Journey to Guantánamo

A writer spends a week in America’s notorious penal colony, seeking out the truths we’re not meant to see.

MOUSTAFA BAYOUMI
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Cover illustration: SABRI AL QURASHI, Untitled (Chained Detainee), 2012
The Extreme Court

In 1992, fundamentalist Christians who wished to see theocratic law imposed on the rest of the country were stabbed in the back by a conservative Supreme Court. In Planned Parenthood of Southeastern Pennsylvania v. Casey, the court ruled, 5-4, to affirm the right to abortion before fetal viability as recognized in Roe v. Wade. The court placed significant new restrictions on reproductive rights, but it didn’t overturn Roe. All five justices who voted to affirm Roe were appointed by Republican presidents. Indeed, the 1992 court comprised eight justices appointed by Republicans. Only Byron White was appointed by a Democrat, and he joined the dissent against Casey and Roe.

Now, 30 years after Casey, the fundamentalists have the court they want. In Dobbs v. Jackson Women’s Health Organization, the Supreme Court overturned Casey and Roe, by a vote of 6-3. All six justices appointed by Republican presidents concurred in the judgment; all three appointed by Democrats opposed it.

What has changed in the intervening years about the kinds of justices Republicans appoint? It’s not like Richard Nixon, Ronald Reagan, and George H.W. Bush tried to appoint justices who would frustrate the white fundamentalist Christian agenda. In fact, the conservative justices in Casey generally took a dim view of women’s rights and had a Confederate’s love of states’ rights.

The principal difference between conservative justices then and conservative justices now is that the conservatives of 30 years ago were practical. They didn’t like abortions, but they understood that no society in history had successfully prevented them. They understood that criminalizing doctors who can perform the procedures safely only leads to unsafe, unregulated procedures. They understood that pregnant people will seek control over their bodies, whether or not the state or the courts or the church acknowledge their bodily autonomy. Lawyers refer to this approach as looking at the “reliance interests” of a prior decision. In her plurality opinion in Casey, Sandra Day O’Connor even wrote: “People have organized intimate relationships and made choices that define their views of themselves and their places in society, in reliance on the availability of abortion in the event that contraception should fail.”

Forced-birth fundamentalists never accepted that idea—or the Casey ruling. So Republicans began seeking out justices who did not care about the realities faced by the American people. They sought out fanatics who would be willing to ignore the practical implications of their rulings—zealots who would not only ignore precedent but ignore reality itself. And they succeeded. With the help of Mitch McConnell, the Federalist Society, and others, Republicans found six people willing to do this dystopian work.

This has had consequences even beyond reproductive rights. In Shinn v. Ramirez, they ignored a man’s proof of his innocence and sentenced him to die just the same. In Kennedy v. Bremerton School District, they simply made up a set of facts in order to defend a high school football coach who was functionally pressuring public school students into Christian prayer. And in New York State Rifle & Pistol Association Inc. v. Bruen, they argued that actual statistics about gun violence are irrelevant to whether a state is allowed to issue gun permits.

Unleashing this kind of conservative on the court to combat Roe was like introducing an invasive species into an ecosystem. Once they’re done eating whatever it is they were brought in to kill, they just move on to killing the next available prey. The conservatives sent to the Supreme Court to do away with Roe have already cannibalized the 15th Amendment and its protection of voting rights. They have already eroded the separation of church and state. Next term, they’ll overturn affirmative action. And after that, they’ll likely go on to LGBTQ rights and the right to use contraception. Off in the middle distance, segregationists who never accepted the ruling in Brown v. Board of Education are drooling with anticipation.

To combat these conservatives, Democrats cannot go back to a 20th-century view of the Supreme Court and its institutional prerogatives. To survive, Democrats must take power away from these people. Otherwise, pluralistic democracy will go the way of the dodo bird, too slow and flightless to adapt to new predators. After 1992, Republicans engineered a new breed of conservative justice. The rest of us must create a new kind of Supreme Court before it’s too late.
48 Hours Post-Roe

Volunteers on abortion hotlines heard a wave of shock, urgency, desperation, and despair.

LESS THAN THREE HOURS AFTER THE SUPREME COURT overturned Roe v. Wade, Elyssa Klann sat down at her kitchen table, two laptops open in front of her. Klann is a psychologist who has volunteered for the All-Options Talkline for seven years, supporting callers who are making decisions about their pregnancies and connecting them to resources when they ask for them. Klann struggled to comprehend the map of abortion access as it shifted in real time on her laptop screen. Callers in states hostile to abortion rights wanted to know if they could still go to their appointments. Klann wasn’t sure. She checked the guide at abortionfinder.org. “I could tell they were updating states as I was watching,” she said.

Klann knew that 13 states have trigger laws designed to ban abortion once Roe fell, but not all of the laws went into effect right away. She felt the clock ticking as she responded to callers on the line. “I need to have these resources for people because they might only have access to this for another day or another week or another few weeks,” she thought.

Klann is part of a network of grassroots activists who are mobilizing to meet a moment for which they’ve been preparing for years. By that Friday afternoon, at least eight states, including Alabama, Arkansas, and Missouri, were enforcing bans, according to the Guttmacher Institute. In Texas, where Attorney General Ken Paxton warned that prosecutors could now enforce the state’s pre-Roe abortion bans, staff told patients sitting in clinic waiting rooms that they would have to remain pregnant. The patients wept, screamed, and begged for help. It was “complete despair,” a San Antonio clinic administrator told the news site The 19th.

(On June 28, the total ban in Texas was temporarily blocked by a judge, though it has since been reinstated by the Texas Supreme Court.) Callers flooded the lines of clinics in states like Kansas because their appointments in surrounding states were canceled. In North Dakota, the owner of the state’s only remaining clinic wiped away tears; she’s planning to move her facility to Minnesota. Meanwhile, tens of thousands of outraged donors reacting to the fall of Roe poured millions of dollars into abortion funds and practical support organizations that have been creating the infrastructure needed to move as many patients as possible to states where abortion remains legal.

The All-Options Talkline was created to provide a buffer from chaos like this. Its mission is to offer judgment-free support to people in all of their decisions and feelings about their pregnancies, whether they’re leaning toward parenting, abortion, or adoption. “We provide a space where we try to take away a lot of that noise so that [callers] can really talk and listen to themselves,” Paulina Guerrero, the national programs manager for All-Options, told The Nation. “The fundamental principle is that the caller has the answer.”

On the morning of June 24, Cindy Luquin put that principle into action. For over an hour, she listened as a caller in a Southern state who had already secured the necessary financial aid for an abortion let out all of the feelings they had about their parenting decisions and recent decision to leave an abusive partner. The call came in about an hour after the ruling that changed the landscape of abortion access forever. The caller never mentioned it. That didn’t surprise Luquin. Even before Roe fell, she said, a lot of callers were in “survival mode,” unable to take in news that didn’t have a direct impact on their immediate plans.

Advocates on the talk line had already noticed a rise in anxiety and desperation from callers who have been impacted by financial hardship and the baby formula shortage. Lulu Feingold had recently counseled a woman who had ordered abortion pills via the Internet but was terrified to take them. She wanted to go to a clinic, but the wait in her area was several weeks.

On Saturday morning, Karen Thurston, a grandmother who has had two abortions herself, sat down next to a pitcher of water, just like she did at the start of every shift on the talk line. After a restless night, it felt harder today than usual to set her emotions aside. “When the ruling came down, I think the general public felt a sense of shock and urgency,” Thurston wrote in an e-mail after her shift ended. “But shock and urgency are the norm for our callers who have been thrust into pregnancy emergencies.”

As the weekend wore on, protests surged across the country. Grassroots abortion funds in states like Florida tried to get the word out that their clinics were still open. In Alabama, where abortion is now banned, staff at the West Alabama Women’s Center hunched over their desks, calling to cancel patients who were scheduled to come in the following week. In the Midwest, people who needed help with travel and logistics inundated the Midwest Access Coalition, so that the fund’s Alison Dreith began her day on Monday with more messages than she had ever seen.

On a Sunday shift for All-Options, Tanvi Gurazada fielded a call from a woman in Florida who was experiencing a miscarriage but was too frightened to go to an emergency room. Now that Roe was gone, she thought she might be put in jail.

Gurazada checked the latest information she could find online. She reassured the woman that she could get medical care without running afoul of any law. Abortion was still legal in Florida—for now.
A year after nationwide protests galvanized by deep economic discontent, Cubans are still waiting for change.

One year ago, on July 11, a small protest by Cuban dissidents in a poor suburb of Havana sparked nationwide anti-government demonstrations. In dozens of cities and towns, thousands marched to protest shortages of food and medicine, electricity blackouts, and a surge in Covid-19 infections. Most of the demonstrations were peaceful, but in some neighborhoods, protesters battled with police, overturned cars, and looted stores.

The unprecedented protests were a symptom of deep economic and political discontent. They shocked Cuba’s leaders, emboldened the opposition, and rekindled Washington’s perennial pipe dream of regime change. Twelve months later, Cubans are still struggling with a sputtering economy, which is triggering a surge in irregular migration.

When the protests erupted, President Miguel Díaz-Canel denounced them as counterrevolutionary and called loyalists into the streets to defend the revolution. Police arrested more than 1,300 people. A few days later, however, Díaz-Canel softened his tone, conceding that the demonstrators had legitimate grievances. Subsequent state policy has included both a crackdown on vocal opponents and programs to mitigate the hardships that brought people into the streets. Demonstrators charged with violent crimes have gotten heavy prison sentences, ranging from five to 30 years, and leading dissidents have faced increased harassment or jail. Meanwhile, the government has begun a program to improve living conditions in 302 “vulnerable communities”—poor neighborhoods that were sites of the worst violence on July 11.

Hoping to capitalize on popular discontent, last September a group of opposition artists and intellectuals calling themselves Archipiélago joined traditional dissidents to call for a “Civic March for Change” on November 15. The government denounced them as counterrevolutionary agents of Washington’s regime change strategy. The prospective demonstration garnered enormous international attention and the Biden administration’s full-throated support. But on November 15, no one showed up to march or bang empty pots as the organizers had urged.

The march’s failure was due in part to the government’s harassment and vilification of the organizers. But the demands for political reform, delivered by young, middle-class professionals, did not speak to the most urgent issue for the majority of Cubans: their deteriorating standard of living. The failure of the November protest left the organized opposition demoralized and in disarray. Many of the young artists involved went into exile.

The Biden administration had been inching toward lifting some of Donald Trump’s sanctions on humanitarian grounds, but the scale of the protests revived hopes for regime change, so the sanctions were left in place. “After July 11, we hit the pause button,” explained Juan Gonzalez, Joe Biden’s senior national security director for the Western Hemisphere. Biden’s Cuba policy might have remained on pause indefinitely if the White House had not been pushed into action by a surge of Cuban migrants at the US southern border and the prospect of embarrassment at the Summit of the Americas.

From October 2021 through May 2022, more than 140,000 Cubans arrived at the border—over three times as many as in the entire previous year, and more than had arrived during the 1980 Mariel boat lift or the 1994 rafter crisis. The humanitarian case for sanctions relief was reinforced by the argument that relieving economic pressure on Cuba might reduce the migration surge.

Meanwhile, several Latin American presidents, foremost among them Mexico’s Andrés Manuel López Obrador, threatened to boycott the June summit in Los Angeles over Biden’s decision to exclude Cuba, Venezuela, and Nicaragua. The White House tried to mollify the Latin American left by relaxing some of the sanctions on Cuba, but López Obrador and half a dozen other heads of state stayed home anyway.

Biden’s measures were good in theory but weak in practice. Limits on remittances were eliminated, but there is no provision enabling Western Union to resume remittance wire services. People-to-people group travel was restored, but the ban on using government-owned hotels makes large group tours nearly impossible. The Cuban Family Reunification Program resumed, potentially enabling safe, legal immigration, but most Cubans must still travel to a third country to request a visa. Without further action, Biden’s tentative steps forward will have limited effect.

Cuba is facing another long, hot summer of shortages and electrical blackouts. Inflation has leveled off, but with the informal exchange rate of the Cuban peso to the US dollar at four times the official one, real incomes have stagnated. Although the tourism industry has reopened, the number of foreign visitors in the first quarter of this year was down 77 percent from 2019. Cuba is also suffering collateral damage from the war in Ukraine as global inflation pushes up the prices of food and fuel, Cuba’s main imports.

The current economic crisis is the principal driver of the migration surge, but Cubans are also exhausted from years of unrelenting hardship. The people leaving are disproportionately young adults who see a bleak future for themselves on the island. Eleven years after Raúl Castro announced his plans to build a “prosperous and sustainable” socialism, the reforms are still incomplete, the economy is no more prosperous, and living standards have not improved. Díaz-Canel’s slogan, “We are continuity,” meant to convey stability in the post-Castro era, rings hollow, especially to younger generations impatient for change.
Bad Art

On washing our clean linen in public.

AD ART IS DOING VERY NICELY THESE DAYS, AND
the reason is that people want a message. An
early symptom was the galloping first-personism
of movie reviewers: “I feel…” was a hard-to-
beat gambit, since who can refute a feeling? A
more impartial claim was suggested by the successor locu-
tion “It feels like…”—where the “it” meant that the feeling
in question ought to move anyone. The broad-church piety was
harder to challenge than a mere first person. Meanwhile, negative
judgments were on the way to becoming prohibited so long as the
work wore its good intentions on its sleeve.

This is not a question of sincerity. Oscar Wilde said, “All bad
poetry springs from genuine feeling,” and in The Importance of Being
Earnest, Algernon recoiled from the display of affection by the hap-
pily married: “It looks so bad. It is simply washing one’s clean linen
in public.” A great deal of the admired and well-rewarded art of our
time consists of washing one’s clean linen in public.

That the artist should have a function separate from the existing
cultural or political apparatus is by no means a timeless idea. It goes
back to the mid-18th century and found its clearest formulation in
Friedrich Schiller’s Letters on the Aesthetic Education of Man (1795). You
may know a work of art, Schiller wrote, by a commitment that looks
like detachment. It does not make you want to go out and do some-
thing. This was a radical proposal, rather than a virtue at home in the
Age of Enlightenment. The taste of the age was more truly represen-
ted by Joseph Addison’s verse tragedy Cato (1712), Whig propaganda
for a civic-republican ideal that gave pleasure to three generations of
viewers, but the sentiments they warmed to are now so frigid it is im-
possible to imagine what those people were feeling. The same is true
of the high art celebrated by the ancien régime—a painter like François
Boucher, for example.

The successful artist shares with the politician a recurrent tem-
pation to indulge in emotional claptrap. Bernard Bosanquet in Three Lectures on Aesthetic (1915) pro-
posed that this urge to chase after tears or laughter could be quelled by attaching the
art-emotion to a particular object and not a set
of reactions. His consequent definition of art
was “feeling expressed for expression’s sake.”
Notice, however, that this is something only
the deranged would dream of wanting in real
life. Our everyday expressions of feeling are
spontaneous and practical; they are never “for
expression’s sake.” By contrast, aesthetic feeling is
self-sufficient.

Jean-Luc Godard’s movie Breathless deals with
a young thug and his dame and the binge of fraud,
flight, and betrayal their infatuation puts them
through. Nothing obliges us to think these people
admirable human specimens. Nor do we think
detestable. It is enough that they are interest-
ing, and their surface glamour accounts for much
of the effect. There is a moment quite early when
the hero turns toward the camera and addresses
the audience head-on: “C’est jolie, la campagne….
Si vous n’aimez pas la mer—si vous n’aimez pas la
montagne—si vous n’aimez pas la ville: allez vous faire
foutre.” (It’s beautiful, the countryside. If you don’t
like the sea—if you don’t like the mountains—if
you don’t like cities: to hell with you.)

Was Godard saying, “Relax, it’s just a movie”?
The moment seemed to convey a sharper admo-
nition: “I don’t care if you like this, but you won’t
walk out. It is going to interest you—later, you can
wonder why.” The impudence went hand in hand
with a peculiar freedom and unconcern. It surprised
the viewer’s wish for a rehearsed response, the click
of the trap in the usual plot.

Iris Murdoch in her essay “Against Dryness”
(1961) said that modern writing had inherited from
liberalism and romanticism an image of human
beings as agents of moral choice. Yet “we are not,”
she wrote, “monarchs of all we survey, but benight-
ed creatures sunk in a reality whose nature we are
constantly and overwhelmingly tempted to deform
by fantasy.” The task of artistic conscience was to
remind us of that deformation.

“One is forever at odds with Marxism,” Mur-
doch added, because “reality is not a given whole.”
But liberalism, too, is a promoter of counterfeit un-
derstanding: “Our sense of form, which is an aspect
of our desire for consolation, can be a danger to
our sense of reality as a rich receding background.”
The experience offered by art is not already in
place, not predigested; and if you understand
reality as a given whole, you have no need of art.
You may create works of fantasy or rejiggered fact,
tutor the audience in proper feelings, and hope to heal
some aspect of reality, but the result will be not expression
but propaganda, or magic, or medicine.

Between the 2020s and an earlier age of con-
formity, the 1950s, the language of cliché
switched from middle-class respectability—the self-evident ideal of movies like Executive Suite (1954) and Marjorie Morningstar (1958)—to the current Hollywood agenda of the inclusive and the marginalized. In last year’s film The Power of the Dog, an early-20th-century frontier businessman is relieved of the burden of his macho-sadist brother when his gay stepson surreptitiously infects him with anthrax. In the just-released Top Gun: Maverick, the loner protagonist leads a diversity-checked squadron of fighter pilots to bomb a uranium-enrichment site in Iran. The first of these films is stark and highbrow, the second flash and lowbrow, but they share an optimistic moral. Elimination of bad guys knits the brotherhood of the good and true.

“Just as once there were bourgeois commonplaces,” wrote André Gide, “so now there are revolutionary commonplaces.”

You may remember Rufo from such social panics as “critical race theory” in schools—he has bragged about turning CRT, an anti-racist legal theory, “toxic” by rebranding it as a stand-in for the “entire range of cultural constructions” opposed by the right. Having exploited existing racial resentments to galvanize white parents and politicians against the teaching of America’s history of anti-Black racism, Rufo and his fellow conservatives are playing a new round of rhetorical games whose goal is to criminalize and further marginalize folks whose gender and sexual identities they oppose. And as Rufo shamelessly attests with his tweets, they will use any means at their disposal—no matter how disingenuous—to bully, shame, and legislate against LGBTQ folks.

The notoriously racist, transphobic, and homophobic Twitter account Libs of TikTok began referring to “grooming” by LGBTQ people in May 2021; the months that followed saw Florida Governor Ron DeSantis’s press secretary claim that any opponent of his “Don’t Say Gay” legislation is “probably a groomer,” Fox News host Laura Ingraham declare public schools “grooming centers for gender identity radicals,” and GOP Michigan state Senator Lana Theis make the libelous charge that state Senator Mallory McMorrow is trying to “groom and sexualize kindergarteners.” It wasn’t far from stoking this kind of paranoia to proposing legislation to ban children from drag shows, as Texas legislator Bryan Slaton said he would do in response to a video of kids at a daytime drag show, calling the performers “perverted adults who are obsessed with sexualizing young children.” Georgia Representative Marjorie Taylor Greene wrote that she will be proposing a law “to make it illegal for children to be exposed to Drag Queen performances.” Florida state
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Representative Anthony Sabatini tweeted that he plans to file “Legislation to charge w/ a Felony & terminate the parental rights of any adult who brings a child to these perverted sex shows aimed at FL kids,” which DeSantis appeared to support.

That’s precisely the kind of language that invites violence. One Sunday this Pride month, a Texas pastor stated that “all homosexuals are pedophiles” and called for LGBTQ folks to be “shot in the back of the head,” while an Idaho pastor cited the need to “put all queers to death” to end “pedophilia.” The Anti-Defamation League tracked at least “seven in-person extremist activities targeting the LGBTQ+ community” in just one weekend. That included two incidents, in California and Texas, in which members of the neofascist Proud Boys barged into drag events. (The Texas drag show was solely for patrons 21 and over; no kids were even present.) The list also included the violence that was barely averted when a group of 31 masked members of the white supremacist group Patriot Front were arrested. On June 21, a group of “15 masked men” dressed in the style of the Proud Boys—some waving signs that read “LGBT is grooming our kids”—interrupted a Drag Queen Story Hour at a North Carolina public library after the police “escorted” them inside the building where it was being held. A “Drag Your Kids to Pride” event near the start of the month in Dallas drew right-wing protesters, including a collective organized by a self-described “Christian fascist.”

This is just the tip of the iceberg. The Armed Conflict Location & Event Data Project released a study last month that found that from 2020 to 2021, anti-LGBTQ actions increased more than fourfold, rising from 15 to 61; that the number of anti-LGBTQ protests increased ninefold over the same period, with “at least 15 percent” of those protests becoming “violent or destructive” in 2021; and that anti-LGBTQ protests and demonstrations in 2022 are on pace to surpass the number last year. ACLED reports that these actions arose “as right-wing politicians and media outlets have mainstreamed the use of increasingly inflammatory rhetoric against the LGBTQ community in the United States.”

All of this would be dangerous in any historical moment, but at a time when the GOP is using the courts, the law, and old-fashioned white terror to undo decades of hard-won civil rights progress, it’s particularly alarming. This is a party that yells about child sexualization while floating the idea of inspecting children’s genitals to verify sex, that claims to be the protector of children while its members threaten to deny students free lunches because LGBTQ children might be among those who are fed. The forces that have coalesced on the right—white supremacist groups, QAnon proponents, Christian nationalists—have a common goal of reasserting white cisgender heteropatriarchy as the law of the land.

This is where we are. It can be dispiriting to watch your personhood be debated, your citizenship undermined, your very presence treated as a national problem. But even in the best of times, our rights are always precarious. Chase Strangio, an ACLU attorney who has spent years on the front lines of the fight for trans rights, noted in a recent essay that “just as marriage equality did not bring liberation to our communities, neither will the fall of Roe or Obergefell or any other legal precedent mark the end of our fights for transformative justice and liberation.” (Note that Justice Clarence Thomas, in his concurring opinion on the despicable ruling overturning Roe, wrote that the court “should reconsider…Griswold, Lawrence, and Obergefell,” too.) These are fights we will always have to wage, because the alternative is too bleak to consider. And because our most fundamental right, regardless of what the backlash insists, is simply to be.
The Debate

The Debate

THE NATION 7.25–8.1.2022

No

JOHN WASHINGTON
AND TARA RAGHUVEER

We can’t rely on the private sector to solve a problem of its own making. We can’t just tweak a racist and failed system. We need a wholesale transformation.

Today’s housing market is a catastrophic failure, built through land theft and chattel slavery and shaped by the relentless prioritization of those who profit from our basic need for a home. Black incomes are 60 percent of white incomes, and Black families hold nearly 10 percent as much wealth as white families hold. Millions of tenants are forced to make the choice between paying the rent and feeding their kids. Two years of a pandemic and economic turmoil have inflicted more pain as tenants accrued rental debts, struggled to access inadequate federal assistance, and were evicted from their homes. Rents were up 17.5 percent over the course of 2021, squeezing Black and brown tenants the most.

The problem isn’t a lack of luxury condos; the problem is racial capitalism. Under this system, wealthy people, who are overwhelmingly white, gain profit and power from the exploitation and oppression of working-class and poor people of all colors. Our housing system was designed around an accumulation of capital that depends on severe inequality and, more specifically, on the subjugation of Black tenants.

Trickle-down housing policy is a farce. In a highly speculative housing market, increasing the supply does not automatically reduce housing costs. When cities permit more market-rate development, developers build more market-rate housing, because that is what will yield the highest return on investment. Especially when labor productivity lags in the construction sector, the profitability of housing production depends on rising rents. Rents are set not based on the quality of a home but on whatever the market will allow. This is why most “luxury” housing is so ugly and poorly built.

“Affordability” is an abused concept in development deals and local policy-making. Developers receive public subsidies and tax abatements to build market-rate apartments, sometimes with conditions to set aside “affordable” units. Those conditions rarely create truly affordable housing, because the definitions of “affordable” have

Yes

BRIAN HANLON
AND NED RESNIKOFF

In good leftist fashion, we’ll first answer the question by challenging its premise. New market-rate homes are rarely “luxury condos.” Only 5 percent of multifamily homes are condos, about the lowest rate in 50 years. The issue at hand concerns housing that does not receive subsidies to cover rent for low-income households. In California, nearly 90 percent of multifamily rental units are market-rate, and about 90 percent of low-income households live in market-rate homes.

As for “luxury”—don’t believe what the landlords tell you. The scarcity of available apartments is what drives high housing costs, not stainless-steel appliances or a small fitness room. And that scarcity is real; contrary to what you may have heard, American cities don’t have a vast supply of apartment towers held vacant as investment vehicles. In fact, our rental vacancy rate is at a historic low.

The best way to end a housing shortage is by building more. New research, made possible by previously unavailable, fine-grained data sets, shows that market-rate construction makes affordable housing available via “migration chains.” High-income people move into new housing, middle-income people move into the housing previously occupied by high-income residents, and so on—all the way down the income ladder. In this way, building more “luxury condos” frees up low-cost housing for low- and middle-income households.

Displacement is real, but building market-rate homes does not increase displacement pressures. While scholars have long known that building more homes reduces prices at the regional scale, more recent research reveals that market-rate home-building reduces rents and evictions even at the neighborhood level. Removing restrictions on home-building in urban areas also reduces racial and economic segregation, greenhouse gas emissions, and homelessness. Furthermore, landlords find it harder to discriminate against potential tenants with housing vouchers in a loose housing market.

While those members of the left who are opposed to building market-rate housing sometimes deride pro-development theories of affordability as “trickle-down economics,” they’ve got it exactly wrong. The bogus thesis of trickle-down economics says that by cutting taxes on the rich, you’ll spur econ-
We cannot let the continued existence of capitalism stop us from delivering relief.

We cannot let the continued existence of capitalism stop us from delivering relief.

The government must guarantee housing as a public good, and then construct millions of homes.

We have an obligation to reject cutesy, technocratic suggestions from advocates and instead follow the demands of organized tenants. They are the closest to the perils of racial capitalism and therefore the closest to the solutions—they are the experts of their own liberation.

The government must guarantee housing as a public good, and then construct millions of homes.

The debate

The Debate

The Debate

Building more market-rate housing is a necessary but not sufficient condition to create more inclusive, affordable, and sustainable communities. As California Assemblymember Alex Lee—the author of social housing legislation cosponsored by California YIMBY—put it, being pro-housing means taking a “yes, and” approach: Yes to more market-rate housing—and yes to more subsidized affordable housing, social housing, renter protections, renter subsidies, and paths to homeownership. And so on.

But why build more market-rate housing at all? Migration chains work, but wouldn’t permitting only affordable projects work even better? No, for a few reasons.

First, the choice between market-rate and subsidized affordable homes is a false one. Upzoning, or permitting builders to construct apartments in areas where only single-family homes had been allowed, reduces competition between for-profit and subsidized nonprofit developers for buildable land.

Second, while we must put more public dollars toward building affordable homes, it is impossible to meet our current housing needs with 100 percent subsidized affordable housing. Los Angeles, for instance, must plan for 456,643 new homes through 2029 to meet state-mandated affordability goals. At a cost of about $500,000 per unit, it would cost the city of Los Angeles $228 billion to meet its housing needs. The only solution for building at the necessary scale is to rely on private development, affordable housing developers, and—where possible—public agencies.

Third, more market-rate development means more taxes for cities, which can then be poured into rental subsidies and homeowner assistance, creating a more hospitable place for poor and working-class residents.

Lastly, we cannot let the continued existence of capitalism stop us from delivering relief to people who are currently housing-insecure or homeless. In the short to medium term, no viable path exists toward a world in which private real estate ceases to exist.

Abundant housing benefits everyone except landlords and private equity firms. And when paired with other policies aimed at reducing inequality and promoting inclusive growth, a pro-housing strategy can lead us to a more egalitarian, solidaristic, and sustainable future.

Brian Hanlon is the CEO and cofounder of California YIMBY.

Ned Resnikoff is the policy director of California YIMBY.
Demonstrators demand more arms for Ukraine outside the NATO summit in Madrid on June 29. Speaking by video during the summit, Ukrainian President Volodymyr Zelensky requested a 10-fold increase in weapons to counter Russia’s invasion. US President Joe Biden promised $800 million more in military support.

By the Numbers

5
Number of states that currently ban all abortions

26
Number of states expected to ban abortions in the coming weeks and months

26%
Portion of clinics expected to close

8%
Increase in the number of abortions between 2017 and 2020

90+
Number of funds that directly support people seeking abortions in the United States

Trump Considers an Early Entry in the ’24 Race

Should Trump announce for president quite soon? From some supporters that has been the clamor. But others think that he might find it hard To do those great Trump rallies from the slammer.
If it’s your first visit to Guantánamo Bay, you might be forgiven for expecting the world’s most notorious prison site to look more like a garrisoned penal colony than a sleepy suburb in Southern California. But when you realize that the actual detention facility is tucked away in a far corner of this 45-square-mile naval base, and that what you can and cannot see will be determined almost completely by the same US government that invited you to observe the military commissions here, you arrive at the conclusion that your week on this occupied spit of Cuban territory will probably be a little strange.

If you believed in omens and premonitions, you might have been able to see something like this coming. In that case, you probably would have considered it meaningful rather than just odd that while you and the rest of the small media crew were waiting to be admitted to Joint Base Andrews in Maryland at 6 AM to board a charter flight to Guantánamo, the large-screen television in the waiting room was, for reasons unknown to you, playing the movie *The Matrix.*

If it’s your first visit to Guantánamo as a member of the media, you will be told of the requirement that you must display your media credentials wherever you go. After you arrive on the base, you will notice that the members of the media are the only people wearing anything around their necks, making everyone stare at your chest and repeatedly ask you who you work for. Several days later, when you find yourself searching for something to eat at the naval base’s bowling alley, a man in civilian clothes who looks to be a member of the military will approach you and ask, “Does it make you feel bad that nobody wants to talk to you because of that thing around your neck?” To which you respond, “Are you instructed not to talk to members of the media?” After which he will respond with a half smile, “I’m not saying, but I’m saying.”

Moustafa Bayoumi, a professor at Brooklyn College, is the author of *How Does It Feel to Be a Problem? Being Young and Arab in America* (Penguin Press) and a coeditor of *The Edward Said Reader* (Vintage).
Guantánamo
You arrive at the conclusion that your week on this occupied spit of Cuban territory will probably be a little strange.

Even if it’s your first visit to Guantánamo, you will know that since January 11, 2002, the US government has imprisoned some 780 Muslim men and boys here (the youngest prisoner at Guantánamo was 13 years old). You will have read a 2006 study of the first 571 detainees, which found that 86 percent of them were not captured by US troops but were handed over to coalition forces in Afghanistan or Iraq in a cynical exchange for monetary bounties. You will also know that of the 780 total detainees, more than 730 have been released, the vast majority never having been charged with any crime. At the time of your visit, you will read that 38 men remain at Guantánamo (though the number is now 36, as one man, Sufyan Barhoumi, was recently repatriated to Algeria and another, Assadullah Haroon Gul, was returned to Taliban-controlled Afghanistan). And you will know that of those 38 (now 36), 19 are being detained even though they have been cleared for release by the US government. Your wonder at this fact will be superseded by the knowledge that an additional five men are being kept in indefinite detention because the US government says they are still too dangerous to be released, but the government has not charged any of them with a crime. And you will know that 10 men are currently facing charges in a military commission system established to try “alien unprivileged enemy belligerents,” as the Military Commissions Act of 2009 refers to the men. You’ve come to observe the pretrial-motion hearings for one of these 10 men.

“What exactly is a military commission?” you will ask yourself before leaving for Guantánamo. You will read on the website of the Office of Military Commissions that they “are a form of military tribunal convened to try individuals for unlawful conduct associated with war.” You will see, on this website, how the United States has used versions of military commissions during or after the Revolutionary War, the Mexican-American War, the US Civil War, and World Wars I and II. The aim of this list, you believe, is to illustrate a legal legacy of military commissions, but all it shows you, really, is that, for a young country, the United States has a long history of warfare.

You will also recall an oft-repeated sentence from Justice Robert H. Jackson, chief of counsel for the United States during the Nuremberg trials in 1945: “We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow.” And you will note that the Nuremberg trials took 10 months to complete.

The case you are here to witness has been in pretrial-motion hearings for eight years.

On your first full day at Guantánamo, you will be asked by your hosts from the military to sit through a media orientation. At this briefing, you will politely be told the guidelines of what you can and cannot photograph and where you can and cannot go. One of the public affairs officers—the one who refers to the Cuban government as “our partners down the street”—will ask that you and the other journalists consider the ways that the 5,700 to 6,000 people living on the base (about a quarter of whom are directly assigned to the prison) live their lives. We’re a small community, she will tell you, and we care for each other. She will begin pitching other stories to you, such as the $9 million animal clinic to be built to care for working dogs and house pets. (Construction on the animal clinic had been delayed because, in 2019, Trump reallocated the funds to pay for his border wall, much to the consternation of the animal care community, which calls itself Operation Git-Meow.)

The public affairs officer will also boast about the multicultural and multi-faith character of the people working on the base, mentioning a local mosque in passing. You will express some interest in the mosque and ask her how many Muslims live here. She will say she doesn’t know, at which point someone from the media group will quip, “At least 38.” You chuckle at the dark joke and watch as the public affairs officer does not crack even the hint of a smile.

If it’s your first visit to Guantánamo, chances are you will at some point ask the public affairs officer assigned to you if it’s possible to visit the site of the original Camp X-Ray. You will already know that Camp X-Ray was where the first 20 War on Terror detainees held at Guantánamo Bay were brought. You still remember that iconic picture of the detainees, the one where they are shackled and on their knees in the gravel, their hands covered in over-size black mittens, eyes hidden behind blackout goggles. But it’s always the Bob Barker orange jumpsuits that jump out of the picture. You also know that the prison was a series of open-air cages, completely exposed to the elements. Even zoos offer more protection to the beings under their control, you remember thinking.

Then you recall the recently repatriated prisoner Mohammed al-Qahtani, who arrived at Guantánamo already suffering from schizophrenia. Al-Qahtani was the subject of what the government called the “first special interrogation plan” at Camp X-Ray. You think of the ways, while at X-Ray, that he endured the unendurable: 48 days of sleep deprivation, interrogations that lasted for 20 straight hours, forced nudity, forced grooming, sexual humiliation, religious humiliation, prolonged stress positions, beatings, threats with military dogs, and so much more. You find your mind isn’t
As Guantánamo recedes even further from public view, you realize how invisibility functions as the first step to being forgotten forever.

The US government calls the man whose hearings you are here to witness Abd al Hadi al-Iraqi. He calls himself Nashwan al-Tamir. A CIA report identifies him as “Nashwan ‘Abd al-Razzaq ‘Abd al-Baqi (true name).” His jailers probably call him “026,” the last three numbers of his Internment Serial Number, which is 10026. (Detainees are referred to by the last two or three numbers of their ISN, according to the memoirs of ex-employees and ex-detainees of Guantánamo.) Meanwhile, you discover that the name tapes on the uniforms of service members deployed to JTF-Guantanamo don’t contain names at all, which is not the case with the other service members on the base, whose names are written across their chest. Instead, the letters on these name tapes refer to duties, such as “ISGF” for Internal Security Guard Force. A published account says that, at least at one point, the members of JTF-Guantanamo were instructed to call the men in their custody “detainees” and not “prisoners,” because that “could have been construed to mean...
One day in Guantánamo, you find yourself talking to Mark Denbeaux, the legendary Guantánamo lawyer and one of the attorneys representing the CIA’s first post-9/11 captive, Abu Zubaydah (given name: Zayn al-Abidin Muhammad Husayn). You already know that Abu Zubaydah was tortured almost to death in CIA black sites around the world. You also know that the interrogation team torturing him sought and received “reasonable assurances” from CIA headquarters “that [Abu Zubaydah] will remain in isolation and incommunicado for the remainder of his life.” You realize that Abu Zubaydah has now spent 20 of his 50 years on earth “without meaningful communication with the outside world,” as his lawyers wrote in a brief to the Supreme Court. You’ve read the Supreme Court’s decision, published on March 3, 2022, in which the justices repeatedly labeled what happened to Abu Zubaydah as “torture.” You recall that the Senate Select Committee on Intelligence and the UN Security Council believe he was never a member of Al Qaeda. You know that he has never been charged with a crime. You know that he is still in Guantánamo. While you are talking to Denbeaux on the grounds of Camp Justice, you will ask him about the site, and you will hear him say, “It’s not justice, but it is a camp!”

A fact you discover about Camp Justice that will trouble and nag at you is that the camp has been erected on the same place, the old McCalla airfield, that was once used to warehouse Haitians seeking asylum in the US. You recall the coup in Haiti in 1991, which ousted the first democratically elected president of that struggling Caribbean country. Tens of thousands of Haitians fled their homeland for safety, with more than 10,000 prevented by the US Coast Guard from reaching US shores and instead placed in a massive tent city on the grounds where you currently are. You will read about the Haitians who met the US standard for asylum and were then forcibly tested for HIV. You will learn that hundreds of HIV-positive asylum seekers were moved to a separate camp, Camp Bulkeley, the world’s first HIV detention camp, and held there for almost 18 months while the US refused to admit them. You will reflect on the land on which you are standing, a silent land full of memories of confinement and control, an archaeology composed of multiple sedimented layers of anguish and despair.

When you do arrive at the courtroom in Camp Justice for the pretrial hearings you are here to observe, you will pass through several security measures and then sit in the viewing gallery. The following signs will be posted on the walls: “No binoculars or other visual enhancement devices.” “No Google Glasses.” “No classified discussions in this area.” And
your personal favorite: “No drawing, sketching, doodling, etc.” You are separated from the courtroom by thick panes of soundproof glass. When the proceedings begin, you will hear everything that is happening in front of you, but only after a 40-second delay, which is, truth be told, a mind-fucking long period of time. The reason for the delay, you are told, is that if any classified information is disclosed, then those in the viewing gallery will hear only static. This situation leads to a jarring, asynchronous viewing experience. For example, when the judge walks into the courtroom, the uniformed member of JTF-Guantanamo who is observing you observe the trial will instruct everyone in the viewing gallery to stand. When the judge sits, which you can see, everyone will sit. Forty seconds later, you will hear the judge say, “You may be seated.” You will already be seated.

Video monitors above your head project the proceedings to the viewing gallery with the video and audio synchronized. You find that the natural tendency is to watch the proceedings on the monitors, where they seem more lifelike, instead of live and directly in front of you. You wonder if your sense of reality is beginning to suffer.

As you watch the military commissions in action, you realize that trials are never solely about the guilt or innocence of the accused. Every trial everywhere, regardless of the kind of tribunal, is first and foremost a trial of the very system being used to adjudicate guilt or innocence. An accused person may be found guilty or not guilty, but if the system fails its own test of justice, then it’s really all of us who are condemned.

In the course of your research for your trip, you will learn of that moment in 2013, during pretrial hearings for the five men accused of the 9/11 attacks, when the audio and then the video from the courtroom were abruptly cut, much to the surprise of the trial judge, the lawyers in the courtroom, and even the court-appointed security officer. It was later ascertained that the CIA was watching the proceedings remotely and had initiated the censorship, a capability unknown even to the judge at the time. You will read about how, in that same year, listening devices were discovered in fixtures that looked like smoke detectors in the rooms where defense counsel would meet with their clients. The government later admitted to placing them there. You will learn that, in 2015, an interpreter translating for the defense was exposed as having previously worked for the CIA in secret overseas “black sites” after the men on trial recognized him in open court. You will hear from the defense how evidence is routinely withheld from them, with the court placing no sanction on the prosecution’s behavior. You will read that in these military commissions, the accused cannot see some of the evidence being used to convict them, and defense attorneys cannot even discuss such evidence with their clients to determine if any of it is remotely true or accurate.

You will see the hospital bed at the back of the courtroom before the accused, Nashwan al-Tamir, is brought in. Later, you will be speaking with Susan Hensler, the lead civilian defense counsel, and she will tell you that her client suffers from a degenerative spinal condition. When he was captured in Turkey in 2006 and taken to a CIA black site, she explains, he informed the agents that he had a serious spinal disease. “They used it against him,” she says, and neglected to provide him with proper care. Later, in 2010, medical personnel at Guantánamo independently diagnosed her client with the ailment, and it was widely known that he needed surgery. Yet, for years, he was denied care. Then, on September 5, 2017, he collapsed in his cell, and a team of specialists was flown to the naval base from the US mainland to perform a series of surgeries on the man to prevent paralysis. He still requires another surgery, Hensler explains: “My client lives in incredible pain.”

You will discover the 2019 report produced by Physicians for Human Rights on health care at the prison. “Mr. al-Tamir’s treating neurosurgeon recently testified that, as a result of his quick succession of spinal surgeries, Mr. al-Tamir could suffer from neuropathy, chronic pain, and muscle spasms for the rest of his life,” you will read, along with this sentence: “The medical care situation at Guantánamo is not sustainable and should be expected to worsen rapidly over time, as the impacts of both torture and indefinite detention exacerbate medical complications otherwise associated with aging.”

It’s not only the detainees who have aged. The detention center, too, is slowly deteriorating. You know this because several defense lawyers for other clients are also in Guantánamo the week you are there, even though their cases are not being heard. The lawyers have come because the government is allowing lawyers and their clients to visit Camp 7, which had fallen into disrepair. (Journalists have never been able to visit Camp 7.) There are multiple prisons at JTF-Guantanamo, you have read. After Camp X-Ray, there was Camp Delta, which initially contained Camps 1, 2, 3, and
You wonder about an American who has no Muslim acquaintances and whose reading on Islam is limited to a book about terrorism.

eventually 4. Camp 4, where detainees who cooperated in their interrogations were often sent, was opened in 2003. It was less restrictive than Camps 1, 2, and 3. Prisoners lived communally, wore white instead of orange, and were afforded more privileges than at Camps 1, 2, and 3. A more permanent prison, Camp 5, which was designed on the US maximum-security prison model, opened in 2004. Camp 6 was modeled after a county jail in Lenawee, Mich., and was meant to be more like a medium-security facility. It opened in 2006, at a cost of $37 million, paid to a subsidiary of Halliburton.

And then there is Camp 7. You learn that it was opened in 2006, in a top-secret location, though some have said it can be spotted via satellite imagery on the Web. You learn that the CIA ran Camp 7, its own black site on the base. You discover that Camp 7 housed the so-called high-value detainees after they had been transferred from other CIA black sites around the world to JTF-Guantánamo in 2006. In 2021, they were all moved to Camp 5. (You will also be told, by at least three defense lawyers for different cases, that labeling someone a high-value detainee is almost completely arbitrary, that the designation often has less to do with the person being labeled and more to do with the uncomfortable fact that they were in the custody of the CIA’s RDI group, which stands for “Rendition, Detention, and Interrogation.” In short, prisoners who had been tortured by the CIA were often classified as high-value detainees.)

The lawyers are visiting Camp 7 to gather evidence of how their clients were treated and perhaps to argue later that statements made by clients at Camp 7 should be excluded from trial, since Camp 7, as a CIA-run site, was so similar to the other black sites that statements made there should be considered gathered under torture or conditions tantamount to torture. The lawyers may also argue that the conditions of confinement were so terrible at Camp 7 that any possible future sentence handed down by the commissions ought to take those conditions into account.

A few days later, you ask Susan Hensler about Camp 7. She can’t tell you many details because they are classified. She does tell you that being in the cells of Camp 7 was “like being in a coffin.” Camp 7 is “falling down,” she explains. There were “animal feces everywhere.” A dead tarantula was found in front of her client’s old cell. The whole place, she says, “was full of dead things.”

You will have investigated the charges against the accused in this case and learned that he is charged with crimes that sound like they were levied against him in the 19th century: perfidy, treachery, denying quarter. Such is the language of military justice, you surmise, while wishing that waging war was just as archaic.

Pervez Musharraf. The accused man’s planning and actions are alleged to have killed or injured civilians and coalition forces in Pakistan and Afghanistan, and he is also alleged to have led a group of Al Qaeda members to help the Taliban destroy the historic Buddha statues at Bamiyan, Afghanistan. You wonder how much of this, if any, is true, noting how the aim of any tribunal must be to separate truth from lies and justice from revenge.

From the viewing gallery of the courtroom, you will witness, through three layers of soundproof glass, hours of questioning, but the questions will be directed at the judge in the case of US v. Hadi al-Iraqi. You will learn that he is the fifth judge in this case, and that this is his first time at Guantánamo. As with the Uniform Code of Military Justice, you are told, the military commissions provide the opportunity for the prosecution and defense to voir dire the judge, to question him to determine his impartiality. Much of the day is taken up with this task. You listen, on a 40-second delay, as Susan Hensler asks the judge:

Do you have any Muslim family members?
I do not.
Do you have any Muslim friends?
Not that I can identify, no.
Do you have any Muslim acquaintances?
Not that I can identify, no.
Have you read any books on Islam?
I’ve—well, in the broadest net, I would say I’ve read The Looming Tower, which I guess you could say would reach to discuss Islam.

You wonder about Americans who don’t have even acquaintances who are Muslim and whose readings on Islam are limited to a single book about terrorism.

To have already had five judges in a case that, eight years later, is still stuck in pretrial hearings seems like a lot, you will think. Then, you will hear Hensler explain how “the very first judge in our case… applied for a job with the Department of Justice in 2014. This fact didn’t come to light until five years later, in 2019,” she will say, “and, as a result of that, last year the appellate court found that we were entitled to a do-over of the entire case.” The fourth judge in the case, you learn, left after being offered a fellowship with the FBI. He also didn’t disclose to the court that he had applied for the fellowship with a law enforcement agency. “With respect to the military
commissions, it is widely accepted that they’re a failure,” Hensler will say. “How many years are we into this? I’ve been on this case for almost five years, and we’re farther from the starting line and much farther from trial than when I started five years ago.” You begin to wonder in which direction time travels when you’re in Guantánamo Bay.

You will start asking almost everyone you meet how long they have been at Guantánamo. You hear about the “special category residents” (SCRs) but are not allowed to talk to any. These are Cubans who worked on the base before the Cuban Revolution and felt they couldn’t return to their homes after relations soured between the Cuban government and the Americans in the early 1960s. They were offered the opportunity to remain on the base, and many were eventually given US citizenship. Some moved to the United States, but others chose to keep living on the base. Today, you are told, there are 17 SCRs left, most in their 70s and 80s. You meet a Jamaican worker who tells you he’s been there for 35 years, though he returns to Jamaica frequently. Jamaicans, Filipinos, and (most recently) East Africans are “TCNs” (third-country nationals) who labor on the base, doing work like serving food to Americans and cutting their grass. Many are paid a fraction of the federal minimum wage, you are told, and you read the same, but the rules you signed in order to visit the base indicate you cannot interview any of these workers. Most of the military service members who are there are on year-long deployments, you learn. One person—not a guard, but someone associated with the military commissions—tells you he’s been at Guantánamo for six years. Wow, you say. That’s a long time. He nods.

The prisoners who remain at Guantánamo Bay, most of whom have not been charged with any crime, have been there anywhere from 14 to 20 years.

You will meet one of the lawyers representing Ammar al-Baluchi, another “high-value detainee” and also the nephew of Khalid Sheikh Mohammed, allegedly the “principal architect of the 9/11 attacks.” The lawyer, Alka Pradhan, will describe a 2008 report by the CIA’s Office of the Inspector General that is now declassified and that her team had recently appended to court filings. She will explain how her client was not only tortured but also used as a “prop” so interrogators could practice specific “enhanced interrogation techniques” (EITs) on him for training purposes.

You’ve read how the CIA contracted two psychologists—James Mitchell and Bruce Jessen—to devise these EITs, a euphemism for torture, which included “walling.” This was a practice in which detainees would be stood up against a flexible plywood wall and have their faces wrapped with a towel. Interrogators would grab the ends of the towel and repeatedly slam the detainee’s head against the plywood. You will read the report, which will confirm what Pradhan said: that al-Baluchi was repeatedly abused to the point that it was the interrogators who got tired.

You’ve read before that torture is never useful for intelligence gathering, for the rather obvious reason that whoever is being tortured will say whatever they think you want to hear to stop the torture. Then, in the report concerning al-Baluchi, you will read how “Ammar also explained that he was afraid to tell a lie and was afraid to tell the truth because he did not know how either would be received.”

You will come to understand how Guantánamo is the strangest of small-town America. Everyone shops at the same supermarket, the NEX. This is confirmed when Pradhan tells you of the time she “ran into Dr. Mitchell”—the same Dr. Mitchell who, with Jessen, devised the EITs—“in the deodorant aisle” of the NEX. “He looked at me, asked, ‘Which one should I get?’” she tells you. “I do not feel qualified to answer,” she told him in reply.

At the conclusion of the first day of these pretrial hearings, the judge will declare the commission in recess for two months. You will wonder what you are supposed to do for the rest of the time you are on the base.

Days later, you and other members of the media will be taken to see the base’s cemetery, which requires special permission to visit. You will be driven up a hillside and past some ammunition bunkers to find yourself in a clearing with more than 300 headstones sitting on an old battle site from the Spanish-American War. You wonder if any graves will date from that period, but none do. The earliest is from 1902, an American sailor (born in Japan) named Kumaji Makamota. Behind the cemetery is a fenced-off area with a simple sign that states “Islamic Cemetery,” but no one appears to be buried there. (The remains of all nine Muslim men who died at JTF-Guantanamo have been repatriated, you read.) Other gravestones will sadden you. You see a bunch that simply

The lawyer will explain how her client was not only tortured but used as a “prop” so interrogators could practice specific techniques.

(continued on page 31)
When Moath al-Alwi found himself in a windowless steel cell in Guantánamo’s Camp 6, he asked his guards for scraps of cardboard. After experiencing years of interrogation and torture, “low-value” detainees like al-Alwi were permitted by authorities during the Obama administration to create art. As the former detainee Mansoor Adayfi describes in his 2021 memoir *Don’t Forget Us Here*, al-Alwi fashioned the cardboard into a window frame and hung it on his cell wall. He painted it with a view east to Mecca, with “the sun rising over a vast blue sea.”

In 2017, I curated an exhibition of artwork given by al-Alwi and other detainees to their lawyers, some of which is reproduced here. Camp authorities reacted by banning any more art from leaving Guantánamo. Al-Alwi, who has spent more than 20 years at Guantánamo without ever being charged with a crime, was cleared for release in January 2022. But he has told his lawyer that he would rather his artwork be released than himself, “because as far as I am concerned, I’m done, my life and my dreams are shattered. But if my artwork is released, it will be the sole witness for posterity.”

—Erin L. Thompson

Khalid Qasim, Untitled (Balance), 2017

Muhammad Ansi, Untitled (Alan Kurdi), 2016

Sabri Al Qurashi, Untitled (Fence With Flag), 2012

ALL ARTWORK COURTESY OF THE ARTISTS
Sabri Al Qurashi, Untitled (Kneeling Detainee), 2012

Ghaleb Al-Bihani, Untitled (Landscape With Blue Mosque), 2016

Muhammad Ansi, Untitled (Impressionistic Sailboats), 2016

Erin L. Thompson, the author of Smashing Statues: The Rise and Fall of American Monuments, teaches at the City University of New York.
The Worst Abuser You Could Ever Have

Tracy McCarter is handcuffed and escorted to the courtroom by sheriff's deputies.
It was after Tracy McCarter left her abusive partner, and when she became ensnared in the legal system, that the nightmare really began.

BY VICTORIA LAW

Tracy McCarter did everything that society tells domestic violence survivors to do. She separated from her husband, Jim Murray, and moved on with her life. She continued working full-time as a nurse at New York-Presbyterian Hospital, was enrolled in a master’s program at Columbia University, and was looking forward to celebrating her graduation with her four grown children. In the seven months since she had separated from her husband, she had rented her own apartment in Manhattan and was in the process of buying one in Queens, far enough away from Murray, whose alcoholism had been spiraling out of control, to minimize his intrusions. Although she still loved her husband, McCarter was preparing to enter a new chapter in her life—one in which she would welcome her first grandchild into the world, purchase and renovate a co-op, and advance her career.

But then, more than two years ago, she was forced to put those plans on hold. McCarter told me in the first of several interviews conducted in her apartment, where she is confined not because of the pandemic, but because the Manhattan district attorney’s office is charging her with murder—for Murray’s death. This awful tragedy is actually not that unusual. It’s a bind she shares with many other domestic violence survivors who act in self-defense, only to find themselves ensnared in the legal system.

McCarter, who’s facing a potential prison sentence of 25 years to life, declined to discuss what happened in the moments before police arrived at her apartment on the night of Murray’s death. According to court transcripts, the 44-year-old had returned home from work on March 2, 2020, when Murray, age 48, rang her buzzer. On previous occasions, when she did not respond, he would buzz other neighbors until someone let him in. Sometimes he passed out in front of the building. The building’s management company had warned McCarter that if Murray continued this behavior, the company would evict her.

That night, Murray was intoxicated and had locked himself out of his apartment, where he’d left his wallet. McCarter let him in, hoping he would sleep it off on her couch while she did her homework. Instead he became belligerent, demanding money. When she refused and told him to leave, he became violent until she agreed to give him her purse. Finding no money there, he assaulted her again. (In the court transcripts, neither the prosecutor nor her defense attorney offers particularly specific details of that night’s assaults.) By then, McCarter had grabbed a kitchen knife to ward off another attack.

McCarter called 911 (neighbors later reported that they’d heard her screaming for help). When police arrived, they found Murray on the floor with a stab wound in his chest. (A 2020 Gothamist piece I wrote erroneously stated, due to an editorial error, that McCarter had said she’d stabbed Murray once in the chest, but in fact this was a claim made by the assistant district attorney. In hours of interviews, both in 2020 and more recently for this article, McCarter never once said that she had stabbed Murray.)

We do know that when the police arrived, McCarter was administering first aid, pressing a towel to Murray’s wound to stop the bleeding. The police pulled her away, handcuffed her, and took her to the precinct. Paramedics transported Murray to the hospital, where he died.

The following morning, the police brought McCarter to court. “[The police] told me I was going to be arraigned. I didn’t know what that meant,” she told me. She recalled that an officer had brought some clothes from her apartment, so she could change from the hospital scrubs she was still wearing. As she left the precinct, she noticed that officers were photographing her scrubs.

In court, McCarter learned that the district attorney’s office planned to charge her with second-degree (or intentional) murder in Murray’s death. Assistant District Attorney Sara Sullivan argued that McCarter—who has family in various states, a Texas cell phone number, and a valid nursing license in Texas—was a flight risk. She requested that the judge either remand McCarter to jail without bail or set bail at $500,000 in cash, with a $1.5 million insurance bond and a $1.5 million partially secured bond. Because the district attorney’s office said it was planning to seek an indictment for murder rather than manslaughter, the judge chose to remand her, sending her to Rikers Island.

It was the start of a nightmare that, more than two years later, hasn’t ended, not only for McCarter but also for her children. Her oldest daughter, Ariel Robbins, is pregnant, expecting McCarter’s second grandchild in mid-August. “My decision to become

Victoria Law is a freelance journalist who focuses on the intersections of incarceration, gender, and resistance.
“This person will always be seen as the person who committed a crime, and not as someone who was victimized.”

—Leigh Goodmark

Despite the ubiquity of domestic abuse, there are no national statistics on the number of survivors who are prosecuted or imprisoned for defending themselves, said Leigh Goodmark, a law professor and the director of the University of Maryland’s Gender Violence Clinic. “We don’t know how many people nationally are incarcerated for killing their partners in self-defense, for taking action in self-defense that did [not] kill their partners but resulted in criminalization, or for crimes committed under the direction of or duress from a partner.”

Statewide studies indicate that McCarter’s experience is not unusual. In 2005, the New York prison system released a snapshot study noting that two-thirds of the women imprisoned for killing someone close to them had been abused by that person. An older study, from California, found that 93 percent of the women imprisoned for killing their partners had been abused by them. Of these women, 67 percent said they had been defending themselves or their children.

Legal advocates for women accused in domestic violence cases across the country say they handle dozens, if not hundreds, of similar cases each year. “We’re working with so many Tracys right now,” said Patrice James of STEPS to End Family Violence, which provides counseling and legal advocacy to survivors in New York City. The organization is currently working with more than 100 survivors who are facing criminal charges, including felony charges like murder and manslaughter. Meanwhile, the National Clearinghouse for the Defense of Battered Women, which helps survivors who are facing criminal charges, took on 60 new cases during the first four months of 2022.

The reason the legal system continues to incarcerate domestic violence survivors who act in self-defense, Goodmark said, is that police and prosecutors tend to think in binaries. “In the eyes of the legal system, this person will always be seen as the person who has committed a crime, and not as someone who was victimized by another person and acted to protect themselves.” And once they’ve decided on their theory of the case, they rarely change their minds, even when evidence emerges to suggest otherwise.

In McCarter’s case, police arrived to find Murray bleeding and formed the theory that McCarter had stabbed him. (Murray’s family declined to comment for this article.)

The ways in which domestic violence, self-defense, and criminalization intersect began attracting broader attention in 2012, when two Florida cases revealed the unequal treatment that the legal system meted out. That year, shortly after George Zimmerman successfully invoked self-defense to justify killing 17-year-old Trayvon Martin, a Florida judge sentenced Marissa Alexander to 20 years in prison for firing a warning shot to stop her husband’s violence. Alexander had not been allowed to invoke the state’s “stand your ground” law. Instead, a pretrial judge ruled that she could have left her own home.

The disparity provoked an outcry, and support campaigns sprung up in a number of cities. In 2013, an appeals court overturned Alexander’s conviction and ordered a new trial. It also imposed an onerous penalty: If Alexander were convicted again, she would serve her sentences consecutively rather than concurrently.

Faced with three distinct charges and a possible 60-year sentence, Alexander agreed to a plea bargain that included time served for her 1,030 days behind bars, an additional 65 days, and two years of house arrest.

Members of these support campaigns went on to form Survived and Punished, a national network that provides resources for abuse survivors entangled in the criminal legal system. The network popularized the term “criminalized survivor” for people facing charges stemming from abuse. According to Beth Richie, a co-founder of INCITE! Women, Gender Non-Conforming, and Trans People of Color Against Violence and the author of multiple books examining the intersections of interpersonal and state violence against Black women, the term focuses attention on the person’s “relationship to the harm, not to the legal case. It says that one of the forms of abuse is the state criminalizing people’s attempts to survive.”

McCarten’s case affirms a universal truth among those who have worked with domestic violence survivors: “Leaving is the most dangerous time.” Legal scholars have a term for it, coined in 1991 by Martha R. Mahoney: “separation assault.”

“Separation can exacerbate the abuse because it sends the message that the power...
dynamic has shifted,” Goodmark said. “The legal system and the service-provision system send the message that if you leave, you will be safe. That’s simply not true. And we’ve known that for decades.”

Cindene Pezzell, the legal director of the National Clearinghouse for the Defense of Battered Women, which works with hundreds of abuse survivors who are facing charges or have been imprisoned, added: “There’s absolutely no reason to believe that ending a relationship will end the violence.”

As a Black woman, McCarter was even more vulnerable. Her career as a medical professional did not shield her: “The variables that protect white women [from] criminalization and violence...don’t protect Black women in the same way,” Richie told me. “Occupation, income, and age are not protective of Black women either from being abused or being criminalized for that abuse.”

Indeed, a 2016 study found that prosecutors reduced domestic-violence-related charges for white women more frequently than for women of color. Other studies have found that Black women experience domestic violence at a higher rate than their white counterparts and that their experiences are less likely to be taken seriously by the police, especially when the partner, like Murray, is a white man.

In April and August 2020, Assistant District Attorney Sullivan argued that “this was not a one-sided domestic violence situation,” pointing to multiple witness accounts of heated arguments between the pair and at least one instance in which Murray had called the police on McCarter (although the police did not arrest anyone). Sullivan put forth the theory that McCarter was extremely jealous because Murray was seeing other women. (McCarter told me the couple had an open relationship.)

Advocates for survivors consider such a view simplistic. Richie noted that many survivors are motivated by care and compassion, even when they are in dangerous situations. That was certainly true for McCarter, whose children said she volunteered and cared for others throughout their childhood. Indeed, it was her caring and compassion, along with the prospect of being evicted if Murray continued to pester her neighbors, that prompted McCarter to let him in that evening and propelled her into a years-long nightmare.

When McCarter arrived at New York City’s infamous Rikers Island jail complex in the spring of 2020, corrections officers ordered her to remove her clothes and jewelry, then squat facing them, turn away and squat again, show them the bottoms of her feet, open her mouth, stick out her tongue, and shake out her hair. Still in shock over Murray’s death, she could barely process what was happening and does not remember much from those first few days, aside from the bone-numbing cold in her cell.

Two days before her arrival, the city had confirmed its first Covid case. Two weeks later, Covid cases were reported among those incarcerated in the island jail complex. Soon, there would be hundreds.

Jails and prisons are black holes for information: Not only does very little get out about the conditions inside, but information beyond local news broadcasts can be—and frequently is—withdrawn from those locked within.

McCarter and others gathered around the TV in the common room to watch the news when it aired. She heard about the refrigerated morgue trucks, the shortage of hospital beds, the tents to accommodate overflow. New York-Presbyterian converted the in-patient rehab unit where she had worked into a Covid unit.

“My job had told my family and lawyer that if I got out of Rikers, I would be able to come back to work,” she recalled. She knew how much of a difference one extra staff member could make—even without a crisis—in a busy unit. “I thought, ‘Of course [the city will] let me out. They need me.’”

She was wrong. The following month, her then-lawyer, Frank Rothman, submitted a request that she be released on bail. By then, New York Governor Andrew Cuomo had closed the courtrooms, preventing grand juries from convening and pushing other hearings, such as bail applications, onto video.

Rothman told the judge that the hospital’s HR department had confirmed that McCarter would “be welcome[d] back with open arms to work again on the front lines as a registered nurse at the hospital.” Nonetheless, the prosecutor argued that McCarter was a flight risk. The judge agreed, and McCarter, still unindicted, remained at Rikers.

Behind bars, McCarter used her nursing expertise to help prevent the spread of Covid. She taught others how to sanitize the phones, tables, and other common surfaces. She asked repeatedly for masks. Officers were issued masks first, and when

"The variables that protect white women from criminalization don’t protect Black women in the same way.”

—Beth Richie
she saw that they weren’t wearing them properly, she would admonish them to pull them over their mouth and nose. That didn’t endear her to the staff, whom she depended on to escort her to the clinic and ensure that she received her medically approved meals for anemia and lactose intolerance. “They’re not going to do those if you’ve pissed them off,” McCarter said, but, she reasoned, if she contracted Covid, the consequences would be far worse.

Jails and prisons nationwide halted in-person visits in order to prevent transmission of the virus. Many, including Rikers, replaced visits with video calls. For McCarter, whose family lives in several other states, these televisits became a life-line. But getting to them became another source of trauma.

Rikers policy requires that incarcerated people be strip-searched before and after each visit, ostensibly to prevent them from passing or receiving items. When televisits replaced in-person visits, the Department of Corrections did not update the policy, though officers initially did not require women to be strip-searched.

On May 1, McCarter had a televisit scheduled with her sister. It was nearing the one-year anniversary of their brother’s death, and the sisters needed to support each other. Ordered to strip, McCarter refused and demanded to see a captain. The captain told her that searches were required before visits and that if McCarter refused, she would receive only a noncontact visit. McCarter argued that televisits were noncontact visits, but the captain told her she could either submit to the strip search or forgo her visit. McCarter stripped.

The following day, an officer wrote her a ticket for three infractions of jail rules—refusing to obey a direct order, disorderly conduct, and participating in a demonstration—resulting in a denial of visits for the next 45 days. Jail officials restored her visits after several days. But McCarter was determined to change the humiliating policy.

For months, she complained to the officers. She also filed repeated complaints via 311, the city’s hotline for nonemergency calls. Unbeknownst to her, outside advocates were also pressuring the department to change the policy. Finally, in early September, the department modified its policy, no longer requiring strip searches for televisits, according to a department spokesperson.

Days later, the court released McCarter and placed her on electronic monitoring. It felt like a reward for fighting that particular abuse, she recalled. Even now, she cries when she recalls the humiliations—and her elation when the policy changed. “I’m so proud that I did that, that I didn’t give up fighting,” she said.

But her fight was far from over. Days before the judge approved her release, in September 2020, after she had spent six months at Rikers, prosecutors had convened a grand jury, which indicted McCarter on second-degree murder charges.

Upon her release from Rikers, the sheriff’s office strapped a black electronic monitoring box to her right ankle. The device’s GPS technology allows her movements to be tracked at all hours, enabling a form of imprisonment commonly referred to as “e-carceration”—a term coined by advocate James Kilgore. Initially, McCarter could not leave her apartment, but in November 2020 her new legal team pushed the court to grant her seven hours outside each week. Violating these restrictions is a quick ticket back to jail, but compliance makes working, commuting, caring for family, and seeking medical care nearly impossible. For McCarter, the initial restrictions meant that she could not even go out to buy groceries or walk her dog.

That was not the only obstacle. Even though McCarter is technically and legally “innocent until proven guilty,” the indictment has become a barrier to resuming her life in other ways.

Among the six-month backlog of e-mails that had piled up while she was at Rikers was one from Columbia University informing her that she had been suspended from the master’s program because of her pending criminal charges. McCarter challenged the suspension and, because the classes were being held remotely, was reinstated. She remains barred from physically entering the campus.

Meanwhile, although hospital administrators had assured her family and attorneys that McCarter would be welcomed back to work, and she technically remains a hospital employee, she has been placed on unpaid leave.

Her nursing license has remained valid, but each time McCarter applies for a position, including for tele-health roles, the pending murder charge appears on a background check—and she is not hired. She does occasional work through an agency but has mostly lived off the savings she’d set aside to buy her apartment.

“Unfortunately, it’s very common for other institutions to take the lead given to them by the

Workplaces and schools can choose to suspend or fire people who are facing, but have not been convicted of, a variety of charges.
criminal legal system,” Pezzell said. Workplaces and schools can choose to suspend or fire people who are facing, but have not been convicted of, a variety of charges. In McCarter’s case, both her workplace and her school have chosen to treat her as if she’s guilty—years before she can make her case in court.

In September 2021, the court ruled that McCarter could leave her house at any time, though she must remain within the city’s five boroughs. While she has welcomed the ability to move more freely, she is unable to travel to access in-patient treatment for the cumulative and continuing trauma from the abuse, the events of that night in 2020, and Rikers Island.

McCarter has cobbled together a patchwork of mental health care, including three therapists and a psychiatrist, although none specialize in treating trauma. Clinicians at local facilities, including one program that offers outpatient PTSD treatment, have evaluated her as too high-risk for an outpatient program, which could increase her existing suicidal ideation. (Preliminary studies have found that abuse survivors are twice as likely to attempt suicide multiple times. Other studies have found that the suicide rate among formerly incarcerated people is at least twice as high as among those who have never been locked up.) McCarter has found an in-patient program in Florida who have never been locked up.) McCarter has found an in-patient program in Florida that accepts her insurance and has repeatedly petitioned the courts for permission to travel there. Court officials have denied these requests each time.

McCarter dreads going to sleep at night, knowing that night terrors await. “I dream of Rikers, I dream of work going badly—just all these negative experiences over and over,” she said. “First thing in the morning, my heart’s pounding, I’m sweaty, and, to top it off, I have flashbacks to that night. It’s just getting worse instead of better.”

Shortly before Murray rang her buzzer on that fateful March night, McCarter’s younger daughter, Ashley, still living in San Antonio, told her she was pregnant. The baby would be McCarter’s first grandchild.

“I was glad to talk to her, but I feel like I abandoned her. It seemed the same as my ancestors, not being able to tend to our daughters.” —Tracy McCarter

The baby would be McCarter’s first grandchild.

During her pregnancy—sometimes even hourly, because she’s my mom and she’s a nurse.” Often to joke around and call her ‘Nurse Mommy,’ showing,” Ashley McCarter told me. “I like

In August, Ashley went into labor. That night, shortly before the phones cut off at 8 p.m, McCarter called her oldest daughter, Ariel Robbins, and learned that Ash had gone into labor. Because of Covid restrictions, Robbins was waiting outside the delivery room. McCarter hung up, and as she began to dial Ashley’s number, the phones clicked off.

McCarter still sobs when she remembers that night. For hours, she cried and begged officers to take her to the jail’s intake unit, where the phones stayed on all night. Officers eventually took her to the mental health unit. Finally, after more begging, an officer escorted her to the intake unit so she could call Ashley. “I was glad to talk to her, but I feel like I totally abandoned her,” McCarter recalled through her tears. “It seemed the same as my ancestors, not being able to tend to our daughters.”

By the time McCarter called, it was after midnight, and Ashley had been in labor for hours. Hearing her mother’s voice, even for only a few minutes, “definitely helped me spiritually,” Ashley recalled. “It helped bring her into the room so I didn’t feel so alone.”

McCarter met her granddaughter for the first time in March 2021. By then, the child was 7 months old. “I envisioned my mom hopping back and forth from New York [to Texas] to help out, not [me] flying with my baby across the country during a pandemic,” Ashley said. She has visited three times, once timing her visit so that she could attend a court hearing, which she described as “a renewed reminder that [while indicted, you are] at a stagnant point, and you have no power or control over the situation.”

Now McCarter worries that the ongoing legal ordeal will cause her to miss Robbins’s pregnancy and childbirth as well. “They take away things that can’t be given back,” McCarter said.

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In 2020, Manhattan district attorney Cyrus Vance Jr. announced that he would not run for reelection. His announcement prompted more than half a dozen candidates to join the race for the Democratic nomination. In September 2020, several candidates tweeted their support for McCarter, who at the time was still at Rikers. Among them was Alvin Bragg, who called her situation a “travesty of justice.” Bragg won the election and is now Manhattan district attorney.

With Bragg’s election, McCarter’s family hoped he would drop the charges. That hasn’t happened. Bragg, who opted not to pursue an indictment against Donald Trump for his business practices, declined to comment, saying that it was an open and pending case.

“We had a false sense of hope that Alvin Bragg gave us,” said Robbins, who recalled crying when she heard that Bragg had won. “I thought, ‘This nightmare is finally going to be over. I’m glad that finally somebody who cares more about the truth will be in office.’”

“Travesty of justice” during his campaign. But he still hasn’t dropped the murder charges against her.

DA Alvin Bragg called McCarter’s situation a “travesty of justice” during his campaign. But he still hasn’t dropped the murder charges against her.
What happened in Chicago a few years ago provides some hope. Shortly after Kim Foxx took office as Cook County state’s attorney in 2017, her office met with anti-domestic-violence organizers about three abuse survivors that her predecessor had charged in the deaths of their partners. Her office reduced the charges against two of them, allowing them to be released from prison early, and dropped the charges against the third. In 2021, according to the Chicago Bail Fund, Foxx also dropped the charges against an unnamed criminalized survivor.

Foxx’s actions, said Samah Sisay, a member of the advocacy organization Survived and Punished, are a “really powerful example” of prosecutorial discretion—one that Bragg could follow. “If you truly believe this is a survivor who took actions in self-defense, then why is it you can’t drop the charges? Why are you refusing to do this?”

The organization Color of Change has joined the calls for Bragg to drop the charges against McCarter, taking out a full-page ad in the June 5 New York Times. “Please correct the grave misstep that occurred in McCarter’s prosecution and acknowledge the evidence and history of domestic violence that supported McCarter’s self-defense claims against abuse,” stated the ad, which was signed by 58 organizations.

While McCarter and her children continue to hope that Bragg will ultimately drop the charges, her current legal team, headed by Sean Hecker at Kaplan Hecker & Fink, has tried to negotiate a plea deal with Bragg’s office. They were making headway toward an Alford plea, in which McCarter would be convicted of second-degree manslaughter and third-degree menacing without admitting guilt. After one year, if she is not arrested again, the manslaughter conviction would be expunged, leaving her with only a misdemeanor conviction for menacing (causing another person to fear injury or death), which would allow her to resume working as a nurse.

But at a hearing in mid-May, Judge Diane Kiesel, who will preside over McCarter’s trial, rebuffed the offer, stating that she had never approved an Alford plea and that, because McCarter had been indicted for murder, she would not accept a conditional discharge. Kiesel also denied McCarter’s request to seek trauma treatment out of state. Although the judge urged both sides to set a trial date as soon as possible, scheduling conflicts are pushing the trial to the fall.

That delay may cause McCarter to miss the birth of her second grandchild, a prospect that weighs heavily on her. Missing these milestones is a constant source of anguish. And as her legal ordeal continues, she faces not only the possibility of conviction, imprisonment, and separation from her family, but also the prospect of being barred from continuing the nursing career she’d worked so hard to build.

“The state becomes the worst abuser you could ever have,” McCarter said. “They lie. They gaslight you. They physically and emotionally traumatize you. They are so powerful that my ability to leave my abuser no longer exists.”

“The state becomes the worst abuser you could ever have. They are so powerful that my ability to leave my abuser no longer exists.”

—Tracy McCarter
(continued from page 21)

read “Unknown Haitian Refugee Jul 4 1994,” “Infant Girl Haitian Refugee Sep 27 1994,” or the like, and you can feel your heart breaking a little inside your chest. Then you will see a number of other gravestones with names, birth and death dates, and a curious inscription below them. The gravestones memorialize Cuban citizens on what must be considered Cuban soil, and yet each gravestone reads “Cuban exile.”

A few days later, you will arrive back at Joint Base Andrews, where you will be required to fill out a customs declaration card. The standard form asks you to name the “countries visited on this trip prior to US arrival.” You ask your public affairs officer, who is still with you, what to write, and he replies, “Cuba.” At Andrews, you will be met by Customs and Border Protection officers, even though you have never been outside the base or seen a Cuban person the entire time you’ve been at Guantánamo.

You will not really be sure where you have been this whole time. It never felt like Cuba. When you visited the Catholic church on the base, which flies both the Cuban and the American flag, the priest confessed to you that it’s not Cubans or Americans but Filipino workers who make up the bulk of this congregation. And the language you heard the most after English on this base was certainly not Spanish but Arabic.

On the flight back, you will begin to reflect on your time in Guantánamo, wondering about the military commission system and how keeping clients so inaccessible to their lawyers is one more hurdle that makes mounting a defense so difficult. You will think about the fact that some of the men being tried by the military commissions are now reportedly in talks for plea agreements. As many of the men are facing the death penalty, these plea agreements, you read, will allow the death penalty to be taken off the table. Instead, the men will be sentenced to life in prison. The question that logically follows is: Where?

Reports indicate that these men are refusing to be sent to a supermax prison in the United States. Their lawyers have impressed on them what the conditions of confinement are in supermax prisons, you learn, and they’re dismal. Up to 23 hours a day of solitary confinement. The men may now prefer to remain in Guantánamo, where conditions have eased in recent years. You read that, even before they were moved to Camp 5, the men had been able to walk without shackles between two separate blocks, and lockdown was generally limited to four hours a day. They could enjoy an open-air recreation area. They could pray together and cook meals for one another in a small kitchen equipped with a refrigerator, a microwave, and an assortment of spices.

Meanwhile, Nashwan al-Tamir has never faced the death penalty. A plea agreement of life imprisonment for him? “That would not be a just outcome for my client,” his lawyer will tell you.

Weeks later, you will discover that al-Tamir has entered a plea agreement. You will read the transcript from the hearing and learn that he has agreed to plead guilty to several battlefield offenses. The judge will tell him, “You are charged with liability for substantive criminal acts committed by a person other than yourself. Are you aware of this?” To which he will respond: “Yes, sir.” These acts include an attack on a “military medical helicopter as it attempted to evacuate a United States military casualty from the battlefield,” for which, as a commander, he bears responsibility. He will accept responsibility for the deaths of three coalition forces in Afghanistan who were killed by car bombs or suicide bombers: a German soldier, a Canadian soldier, and “one military member of either the British or Estonian militaries.” He will plead guilty to entering into an agreement with Osama bin Laden and others whose purpose was “forcing the United States and its allies out of Afghanistan and Iraq.” Gone are the allegations of blowing up the Buddhists of Bamiyan and many of the other offenses with which he was initially charged.

You will learn that his sentence will likely be 10 years in prison. But you will also read that the actual sentencing phase of this trial will not take place for another two years. The delay is explained as giving the US government time to find another country where he can be transferred, preferably one that can provide him with his much-needed medical care. But, you will think, the delay also means that, after more than 14 years in Guantánamo and despite the conclusion of this trial, the man will remain at this prison, at least for the near future.

Where is the accountability in all of this, you wonder? What justice do these commissions bring? What truths do they hide?

Where exactly were you this whole week? It’s hard to tell, but now that you are back and have begun reflecting on what you have seen, you begin to feel more alienated from your nation—a rich and admirable nation in many respects, but also one that seemingly seeks to do whatever it must to evade justice for what it does and has done. And then you start to think that maybe that sense of being exiled from your country while still being on its soil, as strange as it sounds, may not be such an impossibility after all.
A Big Tent

The contradictory past and uncertain future of the Democratic Party

BY NICHOLAS LEMANN

In 2002, John Judis and Ruy Teixeira published *The Emerging Democratic Majority*. In it, they argued that natural demographic trends would make the long-term dominance of the Democratic Party almost inevitable, a prediction that proved immensely comforting to American liberals. Judis and Teixeira assumed that the Democrats could maintain their enormous majorities among minority voters. That, along with other evidently irreversible trends, like the expansion of higher education, the mass entry of women into the workforce, and the spread of secular, tolerant cultural norms, could be understood as pushing politics in a Democratic direction.
Judis and Teixeira’s title was a play on that of Kevin Phillips’s 1969 book The Emerging Republican Majority. Phillips, then a junior aide in Richard Nixon’s presidential campaign, perceived that the superpowered Democratic coalition that Franklin Roosevelt had put together was now vulnerable to Republican poaching. White Southerners, once solidly Democratic, had been defecting for some time, and the enactment of the major civil rights laws of the 1960s could only hasten this trend. Urban white Catholics outside the South were similarly ripe for seduction. Phillips, hailed as a Republican visionary, eventually became a dissident in his own party, producing a series of books and articles attacking Ronald Reagan and the two Presidents Bush for being too friendly to the rich and powerful and too unconcerned with the home-front costs of globalization. But purely as a forecaster, Phillips was right on the money. The white South is now the rock-solid base of the Republican Party, and much of non-college-educated white America outside of the South has also switched parties.

Judis and Teixeira’s prediction seemed to be sublimely borne out with the 2008 election, when Barack Obama won the presidency and the Democrats took control of both houses of Congress. But beginning with the emergence of the Tea Party movement in 2009 and the Democrats’ shellacking in the 2010 midterms, it has become clear that the Republican Party isn’t dead yet, particularly in light of the built-in advantage that the Constitutional structure of the Electoral College and the Senate give it. Donald Trump won the presidency very narrowly in 2016, but he did so in ways that seemed to threaten the long-term health of the Democratic coalition, because he appealed so strongly to working-class white voters. Judis and Teixeira still dream of replicating the unbeatable politics of the New Deal: a broad multiracial coalition of the working and middle classes, attracted by the assurance that their party will protect them from the extremes of market capitalism. But now, to judge by their recent writings, they have become skeptical that such a coalition is obtainable in the Democratic Party—at least while it continues to sacrifice its natural majority on the altar of neoliberal economics and cultural politics. Word on the street is that they are now at work on a new book: Where Have All the Democrats Gone?

At least some elements of the Republican Party are wrestling with their own version of the same fundamental questions. Can the party reorient itself toward the working people that the Democrats have lost without descending into Trumpian madness? More broadly, in a country with two venerable and often evenly matched political parties, is it possible that either of them—or any imaginable new party—could build itself to majority status on the basis of a promise to make capitalism work better for ordinary people? Or is there too much racism, plutocracy, and anti-democratic scheming embedded in American life these days to make anything approaching a politics in which the good guys regularly win possible? Michael Kazin’s What It Took to Win: A History of the Democratic Party is a good place to look for the answers. It would be inconceivable to Kazin that the Democrats aren’t the party one would want to win, but there’s enough in his book inter alia about the Republicans and a handful of short-lived third parties to consider the additional possibility that a party other than the Democrats could perform the function that Kazin would like the Democrats to perform.

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azin argues that throughout American history, the most successful periods for the Democrats have been when the party was a champion of “moral capitalism”—that is, when it advocated for a politics that would serve as a counterweight to the injuries inflicted by a pure market system. Moral capitalism, in his account, has taken different forms at different times. During the early 19th century, the Democrats saw themselves as a party of farmers and other smallholders, highly interested in issues of land, credit, and currency. As industrialization and urbanization got under way and began attracting a mass immigration of the poor, these new Americans joined the party’s base through urban ethnic machines that were built on the same fundamental principles of patronage that Jackson and Martin Van Buren had established in the 1830s. Somehow, the urban, mainly Catholic working class coexisted with the party’s previous rural, nativist, and xenophobic base, centered around a unifying promise that, as Kazin puts it, the Democrats would deliver “economic security and political power to [the] plebeian majority.” Being a party of the somewhat downtrodden in no way made the Democrats a party of the truly oppressed; they were always dominant in the South and were never opposed to slavery—nor, after the Civil War, were they supportive of Reconstruction. High-minded, educated reformers and people attuned to racial justice were usually Republicans. The Nation, founded in 1865, was generally Republican during its early decades.

The Compromise of 1877, which ended Reconstruction and opened the way to Jim Crow, also ushered in an age of American politics that was primarily about industrial capitalism rather than slavery and race. The Democrats had a pro-business wing, exemplified by Grover Cleveland, but in Kazin’s telling it was never able to create a workable majority, partly because the Republicans were oriented toward the same constituency. The harbingers of the party’s successful future were rather found in those responding to the growing economic inequality of the era—an odd collection of economically populist figures, from William Jennings Bryan, the party’s thrice-unsuccesful presidential nominee, to Bryan’s intermittent ally Henry George, the single-tax visionary, to the racist (even by Southern standards) South Carolina governor and senator “Pitchfork Ben” Tillman, whose name is on the first piece of federal campaign reform legislation. It took some time for the party to go from tapping into these energies to coalescing around a more coherent economic policy.

The eventual consolidation of the Democratic Party’s economic platform was the result of the growing labor movement, which is clearly Kazin’s favorite element in the Democratic coalition, plus the political engagement and eventual empowerment of women and the party’s switch from opposing to supporting enhanced central government power as the only realistic way to promote economic justice. Progressive-era intellectuals like Walter Lippmann and Herbert Croly had started out as Republicans whose hero was Theodore Roosevelt, but they became Democrats as they realized that the Republicans were the party of business and the Democrats the party of controlling business. Initiatives like the income tax and the advent of federal regulatory agencies sealed the alignment between the Progressives and the Democrats.

The Democrats’ most glorious period was the New Deal, which brought them not only the presidency but also massive majorities in both houses of Congress that voted in the beginnings of a true American welfare state. The imperatives of depression and war, along with Franklin Roosevelt’s political genius, enabled the party to hold together a vast and varied coalition. Roosevelt persuaded most Black Americans who could vote to give up their historical loyalty to the Republican Party, without alienating the segregationist South. The Democrats had the support of rural farmers, immigrant-descended urban workers, and social-movement radicals; of tough, practical bosses, Ivy League professors, and first-wave feminists; of Protestants, Catholics, and Jews.

Most important of all, in Kazin’s view, was organized labor, which was then growing rapidly, thanks to friendly federal legislation, to its maximum level of membership and power. In 1932, the Democratic platform didn’t even mention labor unions; by 1936, that would have been inconceivable, because of the immense strengthening effect on the party of the National Labor Relations Act of 1935, which made unionization much easier. As labor’s ranks swelled—there were 3 million union members in 1933, and 15 million, representing 35 percent of wage earners, in 1945—it put its muscle behind progressive legislation. (The Democrats’ need to retain the loyalty of the South, however, meant that many Black workers were excluded from the New Deal’s social compact.) Such was the centrality of unions to the party that, as Kazin reminds us, through the 1960s, Democratic presidential campaigns officially began with a Labor Day rally in Detroit’s Cadillac Square, attended by hundreds of thousands of people.

In retrospect, one can see the cracks appearing in the Democratic edifice not long after Roosevelt’s death. Strom Thurmond’s segregationist breakaway party carried four Deep South states in the 1948 election; Harry Truman was the first Democratic candidate to lose the Solid South. By 1964 Barry Goldwater, while getting crushed nationally, had moved five Southern states into the Republican column. The Taft-Hartley Act of 1947 signaled a determination on the part of Republicans and business interests to roll back the labor movement’s gains. Kazin is particularly annoyed by the Democrats’ entrenchment, in the face of these developments, with Adlai Stevenson as their standard-bearer throughout the 1950s. He sees Stevenson’s rise as evidence of the growing influence in the party of prosperous, educated liberals—the kind of people who, in the late 19th century, would have been Republican and who, in the mid-20th century, liked Stevenson’s cultivated manner and weren’t troubled by his evident lack of interest in a robust, working-class-oriented economic policy.

Kazin doesn’t dispute the standard view that Lyndon Johnson’s successful
efforts, following the Democratic landslide of 1964, to pass federal legislation that finally dismantled the formal Jim Crow system ended the Democrats’ ability to continue being a liberal party that maintained the loyalty of segregationists. But he also points out that the Democratic presidential nominees after Johnson, beginning with George McGovern in 1972, repeated Stevenson’s fundamental error of often forgetting that the party’s success required an economic message mainly aimed at people at or below the median income.

In the 1976 election, Jimmy Carter became the last Democratic presidential nominee to get more than 40 percent of the white vote. The Democrats reacted to the loss of their white base not by moving left again but by embracing a pro-business, limited-government stance, exemplified by Bill Clinton’s declaration, in his second inaugural address, that “the era of big government is over.” Meanwhile, the labor movement’s influence continued to erode, along with its membership numbers. Economic inequality, disruption, and discontent increased, without the party recognizing that these should be its central concerns. As Kazin puts it, “During a period of economic growth whose benefits went disproportionately to the rich, Democrats had nothing to offer the average family whose income did not increase at all.” It took Sanders’s campaigns in 2016 and 2020 to make the Democrats see how powerful the economic aspect that had been missing from their pitch could be. In the early days of his presidency, Joe Biden—not previously an economic populist—demonstrated that he got the message that the party had retreated too far on government economic intervention. He proposed a far more ambitious program than his immediate Democratic predecessors had, much of which seems unlikely to pass.

Kazin’s sympathies are obviously with the left wing of the party; you won’t get any plea from him for the Democrats to move back to the center and position themselves as the party of an educated, relatively prosperous, diverse metropolitan professional class. He would like to see the impressive energies that were on display in the Women’s Marches and the Black Lives Matter protests during Trump’s presidency evolve into a majoritarian national program. But as he observes, “the newest American left... rallied around no single issue that united its parts and inspired its growth” and didn’t offer an economic program for the party to embrace. As of 2020, “Democrats still had trouble articulating with force and clarity what kind of economy they believed in and how it would benefit most people who worked for somebody else and struggled to remain in a middle class whose shrinking politicians bemoaned.”

So what should happen now? One of the lessons of the historical long view that Kazin has given us is that a majority party in a country as vast and diverse as ours must necessarily be messy and impure. It can’t possibly unify around a single set of principles; it also doesn’t have the luxury of not including elements that others within its coalition may find barely tolerable. The main way the Democrats accomplished this for a very long time—from the 1830s until the 1960s—was by being both the economically liberal party and the white racist party; indeed, many pieces of historic progressive legislation bear the names of Southern segregationists. Even if the party can no longer live with that central contradiction, there will inevitably be many others. Also, people vote and participate actively in politics out of a wide range of motivations; all of the mobilizing energy that Kazin praises can’t be efficiently redirected toward an economic program. In the United States, any successful mass party must make itself home to many noneconomic causes, even if it develops the kind of economic program Kazin longs for the Democrats to have.

If it were possible to generate a consensus within the party that putting economic issues at center stage is essential, that would hardly settle everything. Even during the New Deal, Roosevelt’s economic advisers, along with their allies in the political world, squabbled relentlessly. And such quarrels would be even more intense today, because the Democrats have, to an unimaginably greater extent than in FDR’s day, become a party of business. They regularly match or beat the Republicans in political fundraising, even from mega-donors, and they command the dominant loyalty of the technology sector (which is militantly anti-union) and at least the partial loyalty of finance. The idea of taxation and economic regulation at anywhere near New Deal levels is no longer discussable in mainstream Democratic politics. Despite a good deal of new activity, unions have continued to shrink as a percentage of the labor force, especially in the private sector. For the party to go in the direction Kazin favors would almost certainly entail an LBJ-like willingness to alienate what has become a core element in its coalition.

Kazin sets up his discussion of the history of the Democrats’ economic ideas by dividing them into two broad concerns: with “concentrated elite power” and with “the oppression of Americans in the workplace.” The first, he says, dominated the party from Andrew Jackson’s time until the Great Depression, the second from Franklin Roosevelt’s New Deal to Lyndon Johnson’s Great Society—and since then there has been no dominant economic theme. I’d like to amend this scheme, because its simplicity stands in the way of useful discussions about what to do next. In Kazin’s first phase, many of the economic battles in American politics can be best understood as struggles for advantage between interest groups, in which it’s not readily clear which side represented the elite position: Was it tariffs or free trade? Nativism or immigration? Was preserving and expanding slavery the anti-elite position? In Kazin’s second phase, a strain of equal or greater importance to workplace reform was the establishment of a welfare state apparatus, including Social Security, Medicare, funding to education, and various anti-poverty programs. While these had union support, they don’t make for a perfect fit with labor’s specific interests. Kazin also mentions briefly a form of “corporate capitalism,” enacted by unionized, benefits-providing big corporations, that prevailed in the 1950s and combined economic elitism with a concern for workers’ welfare. One often sees calls on corporations to embrace a social mission today.

Yet another element in the Democratic Party’s economic story, especially recently, has been technical management by professional economists working in the White House, the Federal Reserve, and the executive branch’s regulatory agencies. Their work usually takes place separate from the working-class battle over economic policy that Kazin would prefer. All of these approaches are still in operation, so it would be difficult simply to choose one and ditch the others.
Everybody is expecting to see a wipeout for the Democrats this fall. If there is one, it’s worth remembering how many supposedly party-ending wipeouts we have seen before—in 1972, in 1984, in 1994, in 2002, in 2010, and so on. Both major parties have demonstrated a peculiar resilience. Still, as of now the Democrats’ situation does look alarming if, like Kazin, you have a deep attachment to the idea that they are and should remain the party of the people, an institution fundamentally dedicated to seeking power so as to use it to help those who need some help. Gradually for decades, and then rapidly since the 2008 financial crisis, the Democrats have lost the loyalty of white Americans who are below the median income level and who live in rural America—that is, they have lost a large part of their original constituency. They have remained competitive partly by persuading many affluent and educated metropolitan voters, who tend to be liberal on social issues and conservative on economic ones—a category that used to dominate the liberal wing of the Republican Party, when it had a liberal wing—to switch parties. The congressional districts with the highest median incomes now overwhelmingly send Democrats to Congress. Michael Podhorzer, an analyst at the AFL-CIO, calls this set of changes in who votes for which party “the Great Reversal.” This isn’t just an American phenomenon; roughly the same dynamic is playing out all over the world.

The Democrats’ core strength is with voters of color: About half of the congressional seats held by Democrats are in districts where these voters are in the majority. But this shouldn’t be entirely comforting to the party. The electorate is likely to remain majority white for decades, and Latino and Asian voters have been defecting to the Republicans in the past few election cycles. Bernie Sanders did well among Latino voters during his presidential campaigns, which may indicate that a primarily economic program would shore up the Democrats’ position with Latinos. One shouldn’t conclude from that, however, that it would be easy to deracialize American politics, freeing it from racial prejudice on the one hand and racial solidarity on the other. There’s no way to get people to become, en masse, impervious to racial and cultural signaling and to focus exclusively instead on their economic interests. (For example it’s actually hard to explain, using Kazin’s framework, how abortion rights could have come to the forefront of the politics of both major parties.) People are sufficiently complicated that they can and usually do operate politically at both levels—it’s not as if non-economic issues, once activated, operate as an on-off switch that shuts down all other concerns completely. The Republican Party, by its constant resort to cultural appeals, is signaling that it doesn’t feel confident peddling the traditional elixir of tax cuts, balanced budgets, and deregulation to its constituents, because that’s not an economic program that resonates with people who don’t see much opportunity or prosperity in their lives.

As in the early 20th century, we are in the initial stages of transforming widespread discontent with the economic conditions of our time into the policies and politics that would address it successfully. This will be the work of a generation, and it will require many more tools than simply strengthening the labor movement, though that would help. Kazin’s book doesn’t aim to define “moral capitalism” for the 21st century with any precision, though he does insist on it as the Democrats’ proper defining cause. *What It Took to Win* ought to help start a conversation that goes far beyond the book’s own scope, one that might lead to a clearer economic stance for the Democratic Party. At their best, the Democrats have been able to lead a series of redefinitions of the American political economy that have made it function in a far more broadly beneficial way than it has of late. They have a lot of work to do if the party is going to recapture that role—but if it doesn’t, then somebody else might.
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To secure the hot, new Ultra Accel formula, buyers should contact the Sears Health Hotline at 1-800-830-6276 TODAY. “It’s not available in retail stores yet,” says Dr. Sears. “The Hotline allows us to ship directly to the customer.”

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Call NOW at 1-800-830-6276 to secure your supply of Ultra Accel. Use Promo Code NATUA0722 when you call. Lines are frequently busy, but all calls will be answered!
The labor of magazine-making has never been less glamorous, less stable, or less profitable. Prestige, as the union organizers at Condé Nast have said, doesn’t pay the bills. With the churn of digital publishing pushing magazines into the financial and cultural doldrums, the luster of the legacy media job has only gotten duller. Yet there is still a magic in print magazines that does not seem to exist in newspapers or book publishing. Be it a weekly, a biweekly, or a monthly, a magazine can give us a snapshot of cultural mores, a printed record of the present, and a forecast of the future. “The more fragmented we become as a culture,” Tina Brown once observed, “the more the media holds us together.”

There are, of course, many different kinds of magazines that help hold us together: Little magazines like *n+1* and *New Republic*, smutty magazines like *Penthouse* and general-interest magazines like *The New Yorker*, left-wing magazines like *Dissent* and right-wing magazines like *National Review*. Each obviously serves a different master and aspires to win over a different audience, but as revenue declines and subscription numbers shrink, each shares a common fate—and the glossy magazines, which once ruled the newsstand, most tellingly of all.

While *Vanity Fair*, *Vogue*, *Elle*, and the like still carry some cachet, they are no longer ubiquitous. Instead, they are relics of a vanished era of prosperity when their pages were bloated with ads and their editors in chief served as the feudal lords of competing fiefs. Today, when someone narrates the story of this heyday, it is hard not to feel like you’re reading an obituary. Legends of elephantine expense accounts, personal drivers, boozy lunches, palace intrigue, and incessant starfucking: These are supposedly what made the gilded age of celebrity editors and their glossies great.

Condé Nast was at the center of this luce. Those who worked at its old offices in 4 Times Square, as well as those who observed its goings-on from the outside, have a habit of talking about this era in tones of world-historical seriousness, even if what they are talking about is really just the loss of all those late nights and hangovers, chance meetings with B-listers, and the occasional anecdote about an A-list. Dana Brown, who rose from editorial assistant to deputy editor of *Vanity Fair* under the tutelage of its editor Graydon Carter is no exception. As he implies at the start of his new memoir, *Dilettante*, his book is not unlike *The History of the Decline and Fall of the Roman Empire*, but for editors with corporate credit cards:

This is a book about the rise and fall of a great civilization. A universal account of change. And my own personal journey through this fertile tableau and morass. Part memoir, part social history, part journalistic exploration and cultural criticism. A lament, celebration, and elegy. The biography, obituary, and capstone of an era.

Brown is only half-kidding about his memoir’s ambitions, but what follows is closer to a Horatio Alger story about a bootstrapping outsider’s rise to consummate insider. A college dropout and mediocre rock musician, Brown was not plucked from the usual stock of assistants who’d edited their college newspaper or been blessed with a sterling family name that opened doors. (He is unrelated, he notes, to Tina.) Unlike his peers, he was discovered as a cater waiter working a dinner at Carter’s apartment. But from there, Brown’s life takes a fateful turn: He lands a job as Carter’s assistant and climbs the ranks, going from answering phone calls to editing cover stories, working (really hobnobbing and binge-drinking) with literary luminar-
Brown began working as one of Carter's assistants in 1994. By the time he was laid off, in 2018, he was a member of Vanity Fair's senior editorial staff, working with writers like Buzz Bissinger and Nancy Jo Sales. The vast majority of the book chronicles not Brown's later years as a deputy editor but his time as an assistant and the imposter syndrome he overcame by partying and hustling harder than any of his peers. It is obvious from the start that it was his loyalty and not his talent that recommended him for success: He worshiped Carter, was attentive to his needs yet never prying, and performed his obediences in every sense. Without hesitation, he throws laurel wreaths at Carter as the tastemaker du jour: “The moment he took over Vanity Fair, Graydon became one of the most important and influential editors in New York and America, a kingmaker in the publishing business.” In Brown's estimation, Carter was not just a king but an artist: The “G” in Carter's signature, Brown believes, is Picasso-like.

In fairness to Brown, the world that Carter built around himself was carefully composed: The perfect swoop of gray hair and amiable smile, the apartment in the Dakota, the Connecticut country house, the rich and glamorous friends, lunch and dinner at the hottest restaurants, and a mix: “Celeb cover to move the

Diletante
True Tales of Excess, Triumph, and Disaster
By Dana Brown
Ballantine Books.
288 pp. $28

was, and it clarifies what makes the editor as well as his or her assistant more than dilettantes. “This mythologizing,” Mari writes, “is relentless and trifling, but it fills a real need: the need to justify your job by making your boss as big and as marvellous as possible. And that, after all, is what the boss always wanted.”

Indeed, the most fascinating character in Diletante is not the author but Carter, whose inner life is out of reach but who remains an ever-present force in Brown's life. Carter occupies the roles of mentor, dad, and deity all at once. We hear so much about his accomplishments, and about Brown's dutiful work in making sure his life remained frictionless—and yet, like any good book from an assistant, it doesn't tell us much about Carter as a person. We learn very little about the vicious gossip or critiques that were leveled at Carter over the years, nary a detail that might paint a more complicated portrait. The following passage from a 2000 profile of Carter provides more insight than Brown ever bothers to furnish: “He's the Jay Leno of the magazine world, the king-size personality controlling the world's glossiest showcase for the formerly, currently, and would-be famous. Nervous, ubiquitous, and impossibly fabulous, Carter, in the words of his friend Jim Wiatt, president and co-CEO of the William Morris Agency, "has transcended being a great editor—he's really a celebrity.” Brown's only special insight is that Graydon hated paper clips and was a great gift giver. No complaints here!

All the nostalgia found in Brown's memoir makes sense: His years working alongside Carter were his own personal zenith, after all. Mythmaking also pervaded his workplace—Carter's Vanity Fair was premised on nostalgia and the longing for an earlier Golden Age of the United States. The magazine Carter produced was always less about the future or the present than about a constant conjuring of some better past: “Planes. Mid-century American architecture. Movies from the forties,” writes Jennifer Senior in New York. “Thump carefully through Vanity Fair, and you’ll see it's an art-directed manual to Carter's obsessions.” In fact, the magazine under Carter did not do anything all that original, but instead replicated what Tina Brown had called "the mix": “Celeb cover to move the
that, and let’s not even talk about the lack of diversity. But it was a hit.

This crass register is one Brown luxuriates in. Describing his HR orientation, he cracks a joke about the absence of political correctness in the business world at the time: “There was no sensitivity training, as I’m sure corporate orientations nowadays are legally mandated to do.”

Brown’s perspective on the explicit classism of Vanity Fair provides plenty of fodder for mockery. But a dose of pathos creeps into his narrative as well. We all know what will become of Vanity Fair’s “simple business model,” which provided Brown with all these rich experiences: It will “run into a steamroller called the internet” and take with it the beautiful world he so cherished—emanating the pages of the formerly ample magazine. It is not hard to sympathize with Brown when he describes the decline and fall: “Content and distribution,” he notes, “quickly meant something different from simply putting a magazine on the newsstands every month and hoping for the best.” Editors, he insists, need the space to put a finger in the air and read the wind, but can they now? At large-scale institutions like Condé Nast, this was no longer possible: The “number crunchers and MBAs,” he grumbles, began “to replace the creative class in New York’s media hierarchy, business-school acronyms taking the place of actual words in meetings with our corporate overlords…. Pitch decks, Excel spreadsheets, and PowerPoint presentations replaced casual meetings, conversations, and boozy lunches about what was going on in the world and how to cover it—those of us who created the content suddenly became less important than those whose job it was to find an audience for that content.”

Brown understands this shift as a generational problem as much as an economic one: “The office was being overrun by rows and rows of silent, headphones, Invisaligned, and Warby Parkered twenty-somethings on bouncy balls slurping slop in tiny cubicles, tapping away at their keyboards. The modern workplace was turning into a dystopian, Dickensian…adult nursery school.” And he is not all wrong, though the fun of magazines was sucked out less by the number crunchers than by the numbers themselves.

When I worked as a low-level editorial employee at a music website that Condé Nast purchased in the 2010s, there was no way around the blandness of our toil. But that wasn’t because boring young people had invaded the halls of Condé Nast but because under financial duress, magazine-making—in print or online—could no longer be an art form or a craft, assembled from sensibility and taste. To survive, it was seen as needing the validation of engagement numbers and page views. Yet optimizing writing and editing for an unknown audience is often a fool’s errand. It shackles you to clichés and received wisdom; it’s why so many headlines read the same, inane way (posed as questions, calls to action, and other prefab formulations) and why everything on the Internet looks so sterile. Yet what is going on in the media today is not really a changing of the guard but a generalized desperation in the face of market forces—something Brown seems to be aware of, even if his memoir avoids engaging with it. At a book party for Diletante, he told a New York reporter: “There’s just no money in journalism now…. They pay these kids fucking nothing to sit on a computer all day and look at what’s trending.”

Given that Brown was axed, it’s no surprise that he is bitter about how things have gone and blames a generation rather than an industry-wide crisis. But a question remains unanswered: Was Vanity Fair ever a great magazine? Brown takes it for granted that his readers would agree it was. But is a magazine devoted to dead royals, dead Kennedys, and dead everything really all that interesting? The “Jay Leno of the magazine world” might be the most damning thing you can say about Carter.
writers” who are easy to edit. (He loves to admit that he barely edited many of the stories that came across his desk.)

When Carter finally retires and Brown applies for the job as his successor, the memo he writes is full of even more platitudes. As he sums it up: “Print was fading as a viable business, digital was the future, costs would need to be cut, there would have to be more integration between the print and digital staffs and writers, and new sources of revenue would have to be found.... The magazine had lost touch culturally, the readership was aging, we needed to get younger, more digitally savvy.” Brown knows that what he is selling is bullshit and admits that he was pandering to his corporate overlords: “I must have used the word diversity in every other sentence,” he wisecracks. For him, what makes editing editing is the clout that came with it: “I liked being a Vanity Fair editor...the lunches and dinners with writers, the invitations to parties and premieres, the cultural capital it gave me. People found me interesting and were nice to me based solely on my job title.”

But what happens when legacy magazines can no longer rely on their reputation to get readers, let alone party invites? Condé Nast’s magazines, especially Carter’s Vanity Fair, used a strategy of exclusivity to generate a sense of luxury—which its editors enjoyed partaking in. Yet can any publishing project today succeed on that basis alone? Writing about Philip Rahv’s time as coeditor of Partisan Review, Irving Howe observed that what made Rahv “brilliant” was that he “wanted his magazine to constitute a public act.... Rahv saw cultural life as if it were enacted in a political arena.... He ran the magazine as if he were heading a movement.” Calling a magazine a movement might be as self-important as anything Brown has written, but in a profession that feels increasingly laborious, precarious, and dire—and certainly less glamorous—this definition of editing allows us to imagine the vocation as something more worthwhile.

In the end, what can ultimately sustain magazines, as well as their employees, is this pursuit of a place in some kind of public sphere. On this, Tina Brown was right: As our lives become more and more confusing, a magazine and its editors still have a difficult task ahead of them—sifting through the shit of shared experience and finding the things that might still surprise us, might change our minds after all.

Blunt Clarity

Tove Ditlevsen’s unsentimental education

BY LILY MEYER

In the early months of 1938, the Danish writer Tove Ditlevsen, then 20 years old, moved from her parents’ small Copenhagen apartment into a room of her own. Her mother called her “heartless” for moving, and for taking her nannying wages with her; her father, a frequently out-of-work socialist, added to the guilt trip, reminding her that she already had a bedroom in which to “write all the poems you want.” Ditlevsen left anyway. In her new home, for which she paid 40 kroner a month, she could entertain her friends, come home late, and, most important, nurture the dream of writing a book. That said, the unheated room was “ice-cold,” and the miserly landlady, Mrs. Suhr, was an ardent member of the Danish Nazi Party, prone to addressing a portrait of Hitler she hung in her living room as if it were her boyfriend.

Ditlevsen describes her time at Mrs. Suhr’s in Youth, the second volume of her astounding tripartite memoir The Copenhagen Trilogy, translated by Tiina Nunnally and Michael Favala Goldman. (Nunnally translated the first two volumes, Goldman the third.) She uses a crisp, spare present tense that renders her memories not only intense but immediate. On one especially bad night, she writes,
I sit and freeze even though I have my coat on, and I can’t concentrate on writing because [a radio broadcast of] Hitler’s speech roars through the wall as if he were standing right next to me. It’s threatening and bellowing and it makes me very afraid. He’s talking about Austria, and I button my coat at the neck and curl up my toes in my shoes.

Here and throughout The Copenhagen Trilogy, Ditlevsen shows not a hint of self-pity. Her whole body of work shuns sentimentality, instead describing misery, instability, and vulnerability with impressive precision and clarity. She was blunt about her own experiences: Her first two marriages—to Viggo Møller, a much older editor who had published her earliest poetry, and then to an alcoholic student named Ebbe Munk—ended swiftly. Her third, to a controlling doctor who supplied her with pills and injected her with the opioid Demerol, led to a five-year period of near-death addiction, which became the subject of Dependency, the memoir’s third volume. Divorce, addiction, and mental illness, in fact, appear throughout Ditlevsen’s fiction. She “mined her life for material,” Goldman notes, for which she was “adored” by her “female Danish readers” but “looked down upon by the male Danish literary establishment.”

The Copenhagen Trilogy’s three volumes came out between 1967 and 1971. By then, Ditlevsen’s poetry and fiction had been nationally famous for two decades and she was writing an advice column for a women’s weekly magazine, Familie Journalen. American audiences, however, took longer to warm to Ditlevsen. In the 1980s, Nunnally translated the memoir’s first two volumes, Childhood and Youth; in 1991, she released a translation of Ditlevsen’s 1968 novel The Faces, which is drawn from her time in psychiatric hospitals. The books were well-received. The New York Times praised The Faces’s “harrowing authenticity” and Nunnally’s “deliberate, close-to-the-nerve translation.” But neither got much traction, and it was only years later, when Goldman read Dependency, that he decided to complete the trilogy. Its 2021 release, alongside Nunnally’s translations, have proved to be a rare hit for literature in translation, comparable, in many ways, to Elena Ferrante’s Neapolitan novels or Olga Tokarczuk’s Flights.

Now, a year after The Copenhagen Trilogy’s success, Nunnally’s translation of The Faces has been reissued by Farrar, Straus and Giroux alongside Goldman’s translation of The Trouble With Happiness, which collects two volumes of Ditlevsen’s short stories: the 1952 The Umbrella and the 1963 The Trouble With Happiness. In the collection’s first half, Ditlevsen draws on her childhood and her unhappy first two marriages in stories whose characters, generally poor or working-class, chafe against the constraints of gender, class, and romantic norms. In its second half, written well after Ditlevsen had become famous, her characters, like their creator, are richer but not happier. One story’s protagonist lets her husband persuade her to quit her job so they can get tax breaks; before long, she’s lonely and depressed, unable to do much but “nurse her despondency.” Marital issues also appear in The Faces, but they take a back seat to mental illness. Its protagonist, Lise Mundus, is a successful children’s-book author who, rattled by the moral and social pressures of fame, suffers a psychotic break. For much of the novel she’s hospitalized, arguing with the disembodied voices that emerge from a grating beside her bed.

In both books, Ditlevsen’s prose is unfailingly sharp, elegant, and—in tone, if not spirit—colder than Mrs. Suhr’s room; she is the rare writer who shuns sentiment but not empathy. The Faces and The Trouble With Happiness also share a relentless focus on ignored moments in the lives of characters who are socially invisible or profoundly misunderstood. Both of these books stand in opposition to the Victorian literary works that ask readers to feel sorry for, or charitable toward, their poor or struggling protagonists. Instead, Ditlevsen turns readers into uncomfortable but unblinking onlookers to forms of suffering that she herself knew intimately.

be Trouble With Happiness is, at its heart, a book about how marriage makes you miserable and how children, as one story’s protagonist remarks coolly, “make people poor.” Its stories are set in mid-20th-century Copenhagen, usually after World War II, and tend to occur within their main characters’ homes, which seethe with marital, sexual, or existential discontent—or, more often, all three. The characters, male and female alike, chafe at the stifling expectations that often came with postwar marriage and domesticity.

Consider “The Umbrella,” in which a working-class newlywed named Helga channels her inchoate desires and discontent into a fervent yearning to own an umbrella. Her longing is aesthetic, not practical: She dreams not of keeping her hair dry but of admiring her umbrella’s “shiny ribs [and] tiny, adorable silk buttons.” As a child, Helga saw a neighbor—a single woman of whom her parents disapproved—carrying such an umbrella, and at first the story invites readers to assume that Helga’s dream is a muddled way of wishing that she were as sexually and romantically unfettered as the neighbor seemed to be. Helga’s marriage is certainly not satisfying. Her husband, Egon, is inattentive, yet she hardly seems to recognize how badly she needs companionship. Indeed, Ditlevsen takes pains to specify that Helga recognizes none of her own needs; her “entire character,” Ditlevsen writes, “consisted of a pile of memories without a pattern or a plan.” Only such a person, the story seems to imply, could persuade herself that what she needs is an umbrella rather than friends, intellectual stimulation, and a life that revolves around more than doing “domestic duties and [getting] the most

Lily Meyer is a writer, translator, and critic. Her translations include Claudia Ulloa Donoso’s story collections Little Bird (2021) and Ice for Martians (2022).
out of Egon’s salary for everyone’s benefit.”

Yet when Helga achieves her umbrella-owning dream, her joy is so “pristine” that the reader is left to wonder whether, in fact, the umbrella truly wasn’t all she really wanted—and whether it was snotty and classist to decide she required more. Ditlevsen uses Helga’s happiness to prod readers into investigating their own impulses toward pity. The story also undermines the conventional mode of literary analysis, in which readers or critics interpret (or guess at) the motives behind the characters’ inner lives. By the end of “The Umbrella,” Ditlevsen has made it plain that we cannot understand Helga. We certainly can’t determine what she needs or what would be best for her; only Helga can do that.

In the rest of the stories in The Trouble With Happiness, Ditlevsen may vary her uneasy demand on readers but remains insistent that we can never truly know or understand the needs of her characters. In “The Cat,” she tells us about a nameless couple so nondescript that your “eyes [wouldn’t] land” on them on a train; no matter how bored you were, you “wouldn’t guess if they were married or not, whether they had children, how old they were, their occupations, etc., just to pass the time.” Many writers would be tempted to add drama to the lives of such characters, rendered invisible by their outer dullness. Ditlevsen, instead, doubles down on their banality, giving them one of the most common disagreements there is: The wife wants kids, while the husband is terrified of the effect that children would have on their “standard of living.” Ditlevsen depicts this worry with blunt realism. She makes it clear that the husband’s fear is not a failure of generosity or love, but a result of the social pressure on men to provide for their families, just as the wife’s longing for a child comes in part from the social glorification of maternity. Regardless of the origin of these desires, Ditlevsen also makes it clear that they are irreconcilable—and that there is no right answer here. Both halves of this nameless couple have inner lives as transparent as Helga’s is murky, and yet their way forward is just as obscure.

“The Cat” is a peak example of marital misery in The Trouble With Happiness. Child-induced struggle, the collection’s other major theme, appears most strongly in “Life’s Persistence,” which shares the lightly scornful tone Ditlevsen uses in “The Umbrella.” Its protagonist, Alice, anchors her sense of self-worth in the belief that “love and marriage rarely had anything to do with one another.” Retaining this conviction enables Alice to carry on an affair with a married man, Bent, whose wife “let him do whatever he wanted, as long as...the outer appearance of civility and domesticity was maintained.” It also gives her a sense of dignity in the story’s climactic scene: When she seeks an abortion after Bent gets her pregnant, she refuses to appease the doctor by faking shame or innocence, even though she senses—correctly—that he will refuse to treat her as a result. Instead, she prioritizes her pride over her financial security and her relationship with Bent, which she knows cannot “bear a bond like” parenthood. Ditlevsen does not praise Alice’s choice, but she also does not moralize it by treating it as foolhardy or tragic. Instead,

We Are All God’s Poems

We all want to be joined in holy metonymy. You are a part of me, we want God to say, that stands for the whole of me. Instead of immanent, just say man. Instead of wishbone, just say wish.

Sound out the word, and we are all God’s onomatopoeia. Gaga comes from God mad: Coo, coo at the one you love, madman, across the carousel of the cosmos, these painted horses circling the sun.

We are all first drafts, shy in public and rhythmically iffy. We are all orphan lines yearning to become couplets, willing to rhyme slant if that means we don’t have to be alone.

We are all written to be read aloud by the light of a bay window, out of earshot of the guns and slogans. Every amnion is an epithalamion, every kenning is a wedding.

The king of heaven wears a crown of sonnets. We are all his serifs, we are all winged words, my sister sestinas, my brother odes. Don’t worry about the ending. We’ve gotten an acceptance. He knows us by heart.

AMIT MAJMUDAR
the story underscores the brutality of the situation—all too normal then; all too normal now—in which Alice finds herself: She can secure her future freedom by performing a submission to male standards, or she can put herself at practical risk by asserting her moral independence. Ditlevsen does not overtly empathize with her protagonist, and yet she also is careful to show how Alice chose dignity over security.

In *The Faces*, Ditlevsen focuses on a very different type of unseen character. Her protagonist, Lise Mundus, is far more socially visible than characters like Helga and Alice: She’s a famous writer whose life plainly parallels her creator’s. (Indeed, Mundus was Ditlevsen’s mother’s maiden name.) To a certain extent, in writing *The Faces*, Ditlevsen was asking her readers to become an audience not only to her work but to her pain—which, intriguingly, is just as coolly portrayed here as it is in her nonfiction, yet written much more viscerally. In *The Copenhagen Trilogy*, every sentence is precise enough to seem assembled with tweezers. In *The Faces*, Ditlevsen deploys bursts of figurative language that Nunnally translates with impressive force. Often, Lise seems to be pressing at the walls of language, trying everything she can to make herself heard.

Lise is profoundly unhappy. She shies away from her readers, worried that they will think she’s “ugly in person” or condemn her for shirking the “obligations” of fame. At home, her emotional needs go ignored. Her husband, Gert, starts sleeping with Gitte, the housekeeper Lise has used her new income to hire. Gitte seems to supplant Lise in her own home, leaving her more isolated and fragile. Lise begins suffering from frequent hallucinations that go unnoticed by her husband and teenage children. In order to escape her domestic misery, she overdoses on sleeping pills, hoping not to die but to be taken to a mental institution where, she feels sure, she’ll be in the company of “Friendly souls…women she could talk to.” She does wind up in the hospital, but there, she’s even more deeply alone. Her nurses, deeming her “undisciplined,” put her in a locked ward without company. Gert appears only in hallucinated form. Her mother comes once to scold her, saying, “You…have everything! And you’re famous, besides”—a moment that demonstrates how isolating fame can be. Lise’s mother denies her sympathy on the grounds that Lise no longer deserves it: She’s too successful to need maternal care.

Fame is as central to *The Faces* as marriage is to *The Trouble With Happiness*. It is the primary cause of Lise’s suffering and her invisibility; it is impossible to erase, though not necessarily impossible to escape. Indeed, Lise’s nervous breakdown may be a way of fleeing not only her solitude but the success that brought it about. But once the setting of *The Faces* moves into the locked hospital ward, Ditlevsen does something that she has not done in any of her stories: She starts introducing broad questions about the moral weight of public visibility. Lise’s mother’s friends suggest that “fame has its obligations,” a notion Lise wants to reject but cannot. Nor can she trust her own artistic resolve to “describe the world I saw, not to participate in it.” Is it truly valuable, the novel asks, to bear witness to suffering? Is there a difference between paying attention to widely known pain and paying attention to ignored pain? And regardless of what form of pain an artist chooses to represent, do her obligations change if and when she acquires a wide audience? Lise starts to have hallucinations of Gitte, who, in her phantom form, asks Lise why she does not worry “about the bombed children in Vietnam because you only love your own”? As both a writer and a citizen, Gitte insists, Lise is obligated to care equally about all sufferers.

Ditlevsen does not have Lise answer these questions but she does indirectly do so in the novel. *The Faces* is acutely interested in the conditions of psychiatric patients like Lise, who, on her voyages down the hospital halls in her “state-owned slippers,” resolves to “write to the Minister of Justice and tell him they ought to investigate the situation” in the institution, which seems to treat its patients harshly. Although the novel never transforms into the work of advocacy that Lise’s hallucinations lobby her to produce, it does demand that readers look squarely at Lise and her fellow patients, who are sequestered from society and rendered invisible by the state’s discomfort with and lack of compassion for the mentally ill. It also forces them to reckon with the impossibility of a guaranteed happy ending in stories like Lise’s—or, for that matter, like Ditlevsen’s own.

Ditlevsen does not allow readers to sidestep the fear and uncertainty that Lise herself feels. At the novel’s end, Lise remains fragile, flawed, and sick. She may leave the locked ward in the book’s final chapter, but she is still dogged by “remnants of her illness”—hallucinated faces and voices that seem unlikely to go away.

Neither Nunnally nor Goldman had the opportunity to collaborate with Ditlevsen, who died by suicide in 1976. She was famous enough that Nunnally, then a graduate student in Copenhagen, recalls that her funeral was discussed on the nightly news. Her legacy is a tremendous one for a translator to tackle—and as a translator myself, I consider Goldman’s and Nunnally’s renditions of *The Copenhagen Trilogy*, *The Trouble With Happiness*, and *The Faces* even more impressive given that they never met the author. It is no easy task to bear witness to one’s own suffering on the page. In some ways, translating that witness is just as difficult. Literary translation demands an unusual mix of critical reading and deep empathy that, to a certain extent, mirrors Ditlevsen’s blend of narrative coolness and commitment to bearing witness. Good translators must simultaneously analyze and inhabit the books they work on. Even tougher, they have to avoid imbuing their language with their own emotional reactions to the text, while still provoking those same emotions in their readers. Ditlevsen’s work is an excellent example of this challenge: It is impossible to read her fiction or memoirs without having intense reactions, but if either Nunnally or Goldman had made that emotion too palpable in their translations, they would have ruined the detachment on which Ditlevsen’s prose depends.

In an article in *World Literature Today* on translating Ditlevsen, Goldman writes that he found *Dependency* so wrenching that, while working on it, he at one point “broke down sobbing.” I cannot imagine that he could have produced a moving translation without the ability to respond in kind; the same goes for Nunnally. It is a true feat—and a true tribute to Ditlevsen—that they have given us translations as pitiless and as compelling as these.
Letters

The Center Must Not Hold

I agree with Robert L. Borosage’s “WTF” moment regarding DCCC and DSCC endorsements (“Which Side Are They On?,” June 13/20.] I live next to Henry Cuellar’s congressional district. It was infuriating when Nancy Pelosi came down here and endorsed the anti-choice Cuellar over the progressive Jessica Cisneros in the primary. It was heartbreaking when Cisneros then lost by fewer than 300 votes. And now, since the June 24 Roe decision, my inbox has been pelted with pleas from none other than Nancy Pelosi asking me to help fund races to “build the BIGGEST Democratic Majorities in history, and make Republicans rue the day they ever came after our county’s women.” Seriously, WTF.

Molly Smith

South Padre Island, Tex.

Both Sides

At this moment in our history, Republicans and Democrats are not equally responsible for the “loss of national morale and discipline,” as David Bromwich implies in “Can Another War Save Us From Ourselves?” [June 13/20]. Repeated recounts and numerous court cases found no evidence of fraud sufficient to change the results of the 2020 election. On the other hand, there is evidence that Russia interfered in the 2016 election. To dismiss the findings of special counsel Robert Mueller or the Senate Intelligence Committee as “Russiagate,” or to say that liberals accused Donald Trump of being a Russian agent, is to misrepresent the truth. In spite of legitimate questions about the 2016 election, Hillary Clinton conceived, as did Al Gore in 2000. Both of them put the peaceful transfer of power over their own political interests. The only candidate who didn’t do that was Trump.

To draw a false equivalence between Democratic concerns and Republican lies is not unbiased. It renders assistance to those who are working to undermine our democracy.

Debra George

Reading, Penn.

Bromwich manages to get through the whole article without using the words “climate,” “mask,” “vaccine,” “disinformation,” or “science.” But he somehow finds the time to note that people are worried they will offend each other. While it’s true that many Democrats don’t support clean energy, the GOP owns the anti-science movement, and their members in Congress are accelerating the great extinction caused by climate change.

Scott Peer

Harlem Internationalism

Re “The Stalwart,” by Robert Greene II [June 13/20]; Hubert Harrison criticized W.E.B. Du Bois for his endorsement of the US entry into World War I. Jeffrey B. Perry describes this in detail in Hubert Harrison: The Voice of Harlem Radicalism, 1883–1918, yet in his review of the biography, Greene refers to these differences as “squabbles” rather than a pattern-setting debate that has emerged with each war fought by the US for “democracy,” down to its present proxy war in Ukraine. As Harrison put it, “as long as the Color Line exists... the cant of ‘Democracy’” is “intended as dust in the eyes of white voters.”

Sean Ahern

Comment drawn from our website letters@thenation.com

Please do not send attachments.
First Person

The Post-Roe Future

Self-managed abortion may become more important than ever, and we must be ready to make it as safe as possible.

In the Supreme Court’s Dobbs v. Jackson Women’s Health Organization ruling, the conservative justices rejected the idea that it is a fundamental human right for women to have agency over their own bodies and ruled that state lawmakers can exert control over part of what is in fact a spectrum of reproductive health care. It’s a spectrum because all reproductive health experiences are connected, and the accessibility and safety of abortion care is essential to ensuring that pregnancy, childbirth, and miscarriage can be safe too. There aren’t some people who have children and others who have abortions; we’re the same people at different points in our lives.

I’ve had an abortion, a miscarriage, and a full-term pregnancy that concluded in a C-section and the birth of my son. None of these health conditions should be treated in isolation—I know because I’ve lived it. My medication abortion in some ways prepared me for my miscarriage of a planned, wanted pregnancy, because the care for both was similar. In both cases, my uterus contracted to expel the pregnancy around six weeks after conception. Some people experiencing a miscarriage undergo additional treatment, such as a D&C, to remove products of conception from the uterus. I did not require that care, but had my uterus not emptied completely, I would have been at risk for infection or sepsis. Regulating or banning procedures under one condition but not the other puts all of us at risk for complications or death. That’s not hyperbole, since providers, fearing criminal charges, may not assist patients in need of life-saving care.

For some time now, abortion providers have been forced to build their practices not with the needs of their patients in mind but to meet medically unnecessary regulations. As we start this new post-Roe chapter, it’s even more important that we recognize the crucial role self-managed abortion will play in allowing pregnant people to control when and how they receive their abortion care. A person seeking abortion can order medication for their abortion from trusted online resources such as Aid Access, which assists people in accessing medication abortion no matter their zip code.

We can look back to the example provided in the 1970s by the Jane Collective, an underground feminist health care network in Chicago. The Janes, as they called themselves, centered the needs and desires of the women receiving abortion care through the collective. When the Roe decision came down in 1973, the Janes were relieved but also doubtful about the treatment of women at clinics that had come to model themselves on the services the collective had created. As Laura Kaplan pointed out in her 1995 book about the network, the Roe decision, “written emphatically in terms of physicians’ rights, not women’s rights, revalidated the medical profession’s control of women’s reproductive health.”

Now, decades later, the availability of medication abortion means that self-managed abortion (SMA) can be safer than ever. To be sure, there are significant legal risks associated with SMA without the protections of Roe, particularly in the current criminalized environment. But we must provide those who are seeking this care with support and accurate information about available health care services, along with the legal support services that advocates have put into place for this moment. History shows us that abortion bans do not stop abortions; they only make care more difficult and unsafe to obtain. SMA has the potential to minimize the number of preventable deaths associated with laws that criminalize abortion.

Self-managed abortion isn’t the only solution in this post-Roe environment. Clinics are essential to communities, and there are cases in which an in-clinic abortion is the only option for a patient, including for those facing incomplete miscarriages, as we saw in Malta recently. But it’s clear that not enough people are aware of the safety of medication abortion, which now accounts for more than half of all abortions in the United States, where the majority of abortions occur within the FDA-approved window for abortion-inducing drugs (up to 70 days of pregnancy). So while we donate to abortion funds and support clinics, we must also defend self-managed abortion, both the principle and the practice. As we fight to reopen abortion clinics in every state, let’s continue to push forward the Janes’ vision of health care, which is grounded not in what doctors or lawmakers or justices give us permission to do with our bodies, but in what we choose to do with our bodies.
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