The Western Strategy

The template for today’s nativist ferment was forged in the West Coast movement against Asian Americans. MARI UYEHARA
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Immunized: Buddhist monks receive doses of AstraZeneca’s Covid-19 vaccine at the Wat Srisudaram in Bangkok on July 30.

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“Of the more than 35,000 residents of Venice, California, nearly 2,000 are homeless people living on the streets.”

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Delta Dawn

If your state or city remains unvaccinated, and your neighbors won’t wear masks indoors—you’ve got a problem.

On July 27, the Centers for Disease Control and Prevention changed its guidance on masking, suggesting that those who are vaccinated, particularly in areas with substantial or high viral transmission, resume wearing masks in indoor public settings. Within hours, competing choruses of disgruntlement were proclaiming loudly and clearly either that the CDC should never have relaxed its mask guidance for vaccinated people, as it did in May, or that the CDC was overreacting and that expecting people to mask up again was a bridge too far.

Over the next few days, the rationale for the CDC’s new guidance began to take shape, and by the end of that week, a slide set had been released on the website of The Washington Post that outlined the reasons for the CDC’s alarm. Central to the agency’s new concern was an outbreak of the Delta variant of SARS-CoV-2 that infected close to 900 people in Provincetown, Mass. Many of those infected in Provincetown went on to develop symptoms—with a handful requiring hospitalization.

We have known for some time that the Delta variant is more contagious, but the Provincetown outbreak demonstrated that while vaccines do provide significant protection against severe disease and death, they do not prevent us from catching or spreading this new strain, which the CDC has characterized as being as transmissible as chickenpox. Dr. Anthony Fauci, President Biden’s chief medical adviser on Covid, highlighted the worries: “The most recent data,” he said, show “that when a person gets infected who has been vaccinated…and they get infected with the Delta variant, that the level of virus in their nasopharynx is about a thousand times higher than with the Alpha variant.”

While talking heads and pundits duelled on television and social media over the CDC’s announcement, the real action was playing out elsewhere. The risks associated with the Delta variant largely depend on the proportion of your local population that is vaccinated and masked. That is, if your neighborhood, county, or state is undervaccinated and recommendations for mask wearing are ignored or discouraged, you’ve got a big problem: Delta is going to rip through your community like a California wildfire in August. In the US, public health decisions are made by governors and mayors, state legislatures and city councils. It’s not what the CDC says; it’s what your local leaders do.

Governors like Doug Ducey, Ron DeSantis, and Greg Abbott are railing against efforts to get Americans to wear masks and get vaccinated as the worst threat to freedom in our nation’s history. While Mitch McConnell and a few other Republican leaders have made some performative concessions to the importance of these public health measures, this past week also saw Republican members of the House of Representatives descend unmasked on the Senate to protest this gross attack on our values. Give me liberty or give me Covid! Most of us want to protect ourselves and our loved ones—even strangers—from sickness and death. Sadly, that’s simply not the American way for many in the GOP.

We surely have to keep scrutinizing the decisions our leaders make, including those by the directors of the CDC, the National Institutes of Health, and the FDA, President Biden, and the rest of his team. But the main threat to the nation right now isn’t to be found in the missteps in Atlanta, Bethesda, or Rockville or at 1600 Pennsylvania Avenue. It is instead those who are abandoning large swaths of the population to a virus we know how to contain. Vaccinations and masking can beat the Delta variant, but we’re only as strong against it as the individual links in the chain. Too many politicians have made a cynical, almost nihilistic choice to use opposition to these proven—though imperfect—interventions as an opportunity for career advancement, a route to power, even as they risk the lives of their constituents.

Gregg Gonsalves is the codirector of the Global Health Justice Partnership and an assistant professor of epidemiology at the Yale School of Public Health.
Climate Blind Spot

When climate journalism ignores the Global South, it jeopardizes everyone’s future.

Climate change amounts to an undeclared, deeply unjust war against the global poor. Though they have emitted almost none of the heat-trapping gases that have raised global temperatures to their highest levels in civilization’s history, it is the poor—especially in low-income countries in Asia, Africa, Oceania, and South America—who suffer first and worst from an overheating planet.

For more than a decade, perilous, climate-driven events in wealthier nations have been preceded by similar changes in the Global South. The deadly heat that has brutalized the American West—and rightly attracted headline news coverage—this summer? That kind of heat has been killing and immiserating people across the Sahel in Africa for many years. Rising seas have been slashing rice yields in Bangladesh for years, as salty ocean water intrudes farther and farther inland onto the soil of the tabletop-flat delta of the Ganges and Brahmaputra rivers.

Recent scholarly studies and social media posts have suggested that this summer’s record-breaking heat and unfolding fire season might finally help more Americans acknowledge the realities of the climate crisis. Perhaps now, the thinking goes, more of them will realize that climate change is not only real and dangerous—it’s happening, right now, to them or people just like them. But those realities have been clear for some time: The global poor have been living, and dying, from such climate-driven disasters for years—and with much less attention from the world media.

A glaring example came in mid-July, when virtually every news outlet in the Global North ignored a landmark meeting where leaders of low-income countries articulated their positions prior to the upcoming make-or-break United Nations COP26 climate summit in November. This V20 meeting—so named for the 20 countries that founded the Climate Vulnerable Forum in 2015—was hosted by Bangladesh in its capital city, Dhaka, on July 8.

Heads of government or finance ministers from 48 countries that are exceptionally vulnerable to climate change and inhabited by a combined 1.2 billion people attended the Dhaka summit in person or online. So did John Kerry, President Biden’s international climate envoy; António Guterres, the UN secretary general; David Malpass, the president of the World Bank Group; and the heads of development banks in Asia and Africa. The world media were nowhere to be seen.

It’s inconceivable that the world media would treat a G7 or G20 gathering like this. When G7 leaders met in June, broadcast networks and newspapers across the Global North provided daily coverage before, during, and after the summit.

The contrasting silence about the V20 conference reveals an inexcusable double standard on the part of Global North news organizations. The unmistakable, if unwitting, message is that some voices in the global climate discussion count much more than others.

Correcting this double standard is not merely a matter of fairness; it’s also about telling the climate story accurately and in full in the lead-up to the crucial COP26 summit.

Had newsrooms in the Global North tuned in, they would have seen that the V20 summit in fact made plenty of news. Bangladeshi Prime Minister Sheikh Hasina and other V20 heads of government reminded rich countries of their pledge under the Paris Agreement to limit global temperature rise to 1.5 degrees Celsius and to provide $100 billion a year in climate aid to poor countries. Guterres and the COP26 president, British MP Alok Sharma, reiterated the point. Bangladesh is leading the way with its Mujib Climate Prosperity Plan.

But to achieve these goals, low-income countries need rich countries to actually make good on the financial help they have promised for years now. The Organization for Economic Cooperation and Development claims to have given $79 billion in 2018 (the last year with reliable data). An analysis by the anti-poverty NGO Oxfam found that this figure is wildly inflated, based on dodgy definitions and accounting tricks; for example, 80 percent of the aid was given as loans and other non-grant instruments, not grants.

This shortfall in aid carries profound implications, not only for the global poor but for the wealthy. Sixteen percent of the earth’s population lives in the 48 countries that make up the Climate Vulnerable Forum. If those countries lack the means to choose a green-energy future over a brown-energy one, there is zero hope of limiting temperature rise to 1.5 degrees Celsius. In that event, the rich, as well as the poor, will suffer, as the current heat and fire in the American West—which are occurring after a temperature rise of “only” 1.1 degrees Celsius—painfully demonstrate.

All of this amounts to news that could hardly be more urgent for people to hear, wherever they happen to live on this planet. It’s past time the world media treated it that way.
Richardson died in Manhattan on July 15 at the age of 99. She achieved national prominence during the civil rights era but was often overlooked in later years. In the hours after her death, The Hill tweeted, “Civil rights activist Gloria Richardson dies.” Astonishingly, it posted a photo of Martin Luther King Jr. Substituting an image of King for one of Richardson is particularly ironic considering what occurred at the 1963 March on Washington for Jobs and Freedom.

Organizers invited Richardson to speak for just two minutes, but the only word she was able to utter before her microphone was taken from her was “hello.” Richardson believed that mainstream civil rights leaders were afraid that she might stray from the event’s messaging, which had been orchestrated not to offend the Kennedy administration.

Richardson got involved in organizing in her hometown of Cambridge, Md., in 1962, when local teenagers, including her daughter Donna, launched a campaign to protest the city’s segregated public facilities. She joined a group of parents who decided to support the young activists. At the time Richardson was 40 years old, divorced, and raising two daughters.

Richardson soon took on a leadership role in the Student Nonviolent Coordinating Committee–affiliated Cambridge Nonviolent Action Committee. Despite its name, CNAC did not subscribe to nonviolence across the board. While it adhered to nonviolence as a tactic during demonstrations, its position was that people who were being attacked in other circumstances had the right to defend themselves. Under her direction, CNAC expanded its demands beyond desegregation to include jobs, decent housing, and health care.

Richardson referred to her tactics as “creative chaos.” CNAC, for instance, would assure white officials that its members would not demonstrate and then go ahead with its plans anyway. Joseph R. Fitzgerald, author of The Struggle Is Eternal: Gloria Richardson and Black Liberation, makes the case that her unique brand of organizing, which was both radical and pragmatic, was an important bridge from civil rights politics to the more militant politics of Black power and Black liberation.

At a time when there is increasing recognition that Black women’s vision and leadership are critical to the survival of the nation, many who might be inspired by Richardson’s extraordinary life have never heard of her. Now that she is an ancestor, I hope they will.

Barbara Smith

Barbara Smith is a coauthor of the Black feminist “Combahee River Collective Statement.”
Before and After

If Roe v. Wade were overturned by the Supreme Court, it wouldn’t just be a step backward.

If they are shrewd, the six antichoice justices on the Supreme Court will resist the urge to overturn Roe v. Wade when they decide next term on Dobbs v. Jackson Women’s Health Organization. At issue is a Mississippi law banning abortion after 15 weeks of gestation in explicit defiance of Roe, which protects abortion rights until around 24 weeks. Why hand the Democrats an issue that has worked well for them in purple states like Virginia? An attempt in 2012 to force women seeking abortions to have transvaginal ultrasounds backfired against Republicans so powerfully the state is now entirely under Democratic control.

Despite Roe, states where antichoicers are strong have succeeded in drastically limiting abortion access by passing measures that force clinics to close—five have only one—and heap up obstacles that keep women from accessing abortions in time. As it has done with voting rights, the court can effectively gut Roe while leaving it formally in place. In fact, it tried in 1992, when Planned Parenthood of Southeastern Pennsylvania v. Casey replaced Roe’s trimester framework with the concept of “viability” and permitted pre-viability restrictions as long as they didn’t constitute an “undue burden,” whatever that is.

Shrewd politics isn’t everything, though. There’s also religious and personal conviction—Justices Thomas, Alito, Roberts, Gorsuch, Kavanaugh, and Barrett are longtime abortion opponents. And political calculations can cut both ways: Maybe five out of nine think it’s past time to reward the powerful antiabortion movement, for which the end of Roe is the holy grail. Why, after all, did the court take the Mississippi case if not to use it to abandon Roe? The case isn’t even about enforcement but instead is a test of what Roe means in the name of pre-viable fetuses.

Most political mavens think the court will leave Roe standing. But some say overturning Roe won’t be so bad. It will wake up the pro-choice majority. It will force antiabortion legislators to back off the extreme bills they rely on the courts to set aside. If they had to live with the real-life consequences of their votes, they’d think twice, goes the theory.

I’m not so sure. As we’ve seen with vaccine refusals, the rise of QAnon, the backlash against critical race theory, and numerous other issues, reason can be helpless against demagoguery and paranoia and lies. The antichoice movement has invented plenty of its own facts: You can’t get pregnant from rape, abortion is never medically necessary, it’s genocide against Black people, and so on. Who’s to say reality will carry the day on abortion?

If Roe goes, abortion will immediately become illegal in 10 states. As in the years immediately preceding Roe, when a few states had already liberalized their laws, the US will be a house divided. But otherwise, post-Roe won’t be like pre-Roe. In one way that will be all to the good: When it comes to illegal abortion, pills are much safer than coat hangers and knitting needles or a visit to a Mafia-connected “doctor.” Misoprostol, an ulcer medication that is one-half of the abortion pill regime and is 93 percent effective on its own, is available on the Internet and can be bought over the counter in Mexico. It’s already in wide use in countries where abortion is illegal. (The other half, mifepristone, is tightly controlled, but if abortion goes underground that could change.) It will not be easy for police in antiabortion states to shut a black market in misoprostol down.

In another way, though, post-Roe will be much worse than pre-Roe. During the entire century or more that abortion was illegal in the United States, hardly any women went to prison for ending their pregnancies. They were subpoenaed to testify against their abortion provider, they were humiliated in court, they were hounded while dying in their hospital beds by police officers looking to identify the provider, but they were not themselves put on trial. Mothers, friends, boyfriends, husbands, and others who helped with money or arrangements or transportation were left alone. Unless there was a death or serious injury, few providers were arrested.

This time around will be different. When abortion was illegal, there was no organized, aggressive antiabortion movement with a wing of violent fanatics. The language of fetal personhood and fetal rights was much less developed. Abortion was wrong, but the rationale was as much or more about enforcing female chastity and promoting marriage and childbirth as it was about baby killing. That’s why, until the 1960s, it was only a misdemeanor. Today, the only argument left standing is that fertilized eggs and fetuses are persons, and abortion is homicide. That has raised the emotional stakes so high it is hard to explain why a woman should not be prosecuted or why the friend who drives her to the clinic is not an accessory. Even now, although a medical abortion looks ex-
actly like a natural miscarriage, there have been cases of women being arrested after going to the ER with excessive bleeding—there are a lot of antiabortion people who work in hospitals—or after they confide in the wrong sister or friend or roommate.

That thinking is behind Texas’s Senate Bill 8, which Governor Greg Abbott signed into law in May. It bans abortion after a fetal heartbeat is detected, at around six weeks of gestation—when many women don’t even know they are pregnant. In addition, instead of leaving enforcement to the state, the law empowers private citizens to sue anyone who helps a woman get an abortion after that point—a clinic or the friend sitting with her in the waiting room. No connection is required between the citizen and the abortion, so anyone can sue: a nosy neighbor or a random antiabortion activist, the kind of person who takes down license numbers in a clinic parking lot. There’s money in it too—up to $10,000 if the suit is successful. That this bill was a top priority of Texas Republicans tells you everything you need to know about the GOP and its famous “base.”

Overturning Roe will invite more and more of this kind of madness. Something for the court to ponder as it weighs Mississippi’s challenge to legal abortion.

There have been cases of women being arrested after going to the ER with excessive bleeding.

HE RHETORIC AROUND THE FIRST AMENDMENT TENDS TO be incredibly misinformed. On one side are the First Amendment absolutists who act like proscribing any speech—even hate speech, or even when the prohibition is made by a private company—is tantamount to an assault on the very concept of freedom and liberty. Usually, these absolutists are screaming at people on the other side who haven’t actually thought through how wide-reaching government restrictions on speech—“Ban Fox News!”—would lead to an utter dystopia.

Invariably someone shows up to say, “You can’t shout ‘Fire!’ in a crowded theater” (which is not true—you absolutely can shout fire in a crowded theater, so stop quoting this line), and everybody turns off the television less informed than when they started.

The reality of our First Amendment freedoms is altogether more boring, and more nuanced. The government does and must have the authority to regulate speech in all kinds of situations. But that authority is and should be treated with deep skepticism. The government should always be challenged to come up with the least restrictive means to achieve its legitimate ends. But when courts adhere to that principle, when judges issue practical rulings that balance the right to free speech against the government’s legitimate interest in restricting certain kinds of speech, the cases don’t make the news.

That’s why the decision at the end of the Supreme Court’s term in Mabanyo Area School District v. B.L.—better known as the “cheerleader case”—garnered comparatively little attention, even though the underlying controversy was widely publicized. At issue was a Snapchat post from Brandi Levy. As a first-year high school student, Levy failed to make the varsity cheerleading team. Disappointed, she posted a picture of herself with the caption “Fuck school fuck softball fuck cheer fuck everything.”

Students who made the squad saw Levy’s post and showed it to the varsity cheerleading coach. The coach then suspended Levy from the junior varsity team. Levy sued the school. If Tina Fey and Amy Poehler want to write a movie about this starring Zendaya, I will probably watch it.

The case got the media engine churning for another round of speech wars. (Levy is white. I imagine if she were dark-skinned, the white-wing media would have wanted her deported to a country she’s not from.) I, like most people who have been 14, think the school was clearly wrong and over-punished Levy for harmless vulgarity.

But teasing out why the school should be constitutionally prohibited from this kind of punishment is a little tricky. State-run schools have broad authority to regulate speech inside their walls, and while Levy’s Snapchat

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post clearly occurred off campus, we live in an age of wonders when off-campus speech can instantaneously spread to the entire school community.

It’s not hard to imagine an off-campus Snapchat post that could require in-school discipline. Most people would probably agree, for instance, that the school could punish Levy if she had joked about doing violence to her coaches, even if the message did not rise to the level of “true threat.” And yet Levy’s particular post was clearly not that, and schools should generally be prohibited from policing students after hours.

The current federal standard for school restrictions on speech was set in *Tinker v. Des Moines*, in 1969. The Supreme Court ruled that students do not lose First Amendment protections simply by showing up to school, but they do not enjoy absolute freedom of speech either; schools can punish students whose speech “materially and substantially” interferes with school business. In the years since, *Tinker* has been extended to things like field trips, but it has never been applied to fully off-campus speech like Levy’s. And it has never contended with the age of social media.

Instead, he listed a number of instances in which a school may have cause to regulate off-campus speech, including when a student uses social media to bully or harass other students.

Breyer’s approach is the right one. An absolute rule that says schools can never police students on social media would open the door to racial epithets, sexual harassment, and threats of violence. But a *Tinker*-like rule in which schools get to police everything from dirty words to collegial etiquette would essentially take away the free speech rights of students at all times. The First Amendment requires the courts to balance legitimate state interests against the presumption of freedom, and here Breyer walked that tightrope expertly.

Which is probably why the ruling wasn’t covered with the same fanfare as the initial argument. In the run-up to the case, right-wing stalwarts like David French hoped the court’s decision would “limit the reach of cancel culture.” But the ruling offered nothing to aid conservatives in their endless self-victimization. Nor did it swing the door open to the kind of virulent racism that they are always quick to defend under the guise of free speech. The decision was just a logical ruling that offered a practical way to think about the First Amendment in relation to social media.

So I guess those looking for the next culture war will pivot away from the white cheerleader whose vulgar social media posts were completely defended by the three liberal justices, and go back to crying about persecution from the left because they can’t organize a coup on Twitter. Real First Amendment issues are never quite as sexy as the people who scream about the First Amendment want them to be.
Do We Need Police?

**Yes**

DIANE GOLDSSTEIN

As a former career police officer, I know that good police want the same things that most abolitionists do: safe, healthy, and empowered residents and investments in programs that prevent crime from occurring in the first place. The question is: How do we get there?

We will always need some police, because there will always be serious crimes that require an armed response and professional investigation. But today, police spend most of our time responding to low-level issues that do not need an armed officer. In fact, our presence often makes these situations more dangerous.

While the media features polarizing debates—“abolish the police” versus hiring more of them—many officers want to hand low-risk calls to trained “community responders” and to prevent those cops fired for misconduct from disgracing the badge again in another jurisdiction. By focusing on serious crime and holding ourselves accountable to our vow to protect and serve, we can change the current narrative on our profession and attract true public servants.

Law enforcement is simply not equipped to address many of the problems we are tasked with solving. In a perfect world, people would rarely need to call the police, because mental health and substance abuse treatment, housing services, support systems for the formerly incarcerated, and other programs would be funded to an extent that would prevent many of the crises that trigger 911 calls.

In our less-than-perfect world, however, those calls can be diverted to folks who can actually help address the root causes of these problems. The Law Enforcement Action Partnership, a nonprofit organization of officers that aims to transform the criminal justice system (I serve as its executive director), has been working with cities across the country to implement community responder models, which employ trained clinicians, peer navigators, and mediators to respond to 911 calls. Community responders should handle mental health crises, quality-of-life calls, disputes between neighbors, and other low-risk scenarios.

Dispatching community responders would help prevent unjust arrests and uses of force, which disproportionately affect Black and Indigenous communities as well as people with behavioral and some mental health disorders or disabilities. It would allow the police to deploy our resources where we are most effective and improve relations with our communities.

**No**

JASSON PEREZ

Nearly all liberals, progressives, and radicals now acknowledge the existence of policing inequalities in this country. Nonetheless, too many on the left push for policies that expand the presence of law enforcement in poor communities. Well-meaning reformers often argue that instead of abolishing the police, we should focus on eliminating racist tactics and preventing unnecessary brutality. They propose solutions like body cameras, ending qualified immunity, and more training. Many progressives also endorse civilian review boards, community control of police, increasing police pay, and no longer having police enforce traffic violations or respond to mental health calls. Some claim that if society invests in solving the root causes of crime while maintaining, or even increasing, funding for law enforcement, we can keep our neighborhoods safe while not costing Democrats electoral support systems for the formerly incarcerated, and other programs would be funded to an extent that would prevent many of the crises that trigger 911 calls.

In our less-than-perfect world, however, those calls can be diverted to folks who can actually help address the root causes of these problems. The Law Enforcement Action Partnership, a nonprofit organization of officers that aims to transform the criminal justice system (I serve as its executive director), has been working with cities across the country to implement community responder models, which employ trained clinicians, peer navigators, and mediators to respond to 911 calls. Community responders should handle mental health crises, quality-of-life calls, disputes between neighbors, and other low-risk scenarios.

Dispatching community responders would help prevent unjust arrests and uses of force, which disproportionately affect Black and Indigenous communities as well as people with behavioral and some mental health disorders or disabilities. It would allow the police to deploy our resources where we are most effective and improve relations with our communities.
In addition, removing these burdens from police shoulders would accomplish something subtle but hugely important: It would change the way the police are viewed and how we view ourselves.

When I was a kid growing up in a white, middle-class community, the police were portrayed as heroes defeating the bad guys. That wasn’t true in the communities targeted by law enforcement, but it was the reason many of my colleagues went into policing—to be the good guys.

Yet after 50 years of the War on Drugs, as well as smartphone videos of horrifying crimes by the police and proven racism, this is no longer the narrative, and for good reason. However, it’s also important not to allow the past to dictate the future, but rather to use it to learn where to go from here. Society can’t cede the obligation to improve the police to those not inclined to do so. That’s why it’s so important we encourage the right people to go into policing: Reform from within is one of the best tools we have, but also one of the least discussed.

Currently, a police officer who is fired by a department, even if it is for serious wrongdoing, may simply move elsewhere and start again. As a result, every officer knows a few colleagues who are in the wrong profession. We need a national database that identifies officers sanctioned for misconduct, to ensure that law enforcement agencies hire only those who will maintain the highest ethical standards.

We also need to promote reform from within our ranks. That includes recruiting. We need more women. We need more people of color. We need better standards to ensure that only the best of the best are trusted with the ability to use deadly force in the enforcement of the law. And if we want anyone but fascists to apply, we need to stop painting all police officers as fascists.

That doesn’t mean denying the racism and violence and unaccountability and corruption that have plagued the profession. It means supporting those within police departments who would honestly confront and change these things so that they’re the ones determining where we go from here. Because many good officers are leaving right now. And I’m afraid of those who are going to take their place.

Having sworn to serve the public as an officer, I believe it is my duty to speak out about the need for change. Reforms will improve the public’s view of law enforcement and help us hire individuals who will bring honor to the profession and build the community trust we need to prevent and solve serious crimes.

Lt. Diane Goldstein (ret.) worked for the Redondo Beach Police Department for 21 years. She is the executive director of the Law Enforcement Action Partnership, a nonprofit group of officers who want to end the War on Drugs and reduce incarceration.

If we want anyone but fascists to apply, we need to stop painting all police officers as fascists.

Questions of distribution, elections, and merit.

But in a democracy, the rule of law should be enforced through the consent of the people—not at the end of a gun. The left should always be on the side of participatory, radical democracy. This is what differentiates us from conservatives and authoritarians. Given the history of police in the slave patrols and their current role in strike breaking, criminalizing protest, and enforcing voter disenfranchisement laws, police are undeniably an antidemocratic force. Reforms have been tried repeatedly in the past, including in Minneapolis—where Derek Chauvin, an 18-year veteran of the force, murdered George Floyd—but they have never changed the oppressive nature of the police.

The work of Vesla Weaver and Joe Soss, researchers at Johns Hopkins University and the University of Minnesota, respectively, shows that contact with law enforcement is the most common interaction that working-class Black, Indigenous, and other nonwhite communities have with the government. The police set the conditions for how these groups perceive the state, civil life, and democracy. Given the prevalence of state violence, it is not surprising that so many people in what Weaver and Soss call “subjugated communities” stop participating in governance and politics.

There is a direct connection between lower rates of voting, employment, and civic participation and the funding of policing as our main investment in public safety.

This is why a police presence makes it exceedingly difficult to build a radical governing majority. Opposing law enforcement isn’t just an ethical position; it’s a practical strategy for those trying to build a left movement that can enact transformative social and economic change and secure public safety for all. Increased funding and political support for policing have corrosive effects on the left’s ability to organize workers, end voter disenfranchisement policies, and institute meaningful wealth redistribution programs. In a world without police, the left’s most ambitious goals become much easier to achieve.

The Biden administration sent billions of dollars to cities to bolster municipal budgets diminished by the Covid-19 pandemic. But as Chicago and many other cities demonstrate, police often received money with no strings attached and usually with increased overtime pay and resources, while teachers and other social service workers faced layoffs. The supposed antidote of pro-police procedural reform and small-scale divestment and investment is not enough to cure the country of such antidemocratic politics—and it never will be.

Jasson Perez is a writer and member of the Democratic Socialists of America’s AfroSocialists and Socialists of Color Caucus.

A police presence makes it exceedingly difficult to build a radical governing majority.
In the Line of Fire

A firefighter tries to get a wildfire under control in the village of Kirli in Antalya Province, Turkey, on July 30. More than 100 blazes broke out over a five-day period in late July and early August, fueled by the hot, dry summer weather, likely made more extreme by climate change. Over 2,200 people had to be evacuated by boat, and at least eight people died. More than 2,000 farm animals perished in the flames.

By the Numbers

14k Number of confirmed US drone strikes in Somalia, Yemen, Pakistan, and Afghanistan since 2004

9k–17k Number of people killed by US military or CIA drones since 2004

2.2k Estimated number of children killed

90% Approximate percentage of the more than 200 people killed in Afghanistan by strikes during one five-month period of a Special Operations campaign who were not the intended targets

17 Minimum number of documents Hale leaked to reporters

8 Number of people prosecuted by the US government for leaking to journalists since 2017

Unintended Consequences

Republicans object to masks

While going about their daily tasks.

To rule that folks must vaccinate,

They say, makes this a Nazi state.

The surges now are all located

Among those proud unvaccinated.

And counties voting red have two

Times Covid cases more than blue.

If leadership maintains this pace,

They may someday kill off their base.

—Jarod Facundo
The Western Strategy

The template for today’s nativist ferment was forged in the West Coast movement against Asian Americans. MARI UYEHARA

In the beginning: Chinese miners stand next to a sluice box in Auburn Ravine, California, circa 1852.
O

N SUNDAY, DECEMBER 16, 1877, MOST LIKELY AFTER DARKNESS SET IN, A MAN NAMED HING KEE WAS MURDERED IN HIS BED IN THE LUMBER MILL TOWN OF PORT MADISON IN THE WASHINGTON TERRITORY. HIS ASSAILANT SLIT HIS THROAT AND SLASHED HIS FACE AND FINGERS “LIKE AN AX OR A CLEAVER.” ONE BLOW WAS SO FORCEFUL IT HACKED THROUGH HIS SKULL.

We know little else about Hing Kee: how old he was, what he had done that day, who his family was, and whether they grieved. There was no picture of him in the paper, just three single-paragraph reports, the longest of which was devoted to the mill’s rather revealing (and suspect) statement that neither Hing Kee nor any “Chinamen” had been in its employ in the past two years. Days after Hing Kee was murdered, the housing for Chinese laborers, where he had lived, was set ablaze, and the superintendent of the mill ordered its inhabitants to leave.

Given these clues, it would seem that Hing Kee’s murder was not random. It was but one assault in a nearly 100-year campaign of brutal anti-Asian violence and bigotry on the West Coast. In all likelihood, Hing Kee was murdered not because of anything he did but because of what he represented to white men in the Pacific Northwest—and, as the Princeton historian Beth Lew-Williams noted in her book The Chinese Must Go, the gory message it would send to others like him.

Anti-immigrant bias has long been exploited for political gain. In colonial America, “swarthy” German immigrants were the targets of animus from British settlers. Later, the distinctively vicious Know-Nothing or American Party, beat and shot German “swarthy” German immigrants were the targets of animus from British settlers. Later, the distinctively vicious Know-Nothing or American Party, beat and shot German and Irish Catholic Americans—who were believed to be criminal and papist elements infiltrating the country—at polling places during elections. But it was the anti-Asian movement, along with the oppression of Indigenous and Black Americans, that helped unify previously fractured European immigrant groups, binding them together in a cross-class identity of whiteness and inventing the entirely new and racialized concept of the “illegal immigrant.”

Major events like the Chinese massacre of 1871 and the Chinese Exclusion Act of 1882 are often presented as isolated instances. But they were just the peaks in a century-long pattern of organized white terror that presaged this past year’s cataclysm of anti-Asian menacing and violence as well as Donald Trump’s virulently anti-immigrant 2016 presidential campaign. While Asian exclusion was broadly popular, politicians and labor leaders employed it for the specific purpose of winning over working-class whites and elevating their status in the American racial hierarchy; in the process, they helped redefine white European settlers as “native” compared with invasive Asians, appropriating Indigenous Americans’ historical stature along with their land. And while this strategy was a distinctly regional one at first, ruthlessly operationalized in the West, its adherents were successful in forcing it into mainstream national politics.

The Western strategy, as I call it, was a distinct but reinforcing immigrant corollary to the Southern strategy (both the ethos of the post-Reconstruction South and, later, the explicit program of Barry Goldwater and Richard Nixon). It was crystallized in California, Washington, and Oregon as they entered statehood and as Jim Crow laws swept the South. If the Southern strategy pursued pure political power in its first iteration and later brought about party realignment by stoking white racial animus toward Black people, aided by propaganda of Black criminality and inferiority and abetted by policies of segregation, degradation, and voter suppression, the Western strategy achieved bipartisan agreement by whipping up resentment toward Chinese, Japanese, and other Asian immigrants, aided by propaganda of foreign invaders who could never be assimilated and abetted by policies of race-based exclusion.

This tool kit of fear-mongering propaganda, threats of violent removal, and exclusionary policy prescriptions—readily mobilized against any unlucky chosen immigrant group as a way to drum up white votes—has endured. It was one that Trump cannily wielded for his inaugural run in 2015: The real-estate mogul had been fairly pro-immigrant until 2014, when his political advisors identified what would become a central campaign message after listening to what one described as “thousands of hours of talk radio” and finding that the Republican base was rabid about “illegal” immigration.

Armed with this insight, Trump tapped into what the political scientist Larry Bartels of Vanderbilt University has called a “reservoir” of relatively stable anti-immigrant sentiment that can be dormant or activated depending on the messaging. And the depths of that reservoir of anti-immigrant sentiment may very well have been carved out in the 19th-century West.

“D

DRIVE ALL THE CHINESE MEN OUT OF SAN FRANCISCO!” DECLARED THE CHARISMATIC LABOR LEADER DENIS KEARNEY before a rapt audience in 1877, the year Hing Kee was murdered. An immigrant himself, born in Ireland, Kearney gave a series of anti-Chinese speeches in the sand lots outside San Francisco’s City Hall, drawing crowds of up to a couple thousand. He established the Working-

Industries like cigar making, a white backlash swiftly ensued.

Workers were released into a contracting economy and started making gains in desirable industries like cigar making, a white backlash swiftly ensued.

In every ward in San Francisco, and farther afield too, there were “anti-coolie” clubs that advocated for protecting “free white labor.”

Men’s Party of California that year, which had its own Trumpian motto: “The Chinese must go!”

Kearney wasn’t unique in using anti-Chinese fervor to whip up a crowd for political ends. There were “anti-coolie clubs” in every ward of San Francisco, and farther afield too, that advocated for protecting “free white labor” from the “degrading and debasing influence” of Chinese labor. In the 1880s, the firebrand organizer Daniel Cronin, of the Knights of Labor, called the Chinese question “useful for agitation and education.”

More than 130 years later, Trump would put that kind of rhetoric to similarly effective use, this time primarily against migrants from Mexico and Central America. “If it gets a little boring, if I see people starting to sort of, maybe thinking about leaving,” he told The New York Times. “I just say, ‘We will build the wall!’ and they go nuts.”

Like Trump, who employed migrants in his hotels while condemning them as an invasive threat, some in the 1800s pivoted between decriing Chinese laborers and profiting from them. California’s Republican governor Leland Stanford railed against the “dregs” of Asia’s “numberless millions” in his 1862 inaugural address but later, as the president of the Central Pacific Railroad, praised Chinese labor as essential to completing the national railways. California’s various political parties—Democrats, Republicans, Populists, Socialists, and so forth—were united in their anti-Chinese platforms.

Chinese immigrants had begun arriving in the United States in the mid-19th century. They were among the approximately 100,000 mostly male immigrants in 1849 who chased the gold rush to boom-times California. By 1870, they had established themselves as 25 percent of the labor base in California. White immigrants never fully accepted their Chinese counterparts, excluding them from the conception of the working class early on. Chinese workers were derided as “heathen coolies,” a stereotype of servile and non-Christian laborers. Like new immigrant groups before them, they took the unwanted jobs, working in the low-yield diggings abandoned by white miners or at placer and hard-rock mine encampments. There they were confined to narrowly prescribed occupations, taking on the lowly duties often considered women’s work, like cooking and washing—what the historian Alexander Saxton called in Indispensable Enemy a “pattern of mingled acceptance and exclusion.” It’s a description that may sound familiar to Asian American workers today.

As white laborers abandoned the Central Pacific Railroad for new mining prospects in the mid-1860s, construction managers were forced to recruit Chinese workers, who were previously derided as too weak. As a result, 10,000 to 15,000 Chinese—accounting for almost 90 percent of the industry’s workforce—took on the uncommonly dangerous work of blasting through miles of solid granite and tunneling through mountains, often getting buried alive in avalanches. They finished the line seven years earlier than Congress had expected, but when skilled Chinese workers were released into a contracting economy and started making gains in desirable industries like cigar making, a white backlash swiftly ensued.

Manufacturers occasionally brought in Chinese workers to break strikes, but when Chinese workers did strike for higher wages and improved conditions, they were not welcomed into the white labor movement, unlike the Irish, who had also once been accused of lowering wages. In 1876, the Workingmen’s Party of California crowed, “Treason is better than to labor beside a Chinese slave.”

Dehumanizing Chinese immigrants as simultaneously servile, vicious, effeminate, and filthy, white laborers in the West constructed an identity of working-class masculinity—noble, brave, and strapping—as well as of Christian rectitude and godliness. This vilification also helped elevate the status of Irish and German immigrants, and later other “inferior” Europeans, under the unifying identity of non-Chinese. In a 1902 pamphlet advocating Chinese exclusion, Samuel Gompers, the British immigrant president of the American Federation of Labor, positioned the struggle as “Some Reasons for Chinese Exclusion: Meat vs. Rice: American Manhood Against Asiatic Coolieism: Which Will Survive?”

Hatred of the Chinese worker as an assimilable and existential threat was fueled by white politicians, labor groups, and popular media. Newspapers produced editorials and dubious news reports portraying Chinese immigrants as an invasive swarm; cartoons caricatured them as a deviant and criminal menace; and books like Last Days of the Republic (1880) by Pierton W. Dooner depicted them as the death of a “free white republic.” Anti-Asian propaganda sold—and it sold well.

This environment of contempt also engendered violence. Five months before Hing Kee was hacked to death in Port Madison, white workers waged a three-day pogrom in San Francisco’s Chinatown, beating Chinese immigrants, murdering four, and burning down 20 laundromats. More than a century later, in 2020, political propaganda, like the Republican catchphrases “China virus” and “kung flu,” reigned old tropes of plague and treachery, and along with them came acts of violence.

One of the most pivotal events was the Tacoma massacre of 1885, in which city leaders proposed a deadline for the Chinese to leave the city, and a screaming mob that included business and civic leaders and police officers descended on the Chinese community, dragging people from their homes by their hair, forcing them to board trains, and razing
their homes and businesses. This premeditated expulsion became known as the “Tacoma method” and helped normalize the strategy of terror against Asians. Vigilantes planted bombs, shot into work-camp tents, burned down residences, and posed for a picture next to a lynching.

Until the late 1800s, borders between the United States and its neighbors were porous: Passports were not required for entry, and there was no federal border patrol. Immigration was largely left up to the states. In California, the legislature spent much of its energy concocting ways to exclude and profit off the Chinese. Chinese miners paid the bulk of a “foreign miners” tax, a major source of state revenue, which carved out exceptions for white immigrants; Chinese children were segregated in the public schools; and “inferior” Chinese, along with Indigenous and Black Americans, were barred from testifying in court cases involving white people by a statute that California adapted from the Southern slave codes.

Some policies were thinly veiled in their aims, while others were cartoonishly explicit, like the 1862 Anti-Coolie Act, which announced its purpose as “to Protect Free White Labor Against Competition With Chinese Coolie Labor, and to Discourage the Immigration of Chinese Into the State of California.” In 1876, a Joint Special Committee of the California State Senate produced the 165-page “Address to the People of the United States Upon the Evils of Chinese Immigration.” While immigration remained outside strict federal control, Congress was defining citizenship, using race as a qualification. The Naturalization Act of 1790 accorded citizenship to “any alien, being a free white person”; it was amended in 1870, during Reconstruction, to include anyone of African descent. The first two major federal laws restricting immigration, the Page Act of 1875 and the Chinese Exclusion Act of 1882, were aimed at the Chinese alone, birthing the Chinese Exclusion Act of 1882, required all Chinese laborers who wished to travel abroad to apply for and present “certificates of registration,” with information proving their residency, presaging later “show me your papers” laws. No other immigrants were required to do so. Chinese Americans fought back, hiring lawyers and resisting discriminatory ordinances, but the act wouldn’t be repealed for 61 years, when another immigrant group—the Japanese—was forced into the role of enemy alien.

Like the Chinese issue in the seventies, [anti-Japanese agitation] has been part of the stock in trade of every California politician for the last two decades,” wrote then–Nation editor Carey McWilliams in the 1935 article “Once Again the ‘Yellow Peril.’” US Senator James D. Phelan, for instance, ran for reelection in 1920 urging voters to save their state from “oriental aggression,” under the slogan “Keep California White.” Phelan’s campaign poster highlighted dubious statistics about the amount of land owned by Japanese immigrants and their supposed high birth rates. Earl Warren, later chief justice of the Supreme Court, carved a smooth career path for himself from California attorney general to governor while arguing in 1943 against civil liberties for Japanese Americans (“We don’t propose to have the Japs back in California”). The few politicians who dared to appeal to American ideals in defense of the rights of Asian immigrants were swiftly punished by the ubiquitous anti-Asian groups.

Japanese immigrants started coming to the mainland United States, often through Hawaii, in the late 1800s, with organized violence following them; a white mob that called itself the Industrial Army drove Japanese farm laborers from the Vaca Valley in the 1890s. Many Japanese immigrants came from farming communities, and since Japan had advanced cultivation at the time, they were particularly proficient at it. They would acquire cheap, unwanted land and make it profitable with superior knowledge of soil, fertilizers, irrigation, and land reclamation. (They also worked in the California fishing industry, revolutionizing it with deep-sea fishing, using gasoline-driven vessels, and developing new types of nets.)

Japanese American farmers typically chose quick-growth crops that required little capital investment, and they built efficient farm operations. In 1940, shortly before America’s entry into World War II, according to Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians, the average value of a California farm was $37.94 per acre, while that of a Japanese farm was $279.96.

“Like the Chinese issue ...[anti-Japanese agitation] has been part of the stock in trade of every California politician.”

—Carey McWilliams, Nation editor, 1935
Success begat white jealousy. White farmers complained that the Japanese, who had been relegated to inferior plots, were snatching up all the good land. Employers groused, as McWilliams once put it, of “the saucy, debonair Jap, who would like to do all his work in a starched white shirt with cuffs and collar accompaniments,” and one newspaper complained that the Japanese “have no scruples in striking for higher wages.” The uppy Jap, once vilified for supposedly lowering labor standards, apparently didn’t know his place. This white angst dovetailed with domestic anxiety about the rise of Japan as a global power. American attitudes toward a country’s stature have often materialized as negative projections on immigrant populations.

The perceived threat to the status of white men—and to a white republic—was met early on by widespread activism. In May 1905, delegates from 67 labor, fraternal, and political organizations gathered to form the Japanese-Korean Exclusion League (later called the Asiatic Exclusion League). Within three years, it boasted more than 100,000 members from 238 affiliated groups, primarily labor unions; many of its leaders, unsurprisingly, were European immigrants, including Norway-born Andrew Furuseth, of the Sailors Union of the Pacific, and Ireland-born Patrick H. McCarthy, general president of the Building Trades Council of San Francisco.

California had revised its constitution in 1879 to limit landownership to people of the “white race or of African descent.” The state passed the Alien Land Act in 1913, forbidding “aliens ineligible for citizenship”—essentially targeting Asian immigrants—from purchasing agricultural land, and at least 14 states adopted similar laws. But Japanese Americans circumvented the laws—ruled unconstitutional in 1952—by buying land in their children’s names.

The California legislature was relentless in its harassment of Japanese immigrants, attempting to segregate Japanese schoolchildren, strike Nisei (second-generation Japanese Americans) from voting lists, chase them from industries like fishing, and require an ever more elaborate system of registration to navigate. Like the anti-Chinese activists before them, anti-Japanese activists were successful in promoting these regional policies to the federal level: The Immigration Act of 1924 effectively banned Japanese immigration while dramatically limiting immigration from eastern and southern Europe. (The Immigration Restriction League, formed by academics, lawyers, and other elites in 1894, pushed scientific racism distinguishing classes of inferior whites, like Jews, whom eugenicist and IRL cofounder Prescott Hall disparaged as “an Asiatic race.”)

Japanese immigration, which peaked in 1907, was sharply curtailed by several earlier laws restricting Asians to less than 3 percent of the immigration to the United States. Nevertheless, popular media hyped a Japanese invasion. In 1920, the same year Phelan ran his “Keep California White” campaign, eugenicist Lothrop Stoddard published The Rising Tide of Color: The Threat Against White Supremacy, which warned that the “brown and yellow peoples of Asia” would subjugate white lands and swamp whole populations and advocated restricting non-white immigration. The San Francisco Chronicle, among other newspapers, featured incendiary and outlandish articles, such as a 1905 series with headlines like “Brown Men Are Made Citizens Illegally” and captions like “Japanese a Menace to American Women.”

As with the Chinese immigrants before them, California’s Japanese Americans became the subject of preposterous conspiracy theories: that they used human feces on their crops; that they operated opium rings; and later that their tuna-fishing boats were spy ships. In 1906, police documented nearly 300 attacks by marauding white
mobs on Japanese Americans in San Francisco alone. They did nothing to help.

It was in this climate—shaped by 90 years of vicious propaganda and normalized violence—that Executive Order 9066, directing the incarceration of Japanese Americans without charges, was issued on February 19, 1942. The internment is often blamed on wartime hysteria following Japan’s bombing of Pearl Harbor. This is a half-truth, at best. At the time, a public opinion poll carried out by the Office of Facts and Figures in the Office for Emergency Management found that 46 percent of Americans considered Germans the most dangerous immigrant group, versus only 35 percent for the Japanese. But German residents were never interned en masse, nor were Italians—keeping with a pattern that allowed bigotry against white groups to die out while institutionalizing and promoting it against Asians.

On the mainland, 120,000 Japanese Americans, of whom two-thirds were US-born, were swiftly rounded up and shipped off to concentration camps. But the 158,000 persons of Japanese ancestry in Hawaii, the actual location of the attack, were largely left alone. If there had been a military necessity arising out of a threat of sabotage, then Hawaii, where more than one-third of the population was of Japanese descent, would certainly have been more vulnerable than California, where less than 2 percent of the population was of Japanese descent. The difference was that Hawaii was more diverse and racially tolerant than the West Coast, where anti-Asian agitation had been a dominant force in politics for almost a century.

As the Grower-Shipper Vegetable Association put it in the Saturday Evening Post:

We’re charged with wanting to get rid of the Japs for selfish reasons. We might as well be honest. We do. It’s a question of whether the white man lives on the Pacific Coast or the brown man. They came into this valley to work, and they started to take over…. If all the Japs were removed tomorrow, we’d never miss them in two weeks, because the white farmers can take over and produce everything the Jap grows.

The politics behind the internment was no secret. Two days before Franklin Roosevelt signed the executive order, Attorney General Francis Biddle sent him a memo, writing: “A great many of the West Coast people distrust the Japanese, various special interests would welcome their removal from good farm land and the elimination of their competition....” In 1940, Roosevelt had ordered an investigation into the loyalty of Japanese Americans. The resulting Munson Report was delivered to him one month before the bombing of Pearl Harbor, and it concluded that Japanese Americans were loyal and posed little threat: “There is no Japanese ‘problem’ on the Coast.”

Even after Pearl Harbor, the Office of Naval Intelligence and the FBI agreed that Japan did not rely on Japanese Americans for sabotage. FBI director J. Edgar Hoover, as well as the Justice Department, did not think there was a case to justify mass forced removal for security reasons. The military governor of Hawaii, Gen. Delos Emmons, also argued against the War Department’s push for removal. Taking a different view entirely was Gen. John L. DeWitt, the head of the Western Defense Command, who wrote his own report on the danger posed by Japanese Americans, riddled with easily disprovable conspiracy theories. “A Jap’s a Jap,” he remarked. “It makes no difference whether the Jap is a citizen or not.”

After Roosevelt signed the executive order, vulturous white citizens quickly circled the homes of Japanese Americans to offer them insultingly low prices for the goods they could not take with them. The camps themselves were inhospitable. Japanese Americans were forced to sleep in horse stalls at Santa Anita, a race track turned temporary detention facility. Others were sent to areas with harsh conditions: punishingly high or low temperatures, dust storms blowing through shoddily built frames, or mosquito-ridden swamps.

Even so, one of the most persistent rumors about the internees was that they were living in “luxurious ease”—feasting on butter and coffee, causing meat shortages, as well consuming an implausible “five gallons of whiskey per person,” according to one false press report. In fact, the food allowance was 45 cents per person per day. When a Presbyterian group started a collection for Christmas gifts for the children in the camps, angry white citizens wrote letters to newspapers, one suggesting that every person contributing should “have his or her name published so that all loyal Americans may know who these Jap sympathizers are.” The complaint of “coddling” imprisoned Japanese Americans was a frequent obsession among white citizens. This kind of paranoid resentment is echoed today by those who believe that “illegal” immigrants are taking benefits unavailable to them.

The cost of catering to the insatiable resentment of West Coast whites was high. In addition to degrading the ideals of due process and individual freedom, the American government took a once self-sufficient population and wasted $80 million building relocation centers for it, as well as paying for travel, food, and staffing—and, more than 40 years later, reparations. Despite their promises, white agricultural groups failed to replace the output of Japanese American farmers, who had been set to produce 30 to 40 percent of California’s truck crops (vegetables and fruits) in 1942, causing chaos in the agricultural markets. Food shortages were so severe that the federal government encouraged citizens to plant “victory gardens,” and some states worked with the War Relocation Authority for (continued on page 31)
Venice is one of the most expensive neighborhoods in LA, as well as a major tourist trap. But thanks to the spread of Airbnb properties, it has filled up with tents housing displaced locals.

BY SASHA ABRAMSKY

Boardwalk
residents work has always been its diversity—not just its many coexisting cultures but also its economic span. Venice has had room for both the millionaires of the canals and the low-income residents in the rent-stabilized buildings lining the boardwalk and the alleyways to the east, as well as just about everyone in between.

“I’ve lived here for 21 years,” says tenant activist Mark Rago. “One thing I’ve always loved about Venice is the community aspect of it. I fell in love with Venice. I live on a street, Breeze Avenue, where fences were low and you could see your neighbors. We had a strong bond of community, looked out for each other, had barbecues together, knew each other’s names.”

But around 2014, things started to change. Since the founding and precipitous growth of the online short-term rental platform Airbnb in 2008, property owners have increasingly catered to tourists rather than locals. “When Airbnb got bigger and bigger, it turned a lot of landlords into slumlords,” says Rago. “They’d harass tenants, try to get them to leave, so they could rent out apartments as short-term rentals.”

Another resident, who asked that her name not be used, was served with multiple eviction notices by her landlord in 2017. Even though she ultimately ended up winning her legal cases and was able to stay, all of the other apartments in her six-unit building were converted into short-term rentals.

“Tenants were disappearing and being replaced by revolving-door strangers,” says Judy Goldman, a longtime Los Angeles resident who is the co-founder of an affordable housing advocacy group called Keep Neighborhoods First. In the mid-2010s, it began tabulating illegal rentals and calculating the loss of affordable housing units. The group proceeded to pressure the LA City Council to take the problem seriously.

“It went on almost two years, where they just jerked us around,” Goldman recalls. “Everyone was in love with the ‘sharing economy,’ which I started to think of as the ‘stealing economy.’ People don’t understand how pernicious it is when tenants get kicked out, developers come in, and rent-stabilized units become a commodity.”

Becky Dennison, the executive director of Venice Community Housing,
which works with philanthropic donors and government partners to develop and build affordable housing in the area, agrees. “Airbnb comes in at the back end of the gentrification of Venice, between seven and eight years ago,” she explains, sitting at an outdoor table on the boardwalk. “It was very intense and quick in Venice—hundreds, if not over a thousand units right off the bat. That’s a lot.” Once the tenants are evicted, she continues, “getting back into housing in Venice is next to impossible, unless you’re very wealthy.” In 2019, the Los Angeles Department of City Planning (DCP) estimated that there were 32,000 short-term rentals scattered throughout the city; in Venice alone, there were around 2,900. For years now, the market has created perverse incentives for landlords to kick out long-term tenants and replace them with weekend renters.

Then came the pandemic. As Covid-19 took root in 2020, encampments of unhoused residents multiplied in California. Despite the opening of thousands of hotel beds to the homeless under Governor Gavin Newsom’s Project Roomkey and Project Homekey, long rows of tents proliferated in areas of Los Angeles like Venice. With other priorities taking precedence, law enforcement agencies stopped carrying out sweeps aimed at disrupting the formation of these camps. The beachfront encampments rapidly became the latest manifestation of Venice’s—and LA’s—dysfunctional housing market.

“It’s difficult to see this, and a block away there’s rent-controlled housing being used for hotels,” says Nancy Hanna, an attorney who works with the tenants’ rights group Better Neighbors LA. As she talks, her colleagues distribute fliers to passersby, some local residents, others simply in Venice for the day to enjoy the sunshine and the beach. An older Black man, Kevin Morgan, wearing a face mask adorned with peace signs, bicycles up and stops to talk. He’s been living in Venice for more than 40 years, he says, and lacking stable housing, was fortunate enough during the pandemic to qualify for a room in a hotel via Project Roomkey. But too few are provided such options, he says: “We get questionnaires, fliers, but what we’re not getting is housing. City is fighting county, county is fighting city, instead of cleaning up the homeless population.”

No vacancy: Venice Suites is among the apartment buildings that activists say have been turned into short-term rental properties.

The market has created perverse incentives for landlords to kick out long-term tenants and replace them with weekend renters.

Today Venice has a homelessness crisis on an epic scale, rising street crime, and a massive shortage of affordable housing. These conditions have led to the beginnings of a political backlash that is putting tremendous pressure on the city council to find housing solutions, and on the county sheriff and city police to clear the sands and the boardwalk before the summer tourist season gets fully underway. Dennison says self-proclaimed liberals in the community tell her they have “compassion fatigue” in the face of the spiraling homelessness crisis.

Of the more than 35,000 residents of Venice, nearly 2,000 are homeless people living on the streets, according to a Los Angeles Homeless Services Authority count from January 2020. It is one of the most depressing ratios of housed to unhoused people in the country. In the early days of the pandemic, as Covid cases spiked and tourists stayed away, the boardwalk and the stretch of golden sands between it and the waves of the Pacific were taken over by tents and shacks. From Rose Avenue southward for about a mile, the shanties proliferated, along with the bags, boxes, bicycles, and propane and butane cooking stoves of their residents. In the alleys off the boardwalk were more encampments. And on streets a few hundred yards inland, additional encampments lined the sidewalks, abandoned lots, and industrial parking areas.

Earlier this summer, in response to a public outcry over safety concerns and under pressure from local businesses desperate to reclaim the boardwalk, local LA City Councilman Mike Bonin announced an ambitious multimillion-dollar plan to provide shelter to all the homeless people on the boardwalk—and to send in teams of outreach workers from local nonprofits to canvass them about their needs and inform them of their options. Over a six-week period, rooms in hotels and bridge housing around the vast city would be found for the several hundred boardwalk denizens—but if those tent dwellers refused to relocate, they would be swept off the boardwalk regardless, allowing it to present a cleaner face to the world as it reopened for tourism. The
promise of housing would be strictly limited, however, to those camped out on the boardwalk—meaning that the residents of the bigger but less visible encampments just inland wouldn’t be showered with social service interventions and housing options. In a city with more than 60,000 homeless people and a state with more than 150,000—the majority of whom live on the streets—their tragedy would continue unabated.

For Mark Rago, the situation is particularly frustrating. Rather than genuinely attempt to confront the homelessness crisis and the related crisis in affordable housing, he says, the city has embraced window-dressing solutions.

Rago has recently filed complaints with the city against landlords who have been eviscerating the rent-stabilized housing stock. As affordable housing options have dwindled, he says, and as short-term rental platforms—not just Airbnb but also VRBO, Expedia, Bookings.com, and a host of building-specific sites—have mushroomed, homelessness has spiraled. “It’s gotten worse and will continue to get worse until the city, county, and state do something about it. This is the second-biggest tourist attraction in the state,” he says. “They come by the thousands—and they see tents lining the beach.”

I LOST MY APARTMENT IN JUNE OF LAST YEAR,” says 31-year-old Glenn, who lives in one of the tents along the boardwalk. He is a tall man, muscular and tattooed. He also suffers from the skin ailments that seem shockingly common among the tent dwellers, who have limited access to the few public showers and restrooms on the boardwalk. “I had three jobs, all food service,” but the businesses “came to the realization they weren’t going to make it through the pandemic.” Glenn says he was let go from all three jobs, went through his savings, lost his apartment, and ended up living in an abandoned lot. Eventually he hauled his possessions down to the boardwalk and pitched a tent. He’s been living there for the past four months.

“It should be a day on the boardwalk, not their tragedy,” says 52-year-old Leslie Russell, who shares her small gray tent, covered by a darker gray tarp, with her partner and her dog. The tent is pitched on a raised area of sand between the boardwalk and the beach that residents call the Hill. “I went through a divorce and lost my house in 2013. Here on the Hill, it’s OK, beautiful. You feel the breeze. I trust the people around me.”

Leslie, who was sitting outside her dwelling on a broken-down folding chair with no legs on the day we met, had planted a tiny American flag in the sand outside her tent. She says she’s working with a social service agency to access either a Project Roomkey apartment or Section 8 housing. She worries, in the meantime, about basic things—such as how to find a bathroom at night, after the public restrooms are locked. Like so many of the tent dwellers, she has skin infections. She’d recently started on antibiotics, and the health clinic she visited had shaved her head. The resident of the tent next to hers had a deep, hacking cough that reverberated across the Hill. As for food, “I’ve lived off of sandwiches forever,” Leslie says. She did have a little butane stove, but when the homeless fire up their stoves, she adds, law enforcement swiftly intervenes.

Housed residents of the community see these problems from a different perspective. They’ve reported large increases in crime in recent months, while public health officials worry about the spread of communicable diseases—in San Diego a few years back, encampments were the source of a large hepatitis outbreak. Fire marshals fear the consequences of open gas flames and wood-burning fires. At various times in the past few months, significant conflagrations have occurred around the encampments, with devastating results: Several buildings abutting tent communities have burned. Today, the fenced-off lots stand empty, monuments to the colossal failure by Los Angeles’s political leadership to provide the support services and investment needed to tackle the city’s burgeoning epidemic of homelessness.

I N OUR BUILDING, IT’S 75 PERCENT AIRBNB,” says a Venice resident who lives in a large complex a couple of blocks from the coast. “There are transient people, doors left open, security concerns. It’s nice to know your neighbors—there’s a sense of security.” But now, “every time I walk in my building, there’s a stranger. It’s becoming more transient, and the Airbnb thing supports that—community and residents get almost pushed out.” And that reinforces the downward spiral. While long-term residents have a strong incentive to organize politically to tackle crises like homelessness, short-term renters have no such need: They come in, sightsee and party, and then leave.

The Los Angeles Alliance for a New Economy, an economic justice organization, estimates that there are a whopping 360 short-term units per square mile in Venice now. Over the past several years, despite a home-sharing ordinance by the LA City Council aimed at curtailing the practice, numerous rent-stabilized units have been illegally converted into short-term rentals, with the original tenants either evicted or driven out by relentless harassment campaigns—everything from landlords taking away tenants’ parking spots to endless, noisy “renovations” outside their windows. They use “every bully trick in the book,” says Brian Averill, an action sports photographer who has lived in Venice for two decades and is a member of the Venice Neighborhood Council. When landlords drive out long-term tenants, renters are left vulnerable to homelessness, and the low-income housing that the city could use for people in the encampments is instead offered to tourists at inflated prices.

By the summer of 2021, according to the watchdog website Inside Airbnb,
Throughout the small beachside community, one can easily find large apartment buildings that have essentially become informal hotels.

Los Angeles’s home-sharing ordinance is good on paper. Passed in 2018, it bans landlords who aren’t the primary residents of a property from renting out rooms as short-term rentals—the idea being that if a resident rents out a spare room, no housing is being taken off the market, but if a landlord rents out the entire property to overnight guests, that’s one less unit available for tenants to rent. For similar reasons, the ordinance limits the number of days per year that people can rent out properties on the short-term market.

In practice, critics argue, the ordinance is largely toothless, and today, with tourism resurgent, short-term rentals are again becoming omnipresent in places like Venice, many of them listed on platforms that don’t coordinate with the city.

The malevolent platforms are likely helped by the fact that coastal communities are overseen by multiple jurisdictions, including the LA City Council, the state Coastal Commission, and the County of Los Angeles. Inland off the boardwalk, the Los Angeles Police Department has jurisdiction; on the sands of the beach, county sheriffs are in charge. The result is a mess, with each organization palming off responsibility on the others.

A November 2020 review by Better Neighbors LA found that many rental platforms were allowing hosts to list properties without including a city-mandated registration number, making it all but impossible for Los Angeles to monitor them. It also found properties pretending to have a hotel or bed-and-breakfast license or other zoning exemption that would allow them to engage in overnight rentals. Some platforms were even listing “driveways, trailers, and vehicles as rental housing.”

This past April, the group identified 151 properties that were fraudulently claiming to be bed-and-breakfasts and nearly 200 that were illegitimately declaring themselves hotels.

In June, Better Neighbors sent the LA City Council a scathing letter charging the DCP with failing to enforce the home-sharing ordinance against any platform other than Airbnb and neglecting to fine violators, citing the fact that almost no fines had been issued since Labor Day of 2020. Of June, just 854 fines had been issued in the 18 months since the city allegedly began enforcing the ordinance, with not a single one levied against the platforms that host the listings for these illegal rentals. “Planning’s lack of response to neighbors’ complaints not only results in the removal of housing stock but exposes the public to unnecessary threats to their safety,” the letter said. A legal note sent in mid-June to the DCP and the LAPD identified a rent-stabilized property in Mid-City that “operates as a hostel in that it offers accommodations by the bed and accepts multiple simultaneous reservations.”

The DCP denies these claims, estimating that, as of July 1, it had issued 10,831 first warning letters starting enforcement proceedings against illegal short-term rentals. Of these, all but 1,849 had complied with the city, the department estimated. Another 922 properties were thought to be noncompliant but had not yet been sent legal letters from the city. “We continue to proactively find ways to shut down fraud and abuse as to best safeguard residents, visitors, and the housing market,” a DCP spokesperson said in an e-mail.

In Venice, residents greet these numbers with incredulity. Throughout the community, one can easily find large apartment buildings that have essentially become informal hotels. There is the Rose, a dull-gray two-story building with over 30 rent-stabilized units, its front boarded up for cosmetic renovations, which local activists say is now largely operating as a short-term rental. The owners are hardly hiding the fact: Over the door is a small sign reading “Hotel.” Then there’s the V Hotel, an apartment building previously called the Waldorf, whose landlord has made a similar leap, activists claim, into the more lucrative business of short-term rentals. The DCP recently found that it was using Bookings.com to advertise as a hotel and sent a warning letter on July 5. To date, the property is still noncompliant, according to the department.

There is also the large apartment building at 14 Breeze Avenue, which has enraged locals for the past seven years by repeatedly renting out rent-stabilized units to tourists. And there’s the 32-unit Venice Suites, most of whose apart-
A 2019 report concluded that 7,289 units of housing around Los Angeles had been lost to short-term rental practices.

For rent: Airbnb is the best-known of the online platforms where property owners have taken to advertising short-term rentals.

But even when a violator is identified—often after angry neighbors, tenants’ rights groups, or unions representing hotel workers have reported the problem—the city, instead of fining the owner for every violation, goes through a lengthy process of issuing two warnings. Only after a third violation does it hand out a $500 fine—just a single fine, rather than one for each night the unit is rented out. As a result, that $500 is seen by serial violators as simply a cost of doing business, a tax rather than a deterrent. Or at least it is by the small percentage who bother to pay it, since most of the fines go unpaid and the city hasn’t worked out a process to chase down non-payers. The DCP claims that, since June, it has been issuing only a single warning and heftier fines, but it remains to be seen how strictly the department is enforcing these new protocols.

Later this summer, according to officials at the DCP and the city attorney’s office, the department will send out letters to noncompliant platforms demanding that they take down illegal listings. But that belated response may be too little, too late to rescue affordable housing in high-tourism areas like Venice.

Because of the city’s weakness in the face of these transgressions, tenants’ rights organizers like Bill Przylucki of Ground Game LA worry that as Los Angeles gears up to host a series of major tourist-attracting events, from games in the upcoming World Cup to the 2028 Olympics, more and more neighborhoods will be cannibalized by short-term rental platforms. Mayor Eric Garcetti prioritized the creation of hotel rooms for the Olympics over the provision of housing for the unhoused and leaned on the DCP to approve ever more hotel units, Przylucki says. The “poison fruit” of all this, he believes, is that Garcetti also incentivized short-term rentals and further undermined the city’s already vulnerable affordable housing.

Back in Venice, tents still line the streets. Locals, especially those struggling to maintain their foothold in the rent-stabilized apartment buildings just off the boardwalk, continue to seethe. “This is a tragedy and a scandal,” says Brian Averill. “We’re the second-biggest city in the country, and we’re completely dropping the ball in this situation.”
Taking the Left Fork to Walden Pond as seen from the site of Thoreau’s cabin, circa 1900.

Three walks with Thoreau.
The path to Walden, as you walk north along the western edge of Adams Woods, comes to a fork just beyond the Concord line. If you’re heading to Henry Thoreau’s most famous pond, take the trail to the right for a half mile or so, keeping the swampy Andromeda meadows below you on the left, until you cross the tracks of the Fitchburg railroad and you’re standing on the shore looking north across the water toward Henry’s cove, his cabin site hidden in the dense woods on the higher ground.

For the past 10 years, however, ever since I discovered this route, I’ve taken the left fork more often than not, winding down to Fairhaven Bay on the Sudbury River, a hidden lake, really, more or less the size of Walden, with thick, thickly wooded embankments. Many people, even locals, don’t know it exists; it’s accessible only if you know the trails, or paddle down the river, or happen to own one of the large properties that surround it. It’s one of the most secluded and one of the quietest spots in the area, with Walden’s crowds a mile away, and still among the best for seeing the local waterfowl.

I’ve walked this way to Fairhaven several times a year, at least once in each season, since Henry’s Journal led me to it a decade ago. But I confess that in more recent years my visits have become rarer. I suppose you could say, as Henry once did, that the remembrance of my country spoiled my walks.

So it felt good on a morning last fall to get my head out of my various screens and their endless election “takes,” and to set out on the trail from Lindentree Farm in Lincoln up through the woods to Fairhaven. The morning was clear and cool, the first maples already showing off their reds. It was only as I got out of the shadows and into the broad clearings of the farm that I noticed the high atmospheric haze discoloring the sun in an otherwise cloudless sky—smoke carried thousands of miles on the jet stream from the raging, terrorizing wildfires on the other edge of the continent—and realized that the sunlight on the ground at my feet and on the stalks and leaves of the crops was slightly dimmed, as though faintly tinted.

Nevertheless, or maybe for that very reason, when I entered the woods at the far side of the farm fields, the details of the forest floor and understory leaped out at me, my senses jolted awake in a way they hadn’t been for quite some time. Every leaf and mossed log, every shadow and every sunlit patch of undergrowth became distinct and vivid, as if I’d never seen such a sight before. When I got to Fairhaven I sat on the stone landing by the old boathouse on the north shore. The water was low. Mud stretched several yards in front of me, dotted with lily pads, and the water’s surface was swept by a steady breeze coming from the southwest. A few ducks paddled along, and off to my left about a hundred yards away a great blue heron stood statuesque at the water’s edge, the subtly altered sunlight glinting on the wavelets.

It struck me that day in September how little the forest and the pond had changed in the 10 years since I discovered that spot at Fairhaven. Back then, as I was first really awakening to our planetary crisis, I wondered how much longer we would recognize Henry’s woods. In spite of New England’s rising temperatures—our later, warmer autumns, shorter winters, earlier springs—the changes, thus far, have been too subtle for my untrained eyes. But we know far greater change is coming, and soon.

These woods around Fairhaven were Thoreau’s playground, laboratory, sanctuary. “In all my rambles I have seen no landscape which can make me forget Fair...
lived had been cleared for a farmer’s field and all the evidence that remained of his cabin was the impression of the cellar hole. Henry was fascinated by the constant cycles of change and regeneration, transience and resilience, whether the timescale was geological or seasonal, or that of human generations. He felt the natural history of the ground he walked. He had deep respect for the Indigenous peoples of Massachusetts and New England, whose lands the Europeans had taken, and he may well have known more about them than any of his contemporaries, researching, conducting interviews, collecting artifacts as he amassed the several volumes of his pathbreaking “Indian Notebooks.” For Henry, the past and present, human and wild, coexisted in the eternal flux of the here and now.

He had even been the cause of a sudden, violent change in the local landscape. As a young man, in the unusually dry spring of 1844, he and his friend Edward Hoar cooked up a mess of fish on the northeastern edge of Fairhaven Bay and accidentally set fire to these very woods. Henry ran to alert the landowners while Edward raised the alarm in Concord, but a hundred acres burned, all the way to the cliffs of Fair Haven Hill, before the townspeople contained it. Looking back on the experience years later, Henry admitted having felt some guilt, but he quickly got over it, dismissing the complaints of the woods’ “owners, so called.” He remembered thinking to himself, “I have set fire to the forest, but I have done no wrong therein, and now it is as if the lightning had done it.” Indeed, the budding ecologist in him saw the “advantage” of the fire to the local ecosystem, as the Native Americans well knew. “When the lightning burns the forest its Director makes no apology to man, and I was but His agent,” he wrote in his Journal. “It is inspiriting to walk amid the fresh green sprouts of grass and shrubbery pushing upward through the charred surface with more vigorous growth.”

That night I watched the fire,” he recalled, “where some stumps still flamed at midnight in the midst of the blackened waste.” Henry’s scorched earth was the very ground I now walked to Fairhaven.

Still precious: Fairhaven Bay as it appears today—over a century and a half after Thoreau.

“In all my rambles I have seen no landscape which can make me forget Fair Haven. The sight of these budding woods intoxicates me.”—Henry David Thoreau

2.

It wasn’t the rosy-fingered dawn rising out of the Aegean, but one early-October morning I saw the sun thrust through the range of clouds on the Atlantic horizon from the high bluff at the Nauset Light, not far from where Henry Thoreau first glimpsed the eastern shore of Cape Cod. What compels a man in his 50s to get out of bed three hours before sunrise and drive to the Cape, just so he can see what a long-dead writer saw and walk where he walked? Though not precisely where he walked—Henry’s path along the beach on what is now called the National
Seashore has long since gone under the waves. If you’ve never viewed it, that eastern edge of Cape Cod from Eastham to Race Point is one wide and all-but-untouched strip of beach, curving from due north to northwest and west, rimmed by massive sand bluffs that rise at times a hundred feet or more above the waterline and then become a broad expanse of dunes at the Cape’s northern end. For long stretches of the beach, no houses or any other human structures are visible—only sand, bluffs, and ocean as far as the eye can see.

Henry walked the entire 30-some-odd miles, first with his friend Ellery Channing in October 1849, then by himself the following summer. I didn’t have that kind of time on my hands, so I picked a long, empty section that Henry described in his book Cape Cod, north from Newcomb Hollow near the Wellfleet-Truro line.

The temperature that morning was in the low 40s, and a battering wind blew out of the north, numbing my cheeks, piercing the fleece I wore. The sky was so clear it was almost dizzying, the ocean a rich, dazzling turquoise and blue, white-capped to the horizon, the breakers rolling in slantwise to the coast, their salt spray in my face. I walked north for about three miles and back again, alternating from the firmer wet sand to the fine, dry, clean-swept expanse above the tidemark—more than two hours without seeing another human. I was utterly alone except for the seabirds and a few curious seals keeping pace with me close to shore, popping their heads out of the water like friendly dogs. But there on the dry sand it was only me. Turning around, I could no longer see where I’d started, my footprints vanishing into the distant glare, and in front of me an infinite vista of sand, sea, and sky. I imagined myself seen from high above, a solitary figure trudging into the hard, relentless wind, as sand blew in sheets across the ground in front of me and over my boots. The bluffs loomed above me, as high and as steep and as rugged as a canyon wall—like some desert landscape in my native Southwest.

“We’ve so domesticated “the beach,” nowhere more so than on Cape Cod, that we forget it actually is a kind of desert, just as Henry said. I was walking across a desolate no-man’s-land, a death strip for all but the most minutely adapted life-forms—a boneyard for the rest of us.

“They commonly celebrate those beaches only which have a hotel on them,” Henry writes in Cape Cod. “But I wished to see that seashore where man’s works are wrecks.” Death is much on his mind in that book, and he tells of how he was once tasked with finding the shark-eaten remains of a human body cast up on the beach a week after a shipwreck. “Close at hand,” he writes, these “relics...were simply some bones with a little flesh adhering to them…. There was nothing at all remarkable about them…. But as I stood there they grew more and more imposing. They were alone with the beach and the sea, whose hollow roar seemed addressed to them.”

Alone with the beach and sea, I didn’t find any bones, human or otherwise, or any evidence of a shipwreck. But I did come across an occasional beached and half-buried lobster trap, broken loose from its mooring. One of them struck me as an art installation, situated on that barren beach as though in a surreal, postapocalyptic gallery. But then I thought about the living human hands that made it and made their living by it. And I thought about the creatures it trapped, and about the warming, acidifying water.

The bluffs have retreated dramatically since Henry’s time, thanks to storms and the inexorably rising sea, now at least a full foot higher. In places, the erosion has exposed the rock and clay midway up the bluffs, as in a canyon wall, and you can see the strata measuring geological time. Elsewhere, a few limbs and roots of trees protrude from the sand on the steep slopes, evidence of the erosion’s inland progress.

How far will the water come? If the Greenland and Antarctic ice sheets collapse entirely—and science tells us they will if business as usual continues—then the global sea level will ultimately rise more than 200 feet. The highest of these bluffs will be submerged, as will most of the East Coast. Even in the best-case climate scenarios, requiring revolutionary changes in our politics and economy, we can expect a meter or two of sea-level rise by later this century, possibly within my lifetime. The beach I walked will be a seabed. Henry’s beach, somewhere out there where the seals and sharks swim, already is.

“The sea-shore is a sort of neutral ground, a most advantageous point from which to contemplate this world,” Henry writes. “Creeping along the endless beach amid the sun-squawal and foam, it occurs to us that we, too, are the product of sea-slime.” There on the shore, much as he did on Maine’s Mount Katahdin, Henry encountered an inhospitable, inhuman nature:
It is a wild, rank place, and there is no flattery in it...a vast morgue.... The carcasses of men and beasts together lie stately up upon its shelf, rotting and bleaching in naked Nature—inhumanly sincere, wasting no thought on man, nibbling at the cliffy shore where gulls wheel amid the spray.

Standing there at the edge of a continent, a clear horizon revealing the curve of the Earth, it occurs to me that we do in fact live on a planet—I, and countless other humans, whose fate means nothing to sand, seawater, or seal. The waves will come, the shore will shift, with or without us, just as it did long before us and always will, long after us.

The so-called Anthropocene matters only to those who conceive of it. To those who suffer it, whether they conceive of it or not, it is only a matter of survival.


3.

In the predawn hours of Sunday morning, December 8, 2019, I stood with a dozen others in the snow on the freight tracks in Ayer, Mass., in front of a train carrying 10,000 tons of West Virginia coal. The train was bound for the power station in Bow, N.H., the last big coal-burning plant in New England. That same train had been blockaded a few hours earlier coming out of Worcester to the south, and it would be blockaded again on the truss bridge across the Merrimack River in Hooksett to the north. Two more coal trains would be blockaded in the weeks ahead.

More than a hundred of us were arrested, all part of a grassroots campaign to shut down that coal plant and, ultimately, bring an end to the burning of fossil fuels in New England.

There on the tracks in the blinding light of the train engine, arms linked with my comrades, the sheer mass of the train and its 80 cars of coal, its immovable weight and iron force, sent a visceral sensation through my entire body. The smell of the brakes, of metal on metal, still hung in the frigid air, and the overpowering hum and vibration of the idling diesels rattled my core.

Ten thousand tons of coal, stopped by 12 human bodies—mothers and fathers, teachers, faith leaders, workers young and old—for more than an hour. How long could we have stopped it had there been hundreds of us? Thousands? What would happen if enough people refused to allow the coal trains to pass?

“Let your life be a counter friction to stop the machine,” Henry Thoreau wrote in the radical abolitionist essay we know as “Civil Disobedience.” If he only knew what the machine would do. I envy him that he didn’t.

We are now in the midst of the sixth mass extinction of species since life on this planet began—caused this time not by any asteroid or natural geological process but by humanity itself; or, more specifically, by our global fossil-fuel-driven economic system, those who make its rules, and those who profit. Scientists estimate that half of the several million species on Earth will likely face extinction before this century is out.

Of course, human life and civilization are also threatened—and not in some distant dystopian future. In many parts of the world, including parts of this country, catastrophic climate change is already here. Drought-plagued California and the Rockies are burning at an unheard-of rate. Houston has suffered five 500-year floods in five years. And as always, the poor, the racially marginalized, and the young—those who have done little or nothing to cause the catastrophe—suffer, and will suffer, most. By 2070, close to one-fifth of the planet’s land area, almost entirely in the poorest parts of the world, could be rendered uninhabitable by rising heat alone—affecting as much as one-third of humanity. More than a billion people could be forced to migrate, becoming climate refugees, by mid-century.

“I walk toward one of our ponds,” Henry wrote in “Slavery in Massachusetts,” that scathing indictment of his state’s complicity in the Fugitive Slave Law, “but what signifies the beauty of nature when men are base?” It was not an idle question.

“Walked to Walden last night (moon not quite full) by railroad and upland wood-path, returning by the Wayland road,” Henry wrote in his Journal entry for June 13, 1851. He was given to walking at night—often following the railroad tracks through the Deep Cut between the town and Walden—and he even seemed to prefer it, his senses heightened in the dark. “The woodland paths are never seen to such advantage as in a moonlight night, so embowered, still opening before you almost against expectation as you walk; you are so completely in the woods.” And he was especially taken with the sight of the water at night, describing it in spiritual terms.

I noticed...from Fair Haven how valuable was some water by moonlight...reflecting the light with a faint glimmering sheen.... The water shines with an inward light like a heaven on earth. The silent depth and serenity and majesty of water!... By it the heavens are related to the earth, undistinguishable from a sky beneath you.

Late one night near the end of October, I followed Henry’s route, heading south down the tracks from the edge of town, through the Deep Cut, to Walden. The embankments rose steep on either side, the moon hidden somewhere behind the pines towering over me to the west, so that it was very dark as I walked, and I was glad for the flashlight and the walking stick I’d brought. Alone in the suburban woods, in deep autumn silence, I had the pulse-quickened sensation of being in the wild.

And so there I was, purposefully striding down
the same railroad Henry knew, just out for a walk as if nothing out of the ordinary, until I began to think of the history the railroad held, and all it signified. I thought of the Irish laborers fleeing famine who carved that Cut and laid the tracks, and Henry’s sympathy and charity toward their families, whose shacks were built into the hillside above the cove on Walden’s northwest bank; of the Black fugitives fleeing north, whom Henry sheltered and discreetly assisted, at no small risk, onto the trains for Canada; of the Harper’s Ferry conspirator, a price on his head, whom Henry spirited out of Concord to the station in Acton the day after John Brown was hanged.

And I thought of the locomotives, the steam and the coal smoke; the coal itself, the mines, the miners; capital and labor, global industry and technological hubris; empire and oil and Anthropocene.

Half a mile down the tracks, the glow of Walden appeared through the trees, serene and unmeasurable in the distance, and I saw what Henry meant about the water at night. I made my way along the northwestern shore—owing to the drought, a narrow strip of gravelly beach rimmed the pond—the only sounds my foot-steps and the sudden rustle of startled unseen creatures in the leaves, until I stood on the eastern point of the cove, looking west. I was just in time to see the moon, a waxing gibbous three-fifths full, descending into the tops of the tall pines on the steep opposite shore. There was no reflection on the water, which was entirely calm and still. Its glassy surface caught the faint light of nameless constellations.

A breeze picked up out of the north, sweeping the pond from Henry’s cove to the shore below the railroad tracks. My senses were alive and awake as I have rarely felt them, and to my surprise I had no fear of the dark.

“We do not commonly live our life out and full,” Henry writes after his night walk to Walden, “we do not fill all our pores with our blood; we do not inspire and expire fully and entirely enough.”

“We live but a fraction of our life,” he writes there. “Why do we not let on the flood, raise the gates, and set all our wheels in motion? He that hath ears to hear, let him hear. Employ your senses.”

What is my life, what am I, if not my senses, my body? And what if a life lived out and full requires the readiness to risk it, to give that life entirely, for something or someone beyond my small self, something transcendent yet from which I am not separate—another person, all other persons?

The moon was now hidden. The water at my feet was dark, deep, and clear. It was midnight, and I was alone with Walden.

—Wayland, Mass., November 2020

(continued from page 19)

a seasonal release program so that Japanese Americans, apparently not so dangerous after all, could harvest their crops. “If it had not been for Japanese labor,” reported the Desert News, “much of the best crop in Utah and Idaho would have had to be plowed up.” For its part, California refused to use the internees as agricultural labor, instead pressuring the federal government to import 30,000 Mexican nationals.

By May 1944, Secretary of State Henry Stimson argued to Roosevelt and his cabinet that the internment no longer had a military justification—as if it ever did. Like Trump and so many other politicians keyed in on frothing anti-immigrant white voters, Roosevelt made a political calculation: He refused to release the Japanese Americans until after the presidential election that November.

O

day many leftists believe there is a simple solution to the Trump phenomenon. Some point to Franklin Roosevelt, who they claim won elections entirely on the popularity of his ultra-progressive policy platform and contend that if only contemporary Democrats adopted a more worker-oriented agenda—nothing more—they could persuade enough non-college-educated whites to flip back to the party. In his most recent book, The People, No, Thomas Frank, the patron saint of the race-dismissive white left, writes, “Populism, rightly understood, is what allowed Roosevelt to win four presidential elections...; it is what gave Democrats such a solid majority in the House of Representatives.” Likewise, Senator Bernie Sanders, the Marxist economist Richard D. Wolff, and others have darkly warned that the failure to enact progressive economic policies will “create another Trump.”

But to draw parallels between today’s politics and Roosevelt’s successes, claiming that New Deal–style policies will simply wash away racial animus, is negligent; it fails to contend with the “Mexicans,” so to speak, of the era—the Japanese immigrant farmers and their antecedents, Chinese migrant laborers—and the way white politicians, labor groups, and media entities collaborated to, in today’s parlance, “build that wall.” Early West Coast labor leaders certainly never believed that their policies were motivating enough to move voters on their own, instead relying on anti-Asian vitriol to bond adherents into a white-identity movement.

As the United States emerges from one of the greatest employment crises in a century, Roosevelt’s progressive economic platform is salient once again, and for good reason. Today, the need to enact ambitious economic programs is compelling on its own merits. To justify these programs with the specious argument that taking care of white Americans’ material interests will miraculously displace anti-Asian vitriol to bond adherents into a white-identity movement.

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More Foe Than Friend

The Supreme Court and the pursuit of racial equality

BY RANDALL KENNEDY

ANY PEOPLE WHO CAME OF AGE BETWEEN, say, 1940 and 1970 have become accustomed to seeing the Supreme Court as a force for good when it comes to race. They have developed a faith in the justices’ claim, voiced in 1940 in a decision overturning the convictions of Black defendants in a death-penalty case, that “under our constitutional system, courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are nonconforming victims of prejudice.” Nothing nourished this sense of the court as savior more than its invalidation of the retrograde laws that helped prop up Jim Crow segregation. Some progressives have even come to view the court
as an inherently enlightened branch of government, or at least more enlightened than the executive and legislative branches.

This celebratory view is mistaken. The Supreme Court has often been the most anti-progressive branch of the federal government. It has been and continues to be deeply implicated in the country’s history of racial oppression. It zealously protected the interests of the Slave Power prior to the Civil War. Afterward, the court unduly restricted the constitutional amendments and statutes of Reconstruction, which were meant to elevate Black Americans to civil and political equality with their white peers. The court legitimated the conquest of Native American nations and the subsequent frauds and betrayals imposed on them. It upheld the invidious discrimination engendered abroad when the United States created an empire in which people of color in Puerto Rico and other dominions were reduced to colonial status. It affirmed the exclusion of Asians seeking to enter the United States and the mistreatment of those who arrived before the country halted immigration from China and Japan altogether. It permitted the creation of a pigmentocracy that reached its fullest elaboration in the South, where states formally segregated people of color and excluded them from government. Recently the court eviscerated the Voting Rights Act—the high point of the civil rights activism of the 1950s and ’60s—ruling that Congress’s continued imposition of special regulations on “covered jurisdictions” (mainly Southern states with histories of stubborn racial disenfranchisement) was unacceptable in light of positive changes in the demographics of voting. That decision, in Shelby County v. Holder (2013), written by Chief Justice John Roberts for a 5–4 conservative majority, was an outrageous act of judicial delinquency. It minimized evidence of an ongoing effort to discriminate against Black voters individually and collectively. It failed to give appropriate deference to congressional policy-making. And for the foreseeable future, it eased the way for the increase in voter suppression that is an obscene threat to democratic values.

The Supreme Court has intermittently protected racial minorities. Invalidating the murder conviction of a Black man in West Virginia because the state allowed only white men to serve on juries, the court declared in Strader v. West Virginia (1880) that the equal protection clause of the 14th Amendment stood for the proposition that “the law in the States shall be the same for between persons in similar circumstances…” the denial of equal justice is still within the prohibition of the Constitution.”

Early in the 20th century, when the prerogatives of property ownership were threatened by racist zoning laws, the court sided with property owners in invalidating the legislation—the single biggest hole that the court opened in the edifice of Jim Crow. Moreover, the court did interdict outrageous conduct on the part of local and state officials who thought nothing of beating confessions out of Black suspects or otherwise proceeding against them in ways that were egregiously unfair. If the Supreme Court had not invalidated the convictions obtained against the Scottsboro Boys in Alabama in the 1930s, those wrongly accused youngsters would almost certainly have been executed.

In the years from 1954 to 1969, the court also offered essential support to the civil rights movement. Under the leadership of Chief Justice Earl Warren, it invalidated segregation factors in cases like Brown v. Board of Education (schooling) and Loving v. Virginia (marriage), upheld federal legislation in cases like Heart of Atlanta Motel v. United States (affirming the public accommodations provision of the Civil Rights Act of 1964) and South Carolina v. Katzenbach (affirming challenged portions of the Voting Rights Act of 1965), and shielded racial justice activists from state repression in cases like NAACP v. Alabama (cloaking membership in organizations with a substantial amount of protective privacy) and Edwards v. South Carolina (directing police to protect dissenters in the face of disapproving onlookers).

In their new book Justice Deferred: Race and the Supreme Court, Orville Vernon Burton and Armand Derfner offer a learned and thoughtful portrayal of the history of race relations in America “through the lens of the Supreme Court.” Burton and Derfner bear a notable relationship to their subject: Over the course of many years, both have contributed magnificently to the study and politics of racial egalitarianism in this country. The author of several books on 19th-century American history, Burton holds the inaugural Judge Matthew J. Perry Distinguished Chair of History at Clemson University and has made it his business to publicize the significance of the jurist that his chair honors. Perry was the first Black federal judge in South Carolina; the federal courthouse in Columbia is named after him. The leading civil rights attorney in the state during the Second Reconstruction, Perry litigated a slew of pioneering cases, several of which are discussed in Justice Deferred. For his part, Derfner is an attorney who has for decades represented racial justice activists. He has submitted scores of briefs to the Supreme Court and argued several cases there, including Allen v. State Board of Elections (1969) and Perkins v. Matthews (1971), both of which highlighted the potential of Section 5 of the Voting Rights Act as

Randall Kennedy is the Michael R. Klein Professor of Law at Harvard Law School and the author of the forthcoming Say It Loud!: On Race, Law, History, and Culture.
a powerful tool for achieving racial fairness.

In a feat of graceful compression, Burton and Derfner survey the whole of the Supreme Court’s encounters with race in Justice Deferred, from the founding of the republic to the present day. They infuse their text with a buoyant, humane, and steadfast liberalism that seems practically immune to discouragement. Having described in detail the United States’ grim history of racial inequality, Burton and Derfner maintain nonetheless that we shall overcome. In Justice Deferred, however, they show with heartbreaking clarity how the Supreme Court has typically been more a foe than a friend to the pursuit of racial equality.

At the heart of Justice Deferred is the discussion of cases like Dred Scott v. Sandford (1857), which Burton and Derfner describe as “the most reviled case in Supreme Court history, and justly so.” In that infamous dispute, a Black man in Missouri sued for the freedom of himself and his family, arguing that their status as enslaved people had been irrevocably altered when they resided with their owner in a free state (Illinois) and a free territory (Wisconsin).

Scott lost his case in the Supreme Court, where a majority of the justices held that federal courts had no jurisdiction over the dispute because the petitioner was not a citizen of the United States. His status as free or enslaved had no bearing on the matter of federal citizenship, Chief Justice Roger Taney declared, because the founders of the American republic, and the bulk of their descendants, did not deem Black people eligible for membership in the American political family. According to Taney, they could not be African Americans; they could only be Africans in America, “so far inferior that they had no rights which the white man was bound to respect.”

In describing the Scotts’ sprawling, complicated, awful saga, Burton and Derfner shine light on revealing facets of the story that have often been overlooked. They note, for example, that state law had long supported the petitioner’s argument under the doctrine of “once free, always free.” Having attained emancipation by living in free territory with the acquiescence of their “owner,” the Scotts should have been recognized as remaining free despite their return to the slave state of Missouri. The Supreme Court of Missouri acknowledged this precedent but expressly reversed itself. “Times are not now as they were when the former decisions on this subject were made,” the court opined. Reacting against antislavery activism, the state’s Supreme Court decided that it now needed to take a more aggressive posture toward “that dark and fell [antislavery] spirit” that would lead to “the overthrow of and destruction of our government.” Under such circumstances, the state court ruled, “it does not behoove the State of Missouri to show the least countenance to any measure which might gratify this spirit.”

Burton and Derfner’s commentary on Dred Scott reveals at least two valuable but disturbing lessons. One is the mysterious power of luck (or, to use a fanciful word, “contingency”): Had Scott brought his suit earlier, he might well have prevailed in state court, thereby avoiding an appeal to the US Supreme Court. A second is that judicial precedent is always provisional: Just because a court decided a case in a certain way last year does not mean that the court will decide the same case in the same way today; changing conditions—always a constant—provide courts with the leeway to reach different conclusions.

In their exegesis of Plessy v. Ferguson (1896), Burton and Derfner examine what is probably the second most popularly reviled decision in the Supreme Court’s race-relations jurisprudence. In Plessy the court upheld a Louisiana statute that required people of different races to sit in different rail carriages that were separate but theoretically equal (though in actuality the facilities set aside for Black passengers were almost always inferior). The court’s holding provided cover for mandated racial separations across wide swaths of social life, from schools to restaurants to circuses to marriage. “This conscription of every white person into the army of racial discrimination,” Burton and Derfner write, “gave official segregation a totalitarian cast.” The court’s rationalization was that state-sanctioned racial barriers were “mere” racial distinctions; they did not imply that the state was subordinating Black Americans. In dissent, Justice John Marshall Harlan—a former slave owner, no less—acknowledged the obvious: that segregation was something done to Black Americans by and for white Americans. It was meant to protect white Americans from the annoyance and indignity of having to be in proximity to their Black fellow citizens. As Harlan wrote:

What can more certainly arouse race hate than state enactments which, in fact, proceed on the ground that colored citizens are so inferior and degraded that they cannot be allowed to sit in public coaches occupied by white citizens…. We boast of the freedom enjoyed by our people above all other peoples. But it is difficult to reconcile that boast with… the law which, practically, puts the brand of servitude and degradation upon a large class of our fellow citizens, our equals before the law. The thin disguise of “equal” accommodations… will not mislead anyone, nor atone for the wrong this day done.

Harlan also accurately predicted that the court’s ruling in Plessy would “prove to be quite as pernicious as the decision made by [the justices in the Dred Scott Case].”

Another of the familiar race law deliberations that Burton and Derfner examine is Korematsu v. United States (1944). There the court upheld the conviction of a Japanese American who defied the military orders that required all persons of Japanese ancestry in certain locales, without any hearing and regardless of citizenship status, to report to authorities for detention, removal, and internment during World War II. Writing for the court, Justice Hugo L. Black affirmed the legitimacy of the order, invoking the peculiar needs of a national emergency. Prettily condemning invidious racial discrimination, Black asserted that “all legal restrictions which curtail the civil rights of a single racial group are immediately suspect…. Courts must subject them to the most rigid scrutiny.” When the time came to impose that strict scrutiny, however, the court turned complacent, deferring wholesale to the military authorities and their civilian overseers. The court talked a big game—“Pressing public necessity may sometimes justify the existence of some restrictions; racial antagonism never can”—but its actions were small. One might have thought that, given the court’s allusion to “racial antagonism,” it might have felt obliged to discuss the congressional testimony of Gen. John L. DeWitt, the military officer most responsible for framing, issu-
long with spotlighting some of the Supreme Court’s landmark cases, Burton and Derfner highlight little-known but highly revealing decisions, such as those interpreting the statute of 1790 that limited naturalization to “free white persons.” In 1922, the court adjudicated a case brought by a person who had been born in Japan of Japanese parents. Tàkao Ozawa argued that he met the whiteness test for eligibility because he was “without negro blood.” In his pioneering scholarship on racial prerequisites, Ian Haney-Lopez reveals that in the brief, written by Ozawa himself, he eschewed any association with Japanese schools or churches with respect to himself, his wife, or his children and declared:

In name, General Benedict Arnold was an American, but at heart he was a traitor. In name, I am not an American, but at heart I am a true American…. I have steadily prepared to return the kindness which our Uncle Sam has extended me…so it is my honest hope to do something good to the United States before I bid farewell to this world.

In an opinion penned by (the English-born) Justice George Sutherland, the Supreme Court acknowledged that Ozawa “was well qualified by character and education for citizenship.” Yet the court affirmed a lower court’s denial of eligibility. The majority opinion, however, omitted any discussion of anti-Japanese racism; nor does it mention any concrete evidence of espionage or sabotage undertaken by Japanese agents or sympathizers. Nowadays the aptness of Justice Frank Murphy’s dissent in the case is widely appreciated: The government’s order, he wrote, fell “into the ugly abyss of racism.” The haunting fact remains, however, that the unjustifiable detention of Japanese Americans was encouraged not only by racial reactionaries but also by racial liberals and given constitutional blessing by the Supreme Court.

A year later, the court adjudicated a case involving what it described as “a high-caste Hindu, of full Indian blood, born in India.” The issue was whether Bhagat Singh Thind, who had served in the US Army during World War I, was “white” according to the meaning of the naturalization statute. Arguing in the affirmative, Thind asserted that he was a real Caucasian insofar as he could claim “a line of descent” from the Caucasus Mountains. A federal judge agreed with him. But the Supreme Court disagreed in another opinion by Justice Sutherland. Waving aside geography and ethnology, Sutherland concluded (in an opinion joined by Louis Brandeis and Oliver Wendell Holmes Jr.):

It is a matter of familiar observation and knowledge that the physical group characteristics of the Hindus render them readily distinguishable from the various groups of persons in this country commonly recognized as white. The children of English, French, German, Italian, Scandinavian, and other European parentage quickly merge into the mass of our population and lose the distinctive hallmarks of their European origin. On the other hand, it cannot be doubted that the children born in this country of Hindu parents would retain indefinitely the clear evidence of their ancestry.

This was no invidious racial discrimination, the court insisted: “It is very far from our thought to suggest the slightest question of racial superiority or inferiority.” Rather, with segregation, the naturalization law “merely” recognized an “instinctively” and popularly felt “racial difference.”

Burton and Derfner describe other cases that have figured only marginally in the historiography of the Supreme Court but that warrant the elevated attention they receive in Justice Deferred. One is United States v. Shipp (1906), the only time in its history that the Supreme Court has tried, convicted, and sentenced a party for contempt. A Black man in Chattanooga, Ed Johnson, had been sentenced to death for raping a white woman. His two remarkably brave African American lawyers, Noah Parden and Styles Hutchins, succeeded in obtaining a stay of execution from Justice Harlan while the Supreme Court reviewed their claim that their client had been denied due process. A mob, with the connivance of Sheriff Joseph F. Shipp, took Johnson from jail and lynched him, leaving a note: “To Justice Harlan—here’s your nigger now.” The Supreme Court found Shipp and others guilty of contempt of court and sentenced them to brief stays in jail.

Another obscure case that Burton and Derfner rightly draw attention to arose from a dispute over a burial. In December 1950, Sgt. John Raymond Rice, a veteran of World War II, was killed in action in the Korean War. His widow arranged for him to be buried in the Memorial Park Cemetery in Sioux City, Iowa. A Catholic priest officiated at a graveside service. But there was no burial, because the cemetery was restricted to “members of the Caucasian race” and Rice was a Native American—11/16ths Winnebago—and had lived with his wife on a nearby reservation. The managers of the cemetery said that they had not realized that Rice was Native until so many Native Americans showed up for his funeral. The managers apologized for the misunderstanding but refused to permit the burial of the fallen soldier. The widow sued, arguing that judicial recognition of the racial restriction contained in the contract with the cemetery would violate the US Constitution. The Iowa court took the position that the Constitution did not apply because no state action was involved. State action might have been implicated, it argued, if the body had been buried and the cemetery sought a court order requiring it to be disinterred. Here, though, no agency of the state was involved; a private party “simply” refused to bury the soldier. When the widow appealed to the US Supreme Court, it ducked the issue, citing the subsequent passage of a state law banning racial discrimination by cemeteries. Outraged by this mistreatment of the family, President Harry Truman arranged for Sgt. Rice’s body to be flown to Arlington National Cemetery, where it was buried with full military honors.

Fourteen years later, in Alabama, a young Black activist named Mary Hamilton who was associated with the Congress of Racial Equality found herself on trial for a minor infraction stemming from a protest against segregation. The prosecutor addressed her as “Mary,” in keeping with Jim Crow etiquette.
and its refusal to offer honorifics—“Mr.” or “Mrs.” or “Miss”—to Black Americans or to address them by their surnames. She objected: “My name is Miss Mary Hamilton. Please address me correctly.” When the prosecutor continued his campaign of rhetorical belittlement and Hamilton continued to resist, the judge jumped into the fray, ordering her to respond. “I will not answer,” she replied, “unless I am addressed correctly.” The judge held her in contempt of court and sentenced her to a $50 fine and five days in jail. The US Supreme Court summarily reversed the ruling, albeit too late to prevent Hamilton from going to jail.

A authoritative and highly readable, Justice Deferred explores its large and difficult topic with a passionate commitment to social justice that is disciplined by lawyer-like care. Because Burton and Derfner offer so much explained so well, I hesitate to put forward reservations about their impressive work. Especially in a project this large, authors are constantly faced with difficult trade-offs. Neither time, space, nor energy is limitless; more expended on one topic means less expended on another. That said, I think it worthwhile to flag certain features of Justice Deferred that students of its subject might want to take into account.

Burton and Derfner state, “The Supreme Court decided dozens of slavery cases, usually involving an individual’s claim for freedom. These cases attracted little attention, perhaps because almost all of them supported the slave owner and denied freedom [to the slave].” It would be useful if more of these cases were named, explicated, and made part of the general understanding of the court’s historical record. Scott v. Negro London (1806), for example, should not be permitted to languish in obscurity any longer. In it, London sued for his freedom under a law that required slave owners to follow certain procedures before importing slaves into the District of Columbia. A jury of 12 white men concluded that London should be freed because of his owner’s failure to abide by the law. In an opinion written by Chief Justice John Marshall, the Supreme Court reversed the lower court’s verdict, condemning London to continued enslavement despite the availability of ample grounds on which to affirm the judgment in favor of freedom even in a jurisprudence protective of slavery. In Supreme Injustice: Slavery in the Nation’s Highest Court, Paul Finkelman describes Negro London and similar suits, points out that Marshall participated in the adjudication of seven of them between 1806 and 1830, and notes that he ruled against the enslaved in every case. Finkelman also reveals “Marshall’s massive personal investment in slaves”; over the course of his life, he bought and owned at least 150 of them. In Supreme Court historiography, Chief Justice John Marshall is “the great one”—the undisputed model for judicial statesmanship—while Chief Justice Roger Taney is the great disappointment, the conspicuous villain. But little separates the two men morally. Had Marshall been alive in 1857, he might well have been part of the faction that bequeathed the Dred Scott ruling.

Burton and Derfner declare that Dred Scott “is universally condemned for its extreme pro-slavery dogma, for twisting the Constitution to incorporate that dogma, and for thereby aggravating sectional divisions and hastening the Civil War.” That pronouncement ought to be reconsidered. Mark Graber’s Dred Scott and the Problem of Constitutional Evil offers essential instruction. The deepest problem with Dred Scott was not that the Supreme Court departed from constitutional norms; it was that the court reached a decision that was one of several plausible conclusions on offer from constitutional norms that buttressed an abominable system. Burton and Derfner join in exceptionalizing Dred Scott, a sentimental approach that flinches from a full reckoning with the court’s complicity in the slaveholding republic. It is easier to condemn Taney as a rogue justice than to contemplate the possibility that he was faithfully executing a justifiable interpretation of the Constitution. Furthermore, there are some scholars (I am one of them) who do not condemn Dred Scott’s aggravation of sectional divisions and hastening of civil war. To the contrary, they retrospectively cheer those aggravations in the knowledge that, in all probability, only a bloody war could have eliminated slavery given its role in the economy, politics, morality, and laws of pre-1860 America.

Although Burton and Derfner say more about the mistreatment of Native Americans than do many other commentators on race relations law, they still say too little about this neglected subject. They devote a mere sentence to Johnson v. M’Intosh (1823), in which Chief Justice Marshall asserted that while Indians have a right to occupy land, only the United States government can exercise sovereignty over it. The fountainhead of the law of property in the United States, which assumed the rightness of white European hegemony over Native Americans, Johnson deserves a much fuller treatment than that offered by Burton and Derfner. Later, they discuss in a mere two paragraphs the Supreme Court’s handling of treaties with Native American nations—a story suffused with coercion, exploitation, chicanery, avariciousness, deception, and cruelty. In 1901, a Native chief, Lone Wolf, sued the United States, alleging frauds and violations of its treaty commitments. The Supreme Court, without dissent, ruled against him, saying that Congress had plenary authority over Native tribes, including the power to abrogate treaties unilaterally. Burton and Derfner mention that Lone Wolf v. Hitchcock (1903) is sometimes referred to as “the Indians’ Dred Scott.” But, alas, they give to Lone Wolf only a small fraction of the attention that they give to Dred Scott. Quoting just a bit from Justice Edward White’s opinion in Lone Wolf would help clarify the extent to which Native Americans and their policies have been marginalized, stigmatized, and abused by a maddeningly hypocritical United States of America. “It is to be presumed,” Justice White wrote, that “the United States would be governed by such considerations of justice as would control a Christian people in their treatment of an ignorant and dependent race. Be that as it may, the propriety or justice of their [i.e., congressional] action towards the Indians with respect to their lands is a question [of policy beyond review by the judiciary].”

Burton and Derfner’s discussion of recent Supreme Court jurisprudence offers high levels of insight, and they provide reliable guidance on controversies involving affirmative action, capital punishment, regulation of police, and other vexing subjects. But they do overlook certain knotty complications that ought to be acknowledged. Consider, for example, their discussion of race and mass imprisonment, particularly the increase in incarceration that stemmed from the so-called War on
A World Without Police
How Strong Communities Make Cops Obsolete
By Geo Maher

“This is a book that readers will want to carry around, returning to passages for inspiration.”
—Roxanne Dunbar-Ortiz, author of An Indigenous People’s History of the United States

“How Strong Communities Make Cops Obsolete
Available now wherever books are sold
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Stunning in conception. Forceful in argument. Expert in proposing remedies. In sum, this is a book that must not only be read—but studied.”
—Gerald Horne, author of Fire This Time

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Drugs. Their general argument is that the court’s constitutional theory of racial
discrimination, especially its requirement
of a showing of discriminatory “intent” as
a prerequisite for relief, permits the per-
sistence of racially unjust policies. They
offer as an example the difference in pun-
ishment meted out to those convicted of
offenses involving crack cocaine and those
convicted of offenses involving powder
cocaine. The punishments for the former
are far more severe, and those subjected
to them tend to be racial minorities to a
far greater extent. Like many other com-
mentators, Burton and Derfner conclude
unequivocally that the disparity is an ob-
vious form of racial discrimination. They
neglect to consider, however, whether a
difference in punishment might be jus-
tifiable since crack is cheaper and thus
more accessible and arguably more dan-
gerous. Nor do they consider that a sub-
stantial number of Black politicians were
among those who, like Representative
Charlie Rangel, demanded that Congress
“crack down on crack” because people in
their districts worried about how their
neighborhoods were being ravaged by
the crack trade. Maybe Rangel and other
like-minded Drug War hawks erred. But
their thinking was hardly “racist.” As Yale
Law School professor James Forman has
shown in his book Locking Up Our Own,
the racial politics of crime policy are more
complex than many people realize.

Although Justice Deferred reveals a Su-
preme Court marked by an ongoing tol-
erance for racial wrongdoing, Burton and
Derfner still evince a redemptionist spirit.
They excoriate recent rulings, noting that,
at least in the context of race, the Roberts
Court typically reads civil rights protec-
tions “for as little as they can mean.” Yet
despite the suspect racial politics of the
court’s dominant conservative faction, Bur-
ton and Derfner insist that no institution
“is better suited than the Supreme Court
to define the golden ideals of America.”
This is why their book “is so critical of
instances when the Supreme Court seems
to have fallen short,” they write, “and why
it celebrates the transcendent moments
when the Supreme Court carries the nation
forward.” Latent in that remark is a faith
that the Supreme Court will exert itself to
embrace the aspiration that is carved into
the front entrance of its building: “Equal
Justice Under Law.” Burton and Derfner, however, provide ample
evidence for skepticism.

Ordinary People
Alice Neel’s populist paintings
By Jillian Steinhauger

EATED ON AN ARMLESS MUSTARD-GREEN CHAIR, MARGA-
ret Evans is nude and pregnant. The evidence of preg-
nancy’s toll appears throughout her body: in the blue
vein that ripples along one breast, her mottled legs,
her flushed face. She looks out at us, confident and
calm, but also carries some tension, as her arms seem
to grip the seat, perhaps to hold herself upright in the pose.

Painted late in Alice Neel’s career, when the artist was 78, Margaret
Evans Pregnant (1978) provokes a feeling of wonder and awe. How could someone
have captured another person’s essence, this almost soulful likeness, in paint?
There seem to be two subjects: the sitter herself and the physical fact of her preg-
nancy, which is depicted without a val-
ue judgment, as neither a life-affirming
force nor a societal trap. We are simply in
the presence of a woman who is present
in her body, holding space with her like
some kind of communion.

Such is the force of an Alice Neel paint-
ing; standing before one can be a profound
experience. The New Yorker art critic Peter
Schjeldahl once wrote that her art, “beyond
being something to look at, is something
that happens to you.” Neel was an artist
whose life spanned the majority of the 20th
century. Despite the ebb and flow of move-
ments and trends during that time, she re-
mained a figurative painter, making mostly
(but not entirely) portraits—a word she
rejected for its bourgeois connotations. She
preferred the phrase “pictures of people”
and called herself an “anarchic humanist.”

As she explained in a 1950 interview: “For
me, people come first. I think I have tried to
assert the dignity and eternal importance of
the human being.”

A recent retrospective at the Metro-
political Museum of Art in New York City, “Alice Neel: People Come First,” centered this humanism as the driving philosophy of Neel’s work. (The exhibition is also traveling to the Guggenheim Bilbao and the Fine Arts Museums of San Francisco.) It positioned her as a kind of model for the socially engaged artist—similar to how Phoebe Hoban, in the new introduction to her recently reissued biography, Alice Neel: The Art of Not Sitting Pretty, describes her subject as “arguably America’s first feminist, multiculturally conscious artist.” Such characterizations aren’t wrong, but they also neuter our understanding of Neel and her work while eliding her whiteness. They oversimplify a far more complex story.

Behind the general terms lie a host of specific political affiliations. Neel was a lifelong member of the Communist Party, an ally to Black and brown artists, and a cause célèbre of the feminist art movement. Yet in reading Hoban’s biography, one gets the sense that, like so many artists, Neel wasn’t great at practicing solidarity, because she was consumed by her own vision. The clearest expression of her beliefs lay in her art: her commitment to painting people, from which she never wavered. You can see it in her haunting scenes of New York City during the Great Depression; her equally rigorous portraits of leftist leaders, neighbors in Spanish Harlem, and art-world denizens; her unsentimental depictions of pregnant women and mothers, male nudes and gay couples. She was drawn, she said, to fellow survivors of the “rat race,” people who struggled and who generally didn’t appear as complex individuals—if they appeared at all—in Western art.

In order for people to come first in Neel’s work, her art had to come before people, often to others’ detriment. A large portion of Hoban’s biography details dramatic episodes and conflagrations, conjuring a woman who caused—as well as bore—a lot of pain. She was known to take advantage of people and to goad and provoke those closest to her. Her family life was rife with abuse and abandonment, of which she was the victim, aggressor, and abettor. While watching Alice Neel, the 2007 documentary by her grandson Andrew Neel that surveys the familial fallout of her choices, I found myself thinking about Picasso, another brilliant painter whose legacy is similarly enmeshed in his interpersonal sins. The point in either case isn’t to judge an individual’s actions or to seek an impossible separation of the artist from the art. It is instead to think about the costs of greatness and how, in retrospect, we can move past the one-dimensional narratives of genius. If anything, part of what makes Neel’s art so compelling is how her life, work, and beliefs existed in constant tension.

left her with his family, and went to Paris. Neel had thought they would travel together, but instead her husband abandoned her. At the same time, she abandoned Isabetta. “You see, I had always had this awful dichotomy,” Neel later said. “I loved Isabetta, of course I did. But I wanted to paint.”

Neel faced an impossible choice that has haunted countless creative women: pursue her art or subsume it to the burdens of parenting. She chose her work, at great emotional cost. In August 1930, she suffered a nervous breakdown. She was hospitalized in Philadelphia and briefly released, only to attempt suicide at her parents’ house. Back in the hospital, Neel continued her attempts until a social worker gave her a sketch pad. “It was the drawing that helped me decide to get well,” she said later. She was transferred to a private sanitarium to recover. Her haunting 1931 drawing Suicidal Ward depicts a smiling male doctor in a room full of beds and delirious female patients. It recalls her 1928–29 painting Well Baby Clinic, which features a handful of almost angelic-looking medical staff tending to a ward of new mothers who appear largely possessed—an indication of how clearly Neel understood the patriarchal nature of such institutions.

As for Isabetta, she was raised by Enríquez’s sisters and remained estranged from her mother; she had kids of her own but never told them about Neel’s existence. In 1982, after three previous attempts, Isabetta died by suicide. As Hoban writes, her “nonrelationship” with her mother “would significantly shape her life.” From Neel’s particular pains, Isabetta inherited her own.

If Neel’s 20s were shaped by her struggle to navigate her situation as a working-class woman and artist, in her 30s she found a politics that helped her make sense of that identity. After recovering, she returned to New York City, where she moved to Greenwich Village with her new partner, a communist sailor named Kenneth Doolittle. She was surrounded by fellow artists, intellectuals, and writers and began showing her work in earnest, receiving her first mention in an American publication in 1933: A critic in The Philadelphia Inquirer wrote of her art, “There is nothing ‘pretty’ about these pictures, but they have substance and honesty.”

Neel’s work was wide-ranging during this period, as she experimented and honed her voice. Sometimes she painted somber cityscapes, a style that was well represented in the work she did during the New Deal years, beginning with the Public Works of Art Project in 1933. By September 1935, the PWAP had become the Works Progress Administration, which paid Neel $103.40 a month to submit a painting every six weeks. Creating her own version of the then-prevailing social realist style, she depicted the economic and emotional realities of the city in scenes of May Day parades and longshoremen congregating after work, using a dark palette and an unromantic gaze. She also dabbled in more surreal and playful territory. Synthesis of New York–Great Depression (1933) features skeletons walking the streets and mannequins flying overhead like angels; a radical 1933 nude portrait of the writer Joe Gould portrays him with three sets of genitalia.

The New Deal had a significant financial effect on Neel’s life, but it also gave her purpose and a feeling of solidarity with other artists. “For the first time, art, rather than being considered an intellectual luxury, was being classified as wage-earning work,” Hoban writes. “Artists of the time felt an uplifting sense of unity” that they channeled into unions and associations, some of which Neel joined. Given her immersion in this milieu and her longstanding interest in depicting working people, it is no surprise that she became a member of the Communist Party in 1935.

“The Marxists were the only ones who recognized her,” the novelist Phillip Bonoaky, a longtime friend of Neel’s and a fellow party member, told Hoban. “She was not only an artist, but a woman, not only a woman but a lost woman; she was an unmarried woman and she had everything against her. But she found a home there. She found people who respected her.” The art historian Andrew Hemingway notes that many were drawn to the party because “it offered the most sustained critique available of class, racial and sexual inequality”; he adds that Neel may also have been attracted to communism’s seeming promise of a kind of personal freedom that she valued deeply.

She remained a party member for the rest of her life—and in 1981 became the first living American artist to have a retrospective in the Soviet Union—but it was the intellectual and collective spirit that attracted her more than the hands-on work of organizing. As Charles Keller, a one-time art editor at New Masses, told Hoban, “She showed her views through her work, which I think was more important in many respects than...distributing leaflets and organizing meetings.” Indeed, art became the expression of Neel’s commitment, her point of participation.

Recognizing this, the communists supported her work for decades, long before the art world took an interest in her. That included the illustrations she did for publications like Masses & Mainstream as well as enthusiastic reviews by colleagues like Mike Gold, whose 1950 Daily Worker piece on Neel gave the Met retrospective its title. Gold also organized one of Neel’s few solo shows of the 1950s, while Bonoisky put together the later one in the USSR.

Meanwhile, some of the earliest portraits in her mature style—in which the paint seems activated by the process of bringing out people’s inner lives—feature party leaders and activists. But it wasn’t only, or even primarily, by depicting party leaders that Neel broadcast her views; it was through her portraits of ordinary people, like the ones she’d been making since the extracurricular outings of her school days. Such paintings increasingly became her focus starting in 1938, the year of her first solo show in Manhattan, when she also relocated to Spanish Harlem.

Neel’s relationship with Doolittle had been rocky, and at the end of 1934, in a fit of possibly drug-fueled rage, he slashed and burned hundreds of her artworks. She called the episode a personal “holocaust” and, in the wake of it, fled the Village.

Neel began dating the musician José Santiago Negron next and moved with him to El Barrio, a largely working-class, Puerto Rican neighborhood where she thought she’d find “more truth.” Although her words suggest naivete or condensation, her portraits of her neighbors are compassionate and rigorous. The Spanish Harlem portraits—including her multiple depictions of a local boy named Georgie Arce, whose variable looks and moods suggest a closeness between him and Neel—are perhaps the purest articulations of her communist and humanist beliefs. They manifest the dignity of her working-class subjects without becoming propaganda. They’re also significant historically, given that portraits have often represented the wealthy and powerful, who could afford to com-
mission likenesses of themselves. When working people of color do appear in the Western canon, they’re chronically depicted as archetypes, canvases for a white artist’s projections. By contrast, as curator Kelly Baum noted in the Met catalog, Neel’s paintings “grant visibility to subjects who remained largely absent from the precinct of fine art, breaking the monopoly that white, upper-class men had long enjoyed on the category of human being.”

Although Neel had moved away from the creative heart of New York City, her career continued to progress until the mid-1940s, when abstraction, particularly Abstract Expressionism, became the vogue. The change was total; figuration was out. “She was very bitter about being marginalized like that, being wiped off the map, simply because she insisted on being a realist,” Bonosky said.

Her personal life, too, remained tumultuous. In 1939, Neel gave birth to a son, Richard, but Negron left her shortly thereafter. She then began a relationship with Sam Brody, a leftist photographer who helped found the Film and Photo League. They had their own son, Hartley, in 1941. Brody believed in Neel’s work and helped her financially; emotionally, however, they were, as Neel put it, “homicidal meets suicidal.” By all accounts, she did plenty of instigating, but Brody had a fierce temper. He sometimes abused Neel, but his primary target was Richard. “She tolerated this person that she knew was abusing me,” Richard said in the 2007 documentary, speaking publicly about the situation for the first time. “I don’t hold that against her, but the facts are the facts. The world isn’t just you, the world is you and your relationship with the other people.”

In the documentary, Hartley explains to the filmmaker, Andrew Neel—who is also Hartley’s son—that Brody’s abuse was the reason he ultimately rejected his father, as well as why Andrew never knew his grandfather. The moment evokes parallels with Isabella’s family: You can feel Neel’s descendents trying to reconcile her brilliance with their lingering hurt.

he 1950s were a low point for Neel. “Why can’t I get a gallery?” she asked Bonosky. “Here I am, a genius—and I need to show my canvases. I’m inundated with them.” Her apartment overflowed with paintings she couldn’t exhibit or sell: portraits of neighbors; work echoing back to her WPA days, like the occasional protest scene; and even quiet still lifes and semi-abstract cityscapes. Anyone who visited would be similarly inundated, as Neel subjected them to a “show-and-tell” of her work and the stories behind it. One visitor called the experience “a type of theater which was unparalleled.” Bonosky had the idea to turn these impromptu talks into slide lectures, starting with one in 1953 at the Communist Party’s Jefferson School. A short piece in the Daily Worker reported on “an enthralled audience…frequently breaking into applause at particularly striking scenes.” By the time Neel’s career took off in the 1960s, she was ready to take her show on the road. The talks and lectures she gave burnished her reputation for being funny, frank, and foul-mouthed. They also helped make her famous.

The countercultural revolution opened up a whole new space for Neel. The unofficial art-world ban on figuration was dropped, and a new kind of social and political consciousness came into fashion. In the early ’60s, Neel signed with a gallery, received renewed press attention, and started showing again, soon at a rapid pace. (An exhibition opening next month at David Zwirner gallery will focus on work from the earlier, pre-fame part of her career.) Hoban offers the remarkable statistic that while Neel had only six solo shows between 1927 and 1964, she had more than 60 in the last two decades of her life. This was partly because she began painting portraits of art-world insiders: curators like the Metropolitan Museum’s Henry Geldzahler, poets like Frank O’Hara (who was also a curator at New York’s Museum of Modern Art), and artists like Robert Smithson.

Yet she never softened her exacting gaze. Neel’s portraits are so striking because her renderings of people’s bodies seem to also show something of their souls. That quality intensified as she lightened her palette and began outlining her subjects in blue rather than black, which served to highlight and almost buoy them. Her backgrounds contained more abstract passages of paint, and in some cases she stopped filling in whole sections. Her remarkable 1972 portrait of Andy Warhol shows him topless with closed eyes, wearing a medical corset below the gunshot scars crisscrossing his chest. He sits on a couch that’s simply a tan outline, with patches of blue hovering around his head and torso. Neel uses a bare composition to cut through the cloud of Warhol’s celebrity and present him as a mere mortal.

The ’60s were also when Neel began painting pregnant nudes, an exceedingly rare subject in Western art history. These marvelous and uncomfortable portraits, of women who bear not just their own pregnancies but the social realities that come with them, suggest a dynamic of love and pain, as do Neel’s many renderings of mothers and children from this time. In Nancy and the Twins (1971), Neel’s daughter-in-law gives a swelling breast to one of her babies; the blue veins in it mimic the outline of Nancy’s eyes, which stare at the viewer with exhaustion. These paintings are startlingly honest about the personal and political ramifications of childbearing, which Neel herself confronted time and again.

It’s no wonder that second-wave feminists anointed her a forebear whose recognition was long overdue. Neel had spent decades observing society from her point of view as a woman. What the movement saw as feminism, however, she saw as her communist devotion to the human being—it was politics by another name. This helps explain why she never formally identified as a feminist and why her relationship to the movement was vexed. She didn’t see herself in solidarity with other women—especially the white, middle-class drivers of the second wave—so much as with working-class people the world over.

But just as Marxism had given Neel a framework for understanding her own life, feminism created a framework by which the rest of the world could make sense of her. From the paintings she’d made to the ways she’d been marginalized, feminist artists and art historians looked to Neel as a trailblazer. They supported her as the communists had long done. They even petitioned the Whitney Museum of American Art to give her an exhibition, as did Neel’s sons. In 1974, those efforts paid off with her first retrospective. At 74 years old, she was finally vindicated. “I had always felt…that I didn’t have a right to paint because I had two sons and I had so many things I should be doing,” Neel said. “After the show I didn’t feel that way anymore.”
Neel would live for another decade, during which time her career would continue its rise. Posthumously, her success has been even greater. “Neel’s legacy has not only survived her but continued to grow exponentially,” Hoban writes. When I was coming up as a young feminist art critic, Neel seemed larger than life: a bold and tragic figure, a woman ahead of her time who suffered because of it. While there is truth to that narrative, the more I scrutinized it, the more I came to understand that the reality was—as it always is—more tangled. Neel’s life abounded with contradictions: a devoted mother who abandoned a child, a lifelong communist and loner, a feminist who didn’t define herself as such. She was an artist who committed herself to humanity, yet whose depictions of people are so severely honest, they have the power to shock.

Hoban grapples with these incongruities, while the Met retrospective largely excluded them. This may have been necessary—an exhibition isn’t a biography—but missing the details of Neel’s life means missing the impact of some of her art. If you don’t know the story of her relationship with Isabetta, you won’t get the full weight of an infamous nude portrait she made of her daughter when the girl was 6.

One place where the contradictions did peek through was in a striking portrait called Richard in the Era of the Corporation (1978–79). It shows Neel’s eldest son wearing a suit and tie, with a shiny helmet of hair. He grips the armchair he’s sitting in, perhaps a bit wary of his mother, who, according to the wall text at the exhibition, thought the painting represented a time when “the corporation enslaved all these bright young men” like her son. In fact, several shots in the documentary Alice Neel show Richard sitting below the portrait. At one point he crosses his legs as he does in the artwork and discusses his staunch support for Richard Nixon. “There are very few people that are as right-wing as I am,” he says. “And there were very few people that were as left-wing as I was when I was a kid.”

How do we define someone’s legacy? Is it through their work or their family, their politics or their personal life? In a way, I think none of those things mattered to Neel as much as making art. Painting was the closest she got to freedom, and she pursued it no matter the cost.

The title of Julia Cagé’s The Price of Democracy will prompt Americans to think of the obscene cost of their elections. The amount spent on the 2020 federal races is said to have been a staggering $14 billion (more than twice the price tag for 2016). State elections consumed close to $2 billion. Almost 90 percent of the House candidates who spent the most money ended up winning.

Cagé, a French economist affiliated with the elite university Sciences Po in Paris, has plenty of critical things to say about campaign finance in the United States, but her main point goes further. Democracy, she writes, is never free—not in the United States, and not in the rest of the world. But we have yet to figure out who should pay for what in a system founded on the notion of political equality.

In The Price of Democracy, Cagé offers us a deeply researched account of how states regulate campaign finance. Comparing countries as varied as India and Belgium, she finds that even the seemingly more egalitarian democracies have failed to do so successfully. In response, she proposes an attractive alternative that puts the financial responsibility for democracy squarely in the hands of citizens: a publically funded voucher scheme that allows individuals to support their preferred candidates and parties, combined with severe restrictions on all private donations.
Democracy, of course, has never been free. The ancient Athenians constructed complicated sortition machines through which officeholders were chosen by lot; they also built an amphitheater for an assembly in which thousands of citizens could participate. They even thought that ordinary people who took part in politics should be paid, much to the outrage of the anti-democratic philosophers, who deemed democracy the most expensive political system around—even if the annual expenditure for the assembly was roughly the same as the amount needed to feed the horses of the 1,000-strong Athenian cavalry.

Today, the costs of democracy range from those of the actual machinery of voting to the transportation of mail-in ballots to the maintenance of party organizations and political campaigns. In most democracies, taxes ultimately pay these costs, which was also the case in ancient Athens. In the contemporary US, by contrast, election laws and a number of fateful Supreme Court decisions since the 1970s allow corporations to play a large part in financing politics and the ultra-wealthy to dominate campaigns through “dark money.” But the glaring inequality of the US system is hardly unique. As Cagé reminds her readers, “radiant Dorian Europe” (the reference is to the Oscar Wilde character) should not feel reassured by “the very existence of Gray America.” For, in Western Europe, donations are also highly concentrated among the wealthiest: In France and the UK, 10 percent of “megadonors” account for more than two-thirds of the total given. And in countries where corporate donations are allowed, companies play an obviously unsavory role. In Germany, for instance, the auto industry and the cigarette maker Philip Morris spend lavishly on the largest center-left and center-right parties; the tobacco giant also sponsors party conventions and “summer parties” in Berlin, expenditures that largely go unnoticed.

True, many democracies offer public funding to political parties, but at the same time they set very weak limits on private contributions. Less obviously, in countries that seemingly put the financing of politics directly into the hands of the people—offering tax deductions for citizens who spend generously on their system of self-rule, so to speak—the effect is highly skewed: Since the wealthier pay much more in taxes, they disproportionately benefit from such schemes.

Cagé emphasizes the injustice of a situation in which the poor end up subsidizing the political preferences of the rich, who tend to be much more conservative when it comes to economic policies. Though money will not reliably buy every election (a fact that Democrats were reminded of in South Carolina, Maine, and other states last year), the system overall will skew toward the interests of those who contribute the most.

prohibited. New parties would also face an initial hurdle to qualify for receiving such vouchers: They would need to raise funds from a sufficient number of citizens or prove they have nontrivial support in the polls. Unused vouchers would be distributed according to the last election outcome (which is how funding in many countries is already decided today).

There are several advantages to this scheme. It would be a significant, if still imperfect, check on the political uses of concentrated wealth—what even mainstream social scientists in the US no longer hesitate to call oligarchic tendencies. Less obviously, it would strengthen the open and dynamic character of at least some existing democracies. Newcomers could get real support, even in the middle of an election cycle. Losers—let’s say, traditional parties—would lose less if their supporters wanted to punish them in an election but not see them wiped from the political map: Think of left-leaning French citizens who wanted to sanction the Socialist Party for François Hollande’s less than glorious presidency but still maintain an effective alternative to Macron.

While the amounts involved might seem tiny, being able to contribute something could also provide individual citizens with a feeling of efficacy in a democracy. This sense of increased participation would be even stronger, of course, if such a scheme forced politicians to engage with a wider range of voters than they are able to in the US, where Congress members are said to spend four or more hours every day soliciting donations from the affluent, making them seem more like telemarketers for a particular segment of the population than representatives of all their constituents. During his first term, Obama hosted 321 fundraising events, up from 80 for Ronald Reagan and 173 for George W. Bush.

What numbers do we talk about when we talk about vouchers? Cagé’s suggestion is a seven-euro “Democratic Equality Voucher” for every voter. This hardly adds up to an outrageous sum; it is roughly what the German state contributes annually just to the foundations associated with political parties, which among other things are supposed to develop policy and further civic education. (Whether they really do that, or simply reinforce the power of traditional parties, is a legitimate question.) In the US, people like Yale Law School professor Bruce Ackerman and Congressman Ro Khanna have suggested “democracy coupons” worth $100, provided in $20 increments, or “democracy dollars” in $50 amounts, stored in a special credit card account.

There is a serious question about whether the political spending decisions of individual citizens should be made public. Businesses might not respond well when their workers are on record giving funds to an anticapitalist party; alternatively, they might pressure their employees to donate to a particular candidate. But on the matter of how to distribute the funds, Cagé puts forward an elegant solution: Governments should use tax returns to deploy each person’s democracy vouchers, possibly giving special credits to the millions who earn so little that they do not pay income tax at all (which means, concretely, at least half the eligible voters in many countries). This would also prevent anyone from buying up vouchers at a premium or even at face value, in the way that privatization vouchers were amassed by savvy investors in Central Europe in the 1990s. Also, there would have to be a way to erase the information after a short period, so as not to transform such a voucher scheme into a system of open voting.

Reprise

Oh, but I could mourn you all day long, the sky, a spool of undyed wool only you’d know what to make of.

You once believed the moon pitch black, a flashlight pointed at refracting coal.

You were a child, and I will never have a child with you, that wasted tenderness where might have lived a world.

On earth, it will matter little that we met, our days like rivers at the mouth of a sea so cold, so quiet, so blue.

MAYA C. POPA
Bolsonaro win his election. In the US, when money for candidates was limited by law, it went to parties instead; when it could no longer go to parties, it went to super PACs; and so on.

Critics of the private financing of politics often conflate different issues. One concern is corruption, which even a conservative Supreme Court recognizes as grounds for restrictions (although Chief Justice John Roberts and his colleagues understand corruption in the narrowest possible sense of a quid pro quo, not as the more general dependency on a donor class that can set, and limit, the political agenda). Another issue is equality of opportunity to influence politics, which is distinct from corruption: A self-financed billionaire—as Donald Trump kept emphasizing during his first campaign—arguably cannot be corrupted; but if only oligarchs have a shot at office, political equality is violated.

Cagé’s proposal is likely to reduce dependence on the donor class, and it can certainly be justified as a step in the direction of equality of political opportunity. But those with more time, and especially those with more power due to their position in corporations (or trade unions, for that matter), would still exert more influence than poor, stressed, and generally underinformed citizens. The Kochs of this world would still fund libertarian think tanks, and the Murdochs would still do, well, what the Murdochs do. As scholars who study campaign finance have argued, a lot more would have to change structurally for equality of opportunity to become real; and the cost to democracy—in particular, the cost of restricting the liberty of political expression for the well-off—may well be too high.

Cagé sees the difficulty and includes a further reform proposal, arguing that parliaments should reserve a certain proportion of their seats for manual workers or members of the “precariat.” She notes that the representation of the working class within the halls of government has declined precipitously since the end of World War II. In her scheme, a third of the French National Assembly would be filled with “social representatives,” addressing the problem that, currently, fewer than 3 percent of parliamentary deputies have working-class backgrounds. (The number is 2 percent in the US and 5 percent in the UK, where, earlier in the postwar period, it had been as high as 20 percent.)

Cagé’s idea for parliamentary quotas is somewhat in tension with her demand for what she terms, following the French historian Pierre Rosanvallon, a “permanent democracy,” which is to say a dynamic, open process in which citizens and representatives constantly interact. After all, who should decide exactly which categories of people are currently underrepresented and, when society changes, how representative assemblies should be divided anew? These are not knock-down objections, of course, but compared with her detailed proposal for Democratic Equality Vouchers, the scheme for representation based on occupation feels more tentative and lacks the proper backup in democratic theory.

Still, Cagé’s book is an important contribution that tackles one of the root problems of democracies in the West. She offers a truly comparative perspective—not just across countries from Canada to India but also across time, with many fascinating details from 19th-century electioneering (which at times was even more expensive and obscene than what we witness today). Cagé sees her learning and statistical acumen lightly; rather than evoking dry social science, her prose veers into the sarcastic and witty, especially when it comes to commenting on the antics of “King Macron.” This is often amusing; behind it, though, is a justified indignation in the face of a democratic world that too often proves to be not that democratic after all.
VP: The shift in media coverage has been remarkable.
NC: That’s an effect that popular activism has had in changing the way the country understands things. Of course, there’s a backlash. The 1619 Project got the anticipated carping from historians—a footnote was wrong and so on. But it was a real breakthrough—the very fact that you could look at 400 years of atrocities in a mainstream newspaper. You go back to, say, the 1960s, and that would be inconceivable. Now we’re at the beginnings of facing some of this history.

VP: Do you see other forms of censorship that might explain the constriction of our political imagination?
NC: Oh, sure—there are very intense efforts at censorship. Take another story this morning: The governor of Florida is pushing legislation to study students’ opinions in Florida colleges to make sure there’s what he calls “diversity”—meaning enough right-wing ideology. He wants to make sure that far-right opinions have a huge role, instead of just the major role they already have. It’s straight-up Stalinist-style thought control.

VP: Beyond such overt forms of censorship, do you see more subtle means of narrowing the debate?
NC: Yes, you see it every time you open the newspaper. So, again, take this morning’s New York Times: They reported the recent UN vote, 184-2, on the US embargo that’s crushing Cuba, which is an international scandal. It’s interesting to see their phrasing. They said it was a way for “critics of the United States” to kind of blast off. The critics of the United States happened to be the entire world outside of Israel, which must go along with the US because it’s a client state. So basically, according to the Times, it’s the entire world just having an opportunity to demonstrate their irrational criticism of the United States. The narrative could never be that the US is committing a major crime that the world hates and opposes. That’s not direct censorship, but it’s instructing you how you’re supposed to look at things—that the world is out of step with the US, for some reason.

For anyone critical of the media and politics at the turn of the century, Edward S. Herman and Noam Chomsky’s Manufacturing Consent was essential reading. The book’s “propaganda model” provided a useful framework for understanding how typical news coverage filters out some types of evidence while emphasizing others, ultimately privileging dominant narratives. One key lesson from this analysis was clear: To change the world, we must first change our media. I recently spoke with Chomsky, 92, and asked what has changed over the decades. A longer version of this interview is available at TheNation.com.

—Victor Pickard

VP: Do you see any differences in how media institutions perpetuate elite discourses today? Is the propaganda model still as relevant?
NC: Ed [Herman] and I updated the book to consider the rise of the Internet, but we basically concluded that nothing much had changed. The sources of information are still the same. If you want to know what’s happening in Karachi, you can’t find reliable information on Facebook or Instagram other than what’s being filtered from mainstream media. So the first thing I do in the morning is read The New York Times, Washington Post, Financial Times, and so on. That’s where the information is coming from.

VP: So despite the surface-level appearance of diverse forms of information, much of it still traces back to the same mainstream sources?
NC: Right. You can get information from other sources—the Internet allows you to read the foreign press if you’re interested. But I think the Internet’s main effect is to narrow the range of information that most people access by driving them into social media bubbles. The propaganda model is basically the same. One change, of course, is just the decline of media. So, for example, I lived most of my life in Boston, and The Boston Globe, when I was there, had some of the best reporting in the country on, say, Central America. Today, it’s not even worth subscribing to.

On the other hand, if you look at a newspaper like The New York Times, it has been affected significantly by the changes in the general level of consciousness and awareness. A lot of what you read today in the Times would have been unimaginable a couple of decades ago. Take this morning: There’s a lead story on the destruction of Gaza.

“The narrative could never be that the US is committing a major crime the world hates.”
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