerous father. The violent worlds in which the father moves are only hinted at, and barely understood by the narrator, who is too young to be afraid, even when the reader is afraid for her. Like Indiana’s first novel, “Papi” is saturated with pop-culture references, from horror movies to heavy metal to skateboarding—a section of the text is written as though it were video-game instructions—but perhaps the novel’s finest achievement is its language, a virtuosic rendering of the Dominican dialect in the rapid-fire, stream-of-consciousness vernacular of a girl desperate to please her father. It’s also a novel about masculinity and the theatre of it. The performer, in this case, is Indiana’s own father, on whom the title character is based. Indiana’s parents separated when she was seven months old, but he remained a presence in her life: flashy, magnetic, handsome, a womanizer involved in sometimes unsavory schemes. After he moved to Miami, she spent summers with him, and learned English in

order to communicate with her half brother, who spoke no Spanish. Indiana's father returned to Santo Domingo for a time when she was seven, but when he ran out of money he left again, this time for New York. Indiana was twelve when her father was shot and killed at a restaurant in the Bronx, in 1989. His murder was never solved.

Indiana's life as a musician began in 2005, at the launch of "Papi" in Santo Domingo. The book party was held at a local museum, where she remade the space, arranging the furniture to form a Mercedes-Benz logo (a recurring symbol in the novel, a kind of aspirational totem) and decorating the room with television screens showing videos of the inner workings of stomachs. A hundred people or so were present when, instead of reading from the novel, Indiana performed two songs with an electronic band called Súperchin, singing improvised lyrics inspired by the book.

It may not have felt like a transformative event at the time, but it marked her shift away from writing. Over the next several years, as she moved to New York and worked a series of odd jobs, Indiana began to experiment with the music-editing software Audacity, and then with GarageBand, making beats and playing with loops, crafting strange, dense bits of electronica that she shared with friends. In 2006, she and a collective called Los Niños Envueltos put on a puppet show, "Ready," a hallucinatory piece whose most important component was music. That year, Indiana also wrote and performed a song called "La Sofi," which felt as though it could have been sung by the narrator of "Papi": the lyrics are little more than a list of musicians—ranging from La Lupe to Fania All-Stars to Iron Maiden—that the narrator isn't allowed to listen to. There's something mesmerizing in its simplicity. The track was released on MySpace, and, through the inexplicable magic of the Internet, became a hit three years later, when it was covered by Julieta Venegas and Ceci Bastida, of the seminal Mexican punk band Tijuana No! In 2008, with the artist Raina Mast, Indiana formed a duo called Miti Miti, and released the EP "Altar Espandex," a spare, playful album, whose songs feel less written than discovered, cobbled together from found sounds, bleeps, pops, and other sonic ephemera. In one interview, Indiana said that she made the tracks by sampling an egg timer.

What was most attractive about music, Indiana told me, was that it gave her a chance to move beyond the sometimes limited, academic circles of literature and reach as many people as possible. She'd never belonged in traditional literary spaces anyway, and these projects felt like an adventure. Even within the

strictures of popular music, she found room for formal experimentation, and, crucially, audiences were willing to accept her in ways that the literary establishment had not done. Listeners will embrace all sorts of hybridity as long as it has a beat. This was something she'd known intuitively since she was a child, sitting under her family's grand piano while her great-aunt, the soprano Ivonne Haza, gave singing lessons to local bolero and merengue stars, such as Sonia Silvestre and Fernando Villalona. She accompanied the same great-aunt to the opera and the symphony, but also knew all the romantic pop songs of the era by heart. Later, after her father died, she immersed herself in metal and punk, at a time when those subcultures were anathema in the Dominican Republic. (In one of "Papi" 's most shocking scenes, the narrator is attacked by her own family, held down, stripped of her rock-and-roll T-shirt and jeans, and forced to dress in conventionally feminine clothes.) But, even when she was a metalhead, Indiana still listened in secret to merengue, a genre of Latin dance music which, like metal, has a fascination with speed. Indiana eventually pulled all these strands together with a band called Los Misterios, her first musical collaboration involving real instrumentation, as opposed to pure electronica. Like her novels, Indiana's lyrics were full of dropped syllables, dense slang, and clever, surprising rhymes, with politics embedded in every danceable track. The chorus of the song "Da pa' lo Do" sounds like a collection of nonsense, until you realize it's actually "*Da para los dos*," or "There's enough for both." The catchy song with the bouncy rhythm and the bright champeta guitar riff is really a meditation on the fraught relationship between the Dominican Republic and Haiti.

In 2010, Indiana and Los Misterios put out the instantly iconic album "El Juidero," which made her, quite unexpectedly, a celebrity: La Montra was born. The year of the album's release, Indiana was nominated for a Casandra Award (now known as a Soberano Award), the local equivalent of a Grammy, and at the after-party she kissed her girlfriend (and now wife), the Puerto Rican film director Noelia Quintero. She had never hidden her sexuality, but, still, this gesture of affection made her the first queer person to come out at the Casandras, and, as a result, she was subjected to a barrage of homophobic harassment, particularly online. In this and other ways, fame was an uncomfortable fit for Indiana, but for two years she played the part of a pop star, performing at SummerStage, in New York, filling the National Theatre in Santo Domingo, being mobbed in the streets, her private life discussed on local gossip shows.

Then, in 2012, she quit. She told me that she wanted a normal life, after suffering a kind of creative exhaustion, an inability to concentrate, a creeping suspicion

that people around her were treating her differently because she was famous. She longed to do what monsters cannot: disappear. In Puerto Rico, what she had done for merengue—shape it, pound it, graft it, mix it, with no compunctions or doubts or hesitation—she began to do on the page, with the daring novels that have made her one of the most significant Latin-American writers of her generation.



"I can't wait to see the look on people's faces when I tell them their meagre side salads were grown right here in Brooklyn!"
Cartoon by Lila Ash

Eduardo Cabra, who produced “Mandinga Times,” told me that what surprised him the most about the project was that it sounded not like a second album but more like a fourth or a fifth. There was a line that could be traced from “El Juidero” through her books to “Mandinga Times,” as though Indiana’s novels represented stepping stones of artistic growth.

If this is true, the album’s closest thematic and spiritual predecessor is “Tentacle,” Indiana’s dystopian sci-fi novel. The book opens with a startling image: Acilde, the maid to a Santería priestess, hears the doorbell ring. She activates the security camera embedded in her eye, and sees a Haitian man “fleeing from the quarantine declared on the other half of the island.” The building’s security system detects an unnamed virus in the man, and, without warning, vaporizes him. An automated voice warns the building’s residents to avoid the main entrance while the mess is cleaned up. Reading that in 2015 was disturbing. In 2020, it takes your breath away.

In “Tentacle,” Indiana quickly dispenses with any romantic notions of the Dominican Republic as a Caribbean paradise. On the contrary, the novel’s primary concern is environmental catastrophe: the country’s strongman leader agreed to store Venezuelan chemical weapons on the island, an arrangement that ended badly, when a tsunami spilled the poisonous cache into the sea. When the novel begins, the Caribbean is lifeless and inert. The priestess owns a live sea anemone, an increasingly rare creature of immense value, and soon Acilde decides to steal it in order to pay for a dose of a magical elixir that will transform her into a man. The new Acilde emerges as the island’s last hope, tasked with travelling back in time to avert the ecological disaster. There is no nostalgia in Indiana’s novels, but there is tremendous humor in their cacophonous narratives, as we watch familiar types in barely recognizable contexts, their foibles and flaws made even more absurd by the stakes of this dark future. It’s Alejo Carpentier with the style of Philip K. Dick and the humor of Mark Twain. Even a partial list of “Tentacle”’s concerns reads like a remix of contemporary nightmares: dictatorship and machismo, environmental collapse, biological weapons, drug abuse. Add a discussion of gender fluidity, a rumination on the meaning of art, and time travel and you begin to understand the scope of the novel’s ambition and its heart. “Tentacle” is a capacious and bracing read.

Indiana told me that she couldn’t have made her new album without having

written “Tentacle.” “The album is the present tense of what ‘Tentacle’ prophesied five years ago,” she said. “I thought it might take longer, but we’re already in this dystopic future where immigrants are disposed of by machines.” It is possible to get lost in “Mandinga Times,” in its rhythms and peculiar musical mashups, without ever considering her literary work. You might miss the Borges references in “El Zahir,” or not know that the buccaneers in that song have their counterparts in “Tentacle”; you might rap along to her line about writing five novels in the time it takes others to write a decent chorus without thinking about the odd shape of that boast, or make nothing of the presence of Don Quixote looming over a track like “El Flaco de La Mancha.” But knowing her writing does make the experience of listening to the album richer.

Mandinga, Indiana told me, is a character as developed as any in her novels, a fictional creation for whom she is simply a mouthpiece. Inspired by black metal, “Beetlejuice,” Marcel Marceau, Kiss, *lucha libre*, and Marvel Comics, Mandinga has no gender, and might be a monster, or a fallen angel, or a visitor from the future; the details aren’t clear. Indiana chose the name for its multiplicity of meanings. The Mandinga, or Mandinka, are an ethnic group in West Africa, many of whom were, historically, enslaved and brought to the Caribbean. As slang, it’s a term that connotes sex, violence, and chaos, with different shadings in different countries, but it is almost always used to demonize the other—racial, sexual, or religious minorities. The monstrous. Naturally, Indiana identifies.

Of course, the characters in a novel are created in the mind and rendered on the page; generating an imaginary character for performance is another matter altogether. For the new album, Indiana has produced two videos and one long-form performance film, “After School,” shot in one of the many schools in Puerto Rico that were shuttered after draconian budget cuts. (The videos were directed by Quintero, her wife, who is also her longtime visual collaborator and whose film adaptation of “Papi” comes out next month.) In the videos, Indiana embodies Mandinga by adorning her face with slashes of black paint, two across the eyes, two more across her jawline, like a mournful, angry Ziggy Stardust. Mandinga, with the painted face, dark concerns, and spitfire lyrics, can be interpreted in many ways; a final verdict may not come until the pandemic is over and Indiana can return to the stage. Still, one vision of the character stays with me, one that feels both ominous and wry. Mandinga has seen something awful, something horrifying, something that has exploded unexpectedly, spewing soot. Whatever Mandinga saw, I feel these days as if I’d seen it, too. ♦

A Reporter at Large

- [Trump's Labor Secretary Is a Wrecking Ball Aimed at Workers](#)

Trump's Labor Secretary Is a Wrecking Ball Aimed at Workers

As Election Day looms, Eugene Scalia, a cunning lawyer committed to dismantling regulation, is weakening one employee protection after another.

By [Eyal Press](#)

October 19, 2020



On February 24, 2010, during a show at SeaWorld Orlando, a trainer named Dawn Brancheau was reclining on a platform in the middle of a stadium pool when Tilikum—the park’s largest killer whale—pulled her into the water and thrashed her around until she drowned. Her death was initially reported as an accident, but a subsequent investigation by the Occupational Safety and Health Administration revealed an “extensive history” of incidents exposing SeaWorld trainers to serious hazards. (It turned out that Tilikum, along with two other whales, had previously drowned a trainer at another park.) *OSHA* fined SeaWorld seventy-five thousand dollars for three violations and ordered it to either install barriers or keep trainers at safe distances during shows.

SeaWorld contested *OSHA*’s actions, and, in 2013, the D.C. Circuit Court of Appeals heard the case. The lawyer representing SeaWorld argued that *OSHA*, a division of the Labor Department, had improperly threatened the premise of the marine park’s business, which, he claimed, required close contact between trainers and killer whales. “It’s as if the federal government came in and told the N.F.L. that close contact on the football field would have to end,” the lawyer declared, adding that SeaWorld had training protocols that neutralized risk. When Judith W. Rogers, a judge on the court, suggested that SeaWorld’s protocols placed the burden of safety on workers, the lawyer responded that this was perfectly fair: “In workplaces that present some inevitable background hazard, it will be incumbent, in part, on employees to address that.”

SeaWorld lost the case. But it wasn’t the last opportunity that the lawyer, Eugene Scalia, would get to influence the fate of workers exposed to peril. Last September, Scalia became the Secretary of Labor. The son of the late Associate Justice of the Supreme Court [Antonin Scalia](#), he secured the position after Alex Acosta stepped down amid revelations that, in 2008, while serving as U.S. Attorney in Miami, he’d arranged a lenient plea deal for the financier and alleged sex trafficker [Jeffrey Epstein](#). Like many other Cabinet officials in the Trump Administration, Scalia had credentials that suggested an antagonism toward the agency he was appointed to run. The official role of the Labor Department is “to foster, promote and develop the welfare of the wage earners, job seekers and retirees of the United States.” As an attorney, Scalia had spent decades helping corporations gut or evade government regulations, including worker protections.

Read more

A secretive poultry tycoon, who is also one of Trump's top donors, is ruthlessly [leveraging the coronavirus crisis to strip workers of protections.](#)

Since [Donald Trump](#) entered politics, he has surrounded himself with grifters and figures of gross incompetence. Scalia is part of a smaller cohort: distinguished conservatives who have joined the Administration to advance their own ideological goals. A graduate of the University of Chicago Law School, where he edited the law review, and a partner at the white-shoe firm Gibson, Dunn & Crutcher, where he has specialized in labor-and-employment law and administrative law, Scalia has an intellectual pedigree that most members of Trump's inner circle lack. Temperamentally, he has little in common with the bombastic President. Yet, like virtually everyone in the Republican Party, Scalia has chosen to view this Administration chiefly in opportunistic terms. His longtime agenda has been curtailing government, and at the Labor Department he has overseen the rewriting of dozens of rules that were put in place to protect workers. As [the coronavirus](#) has overrun America, Scalia's impulse has been to grant companies leeway rather than to demand strict enforcement of safety protocols.

On April 28th, Richard Trumka, the president of the A.F.L.-C.I.O., sent Scalia a letter accusing the Department of Labor of forsaking its mission. Even as millions of workers were risking their health to perform jobs deemed essential, *OSHA* had done little more than issue a modest list of voluntary safety guidelines. Trumka demanded that Scalia impose emergency temporary standards that would require companies to follow specific rules to slow the spread of *COVID-19*, such as providing employees with personal protective equipment and adhering to social-distancing guidelines established by the Centers for Disease Control.

Scalia's response was polite but unyielding. "Correspondence such as yours can help us do our jobs better," he began, but then insisted that Trumka's complaints were riddled with "basic misunderstandings." Imposing emergency temporary standards was unnecessary, Scalia wrote, because *OSHA* already had the authority to penalize irresponsible companies under the General Duty Clause, which requires employers to create an environment "free from recognized hazards." This was the basis for *OSHA*'s actions against SeaWorld in 2010—notwithstanding the objections Scalia lodged at the time, which were so strenuous that Judge Rogers asked him at one point if he believed that "the agency, under the General Duty Clause, has *no role* to play." The clause has

played little role lately, Trumka told me. Since the pandemic began, OSHA has received more than ten thousand complaints alleging unsafe conditions related to the virus. It has issued just two citations under the General Duty Clause.

The pandemic likely would have overwhelmed OSHA no matter who was running the Department of Labor. Founded in 1970, OSHA has a budget less than a tenth the size of the Environmental Protection Agency's. Limited resources, meek penalties, and fierce opposition from business interests have long inhibited OSHA's ability to address the unsafe conditions that lead to the deaths of some five thousand workers on the job annually, with injuries sustained by nearly three million more.

Nevertheless, there are ways OSHA can let companies know that willfully violating the law has serious consequences. One of these methods is negative publicity. In 2014, after four workers at a DuPont facility in Texas were exposed to carbon monoxide and died from suffocation, David Michaels, who directed OSHA under [Barack Obama](#), declared, “*Nothing* can bring these workers back to their loved ones. . . . We here at OSHA want DuPont and the chemical industry as a whole to hear this message loud and clear.” The statement was part of an initiative, launched under Obama, to shine a light on companies that behaved recklessly. According to Matthew Johnson, a Duke economist and the author of “[Regulation by Shaming](#),” a study of the policy’s deterrent effects, such messages targeted at local media and trade publications led to a thirty-per-cent reduction in violations at nearby facilities in the same industry.

The Trump Administration summarily ended the policy. Michaels, who is now a professor at the George Washington University School of Public Health, asked me, “When have you heard President Trump *mention OSHA*? Or [Vice-President Pence](#)? Or even Scalia? With thousands of workers sick and hundreds dying over an infectious disease that we know how to prevent, Scalia should be banging the table saying, ‘You have to make sure workers are safe!’ He should be next to [Anthony Fauci](#) on television every night.” Despite reports of workers being exposed to unsafe conditions everywhere from Amazon warehouses to greenhouse farms, Michaels said, Scalia has been “invisible.”

Scalia’s muted role might be attributed to personality: unlike his father, who expressed his opinions with abandon, Eugene Scalia seems disinclined to draw attention to himself. An alternative explanation is that Scalia is disinclined to draw attention to how little his agency has done to protect workers. (He declined

to be interviewed for this article.) A Labor Department spokesperson told me that Scalia has been “focussed since the beginning of the pandemic on insuring the safety of workplaces,” in part by offering extensive guidance for both employers and workers. Yet OSHA has explicitly told employers that none of its *COVID-19* recommendations impose new legal obligations.

This lax approach reflects the Administration’s broader opposition to regulation. When Trump entered office, he announced that all federal agencies must revoke at least two regulations for every new one added. Under Alex Acosta, the Labor Department eliminated some Obama-era rules, but hard-liners such as [Mick Mulvaney](#), then the director of the Office of Management and Budget, were dissatisfied with the pace of change. Several sources told me that, when the *Miami Herald* [revealed](#) Acosta’s favorable plea deal for Epstein, the furor served as an excuse to fire him. Nick Geale, Acosta’s chief of staff, was also ousted.

Last December, in one of Scalia’s first interviews as Secretary of Labor, on [Fox News](#), he proclaimed, “The President has been dialled in to regulatory reform from Day One. And it’s no surprise that we’re now seeing this vibrant economy.” At the time, the unemployment rate was below four per cent. It has since doubled, a fact that, along with the pandemic’s rising death toll, has made touting the virtues of eliminating regulations more awkward. One casualty of the Trump Administration’s “regulatory reform” was an Obama-era initiative, launched after the 2009 H1N1 pandemic, to develop an infectious-disease standard for work sites. When *COVID-19* struck, some former OSHA officials pushed the agency to reinstate a modified version of the standard, and current staffers prepared one. Michaels said, “The staff told me, ‘We had it ready to go.’ ” It went nowhere.

Introduced instead was a Department of Labor policy memorandum relieving the vast majority of employers of any duty to keep records about whether employees’ coronavirus infections were “work-related.” The memo, issued on April 10th, just as cases were exploding nationally, so confounded Joseph Woodward, a former associate solicitor for occupational safety and health at the Labor Department, that he wrote a five-page letter to Scalia. The letter, which Woodward shared with me, warned that, without proper data, OSHA “will be left in the dark about conditions that have resulted in employee deaths.” The decision, he noted, also “ignores the right of employees to know whether work-related illnesses are occurring,” which “is a basic human right.” The policy was so roundly criticized that Scalia scuttled it. This fall, however, OSHA informed

employers that they no longer have to report *COVID-19* hospitalizations unless an employee was admitted within twenty-four hours of a workplace exposure—a highly unlikely scenario, given that symptoms are usually delayed.

Scalia has bristled at criticism of his handling of the pandemic, accusing Woodward and others of failing to show “due respect for the steps the dedicated men and women at *OSHA* are taking.” But David Michaels told me that the front-line officials he’d heard from felt handcuffed by the Labor Department’s current leadership. “They’re there to protect workers—and they’re not being sent to *do anything*,” he said. A former *OSHA* official in Massachusetts informed me that colleagues there had been “pulled off a *COVID-19* fatality inspection at a Walmart where two employees died.” Their superiors ordered them to “do a roofing inspection” instead.



walsh

"You're right—this town is big enough for the both of us."
Cartoon by Liam Francis Walsh

OSHA has also reduced its personnel. According to a report published in April by the National Employment Law Project, which drew on data obtained through the Freedom of Information Act, *OSHA* hasn't had so few inspectors in forty-five years. And forty-two per cent of the agency's leadership positions, including that of Assistant Secretary of Labor for Occupational Safety and Health—the job that Michaels held—are vacant. Although the Labor Department has lately made some new hires at *OSHA* and in other divisions, years of attrition have taken a toll, according to Irv Miljoner, who until his recent retirement directed a district office in the department's Wage and Hour Division. "Many field offices have only about half of the investigative staff they had five years ago," he said. "The field is being strangled."

When Scalia was appointed, Ann Rosenthal, a career Labor Department lawyer, sent him a congratulatory note. Compared with many Trump Administration appointees, she thought, he had a rigorous professionalism that would lead him to fulfill the agency's mandate no matter his personal views. At the same time, Rosenthal knew that Scalia's conservative beliefs were deep-seated: when their paths first crossed, two decades earlier, she and Scalia were ideological adversaries.

Rosenthal was then an *OSHA* supervisor, helping to lay the groundwork for a new ergonomics standard to address musculoskeletal disorders, such as carpal-tunnel syndrome and tendinitis, that afflicted hundreds of thousands of workers every year. Labor unions had long been pushing for such a standard, but corporate lobbyists opposed it. In the spring of 2000, the Labor Department held public hearings on a draft version of the standard. Scalia, then thirty-six and already a partner at Gibson Dunn, emerged as one of the standard's fiercest critics, introducing himself at the hearings as "somebody who has been following ergonomic regulation here in Washington and around the country."

Despite the prominence of Scalia's father, law was not Eugene's initial calling. At the University of Virginia, he majored in English, and considered getting a Ph.D., according to William Kilberg, a close friend of the Scalia family who became his mentor. Kilberg, who was a partner at Gibson Dunn, prevailed on him to apply to law school, then recruited him to the firm.

Trim and bald, Scalia is a less imposing physical presence than his father, but he

shared the elder Scalia's right-wing views and his penchant for asking tough questions. As witnesses testified in support of OSHA's draft regulation, Scalia and another Gibson Dunn lawyer, Baruch A. Fellner, took turns grilling them. Patricia Smith, the solicitor for the Labor Department under Obama, attended the hearings, and recalled that Scalia, despite his mild demeanor, was a "bulldog" during cross-examinations. He was equally contentious in his writings: in a [report](#) for the Cato Institute, he called ergonomics a "folly," and argued that "supposed musculoskeletal disorders" correlated more with "psychosocial factors," such as whether workers liked their jobs, than with lifting heavy objects and other occupational risks.

Eric Frumin, who also attended the hearings, was then the health-and-safety director of the Union of Needletrades, Industrial, and Textile Employees. Even as Scalia dismissed ergonomics as "junk science," Frumin noted, he was serving as counsel to companies, such as UPS, that had adopted strong ergonomic programs to protect their workers from injuries. Frumin likened the situation to oil companies publicly denying the scientific evidence of climate change while privately accepting its validity. "The level of deceit is every bit as vicious as what we've seen on climate change, or what Purdue said about OxyContin," he said. "It doesn't get the same level of attention, because it's about workers who break a sweat every day. But it's every bit as dangerous in blocking the use of science to protect people from severe, preventable risks to their health."

Scalia didn't succeed in stopping OSHA from adopting an ergonomics standard, which it announced in November, 2000. The regulation, the agency predicted, would protect as many as four and a half million workers from repetitive-stress injuries over the subsequent decade. But, two months after [George W. Bush](#) became President, Republicans in Congress overturned the standard—a move applauded by the National Coalition on Ergonomics, an industry group that portrayed the regulation as a threat to American competitiveness. One of the lawyers representing the lobby was Eugene Scalia. Shortly thereafter, Bush nominated Scalia to serve as solicitor—the chief legal counsel—in the Labor Department. Democrats in the Senate tried to forestall the appointment by delaying a confirmation vote.

Bush ended up giving Scalia a one-year recess appointment, and eventually named him acting solicitor. Peg Seminario, then the health-and-safety director of the A.F.L.-C.I.O., warned, "The Bush Administration could not possibly have found *anyone* who is more vehemently against regulation and enforcement of

ergonomic hazards than Eugene Scalia.” But Ann Rosenthal, who had moved to a job in the solicitor’s office, told me that Scalia turned out to be surprisingly “*good* on enforcement.” She said, “OSHA continued to do ergonomic inspections and issue citations, and he supported OSHA in that.”

Scalia also apparently surprised his boss, Elaine Chao, who was the Secretary of Labor at the time (and is now the Secretary of Transportation). In 2000, a dissident faction of the United Brotherhood of Carpenters and Joiners filed a lawsuit with the Labor Department, aiming to force the union to open its regional councils to elections. Last year, Bloomberg Law [disclosed](#) that Chao directed Scalia to side with the union’s autocratic president, Douglas McCarron, who had ties to President Bush. Scalia refused, and resigned after Chao backed McCarron on her own.

William Kilberg, Scalia’s mentor, portrayed the resignation as a characteristic act of integrity, and claimed it showed that Scalia is “sympathetic to organized labor.” But Scalia has also written articles disparaging unions. In a 2000 [op-ed](#) for the *Wall Street Journal*, he depicted OSHA’s proposed ergonomics standard as “a major concession to union leaders, who know that ergonomic regulation will force companies to give more rest periods, slow the pace of work and then hire more workers (read: dues-paying members).” And, as a corporate lawyer, Scalia has repeatedly hindered the efforts of workers to secure benefits or defend their rights. In 2005, he represented Walmart in a case in which the judge struck down a Maryland law requiring large corporations to spend at least eight per cent of their payroll on health care. Four years later, he helped convince a court that disabled UPS workers should be prevented from joining together and waging a class-action lawsuit against the company for alleged violations of the Americans with Disabilities Act. (The workers had to settle complaints individually.) Gibson Dunn has played a leading role in shielding companies from civil-rights lawsuits of this kind. A decade ago, it defended Walmart against a group of female employees claiming systematic gender discrimination in pay. In 2011, the case was dismissed by the Supreme Court, in a landmark 5–4 decision that has made it far more difficult for workers to file such suits; the majority opinion was written by Antonin Scalia.

Eugene Scalia’s admirers and critics alike acknowledge that he has a gift for persuading courts to overturn government regulations. “He likes to unravel puzzles,” Kilberg said. After the 2008 financial crash, Scalia successfully challenged the authority of the Federal Stability Oversight Council—which had

been created to identify certain institutions as “too big to fail”—to designate MetLife as a “systemic risk” to the economy. Scalia argued, among other things, that the council hadn’t amassed enough data to assess MetLife’s vulnerability to financial stress. He also repeatedly challenged key provisions of the Dodd-Frank Act—legislation that Congress passed in 2010 to rein in Wall Street.

Scalia’s victories have often resulted from his meticulous scrutiny of government rules and from his ability to [convince judges](#) that agencies have acted “arbitrarily and capriciously” by failing to perform rigorous cost-benefit analyses of regulations. Conservatives have long maintained that requiring agencies to perform such analyses helps insure that rules will be rational and efficient. Critics contend that the real goal is to slow down the rulemaking process, by forcing agencies to waste time conducting elaborate assessments of regulations whose benefits may be impossible to monetize. Gary Rivlin, a reporter who covers the financial industry, told me that Scalia’s skill in applying “a magnifying glass” to federal regulations sometimes led officials at the Securities and Exchange Commission to forgo even trying to enact a new rule, for fear of “getting sued by Eugene Scalia” and having it invalidated.

Some critics attribute Scalia’s courtroom success primarily to the deep pockets of the business associations that have employed him. When the Chamber of Commerce sues the S.E.C., one side has virtually unlimited funds, the other a few overworked public attorneys. Scalia has also had the luxury of “forum-shopping” cases, bringing suits in friendly venues such as the federal district courts in Texas, which are stacked with conservative judges who share his hostility to regulation. (Scalia denies doing this.)

Scalia undoubtedly believes that eliminating regulations benefits society. In a speech last November before the [Federalist Society](#), the conservative legal association, he boasted that the Trump Administration had “cut at least *eight* regulations for every one added.” Scalia reminded the audience of James Madison’s disdain for the “commercial shackles” that prevented “industry and labour” from arriving at productive outcomes on their own, without interference from “enlightened” legislatures. But removing these shackles has also been immensely lucrative for Scalia and his corporate clients. Dennis Kelleher, the president of Better Markets, a nonprofit organization, said of Scalia, “He clearly saw an opportunity once Dodd-Frank passed, and Wall Street’s biggest firms opened their wallets to help the forces of darkness kill financial reform.” Last year, Better Markets published a report highlighting Scalia’s role in helping gut

many regulations passed after the 2008 financial meltdown.

Some legal observers have wondered why Scalia left a highly remunerative job to serve an erratic, mendacious President who has shown little loyalty to his advisers. Theodore Olson, a partner at Gibson Dunn who was close to Antonin Scalia, turned down an offer to represent Trump during the Mueller investigation, saying of the Administration, “It’s chaos, it’s confusion, it’s not good for anything.” Olson told me he was glad that someone of Eugene’s calibre had taken the Labor Secretary job. Drawing an implicit contrast to Trump, Olson said that Scalia “*reads* a lot—he *thinks* a lot.” Kilberg said of Scalia, “It was not an easy decision on his part. He thought about it long and hard. And I think at the end of the day he thought, I can do some good things.”

Ann Rosenthal, the career Labor Department lawyer, recently retired. Although she expressed personal fondness for Scalia, she told me that she was “profoundly disappointed” by his tenure. She was astonished that OSHA had issued so few citations during the pandemic, and mystified by the weak language in the guidance sent to employers. “There’s a lot of ‘Consider doing this,’ ‘If it’s possible, do that,’ ” she said. “Under the law, it’s an employer’s *obligation* to keep workers safe.” Rosenthal added bitterly, “I’m really appalled.”

On April 12th, a fast-food worker from Chicago named Carlos De Leon filed a complaint with OSHA detailing hazards at the McDonald’s where he worked, in the West Loop. An employee had tested positive for the coronavirus, De Leon’s complaint alleged, but many workers had not been informed of the illness or instructed to self-quarantine, contravening the advice of the Chicago Department of Public Health. Social-distancing rules weren’t being followed in the kitchen, and nothing had changed when De Leon shared his concerns with his manager. De Leon’s letter to OSHA requested “an immediate on-site inspection.”

Two weeks later, OSHA told McDonald’s to address the matter on its own. “We have not determined whether the hazards, as alleged, exist at your workplace, and we do not intend to conduct an inspection,” OSHA wrote in a letter, a copy of which was sent to De Leon, along with a note that described his complaint as “non-formal.”

Until recently, complaints to OSHA were classified as “non-formal” if they were relayed over the phone; “formal” complaints were filed on paper and normally merited inspections. De Leon’s complaint was filed on paper. After he heard that

two more workers at the McDonald's had contracted the coronavirus, he sent *OSHA* a second complaint, also in writing, repeating the request for an inspection. Nothing happened. De Leon said of *OSHA* officials, "They're not doing the job they're supposed to be doing."

At the end of April, several employees, including De Leon, went on strike to protest the situation at the McDonald's. When De Leon returned to work, in May, he found the conditions largely the same. After three more employees contracted the virus, he and several other employees filed two separate complaints with the Chicago Department of Public Health, noting that their appeals to *OSHA* had been fruitless. In stark contrast to *OSHA*, Judge Eve Reilly, of the Cook County Circuit Court, issued a preliminary injunction against four local McDonald's outlets. "The potential risk of harm to these Plaintiffs and the community at large is severe," Reilly wrote in her ruling. "It may very well be a matter of life or death."

On October 5th, the Harvard Center for Population and Development Studies released a [working paper](#) that examined why the per-capita mortality rate from *COVID-19* is five times higher in America than it is in Germany. The paper found a correlation between complaints to *OSHA* in various regions of the country and local spikes in mortality roughly seventeen days later. The findings indicated that national safety standards and stronger enforcement by the federal government could have mitigated the virus's spread "in the workplace and, in turn, the community at large." (The Labor Department spokesperson said that the study didn't "establish that an increase in fatalities was somehow attributable to how *OSHA* responded to complaints.")

Among the communities most imperilled are rural counties with [meatpacking plants](#), where more than forty thousand workers have contracted *COVID-19* and at least two hundred have died, many of them Latino immigrants. In April, Trump signed an executive order categorizing meat and poultry as "critical" to "national defense," thus insuring that meat-processing facilities would stay open. *OSHA* issued "interim guidance" but no mandatory safety measures to protect workers. Inspections of meatpacking plants have increased in the months since, but Alfonso Figueroa, an official with the United Food and Commercial Workers, has not been impressed by their rigor. On May 13th, Figueroa learned that an *OSHA* inspector was coming to a beef plant in Dodge City, Kansas, where three workers had died. "I got word of them coming maybe thirty minutes beforehand," Figueroa said. "So, we do our introductions, and we walk through

the areas where the deceased workers used to work—the kill floor, the ground-beef area, the fabrication floor.” The walk-through was “really fast,” Figueroa said. He explained to the inspector that a lot of workers were scared and that, even though partitions had been placed in some areas, employees still interacted closely in hallways and locker rooms. “I said, ‘There’s much more that needs to be done.’ ” But the *OSHA* inspector seemed to be in a rush to leave. “I’ve been involved in other *OSHA* inspections that have been very thorough,” Figueroa said. “This wasn’t—at all.”

In July, Justice at Work, a pro-worker nonprofit organization, sued *OSHA* on behalf of a group of meatpackers at a Maid-Rite plant in Pennsylvania, alleging that conditions there posed an “imminent danger.” At a hearing, Matthew Morgan, a lawyer for Justice at Work, pressed Susan Giguere, an *OSHA* assistant area director, to explain why a formal written complaint alleging social-distancing lapses hadn’t led to an on-site inspection. Giguere responded that, based on “guidance” from top Labor Department officials, all *COVID-19* complaints were “being handled as non-formal.” *OSHA* eventually agreed to conduct an inspection, but, the day before, the agency contacted the plant’s director of human resources. Later, Morgan asked the *OSHA* inspector who visited the plant if giving a company a heads-up was conventional practice. It wasn’t. “Then why did you do it here?” Morgan asked. “To make sure that I was safe from *COVID-19*,” the inspector said, explaining that a “job-hazard analysis” had been done on *her* behalf, and that her superiors had determined that taking added precautions was justified. “*OSHA* has a right to protect employees,” the inspector told Morgan—a right that, evidently, Maid-Rite workers could do without.

In September, *OSHA* imposed minor penalties on two slaughterhouses. A Smithfield plant in South Dakota, where four workers had died and some twelve hundred had been infected, received a \$13,494 fine. A J.B.S. plant in Colorado, where eight workers had died and several hundred had tested positive, was fined \$15,615. Deborah Berkowitz, who was *OSHA*’s chief of staff under Obama, called the penalties “barely a slap on the wrist, when these billion-dollar companies should have been slammed by *OSHA* for failing to protect workers—and would have been under any other Labor Secretary.” Berkowitz, who now directs the National Employment Law Project’s worker-health-and-safety program, said, “These are Black and brown workers. I just don’t think this Administration cares about them at all.”

William Kilberg told me that Scalia had actively engaged in efforts at Gibson Dunn to recruit people of color. But, even if Scalia is not, like Trump, openly racist, his agency's policies have disproportionately harmed Blacks and Latinos. One reason such people have made up an outsized share of the pandemic's victims is that many have so-called essential jobs: delivery drivers, home health aides, janitors. In failing to safeguard these workers, the Labor Department has signalled that their lives don't matter as much as those of desk workers in whiter, more rarefied professions.

Since the pandemic began, the Department of Labor has also issued a series of little-noticed rules that have weakened the few protections that workers in low-wage industries have. A July 24th memorandum rolled back a policy, expanded under the Obama Administration, to deter wage theft, which robs low-income workers of billions of dollars every year. To address the problem, Obama's Labor Department began seeking to collect both back pay and a matching amount of damages. Aimed at bad actors who had little incentive to obey the law if the "damages" included only the wages that they had illegally withheld, the strategy was working, according to Michael Felsen, a former Labor Department regional solicitor, who helped devise it. In 2015, for example, the Labor Department ordered a Rhode Island restaurant chain to pay cooks and dishwashers who had been denied overtime compensation three hundred thousand dollars in back wages and damages. Scalia's new rule sharply curtails the collection of such damages.

David Weil, who ran the Wage and Hour Division of the Department of Labor during Obama's Presidency, told me that other recent rule changes similarly harm low-wage workers. Scalia's Labor Department has lowered the salary threshold for exempting employees from overtime pay (meaning that fewer workers receive it). Another altered rule gives restaurant owners more discretion over tips, making it easier to shortchange waitstaff.

In July, word leaked that the Labor Department was rushing to enact a new rule that would more broadly define the term "independent contractor." Such workers can be denied a minimum wage, overtime pay, and other benefits. Shannon Liss-Riordan, a lawyer who has filed numerous lawsuits on behalf of Uber drivers and other "[gig workers](#)" classified as independent contractors, described Scalia's proposed change as a "gift to corporations." The effort also raises ethical questions, since several companies that particularly stand to benefit—including Uber, Grubhub, and DoorDash—are Gibson Dunn clients. In the cases that Liss-

Riordan has litigated, Gibson Dunn has “been the primary firm I’ve been up against,” she said. “It should raise some serious eyebrows that the head of the Department of Labor is pushing a fast-track attempt to limit protections for gig workers, given that his law firm has been actively working through the court system to try to reduce the protections for these employees.”

The Labor Department is granting the public only thirty days to comment on the rule—typically, the comment period is sixty days. This is especially striking in light of a 2012 [op-ed](#) about the Dodd-Frank Act that Scalia published in the *Wall Street Journal*, in which he lambasted federal agencies for failing to “listen carefully to what the public says” before imposing a regulation. In May, when the Labor Department issued a rule exempting certain retail workers who are paid by commission from receiving overtime pay, it acknowledged that the change was being implemented “without notice or comment.”

A senior official in the Labor Department told me that its own experts and field officers have been sidelined by political appointees. In the past, the official said, field officers played an integral role in drafting new rules. Today, many of them learn about rule changes only after the fact, from agency press releases. Career officials have taken to calling the shadowy operatives now in charge the Ghost Squad.

Although some of Scalia’s rules may be overturned under future Administrations, the reversal process can take years, particularly if industry mounts court challenges. As Liss-Riordan noted, “Once something is done, it’s always harder to *undo* it.”

In August, Janet Herold, the Labor Department’s solicitor for the Western region, filed a complaint with the U.S. Office of Special Counsel, alleging that Scalia had abused his authority by intervening to settle a 2017 Labor Department lawsuit. The suit accused the tech company Oracle of underpaying women and people of color; lawyers with the department’s Office of Federal Contract Compliance Programs had determined that Oracle owed these workers between three hundred million and eight hundred million dollars in back pay. Oracle denied any wrongdoing. In recent years, the company has developed close ties to the White House. Safra Catz, the company’s C.E.O., served on the President’s transition team; in February, Larry Ellison, Oracle’s founder and chairman, hosted a fund-raiser for Trump. In the fall of 2019, shortly before the discrimination case went to trial, Herold learned that Scalia intended to settle it

for between seventeen and thirty-eight million dollars—a sum that she considered far too low. She wrote a memo objecting to this intervention.



"If I buy this sweater, we'll also have to buy a rustic little place upstate."
Cartoon by Kendra Allenby

In Herold's complaint to the Office of Special Counsel, she alleges that Scalia removed her from the case in retaliation. On August 28th, she learned that he intended to reassign her to fill a vacant position at OSHA. Herold had almost no experience with the agency.

In response to Herold's allegations, which were [first reported](#) by Bloomberg Law, a Labor Department spokeswoman told the *Times* that Scalia "never had any communications with Oracle or its attorneys concerning the department's litigation against the company." This is misleading. A senior Labor Department official and two individuals with knowledge of the case informed me that Scalia appears to have communicated with Oracle through a former legal partner, who served as a go-between. Another official with intimate knowledge of the case said that the former partner had called Scalia at home to discuss Oracle's interest in a settlement—thus insuring that the exchange wouldn't appear in government logs.

Herold's complaint suggests that Scalia removed her from the case not only to benefit Oracle but also for ideological reasons. Patricia Smith, the Labor Department solicitor under Obama, told me that Herold had been notably "aggressive and successful in obtaining liquidated damages" from companies that violated labor laws. Herold also had vocally objected to some of Scalia's new rules.

The news of Herold's transfer prompted Representative Rosa DeLauro and Senator Patty Murray to send a letter to the Labor Department's acting inspector general, Larry Turner, requesting an investigation. They wrote, "The Secretary's efforts to involuntarily transfer Ms. Herold appear to be retaliation against an employee simply doing her job to enforce the law." (The Labor Department spokesperson claimed that neither "Scalia nor anyone in department leadership was aware" of Herold's 2019 memo "prior to her reassignment, so there could not have been retaliation.")

In mid-September, the Office of Special Counsel requested that Herold's reassignment be delayed for ninety days, having determined that there were "reasonable grounds" to believe that the Department of Labor had committed a "prohibited personnel practice." On September 22nd, an administrative-law judge in San Francisco ruled that, despite evidence of significant disparities in

pay at Oracle, the company had not engaged in intentional discrimination against women and people of color. The Labor Department must now consider whether to appeal the ruling.

In July, Scalia visited Columbus, Ohio, to take part in a panel discussion highlighting the benefits of the new U.S.-Mexico-Canada trade agreement. A photograph of the event was subsequently posted on the Department of Labor Web site, showing him at a long table surrounded by members of JobsOhio, an economic-development agency. Everyone at the table was in business attire. All but one of the attendees—Scalia—had a mask on. Scalia also went maskless at a recent White House event supporting the Supreme Court nomination of [Amy Coney Barrett](#). So far, he has tested negative for *COVID-19*; his wife, who was present as well, tested positive.

Unlike Trump, who also recently contracted *COVID-19*, after months of mocking the value of masks, Scalia probably does not doubt that politicians should defer to scientific experts about the nature of the virus and how to prevent its spread. Yet he has allowed himself to be used as a prop in Trump’s anti-scientific crusade. Several former colleagues of Scalia’s told me that he must be mortified by Trump’s stewardship of the pandemic—and by the President’s lack of sympathy for the more than two hundred thousand victims.

Then again, it’s not evident how much sympathy Scalia has for Americans imperilled by the pandemic. One of the reasons the U.S. labor force has been particularly vulnerable to *COVID-19* is that the U.S. is the only advanced Western country without universal paid sick leave. In March, Congress partially remedied this by passing the Families First Coronavirus Response Act, which guaranteed paid sick and medical leave to private-sector employees in companies with fewer than five hundred workers. Several weeks later, the Department of Labor issued a rule narrowing eligibility for these benefits. Under Scalia’s rule, employees can be denied paid sick leave if their employers determine that they do not *need* them to work; no documentation is required to justify an employer’s decision. Seizing on the fact that Congress’s law excluded “health-care providers and emergency responders,” Scalia’s rule also expanded the definition of “health-care providers” to include everything from companies that contract with hospitals to institutions where health-care instruction is offered.

As a lawyer, Scalia often accused federal agencies of overstepping their

authority. On April 14th, New York's attorney general, Letitia James, sued the Department of Labor on similar ground, alleging that it had acted to deny workers crucial benefits that Congress had clearly intended to grant. This contention was affirmed by a recent audit of the Department of Labor, conducted by the Office of Inspector General, which found that the department had “significantly broadened the definition of health-care providers” in ways that were inconsistent with existing federal statutes.

On August 3rd, a U.S. District Court judge, J. Paul Oetken, struck down Scalia's restrictions. “This extraordinary crisis . . . calls for renewed attention to the guardrails of our government,” Oetken wrote. “DOL jumped the rail.”

A month later, another judge struck down a Scalia regulation, issued in March, that narrowed the circumstances in which businesses such as Amazon and McDonald's could be held liable when their subcontractors violated workers' rights. A coalition of seventeen states and the District of Columbia had sued the Labor Department, claiming that restricting the liability of “joint employers” would leave workers “more vulnerable to underpayment and wage theft.” Judge Gregory H. Woods, of the Southern District of New York, concluded—with a rhetorical swipe at Scalia—that the rule was “arbitrary and capricious.” The dispute showed that Scalia does not oppose *all* government regulations—just the ones that conflict with his pro-business ideology. He's fine with new rules that impose costs on workers.

As states have begun reopening their economies, employees have feared returning to workplaces that don't appear to be safe. In May, Bailey Yeager, a director at a human-resources company called *SHRM*, was asked for feedback about a proposal that she return to her office. Like most white-collar employees, she'd spent much of the spring working from her home, in Alexandria, Virginia, where *SHRM* is based. Yeager, concerned about infecting her two daughters, requested that she be allowed to continue working remotely “until returning to work is both more widespread regionally and there is a decline in the metrics regarding cases/hospitalizations.” She also asked to see *SHRM*'s plans for reopening safely, while adding that she was “flexible” about returning to the office. Two weeks later, Yeager, who in recent years had received glowing performance reviews and several promotions, was fired. Three other employees who'd expressed similar worries, including two with preexisting medical conditions, were also terminated.

Insuring that employees are not subjected to retaliation for engaging in certain protected activities is a key responsibility of the Department of Labor—in particular, of *OSHA*, which enforces the whistle-blower provisions of more than twenty laws. During the Obama Administration, David Michaels established a federal advisory committee to strengthen *OSHA*'s whistle-blower program. After Trump was elected, the committee was disbanded, and since then the whistle-blower-protection office has had no leader, despite many reports of workers facing reprisals for complaining about unsafe conditions during the pandemic. A [survey](#) conducted in May by the National Employment Law Project revealed that one in eight workers “has perceived possible retaliatory actions by employers against workers in their company who have raised health and safety concerns.” The survey found that Black workers were more than twice as likely as white workers to have witnessed such retaliation.

After Yeager was fired, she contacted Bernabei & Kabat, a law firm that represents whistle-blowers, which filed a complaint on her behalf with *OSHA*, alleging that *SHRM* had terminated her unfairly. (The company denies any impropriety.) The complaint describes a conference call in which Johnny Taylor, the company’s C.E.O., outlined plans to “outsource” functions in departments where workers were resisting coming back to the office. Taylor also mentioned that he’d spoken recently with a friend of his, “the Secretary of Labor”—who had been slated to be the keynote speaker at a *SHRM* event in March, before the pandemic struck. In July, Yeager told me, an *OSHA* representative called her and pressured her to withdraw her complaint. When she declined, the representative said threateningly, “Are you sure you don’t want to withdraw it?”

In May, Loren Sweatt, *OSHA*’s principal deputy assistant secretary, appeared before the House Committee on Workforce Protections and declared, “You could not get a better spokesperson for whistle-blower protection than the Secretary of Labor.” Three months later, an audit by the inspector general revealed that this was false: even as whistle-blower complaints have surged during the pandemic, the agency has left five whistle-blower-investigator positions vacant, inhibiting *OSHA*’s ability to handle the caseload.

It appears that Scalia at least cares about how his tenure as Labor Secretary is perceived in Washington. Several people I interviewed speculated that he nurtures larger ambitions, hoping to be appointed a federal judge and, eventually, a Justice of the Supreme Court. At the same time, Scalia has gone to great lengths to please the clients he used to serve as a corporate lawyer. Left out of

Scalia's cost-benefit calculations is the public good.

Nothing illustrates this more than his involvement in a tussle over a Department of Labor rule that required financial advisers to give clients advice about their retirement assets that was in their best interests. Adopted in 2016, after an exhaustive six-year process, the rule was designed to eliminate conflicts of interest that gave brokers incentives to push high-risk investments on elderly retirees, potentially costing them billions of dollars a year. Scalia, then at Gibson Dunn, assailed the rule as a “regulatory Godzilla,” and he and others repeatedly challenged it in court, on behalf of the U.S. Chamber of Commerce. Courts rejected those challenges four times, but Scalia finally won before the conservative Fifth Circuit Court of Appeals.

Given Scalia’s role in overturning the rule, some assumed that he would recuse himself from the matter while serving as Labor Secretary. He did not. In June, the Department of Labor proposed a new rule, which is riddled with loopholes that, among other things, would enable financial advisers to resume recommending products that yield high commissions for them while exposing retirees to risk. This outcome doesn’t surprise Barbara Roper, the director of investor protection at the Consumer Federation of America. The Secretary of Labor, she suggested, has, in effect, become the Secretary of Employers. She observed, “Secretary Scalia’s former clients should be *very happy* with him.” ♦

An earlier version of this article misstated Michael Felsen’s title.

Annals of Justice

- **How to Spot a Military Impostor**

How to Spot a Military Impostor

The detectives who investigate fake stories of military service use many tools, including shame.

By [Rachel Monroe](#)

October 19, 2020



Callahan County, an agricultural region outside Abilene, Texas, is a place where people pay attention to their neighbors. Bart Kendrick, whose family has lived in the county since the nineteenth century, takes particular notice of vehicles. (When I visited him, he greeted me by saying, “Nice truck. What year is it?”) Last summer, Bart saw something odd at a nearby house. In the morning, a pickup truck was parked in front of the garage. In the evening, the truck had been replaced by a patrol car. When Bart went to introduce himself to his new neighbors, no one answered the door. The yard was weedy; the windows were covered with aluminum foil.

In December, Bart and his wife, Amber, read in the local paper that Leroy Foley, a police officer in the nearby town of Clyde, was running for sheriff of Callahan County. In Foley’s public filings, he listed the neighboring house as his residence. To Bart, it seemed obvious that Foley didn’t live there but was merely using it as a place to switch out his vehicle after work. The Kendricks did a little digging and discovered that Foley lived fifty-five miles away, in another county, which under Texas law made him ineligible for the position.

Bart is a deliberate man with a long, wiry beard. If something strikes him as wrong, he feels obligated to fix it. Just before my visit, one of the family’s cats was killed by a raccoon. After Bart buried her, he reviewed his security-camera footage to identify the culprit, then spent several nights perched in a tree with a pistol until he got his revenge. Foley’s apparent lie about his residence offended Bart. He began to film himself knocking on the door and getting no answer. He photographed the trash can by the road to show that its contents never changed.

Foley promised to professionalize the sheriff’s department. He called the current deputies “a bunch of yahoos” and mocked them for wearing cowboy boots instead of tactical shoes. A tall man with a square jaw and closely cropped hair, he touted his eleven years as a member of the 75th Ranger Regiment, an élite special-operations Army unit. He talked about his sniper training and the bullets he’d taken for his country. On his campaign Facebook page, he displayed his medals: a Silver Star, for valor in combat, and a Purple Heart. “I was born a protector and an overwatcher,” he told a local television station.

Foley’s opponent in the Republican primary was Rick Jowers, a mild, approachable sheriff’s deputy with a handlebar mustache. Jowers was well known, and largely well liked, throughout the county; I heard stories of people

calling him for help wrangling loose goats and managing family disputes. “He was a darn good deputy,” Terry Joy, who had been the sheriff of Callahan County since 2013, told me. “He did his job good, got along with people good.” Jowers had worked for the sheriff’s office for eight years, five of them as chief deputy. “He was just a good old country boy who wanted to help you. Someone you could actually call and feel comfortable about it,” said Marcia Shumway, a local stay-at-home mom and home-school teacher, who, with her husband, Paul, supported Jowers in the race.

Foley repeatedly invoked his time in the Army. “I’m not cop-trained, I’m military-trained,” he said, during a debate in Cross Plains, in January. “I’m on time, like all military people are. I’m respectful, like all military people are.” Jowers seemed thrown by his opponent’s tough-guy posturing, and offered a different vision for law enforcement in the county. “My military doesn’t have nothing to do with what I’m doing for the county right now,” he said. He added that he, like Foley, was an Airborne Ranger with combat wounds: “I served my country, I took a bullet for my country . . . but we’re not going to try to run our sheriff’s department like the military.”

Around Christmas, Bart Kendrick went public on Facebook with his accusation about Foley’s residency, sure that it would tank his candidacy. Instead, people called Bart a stalker. He was disheartened by the community response, but his wife was energized. She scoured Foley’s social-media accounts, trying to find other holes in his story. One evening, she mentioned Foley’s military medals to her father, a retired colonel in the Air Force. “He said, ‘A Silver Star—that’s, like, never given out,’ ” Amber told me. “And he said, ‘There are places out there that will research things like this.’ ”



AMY
HWANG

"These are just as good as, if not better than, jelly beans."
Cartoon by Amy Hwang

On January 13th, Amber filled out a form on Military Phonies, one of a number of Web sites dedicated to exposing people who invent or inflate their military service. "I am concerned that he may not have received [the medals] but is implying that he has," she wrote. "My father served 30 years in the Air Force and I have regard for servicemen. I just need help in finding out if he does indeed have these medals."

That night, a representative from Military Phonies e-mailed Amber, saying that it usually took the group several weeks to put together a complete record, and pointing her to a list of Silver Star recipients compiled by a military historian named Doug Sterner. Foley was not on the list.

Three weeks later, Military Phonies published the results of its investigation, concluding that Foley was indeed an Army veteran but that his career was much less élite than he had claimed. There was no evidence that he was an Airborne Ranger or a sniper, that he had received a Purple Heart or a Silver Star, or that he had been wounded in combat.

The Facebook page for the Clyde Police Department was soon flooded with comments from angry people across the country: "Hey Clyde PD, you have a POS Poser in your midst"; "Leroy Grant Foley those brand new cuff links will look good on you." Foley was placed on administrative leave. It turned out that he had submitted a doctored DD 214—the record of military service—when he applied for his position, crediting himself with such honors as the Saudi Arabian Liberation Medal and the Sniper Badge, neither of which exist. Within a few days, Foley resigned. "I can't answer why somebody would do those types of things. In reality, he's an honorably discharged military veteran," Robert Dalton, the Clyde police chief, told me. "It doesn't make sense."

Politicians lie to get us into wars; generals lie about how well things are going; soldiers lie about what they did during their service. In 1782, when George Washington awarded ribbons and badges to valorous [Revolutionary War](#) troops, he was already worrying about pretenders. "Should any who are not entitled to these honors have the insolence to assume the badges of them they shall be severely punished," he wrote. When Walter Washington Williams, thought to be the last surviving veteran of the Confederate Army, died, in 1959, [President Eisenhower](#) called for a national day of mourning. It turned out that Williams

had fabricated his service, and that the second-longest-surviving Confederate soldier probably had, too. In fact, according to the Civil War historian William Marvel, “every one of the last dozen recognized Confederates was bogus.” But it’s only recently that lying about military service has been considered a particularly heinous form of lying, one with its own name: stolen valor.

The phrase originated with B. G. (Jug) Burkett, a Texas stockbroker and a Vietnam veteran, whose attempts, in the nineteen-eighties, to raise funds for a memorial to Vietnam veterans from Texas were made difficult, he wrote, by the stereotype that soldiers who returned from the war were “losers, bums, drug addicts, drunks, derelicts—societal offal who had come back from the war plagued by nightmares and flashbacks that left them with the potential to go berserk at any moment.” In 1988, Burkett read a story in the *Dallas Times Herald* about Carl Dudley Williams, a homeless man who had shot and killed a police officer. The *Times Herald* reported that Williams was a Vietnam veteran; one of the paper’s columnists wondered whether “Vietnam did that to him.” On a whim, Burkett filed a [Freedom of Information Act request](#) to obtain Williams’s military records and discovered that he had never served in Vietnam.

Burkett began *FOIA-ing* with abandon. He requested the records of a Green Beret who signed autographs for kids at parades: faker. He looked into the Navy *SEAL* and the Green Beret who operated San Antonio’s Vietnam War Museum: both liars, although each thought that the other was legit. He found that the actor Brian Dennehy, famous for playing Rambo’s law-enforcement antagonist in “First Blood,” had lied about suffering combat wounds in Vietnam. (Dennehy served five years in the Marines, but never in Vietnam; he apologized after Burkett went public with his accusation.) Burkett caught so many people distorting or inventing their military service that he wondered whether the dissemblers might be evidence of “a national phenomenon, a weird ripple in the American psyche.” By 1989, Burkett was averaging one *FOIA* request a day. He wrote that an official at the National Archives told him that he was “probably the Archives’ number one individual *FOIA* user.”

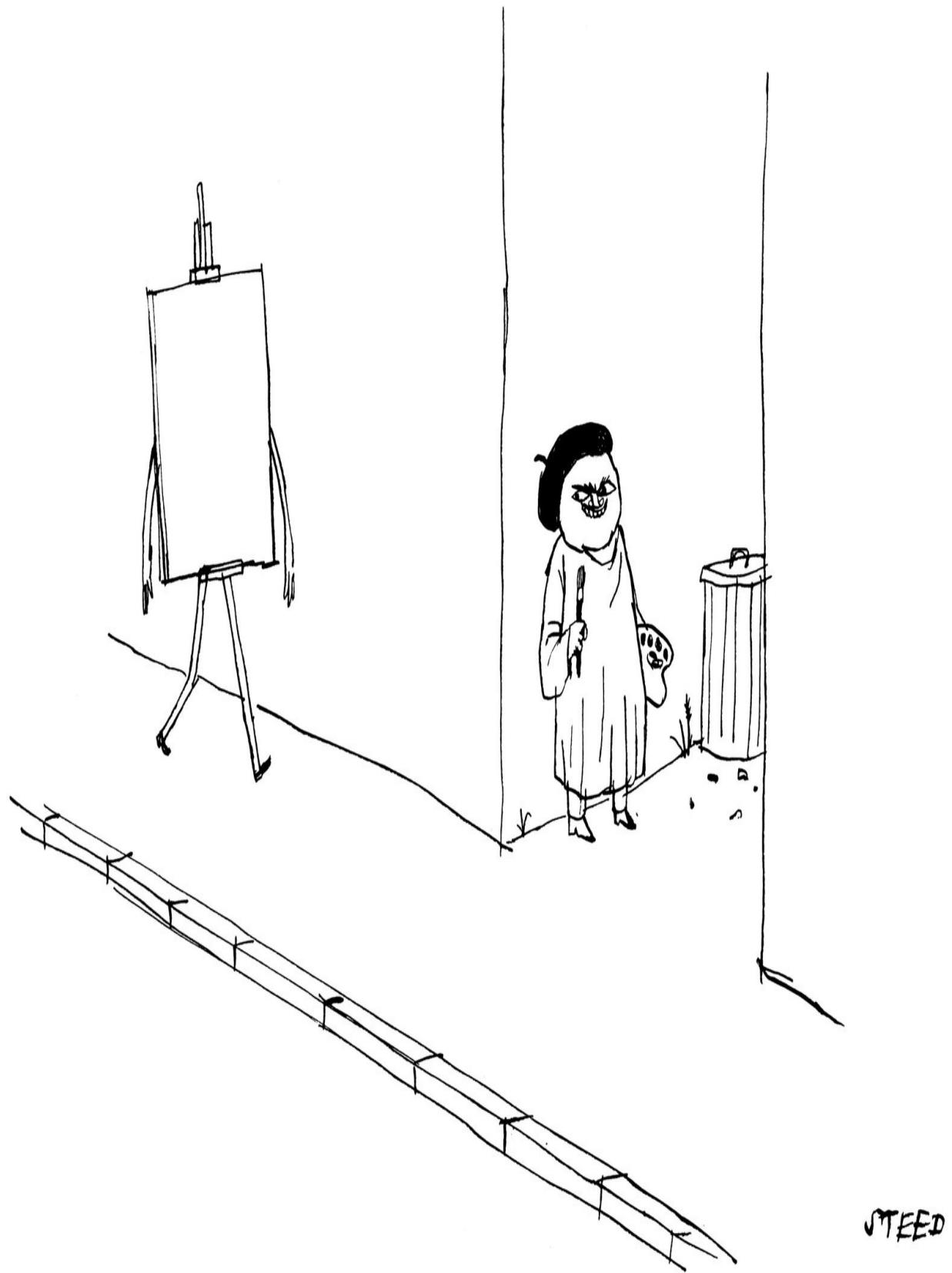
In 1998, Burkett self-published “[Stolen Valor: How the Vietnam Generation Was Robbed of Its Heroes and Its History](#),” which he wrote with the investigative journalist Glenna Whitley. The nearly seven-hundred-page book explored many of Burkett’s preoccupations—that P.T.S.D. was an overdiagnosed condition cooked up by antiwar leftists; that accusations of war crimes in Vietnam were overstated—but what captured readers’ attention was his exposure of military

fakers. “This was pre-social media, and it started going kind of viral,” Whitley said.

Even so, there were only a handful of people regularly investigating false military claims. “Basically, there were three of us—myself, Jug Burkett, and a couple out of Missouri,” Doug Sterner, who calls himself an “accidental stolen-value researcher,” told me. Sterner, who returned from Vietnam with two Bronze Stars, learned how to navigate the military-records system while compiling a database of people who’d been given the Medal of Honor, the nation’s highest military award. Like Burkett, Sterner verged on the obsessive. By day, he managed an apartment building in Pueblo, Colorado; in his spare time, he maintained lists of medal recipients and wrote eighty-one books, the majority about military history. (His best-sellers are not about war, however. “My wife is a big fan of [‘Fifty Shades of Grey’](#), so I wrote some books in that vein for our fortieth anniversary, and they sell more than all my other books combined,” he told me, sounding a little abashed.)

Sterner had never intended to expose fakers—he was more interested in the real heroes—but he kept running across them. At a gathering for honorees, in the nineties, a short man approached Sterner, holding a photograph of a man wearing a medal. “I hear you’re something of a Medal of Honor historian,” he said. “Can you identify this man for me?” Sterner peered at the image. “I said, ‘Well, that’s the Air Force design of the Medal of Honor. There’ve only been thirteen Medals of Honor awarded by the Air Force in history. Only five of them are still living, and he’s not one of them, so this guy’s a phony.’ And he stuck his hand out and said, ‘Glad to meet you, I’m Tom Cottone with the F.B.I.’ And that started our friendship.”

When Sterner learned of a fraudulent Medal of Honor claim, he’d pass the information along to Cottone. The work sometimes made him uncomfortable. When a woman wrote to Sterner insisting that her husband be added to his Medal of Honor database, Cottone asked Sterner to pretend to believe her. “I felt I was doing something really pretty dirty—leading this woman on to help her incriminate her husband so the F.B.I. could go in and take his medal,” Sterner said. When he shared his anxieties, Cottone told him that, if a person was lying about his service, he was often lying about more substantial things, too.



At the time, wearing an unearned military medal was against the law, but there was no particular consideration given to lies about military service; the same chapter of the federal statute also made it illegal to proffer a fake police badge, pretend to be a member of 4-H, or misuse the likeness of Smokey Bear. That began to change in 2004, after an Arizona man was featured in a local newspaper as a highly decorated veteran who had, among other improbable exploits, assisted in the capture of [Saddam Hussein](#). Sternner helped expose him as a liar, but he was frustrated that there was no criminal penalty. It wasn't illegal to lie about a medal—it was only when you pinned it on your lapel that you broke the law. Pam Sternner overheard her husband and Cottone ranting about the current law's toothlessness. "It was a venting session that at times became very loud, earnest, and hard to ignore," Sternner wrote in "[Restoring Valor: One Couple's Mission to Expose Fraudulent War Heroes and Protect America's Military Awards System](#)." His vehemence at first irritated Pam, who had gone back to school to study political science and had an assignment due the next day; then it inspired her. In her final paper, she proposed criminalizing false claims about the nation's highest medals. She got an A. Then she decided to try to get the legislation passed.

The Sterners' timing was fortuitous. In the period after 9/11, ninety-one per cent of Americans were proud of U.S. troops, according to a Pew survey, and the military was the most trusted institution in the nation. Accompanying that trust was mounting anxiety that it could be abused. The Stolen Valor Act of 2005, written in part by Pam Sternner, was introduced the year that millions of filmgoers watched "[Wedding Crashers](#)," in which Vince Vaughn and Owen Wilson's characters lie about being Purple Heart recipients. On September 7, 2006, the act, which made it a federal crime to falsely claim receipt of a military award or decoration, passed in the Senate by unanimous consent; President [George W. Bush](#) signed it into law soon afterward. But, six years later, in *United States v. Alvarez*, the Supreme Court ruled in favor of Xavier Alvarez, a water-district official in Southern California, who had been convicted of lying about receiving the Medal of Honor. (Alvarez had also falsely claimed to be a professional ice-hockey player and to have been married to a Mexican movie star.) The Court found that the Stolen Valor Act violated the First Amendment. Congress passed an amended statute, which made it illegal to fraudulently wear medals, embellish rank, or make false claims of service in order to obtain money or some other tangible benefit, making stolen valor an issue of fraud rather than of speech. But,

in his majority opinion in Alvarez, Justice [Anthony Kennedy](#) had suggested another way forward. “Once the lie was made public, he was ridiculed online,” he wrote. “There is good reason to believe that a similar fate would befall other false claimants.”

In 2015, Eric Lindinger, a Gulf War veteran, had a job that involved a lot of cross-country driving. He kept having odd interactions with strangers. He’d be enjoying an All-Star Special at Waffle House, where veterans can get a ten-percent discount, when a man would start asking questions about his military service. The guy would usually be polite, but the interactions felt more like interrogations than like conversations. “They’re always loaded questions,” Lindinger told me. “They’ll be, like, ‘You were over there in 1992, right?’ Because, if I say yes, he’s caught a phony.” I asked him how often these encounters happened, and he gave a rasping chuckle. “I’m laughing because it happened a lot,” he said.

As Justice Kennedy predicted, public shaming has become the de-facto response to suspected stolen valor. Last year, a Montana judge required that, as a condition of their parole, two men who had falsely claimed veteran status must stand at the Montana Veterans Memorial with placards that read “I am a liar. I am not a veteran. I stole valor. I have dishonored all veterans.” Typically, though, punishment is meted out online.

Researching potential phonies was once a lonely enterprise; now there are a dozen Web sites, message boards, and Facebook groups that provide instruction and crowdsource the work. The activity has become a type of bonding exercise for former service members; some even seem to be reliving their war experience when hunting down phonies. (On StolenValor.com, exposed liars are “secured targets.”) In a forum called Special Forces Brothers, which is associated with Guardians of the Green Beret, fifty-seven hundred current and former Green Berets help vet claimants. Military Phonies gets more than a hundred thousand unique views on a good day, according to the Web site’s administrator.

Documenting and debunking fakers has become easier as more of our lives have moved online. People lie about their service in YouTube clips, Facebook posts, and text messages; researchers have exposed a man who claimed on a dating site to have been on the *SEAL* team that took out Osama bin Laden, and another who posted photographs of himself wearing a Green Beret uniform on his wedding day. A few of Military Phonies’ half-dozen volunteer researchers are registered

private investigators, which allows them access to specialized databases. “We look at what they post on the Internet, who they’re talking to, what they’re saying,” the Web site’s administrator told me. “We’ll do a *FOIA*, and we’re very specific about the information we ask for—what units they may have been in, what awards they could’ve had, the time they served, what their discharge rank was, and their combat history.”

Ed Caffrey began following stolen-valor Web sites when he was on active duty in the Air Force. He set up Google news alerts for key phrases: “prisoner of war,” “Navy Cross.” “I started coming across these guys putting themselves in local media as heroes,” Caffrey told me. “The first one claimed he served in the unit from ‘Band of Brothers’ and also stormed the beach at Normandy—it just didn’t make any sense.”

The lies that people tell shift with the appetites of the era. Veterans of the Second World War placed themselves at the sites of iconic battles, even when they were stationed far away. People falsely claiming to have served in Vietnam often used the war to explain some failure or trauma in their personal lives—their homelessness or their struggles with addiction. With the wars in Afghanistan and Iraq came a surge in young men who said that they were élite commandos; in the weeks after the raid that killed bin Laden, phony *SEAL* claims doubled, according to one researcher.

Culture shapes lies, too. “When ‘Rambo’ came out, everyone was a Green Beret. After ‘The Hunt for Red October,’ everyone was a submariner,” Don Shipley, who investigates fake Navy *SEALS*, told me. Shipley is one of the most prominent figures in the field, the closest thing it has to an influencer. “I’m lethal with a keyboard—you can’t lie to me,” he has said. After more than two decades with the Navy, he worked as a contractor for [Blackwater](#) in Afghanistan and Pakistan, then ran Extreme *SEAL* Experience, a camp where civilians paid more than two thousand dollars for a week of simulated *SEAL* training. A decade ago, Shipley began posting YouTube videos debunking false *SEAL* claims. “There were other guys doing this before me, but I’m the guy that took it to YouTube,” he told me.

Shipley studied how to make a video go viral. “You gotta be entertaining, you gotta be funny,” he said. “You always want to put a pretty young lady in a video if you can swing it.” He started telephoning suspected liars, baiting them into telling ridiculous stories, and exposing them. “It went big really kinda quick,” he

said.

While Sterner and other early stolen-valor researchers worked largely behind the scenes, Shipley's videos were as much about his life as about the men he exposed. His wife, Diane, a platinum-haired straight-talker, was a regular guest, as were the couple's many dogs, ducks, and grandchildren. The YouTube channel quickly grew popular with veterans, police officers, and firefighters. "I have entire National Guard units that spend their weekends watching my videos on a big screen in an auditorium, seeing what Don is doing," Shipley said. He's been surprised by how many older women watch, too. By last year, his videos had been viewed fifty million times.

The interviews present a satisfying moral clarity: Shipley, a broad, deep-voiced man with lush hair, plays the role of the good soldier, confidently asserting his dominance over the dissembling faker. When a liar's story starts to spin wildly out of control, Shipley cocks an eyebrow. The liar inevitably starts calling him "sir." "I took lessons from Patton," Shipley said. "If you want to keep people's attention, you start cursing."

When the phone calls became routine, he and Diane travelled to a half-dozen states, sometimes staking out phonies' houses and confronting them on camera. Shipley tried to keep things more or less professional, but his fans could be less scrupulous. "Some guys were just really out for blood," he said. "They would track down the guy's family, his mother, his wife. They would send them harassing e-mails, or they'd get a phone number and post that up on YouTube, and people would be calling it really late."



JON ADAMS

“Dear Deborah, I’ve lost my phone and we need to talk.”
Cartoon by Jon Adams

Shipley’s videos belong to a genre known as justice porn, which Urban Dictionary defines as “getting off on watching someone get their due for being a scumbag piece of shit.” Justice porn allows us to indulge our baser instincts, ostensibly in the service of righteousness.

Since Shipley started his channel, confrontations between service members and potential impostors have become wildly popular on YouTube. They amass millions of views and are re-aired on Fox News and on the program “Tosh.0.” They tend to follow a standard template: the accuser confronts a suspicious stranger in uniform in a big-box store or a mall food court, barraging him (or, rarely, her) with questions about where and when he served. The accused mumbles nonsensical answers before slinking off, exposed and humiliated. The videos, with their blend of vigilante justice and public callouts, hit several social-media sweet spots; watching them makes me feel both rapt and queasy, particularly when the accuser’s anger feels disproportionate to the situation. “It’s clear this is about way more than just stolen valor,” the comedian Ian Fidance, who has made a series of parody stolen-valor videos, told me. “They served their country, now they have to get a normal job, maybe they have P.T.S.D., maybe they’re not getting help from the V.A. It’s like cancelling someone online—you can’t fix the bigger problem, so you just attack this stranger.”

Shipley partly blames himself for seeding these confrontations. “I came out swinging so hard at these guys on the Internet that I brought on flocks of these junior G-men who have nothing to do but patrol Walmart and accost people,” he said. On Reddit, civilians share stories of getting called out for wearing military-themed hoodies, and worry about whether they’re stealing valor by wearing camouflage pants. An Iraq War veteran was jumped and had his leg broken outside a Sacramento bar by two men who thought he was lying about being a marine. Bob Ford, a former marine in his seventies, was harassed in front of a crowd by two men who were suspicious because his belt buckle appeared too ornate for his rank. “I thought I was going to have a heart attack on the spot,” Ford told the podcast [“Reply All.”](#) Some of the most uncomfortable stolen-valor videos involve confrontations with people who appear to be confused, mentally ill, or homeless. “On the Reddit boards, people will talk about what makes them suspicious that someone is not a real vet,” Kristiana Willsey, a folklorist at the University of Southern California who studies military narratives, said. “Often, if someone is not a paragon of traditional masculinity—if you don’t look like

Bradley Cooper playing Chris Kyle—your claims are more suspect.” (After the death of Kyle, the soldier whose story was the basis for “American Sniper,” the Intercept revealed that in his memoir he had awarded himself one more Silver Star and one more Bronze Star than he had earned.) “The hard part,” Shipley said, “is that nobody believes anybody anymore.”

Last February, YouTube suspended Shipley’s channel for harassment. Shipley admits that he sometimes broke the platform’s rules against releasing individuals’ personal information, but he contends that he was deplatformed for political reasons: he had been digging into the background of Nathan Phillips, a Native American veteran who appeared in a viral video with a student from Covington Catholic High School. (Phillips has claimed that he served during “Vietnam times,” but he was actually a reservist who never served *in* Vietnam; he also went AWOL a number of times.) These days, subscribers pay ten dollars a month for access to the Shipleys’ video library, along with regular live streams, Diane’s recipes for “Big Ass Meatballs” and “ass kickin cornbread,” and Don’s duck-hunting tips.

Some of the so-called valor thieves busted by Shipley and others fit Tom Cottone’s description—their lies about their military service are part of a larger pattern of deception. Con men posing as military heroes trade on the respect and deference granted to veterans, using claims of service to win investors’ confidence, receive veterans’ benefits, or secure government contracts. Grifters lie about being war heroes, then steal money from women they meet on dating sites. People in positions of trust use military credentials to bolster their authority; pastors, sheriffs, and politicians are regularly featured on stolen-valor Web sites. (Other patterns Shipley has noticed: there is a disproportionate number of phonies in Georgia, liars tend to be junior enlisted men, and stolen valor is “primarily a white problem.”)

In many instances, though, the motivations are muddier. An agent at the Naval Criminal Investigative Service told me that most cases of stolen valor don’t involve career criminals. People who lie about having served often seem less interested in money than in belonging to an esteemed group. Marc Feldman, a psychiatrist who specializes in factitious disorder, a diagnosis that is given primarily to women who feign or produce illness or injury for emotional gratification, sees stolen valor as a less-studied offshoot of the same syndrome. “The role of ‘patient’ is well defined in our society,” he said. “One of the appeals of patienthood is the special dispensation—we reduce our expectations of that

person, we give them attention.” The role of veteran, which comes freighted with its own set of expectations and benefits, is similarly alluring. Most stolen-value cases don’t involve master criminals but, rather, average men who want to be treated as if they were extraordinary.

After Leroy Foley’s lies about his military service were exposed, Rick Jowers seemed certain to win the Republican primary and therefore become Callahan County’s next sheriff, since no one was running as a Democrat. Then people started bringing up the comments that Jowers had made during a debate with Foley. “Has anyone looked into Chief Deputy Rick Jowers past?” someone asked on Facebook. “He also stated that he was a military veteran that was shot while serving his country.”

In response, Jowers posted an image of his DD 214, but it was oddly cropped, with key information outside the frame. Bart and Amber Kendrick were taken aback. “We were so focussed on Foley, we didn’t even think about Jowers,” Bart said. Military Phonies was already looking into Jowers’s background. “As soon as I watched that video” of the debate, the Web site’s administrator told me, “I was, like, Let’s *FOIA both* these guys.”

That evening, Jowers, on a call with his supporter Paul Shumway, started weeping. “He’s, like, I screwed up, I told a little lie and it got big,” Shumway, a veteran of the Air Force, said. Jowers knew that Military Phonies was about to release his military records, which would show that he was not an Airborne Ranger, and that he had not been wounded in combat. In fact, he had served as a private in the Army, gone *AWOL* in Germany, and received an “other than honorable” discharge. Jowers told Shumway that he’d left Germany when his father suffered a heart attack, and had been kept away by a series of tragedies: his mother’s death in a car crash, his sister’s suicide, his brother’s death. “He struck me as sincere,” Shumway said.

Jowers released a statement, apologizing for misleading the community and claiming that he had distorted his record because he had been “upset and angry at a certain person”—presumably Foley. Some Callahan County residents were ready to forgive him. “I think he just got caught up in the moment,” Sheriff Joy said. “He made one little mistake and look what happened.” But when Shumway’s wife, Marcia, Googled Jowers’s siblings, she discovered that they had died more than a decade after his military service. And as far back as 2007, when Jowers applied to work at the Taylor County jail, he claimed to have been

an Airborne Ranger. Jowers withdrew from the race and resigned his job with the sheriff's department. "He lied till the end," Shumway said. ♦

Books

- [Briefly Noted Book Reviews](#)
- [Martin Amis's Turn to Autofiction](#)
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[October 26, 2020 Issue](#)

Briefly Noted

“His Very Best,” “Analogia,” “Shelter in Place,” and “Ruthie Fear.”
October 19, 2020

HIS VERY BEST

JIMMY CARTER, A LIFE



JONATHAN ALTER

His Very Best, by Jonathan Alter (*Simon & Schuster*). Evoking an era when decency and competence in the White House were expected, this biography makes the case for reevaluating Jimmy Carter's "underrated" Presidency. The Iran hostage crisis and popular impatience with Carter's "eat your spinach" leadership cut short his project, but Alter argues that he made a consequential mark on the country. Carter defended the environment, reformed the civil service, concluded the Camp David Accords, and forever changed the federal bench by appointing women and minorities. One of them, Ruth Bader Ginsburg, later said that her selection, in 1978, was not "in the realm of the possible until Jimmy Carter became president." Alter praises Carter's moral rectitude and attention to detail, and laments that his tenure is so often seen as a lesson that high-mindedness rarely succeeds in politics.

ANALOGIA

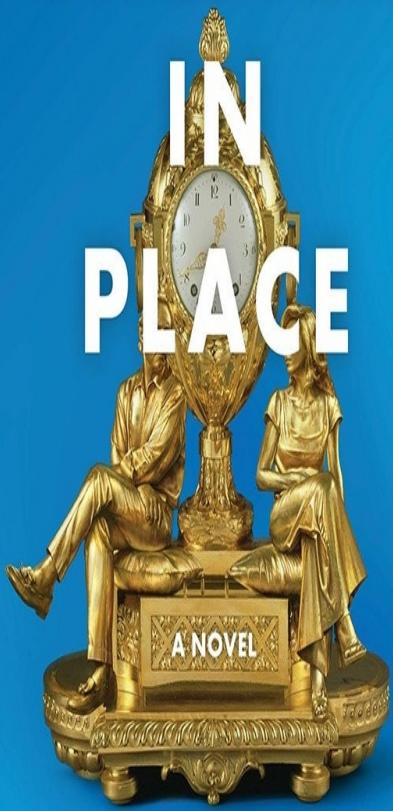
THE EMERGENCE
OF TECHNOLOGY
BEYOND
PROGRAMMABLE
CONTROL

GEORGE DYSON

AUTHOR OF TURING'S CATHEDRAL

[**Analogia**](#), by George Dyson (Farrar, Straus & Giroux). This idiosyncratic history of “the entangled destinies of nature, human beings, and machines” charts the arrival of a new epoch. Dyson sees digital computing, which relies on rigid logic and discrete bits of information, giving way to systems (such as social networks and artificial intelligence) that are influenced by the organic processes of nature. Surveying the shifts of the past three centuries, Dyson describes lost analog technologies, such as the vacuum tube and the heliograph communication system used in the Apache Wars. New analog systems, he suggests, presage a return to old ways, and, because we can neither fully understand nor control these systems, the only path forward is coexistence.

SHELTER IN PLACE



DAVID LEAVITT

BLOOMSBURY

Shelter in Place, by David Leavitt (*Bloomsbury*). The protagonist of this satirical novel, a wealthy woman in her fifties named Eva Lindquist, decides to flee the Trump Presidency for Venice, a decision that upends her relationships with her husband and with her coterie of handsome young gay men. Leavitt skewers the pretensions of rich liberals: Eva accuses her friends of living in a bubble while she bosses around her maid, and her husband tries to rescue a co-worker from her messy life, only to find she doesn't want to be rescued. When Eva and her privileged friends debate whether one can be both free and safe, her latest gallant retorts, "Most people on this planet, we never feel safe and we never feel free."

RUTHIE

MAXIM

FEAR



LOSKUTOFF

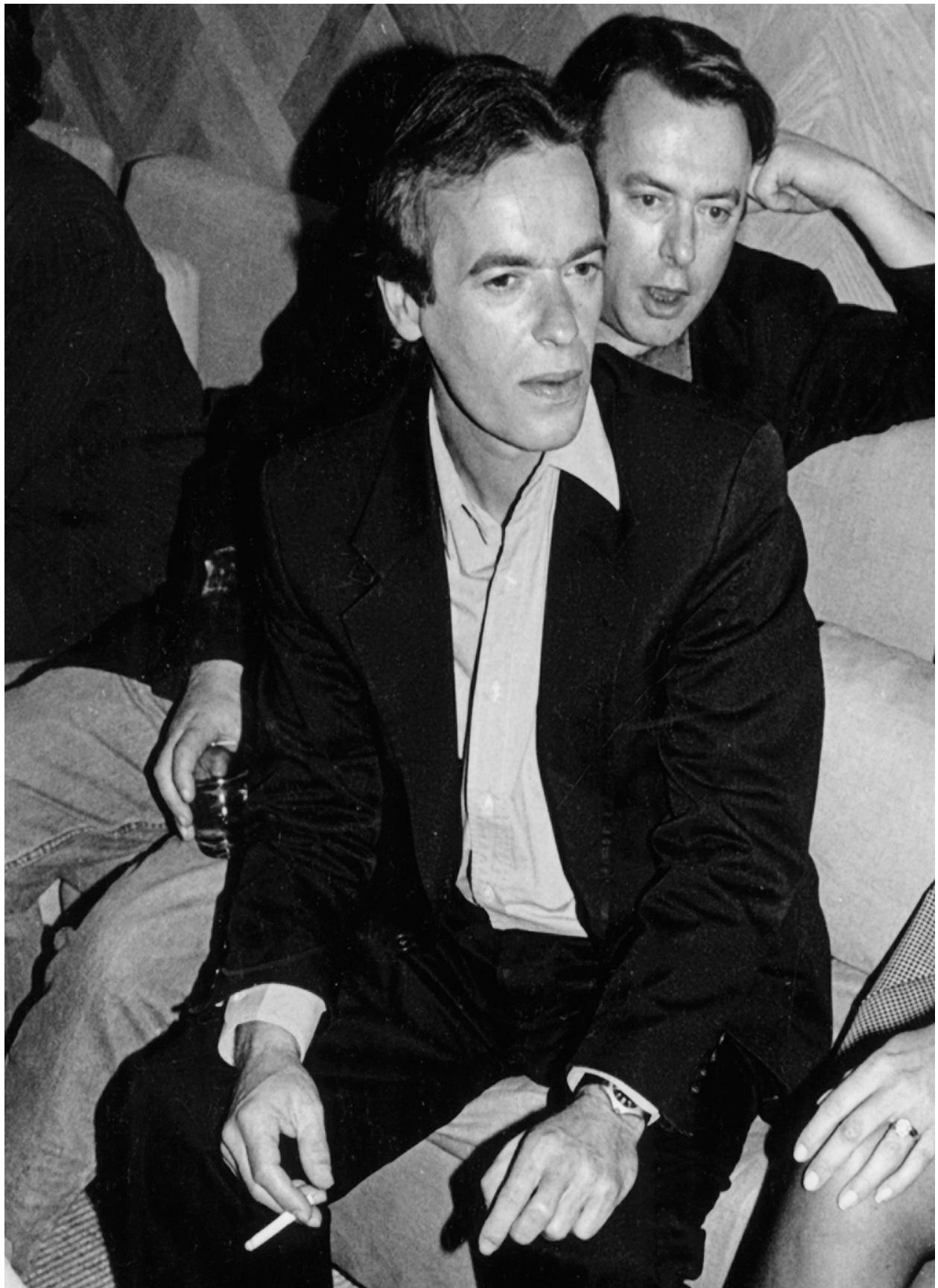
[**Ruthie Fear**](#), by Maxim Loskutoff (Norton). Living in a run-down trailer in the rugged town of Darby, Montana, the title character of this début novel and her father are among the best hunters in the region, and also the most miserly. After her mother leaves, Ruthie struggles to find her place in a world of violence, devising “her own morality based on the behavior of the animals she saw.” Ruthie’s lawlessness makes her an acute observer of contradictions within herself and in the community, and Loskutoff uses tropes of the Western—vivid depictions of mountain landscapes and hunting scenes—to offer a subtle portrayal of poverty and class warfare.

Martin Amis's Turn to Autofiction

The author's new novel is not just drawn from his own life but structured with freewheeling digressions that mimic the experience of remembering the past.

By [Giles Harvey](#)

October 19, 2020



September 12, 2001, was a hard day for many people around the world, but for Martin Amis, the celebrated English novelist and critic, it came bearing a surprise surplus of customized pain. Staring down what seemed like the sudden obsolescence of his life's work ("the pointlessness of everything you've ever written and everything you'll ever write"), Amis arrived at his London office that morning to find an unwelcome message on his answering machine. "I have something to tell you," a long-estranged ex-girlfriend, Phoebe Phelps, announced. "It's been bothering me for twenty-four years and I don't see why it shouldn't start bothering you." When the doorbell rang a short while later, and someone handed him the promised communication, Amis, who had once betrayed Phelps with another woman, thought he had some idea of what lay in store.

He was mistaken. The handwritten letter didn't call him a bastard or a scumbag, didn't denounce him for his past transgressions or warn of a coming defamation campaign: it went much further than that. What it said, in effect, was that Martin Amis didn't exist. The story went like this: Phoebe and Martin had planned to spend the evening of November 1, 1977, with Martin's father, [Kingsley](#), the famous comic novelist, whose suite of debilitating hangups and phobias included a fear of being alone in a house after dark. (His second wife was travelling in Greece at the time.) That afternoon, however, Martin, then twenty-eight years old and already the author of two acclaimed novels, received a frantic call from an old flame who was organizing a literary festival in the North of England. A headliner had dropped out at the last minute: could he fill the empty slot? Martin gallantly jumped on the next plane to Newcastle, leaving Phoebe on her own to take care of Kingsley, a reckless and compulsive womanizer two decades her senior. She cooked him dinner and accepted his offer of a stiff drink, and then, as her 2001 letter tells it, he "made a verbal pass" at her "that went on for half an hour." Meanwhile, up north, Martin was putting the make on his ex.

But the night was just getting started. When Phoebe rebuffed Kingsley ("You're Martin's *father!*"), he came out with an extraordinary revelation: he *wasn't* Martin's father. In December, 1948, Kingsley and Hilly, his first wife, were spending the holiday season in a cottage near Oxford. On the twenty-third, the couple had a blowout argument, and Kingsley, at the time a university lecturer, promptly stormed off to go see a student he'd been sleeping with. Left alone for the holiday with a four-month-old baby (Martin's brother) and desperate to exact revenge, Hilly summoned Philip Larkin, Kingsley's best friend, who she knew

had long had a crush on her. Larkin arrived in time for Christmas Day, and was still there when Kingsley sheepishly returned, on New Year's Eve.

Although he sensed that something had happened between his wife and his friend, Kingsley was “frankly relieved because it sort of equalized the guilt,” Phelps said in her letter. Larkin left two days later, and after a tense interlude the Amis household returned more or less to normal. Then they discovered that Hilly was pregnant. The marriage had been chaste since November. Larkin, a solitary misanthrope who despised children (“with their shallow, violent eyes”), went to his death without knowing the truth. Kingsley had sworn Phelps to secrecy. She was telling Martin now only because his father—his pseudo-father—had died a few years earlier. “So bad luck, mate,” she signed off, with sardonic glee. “Rather confusing, no? Still—not the milkman!”

If all of this sounds suspiciously like the plot of one of Amis’s own black farces, that’s because, in some sense, it is. His new book, “[Inside Story](#)” (Knopf), in which we learn of Phelps’s epistolary I.E.D., is a novel that tells us it is “not loosely but fairly strictly autobiographical.” The narrator is called Martin Amis, and much of what he relates—about his life, his career, and his illustrious inner circle—is verifiably unmade-up. A triumvirate of real-life figures roams this elegiac volume. [Christopher Hitchens](#), the journalist who was Amis’s oldest and closest friend, really did die, of esophageal cancer, in December, 2011; [Saul Bellow](#), the novelist who became a kind of second father to Amis after they met, in the early nineteen-eighties, really did die, after a series of minor strokes, in April, 2005; and [Philip Larkin](#) really did die, also of esophageal cancer, in December, 1985. The three were given plenty of page time in Amis’s memoir, “[Experience](#)” (2000), to which “Inside Story” often feels like something of a sequel—or, at certain moments, a remake or a director’s cut—but a lot has happened in the twenty years since the first book appeared, and Amis clearly felt a duty, once again, to commemorate his departed comrades.

The difference between autofiction and a “loosely” autobiographical novel, broadly speaking, is the difference between Amis’s new book and one he published ten years ago, “[The Pregnant Widow](#).” Both tell the story of a middle-aged baby boomer looking back on a formative erotic encounter that took place in the nineteen-seventies, during the heyday of the sexual revolution. In “The Pregnant Widow,” Keith Nearing, a literary critic and poet manqué whose biography bears more than a passing resemblance to that of Amis, believes that the largely disappointing trajectory of his later romantic life was determined by a

long day in bed with a sexually ruthless partner, who, inverting the way these things had typically gone between men and women, used Keith as an object of gratification before brusquely casting him aside. In “Inside Story,” Martin Amis, or the character so named, suffers a similar fate at the hands of Phoebe Phelps. What distinguishes the two books is a matter not so much of candor as of the effect of candor. Neither makes any bones about being drawn closely from the author’s life, but, whereas “The Pregnant Widow” is tightly plotted and unfailingly on-theme, “Inside Story” is more digressive and centrifugal, its freewheeling structure, which flits among memories nonchronologically, suggestive of what remembering the past is actually like.

The newly permissive society of the nineteen-seventies has been an abiding obsession for Amis, who was born in 1949. When he first tackled the subject, in the string of acidulous sex comedies with which he opened his literary account —“[The Rachel Papers](#)” (1973), “[Dead Babies](#)” (1975), and “[Success](#)” (1978)—he was trying to make sense of the era’s rapidly shifting norms in real time. “There was a feeling that there were places to go that the English novel didn’t go, and was being too fastidious about,” he later remarked. These places weren’t just the bedroom and the lounge bar. Amis, it was widely thought, had a major style, poised and supple and bracingly responsive to the chaotic energies of modern urban life; it stood to reason that he should also have a major theme. As he grew older, he seemed to feel what Larkin’s poem “Church Going” calls “a hunger in himself to be more serious,” and, although his ampler novels of the next two decades contained plenty in the way of ribald humor, they also found him grappling with increasingly weighty subjects. In “[Money](#)” (1984), it was the ravages of capitalism; in “[London Fields](#)” (1989), ecological collapse; in “[Time’s Arrow](#)” (1991), the Holocaust.

These books established Amis as a literary giant of the late twentieth century, but he has struggled to find a foothold in the twenty-first. Of the five previous novels he has published since the turn of the millennium, three are set in the past —“[House of Meetings](#)” (2006) in Soviet Russia, “[The Zone of Interest](#)” (2014) in Nazi-occupied Poland, and “The Pregnant Widow” (2010) in nineteen-seventies Italy, where Keith and his friends are spending a summer vacation. These books are hardly lacking in ambition or accomplishment—“House of Meetings” has been especially underrated—but the retreat into history seemed a concerning sign from a writer who for much of his career thrived on an up-close relationship with what John Self, the hard-living adman narrator of “Money,” calls “the panting present.” The post-2000 novels that do take place in the here

and now—“[Yellow Dog](#)” (2003) and “[Lionel Asbo](#)” (2012)—are satires on contemporary England in which Amis, a master of comic hyperbole, often found himself outdone by the culture he was seeking to burlesque. Both books created what Amis once said his books had typically failed to create: a consensus. And the consensus was distinctly unfavorable.

The embrace of autofiction in “Inside Story,” which Amis says will likely be his last full-length novel, could suggest a late-in-the-game bid for a piece of what Bellow once called “the real modern action,” a phrase that Amis likes to quote. A new generation of readers may think of him primarily as an aging controversialist, the maker of certain inflammatory comments about Islam or euthanasia, rather than as the author of some of the most daring comic novels of the past several decades. But he and his second wife, the writer Isabel Fonseca, moved to New York in 2011, and early on in the book he promises that it will have “a fair amount to say about what it’s like living in . . . America.” The book is addressed to an imagined young admirer (“You’ll be reading me every now and then at least until about 2080, weather permitting,” Amis predicts), who, on the first page, is welcomed to the author’s elegant Brooklyn town house and promptly plied with whisky. It’s a metaphor that Amis has long cherished. He once praised Nabokov—his joint favorite novelist, with Bellow—as “the dream host, always giving us on our visits his best chair and his best wine.” Dinner and drinks with Amis, world-renowned wit and raconteur, is certainly a tempting prospect; and it soon turns out that we’re not just there for the evening. After showing us around and introducing us to his cat, he presents us with our own set of keys, as if to prepare us for a roman à clef.

Amis’s turn to autofiction may have been spurred by the latest millennial trend, but it’s a narrative M.O. he’s been contemplating for some time. In a 1983 profile of Bellow for the *London Observer*, he argued that the “present phase of western literature is inescapably one of ‘higher autobiography.’ ” Authors like Bellow, he said, had grown weary of concocting stories, and were instead “increasingly committed to the private being.” Quoting this passage in “Experience,” he proposed that what lay behind higher autobiography was the assumption that in a world becoming “more and more *mediated*, the direct line to your own experience was the only thing you could trust.” That sounds a lot like today’s autofiction (the novelty of which some critics have tended to inflate), but one difference worth noting is that in the best works of recent autofiction the “private being” is itself profoundly and inescapably mediated (and recognized to be so), whether by Twitter or Xanax or the distorting lens of ideology. What

makes, say, Ben Lerner such a powerful writer is the feeling you get from his books that the direct line to your own experience *can't* be trusted. His protagonists tend to present themselves as bewildered frauds and loners whose contempt for society is matched only by their contempt for themselves.

The Amis of “Inside Story,” by contrast, is enviably well adjusted. No sooner have we taken a seat in front of the roaring fire than our host is telling us how much he loves his children, and vice versa. “You’re a very good father, Daddy,” his elder daughter apparently once said, when she was eight or nine, and who is he to deny it? “I’m incapable of embodying strictness,” he concedes. “You need genuine anger for that, and anger is something I almost never feel.” Instead, his “destined mood”—the mood that at a certain point in late middle age “congeals and solidifies and encysts itself” inside you—is one of slow-burning happiness, a buoyant wonder at the daily recurring miracle of existence. Some readers will find this all deplorably smug (a charge levelled at Amis on more than one occasion), but the self-pleased protagonist may be no more of a confection than the customary self-loathing one. “Modern consciousness has this great need to explode its own postures,” Bellow’s protagonist Moses Herzog says. “It throws shit on all pretensions.” To insist always on exposing your own pretensions, or those of others, is itself a form of pretense, Bellow suggests, and it is hard to go from “[Herzog](#),” or “Inside Story,” to the current crop of millennial autofiction without suspecting that the latter’s self-flagellating tendencies betray more than a hint of sublimated self-regard.

The Martin Amis who greets us at the start of “Inside Story” is not the only version of the author circulating in the text. The sections on Amis’s relationship with Phoebe Phelps—the woman, we are told, who best encapsulates the “moronic inferno” of his love life in the nineteen-seventies—are narrated largely in a scolding third person, establishing a distance between the younger man and the older one telling his story. (In an interview, Amis has said that Phoebe is not a real person but, rather, “an anthology of various women.”) Young Amis is brash, ambitious, and effortlessly seductive—a portrait of the artist as a little shit—but after falling for Phoebe, a plain-speaking businesswoman seven years his senior, he finds himself out of his depth. This is part of her appeal. Spiky, vindictive, and unstable, Phoebe mocks him for his effete accent, flirts with other men, and imposes months-long “sexual terror-famines”; and Amis can’t seem to get enough. His sheer “carnal awe” soon blossoms into full-blown love, but love is something that Phoebe has come to the end of. When Amis pops the question, her answer is a hard pass. “I don’t want a husband,” she tells him. “This subject

is now closed."

IT'S TIME TO PLAY...

WHEEL OF 3 PM!



BERNSTEIN

“Experience” was movingly forthright about the thousand natural shocks that befell Amis in the mid-nineties—the collapse of his first marriage, the death of his father, the discovery that his cousin Lucy Partington, who’d been missing for more than twenty years, was a victim of the serial killer Frederick West—but it was also a work of considerable decorum and tact. Few people are likely to view “Inside Story” that way. A couple of hours after Martin first picks Phoebe up (on a London street corner), the two are already going at it. “What a very unexpected figure you have,” he drawls at the sight of her naked body. She replies, “That’s what all the men are forever saying. Tits on a stick.” Never one to settle for a hand-me-down locution, Amis says, “No . . . Tits on a wand.” Just wait until he gets a proper look at her vulva.

Young Amis is all yearning and reaching; the senior Amis, all getting and having. “In the mid-1990s *Vogue* magazine ran a feature called ‘The World’s Hundred Most Alluring Women’; and she came thirty-sixth,” he tells us of his wife, Elena. (Although the leading men in “Inside Story” appear as themselves, under their actual marquee names, the supporting cast of wives, children, and siblings are mostly rechristened, one of the ways in which the book gently insists on its margin of freedom from the real.) In France, where Elena is due to receive a literary prize for a nonfiction book about the Roma, Amis is struck with an idea for what he calls a smirk novel. “What’s a smirk novel?” Elena asks. A novel of “unalleviated self-congratulation,” he informs her, in which the author glories in his “literary fame and stupendous success with women.” For the title, he fancies a “Rousseausque intonation”—“Confessions of a Sexually Irresistible Genius,” perhaps, or maybe “Seer and Stud: His Confessions.” As “Inside Story” wears on, and this sort of thing continues, it’s hard to shake the suspicion that the author is playing a taunting game of preëmption, puffing up his narrator so as to later tear him down.

When Phoebe’s letter arrives, about a third of the way through the book, it looks as though it’s going to pass like a wrecking ball through the gleaming palace of the Amis ego, inaugurating a story of existential free fall. In “Money,” John Self unravels as he discovers that his father is not Barry Self, the pub landlord who raised him, but Fat Vince, the pub’s bouncer. What comes of being told that your father is not the charismatic lady-killer Kingsley Amis but the girl-shy Eeyore Philip Larkin, who once described himself as looking like “an egg sculpted in lard, with goggles on”? In purely literary terms, Larkin is hardly a step down. Amis is one of the poet’s most sensitive and eloquent admirers, and the pages on

him here represent a valuable supplement to an already ample body of criticism. The question of just how closely the young Larkin hewed to his father's admiration of Nazi Germany, on the other hand, acquires an unsettling personal dimension in light of Phoebe's letter. Soon after receiving it, Amis confesses to Elena that he's getting "cold sweats just imagining the horror of being a Larkin male."

Is the letter credible? Amis is unsure, and it's here that the book's hybrid genre, the way it teasingly straddles the fact-fiction borderline, begins to pay off. Because we know he really was a friend of Saul Bellow's, really lives in Brooklyn, and so on, we're more inclined to entertain the possibility that he's also Larkin's love child—or at least that an ex once tried to make him think he was.

Amis has written about love and lust so many times before that in the Phelps sections of "Inside Story," vivid though they sometimes are, he seems to be relying on imaginative muscle memory. The same cannot be said about the book's treatment of male friendship, a relatively novel theme for Amis. He and Hitchens became acquainted in the mid-seventies, when they worked together at the *New Statesman*, in London, and bonded over books and booze and women. In "Inside Story," when young Amis is having trouble with Phoebe, he usually turns to Hitch, who can be relied on to buck him up with cultivated pep talks: "You'll wear her down. A bold and tender lover like yourself. . . . Sensitive but strangely masterful. Caring and empathetic, and yet, withal, excitingly bold. Adventurous? Yes. Disrespectful? No. At once athletic and—" "Yes yes, Hitch," his friend interrupts him.

These bright young things had less to say to each other about politics. Whereas Hitchens was a committed Trotskyist (and remained one until long after the end of the Cold War), Amis was and remains a "quietly constant ameliorative gradualist of the center-left." But it was politics that caused their only public rift, when, in 2002, Amis published "[Koba the Dread](#)," a nonfiction book on Stalin that contained an open letter accusing Hitchens of credulity and denial in the face of Soviet terror. The whole thing felt less like a stand on principle than like a way to demonstrate that Amis had transitioned from erotic jester to moral and intellectual heavyweight, someone capable of holding his own on matters of world history. Hitchens, who by then was advocating war against Iraq, [responded](#) in a critical piece for *The Atlantic*. Though he now shared Amis's disdain for the "perfectionism and messianism" that lay behind the Soviet

experiment, he said, he couldn't quite bring himself to write, as he implied Amis had done, "as if a major twentieth-century tragedy had been enacted to prove that I was correct in the first place."

The episode makes no appearance in "Inside Story," but some of the book's most powerful moments come when we glimpse a simmering competitiveness beneath the tranquil surface of their friendship. One evening in March, 2011, the two men are talking outside a hotel near the Houston hospital where Hitchens has been undergoing cancer treatment, when Amis mentions, *en passant*, that chemotherapy has its origins in the chemical weapons used in the First World War. A game of boyish one-upmanship ensues as the conversation drifts toward the summer of 1914. "Now I fancied I knew a thing or two about that," Amis writes, "and I kept pace with him as we went through it—Franz Ferdinand murdered in Sarajevo in late June, the equivocations of Belgrade, the hardening of Vienna's position, Germany's assurance to Austria (known as the blank cheque), the Austrian ultimatum. . . ." For a moment, it seems as though he's fought his way to a respectable draw, but then Hitchens says, "Those were the precipitants. As for the *origins* . . ." Acknowledging defeat, Amis reaches for his journal and begins taking notes. It's a touching vignette—two distinguished writers brandishing their erudition as a means of fending off intolerable grief—and it goes to show how subtle Amis can be when he desists from making manly pronouncements on history and turns his attention to the way in which men often use historical knowledge as a means of communicating.

Such vignettes are a main attraction of "Inside Story," whose narrative elements—including the Phelps affair, the gossipy observations and asides, and the lit-crit musings and creative-writing tips—retain, across the book's five hundred pages, a miscellaneous quality, as if Amis's grab-bag structure had been masking some measure of creative lassitude, even appetitive excess. Like a glutton at the buffet overfilling his plate, he can't help appending yet another footnote, yet another geopolitical diagnosis, yet another thumbnail broadside against yet another pet peeve (many of them recycled, almost verbatim, from his earlier books). Meanwhile, the searing autofictional thriller that seems all set to kick off in the pages about Phoebe's letter doesn't materialize. We soon return to more familiar territory, and the destabilizing implications of her message don't quite ramify across the book as a whole. The Amis who visits an ailing Bellow in Massachusetts in the early two-thousands, or who ministers to Hitchens as he lies dying in Texas a decade later, is essentially the same figure we encounter in "Experience."

Despite the early promise that Amis is going to have a fair amount to say about American life, the book feels contentedly disengaged from the political and cultural debates that have been roiling his adoptive homeland. At one point, Amis speculates that the unfavorable reception that greeted “The Zone of Interest” in Germany may have had something to do with the feeling that the Holocaust wasn’t his to write about. “And in that case another lesson beckons,” he says. “In literature there is no room for territoriality. So politely ignore all warnings about ‘cultural appropriation’ and the like.” If a certain condescension wafts from “and the like,” the real shame of such passages is the missed opportunity they represent for thought. How much more rewarding it would have been to watch Amis grapple with first principles than it is to listen to him reeling off facile sonorities such as “Writing insists on freedom, absolute freedom, including freedom from all ideology”—the kind of intellectual corner-cutting for which Hitchens chastised him in his review of “Koba the Dread.”

Late in the book, Amis, now in his sixties, pays one last visit to Phoebe, at her home in London, in 2017. Her letter had him spooked for a while, he concedes, but he has long since dismissed its contents as a twisted attempt to mess with his head. It’s an interpretation that Phoebe obligingly confirms. These days, Amis says, when he looks back on his love life, he feels mainly “happy and proud, and grateful, and incredibly lucky.” Phoebe, in effect, tells him that this is exactly as it should be. “You see, Martin, the thing is—you’re in the flow, you’re in the tide. You loved your parents and now you love your children. And I hate you for it. I’m like some nutter on the internet. Because me, I’m outside the flow. I’m outside. *I’m* the one that’s like Larkin.” Amis thus makes sure that the last laugh is his.

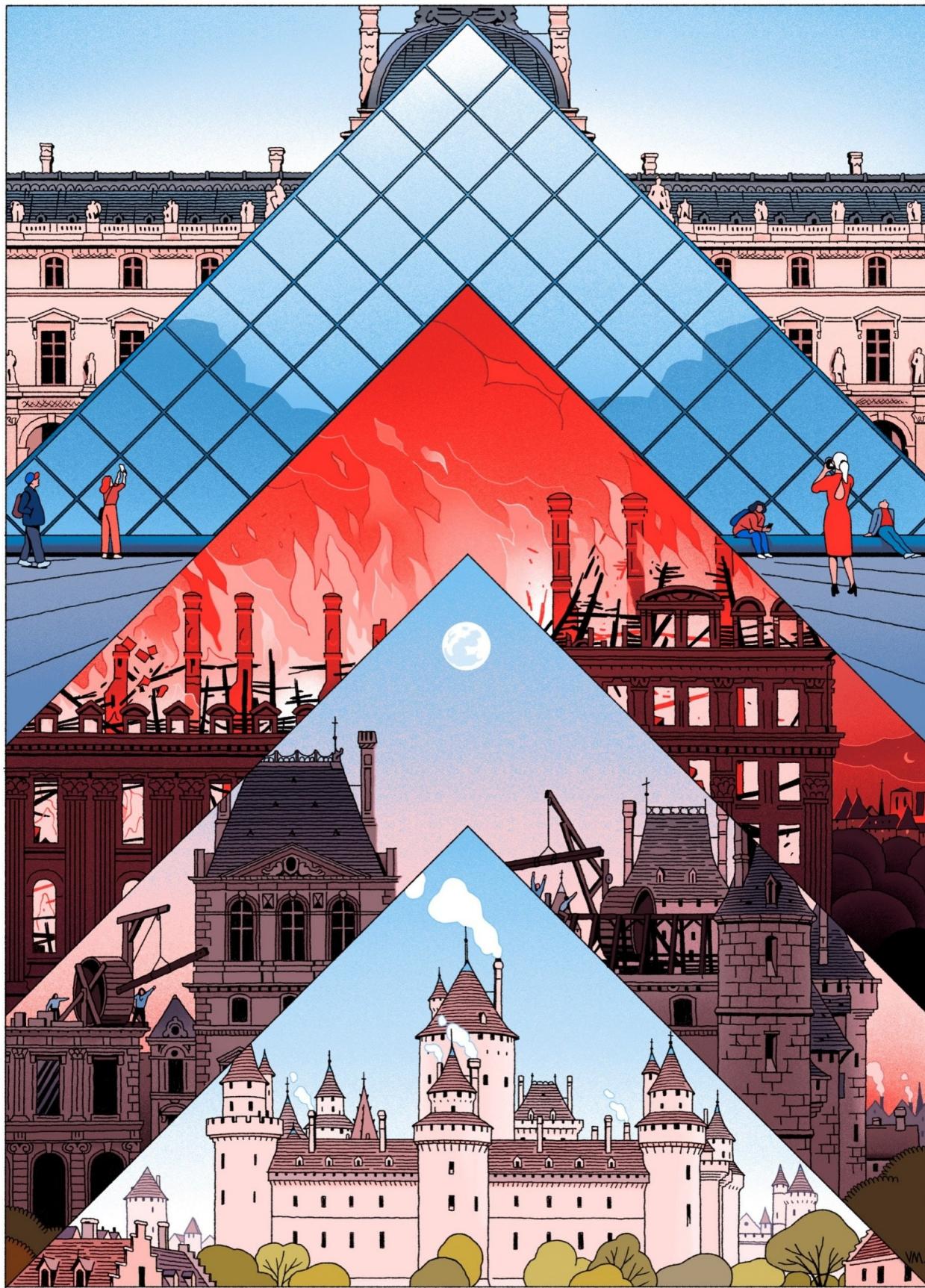
An author’s job, it has been said, is to give his characters hell: that’s how they find out who they are, what they’re made of. In his other novels, Amis reliably metes out punishments, and yet here the character who shares his name gets off remarkably lightly. When we leave him, at the end, surrounded by his loving family and shelves of celebrated books, it’s hard to fight the feeling that the novel’s air of achieved ambition has come at the cost of a more substantial achievement. Whatever else it may be, “Inside Story” is unmistakably the work of a man with nothing left to prove. ♦

In Love with the Louvre

How a great picture gallery became one of the first truly encyclopedic museums.

By [Adam Gopnik](#)

October 19, 2020



What happens when we try to walk at night through museums we can no longer visit? A range of online virtual tours provides the possibility, but apart from physical problems of reproduction—the pixel resolution is inadequate, the movement glitchy and twitchy—the real difference is the loss of tactile and optical tension, the missing dialogue of aching feet and happy eyes. Online, we float, ghostlike, down corridors, making giddy hundred-and-eighty-degree spins, with no querulous photographer from Toledo with a selfie stick to bump into. *Sit and know you're sitting* is the meditation master's insistence, and *Walk and look while knowing you're walking and looking* is the more complicated Zen of the museum experience: the physical and the painterly, the squinting to see and the moments of transporting vision, have to go in tandem. The work is *there*, actually there as a physical fact, which you could touch, if you were allowed to. A book may be an object, but the Kindle edition of "Hamlet" is as much Hamlet as the (no longer extant) manuscript. Raphael's portrait of Baldassare Castiglione exists at one specific point on the planet, and nowhere else, having begun in one nameable place and followed a track through time, owner by owner and wall to wall. Reproductions reproduce, and they often do it well, but they can't reproduce the sex appeal of museumgoing, the carnal intersection of one physical object with another, you and it. It's a thing, there; you, a thing, here.

This truth is never so piercingly felt as when we think about revisiting in our minds the Louvre in Paris, since its essential experience is enormity and intimacy, constantly colliding, on a scale unequalled by any other gallery in the world. Closed for four months during the pandemic, the Louvre reopened recently, in a cautious, by-appointment-only manner; but, like most of the great galleries of Europe, it remains off limits to still-tainted Americans. As Mark Twain, the archetypal exhausted American tourist, noted when he visited in the eighteen-sixties, the museum contains "miles of paintings by the old masters," but the experience of its Grande Galerie—a corridor, not a room—is necessarily closeup. Even the large and little rooms that spring off its sides hold out the possibility of an intimate encounter with the past. You look—well, you would look, if you could get within thirty feet of it, past the bulwark of tourists for whom it is the destination of a European visit—at the gallery's most famous picture, [Leonardo](#)'s "La Gioconda" (the one called, in English, the "Mona Lisa"), and you see paint, crackle, a smile, a non-smile, a mystery, a woman, a remembered page of prose ("She is older than the rocks among which she sits"), and, if you allow proximity to defeat familiarity, a genuinely weird, extraterrestrial portrait. Had Leonardo come from another planet, as he

sometimes seems to have, this would be a picture of its geology, its flora, and its queen.

Ten million people visited the Louvre last year, before France's lockdown in March, and no museum can become so crowded without cancelling its own purpose, or replacing it with another purpose—the purpose of a dutiful hajj, of having been there. There are too many people looking to allow anyone to see. Construction of the “Grand Louvre,” begun in the nineteen-eighties, with a new entrance hall crowned by the I. M. Pei pyramid, was meant to organize and order the overcrowding, but has only added to the exhaustion. The long lines that snake around the pyramid in the summer without a trace of shade are tiring to look at, let alone stand in. And, once inside, the physical act of buying a ticket and getting oriented is so extended that it makes the time between the urge to visit and the actual experience of a work of art punishingly long.

Nonetheless, the place is so big, so various, so filled with objects, and so beautifully disordered that there is still, especially off-season, a chance to infiltrate inside, instead of being regimented within it. A Saturday morning in one of the lesser wings—say, the Richelieu wing, opened in the nineteen-nineties—offers time alone with overlooked delights, like the sixteenth-century Flemish tapestries called “Les Chasses de Maximilien,” which include a bracing account of the Emperor out hunting with his dogs and horses and attendants and whippers-in on a winter morning, perfectly capturing the smoky, enveloping air of the Flemish woods while providing an extraordinary encyclopedia of canine types, some strange, some familiar.

Mysterious in effect, the Louvre is delightfully mysterious in history, too, as James Gardner shows in “[The Louvre: The Many Lives of the World’s Most Famous Museum](#)” (Atlantic Monthly Press). No one knows why the Louvre is called the Louvre. You would think that it has some relation to “Lutetia,” the Roman name for Paris, or the like, but not a bit; the origin of the name is as opaque as the French love of Johnny Hallyday. Even so, the name has stuck through the site’s transition from citadel to showplace. The continuity the Louvre represents is the continuity of the French state. Gardner relates the long story of the Louvre, starting around the thirteenth century, when it was simply a castle, through its elevation as a palace, and then, in the seventeenth century, its expansion into service as an office building for French royalty. In those centuries, the building intersects art history only occasionally. A kind of false spring occurred when François I seems to have bought pictures from Leonardo at

Amboise, in the early sixteenth century—three paintings, including that smiling lady, which remain the nucleus of the collection. It was a cosmopolitan collection—the French King, like many of his successors, displayed his power by demonstrating his taste, with the model of collecting as a form of exotic shopping already in place.

Pictures were also commissioned and displayed there. [Peter Paul Rubens](#)'s seventeenth-century series apotheosizing the life of the mediocre Marie de Médicis as the Queen of France migrated into the royal collection early on, and remains both the apogee and the burlesque of major art that is also pure toadying to power. In the late seventeenth century, Louis XIV bought a tremendous number of pictures, but, as Gardner rightly says, he bought as a contemporary New York billionaire would buy, acquiring blue-chip names—then mostly Italian—with little evidence of distinct sensibility. Still, one great picture after another did come into his personal collection for the benefit of France, including what is, for some people's money, the single greatest picture in the Louvre, that Raphael portrait of the Italian diplomat and author Castiglione. Raphael, the most talented painter who has ever lived, somehow compressed in a single frame all of the easy painterliness and understated humanity of Titian, while fixing, in Castiglione's mixture of wisdom, intensity, sobriety, and wry good humor, the permanent form for the ideal author photo.

Gardner's muscular, impatiently expert prose recalls Robert Hughes in his city books, “[Barcelona](#)” and “[Rome](#).” He indulges in a few polemics along the way but has unusually firm, if *retardataire*, views on architecture and a shrewd, watchful, knowing eye—noting, for instance, that the greatest architectural achievement of the complex, the seventeenth-century Colonnade, with its bas-relief pediment, is now so hidden away, around the corner from the pyramid and the central court, that “not one visitor to the Louvre in a hundred, perhaps in a thousand, will ever see this masterpiece.”



"Why didn't you tell me your parents were coming to visit?"
Cartoon by Christopher Weyant

His account reminds us that we always make one era responsible for what belongs to the one before, and among the truths of French history is that we give the Revolution credit—or blame—for historical processes and institutions that were under way long before 1789. The great public-private spaces of modernity—the restaurants and cafés with their class- and caste-spanning crowd—were all nurtured during the Enlightenment, even if they blossomed after the Revolution. Although the Louvre formally opened as an art gallery in 1793—the beginning of the Terror—the idea to make it so had begun half a century before. The removal of the court to Versailles under Louis XIV, in 1682, had left an enormous volume of unused space, and even more was created by the expansion of the Tuileries Palace, west of the courtyard where the pyramid now stands. The urge to turn the princely palace into a picture palace led, in the eighteenth century, to a series of exhibitions in the former royal residence—the kind of French salons that would, by attraction and repulsion, dominate French taste right up to the First World War.

The direction and planning of the incipient Louvre luckily fell into the hands of two remarkable *fonctionnaires* who, more than anyone else, are responsible for its character. The first was the extravagantly named Charles-Claude Flahaut de la Billarderie, Comte d'Angiviller, who was appointed the keeper of the king's estates by Louis XVI. As Gardner tells us, he was intent on establishing a museum in the Grande Galerie, and he went about the heroic work, through both architecture and acquisition, of turning a royal abode into an art gallery. D'Angiviller's dream was made real by an accident of finance almost impossibly ironic to imagine, given that the Louvre has, for more than a century, been the special haunt of American tourists. The end of the American Revolution, we learn from Gardner's history, helped finance the French museum. Once the War of Independence had been concluded, the French government could start to collect on its loans to the American colonies, putting thirteen million livres in d'Angiviller's hands.

He started collecting good pictures, not greedily and haphazardly, as prestige prizes, but with a modern kind of eye, devoted to filling gaps in the collection. He sent his emissaries north, for instance, to buy one of the great Rembrandts that distinguish the collection—the humane and anti-idealizing artist not being at all an obvious choice to French aristocratic taste at the time. D'Angiviller also renovated the Grande Galerie itself, envisioning a huge iron-and-glass skylight

that would illuminate the arriving pictures.

He lost his job when the Revolution happened—he fled, for fear of losing his head as well—but the position of what was, in effect, museum director fell to an equally aesthetic and public-spirited conservator, Jean-Marie Roland de la Platière, usually called Roland. A Girondin liberal, he built on d’Angiviller’s efforts, with their implicit appeal to ever-larger audiences, and dreamed for the first time of a true museum: a synoptic collection telling the story of art-making in all its genres, available to everyone. “It should be open to everyone and everyone should be able to place his easel in front of any painting or to draw, paint, or model as he chooses,” he declared. When the Louvre opened at last as a museum, in 1793, anyone could go in.

Roland, with his impeccable liberal credentials and democratic instincts, was one of the more pitiable victims of the countless pitiable victims of the Jacobin Reign of Terror. Only months before the museum’s opening, he took off, afraid of the radicals. Though he got out of Paris, his intellectual, spirited wife, an activist who belonged to the wrong families, biologically and politically, was arrested in the spring of 1793 by the Jacobins, and publicly beheaded in the fall. “From the moment when I learned that they had murdered my wife,” Roland wrote (in words Gardner doesn’t quote), “I would no longer remain in a world stained with enemies.” He committed suicide by sword thrust.

As the revolutionary chaos gave way to the military dictatorship of Napoleon, the Louvre was transformed in another direction. Napoleon set out to loot the world for the benefit of the museum. Of the assaults on Egypt and the Levant, Gardner writes that they “may be unique in the history of warfare in that their goals had almost as much to do with the acquisition of visual art as with the conquest of territory.” In the inevitable French manner, there was even a bureaucracy of the piracy: a *comité d’instruction* supervising *agences d’évacuation* and *agences d’extraction*, which, Gardner says, “essentially oversaw the removal of all portable economic and cultural assets from the conquered nations.”

What Napoleon did was turn his predecessors’ idea of a great picture gallery into one of the first instances of a truly encyclopedic museum—a horizontal treasury of the world’s wonders, hauled into a single city and placed under one roof. The French took the self-embracing Medici Venus from Palermo and the four horses from the façade of San Marco (which had previously been stolen by the

Venetians from Constantinople during the horrible Fourth Crusade). Being French, they looted with terrific taste. Pretty much everything they took—from the “Laocoön,” in the Vatican, to the Egyptian antiquities—we would still regard as worth taking. It is *de rigueur* now to see this as the Enlightenment Armed, *philosophes* crashing in directly behind the armies on an imperial mission. But it was also the Enlightenment Awakened: for the first time in fifteen hundred years, Western Europe fully reclaimed Egyptian history as part of the inheritance of civilization, through Jean-François Champollion’s heroic deciphering of hieroglyphics, which Napoleon’s invasion made possible.

Much of the loot was sent back after the fall of Napoleon, but much remained, and the pattern of taking continued in subsequent regimes. Though many of the greatest pieces that arrived in the nineteenth century were purchased or donated, others were found in French archeological digs in poor or colonized countries and share in the common indictment of the exploitation of the economically weak by the economically strong. The Nike of Samothrace, the greatest mid-nineteenth-century acquisition, came to the museum because a French diplomat dug it out of the ground on the Aegean island of Samothrace and sent it to Paris. (The prow on which the statue originally sat was later retrieved and mounted on the museum’s steps.)

Does time turn loot into legacy? This is one of the great debates of our era, worth taking up. The point is foregrounded by the Greek government’s ever-hotter pursuit of the Parthenon Marbles in the British Museum, taken from Athens by Lord Elgin in the early nineteenth century, with what seemed to be official permission from the Ottoman administration. What is plunder and what is portable cultural material?

It is very hard to acquit any art museum of looting once one looks hard at the historical circumstances of acquisition. The great collections of European paintings in America were assembled, often by the dealer Joseph Duveen and the connoisseur Bernard Berenson, on something like the same unequal terms as the great archeological collections of Europe. Altarpieces were ripped out of Italian churches and palazzos with a disdain for their context equivalent to Lord Elgin’s—and at a time when Italy was as financially weak against American power as Greece had been militarily against English (and Turkish) power.

Indeed, the matchless American collection of Impressionist pictures in the Art Institute of Chicago would not be immune from the same reproach. We bought

them, we protest, at a moment when the indigenous nation grossly undervalued them, which is exactly the same response that the British make against the Greeks. Yet the infirmities of the French state at the turn of the twentieth century, the argument might run, made the simple act of protecting the national patrimony politically impossible. Seurat's perfect "A Sunday on La Grande Jatte," which resides in Chicago, is an archetypally French painting, depicting a French scene, fully legible only in the context of French arguments about science, society, and Utopia. Send it back to Paris, the patrimonialists could demand, on the next plane after the one that brings the Elgin Marbles back to Athens!

In truth, it all depends on the transaction and the treasure. Bronze Age people, after all, passed art around the Aegean, in the path of trade and armies, quite as much as later people did. Some of the nineteenth-century takings obviously mark the kind of cultural circulation and hybridization that is not just essential to civilization but exactly what we *mean* by "civilization"; others really do trail the injuries of theft. The Parthenon Marbles are part of a still existent if damaged architectural whole, and the splendor of the Acropolis Museum is that it looks directly out on the original site. They ought to be returned. On the other hand, the Italian pictures at the Louvre represent the long-standing to-ings and fro-ings of art in European culture, a practice both loving and violently rapacious. Portable pictures are meant to move. Seurat in Chicago makes us all more Parisian. The Veroneses in the Louvre show us, in this sense, *more* historical truth than a Veronese in situ in Venice might. Portable pictures are inherently self-propelled, with the possibility of going elsewhere implicit in their making.



As the nineteenth century wore on, fewer great objects found a home in the Louvre. But the most extensive building projects in its history took place in the eighteen-fifties and sixties, under Louis-Napoléon and the Second Empire. That nineteenth-century Nouveau Louvre is most of what the tourist sees today, in the Cour Napoléon surrounding the pyramid. Designed by a changing roster of official architects, in what was seen as a noble, Grand Siècle style, it makes the gewgaw glories of the Second Empire everywhere evident. Though made of the same beige limestone as the seventeenth-century buildings, the sculptural decoration of the Cour Napoléon is florid and pompous in a way that recalls the Sunday-matinée façade of the Opéra more than the low-relief severities of the Cour Carrée. Every surface is decorated with statues, so that, as Gardner writes, visitors waiting in line to enter the pyramid “cannot fail to notice that they are being watched by eighty-six stone figures, each about ten feet tall, that man the terraces of the first floor like some overdressed swat team.” The one great accomplishment of the Nouveau Louvre was to link the older Louvre with the Tuileries Palace, which closed off the courtyard to the west. But the palace was burned nearly to the ground by the Communards in 1871, in an anti-Royalist gesture made as the Commune fell. The fires reached the gallery end of the Louvre as well, saved only by heroic Paris *pompiers*.

The iron-frame buildings of the Nouveau Louvre—instantly identifiable by its proliferation of dormers and mansard roofs—became the most frequently copied architectural style in mid-nineteenth-century America. Here was the basis of “the General Grant style of every other Midwestern county courthouse,” as the wonderful social historian J. C. Furnas once wrote, “and a principal reason for many Americans’ sense of anticlimax when seeing Paris for the first time—so much of it looks like the insane asylum and Public School Number Eight back home.” Philadelphia’s city hall is probably the most imposing remaining instance of the shared style. The ruins of the Tuileries, which were visible through most of the eighteen-seventies, were left oddly unpictured by the great generation of Impressionists coming of age as artists at that time. The avant-garde painters, mostly radical republicans like Manet, regarded the ruins as an encumbering image of exactly the kinds of deadly Paris feud and *fronde* they were trying to leave behind.

Ignoring the ruins, those artists haunted the museum. The curious thing is that, for all the Parisian drama going on around it, the Louvre as a museum has been a remarkably stable institution. Very few things have entered the collection that

stand above, or even very much alongside, its nineteenth-century acquisitions; the works that had arrived by 1870 are still its treasures today.

Nothing is more imperious than the academic insistence on how our tastes in art and music are reshaped by class conflict and social upheaval. But, when one looks at cultural history without prejudice, what is astonishing is how constant taste is. Hamlet's advice to the players in 1600 is, pretty much thought for thought, what you would say to an acting company now: the straight actors shouldn't ham it up, the comedians shouldn't gag it up, and the more lifelike and credible the human behavior, the better. In the same way, an aesthete asked in 1900 to single out the most important works in the Louvre would have named the Leonards, the Delacroixs, the Greek statuary, the Egyptian antiquities, and, perhaps, the French neoclassical paintings. The aesthete might have liked the insipid side of Raphael, the chubby babies and pious peasant Madonnas, more than we do, but that peerless portrait of Castiglione is an unaltered affection. More than a century later, the list is not very different. All that has changed is the warning labels: the old-style aesthete might have been warned that these hallowed presences are protective against the corruptions of modernity; we are warned not to miss their absences, all the persecuted or subordinated peoples not shown. It is the same kind of talk about the risks of mere visual pleasure, attached to a different kind of moral strenuousness. The pieties change, but the pictures don't.

The greatest single transformation in the building and its purposes since the Second Empire dates to our own era, with Mitterrand's "Grand Louvre," completed in the nineteen-nineties. Gardner is, on the whole, kind to the architectural features of the I. M. Pei project, which certainly achieved its desired effect of making the Louvre a little more rational, if a lot less beautiful. (In the pre-Pei era, you entered more or less directly onto the great staircase and the Nike of Samothrace, a thrilling preface.) What Gardner regrets is the scale of the new mass tourism that the post-Pei Louvre invited, overlooking, perhaps, its central lesson. Despite Walter Benjamin's famous insistence otherwise, mechanical reproduction, far from diminishing the aura of the original, vastly reinforces it. The more people have seen of the Louvre, the more they want to see it, just as the more baseball games you show on television, the more people come to the park. It's also true that in a secularized society, where culture fills a role once played by faith, there is a persistent place for pilgrimage—even attached to penance, waiting outside in the hot Parisian summer sun for hours.

“The Louvre stands as an implicit reproach, a programmatic rejection of the art and architecture that the West favors today, with its asymmetries, its puerile rebellions, its clamorous proclamation of its own insufficiency,” Gardner insists. Must it? Certainly French modernism is impossible to imagine without the Louvre: Picasso and Matisse’s Orientalism is unimaginable without Delacroix, as de Kooning and Francis Bacon would be unimaginable without Rubens—borrowing his stylized armor of life drawing, the extravagant hooks and curves he puts in place of real human form. Wayne Thiebaud pulls into the twenty-first century Chardin’s mission of bringing a halo to ordinary edibles. Even the wilder shores of avant-gardism that Gardner seems to make reference to are often Louvre-linked, inasmuch as it took the Louvre to give the “Mona Lisa” sufficient renown to make Duchamp’s drawing a mustache on her something more than just an insult. And the Master of the Morbid Manner, Jeff Koons, is in spirit very much self-consciously emulating the deliberately overblown pneumatic grandeur of the kind we find in Rubens’s Marie de Médicis series. The Louvre seems far from finished as a fishing ground of form.

Meanwhile, the best way to revisit the Louvre at night is to do what Henry James suggested: shut your eyes and see it in your dreams. Such pleasures are real, if hard-won, and prove that memory creates a more virtuous virtual reality than virtual reality can. Ain’t nothing like the real thing, baby. For all the museum’s vainglory and dubious universalist pretensions, an earth without the Louvre on it would be an infinitely poorer place—a truth that we feel as strongly when we can’t possibly be there as we did in the now distant-seeming days when we could. ♦

Comment

- [Amy Coney Barrett's Silence Is an Expression of Extremism](#)

[October 26, 2020 Issue](#)

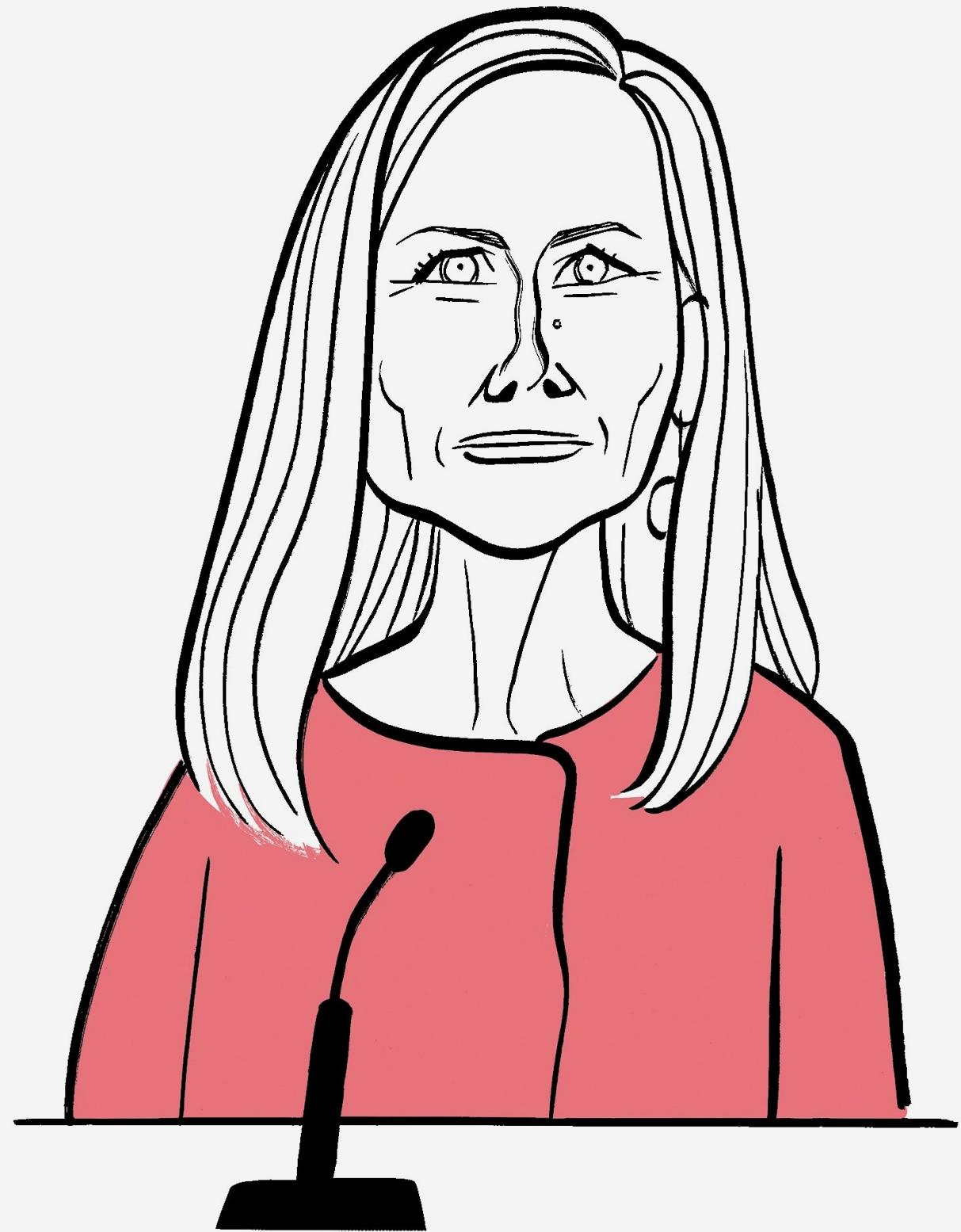
Amy Coney Barrett's Silence Is an Expression of Extremism

The conservative judge's refusal to answer fundamental questions at her Supreme Court confirmation hearings demonstrated just how far Trump has moved the margins of our political culture.

By [Amy Davidson Sorkin](#)

October 18, 2020

On the second day of [Amy Coney Barrett](#)'s Senate Judiciary Committee hearings for a seat on the Supreme Court, she and [Cory Booker](#) had an exchange that indicated that both the Court and the country are nearing a precarious point. Did she believe, Booker asked, that "every President should make a commitment, unequivocally and resolutely, to the peaceful transfer of power?" Barrett raised her eyebrows, and chose her words carefully. "Well, Senator, that seems to me to be pulling me in a little bit into this question of whether the President has said that he would not peacefully leave office," she said. "And so, to the extent that this is a political controversy right now, as a judge, I want to stay out of it and I don't want to express a view."



A President should absolutely make such a commitment; it's in the job description. Yet, even when Booker reminded Barrett, who has described herself as an originalist and a textualist, of the importance of the peaceful transition of power to the Founders, the most she would allow was that America had been lucky that "disappointed voters" had always accepted election results. To say that a disappointed President might have an obligation to do so was apparently too far for her to go. What Barrett did offer was a study in the extent to which not giving an answer can be an expression of extremism. Her demurals were more, even, than those of Justices [Neil Gorsuch](#) and [Brett Kavanaugh](#), in their hearings, a measure of how thoroughly President Trump has moved the margins of our political culture.

It's no surprise that the hearings would be characterized by some level of evasiveness: no nominee, particularly these days, wants to say something that will rally the opposition. Barrett, as a member of Notre Dame's University Faculty for Life, had signed an ad that called [Roe v. Wade](#), the 1973 Supreme Court decision affirming a woman's reproductive rights, "infamous." But, in the hearings, she asserted that she really couldn't say what her position on Roe might be—the decision was controversial, and a case that threatened to overturn it might someday come before her. She attributed the principle that nominees should not comment on potential cases to [Ruth Bader Ginsburg](#). But that principle doesn't mean that the confirmation process should be a charade of non-answers; Ginsburg, in her own hearings, in 1993, acknowledged that she was pro-choice.

Barrett's hearings weren't just the latest reminder that the tiresome confirmation process is due for an overhaul; there were two novel, and alarming, aspects of the evasions in her testimony. The first was how many established principles she considers to be still open to debate. When [Kamala Harris](#) pressed her on the reality of climate change, and its consequences, Barrett protested that the Senator was "eliciting an opinion from me that is on a very contentious matter of public debate," adding, "and I will not do that." More startling, Barrett seemed to suggest that core elements of our electoral democracy are up for grabs. [Dianne Feinstein](#) asked her if the Constitution gives the President the power "to unilaterally delay a general election." The answer is no, but Barrett replied that she didn't want to give "off-the-cuff answers"—that would make her a "legal pundit."

The scenarios that Barrett declined to address were not wild hypotheticals that the Democrats had dreamed up in an attempt to trick her. [Donald Trump](#) has repeatedly refused to commit to a peaceful transfer of power if he loses. He has also mooted delaying the election, or maybe excluding ballot tallies he doesn't trust, and said that he wants this Court seat filled quickly, so that his appointee can be on the panel deciding any election disputes. What he's proposing is a clear attack on American democracy and the rule of law. Barrett, though, spoke as though the fact that the President tweets about something means that it is within the realm of reasonable constitutional interpretation. What she conveyed throughout was not so much conscientiousness as a combination of deference to, alignment with, and, perhaps, fear of Trump.

And that was the second warning that emerged from the hearings: none of the Republican senators in the room seemed shocked at what the President deems possible, or interested in hearing what the Court's role might be in countering any President who abuses his power. Instead, they echoed Trump's intimations of fraudulent voting, media lies, and left-wing plots. [Ted Cruz](#) claimed that many Democrats had made a decision "to abandon democracy." Thom Tillis said it was understandable that gun sales had increased in recent months, because Democrats, "including people on this committee," had made Americans fear for their safety. Josh Hawley appeared to think that the real problem was [Hunter Biden](#). It can be hard to tell whether the Republicans are extremists or opportunists, or have just retreated into passivity.

In one of the most notable exchanges in the hearings, the Vermont Democrat Patrick Leahy tried, unsuccessfully, to get a straight answer from Barrett on whether a President could refuse to comply with a Supreme Court order, and whether such a refusal would be "a threat to our constitutional system of checks and balances." A President defying the Supreme Court is the definition of a constitutional crisis, but Barrett would say only that the Court "can't control" a renegade President. The Constitution, though, offers a clear course of action in such an event: impeachment. It seemed odd that Barrett, who spent much of her time commending committee members for their power as legislators—saying, repeatedly, "That's your job"—didn't emphasize that point.

Textualists often adopt a posture of "restraint" that masks their tendency to be true activists, which is what Barrett was when, in a dissent last year, she called Wisconsin laws limiting gun purchases by felons unconstitutional. Similarly, in suggesting that Justices, when faced with a President who rejects election results

—or their authority—would just dither or shrug, she was making a radical statement, not a restrained one. Perhaps Barrett believes that such a crisis will never come to pass, and honestly doesn't know what she would do if one did. In which case it might be prudent for her to begin thinking about how she would respond. The full Senate is on track to vote on her nomination as soon as October 26th. Eight days later, Donald Trump will be watching the election results come in, and he may not like what he sees. ♦

Dept. of Short Form

- [Ghost the Trolls and Other Tips for Instagram Reels](#)

[October 26, 2020 Issue](#)

Ghost the Trolls and Other Tips for Instagram Reels

More than two hundred Black actors, musicians, and creative types showed up for a session on how to avoid embarrassing rookie mistakes.

By [Sheila Marikar](#)

October 19, 2020

How long has the bell been tolling for TikTok? Long enough for Instagram to come up with a competitor. In August, days after President Trump threatened to ban the Chinese-owned short-form-video app from operating in the United States, Instagram rolled out Reels, a tool for creating similarly succinct music-and text-enhanced video. “I’m pretty sure everyone’s already gonna know how to use it, I don’t know why,” Besidone Amoruwa, a strategic-partnerships manager at Instagram, said the other day.



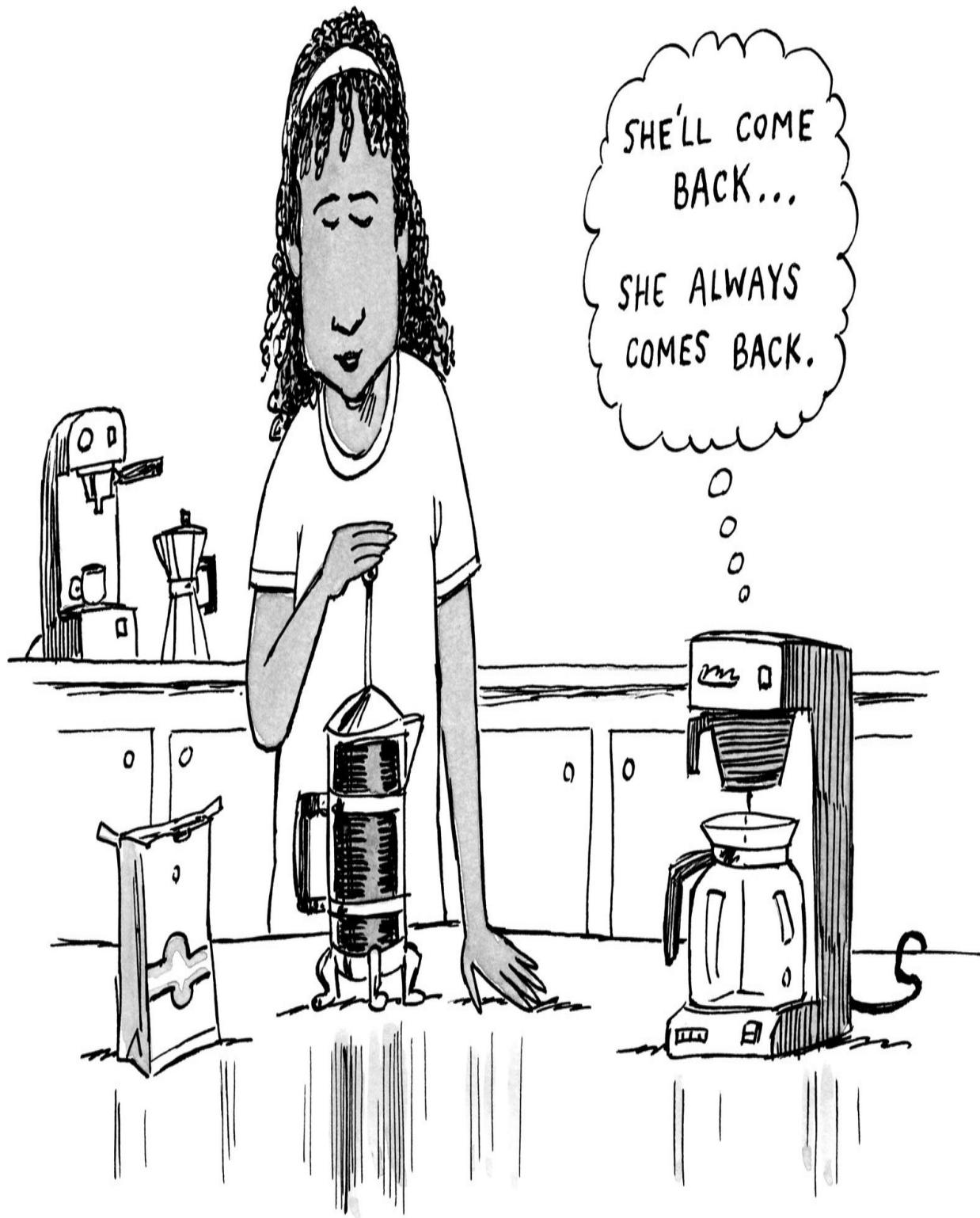
She was addressing a Zoom room of more than two hundred burgeoning Black actors, musicians, and creative types who had been invited to a party to preview Reels and brush up on Instagram's best practices. ("We wanted it to feel like some sort of production," Amoruwa explained, later. "Where people aren't bored, where they're not just reading a PDF.") At the start of the event, she begged the attendees to mute their microphones. "We don't need to hear your cat meowing," she said. She wore large hoop earrings and had her hair in a topknot.

Months of #challenges (#blackouttuesday, #blackandwhitechallenge, #life) had raised a question: What's the best way to participate in performative, hashtag-based Instagram trends? "Don't try so hard," Sarissa Thrower, an Instagram communications manager, advised. She wore a purple jumpsuit and had a chin-length bob. "You don't have to be everything to everyone." Heads nodded. "Be authentic, and you will find your tribe."

Amoruwa pressed Play on a video tutorial by Mark Phillips, a comedian with two million Instagram followers who operates under the handle @supremedreams_1. "You know how doctors gotta be best at their job at surgery or the person's gonna die? That's what you've gotta do with Instagram," he said. "Treat it like your job." Jump-cut to Phillips in a white coat, medical implements in hand, above a friend laid out like the patient in the board game Operation. His prescription: post as much as possible, all over Instagram.

"The world is something else right now," Amoruwa said, during the "Safety & Well-being" portion of the event. "Make sure you block accounts that are being crazy," she went on. "My favorite trick is *restrict*, a.k.a. ghosting. When you restrict someone from your profile, only you and the person you restrict will be able to see their new comments. It's like they're living in their own world and you have nothing to do with it."

Lala Milan, an actress with 3.4 million followers (bio: "I'm more than IG. Check my IMDB"), led a crash course on Reels. Instagram, which is owned by Facebook, reportedly offered top TikTok personalities six figures to bring their business and sponsorship deals to Reels, which has caught on among such brands as Louis Vuitton and Red Bull. "This is your chance to blow up," Milan said, demonstrating how to synch a video up to a particular part of a song. Sounds of audio rewinding and fast-forwarding were heard, then a line from Megan Thee Stallion: "I'm sick of motherfuckers tryna tell me how to live."



JOEDATOR

Milan said, “Okay, so I chose the right part.”

After the singer Mikayla Simpson (stage name: Koffee) performed three songs with similarly of-the-moment lyrics (“I put your body on lockdown”), John Boyega, an actor and a Black Lives Matter activist, appeared on the screen. Amoruwa asked what advice he’d give to the aspiring stars in the Zoom room. “You’ve got to collaborate, man,” he said, and then caught himself. “Sorry, I’m from the U.K. When we say ‘Big *man* ting,’ ” he continued, “we mean ‘on the real.’ ”

He explained that the people who are creating obstacles for Black artists in entertainment “collaborate with *each other*.” He recently spoke out about being marginalized by the “Star Wars” franchise, in which he plays Finn. In September, he stepped down as the global ambassador of the fragrance company Jo Malone London after it replaced him in a Chinese ad campaign without his consent.

“*They take each other’s phone calls, they’re building new projects,* ” he went on. “We need to really lean in to that.”

Although it seems oddly convenient for Reels to arrive as TikTok unravels (in the U.S., at least), Instagram has been working on the platform for more than a year. “We started testing a much earlier version in Brazil last November,” Tessa Lyons-Laing, Instagram’s director of product management for Reels, said after the party. “It’s more that the timing kind of coincided than that one influenced the other.” Reels is not all amateur music videos and improbable outfit changes. Amoruwa mentioned “Smarter in Seconds,” a Reels series in which the activist and author Blair Imani, who is Black, bisexual, and Muslim, offers advice on how to address a potentially sensitive subject. Recent episodes include “Pronouns Part 3: But What if Someone Doesn’t Know What Pronouns Are?” and “You Still Don’t Know What to Say Instead of ‘Minority?’ I Gotcha!” ♦

Fiction

- [“Nettle”](#)

Nettle

By [Joy Williams](#)

October 19, 2020



His teacher informed the class that her name was Miss Rita and they must always address her as such. She assured them that she would be guarding them all and that not one of them would be lost, except the one who was destined to be lost.

“What does she mean?” he asked the child beside him. They were all sitting in their chairs. On his other side was a window looking out on . . . He could never remember what it was looking out on.

“I wish she were pretty,” the child said. “Shouldn’t she be pretty?”

He told his mother what Miss Rita had said about the one who was destined to be lost.

“That happens to be from the Bible,” his mother said. “When people take words from the Bible and repeat them to young children, or to anyone, for that matter, they’re nuts. Don’t pay any attention to her.” His mother frowned. “Of course, you won’t be going back there. There are other schools, many schools. Maybe when you’re older you can even go away to the school Daddy went to. He really enjoyed it there.”

“Maybe when I’m older,” he said.

Once, when he was older, he and his mother had gone to Florida. They went out in a fishing boat to the glittering waters of the great Gulf Stream. His mother threw a half-smoked cigarette into the water as she reeled in a brightly colored fish that would fade to gray in moments.

“It was a dolphin,” he said.

His mother said, “I have never fished in my life. I would never fish. They call them dolphins but they’re not the mammals. They’re pretty, though. People put them in sandwiches. Use them in sandwiches.”

“I can’t remember Florida very well,” he admitted.

“Good,” she said. “It was a foolish thing to do, going off to Florida—Florida, of all places.”

His mother liked beautiful cars. Before she met his father (which was when he appeared as well, he thought, but before he was visible), she had one from the sixties that she cherished—a Jaguar. She still had the manual for it, a large book with a hard black cover. Everything about the car was described and illustrated in great detail—he particularly liked the wiring diagrams—but there was no picture of the actual car.

“Where is it?” he asked.

“After I met your father, we traded it in for something sensible.”

“That was my car,” his father said. “My grandmother willed it to me. I wrecked it. Still feel awful about it. It pains me to remember.”

“You’re the spitting image of your father,” someone said once, a friend of his mother’s. He found the phrase repellent.

“Well, it is repellent,” his mother said.

When he visited his father in his room, they would sometimes listen to music. It was the same bit of music again and again.

“This is so lovely,” his father said. “It’s somewhat incoherent, but that’s what keeps it from being too much to bear.”

He nodded.

“Do you know what I mean by incoherent?”

“Not really,” he said.

“That’s all right,” his father said.

•

His father was sitting up in bed wearing a black bathrobe, his dark hair combed severely back. The dogs weren’t permitted in the room anymore.

“Your mother worries,” his father said.

“She worries too much,” he said, feeling wise. He wasn’t sure where to sit.

There was a window seat he'd always liked, with a faded cushion. "What happened to the tree?" he said.

"They took that down years ago," his father said. "They lied. Even the babe in arms lied. They said the reason they were so drawn to this house was because of the tree, and then they took it down."

The tree not being there troubled him. With some effort, he brought it back.

"Draw the curtain, will you, Willie. Don't think about it."

He began telling his father about a story he'd read in English class. "When it was my turn for thoughts, I said I wouldn't have the dog there. The dog would be at home. She'd want to go but she'd be told not to by the father. They would shoot only as many ducks as they needed for Christmas dinner, not a whole boatload. They would be merciful that way with the ducks. It was terrible that they killed so many. They killed ninety-two ducks. They could and they did, instead of they could have and they didn't. That would be better. The sea, the water, wasn't punishing them but showed them no mercy, either. It did what it always did, every day, what it had to do. Near the end, that would be the same. The father wouldn't want to frighten the boys."

"Good Lord, they were teaching that story when I was there."

"They don't teach it. They assign it and then you present your thoughts."

"Rewrite the whole damn thing, Willie. That's my advice. Everything's got to be rewritten."

"I like that we go to the same school, Daddy."

"Well, I'm quite a bit ahead of you, actually. Or behind. You could say that, too."

He was not happy at the school, but his performance there was acceptable. He was selected for various teams and given the equipment and instruction that enabled him to participate on those teams. He was attracted to a boy with a white blaze in his hair, but so was everyone else. The boy ignored him.

He had a crush on the headmaster's daughter as well. She was several years older. Her face was broad and like a mask. He wished that his own face could be

like a mask. He wondered if that was still possible. With every moment, something was lost to him, to everyone, forever. She wore bright-red, uneven lipstick and was known to be intelligent and a runner. She ran daily for miles, in all weather. Once, he asked if he could accompany her, run beside her, perhaps after supper, after he had finished his assignments, and she laughed at him.

“You need to have your meds adjusted,” she said, making a small twisting motion with her hand. Later (though perhaps he had only imagined this), he told her that she reminded him of Miss Rita.

“That’s funny, because I know Miss Rita well,” she said. Coldness ran through him. “What, she doesn’t like you or something?”

“No,” he managed. “She likes me.”

She laughed again. “She liked you? Why?”

•

His mother did not believe in fate.

“Then what do you call what happens?” he asked her.

•

Somewhere there was a photograph of Miss Rita’s class. She was not in it—it showed only the children. Sometimes he convinced himself that she had taken the picture. Other times he was equally certain that it had been taken by a professional photographer. Parents would pay for such photographs and believe they could remember much more than they actually did about the past. If a professional had taken it, then perhaps Miss Rita had left the room. (Miss Rita almost never left the room.)

He showed it to his father.

“Are you in this one, Willie? Don’t think I’ve seen this. Must have, though, right?”

“Yes! Can’t you find me?”

“Here, right? Why does your mother cut your hair so short?”

“I have cowlicks.”

“Can’t outgrow them. Any barber will tell you that. What’s that in the cage . . . Is that a cage?”

“It’s a bookcase. A glass bookcase with doors. It belongs to Miss Rita.”

“So glad it’s not a cage.”

“Are you tired, Daddy?”

“No. Yes. A little tired.”

“Do you remember once, on my birthday, you asked what I wanted and I said a bodyguard?”

“I do remember that, Willie. That was the year you got sick just before your birthday and we had to come and get you from school.”

“It was just you, Daddy. It was just you who came. We drove back in the snow.”

“It was a genuine blizzard is what it was,” his father said. “You’re right, I made your mother stay at home.”

“She worries.”

“She would have made us crazy on that ride, worrying.”

“I was beside you, wrapped in a blanket, and I was burning up.”

“Yes. You were a little coal of fire. *Brasita de fuego.*”

“That’s the red bird that makes Mommy so happy when she sees it. But we haven’t seen one for a long time, Daddy.”

“Maybe in the spring.”

“It is spring. It’s almost summer.”

The moment always came when he knew he needed to leave. It was important to recognize that moment and not pretend that it hadn't arrived. He could come back. It was just necessary that his mother not know he was doing this. He hurried to his own room in the dark. "Burning up," he said sombrely, pitying himself a little.

•

He had been dreaming of the sea ducks thrown together in a pile at the bottom of the skiff, the snow falling upon them and the skiff rising and falling, adrift in the waves. There was no purpose, just the softness and the stillness of the feathered bodies and the coldness of the obliterating snow. It was so sad. Everything was so sad.

He walked quickly to his father's room. He rested his hand on the doorknob for a moment before entering.

"Daddy," he said. "I don't like baseball."

"Quite O.K., Willie."

"But you loved baseball."

"I did."

"Do you remember that big flashlight I had?"

"I do."

"I can't find it."

"You don't need it this minute."

"But I don't want to have lost it."

"Flashlights have their limitations, Willie. They can disclose only what their light's directed at in the dark, right? Wouldn't do you any good in here."

"I'm sure it will turn up, though. Daddy?"

"Yes."

“Mommy gave me some ginger ale but I threw it up.”

“You’re not ready for ginger ale yet. You’ll feel better soon.”

“You’re not listening to your music.”

“Sure I am. You can’t hear it? Mommy claims she can’t hear it, either, but she never liked it is the truth.”

“Mommy says that I mustn’t give you my sickness, that I shouldn’t visit.”

“Visit!” his father exclaimed. “Odd word.”

“ ‘Later, but not now,’ she says.”

“She said that?”

“Yes.”

“ ‘Later’ is another word I wouldn’t choose, but your mother has always wanted things to be wonderful. Do you know why?”



I THOUGHT THAT NOW MIGHT BE A GOOD TIME
TO RAISE THE SUBJECT OF SOCIAL DISTANCING

Glen Baxter

“No.”

“Because she’s wonderful,” his father said. “I miss her.”

He chuckled. How could his father miss his mother? It was like saying that his father missed him.

“Am I still burning up, Daddy?”

“Come here and we’ll see.”

And he climbed into his father’s arms.

•

After Florida, they did not try to get away again. What was the point, they agreed, in getting away? Still, the old house was sold and a new one bought. This one viewed them indifferently. The dogs became reserved.

“I hope they don’t feel unfamiliar here and become discouraged,” his mother said.

“I feel unfamiliar,” he said.

“Oh, don’t think like that.”

He had grown eight inches in two months.

“How is that even possible?” his mother said.

•

There was the lacrosse field, the brick dormitories, the unused chapel, the headmaster’s house. When the door opened, the woman looked quite the same. She had never been unfriendly.

“Does your daughter still live here?” It seemed a peculiar way to put it. He was sure he had offered a greeting first.

“How do you know Petra?” she said, not right away.

“Petra?”

“Oh, when did you attend?” She considered his reply, then said, “That was when she was Pete. She’s changed her name four times. Legally, every time.” She looked pained but then smiled as though it were nothing of consequence. “She lives in town. She has a room at the hotel, maybe even a suite. She’s as full of herself as ever. Are you the boy who was so sick that dreadful winter? And you weren’t able to come back. . . . I’m sorry for your loss. I hope we expressed our condolences at the time, though our secretary became ill then, too. She was the one who was so good about such things, the little things that are so important.”

“My father went here but he graduated,” he said.

“Any gift to the school would be much appreciated, but may I suggest not a bench.”

“I was thinking of a tree,” he said, though he had not considered it until that moment.

“A tree!” she said fervently. “Well, a tree would be very nice, but I’ve seen so many come and go, and it’s upsetting when they fail to thrive, which they frequently do—it’s almost perverse. You know when they say the best time to plant a tree is?”

He looked at her politely. She was going to say “Twenty years ago.”

“Twenty years ago,” she said.

•

The hotel was fashionably modest and set back from the street, with a brick patio on one side. One of the tables had a small white “Reserved” card on it. He felt that this was her table and she would soon arrive. He drank gin-and-tonics and waited. The other tables filled with people. It was now dusk, that time when all the possibilities seemed to shift a little. The day had transported its living burdens through their appointed rounds and soon would come the night.

The table remained empty. He went inside, thinking to book a room, but the

price was too high. His mother and father had stayed here when they brought him to the school, but he couldn't see them clearly. His mother in a flowered dress . . . his father . . . No, they couldn't be everywhere.

He returned to the patio, walked over to the reserved table, and sat down. The place where he had just been sitting was not occupied but hadn't been cleared.

"I'll have another gin-and-tonic," he said to the waiter.

"You won't be having one here. This table is reserved."

"She's expecting me."

At that moment, she appeared. Her mouth was carelessly shaped with the same bright slash of red he remembered.

"Let me buy you a drink," he said.

She shrugged, and the waiter went away.

"Which litter were you the runt of?" she said.

He was very tall, six feet four, taller than his father. He gazed at her. He had succeeded; he had made this happen. Her Martini arrived, a curl of lemon on the rim.

"Do you still run?" he asked her.

•

He didn't have to visualize the room anymore. It was just dim space, unstructured space. He didn't have to walk down the once familiar hallway and hesitate before the closed door with the dread that it might not open to him. He had made certain rules for himself at first, but then he had broken them unknowingly when he was tired or frightened and nothing had changed. Still, he did not initiate these episodes with his father casually. A certain preparation was always necessary, a certain acknowledgment of his hopelessness and resolve. It had been so long now, half his life, since he'd been sick, had been burning up, had almost died. But he had not died. Another had.

•

“She remembered that I didn’t go back to school.”

“Who?”

“The headmaster’s wife. They have a daughter who doesn’t care about anything. Not one thing.”

“That must be hard to do.”

“People think she runs but she doesn’t run. She keeps a dead nettle in a flowerpot.”

“That’s hard to do, too. Not many people would think to do such a thing.”

“She says the dead nettle is a kind of live nettle.”

“She said that, did she?”

“Yes.”

“I think I’ve read that somewhere.”

He didn’t want to tell his father what his mother had done, so he talked about Pete. His mother had died on a dark spring night, speeding down a highway in a leased Jaguar—the dogs, too, cast out, covered in glass. If he told his father what his mother had done, his father would say, “She wouldn’t do anything like that.”

•

He began to spend much of his time with Pete, in her room. When he brought flowers, she would stuff them in a dirty glass, where, for a moment, they maintained their look of prideful expectancy.

“I want never, of course, to become older than my father.”

“So you still have years,” she said. “Years and years.”

“He was twenty-two when I was born. They both were. Twenty-two. Can you imagine?”

“Sure. Why not?”

“So I’m thinking when I’m twenty-two—that will be in five months.”

“That is so reasonable. You should definitely quit conjuring up these visits to your father where you pretend you’re a little kid. It’s not sustainable.”

“That’s how he knows me. As a little kid.”

“I mean, why go on?”

She was quite dismissive of the details.

“I won’t dissuade you,” she said. “This is what you require of me, right? It’s interesting to be required. Never nice, but interesting.” She said slyly, “I think you’re getting tired of keeping it going.”

“No, not tired.”

“Tired of keeping it going, of caring so much. Here’s a suggestion, though: quit it now and see how you feel in five months. Like, quit before the Big Quit. The worst that can happen is the return of the actual situation, your reality. Who knows, after a while it could even become an accredited reality.”

“You don’t have an accredited reality,” he said seriously.

She laughed. He was so out of place in her small room, slumped in her silly satin occasional chair with its ugly stains and tears. He was like one of those pathetic people who cared about the fate of the earth. But worse, for his devotions were on an even grander scale. She didn’t really believe that he was going to take his life on his birthday and complete the erasure of his fancy family (though she vowed she wouldn’t tease him about it). She didn’t even believe that he’d been having meetings with his father all these years, though she could imagine that, if they did occur, they transpired over seconds that seemed like hours, and peculiarities were acknowledged.

She saw him staring at the dead nettle, which was just a joke, of course. He wasn’t the type to find things amusing, which meant that he wasn’t her type at all, but for the most part she found the whole situation . . . arresting. He could have been good-looking, but some quality distorted his features, so he didn’t

look quite normal, actually. But who wanted to look the way people looked? Or behave the way they behaved? The further you could get from the generically human presentation and its habit of being the better.

Pete had no intention of being anywhere near him when five months had passed.

“I understand,” he said.

“I’m perfectly willing to discuss things with you ad nauseam, but on that particular morning count me out.”

“What will you be doing, do you think?”

“Nothing important,” she said.

•

“Daddy, would you rather fly or be invisible?”

“That’s an easy one. I would not hesitate.”

“I wouldn’t want to be invisible. I’d rather fly.”

“I wouldn’t want to be invisible, either,” his father said.

“But maybe we’d be safer if we were invisible,” Willie ventured. “Would we?”

“Do you want to be safe, Willie?”

“I want you to be safe.”

He was not going to tell his father what he was going to do on his twenty-second birthday. More and more, he did not tell his father what was on his mind. He was no longer a child, scorched with sickness, a beloved. He was someone else, someone with no one.

The last time he had seen his father was when he appeared to him in a dream (never before had he dreamed of his father) and said, “When you care, care like this. . . .” But Willie couldn’t perceive the gesture; it was not clear what he was being instructed to do.

•

They drank conscientiously in her wasted room that stank of flowers and whiskey water. Sometimes they went down to the table on the patio and ate a little and drank some more.

“Why is it reserved for you?” he asked.

“It’s just money. It’s one of the ways I like to spend my money.”

“Reserved,” he said. “Like us with each other.”

“Don’t flatter yourself. There’s no us.”

She could say anything to him. It didn’t matter. He lived in a world of signs and ceremony, of guilt and reparation. He was dedicated to an idea of her that he would complete. She could not complete her idea of him. It went too far; it was too demanding. She was indifferent to the meaning of this. Caring was a power she’d once possessed but had given up freely. It was too compromising. There were other powers.

Sometimes she carefully touched his face.

•

Several days before his birthday, she moved away, though she continued to pay the hotel-room bill for some months. She once again changed her name. No word of him reached her. Yet she expected to hear about him, even years later. He would have saved some goddam thing or preserved some goddam flawlessly innocent knowledge, because he’d convinced himself that that was the requirement for being born and once loved. ♦

Judging a Book by Its Cover

- [Who Isn't a Sucker for a Foldout?](#)

[October 26, 2020 Issue](#)

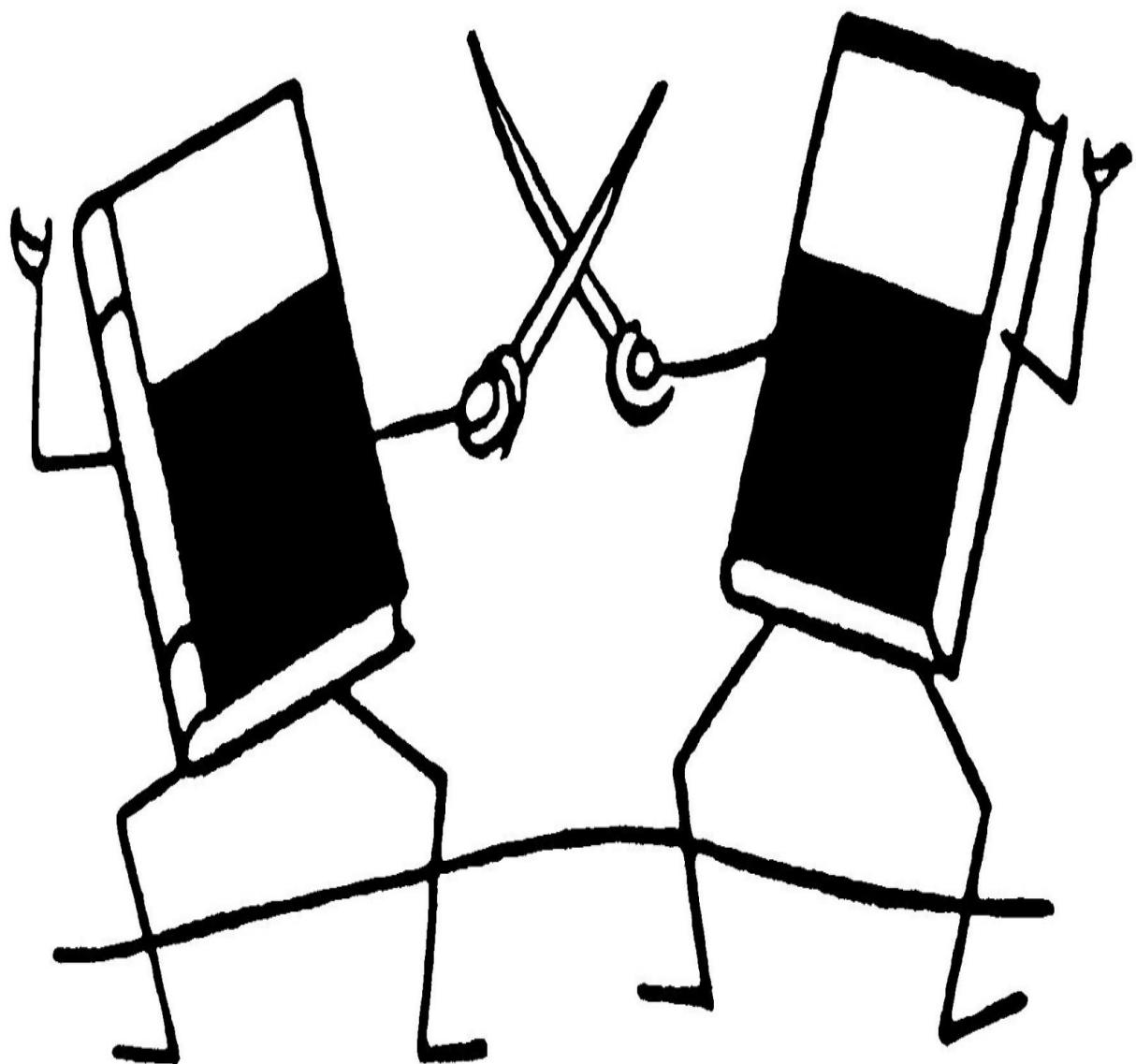
Who Isn't a Sucker for a Foldout?

The National Book Foundation's Lisa Lucas and two fellow-jurors gather to choose the trends behind the fifty best-designed books of the year.

By [Katy Waldman](#)

October 19, 2020

The book business is one of the few that the pandemic has helped, and last week Lisa Lucas, who runs the National Book Awards, announced the competition's 2020 finalists. Just before lockdown, earlier this year, Lucas participated in a more niche contest. In March, she was one of three jurors who met one morning at Columbia University to select the fifty best-designed books of 2019, for the 50 Books / 50 Covers competition, sponsored by AIGA, a professional association for design. Joining her were Hilary Greenbaum, from the Whitney Museum, and Silas Munro, the founder of the design studio Polymode. The three were selected by Michael Bierut, a partner and designer at Pentagram, who has dreamed up visual languages (fonts, logos) for Saks, the *Times*, the New York Jets, and Hillary Clinton.



Before the judging session, Bierut chatted about his experience as a former juror. “You’re not even comparing apples and oranges,” he said. “It’s apples and oranges, kumquats, bananas, and, occasionally, an armchair.” He talked about his work with Justin Timberlake on “Hindsight,” the singer’s “experiential” autobiography, from 2018. “It was as pure an experience in translating a person’s personality into a book as I’ve had,” he said. A high point was brainstorming the section for one of the singer’s “Saturday Night Live” appearances. “He was in a video called, ah, ‘Dick in a Box.’ And there’s a verse that’s, like, the three-step process by which you actually . . . ” He trailed off. “We decided to format the pages in the style of assembly instructions for, like, an *IKEA* dresser.”

The Timberlake spread illustrates the twin tasks a designer often faces. “You’re usually either defamiliarizing the familiar or making the unfamiliar seem inviting,” Bierut explained. Book designers have a mandate: serve the reader, honor the author. “Don’t impose a bunch of showy, distracting moves,” he said. He talked about being preoccupied by what a “miracle” reading is: “The idea that we learn how to interpret these marks that have an arbitrarily assigned meaning, corresponding phonetically to sounds in English. And, somehow, they line up into words, and sentences—and paragraphs and chapters and books!”

Upstairs, the jurors had already made first-round eliminations. “First you think, All books are beautiful! I want them all!” Lucas said. “Then you see the thing you thought was so cute fifty thousand times and realize it’s just a trend.”

“Glitter and metallics,” Munro added.

“Neon.”

“Exposed binding.”

“Iridescent foil. Woo-hoo.”

The jurors agreed that a culture of encountering books online, removed from their physicality, was affecting book design. “One trend we’ve been seeing a lot of is overscale typography,” Munro said. “These books are designed to be seen on Instagram.”

“The type looks too big up close,” Greenbaum added. “But it translates perfectly to social media.”

“And then the cover’s too stiff. There are material things,” Munro said. “You realize someone was approving this on an iPad.”

“Art can get away with things that design can’t,” Lucas said. Her great-uncle was Chuck Harrison, the first Black executive at Sears, Roebuck and the designer of both the View-Master toy and the plastic garbage can. “What I love about my uncle’s design is that it’s so inclusive,” she said. “That stuff was literally for everyone.”

Munro said that he often talks to his students about access, and the subtle ways in which aesthetic value can be encoded. “I’m in the middle of decolonizing the fuck out of the design curriculum,” he said. He teaches a workshop called “Throwing the Bauhaus Under the Bus.” “We’re really questioning these lineages of European modernism, this perception that there’s one type of design that can or should speak to everyone—”

“Well,” Lucas said, “‘Everyone’ meant something very specific.”

“It meant German, French, and English,” Munro said.

“I walk into a Williamsburg bookstore,” Lucas said, “and I can recognize the highbrow, contemporary cues: the hot-pink stripe, very simple and clean. And I say, ‘Ooh, that’s nice,’ but if you’re growing up with a different set of cultural references that’s not necessarily what’s going to speak to you.”

Greenbaum said, “Good design reaches beyond that audience and wonders, Who else?”

Piles of books blanketed a long table in the judging room. As the jurors found their focus, sounds of turning pages and muted appreciation (“Sucker for a foldout,” “Slee-e-e-k”) seemed to deepen the hush. Lucas admired a guide to wine for its bright, friendly graphics. “This design doesn’t condescend, but it also doesn’t assume,” she said. Munro praised a slender biography that threaded interviews between expository passages. “It does unusual things with the placement of the headings,” he said. “The reading order feels both organized and disrupted.”

“Hey, it’s Jacob Lawrence!” Greenbaum called, looking across the table at a book about the American painter.

Lucas peered over Greenbaum's shoulder. "Was he handsome?"

"I think he might have been," Greenbaum said.

Munro groaned. "By who?"

"Yeah," Lucas said, studying the cover. "Strong possibility this guy was good-looking."

"Oh, *handsome!*" Munro said. "I thought you said he was *cancelled*." ♦

Life and Letters

- [How Saidiya Hartman Retells the History of Black Life](#)

How Saidiya Hartman Retells the History of Black Life

The scholar's provocative writing illuminates stories that have long gone untold.

By [Alexis Okeowo](#)

October 19, 2020



On a clear night earlier this year, the writer and scholar Saidiya Hartman was fidgeting in a cab on the way to MOMA PS1, the contemporary-art center in Queens. The museum was holding an event to celebrate Hartman’s latest book, “[Wayward Lives, Beautiful Experiments](#),” an account, set in New York and Philadelphia at the turn of the twentieth century, that blends history and fiction to chronicle the sexual and gender rebellions of young Black women. Several artists planned to present work that illustrated Hartman’s influence on them. She was nervous just thinking about it. “I’m crying on the inside,” she said. “I’m this shy person, and this feels so weird.”

Hartman, who is fifty-nine, wore a blue batik tunic over slim black pants and plum-shaded ankle boots. A professor of English and comparative literature at Columbia, she occupies a singular position in contemporary culture: she is an academic, influenced by Michel Foucault, who has both received a MacArthur “genius” grant and appeared in a [Jay-Z](#) video. Hartman has a serene, patient demeanor, which the cultural theorist Judith Butler described as “withheld and shy, self-protective.” She speaks at what seems like precisely three-quarters speed, to allow her to inspect her thoughts before releasing them. “She definitely has a bit of that holding-your-tongue thing as a power mode,” the artist [Arthur Jafa](#), a friend and collaborator of hers, told me. “She carries the universe in her head, and you can feel it in her presence.” But her best friend, Tina Campt, a professor of visual culture at Brown, called her endearingly “goofy and awkward.” On a recent trip to London, Campt told me, Hartman got lost returning to her hotel from a restaurant. The hotel was a block away.

At the museum, a tent had been set up in a courtyard, and a line of attendees snaked around it: artists, fashion people, writers, students, cool kids with their hair in topknots. Thelma Golden, the director of the Studio Museum in Harlem, greeted Hartman with a hug and warned, “Prepare for fan-girling.”

The event’s curator, Thomas Lax, was waiting inside the tent to show Hartman around. (Hartman’s partner, Samuel Miller, a civil-rights attorney, had stayed home in Manhattan to help their teen-age daughter study for finals.) Lax had been a graduate student of Hartman’s at Columbia, and they remain in touch. “Once you’re in the circle, you don’t want to leave,” Lax said. Jafa, wearing a brocaded coat and gold-heeled boots, surveyed the crowd, which included the artists [Glenn Ligon](#) and Lorraine O’Grady. “Everybody’s here,” he said.

In three books and a series of essays, Hartman has explored the interior lives of enslaved people and their descendants, employing a method that she says “troubles the line between history and imagination.” Her iconoclastic thinking on the legacy of slavery in American life has prefigured the current cultural moment. In 2008, five years before [Black Lives Matter](#) was founded, she wrote of “a past that has yet to be done, and the ongoing state of emergency in which black life remains in peril.” Her writing has become a lodestar for a generation of students and, increasingly, for politically engaged people outside the academy.

At the museum, Jafa screened footage that showed how Hartman’s ideas had “infiltrated” his art-making. The choreographer and performer [Okwui Okpokwasili](#) sang a piece inspired by characters in her book: domestic workers, chorus girls, juvenile delinquents, and wanderers. The artist Cameron Rowland read from a letter written by a South Carolina planter, detailing disobedience on his plantation—a litany of impudent acts that the planter seemed not to realize constituted a campaign of sly subversion. Rowland said that the letter evoked the “legacies of Black antagonism that are part of what Saidiya calls ‘acts of everyday resistance.’ ” As Rowland read, the crowd erupted into laughter and cheers.

When the presentations were over, Hartman sat at a table at the back of the tent, where a line of people held copies of her book for her to sign. One woman said that she was having a “small crisis” and was about to change her name.

Hartman, whose given name is Valarie, responded soothingly. “That’s O.K.,” she said. “Which name do you want it signed to?” Another asked for advice on graduate programs; Hartman invited the woman to come see her at Columbia.

After the signing, a group of celebrants headed out to an Italian restaurant nearby. Hartman sat in the middle of a long table, the reluctant center of gravity. “She’s royalty for us,” Jafa said. “We’re celebrating her, but we’re also celebrating ourselves. It’s a victory dance for the marginal, edgy, weirdo Black nerds.”

Hartman grew up in Brooklyn, but her people on her mother’s side are from Alabama. According to family lore, their forebears were enslaved first in Mississippi, but a slaveowner sold one of them to an Alabama plantation, to pay a debt. As a girl, Hartman occasionally visited Alabama during the summer, and remembers long Baptist services and cold bottles of Coca-Cola; her great-

grandfather took her on country drives, pointing out farms that had once been owned by Black folks. The drives “deeply marked me,” Hartman told me. But she also felt out of place in the conservative circles that her family occupied. “That Black social world was defined by a class and color hierarchy that was so extreme,” she said.

Her mother, Beryle, grew up in Montgomery, among churchgoing activists; she and her parents took part in the bus boycott of the nineteen-fifties. During segregation, the family was proudly middle-class: one relative was among the first Black doctors in Selma, and another was a Tuskegee Airman. Beryle went to Tuskegee University and then to Tennessee State, where she studied social work. She was also schooled in propriety, encouraged to wear white gloves and forbidden to have male visitors in her dorm.

During college, Beryle met Virgilio Hartman, a private stationed at Maxwell Air Force Base. Her parents did not approve; Virgilio hadn’t attended college, and he didn’t come from the right kind of people. His family, immigrants to New York from Curaçao, were hardworking strivers, but, Hartman recalled, “there was less keeping up with the Joneses.”

In Brooklyn, Hartman’s parents’ closest friends were a Jewish lesbian couple; her own friends were the children of immigrants from Panama and Haiti. Her mother took her and the neighborhood kids to the Guggenheim and the Museum of Modern Art, and to see shows like “[For Colored Girls. . .](#)” Her father, a policeman, encouraged her to attend the highly competitive Stuyvesant High School.

Hartman, surrounded by people of varied ethnicities, considered herself a New Yorker first. Audre Lorde’s daughter was a schoolmate; she also hung out with “privileged, disaffected white kids.” She wrote poetry, played classical guitar, joined a physics club for a month. She wore overalls, flannel shirts, and a “wild Afro,” to fit in with her leftist crew and also to reject the “Black American princess” image that her mother wanted her to present.

Hartman’s early experience of politics was “simple and direct and radical,” she said. She joined socialist organizations and reproductive-rights groups. While in high school, she interviewed the radical writer Amiri Baraka, and asked if there was a more effective way than poetry to bring about societal change. “Yes,” he told her. “The gun.” But her own inclinations were less combative. A few years

before, her parents had sent her to a Black-nationalist summer camp in Crown Heights. On a camp trip to Pennsylvania, she accidentally stepped on the foot of a white boy and apologized. A counsellor told her that she should never apologize to a white person, and to go step on his foot again. Hartman made her way back to the boy and brushed his foot with hers. She vowed never to return to the camp.

Hartman was “questing,” she said. After high school, she spent a year at Wesleyan, and then a year in a film program at New York University—an unhappy experience at what she describes as “vocational school for white guys from Long Island.” Returning to Wesleyan, she sat in on a course on feminism, taught by [Judith Butler](#). “She was so smart that I thought the windows were gonna blow out,” Butler, who now teaches Hartman’s books, said. “The quickness of her mind and the sharpness of her critique were breathtaking.”

Hartman’s mentors were working to erode the dominance of European perspectives. [Hazel Carby](#) gave Hartman a Marxist view of African-American, Caribbean, and African histories; Gayatri Spivak introduced her to post-structuralism, which holds that the truth of events is inextricably tied to the language used to describe them. Hartman began thinking about the invisible framework that governed her (relatively charmed) life as a young Black woman. “I wanted to understand the inequality that was structuring the world—even as I was feeling that it had not made anything impossible for me,” she said. She changed her name from Valarie to Saidiya, which is derived from the Swahili word for “to help.” The change, she wrote later, “extirpated all evidence of upstanding Negroes and their striving bastard heirs, and confirmed my place in the company of poor Black girls—Tamikas, Roqueshas, and Shanequas.” (Her family called her by the new name reluctantly.)

Hartman was still marked by the experiences of her youth: following the rules down South, roaming free in New York. “I’m both a pessimist and a wild dreamer,” she told me. She imagined getting involved in radical politics, going to Grenada to join Maurice Bishop’s Black-liberation movement. Instead, she went to graduate school at Yale, and studied voraciously. The playwright [Lynn Nottage](#), who met her there, recalled, “At parties, I’d be rocking to the music, and she’d be standing back trying to interrogate what was happening. I’d say, ‘Just come into the party,’ and she would be analyzing the lyrics to the song, how people are dancing, the gender and racial dynamics.”



"Back to the office, sir? Or should I surrender you to the authorities?"
Cartoon by Frank Cotham

For her doctoral thesis, Hartman planned to write about the blues. But when she

read Foucault's work on the ways that people are subjected to power, she saw a chance to do something new. Foucault, she realized, was "not thinking about Black people or slavery in the Americas." Her thesis would examine how totalizing, violent domination had shaped the status and agency of enslaved people.

The result was "[Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America](#)," which argued, in dense and provocative detail, that Emancipation constituted another phase of enslavement for Black Americans, as they moved from the plantations to the punitive controls of the Black Codes and Jim Crow. Hartman was illuminating what she calls the "afterlife of slavery": limited access to health care and education, premature death, incarceration, and impoverishment—the "skewed life chances" that Black people still face, and the furious desire for freedom that comes with them. As Butler put it, "The question she returns to again and again is: 'Did slavery ever really end?'"

That question had been the subject of earlier scholarship; Hartman's book, with its compelling portrayal of lives caught between cruelty and resistance, helped move it toward the mainstream. [Frank B. Wilderson III](#), a former student of Hartman's who now chairs the department of African-American studies at the University of California, Irvine, described her as quietly persuasive. "She's not an 'angry Black woman,'" he told me. "She's not Assata Shakur. But what they don't know is that, where Assata Shakur will blow your head off, Saidiya has just put a stiletto between your ribs."

Wilderson interviewed Hartman in 2002 for an article called "The Position of the Unthought." In it, he criticized scholars of African-American history for underplaying the "terror of their evidence in order to propose some kind of coherent, hopeful solution"; he praised "Scenes of Subjection" for exposing the unrelenting violence of slavery. Hartman agreed that turning that legacy into a narrative of uplift was "obscene." But she has always been interested in portraying the agency of Black people. In "Scenes of Subjection," her subjects endure vicious circumstances through acts of imagination, making a way out of no way; they evaded work on plantations and, after Emancipation, refused to enter into contracts with their former masters. Hartman told me that her goal was to shift Black lives from the "object of scholarly analysis" to the basis for an "argument that challenged the assumptions of history." Once, while she was discussing "Scenes of Subjection" with her class at Columbia, a student

expressed surprise that she gave the words of a slave the same weight as those of Foucault. “Yeah,” she responded. “Exactly.”

One rainy evening, I visited Hartman at the apartment that she shares with her family, in a stately building on the Upper West Side. Her labradoodle was barking excitedly, and Miller pulled him into the kitchen so that Hartman and I could talk in the living room. Behind her was a book-crammed study, with two handsome desks. Academic work has given Hartman a comfortable life—the apartment, provided by Columbia, is spacious, with hardwood floors, West African-cloth table runners, and a view of Riverside Park. But it has also, at times, been at odds with her creative instincts. She told me that she went to graduate school with no intention of becoming a professor: “I didn’t have a trust fund, and I wanted to continue to study.” That initial ambivalence has never really gone away.

Hartman’s first teaching job was at the University of California, Berkeley, where she received early tenure on the strength of her draft of “Scenes of Subjection.” The chair of the English department told her that, since she now had tenure, there was no need to finish the book. Hartman was taken aback, but ultimately she found freedom in her colleagues’ low expectations. “As a Black woman intellectual, I am at the bottom of the food chain,” she said during a talk at the Hammer Museum, in Los Angeles. But “within that space of no one taking me seriously, there was also all this space to work.”

At Berkeley, Hartman wanted to reckon with the ways in which violence had been used to enforce social order. She also wanted to write with a resonance that was uncommon in scholarly literature. “I wanted to be a Wailer,” she said—a member of Bob Marley’s band. “What does it mean to describe Trench Town, in Jamaica, but be describing the world? What does it mean to have that kind of power articulating a condition, with poetry and beauty?”

Hartman is well versed in academic discourse; she sometimes describes her work as an effort to “topple the hierarchy of discourse” and to “jeopardize the status of the event.” But she can also write with striking intimacy, evoking the feelings and the conditions of Black life. In her second book, a kind of anti-memoir called “[Lose Your Mother: A Journey Along the Atlantic Slave Route](#),” she described a pervasive sense of dispossession:

Two people meeting on the avenue will ask, ‘Is this where you stay?’ Not,

‘Is this your house?’ ‘I stayed here all my life’ is the reply. Staying is living in a country without exercising any claims on its resources. It is the perilous condition of existing in a world in which you have no investments. It is having never resided in a place that you can say is yours.

The book grew out of a trip that Hartman took to Ghana, inspired by her great-great-grandmother Polly, who had been a slave in Alabama. As a girl, Hartman had been frustrated with the gaps in Polly’s story: what she looked like, how her life had been. She wanted to investigate the rupture between Africa and the United States—the oceanic graveyard that transformed free people into slaves and, she believes, shaped the identity of the Black diaspora. “The routes traveled by strangers were as close to a mother country as I would come,” she writes. In Ghana, she retraced the paths of captives, from ancestral villages to holding cells. But, instead of the words of enslaved Africans, she found only silence. Hartman wandered Accra and the Gold Coast for a year, disappointed that the Ghanaians she met saw her as an outsider, and upset that they refused to talk about African culpability in the slave trade.

The historical archive was little help. Hartman pored over records that often amounted to commercial transactions of enslaved bodies: slaver manifests, trade ledgers, food inventories, captains’ logs, bills of sale. “In every line item, I saw a grave,” she writes. “To read the archive is to enter a mortuary; it permits one final viewing and allows for a last glimpse of persons about to disappear into the slave hold.”

The detailed narratives that did exist had been left by people like Thomas Thistlewood, a British plantation overseer in Jamaica. In his diaries, he described punishing a slave: “Gave him a moderate whipping, pickled him well, made Hector shit in his mouth, immediately put a gag in it whilst his mouth was full & made him wear it 4 or 5 hours.” How could Hartman describe an enslaved life using such a passage, whose “annihilating force” revealed a great deal about Thistlewood but nothing about the slave?

Through those years, Hartman told me, “I was wrestling with what it means to have the colonial archive, the archive of the Western bourgeoisie, dictate what it is we can know about these lives.” Even later, more earnest attempts at historical memory were misleading; the Works Progress Administration’s slave narratives, which often had white Southerners ask formerly enslaved people about their lives, made honest responses unthinkable. Hartman had been trying to overcome

the silences about Black life, but she found herself reproducing them. As she once wrote, “The loss of stories sharpens the hunger for them.”

For Hartman, reckoning with history means returning again and again to old events and ideas. The writer [Maggie Nelson](#) told me that “Scenes of Subjection” is one of her favorite books, because it “uses historical record and trenchant argument to upend truisms.” Nelson praised Hartman’s ability to reframe events: “As a writer, she’s continuing to shift the kaleidoscope and keep offering something different, like ‘Now how about this? How about this?’ ”

In “Lose Your Mother,” she wrote of a girl who was tortured to death on a British slave ship, possibly because she had refused to dance naked for the captain. The girl’s death intensified a debate in England over the abolition of the slave trade. Hartman’s account, re-creating the brutal killing and the trials that followed, briefly mentions another captive on the ship, a young girl who is referred to in legal documents only as Venus. After the book came out, Hartman said, “I was really haunted by that second girl.”

A year later, in the essay “Venus in Two Acts,” Hartman returns to the girl, criticizing herself for abandoning her. She admits to being tired of trying to tell stories based on “empty rooms, and silence, and lives reduced to waste,” and wonders how to wring more from the archive. “What else is there to know?” she writes. “Hers is the same fate as every other Black Venus: no one remembered her name or recorded the things she said, or observed that she refused to say anything at all.”

Hartman began exploring “what might have been,” starting with a single invented detail, of a sailor testifying that the two girls seemed like friends. In a process that she calls “critical fabulation,” she imagined a narrative: two doomed children passing days together, finding solace and joy in each other’s company; Venus holding her friend as she died, whispering that everything would be all right.

Hartman knew that such a counter-history would be seen as less legitimate. “History pledges to be faithful to the limits of fact, evidence, and archive,” she wrote. “I wanted to write a romance that exceeded the fictions of history.” But a conventional history of the girls’ experience was impossible. As she noted, “There is not one extant autobiographical narrative of a female captive who survived the Middle Passage.”

Still, she spends much of the essay describing her own uncertainty about what she's doing. Can stories fill in the archive? They might provide comfort, but to whom? For the dead, it is too late. In the end, Hartman decides that the goal is not to "recover" or "redeem" the dead girls but to create a fuller picture of their lives. Campt, her friend and colleague, said, "She gave us a way of seeing them, not on the terms that society wanted to see them but on their own terms."

In 2017, Arthur Jafa directed a video for the Jay-Z single "4:44," an apology for the rapper's romantic failings. Two and a half minutes in, a woman walks down a New York street, wearing a pensive, purposeful expression: Hartman. "I was totally awkward and stiff," she said, laughing as she recalled the filming. "She had a certain primness, properness," Jafa acknowledged. "But it's an image of a person thinking in motion." When Jay-Z saw a cut of the video, he asked who Hartman was. Jafa explained that she is "the archangel of Black precarity." Her presence, he said, "may not register to ninety-five per cent of his audience now, but five years down the line, ten years down the line, twenty years down the line, that's going to be one of the most powerful moments of the video."

These days, Hartman is regularly referred to by activists, social-media influencers, and woke celebrities like [Jeremy O. Harris](#), the author of "Slave Play." Her latest book, "Wayward Lives, Beautiful Experiments," might be her most daring; it is certainly her most popular. "After 'Scenes of Subjection' and 'Lose Your Mother,' I thought, I just can't write another book about slavery," Hartman told an interviewer at the London Review Bookshop last October. But Hartman, who describes her work as "a lot of sitting at my desk and staring off into space," has spent much of her writing life thinking about how Black people have resisted subjugation by means of "productive, creative, life-saving deviations from the norm." As she worked on the book, she began reimagining a scene from the life of [W. E. B. Du Bois](#).

On an August day toward the end of the nineteenth century, Du Bois was on South Street in Philadelphia, amid day laborers and new migrants, pretty boys and brazen girls. Twenty-eight years old, Harvard-educated, and dressed in a gray three-piece suit, Du Bois was then a novice sociologist, hired to conduct a study of the Seventh Ward, the city's oldest Black neighborhood. Du Bois was scandalized by the slum's naked display of brawling, pleasure-seeking, and hustling; he blamed slavery's destruction of the Black family, but also the loose morals of the recent arrivals from the South. On South Street, he saw two young Black women window-shopping at a shoe store, and heard one tell the other,

“That’s the kind of shoes I’d buy my fellow.” In Du Bois’s view, “the remark fixed their life history.” They must have been prostitutes, from one of the slums “where each woman supports some man from the results of her gains.”

Hartman admires Du Bois, whom she sees as a model for innovative readings of the archive. In “[Black Reconstruction](#),” he narrates the lives of slaves who refused to work and who fled plantations; by describing these activities not as criminality but as a “general strike,” he changed the way historians treated enslaved people.

But his telling of the encounter with the two young women felt incomplete to Hartman. “There was drama in that moment,” she told me. “There’s Du Bois’s framing of it—but how did he look in *their* eyes? Why was female desire so scandalous that they could only be prostitutes?”

In “Wayward Lives,” Hartman retells the scene from the women’s point of view, as if she were a filmmaker, pulling back the lens to reveal characters at the margins of the frame. “They looked long and hard at all the objects on display in the shop window, expectant and dreaming of a way out,” she writes. Stopping to admire a pair of boots, the color of oxblood and ivory, they imagine them worn by a “beautiful, dangerous” man, and fantasize about the adventures they might have with him. They pay no mind to Du Bois; he is just part of the hectic cityscape, an afterthought.

The young Black women in “Wayward Lives” arrived in New York and Philadelphia in the early days of the Great Migration, a generation or two removed from slavery. They were hoping for something more than what they’d left behind. What they found was decrepit slums, domestic work that felt akin to slavery, and social reformers and policemen who patrolled their most intimate activities. Laws to discourage “wayward minors” criminalized dancing, dating, and even walking in some streets. Under the guise of housing reform, young Black women were routinely arrested on “suspicion of prostitution,” and sent to reformatories and workhouses. Hartman writes that they were arrested “on the threshold of their homes and inside their apartments, while exiting taxicabs, flirting at dance halls, waiting for their husbands, walking home from the cabaret with friends, enjoying an intimate act with a lover, being in the wrong place at the wrong time.”

Many of the city’s young Black women lived in a kind of “everyday anarchy,”

anyway; they took lovers, had lesbian relationships, dressed and behaved as they pleased. (Black women, Hartman notes, were flappers before the term existed.) She writes of Harriet Powell, a seventeen-year-old who, despite being arrested for her “nocturnal wanderings,” danced past midnight in Harlem clubs, went to movies, and rented a room where she met her lover. Powell and other Black girls in the city’s sexual revolution had a freedom that their grandmothers could only dream of.

The archival material that Hartman draws on was mostly left by people who saw Black women as a “problem”: journals of rent collectors, surveys of sociologists, trial transcripts and slum photographs, prison case files, interviews with psychiatrists and psychologists. To balance the portrait, Hartman does her most speculative work, exploring her subjects’ shared horizon of desire and yearning. In one exchange, she writes about a white reform worker, Helen Parrish, fretting over her tenant Mamie Sharp, who saw other men besides her partner:

There was no easy way to lead into the matter of adultery, so Helen broached the issue directly. “Mamie, have you been going around town with other men? Have you?” The question was as much an accusation as inquiry. Mamie’s reply was no less direct: “Yes, I like to go about as I please.” Mamie didn’t apologize or offer any excuses for not being able to hold steady; she did not try to temper Helen’s judgment by admitting that she had been lonely.

As Hartman worked on the book, she thought of her maternal grandmother, Berdie. She had gone to college to be a teacher, but became pregnant with Beryle, and her parents threw her out of the house, raising the child themselves.

Families like Beryle’s, striving for respectability in a racist world, would have been embarrassed to acknowledge women who had children out of wedlock—let alone those who did sex work or had female lovers. “There is a certain kind of uplift and progress narrative that was saying, ‘Oh, no, no, don’t waste any time thinking about the past. Move on. Pull yourself up by your bootstraps,’ ” Hartman said. In “Wayward Lives,” though, women like these are “sexual modernists, free lovers, radicals, and anarchists.” They are visionaries, imagining a different way of life.

Hartman’s rethinking of the archive has enormous appeal for readers hungry to see their identity—feminist, queer, gender-nonconforming—mirrored in the past.

Part of the book's argument is that Black women originated a set of social arrangements that were once considered deviant and are now commonplace: expansive notions of family, generous intimacy and sociality, fluid romantic relationships. Black women, Hartman says, have often operated outside of gender norms, whether they wanted to or not. During slavery, they had little control over their children or their reproduction. Afterward, poverty and discrimination forced them to do things that few white women did: work for wages, lead households, and enter and leave marriages freely. If they could not meet expectations set by white men, that allowed them to conduct experiments in living. The poet and theorist [Fred Moten](#) told me, "Saidiya does the very crucial work of expanding our understanding of the Black radical tradition," revealing that it is "fundamentally the work of working-class Black women and young Black girls."

But the historian Annette Gordon-Reed, writing recently in the *New York Review of Books*, wondered if Hartman was projecting political aims onto people driven by necessity. She considered the case of Mattie Nelson, who, on the way to a sexual awakening, lost a baby in a teen-age pregnancy and was painfully abandoned by several male lovers. "If Nelson were given the choice between living a precarious life, depending upon men whom society prevented from realizing their potential, and being a wife and mother under circumstances available to white middle- and upper-class women, there is no reason to assume she would not have opted for the latter," Gordon-Reed wrote. "We live after a sustained critique of bourgeois values and lifestyles, decades in the making. Nelson did not." For Hartman, though, rebels don't need to be motivated by ideology, or even to consider themselves revolutionaries. "Many of the people who have produced radical thought have not been imagined to be involved in the task of thinking at all," she said.

In March, "Wayward Lives" won the National Book Critics Circle Award—for criticism, rather than for nonfiction or fiction. No one seemed sure how to categorize it. "The book has had a very complex reception," Hartman told me. "I've been exploring the same set of critical questions since the beginning. But some people in the university world are, like, '‘Scenes of Subjection’ is the real thing. What are these other two books?'" Her publisher, W. W. Norton, had hoped for higher sales, and Hartman wondered if the book's marketing was partly to blame. The U.S. edition was published with extensive endnotes, and the interplay of factual and speculative sections may have confused readers new to her work. Her British publisher, Profile Books, classified "Wayward Lives" as

both literature and history; it cut the endnotes and put them online, allowing the book to be read as creative nonfiction rather than as scholarship. “Some people told me, ‘Oh, I like that novel,’ ” Hartman said, laughing. “I’m so unfaithful to genre, so it was fine.”



PANCKEKI

"The neighbor's kids are playing one-on-one."
Cartoon by Drew Panckeri

But Hartman rejects the idea that her books should be understood as historical fiction. Instead, she calls her work a “history of the present”—writing that examines the past to show how it haunts our time. Many of her peers were engaged in the same project, she said; she points to the Canadian writer M. NourbeSe Philip’s “[Zong](#),” a book of poems, extrapolated from legal documents, about a hundred and fifty Africans who were drowned on a British slave ship, so that the owners could collect an insurance payment.

For several decades, Black female scholars like Hortense Spillers, Sarah Haley, Erica Armstrong Dunbar, Tera Hunter, Farah Griffin, and Deborah Gray White have been creatively reading the archive, reconstructing the experiences of Black women using such alternative sources as cleaning manuals, Black newspapers, musical productions, and buried correspondence. Hartman sees her work as “enabled” by these women. But, she says, “the people who I really felt provoked and solicited by have been creative writers, the novelists and poets who are making other kinds of stories.” Her inspirations include Caryl Phillips, Jamaica Kincaid, and, especially, [Toni Morrison](#), whose novel “[Beloved](#),” inspired by a single newspaper clipping, was a painstaking effort to deepen the archive.

In 1987, the year that “Beloved” was published, Morrison wrote of a process of “emotional memory” that aimed to find truth in the gaps of verifiable fact. “They straightened out the Mississippi River in places, to make room for houses and livable acreage. Occasionally the river floods these places,” she wrote. “It is remembering. Remembering where it used to be. All water has a perfect memory and is forever trying to get back to where it was. Writers are like that.”

In “Wayward Lives,” a chorus girl at a Harlem night club finds herself in the luxurious apartment of A’Lelia Walker, the daughter of the Black hair-care entrepreneur Madam C. J. Walker. The girl, Mabel Hampton, sees men and women—“voyeurs, exhibitionists, the merely curious, queers, the polyamorous, and the catholic”—stretched out on silk pillows. They are drinking champagne, eating caviar, and smoking marijuana; to Hampton’s surprise, they are also having sex out in the open.

Walker—who, Hartman writes, “drank excessively, played cards with her intimates, gorged on rich food”—arrives late but makes an impression:

She conversed with her guests, wearing a little silk short set, but it might as

well have been an ermine coat; she had the bearing of a queen, and wore the flimsy little outfit with a stately air. Even without her infamous riding crop, there remained something forbidding and dangerous about her.

The scene is rooted in archival fact; historians agree that Walker had queer friends, threw decadent parties, and hosted salons during the Harlem Renaissance. In an interview in 1983, Hampton recalled attending a sex party in the early twenties. “There was men and women, women and women, and men and men,” she said. “And everyone did whatever they wanted to do.” But the vivid specificity of Hartman’s portrayal drew criticism.

“I’m uncomfortable with people making claims and drawing conclusions,” A’Lelia Bundles, a journalist who is Walker’s great-granddaughter, told me, “just because they want to project something onto her.” Bundles, who has published several books about Walker and is working on a new biography, said that Hartman had not consulted her or examined Walker’s letters. She disputed the detail of the riding crop, which suggested that Walker was interested in S & M; in Bundles’s photographic archive of Walker, she never carried a crop. A private sex party “would have not been impossible,” Bundles said. But her research made it seem unlikely that Walker would have led such a visibly queer life.

Hartman said that she never interviews her subjects’ relatives, and pointed out that the crop appeared in earlier historians’ work. She believes that the pushback revealed “an anxiety around queerness.” Her goal, she said, is “not about trying to pin down an identity, but thinking about the queer networks of love and friendship, and depending on the ephemera and rumors when the archive refuses to document these lives. So much of queer life could only survive without being detected.”

The historian and artist [Nell Painter](#) saw value in Hartman’s interrogation of the archive: “She can raise questions for historians to do historical work that they might not have thought of.” But, she told me, “her work is not history—it’s literature. She has a lot to say to history, but historians do something that’s somewhat different. We can’t make up an archive that doesn’t exist or read into the archive what we want to find.” Painter believes that there is still more evidence to be found about the history of Black life. “The past changes according to what questions we ask,” she said. “The archive is a living, moving thing. The sources we can put our eyes on are changing as we speak.”

All historians make imaginative leaps, but filling in blanks with precise details makes some uneasy. A fellow-academic and admirer of Hartman told me, “When it comes to specific people who lived real lives, I think fiction is the only place where we should speculate.”

Hartman tends to be less interested in honoring the archive than in considering “the way in which language and narrative and plot are entangled in the mechanisms of power.” She argues that much of what the archive contains about enslaved people was left by people whose views were so compromised as to be effectively made-up. “Fact is simply fiction endorsed with state power . . . to maintain a fidelity to a certain set of archival limits,” she said, at the Hammer Museum. “Are we going to be consigned forever to tell the same kinds of stories? Given the violence and power that has engendered this limit, why should I be faithful to that limit? Why should I respect that?”

As the coronavirus forced New York into lockdown, I visited Hartman’s corner office at Columbia, where she had begun teaching a seminar remotely. A framed print of [Lorna Simpson](#)’s photograph “Two Sisters and Two Tongues” leaned against a bookcase; outside, students in graduation gowns posed for distanced photos on the steps.

The university sprawls along the southern edge of Harlem, where Hartman once lived, in a housing project with her film-school boyfriend. (“My family was mortified,” she recalled.) I asked if she ever felt nostalgic when she went uptown. Looking out the window, she said, “It feels like a museum. All I see on the streets is private capital and rapaciousness, moving people of color out of New York.”

A few days later, Hartman and her family left for Massachusetts, where they have a home. When I spoke to her recently, she had been at her desk, working on a project that she prefers to keep secret. “I’m very superstitious about that,” she said, laughing. She would say only that it has to do with chronicling the history of the world from the perspective of Black women. She had also been gardening, rereading Morrison and [Claudia Rankine](#), and watching “Greenleaf,” a TV melodrama about a Southern Black church, with her daughter.

The news from the city had been on her mind. “Witnessing so many Black and brown people die, it was really emotionally devastating,” Hartman said. As the lockdown intensified, New York assigned police to enforce social-distancing and

mask-wearing rules. In six weeks, Brooklyn officers arrested forty people for violations; thirty-five were Black. Reports emerged of officers breaking up an evening cookout, swinging batons and knocking out someone's tooth.

In "Wayward Lives," Hartman lingers on the incongruous beauty of dark hallways where lovers could meet. For residents of Black neighborhoods, the halls, staircases, fire escapes, stoops, and courtyards became an extension of living spaces; if your apartment was too small or too uncomfortable, you could go a few feet outside and still feel at home. But that practice of escape has become fraught and, during the lockdown, criminalized. "You're not permitted to take up space in the public sphere," Hartman said. "We see this in gentrifying neighborhoods in New York. The new homeowners will try to pass ordinances like 'No barbecues in the front yard.' "

During the pandemic, the tense relationship between Black residents and the police worsened. Mass protests against the police killing of George Floyd, in Minneapolis, swept through the city, and video footage captured incidents of violence from officers. Black New Yorkers were not only dying from the coronavirus at twice the rate of their white neighbors; they remained disproportionately vulnerable to police brutality. But Hartman saw reason for hope. "Millions of people are involved in the critique of anti-Black racism and state violence," she said. "They're not settling for a tinkering with this order, but saying that the foundation of this order is slavery and settler colonialism, and that we have to build something new." They were imagining a different way of life. ♦

This article has been updated to reflect Thomas Lax's pronoun usage.

Musical Events

- [Jennifer Walshe's Sublime Chaos](#)

Jennifer Walshe's Sublime Chaos

The Irish composer and vocalist gives emotional shape to the barrage of information that attends online life.

By [Alex Ross](#)

October 19, 2020



The Irish composer Jennifer Walshe nails down, better than any artist I know, the antic, raucous, confessional, sordid, semi-sublime texture of modern digitized life. At the age of forty-six, she has established herself not only as a composer but also as an electrifying vocalist, a sly comedian and storyteller, a fertile maker of videos and visual art. Yet she comes across less as an all-knowing mastermind than as a free-spirited instigator of happenings that threaten to spiral out of control. One of the last live events I saw before the pandemic shutdown was a performance, in March, of her 2016 work “*EVERYTHING IS IMPORTANT*,” for vocalist and string quartet, at National Sawdust, in Brooklyn. It ends with abrasive timbres on violin and viola, mournful sustained fifths on the cello, a chant of “U.S.A.!” and shouts of “Geronimo!” When I first saw a video of the piece, at the end of 2016, it struck me as an encapsulation of that year’s dark delirium. Thinking back to the event in March, at which Walshe appeared alongside members of the Mivos Quartet, I hear it as a panicky prophecy of things to come.

Chaos is Walshe’s natural habitat; she seems to revel in the insensate barrage of information that many of us struggle to tune out. She has [written](#) that her work “*ALL THE MANY PEOPLS*,” from 2011, addresses the following subjects:

Lojban, a language constructed entirely according to the rules of predicate logic; the cast of *Lohengrin*; certain sections from *Watt* by Samuel Beckett constituting the first examples of process composition; *The Public Enemy* (1931) starring James Cagney; KRS-One; U.S. and British soldiers making cell-phone videos of themselves blowing things up and uploading the videos to YouTube; *Even Dwarfs Started Small*; Amazon.com message boards about vampire physiology; Dashboard Confessional; sferics; conspiracy theorist Francis E. Dec; detritus from video game voice-overs; Jackie Stallone; August Strindberg’s *Inferno*; Cymbalta Discontinuation Syndrome; a Hibernian version of “The Signifying Monkey” as response to the 19th century practice of describing/depicting the Irish as “simian”/apes; *The Typing of the Dead*; cult Irish martial arts film *Fatal Deviation*; the collective unconscious as evidenced by Google Autocomplete; Courage Wolf; 4Chan.

Walshe’s vast, vehement body of work also includes “set phasers on *KILL!*,” “*XXX_LIVE_NUDE_GIRLS!!!*,” and “*THIS IS WHY PEOPLE O.D. ON PILLS/AND JUMP FROM THE GOLDEN GATE BRIDGE.*” The [COVID-19](#)

[pandemic](#) has not slowed her down. In September, she presented a big new piece, “[Ireland: A Dataset](#),” at the National Concert Hall, in Dublin, which meditates on Irish identity, myth, and kitsch.

What gives real heft to Walshe’s work is the narrative force that shapes the swirl of material. Many of her large-scale creations take a decisive, emotionally charged turn in their final minutes. The social-media cacophony of “*EVERYTHING IS IMPORTANT*” devolves into a funereal apocalypse; automatic-weapons fire cuts short the zany stream of consciousness of “*ALL THE MANY PEOPLS*”; in “Ireland: A Dataset,” absurdist skits give way to an atmosphere of remembrance and grief. Walshe’s revelation of urgency and purpose is a good definition of what composers do, in whatever period and style: they lead us through labyrinths of sound, giving us the exhilaration of finding an exit, no matter how dark the terminus.

Walshe was born in Dublin in 1974. Her parents, who came from working-class backgrounds and had passionate artistic interests, encouraged their children’s pursuits. Walshe played trumpet in Irish youth orchestras, then turned toward composition while studying at the Royal Conservatoire of Scotland. Pursuing a doctorate at Northwestern University, in Chicago, she delved into American experimental traditions, discovering such unclassifiable composer-performers as [Laurie Anderson](#) and [Diamanda Galas](#). You can detect traces of both artists in Walshe’s sensibility: Anderson’s deadpan irony, Galas’s shamanistic fury. Walshe never formally studied singing, but her voice has proved to be a formidable and flexible instrument: she emits pure tones and also raw noise; she slips into various popular styles; she assumes various accents, from Irish bard to California surfer girl.

I first encountered Walshe’s work in 2009, when I received in the mail two CDs claiming to present scores by the avant-garde Irish collective Grúpat. The group included a sculptor and a sound artist named Turf Boon, the inventor of an instrument called the Kuscheltiermarimbaphon, an array of stuffed animals to be struck with mallets, and the Dowager Marchylove, a drag artist whose compositions included “Oh! Tom Cruise!” and “The Wasistas of Theresewhere.” All of them turned out to be alter egos of Walshe’s. The jargon-ridden biographies on the Grúpat Web site suggest satirical intent—“Detleva Verens works to explore the spatialization of sound and the sonorousness of space”—yet the music itself has a quietly entrancing aura, marked by Walshe’s fondness for drone-based minimalism. One of her early collaborators was the late composer

and sound artist Tony Conrad, a magician of hypnotically seething textures.

In 2015, Walshe unveiled a sprawling archival project titled “[Aisteach: Historical Documents of the Irish Avant-Garde](#).” (*Aisteach* is Irish for “strange” or “queer.”) It honored the likes of the Guinness Dadaists, the Kilkenny Engagists, and the outsider artist Chancey Briggs, who launched “a series of inevitably doomed attempts to put together Ireland’s first gay Brechtian cabaret showband in the 1960s.” All this was fiction as well: Walshe and a crew of co-conspirators had invented not only compositions but also films, art works, sketches, and critical reviews. “Aisteach” has been mounted several times as a gallery exhibition, and can also be experienced as [a richly stocked Web site](#).

There is serious intent behind Walshe’s games and gags. She has said, “One thing that ‘Aisteach’ tries to talk about is: Who gets to curate? Who gets to choose what an artistic canon is and why?” The procession of female and radical-queer artists who make up “Aisteach” would hardly have been able to participate in Irish artistic life had they actually existed. Walshe has contrived her own heritage, one that more closely resembles her own milieu. This longing for a different past becomes, by extension, a dream for the future.

An artist so attuned to virtual realms might have been expected to thrive in the online regimen that the pandemic has forced on the performing arts. When I called Walshe at her studio, in London, though, she told me that she disliked streaming concerts and desperately missed the live arena. Only reluctantly had she acceded to the reality that “Ireland: A Dataset,” which she began assembling at the beginning of 2020, would have to unfold without a live audience. Still, she had been able to spend an extended rehearsal period with the principal performers: members of the experimental vocal group Tonnta and the saxophonist Nick Roth. The National Concert Hall also placed a sophisticated eight-camera setup at her disposal.

“Ireland” unfolds for most of its hour-long duration as a gleeful deconstruction of national cultural clichés. The opening section exposes the fabrications that went into [Robert J. Flaherty](#)’s famous 1934 documentary, “Man of Aran.” Later, a pair of airheaded talk-show hosts demonstrate how to make yourself up as a bewhiskered stage Irishman, and a pair of airheaded Irish-American tourists seek magical emanations from ancient sites. The skits veer into abrupt non sequiturs, recalling the surrealist comedy of Monty Python and Vic Reeves. As the members of Tonnta speak and sing, they manipulate noisemaking devices, in the

manner of an old-time radio play.

The score also includes a series of precisely notated musical interludes, which Walshe generated by feeding a motley array of audio samples—Enya, the folk band Dubliners, “Riverdance,” melismatic *sean-nós* singing—into an artificial-intelligence composing program. The results are at once nonsensical and oddly charming: Walshe seems to be suggesting that randomization can restore mystery to traditional material. She applies similar A.I. procedures on a somewhat confounding recent album, “[A Late Anthology of Early Music, Vol. 1: Ancient to Renaissance](#),” which reconfigures composers from Hildegard von Bingen to Palestrina.

The final segment of “Ireland,” different in tone not only from the rest of the piece but also from most of Walshe’s savagely anarchic output, is inspired by a visit that Walshe made with her mother to Malin Head, the northernmost tip of Ireland, in 2019. Looking down from the cliffs, the two saw a man clambering over the rocks below, and wondered whether he was in danger or trying to commit suicide. Eventually, the man climbed to safety. Walshe wove the memory of that “white speck” into a story about a sickly child who wants to see locations where scenes from “[Game of Thrones](#)” and the recent “[Star Wars](#)” films were shot. A voice-over says, “The child hadn’t believed that the alien lands were his land. That these other worlds were here, in his home.” The music, too, changes character: electronic tones gather into sustained chords and clusters, with the singers tracing fragmentary, ethereal melodies against them.

The sudden transformation of mood is heart-catching, and it elaborates one of Walshe’s favorite themes. Even as she dismantles institutionalized Irishness, she remains fond of local legends: runes, standing stones, holy wells. She told me, “When I was younger, I wanted to run away from Irish identity, which at times can be so narrow and confining and politically problematic. But it’s part of me, and it belongs to everyone here. So I thought of a kid who has an intense relationship with Irish places because of the movies, which other people might say were a corruption of the precious aura. We don’t get to decide that one experience is more authentic and privileged than another. We should be free to make our own folklore.” ♦

Night Life

- [**A “Hamilton” Star’s Left-of-Center Noise-Rap Album**](#)

[October 26, 2020 Issue](#)

A “Hamilton” Star’s Left-of-Center Noise-Rap Album

On Clipping’s “Visions of Bodies Being Burned,” the rapper and actor Daveed Diggs, together with Jonathan Snipes and William Hutson, uses the tropes of horror to express radical politics.

October 16, 2020



Photograph by Jeff Minton for The New Yorker

The noise-rap trio **Clipping**—composed of the rapper, actor, and “Hamilton” star Daveed Diggs and the producers Jonathan Snipes and William Hutson—has been making left-of-center hip-hop since 2014. In the group’s ambitious new horror-themed album, “Visions of Bodies Being Burned,” each song plays into one of the genre’s tropes, occasionally as an expression of radical politics. Nowhere is this overlap more effective than on “Pain Everyday,” which calls on the ghosts of lynching victims to haunt the descendants of their killers.

Poems

- [“Instructions for Living”](#)
- [“Letter”](#)

[October 26, 2020 Issue](#)

Instructions for Living

By [Erika L. Sánchez](#)

October 19, 2020

Audio: Read by the author.

It was the way summer hunted me:
a sequence of instructions
in the folds of a flower.
How do I explain the hatred of the sun,
the terrible wonder of being alive?
Fuck the fucking birds. I looked
to the sky to join the storms. I couldn't
have imagined you, swift as the lightning
I traced with my finger, a song scratched
into a back. I ached with the not-knowing.
On Mother's Day I knelt and begged
for something to help me. Is that God?
I played "Here Comes the Sun"
in the psych ward and everyone
watched as I shook. This
is not true, I said. The sun
is already here. Hope was slight
as an eyelash. How clean the sky—
a cloud that posed as a spine.
There was no container
for my despair. In your face I saw
a sequence of instructions.
When you touched me, I named
the future: Be here. Stay living.
I was running once. Did I tell you
how I wept like that? I saw a fox—
my life bound into tricks. The past
is the past is the past. An idea grown
in the name of the obvious. How
a beloved becomes a stranger

and a stranger becomes a beloved.
I can hate what is true, the thick beauty
of it. I am always in the school of the dead:
a bracket, an aside, a reordering.
I tell you language is always a failure,
a string waiting to be plucked. A song
you love and cannot resolve.
What's the difference between
rupture and rapture? Not even salt.

[October 26, 2020 Issue](#)

Letter

By [Tadeusz Dabrowski](#)

October 19, 2020

Audio: Read by the author.

Yesterday I sent you a letter. And today on the phone
you tell me you are pregnant. I pack up and return,
you greet me at the airport, you're even lovelier than
in my letter that's on its way to you. We build
a house, our child grows, our parents shrink,
then a few years of sweat and tears, in which we prudently
pickle cabbage and gherkins for the ever-colder days.
In the coloring book of our life there are fewer and fewer
blank spaces, the crayons grow shorter, we try to be precise,
but even so we go over the lines. We busy ourselves
with everyday matters, and our paths are ever
deeper, they start to look like tunnels. Meanwhile
my letter's on its way to you. You'll open it when
it suits you best.

(Translated, from the Polish, by Antonia Lloyd-Jones.)

Profiles

- Taking Back Our Privacy

Taking Back Our Privacy

Moxie Marlinspike, the founder of the end-to-end encrypted messaging service Signal, is “trying to bring normality to the Internet.”

By [Anna Wiener](#)

October 19, 2020



Walking down Abbot Kinney Boulevard, the retail strip in Venice, California, can feel like scrolling through Instagram. One afternoon this July, people sat at outdoor tables beneath drooping strings of fairy lights, sipping cocktails and spearing colorful, modestly dressed salads. The line for Salt & Straw, a venture-funded, “chef-driven” ice-cream shop, stretched up the block, and athleisure-clad twentysomethings photographed themselves eating waffle cones, fabric masks pulled down around their chins like turkey wattles. A month earlier, Abbot Kinney had become a central gathering place for [protesters](#) during the mass demonstrations against police brutality and systemic racism. Moxie Marlinspike, who firmly supported the protests, noticed that many of the high-end businesses, fearing looters, had boarded up their windows, then decorated the plywood with murals and messages in support of [Black Lives Matter](#). “It kind of reminded me of how, right after the Russian Revolution, a lot of the *zeks*—the sort of criminal underclass—would get full-chest tattoos of Marx and Lenin and, later, Stalin because they thought the Bolsheviks would be less likely to kill them,” he joked, as we wandered along the Venice Beach boardwalk.

Marlinspike is the C.E.O. of Signal, the end-to-end encrypted messaging service, which he launched in 2014; he is also a cryptographer, a hacker, a shipwright, and a licensed mariner. Tall and sinewy, with the build of a natural athlete who abstains from team sports, he was wearing black jeans, a black T-shirt, black Teva sandals, a denim jacket, and a white N95 mask. He has blond dreadlocks, which he had tucked under a blue cap. An avid surfer, he had been living in the neighborhood with friends for about two years, but, aside from the ocean, it held little appeal for him. “Living in Venice is like living at the end of the world, the end of history,” he told me, dryly. “All the decisions have been made. This is the world we get.”

Signal’s growth has corresponded to periods in which decisions are questioned or undone—to moments of social and political upheaval. With end-to-end encryption, the content of every communication—a text message, a video chat, a voice call, an emoji reaction—is intelligible only to the sender and the recipient. If an exchange is intercepted, by a hacker or a government agency, the interloper sees a nonsensical snarl of letters and numbers. Signal does not share growth metrics, but in late 2016 Marlinspike told the *Times* that the number of daily Signal downloads had grown by four hundred per cent since the election of [Donald Trump](#). This summer in the U.S., the service was flooded with an estimated several million new users. In early July, after China imposed a

sweeping national-security law, Signal was briefly the most downloaded app in Hong Kong. The Electronic Frontier Foundation includes Signal in its “Surveillance Self-Defense” guide; [Edward Snowden](#), a friend of Marlinspike, has endorsed it for years.

All this has given Signal a halo of subversion, but Marlinspike believes that encrypted-communication tools are necessary not just in times of political tumult. Most people who use social networks and chat services, he argues, assume that their digital communications are private; they want to share their thoughts and photographs with their friends—not with Facebook and Google, not with advertisers, and certainly not on the dark Web. “In a sense, I feel like Signal is just trying to bring normality to the Internet,” he said as we sat on a patch of grass near the beach. “A lot of what we’re trying to do is just square the actual technology with people’s intent.” He plucked two small feathers out of the grass, rolled them between his fingers, and planted them upright in the dirt.

Since Signal was released, it has evolved from a niche tool, touted by the privacy-minded and the paranoid, into a mainstream product recommended by the *Wall Street Journal*. Activists use Signal to coordinate protests, lovers to conduct affairs, workers to unionize, finance professionals to exchange sensitive information, drug dealers to contact customers, journalists to communicate with sources. The app has appeared, shimmering with significance, on the TV shows “Mr. Robot,” “House of Cards,” and “Euphoria.” Signal is also reportedly used by the Democratic National Committee, the United States Senate, the European Commission, law-enforcement agencies, Rudy Giuliani, and Melania Trump. “Signal is a piece of public infrastructure, critical infrastructure,” Snowden, who met Marlinspike in 2015, in Moscow, told me over the encrypted video-chat service Jitsi.

Marlinspike is punctual, affable, and unassuming; even his gait is mild. Sometimes while he speaks he gently snaps his fingers, like a metronome. He talked about the “diabolical” ways that the Internet has eroded the barrier between our personal and professional identities. “People who aren’t even professional writers have to consider that their communication is being consumed,” he told me. “Anything that I’ve ever written or created, one way or another, about anything is sort of embarrassing to me a month later. Even more so five years later.”

When we first spoke, Marlinspike stressed that he didn’t want to discuss his

personal life, a stipulation to which I agreed. Later, after a series of mutually fraught conversations, it became clear that we did not have a common definition of personal information. For him, it included basic biographical facts: age, home town, birth name. (Moxie was a childhood nickname; he declined to elaborate on his surname's origins.) During several days of conversations in Venice, he was chatty, pleasant, and guarded, avoiding specificities and controversial comments. In the coming weeks, we continued talking, always on the phone, via Signal, and mostly off the record. The telephone is an inherently intimate medium, and the reassurance of an encrypted connection made it feel more so. Still, Marlinspike remained a little opaque to me. I felt that I understood him better through his blog and his social-media runoff—exactly the material he wanted to keep separate from his professional life.

Brit Marling, the actor and writer, who has been a friend of Marlinspike's for more than a decade, described his "daring and dazzling" discussions with friends. "There's nothing that you can say to him that's going to hit a wall," she said. But she related to his desire for privacy: "As people start to tell you who you are, you start to be boxed in by that impression. I think that's something Moxie has actively resisted, with a lot of energy." Snowden described Marlinspike as "phenomenally interesting," "remarkable," "wickedly funny," and a "wild, almost literary figure," but, not wanting to discourage others from following Marlinspike's example in challenging the status quo, advised against mythologizing him: "He is an exceptional individual. But, also, what is the seed of him that is ordinary?"

Marlinspike will share that he was born in the early eighties, in Georgia. He spent much of his youth immersed in anarchist literature and communities, and anarchism's inherent critique of authority is still important to him. This orientation is unusual in the tech world, although its right-wing analogue, libertarianism, is pervasive. "Liberalism basically says that we should all be free to talk about the world we want, and then we have a marketplace of ideas that we can select from," he said. "I think anarchism's comment on that is it's not enough just to talk about things—that you can't actually *know* unless you experience or experiment with something."



"Yikes! Powerful women scare me!"
Cartoon by Tim Hamilton

Signal, as a nonprofit, is an outlier in the tech industry. It runs entirely on donations. “Signal’s mission has always been to make end-to-end encryption as ubiquitous as possible, rather than a commercial success,” Marlinspike said. Its code base is open-source—publicly available for anyone to download and comment on—and subject to peer review. Most tech companies readily coöperate, and make contracts, with governments, but Signal was founded on the premise that mass surveillance, particularly by governments and corporations, should be impossible. Signal itself cannot read the messages that its users send, and does not collect user metadata. It keeps no call logs or data backups. Signal claims that it has no “backdoors”—built-in circumvention methods designed to give law enforcement or corporations access to encrypted content. In 2016, Signal received a subpoena as part of a federal grand-jury investigation, accompanied by a gag order. A similar request to Google or Facebook likely would have yielded subscriber records with information such as names, credit-card numbers, I.P. addresses, and activity logs. A search warrant would produce e-mails and chat transcripts. Signal could only proffer the relevant phone number’s account-creation date and the date when it had last connected to Signal’s servers. This was a point of pride: Marlinspike posted responses to the gag order and subpoena on Signal’s blog. “Electronic service providers—who have dual roles as custodians of Americans’ private data and as necessary actors in the execution of government surveillance requests—have a critical role to play, and perspective to share publicly, about government surveillance practices,” the author of the responses, an A.C.L.U. lawyer, wrote.

Advocates of end-to-end encryption argue that any backdoor into an otherwise secure system will immediately become a target for foreign adversaries, terrorists, and hackers. But critics claim that end-to-end encryption could shield terrorist plots, child sexual exploitation, and other criminal activities. Some people note that strong encryption could preclude content moderation, potentially allowing disinformation, hate speech, propaganda, harassment, and incitements of violence to flourish. Governments have pushed hard for backdoor access to encrypted systems; China, Iran, and Russia have banned various messaging apps and services that provide end-to-end encryption. In 2016, Britain passed the Investigatory Powers Act, which authorizes the government to compel communications providers to remove “electronic protection” from any communications and data; in 2018, Australia passed controversial data-encryption laws that allow law-enforcement agencies to demand that private

companies include backdoors in their products. Earlier this year, Attorney General [William Barr](#) praised a new bill in Congress, the Lawful Access to Encrypted Data Act, that, among other things, would require communications providers, hardware manufacturers, tech companies, and others to decrypt data upon provision of a warrant. (Marlinspike told me, “Every time Bill Barr talks about cryptography, I’m, like, Damn, I really wish I could read his Signal messages.”)

Enforcing laws, Marlinspike believes, should be difficult. He likes to say that “we should all have something to hide,” a statement that he intends not as a blanket endorsement of criminal activity but as an acknowledgment that the legal system can be manipulated, and that even the most banal activities or text messages can be incriminating. In his view, frequent lawbreaking points to systemic rot. He often cites the legalization of same-sex marriage and, in some states, marijuana as evidence that people sometimes need to challenge laws or engage in nominally criminal activity for years before progress can be made. “Before, it was inconceivable,” he said. “After, it was inconceivable that it was ever inconceivable.” Privacy, he says, is a necessary condition for experimentation, and for social change. He compares the need for a secure digital space to the need for a private domestic one—where, for instance, a child might safely experiment with gender identity or expression. “If I’m dissatisfied with this world—and I think that I might be—a problem is that you can only desire based on what you know,” Marlinspike said. “You have certain experiences in this world, they produce certain desires, those desires reproduce the world. Our reality today just keeps reproducing itself. If you can create different experiences that manifest different desires, then it’s possible that those will lead to the production of different worlds.”

In the U.S., for most of the twentieth century, encryption was considered a tool of national security. Most cryptography research was done by the National Security Agency; elsewhere, the topic was considered taboo. Academic papers on encryption were classified. Cryptographic devices were categorized as munitions, and subject to export controls. The government’s caution had to do with the fragility of cryptosystems at the time: to decode encrypted messages, correspondents had to agree in advance on a shared private key, a piece of information that radiated liability. Then, in 1976, Whitfield Diffie and Martin Hellman, researchers at Stanford, published a paper that introduced what would come to be called the Diffie-Hellman key exchange. In this system, a software program generates for every correspondent two cryptographic “keys”—one

public, one private—that are mathematically linked. The public key is used to encrypt messages sent by others; the private key, which is kept secret, is used to decrypt them. In such a system, there is no prearranged code, no third-party item of information. The invention, which Stanford patented, effectively ended the N.S.A.’s stranglehold on encryption technology.

In the early nineties, with the advent of the commercial Internet, businesses argued that encryption—often referred to as “crypto,” before the moniker was co-opted by digital-currency enthusiasts—was necessary for secure transactions. In what became known as the Crypto Wars, the U.S. government, worried that encryption would make the Internet impossible to control, attempted to crack down on encryption software, in part by invoking the munitions-export law. The cypherpunks, a loose group of engineers and activists who saw encryption as fundamental to a free society, responded by distributing encryption software online and via floppy disk. The resistance had a prankster spirit. To get around the export controls, cypherpunks printed encryption source code on T-shirts and in books.

In 1993, when telecom systems were widely computerized, the N.S.A. proposed a “key escrow” system: a piece of silicon called a Clipper Chip would be implanted in all new telephones and electronic-communication devices. Such hardware would allow standard encryption while giving the government a backdoor that it could use to intercept otherwise private conversations. The Clipper Chip was abandoned within three years, after a security researcher uncovered a flaw that effectively allowed would-be attackers to bypass the entire system. In any case, the export controls by that point had relaxed, and, by the late nineties, encryption software was circulating in abundance.

As a child, Marlinspike was only ambiently aware of the Crypto Wars. He took a liking to computers in middle school, and spent hours in the library and local bookstore reading about them. The principles of cryptography “have a childhood appeal,” he told me, noting how children “write in invisible ink with lemon juice, they speak in pig Latin, they come up with their own codes, they do Caesar ciphers, stuff like that.” He began learning about more advanced cryptography, like the Diffie-Hellman key exchange, and found it unintuitive and surprising—magical. “Without prearranging anything, two people can start talking to each other in a way that nobody can understand, even if they hear the entire conversation,” he said. “You wouldn’t think that would be true. You can just start with nothing.”

As the commercial Web developed, Marlinspike found like-minded people on Internet Relay Chat (I.R.C.), a messaging service that was popular among early Internet users, including hackers. Hacking was a way to access useful information: copyrighted software manuals, intel on how to make long-distance phone calls for free. In his view, the insecurity of the nascent commercial Web was a threat to corporations, not to people. Relatively few companies collected the kind of sensitive user data—Social Security numbers, credit-card details, banking information—that is now regularly stolen, and sold, in data breaches. “The stakes were just so low,” he told me. “The economy was not connected to the Internet, for the most part.”

Marlinspike described himself as the type of teen-ager who was always searching for “secret doors”: chutes and ladders to escape the drudgery of routine. He did not like school, and took software-engineering jobs at local technology companies, heading to work after classes let out. In 1995, he saw the movie “Hackers,” a thriller about teen-agers in New York City who are framed for cybercrimes by a computer-security professional. The film is full of neon animations, nineties tech references (“RISC architecture is gonna change everything”), and packs of leather-clad teens with nontraditional haircuts huddled around bulky laptops. It is also a Gen X sellout narrative: the villain is an erstwhile hacker seduced to the dark side by corporate America. Sitting in the theatre, Marlinspike felt a new excitement about the future. (He has since seen the movie more than two dozen times.) Soon after, he travelled to New York to meet friends from I.R.C. They got around the city on Rollerblades and went to an arcade, where his friends hacked the payment system. The M.T.A. had recently introduced the MetroCard, part of a complex new computer network; his friends hacked that, too. “It was just like ‘Hackers,’ ” Marlinspike recalled.

In the late nineties, after graduating from high school, he moved to San Francisco. He spent his first few nights in Alamo Square Park, sleeping across from the Painted Ladies—the row of pastel Victorians associated with the cozy domesticity of “Full House”—with his backpack and computer beside him. Within a few days, he found a couch to sleep on; within a few weeks, he found a job at the software company WebLogic—“a normal dot-com thing of that era.” The company had free beer on Fridays, which made him feel like he was getting away with something. Still, he found it difficult to make friends with his colleagues. “I was just trying to pass, because I was way younger than everyone else,” he said. He was eighteen.

In Silicon Valley, the underground hacker subculture that Marlinspike had admired was morphing into the security industry. As more companies moved online, they built cybersecurity departments, to defend against “black hat” (malicious) hackers. Software engineers began marketing themselves as “white hat” (ethical) hackers, charging high consulting rates. “In retrospect, the only color hat was green,” Marlinspike said. “On either side of that thing, it had all somehow become about money.” Marlinspike disliked the Silicon Valley security culture, which he found exclusive and self-congratulatory, and instead found community in the Bay Area punk scene.

At the height of the dot-com bubble, he left his software job and spent a while hitchhiking and freight hopping around the country. He lived cheaply, occasionally dumpster diving and squatting on rooftops, charging his electric toothbrush in coffee shops. He built a Web site, the Distributed Library Project, where people could catalogue their home libraries and swap books with other readers. (The site, which was never meant to be a commercial enterprise, attracted a few hundred users but never quite took off: people liked creating and updating their own reading lists but were less inclined to meet up in person.) He helped establish Station 40, an anti-capitalist housing collective and event space in San Francisco’s Mission District, and volunteered with Food Not Bombs, a nebulous international network of activist groups that prepare and serve free vegan food, in protest of consumerism, poverty, and war.

When I asked about his experience with anarchist groups at the time, he responded warily. “It’s a fraught thing, in the sense that people think about anarchism, anarchy, anarchists in a lot of different ways,” he said. “If anarchy is a tension away from authority, and toward collective decision-making, individual responsibility, creating a world that we want, that we control ourselves—that is a lot of work. I feel it’s a project of improving the world, and also of self-improvement. But it can look really messy.” Mostly, he found himself in a lot of meetings, discussing the finer points of governance.

In the early two-thousands, he taught himself to sail by taking a solo two-month round trip to Mexico on a twenty-seven-foot Catalina with a broken engine. Later, he and three friends bought a fibreglass boat on Craigslist for a thousand dollars, restored it, and sailed through the Florida Keys to Grand Bahama Island. That trip, and another the following year, to the Dominican Republic, cost them less than five hundred dollars each. “Hold Fast,” a “video zine” made by Marlinspike about their travels, gives the impression that they are graced with

the sort of freedom and youth that stops time. In the film, Marlinspike introduces his crewmates. “If Lisa’s single greatest fear is collision at sea, Allie’s is running aground,” he says in a voice-over. “And then, of course, there’s me. My greatest fear is routine.”

Marlinspike’s outsized adventures were balanced with meticulous, solitary programming projects. He primarily did independent security research—a polite term for ethical hacking. In 2002, he discovered a major vulnerability in Microsoft’s Internet Explorer, and published on his personal Web site, thoughtcrime.org, a software program that replicated the attack. Web-site operators could use the program to find weaknesses in their own sites and services; savvy Internet users could test the security of the sites they visited. Marlinspike received attention from the hacker and security communities for his work, but was disinclined to capitalize on it. Eventually, he added a donation button, like a tip jar, to his Web site. A close friend of his told me, “I think Moxie is someone who’s luckily not motivated by making money.”

In his mid-twenties, Marlinspike wrote and self-published a handful of zines reflecting on his travels and his time in the Bay Area. I found two of them for sale on the Web site of Red Emma’s, a radical bookstore in Baltimore. They had the dense feel of a Kinko’s production, and the distinct quality of objects that did not belong to me. They seemed clearly intended for a subculture: friends, pen pals, the sort of people who browse radical bookstores in Baltimore. (Inside the package was a handwritten note from the bookseller: “Nice find ☺.”) Marlinspike’s writing is earnest, funny, and occasionally swaggering. The zines do not mention his interest in computers.

By the end of the two-thousands, Marlinspike was living in Pittsburgh, in a derelict, eight-bedroom, three-story mansion that he shared with a few people. He occasionally ducked into a cryptography class at Carnegie Mellon, and with some friends formed a kind of haphazard research lab called the Institute for Disruptive Studies, which its members sometimes described as a “radical think tank.” “Most of the work we do is in the area of privacy, anonymity, and computer security,” the group’s Web site read, “but has also taken the shape of organic gardening techniques, community bicycle repair projects, and musical experiments.” Marlinspike had a reputation in hacker communities, but in Pittsburgh he was better known for making fireworks and growing heirloom tomatoes, for his knot-tying skills, and for events that he threw with his friends. A popular one was Hat Band, for which people formed bands by picking names

out of a hat, and then performed at house shows several weeks later. Marlinspike's close friend recalled, "You could have known someone for years before that, and you never thought of them as a musician, or a songwriter, or a poet. It not only changes your perception but it changes who they are, and their perception of themselves." He said, of Marlinspike, "I think some of the things that have always been important to him are trying to find and construct these situations where you can build community and connections with people and have these transformative experiences."



"The tourists are getting desperate."
Cartoon by Liana Finck

Jackie Wang, an assistant professor of culture and media at the New School, who described her relationship with Marlinspike as sibling-like, met him through an anarchist community on LiveJournal in the early two-thousands, and encountered him in person for the first time at a dance party in Pittsburgh. To try to persuade friends to move to the city, she recalled, Marlinspike and a roommate had designed an “incentive package,” which included a place to stay, a blind date, and a bicycle. “They were really into hospitality,” Wang said, adding that, when she stayed at the mansion, a mint had been left on the pillow.

In Pittsburgh, Marlinspike uncovered an Internet vulnerability that affected nearly every popular browser. It enabled malicious actors to mount what is called a “man-in-the-middle attack”—a type of exploit in which the attacker can view and potentially alter communications between two parties and siphon data, such as log-in credentials, without detection. In 2009, Marlinspike presented the vulnerability at Black Hat D.C., an annual security conference in Washington. He took the opportunity to politely criticize the keynote speaker, Paul Kurtz, a homeland-security expert who had served under Presidents [Bill Clinton](#) and [George W. Bush](#), and who had spoken about the need for the U.S. to take “leadership in cyberspace,” arguing for collaboration among the N.S.A., law enforcement, and private industry. “You know,” Marlinspike said during his presentation, “ten years ago, I feel like we would have been talking about protecting our communications from the state and the cops—not centralizing them in the hands of the state and the cops.” He paused. “So I think a lot has changed.” At the end of his talk, he released a new tool, SSLstrip, that automatically mounted man-in-the-middle attacks using the vulnerability he had discovered. SSLstrip elevated Marlinspike to expert status. These days, according to Dan Boneh, a cryptographer and a professor at Stanford, the practice of exposing vulnerabilities so that they can be fixed by other engineers, as SSLstrip has done, is “the bread and butter of computer security.” Boneh, who teaches SSLstrip to his undergraduate students, told me, “It changed how browsers work. His attack caused the Web to change.”

Marlinspike had long harbored concerns that the products and business models of private technology corporations—telecom firms, e-mail providers, search engines, social networks—would be built atop rapacious data-collection networks. It was becoming increasingly clear that the state could augment its sprawling surveillance apparatus with the help of private industry. In late 2009,

[Eric Schmidt](#), then the C.E.O. of Google, articulated a common stance on user privacy: “If you have something that you don’t want anyone to know, maybe you shouldn’t be doing it in the first place,” Schmidt said on CNBC, noting that, under the Patriot Act, which was passed in 2001 to deter and punish terrorism, and to expand the resources available to law enforcement, Internet-service providers could be compelled to share user activity with the authorities. To Marlinspike, this attitude was emblematic of what he saw as a growing threat to everyday Internet users. In response to Schmidt’s comment, and to Google’s business model, Marlinspike began working on a browser extension, GoogleSharing, for Firefox. Google’s business model relies on tying users’ disparate metadata to their activity, which is often achieved by having users log in to their accounts before accessing services. GoogleSharing pooled users’ activity on Google services and anonymized personal information, scrambling individual activity and assigning it to generic proxy identities. This prevented Google from building user profiles, and from collecting information from services that did not require a log-in. Marlinspike no longer maintains the software, but it is still available to download, for free, on GitHub, and has a successor, DuckDuckGo, a search engine that strips queries of identifying data.

In 2010, Marlinspike and Stuart Anderson, a friend and a robotics Ph.D. student at Carnegie Mellon, left Pittsburgh and moved to the Bay Area. They formed a small mobile-security startup, Whisper Systems, and worked on a suite of tools, including RedPhone and TextSecure, two Android apps for encrypted communication. In 2011, at the height of the Arab Spring uprisings, they hurriedly designed international editions of RedPhone and TextSecure, specifically for use by Egyptian protesters.

After less than a year, Marlinspike and Anderson, Whisper Systems’ only employees, sold the startup to [Twitter](#), for an undisclosed sum. (In 2016, Marlinspike told *Wired* that it was the most money he had ever seen—“but that’s a low bar.”) At the time, Tyler Reinhard, a longtime friend of Marlinspike’s, and the original designer of RedPhone (and, later, Signal), considered the apps to be more of a proof of concept than a business. RedPhone and TextSecure, he said, were “the antithesis to the dominant view that encryption would never be user-friendly. If the goal was to make the point, the point was well made.” Twitter, then five years old, had become a popular target for hackers; after two security breaches, the Federal Trade Commission had investigated its user-information practices. Reinhard saw the acquisition as a sign that Twitter wanted to take user privacy seriously.

After the acquisition announcement, Twitter temporarily shut down RedPhone. Activists and human-rights advocates worried that revoking the service would put the app's users in danger, by shutting off a secure-communication channel. (Three weeks later, Twitter announced that it would release the code for RedPhone and TextSecure as open-source projects hosted on GitHub, enabling others to maintain the services.) Marlinspike became Twitter's head of product security, and prepared to encrypt a large-scale system. A colleague of his from the time recalled that he was quiet, and had a pronounced sense of the company's responsibility to the user: "It was a vibe of 'They're giving us their time and their ideas, and we owe them, in return, the honor and respect of being able to use the product safely and securely.'" Marlinspike is reticent about his stint at the company, but Nick Bilton, the author of a book about Twitter's chaotic early years, told me that the boardroom dynamics were constantly compared to "[Game of Thrones](#)." "There was so much backstabbing," Bilton said. "There was no one driving the ship. It was sheer dysfunction." Privacy and safety took a back seat to growth. Direct messages on Twitter are still not end-to-end encrypted.

Marlinspike and a friend owned a Hobie Cat 15, a light fibreglass catamaran. One day in March, 2012, four months into Marlinspike's job at Twitter, they decided to anchor it in San Francisco Bay, to avoid paying dockage fees. Marlinspike took the catamaran out, and his friend followed in a rowboat. It was dusk, and the conditions were rough; both boats were blown into the bay. As they began to change course, a gust of wind capsized the catamaran, turning it upside down. Marlinspike, who later wrote about the incident in a blog post, tried swimming to shore, but his body began to shut down; the temperature of the bay in early spring averages fifty-four degrees. He returned to the boat, clung to the hull, and tied a line around his wrist, to make his body easier to find. As his vision began to tunnel and his limbs lost sensation, a tugboat passed. The crew pulled Marlinspike out of the water and tried to warm him in the engine room. At the hospital, he went in and out of consciousness; his temperature was too low to register on the digital thermometers, which tend to have a floor of just under ninety degrees. "There's a tension between how the world works and the feelings after a near-death experience," Marlinspike said, as we sat on the beach in our masks. "You're sort of questioning, 'What are we all doing here?' You can't feel that forever, because you're constantly confronted with a different reality."

In early 2013, Marlinspike left Twitter, forgoing about a million dollars in stock.

(Anderson stayed at the company for another year.) Soon after, Marlinspike started a nonprofit, Open Whisper Systems, returning to work on the open-source versions of RedPhone and TextSecure.

Marlinspike does not take credit for the growth of Signal in the twenty-tens. “I think it’s possible to look at technology in the same way that Marxists would talk about history, as this thing that has its own agency and force and inevitability,” he said. “It’s this thing that’s just happening, and you’re moving with it.” Instead, he cites a number of factors as having led to a resurgence of interest in encryption, including the rise of mobile devices, which offered software engineers a new forum in which to experiment, and the proliferation of chat applications. And, in the spring of 2013, Snowden, at the time a National Security Agency contractor and a former C.I.A. employee, disclosed classified information about the N.S.A.’s sprawling surveillance programs, which were bolstered by user data obtained from Google, Facebook, Yahoo, Microsoft, A.T. & T., and Verizon. Snowden revealed that the N.S.A. had subverted the National Institute of Standards and Technology (N.I.S.T.), a government agency that, among other things, developed guidelines for cryptography. The N.I.S.T.’s cryptography standards included four algorithms that generated random strings of numbers, which were used to encode data. The N.S.A. had created a backdoor to one of these algorithms, rendering it insecure. Until that point, Marlinspike said, the N.I.S.T. and other working groups “had a sort of monopoly on defining what was acceptable and thus what was possible.” He described what ensued as a “brief renaissance.”

Open Whisper Systems operated out of a rickety office in the Mission; a CrossFit gym directly above made the ceiling shake. It had a fiscal sponsor, the Freedom of the Press Foundation, and ran on a shoestring budget, assisted by grants from the Shuttleworth Foundation, the Knight Foundation, and the Open Technology Fund. Marlinspike calculates that, in the organization’s first five years, there were, on average, “2.3 full-time software developers.” He worked on the TextSecure Protocol with Trevor Perrin, another cryptographer. Software protocols are robust descriptions of how systems should function; Marlinspike’s aim was to write something straightforward and compelling enough that other messaging platforms would want to adopt it, adding end-to-end encryption to their existing tools. At the time, most popular encryption protocols were designed for interactive applications that required all parties to be online simultaneously. These protocols included properties such as “forward secrecy”: the regular changing of secret keys over time, which corrected the vulnerability

of using a single private key across all encrypted correspondence. TextSecure's innovation was to adapt these protocols, and replicate their properties, for the mobile chat environment, in which conversations are asynchronous, long running, and unpredictable: connections drop; people come and go. Perrin told me, "Most prior systems put encryption in the foreground: users had to jump through hoops to create and manage their secret keys and other people's keys." He and Marlinspike had wanted their end-to-end encryption to work "so smoothly that it would be invisible."

In late 2013, Marlinspike met Brian Acton, a founder of WhatsApp, and expressed interest in adding end-to-end encryption to the messaging service. Shortly thereafter, in early 2014, WhatsApp was acquired by Facebook, for twenty-two billion dollars. That year, Open Whisper Systems merged RedPhone and TextSecure into a single communication tool for Android and iOS, and called it Signal. Marlinspike spent much of 2015 making trips to Mountain View, where he worked closely with Acton on implementing the Signal Protocol in WhatsApp. Acton is about a decade older than Marlinspike, and in some ways his foil: a Stanford graduate who worked in security at Apple, Adobe, and Yahoo before launching his own company. Acton was taken with Marlinspike's technical vision. "The dude can get stuff done with high quality and high output," he said. "He naturally emerges as a leader because of his capability and his proficiency. To have done that with less formal training than the normal guy, I think, is outstanding." He also liked Marlinspike's low-key nature. "He's a very thoughtful and conscientious person," he said. "In corporate America, security incidents often result in what I would call the corporate freakout. A guy like Moxie is sort of unflappable."

In 2017, Marlinspike and Perrin were awarded, for their work on the Signal Protocol, the Levchin Prize—a new accolade, established by the entrepreneur and PayPal co-founder Max Levchin, for real-world applications of cryptography. During Marlinspike's acceptance speech, which he requested go unrecorded, he deferred to history, saying that the celebration should be of technological progress rather than of any particular individual. Boneh, the Stanford professor, who chaired the award committee, said that the message was "really, really beautiful," but he didn't entirely buy the idea that, without Marlinspike, widespread end-to-end encryption would have been inevitable. "Maybe it is true, but it would have taken many more decades," he said.

That year, Acton left Facebook, later attributing his departure to intractable

differences about privacy practices. At the heart of the conflict was tension with Facebook's top executives, [Sheryl Sandberg](#) and [Mark Zuckerberg](#), who wanted to extend Facebook's targeted-ad network to WhatsApp. End-to-end encryption precluded the collection of message content that would be valuable to advertisers. In early 2018, Acton and Marlinspike announced the formation of the Signal Foundation, a nonprofit. Acton, the foundation's chairman and sole member, seeded it with a no-interest, fifty-million-dollar loan.

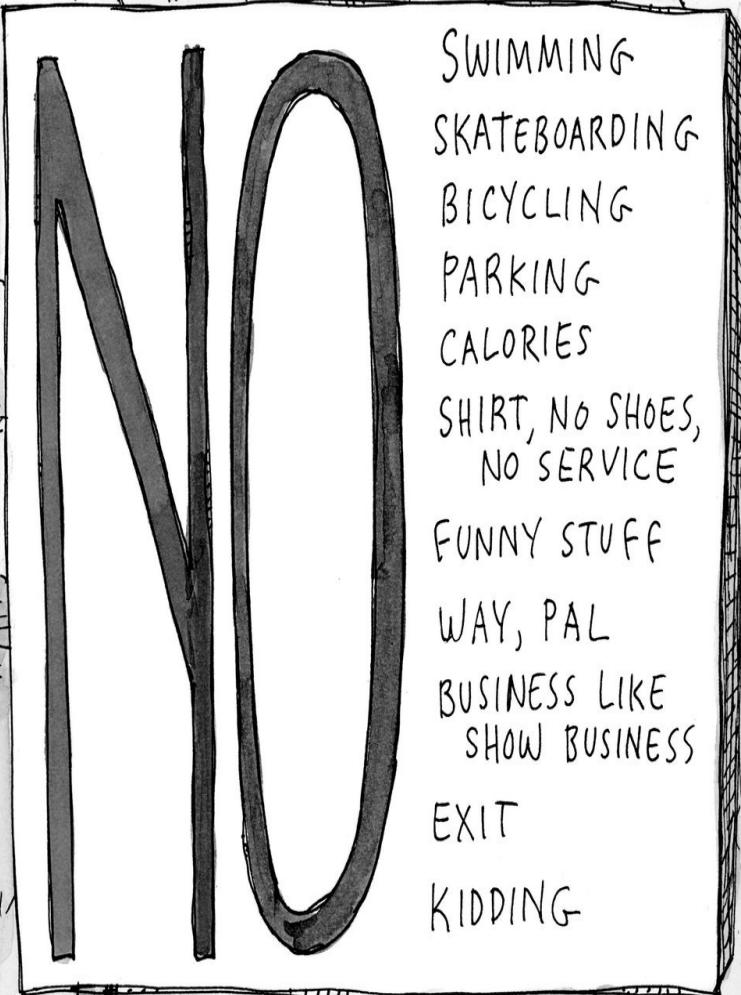
Acton and Marlinspike wanted to demonstrate that it is possible to build mainstream technology that is not beholden to the incentives of venture capital, or to markets, despite the overwhelming cost of producing and maintaining software. Signal has always been remote. Its nonprofit status protects it from outside interests demanding rapid returns. Nonprofits cannot be acquired by for-profit companies, so there will be no repeat of what happened between Whisper Systems and Twitter, or between WhatsApp and Facebook. Acton told me, "The user is the customer, and we can actually put them first in terms of what their needs and their desires are, rather than a corporate bottom line or a profit motive or anything else. To me, it's a powerful message to deliver."

Signal is compensated for implementations of the Signal Protocol on a pay-as-you-wish basis. Skype has used the protocol for its "Private Conversations" setting, and Facebook Messenger has used it in a feature called "Secret Conversations"; Marlinspike declined to say how much either company donated. He thinks a lot about how to bring the Signal Protocol to the "long tail of the Internet"—the galaxy of smaller apps and services that could be encrypted, given enough time and resources. Signal's employees are paid competitively; still, the organization has trouble vying with major corporations for engineers. As C.E.O., Marlinspike takes a salary in the low six figures, modest for the software industry, and makes less than the median salary at Facebook. He is still ambivalent about Silicon Valley's professional security culture. He described recent industry conferences in Las Vegas, where, he said, "you'd go to this club and there'd be a bouncer with a velvet rope or whatever. I'd always want to ask the bouncer, 'How can you take yourself seriously, man? You should be trying to prevent us from getting out. It's, like, a negative-cool space inside.' "

Signal now has thirty-six employees. Marlinspike told me that he tries to find ways to facilitate collective decision-making. Nora Trapp, Signal's iOS lead, said, "If there has to be a person who is representing us, it's good that Moxie is that person. But I also think that having just one individual serve that role is a

little bit counter to the way we work and the way we function.” Perrin told me that, despite appearances, “Moxie leads from the front, and he just leads by doing. One of his favorite quotes is ‘The only secret is to begin.’ If you want to get good at something or do something, you just do it, and you figure it out along the way.”

There are inherent privacy challenges to digital communication: messages can still be screenshotted; devices can be stolen or hacked. Some members of the privacy community, including Snowden, criticize Signal’s requirement that each user sign up with a phone number; others object to Signal’s default setting that alerts users every time a contact joins the service. And, although all of Signal’s source code is open-source and peer-reviewed, most users cannot be certain whether it is identical to the code deployed in the apps they download, or to the code that is actually running on Signal’s servers. Others argue that Signal should be federated, or decentralized: rather than trusting a single organization to remain stable, invulnerable, uncompromised, and oriented toward their needs, participants should be able to run their own servers. (Signal maintains that this would be prohibitive to everyday users, and potentially more insecure.) *Signal Fails*, an anonymous zine recently published on several anarchist Web sites, warns against dependency on a centralized service, particularly one running on mobile devices. “If your device is compromised with a keylogger or other malicious software, it doesn’t really matter how secure your communications are,” the zine reads. Were anarchists to “pose a major threat to the established order,” the government would “come for us and our infrastructure without mercy.”



R. Chw

Marlinspike defends centralization as a necessary condition for Signal's widespread adoption, and for its ease of use. He is acutely aware that the reason encryption did not catch on in the nineties was that the cypherpunks expected users to adopt the conventions of software engineers, rather than the other way around. Most people did not want to teach themselves about cipher suites and ASCII armor in order to send a secure e-mail; they did not want to attend key-signing parties and exchange public cryptographic keys in order to build a web of trust. They just wanted to log on and talk to their friends. "Everyone who wasn't Steve Jobs was wrong in the same kind of way," Marlinspike said. Signal offers unusual features, such as messages that disappear after a set period of time; users recently asked for stickers, and these, too, needed to be end-to-end encrypted. For now, Signal's engineers are working on improvements, such as developing a group-video-chat feature and making the app's group-chat systems faster and more robust.

"Anything you create in the technology landscape exists as part of an ecosystem, and the ecosystem is moving," Marlinspike said. Signal is a paranoid software, constantly adapting to new threats. As he wrote in 2016 on the organization's blog, "Networks evolve, security threats and countermeasures are in constant shift, and the collective UX"—user experience—"language rarely sits still." He expressed envy of writers, musicians, and filmmakers: "Unlike software, when they create something, it is really done—forever. A recorded album can be just the same 20 years later, but software has to change."

Regulation remains a threat to Signal, although, Marlinspike said, "you can never get rid of cryptography. Sets of equations are everywhere. There's no way for everyone in the world to unsee that, or to unknow it." He seemed unfazed by the prospect that, if end-to-end encrypted communication does catch on more widely, Signal might someday become obsolete. "If we've pushed the envelope as far as we can go and the things we develop become as ubiquitous as possible, we could all focus on other things," he said. As we walked around Venice, I tried to ask him about what those other things might be. His answers were a little vague. He is not interested in retiring, or relaxing; he still fears routine. "I've always been much better at doing than being," he told me later. Referring to Fitzgerald's "[This Side of Paradise](#)," he explained that he has always seen himself more as a "personage" than as a "personality." He mentioned, casually, that he is curious about life-extension research, because he believes the world would look different if people had more time to explore their interests, learn new

skills, build expertise, and experiment. “I dread the minute hand hitting the top of the dial every hour,” he said. “I feel like I have less time than I used to. When you’re really young, no doors have really closed.”

Whenever I asked Marlinspike what he had been up to, the answer was the same: “Work, work, work.” Wang, describing Marlinspike’s “masochistic anarchist workaholism,” told me, “I think the anarchy world rewards self-motivation, initiative, and experimentation. You oddly acquire a lot of skills that are useful, whether it’s graphic design or programming. There’s a strong work ethic, and a weird kind of anti-capitalist entrepreneurialism.” Reinhard said, of Marlinspike, “He is an incredibly efficient time manager, and he approaches his leisure in exactly the same way. Almost all of his adventures require, like, six months of planning—and he has the patience for it.”

Marlinspike moved from the Bay Area to Los Angeles in 2018, in part to work on a side project with friends—an ecological restoration “experience” intended to mitigate the depletion of coastal kelp forests. Participants would spend three days earning their scuba certifications, then paddle out to nearshore ecosystems, exploring the kelp forests and planting spores. The project, Marlinspike said, was “at the confluence of a few things that I’m interested in, like ocean ecology, climate change, potential climate-change remediation.” Marlinspike’s close friend, who was also involved, said that the goal was for participants to be transformed: “What is the future of the world? Who are people in positions where they can change that future? How do we have those people do something that is going to change their world view, that might then change what they want to do?” The project fell through earlier this year, partly because of the pandemic but also because it is notoriously difficult to grow kelp from seed, and possibly illegal to plant it in the ocean at one’s leisure.

During our conversations, Marlinspike avoided making declarative statements about his plans and frequently declined requests to put seemingly innocuous information on the record. When I returned to his personal writing, I felt almost taunted by its attention to detail. I was particularly drawn to a blog post about a bicycle trip he took last year with friends through the Chernobyl Exclusion Zone, the eighteen-mile radius around the Chernobyl nuclear plant, in Ukraine, which was evacuated on April 27, 1986. (Access to the area, which is variously radioactive, is limited to maintenance crews, scientists, and scheduled guided tours.) Aided by a cheap compass, dust masks, and dosimeters, they slept in an abandoned apartment, surrounded by aging domestic detritus, and wandered

through the buildings of Pripyat, the former factory town, at night. The Exclusion Zone was “paradise, but a paradise you can’t enjoy,” he wrote. “The experience is full of tensions. . . . You have to be careful about where you sit, what you eat, how you eat it, what you touch; which is—ironically—why it exists. The reason it’s so beautiful and so peaceful is precisely because we can’t consume it. Like, perhaps, all real paradises everywhere.”

At the beginning of the pandemic, the beaches in Los Angeles were closed. Unable to surf, Marlinspike bought a pair of Rollerblades and began taking nightly skates through Venice and Santa Monica, piping the techno-heavy soundtrack to “Hackers” out of a small speaker. He had wondered whether the pandemic would break something open. When the Black Lives Matter protests started, Signal employees began fielding requests and feedback from organizers, medics, and protesters. Trapp pulled an all-nighter to work on a new face-blurring tool, for strategic obfuscation of protest photographs, and Signal released it almost immediately. Ten years ago, it had been fringe to talk about abolishing the police or prisons. All of a sudden, people were forming mutual-aid networks and, although Marlinspike had no way of knowing this, forming cop-watch groups on Signal with names like Pig Sniffers. More Americans had begun to talk about the ways in which law enforcement is applied unevenly, arbitrarily, and unnecessarily. “I think those kinds of things are a silver lining to things being as bad as they are—being able to see and question the structures around us that have maybe not been serving us well,” Marlinspike said, during our third and final meeting in Venice.

Still, much had stayed the same. He was startled to see protesters posing for photographs with the National Guard, as if the demonstrations were just another Abbot Kinney experience to be consumed and documented for social media. “In the nineties, there was this huge emphasis on the idea of self-publishing,” he said at one point. “This idea that, if everyone could be both a producer and a consumer of information, the world would be fundamentally different. That’s all of zine culture.” He went on, “That’s the world we got, in a lot of ways. The people from that scene didn’t anticipate this being the vector, but everyone more or less has access to the same publishing platform as the President of the United States.” He exhaled lightly. “What we didn’t necessarily anticipate, when everyone was so optimistic, was how little it would change things. The dream was always that, if someone in the suburbs of St. Louis got killed by a cop, immediately everyone would know about it. At the time, it was a sort of foregone conclusion that that would be enough.” “Enough for what?” I asked.

“To prevent that from happening,” he replied, flatly.

That morning, Marlinspike seemed to be feeling expansive. He told a story about Patty Hearst, and another about the Soviet space dogs, and an anecdote about centralized hot water in Russia. As he spoke, he gesticulated theatrically, as if his arms had just been unlatched. I found this unnerving; it suggested that, during our other conversations, he had been practicing a well-honed restraint. The sun was out in full force, the air smelled like weed, and the wind carried the clicking sound of low-stakes skate tricks. Women wearing masks and bikinis rollerbladed along the boardwalk, past vendors hawking novelty sunglasses, one-hitters, and onesies stamped with a low-resolution TikTok logo. As we turned toward the beach, Marlinspike stopped walking and looked up at the sky. A line of twelve military helicopters cruised over the ocean. “Crazy,” he said, shaking his head.

When we sat down, he told me about a trip that he and a friend had taken to Abkhazia, in 2016, to attend the CONIFA World Football Cup, a soccer tournament for unrecognized states. Abkhazia, a separatist region of Georgia, lies on the coast of the Black Sea. It has only two embassies—one belonging to Russia, its economic patron, and another to the fellow breakaway republic South Ossetia—and few diplomatic relationships. It is recognized by only five U.N. member states, and is barely integrated into the world economy. “An interesting thing is, if you’re going to be a country, you need a bunch of stuff, right?” Marlinspike said. “You need a flag, you need a national bird, you need an anthem, and you have to have a soccer team.” He was wearing black jean shorts, and he bounced a finger against a tanned thigh for emphasis. “If you’re going to be a country, you’ve got to have a soccer team.”

Abkhazia is the sort of place that appeals to Marlinspike: a would-be country outside the strictures of globalization, and almost outside the bounds of imagination. As the U.K. voted to exit the European Union, and the Catalan independence movement fought for autonomy from Spain, Marlinspike, who believes the world is seen most clearly from the margins, found that Abkhazia offered a unique perspective on nationalist and separatist movements. To get there, he and his companion travelled through southern Russia to a militarized border. After passing through three checkpoints, Marlinspike found himself in a landscape that looked exactly the same as the one where they had just been. People were speaking the same language. He wondered if the fight for independence—a brutal civil war, the ethnic cleansing of Georgians in the early nineties, and now economic isolation—had been worth it.

By the time they arrived at the stadium, in Sokhumi, the Abkhazian capital, the opening match was sold out. People were sitting in the aisles and hanging from the fences. Using elementary Russian, Marlinspike pleaded his case to a security guard. Not knowing what to make of two backpackers who had travelled from California expressly for the tournament, the guard waved them through the gates. ♦

Shouts & Murmurs

- [Vaccines I'm Working On](#)

[October 26, 2020 Issue](#)

Vaccines I'm Working On

By [Jack Handey](#)

October 19, 2020

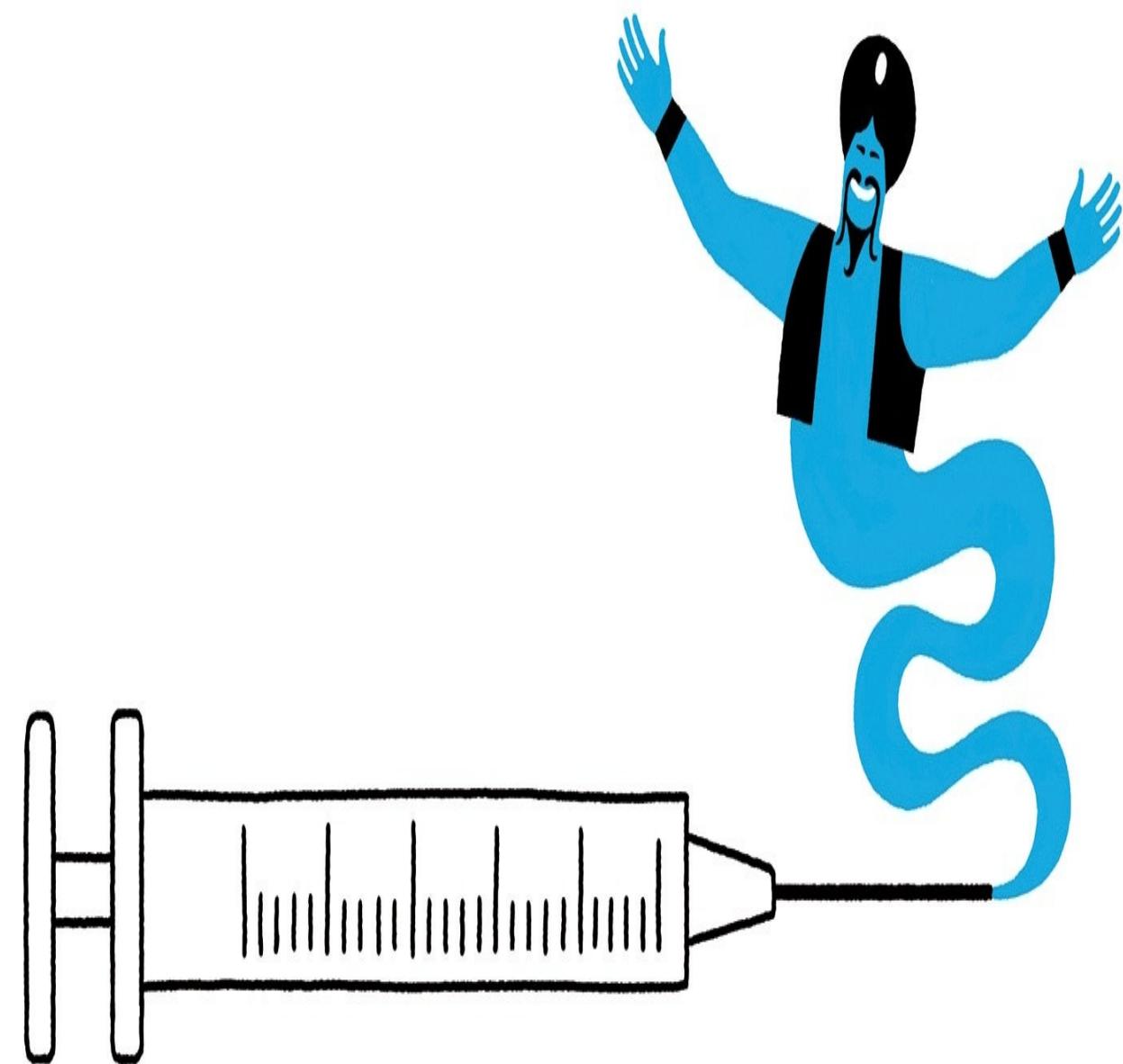


Illustration by Luci Gutiérrez

Blues Vaccine: Gives you a small dose of the blues, so that later, when your woman leaves you, you wish her well and ask if she needs some gas money.

Venom Vaccine: Allows you to impress your friends on camping trips by letting rattlesnakes bite you. Also, you can show up for a date with spiders on your face.

Researcher attempted to enlist his friend Don for testing, but Don chickened out.

Heebie-Jeebies Vaccine: Subjects' immune systems reacted well against the heebies but were ineffective against the jeebies.

State-Capital Vaccine: Positive results! Subject injected with vaccine was asked to name the capital of a certain state. He started to answer but then became physically ill.

Class-Reunion Vaccine: Your brain can trick you into believing that you look younger than most of your high-school classmates and should attend the class reunion. This vaccine would prevent that.

Overdoing-It Vaccine: Another success! Subjects were divided into two groups, with the placebo group continuing to overdo it while the vaccine group did just enough to get by.

Jack-O'-Lantern Vaccine: An example of what I call a “talk vaccine.” In this case, you explain to a child that, no matter what he’s heard, a scary jack-o’-lantern cannot come to life and chase you.

Hangover Vaccine: The holy grail of vaccines. Despite years of study, little progress.

Anti-Prancing Vaccine: Disappointing results. Vaccine actually *increased* the impulse to prance. Researcher has come to suspect that the urge to prance may be unstoppable.

Werewolf Vaccine: Doesn’t prevent you from becoming a werewolf, but does make you more amenable to counselling.

Blubbering Vaccine: As men age, their immune systems are less able to resist sentimentality, and they cry more, like babies. Ten older men were given the vaccine and were then asked to watch the scene in “Old Yeller” in which Old Yeller dies. None of the men cried, and one old man even laughed.

Get-Down Vaccine: Prevents you from snapping your fingers and “gettin’ that

rhythm.”

Mystery Vaccine: Not exactly sure what this vaccine does. Requires multiple injections with increasingly large needles.

Enthusiasm Vaccine: Enthusiasm has afflicted mankind for millennia. It is estimated that in Europe during the Middle Ages fully one-half of the population was enthusiastic. The problem is that someone with even a slight case of enthusiasm can infect another person with a full-blown case. Prospects for vaccine: slim.

Pseudo-Vaccine: Doesn’t really do much of anything, but comes with a coupon for half off your next vaccine. ♦

Sketchbook

- [Trump's Last-Ditch Efforts to Appear Presidential](#)

[October 26, 2020 Issue](#)

Last-Ditch Efforts to Appear Presidential

By [Barry Blitt](#)

October 19, 2020

Sketchpad

- [Alternatives to Trick-or-Treating](#)

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Alternatives to Trick-or-Treating

By [Emily Flake](#)

October 19, 2020

ALTERNATIVES TO
TRICK-OR-TREATING

DEPLOY SANTA FOR UNORTHODOX USES.



INTRODUCE YOUR CHILD
TO THE PLEASURE OF
THE SOLITARY CANDY BINGE.

BASICALLY, YOU JUST
EAT UNTIL ALL
YOUR FEELINGS
GO AWAY. -



HAVE YOUR KID BOMB A
FEW ZOOM MEETINGS
WHILE EATING SUGAR
STRAIGHT FROM THE BAG.



MAKE IT RAIN!



e.flake

Tables for Two

- [Tong Reimagines Thai After-School Snacks](#)

[October 26, 2020 Issue](#)

Tong Reimagines Thai After-School Snacks

Banana-blossom pancakes and charred-octopus skewers are two of the kub klaem, or small plates, designed to go with drinks at a new Thai restaurant in Bushwick.

By [Hannah Goldfield](#)

October 16, 2020



The other day, I combed my memory for traces of after-school snacks. What had I eaten after bouncing off the school bus and flinging my backpack by the door? The best I could recall, with a hint of horror (but also amusement, and even longing), was a tried-and-true ritual, invented by my best friend, that involved melting a Kraft Single on top of a Snyder's of Hanover hard pretzel in the microwave. Visions of Maruchan ramen noodles danced in my head.



Tong's khao soi features a chicken drumstick, preserved mustard greens, and two types of noodles: egg and crispy rice. Photograph by Gabriel Zimmer for The New Yorker

The inspiration for the reverie was Tong, a superlative new Thai restaurant in Bushwick, where the menu identifies two of its dishes as favorite after-school treats. Oh, to be a fourth grader in Thailand! To look forward, during lessons, to deep-fried shredded-banana-blossom pancakes, as intricately woven as birds' nests; to dip them in sweet, tart cucumber relish and feel their oily, salty crunch between your teeth. To buy, from a street vender, a wooden skewer of tender charred octopus seasoned with chili, cilantro, and lime.

In fact, adults are the target demographic at Tong, and specifically adults who drink alcohol. *Kub klaem*, or small plates, including the banana-blossom pancakes and the octopus, are "good with a drink or three." The more substantial *kub khao* are "good for after drinking." That the restaurant, which opened in August, does not have a liquor license yet is only a small hitch. There's an inviting wine store on the block (which is more verdant than you might expect in Bushwick), and Tong packages its takeout as carefully and appealingly as I've seen. Eating it at home with a cold beer from my refrigerator was an undiluted pleasure.



For a small plate called kor moo yang, slices of grilled pork jowl are served with a spicy tamarind-chili dipping sauce. Photograph by Gabriel Zimmer for The New Yorker

“A drink or three” is right, especially if you’re sensitive to spice, in which case you may want to keep drinking even after you’ve finished the small plates. Several dishes are of the hurts-so-good variety. A bowl of Laotian crispy rice with agreeably pink fermented pork sausage, roasted peanuts, lime leaf, and chili was so electrifying one night that it made me skittery, and so exceptionally delicious that I reached for it for breakfast the next morning. Drunken noodles, tossed with slivers of long red chilis and whole stalks of pickled green peppercorns, were flecked with ground green bird’s eye chili for good measure. A wonderful southern-style, creamy crab curry set my palate aflame, though it also contained its own relief: cool halves of hard-boiled egg, a mound of vermicelli, frills of sweet-and-sour preserved mustard greens, and crunchy crescents of raw bitter melon.

The milder options were no less thrilling, only quieter. For another pancake, head-on whiteleg shrimp were fanned in a circle and encased, fossil-like, in a puffy, slightly sweet batter made with flour, chili paste, fish sauce, sugar, and limewater, then fried to a deep russet. *Mum*, an Isan-style dry-cured sausage, marries ground beef and beef liver, which puts its texture somewhere between crumbly and pâté velvety, with a distinct iodine tang. I won’t soon forget a deceptively simple, astonishingly flavorful salad for which cucumbers were so heavily salted that the dish almost doubled as a cold soup, the refreshingly vegetal water released by the cucumbers punched up with just the right proportions of anchovy paste, lime zest, and coarsely chopped raw garlic.



The menu identifies the pla muk yang—grilled octopus seasoned with chili, lime, and cilantro—as a favorite after-school snack in Thailand. Photograph by Gabriel Zimmer for The New Yorker

It's pretty rare in New York to find Thai food this good outside Elmhurst, Queens, which for years has seemed to have a monopoly on the best Thai chefs. It's unsurprising, then, to learn that some dishes are literally imported from that neighborhood: the *mum* is made by Sunisa Nitmai, the chef and owner of Elmhurst's beloved Pata Cafe, and the recipe for *pad mhee ko rad*, an Isan-style wok-fried noodle dish similar to pad Thai, made with soybean paste and sweet pickled radish, comes from her as well. Nitmai is the mother of one of Tong's owners; everyone in the kitchen calls her Mom. May her progeny proliferate far and wide. (*Dishes \$8-\$25.*) ♦

The Campaign Trail

- [The Regular Guy Who Almost Challenged Georgia's QAnon Candidate](#)

[October 26, 2020 Issue](#)

The Regular Guy Who Almost Challenged Georgia's QAnon Candidate

With Kevin Van Ausdal bowing out, Marjorie Taylor Greene sees her congressional bid as her chance “to take this global cabal of Satan-worshipping pedophiles out.”

By [Andrew Marantz](#)

October 19, 2020

In our two-party system, both parties are big tents. The Democratic Party includes budget hawks and socialists, veterans and pacifists, scientists and Christian Scientists. There’s also ideological diversity within the Republican Party: some are relatively moderate; others believe that Donald Trump, Robert Mueller, and an anonymous intelligence agent known as Q are secretly working together to bust a global crime ring involving Hillary Clinton, Joe Biden, Tom Hanks, and hundreds of other prominent liberals, all of whom are actually pedophiles who routinely kidnap children, smuggle them across international borders, and harvest their adrenal glands for occult rituals. This, and much more, is the canon of QAnon, a bizarre, ever-expanding conspiracy theory that might be worth ignoring were it not for the fact that it has adherents in high places. “Q is a patriot, we know that for sure,” Marjorie Taylor Greene said, on a Facebook Live stream, in 2017. “There’s a once-in-a-lifetime opportunity to take this global cabal of Satan-worshipping pedophiles out, and I think we have the President to do it.” Last year, Greene announced that she would run for Congress, as a Republican, in Georgia’s Fourteenth District, which was created about a decade ago. In every congressional election since, a Republican has either run unopposed there or has won more than seventy per cent of the vote.



Greene co-owns a construction company; apart from posting pro-Trump blandishments on the Internet, she has no political experience. (She described the election of two Muslim women to Congress, in 2018, as “an Islamic invasion of our government.”) In one of her campaign ads, she sits cross-legged on the bed of a Jeep truck and uses a bipod-mounted assault rifle to blow up a placard labelled “Socialism.” She won the Republican nomination, in August, by double digits. “Congratulations to future Republican Star Marjorie Taylor Greene on a big Congressional primary win in Georgia,” President Trump tweeted. “Marjorie is strong on everything and never gives up—a real WINNER!” (Last week, during a town hall on NBC, the broadcaster Savannah Guthrie invited Trump to “disavow QAnon in its entirety.” He declined. She asked whether he believed conspiracy theories about “a satanic pedophile cult.” He responded, “I have no idea.”)

Greene’s Democratic challenger, Kevin Van Ausdal, a thirty-five-year-old I.T. specialist, has never held elective office either. Not long ago, he hosted a Zoom town hall. “Glad to see everyone tonight,” he said. “I see a lot of familiar faces, which is great, and I see a lot of new ones, which is just as amazing.” There were eleven people, eight of whom had their cameras off. The three visible supporters were a woman named Amanda, who sat in front of a poster of a bald eagle; a woman named Wendy, whose couch had a pillow embroidered with a kicking donkey; and a man with a long white beard, identified only as “iPhone.” Van Ausdal, who plays a lot of video games, sat in front of an elaborate computer setup, including a flashing keyboard. He began with a spiel about why he was running (“We need someone who will represent our values”) and talked about growing up in Indiana. Then he opened the floor for questions.

“I am worried about your opponent,” a woman typed in the Zoom chat. “She is working hard to appeal to the very far right that I find a bit frightening.”

“It frightens me as well,” Van Ausdal said. (He described Greene’s beliefs as “divisive,” but did not go into detail.) One supporter asked how she could help Van Ausdal win. The candidate said that his campaign hadn’t organized any phone banks yet and encouraged her to use “word of mouth.” Later, in another Zoom discussion, someone asked him whether he had any chance of winning. “You never know,” he said. “Surprising things do happen.”

Last month, Van Ausdal was at home cooking dinner when a police officer rang

his doorbell and served him with divorce papers. Van Ausdal said that he and his wife had been having issues, but that “the plan was to wait until after the election and then separate.” (The couple has a young daughter.) The divorce papers required him to leave his house immediately. He spent a few nights in a hotel, but soon ran low on cash. His advisers, in consultation with the Federal Election Commission, determined that he could not use campaign funds to rent an apartment; even sleeping on a friend’s couch might be construed as an illegal campaign contribution. So he drove ten hours, to Indiana, to stay with his parents.

Since he no longer lives in Georgia, Van Ausdal is now ineligible to represent the Fourteenth District, and he has suspended his campaign. His advisers wrote to Georgia’s secretary of state, Brad Raffensperger, asking that Van Ausdal be disqualified, which would have allowed the Democratic Party to put forward another name. Raffensperger, a Republican, did not grant the request. Now Greene is running unopposed. Van Ausdal insists that his sudden departure from the race was due to a coincidence, not a conspiracy. ♦

The Current Cinema

- [“Martin Eden” Lurches with Salty, Oceanic Appetites](#)

[October 26, 2020 Issue](#)

“Martin Eden” Lurches with Salty, Oceanic Appetites

In a cooped-up age, the great escapes and far-off horizons of Jack London’s fiction feel resonant.

By [Anthony Lane](#)

October 16, 2020



Who knew that Jack London, of all people, would be having a moment? One of the last films to open in cinemas, before the imposition of lockdown, was “The Call of the Wild.” And now “Martin Eden” shows up. London’s novel of that title, which was first published in 1909, has been adapted—boy, has it been adapted—into a film. It’s in Italian, for starters, and the principal setting has shifted from Oakland to Naples. From one port city, that is, to another; the director, Pietro Marcello, has inherited London’s outward gaze, endlessly craving the next horizon. Never be without a great escape.

As for the time frame, search me. Given the many squabbles that we see in the movie between left and right—the needs of the collective versus the force of individual will—we could be observing any patch of Italian history from the past century. Some of the clothes have a tailored nattiness that would fit the nineteen-twenties, yet the soundtrack jangles with Europop from the seventies and eighties, and the televisions are of a similar vintage. So are the cars.

One thing hasn’t changed: as on the page, the hero is Martin Eden. He first went to sea at the age of eleven, and we sense that he’s consumed a large slice of the world before the tale begins. Onscreen, played with bullish vigor by Luca Marinelli, he’s a handsome devil, though his looks don’t weather well. More hungry than happy, he is a creature of salty appetites, his entrance into the movie marked by sex and violence. First, he picks up a young woman, Margherita (Denise Sardisco), and makes love to her on a boat, under the cover of night; then he wakes to see a defenseless youth being bullied on a nearby wharf and, one punch later, saves the lad and takes him back to his family, the Orsinis. And that is where Martin’s troubles—and his opportunities—burst into life.

The Orsinis are not just rich but languidly rich, and they could have wandered in from a Visconti film. When Elena (Jessica Cressy), the sister of the rescued kid, approaches Martin to thank him for his good deed, she drifts toward him, in an unfocussed blur, and that physical ease, more than anything she says, prepares us for the fundamental clash that will sustain the movie. Marcello attends obsessively to his characters’ motions, rough and smooth, and to what they bespeak. Martin is a born brawler, and his vaunting stride, ideal for the deck of a ship, is ill-adapted for more tranquil company. Faced with the enrapturing Elena, he comes across as a blunderer and a rube; invited to lunch with the Orsinis, he wipes the sauce from his plate with a hunk of bread while lecturing his hosts on poverty. On dry land, he is all at sea.

It was during an ocean voyage that London wrote most of “Martin Eden,” and the novel—his most autobiographical—suffers from an awkward lurch. Yet the swell of it suits his theme: In an unjust age, how do you scale the heights of social class? Is it enough to be ambitious, and to believe, with a raging heart, that you deserve to be raised up? If you cram your brain, will that suffice? The difficult birth of the twentieth century was rife with such anxieties; you hear them in Knut Hamsun’s “Victoria” (1898), and in the beseechings of Leonard Bast, in E. M. Forster’s “Howards End” (1910), and they resurface in Marcello’s film, as Martin says plaintively to Elena, “I decided that I want to be like you.” She fixes him with her calm blue gaze and replies, “Mr. Eden, what you need is an education.”

Sworn to do her bidding, Martin sets about the furnishing of his mind. If anything, he exceeds his brief, spending what petty cash he has not only on books but on a secondhand typewriter, having resolved to make writing his career—“to turn myself into one of the eyes through which the world sees.” A mad plan, guaranteed to wreck the hearty health that he developed during the life aquatic, but that’s his choice. Needing somewhere cheap and quiet to scribble, he takes lodgings in a humble house in the countryside, owned by a widow whom he meets, together with her children, on a train. One of the blessed virtues of this film is that everything—lovers, landladies, fights, and philosophical ideas—seems to be chanced upon rather than laid down in advance. Experience is caught on the wing, and then released.

It’s no surprise to learn that Marcello made documentaries, short and long, before turning to feature films. “Martin Eden” is the second of these, after “Lost and Beautiful” (2015), and rarely will you have seen a choppier or more self-interrupting movie. It’s in color, but the director has a habit of cutting away to clips of old footage, many of them in black-and-white or sepia, snipped from Lord knows where, as if loath to exclude any memories or chance resemblances that occur to him. The result is more like a dog-eared scrapbook than it is like a regular narrative, and the fun lies in trying to work out how the fragments fit in. Why, for instance, the sudden closeup of a writhing octopus, into which somebody bites? Are we meant to recall the scorpions, battling to the death, that appear without explanation in Buñuel’s “L’Âge d’Or” (1930)? Or is Marcello alerting us to the tussle of Martin and Elena, who can barely keep their suckers off each other?

The trouble with writers, as with cephalopods, is that they can’t help squirting

ink, especially at moments of high emotion. Undaunted in his quest, Martin mails off story after story to various journals, and finally strikes gold, though Elena deplores the harshness of his work—“too much death, too much pain,” she says. So now it’s his turn to propose an education; he gives Elena a guided tour of *his* Naples, rowdy and raucous, where he’s accosted by prostitutes and pimps. The camera, handheld and jolting, goes along for the ride, and Elena, versed in refinement, shies away and clings to Martin’s arm. The film is a romance, of sorts, yet it also wields an anti-romantic ferocity, suggesting that the fissure between rich and poor is, whatever we yearn to think, unbridgeable. Falling in love can be hard when you’re trying to scramble upward at the same time.

All of this confirms that “Martin Eden” is lusty with political intent. Striking workers berate a man who warns them against the demands of their union, and Martin gets the same reception when he addresses a crowd of militants, deriding them as “slaves.” He also befriends a haggard old radical, Russ Brissenden (Carlo Cecchi), who coughs blood into a handkerchief and counsels socialism, “the only thing that will save you from the disappointment that’s approaching.” Since the movie showed at festivals, last year, some viewers have complained that its politics feel confused. Good. I have little or no wish to watch a film that flaunts its ideological clarity, and, besides, is it not in the hero’s eager nature to be swayed by warring instincts? As in the original novel, we find him studying Herbert Spencer, the once fashionable and now half-forgotten Victorian philosopher who coined the phrase “the survival of the fittest.” But Martin wouldn’t be reading Spencer in the mid- to late twentieth century. He’d be reading another Herbert—Marcuse, that is, whose “One-Dimensional Man,” from 1964, spurns the blandishments of existing political programs.

The most shocking, and also the saddest, thing in Marcello’s film is the ascendancy of its central figure. I was certain that Martin would fail, especially after a mortifying soirée at which he serenades Elena with lines of verse. “I wrote them,” he says, “for my lady.” (Wrong. They were written by T. S. Eliot, and Martin *stole* them for his lady.) Then, there is a dinner at the Orsinis’, where he snarls at the liberal establishment and “the farce of democracy” in terms that would not sound out of place in the mouth of a fascist. Leap ahead a few years, however, and you meet a very different Martin—famous and feted, with a publisher priming him for a visit to America, and ranks of readers hanging on his pronouncements. “The writer Martin Eden does not exist,” he tells them, describing himself as “only a hoodlum and a sailor.” Success has gone to his head and taken root. Spoiled, gaunt, and sick, he shouts the words that he

dictates to his assistant and gives a wad of banknotes to a revolutionary. His hair flops lankly over his brow. Self-loathing is exuded like sweat.

There is more to ponder, in this uncommon movie, than there is to plumb. Broad rather than deep, and layering the vintage with the modern, it's a collage of shifting surfaces—an appropriate form for a pilgrim soul like Martin, whose gifts, though plentiful, do not include a talent for staying still. Restlessness of every sort abounds. Two young children dance in the street, as though unable to stop; some books are ravenously read, but others are tossed onto a flaming pyre; and, in the final scene, an old man stalks along a beach, at sunset, crying that "war has started." What war? What country, friends, is this? Doesn't matter. All we know is that, for the Martin Edens of this world, there will never be peace. ♦

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