Justice for the People

How Sonia Sotomayor became the conscience of the Supreme Court.

ELIE MYSTAL
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Cover illustration: TIM O'BRIEN

Fight the power: Protesters demonstrate on August 10 against the recent killing of a 16-year-old Senegalese refugee by police in Dortmund, Germany.

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Republicans recognize that the fundamental issue of the 2022 midterm elections is whether the United States will continue as a constitutional republic or warp into an authoritarian state where the rule of law and the will of the people are casually disregarded. The question is whether Democrats understand that this is what the election is about, and whether they will fight as hard to defend democratic norms as Republicans are fighting to dismantle them. The GOP is answering the existential question of the era by signaling that it is leveling off. It was understandable that Democrats wanted to stay on message about the benefits they anticipate from passage of the Inflation Reduction Act, with its investments in health care and climate initiatives, and the CHIPS and Science Act, which will invest nearly $53 billion to develop America’s semiconductor industry. But Democrats are going to suffer this fall if they don’t start speaking with absolute clarity about the threat posed by Trump and a sycophantic Republican Party.

Since June of 2015, Donald Trump has been the central figure in American politics. He has won and he has lost, but he has never been marginalized. That isn’t going to change in the fall of 2022. Trump’s name won’t be on the ballot, but he’ll hover over every contest—as an ambitious endorser of allies, a punisher of foes, and a constant campaigner. Democrats need to mount their own unapologetic campaign against Trump and Trumpism. They have to make it clear that every Republican vote is a vote to empower Trump, attack honest oversight and accountability, and undermine democracy and the rule of law. That doesn’t mean that Democrats can’t talk about what they’ve accomplished and what they hope to accomplish if they retain control of Congress. But they have to put that talk in perspective: If Democrats win, they will continue to govern on behalf of the American people. If Republicans win, they will consolidate power with the purpose of creating chaos for Joe Biden, shielding Donald Trump from accountability, and clearing the way for his 2024 presidential bid and the authoritarian lawlessness that promises to extend from it.
A Big Deal
Did Democrats throw environmental justice under the bus in order to pass the climate bill?

First, some pressing questions and answers:

Is the new climate bill as big a deal as they say? Yes.

Is it big enough to save us? No, not by itself. Does it throw environmental justice under the bus? Yes, as usual, but Senator Joe Manchin might be in for a surprise. Will Republicans keep getting a pass on climate? We'll see between now and the November midterms.

The Inflation Reduction Act of 2022 is the biggest positive step the US government has ever taken on climate change. “It makes clean energy cheap; that’s the bottom line,” said Jesse Jenkins, an engineering professor at Princeton who conducted independent modeling on the bill. It also gives the US, historically the world’s largest emitter of greenhouse gases, much-needed credibility to urge other countries to slash emissions. At international conferences dating back to the Earth Summit in 1992, the same script has played out: Other big emitters who don’t want to cut back hide behind the United States’ refusal to do so. Now that the IRA has become law, that dodge will no longer be credible.

This bill alone won’t defuse the climate emergency. Even its backers say that, at best, it will cut emissions 40 percent by 2030. That would be a major step toward the 50 to 52 percent cuts needed to limit the rise in temperature to the 1.5 degrees Celsius target established by the Paris Agreement, but much more is needed. In a petrostate like the US, phasing out oil, gas, and coal was never going to be easy.

Likewise, petrostates invariably have a terrible record on environmental justice. “People who look like me have been on Congress’s expendables list for long enough,” said Ebony Martin, a Black woman who is a co-executive director of Greenpeace USA. Martin called the bill “a much-needed investment in renewable energy, and a down payment on the union jobs we need to propel a green economy. But it is a slap in the face to the frontline communities, grassroots groups, and activists that made this legislation possible.”

Activists say the bill will increase oil drilling, pipeline construction, and other projects that will further pollute communities whose residents are often poor or people of color. West Virginia Senator Joe Manchin also assumes the bill will spur fossil fuel production; he demanded that the bill open 60 million acres in the Gulf of Mexico and Alaska to development and stipulate that wind projects cannot advance on federal land unless auctions are held for fossil fuel projects.

But this assumption, shared by Manchin and the environmental justice advocates, is open to question, as the senator may be disappointed to discover. Independent experts point out that the auctions and permits he inserted into the bill will not necessarily translate into actual fossil fuel production. Companies would first have to invest in such projects, which is far from a sure thing.

The bill’s fundamental strategy is to make clean energy dramatically cheaper—so much cheaper that fossil fuels are squeezed out of existence, not by government fiat but by the workings of the market. According to independent analysis, the reduction in emissions that result from the bill’s clean energy provisions will exceed the increase in emissions that result from the other provisions by a factor of 24. The key point is, the government can run as many auctions and offer as many permits as Manchin’s heart desires, but more auctions and permits do not necessarily translate into more drilling and pipelines. It all depends on whether investors think those projects are likely to yield an attractive profit.

This is where the Inflation Reduction Act’s clean energy subsidies could deliver a fossil fuel kill shot. If electric vehicles push their gasoline counterparts aside—an outcome that auto manufacturers are already working toward and that this bill will accelerate—then demand for oil should fall substantially, further depressing oil prices. In that case, investors will likely shun the new auctions and permits, sparing frontline communities from further exploitation.

Of course, there’s no guarantee the future will turn out that way. “Only time will tell if the huge bet we just put on renewable energy pays off,” said Erich Pica, the executive director of Friends of the Earth. “In the meantime, this wager is being backed at the cost of Black, brown, and Indigenous folks that... have endured the ravages of a fossil fuel economy so ‘the rest of the world’ can live our lives.”

Meanwhile, how much longer will Republicans get a pass on their climate wrecking? News coverage and political adversaries have put all the blame on Manchin, but Manchin’s vote matters only because all 50 GOP senators stand in lockstep opposition to climate action. Which has been the Republican position for decades: They scorn all ideas for combating the climate crisis but never offer credible plans of their own.

Our planetary house is on fire, and the GOP position is “Do nothing.” It’s past time for Republicans to own that stance. No more free pass. And let voters decide accordingly.
Lessons in Covid

A teacher bids farewell to the classroom, for now, as the school system abandons high-risk teachers and students.

This summer, I made the difficult decision to take a leave of absence from teaching. For the first time in 11 years, I won’t be meeting new students this September. This isn’t the choice I wanted to make, but one I felt forced into as an immunocompromised transplant recipient and new parent facing a year of Covid-19 waves without mitigations or accommodations.

And I’m not alone in making a decision to step away from the classroom: The underfunding of schools, an ever-expanding standardized testing regimen, anti-“critical race theory” zealotry, and an utter lack of care for teachers’ and students’ health during Covid have fueled teacher resignations across the country. As we head into the new year, the National Education Association estimates that US schools are short almost 300,000 teachers and support staff.

For me, like many who work in our public schools, teaching is in my bones. My grandmother was a New York City public school teacher, and from an early age, I would line up my stuffed animals on the edge of my bed to “teach” them. I love spending my days learning with children and have been fortunate to work at a wonderful school with committed leadership and a joyful, nurturing culture.

I’m also one of the millions of Americans with a suppressed immune system. When I was 19, I received an emergency liver transplant and started taking immunosuppressant medication to prevent rejection. Since then, I’ve always gotten sick more frequently than other people my age, but overall I was able to live a normal life while teaching—until the coronavirus struck.

For the first year and a half, I taught remotely, but in the fall of 2021, I went back into the classroom thinking, like many, that the worst of the pandemic was behind me. I was vaccinated and students wore masks, so I felt safe. Then Omicron hit. The city’s newly elected mayor, Eric Adams, chose “swagger” over caution: He refused to implement preventative measures like mandatory high-quality masking and universal testing after students returned from the December break. Predictably, the virus spread—and spread—leading to record staff and student absences and weeks of disrupted learning.

I made it through with two HEPA filters (purchased by me), N95 masks, and luck. But many teachers, students, and their families struggled. While politicos insisted that Omicron was “mild,” every news article contained what had become a familiar asterisk for the immunocompromised. By February, 40 percent of Covid deaths were among vaccinated people with other risk factors—in other words, people just like me.

Those of us who hoped the first Omicron wave might inspire some sort of reckoning were quickly disappointed. As case counts waned, politicos, pundits, and “activists”—many funded by Koch money—pushed for the elimination of indoor masking in urban school districts. The day New York City announced it was going to end the mask mandate for schools, I was in the hospital for preeclampsia; I returned to the classroom eight months pregnant and preeclamptic, kept safe from Covid largely by the kindness of families who encouraged their children to continue masking.

Now, as the new school year looms and the acutely transmissible BA.5 variant continues to spread, the city has given up on some of the few remaining Covid protections. Masks, social distancing, and weekly school-administered PCR tests are all things of the past. What the Department of Education has not done, amid this rush to “post-pandemic” learning, is announce any criteria for medical accommodations for high-risk staff or students.

Still, perhaps the most demoralizing blow for New York’s teachers has been the decision by the mayor to cut school funding. At the very moment he’s removed most Covid guardrails, he’s slashed critical resources and lobbied against a state bill to decrease class sizes, forcing teachers to do so much more with so much less. It’s a story we’re seeing throughout the country: schools communities left to fend for themselves, then deprived of the resources to do just that.

These policies are not accidents of austerity or incompetence. Corporate-funded Democrats like Adams and right-wing politicians share a goal of driving teachers out of the classroom in order to privatize public schools, and privatizers have seized on the disruptions of Covid to push their agenda. It’s no surprise that 2021 ushered in a record slate of state bills to defund public schools and funnel money to lucrative charters and voucher programs instead.

And it’s not just teachers who are leaving. After I started sharing my decision to take a leave of absence, dozens of parents contacted me about their decisions to homeschool their kids because of the city’s unwillingness to adequately accommodate medically high-risk students. No doubt, parents across the country are making similar decisions.

I believe in public schools. Most Americans do. But this cycle of crisis and attrition will continue if decision-makers keep operating as if the human beings within schools are expendable. At their best, schools are communities, and community means a commitment to our shared humanity and to everyone’s safety. If we want public schools to survive, it’s time for us all to reaffirm that commitment to each other.

Liat Olenick is a new parent, a teacher, and an activist.
No Offense
David Bromwich

Whose Rules? Our Rules!

The sun never sets on the sole superpower.

Here is a puzzle about American hegemony that should interest us more than it does. We are a conquering empire (even if our latest conquest always seems to end in retreat), but we can’t agree on the content of the product we send abroad. Is it constitutional democracy? Or is it “openness” minus “whiteness” plus “diversity”? We are confident to the point of delusion, and at the same time, we are bewildered.

Robert Frost has a poem called “How Hard It Is to Keep from Being King When It’s in You and in the Situation.” That is pretty much how we look at things. The US has been king since we installed the Bretton Woods financial system in 1944 and oversaw the founding of the United Nations in 1945. As Stephen Wertheim showed in Tomorrow, the World, the plans for our ascendancy go back as far as 1940. Still, what to make of the situation?

“Today they call it the rules-based international order. The word “rules” implies that the relevant privileges, limitations, and exclusions are written down somewhere, but of course they are not—a gap that has led clever people to substitute the word “norms.” Evidently, the norms come from what the US desires at a given moment, and what we can press our allies and our half-willing collaborators to go along with.

When Barack Obama said the 2013 chemical attack in Ghouta, Syria, had crossed a “red line” and he would bomb the Assad government in retaliation, he invoked the norms-based international order. Eventually the casus belli was discredited by research from Theodore Postol, Seymour Hersh, Aaron Maté, and others—showing that the attack had likely been a false flag operation by rebels linked to Al Qaeda—but the bombing plan was scuttled anyway when the British House of Commons refused to support it. American popular opinion and Congress likewise balked, the retaliatory strike was put off indefinitely, and Obama had to settle for weapons shipments and covert military support for our new Islamist allies. A few months after the parliamentary vote, I asked one of the dissident Tory MPs what made them take the risk; after all, they knew their standing in the party would suffer by opposing David Cameron. “We saw the intelligence,” he said, “and the intelligence was shit.”

The Anglo-American alliance remains. Boris Johnson, in his speech agreeing to step down as prime minister, advised his successor to “stay close to the Americans.” Britain has certainly done that—in Afghanistan, in Libya, in Iraq, and now in Ukraine with the rest of Europe in tow. Meanwhile, the person whose instructions all these countries are bound to follow, President Joe Biden, often signals his authority by deploying a plaintive or a truculent tone: He is both victim and executioner. With increasing frequency, he combines the two, and the result is the plaintive-truculent, as in his prayer against Vladimir Putin: “For God’s sake this man cannot remain in power.” Soon he may use that voice about Taiwan.

How hard it is for Americans not to assume the US is invincible! The people who run things have gone on assuming it despite the buzz in every newsroom and chat room of a coming civil war. But if you think of all the countries that, in the 20th century alone, were bombed, invaded, or conquered, we have indeed been lucky; and the human propensity, against everything reason may say, is to regard luck as a simple fact of nature. People keep coming to the United States out of a mixture of superstition and hope, because they know our history of exorbitant luck.

By contrast, Russia is the unlucky country. With their invasion of Ukraine, Russians are offloading monstrous unluck on people who never thought to harm them. But what does Russia mean to the mass culture of the West? Peasants, oligarchs who are somehow worse than any other oligarchs, brutal drunkards on an eternal spree, premodern washing machines and second-rate driving machines, and, most of all, oppression. Call it bad luck, but—how wrong can a superstition be?—maybe they deserved it.

And the Chinese? The most shopworn clichés of Orientalism retain their force. Those people are inscrutable. On departing from Taiwan after her calculated insult to the “One China” protocol, Nancy Pelosi remarked that an action like hers could hardly matter, since in any case “whatever China was going to do they’ll do in their own good time.” In short, there is no point in observing the canons of ordinary prudence when you are dealing with those people.

In feckless arrogance and theatricality, Pelosi’s decision to land her government plane and push the No-China aspirations of China’s neighbor was a good deal like Victoria Nuland dropping by the Maidan in December 2013 to pass out sandwiches and avow American solidarity.
with the anti-Russia protesters. Nuland’s career itself incidentally furnishes a proof of the bipartisan continuity of US foreign policy over the past 30 years. She has worked for Strobe Talbott, Dick Cheney, Hillary Clinton, John Kerry, and Antony Blinken. It is remarkable how frictionless those transitions appear to have been.

Ask a well-meaning left-liberal about the riskiness of Ukraine joining NATO, and you’ll be told: “Come on. Why would Russia be afraid of NATO?” The answer is: Look at a map. How close is Ukraine to Russia? How close is Taiwan to China? And how far is the US from both places? Any thoughtful 10-year-old would ask what the average reader of *The New York Times* no longer asks: “What are you doing there?”

The answer once again—an answer that now apparently satisfies everyone from Lindsey Graham to Bernie Sanders—is that we are enforcers of the norms-based international order. But say it straight: We are the norms. And what is our product? The most obvious fact about America today is that we are the most militarized of nations. With all the energy we can spare from arming ourselves, we sell weapons to help other people kill each other.

The norms we enforce come from what the US desires at a given moment—and what we can press our allies and our half-willing collaborators to go along with.

EFFREY LAMAR WILLIAMS, ONE OF THE MOST CRITICALLY revered and commercially successful figures in contemporary poetry, has been held in solitary confinement in a Georgia jail since his arrest on May 9. Williams emerged from Atlanta’s thriving poetry scene in 2011 with *I Came From Nothing*, a genre-reshaping collection filled with imagery from his childhood in Jonesboro South, the notorious housing projects where a young Williams watched his older brother die of gunshot wounds. That collection and the prolific output that followed would launch a slew of imitators and protégés, many of them childhood friends who were members of Williams’s Young Stoner Life star-making poetry collective. But in an 88-page, 56-count indictment, Georgia prosecutors allege that YSL is not a poetry collective but a front for a “criminal street gang” whose members have committed crimes including armed robbery, aggravated assault, carjacking, and murder. All 28 people charged, including Williams—whom prosecutors name as a cofounder of the gang—are accused of conspiring to violate Georgia’s Racketeer Influenced and Corrupt Organizations (RICO) statute. The most frequently cited evidence for the charges leveled against Williams? Incredibly, lines lifted directly from his own poetry.

If it sounds odd that verses of poetry might be used to prove a poet’s participation in a criminal enterprise, hold that thought. I neglected to mention that Williams is a multiplatinum, Grammy-winning rapper who goes by Young Thug—you can replace every instance of “poetry” above with “hip-hop”—and YSL has been his record label since 2016. If you think the First Amendment should protect painters from having their works used as evidence in a criminal prosecution or that charges against film directors shouldn’t rely on the plots of their movies, then consider the incongruity of how rap lyrics are treated when rappers are charged with illegal acts. I’m not arguing that Young Thug is innocent—that’s a job for his defense team—but I am defending his right not to have his art be treated as an admission of guilt.

In addition to citing social media posts and photos, the YSL indictment points to music videos and lyrics from nine Young Thug songs to make the state’s case, quoting lines such as “I never killed anybody / but I got something to do with that body,” and “Smith & Wesson .45 / put a hole in his heart / better not play with me / killers they stay with me.” (The latter lyrics are misattributed to Young Thug by prosecutors; they were actually uttered by the late rapper Juice WRLD.) None of the lyrics listed in the indictment are linked directly to the alleged crimes. Instead, each line cited is identified as “an overt act in furtherance of the conspiracy.” At a press conference to announce the charges, Fulton County District Attorney Fani Willis, the first Black woman elected to...
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the position, addressed the issue by stating: “I believe in the First Amendment; it’s one of our most precious rights. However, the First Amendment does not protect people from prosecutors using [speech] as evidence if it is such.”

This keeps happening with rap, the now fortysomething music genre created overwhelmingly by young Black people, the most criminalized folks in this country. In their book *Rap on Trial: Race, Lyrics, and Guilt in America*, Erik Nielson and Andrea Dennis trace the practice of using rap music against criminal defendants to 1991, when lyrics written by Derek Foster helped prosecutors secure his conviction for drug trafficking. In 1993, Francisco Calderon Mora was convicted of second-degree murder; lyrics from a rap song he’d written were included in the prosecution’s discovery. His attorneys appealed, arguing that Mora’s lyrics had prejudiced the jury, but to no avail. “Nothing makes these rap lyrics inherently unreliable,” Appellate Judge William Bedsworth wrote in his decision, “at least no more unreliable than rap lyrics in general.”

Bedsworth, however unwittingly, identified the problem. Art is generally understood to be the manifestation of a creator’s imagination. But hip-hop has long been denigrated as a confessional non-art, perhaps because of a collective unwillingness to recognize that young Black folks are capable of crafting story lines that, while informed by their own experiences, extend far beyond them. Young Thug might just be casting himself as a power broker in a fictional narrative, which, like so much hip-hop, portrays American society’s materialism and misogyny in their most extreme forms.

The use of rap lyrics in criminal cases has had dire consequences for hip-hop musicians, many of whom have few resources to defend themselves. In 2001, McKinley “Mac” Phipps Jr., a rapper with no criminal history, was convicted of manslaughter by an all-white jury because of his lyrics, despite a lack of physical evidence linking him to the crime and the fact that another man had already confessed. Phipps was finally granted clemency in 2021. Vonte Skinner, sentenced largely on the strength of rap lyrics to 30 years, had his conviction overturned in 2012, when a New Jersey appellate court found that prosecutors used “highly prejudicial lyrics” which “bore little or no probative value as to any motive or intent.” And after another man confessed, Nathaniel Woods appealed his death sentence for the murder of three Alabama police officers, only to have his appeal derailed when prosecutors cited rap lyrics he had supposedly written: “Seven execution-style murders / I have no remorse because I’m the fucking murderer.” The state killed Woods in 2020. Those lyrics were from a song by Dr. Dre.

Nielsen has uncovered nearly 600 cases in which rap lyrics were used against criminal defendants at trial. In a *New York Times* article, Jaeah Lee reported that she has found only four criminal cases since 1950 in which “fiction writing or lyrics” by non-rap artists “were considered to be evidence of assault or violent threats.”

Young Thug will likely remain in jail until his trial in January 2023. After his arrest, label heads Kevin Liles and Julie Greenwald launched the Petition to Protect Black Art, which calls the use of lyrics against rap artists “shameful and un-American.” A video promoting the petition features a voice-over by Young Thug: “I always use my music as a form of artistic expression, and I see now that Black artists and rappers don’t have that freedom,” he says. “Everybody please sign the Protect Black Art petition and keep praying for us. I love you all.”
Who Should Be the Democratic Presidential Nominee in 2024?

Biden

JOAN WALSH

Joe Biden, as I’ve stated many times before, was not my first choice for the Democratic nomination in 2020. He wasn’t even in my top three. But right now, he’s my only choice for 2024. Because barring an unexpected tragedy befalling the president, I don’t intend to waste a minute thinking about the next race until after the November midterms. And maybe not for a while after that.

It’s easier to take this position, as I write in mid-August, than it would have been in mid-July. But it’s not just the Democrats’ recent surprise wins on gun safety, technology investments, veterans’ health care, and the big, if imperfect, Inflation Reduction Act, which funds groundbreaking climate initiatives, mandates Medicare drug price negotiations, and hikes corporate taxes. It’s not the great July jobs numbers—at 528,000, more than double the estimate—or the two-month decline in gas prices, which herald the deceleration of inflation rates.

And it’s not the devastating hearings produced by the January 6 House committee, or even Attorney General Merrick Garland finding a little pep in his step when it comes to investigating Donald Trump and his closest allies. It’s certainly not the encouraging election results out of Kansas, where voters overwhelmingly rejected a right-wing bid to rewrite the state constitution to ban abortion, which is buoying pro-choice Democrats nationally.

I’m not sure what Biden himself had to do with any of those victories. That’s not to say he did nothing, just to say that little to none of this success is attributable solely to his efforts (especially not in Kansas, given his anemic response to the overturn of Roe). But they all cast a little bit of a glow on Biden. And they’ve made it easier for easily frightened Democrats to imagine a midterm scenario that isn’t a crushing loss for the party—and might help them realize that any time spent bashing Biden is time not spent on those midterms. Democrats can imagine winning the Senate, if not keeping the House. They are struggling, but with inspiration and not despair, to understand whether the Kansas vote represents the kind of mobilization of female and younger voters that Trump’s election augured for the 2018 midterms—and whatever it is, how to channel it in November. Some Democrats, but not nearly enough, are focused on flipping state legislatures blue.

Sanders

BHASKAR SUNKARA

Not all the conventional wisdom should be disputed: Joe Biden is an incumbent, with all the advantages that come with the bully pulpit of the White House. Given the improving economy, Donald Trump’s legal troubles, and the backlash to Republican extremism around abortion, I’m more optimistic than most commentators on the president’s reelection chances.

Still, I can’t help but feel that we’d be better served in the long run by a strong primary challenge from Bernie Sanders and the type of vision that the Vermont senator alone offers in American politics.

Bernie’s first presidential run started uneventfully. On a spring day in 2015, he announced it in front of the Capitol to a few bored-looking reporters and then walked back to work. But in that brief address, he hit on the topics that would fill his stump speeches for his next two campaigns: He wanted to create “an economy that works for all of our people, rather than a small number of billionaires”; he lamented the fact that the “1 percent owns almost as much wealth as the bottom 90 percent”; and he asked for small contributions from ordinary people in order to overcome the influence of superwealthy families.

I was part of a Democratic Socialists of America “Draft Sanders” campaign and was the most excited person I knew about the development. But my stirring vision for the 2016 bid? “A step in the right direction” that could “strengthen the Left in the long run,” I wrote tepidly in Jacobin at the time.

Sanders did far more than that. He created a new front in American politics, one committed to fighting inequality and willing to challenge the establishments of both major parties. He offered an accessible sort of populism, one that promised to reach people who had drifted away from politics or even to the political right.

The campaigns, of course, failed; and though its participants will likely fuel the next few decades of organizing, the Bernie moment seems to have passed. Our political future, however, relies on rekindling that egalitarian and populist spirit—and we don’t yet have a better front man for such a movement than Bernie Sanders.

Recent victories like the Inflation Reduction Act’s passage shouldn’t obscure the fact that Democrats
These are all better ways to spend activists’ time and money than imagining ideal challengers to Biden. Especially because right now, there aren’t any.

I’ve thought for a long time that progressives make a fetish out of dreaming up fiery, galvanizing candidates to run against incumbent presidents or establishment front-runners, when they should be doing the hard work of organizing and electing better people at the state and local level and to Congress. Ever since union leaders, progressive legislators, and Democratic Socialists of America cofounder Michael Harrington rallied around the late Senator Ted Kennedy’s disastrous 1980 campaign against President Jimmy Carter, which helped Ronald Reagan get elected, that has seemed obvious. I thought a primary bid against Barack Obama would be especially unwise, even after he disappointed the left on health care and social spending. Rejecting the nation’s first Black president would have split the party grievously, separating its most loyal voters, Black Democrats, who continued to support Obama, from the mainly white progressive base. Luckily, it didn’t happen.

The same problem exists when it comes to challenging Biden or pressuring him not to run. (By the way, in a breathless Axios story, only two congressional Democrats said he shouldn’t run; another dozen or so have “dodged” the question.) Like Obama, Biden was elected by Black voters, whose overwhelming loyalty in South Carolina turned the 2020 primaries around. They buoyed him again after he chose then-Senator Kamala Harris as his running mate.

If Biden runs, he will be the overwhelming favorite among Black voters. If he doesn’t, Harris will. Black voters. If he doesn’t, Harris will. How do I know? Because Congressman Jim Clyburn, who elevated Obama in 2008, backed Clinton in 2016, and lifted Biden in 2020, said so. “Right now, I’m for Biden, and second I’m for Harris,” he told The Wall Street Journal in June, as rumors of Biden and/or Harris challengers surfaced. “I don’t care who goes to New Hampshire or Iowa, I’m for Biden and then I’m for Harris—either together or in that order.” I saw the Bernie Sanders juggernaut halt in Clyburn’s state, in person, twice. Progressives ignore the South Carolina representative, as well as the older Black middle-class voters who listen to him, at their peril. For now, Biden seems to me to be the only person who can unite the fractious Democrats.

If Biden decides not to run—and at 79, he’s got to consider it for personal reasons, not just political ones—I’ll think this through differently. Until then, I’m focused on the degradation of our democracy, with Hungarian autocrat Viktor Orbán seeming to helm the conservative wing of the Republican Party, and on the midterms. Right now it feels like the contest is Orbán versus Biden. Talk to me later.

If Biden runs, he will be the overwhelming favorite among Black voters. If he doesn’t, Harris will.

Since the last election, many Hispanic voters have turned against Biden in key swing states.
SNAPSHOT / Daniel Mihalescu

Romania in Drought

A stork searches for food by the dry bed of the Borcea branch of the Danube River in southern Romania. The drought has reduced the Danube’s flow, slowing the transport of goods on the river and contributing to shipwrecks. Romania has started dredging parts of the river that are in Bulgarian territory in order to facilitate the passage of ships.

By the Numbers

100% Portion of areas on Earth where the rainwater is unsafe to drink because of contamination from forever chemicals

83% Portion of tap water samples from six regions on five continents that tested positive for microscopic plastic fibers in a 2017 study

$744B Amount needed for basic maintenance of drinking water, wastewater, and stormwater systems in the United States over the next 20 years

4 Number of once-in-a-millennium rainstorms the US has experienced this summer

42% Portion of the US currently experiencing drought

$4B Amount of funding the Inflation Reduction Act allocates to drought relief for Western states

Youthfulness

There’s talk of Biden’s age, but not of Trump’s. So how’s The Donald’s youthfulness conveyed? When he begins to bully or he whines, He sounds as if he’s still in second grade.
Justice for the People

How Sonia Sotomayor became the conscience of the Supreme Court.

ELIE MYSTAL
While the rest of the country was reeling from the Supreme Court’s decision in June to take away the right to abortion, Justice Sonia Maria Sotomayor was working. As her conservative colleagues planned victory tours and dinners at Morton’s, Sotomayor crafted dissents. She and her team of clerks worked to the last moment of the court’s term, lay out a case against the conservatives’ manipulation of laws and perversion of justice. And she did this despite the fact that the cases on which she was laboring may never even make it to the Supreme Court of the United States.

The cases in question were among a series that her colleagues had decided not to hear. The Supreme Court gets to choose its own cases, sifting through between 7,000 and 8,000 appeals every year to accept a tiny fraction of them. It takes just four affirmative votes for the court to decide to hear a case, or, in the official parlance, grant certiorari. This means that any four justices can effectively control the docket of the Supreme Court, determining which issues it considers. When alleged attempted rapist Brett Kavanaugh replaced the more moderate Anthony Kennedy in 2018, he, along with Clarence Thomas, Samuel Alito, and Neil Gorsuch, formed a powerful four-vote bloc to breathe life into whatever cockeyed challenge to established law and precedent conservatives could dream up. You can think of them as the Four Bro-men of the Apocalypse, busting open seals like some people open beer cans, unleashing horrors upon our world.

There is another important number that shapes the court’s docket, and that is six. With six votes, justices can deny appeals of lower court rulings that are clearly wrong, without drawing the kind of attention that comes when they hold hearings and issue rulings that proactively change the law for the worse. When Ruth Bader Ginsburg died and was replaced by Amy Coney Barrett in 2020, conservatives gained their crucial sixth vote to stop meritorious appeals from ever getting a hearing in front of the court.

What the Supreme Court hears, and what it denies, is a hidden lever of power for today’s conservative majority. It goes largely unremarked on by establishment forces, who have accepted the prospect of generational conservative control of the court. But Justice Sotomayor was having none of it, spending her final hours of the term writing a series of pointed dissents against the court’s refusal to hear appeals of unjust rulings from the lower courts.

It’s not unusual for a justice to dissent from a certiorari denial here and there, but Sotomayor dissented in five cases, all on the last day. In general, the cases were all focused on criminal justice and the use—and abuse—of state power against suspected criminals. The court refused to hear a case in which police officers used Tasers on a man after he had doused himself with gasoline, knowing full well that if they shocked him, he would catch on fire. Sotomayor dissented. The court refused to hear a case in which police officers watched, never once trying to intervene. Sotomayor dissented. The court refused to hear three cases involving capital punishment. Sotomayor dissented and dissented and dissented. In each dissent, she retold the defendant’s story for the public record, maybe for the last time.

What’s remarkable about these dissents is that if the court had agreed to hear the cases, Sotomayor likely would have found herself on the wrong end of a series of 6-3 decisions. But she didn’t write these dissents because she relishes the opportunity of losing even more spectacularly down the road. Ginsburg once said that dissents are written for a “future age”—meaning that dissents are supposed to help inspire the next generation to oppose the wrongs committed by the present court. But I believe Sotomayor’s flurry of end-of-term dissents suggests she doesn’t want to wait that long. The fire set by conservatives is raging right now, and Sotomayor’s opinions read like the ringing of an alarm bell. Her dissents serve to put the other branches of government on notice that the court is out of control.

Sotomayor’s willingness to expose what the court is doing has made her the most important liberal on the bench in recent years. Other liberals have seemed more interested in finding common ground and compromise with conservative justices or voting strategically to mitigate even greater harm, and there is value in those approaches. But Sotomayor is the one who can be relied on to point out the legal and moral failures of her conservative colleagues. She’s the one who puts progressive outrage into words.

Next term, she will be more important than ever. With the retirement of Stephen Breyer in June, Sotomayor has become the senior liberal justice on the court. That status is important because, by Supreme Court convention, the justices responsible for assigning the task of writing opinions include the chief justice and the senior justice advocating for the opposing position.

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Curveball: Before she joined the court, there were few signs that Sotomayor (seen here throwing the first pitch at a New York Yankees game) would become a key liberal justice.
Nowhere is her commitment to a restrained and transparent use of judicial power more evident than in her opposition to the “shadow docket.”

In cases where the court splits 6-3 along partisan lines, Sotomayor will either be writing the main dissent or assigning it to one of her colleagues.

That prerogative alone makes Sotomayor the anchor liberal in the judicial system; she’s essentially the “minority leader” of the judicial branch of government. But unlike elected Democrats or officials appointed by Democratic presidents, Sotomayor is not constrained by the latest polling projections or the media’s fascination with white folks who eat at diners. She’s not the most powerful liberal official in America, but she is among the most free. She can use her position to tell the truth about what is happening to our country, without regard to how she will be talked about on Fox News.

The role of truth teller is one she’s grown into over time. Before Covid, when the Supreme Court conducted all of its public business in person, in a room full of onlookers and reporters, justices would occasionally “dissent from the bench.” That means they would read aloud all or part of their objection to whatever ruling the court had issued to make sure people knew they disagreed. Sotomayor didn’t use this prerogative for the first five years of her tenure. But in 2014, she dissented from the bench in Schuette v. Coalition to Defend Affirmative Action, a case in which the majority ruled that Michigan’s ban on affirmative action didn’t violate the US Constitution’s equal protection clause. In her dissent, while making a positive case for affirmative action, Sotomayor directly questioned her conservative colleagues’ skepticism toward the policy and argued that they fundamentally misunderstood racism in society.

It was a bracing rebuke, so much so that the written version likely inspired Chief Justice John Roberts to write a concurrence that was really just a rebuttal of her argument.

Sotomayor didn’t stop with affirmative action. During oral arguments this past December in Dobbs v. Jackson Women’s Health, the case the court would eventually use to revoke the right to an abortion, Sotomayor took advantage of the opening provided by her first question to lay into the court’s embrace of the GOP’s forced-birth orthodoxy at the expense of legal precedent. She started with statistics. She pointed out that over the past 30 years, 15 justices from all kinds of political backgrounds had supported the right to an abortion before fetal viability. She reminded listeners that the law at issue in Dobbs—a total ban on abortions after 15 weeks of gestation—was invented by Mississippi Republicans who, by their own admission, had designed the ban to take advantage of the new anti-abortion justices appointed by Donald Trump: Gorsuch, Kavanaugh, and Barrett.

Then she asked a question: “Will this institution survive the stench that this creates in the public perception that the Constitution and its reading are just political acts?”

Her question was a warning. The Supreme Court has no power to tax or to enforce; its power relies entirely on the public’s belief in its legitimacy. Sotomayor was warning the court that it was at risk of squandering the only currency it has.

Wile the corporate media portray Chief Justice Roberts as the man most concerned with the Supreme Court’s standing in the eyes of the public, his alleged concern has amounted to little more than a few year-end reports in which he pats himself on the back and tells the press the court is doing a good job. His approach reminds me of Kevin Bacon’s character at the end of Animal House, hysterically screaming “All is well!” while all hell breaks lose around him.

In practice, it is Sotomayor, not Roberts, who is most concerned with the institution’s legitimacy. We know this not only from her questions during the Dobbs hearing but from her actions: She is the one who, again and again, has been trying to stop the court from doing illegitimate things. Nowhere is this commitment to the restrained and transparent use of judicial power more evident than in her opposition to the Supreme Court’s “shadow docket.”

“Shadow docket” is the now-infamous name that has been given to the set of cases for which the Supreme Court hears and grants emergency appeals. In the past, the shadow docket was used rarely, mainly for death penalty appeals—that is, for cases in which there is a true need for emergency intervention because the state is about to kill somebody. But during the Trump years, the court increasingly granted emergency relief to the administration’s cases, overruling lower courts that had tried to stop Trump’s illegal or unconstitutional policies.

Sotomayor was arguing against this use of the shadow docket before it was cool. Wolf v. Cook County was a 2020 case about a challenge to Trump’s updated “public charge” policy, which made it even easier than it already was to exclude low-income immigrants from this country. In its “emergency” shadow docket decision, the court ruled to allow Trump’s policy to move forward. Sotomayor wrote, “It is hard to say what is more troubling: that the Government would seek this extraordinary relief seemingly as a matter of course, or that the Court would grant it.” Sotomayor went on to accuse the court of “upending the normal appellate process” in order to put a “thumb on the scale” on the side of the administration.

This past March, in Wisconsin Legislature v. Wisconsin Elections Commission, the conservative majority on the Supreme Court used the shadow docket to summarily overrule new electoral maps proposed by Wisconsin’s Democratic
governor and approved by the state's own Supreme Court. In dissent, Sotomayor called her colleagues' decision "unprecedented," "extraordinary," and also "unnecessary."

Sotomayor reserved her deepest rebuke for when the court allowed Texas's Senate Bill 8 to go into effect last September. That bill outlawed abortions after six weeks and deputized private bounty hunters to sue pregnant people and abortion providers, effectively abolishing the right to an abortion in that state—and the court approved it on the shadow docket. In dissent, Sotomayor wrote, "The Court's order is stunning. Presented with an application to enjoin a flagrantly unconstitutional law engineered to prohibit women from exercising their constitutional rights and evade judicial scrutiny, a majority of Justices have opted to bury their heads in the sand."

Sotomayor's dissent from these and other opinions are dense with statutory analysis and applications of the relevant precedents and legal rules. But she never hides the ball on what the conservatives are really doing; she doesn’t blunt the reality of what's happening with an overreliance on legal jargon. She doesn’t play it for a laugh, and she doesn’t engage in faux comity. She writes like she doesn’t care if conservatives’ feelings are hurt on their way to the opera.

She is quotable by design. The New York University law professor Melissa Murray, a former clerk for Sotomayor, described her as relentless when it came to pruning her opinions of unhelpful legal jargon. "Her principle concern, beyond getting it right, was that opinions were explained in a way ordinary people will understand."

T he bronx-born sotomayor—she’s earned the appellation “Sonia from the block”—has been subjected to all the predictable dog-whistle insults people use to denigrate women in power, especially women of color. She’s been called “abrasive,” a “bully,” and “not that smart” over the course of her career. A number of the attacks launched against Ketanji Brown Jackson, the first Black woman to be nominated to the Supreme Court, during her recent confirmation hearings were also deployed against Sotomayor, who was the first Latina nominated to the court. Many of the same Federalist Society pundits and conservative law professors who attacked Jackson this year also attacked Sotomayor when she was nominated by Barack Obama in 2009. Republicans and even some Democrats suggested that she had been nominated only because of her Hispanic heritage and that she wasn’t as qualified as other, white judges. There was a contingent of white men in particular who were apoplectic because Sotomayor was unashamed of her background and had suggested that her lived experiences might actually make her a better judge.

Obama shrugged off those attacks and stuck with her nomination, his first to the Supreme Court. The Democratic-controlled Senate confirmed Sotomayor by a vote of 68-31, which included nine votes from Republicans.

I don’t know that Obama or the rest of the country knew what they were getting in Sotomayor. In fact, her career leading up to the Supreme Court was full of jobs and titles that progressives consider to be demerits: She graduated from an elite law school, Yale, where she was an editor of its law review. She worked as a prosecutor in the Manhattan district attorney’s office under Robert Morgenthau. She went into private practice and represented multinational corporations. She was appointed to the federal bench by George H.W. Bush, and during her time as a trial court judge, she was not known as being particularly lenient in sentencing or easy on defense attorneys.

Sotomayor presents herself as a classic first-generation American Dream success story. Her autobiography is largely a tale of bootstraps and hard work, and she’s leaned into a wise-auntie public persona, even writing a number of children’s books.

But Sotomayor is a case study in not judging a book by its cover. There’s a famous legal-insider story about her, one retold by Irin Carmon in her excellent New York magazine profile of the justice. During her confirmation hearings, Sotomayor’s answers were careful and restrained; even her nail polish was muted in soft tones. But during a reception following her appointment, she asked President Obama if he noticed anything different about her. Then she flashed her nails, which were painted bright red: her true colors shining through.

Those colors are not necessarily ideological. Some justices show up to the court as zealots, committed to a certain ideology or method of constitutional interpretation, determined to shove their intellectual projects onto every case, regardless of the facts or problems at hand. Clarence Thomas, for instance, doesn’t believe that the federal government should have the power to do much of anything other than kill convicts and harass immigrants (I’m paraphrasing). Neil Gorsuch wants to destroy the administrative state (I wish I were paraphrasing more). These men are willing to ignore the practical impact of their decisions in furtherance of their ideological fever dreams. In the just-completed Supreme Court term, we saw the nihilism of that approach as the conservatives ignored the realities of climate change, gun violence, and health care for women, girls, and pregnant people.

Sotomayor takes a nearly opposite approach, focusing on the

“Her principle concern, beyond getting it right, was that opinions were explained in a way ordinary people will understand.”

—Melissa Murray, former clerk for Sotomayor
people involved in a dispute instead of on the ideological and political goals of the litigants. Cristian Farias, a legal journalist and longtime observer of the court, said that Sotomayor’s driving “ideology” was simply to make sure that everybody’s case gets access to the courts and a fair hearing. “All these [Supreme Court] cases that turn on arcane operations of law have real people behind them,” he explained. And while some justices seem to ignore that truth, “Sotomayor cares about the human impact of the law. She’s the people’s justice.”

Sotomayor’s direct style and substantive concern with real people harmed by the law comes together in a lot of her criminal justice decisions. The former prosecutor has been the most stalwart defender of the rights of the people against the excesses of the police since she joined the bench. In a 2016 case, Utah v. Strieff, Sotomayor dissented from a Thomas opinion in which the conservative majority allowed an illegal warrantless traffic stop to be deemed constitutional after the fact because the cop eventually found unpaid parking tickets. “Do not be soothed by the opinion’s technical language,” Sotomayor wrote. “This case allows the police to stop you on the street, demand your identification, and check it for outstanding traffic warrants—even if you are doing nothing wrong.” Again, she is writing for the benefit of people out on these streets today—even going so far as to address them directly (“you”)—not law students sometime in the future.

Sotomayor has also been the most outspoken justice in recent years against the death penalty and the way the current ruling conservatives apply it. In a 2016 case, Utah v. Strieff, Sotomayor dissented from the Thomas opinion in which the conservative majority allowed an illegal warrantless traffic stop to be deemed constitutional after the fact because the cop eventually found unpaid parking tickets. “Do not be soothed by the opinion’s technical language,” Sotomayor wrote. “This case allows the police to stop you on the street, demand your identification, and check it for outstanding traffic warrants—even if you are doing nothing wrong.” Again, she is writing for the benefit of people out on these streets today—even going so far as to address them directly (“you”)—not law students sometime in the future.

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Her most important dissent might be in the case U.S. v. Higgs, in which the Supreme Court overturned lower court rulings staying the execution of Dustin John Higgs. Some might remember that near the end of the Trump administration, Attorney General Bill Barr resumed the practice of federal executions, something the government hadn’t done in almost 20 years, initiating a killing spree by the Department of Justice. Sotomayor tried to get people to see what Trump and Barr were doing. In her dissent, she wrote that the federal government had executed three times as many people during the final six months of Trump’s term as it had in the previous six decades—and she listed the names of all the executed. She explained how the court had made a habit of ignoring credible appeals and even removing stays of execution granted by the lower courts. “This is not justice,” she concluded. “After waiting almost two decades to resume federal executions, the Government should have proceeded with some measure of restraint to ensure it did so lawfully. When it did not, this Court should have. It has not. Because the Court continues this pattern today, I dissent.”

The only sitting justice to have served in a
district attorney’s office is now frequently the only one willing to give voice to the last pleas of the condemned.

Sotomayor has yet to receive the mainstream media attention and “icon” status of the justice she’s most often compared to: Ruth Bader Ginsburg. That’s despite the fact that Sotomayor writes in an approachable style, has appeared at many public-facing events, and, in many ways, is more progressive in her opinions than Ginsburg was.

Comparing people from different eras is generally best left to the realm of barroom sports debates. I have no horse in the race between judicial Billie Jean King and judicial Serena Williams. But there is one area where Sotomayor has clearly outdone her Hall of Fame former colleague: in her hiring of law clerks. Justices typically hire four clerks a year, and becoming a Supreme Court clerk is generally the capstone on a legal résumé, opening doors to academia, the bench, and high-dollar jobs in private practice. In fact, only three of the current justices have not clerked for a Supreme Court justice, and they are Thomas, Alito, and Sotomayor.

Ginsburg served on the Supreme Court for 27 years yet managed to hire only one African American clerk in all that time. It was a blind spot in her thinking, a demerit on her legacy, and it is a mistake Sotomayor has not repeated.

Sotomayor’s clerkship tree is large and diverse. David Lat, a longtime chronicler of Supreme Court clerks and the judicial process, told me, “Since joining the court in 2009, Justice Sotomayor has been the leader on the court in hiring diverse law clerks.... By my rough calculations, around a third of her clerks have been people of color—about twice the historical percentage for Supreme Court clerks generally. Her hires have included the first Native Hawaiian to clerk for the court [Kamaile Turcán], and the first Black woman to serve as the president of the Harvard Law Review [Imelme Umana].”

New York University’s Melissa Murray said that the justice also takes chances on people who don’t follow the traditional path of going to one of the country’s top law schools. One hire that stands out is Sparkle Sooknanan, who became the first-ever Supreme Court clerk from Brooklyn Law School when she was hired by Sotomayor in 2013.

There is another aspect of Ginsburg’s legacy that people hope Sotomayor improves on: retirement. On the politics and culture website Lawyers, Guns & Money, Paul Campos, a professor at the University of Colorado, has already called on Sotomayor to retire “no later than the summer of 2024” should Democrats retain control of the Senate in the upcoming midterm.

It is, sadly, not a crazy suggestion. Sotomayor is 68 years old and has lived with Type 1 diabetes since she was a child. As Covid continues to ravage our nation, everybody knows that she is at a higher risk, but not everybody cares. While Sotomayor has so far remained masked when she has appeared in person at Supreme Court hearings, Neil Gorsuch, who sits right next to her on the dais, could not be bothered to wear a mask for much of the past term or concern himself with the health of a colleague. Sotomayor is forced to work with Republicans, and their lack of decency could well diminish her life expectancy.

I think calls for Sotomayor to retire now are a tad premature. She’ll be 70 by the time the next presidential election rolls around, and even if a Republican should win it, absent accident or tragedy, we can expect Sotomayor to live to see the 2028 election, when she’ll be 74 (the age Thomas is now), or hang on until the 2032 election, when she’ll be 78.

But if Biden should win reelection in 2024 and have a Senate willing to let him pick federal judges, retirement could be the better part of valor. Sotomayor is an extraordinary voice, but her vote is the thing that is indispensable. She can’t let that vote fall into conservative hands, even if it means losing her voice a little earlier than she might like.

Sotomayor has long placed the people of this country over her personal ideology. When it comes to her retirement, Murray expects that she’ll continue on that path. “She will make a decision, but she will have no vanity about this. She understands that this is bigger than her.”

Until that time, Sotomayor may not be able to stop the injustice wrought by conservatives all by herself, but she can expose it. She can explain it. And she can inspire people to take it on—not in the far-off future, but in the here and now.

Sotomayor has yet to receive the media attention and “icon” status of the justice she’s most often compared to: Ruth Bader Ginsburg.

Becoming Sonia: The justice as a baby with her mother and father (center); graduating from Yale Law School (right); and reading from her children’s book, Turning Pages: My Life Story (left).
On a drizzly march afternoon in Sitka, Alaska, K’asheechtlaa “Louise” Brady hurries down a wooden ramp to the dock at Fisherman’s Quay, her gray-streaked hair spilling from the hood of her windbreaker. There, two small skiffs sit low in the water, heavy with 10-foot-long hemlock branches jeweled with yellow-white fish eggs. “Oh, they’re so beautiful!” Brady says, hugging a man and a woman in rubber boots as they step from the skiffs onto the dock. On the quay above, a small group of volunteers waits, ready to process the eggs and load them into boxes headed for elders, family members, and others across the state.

This is part of the Tlingit herring-egg harvest. Every spring for thousands of years, as migrating Pacific herring arrive along Alaska’s southeastern coast, Native harvesters have cast young hemlock trees and their branches into the sea to attract fish in search of a place to spawn. Days later, the harvesters return to collect thousands of pounds of eggs. It’s the highlight of the year, the first fresh food after a long dark winter.

Many of the eggs will travel far beyond Sitka. For more than 11,000 years, the Tlingit people, the state’s second-largest tribe, have lived and fished in coastal clans across Alaska’s southeastern panhandle and in British Columbia, Canada. Likely as long, they’ve traded and exchanged herring eggs as gifts with inland clans and tribes in a vast network that Thomas Thornton, an anthropologist at the University of Alaska Southeast, calls a “singular cultural phenomenon.” A 2019 book by Thornton found that 87 percent of harvested eggs end up changing hands as many as
herring roe taken in Sitka. Japanese buyers have dominated the fishery here since their own herring population was decimated by overfishing in the 1960s. For nearly 50 years now, Alaska’s commercial fishers have made millions feeding the demand for Japan’s traditional "kazunoko" delicacy. While the harvest brings in as much as $12 million, most of that money leaves Sitka, as the fishers typically come from somewhere else, bring their own crews, and stay for less than two weeks. The city then must split the spike in fish tax revenue generated by the harvest with the state.

This hyper-specific export market is also extremely wasteful. Seiners—boats named for their expansive seine nets—scoop up entire schools of herring, male and female alike, but sell only the eggs of mature females, usually over six years old. The rest is bycatch.

The Sitka Tribe of Alaska—Sitka’s federally recognized tribal government—says that its food security, along with the herring, has paid a price. In Tlingit tradition, herring eggs were a staple nutritional source. Today, they are a rarer delicacy eaten in communal, celebratory settings. In the years since the commercial harvest began, the tribe’s harvest has diminished to the point that its citizens were forced to ration the eggs, feeding elders first. And tribal citizens aren’t the only ones who rely on the fish. Herring are a keystone species, a “forage fish” that sits at the bottom of the food chain; countless other fish, birds, and marine mammals depend on them. If the fishery collapses, the entire ecosystem is at risk.

The tribe has pushed back against this declining harvest, and in 2018 it sued to force the state of Alaska to take a more sustainable approach. But the tribe’s proposals are in conflict with the state’s management strategy, which treats “sustainability” more like an economic equation to maximize long-term yield. And while the tribe has won some victories, what it considers the slow-motion four times among the approximately 10,000 Natives throughout the state, and even as far away as Florida and Hawaii. In Sitka, the herring-egg harvest is enshrined in an early Tlingit story: A woman sang to the herring in Sitka Sound, then fell asleep on a rock. While she slept, the herring laid eggs in her hair.

“This isn’t just food. It’s our culture; it’s our spirit,” says Brady, 66, as she pulls a cluster of springy eggs from the hemlock needles and pops it into her mouth. “This is the taste of what it means to be Tlingit.”

The Tlingit say that this culture is under threat. Today, their subsistence harvest accounts for less than 1 percent of the

"This isn’t just a food. It’s our culture; it’s our spirit. This is the taste of what it means to be Tlingit.”

—Kashecheltlaa “Louise” Brady, a Herring Lady

Brett Simpson is an independent writer and audio journalist covering the intersections of climate, the environment, and human rights.
Sitkans call it “herring weather.” As March rushes toward April, there’s a wildness in the air. Winds shift suddenly, and sunshine turns to hail and snow and back again before you can change your shoes. The island is tense with waiting; gulls gather on trees above the sea lions tossing irritably on rocks, and massive seiners appear on the horizon.

Then, without warning, vast schools of small, silver-bellied herring spill through the neck of the sound, trailing miles of milky-white spawn behind them. So commences a wildlife bonanza. Bald eagles and gulls swoop down on the churning water. Sea lions chase the salmon, which chase the herring. Gray whales and humpbacks glide into the sound by the improbable hundreds, gold-misted spouts popping like fireworks on the horizon.

Once, similar herring events cascaded down the West Coast, from the Bering Strait to Baja California.

In the late 1800s, California, Oregon, Washington, and British Columbia established aggressive bait and “reduction” fisheries, in which small fish were caught solely to be “reduced” into oil, feed, or fertilizer. Today, in most of the West, those milky coastlines are barely a memory.

Reduction fisheries didn’t open in Alaska until the turn of the 20th century, and they faced consistent opposition from sport fishers and other commercial fishers. In 1909, the US Bureau of Fisheries issued a report to Congress calling for a ban on them, citing the threat to king salmon, whose primary food source is herring, but the fish-oil lobby swiftly quashed the idea. Then the collapse of the massive Japanese herring fisheries created an opportunity for both commercial fishers and the state to open a sac roe fishery that, unlike reduction fisheries, the state could attempt to manage for the long-term health of the species—and a long-term revenue stream.

According to the state, Alaska’s herring management has been a success story. The Department of Fish and Game began performing consistent surveys of Sitka herring populations in 1974, and the resulting data show steady growth in herring stocks since then. State statisticians use this historical data to set a “harvest threshold,” the number of tons of herring that can be sustainably fished each year. But the state’s approach, Thornton says, is flawed; it reflects a “shifting baseline syndrome” common to modern commercial fisheries. The term describes how regulators use the already diminished stocks to establish baselines of historical abundance. In Sitka, the last reduction fishery closed in 1966, which means that by the time the state started keeping track, the herring population was already suffering. While the state also uses data collected by the federal government beginning in the 1920s as a way to extend

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destruction of this fishery continues largely unchecked. In 2019 and ’20, the fishery remained closed because the fish were too small to garner market interest. But this year, the state authorized the largest commercial herring harvest in Alaska’s history.

Brady takes the fight personally. Like all the women in her clan, she is a “Herring Lady” by lineage, descended from the woman who once sang to the fish. Since 2016, she has led a grassroots group of “Herring Protectors,” a dozen or so local activists and independent researchers working to raise awareness of the problem and to challenge the economic paradigms that determine the fate of this fish. To Brady, the plight of the Pacific herring in southeastern Alaska calls into question the values driving even the most conservative approaches to Western natural resource management.

“My ancestors fought to retain our way of life,” Brady says. “This is my original instruction.”

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its historical timeline, critics point out that the data were collected with a hodgepodge of methods across ever-shifting areas and seasons.

Tribal memory goes back a lot further than 1974 or even the 1920s. Elders tell stories, passed down from before the arrival of European colonizers, of herring so thick in the water that the sea boiled. Of a harvest that spanned weeks, rather than the few days they count on now. Whereas 12 spawning areas in southeastern Alaska once supported commercial and tribal interests alike, today Sitka is the region’s only active sac roe fishery. Subsistence harvesters from around the region arrive each year to cast their branches, and despite the state’s numbers, they describe the most challenging harvests in memory.

“They said we have no science,” says Harvey Kitka, a Tlingit elder. “We had the first science—observation.”

Jamie Ross stands on the deck of his seiner, Anduril, next to a pile of dead herring, his shaggy white hair and mustache blowing in the wind. He picks up a fish and lays it on his palm: six inches long, silver-blue, tapering to a dark, forked tail. Placing two fingers below the fish’s belly, he pushes gently, and two roe-heavy orange sacs slide into his hand.

“Look how easy that slips out,” he says, rotating his hand so the sacs glisten. “Isn’t it beautiful?”

Ross, who’s from Homer, Alaska, has fished Sitka herring for 30 years. He’s one of the 47 permit holders, and one of the few who remember when herring fisheries lined the Alaska coast. For Ross and his family, the Sitka harvest kicks off a nomadic year of traveling between fisheries, working their way south to Santa Barbara, Calif., for the winter squid season. But Sitka’s fishery is his favorite—for the sport and for the uncertainty of it. You never know how many herring will arrive, and fewer fish means a higher risk of going home empty-handed. In the past, taking that risk could also yield extraordinary rewards.

In the 1980s and ’90s, Ross says, you could earn “obscene money” harvesting herring. A ton was typically valued at around $1,000, peaking at more than $2,000 in 1990. As recently as 2008, one seiner in Sitka Sound netted 1,500 tons in one day for a haul worth close to $1 million. But in the past 20 years, the Japanese demand for kazunoko has declined, likely because younger generations have lost interest in this expensive holiday delicacy. In 2014, Ross got only $179 a ton, though the price was up to $300 this year. But, Ross says, he still makes a good living. It helps that as the price has declined, the commercial harvest quota has been steadily increasing. And he notes that he may soon have new customers: The commercial industry is lobbying to open a fish meal processing plant in Sitka.

Ross is aware of the tribe’s concerns, but he finds it hard to question the state’s data. He calls Alaska’s fisheries “the finest managerial system on the planet.” He says that no commercial fish is monitored like herring, and no herring population is managed as carefully as it is in Sitka. In his experience, this approach has yielded amazing success: He’s never experienced more plentiful herring harvests.

“Fisheries are to Alaska like Hollywood is to Los Angeles,” he says. “It’s the industry.”

But his industry does face challenges. Ross has followed the shifts and collapses of other global fisheries—including of herring—and feels lucky that he can count on Alaska to respond with conservatism to the threat of overfishing. But he also spends 10 months of the year on the water, and climate change bears heavily on his sense of the future. Rising ocean temperatures increase the mortality rate of herring embryos and disrupt the bloom cycles of their plankton food. His outlook is bleak.

“We’re headed into a world without fisheries,” Ross says. “I hope I’m gone by then, because that’s not a world that I want to live in.”

For two decades after the sac roe fishery opened, the Tlingit watched the state expand the commercial harvest, even as their own harvest dwindled. In the mid-1990s, the tribe began to fight back, first by disputing the state’s data on herring populations and then by trying to change how the fish are regulated.

In Alaska, the public’s right to fish and harvest wildlife resources is enshrined in the state constitution. For this reason, the fisheries’ regulatory process is remarkably open. Each rule is proposed by the public and approved by the Board of Fisheries—seven citizens, appointed by the governor to three-year terms. Members travel the state for meetings on the hundreds of fisheries the board oversees. They rely on data from the Department of Fish and Game and on public testimony, but they have final say on every decision. In some respects, it’s a remarkably democratic process: Anyone can submit a proposal to change or create a regulation. But in a state where seafood exports generate $3 billion in revenue each year, the influence of commercial fishing is hard to overstate.

“The Board of Fish is known as the best process for fisheries in the country,” Brady says. “It is not the best process for Indigenous people.”

Despite these reservations, Brady and the Tribal Council decided to get involved. They submitted a proposal to reduce the “guideline harvest level”—the proportion of the herring population allowed to be fished—from 20 percent to 10 percent. They asked for a moratorium on future commercial harvests. And they brought dozens of elders to the 1997 Board of Fish meeting, which took place in...
In 2022, the state authorized a record-setting harvest: Commercial boats would be allowed to bring in a staggering 45,000 tons.

Super harvesters:
Tk’ Un Y eik “Paulette” Moreno and volunteer captain Alex Jenkins gather herring eggs in the waters outside Sitka.

It was a victory, but tribal officials saw it as a hollow one, since it placed no real limits on the scope of the fishery. In 2018, with marketable fish scarce, the fishery harvested only 2,900 tons. In 2022, after the two-year hiatus resulted in an unprecedented population boom, the state authorized a record-setting harvest: Commercial boats would be allowed to bring in a staggering 45,000 tons.

The ensuing “derby-style” harvest resembles a sporting event on a massive scale. Dupuis, the Department of Fish and Game’s area management biologist, serves as referee. On his signal, 200-ton seiners dash and sometimes collide, spraying fiberglass in a fight for the prized fish. In years when herring numbers are low, the spectacle can be over in 15 minutes. “It’s terrifying,” Dupuis says. “I don’t sleep well these weeks.”

This year is comparatively calm. Because of the record size of the allowed harvest, the six processing companies agreed to work together, both to control the quality of the catch and to control the market. They came to that agreement weeks ago, based on population data collected by Dupuis and analyzed by state statisticians.

Herring are extraordinarily hard to track. They travel thousands of miles in massive schools, and nobody is really sure where they come from or where they’ll decide to go next. Unlike salmon, they spawn several years in a row, and the older fish tend to yield more marketable eggs. As the herring arrive each year, Dupuis scuba-dives from boats into four-foot waves, clipboard in hand, to count the eggs laid in sample sites. Monitoring the eggs that streak the shoreline, he flies over the sound, his plane tracking the miles they cover. State statisticians use this data, combined with data from past years, to forecast age and population trends.

But they don’t always get it right. Once the fishery opens, Dupuis’s team samples fish randomly from around the sound. If their measurements show that the state has missed its prediction on the proportion of mature, egg-bearing mothers, the whole season can be thrown off. In 2019, an unexpected surge of unmarketable young fish kept the fishery closed. The hiatus gave the fish time to mature, and this year, they are reaping the benefits.

Dupuis doesn’t just manage fish; he also has to manage competing interests. He started two years ago and knows he inherited deep distrust from the tribe. But he calls the tribe’s biologist every morning of the harvest to let him know when and where he plans to open. This year, for the first time, he adjusted the area designated for commercial fishers after he got a call from a Native harvester who told him the seiners were getting too close to her harvest spots.

Under the long shadow of a towering blue-and-white seiner, Tk’ Un Y eik “Paulette” Moreno sits in an open skiff laden with dark-needled hemlock boughs. She watches a black net blossom from beneath the boat, silver schools of herring dashing from its grasp. Her partner, Andrew Roberts, steers the skiff away to a cove, and stops.

Moreno says a prayer, then pushes a rock wrapped in netting overboard and guides the length of a 10-foot hemlock sapling close behind it. As the tree plunges into the water, a yellow rope unspools behind it until a milk jug bounces at the surface—a makeshift buoy to hold and mark her set. Moreno and Roberts followed the herring to this spot. If they chose well, the eggs in this spot could feed hundreds. “It’s a huge responsibility,” Moreno says.

Moreno, 58, is one of the 25 to 50 local harvesters left in Sitka. As recently as a decade ago, she says, there were close to 60. Moreno started harvesting 13 years ago, because “nobody else was left” to do it for her family. These days, she and Roberts are what some call “super harvesters”—spending extra hours and fuel chasing herring around the sound.
Herring are a keystone species, a “forage fish” that sits at the bottom of the food chain. Countless other species depend on them.

On the prowl: Commercial boats scout for schools of herring before the Alaska Department of Fish and Game opens the fishery.

in all weather, searching for ever-rarer spawning areas in an ever-narrower window of time.

Every year, Moreno and Roberts set aside $3,000 to $5,000 for boat fuel and repairs, equipment, gear, and the processing and shipping of eggs. They do not sell the eggs, and they don’t expect to get this money back. As herring season approaches, they scout for trees whose branches would make a good spawning habitat. Once she spots one, she always approaches it for permission. “Were you born to feed the people?” she asks. Only if she feels a “yes” will she thank it for its life and cut it down.

When they return to the milk-jug buoy, they find the ghostly sapling floating just beneath the surface, sparkling from root to tip with eggs. After two years without a harvest, the schools are bigger and more numerous, the eggs thicker on the branches. It’s nothing like in past decades, but it’s the best in a while.

A few hundred miles south of Sitka, off the coast of British Columbia, herring management is changing radically. In December 2021, Canada cut its maximum allowed herring fishery harvest in half, from 20 percent of the total fish in the water to 10 percent—the very change the Sitka Tribe asked Alaska to adopt a quarter-century ago. Canada’s decision reflects a growing global trend away from “single species” fisheries management toward new ecosystem-based approaches.

Since the 1970s, the world’s fisheries managers have defined sustainability according only to the health of the species they’re regulating, with no regard for the effects of the fishery on other species and habitats. But in the past decade, as fisheries have collapsed around the world, marine and fisheries scientists have pushed for a method that assesses fish in the context of their environment.

For the herring, that context reveals their broader value. According to a 2021 report by the Institute for Ocean Conservation, “Little Fish, Big Impact,” forage fish like herring should not be harvested like other fish because of the sheer number of other species that depend on them.

The National Oceanic and Atmospheric Administration (NOAA) and the United States Geological Survey list Pacific herring as a forage fish. Alaska does not. In 2013, the tribe proposed adding herring to the state list; in 2016, another Sitka community member did the same. Each time, the Board of Fish voted against it. In his 2019 book The Distribution of Herring Eggs From Sitka Sound, Alaska, Thornton, the University of Alaska Southeast anthropologist, describes this omission as “a scientific and legal absurdity.”

The omission is also a boon for the fishing industry. Alaska’s regulations protecting forage fish are strict. In 1999, the state prohibited opening new commercial fisheries for any listed species, citing their “critical role” in the marine ecosystem, and limited the amounts of those species that can be present as by-catch in other fisheries. And that, Aaron Dupuis notes, creates problems when it comes to herring. Most of the listed forage fish, like smelt and hooligan, have little market appeal. Listing herring, he says, “would take the fishery basically to zero.”

Sherri Dressel, the state biometrician who runs the population and harvest models for Sitka Sound, points out that the (continued on page 30)
In Gallup, New Mexico, doctors and community members are rallying to save Rehoboth McKinley Christian Hospital.
In her 10 years as a nurse, Sara Pikaart had never ignored a call light. But in the early weeks of the Covid-19 pandemic in the United States, Pikaart simply had no way to respond to all the patients’ appeals for help. At Rehoboth McKinley Christian Hospital in Gallup, N.M., there were too many patients and too few nurses. The town of 21,000 was locked down, and just outside its borders, the Navajo Nation was reporting infection rates higher than those in New York City. There was no comparable hospital for 120 miles, yet RMCH’s CEO had just laid off 17 nurses. Pikaart was terrified: “I just had this feeling all day, like I was going to walk into a patient’s room and find them dead.”

Pikaart was a labor and delivery nurse, but she had volunteered to work in the ICU. The majority of the hospital’s patients were poor, old, or Native American and received health insurance through Medicaid or Medicare. One day, at the end of her shift, Pikaart noticed that some of her worst-off patients had not eaten. Aides had dropped off trays of food, but no one was free to help the patients feed themselves. Pikaart was horrified. She clocked out and then stayed to help an elderly patient with her dinner. In an e-mail, she described the nightmare of the ward to a few physicians. Spurred by her story, doctors in the hospital decided to call for a vote of no confidence in the CEO, David Conejo.

In response, the RMCH board of trustees fired Conejo. “At that point, I thought, ‘OK, we’ve had a disaster here, but now things have to get better,’” Pikaart said. Instead, “it just went from bad to worse.” Rather than turn to local leaders to run the hospital, the board of trustees hired Community Hospital Corporation Consulting—a for-profit management services firm based in Plano, Tex., and controlled by the Community Hospital Corporation (CHC), a nonprofit that manages or owns 21 hospitals, primarily in the South and Southwest.

Over the next two years, 148 employees, or about a third of the hospital’s staff, would leave. Entire units of the hospital would have to close. Last year, every ob-gyn and all 18 nurses in the labor and delivery unit quit, temporarily shutting down the department and forcing patients to drive two hours to Albuquerque to deliver their babies. On August 3 of this year, the unit shut down for a second time—this time with no timeline for reopening.

Many of the doctors and nurses who left the hospital stayed in Gallup and started organizing against their former employer. They charge that CHC administrators retaliated against staff who raised safety concerns; failed to understand the economic and tribal dynamics of the region; and drove the hospital into record financial losses. They told me that without community involvement and control of RMCH, the area could lose the only hospital available to all residents.

“Allup is like many other rural areas in the United States. Since the 2008 recession, 156 rural hospitals have closed, and with Covid-19 relief funds drying up, many more are on the verge of shutting their doors. More than 20 percent of the country’s 2,176 rural hospitals are currently at risk of reducing services or shuttering altogether.

Mark Holmes, director of the Cecil G. Sheps Center for Health Services Research, said that many rural health professionals “are gravely concerned about what the rest of this year and...2023 are going to look like.” Holmes explained that there are five key issues threatening rural hospitals: population, payment, practice, policy, and profitability. What he means is that, while rural communities increasingly rely on Medicare, they’re also grappling with changes to health-insurance payment models, federal policies, and treatment options that lean toward outpatient rather than more lucrative inpatient care—all of which are affecting hospitals’ ability to generate even a small surplus.

The loss of a rural hospital can devastate a town. In a study published earlier this year, Holmes and his colleagues found that when a rural hospital closes, huge sectors of the local economy lose money, and fewer families and businesses are likely to move to the area. Gallup residents told me the same. “Without the hospital, this place would be a ghost town,” said Warner Anderson, a retired military doctor who worked at RMCH in the 1980s.

The hospital is one of the largest employers in town. RMCH is also a crucial reason why elderly residents and young families feel safe living in the region and why travelers feel comfortable exploring the Southwest’s public lands. Its closure would force low-income households either to leave for a bigger city or to pay for gas, child care, lodging, and other expenses in order to travel for medical care. Brett Hartline, a Gallup resident and husband to a former RMCH physician, told me this is already happening. There are “elderly people in our community that are moving to Albuquerque, Phoenix, Scottsdale, wherever, because their health care needs cannot be met here,” he said. “This was their hometown. And now they can’t stay.”

“I thought, ‘We’ve had a disaster here, but now things have to get better.’ It just went from bad to worse.”

—Sara Pikaart, former labor and delivery nurse at RMCH
Many rural hospitals in the United States trace their origins to 1946, when Congress passed the Hill-Burton Act. The legislation funded the construction of some 6,800 nonprofit hospitals in rural America and required that the facilities serve everyone in the community, no matter their race, income, or national origin. But under President Ronald Reagan, a wonky funding law pushed rural hospitals into decline. Facilities in rich areas are more often reimbursed by private insurance companies than those in poor, rural regions, where budgets depend on government insurance: Medicaid for low-income households, Medicare for seniors and people with disabilities. In 1983, Congress mandated that hospitals use fixed rates to get reimbursed by Medicare, which meant that they often had to take a loss on certain procedures. Between 1987 and 1991, 7 percent of rural hospitals closed their doors.

In the 1980s, the area surrounding RMCH was becoming older and poorer. Decades earlier, coal and uranium were being scooped from nearby deserts, and Hollywood stars like John Wayne and Ronald Reagan visited Gallup while filming westerns. After those industries left, almost everyone except retirees and the original inhabitants of the land, the Navajo and Zuni peoples, moved away. The percentage of residents over 65 nearly doubled, and a third of the remaining population was below the poverty line. Health care was more important than ever, and the hospital was operating on thin margins—some years eking out a million-dollar surplus, others having a million-dollar deficit.

To respond to the difficulties facing rural hospitals, Congress introduced the Flex Program in 1997, which increased the reimbursement rate for facilities designated as “critical access hospitals.” But RMCH was too large to qualify—35 beds over the 25-bed limit.

The 2008 financial crisis forced many patients who’d previously had private insurance to rely on Medicaid, which produced even greater hospital deficits. In McKinley County, where Gallup is located, unemployment spiked from 4.1 percent in April 2007 to 11 percent in June 2010. Across the border in Arizona’s Apache County, where many of RMCH’s Navajo patients live, unemployment reached 20 percent in June 2011. That year, RMCH lost $6.8 million, and the hospital would continue to operate in the red for most of the next decade.

Before the pandemic hit, David Conejo, the hospital’s cost-cutting CEO, was earning nearly $1 million a year. And according to RMCH staff, the men who replaced him were little better. Steve McKernan, a retired hospital executive in Albuquerque, was named acting CEO. Two months later, he persuaded the hospital’s board to hire Don Smithburg to take his place. (Neither McKernan nor Smithburg responded to requests for comment.)

Anyone with the sense to Google Smithburg’s name would have discovered that he had a notorious history in health care. As The Nation reported in 2011, the hospital he was leading at the time of Hurricane Katrina allegedly scammed its way into receiving hundreds of millions of dollars in FEMA funds. Cleanup volunteers accused hospital executives of arranging to clog the drains, lock the doors to prevent ventilation, and even disconnect generators to inflate their application for federal funds. They then used that money to renovate a hospital in a wealthy neighborhood. Charity Hospital, New Orleans’s premier facility serving low-income Louisianans, never reopened.

McKernan, meanwhile, became the chair of RMCH’s board of trustees. In that role, he set about rewriting rules to all but eliminate active physicians from the board. Indeed, the board only increased the influence of CHC. By May 2021, CHC employees held the roles of chief executive officer, chief financial officer, chief nursing officer, and head of human resources.

The hospital itself was falling into chaos. In March 2021, the patient call-light system malfunctioned. Instead of replacing it as legally required, the hospital handed out bells. But some patients could not physically ring the bells, and at least one person died as a result, according to an inspection completed by an outside accrediting body. While CHC and Smithburg collected their checks, a group of doctors donated several thousand dollars to be used for a new call-light system. But the hospital’s foundation initially refused to use the donations, and the call-light system remained dysfunctional until April 2022. Naman Shah, a family medicine physician and infectious disease epidemiologist who left RMCH in the spring of 2022, told me, “You can’t imagine your loved one falling down in the bathroom and not being able to ask for help. And that actually happened to a patient, who was stuck for several hours.”

In July 2021, Smithburg announced that he was laying off 80 employees. Two of the first to go were Caleb Lauber, RMCH’s only Navajo-speaking physician, and Andrea Walker, the hospital’s chief ob-gyn—both of whom had raised concerns about the state of the hospital.

In response, the doctors at RMCH began discussing something that had never been done by physicians in New Mexico: unionizing. Rather than organizing for better pay or benefits, the doctors wanted to protect each other’s right to speak up for their patients after watching Lauber and Walker get let go. In August, a majority of RMCH doctors submitted union authorization cards to the National Labor Relations Board. Two weeks later, McKernan denounced the union, writing in a letter: “We fear that a physician bargaining unit at our hospital will only undermine a true sense of community by demanding rights, privileges and considerations for themselves at the expense of nursing and other colleagues at the hospital.” The local investigative newspaper Source NM revealed...
that the hospital had hired a union-busting consultant at $425 an hour.

In October, the physicians of RMCH voted 14 to nine to join the Union of American Physicians and Dentists. Afterward, the board of trustees revised its bylaws again, this time to prevent any unionized doctor from joining the board even as the staff representative. Without any doctors on the board drawn from the hospital’s permanent employees, former physicians told me, there was no way for doctors or nurses to report concerns to the trustees without opening themselves up to retaliation. “A medical staff is important to safeguard the quality of care, to make sure that there is an independent voice and a check on patient safety, on quality, on high standards,” Shah said. “It was really a shame that instead of treating the hospital’s medical staff as an asset, as a resource, as a place for help and advice, it’s seen as the enemy.”

Heading into 2022, the hospital reported a record $9.4 million annual loss. Activists wondered whether such results were due to incompetence or whether CHC was deliberately driving the hospital toward bankruptcy in order to buy it cheaply down the line. (CHC does own hospitals, but it purchases only long-term acute care facilities, which RMCH is not. But in 2014, the last time the hospital was approaching bankruptcy, the board of directors entered into an agreement that would allow it to sell RMCH to the CEO, Conejo. CHC executives did not respond to requests for comment.)

On top of everything else, the hospital’s phone system broke down in February. Many patients had to drive hours to schedule appointments in person. Constance Liu, an ob-gyn at the Gallup Indian Medical Center who is married to one of the unionized RMCH doctors, created a Facebook group, “RMCH Is Our Hospital,” to help organize support.

In February, Liu, Pikaart, and Lauber, along with a dozen supporters, staged a protest at an intersection near the entrance to RMCH. It had snowed in Gallup, and the concerned patients and former providers bundled up against the freezing temperatures and held signs that read “Failing Hospital = Failing Community” and “My Vote, My Taxes, My Hospital.” They demanded not only that the broken phone system be repaired, but also that CHC leave town—or at the very least hire a new CEO. Hospital administrators responded by closing its outpatient clinic two hours early, citing “safety concerns.” Smithburg told the Gallup Independent, “Can you imagine patients having to potentially walk through picketers with vulgar, vulgar, obscene signs, yelling and screaming? I wasn’t there. I didn’t waste my time.” The activists continued their protests for several weeks and resumed them this summer.

In March, they held a town hall meeting in a church, where former doctors and nurses testified about their experiences at RMCH. Valory Wangler, who had been its chief medical officer and was named the state’s 2021 Physician of the Year by the Society of Hospital Medicine before being pushed out in February, ascended the pulpit and told the audience that “outside corporate interests see Gallup as a small, rural place that’s easy to take advantage of, that no one’s really going to say anything, that they can just come in and do what they want.”

Two days later, the McKinley County Board of Commissioners, which controls the hospital’s lease, took action. It voted to terminate the lease unless the hospital appointed a new CEO within 180 days and committed to open and transparent communication with its employees and with the county. In response, CHC replaced Smithburg with Robert Whitaker, a hospital executive from Kansas. Doctors and community members told me they are giving the new CEO the benefit of the doubt but are growing increasingly frustrated as time passes without substantial improvements.

By April, there were new concerns emerging: RMCH had come under the scrutiny of an auditor, who had previously discovered that the quality assurance and performance improvement committee had not been meeting. This time the auditor wrote up the hospital for failing to document so-called adverse events, including three instances in which staff had failed to efficiently respond to patients in cardiac or respiratory distress because of the broken call-light system. (RMCH leadership did not respond to requests for comment.)

The problems continued to mount. The interim CFO revealed to the press that the hospital was down to three days of cash on hand; the board fired her the next day. Then, as summer approached and the desert heat approached 100 degrees, the HVAC system broke. Some days, it reached 93 degrees in the building, and the staff scrambled to set up fans. At the same time, the hospital decided to begin transitioning to an electronic records system, but patients’ files were not transferred. The remaining doctors,
nurses, and medical assistants on staff had to re-input their patients’ medical histories.

In June, RMCH announced a $10 million loss for the year to date, and activists project it could reach $25 million by the end of the year. They say that since CHC took over management of the hospital in August 2020, approximately 85 percent of its nurses and 40 percent of its doctors have left. Bryan Toledano, a representative for the doctors’ union, said that instead of hiring new full-time employees, RMCH has relied on contractors and traveling doctors and nurses, who are paid far more than permanent employees. Neither group can join the union.

Toledano has another concern: When the union hits its one-year anniversary in October without a collective bargaining agreement, the hospital could call for a decertification vote. He said the hospital could offer permanent contracts to the temporary employees prior to the election in hopes that the new staff doctors would vote against renewing the union. The union has filed unfair labor practice charges, including retaliation and refusal to bargain, with the National Labor Relations Board, but Toledano worries that the organizing effort could peter out through attrition before the agency acts.

There are a few strategies that could help the hospital keep its doors open. RMCH could become a critical access hospital, which would require it to shrink from about 60 inpatient beds to 25, or become a rural emergency hospital and cease inpatient services entirely.

County commissioners and CHC administrators might also be considering a different course: preparing the hospital to merge with or be acquired by a larger hospital system. A study published in JAMA Health Forum in July found that rural hospitals that had been struggling in 2007 tended to benefit from joining a multi-hospital system. (Financially secure rural hospitals, however, were more likely to shut down if they joined a conglomerate.)

But former RMCH physicians told me that local control is particularly essential in Gallup. Lauber cited the challenges of working with Navajo patients who may not have running water, or electricity to power medical devices, or a refrigerator to keep drugs cool. “When you have an outside company like CHC that’s coming from a state like Texas,” he told me, “they’re coming to this community and they don’t understand the special needs of this community.”

Community members are holding out hope that the town can take back the hospital. Activists like Liu are pushing the county to require that doctors and community representatives get spots on the board. Liu also proposes that the county hire a physician-run management group that she and another doctor are designing. The goal is to allow physicians, not outside executives, to make decisions regarding patient care and hospital policy.

“There are some amazing doctors ready and willing to step up and take leadership of the hospital. And it would be a lot of work, but that’s how committed people are,” Pikaart said. “We have a really good group of people willing to be on the board, willing to serve on administration, willing to do whatever it takes—because they care about our patients and our community.”

Many of the physicians who were fired or resigned from RMCH are launching their own clinic so they can continue to serve their community. But even with a new medical facility, Gallup needs a hospital. The community is doing what it can to save RMCH, yet many residents worry about the hospital’s future and what could happen to the largest hub of grocery stores, Native markets, and social services between Flagstaff and Albuquerque if RMCH is not saved. Liu put it simply: “Gallup lives and dies by this hospital.”

This article was supported by the Economic Hardship Reporting Project.
They have come from all over the state to celebrate the herring with a Koo’eeč’, or potlatch, a 12-hour Tlingit ceremony of food, gifts, song, and dance. Banned in the early 1900s, these ceremonies were held in secret for decades and have survived mainly for weddings and funerals. Starting in 2018, Brady revived the tradition to celebrate the herring season.

“This is our vision as a people,” Brady says. “That we continue to come together from all over the Pacific for the herring, for the oceans, and for this world.”

The energy in the auditorium is high; everyone has heard that Sitka had an unusually good harvest. Children eat herring eggs by the fistful, and the audience cheers a blue-robed Herring Woman as she chases a dancer in a red “shame robe,” representing the Alaska Department of Fish and Game, offstage.

“One day, we hope we won’t have to come to Sitka for our herring eggs anymore,” says Joel Dáxhajón Jackson, president of the Organized Village of Kak, a Southeast tribe that last had a subsistence harvest in the 1960s. “Thank you, Louise Brady, for fighting for our way of life.”

Around 10 pm, a slow drumbeat begins, and the crowd quiets and turns. Tkl’ Un Yeik Moreno emerges through the hall’s back door carrying a cedar basket full of eggs. A line of Herring Protectors follows, some pushing carts full of eggs, vacuum-sealed and loaded into boxes. They stack them in front of the stage. Then the singing begins.

The guests form a line, dancing to the front of the room. After receiving their eggs, they hold them overhead and face the hosts once again, singing their way back to their seats. After everyone seems to have taken what they need, there’s plenty left over. So they continue cycling back, elders and children, filling totes and grocery bags and boxes. At the back of the room, Brady embraces Moreno, who has tears running down her cheeks.

But the tribe knows that this abundance, following two years without a fishery, isn’t likely to last long. Just weeks before the harvest, the 2022 Board of Fish meeting resulted in a stalemate between the tribe and commercial fishers. Both sides withdrew their opposing proposals, and no herring rules changed. The tribe has already started planning for the next board meeting, in 2024-25, redoubling its fight for more conservative quotas.

Brady, though, isn’t waiting three years to act. The Herring Protectors recently released a short film about the herring harvest, and Brady is hosting screenings across the country. She also plans to screen this documentary in Japan, to show people there the tradition that their own tradition threatens. And she will visit Indigenous leaders from Washington to San Francisco, herring eggs in tow, to ask for their support.

With enough pressure, she hopes, the Board of Fish will begin to listen.

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“This is our vision as a people: that we continue to come together from all over the Pacific for the herring.”
—K’asheechtlaa “Louise” Brady
During the 1994-95 academic year, I had a fellowship at the Center for Advanced Study in the Behavioral Sciences, located on the edge of the Stanford University campus, to make progress on a book I was writing. A few of the center’s other fellows came, like me, from the humanities, but most were social or life scientists and legal scholars. Of special interest that year—generating not only intense discussion and intellectual fascination but also study groups aimed at aiding research projects—were the ideas of rational choice theory and game theory. These are interconnected approaches to analyzing individual and collective decision-making based on models, devised chiefly between the 1940s...
and the 1960s and drawn from the world of market-based economics. I found the openness to and, in some cases, excitement about these theories a bit puzzling, given their transhistorical and transcultural assumptions about “rationality” and “rational actors,” not to mention the left-of-center political leanings of most of the fellows. As odd as it all seemed to me at the time, however, the episode serves as an example of one of the important, though generally unappreciated, themes in Gary Gerstle’s terrific new book, *The Rise and Fall of the Neoliberal Order*: how neoliberal ideas and perspectives gained traction and energized the imaginations of people across the political spectrum, including those who were once part of the New Left.

Gerstle, the Paul Mellon Professor of American History at the University of Cambridge, has never been reluctant to take on sweeping chronological and thematic subjects. He’s written on race and the nation in the 20th century in *American Crucible* (2001), and more recently on the “paradox of American government” from our founding to the present in *Liberty and Coercion* (2015). But with *The Rise and Fall of the Neoliberal Order*, Gerstle not only takes on a big and consequent topic but wades into what can be the murky waters (at least for historians) of theorizing and representation. Which is why the book—brilliantly conceived, capably argued, and written with great clarity—is so impressive and timely. For those interested in a meaningful historical perspective on where we are now, I can think of no better book.

Gerstle begins not with the neoliberal order but with the New Deal order that preceded it, whose arc of dominance stretched from the 1930s into the 1970s. He uses the concept of “order” in a wide-ranging way to encompass culture, ideology, and politics as well as political economy—in effect, a hegemonic structure of power relations, moving from the local to the national and international. Federal policies, economic thought, and popular consciousness, to say nothing of the struggles between labor and capital, were all shaped by an emerging article of faith: that unfettered capitalism was a destructive force, one that needed to be tamed by the mechanisms and resources of the state, as well as by a moral perspective subordinating private interest to the “public good.” All of this, together with an embrace of “expertise” as a guiding light—a notion inherited from Progressivism—went into the making of what Gerstle views as a “modern liberalism” that defined the era and became the property of the Democratic Party.

Central to the hegemony of the New Deal order, Gerstle insists, especially during the late 1940s and the ’50s, was the developing Cold War. The fear of communism, combined with worries about a backslide into another economic depression, made possible a “class compromise” between capital and labor, also known as the 1950 “Treaty of Detroit.” Capital accepted collective bargaining, and organized labor, especially in the mass-production industries, accepted wage increases as well as a raft of social benefits (health care, pensions) in return for abandoning its demands for co-management and purging the socialist and communist left from its ranks. So extensive was the reach of this New Deal order that, with some exceptions, it pushed Republican opponents like Robert Taft to the margins and brought Eisenhower Republicans into the fold as effective partners. The buy-in of Eisenhower Republicans—many of whom were internationalists like Franklin Roosevelt—was the moment, Gerstle argues, when the New Deal transitioned from a “political movement” into a “political order,” a transition secured by the centralization of federal power so long overshadowed by Southern Democrats (he rightly calls them, following Ira Katznelson, “Southern barons”), who were willing to accept the centralization of federal power so long as Jim Crow’s racial hierarchies remained undisturbed. Left-wing New Dealers’ efforts to attack racial discrimination and extend social democratic policies across the color line were blocked. But when a growing civil rights movement forced the Democrats to finally embrace a politics of racial equality—alienating, first, a great many white Southerners and, soon, white ethnics in the North—the New Deal coalition, in Gerstle’s telling, started to come undone. The Vietnam War and the massive protest movement against it further divided Democrats, paving the way for electoral defeats in 1968 and 1972.

Yet as Gerstle demonstrates, this reckoning for the New Deal order cannot be understood apart from the larger transformation of the international capitalist system that had arisen after World War II and, for more than two decades, had given the United States unrivaled power in the production and distribution of goods and the expansion of middle-class material life domestically. New economic competitors then emerged in Europe and Asia in the 1960s and ’70s, while complacent American manufacturing stumbled, the cost of energy and other raw materials rose dramatically, and inflation spiked. Perhaps most important, as stagflation fastened its grip on American society, the class compromise that underwrote the power of organized labor and the material gains of the white working class began to unravel, while the once widely accepted notion that government power could be wielded to manage the economy in the public interest came into serious question. The formidable New Deal order now appeared to be crumbling—economically, socially, politically, and ideologically—leaving the door open for a neoliberal alternative.

**Steven Hahn teaches history at New York University. His forthcoming book is *Illiberal America: An Unexceptional History.*

Historians tracing the origins of neoliberalism generally point to Vienna and Geneva in the 1920s and ’30s and then to the advent of the Mont Pelerin Society in 1947, which brought together a number of economists and philosophers—Ludwig von Mises, Friedrich Hayek, Karl Popper, and Milton Friedman, among others—who were interested in reviving market values in the face of what they saw as the failure of numbing,
From the outset, neoliberalism was an international phenomenon.

heavy-handed state-regulated and state-directed economies, whether fascist, socialist, or social democratic. Gerstle acknowledges these origins but suggests an even deeper connection to the classical liberalism of the 19th century, arguing that, like liberalism itself, neoliberalism is best understood as “a series of ideational and institutional moments varying in form and meaning” and energized by “clusters” of policy initiatives, so that it has no single definition.

Foremost among these policy clusters was the unleashing of the “free market” from the regulatory burdens that had weighed upon it, though neoliberalists were hardly libertarians. Much like the classical liberals of the 19th century, they believed that the state had an important role to play not only in tearing down impediments but also in setting the rules about property, exchange, and the circulation of money and credit. Equally consequential, many of those influenced by neoliberal thinking believed that market principles might be usefully applied to many—maybe even to all—areas of life, recapturing some of the utopian promises of freedom that classical liberalism itself had claimed to offer. Not surprisingly, Milton Friedman was an important part of the University of Chicago school of economics, where neoliberal thought held sway and rational choice theory and game theory were being developed by his colleagues.

The political and intellectual power that neoliberalism would achieve was hardly preordained. If anything, neoliberals seemed to be whistling in the wind as the New Deal order, along with the social democratic regimes across Western Europe, continued to flex its multi-muscled arms. Yet as that order was hit by the political crises of the 1960s and the economic crises of the ’70s—crises it could no longer manage successfully—neoliberal ideas gained traction as well as institutional support. During the early 1970s—the “silent phase” of neoliberalism’s ascent, as Gerstle terms it—the Heritage Foundation, the Koch Foundation, the Manhattan Institute, the Cato Institute, and the Business Roundtable were all established, demonstrating that wealthy donors with neoliberal convictions were ready to go on the offensive. These well-funded think tanks sought not only to promote the concept of deregulation but also to change the very way we spoke about politics and economics. Their intellectuals embarked on a massive propaganda campaign to demonize organized labor, government power, and liberal jurisprudence and to persuade the public that the creeping stagnation of the time was the logical outcome of a government-regulated economy.

This ascendant neoliberalism was not just a project of the Republican Party: It was bipartisan and already evident in Jimmy Carter’s administration in the late 1970s, before Ronald Reagan’s near landslide election in 1980 secured its reign. Famously proclaiming that government was the problem rather than the solution, Reagan advanced the deregulatory initiatives that Carter had already started to deploy. He also moved against organized labor and crushed its strikes (most notably the Professional Air Traffic Controllers strike of 1981); celebrated supply-side economics; pushed for the repeal of the FCC’s “fairness doctrine” (unleashing shock jocks like Rush Limbaugh); and appointed judges who were constitutional “originalists” and took a dim view of expansive interpretations of the Constitution’s commerce clause. At the same time, Reagan was quick to use state power to strengthen the United States internationally, steadily increasing the defense budget and luring the Soviet Union into an arms race, and to expand the prison system domestically—including the militarization of municipal police forces—thereby ring-fencing the market economy against rising crime rates.

The ascent of neoliberalism in the 1980s was, from the outset, an international phenomenon. In Britain, Margaret Thatcher was every bit the ideologue that Reagan was and, like Reagan, crushed a long and bitter strike (in her case, by the mine workers) before proceeding down a path of deregulation and massive cuts to the social welfare and education systems. France, Italy, and Germany (where neoliberalism was often known as “ordoliberalism”) followed a more complex road beginning in the 1970s, as Michel Foucault discussed at length in his “Birth of Biopolitics” lectures of 1978-79, with distinctive dynamics and oppositions in each country, as a number of scholars have recently shown. So far-reaching was the influence of neoliberal thought that Mikhail Gorbachev in the Soviet Union and Deng Xiaoping in China moved toward their own forms of market liberalization. For Gerstle, however, it was in the 1990s, not the 1980s, that neoliberalism went from being a political movement to a political order.

Gerstle’s treatment of the 1990s is perhaps the most compelling section of his book. He tells the story of how neoliberalism became as much a creed of the Democratic Party as of the GOP, focusing on how the Clinton administration embedded neoliberal perspectives into the logic of policy-making and helped advance legislation that extended the Reagan-era rollback of the federal regulatory apparatus. Clinton oversaw the passage of the North American Free Trade Agreement, the repeal of the Glass-Steagall Act (which had kept commercial and investment banking separate), the deregulation of the telecommunications industry, and the enactment of punitive welfare reform. Even the administration’s failed attempt to create a national health insurance system relied on the private sector to underwrite the program. “Across his two terms,” Gerstle writes, “Clinton may have done more to free markets from regulation than even Reagan himself had done.”

In all of this, Clinton exemplified the continuing shift in the Democratic Party toward neoliberal principles, which had become more pronounced by the mid-1980s. It was championed by senators like Gary Hart, Paul Tsongas, Bill Bradley, and Al Gore and governors like Michael Dukakis as well as Clinton, all of whom believed that the party needed to move to the center and embrace ideas that stepped outside the framework of the New Deal order. Sometimes called “Atari Democrats” for their interest in the emerging high-tech sector, they created the Democratic Leadership Council, which was tasked with refashioning the party’s agenda and supporting candidates who were ready to pull it in this new direction. Indeed, the developing connections between these new centrist Democrats and Silicon Valley entrepreneurs were indicative of how neoliberal sensibilities were seeping into many areas of American social and political life, even tapping into the personal-liberation politics and anti-
corporate outlooks of the counterculture and the New Left. Ralph Nader, who once seemed the quintessential critic of capitalism, serves as an early example: His work in the 1970s, while riling conservatives and corporate executives, nonetheless focused on making markets more responsive to consumer needs rather than on decoupling government regulatory agencies from corporate control. Subsequently, many who came of age in the 1960s and 70s and had their own suspicions of the state and its projects found some of neoliberalism’s libertarian and entrepreneurial values very appealing. The hegemonic nature of neoliberalism was best expressed by Lawrence Summers, an economic adviser to both Clinton and Barack Obama. “Not so long ago, we were all Keynesians,” Summers observed candidly in 2006. “Equally, any honest Democrat will admit that we are now all Friedmanites.”

Gerstle is certainly not the first to recognize the Clinton administration’s links to, rather than breaks from, the Reagan administration—or, for that matter, the ways in which the baby boomer generation could gravitate to a neoliberal worldview. But his discussion of how the end of the Cold War and the collapse of the Soviet Union strengthened the neoliberal order and expanded the cultural and political influence of neoliberal ideas is a crucial contribution to the growing body of scholarship on the world that neoliberalism was creating. It is also emblematic of Gerstle’s broad vision of political economy and the dynamics of change. On the one hand, the fall of the Soviet Union opened large parts of the world within the Soviet orbit to the penetration of Western capital and further squeezed those areas that continued to resist. “Capitalism,” Gerstle writes, “became global in the 1990s in a way it had not been since prior to the First World War.”

On the other hand, the rise of the Tea Party, Occupy Wall Street, and Black Lives Matter in particular—all of which pushed back against the elites that neoliberalism appeared to have sustained. The Tea Party attacked their internationalism and their embrace of a multicultural America; Occupy Wall Streeters and Black Lives Matter protesters attacked them for the massive economic and racial inequalities they enabled and continued to thrive upon. The path was thereby cleared for both Bernie Sanders, whose rhetoric and critique harked back to the New Deal order of the 1930s, and Donald Trump, who seemed the embodiment of the Klan-inspired racism, anti-immigrant lawmaking, anti-radicalism, isolationism, eugenics, and Gatsbyesque hedonism of the late 1920s. However much they differed, Sanders and Trump shared an opposition to the neoliberal order’s hallmarks of free trade and globalization. Trump stormed his way to the Republican
nomination in 2016, while Sanders could not surmount the wall that neoliberal Democrats had built to secure the nomination of Hillary Clinton. And, as Gerstle suggests, the hostility that kept Clinton from the presidency was rooted in more than just misogyny and personal distaste; it was also rooted in a deep anger at the political and economic system with which she was readily linked.

Gerstle finished his book soon after Joe Biden was sworn in, and he senses that the neoliberal order is tottering and a new progressive order may be taking shape—a transition with real promise as well as serious dangers. The lessons of Covid, he believes, not only demonstrated Trump’s incompetence but also showed how important the government is in addressing great crises and severe hardships, a recognition born in the 1930s. And Biden himself, Gerstle argues, while long a Senate point man for Democratic neoliberalism, seemed to recognize the need to break from his party’s neoliberal turn. Faced with the challenges of climate change, systemic racism, and Covid-driven economic woes, Biden would clearly need to govern broadly, given the Democrats’ tenuous hold on Congress. Gerstle even wonders whether, in view of the enormous assistance the federal government provided Americans during the pandemic, the emergence of a democratized politics of finance might be one of the results of Biden’s presidency.

Unfortunately, what the past year has shown is that the promise evaporated quickly and the dangers have grown overwhelming. If anything, the Russian invasion of Ukraine has generated an American-led effort to revitalize the transatlantic neoliberal order and to dust off the rhetoric and logic of the Cold War so as to isolate and take down Russian President Vladimir Putin. After all, the great expansion of NATO during the 1990s was very much a part of the neoliberal order’s consolidation, and it is likely that when the smoke clears, NATO will have even more members (Sweden and Finland have already been approved) and will be responsible for securing even more of Europe’s territory, which will include a rearmed Germany. What’s more, the progressive wing of the Democratic Party, which seemed to be moving into the driver’s seat between 2018 and 2020, has mostly been stymied by the party’s centrists as well as by the Republicans and, along with Biden, will be blamed for the inflation and related economic problems that their massive Covid rescue plan is seen to have stoked. A democratized politics of finance or of anything else, given the failure to ward off attacks on voting rights, seems far less obtainable now than it did in early 2021.

In view of the rumbles against neoliberalism that have been increasing for at least a decade and a half, we may wonder as well if the notion of an “order,” whether neoliberal or New Deal, is too capacious to account for the dissidence at the grass roots. Gerstle’s two previous books focused on the tensions and contradictions at the heart of American politics that, at times, have called the very legitimacy of federal power into question. One may ask if such ongoing instabilities—often provoked by issues of race and social justice—raise doubts about whether a “movement” can ever become something as hegemonic as an “order.”

Indeed, the backlash against the New Deal was already apparent in the South by the late 1930s, and in the rest of the country by the late 1940s, even in the context of the class compromise, which, as Gerstle makes clear, would have been unlikely without the political challenges of the Cold War. Even the beneficiaries of New Deal–influenced programs like the GI Bill, which enabled expanding levels of homeownership, were busy mobilizing against racial integration and the left, both in industrial cities and the burgeoning suburbs, by the late 1940s and ’50s. A political culture of opposition, interrogating and then rejecting many of the New Deal’s articles of faith, was quickly growing in the American West, especially in Southern California and especially among white evangelicals, whose own articles of faith turned Jesus into a free marketeer—and all this while the New Deal order still seemed robust. For their part, many New Deal intellectuals and policy-makers, like Democrats more generally, headed for the cover of anticommunism in the 1950s, if not before, effectively hampering the redistributionist politics that lent the New Deal its historical distinctiveness. If neoliberalism does hark back to the classical liberalism of the 19th century, as Gerstle suggests, there is a good case for Jefferson Cowie’s recent argument about the New Deal as “the great exception,” and an unstable one at that.

The neoliberal order, as Gerstle demonstrates, was one of smoke and mirrors, offering a little something for everyone for a little while, together with a lot for the very few for much longer. Yet crisis and instability also seemed to reign supreme under the neoliberal order, which, rather than generating shared articles of faith, increasingly weaponized the deepening fractures. “Culture wars” were already being waged in the 1980s, as was the “carceral warfare” that quickly made the United States the world’s leader in terms of the number and share of people imprisoned. Right-wing domestic terrorism reared its head in the 1990s, along with the ethno-nationalist politics of the Republican Party, as David Duke demonstrated early on in Louisiana. An international anti-globalization movement came on the scene in the late 1990s, subsequently fortified by the effects of the 2008 crash, in many ways anticipating the Sanders movement of 2016-20, not to mention the unionization drives in the service sector. And it was George Wallace’s nearly decade-long series of national campaigns, from 1964 to 1972, sidelined by his near assassination, that laid much of the political and rhetorical groundwork for the ascendancy of Trump.

American history has long been periodized by a series of “ages”—the Age of Jackson, of Lincoln, of Roosevelt, of Reagan, and so on—organized principally around political narratives and ideological shifts in governance. Even though Gerstle confines his book to the New Deal and the neoliberal order, the implication may well be that a re-periodization of the country’s history should be constructed around changing political economies, a re-periodization that would integrate the political narrative into a broader constellation of power relations as well as the resistance and popular movements that continuously push at, and reshape, its boundaries. This is the sort of thing that William Appleman Williams attempted to do 61 years ago in his brilliantly imaginative, though generally overlooked, Contours of American History. Whatever questions and doubts can be summoned, Gerstle has shown that the concept of a “political order” may be of great value not only in comprehending developments in the past, but also in deciphering the complexities of the present.
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The Filter

What is life like for content moderators?

BY JOANNE MCLNEIL

In the circus of shitty jobs that tech companies have created in a few short decades—from Uber drivers to Mechanical “Turkers”—the content moderators are the most damned: They’re the sin-eaters, the scapegoats in the wild. They suffer so that we, the rest of humanity, may go about our days, scrolling our feeds, shielded from the vast magnitude of human depravity in this world, at least as it is documented and shared in social media images.

You know the stories by now. A group of people, poorly compensated, are arranged in a call center environment as contract workers for a platform you’ve definitely heard of, in a nondescript office somewhere, likely in the Philippines or the American Southwest. At their desks, on a screen, they watch footage of people being raped or killed, of violence committed against children and animals—they see it and scrub the footage from the platform. The workers’ mental health suffers, and PTSD plagues them long after the last post they filter.

That we know these stories at all is a relatively recent development. There had been a few earlier reports on the practice, but a feature by Adrian Chen for Wired magazine in 2014 was uniquely galvanizing. In the story, Chen pointed out that a major problem for content moderators was that most people didn’t know about their existence. Chen’s story, which considered the psychological toll on these workers, cited research by Sarah T. Roberts, a UCLA professor and codirector of the Center for Critical Internet Inquiry, who published a book on the subject, Behind the Screen: Content Moderation in the Shadows of Social Media, in 2019. Further reporting in 2019 by Casey Newton in The Verge revealed how day-to-day labor exploitation—bathroom breaks monitored, workers surveilled by management while surveilling the lives of others—stacked enormous workplace anxiety on top of the trauma of the work itself. Raising public awareness about an issue like this is no small feat—but now that we know about content moderation, what are we supposed to do about it?

We could ask the content moderators themselves, but despite the various articles and books, their identities and lived experiences largely remain a mystery. There’s an absence of first-person essays, memoirs, and personal accounts; we hear from them instead through anonymous quotes and as unnamed sources. Who are they? How did they end up taking this job? What do they do for fun? Is it hard to hold on to friends and maintain relationships with such a traumatizing job? Another question that people might ask is: What do they actually see?

That’s what everyone asks Kayleigh, the narrator of Hanna Bervoets’s novella We Had to Remove This Post. Kayleigh’s aunt, her therapist, and her new coworker all want to know what it’s like working as a content moderator for Hexa, a subcontractor for a major social media platform. “People act like it’s a perfectly normal question,” Kayleigh says, “but how normal is a question when you’re expecting the answer to be gruesome?”

With its conversational tone and sly, somewhat withholding narrator, We Had to Remove This Post reads like a one-woman play—which makes sense, since Bervoets is a playwright in addition to the author of several novels exploring subjects like reality television, bioethics, and toxic fandom. The novella, the first work by the Dutch writer to be published in English, debuted in the Netherlands last year with a print run of over 600,000 copies. It is written as Kayleigh’s unofficial testimony to a lawyer assembling a case against the unnamed social media
content moderation is beset by certain contradictions that invite such a narrative. It is care work—workers screen material for the well-being of others—that demands apology or a high level of tolerance, as Roberts has written, for “images and material that can be violent, disturbing, and, at worst, psychologically damaging.” By that measure, Kayleigh is an ideal character to plumb social media’s depths: She’s brusque but not unemotional, reserved but not without private longings.

The book is partly an office novel and partly a chronicle of the breakdown of a relationship. Kayleigh and Sigrid, another moderator, get close during an office happy hour and soon move in together. Their relationship is propped up by tacitly unspoken assumptions about the mother’s room and from a handful of other private rooms.”

A turning point in the novel also comes directly from Newton’s article. The Hexa staff observe a suicide about to happen—not on the screen but out the office window; there’s a man standing on the roof of the building next door. Yes, they have witnessed scenes like this many times before, albeit mediated by their desk monitors—but when it’s happening so close in real life, it’s visceral. The care that comes through in the author’s depiction of Kayleigh and Sigrid’s delicate relationship falters here. Sketched out briefly in this short book of just over 100 pages, the event becomes, in Bervoets’s telling, a muddled and not particularly original observation that the screen blunts emotions that people experience more vividly IRL. “That whole time it was like I’d been watching a video,” Kayleigh reflects later. Bervoets isn’t piling on Newton’s work here; she lists him in a “Selected Sources” section at the back of the book, along with Roberts and Chen. The trouble is that, even when she borrows anecdotes from these sources, Bervoets’s fiction lacks stakes: Kayleigh, unlike most real-life content moderators, isn’t living paycheck to paycheck.

The Verge feature was shocking not because it told us what content moderators see and do—Roberts, Chen, and others had already revealed that much—but because it exposed the outrageous demands these workers faced in addition to the trauma. Newton wrote that content moderators were forced to “scratch and claw” to achieve near-perfect accuracy scores, because anyone with a score under 95 percent risked getting fired. In Arizona, the job paid $4 above the minimum wage, and the workers Newton profiled all had bills they struggled to pay.

Kayleigh seems much less subject to these dire economic conditions. From the very first pages, we see that she has landed on her feet, at a nice job in a museum, and will never have to watch a beheading video again. Bervoets has made the perplexing decision to tell this story from the point of view of a middle-class woman. Kayleigh is a landlord, too, who at one point evicts some tenants in a “polite way” from her mother’s house, which she has inherited. She has debts because she spoiled her previous girlfriend with a television, a turntable, fancy clothes, and a trip to Paris. It all sounds like the beginning of an incredibly bleak entry in the Confessions of a Shopaholic franchise.

Hexa doesn’t have to be depicted as a pressure-cooker environment, of course. It’s Europe—maybe they take the whole month of August off for vacations. But when Kayleigh’s coworkers become radicalized by the content they filter, such as Holocaust denialism and flat earth theory, in exactly the same way as the workers in Newton’s article, I have trouble believing it. Who are these workers? Why did they take this job? Why don’t they get jobs in museums instead—or anywhere else? We Had to Remove This Post doesn’t attempt to answer these questions or complicate the examples it draws from prior reporting or add more narrative or psychological texture, which means it only echoes the public awareness that Bervoets’s sources had already achieved. The public knows that content moderation is happening. It’s addressed, even joked about, in Kimi, Steven Soderbergh’s most recent film.

Kimi, which was released earlier this year, is about a white-collar tech worker, Angela (played by Zoë Kravitz), who monitors the feeds of an Amazon Alexa-like voice product, cleaning its data and coding automated filters. “Trust me, I know bad—I used to moderate for Facebook,” Angela tells a colleague in a video call from her spacious Instagram dream of an apartment. In less capable hands, this brief hint at
a backstory might not have added up. Clearly, Angela didn’t work in an environment like the one in Newton’s article. But the character’s wealth does open up a new dimension to critique. For any worker, making bank is preferable to a few bucks above minimum wage, but what is fair compensation, anyway, when we’re talking about a job that shouldn’t exist?

In *Kimi*, Soderbergh finds a common thread between the horrors that content moderators are exposed to and the trauma of a drone pilot: Surveillance heightens their distress; the distance and inability to intervene create an enduring sense of guilt. Another approach to the subject of content moderation, taken by Sam Byers in his 2021 novel *Come Join Our Disease*, is to drag the reader in by their “lurid fascination” and force them to confront it. In the novel, a tech company recruits a homeless woman named Maya to work as a content moderator, and she then struggles with the transition from unemployment to the world’s most brutal office job. “This was a world that had spat me out with no hesitation or remorse,” Maya says. “Now it accepted me back without interest or apology. In doing so, it caused a new kind of vanishing.” To be a success in this job is to be invisible, just as Maya was in the encampment where she lived. In the graphic and revolting descriptions that follow, Byers undermines the fictional social media company’s expressed goal: “When we do it well, no-one even knows that what we do needs doing.” The novel reminded me of a quote from a moderator in one of Chen’s reports, who compared his position to a “sewer channel and all of the mess/dirt/waste/shit of the world flow towards you and you have to clean it.” None of this makes for a pleasant reading experience, but to Byers’s credit, that is the point.

**“T**

**HERE IN THE ALBUQUERQUE foothills, we toiled in a row of gray pods like the hundreds of others lining the call center. Photographs of nature scenes and slogans like ‘There is no ‘I’ in Team’ dotted the walls.’ That’s Rita J. King writing about the time she worked as a content moderator for AOL, and the vulgar material she helped filter from its now-defunct chat rooms, in a cover story for *The Village Voice* in 2001. (Yes, the job has a history older than MySpace.) King’s story stands out, after all these years, because it was written by someone who has done this work: a voice backed up by experience, not just a quote that proves a human was there. In a more recent account, published in 2019 by *The New Republic*, Josh Sklar, a former content moderator at Facebook, points out that the media dwells on the “misery porn stuff” without noting the workers’ “actual thoughts about their job, beyond that they hate it. I wish it was content moderators talking about this.” In this way, a project like *We Had to Remove This Post* risks speaking over the actual workers: It never transcends the “misery porn,” the very “lurid fascination” that Kayleigh dismisses. There’s a mismatch between the author’s engaging style and the subject, which she fails to elevate—Bervoets’s imagination stops where the reporting she draws her inspiration from ends.

Perhaps, by listening to these workers, we’d end up with fewer screwy assumptions about their work and lives, such as that it’s possible to shop your way down to hell. Instead of asking what they’ve seen, a better question—and one that fiction like this might seek to resolve—is: What do social media content moderators actually want? Respect and resources—health insurance, mental health care, food, housing, child care, better pay—would be my guess. But that’s not what Kayleigh the polite landlord lacks, and so we are still left wondering.

Another good question is why we need these content moderators to begin with. In the reportage, and in all of Boevert’s sources, there is more than enough evidence to conclude: If the torture of its workers is an intrinsic part of the system, then it’s Facebook that has to die (or TikTok or YouTube—kill ’em all).
Early on in her masterful book *Cuba: An American History*, Ada Ferrer alludes to a double meaning embedded in her subtitle: “History in the first sense refers to what happened; in the second, to what is said to have happened.” Cuba’s history, Ferrer tells us, is likewise two histories. It is simultaneously a narrative of freedom (as well as of its absence from historical memory) and a chronicle of the ways in which those who have struggled for liberation understood their history and were ultimately able to change it materially.

Ferrer’s project is an ambitious one, encapsulating a long view of Cuban history that begins with Columbus and concludes with the socialist island’s tenuous present. Among the book’s central revelations are Cuba’s role as the nexus of a New World economic system after the Haitian Revolution; its status as a constant object of desire for the United States; and its role as a trailblazer in creating a multicultural identity that, as in Haiti, tied the desire for independence from European colonialism to the overthrow of slavery. It also presents those historical narratives that have been elided by many American historians and right-leaning Cubans and Cuban Americans, who prefer to cast Cuban history in one-sided terms. While the country’s tumultuous revolutionary insurrection in 1959 is remembered most often as a rebellion against a string of corrupt US-backed dictators, Ferrer shows that it was also the culmination of an unresolved desire for decolonization that stretched back before US intervention. She also does not shy away from the particular nature of creolized Cuban history, noting that much of the country’s past is intertwined with the history of slavery and racial hierarchies and the struggles to abolish both. Ostensibly multicultural and multiracial, Cuba has at times been strictly stratified according to race, Ferrer notes; its most important liberation movements have therefore been centered on this struggle for true racial democracy.
The narrative begins with the poorly named Age of Discovery and the early Indigenous rebellions, when Columbus set out on his fateful voyage and found Caribbean islands like Hispaniola and Cuba but never actually arrived in “America.” For the Indigenous peoples living on these islands, this so-called discovery proved deadly. By the early 16th century, the Spanish were barbarically en-slaving the local population on Cuba, continuing the genocidal pattern they had established in neighboring Hispaniola. The Indigenous population either fled or resisted, and one of the first stories Ferrer tells is that of Hatuey, a 15th-century Taino leader who, when offered the chance to go to heaven if he converted to Christianity before being executed, declined when he was told that Spaniards would be there.

From the initial Spanish conquest, Ferrer turns to the evolving catastrophe of colonization, weaving together tales of Spanish conquistadors, the Taino’s political and sophisticated agricultural organization, and the advent of Caribbean pirates. The Spaniards assigned each of the local Taino caciques (community leaders) to a Spanish settler, who would use Tainos as slaves to harvest gold on the island. Spanish law insisted on a code of moral conduct called requerimiento, but it was usually flouted by these settlers, who often read the code in Spanish to people who didn’t understand the language. Not obeying the requerimiento would justify “war” against the Indigenous, and it allowed Cuba’s first Spanish governor, Diego de Velázquez, to rapaciously plunder the island, even though he was admonished for this by the king. Because of disease and the harsh conditions of slavery, the Indigenous population, which numbered 100,000 in 1511, had dwindled to less than 5,000 by 1550.

The cruel and barbarous Spanish colonization also set the stage for Cuba to become a strategic way station for gold harvested in Mexico and Peru on its way to the motherland. Cuba’s position as a mercantile nexus had the effect of making it a cultural center as well. By the late 16th century, Havana had usurped the island’s original capital, Santiago, and developed a “secular, commercially oriented cosmopolitan culture.” The third-largest city in the Americas, behind Mexico City and Lima, Havana was larger than any of the cities in the British colonies of North America. It was also, like much of the so-called New World, a place where slavery became the predominant mode of wealth extraction. Slaves were administered under a 13th-century Spanish legal code called Los Siete Partidas, which allowed them to sue their masters, but this did not mean that slavery in Cuba was any less brutal than elsewhere. Under the code, slaves could also purchase their freedom and that of their children and loved ones, which produced a growing population of free people of color—by 1774, some 40 percent were free.

Even if the North American colonies had a different slave system from that of Cuba, each profited mightily from the work of its enslaved laborers, drawing them into a symbiotic relationship. This was especially true starting in the late 18th century, when Cuba achieved hemispheric dominance in sugar production. Ferrer recounts how, between 1790 and 1820, more than 270,000 Africans were taken to Cuba, doubling Havana’s population and making the island’s population majority Black. The need for more enslaved labor was also a result of France’s retreat from Haiti and its subsequent banning, along with England, of the slave trade.

Trade took off between the United States and Cuba in this period. “By 1820–21,” Ferrer notes, “more than 60 percent of the sugar, 40 percent of the coffee, and 90 percent of the cigars imported into the United States came from Cuba.” New York City became a center for sugar refining, with Cuban raw brown sugar processed there “into refined white sugar, and then sold it at a significant profit in the domestic market and even for export abroad.” Ferrer cites the story of Moses Taylor, a New York sugar broker who eventually became president of the National City Bank of New York, which preyed on several Caribbean is-

lands, advanced credit to Cuban sugar growers, and took a speculator’s cut on the slave trade.

The Monroe Doctrine was outlined in 1823. It made explicit the United States’ interest in ensuring that all territories in the Western Hemisphere remained free of European influence; it also made explicit the United States’ interest in the region as a place where it might interfere as often as it desired. In Ferrer’s telling, the doctrine was particularly motivated by the United States’ need to keep trade with Cuba unfettered as well as to preserve the island as a possible future slave state. In this way, the US “stacked the deck—not just against a potential British takeover of Cuba, but also against the possibility of a Cuban takeover of Cuba.”

The Monroe Doctrine also set in motion an essential dynamic of Cuban politics and national identity formation. The Cuban elite, caught between Spain’s desire to hold on to the last vestiges of its decaying empire and the United States’ desire to expand into the Caribbean, opted to stick with Spain for fear of a slave rebellion, while also forging ties with the US to enhance such “protection.” A culture of Black resistance, with icons like Plácido, a poet who was assassinated in 1844, helped inspire a string of slave rebellions in Cuba, even as US politicians and businessmen increasingly bought prime Cuban land to establish their own plantations.

This fragile balance had begun to shift by the second half of the 19th century. Carlos Manuel Céspedes freed his slaves in 1868 and began a 10-year war of independence against the Spanish, declaring that “all men are our brothers, whatever the color of their skin.” He was joined by Antonio Maceo, a Black general who “had grown up listening to his father read the novels of Alexander Dumas and biographies of Haiti’s Toussaint Louverture and South America’s Simón Bolívar.” The war ended in 1878 with a pact that guaranteed neither independence nor the end of slavery, setting up the final chapter of the struggle.

A work by José Martí marks this turn in Cuban history and national identity.

Ed Morales is the author of Fantasy Island: Colonialism, Exploitation, and the Betrayal of Puerto Rico.
formative. The son of a Spaniard, Martí wrote the 1891 essay “Our America,” which through its declaration of transcendent multiracialism functioned as a critique of US hegemony in the hemisphere, down to its monopolization of the word “America.” Written in New York, where Martí was then working, the essay called out the United States for not including the rest of the Americas in its worldview, warning of an impending US intervention in Cuba, a land it refused to know. “Our America” at once presaged the imperial period of the United States in Latin America and reawakened Bolivia’s earlier call for regional unity. “The essay, which never mentioned Cuba, was an ode to Latin American unity,” Ferrer writes. “It was also a warning. The hour is near when [our America] will be approached by an enterprising and forceful nation that will demand intimate relations with her.”

The United States demanded those “intimate relations” in 1898, as Cuba’s War of Independence from Spain came to its conclusion. Sweeping in with Teddy Roosevelt’s Rough Riders, the US Army sought to take control of the island, and the United States also monopolized the process of the Treaty of Paris, which brought the Spanish-American War to an end. In Cuba, the victorious Cuban forces were denied entrance into Havana. The United States gave Cuba a nominal form of independence, but it also occupied the country and, through the Platt Amendment, which remained in effect until 1934, reserved the right to intervene even after the US Army left. The US naval base in Guantánamo remains from that period.

The war with Spain liberated Cuba from Spanish imperialism, but it also served to cement US control over Cuba’s politics and economy. The country became a playground for the rich and famous, including Amelia Earhart, Irving Berlin, Charles Lindbergh, Gary Cooper, Gloria Swanson, Langston Hughes, Albert Einstein, New York City Mayor Jimmy Walker, and the presidents of Coca-Cola and Chase National Bank. Ernest Hemingway, who is still revered in Cuba, made his notorious comment about how great the island nation was for “both fishing and fucking,” as hordes of average Americans came to visit, escaping restrictive Prohibition laws as well as the vestiges of Victorian morality that persisted from the end of the 19th century.

Yet the conditions for workers, many of whom were Afro-Cubans toiling in plantation-like conditions, only worsened. Ferrer describes how the predictions of catastrophe associated with the coming of Halley’s Comet coincided with the formation, in 1908, of an extraordinary political party: the Partido Independiente de Color (Independent Party of Color). Demanding racial justice reforms, the party embraced a vision of “a harmonious nationality, as Martí had envisioned and for which [Independence Army Gen. Antonio] Maceo… and a whole illustrous pleiad of Cuban blacks spilled their blood.”

Ferrer deftly paints a portrait of early-to-mid-20th-century Cuba as a nation struggling to liberate itself from US control while at the same time accommodating US consumerism. It was also an era of swift liberalization. A new constitution written in 1940 had a section, championed by the Black Communist Salvador García Agüero, stating that “all discrimination due to sex, race, class or any other motive harmful to human dignity is declared illegal and punishable.” Yet at the same time, American organized crime, led by figures like Meyer Lansky, a major investor in Havana’s fabulous Hotel Nacional, successfully sought influence at the highest level of Cuban politics.

A string of political leaders, from both the right and the left, were incapable of avoiding the corruption that came with US and foreign capital dominating the sugar industry, the railroad, and the utilities. The government changed hands between Fulgencio Batista, a military man who occasionally embraced reform for political purposes, and Ramón Grau, who despite his pro-worker and pro-women’s rights positions is described by Ferrer as presiding over an “orgy of theft” involving close cooperation with Lansky’s drug-smuggling activities. This conflicted political landscape led Eduardo Chibás to found the Orthodox Party, which broke with Grau’s spurring Auténtico Party to seek a restoration of its revolutionary goals by eliminating corruption. A young lawyer from Oriente Province, Fidel Castro, made his first public appearances at meetings of the Orthodox Party, and after Chibás’s spectacular suicide—broadcast live on his popular radio show—the die was cast for Castro’s swift rise to power.

Ferrer tells the story of the Cuban Revolution as one that finally brought sovereignty to Cuba by removing US power, while completely restructuring the country’s economy and society. At the time the revolution began, Batista—who had regained the presidency in what Ferrer calls a “sham election”—was overseeing the further Las Vegasification of Havana. Meanwhile Castro and his fellow Moncada Garrison insurrectionists (including, of course, his brother Raúl) were organizing a guerrilla war—an audacious plan they eventually carried out, landing in Cuba on a boat sailed from Mexico. Ferrer notes that nothing about the revolution appeared inevitable at the beginning, as she describes the near defeat of Castro and his comrades early on, the reports in The New York Times incorrectly announcing his death, and the eventual deterioration of Batista’s position, which allowed the revolutionaries’ triumphal entry into Havana in January 1959.

Ferrer also describes the litany of tactical errors made by President John F. Kennedy’s administration in the wake of the revolution, in particular the CIA’s poor intelligence and planning failures in the run-up to the failed Bay of Pigs invasion. The Cuban missile crisis, which is remembered now as the last time there was a serious confrontation between the United States and the Soviet Union and which could have involved an exchange of nuclear weapons, is recounted here in detail, reminding us that—much as had happened with the Cubans
Cuba’s problems remain rooted in its tenuous ability to sustain its economy.

Ferrer ends her book with Joe Biden entering office, musing that what his administration will do for Cuba “remains an open question.” In May, after a year and a half of inaction, the Biden administration moved to roll back the increase in sanctions and denial of cash remittances imposed by Donald Trump, also loosening travel restrictions for Americans and restarting visa-approval operations at the US Embassy in Havana. Meanwhile, Díaz-Canel lacks charisma and, at age 62, a direct connection to the original revolutionaries, limiting his appeal. But Cuba’s 2018 constitutional reform appears to suggest a wave of democratization and liberalization in the country’s future: Limiting Díaz-Canel’s term in office, it also recognizes private property and foreign investment and asserts women’s and LGBTQ rights. Despite such reforms, however, supply issues have made basic consumer items difficult to find, and problems with infrastructure—most recently a series of blackouts—have tested the average Cuban’s limits, which was a factor in provoking last year’s demonstrations. (The recent disastrous fire at a major fuel storage facility in Matanzas, will surely exacerbate the current crisis with rolling blackouts and electricity rationing.) A new law, Decree 349, has been heavily criticized for giving authorities the power to shut down art exhibitions, since it could be used to repress dissent—many of the central figures of the San Ysidro movement, which led last summer’s protests, are Black artists.

Ideology aside, Cuba’s problems remain rooted in its tenuous ability to sustain its economy. Despite Biden’s rollback of some of the destructive Trump sanctions, the US embargo remains in place, and the Cuban government continues to struggle to provide essential goods for its people. Those revolutionaries still in power—and there are very few—are the ones who, for the last several decades, have asked Cubans to find solace in incrementality, in small steps. They have asked Cubans to celebrate each step that they take away from the old capitalism.

Even as Cuba struggled economically and internally, dissent was stilled, the Cuban Revolution’s egalitarian spirit went abroad, as Cuba involved itself in the decolonization struggles in Africa, some of which spanned decades. Over 430,000 Cubans participated in the fighting in Angola between 1975 and 1991, for example, and while most of that number were soldiers, there were also legions of doctors (indeed, many Cuban doctors are still active today in various countries in Africa). After thriving to an extent in Moscow’s orbit, Cuba was relegated with the end of the Cold War to a protracted period of difficulty. The collapse of the Soviet Union led to what became known as the Special Period, as the end of Soviet aid resulted in an era of economic crisis and scarcity. “In the early 1990s, the average Cuban adult lost an estimated twenty pounds. In three months in Havana in 1992, even with access to hard currency, I lost about ten,” Ferrer recalls. And while Cuba eventually rebounded in the last decade or so because of its government-led shift to tourism (mostly from Europe and Canada) and cheaper oil from Venezuela, Castro’s decision to relinquish the presidency in 2008 because of his declining health (he died in 2016), and the stepping down from power by his brother Raúl in 2018, has created a period of uncertainty.

Last summer’s unprecedented demonstrations involved many Cubans from the generation raised during the Special Period, for whom the revolution and its aging leaders are figures from a distant past. The members of this generation, much like the millennials in the United States, are concerned about their dwindling prospects for stable employment and a viable economic future. Spurred by scarcity as well as a political system that struggles not only with economic development but with monetary policy—last year’s currency reform has led to a crippling inflation, predating the current world crisis—this generation has also found ways to work outside the government-controlled media in order to popularize and publicize their demands. Will this be enough, however, to successfully retool a system that is still inflexible and riddled with inefficiency? In 2019, Miguel Díaz-Canel, a long-time party loyalist with a background in engineering, rose to the presidency as Raúl Castro’s successor, intent on maintaining the revolution’s continuity under increasing pressure from US sanctions and worldwide economic crises.
Letters

Housing Follies

Re “Does Building Luxury Condos Create More Affordable Housing?,” by Brian Hanlon, Tara Raghuveer, Ned Resnikoff, and John Washington [July 25/Aug. 1]: Los Angeles is a perfect example of the folly of trying to solve a worsening housing crisis through the construction of market-rate housing. Most of the new housing is expensive and depends on zoning waivers for building permits. It also pulls up the price of nearby housing, pushing even more people out. The final result is that those neighborhoods with the most new market-rate housing also have large and growing homeless encampments—today’s Hoovervilles. Faced with the consequences of their failed supply-side housing policies and strong pushback from local residents upset at the encampments, officials have turned to the police to push the homeless to other streets.

RICHARD PLATKIN

A Tale of Two Nations

I recently received The Nation’s announcement about its upcoming trip to Cuba. It looks great—and bears absolutely no resemblance to the Nation article on Cuba in the July 25/Aug. 1 issue [“Cuba 12 Months On,” by William M. LeoGrande]. Nowhere does that piece mention the disastrous impact of US sanctions on Cuba or the role of the US government, the National Endowment for Democracy, and the Cuban exile community in Miami in stirring up the “opposition” in Cuba on July 11, 2021. The Nation has been having a serious identity crisis for some time now. Along with David Klion’s feature on China some months back [“What Should the Left Do About China?,” Jan. 24/31] and others, this article is one more example of the rightward pull of the magazine.

NINA FELSHIN

Protest in a New Era

Vanessa Williamson and Dana R. Fisher’s essay “Disruptive Politics” [June 27/July 4] calls on progressives to adopt “confrontational activism and civil disobedience” to bring about change. It is true that such tactics worked in the 1960s, helping to end the Vietnam War and pass the Civil Rights Act. But there are reasons to believe that protest and civil disobedience will be less effective in our current era. Activists who want the government to address climate change or militarism are likely to be outmaneuvered by powerful corporate and government actors committed to protecting their interests; that’s why protests against the 2003 invasion of Iraq were ineffective. The Black Lives Matter protests were overwhelmingly peaceful, but due to dishonest media coverage, many Americans believe that BLM and antifa are violent extremist movements. Furthermore, protesters are likely to be met by a large number of heavily armed right-wing counterprotesters. Unlike in the ‘60s, when groups such as the KKK that opposed civil rights were marginalized, the dominant faction of the Republican Party is now aligned with Donald Trump and other white supremacists. This is not a call for surrender; it’s a wake-up call.

DONALD A. SMITH
BELLEVUE, WASH.
**Q&A**

Madeline Ostrander

Madeline Ostrander, a Seattle-based science journalist, is interested in what happens to our sense of home and stability when the rhythms and seasons that characterize those places change. To answer this question, she spent time in four communities on the front lines of the climate crisis: a small community in rural Washington rebuilding in the wake of a wildfire; a historic town on the Florida coast contending with sea-level rise; an industrial city in the Bay Area whose residents live in the shadow of an oil refinery; and an Indigenous village in Alaska that is being uprooted by permafrost erosion. The individuals she interviews for her new book, *At Home on an Unruly Planet: Finding Refuge on a Changed Earth*, all face impossible decisions. “Today, more and more communities are having to ask these questions about what climate change means for them,” Ostrander said. “It’s about their home; it’s about the things that they care about.”

**DR:** What made you decide to report on the climate crisis through the lens of community and a sense of rootedness in a time of “unprecedented upheaval”?

**MO:** When I started covering climate change more than a decade ago, the conversation was much more in the realm of data or policy. It was understood as something happening far away—melting ice caps. Then, in 2010, I started spending a lot of time talking with environmental justice groups. They were thinking about climate change in a way that was much more local and palpable, looking at disasters like Hurricane Katrina and having conversations like “What will this mean for us?” and “How do we build resilience in our own communities?” They were doing a lot of really interesting, creative, very tangible things, and I felt that this conversation was just so much more powerful and immediate.

**DR:** How did you choose the communities you reported on?

**MO:** The communities in the book tend to be small-to-medium-size communities. I think, in smaller communities, there is sometimes a more immediate dialogue between the people who are making decisions and the people on the ground. Larger cities like New York City and Seattle, where I live, have significant resources to put toward climate resilience. But small coastal communities like St. Augustine are having to make difficult choices about what to save because they have fewer resources.

“**I think we’re underestimating how profoundly this crisis is impacting people.”**
GLOBAL HEALTH PARTNERS is launching a broad-based, urgent drive to supply Cuba with desperately needed medical equipment. Havana’s Calixto Garcia Hospital, Cuba’s main trauma center, has 23 operating rooms but only two working anesthesia machines. We’re committed to raising $125,000 this month to start rushing urgently needed anesthesia machines, sutures and surgical supplies to Cuba.

Founded in 1896, Calixto Garcia was the first teaching institution in Cuba, and has trained thousands of Cuban doctors, nurses, and health care technicians. Calixto Garcia needs to perform some 50 lifesaving surgeries every day, but under the U.S. embargo, the hospital cannot purchase anesthesia machines, or desperately needed sutures and surgical tools.

“Imagine the anguish of having to wait for an operation that will save the life of your loved one.”
—Dr. Guillermo Sanchez, Chief of Maxillofacial Surgery, Calixto Garcia Hospital, Havana

Please show your solidarity now with a country that has done so much for the health of its own people, and for struggling communities around the world. Help supply the Calixto Garcia Hospital with the equipment they need to provide urgent care to the Cuban people.

You helped us send six million Covid vaccination syringes to Cuba; now please join us to supply Calixto Garcia’s dedicated doctors with the tools they need to save lives every day.

Global Health Partners has a U.S. Commerce Department license to send these medical supplies to Cuba. You can make an immediate tax-deductible donation to GHP at www.ghpartners.org or use the QR code.
More than 75 million Americans — 29 percent of the adult population — are not religious. The “Nones” (atheists, agnostics or nothing in particulars) are now the largest “denomination” by religious identification!

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