

THE RED-STATE TAX EXPERIMENT
KALENA THOMHAVE

LOVING AND LOATHING THE AMERICAN MALL
JILLIAN STEINHAUER

THE NEW REPUBLIC

September 2022



*** 2022 MIDTERMS ***
ARE WE DOOMED?

BLAND AMBITION

Kevin McCarthy has everything it takes to rise to the top in today's GOP: zero interest in policy, relentless thirst for power, and slavish loyalty to Trump.

If this man becomes speaker of the House—look out, America.

BY GRACE SEGERS AND
DANIEL STRAUSS

**CAN ABRAMS AND
WARNOCK KEEP
GEORGIA BLUE?**

KEVIN LEE

**INSIDE AMERICA'S
SWINGIEST
CONGRESSIONAL
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**WHATEVER
HAPPENED TO
CLIMATE CHANGE?**

KATE ARONOFF

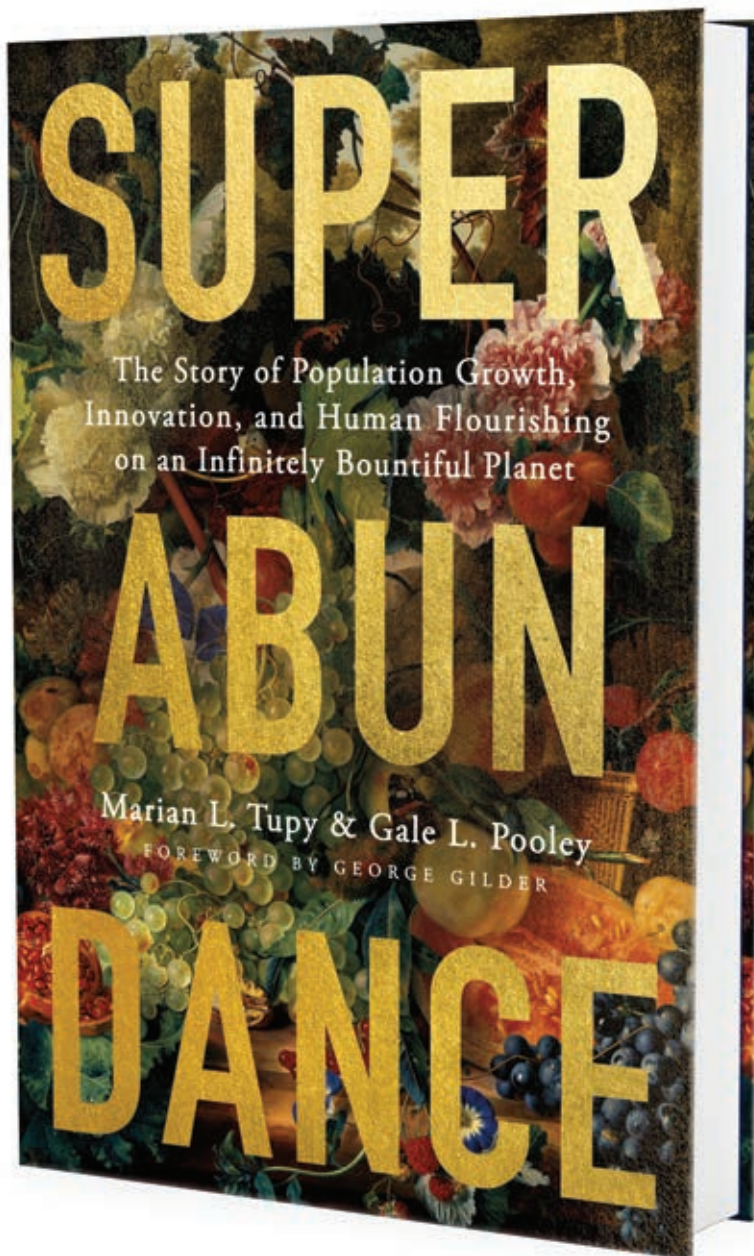
**WHY DOBBS
FALLOUT GIVES
DEMOCRATS A SHOT**

MATT FORD

AND MORE...

“This book demonstrates that population growth is not a problem; it is the solution—the most important resource.”

—GEORGE WILL, *WASHINGTON POST*



Generations of people have been taught that population growth makes resources scarcer. However, after analyzing the prices of hundreds of commodities, goods, and services spanning two centuries, authors Marian Tupy and Gale Pooley found that not only did resources become more abundant as the population grew, but resource abundance increased faster than the population—a relationship they call “superabundance.” But large populations are not enough to sustain superabundance. To innovate, people must be allowed to think, speak, publish, associate, and disagree. In a word, they must be free.



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TNR

STATE OF THE NATION



Tax Free

The IRS has lost its ability to investigate nonprofits.
What will that mean for our political system?

By Jasper Craven

Illustration by Sara Gironi Carnevale

CIA SCIENTIST JON MONETT was known around agency headquarters as a technical genius akin to James Bond's gadget inventor, Q. Following his 1990 retirement, Monett dabbled in private intelligence. Then, in 2008, he formed a nonprofit called Quality of Life+, which seeks to bring together

engineering students and needy veterans to create life-enhancing prosthetics.

The tax-exempt organization was first housed at Monett's alma mater, California Polytechnic State University, and forged partnerships with 19 other universities nationwide. QL+'s success was threatened in December 2020, when the *Los Angeles Times* revealed that it was beset by a toxic work environment driven by Monett, who was accused of sexually assaulting at least two women,

one QL+ employee and one woman from Cal-Poly. Monett's lawyer described the allegations as "99 percent" false and defended his client as an indispensable spymaster turned veterans' advocate. In the wake of these allegations, Cal-Poly severed ties with QL+, Monett resigned, and an interim executive director claimed that the charity's benevolent mission would continue unfazed.

But behind the scenes—according to sources who have worked for QL+, company

documents, and affidavits related to ongoing litigation—QL+ continued to grapple with myriad other issues, including allegations of inappropriate financial and accounting practices, conflicts of interest, retaliation against whistleblowing employees, and questionable expenses. (The nonprofit didn't respond to written questions and interview requests.)

Former officials said they also struggled to corroborate many of the organization's lofty claims. "There was no comprehensive database or real effort to try to measure the organization's impact," Charles Kolb, QL+'s former executive director, told me. "The numbers were not adding up," explained another former official. While Monett's credentials gave the impression that QL+ held standards befitting MI6, a source who worked through Cal-Poly told me that prosthetics and other assistive devices were often unusable or quick to break, an observation backed up by others. "Veterans are expecting this equipment to solve a problem, to improve their quality of life," this source said. "In reality, these are high-end, science fair-level prototypes. A lot of them didn't work."

While the *Times* reported heinous sexual abuse, QL+'s opacity and questionable impacts reflect endemic issues in the nonprofit industry. Last year, a QL+ official alerted a colleague over email of their belief that the nonprofit was "manipulating" their accomplishments in Internal Revenue Service forms through a counting scheme that inflated the number of volunteers. A second, more senior official agreed that the behavior should stop but shut down efforts to revise public impact statements. "They wanted to brush everything under the rug," vented a former official. "I left because I couldn't have my name attached to these lies."

AS AN INVESTIGATIVE reporter on the veterans' beat, it can sometimes feel that former service members attract do-gooders and bad actors in equal measure. Some of the most infamous nonprofit scandals have been exposed inside veterans' organizations. But misbehavior extends to organizations of all stripes. In the last year alone, journalists and government investigators have reported bribery and sexual abuse in a major homeless shelter network, embezzlement from the leader of a Latino support center, and fraud in a group organizing food assistance. (These are but a few examples.)

Effective oversight is vital for the nonprofit world to thrive. It can discourage misconduct, make cheated parties whole,

and ensure a group's mission is met. When the system works correctly, bad actors are brought to justice. But as the number of nonprofits has exploded to just shy of two million organizations, the industry remains plagued by chronic underregulation.

This lax environment was formed through a perfect storm of misguided court rulings, political attacks against the IRS, deceptive charity ratings, and a persistent and uniquely American belief in the power of private-sector altruism. And it's about to get a lot worse, thanks to a 2019 law pushed by former President Donald Trump that's forcing the IRS to essentially dismantle the

The Exempt Organizations office is set to be scrapped, with responsibilities divvied up elsewhere. "For all intents and purposes, the IRS is getting out of the tax-exempt services business."

part of the agency dedicated to uncovering tax-exempt schemers. Such contempt for this oversight stems from the Republican-backed, Obama-era investigations into the service for rightly scrutinizing Tea Party groups that were pushing legal boundaries.

Rob Reich, a Stanford professor and author of *Just Giving: Why Philanthropy Is Failing Democracy and How It Can Do Better*, argues that America's "atypically permissive approach" to regulating philanthropic ventures secures financial and reputational benefits to donors and executives. This environment can also cheat the vulnerable populations whom nonprofits claim to help. Summing up the state of regulation, Reich was blunt. "You really have to blow it to lose your nonprofit status," he said.

DURING HIS FAMED 1831 trip to the United States, Alexis de Tocqueville marveled at the population's strong social fabric—conditions, he theorized, that were accomplished through the formation of "associations to give fêtes, to found seminaries, to build inns, to raise churches, to distribute books, to send missionaries to the antipodes." Two years before his visit, a far less famous Boston intellectual named William Channing offered a warning about this growing constellation of groups, which he deemed an "irregular government" that needed to be "watched closely."

When it came time to draft legislation on how to tax these organizations, lawmakers hewed to de Tocqueville's ideas, incentivizing the creation of associations by exempting them from governmental duties.

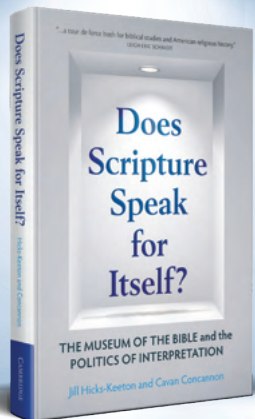
Charitable organizations offer the ability to give beyond government, but also provide the powerful with a valuable tax shelter, a tool for image-making, and an avenue for gaining soft power. This was understood by the robber baron and charitable powerhouse Andrew Carnegie, who, in his essay "The Gospel of Wealth," concluded that "the man who dies thus rich dies disgraced." Unstated was Carnegie's vehement opposition to

income and property taxes, money that can be democratically directed to public institutions capable of accomplishing great things.

Federal government services are today overseen by a raft of watchdogs, including House and Senate committees, the Offices of Inspector General, and the Government Accountability Office. There are correspondingly few structures in place to dig into nonprofit behavior. Perhaps the most promising effort to increase accountability came in 1969, when Congress imposed a small excise tax on private foundations with all funds meant to support the IRS's Exempt Organizations (EO) office. Unfortunately, the influx of money didn't actually make it to this office, leaving it perpetually underfunded.

Despite budgetary challenges, the IRS has shown itself to be a capable regulator. In the 1970s, agents righteously investigated private tax-exempt Southern schools that had imposed de facto segregation. Many other shady actors were caught through audits and random application reviews. Through this work emerged institutional knowledge and legal theories that helped clarify vague statutes.

When Marcus Owens ran the EO division from 1990 to 2000, he had a fleet of about 120 lawyers and certified accountants. In addition to their core oversight work, employees fanned out to field offices to train other IRS officials on the ins and outs of



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nonprofit regulation. They also released continuing education materials every year that featured evolving guidance.

These efforts were kneecapped through the IRS Restructuring and Reform Act of 1998, a bipartisan law that reined in the department's powers. It passed following a series of overheated congressional hearings in which members of the public essentially complained about the IRS enforcing the law. Nevertheless, President Bill Clinton expressed outrage and promised change. His resulting package increased the burden of proof needed to punish rule-breakers and weakened agency operations. As part of this

organizations using the EZ form and found that nearly 50 percent did not qualify for their tax-exempt status. The report noted that even when organizations correctly followed incorporation guidelines, many had a mission and scope of activities that clearly didn't qualify for tax-exempt status.

This paltry oversight will soon get worse, thanks to the Trump-era Taxpayer First Act, which, among other things, makes it harder for nonprofits that haven't filed the proper paperwork to lose their status. Documents laying out a broad reorganization launched by the law further show that the EO office is set to be scrapped, with responsibilities

This lax environment was formed through a perfect storm of political attacks, and a persistent and uniquely American belief in the power of private-sector altruism.

work, EO lawyers with nonprofit expertise were shuffled elsewhere. The IRS's overall staffing levels decreased significantly over the next few years. Beginning in 2005, the EO training materials were no longer updated.

In 2012, Republican lawmakers accused the EO office of being a corrupt body of lefty rogues targeting Tea Party groups in its "Be on the Lookout" list. In truth, these were triage tools meant to ensure that the flood of politically influenced nonprofits that emerged in the wake of the Supreme Court's decision in *Citizens United* maintained rules against participating in political campaigns. The office was flagging groups all over the spectrum, and its enhanced reviews rarely led to denials.

Still, the IRS is an easy enemy, and once again became Congress's cat toy. This led to a purge of leaders, a host of morale issues, and less regulation. Among other things, the IRS sought to shrink its massive backlog of applications by creating an "EZ" form for small groups that required no supporting documentation. Lawmakers further restricted the EO mission by prohibiting officials from spending federal funds to regulate potentially improper political activity. By the time the multipronged, multiyear inquiry was exhausted in 2016, the EO's \$102 million budget had been slashed by \$20 million, and the office had lost hundreds of employees.

A few years later, in 2019, the IRS's watchdog evaluated a representative sample of

divvied up to other parts of the agency. "For all intents and purposes, the IRS is getting out of the tax-exempt services business," Owens observed.

AS THE IRS retreats, what remains is a series of piecemeal and imperfect oversight efforts. Attorneys general in states such as New York, California, and Massachusetts have stepped in to police nonprofits. Harvey Dale, who directs NYU's National Center on Philanthropy and the Law, said these offices do good work, but have "many other fish to fry." More to the point, many states have no full-time employees focused on the sector.

One government lawyer vented that even if her state exposes scammers, many simply move and reregister in friendlier states. "It's a game of whack-a-mole," she said. "And bad actors will simply relocate where there is very little or no regulation." Florida may be the most welcoming, with nonprofit regulation relegated to an office focused largely on agriculture. Asked why more states don't focus on nonprofit misbehavior, Dale said, "Some ways say AG doesn't stand for 'attorney general'; it stands for 'aspiring governor.' And there's no real political payoff for overseeing charities."

There's also a slew of private charity raters, such as BBB Wise Giving Alliance, Charity Navigator, and GuideStar. These groups confer a sheen of credibility on nonprofits through numerical ratings and gold

stars. And yet a large number of problematic nonprofits enjoy high ratings on these sites.

While Charity Navigator initially placed an advisory on QL+, noting the allegations in the *Los Angeles Times*, it removed any mention of the scandal, following communication between the two parties and what a Charity Navigator official described as proof of “corrective action.” In internal emails, the QL+ leader also expressed a need to focus on GuideStar, “so we can reference that rating in our grant applications and marketing.” Currently, QL+ has a “platinum” rating from GuideStar, which, a few years ago, merged with a nonprofit focused on supporting the charitable sector through fundraising information and other assistance, presenting potential conflicts of interest. Officials from these organizations broadly defended their practices, though a GuideStar official vented over the lack of available public information on nonprofits and compared 990 data—the forms nonprofits are required to submit to the IRS on a yearly basis—to “Swiss cheese.”

These ratings are routinely called out by CharityWatch, the only real aggressive watchdog. The organization helps journalists interpret IRS nonprofit disclosures while revealing how the documents themselves can be easily gamed to understate executive compensation and overstate impact. “The whole system is propped up on false assumptions and flawed automated methods,” said Laurie Styron, CharityWatch’s leader.

CharityWatch has also supported efforts to impose new accountability, transparency, and spending measures over nonprofits, laws that have faced political headwinds, gubernatorial vetoes, and legal skepticism. Last year, for instance, the U.S. Supreme Court overturned a California law mandating greater donor disclosures inside nonprofits, calling it a violation of the First Amendment. This followed similar Supreme Court rulings that, among other things, shot down a state law requiring charities to spend a minimum percentage of their annual budgets on program activities and to limit overhead.

This laissez-faire approach has spiked alongside Covid-19, a national crisis that, like others before it, has led to a proliferation of bogus charities. The IRS itself warned of this ongoing crisis in early June and offered consumer tips on how to avoid being scammed. Meanwhile, the EO office withers, and actual oversight is at historic lows, with the IRS last year revoking the nonprofit status of fewer than 100 organizations. **IN**

Jasper Craven is an investigative reporter covering veterans and the military.



Food Fight

The red states that used pandemic surpluses to help the rich while maintaining regressive taxes on groceries

By Kalena Thomhave

Illustration by Dan Page

IT WAS ONLY by visiting a state that didn’t tax groceries that Presdelane Harris realized her home was an outlier. Born and raised in Montgomery, Alabama, Harris remembers visiting her aunt in Maryland as a child, decades ago now, and accompanying the adults to the grocery store. Asking her mom for a treat, she was surprised the price of her snack at the cash register was the same as on the label. She didn’t know why, but the reason was simple: Maryland doesn’t charge sales tax on food. *There are places in the world that don’t tax necessities, she realized.*

Alabama is one of the poorest states in the country. A seemingly small 4 percent tax adds up, totaling at least two weeks of groceries costs over the course of a year. Thanks to the country’s current spate of sky-high inflation, Americans are paying 10.8 percent more for groceries than in April 2021. That burden has been harder, though, for people in the 13 states that still tax groceries. Many do so at a lower rate than general sales taxes or provide a credit come tax time to help lower-income families offset the cost. But three states—Alabama, Mississippi, and South Dakota—fully tax groceries at the same rate as other goods and services.

A grocery sales tax is a flat tax: Everyone pays the same rate. But low-income people spend a larger percentage of their incomes

on food: In 2020, households in the bottom income quintile spent more than a quarter of their incomes on food and groceries, while those in the highest income quintile spent 7 percent.

Meanwhile, most states that still have grocery taxes also have written tax codes that skew toward those at the top—a dynamic that has only gotten worse since the onset of the pandemic. Mississippi, with its 7 percent grocery tax, passed a massive income tax cut earlier this year—the first step in the state Republican Party’s pursuit of repealing the income tax entirely. Thanks to post-Covid budget surpluses, many other states run by Republicans are also accelerating tax cuts for the wealthy. GOP-controlled states are busy replicating Sam Brownback’s disaster in Kansas, while handing a bigger tax burden to the poor and leaving grocery taxes untouched.

IN ALABAMA, UNTAXING groceries is a popular idea, and not merely in the grocery aisle. Both Republican and Democratic lawmakers regularly sponsor bills to repeal the tax. Four such bills appeared this year, and at least three of the Republicans who unsuccessfully attempted to primary Alabama Governor Kay Ivey in May actively campaigned on grocery tax elimination.

Presdelane Harris is now the organizing director at Alabama Arise, a statewide advocacy coalition that has worked since 1999 on a campaign to “untax groceries” in Alabama. Tax reform can be dull and confusing work. But “everyone understands groceries,” said Harris.

Far too many Alabamians understand how hard it can be to keep food on the table. According to the U.S. Department of Agriculture, roughly one in seven households in Alabama struggled with hunger before the pandemic, compared to one in 10 nationwide. A 2021 study published in *Food Policy* found that grocery taxes are associated with higher rates of food insecurity. Recent research has indicated that grocery taxes are even linked to higher county-level rates of obesity and diabetes.

In March, Alabama Arise hosted an advocacy day at the State House where dozens of people held signs, thrilled about the first advocacy day in two years since the pandemic’s onset. They heard from both Republican and Democratic lawmakers supportive of finally eliminating Alabama’s state grocery tax. Unsurprisingly, the Alabama Grocers Association and big retailers such as Walmart also want shoppers to have more money in their pockets (to buy more groceries).

Yet the proposed law to untax groceries didn’t pass. The problem? A tax cut, no matter how progressive, is still a cut into state revenue.

Most states that tax groceries use the revenue for general spending, but Alabama designates the bulk of the receipts for the state’s education trust fund. Repealing the grocery tax would cut the education

be repealed next year. In 2020, according to analysis from the Institute on Taxation and Economic Policy, Alabama lost a stunning \$782 million in revenue due to this deduction. And the vast majority of that benefit—84 percent—went to households in the upper quintile, with an average income of \$228,000.

Advocates at Alabama Arise have pushed a cap on the FIT deduction as the way to raise

Rather than looking to shore up public services or infrastructure, more than a dozen states have chosen to pursue tax cuts that would largely benefit the wealthy.

budget by almost \$500 million. And Alabama already ranks toward the bottom in public education spending.

“The states that depend on grocery taxes generate a good amount of money for their state budgets [through] those taxes,” said Eric Figueroa, a senior manager at the Center on Budget and Policy Priorities. “A simple elimination without thought of how to replace that funding can put states in tough situations,” he said, noting that states could face later public service cuts in order to make up the difference.

Alabama has not been able to repeal the grocery tax because there’s no agreement about how to replace the revenue that funds education. Tax increases, after all, are anathema to most Alabama politicians. “If we were simply trying to take the tax off of groceries, I think it’d pass in a heartbeat,” said Carol Gundlach, a policy analyst at Alabama Arise.

Legislators may argue that because the state needs to balance the budget, advocates have a choice: get rid of the grocery tax or keep the education budget intact. Republican state Senator Tom Butler told Huntsville’s WAAY-TV that he and others “absolutely” want to see the grocery sales tax gone, but because of the funding issue, “You’re in a danged if you do, danged if you don’t situation.”

But Alabama’s regressive tax system doesn’t just show up in the sales tax on groceries. The state provides a 100 percent federal income tax (FIT) deduction on state taxes; Alabama taxpayers who choose to itemize deductions (generally the rich) can subtract the federal income tax they owe from their state tax bill. Only one other state, Iowa, allows this—but Iowa’s deduction is set to

the revenue needed to repeal the grocery tax. But it’s generally been difficult to sway conservatives to support any tax increase. Still, Gundlach said, this past session was the closest the campaign had gotten in more than a decade, thanks to Republican sponsors on bills to get rid of the grocery tax and cap the FIT deduction. State Senator Andrew Jones, a Republican who sponsored the Senate bill, told me capping the FIT deduction is the “perfect revenue strain” to replace the grocery tax, because then the state isn’t finding the revenue by “penalizing low-income earners.”

“I’m interested in less taxes for our taxpaying citizens,” said Republican Representative Mike Holmes, who sponsored a similar version in the state House. And while he’d prefer to just ditch the grocery tax without touching FIT (“you’re not really doing a tax cut then, you’re just shuffling money around”), he wanted to finally get grocery tax repeal across the finish line. “We had the support,” Holmes told me, “we had the votes.” But he said that legislative leadership was never supportive of grocery tax repeal, and the bills never made it out of committee. Still, the untaxing groceries campaign has certainly come a long way since 2009, when the House presented the grocery tax repeal bill with the “Shroud Award,” a jokey annual tradition recognizing the “deadest” bill of the session.

“I think everyone realizes that we have to do something,” said Jones. “I don’t know if [my bill] will be the solution,” but ultimately, he said, “I am confident whether it’s in one or 10 years, we’ll be able to repeal.” After all, 59 percent of Alabamians, including 56 percent of Republicans, support repealing

the grocery tax and replacing the revenue with higher taxes on the wealthy, according to a poll commissioned by Alabama Arise.

DUE LARGELY TO the swell of federal pandemic aid and stimulus measures, many states have found themselves with large budget surpluses. Rather than looking to shore up public services or infrastructure, more than a dozen states have chosen to pursue tax cuts that would largely benefit the wealthy. (Congress barred states from using pandemic funds for tax cuts, but a federal judge blocked enforcement of the rule last fall.)

Mississippi, one of the three states that still tax groceries at the full sales tax rate, passed the state's largest-ever income tax cut in March. Part of the original proposal paired the income changes with cutting the grocery tax—combining a regressive tax cut with a progressive one. But that grocery provision was stripped out of the bill that ultimately passed.

Kyra Roby, a policy analyst at Mississippi-based One Voice, noted that some Democratic lawmakers didn't support cutting

the income tax but initially voted for the proposal because it would've eliminated the grocery tax. "We felt that [grocery tax elimination] was a tactic to get votes" for the income tax reduction, she said.

Mississippi is the poorest state in the United States. Rural hospitals struggle to stay open, public schools are consistently underfunded, and welfare money goes to Brett Favre instead of poor families. The extreme cut to the income tax will further reduce revenue for these public services. The new income tax cut will cost the state \$524 million in lost revenue annually when fully implemented in 2026.

Other states were also inspired by the combination of long-held ideology and new budget surpluses to slash taxes. Instead of the grocery tax, Alabama repealed a tax that had been required for businesses to register in the state. Oklahoma failed to pass legislation to suspend or cut its grocery tax, but the state did pass \$700 million in incentives for a company, likely Panasonic, to build a plant. Idaho passed a \$600 million income tax cut, while it added just \$20 to its grocery tax refund credit.

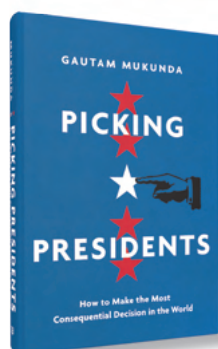
We've seen this film before: States begin to recover after a recession and decide to use their boost in funds on regressive tax cuts. Kansas infamously brought in Reaganomics guru Art Laffer to push a sharp cut on income taxes in 2012, touting trickle-down ideology—only for Kansas to reverse course in 2017, after state revenue and economic growth plummeted. (This year, Kansas passed a law to phase out its grocery tax over the next three years.) But in lean years of lost revenue, the state had to slash spending on social services.

Something similar to the "Kansas Experiment" of lost public services and decreased school funding could happen to these states that have cut revenue by hundreds of millions of dollars—but what are the chances of Mississippi ever reversing a tax cut? "It's going to be nearly impossible to get that money back," said Kamolika Das, a state policy analyst at the Institute on Taxation and Economic Policy, noting Mississippi's Republican supermajority. She adds that too many states are "making long-term, permanent cuts based on temporary surpluses." **INR**

Kalena Thomhave is a Pittsburgh-based writer on poverty and inequality.

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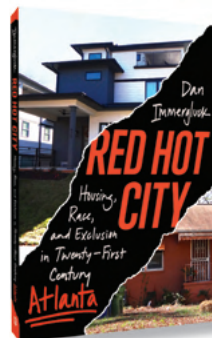
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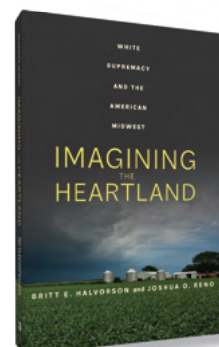
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An overdue examination of the Midwest's long influence on nationalism and white supremacy.



Amazon Über Alles

The online conglomerate is finally facing union drives in the U.S., but it has decades of experience quashing them in Europe.

By Allie Gross

Illustration by Julian Gower

INSTEAD OF CLOCKING in at the warehouse, workers in the German city of Leipzig assembled in a field downtown and self-sorted based on job duties. Packers and shippers to the north. Stowers to the west. Pickers to the south.

It was May 2—the day after International Workers’ Day—and the gathering was part revolutionary, part perfunctory. Since 2013, workers at Amazon’s Leipzig Fulfillment Center had engaged in strikes through their local trade union, Verdi. While the news cycle was buzzing over the first successful U.S. union vote for Amazon on Staten Island a month earlier, in Germany the agenda felt less high-energy and more business as usual.

“We want to gather information on what is hurting the individual worker,” said Alexander Schreiber, a bespectacled 46-year-old who has worked at the warehouse since 2011. The first activity: asking colleagues to place

dots in and around a sketch of the human body where they felt pain. “We will analyze answers and then create detailed demands.”

Within 30 minutes, the outlined figures had transformed into Seurat paintings. There were physical ailments: knee pain, migraines, tinnitus, deteriorating eyesight, aches from the forced posture. And then less quantifiable emotional ailments: feeling helpless, speechless, blunted, dulled, worthless, not human.

While better national labor regulations and nine years of strikes meant Leipzig workers don’t have tales of peeing in water bottles, the outlines still felt heavy and familiar to anyone who has followed news of Amazon work sites in the United States. There was a through line of people feeling overworked and underpaid, whether they were “officially” unionized or not. “I cannot imagine that anyone can say this is a job that I can do well until retirement,” said Ronny Streich, a former “picker” who left the warehouse in 2015 to work for Verdi.

As the stateside battle between Amazon and its workers has revved up, Amazon

Leipzig and the greater network of European Union warehouses serve as a reminder of just how much Americans lack in basic labor rights and protections. But it also underscores the ways in which Amazon has undermined those very norms and eroded labor expectations abroad.

Despite striking for the first time nearly a decade ago, Leipzig workers have yet to hammer out a collective agreement with the company. “Amazon’s playbook is: We don’t want a union, and if we have one, we’re going to try to weaken it and avoid any kind of meaningful discussions,” said Christy Hoffman, general secretary of the UNI Global Union, a union federation with affiliates in 150 countries. “And of course, they’re bringing that American-style anti-unionism with them to Europe.”

NONORGANIZED LABOR IS a fundamental part of Amazon’s trillion-dollar business. The quarterly report that the company filed in April with the Securities and Exchange Commission said organizing posed a threat to “successfully optimizing and operating” its fulfillment centers. “[I]f successful, those organizational efforts may decrease our operational flexibility,” the report explained in a section listing risks.

In areas of the world where unions are built into the fabric of business, Amazon has still found ways to circumvent—and therefore weaken—norms. In Germany, businesses traditionally join an employers’ association within their sector. These then have unified collective agreements with the corresponding trade union. Amazon Germany has simply refused to accept a collective bargaining agreement. So, while employees can be members of the trade union Verdi, their only mode of negotiation is going on strike, which has resulted in piecemeal wins. Wages have jumped from €7.33 to €13.55 per hour. Christmas bonuses are now available—though not guaranteed. And there is a more advanced notice on work schedules.

Streich, who is the Verdi point person for Amazon Leipzig, sees the wins but also noted the downsides of a lack of a bargaining agreement. “They can put pressure on people,” he said, noting that while German law protects against indefinite short-term contracts, many people—especially new employees—are often afraid to join the union or strike, even though it’s a national right for members of trade unions.

He knows this from experience. Streich, who has buzzed blond hair and an east German accent, joined the Amazon warehouse as

a contract worker during the 2012 Christmas season. Out of fear, he didn't participate in that first 2013 strike. "I needed the money," he said. "It's a real risk there."

The nervous energy around being associated with a union—which is largely seen as an American trait—permeated the Leipzig plant, even at the strike gathering, where multiple people were eager to speak but declined to give their names. One worker, who initially volunteered his name, later—fearing retaliation—asked via Streich that I not use it.

It's this behavior—a changing of social norms—that has activists and scholars concerned, not only for Amazon workers, but also about what lessons other companies will adopt. "This isn't just in the United States," said John Logan, a San Francisco State labor professor who specializes in the treatment of workers by multinational companies in the United States versus the EU. "Amazon is forced to deal with unions in parts of Europe and other parts of the world, but even in those places you see constant complaints that Amazon is challenging and attempting to weaken the labor protections for health and safety."

Hoffman pointed out that, while Walmart eventually decided to stop doing business in Germany in 2006, the company did enter into an agreement with its workers, a departure from its staunchly anti-union stance in the United States. This was done, said Hoffman, not because it was required, but because that's what companies did as part of standard operations in the country. "Amazon is really maybe the first, especially of this size, to say: No, we're doing it our way," she said.

The "Amazon Way" manifests differently country to country. In Sweden, the company uses third-party workers; in France and Italy, collective bargaining is predominantly sectoral, and Amazon chooses to identify itself with the sector that pays the least. In France, for example, it tried to designate itself as a small business, or, as Hoffman put it, a "mom-and-pop" company.

While the fate of the U.S. organizing campaigns hangs in the balance, Hoffman points out that so much of the tension comes from a construct: What is a union? In the United States, the definition is seemingly simple: A majority, 51 percent, of workers vote in favor. But if the employer won't sit down and bargain, are the workers still a union?

At that Leipzig warehouse, it's estimated that 40 to 45 percent of the staff of 2,000 are part of Verdi. "They don't have a majority, and they don't have collective bargaining, but they still have power within that work site and still have power to win improvements

through their strikes and works councils," Hoffman said, alluding to the organizing bodies that represent employees at most German workplaces; until recently, Verdi members made up the majority of the works council seats for the Leipzig warehouse. Leipzig would not count as "unionized" in the United States. "There is something very broken," she said, "about our labor model in the U.S., which is like black and white. And that's really not the model elsewhere."

IN 2014, THE year after the first strike in Germany, Amazon opened three Polish fulfillment centers. The company didn't have any sort of market in the country (Amazon didn't open a Polish site until 2021). But the warehouses could serve the German market with cheaper, less represented labor. "Eastern European countries in the last decade have really functioned as Amazon's low-wage nonunion alternative to Germany," said Logan. Poland's current minimum wage is the equivalent of \$4.45 an hour, whereas it's roughly \$12 in Germany.

"The Amazon model is essentially borderless, and so must we be, because it's in all our interests—the interests of employees in the new global world of work—that we challenge this model, which threatens to become the norm," Philip Jennings, a former UNI general secretary, wrote in a 2017 report.

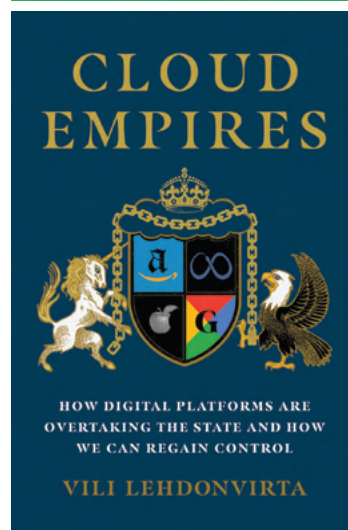
Back in Leipzig on May 2, the sun had come out. While the topic at hand was weighty, there was still a lightness to the day, as co-workers sipped coffee and made small talk from lawn chairs in the grass. "One of the effects of the strikes is many workers got strong self-confidence," said Streich. "That's one of the biggest results. People are not scared of Amazon."

While operating as a borderless multinational headquartered in a country with dwindling worker power was once to Amazon's advantage, workers abroad are now finding new motivation as the online giant faces labor pressure in the United States. "The vote in Staten Island was a big message here," said Streich in the Verdi offices in April, as he made phone calls and texts to coordinate the May 2 action.

"It made the point: We can get Amazon!" he continued, before half-jokingly—but also proudly—pointing out the solidarity and crossover between the global network of Amazon fulfillment centers. "It all started with Germany." **TN**

Allie Gross is an independent journalist who covers education, housing, labor, and the criminal justice system.


New from the MIT Press



THE MIDTERMS ISSUE



BLAND AMBITION



Kevin McCarthy
at the Capitol on
January 4, 2019. His
GOP colleagues
call him a charmer
and glad-hander.

Kevin McCarthy has everything it takes to rise to the top in today's GOP: zero interest in policy, relentless thirst for power, and slavish loyalty to Trump.

If this man becomes speaker of the House—look out, America.

By Grace Segers and Daniel Strauss

PHOTOGRAPH BY MARK PETERSON

“I spend a lot of time thinking about the next Congress.”

Kevin McCarthy, the Republican minority leader in the U.S. House of Representatives, meant this comment generally, rhetorically questioning how Congress could heal in an era of intense polarization—a somewhat ironic train of thought, given that the words came in a speech, delivered November 18, that was centered on attacking Democrats. But there was clear subtext: If Republicans won the majority in the House in the upcoming midterm elections, McCarthy could be the next speaker of the House.

McCarthy had begun speaking on the House floor shortly after 8:30 p.m. It was a Thursday night, and the House was about to cast a vote on the Build Back Better Act, President Joe Biden’s \$2.2 trillion domestic spending package that later died in the Senate. Democrats in the House chamber knew that McCarthy would speak for longer than his technically allotted one minute: After all, he and all other Republicans were strenuously opposed to the bill. When it came to a vote the next day, no Republican would support it.

House Democrats settled into their seats, occasionally heckling McCarthy to challenge his more hyperbolic talking points. As the minutes ticked past, they became restless, waiting for the Republican leader to finish. The historic vote was the culmination of months of political agita among Democrats, requiring regular cajoling from Speaker Nancy Pelosi and Biden himself.

Meanwhile, a rotating cast of Republicans sat quietly around McCarthy as he spoke—close enough so that, to a viewer watching on C-SPAN, he would look like he was surrounded by supporters rather than the mostly empty chamber. McCarthy’s rambling speech was a grab bag of Republican talking points against the bill and Democratic policies in general, sprinkled with extended historical riffs and seemingly unrelated one-liners. His typically affable persona was largely discarded this night, his voice frequently rising to an angry shout, punctuated by emphatic pointing. Sweat glistened on his forehead as he confronted his Democratic colleagues, his expression one of apparent outrage as he occasionally turned to their side of the aisle.

He droned on about Ronald Reagan’s defense missile policy and outlined the history of a painting of George Washington crossing the Delaware River. He said that he would “love to debate Jim Crow someday.” He casually mentioned his personal friendship with Elon Musk, and excoriated the Nobel committee for never awarding President Donald Trump its Peace Prize. He slammed Democrats for being soft on China, asserted during a tangent on school choice that “there is no such thing” as baby carrots, and questioned whether McDonald’s still had a dollar meal. And he managed to hit all the right’s main talking points. “Inflation we haven’t seen in 31 years ... gas prices ... Thanksgiving ... a border that in a few months breaks every record of the last three years combined,” McCarthy thundered at one point.

The Democratic voices that jeered so loudly at the beginning of his speech quieted as McCarthy continued to talk, the hours slipping past. One hour, then two, then three. Heading toward the

four-hour mark, shortly after midnight, Pelosi came back onto the floor, murmuring to her members that they could go home. There would be no vote that night. The chamber mostly emptied of Democrats and bleary-eyed reporters alike, but McCarthy kept on talking. “I don’t know if they think they left, I would stop,” McCarthy said after most Democrats had exited the chamber. “I’m not talking to them. I’m talking to the American people.”

The American people were unlikely to be glued to C-SPAN after midnight on a weekday. McCarthy’s more immediate and important audience was his own Republican conference. He had already failed to earn the speakership back in 2015 after Speaker John Boehner was forced out, despite waiting in the wings; instead, that honor had gone to Paul Ryan, who grew so exhausted at holding the position under President Donald Trump that he had quietly retired in 2019. Now, finally, McCarthy’s moment was quickly approaching.

But he faced dissent from his right flank, and particularly those who believed his fealty to Trump was insufficient. McCarthy had also been subjected to a string of bad headlines in the preceding weeks. Earlier that month, after GOP leadership whipped its members against the bipartisan infrastructure bill, more than a dozen House Republicans ended up voting for it. More worryingly for McCarthy, Trump’s former chief of staff, Mark Meadows, had insinuated earlier that week in a pair of podcast interviews that the minority leader was not up to the job of speaker. In one, Meadows said he would give Republican House leaders “a grade of a ‘D.’” “You need to make Democrats take tough votes. You need to make sure that when you’ve got them on the ropes that you don’t throw in the white towel,” Meadows said.

McCarthy needed to prove to his conference that he was worthy of the gavel, that he was sufficiently supportive of Trump’s agenda, and that he was able to put Democrats on the defensive when necessary. His speech did not derail the vote on Build

PREVIOUS SPREAD: MARK PETERSON/REDUX



McCarthy at his weekly news conference on January 13, 2022. Democrats tend not to see the charm.

Back Better, but it did delay it by several hours, and it certainly annoyed Democrats.

McCarthy finished speaking at 5:10 a.m. on Friday, November 19. He had broken the record set by Pelosi for the longest speech on the House floor; she had barely cleared eight hours, while he had spoken for eight hours and 32 minutes. His tactic may have galvanized Republicans in the short term, but the matter of his assumed leadership over his caucus wasn't resolved—just a few months later, McCarthy would be facing scrutiny again upon revelations of his criticism of Trump in the wake of the January 6 insurrection.

Throughout his speech, glimmers of personal truths revealed the underlying motivation for his taxing televised diatribe. At one point, McCarthy alluded to a rumor that Pelosi's resignation was imminent. "I want her to hand that gavel to me," he said. "I want her to be here." And at around the midpoint of the speech, shortly after 1 a.m., he cracked a telling joke as Democrats were in the middle of changing their presiding officers. "Where'd the speaker go? Did you fall?" he asked, as the presiding officer's chair temporarily sat empty. "Can I be speaker?"

MCCARTHY HAS REPRESENTED his district in Central California since 2007. Although he has been in politics for the vast majority of his adult life, joining a congressional office as a staffer in 1987, he has never strayed from his hometown of Bakersfield. Once dismissed as a "Bakersfield boy" by former California Governor

Arnold Schwarzenegger, McCarthy has become an avatar of the city, and traces his values and his politics from its rolling hills.

The people of Bakersfield know how they are perceived by the rest of the state. Located at the southern edge of the arid San Joaquin Valley, Bakersfield has been uncharitably described as the "armpit" of the state, a reference perhaps to both its sweltering climate and its conservative politics. With a metropolitan-area population of nearly one million, Bakersfield would be the biggest city in dozens of states, but in California, it's an afterthought, overshadowed by Los Angeles and San Francisco and three or four other major cities, and overlooked by the state government in Sacramento. "There's a real sense of insecurity and a sense that you're not appreciated, or you're taken for granted," said Richard Beene, a longtime local journalist, about the cultural ethos of the area.

Bakersfield is the seat of Kern County, one of the key destinations for desperate Okies fleeing the Dust Bowl. The city and its environs bear the legacy of that rugged, hardscrabble culture: Two country music stars of the mid-twentieth century, Buck Owens and Merle Haggard, were greatly influenced by their time in Bakersfield. "You could probably take Kern County and drop it right in the middle of Texas, and nobody would skip a beat," said Mark Martinez, a political science professor at California State University, Bakersfield.

The biggest industries in Kern County are oil and agriculture, with many residents tracing their roots from migrant farmworkers—the county is 56 percent Hispanic. But it is a solidly Republican

area, particularly given general statewide Democratic support for limiting oil production. “A lot of the Hispanic community works in oil, my family included. And so if that industry is gone, they’re going to be out of work. So they’re not necessarily going to vote for Gavin Newsom,” said Christian Romo, the chair of the county’s Democratic Party. Nonetheless, the Democratic Party is growing in the county, in part because of the influx of progressive urbanites priced out of Los Angeles and the Bay Area, county Democrats say. However, due to redistricting, McCarthy’s district became more Republican this year.

Bakersfield is characterized by wide, sun-drenched streets and hazy mountains barely visible in the distance. Its air pollution is among the worst in the country, second only to Los Angeles. Seventeen percent of the city lives in poverty, and it is the second-least-literate city in the country. But Bakersfield, a large city with a small-town mentality, is proud of its values and its industries, with a mindset familiar to any Trump supporter: The elites may look down on us, but we don’t like them either.

McCarthy was born on January 26, 1965, to Roberta and Owen McCarthy, the assistant city fire chief. A firehouse is like an extended family; to be raised with a family member in the fire service means to be absorbed into that close-knit community. “I think that that had a lot to do with developing his early core belief systems,” said Jeff Heinle, a retired city fire captain who was hired by Owen McCarthy in 1992. Kevin and his two siblings were raised in a middle-class neighborhood in a house with one of the few swimming pools on the block. He was tight end on his high school football team. McCarthy’s early mythology, a classic bootstraps-reliant Republican origin story, has been told and retold by him and others: Sometime in the mid-1980s, he won \$5,000 in the state lottery and used it to open his own deli, putting himself through college at Cal State, Bakersfield.

The details and timeline of these events, even as related by McCarthy himself, are a bit fuzzy. But according to a 2018 *Washington Post* fact-check of McCarthy’s early entrepreneurial claims, the young community college student invested his winnings in the stock market, and then used those funds to open Kevin O’s Deli. This enterprise amounted to a counter and a refrigerator nestled within a yogurt shop owned by his uncle and aunt. After a short hiatus, he returned to college in 1987, which was the year that he also began working for the man who would define his career: U.S. Representative Bill Thomas.

He started as an intern that year and was later hired as a full-time staffer; he spent the next 15 years in Thomas’s employ. “He was a great worker, and I saw a lot of potential,” said Cathy Abernathy, a prominent GOP consultant who worked as Thomas’s chief of staff at the time. Even as he served in Thomas’s office, McCarthy rose to some national prominence, chairing the California Young Republicans in the mid-1990s and then the Young Republican National Federation from 1999 to 2001. He won his first election in 2000, to a seat on the Kern County Community College District Board. (This period was momentous in his personal life as well; McCarthy married his wife, Judy, with whom he has two children.)

On paper, the irascible Thomas was the polar opposite of his protégé. Where McCarthy is affable and friendly, Thomas was cantankerous; if McCarthy is the most popular man in a room,

Thomas was the smartest. He was policy-oriented, becoming the chair of the powerful Ways and Means Committee in Congress. “[Thomas] always said, ‘I want to know more than a witness at a hearing.’ And he did,” said Abernathy. “When he bought a car, he didn’t just get that little booklet you put in your glove box, he bought books on every part in that car. That’s his thing. That’s not Kevin’s thing.” Richard Beene added, “Kevin is not as smart as Bill Thomas. He’s just not. He’s not as articulate. He’s not as smooth as Bill Thomas. But what he lacks there, he’s always made up in enthusiasm and connections.”

In 2002, McCarthy was elected to the California Assembly; less than a year later, he was elected its minority leader. This was likely in part due to his relationship with Thomas, who loomed large in state Republican politics. McCarthy was not a policy wonk like his mentor, but he had the amiability necessary to ascend politically, and his ability to build personal connections—not to mention his fundraising prowess—helped him to maintain that power. “Kevin understood how to connect on a member level, but he also understood how to connect on a personal level. And it was a sight to behold,” said Jim Brulte, who served as Republican leader in the state Senate while McCarthy was in the Assembly. Before McCarthy even got to Congress, Brulte told conservative commentator Fred Barnes that he would someday be speaker.

Thomas announced his retirement in 2006—after being term-limited out of his chairmanship of the Ways and Means Committee—and McCarthy was all but crowned his successor. (Thomas has since expressed disappointment with his former protégé, most recently labeling him a “hypocrite” in the wake of the January 6 insurrection.) McCarthy has won every subsequent election with relative ease. His popularity in the district varies; opponents note that the doors to his district office are always locked, and that his policy positions demonize immigrants when such a large portion of his district is Latino. Heinle praised McCarthy for his work with the Fire Department in erecting a September 11 memorial, but he argued that the minority leader has become more detached from his district since Trump took power. “That was a different Kevin. That wasn’t ‘my Kevin.’ You know what I mean? He’s changed,” Heinle said, referring to Trump’s declaration of McCarthy as “my Kevin.”

Bob Price, another longtime journalist in the area, noted that billboards critical of McCarthy had popped up in Bakersfield, and said his popularity had faded somewhat since the attack on the Capitol. “I’ve heard some grumblings, including some people that are actually close to McCarthy ... who have been critical of him, people that in the past have been pretty much in his corner, and they’re questioning him,” said Price. “But are there enough of those people to threaten his seat? Hell no. Absolutely not.”

IT WOULD HAVE BEEN unsurprising if a junior congressman from an overlooked city—light on policy but heavy on relationships—had sunk into back-benching anonymity in the House. Instead, McCarthy, through glad-handing and charm, fairly quickly ascended out of congressional obscurity to minor prominence in the House Republican leadership circles.

Politicians can be more celebrity-obsessed than anyone. Even among that cohort, McCarthy sticks out. As he’s risen through

Paul Ryan and Trump didn't quite vibe. McCarthy and Trump, on the other hand, did gel, in part because of McCarthy's careful tending of Trump. He took this effort to extremes, even picking out cherry- and strawberry-flavored Starbursts for the president, after noticing during a trip on Air Force One that Trump liked them the best.

the ranks of Congress, he has occasionally assumed the air of a starstruck kid from Bakersfield. In interviews, McCarthy has whipped out photos of himself with major political players, from the pope to the late President George H.W. Bush's casket. "He's absolutely the biggest starfucker in Washington. He's so taken with someone who is a big name, whether it's Elon Musk or a soap opera star. He loves to hobnob with celebrities. No one thinks the guy has any real ideology or real morals," a longtime congressional reporter said.

Pete Souza, the Obama White House photographer turned professional troller of Republicans, recently shared a photo of McCarthy and the ostensibly hated former president. "Remembering that day in 2015 when Kevin McCarthy begged President Obama for his autograph," Souza wrote on Instagram.

A common description of McCarthy centers around his vanity—he's never been shy about touting his connections to, say, Elon Musk. His intellectual chops are mentioned less frequently. *Politico* published an opinion piece in early June wondering why reporters who believe McCarthy is dumb don't say so outright, rounding up all the coverage of McCarthy over the years alluding to his lack of substance or any deeply held beliefs.

"He's a person who got behind Trump early because he had no moral qualms with Trump, which doesn't bode well for a Republican majority. Say what you will about Paul Ryan, at least what he had was an ethos," the longtime congressional reporter quipped.

McCarthy has said that his reputation as a lightweight means that he is often underestimated. His occasional unease in public speaking may also stem from his overcoming a childhood speaking disability. While he may not have the policy chops of Thomas, his predecessor, McCarthy has been able to propel himself to power by leveraging personal relations and a particular acumen for fundraising. And even as some on Capitol Hill acknowledge his deficiencies, there is also a sense that McCarthy could not have gotten as far as he has without some canny political instincts. "You don't end up where he is just being a total idiot," a Republican staffer on the Hill said.

McCarthy has never been shy about his ambitions. In his book *Young Guns: A New Generation of Conservative Leaders*—co-written with Paul Ryan and former Representative Eric Cantor—the future Republican leader wrote that he was "determined not to be satisfied with being in the minority." McCarthy would have

to grin and bear the minority until the GOP, boosted by a wave of anti-Barack Obama Tea Party sentiment, enjoyed a 64-seat swing in 2010. McCarthy had helped secure this victory by traveling the country to campaign for Republican candidates; by the time McCarthy sought his later leadership position, he could point to the legwork he had done on multiple members' behalf, and the donations he had helped usher their way.

By 2009, McCarthy was on the lower end of House Republican Party leadership as Cantor's chief deputy whip. Cantor saw a "young energy" in McCarthy, according to a former congressional staffer. "He wasn't, like, the ideas guy, but he did want to champion the ideas," the former staffer said. "Eric and Paul saw an energy—a guy that could help take some of the wonkiness and make it accessible. Because Paul and Eric are both wonks, and he just isn't."

Every time he crossed the country during work trips, McCarthy carried an *Almanac of American Politics*, with its detailed entries on the history, demography, and even topography of every congressional district in the country. He worked with Cantor to recalibrate the whip team's operation to better help vulnerable incumbents. In 2013 and 2014, Republicans were dealing with a wave of insurgent ultra-conservative candidates across the country. The politics of that cycle and the ensuing years weren't a perfect fit for McCarthy, who has always preferred charm and diplomacy to the burn-it-all-down absolutist approach that was in vogue among conservatives at the time. Historically, McCarthy had not prized policy purity over dealmaking; a *Los Angeles Times* profile of McCarthy from 2003 noted that the soon-to-be Assembly minority leader was a "pragmatist" with moderate views on abortion.

Ironically, though, McCarthy benefited from the Tea Party in 2014 more than most. The vulnerable incumbents Cantor sought to protect ended up including himself: Cantor hadn't been watching his rightward flank and lost reelection to a little-known conservative professor named David Brat, who focused his campaign on apocalyptic warnings about immigrants. Cantor's loss meant McCarthy was next in line to become Republican leader after John Boehner retired, something McCarthy had always craved. Cantor's loss may have also offered a valuable lesson to McCarthy, one that would be reinforced by Boehner's later struggles with Tea Party Republicans: The conservative faction of the party is powerful, and leadership would ignore it at its own peril.



McCarthy with Donald Trump at Mar-a-Lago on January 28, 2021. In the three weeks after the January 6 riot, McCarthy went from denouncing Trump to genuflecting before him.



McCarthy with GOP Representative Jim Jordan of Ohio. Jordan, one of the few Freedom Caucus members to whom McCarthy is close, will likely chair the Judiciary Committee if Republicans take the House.

SINCE HE WAS YOUNG and aware of the position, McCarthy aspired to be speaker. According to a longtime friend, way back when McCarthy was a congressional staffer, he would turn to him and say, “I want to be speaker.”

When Boehner retired in 2015, essentially forced out by the most right-wing members of his conference, it seemed as if McCarthy would finally achieve that dream. He’d spent years greasing the wheels of the Republican Party, and he was at the right place in order of succession. But the House Freedom Caucus, the small, newly formed bloc of unmanageable and ultraconservative Republicans, was divided on whether to oppose McCarthy and support someone else. Representative Raúl Labrador in particular felt McCarthy was not sufficiently conservative, according to a Freedom Caucus member with knowledge of the group’s internal discussions.

Even more foreboding for McCarthy, rumors of an affair with Representative Renee Ellmers, the now-former congresswoman from North Carolina who came into Washington as part of the 2010 Tea Party wave, were swirling, which spurred Representative Walter B. Jones to circulate a letter urging Republican leaders to substantiate they had not done anything embarrassing. (McCarthy and Ellmers have both denied the allegations.) McCarthy had also been damaged by one of the worst gaffes a member of Congress can make—that is, saying the quiet part out loud: He had boasted that the select committee investigating the Benghazi debacle had made Hillary Clinton’s approval ratings collapse.

The conservatives in the caucus began to demand promises that McCarthy knew he couldn’t deliver if elected speaker. His allies began to feel pressure back home about supporting him. Rank-and-file Republicans wondered how chaotic their caucus would be under a McCarthy speakership. In the end, McCarthy eventually withdrew from the running. “The conservatives didn’t trust him. He had rumors about a relationship with another member that

were never substantiated in my mind,” former Representative Tom Davis of Virginia recalled. “But basically, they didn’t trust him. They thought he was too much of an operative, and I think he’s tried to overcome that over time.” At the time, Trump cheered McCarthy’s retreat, saying, “We need a really smart and really tough person to take over this very important job!”

In the end, and after much prodding from Boehner, Ryan became speaker as the compromise candidate. It looked as if McCarthy would stay in middle management for a political eternity. Ryan, after all, was the P90X workout devotee who was both conservative enough for the Freedom Caucus and sane enough for the more establishment Republicans in the chamber. He had long styled himself a “House guy,” so leading the body seemed to be something he would stick with for a long time.

That all changed with Donald Trump’s ascension to the presidency. Ryan and Trump didn’t quite vibe. McCarthy and Trump, on the other hand, did gel, in part because of McCarthy’s careful tending of Trump. He took this effort to extremes, even picking out cherry- and strawberry-flavored Starbursts for the president, after noticing during a trip on Air Force One that Trump liked them the best.

McCarthy’s allies and friends say that his political skill lies in his ability to identify who has power and cozy up to them. McCarthy saw that Trump would determine the future of the GOP and was more than open to sidling his political fortunes up to the president. It worked, to the extent any charm offensive works with Trump. He started calling McCarthy “my Kevin.” (McCarthy’s allies back home bristle at the insinuation presented by the phrasing of “my Kevin”; GOP consultant Abernathy insisted that Trump had only used that term because he had been looking for McCarthy in a room filled with multiple people named Kevin.) After Ryan announced he was stepping down as speaker and leaving Congress, Trump privately complained to colleagues

FROM LEFT: COURTESY OF THE OFFICE OF KEVIN MCCARTHY; ANNA MONEY/GETTY

that the Wisconsin Republican was dawdling in his exit, and that McCarthy should step in sooner, according to a Republican who talks regularly to Trump.

Publicly, McCarthy is oftentimes one of Trump's most strident defenders. When Trump faced questions about his call with Ukrainian President Volodymyr Zelensky, which would eventually lead to his first impeachment, McCarthy said in an interview with CBS's *60 Minutes* that the "president did nothing in this phone call that's impeachable." That, and his numerous and virulent defenses of Trump against charges of working with Russia in 2016, represented a dramatic shift from a few years earlier when, speaking privately with fellow Republican leaders, the California Republican said, "There's two people I think Putin pays: [Representative Dana] Rohrabacher and Trump."

There has been no bigger illustration of McCarthy's thinking process and motivations than around the January 6 mob attack on the Capitol. After initially denouncing Trump's behavior in connection to the mob attack, McCarthy changed his posture, defending the president and trying to either minimize the importance of the January 6 committee or trip up its process. His gambit has been to side with Trump, pegging the committee as a liberal political stunt instead of a legitimate inquiry. He also refused to name anyone to the select committee after Pelosi rejected two of his five initial choices, a move that has been heavily condemned in recent weeks, including by Trump, as the committee's public hearings have proved far more effective than most people anticipated.

For weeks ahead of January 6, McCarthy had been echoing Trump's false claims that he won the election. The day after the 2020 election, McCarthy said at a press conference that Trump would continue to fight for his reelection "until all the votes legally cast are counted." He predicted that in the end Trump would emerge the winner. In the days that followed, the Republican leader's public comments about the election increasingly matched Trump's false assertions. "President Trump won this election," McCarthy said on Laura Ingraham's Fox News show. "Republicans will not be silenced. We demand transparency. We demand accuracy. And we demand that the legal votes be protected."

During the chaos at the Capitol on January 6, McCarthy was in close touch with White House aides and Trump himself. He had a panicked exchange with Cassidy Hutchinson, the aide to Mark Meadows who has since testified dramatically before the select committee investigating the insurrection. Hutchinson said that McCarthy excoriated her in a phone call after Trump's rally speech preceding the attack, recalling that he said: "The president just said he's marching to the Capitol. You told me this whole week you aren't coming up here, why would you lie to me?"

As the rioters breached the Capitol and got closer to members of Congress, McCarthy, like other lawmakers, became more panicked. In a phone call, Trump told McCarthy that the rioters cared more about the election results than he did. McCarthy, according to CNN, shot back, "Who the fuck do you think you're talking to?"

But hours after the rioters were cleared from the Capitol, McCarthy joined more than 100 of his House Republican colleagues in voting to overturn the election results.

For the briefest of moments after the insurrection, it looked as if McCarthy might lead the charge to remove Trump from

office and sideline him from politics. About a week after the attack, McCarthy said during a speech on the House floor that "the president bears responsibility for Wednesday's attack on Congress by mob rioters." Privately, McCarthy was sounding even more aggressive. According to *New York Times* reporters Jonathan Martin and Alexander Burns, he decried Trump's conduct on January 6 as "atrocious and totally wrong" to other House Republicans in a phone call during the days after the attack. He told his colleagues that he would tell Trump that an impending impeachment resolution against him would pass, and the president would do well to resign.

But in the weeks after January 6, McCarthy drastically moderated his criticism of Trump. It's not exactly clear why. By one account, Trump at one point reportedly called McCarthy a "pussy," which McCarthy was made aware of. He undoubtedly also saw polls showing the base rallying around Trump. In late January, McCarthy traveled to Mar-a-Lago to try to repair his relationship with Trump. McCarthy had requested a meeting. He ended up taking a photo with the president, and Trump's political committee described the meeting as "very good and cordial." McCarthy's about-face here was a cynical calculation of which way the wind was blowing. "He doesn't believe in Trump, he doesn't believe in Trumpism," the former congressional staffer said. "He doesn't believe in protectionism and all this election bullshit, but he feels like if he strays too far away from it, he will absolutely miss his chance to finally get the gavel, which is finally in his grasp."

FOR MOST OF THE Biden administration, McCarthy has been laying the groundwork for his prospective speakership. When he's had to deal with the fringe elements of his caucus, McCarthy has opted against outright punishment. He almost always defers to the carrot instead of the stick. After Representative Marjorie Taylor Greene was found to have attended a white supremacist conference, all McCarthy did was give initial condemnations. Similarly, even though Representative Lauren Boebert was widely denounced for calling Representative Ilhan Omar a member of the "Jihad Squad," McCarthy only released a statement saying he had talked with her, and she had apologized. Representative Paul Gosar's tweet sharing a violent anime video of himself attacking Representative Alexandria Ocasio-Cortez was largely met with a collective shrug from GOP leadership. One of the few Republicans McCarthy has chastised, Representative Madison Cawthorn, earned the wrath of his colleagues in the conference only because he claimed Washington was a den of coke-filled orgies.

"He's a consensus builder. He's not a top-down manager. He's not his-way-or-the-highway, and I think that is where the John Boehner-benevolent-dictator approach to leadership in the House would've fit in well in the 1970s or 1980s," said ex-Representative Mick Mulvaney, a former Trump acting chief of staff.

Tepid responses—when responding at all—suggest that McCarthy is wary about angering any wing of the Republican Party. If he becomes speaker, that will make his job difficult. Historically, caucus leaders have disciplined members of their own party by taking away committee assignments or offering forceful punishments, a tactic employed by Boehner against Representatives Justin Amash and Tim Huelskamp. If McCarthy

were to do that, it would contrast starkly with how he has behaved most of his political career; he is more likely to retaliate against Democrats for removing Greene from committees by doing the same to their members.

McCarthy's propensity to play nice may be a vestige of his time learning from Bill Thomas, who served in Congress for 28 years. But Thomas served in a very different Republican Party, and a very different House than the one McCarthy is managing today. "Bill Thomas would tell you, 'Back in the old days, we never did any of our fighting in public, we always did it in conferences.' And I think Kevin watched Bill Thomas build these coalitions," said Beene, the Bakersfield journalist. "[McCarthy] came up under one set of rules, and the rules have changed."

Thomas Massie, a Republican representative from Kentucky who frequently clashed with Boehner, said he believed the leadership tactic of kicking members off committees was "inappropriate," and he praised McCarthy for not taking that route. However, he acknowledged, "we're in the minority, and it's easy to be nice when there's not much to lose."

McCarthy's conciliatory tendencies have served him well in some respects. Allies of McCarthy will point to his forging of a strong relationship with Representative Jim Jordan of Ohio, the bellicose Freedom Caucus leader and ranking member of the Judiciary Committee. Where Boehner and Ryan had an antagonistic relationship with the more extreme ends of the conference, McCarthy has cultivated relationships to ensure his standing with them, at least temporarily. "He doesn't just know your name. He knows your spouse's name. He knows your dog's name. He knows your favorite athletic team. He knows what you like to drink or smoke or what candy you like. I mean, his mastery of the individual relationships in the conference is pretty impressive," said Representative Tom Cole, the respected ranking member of the Rules Committee. "Beyond that, he's just a hard guy not to like." This camaraderie largely does not extend to Democrats—his sole relationship with Democratic leadership appears to be with Majority Leader Steny Hoyer—or even to some Republicans: He does not have a close relationship, sources told us, with Mitch McConnell.

But a few months before the November elections, some congressional Republicans are privately unsure if McCarthy even has the votes to become speaker. There's almost always some last-minute alternative candidate who emerges in defiance of the front-runner. It's likely a long shot will throw his or her hat in the ring, but congressional Republicans interviewed for this article also suggested that a more serious candidate like House Minority Whip Steve Scalise, McCarthy's longtime deputy and occasional rival, would make a play for the speakership. Others have mentioned House Republican Conference Chair Elise Stefanik, who has spent the past year burnishing her credentials with the MAGA crowd.

And speaking of that crowd, there is the question of Trump's blessing, which McCarthy does not quite have yet. Recently, Trump endorsed McCarthy for reelection but not specifically to lead the caucus—a point Trump has stressed in public interviews. That's unlikely to deter McCarthy, who often responds to rejection with persistence and even stronger charm offensives. Republicans close to both McCarthy and Trump say the California Republican

knows that his prospects to lead the caucus depend in large part on Trump's backing, a point that Trump, too, is well aware of.

Some House Republicans have dismissed reporters' questions about leadership as inside baseball, but even a sidestep can be telling. "I think we have a clear objective here as a conference: Go win seats and go create a majority to go stand up against Biden. And we need to have a conversation about what that's going to look like, and then we'll figure out our leadership structure," said Representative Chip Roy of Texas. "Kevin's a friend. I have a lot of friends in the conference. Let's just keep marching forward and win in November."

Which brings us to the big question: Assuming Republicans take the majority in November, and assuming they do select McCarthy as their leader, what will they do? Of course, Biden will still be in office, and Democrats have a much better chance of keeping the Senate than they do the House. If Republicans only hold one chamber in Congress, many of their votes will be little more than messaging items destined to die in the Senate (which will be true even if the GOP takes the Senate but is short of the 60 votes needed to break a filibuster).

One such vote could be on a bill to ban abortion on the federal level. In a press conference hours after the Supreme Court overturned *Roe v. Wade*, McCarthy teased that House Republicans could vote on such a measure. When asked what abortion-related bills he would be willing to put on the floor if Republicans retake the House, McCarthy replied somewhat vaguely: "First and foremost, I believe in saving every life possible."

There are also plenty of actions a Republican-controlled House could take that have nothing to do with legislation but would be designed to weaken Biden and the Democrats: investigating Hunter Biden, for example, or opening their own probe into the activity of the select committee investigating January 6. Republican leadership is already plotting to subpoena records from the committee, Axios reported, and GOP Representative Rodney Davis of Illinois in June announced that he had submitted a preservation request for all documents from the committee, setting up a future investigation by the House Administration Committee.

Davis lost his primary to fellow Representative Mary Miller, which in itself presents potential trouble for McCarthy: What will the Republican conference look like? Republicans who boast ideologies that were once at the fringe of the party are increasingly winning primaries, meaning that representatives like Greene and Boebert may be joined by more fellow ideologues. Miller, a freshman, has come under fire for appearing to praise Hitler and calling the overturning of *Roe v. Wade* a victory for "white life." In West Virginia's member-on-member primary, moderate Republican Representative David McKinley lost to Trump-endorsed Representative Alex Mooney.

If Republicans retake control of the House of Representatives in 2022, that will open the door for some of the fringe lawmakers in the caucus to lead congressional investigations as well as for rabid interest in impeaching Cabinet members. "They will likely impeach [Attorney General] Merrick Garland," predicted congressional scholar Norm Ornstein. "I think they want to hamstring the Justice Department and delegitimize it as much as they can." And there is the strong possibility that they will move to impeach Biden over, well, something—the

If Republicans retake control of the House of Representatives in 2022, that will open the door for some of the fringe lawmakers in the caucus to lead congressional investigations as well as for rabid interest in impeaching Cabinet members. And there is the strong possibility that they will move to impeach Biden over, well, something—the situation at the border is an oft-cited contender.

situation at the border is an oft-cited contender. Senator Ted Cruz and a number of House Republicans have said as much; McCarthy has said only that the Republicans wouldn't impeach Biden "for political purposes," which of course still leaves the door wide open to an impeachment on what McCarthy would tout as substantive, legal grounds.

Jordan (one of the two members Pelosi refused to put on the January 6 committee) will probably become chair of the House Judiciary Committee. Representative James Comer of Kentucky would take charge of the House Oversight Committee. Comer, in his current capacity as ranking member of the Oversight Committee, has already spearheaded a Hunter Biden–related attack, sending a letter to Biden's art dealer, Georges Bergès, demanding correspondence between the Biden son and the White House, and asking Bergès about the prices fetched by the younger Biden's canvases. Then of course there are his business dealings with China and his now-infamous laptop, discovered in a Delaware repair shop in 2020.

Republicans don't reveal much about the type of investigations they want to see if they retake the House. It's more of a long, rambling wish list. Retiring Representative Louie Gohmert, in a brief interview, said he hoped Republicans in the next caucus would investigate the FBI. Representative Cathy McMorris Rodgers, a former House Republican Conference chair, said there's a "long list" of investigations she would like to see, before she ticked off "addressing gas prices" and looking into the "origins of Covid-19. Investigations of Big Tech, Big Tech censorship."

Of the 10 Republicans who voted to impeach Trump, four are retiring, and one has lost his primary (two others, Liz Cheney and Peter Meijer, hadn't yet faced their primaries at press time). Few Republicans voted for bipartisan initiatives like the massive infrastructure bill or gun safety legislation. Some GOP members who have taken controversial votes have subsequently been punished: McKinley had voted for and defended the infrastructure bill, Davis supported a measure creating an independent commission to investigate January 6, and Representative Tom Rice voted to impeach Trump and had distanced himself from the president.

McCarthy has made inroads with the hard-right faction of his conference, as evidenced by his relationship with Jordan.

But it may be difficult to wrangle a caucus filled with members who dispute the results of the 2020 election and often abhor compromising with the opposite party. This is not to say that cooperation across the aisle is impossible; just last year, Representative Kelly Armstrong, a hard-line conservative, teamed up with Democratic Representative Hakeem Jeffries on a bill to address sentencing disparities for crack cocaine, which garnered nearly 150 Republican votes.

But there is a conceivable future where Congress will need to raise the debt limit to avoid having the country default on its debts, for example, and McCarthy will have to contend with dozens of House Republicans who will not wish to bail out a Democratic president. What will McCarthy do? When asked what the House would be like under Speaker McCarthy, Representative Adam Kinzinger shrugged. "I don't know. It's going to be weird though," Kinzinger said.

If he does become speaker, McCarthy's famed propensity for maintaining power through personal relationships will be pushed to its limit. Thus far, McCarthy has been able to address any disagreements largely behind closed doors, and with limited consequences for offenders; Liz Cheney's removal as chair of the GOP conference was perhaps the greatest punishment any Republican has received over the past two years. But he may face opposition from his right flank echoing what his two predecessors, Boehner and Ryan, contended with while McCarthy waited in the wings. Heavy is the hand that holds the gavel, particularly if the other hand is preoccupied with placating the Freedom Caucus and Donald Trump. McCarthy rose to the precipice of the speakership through charm and conciliation. His ascendance has been about making the people he needs for advancement happy—including Donald Trump. But being speaker is a job that requires confronting colleagues in not just the opposing party, but one's own. That will be especially true for anyone leading the Republican Party, as its members lurch more toward extremism. When a moment of truth confronts him, will McCarthy have the backbone to choose the defense of democratic principles over the pursuit of partisan power? His choices so far indicate which course of action he will pursue. **IN**

Grace Segers and Daniel Strauss are staff writers at The New Republic.

The Young and the Restive

Young voters are utterly disillusioned.
Can Biden do anything to turn that around by November?

By Alex Shephard

Illustration by Joan Yang

JOE BIDEN HAS a problem with young voters. A big problem, in fact. His approval rating is underwater with 18- to 34-year-olds by a staggering 35 points, as per a July poll from Monmouth University. Only 28 percent of these voters approve of his performance, down 31 points from when Biden took office less than two years ago. A recent *New York Times*/Siena College poll, meanwhile, was even more dismal: Ninety-four percent of 18- to 29-year-olds think the Democrats should nominate a different candidate in 2024. His descent with the young has dramatically outpaced that of other age groups; it has coincided with a similarly steep drop-off among Black and Hispanic voters.

It is also something of a mystery. Inflation is particularly important for these voters, who are less likely to be homeowners than their parents and are seeing the cost of everything skyrocketing. But then again, so is everyone. Young voters tend to be more progressive and in favor of universalist policies—they were far more likely to vote for Bernie Sanders than they were for Biden in the 2020 presidential primary. Biden has made numerous rhetorical shifts to the left since winning the Democratic nomination but has watched Democrats like Joe Manchin and Kyrsten Sinema stymie his more ambitious efforts. There is, always, the question of vibes. Biden, who turns 80 shortly before Thanksgiving, is no one's idea of a youth candidate and is certainly the squarest Democratic president since Lyndon Baines Johnson.

Biden's struggles also point to a gnawing anxiety among many Democrats: that they'll suppress young voter turnout in the midterms to historic lows. Will young Democrats' growing disaffection with Biden matter in the midterms? And can Democrats do anything to stop it?

AFTER A BRUTAL 2021—and a sluggish start to 2022—the progressive left won a crucial victory in Pennsylvania's 12th Congressional District. Summer Lee, a 34-year-old community organizer endorsed by Bernie Sanders and Alexandria Ocasio-Cortez, overcame massive spending from outside groups to narrowly defeat Steve Irwin, a Pittsburgh attorney with the backing of the Democratic establishment. Lee backs policies like the Green New Deal and Medicare for All and will likely slot in with “the Squad”—the group of young, leftist members of the House that includes Ocasio-Cortez, Rashida Tlaib, Ayanna Pressley, and Ilhan Omar. Her victory, in some ways, reflects a new Democratic coalition that is emerging in western Pennsylvania—a transition from one rooted in manufacturing to one in health care. But it also pointed to a solution to one of Democrats' biggest problems: their struggles with young voters.

“Youth voter turnout was crucial to Summer Lee,” Usamah Andrabi, a spokesperson for Justice Democrats, a progressive group that backed Lee, told *The New Republic*. “That’s the future of districts like that. There was a big push to make that happen and to focus on the issues that actually matter—climate change, universal health care, Supreme Court reform—and fight for those issues—that’s why you saw young voters flock behind a progressive like Summer Lee.”

Lee is, of course, something of an outlier. Most of the candidates running are incumbents, nearly every Democratic primary has concluded, and there are few new Squad contenders in the mix—not that that would necessarily be a boon everywhere in the United States. She's young and will likely be Pennsylvania's first Black woman representative—the district, which covers parts of Pittsburgh and its suburbs, is deep blue. But, while the party has seen its first batch of zoomer candidates—25-year-olds

Maxwell Frost and Ray Reed, both of whom are Black, are running to represent Florida's 10th District and Missouri's 2nd—the Democratic Congress remains, by and large, old and white. The average age of its congressional leadership is 72; the Democrats whom young voters are most likely to encounter are Biden (79), House Speaker Nancy Pelosi (82), and Senate Majority Leader Chuck Schumer (a spring chicken at 71). A first-time voter in 2022, meanwhile, may have only faint memories of Barack Obama's presidency; even those up to about age 30, unless they were unusually political youngsters, missed out on his transformational 2008 presidential campaign.

It's not just age, of course. The sitting president's party has gained seats in the first-term midterms only twice, both in extraordinary circumstances: once after Franklin D. Roosevelt's first two years in office, in which he launched the New Deal, and again a year after the September 11 terrorist attacks.

“In a political environment that's as nationalized and polarized as ours is, people's view of the president will largely determine, I think, their view of Democrats as a whole—so certainly, the fact that the president is having a tough time staying above water will have really significant implications for Dems down the ballot,” McKenzie Wilson, communications director at Data for Progress, told *TNR*. “That doesn't mean that there aren't things that Democrats and President Biden can do between now and November to help fix that, though. But it definitely means that there's a need for some concerted effort here to make young people feel like our political system and the president specifically are pushing for policies that are important to them and impact their lives.” That may be a struggle, however. After a grueling primary, Biden tacked left on the campaign trail, winning over Sanders supporters with pledges of an



“FDR-sized presidency.” He pushed bold action to fight climate change and protect reproductive rights, and he proposed a raft of spending to back his pledge for a new New Deal. Nearly two years into Biden’s presidency, his agenda has stalled. His biggest legislative accomplishments remain a stimulus package that has largely been forgotten, a compromise infrastructure bill that is big but whose effects aren’t felt yet, and, perhaps most impressively, the first piece of federal gun control legislation in decades. That bill, which required the votes of 10 Republicans and received the votes of 15, nevertheless is not exactly a gun control bill per se and mostly revolves around closing loopholes, expanding background checks, and providing mental health and security funding for schools. It was, like much of Biden’s last year, also beset with bad luck: It was signed into law just the day after the Supreme Court repealed *Roe v. Wade* and buried beneath an avalanche of stories about the loss of women’s bodily autonomy.

The failure to fulfill promises made on climate change, gun safety, and reproductive rights is surely driving much of the discontent among young voters. So is a

larger disconnect: the sense that Democratic leadership does not take their struggles seriously. “One of the big takeaways for me from writing my book is just how widespread disaffection is with these people, I mean especially among young people,” Raina Lipsitz, author of *The Rise of a New Left: How Young Radicals Are Shaping the Future of American Politics*, told *TNR*. “Very young people have been through a lot in a very short time. They’ve seen two different waves of Black Lives Matter essentially, 2013 to 2016 and then the summer of 2020, in response to the same problem: really grotesque acts of police brutality that we never addressed or fixed, that just keep happening. They’re seeing a worsening climate crisis. They’re seeing a second major economic recession. They’ve lived through a global pandemic where a million Americans died because the government horrifically mismanaged it. This ongoing crisis of gun violence that they very much grew up in the shadow of and don’t see anybody really doing anything about. It’s not just Biden, but I think Biden is a particularly good representative of everything that’s out of touch and clueless.”

The willingness to campaign on existential threats like climate change but then struggle to pass meaningful legislation—often because of slim majorities or arcane rules—only drives this dissatisfaction. One solution would be to find a way to break the legislative gridlock that has hampered the Biden administration since last summer. That, of course, will be hard to do in a Senate with only 50 Democrats, two of whom are Joe Manchin and Kyrsten Sinema. More aggressive executive orders—like one that would have declared a public health emergency in response to the overturning of *Roe v. Wade*, which the administration considered but tabled—would be one option. Executive actions, of course, are hardly a political balm. Increasingly utilized to get things done in a polarized and dysfunctional political system, they proved little help for Barack Obama and Donald Trump in midterm elections in 2010, 2014, and 2018.

“Delivering on promises when you’re coming out of a crisis matters. People want something big, bold, and concrete,” Andrabi told *TNR*. “Instead, too often, they’re getting a lack of action. Without

that, you're going to see disaffected young voters wondering what's the point of going to the polls when that's exactly what they did two years ago. And they did it with the promise of fighting climate change, acting on gun violence, student debt cancellation, and protecting reproductive rights. Almost none of that has happened."

One option would be to take up a polarizing issue that is uniquely important to the young, like student debt cancellation. Although this remains contentious with the wider electorate, it's broadly popular among young voters for obvious reasons, despite the fact that only a third of voters under the age of 30 carry it. Biden has shown more willingness to cancel debt and has recently moved to cancel the federal student loan debt of about 200,000 people—a small step that is far from full cancellation.

Messaging, something Biden has struggled with as his poll numbers have dipped, may help. "I think the times where he has talked to the public—after the shooting in Illinois, after *Roe v. Wade*—I don't think he's really set a tone of assurance and anger and leadership in the way that a lot of young people, I think, look around the country and feel," Wilson said. "It's not easy," she continued. "I feel like there's a way for the Biden admin to be more tactical about the good things that they do. Are they communicating about it effectively to young people? There's been [a] huge rise in activism around gun safety in the last several years, especially with young people leading. I don't see him using the fact that he passed this bill as a way to persuade young people that their involvement does have an impact."

Ultimately, Democrats in November do have one thing going for them that's unlikely to change: They're not Republicans. The same Monmouth poll found that 59 percent of young voters want Democrats to retain control of Congress in November, compared to only 34 percent who prefer the GOP. That suggests the collapse isn't total, and that it may, in fact, largely be focused on Biden himself. But disaffection with Biden is clearly dampening enthusiasm among young voters, whom Democrats desperately need in November. They're running out of time. Worse, it's not clear they have any idea what to do. **IN**

Alex Shephard is a staff writer at The New Republic.

The Immoderate Moderate

Democrat Elaine Luria's Virginia Beach district has been called the nation's swingiest. And she thinks she can hold it by defending democracy.

By Walter Shapiro

IT WAS THE KIND OF small-town Fourth of July parade that was only missing Norman Rockwell painting it for a *Saturday Evening Post* cover. The scene in Cape Charles, Virginia, a beach community near the south end of the Delmarva Peninsula, featured nine venerable members of the American Legion at the head of the parade; a high school marching band playing a slightly off-key rendition of the "Battle Hymn of the Republic"; and a star-spangled symphony of small U.S. flags.

Behind a banner for the Northampton County Democratic Party, two-term U.S. Representative Elaine Luria and her daughter Violette sat at the back of a golf cart gleefully tossing candy to the crowd along Mason Avenue. From the sidewalk, Fitzhugh Godwin, an attorney in nearby Onancock, shouted, "You've got my vote." Explaining his enthusiasm, Godwin stressed Luria's service on the House committee investigating the January 6 insurrection and her spot on the Armed Services Committee. The parade had a festive air devoid of politics, one of an old-fashioned America where political differences could be resolved over an ice-cold glass of sarsaparilla down at the drugstore. Cape Charles (population: 1,245) seemed a century away from the violent mob ransacking the Capitol last year.



Representative Elaine Luria spoke with D.C. police officers after the January 6 committee's July 21 hearing.

An hour later, sitting on the porch of a supporter's home in Cape Charles, I asked Luria about the discrepancy between the understated sense of unity at the parade and the bitter divisiveness of U.S. politics. A former Navy commander with a Naval Academy ring visible on her finger, Luria replied in her characteristic soft voice, "I just feel like a lot of division and political turmoil that you might see turning on the TV ... just doesn't permeate here in the same way." Talking proudly of her district (VA-2), centered in Virginia Beach in the southeastern corner of the state, Luria added, "The only time I think that really nasty political division comes up is election time when people feel they need to score some points."

Luria's seat is about the most evenly divided in the country. Based on its partisan voting history, the *Cook Political Report* rates Virginia's 2nd District as just a hair more Republican than Democratic—224th out of the nation's 435 House districts. Using the 2020 presidential vote as a barometer, Kyle Kondik from Sabato's Crystal Ball at the University of Virginia calls it the median congressional district in the country. Joe Biden won with 50 percent of the vote, but Republican Glenn Youngkin swept it by a double-digit margin in the 2021 gubernatorial race. Referring to Luria's reelection fight in this ultimate swing

district, a top Democratic strategist said, "It's a race that could be decided by 500 votes."

"Virginia Beach is a very peculiar place," said Bill Curtis, chairman of the Republican Party of Virginia Beach, the city that makes up about three-fifths of the district's voters. "We're very cosmopolitan. There is a heavy military presence here. And a lot of people have moved here from up North. We're mostly a moderate area." Or as Ben Tribbett, who has been a consultant for Luria, put it, "This is a congressional district that's unlike any in the country—that military presence gives it a different vibe." The Hampton Roads area, which includes Virginia Beach, is dotted with naval bases. The standard calculus is that one-fifth of the district's voters are active-duty military and veterans. But the Luria campaign estimates that the number might be as high as 50 percent when you throw in military families and those employed by defense contractors.

Rather than run as just a cookie-cutter moderate Dem who supports the troops, Luria has taken a bold risk as she seeks a third term in office. Luria is the only endangered Democrat on the January 6 committee, and is poised to make her race a referendum on the future of democracy. In her first TV ad, Luria declared, "This is about our democracy. It's not about retaining

power in the House or a potential reelection.” She echoed that sentiment when I spoke to her: “I truly feel it’s more important to do the right thing and be on the right side of history. And if it were to mean that I didn’t get reelected in 2022 because of this, I would be OK with that and able to sleep at night. I know I’ve done the right thing.”

SINCE SHE WAS 17 years old, growing up in a comfortable Jewish family in Birmingham, Alabama, Luria has made unorthodox choices. Instead of attending Columbia, her initial college choice, a summer science program at Annapolis prompted her, as she put it, to fall in love “with the Naval Academy and the idea of being an officer in the Navy.” Her timing was impeccable: While she was a student, the statutory ban on women serving in combat was lifted. Soon after graduation, she became a surface warfare officer. By the end of her 20-year naval career in 2017, she had commanded an assault ship plying the Persian Gulf in search of Iranian vessels.

Before she left the Navy, Luria and her husband, Robert Blondin, also a retired Navy commander, had started a souvenir business in Norfolk (since sold) called the Mermaid Factory, where tourists paint molds of mermaids. As late as 2016, Luria was apolitical enough to have voted for Republican Representative Scott Taylor. But when she declared for Congress in January 2018, she was immediately embraced by national Democrats entranced by her military record. With Taylor battered by a scandal over fraudulent petition signatures, Luria won an upset victory by 6,000 votes.

As soft-spoken as Luria is, you never completely forget her military background. “She has two speeds,” said Andria McClellan, a friend and member of the Norfolk City Council. “There’s the quiet, humble speed and the take-charge leader speed. It’s jarring to watch her go from one to the other.”

She’ll need that other gear for her difficult reelection campaign this year. Jen Kiggans, the GOP nominee, is a former Navy helicopter pilot with a son at the Naval Academy. Jay Jones, a former delegate in the Virginia legislature and a Luria friend, who knows Kiggans from Richmond, said, “In a lot of ways, she’s a mirror image of Elaine.” Elected to the state Senate from Virginia Beach in 2019, Kiggans began as a centrist who emphasized a “return to normalcy” and “civility.” Her announcement video for Congress in April 2021 was a bland bio spot showing her wearing both a pilot’s leather jacket and a white coat and carrying a stethoscope in her job as a geriatric nurse practitioner. While there were obligatory jabs at the “cancel culture” and “liberal one-party rule” in Washington, the video ends with Kiggans declaring a bit incoherently, “I am urging all normal people with the courage to fight to forget about politics and join me.”

But faced with a GOP primary against mega-MAGA Trump supporters, Kiggans veered sharply to the right. In February, she was one of just four Republicans in the state Senate to vote for a baseless \$70 million 2020 election audit in Virginia, a state that Biden carried by nearly 500,000 votes. Even after she won the June 21 primary by a two-to-one margin over her nearest rival, Jarome Bell, Kiggans wouldn’t directly acknowledge that Biden won the 2020 election. And in a July interview with right-wing radio host John Fredericks, Kiggans expressed her willingness to shut down the government in Congress to build Trump’s wall.

None of that has been enough for Bell, who has refused to endorse Kiggans. “I call her Luria Lite,” he told me in an interview. “She pretends to be a conservative, but she’s really a moderate.”

UNLIKE ALMOST ALL endangered incumbents, Luria has regarded politics as secondary during the first half of this year. Instead, she’s been understandably preoccupied with her day job—documenting Trump’s role in directing a coup attempt to overturn the 2020 election. On a typical workday over the Fourth of July congressional recess, Luria was up at 5 a.m. in her home office and reading depositions, and by 7 she was on the phone with staffers to analyze testimony. “That’s pretty typical,” her husband said, “even on the weekends.”

Rather than shying away from the time-draining and divisive assignment, Luria, the most junior member on the committee, vied for the appointment from Nancy Pelosi. “She actively sought the opportunity, but she also knew the risk in doing so,” said her friend McClellan. According to Luria’s husband, neither of them had any doubts that she should serve. “I thought it was important to have a mix of members that had backgrounds like Elaine’s,” he said.

Luria was seen but not heard during the first seven hearings of the committee. Then she took center stage on July 21, the last public session until September. Along with Republican Adam Kinzinger, another veteran, Luria detailed Trump’s paralysis during 187 minutes as rioters rampaged through the Capitol. “This is not, as it may appear, a story of inaction in time of crisis,” she insisted in an understated, but powerful, closing statement. “But instead, it was the final action of Donald Trump’s own plan to usurp the will of the American people and remain in power.”

During that July prime-time hearing, Luria received more national television exposure than many veteran legislators get in an entire career. She may be most remembered for her artful—and hopefully permanent—put-down of Missouri GOP Senator Josh Hawley. Luria contrasted his raised-fist support for the demonstrators at the Capitol from safety behind police barricades with later video of Hawley sprinting from danger as the insurrectionists he’d encouraged headed for the Senate floor.

Since she was named to the committee in late June 2021, Luria—who was born the year after Richard Nixon resigned—has turned herself into a Watergate scholar. She has watched many of the 237 hours of testimony before the Senate Watergate committee chaired by Sam Ervin. Her home, a Spanish-style 1950s stucco house on a quiet block in Norfolk, is littered with Watergate books. The dark, wooden, built-in bookshelves, constructed by Luria and her husband, not only have the obvious (John Dean’s *Blind Ambition* and Ervin’s autobiography), but also have more obscure works such as *At That Point in Time* by Fred Thompson, the committee’s Republican counsel who later became a Tennessee senator. In a drawer filled with books, there is a copy of James Madison’s notes on the 1787 Constitutional Convention, punctuated by Luria with numerous Post-its. The house, where the once-nomadic Navy couple have lived since 2005, has other surprises, from the modern kitchen that they both built to a sewing machine on the dining room table where Luria is creating a cosplay outfit for her daughter.

This comfortable but far from lavish house comes with a geographic problem. Redistricting removed all of Norfolk from the

Rather than shying away from the assignment, Luria, the most junior member on the January 6 committee, vied for the appointment from Nancy Pelosi. “She actively sought the opportunity, but she also knew the risk in doing so.”

2nd District, while adding a Republican tilt. As we sat on a back patio, I asked Blondin what they would do if Luria were reelected. “We’re trying to figure that out right now,” he said, before adding with a bit of a sigh, “But you know, if that’s what’s required.”

Democratic moderates are often portrayed by the left as timorous figures reluctant to take strong stands for fear of political retribution. But, in contrast to many in Congress, Luria seems to be the genuine article. She has consistently broken with the Biden administration over military spending, especially for the Navy. “I got \$37 billion this year, and \$25 billion last year, added to the defense budget because I was quite disappointed in the administration’s submission,” Luria told me.

Luria is an ardent proponent of sea power. She worries “that we have allowed China to surpass us.” Her hawkish attitudes toward China lead Luria to somewhat downplay the far-reaching strategic implications of Russia’s ground assault against Ukraine. “A permanent, longer-term increased commitment in Europe is going to further weaken us vis-à-vis China and our ability to have a presence in the Pacific,” she said. Luria even expressed a bit of skepticism about admitting Sweden and Finland into NATO. “We just need to be cautious in terms of incurring additional commitments,” she said.

Luria displays a throwback, Biden-esque belief in bipartisanship based on both her service on Armed Services and the Virginia congressional delegation’s tradition of holding monthly meetings with Democrats and Republicans. Luria said that she recently asked John Lehman, the secretary of the Navy under Ronald Reagan, “How did you get the entire country, from the president on down, behind the idea of what we needed to do in order to defeat the Soviet Union?” The nostalgic belief that there was national unity over the Reagan defense buildup would have been a shock to liberal Democrats during the 1980s. Luria also bonded with Liz Cheney on Armed Services, long before the January 6 committee. “I have really always liked and respected her,” Luria said, “even though on issues we’re at a very different place.”

Most congressional Democrats will drop almost any topic to talk about the dire implications of the Supreme Court overturning *Roe v. Wade*. But on this, too, Luria is different, even though she unequivocally supports abortion rights. When asked about the political implications of abortion and other social issues, Luria replied with palpable reluctance, “We’ll have to see how important those issues are. I’ve never in two campaigns ... spoken about abortion as an issue, or choice as an issue.”

A HALF-CENTURY AGO (during the heyday of Tip O’Neill’s dictum: “All politics is local”), members of Congress were largely reelected on the projects and pork that they brought back to the district rather than ideology. In an era of nationalized politics, that idea now seems as quaint as the 1970s CB radio craze. But Luria and her campaign team believe that this election is about her rather than the national political environment. “I’m certainly the only Democrat who’s going to focus in my campaign on the fact that I got \$37 billion added to the defense budget,” she stressed. “You know, most of my peers would have run away from that.”

National Democratic strategists worry that one aspect of Luria’s political record may provide fodder for GOP attack ads. In an interview with Punchbowl News in February, Luria ridiculed as “bullshit” a proposal by Democratic Representative Abigail Spanberger of Virginia to ban congressional stock trades. Luria, who actively trades stocks in her retirement account, argued, “The people that you’re electing to represent you, it makes no sense that you’re going to automatically assume that they’re going to use their position for some nefarious means or to benefit themselves.”

Republicans make no secret of their intention to nationalize the Kiggans-Luria race. Before this campaign is over, voters in the 2nd District may, through GOP repetition, come to assume that it’s the “Biden-Luria” administration in Washington. Asked about the effect of the January 6 committee on the election, Dennis Free, chairman of the GOP committee in the 2nd District, said, “I think it will hurt Ms. Luria because she’s concentrating on things that don’t concern the country.” In Free’s telling, it’s all about inflation and immigration—and not about the first coup attempt since the Civil War.

“She’s a politician of the current era who could probably fit in an earlier era,” Jay Jones said. “She could have served on the Church Committee or Watergate.” In a sense, there is a knowing innocence about Luria. Not, in any way, weakness—she used to command ships. But rather a steadfast faith that America’s better angels can still be summoned. “If there can’t be some future rebirth of the Republican Party down the road, then I am fearful for our institutions,” Luria said as we spoke on the Fourth of July. “So I am not going to shy away from talking about that.... It is the most terrifying thing to me. And I would feel like I was being negligent or something if I didn’t talk about it.” **IN**

Walter Shapiro is a staff writer at The New Republic.

The Abortion Election

The stakes are highest in states where the legislature and the governor's mansion are held by different parties. How much will abortion rights motivate voters?

By Matt Ford

Photograph by Ron Haviv

WHEN AMERICANS go to the polls in November, they won't be able to vote Justice Samuel Alito out of office for his ruling in *Dobbs v. Jackson Women's Health Organization*. That decision, which overturned *Roe v. Wade* and the constitutional right to obtain an abortion along with it, isn't on the ballot this year. Nor are any of the justices who are responsible for it.

But in dozens if not hundreds of elections across the country, voters will still have their say on abortion rights. The party that controls each state's legislature will determine how far that state goes to restrict abortion access. And the party that takes Congress will decide whether there is federal protection for abortion rights or a national law that bans the procedure. Closer to home, even local races will help dictate what the future of abortion will look like in the communities where voters live.

Activists in the abortion rights fight say that they are seeing signs of movement in their direction after the Supreme Court's ruling. "This decision is already having a game-changing impact on races all across the United States," Mini Timmaraju, the president of NARAL Pro-Choice America, a leading abortion rights organization, told me in an interview. "People see who is fighting for their rights in this moment of crisis and who is working overtime to block their freedom to decide."

The highest stakes in this election cycle are in states where the legislature and the governor's mansion are held by different parties—for example, Pennsylvania, where Governor Tom Wolf, a Democrat who is term-limited, has vetoed multiple bills put forth by the state's Republican-led

legislature that would have restricted abortion access. One of those lawmakers, Republican state Senator Doug Mastriano, boasted after the *Dobbs* ruling that *Roe* had been "rightly relegated to the ash heap of history." Mastriano is now running for governor; if he defeats Democrat Josh Shapiro, currently the state's attorney general, it's likely that Pennsylvania Republicans will renew their push to criminalize the procedure.

Wisconsin—where Governor Tony Evers, a Democrat, faces a Republican challenger—is in similar straits. Shortly after the Supreme Court issued its ruling in *Dobbs*, Evers called a special session to repeal the state's 1849 abortion ban, which went unenforced during the *Roe* years but remained on the books. However, the state's Republican-led legislature ended the session without scrapping the law. Since gerrymandering gives the GOP an unfair edge in Wisconsin's legislative races, the goal for Democrats this cycle won't be to retake the chambers, but, more modestly, to prevent the two-thirds Republican majority that could circumvent Evers's veto if he is reelected.

Most polling suggests that a clear majority of Americans oppose the sweeping abortion bans that went into effect in about a dozen states after *Dobbs*. These bans sometimes lack exemptions for rape and incest and can be vague about when the procedure is allowed for life-threatening reasons. But people don't merely oppose the bans; a Pew Research Center survey earlier this year found that 61 percent of Americans think abortion should be legal in some form. About half of Pennsylvanians told pollsters that they think it should be legal in all or most cases; no fewer than 58 percent of Wisconsinites said the same thing.

Those figures—and similar ones in other states—suggest that abortion rights could be an influential factor in how Americans vote in November. At the same time, other concerns appear to be ranking higher in their considerations. Some surveys indicate that economic factors—not least crushing inflation and a potential recession on the horizon—are foremost in many voters' minds.

Abortion rights leaders are careful to say that they don't think abortion will be a decisive issue in the upcoming midterms, but they do think it will be a potent one. "Voters vote with their whole selves," said Christina Reynolds, the vice president of communications at Emily's List. "So it's not that we think this is the only thing voters will vote on. But we know poll after poll tells us how important this is to people, that it does matter."

In some states, abortion itself will be directly on the ballot. California voters will consider a constitutional amendment that would enshrine abortion rights in the state constitution. "This is absolutely a viable option for other states—and one that lawmakers and advocates elsewhere are also working on," Timmaraju told me. In Michigan, to take one example, advocates are collecting signatures for a proposed constitutional amendment that would protect people's right to make their own decisions about reproductive health care.

After the Supreme Court's ruling in June, none of these battles come as a complete surprise. Indeed, in the majority opinion in *Dobbs*, Alito framed the overthrow of *Roe* as a victory for the American democratic process. By finding a national right to abortion in the Constitution in 1973, he argued, the Supreme Court of that era had "usurped the power to address a question of profound moral and social importance" and "short-circuited the democratic process by closing it to the large number of Americans who dissented in any respect from *Roe*." The dissenters, for their part, argued that the whole point of a constitutional right was that it wasn't up for political debate.

In most circumstances, the democratic process runs through state legislatures. But the Supreme Court's ruling will also force a much broader swath of elected offices to navigate abortion politics going



Reproductive rights activists demonstrated in front of the United States Supreme Court on June 24, after the court announced it was overturning *Roe v. Wade*.

forward. Even in states that criminalize the procedure, local prosecutors could use their offices' discretion to decline to enforce those laws. In Georgia, Mississippi, and Texas, where the state legislatures have enacted strict bans on abortion, some district attorneys have already pledged not to prosecute abortion-related cases. Their commitments could raise the stakes for future elections for those positions.

State supreme courts, whose interpretations of state constitutions cannot be overturned by the U.S. Supreme Court, are also poised to be a battleground for abortion politics in the years to come. The Iowa Supreme Court ruled in 2018 that a right to obtain an abortion could be found in the state constitution. Earlier this year, a more conservative bench on the state's highest court overturned that ruling. In Montana, where the state Supreme Court handed down a similar ruling in 1999, conservative interest groups are mounting a campaign to elect anti-abortion judges to

the court, foreshadowing a potential bid to overturn that decision.

No state better symbolizes the multilevel fight over abortion rights this cycle than Michigan. Like Kansas, Pennsylvania, and Wisconsin, it has a Democratic governor—Gretchen Whitmer, who first took office in 2019—who favors abortion rights and a Republican legislature that hopes to restrict them. Michigan is among the handful of states with a pre-*Roe* ban on abortion that now, after *Dobbs*, can be used to prosecute cases. But Michigan Attorney General Dana Nessel has said that enforcement of the law is up to each of the state's 83 county prosecutors. Some have indicated they'll use it to prosecute cases; others have said they won't.

Whitmer is meanwhile engaged in a legal battle with the state Supreme Court to try to get it to overturn the pre-*Roe* ban, and abortion rights groups in the state are mounting a campaign to adopt a California-style constitutional amendment that would entrench abortion rights

in the state constitution. Both Governor Whitmer and Attorney General Nessel are up for reelection in November. "These will be key races in determining the future of abortion in Michigan," Timmaraju told me.

To succeed, abortion rights groups will have to convince a fatigued liberal electorate that their vote will actually matter in this year's races. Reynolds pointed to Colorado and New Mexico, two purple states where Democrats control the state legislature and the governor's mansion, as examples of where the liberal vote matters undeniably. "We understand the frustration of people who say, you know, when you say the answer is to vote, that that can feel far away, it feels incomplete," she told me. "But I think when you look at what has happened in states where we do have a pro-choice majority or we do have a pro-choice governor, I hope that people can find a little bit of hope there and understand that we can make a difference." **IN**

Matt Ford is a staff writer at The New Republic.

All Eyes on Georgia

For liberals, no state in the country feels more important this November than Georgia. Can Stacey Abrams and Raphael Warnock prevail?

By Kevin Lee

Photographs by Elijah Nouvelage

WITHERING JUNE sunshine shimmied off the rural asphalt, but tiny Reynolds, Georgia, population 926, basked in the rays of a different star: Stacey Abrams, the gubernatorial candidate and Nobel Prize nominee, who was visiting for a Saturday campaign rally. “We don’t have things like this in Reynolds,” said a Tim’s Fireside Grill server as she watched first responders’ vehicles gather at the town’s center. Reynolds has one grocery store, one gas station, a Dollar General, and four funeral homes. The Taylor County Courthouse is eight miles west in Butler, medical care even farther. Residents’ median age of 47 is 10 years higher than the state median. The town, whose population has dipped 14 percent since 2010, is close to half white and half Black. There’s no central square, but on an otherwise empty block, Baptist and Methodist churches sit like boxers in their corners, squaring off over souls. Abrams’s rally occupied a gazebo and tree grove between the churches.

If Reynolds was in unmistakable decline, Abrams’s fortunes were on an opposite trajectory. The daughter of Methodist ministers, Abrams entered politics in 2006, won a state House seat, and later became House minority leader. She cultivated strong relationships with community members, whom she enlisted to make inroads for her. Capitalizing on a growing Black middle class and an influx of better-educated, non-native Georgians who favored Democrats, Abrams founded Fair Fight and the New Georgia Project for outreach and registration. In 2018, Abrams was the nation’s first Black woman to secure a party nomination for governor.

“After the primary, Stacey unleashed a never-before-seen-in-Georgia organizing infrastructure, with people on the ground everywhere,” political strategist Dasheika Ruffin told me, her admiration plain.

“Stacey’s one of the most diligent people I’ve ever met in my life.” According to Andra Gillespie, a political scientist at Emory University, Abrams believed that polarization required new perspective. In statewide races, Democrats were traditionally moderate to conservative; being pro-gun was a typical rightward nod. Abrams, on the other hand, developed “a more base-focused strategy that recognized the middle had shrunk so much, it probably wasn’t worth the attention,” Gillespie said.

The closeness of the 2018 race heightened Georgians’ interest. FiveThirtyEight estimated that participation shot 21 points higher than its 1982–2014 average. After Republican Brian Kemp won by just 1.4 percent, or 55,000 votes, it was alleged that he had gamed the system. As secretary of state, he had, since 2010, scrutinized the New Georgia Project, questioned paperwork, and canceled over 1.4 million registrations, 534,000 of them on one July night in 2017.

Despite losing, Abrams was everywhere, on talk shows and cable news. Her name was floated for the Democratic Party’s 2020 vice presidential candidacy. And while she didn’t join the ticket, she was a vital organizer for Georgia’s surprising Democratic flip, in which Raphael Warnock and Jon Ossoff respectively became the Peach State’s first Black and Jewish U.S. senators and Joe Biden narrowly won Georgia’s 16 presidential electors.

Now Abrams is challenging Kemp, her former rival, in a state that in the 2022 contests may be more emotionally important to Democrats than any other. With democracy itself hanging in the balance, the stakes feel nothing less than dire. Around the nation, new redistricting and election laws, described by some Democrats as “Jim Crow 2.0,” have limited voter participation. Democrats hold a slim nine-seat advantage in the U.S. House and trail by two seats in

the Senate, though a pair of independents often vote with them. Legislative action is nearly deadlocked. Should Republicans prevail in November, Democrats can read the tea leaves from GOP gains in 1994 and 2014. With congressional control, Republicans will likely shift their focus away from the January 6 insurrection and voter accessibility and toward culture war issues; no doubt they will besiege President Joe Biden with spurious investigations. Meanwhile, the Supreme Court has issued a relentless stream of conservative victories, with indications of more to come. It’s hard not to see Georgia as Democrats’ last great hope; if the party can prevail in the ruby-red Deep South, the thinking goes, all might not be lost.

STACEY ABRAMS’S visit to Reynolds was symbolically important, said University of Georgia professor Charles S. Bullock III, because of an election more than 70 years ago: the 1946 state Democratic primary. In July of that year, after World War II Army veteran and Taylor County sharecropper Maceo Snipes defied Jim Crow and voted, vigilantes shot Snipes in the back. The victim walked more than three miles before someone took him to a hospital, where he was denied a transfusion for lack of “Black blood” on hand. Days later, he died; his accused murderers were exonerated.

Abrams’s nearby appearance consecrated Snipes’s still-unmarked grave. Soulful gospel music rang from the PA system as attendees fanned themselves in the dappled shade. “I had to witness this,” said Bernita Saunders, who left Reynolds in 1969. She had traveled all the way from her home in Rochester, New York, for the rally. “It’s like a historical movement. We’re looking forward to whatever areas could be picked up for our race.”



Democrat Stacey Abrams, who is running for governor of Georgia, waved during a March campaign event in Atlanta.

Freda Hankerson, who'd traveled from Villa Rica, Georgia, two hours northwest, said she liked Abrams's "tenacity." Hankerson's friend, Oglethorpe City Council member Jill Harrison, drove 20 miles north to Reynolds. She had found out about the rally from state Representative Patty Bentley, who was now greeting the 130 nearly all-Black attendees with exuberance. Down front, a gentleman rose from his rolling walker's seat and engaged her with call-and-response rooted in Sunday pews.

"We're in rural Georgia," Bentley shouted. "We praise the Lord down here." As Lee Greenwood's "God Bless the U.S.A." rang from the speaker cabinets, a lineup of local elected officials waved U.S. flags. Attendees without flags waved open hands overhead.

Following an introduction by a demure high school salutatorian, Abrams spoke.

She described her familiarity with poverty, the need for educational and medical access. She touted her establishment of rural Wi-Fi access, her efforts to make Covid-19 vaccines available, and her payment of the negotiated medical debt of 68,000 Georgians. She mentioned the necessity of an emergency insulin program for Georgia. "That's why on day one as the next governor of Georgia, my mission is to expand Medicaid in the great state of Georgia," she announced to cheers. It would be an economic measure, she said, that would ensure 64,000 jobs and clinch \$3.5 billion in public funds.

Her oratory rose and fell in cycles, then climbed to a final crescendo. After obliging a smattering of introductions and photographs, she climbed into a black SUV for the respite of a drive to Atlanta.

S **TACEY ABRAMS** is not the only Georgia politico shouldering Democratic hopes this year. The Senate seat of Raphael Warnock, in whose victory Abrams played such a pivotal role, also stands on the line. If he can't defeat GOP nominee and former University of Georgia football star Herschel Walker in November, Republican congressional power grows, and the ability to restore rights removed by the Supreme Court will be lost.

Like Abrams, Warnock grew up the impoverished child of pastors. He arose from Savannah public housing to follow the Reverend Martin Luther King Jr.'s academic and professional path, earned a doctorate, and then led the flock at Atlanta's Ebenezer Baptist Church as the youngest senior pastor in its history. His political

course intertwined with that of Abrams: For three years, he chaired the New Georgia Project; she endorsed his Senate run. Like her, he pushed for Medicaid expansion.

Unexpectedly, sorrow provided a key moment in Warnock's senatorial quest. When universally revered human rights icon and 34-year U.S. House veteran John Lewis passed away in July 2020, the funeral service took place at Ebenezer, an epicenter of the civil rights movement. At the same pulpit where King once held sway, Warnock presided over Lewis's dignitary-laden ceremony, attended by three former presidents; Barack Obama delivered the eulogy. Warnock's oratorical poise showed why several nationally renowned Democrats endorsed him in the Senate race against Republican Kelly Loeffler. "Here lies a true American patriot who risked his life and limb for the hope and promise of democracy," Warnock said of Lewis. "He loved America until America learned to love him back."

In 2020, two months after the general election, Warnock and Ossoff both forced their Republican opponents into special runoff elections. And as the presidential race dragged through weeks of recounts and contested results, Georgia's Democratic Senate nominees kept at the stump. "Georgia got a tremendous amount of national attention, not just because it was a key swing state in transition, but at that point, it was the only thing going on," said Alan Abramowitz, a professor emeritus at Emory University whose political models have correctly predicted every presidential election from 1988 until 2016. When Warnock's race was called in his favor—roughly 45 minutes before midnight on January 5—he became the first Black Democratic senator from the former slaveholding Confederacy. Ossoff secured his seat hours afterward. In their victories, it seemed as if the two had pushed aside the Old South. But within 12 hours, a violent mob brandishing Confederate flags invaded the U.S. Capitol, seeking to topple constitutional order. Dixie's darkness had tracked the new senators to Washington.

IN THE SOUTH, politics have an undeniable ethnic slant, askew that provides insight to Georgia's now-seismic political landscape. Pew Research polls show that white Georgians identify



In October 2020, during his campaign for a U.S. Senate seat, Raphael Warnock elbow bumped a supporter in Atlanta, Georgia, before casting his ballot.

as 59 percent Republican, 25 percent Democratic, and 17 percent independent. Black Georgians lean in the opposite direction: 73 percent are Democratic, 15 percent independent, and 12 percent Republican.

The state's changing demographics help explain its political shifts. Georgia's non-Hispanic white population dropped from 70 percent in 1980 to 50.1 percent in 2020, per the census. The Atlanta metro area has the fourth-largest Black immigrant population in the United States, according to *The Atlanta Journal-Constitution*; its metro holds more than half of the state's 10.7 million residents. One of the nation's largest metropolises, it boasts the world's busiest airport and a Democrat-friendly ethno-socio-demographic profile, in effect a blue impact zone rippling across political maps.

"Atlanta has made the difference the last 20 years," Bullock said. Before 2004, metro Atlanta had just three blue counties. Since 2016, there have been nine—or "10, once Fayette County flips," Bullock added. All four of the largest counties in Georgia (Fulton, Gwinnett, Cobb, and DeKalb) now vote Democratic, and the Democratic share of votes in Gwinnett and Cobb has been increasing every election since 2014. The shift in these counties was incredibly

rapid, even "shocking," Abramowitz noted. In 2012, they were Republican by double-digit margins; by 2020, they were Democrat by a similar proportion. Some smaller cities, including Albany, Athens, Columbus, Macon, and Savannah, have also been dependably Democratic, and the agricultural Black Belt girdling middle Georgia is tinged blue, too.

According to Abramowitz, the growing numbers of Black, Asian, and Hispanic residents in the state have been key to its Democratic transformation. The other thing that helped Democrats in 2020, Abramowitz said, was the reaction many white, suburban, college-educated voters had to Trump. *Washington Post* exit polls showed 54 percent of women voting for Biden, and 55 percent of men voting for Trump. As always, race was an important factor: Almost 70 percent of whites voted for Trump, while 88 percent of Black voters and 62 percent of Hispanic/Latino voters picked Biden.

However, not all Georgia Republicans were necessarily Trump fans, a key to Biden's unexpected win. In the five counties with the largest Republican margins of victory, Republicans increased their overall numbers, but Trump fared worse in 2020 than 2016. Georgia Secretary of

ELIJAH NOUVEAU/GETTY

State Brad Raffensperger testified before Congress that 28,000 voters who cast ballots for down-ballot Republicans didn't vote for Trump. Biden won by fewer than 12,000 votes.

Lagging interest wasn't solely a Republican issue. Despite Abrams's historic efforts, a *New York Times* analysis found that the Black share of the electorate fell from 2016 to 2020, too. If Democrats want to maintain their narrow hold, that trend will need to be reversed. "We can't declare Georgia blue yet," Gillespie said. "Honestly, we can't continue to declare Georgia purple until we have more data points."

LIKE MOST fast learners, Abrams has had her share of missteps and unexpected difficulties. Her quick rise left bruised egos among some more established players. Bullock, the University of Georgia professor, felt that the reaction was partly "jealousy," that Abrams's resources had allowed her to "roll over" anyone else. Abrams, Bullock noted, had criticized Michelle Nunn's and Jason Carter's 2014 campaigns (when Nunn was running for the Senate and Carter for the governorship); she felt that these scions of older politicians—Georgia Senator Sam Nunn and former President Jimmy Carter, respectively—left too many pockets of marginalized voters.

Others believe that Abrams, however inadvertently, has simply overshadowed the predecessors who facilitated her success. Political strategist Richard McDaniel, who worked for both Obama's and Hillary Clinton's Georgia campaigns, argued that her rise was the result of a true grassroots program that continually closed margins from 2012 to 2018. He called U.S. Representative Nikema Williams's husband, Leslie Small, a "mastermind" for his longtime work organizing Democratic voters. "We took the same tools about teaching people how to sign up for the Affordable Care Act, or violence prevention, or immigration rights, and put those organizing tactics to it," McDaniel said. He credits Abrams for building "a hell of a machine" to complement the prior work.

Nevertheless, her polling lags with Black men, as McDaniel acknowledged. When it comes to that demographic, he said, "We just have a trust problem, period. Always have." He spoke of Black men feeling

exploited and ignored by Republicans, and Democrats forgetting Black men's concerns after elections conclude. "Look at the Ahmaud Arbery situation and the George Floyd situation. Those happened, and we're nowhere closer to criminal justice reform or police brutality." Indeed, in 2016, Trump got at least 12 percent of Black male votes, and the proportion of Black men voting for Republicans in Georgia has slowly increased over the last few election cycles.

The gender gap, however, predates Stacey Abrams and isn't limited to Georgia, as Gillespie pointed out. Experts are unsure about its cause, but Gillespie suggested that adherence to "traditional gender roles" was a factor. Other cultural issues are also touchy. "Abortion will work in metro Atlanta, but you get to the rest of the state—" McDaniel trailed off. "And you can't talk about guns to rural Georgia. This is the South, and there are probably more Black women at the gun range now than ever before."

Abrams can fault Kemp for not expanding Medicaid, but a solution isn't simple; she can't unilaterally change it, Bullock said. Abramowitz agreed: "At one time, but not anymore. She can argue she will push hard to get it to the legislature, no matter who controls it." (Abrams's and Warnock's camps declined interview requests for this article.)

FORMER RUNNING BACK and MMA fighter Herschel Walker, Warnock's competition for the Senate seat, won more than a national championship and a Heisman Trophy playing football at the University of Georgia 40 years ago. He gained divinity in Peach State lore. That's why his campaign appearances triple the standard duration: The Republican nominee has indulged football fans with photos and autographs for hours. Whether these efforts will translate into votes, of course, is another matter. "He's doing a great job with his retail politics, but no matter how many of these he does, he can't meet the millions of Georgians turning out to vote," Bullock said.

Initially, Walker's candidacy wasn't taken seriously. He was endorsed by former President Donald Trump last September, but the endorsement soon devolved into curiosity, as both candidate and booster

argued about whose idea the campaign was. It didn't help that Walker's past was problematic, to say the least. He openly discussed his dissociative identity disorder. He claimed to have played Russian roulette. He threatened multiple people with blade and gun. He said he finished atop his college class when he had a B average and didn't graduate. He falsely posed as law enforcement. He inflated his records as a businessman. He claimed to have led a nonprofit for veterans, when in reality he was only paid for a celebrity endorsement. His frequent condemnations of absentee fathers became ironic when, after a *Daily Beast* story, Walker revealed a clutch of clandestine offspring—multiple sons and a daughter.

"You get the feeling when you hear him that he's not ready for prime time," Abramowitz said. Indeed, in his TV appearances, his statements were often opaque. After the Uvalde, Texas, school shooting, he fielded an impromptu query about gun policy with a rambling, barely decipherable monologue: "People see that it's a person wielding that weapon, you know, Cain killed Abel, and that's the problem that we have. And I said, what we need to do is look into how we can stop those things. You talk about doing a disinformation. What about getting a department that can look at young men that's looking at women, that's looking at their social media? What about doing that, looking into things like that, and we can stop that that way?"

Warnock, meanwhile, has capably touted his work to cap prescription drugs, suspend the federal gas tax, and halt price gouging. Pro-Warnock outside groups, according to Abramowitz, are prepared to use "actual clips of Walker saying pretty crazy stuff." It seems likely, in any case, that Warnock will argue that his "better command of the issues," as Gillespie put it, and his ability to "talk about them cogently" make him the better candidate. He has challenged Walker to three TV debates, in Atlanta, Macon, and Savannah, invitations to which Walker has given cursory agreement but no specifics. Walker skipped his Republican primary debates. "Warnock is a very accomplished speaker," Bullock noted. "When it comes to substantive knowledge about public policy, Walker better bring his A-game."

Walker's strategy will likely involve speaking to voters' dissatisfaction with the current administration. Gillespie expects him to try and shackle Warnock to Georgians' distaste for Biden, and maybe shave away socially conservative Democrats. "But if there continues to be a [Walker] scandal or gaffe every week, or every other week, I think it could erode confidence," Gillespie said.

It may be dangerous to treat Walker as anything less than a formidable candidate, however. One political strategist noted, for instance, his recent remarks about destigmatizing mental illness when asked about his past behavior. "It was a good answer," the strategist said, one that also dovetails with the Republicans' emphasis on improving mental health as a solution to mass shootings. As a warning, she pointed to Alabama, where in 2017 Democrat Doug Jones faced Republican Roy Moore in a special Senate election. Moore, who was accused of preying on underage women, lost by only 1.5 percent.

THE RURAL SOUTH can puzzle modern Democrats. Limited opportunity and rampant poverty in the region make it seem ripe for Democratic outreach, but its conservative culture poses a stumbling block. A special touch is needed to reach an electorate that feels forgotten.

Freddie Powell Sims, a state senator in Georgia, knows the territory, both strategically and geographically. The former teacher and school principal said it takes 90 minutes to cross her 12th District, where 156,000 residents are scattered over 11 counties. The issues Sims's constituents care about don't much resemble those emphasized by her colleagues in the Democratic Party. For example, "abortion isn't a hot topic in southwest Georgia," the 18-year legislative veteran said. "I never get asked about it." Rural voters care more about "kitchen table issues": the expensive gasoline required by farm equipment, the drought that's compounding problems. "They're going to get a double whammy," Sims said. "Yields will be lower simply because they can't afford needed irrigation."

As Sims well knows, rural Georgia is hemorrhaging population. That's why a state Senate seat in the area is disappearing. "My district lost three or four hospitals the

last decades," she said. And jobs supplying health care insurance are rare.

In such a context, pragmatism is of utmost importance. "We have learned to work across the aisle with Republicans, independents, anybody that wants to improve the economic conditions of our small municipalities and counties," Sims said. "We are there, at the table." In many ways, the situation plays to Abrams's strengths. She knows how to "code-switch," as Gillespie put it, how to lean on "bread-and-butter issues." Sims agreed. "Stacey understands the farmer's plight, the plight in these small towns. She understands the broadband, health care, and educational issues."

"In my field, I call it deracialization," Gillespie said. The term emerged in the 1990s to encompass a stylistic approach that avoids racial polarization by skirting race-specific issues in favor of universal concerns. For Abrams, that entails stressing educational, economic, and medical access. In 2018, she won seven of the 11 counties in Sims's district.

INFORMED BY the razor-thin margins of previous campaigns, experts anticipated close races for Abrams and Warnock, and early numbers have followed their predictions. A RealClearPolitics aggregation of five polls between April and July 11 showed Warnock with a 2.8 percent lead. An early July Data for Progress poll gave Walker a 2-point advantage. In the gubernatorial race, RealClearPolitics and FiveThirtyEight have Kemp with a lead. Quinnipiac called the governor's race a "dead heat." The *Cook Political Report* listed both races as a toss-up. The outlier was a Quinnipiac University poll in late June that showed Warnock 10 points ahead.

Abramowitz was initially skeptical of the Quinnipiac numbers, but its other components sounded accurate to him. "They had the governor's race tied and Biden's approval at 33 percent, so it didn't look unreasonable from that standpoint," he said. His hunch is that Warnock's lead has built thanks to Walker's continual blunders, along with reports from Walker's own staff depicting him as an unpredictable and untrustworthy candidate.

It is a maxim of the political universe that steep competition attracts funding, and Georgia's tight contests provide proof. The 2018 gubernatorial match spent more

than \$100 million. As of early July 2022, Abrams reported \$30.5 million in direct contributions, while Kemp disclosed \$29.5 million. As of June 30, the Federal Election Commission showed Warnock with an \$85.5 million cumulative total; Walker's war chest was \$20.2 million. "We expect hundreds of millions of dollars will be spent during this state's 2022 cycle," Gillespie said.

Kemp's likely campaign strategy isn't hard to predict. Abramowitz thinks Kemp will take credit for strong job creation, low unemployment, and surplus state budgets, then blame inflation on Democrats. That said, the mere presence of strong Black candidates like Warnock and Abrams could spur enough Democratic turnout to make a difference. "The magic numbers are 30 and 30," Abramowitz explained. "You need African American voters to make up at least 30 percent of the total vote. Then you have to get close to 30 percent of the white vote."

In decades past, "up to 15, 20, 25 percent of voters would split their ticket," according to Abramowitz; these days, the percentage is in the single digits. Despite that, he won't be surprised if victory in this election is shared between Republicans and Democrats and Kemp and Warnock take their races.

"Brian Kemp is making all the right moves, which scares me," McDaniel said. If Republicans take control of state politics, they will dictate voter participation, access to the polls, and Electoral College participation. It was state-level officials, after all, who spurned Trump's coup scheme, aimed at unlawfully replacing electors.

Gillespie is blunt about what's in play. "Georgia is important because control of the Senate is at stake," she said. If Democrats maintain control, they will be able to decide federal judiciary appointments and level off the bench's recent rightward tilt. If they don't, little will stem the conservative tide. Georgia has been a longtime conservative state in a recalcitrant region once willing to sacrifice all to uphold chattel slavery and American apartheid. To flip such a place to liberal leadership just once was remarkable. Maintaining it as a Democratic foothold could be a reprieve from a dark future, a star's hopeful glimmer against the night's gloom. **INR**

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The GOP's Stealth Bomber

Back in Minnesota, Tom Emmer made his name as a fringe firebrand. Now head of the NRCC, he's learned to mute his rhetoric—mostly—and is quietly climbing the ladder of House Republican leadership.

By Patrick Caldwell

LAST NOVEMBER, Donald Trump visited Tampa for the rare event that lined someone else's pocket rather than his own: headlining the "Countdown to the Majority Dinner," the annual fundraiser for the National Republican Congressional Committee, which oversees the GOP's efforts to retake the House in the 2022 midterms. "If we do our jobs and stick together, one year from today we are going to be watching a massive red wave sweep across our entire country," the former president promised. But in typical fashion, he couldn't help himself from attacking anyone in the party who dared stray from full fealty. "I say it with a heavy heart, no thank-you goes to those in the House and Senate who voted for the Democrats' non-infrastructure bill," he said.

Trump—who has spent the past year campaigning against incumbent Republicans who rebuked him following the insurrection on January 6, 2021—should pose a conundrum for Representative Tom Emmer, the NRCC's leader. But, previewing a similar event in Texas this May, Emmer wasn't subtle about the game during an interview with Fox News. Trump "has an amazing ability to

help us raise money," he said. After all, that Tampa fundraiser had netted the NRCC roughly \$17 million.

2022 will likely be a year of triumph for Emmer, the fourth-ranking Republican in the House. Under the watch of the four-term representative from Minnesota, the NRCC is targeting 75 seats; gaining more than 36 seats would give the GOP its largest House majority in nearly a century, but a net gain of just five would give the party control of the speakership. Along the way, Emmer has had to walk a difficult path of courting candidates who won't alienate moderates (he often trumpets the increased number of recruits who are women or people of color) while not offending those clinging to the Big Lie. As a result, while Emmer may be successful—perhaps even winning himself a leadership post atop a House majority—he'll have gotten there on the backs of insurrectionists and conspiracy theorists.

It's a roundabout return for Emmer, who got his start in Minnesota as a tea partier before that was even a term. He "embodied a lot of the positive attributes of Trump before Trump was cool,"

said Marty Seifert, the former Republican minority leader when Emmer was in the state legislature. “Outspoken, tell it like it is. Some people may not like you because of what you say, but I’m going to say it anyway.” Emmer inherited Michele Bachmann’s old congressional seat in 2014 with predictions that he’d replicate her style; but he came to Washington and quietly kept his head down, focusing on the policy and fundraising tactics that allow one to stealthily move up party leadership instead of being mocked on cable news.

THE 61-YEAR-OLD Emmer was raised in Edina, one of the tonier suburbs of Minneapolis (locals jokingly call residents “cake eaters”) and attended a Roman Catholic, all-boys military high school. While his hair has gone full silver, he still has the stocky build and jockish demeanor of the college hockey player he once was. He attended Boston College and the University of Alaska Fairbanks but returned to the Gopher State to get his juris doctor degree from William Mitchell College of Law. His family settled outside the Twin Cities in Independence, where, after buying the Old Shady Beach Resort Hotel, Emmer became outraged when the city billed him \$30,000 for a new road and sewer system. “I got a little upset, so I started going to all the meetings at City Hall and complaining about it, only to be told that this is good for me, because my property values are going up,” he said in a video filmed by the state legislature that introduced him after he first won his seat. “Well, I wasn’t too pleased with that.” He ran and won a seat on the city council in 1995. After a couple of terms, as his family grew (he and his wife, Jacquie, now have seven kids), he settled in Delano (where he still lives), a town of about 6,000 at the far outskirts of the Twin Cities. He landed on the city council there, too, and in 2004, when the incumbent Republican in his district retired, Emmer won a seat in the Minnesota state House.

His tenure was defined by pushing far-right policy: proposals that Minnesota should chemically castrate sex offenders, impose strict voter ID laws, and outlaw abortion in all instances (as well as proposals that would also potentially outlaw certain forms of contraception and in vitro fertilization). He questioned evolution and was one of the loudest, most influential opponents of same-sex marriage. And despite two earlier DUI infractions, Emmer put forth bills to lessen penalties for drunk driving, which became fodder for opponents in later political campaigns.

Another of Emmer’s obsessions was pushing cockamamie ways that Minnesota could nullify federal laws. He was one of three co-authors of a 2010 proposal for a state constitutional amendment that would have required the governor and a two-thirds vote by legislators to approve a federal law before it could be enforced in Minnesota. “Citizens of Minnesota are sovereign individuals, subject to Minnesota law and immune from any federal laws that exceed the federal government’s enumerated constitutional powers,” Emmer’s would-be amendment read. (The idea went nowhere.)

“When he started off in the Minnesota House, he was a bit of a hothead,” said Larry Jacobs, the director of the Center for the Study of Politics and Governance at the University of Minnesota. During his first term, Emmer got in a shouting match with House Speaker Steve Sviggum, a fellow Republican, over a compromise government spending bill. “He gets very irritated and comes walking down the aisles with his fists in the air,” Sviggum recalled

to me. When Sviggum walked forward with his own fists raised, cooler heads prevailed and separated the two. “He was probably an enforcer on the ice rink.... I’m not sure he was a scorer,” Sviggum said (hockey tends to come up when asking people about Emmer), “but I think he made people respect the scorers on the ice rink.” In a moment of Minnesota nice, Emmer brought Sviggum an apple pie baked by his wife the next morning, and the two hugged it out.

Emmer recognized the importance of building relationships and ran for the caucus’s top job after just two years in the House. When he came in second, Seifert made Emmer his deputy minority leader. Emmer then ran for governor in the Tea Party banner year of 2010, securing support from the likes of Sarah Palin. When Emmer secured the GOP nomination, it “was a confirmation that the Tea Party had overtaken the Republican Party,” Jacobs said.

“That was the mood of the nominating electorate at the time,” said Seifert, who was also Emmer’s main opponent in the GOP primary. “We want someone that’s a little bit edgier and someone that’s willing to push the envelope politically and rhetorically.”

The Democratic gubernatorial nominee, Mark Dayton, didn’t seem imposing. An heir to the Dayton-Hudson department store fortune (later known as Target), Dayton had served a widely mocked single term in the U.S. Senate. Dayton had given himself an “F” grade when asked by *Time* for a self-assessment, and *The New Republic* dubbed his 2010 campaign “EEYORE FOR GOVERNOR.” Even his old family company donated \$150,000 to a pro-Emmer PAC, which made national news as one of the first major corporate donations after *Citizens United*. (Target eventually publicly apologized, following outcry that the donation clashed with its image as a pro-LGBTQ employer.)

Yet Emmer’s campaign was even more inept. He advocated reducing the state’s minimum wage for tipped employees, claiming, “With the tips that they get to take home, they [sic] are some people earning over \$100,000 a year”—and he tried to answer the backlash with a bizarre stunt of waiting tables at Ol’ Mexico Restaurante. He lost to Dayton by less than 1 percent—disappointing given that Republicans boasted a 25-seat gain in the state House and flipped the chamber. To top it off, Emmer staged a prolonged recount, and the legal challenge put his party \$700,000 in debt before he conceded.

After his loss, Emmer retreated to the comforting confines of right-wing talk radio, playing shock jock during the Twin Cities morning commute show *Davis & Emmer*. His co-host, Bob Davis, was the punchier of the two, saying after the school shooting in Sandy Hook, Connecticut: “I’m sorry that you suffered a tragedy, but you know what? Deal with it, and don’t force me to lose my liberty, which is a greater tragedy than your loss.” Emmer chimed in: “Well, they’re being used.... It’s probably one of the worst, ah, political stunts you could do is to use the victims of the tragedy.”

But he had never given up on electoral politics, and when Michele Bachmann decided not to run for reelection in 2014, Emmer won the race to replace her in the 6th District. “My impression, having talked with him afterwards,” Jacobs said of Emmer’s shift after the 2010 campaign, “is that it was a learning experience.... when he was in the Minnesota legislature, he was really focused on the base of the party—and he’s still obviously very sensitive to that. But he also appreciates how people [who] might disagree with him might perceive him.” (Emmer’s office and the NRCC did not respond to requests for comment.)

“When [Emmer was] first elected to the Minnesota House, compromise was probably not a part of his M.O.,” said former Minnesota House Speaker Steve Sviggum. “I think today there’s much more awareness of cooperation and compromise, while still having extremely conservative values.”

“When [he was] first elected to the Minnesota House, compromise was probably not part of his M.O.,” Sviggum added. “I think today there’s much more awareness of cooperation and compromise, while still having extremely conservative values.”

Emmer moved to Washington, no longer the bumbling candidate once featured on *The Colbert Report* for a campaign ad that was essentially a commercial for his contractor. Only a few months into his first term, Emmer gained a spot on the powerful Financial Services Committee, and today he is the top Republican on its Fintech Task Force. His press releases tend to focus on bipartisan bills around mental health rather than fringe conservative ideas. He even teamed up with a fellow Minnesotan, former Representative Keith Ellison, a Democrat, to form the Congressional Somalia Caucus. “He prides himself on relationships with Democrats in the delegation,” Jacobs said, “in a way that probably doesn’t help him. His district is rock-solid conservative Republican, and I don’t think he gets any votes for being a nice guy.” He didn’t join the rabble-rousing Freedom Caucus, and voted for John Boehner to remain as House speaker, earning the ire of Tea Party groups back in Minnesota. The TV cameras and negative headlines in the liberal press drifted away from Emmer, lured by louder proponents of hate.

EMMER DIDN’T IMMEDIATELY take to Trump’s presidential campaign in 2015, nor did he embrace the Never Trump ethos. But by the time Trump had secured the nomination the following summer, Emmer was announcing Minnesota’s delegate totals from the floor of the Republican National Convention in Cleveland and spending time in the Trump family box, as the only member of Minnesota’s House delegation to attend the RNC that year.

Following Trump’s election, Emmer rose in the NRCC ranks, becoming chair in late 2018, after Republicans lost their majority in the House. At the time, chairing the NRCC looked like a thankless task, as Trump was expected to further depress the GOP’s margins atop the ticket in 2020. But controlling the money begets relationships and influence, and just as he had in the state House, Emmer seemed eager to move to leadership in the House. And in a surprise, while Trump lost nationally by seven million votes, the House GOP netted 12 seats under Emmer’s first term.

Emmer spent December 2020 humoring Trump’s Big Lie conspiracies, joining 105 fellow House Republicans who signed an amicus brief asking the Supreme Court to overturn the election. Even after the Electoral College certified Joe Biden, Emmer refused to call him the president-elect. In the days ahead of January 6, Emmer wouldn’t answer questions from the Minneapolis *Star Tribune* about whether he’d vote to certify Biden’s victory. But in the end, Emmer was part of the small group of House Republicans

who did. “It’s something that really mattered to him, and he understood that it could hurt his climb,” Jacobs said of that vote, noting that some die-hard Trumpists might view it as disqualifying if Emmer chooses to vie for a higher role in leadership in 2023. “This is not just expediency with this guy.” Shortly after the attack, Emmer would call the violence on January 6 “reprehensible”—but condemned Democrats for seeking to impeach Trump for inciting the coup attempt.

Within a month, Emmer was previewing the NRCC’s plans for 2022: ignore the insurrection as much as possible. But it, and the Big Lie, are impossible to ignore. Indeed, a key characteristic of many GOP primaries this year has been the propagation of the Big Lie. As of mid-June, according to a *New York Times* analysis, “At least 72 members of Congress who voted to overturn the 2020 election have advanced to the general election.” And Emmer is in charge of making sure they get reelected—as well as supporting newcomers like Scott Baugh in California and Jen Kiggans in Virginia, who have both refused to acknowledge that Joe Biden won the 2020 election. Then there’s Derrick Van Orden in Wisconsin, who was actually at the “Stop the Steal” rally in D.C. on January 6, and while he claims he didn’t enter the building during the insurrection, there are photos online of him just on the outskirts in a restricted zone of Capitol grounds during the attempted coup.

While Emmer has tried to keep up his jovial image, his old stripes shine through. He recently voted for a bill to codify that the federal government will recognize same-sex marriages, but as recently as late 2019, when asked of his old opposition, he said, “My views have not changed for me personally.” In each session since joining Congress, he has co-sponsored the Life at Conception Act, which declares life begins at the “moment of fertilization.” After the Supreme Court ruled in *Dobbs*, Emmer, while speaking at a GOP event whose audio was leaked, called House Democrats’ efforts to recodified *Roe v. Wade* “the Chinese genocide bill,” because “these guys think abortion should not only be available on demand, but it should be available right up to the day a child is born, and the day after in some cases.” (Fact-check: false.)

In January, *Politico* speculated about where all of Emmer’s party-climbing machinations might land him, should the GOP retake the House. Noting his appeal both to the hard-right and the few lingering establishment Republicans, the publication said that Emmer might angle to become House whip, the third-ranking spot in leadership, and it quoted one anonymous Republican: “We’re going to want to reward him, if there’s something that he wants that he doesn’t have.” Given the unsteady ground of likely House Speaker Kevin McCarthy (see “BLAND AMBITION,” page 12), it might not be long before an even higher spot opens up. **IN** Patrick Caldwell is deputy editor of The New Republic.

Whatever Happened to Climate Change?

Democrats everywhere ran on climate in 2020. Now they're practically running away from it.

By **Kate Aronoff**

Illustration by Andrea Ucini

IN THE 2020 Democratic primary, candidates practically stumbled over themselves trying to explain who would do more to confront the climate crisis. Bernie Sanders won over climate groups with his hulking \$16.3 trillion Green New Deal, but even milquetoast centrists like Pete Buttigieg and Amy Klobuchar pledged at least \$1 trillion to ramp up R&D spending on clean energy and expand mass transit—more money for decarbonization than the Obama administration ever countenanced. When Joe Biden eventually clinched the nomination, his campaign saw climate voters as a crucial group to win over, tapping Representative Alexandria Ocasio-Cortez and Varshini Prakash, executive director of the Sunrise Movement—among the most prominent Green New Deal advocates in the country—to help craft his platform.

Two years on, the world looks vastly different. Trillions have indeed been spent, just not on climate. Biden's proposed climate package has run aground on Democrats' razor-thin majority in the Senate, where Joe Manchin, a man elected by fewer than 300,000 people, managed in July to finally kill the trademark legislative push of a president elected by more than 80 million. The White House, meanwhile, is preoccupied: With rising gas prices driving inflation as war rages in Europe and the midterms loom, Biden has joined team "Drill, Baby, Drill," berating oil companies for not producing more. "We are setting records in terms of American energy production," Biden boasted in June. After he vowed on the campaign trail to end drilling on public lands, his administration issued 34 percent more drilling permits on public lands by the end of his first year than Trump did in his.

Climate groups, accordingly, are experiencing a bit of whiplash. While 69 percent

of U.S. adults say the government should prioritize renewable energy over fossil fuels, young Democratic voters are especially bullish for climate action: Sixty-two percent say they'd be more likely to vote for the party in November if it passes climate legislation. Organizations trying to bring young voters out to the polls in the midterms will have some trouble pointing to something they can be excited about. In May, Biden had a 27 percent approval rating among Americans aged 18 to 34—far lower than Obama's 48 percent approval rating among the same group going into the disastrous 2010 midterms. More people under 24 voted in the 2020 election than in any presidential race since 1972, preferring Biden by a 25 percent margin. So what do they have to show for it?

"The bargain we struck is we help get you to office and you deliver on an ambitious climate agenda," said Sunrise's Prakash. "The next logical step for winning that election is to capitalize on whatever legislative gains you can make during that presidency and to run in the midterms.... Democrats so far have given us very little to work with."

The Climate Votes Project—a \$100 million effort among six other green groups to boost turnout and elect "climate champions" in the midterms—is mounting ad and in-person field organizing campaigns and door-to-door canvasses to try to bring out climate voters of all ages in battleground states this November. In June, I asked Heather Hargreaves, executive director of one of those groups, Climate Power Action, what its pitch would be to disillusioned young voters. "The exact verbiage is still being developed, but I think the pitch is that the gains that we've had in the last few years would have been unimaginable under the last administration," she said. Asked to elaborate, Hargreaves cited Biden's executive

actions to boost solar manufacturing and the domestic mining of critical minerals needed for electric vehicles, as well as increases in offshore wind leasing and production. "I'm not trying to say that these are the big legislative gains that we've hoped to have," she said, adding that she was "very optimistic that we're going to get reconciliation passed in the next few months and have something to point to."

"If we had more people voting and we had youth turning out as other generations do and increased those numbers, we would be able to get more progressive legislation," Hargreaves told me. "That progress is not going to continue if we sit at home and don't vote. What you have to do is vote. Get your friends to vote, and get more people to vote."

Asked the same question, Jocelyn Steinberg, director of NRDC Action Votes—another participant in the Climate Votes Project—paused for upward of 20 seconds. Eventually she explained that, in a state like Michigan (among those the project is targeting), its pitch to all voters might mean "focusing on regulations and legislation," like fuel efficiency standards. "We can talk about what an [electric vehicle] tax credit could look like. We could talk about what kinds of resources are there to make sure that Michigan can be front and center of what an aggressive climate policy would mean," she told me, adding that the \$1.2 trillion federal Bipartisan Infrastructure Law passed in November 2021 "certainly has many important pieces for Michigan."

A prevailing logic among Democratic Party higher-ups—reportedly popular in the White House, too—is that the party should stick to talking about things that are broadly popular, appealing to the crop of older and more conservative voters who reliably show up to the polls and are key



to winning on an electoral map that looks punishingly tough for Democrats in the coming years. Governing also seems to matter, though, and the party has precious little time left in which to do it. Fifty-six percent of under-thirties believe “politics today are no longer able to meet the challenges our country is facing,” according to a poll by the Institute of Politics at Harvard Kennedy School. Thirty-six percent believe that “political involvement rarely has tangible results.”

There’s been plenty of data to prove their point, and not just on climate. Lack of action on student loan forgiveness (a Biden campaign pledge) and marijuana legalization, for instance—both places where executive action could make real inroads—has left a bad taste in young mouths. (See “THE YOUNG AND THE RESTIVE,” page 22.) “The biggest argument for believing in the Democratic Party enough to get out there and vote for Democratic leaders is to see that the party is serious about governing and passing legislation that makes a concrete difference in the lives of young people. Right now, it’s hard to motivate and mobilize youth voters, in part because many times they feel like the party hasn’t delivered,” Prakash told me. “We need to be able to have something

concrete and substantive to show young people who in their entire lives have not witnessed a functional U.S. government.”

Gen Z and millennials already outnumber boomers among eligible voters and will account for 60 percent of the electorate by 2036. The fact that the demographic future of the party is increasingly skeptical that elections will change anything would seem to represent an existential threat for Democrats. Safe candidates slinging safer messaging may well be what wins tight suburban midterm races, yet continuing to fashion the party’s identity around a defense of whatever happens to be popular at the moment doesn’t make for a particularly inspiring governing agenda, or one that could actually help shape public opinion. In theory, Democrats winning enough of those races in that way could secure majorities big enough for the party to pass things. Whether they can do so with a crop of candidates trained to excise any heartfelt beliefs is another matter.

This moment is in some ways the end of a cycle that kicked off more than a decade ago at Occupy Wall Street. If it was an Ad-busters email list that helped spark national outrage over wealth inequality in the wake of the financial crisis, it was Sanders’s presidential campaign that convinced some of

the same people stirred by those protests to roll up their sleeves and get involved in the dirty work of electoral politics, making phone calls and even a few compromises in pursuit of a vision of the future that looked genuinely hopeful. Propelled by that grassroots energy, Sanders got closer to the White House than anyone thought possible, but lost. And then he lost again. For many reasons beyond its control, the Biden presidency is now making good on his quip to donors that Sanders supporters feared would become reality: “Nothing would fundamentally change.”

However, the country—rocked by more than a million pandemic deaths, regular mass shootings, and a steady drumbeat of climate-fueled disasters—is fundamentally changing. Its political system just is not keeping up. For understandable reasons, 66 percent of people under 40 are pessimistic about the future. Democrats face a daunting catch-22 if they hope to win that extraordinarily large, discouraged voting bloc over and take on the crises of the day: They need more people to vote for them in order to govern, but they also need to govern in order to get more people to vote for them. The window for having something to offer is closing fast. **IN**

Kate Aronoff is a staff writer at *The New Republic*.

Class Act in Ohio

The Buckeye State has grown redder and redder. Tim Ryan could reverse that—and start to revive the Democrats' working-class identity.

By Timothy Noah

Photograph by Maddie McGarvey

THE DEMOCRATS REPRESENT THE interests of the working class (to the extent any party does), but it's the Republicans who have captured the working-class imagination. That sorry state of affairs long predates Donald Trump, but Trump, who made everything worse, made that worse, too. Trump won the working class (defined conventionally as voters who lack a college degree) by 3 percentage points in 2016 and 4 in 2020. Granted, he won it partly through appeals to white bigotry. But Trump also increased Republicans' share of working-class voters of color (mostly Hispanic) from 16 percent in the 2012 presidential race to 18 percent in 2016 to an alarming 25 percent in 2020. This is a serious problem. As the sociologist Ruy Teixeira, a leading scholar of working-class voters, puts it: "They just don't feel Democrats give a shit about them."

One Democrat who's trying to reverse this tide is Ohio Senate candidate Tim Ryan, a 10-term congressman whose district includes Youngstown, the former steelmaking hub. Ryan grew up in Trumbull County, just north of Youngstown, where he was a high school football quarterback. After graduating from law school in 2000, he served briefly in the Ohio Senate, then ran for and won Democratic Representative James Traficant's House seat in 2002, after Traficant was convicted of bribery and racketeering and expelled from Congress. This year, Ryan is running to replace retiring Republican Senator Rob Portman. The move requires him to give up his safe House seat and is therefore a significant risk, given the Republicans' tightening grip on the state. But Ryan has a record of risk-taking; he tried unsuccessfully to unseat Nancy Pelosi as Democratic leader in 2016, and made a brief, quixotic bid for the 2020 presidential nomination, dropping out three months before the Iowa Caucus. When I asked Ryan what he considered his most important legislative accomplishment, he cited an obscure but important measure, included in last year's Covid relief bill, that shored up Rust Belt multiemployer pension funds at serious risk of defaulting and bankrupting their insufficiently funded federal insurer, the Pension Benefit Guaranty Corporation. The beneficiaries, he told me, included "about 100,000 people" in Ohio.

Ryan says he's focused like a laser on rebuilding "the great American middle class." He'll have his work cut out for him. As recently as 1990, manufacturing accounted for about 22 percent of all employment in Ohio. By 2019, that was down to 13 percent. When Trump entered office, Ohio had around 684,000 manufacturing jobs; when he left office, that was down to about 660,000.

Under President Joe Biden, the number of manufacturing jobs has edged back up to around 680,000.

Trump's promise to restore the Rust Belt to its former glory ("Don't sell your house," he told a Youngstown crowd in 2017) went unfulfilled, but that didn't keep Trump from winning Ohio by the same 8-point margin in 2020 that he enjoyed in 2016. In May, Trump's Senate Republican primary endorsement of *Hill-billy Elegy* author J.D. Vance, a onetime Never Trumper turned Trump toady, elevated Vance from third place to party nominee and demonstrated Trump's continuing influence in the state. The Yale Law graduate and venture capitalist (Peter Thiel spent a cool \$15 million on Vance's primary campaign) is running as a "conservative outsider" who talks up Trump's trade and immigration policies and spurns the Other. "Two kids on my block graduated from high school in 2003," Vance said in February. "Both of us enlisted in the U.S. Marine Corps. We did not serve in the Marine Corps to go and fight Vladimir Putin because he didn't believe in transgender rights.... I don't really care what happens to Ukraine one way or another." It seems to be what Ohio voters want to hear, and (minus the transphobia) Ryan is doing a bit of the same.

More than a bit, actually. "When Obama's trade deal threatened jobs here," Ryan said in one TV ad, "I voted against it. And I voted with Trump on trade. I don't answer to *any* political party." In another TV spot, Ryan repeated the word "China" several times and said, "It's us versus them. Capitalism versus communism." In response, the AAPI Victory Fund, a political action committee that seeks to attract Asian American and Pacific Islander voters to the Democratic Party, called the ad "sinophobic," and Ryan's Democratic House colleague Grace Meng asked him to take it down, but Ryan refused. On immigration, Ryan opposed Biden's plan to lift Covid restrictions on immigration at the U.S.-Mexican border, calling it premature. On at least two occasions in recent months, Ryan dodged appearing with the president when Biden visited Ohio. He also produced an ad to run on Fox News that consisted of various Fox News hosts, including Tucker Carlson, calling him a moderate.

None of this is quite so disloyal as it sounds. In 2015, Ryan voted not to give President Barack Obama "fast-track" authority on the Trans-Pacific Partnership, but so did most of his fellow House Democrats; the measure cleared the House almost entirely on the strength of Republican support. Later, Democratic presidential candidate Hillary Clinton effectively killed TPP by



Ryan greeted diners in Gallipolis, Ohio, in January.

saying she opposed it. Ryan's China spot was unnecessarily and somewhat offensively sinophobic, but Ryan wasn't wrong that China's protectionist policies on trade (which have nothing to do with the country being Communist) cry out for a more forceful response from the United States. Ryan's disagreement with Biden on ending Covid restrictions at the border was mooted in late May when a federal judge blocked the move.

As for Biden, Ryan told me he appeared with the president "a few months back" at Ohio State. Actually, it was 16 months earlier, but perhaps more to the point Ryan had never, as this piece went to press, cast a single vote against Biden. "Even if I don't like Donald Trump, if he did something that was good for the community, I supported it," Ryan told me. But that must not have come up very often, because Ryan voted with Trump only about 16 percent of the time, or slightly less often than Pelosi (17.6 percent). So you can stop worrying that Ryan aspires to be Ohio's Joe Manchin. He's just trying to win.

RYAN PARTS COMPANY with Trump Republicans most obviously in his vigorous support for labor. The AFL-CIO gives him a lifetime score of 98 percent, the same as Representative Bobby Scott, the Democratic chairman of the House Education and Labor Committee. The very first entry on the "issues" page of his campaign website is titled "Cutting Workers in on the Deal," and in the first paragraph he voices support for the Protecting the Right to Organize (PRO) Act, which would eliminate many significant legal barriers to unionization, and for a \$15 minimum wage. Unions build communities, Ryan told me. He spoke movingly of his grandfather, a steelworker, whose union job paid him sufficiently for 40 hours' work per week that he had time to be head usher for his church and to help build an elementary school for the church. "He gave back," Ryan said. "He participated in the life of his community." The words "union" and "labor" appear nowhere on the issues page of Vance's campaign website. That's very much in line with Trump, who frequently

expressed distaste for unions on Twitter and made consistently anti-labor appointments to the Labor Department and the National Labor Relations Board.

Indeed, except for trade and some griping about inflation, the Republicans' pitch to the working class bypasses bread-and-butter issues entirely. Consider a memo Representative Jim Banks sent House Republican leader Kevin McCarthy in March 2021, proposing that the GOP "permanently become the Party of the Working Class." What substantive positions, apart from trade restrictions, did Banks suggest that would require? Tighter security at the Mexican border, "Anti-Wokeness," opposition to Covid restrictions, and opposition to Big Tech. This last was partly a (probably insincere) endorsement of stepped-up antitrust policies, but mostly it was about "Big Tech's egregious suppression of conservative speech." It was a pitch based not on economics—which defines what the working class is—but on culture war. Workers of the world unite, you have nothing to lose but your gender pronouns.

To win back the working class, Democrats need to lead with their economic pitch: stronger unions, higher minimum wage, higher taxes on the rich. Ryan is doing all that. But with angry consumers slapping Biden "I did that!" decals on gas pumps that charge \$5 per gallon, this may not be the best moment for Democrats to talk about the economy. Paul Sracic, a political scientist at Youngstown State University, told me that Trump won Ohio in 2016 because working-class voters got tired of hearing Democrats tell them they opposed trade deals like NAFTA and then turning around and voting for those same trade deals. Trump won Ohio again in 2020, Sracic said, because he succeeded in rewriting NAFTA. And anyway, Sracic pointed out, the Youngstown area has had a minor manufacturing renaissance in recent years, based largely (and ironically) on foreign investment: France-based Vallourec, which makes steel pipes for oil drilling; South Korea-based LG Chem, which helps make batteries for GM cars; and Taiwan-based Foxconn, which makes electric vehicles. In addition, the U.S.-based chip manufacturer Intel is preparing to build two factories near Columbus.

Vance's inexperience as a candidate, along with his authenticity problem—Ryan constantly calls Vance a "fraud"—give Ryan an opportunity to beat the odds. But if Ryan's working-class pitch prevails, Sracic told me, it won't likely be with working-class voters. For all his talk about being the hometown boy from Trumbull County, Ryan narrowly lost Trumbull County in his last House race; that's how red once-blue northeast Ohio has become. If Ryan wins, Sracic said, it will be with votes from "white, college-educated women in the suburbs around Columbus." Vance, with his Yale Law degree and his venture-capital experience, ought to be catnip to these voters, and had he run as a Never Trumper he would be. Now it's less clear he'll appeal to them.

Still, the Democrats have grown sufficiently weak in Ohio that even an inauthentic Vance will be hard to beat. If Ryan succeeds, it will be his job, alongside senior Senator Sherrod Brown, to persuade Ohioans that the Democrats really are the party of the working class. If they can do that, then maybe the Democratic standard-bearer in 2024 (I don't assume it will be Biden) can shore up the party's working-class support and make the Buckeye State competitive again by November 2024. If they fail, don't rule out four more years of Trump. **IN**

Timothy Noah is a staff writer at *The New Republic*.

Playground Politics

How an Arizona school district became the hotbed for far-right Republicans campaigning in the midterms

By Melissa Gira Grant

“WE’VE BEEN CALLED every name in the book: domestic terrorists, racists, bigots, disruptors—angry mom,” Trish Olson, a mother of three in Scottsdale, Arizona, said in a campaign ad released last December by the gubernatorial campaign for Kari Lake. A political novice who denies that Joe Biden is the lawfully elected president, Lake secured a Trump endorsement in September 2021, almost a year before the crowded GOP primary. Along with pushing Trump’s election lies, Lake also promotes a full range of conspiracy theories that have come to define American conservatism over the past few years—that schools seized on the coronavirus pandemic to usurp parental rights; that “critical race theory,” or CRT, threatens white children’s education; that teachers are “grooming” children for gender and sexual deviance.

Ever since Glenn Youngkin’s successful gubernatorial campaign in Virginia last year made running against public education seem like a winning strategy, Republicans across the country have latched on to CRT and related arguments about liberals ruining schools as their 2022 midterms game plan. And in Arizona, that moral panic has centered on Scottsdale—a district encompassing some 22,000 students in 29 K-12 schools. As the school district turned into a destination for Republican candidates in the state, a powerful political narrative became attached to a real place with real kids—one that the GOP aims to ride to victory in campaigns this fall. “To have somebody like Kari standing up with us, it helps us keep the pressure on the district,” Olson said in the ad. Another mom added: “She is a fellow mama bear.”

In 2020, a cohort of mothers began organizing through a private Facebook group, focusing in on Scottsdale Unified School District (SUSD) board meetings—first, to oppose school closures and masks as a

Covid prevention measure, and then to oppose “critical race theory,” such as they misunderstood it. Steve Bannon would anoint such conflicts then unfolding across the country “the Tea Party to the 10th power,” proclaiming, “This isn’t Q, this is mainstream suburban moms.”

Nearly 900 school districts across the United States were targeted in similar anti-CRT campaigns, according to researchers at UCLA’s Institute for Democracy, Education, and Access. They found that both national right-wing figures such as Bannon and local groups like the Scottsdale moms saw the campaigns as a path to broader political power. As this strain of racist right-wing politics gained strength, liberals tended to discount it as a culture war, a ploy to retake Congress, just as Bannon proudly admitted to—even as, almost immediately, the culture war threw the counties that served as the stage into real battles.

In Scottsdale, it was Jann-Michael Greenburg, SUSD’s governing board president, who became the main character in their drama. Greenburg was a 24-year-old recent law school grad when he was elected to the school board in 2018, coming to some local prominence for demanding the board address past financial misconduct. After a May 2021 board meeting was shut down when parents refused to wear masks, Greenburg publicly pushed back on the protests over CRT and related panics unfolding in the district—“a deliberate misinformation campaign,” he told *The Arizona Republic*. Antisemitic attacks on Greenburg ramped up alongside the anti-CRT campaign. It was amid this escalation that a group of mothers in Scottsdale propped up a scandal saying Greenburg had “targeted” them through an alleged “dossier.”

In an email Greenburg sent last August to a parent, an attached screenshot inadvertently revealed the URL for a Google Drive folder—the purported dossier. Members

of the private Facebook group shared a version of the folder with the *Scottsdale Independent*, after which the parents, national conservatives, and Arizona Republicans running for office mounted a public campaign expressing outrage that the school board was spying on families. One of the mothers in the Facebook group, Amanda Wray, called the dossier “cyberstalking.”

The “dossier” largely contained public information, the *Scottsdale Independent* acknowledged: screen recordings of social media posts, public financial records, and, oddly, videos that Greenburg’s father, Mark, shot of himself while he was making videos of parents in public, gathering signatures for a recall campaign against his son.

Nevertheless, news of this alleged “dossier” hit the national media, from *The Daily Caller* to *The New Yorker*. Charlie Kirk of Turning Point USA praised the moms’ efforts. The Republican hatchet man behind the CRT and grooming panics, Christopher Rufo, called Greenburg a “creep.” Greenburg maintained he had nothing to do with this dossier. Still, Greenburg had already begun wearing a bulletproof vest to board meetings, out of caution.

AS THE SCOTTSDALE moms used the “dossier” to claim the moral high ground, the 2022 campaigns took off. In a June 2021 video, after the SUSD board meeting when parents planned to force CRT on to the agenda, Kari Lake pledged, “It’s also time that we start putting our children’s education first, by banning curriculum that pushes a political agenda.” Lake later drew on the dossier story to promote a plan to install cameras in classrooms so parents could monitor educators, saying the surveillance “should be going the other way.” Across Arizona, Republican candidates tried to draw on the conflict to portray themselves as defenders of children. Wendy



Amy Carney, a parent who called for the resignation of Jann-Michael Greenburg, then the governing board president of the Scottsdale Unified School District, spoke during a protest in May 2021.

Rogers, a Republican Arizona state senator who gained national attention after she was censured for speaking at a white nationalist conference, railed against the “Orwellian” SUSD. Ron Watkins, best known as the former administrator of the website once known as 8chan, and one of the people believed to be the voice of the invented “Q” behind QAnon, used an appearance at a January 2022 SUSD board meeting to denounce members for promoting “transsexual propaganda” and to promote his own campaign for Congress.

But Lake seemed to connect most closely with the Scottsdale moms. She joined them outside an SUSD board meeting in November 2021, in which members voted to remove Greenburg as president (though he kept his seat on the board). “The left and these tyrants in the school board have awoken a sleeping giant and it’s pissed off moms and dads,” Lake said. Her arm was around Amanda Wray, who in a few weeks would be featured in Lake’s ad. (This

issue went to print before Arizona’s August primaries; polls at press time showed Lake leading the GOP primary for the governor’s race, with Watkins as a long shot for his congressional bid.)

There is something Trumpian—which is to say, propagandistic and unashamed—in the moms’ political work, transforming school board meetings into a platform for national politics, in which the stated goal of improving education plays a distant runner-up role to advancing a nakedly white and patriarchal political agenda.

The broader narrative of moms under attack was gaining some national heft. Pizzagate promoter Jack Posobiec claimed that U.S. Attorney General Merrick Garland had “authorized the FBI Counterterrorism Division to target parents at schoolboard meetings,” and Lake chimed in, tweeting, “If I was governor right now I would pull any funding that was being used by the FBI to investigate concerned parents and redirect it to investigate complaints by

parents that school board members are violating their parental rights with COVID/mask mandates.” Their claims about Garland functioned to boost the “dossier” story circulating at the same time. They were wildly unfounded: An investigation by local police concluded in December 2021 that Greenburg had not engaged in criminal conduct. The “dossier” had actually belonged to his father and didn’t violate any laws, since it contained open source and public documents, police said. This was announced several days before Lake released her ad featuring the moms.

The purported “targeting” of Scottsdale parents remains a flash point as the midterms approach. In June, Arizona Attorney General Mark Brnovich—who was also in the middle of a competitive Republican primary to run for U.S. Senate—took legal action attempting to remove Jann-Michael Greenburg from the SUSD school board. And Arizona is far from alone. In mid-July, Moms for Liberty, one of the central conservative groups organizing against school boards, held a national conference, where Senator Rick Scott, the head of Republicans’ efforts to retake the U.S. Senate, directly linked local school agitation to the GOP’s midterms prospects. “If you guys run, you are going to make everybody else win,” he told the convention.

Wray, meanwhile, was advising her allies to broaden their attack: to stop saying CRT, and to target those who train students in “social justice.” Wray is one of the 1.3 million followers of Libs of TikTok, a Twitter account that has been at the center of reorienting the right around a conspiracy theory that children in public schools are secretly being “groomed” to be trans. Wray retweeted a grainy scan of an exercise for students to confront homophobia that Libs of TikTok had shared and added that SUSD staff “are grooming children with inappropriate conversations and exercises.” Kari Lake, naturally, jumped on the latest conservative scapegoat threatening Arizona’s children. “They kicked God out of schools and welcomed the Drag Queens,” Lake posted. “They took down our Flag and replaced it with a rainbow. They seek to disarm Americans and militarize our Enemies. Let’s bring back the basics: God, Guns & Glory.” She closed with a flag emoji. **TR**

Melissa Gira Grant is a staff writer at The New Republic.

FIGHT BACK, BLUE AMERICA!

Red states are using the *Dobbs* decision to reach into blue states to try to change our way of life. They want a culture war? Let's give 'em one.

By Lindsay Beyerstein

SOON AFTER THE Supreme Court overturned *Roe v. Wade*, a group of far-right Texas state legislators accused the partners of one of the largest law firms in the country of committing felonies for reimbursing abortion travel expenses. A letter from the Texas Freedom Caucus alleged that the 150-year-old firm had reimbursed employees who traveled to other states for abortions or, as the caucus saw it, left Texas to “murder their unborn children.” Having struck the requisite unhinged tone, the caucus went on to offer a sneak preview of the anti-abortion agenda it has planned for the next legislative session. Its members hope to make it a felony for any Texas employer to pay for any abortion-related expenses. They also plan to let anyone sue anyone else who helps a Texas resident get an abortion, “regardless of where the abortion occurs, and regardless of the law in the jurisdiction.”

Most Montana abortion clinics now refuse to give pill abortions to patients from states with so-called trigger laws (which automatically banned abortion after the *Dobbs* decision) that could expose providers to civil or criminal liability for offering abortion pills to a trigger state resident seeking care in Montana. Last year, a Missouri state legislator proposed anti-abortion legislation that would have applied in cases not only where Missouri residents traveled out of state for abortions, but also when a woman had sex in Missouri that might have caused her pregnancy (it has not—yet—become law).

All of this should serve as a window into the aspirations of anti-choice legislators and a warning to the entire country. Now that the *Dobbs* decision has eliminated the constitutional right to abortion, anti-choice zealots are not satisfied with prohibiting it within their borders. They want to choke off abortion access nationwide. Not only states and cities, but also corporations, unions, and nonprofits, are all struggling to adjust to the shifting legal landscape and to protect their people from the incursions of abortion-hostile states.

Even states that criminalize abortion generally exempt the pregnant person from prosecution, but that taboo is unlikely to last, now that *Roe* no longer presents an obstacle to such prosecutions. Anti-choicers are obsessed with the idea of women circumventing their bans, whether by leaving the state or by obtaining abortion pills through the mail. Pregnant people may already be at risk of prosecution in some states because it's an open question as to

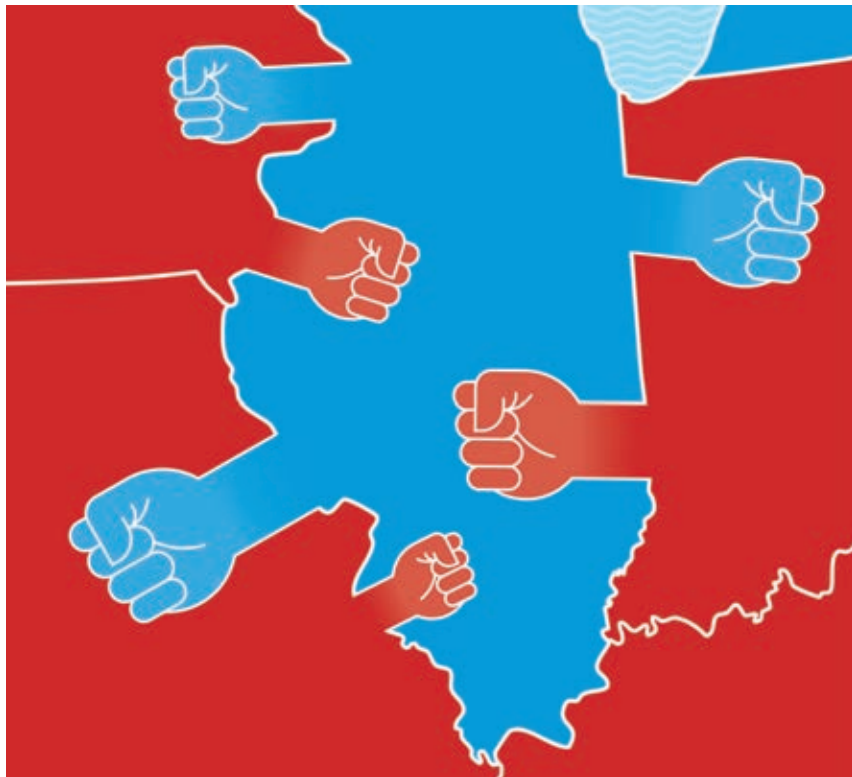
whether general-purpose criminal statutes like murder or child endangerment can be used to prosecute women for ending their own pregnancies. If states start passing so-called fetal personhood bills, which imbue fertilized eggs with full legal rights, it becomes difficult to imagine how the taboo against criminalizing the pregnant person for abortion can be sustained.

The end of *Roe* is pure chaos. A 50-year-old constitutional right has been reversed. Trying to take the full measure of the turmoil is like contemplating the vastness of outer space. No matter how big you think it is—it's bigger.

On top of that, we live under constant surveillance. Smartphones and networked security cameras track our every move, electronic tolls record our travel. Our internet searches and text messages hold our deepest secrets. All this is evidence that could be used against anyone who helps a woman from an abortion-prohibition state access a legal abortion in another jurisdiction. “What we're in the middle of is a massive intimidation effort by state governments to ensure that no actor, whether that's an individual person like myself or an institution like a law firm, is actually helping anybody get an abortion,” said Tracy Weitz, a professor of sociology at American University and the director of the Center for Health, Risk, and Society.

Meanwhile, the anti-choicers know they're up against a nation of would-be helpers. Overall, 72 percent of U.S. adults are willing to help a friend or family member who needs an abortion, according to a recent paper analyzing pre-*Dobbs* data from the long-running General Social Survey. More than 40 percent of those morally opposed to abortion say they would help make practical arrangements for someone they care about to terminate a pregnancy, and more than 20 percent of morally opposed respondents said they would even help pay for abortion-related expenses. “[The reason] red states are going so hard [with] this intimidation is they recognize that even for people who are against abortion, your gut instinct is to help someone in need,” Weitz said. “They want to shut that down, and they want to shut it quickly.”

The red states have declared war not only on abortion rights and women's equality, but also on the bedrock principles that allow states to co-exist in a functional federal union. They have set us on a course of rancor and division, of escalating provocation and reprisal. Blue states have no choice but to act decisively to protect our rights and our people. Red states want a culture war? Let's give 'em one.



RETURNING ABORTION TO the states means calling the question at every level of society and in every center of power. From the biggest U.S. state to the scrappiest union local, from the tiny abortion fund to the massive hospital system. Every kind of power must be brought to bear: legal, economic, and cultural.

Blue states have already started to overhaul their abortion infrastructure to accommodate an influx of new patients from red states. Eliminating unnecessary restrictions on abortion care in blue states is a first step to ramping up capacity. For example, some states still have outdated laws that restrict abortion care to doctors, despite years of clinical experience that have shown that other health professionals—like nurse practitioners, nurses, and midwives—can safely manage many abortions. Eliminating those regulations would increase capacity.

In addition to funding abortion clinics directly, states could follow California's lead in increasing Medicaid insurance reimbursement for abortion procedures so that more providers can afford to offer this care. Another important part of the capacity overhaul is protecting providers from harassment and abuse, both homegrown and from out of state. New York Governor Kathy Hochul recently signed legislation that protects providers from losing their malpractice insurance or having to pay higher premiums if they are sued under a bounty law. The governor recently announced millions in grants to increase security for abortion providers. New York now allows abortion providers, their families, and even clinic volunteers to enroll in the same address protection program that serves victims of domestic violence and human trafficking.

Blue states must also act to stymie red states seeking to impose their laws beyond their borders. According to David S. Cohen, a

professor of law at Drexel University in Philadelphia and an expert on abortion law, four states have already passed legislation forbidding state employees from cooperating with investigations into legal abortions on their own soil. In general, states help one another enforce their respective laws beyond their borders, a tradition known as comity. If a suspect wanted for bank robbery in Texas flees to Connecticut, the Connecticut police will happily arrest him in Connecticut, where Texas agents cannot pursue him because they lack jurisdiction. However, thanks to Connecticut's shield law, Connecticut officers will not investigate or arrest Connecticut residents who help Texans get abortions. It's critical that states have these self-protective laws in place before the red states progress to attempting to enforce their criminal laws beyond their borders. Without a law to exempt state employees from the normal rules of comity, New Mexico police officers might be obligated to drag a Texan out of a New Mexico abortion clinic, if Texas were to pass a law that criminalizes traveling to another state to obtain an abortion.

This kind of blue-state self-assertion is not without its risks, however. Erosion of comity between the states will have far-reaching and unpredictable consequences for our federalist system of government.

The current situation, with blue states scrambling to protect their residents and red states scheming to impose their will beyond their borders, reminds many legal scholars of the conflict that the nation faced over slavery in the run-up to the Civil War. The fiction was that each state was free to choose within its borders, but the reality was that slave states demanded that free states cooperate in their efforts to apprehend escaped slaves. The big difference is that women are citizens and there's no constitutional proscription on abortion as there was a constitutional recognition of slavery.

There is no guarantee that today's Supreme Court will uphold states' rights to refuse comity to protect reproductive rights. It's not clear that red states have the power to enforce their laws across their borders, but they are already acting as if they do. Blue states must assert aggressively that they have the power to protect their people.

Connecticut, under Democratic Governor Ned Lamont, is leading the nation with its shield law, designed to neutralize the bounty laws. A person in the Nutmeg State who is sued under a bounty law is given the right to countersue. Under the new law, Connecticut residents who are sued by bounty hunters for receiving or providing reproductive health care will be eligible to recover "money damages treble the amount of any money damages award contained in the judgment entered in another state."

If the overtures of the Freedom Caucus are any indication, anti-choice legislators in Texas are preparing to expand their reach from civil liability to attempted criminal prosecution across state lines. Most legal experts agree that the right to travel from one state to another is one of the unenumerated rights guaranteed

under the Tenth Amendment. However, many pro-choice legal experts are skeptical that the current Supreme Court will uphold it where abortion is concerned.

Heather Shumaker, the director of state abortion access at the National Women's Law Center, cautioned that, despite Justice Brett Kavanaugh's reassurance in his concurrence that the right to travel would not be infringed, it's not a foregone conclusion that the court will protect that right. "I don't feel like anything is off the table with this court or with anti-abortion extremists in this moment," Shumaker said. "I think that they're looking at every possible avenue to prevent people from getting the care that they need."

A lot of what blue states can do to increase abortion access will happen in cooperation with the federal government. The Biden administration has eased restrictions on the abortion pill mifepristone, finally allowing patients to receive the pills in the mail rather than picking them up at a health care facility. Now the blue states have an opportunity to protect providers in their states who are willing to offer telehealth care and to mail abortion pills to patients in states where abortion is prohibited.

In the latest draft of a law review article on the interstate battle royal now unfolding over abortion rights, Cohen notes that, while the Constitution forces states to return fugitives, it doesn't force states to extradite lawbreakers who don't flee. If an Illinois abortion provider presides over a telehealth abortion that is legal in Illinois but never sets foot in Kentucky, then Illinois does not have to extradite that provider to Kentucky. Some shield laws already restrict extradition. Some liberal governors have signed executive orders saying they won't extradite, but these orders only affect executive branch employees. Shield laws can be much broader in their protections.

"Probably the most creative, although legally risky thing that states could do is say that every state says that the location of care for telehealth is where the patient is," Cohen said. That would mean that a California nurse practitioner who coordinates a pill abortion for a patient in Alabama is acting legally in the eyes of her home state (though still illegally in the eyes of Alabama). "That's where the legal risk comes in, because they would then be subject to prosecution in Alabama, but they would be safe in their own state," Cohen said. The downside is that a provider wanted in Texas might not safely be able to leave their blue state for fear of prosecution. This raises the potential scenario of abortion providers from blue states never being able to travel in any red state, if red states band together to vow to arrest such providers.

BUSINESS AND LABOR HAVE roles to play in safeguarding abortion rights as well. After the fall of *Roe*, many nationally known firms announced abortion travel benefits for employees in states where abortion is illegal. Dick's Sporting Goods announced that it would reimburse employees for up to \$4,000 for travel to the nearest place they could obtain a legal abortion. Some, like the law firm Sidley Austin, were offering these benefits even before *Dobbs*. These programs aren't just for good press—there's an important business calculus behind them. In the short term, lack of reproductive rights will become a major obstacle to recruiting and retaining talent, a source of expensive job turnover, and a drain on morale. And over the long run, employers may find the end of legal abortion in Sun Belt states has a negative effect on the overall business climate.



Under Democratic Governor Ned Lamont, Connecticut is leading the nation in the race to take on bounty laws like Texas's.

Corporate America is engaged in what Commerce Secretary Gina Raimondo calls "a war for talent"—a struggle to attract qualified employees to ensure a competitive edge. Criminalizing abortion, along with other red-state social policies, such as marginalizing LGBTQ youth in school and attacking academic standards in the name of fighting imaginary "critical race theory" in the classroom, are only going to reduce the supply of talent that keeps the Sun Belt economy humming. People with options are less willing to live as second-class citizens or raise their daughters as second-class citizens. The *Dobbs* decision is also putting even nonpregnant women's health in jeopardy. We have seen health insurers and pharmacies crack down on vital medications for conditions like rheumatoid arthritis on the grounds that they could be used to induce an abortion or simply because they might cause harm to a fetus. There are real questions about whether in vitro fertilization will be legal in some states, especially if they adopt additional laws declaring an embryo to have all the legal rights of a person. All state bans contain exceptions for the life of the pregnant person, but it's not clear how close to death a woman has to be to merit an emergency abortion. Which means that abortion bans pose a threat to any woman with a high-risk pregnancy. There have already been cases of women having to travel to obtain lifesaving care because their doctors didn't think they were close enough to death to qualify for a termination. Imagine that scenario repeating itself in states where helping a woman travel for an abortion is now a felony.

Tracy Weitz welcomes these assistance programs but urges employers to target the help where it is most needed. Many employers touting their abortion travel benefits do not cover their low-wage workers who don't have fringe benefits and, critically, their contract workers. Since 75 percent of abortion-seekers are low-income, it's very important to make sure that the benefits find their way to those most in need of help.

Red states are doing their best to intimidate corporations out of helping their employees access abortions. In the opinion of some state legislators, Texas corporations that pay for abortion travel are already committing a felony under a 1970s-era statute that the Texas legislature claims is still in force. It remains to be seen whether prosecutors agree with that analysis, but more

JENNIFER MOON/BLUMENBERG/GETTY

legislation is surely coming to harass corporations that support the abortion rights of their workforce.

It's not just pro-choice scholars and businesspeople who anticipate abortion bans accelerating brain drain from red states. Missouri's GOP Senator Josh Hawley gleefully predicted that the fall of *Roe* would accelerate the outflow of liberals from red states, making them even redder. These liberals would disproportionately relocate to big blue cities where the Electoral College system dilutes their votes even further. Hawley predicted a political realignment in red America where social conservatives become so powerful that won't even have to tolerate fiscal conservatives in their coalition.

"Corporations are going to have to decide: Which side of this are they on? Are they going to bow to the intimidation, or are they going to step forward for their employees and help people get out of state and take on the lawsuits," said Tracy Weitz of American University.

FINALLY, THERE IS A broader front than abortion rights in this battle—it's the economic leverage that blue states potentially have over red states. There has been a lot of talk about economic sanctions over abortion prohibition. Various local governments have floated the idea of banning official government travel to abortion-prohibition jurisdictions. In June, Montgomery County, Maryland, froze official travel to 25 states that restrict reproductive health care. There is precedent for this. California banned taxpayer-funded travel to Texas over a 2017 law that allowed discrimination against LGBTQ people. The good news is that the Supreme Court refused to hear Texas's challenge to the ban. The bad news is that the ban does not appear to have dampened Texas's zeal for discriminating against gay and trans residents.

Blue-state governors are already working the abortion angle to lure corporations away from the Sun Belt. California Governor Gavin Newsom proposed tax credits and other incentives to entice employers to relocate. Illinois Governor J.B. Pritzker sent letters to executives of firms based in Texas, asking them if they really want to stay in "a state that strips its residents of their dignity" and noting that most workers don't want to live under an abortion ban.

No tool should be beyond consideration here, in the face of the America these people are trying to create. But in the end, what red states do to themselves may be far more economically painful than anything blue states could dream up. Abortion bans already cost the U.S. economy billions of dollars by decreasing women's labor force participation and increasing poverty and debt. A pre-*Dobbs* study by the Institute for Women's Policy Research found that abortion restrictions cost the country \$105 billion a year. The study projected that reversing all abortion bans would add nearly half a percentage point to the national GDP. Since different states have very different laws, red states disproportionately bear that cost.

The country is already facing a labor shortage. Forcing more women in the prime of their lives out of the workforce with unplanned pregnancies is only going to exacerbate the problem. "Reproductive health is on everybody's mind. That's going to hurt the economy," Gina Raimondo told *Meet the Press*. "You talk about the single-biggest issue, look at workforce participation of women without a college degree."

Sun Belt governors have billed their states as freewheeling business environments. However, with social conservatives ascendant, Sun Belt leaders are feeling free to threaten and even punish corporations that criticize their policies. In April, Florida repealed a law that had given the Disney corporation self-rule over huge tracts of land surrounding Disney World and had allowed the company to issue tax-free municipal bonds. The falling-out happened after CEO Bob Chapek spoke against Florida's "Don't Say Gay" law. Disney, through its Reedy Creek Improvement District, has issued \$1 billion in bonds, which local governments will now have to service. That's \$580 per person for the residents of the two-county area where the Disney zone used to be. Those citizens could also have to pay for public services that Disney used to cover.

Texas legislators threatened to drop Citigroup as a bond underwriter for the state of Texas for offering abortion travel benefits to its employees. State Representative Briscoe Cain, a member of the Texas Freedom Caucus, sent a cease-and-desist letter to Citigroup and to the leaders of some major nonprofits that have raised money for abortion travel. Cain also threatened to introduce legislation to stop municipalities from doing business with any firm that provides abortion travel benefits.

Corporations are willing to put up with a lot in exchange for low taxes, lax regulation, and warm weather. But the possibility that Texas might charge senior management with felonies over employee fringe benefits is sure to chill the climate for business at least a little. At the minimum, the willingness of states like Florida, Texas, and Georgia to inflict high-dollar punishments on dissenting companies creates uncertainty that is unattractive to business.

Organized labor is also grappling with the fallout of *Dobbs*. Many international unions reiterated their support for a woman's right to choose, but labor's strategy for navigating the real-world implications for its members is still coming together. Ideally, unions want to address this issue through collective bargaining to negotiate for abortion travel benefits and perhaps other concessions to help their members. But each collective bargaining agreement has to be examined separately in light of rapidly changing local and state laws.

"Everything is in chaos," said Tina Morrison, a member of the international executive board of the American Federation of Musicians as well as a local AFM union official in Washington state. Morrison said that the *Dobbs* decision has had major impacts across the AFL-CIO, the federation to which the AFM belongs. She said the decision was already affecting the members of her local, which straddles pro-choice Washington state and anti-choice Idaho. Some of the members of her local travel from state to state. Morrison said she was hopeful that the National Labor Relations Board would issue guidance to help the nation's unions stay on top of all the changes that are coming their way.

A 50-year-old constitutional right has evaporated overnight. The states will soon be split about 50–50 between abortion rights and abortion prohibition. The fight to come will strain the legitimacy of our institutions to the breaking point, test our faith in the rule of law, and tear the country apart. As tragic and as ugly as the struggle will be, it's a fight blue states can't shy away from. **TR**

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BETTMANN/GETTY

The Place of A Judge

Felix Frankfurter warned that politicians, not the courts, should make policy.

By John Fabian Witt

AN UNLIKELY FIGURE from the Supreme Court's past loomed over the justices' controversial decisions in June: In *Dobbs v. Jackson Women's Health*, which overturned the right to abortion articulated in *Roe v. Wade*, at least four of the court's five opinions vied for Felix Frankfurter's legacy. Justice Samuel Alito's majority and the concurrence by Justice Brett Kavanaugh harked back to Frankfurter's fierce critique of judicial activism. Frankfurter believed legislatures, not judges, should enshrine new rights. Meanwhile, Chief Justice John Roberts (whose concurrence cited him by name) and the liberal dissenters took up the idea of judicial minimalism Frankfurter had helped create. It wasn't the place of the court, Frankfurter believed, to make unnecessary alterations in existing law.

The resurgence of Frankfurter is one of the more improbable developments in U.S. law today. By the end of his tenure on the U.S. Supreme Court in 1962, the justice's influence had reached a low point. Frankfurter seemed to have accomplished more in his earlier career as a progressive lawyer and as a New Deal insider than as a Supreme Court justice. In the bruising fight between reformers and the conservative judiciary a century ago, he had emerged as an indefatigable defender of progressive causes, labor unions, and civil rights. In the New Deal, he had served as an

adviser to President Franklin Roosevelt, and as the hub in a network of allies and students who staffed the government's new administrative agencies. In 1939, Roosevelt nominated Frankfurter to a seat on the Supreme Court, where he served long enough to age into a cranky conservatism. In his last two decades, he held less sway with each successive White House. His clout dwindled on the court, too. His final years found him issuing intemperate dissents from the holdings of his younger liberal colleagues.

After Frankfurter's death in 1965, biographers showed little interest in writing about his life. Would-be chroniclers came to dislike their subject as they researched him. Frankfurter was ambitious to a fault with strains of narcissism. He flattered superiors and exhibited venomous contempt for those who disagreed with him. A further problem was the sheer volume of material. Frankfurter wrote a dozen letters a day or more. He wrote hundreds of articles and drafted countless briefs, reports, and books. His vast papers in the archives at Harvard Law School and the Library of Congress amount to 500 boxes of material containing more than 110,000 items. To make matters worse, some of the most important files in Frankfurter's archives were stolen from the Library of Congress in the early 1970s, and their whereabouts remain unknown.

Brad Snyder's new book, *Democratic Justice: Felix Frankfurter, the Supreme Court, and the Making of the Liberal Establishment*, is the first work to grapple with his life and legacy in full. Snyder, a law professor and historian at Georgetown, presents Frankfurter as an antidote to a court that has struck down campaign finance laws, crippled the Voting Rights Act, canceled gun control legislation, undermined the regulatory state, and removed the right to abortion. This is a degree of power, Snyder points out, that Frankfurter believed the court should never wield. And in Frankfurter's belief that rights should not be left to the court, but established through democratic processes, Snyder sees a progressive path beyond today's conservative court.

Snyder is not alone in finding hope for those on the political left of center in Frankfurter's approach. Academics like my left-leaning Yale colleague Samuel Moyn and Harvard's liberal Cass Sunstein have embraced the justice's commitment to judicial restraint for the era of conservative courts. So have leading Democratic Party politicians, for whom Frankfurter is the judge who was appropriately skeptical of the power of judges. Yet the conservative justices on the court who claim him as one of their own offer a different figure: one who laid the groundwork for a critique of liberal judicial overreach that the conservative legal movement has spent the past half-century pursuing. Struggle for the meaning of Frankfurter's legacy, it seems, has quietly become a contest over the future of the court.

BORN INTO A middle-class Jewish family in Vienna in 1882, Frankfurter arrived in New York at 11 years old. His father, Leopold, was a traveling salesman. Neither Felix nor any of his four siblings spoke a word of English. But he learned quickly. His favorite teacher in the city's public schools instructed his classmates not to speak to him in his native German, and before long, he was reading English-language newspapers obsessively in the Cooper Union reading room. In 1897, he entered the City College of New York, and in the fall of 1903, he enrolled at Harvard Law School, a diminutive bundle of intellectual and personal ambition. He made law review after his first year and graduated first in his class. He would later say that he had a "quasi-religious feeling" about Harvard Law.

At 24 years old, he was hired by Henry Stimson, the new United States attorney in

Manhattan. President Theodore Roosevelt had charged Stimson with rebuilding the U.S. attorney's office for the Southern District of New York as an elite, professional team of trustbusters. Even before Frankfurter's new job had officially begun, Stimson reported to the attorney general that the young Frankfurter's work was "conspicuously good." He tried high-profile criminal cases, including the prosecution of the Sugar Trust for defrauding the United States of customs duties.

The young Jewish Frankfurter fell in love with the uber WASP Stimson and with the ideal of expert professional government service for which he stood. In 1911, when Stimson moved from Manhattan to Washington to become the secretary of war, he took Frankfurter with him. The capital quickly became the younger man's social and intellectual playground. He met Louis Brandeis, then the nation's leading progressive lawyer and a fellow Harvard Law graduate, Class of 1878. He lunched with Oliver Wendell Holmes Jr. (Class of 1866), who was then a decade into his long service on the Supreme Court. These senior jurists became mentors to the new government lawyer. They dined regularly at Frankfurter's lodgings in "The House of Truth," a home on D.C.'s Nineteenth Street in which Frankfurter and a rotating cast of residents (including the journalist Walter Lippmann, who co-founded *The New Republic* in 1914) debated the issues of the day.

From early on, Frankfurter identified active government as the solution to the social problems of the industrializing age. Courts, by contrast, loomed as the great threat. In 1905, when Frankfurter was a second-year law student, the Supreme Court struck down a New York law providing that workers in bakeries could not work more than 10 hours a day. In *Lochner v. New York*, five justices said the law was an unconstitutional interference with bakers' individual right to freedom of contract. Frankfurter, who had worked briefly as a tenement inspector and had seen up close the squalor and indignity of modern industrial life, was outraged. He understood that the decision would allow employers to force unconscionably long days on workers with the least negotiating power.

In 1914, Frankfurter joined the faculty of Harvard Law School, but he remained involved in the reform world of Washington. Three years later, with the American entry into World War I, he returned to the War Department, where his work investigating

labor unrest in key wartime industries took him to places like the forbidding copper mines of Arizona. President Woodrow Wilson appointed Frankfurter to chair the War Labor Policies Board. Frankfurter had little sympathy for radical labor factions, but he was sharply critical of the crude and often brutal conduct of employers toward their employees and the unions, as well as the arbitrary behavior of the government officials who supported them. Frankfurter drew critical attention to outrages such as the deportation of more than 1,000 striking miners from Bisbee, Arizona, who were dumped at the southern border of New Mexico with neither food nor water.

Above all, Frankfurter advocated the empowerment of rational state agencies and government experts to resolve social problems. Judges, he observed, were not equipped to resolve the social problems at issue in the cases they decided. What was the right mix of labor conditions, wages, and hours in the mines at Bisbee? The cloistered institutional position of the judiciary made it nearly impossible for jurists to know. Administrative agencies and commissions of experts, by contrast, could take notice of the facts and conditions on the ground and implement sensible policy. In this, Frankfurter drew heavily on his housemate Lippmann, who argued that modern society had grown too complex for nonexperts to manage. Laypeople, Lippmann contended, coped with the complexity of the modern world by crude stereotypes. Frankfurter applied the same idea to judges. When the Supreme Court struck down a minimum wage law for women workers in 1923 in a case called *Adkins v. Children's Hospital*, Frankfurter complained that (as Snyder puts it) the

justices had "outdated pictures in their heads." Like Lippmann's ordinary citizens, judges rarely know enough about the world to govern it effectively.

FRANKFURTER'S LONG RELATIONSHIP with Franklin Roosevelt, and Frankfurter's early years on the Supreme Court, form the heart of the left-liberal case for resurrecting his legacy today. In the 1932 presidential race, Frankfurter served as an intimate if unofficial adviser to the Roosevelt campaign, arranging speeches and offering suggestions. When the newly elected FDR offered him the post of solicitor general, Frankfurter turned down the job—not because he wanted to cede authority to others, but because any one role in the government threatened to tie him down.

As Snyder persuasively puts it, Frankfurter stayed out of the administration so as to maximize his influence in it. Together with his most talented students—men like James Landis, soon to be a leading figure in the New Deal and later a boy-wonder dean at Harvard—Frankfurter drafted the Securities Act of 1933, regulating Wall Street. He did not stand for any particular approach to regulating the modern economy. In the fierce intra-New Deal ideological battle between Brain Trust corporatists like Rexford Tugwell and Adolf Berle, on the one hand, and trustbusters in the mode of Brandeis, on the other, Frankfurter played all sides. He placed his former students in key positions at Treasury, in the Labor Department, in the Interior Department, and in the Justice Department and the Solicitor General's office. Like their teacher, they were energetic figures in the construction and maintenance of new modern state institutions. One contemporary critic derisively called them Frankfurter's "happy hot dogs." By 1939, *Time* magazine identified no fewer than 125 "hot dogs" working in Washington.

An obstructionist Supreme Court, however, stood athwart the New Deal's path. In May 1935, the court struck down key pieces of FDR's early program, including the National Industrial Recovery Act, and blocked the authority of the president to remove executive branch officials. Throughout the summer, Frankfurter helped the president construct a second round of reform legislation that might withstand the court's sledgehammer. As a weekly visitor to the White House, Frankfurter shaped the National Labor Relations Act, the Social Security Act, the Public Utilities Act, and the Guffey Coal Act.

**Democratic Justice:
Felix Frankfurter, the
Supreme Court,
and the Making of the
Liberal Establishment**

by Brad Snyder
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Better legislation alone could not save the New Deal from a hostile Supreme Court. Frankfurter also played a carefully concealed, behind-the-scenes role in Roosevelt's famous court-packing plan in the spring of 1937. In the wake of a massive electoral mandate in the 1936 elections, with key parts of his second New Deal pending at the court, Roosevelt proposed to appoint one new justice for every member of the court over 70 years old. The plan would have allowed the president to nominate up to six new justices and thereby break the legal logjam blocking progressive legislation. The proposal was controversial; it seemed to threaten the independence of the judiciary from the other two branches of government. Frankfurter was silent or skeptical about it in public. But in private he offered FDR sympathetic words and gave him crucial language and ideas for his campaign. When the president used one of his radio fireside chats to tell the nation, "We must take action to save the Constitution from the Court and the Court from itself," he was repeating a line Frankfurter had written.

In one view, the court-packing plan, which ultimately failed in the Congress, was a strategic error. Unbeknownst to the administration, Justice Owen Roberts had already cast the key vote in the court's private conference to uphold a Washington state minimum wage law; court-packing would not be necessary to sustain at least some of the New Deal's reforms. But in other respects, the New Deal's battle with the court was a great success. Within months, the court switched not only on the minimum wage but on the entire package of New Deal reforms. In fast succession, the justices upheld the National Labor Relations Act and the Social Security Act. Roosevelt got his legislative agenda through. He had also made the case, with Frankfurter's help, for a modern Constitution, one that adapted and evolved over time to meet the needs of society. The titanic struggle between the court and the New Deal had ended decisively in the New Deal's favor.

OVER THE NEXT four years, eight seats on the court became open, giving Roosevelt the chance to remake its membership, without court packing. Frankfurter was among the new justices. Roosevelt nominated the Harvard professor to what the president called the "scholar's seat" on the court, which had been held by the thoughtful Benjamin Cardozo and by Holmes before

him. But Frankfurter was, as his friend the political theorist Isaiah Berlin once observed, "a man of influence" more than an "academic figure." Amid concerns that he was too deeply involved in progressive politics to be an impartial judge, Frankfurter's confirmation became (in Snyder's apt words) "a public spectacle unlike any the country had ever seen." Opponents accused him of disloyalty and of associating with communists and radicals at the ACLU. Critics attacked him in the press as a foreigner and a Jew. Frankfurter was forced to testify at confirmation hearings, becoming only the second nominee in history to do so. In the end, after three days of hearings, the Judiciary Committee recommended him unanimously. The Senate confirmed him by voice vote without objection.

Frankfurter did not allow his new position to slow his networking and backroom influence peddling. Snyder effectively conveys the startling extent of Frankfurter's continued role in Roosevelt's White House, including on matters that sometimes came before the court. He advised and reassured Roosevelt on the questionable legality of the Lend-Lease Program in early 1941. He brokered the reappointment of his old mentor, Henry Stimson, to serve once again as secretary of war. Frankfurter worked with labor leader Sidney Hillman to organize wartime labor policy. He helped Stimson design the military commission that controversially tried and convicted eight German saboteurs who landed on beaches in Long Island and Florida in 1942. Frankfurter did not recuse himself when the saboteurs' case reached the court weeks later.

Yet even as Frankfurter wielded new authority, fissures emerged in the foundations of his political power. He did not get along with his fellow Roosevelt appointees, many of whom bridled at his pedantic and domineering style. The temperament that had worked so well with students backfired more often than not. Colleagues on the court, like former U.S. Senator Hugo Black and presidential aspirant William O. Douglas, did not take kindly to Frankfurter's didacticism. More than once, acrimony on the court made its way into the press. Frankfurter was often the source of leaks, though he was not alone among the justices, several of whom selectively leaked information on their colleagues' behind-the-scenes conduct.

Snyder's central contention is that Frankfurter's approach to judging emphasized democracy over the authority of

unelected judges. Snyder offers a sequence of famous wartime cases to illustrate the point. In *Minersville School District v. Gobitis*, decided in 1940, Jehovah's Witnesses challenged a requirement that children in public school salute the flag. The Jehovah's Witnesses believed that the Bible forbade such salutes. Frankfurter wrote the opinion for the court upholding the salute mandate as a reasonable means for the attainment of national unity and security in wartime. "The guardianship of deeply cherished liberties," he explained, was committed "to the legislature no less than to courts"; leaving such questions "in the forum of public opinion and before legislative assemblies," he continued, "serves to vindicate the self-confidence of a free people." Three years later, in *West Virginia v. Barnette*, a nearly identical case also brought by Jehovah's Witnesses, the court reversed course. But Frankfurter dissented, doubling down on his *Gobitis* position. "As a member of this Court," he wrote, "I am not justified in writing my private notions of policy into the Constitution, no matter how deeply I may cherish them or how mischievous I may deem their disregard."

Snyder insists that we should sympathize with Frankfurter's dissent. "Appeal lies not to the courts," the justice wrote in *Barnette*, "but to the ballot and to the processes of democratic government." Anything else, he contended, is the pursuit of liberal goals by a kind of shortcut: liberalism "on the cheap," as Frankfurter put it to a former clerk in 1962.

But Frankfurter's account of democracy and democracy-promotion is too thin to support Snyder's defense. Some limits on the state's ability to manage and compel public opinion are indispensable to the democratic control of the people over the state. Majorities are the lifeblood of democracy. But paradoxically they also have the power to shut democracy down. The court's deference to the sovereign will of the people in *Gobitis*, for example, had unleashed a torrent of abuse and violence against members of the Jehovah's Witnesses. *Gobitis* had undermined democracy, not served it.

Frankfurter sided with the state in other dubious wartime cases, too. In *Korematsu v. United States*, an American citizen challenged the legality of the Roosevelt administration's ill-advised internment program for people of Japanese ancestry living on the West Coast. Frankfurter sided squarely with the majority of the

court in upholding internment. The court's opinion, written by fellow Roosevelt appointee Hugo Black, embraced Frankfurterian themes: "the properly constituted military authorities" asserted that internment was a "military imperative," and the court could not say otherwise. Snyder contends that, at the time of the decision, few understood that the internees posed little security threat. But J. Edgar Hoover's Federal Bureau of Investigation had opposed internment for precisely this reason. Internment was not driven by the national security experts to whom Frankfurter was so insistent on deferring, but by the opportunism of ambitious California politicians like future Chief Justice Earl Warren. The program was a politically motivated scapegoating operation from the beginning.

Frankfurter's wartime decisions were not so much a sign of his democratic credentials as they were a signal of his patriotism and his adherence to a distinctive strand of early-twentieth-century expert-driven progressivism. *Gobitis* had led the justice to regale his colleagues on the court with the story of his own immigration and his devotion to his adopted country. His *Barnette* dissent and his vote in *Korematsu* likewise arose out of his ferocious commitment to his adopted country in wartime.

Frankfurter, it turns out, was less a democrat than an admirer of expertise and a devotee of elite institutions, which he believed could navigate a world that the mass of the people could not. (Harvard Law School, he mused late in his life, was "the most democratic institution I know anything about.") Frankfurter's sensibilities were refined. He drank good wines, preferred the best suits, and wore Oxford pince-nez spectacles. His close friend, the British socialist Harold Laski, called him "an aristocrat with an infinite sense of pity." He had admirable caution about the institutional capacities of judges and courts. But his caution was in no small part dedicated to preserving a particular kind of role for the courts, which he thought would be impossible if courts got back in the *Lochner*-era business of making policy on the basis of the justices' own views.

EPISODES LIKE THE Jehovah's Witnesses cases left Frankfurter increasingly isolated on the court. But he managed one last great balancing act in *Brown v. Board of Education*, the 1954 decision striking down formal segregation in public schools. Frankfurter had special interest in the case.

From early on, Frankfurter identified active government as the solution to the social problems of the industrializing age. Courts, by contrast, loomed as the great threat.

A quarter-century earlier, he had helped set it in motion by recommending to the NAACP one of his favorite students, Nathan Margold, to design a strategy for challenging segregated schooling in the courts. When five consolidated primary school cases reached the court in 1952, Frankfurter once again exercised influence over the case behind the scenes. Through a back channel with his former law clerk Phil Elman, now a lawyer in the Solicitor General's office, the justice persuaded the Eisenhower administration to express support for gradual desegregation. Along the way, Frankfurter almost certainly shared the private leanings of his fellow justices with the government litigators.

Brown posed a challenge to Frankfurter's policy of judicial deference to the elected branches. Why not defer to the government in the schools cases? If deference to democratic decisions had been the proper approach with flag salutes and Japanese internment, why was Jim Crow different? State legislatures and elected school boards in the South had erected systems of separate schools for decades. What's more, Frankfurter's law clerk Alexander Bickel found that the 39th Congress, which had passed the Fourteenth Amendment, had not originally expected the provision to interfere with segregated public schools, which had existed at the time in the capital and around the country.

Frankfurter's explanation, drawing on his clerk Bickel's research, was that the history of the Fourteenth Amendment was "inconclusive." While the framers of the amendment may not have expected it to desegregate schools, its broad language ("equal protection of the laws") licensed judges to update its meaning for

new circumstances. Nearly two decades earlier, Frankfurter's defense of Roosevelt's court-packing plan had produced the story of a Constitution that changes and adapts over time. Frankfurter now championed the idea anew in the school desegregation context. The Constitution, he insisted, was a broad outline for American life. It was, as others called it, a living Constitution, designed to grow over time.

Much of Frankfurter's work on the *Brown* decision focused not on defending the rights of Black Americans, nor on promoting democracy, but on protecting the court and its institutional reputation in the wake of the court's blockbuster ruling. In a case known as *Brown II*, Frankfurter worked closely with the new chief justice, Earl Warren. Warren and Frankfurter crafted a gradualist remedy that would accommodate the resistance of the white South to the court's *Brown* order. Drawing on language first used by his hero Oliver Wendell Holmes, Frankfurter proposed that the decision in *Brown I* be implemented "with all deliberate speed." No one quite knew what the phrase meant, which was one of its virtues. Ominously for the plaintiffs in *Brown*, however, Holmes had used the phrase to explain that states ordinarily move slowly in response to litigation. Warren took up the words and included them in the court's *Brown II* decision.

Snyder contends that Frankfurter "could not have imagined" that Holmes's old dictum would become "a touchstone for southern delay." But this is too easy on the justice. From the very beginning of the dubious conversations with his former clerk Elman in the Solicitor General's office, Frankfurter's strategy had been to try to make the white South more amenable

to desegregation over time. Snyder himself describes Frankfurter's goal in the case as "delay, delay, delay."

Snyder contends that the justice was "content to play the long game." But the long strategy played into the hands of massive resistance and white supremacy. Allowing white-dominated state political bodies time to process *Brown* gave a pass to some of the most noxious features of Jim Crow. In 1955, the court was presented with a challenge to Virginia's ban on interracial marriages. At Frankfurter's insistence, the court let the law—titled the Racial Integrity Act—stand unaltered.

AFTER BROWN AND BROWN II, Frankfurter's role on the court grew steadily more marginal. Warren soon tired of his colleague's efforts to influence and cajole. As Snyder effectively shows, much of the problem was that the justice from Harvard Law School was less and less tightly connected to the changing Democratic Party coalition. The constitutional battle of the New Deal had been won, at least for the time being. The administrative state had been secured. And as new issues about civil rights and civil liberties arose, Frankfurter found himself increasingly out of step.

Detached from a political coalition, he angered erstwhile allies. Most strikingly for our own post-*Roe v. Wade* world, Frankfurter sustained a Connecticut statute banning contraceptives. A married woman who had given birth to children with fatal congenital abnormalities in three consecutive pregnancies sued together with her husband challenging the contraceptives law as unconstitutional. Frankfurter held that the couple lacked standing to sue because the state had not yet enforced its law against them. Justice John Marshall Harlan and Justice Douglas dissented, the former citing "privacy in the conduct of the most intimate concerns of an individual's personal life." Harlan's right to privacy for contraceptives became the law of the land in 1965 in *Griswold v. Connecticut*, which eight years later supported the right to privacy theory in *Roe*.

Frankfurter's final opinion came in dissent in the landmark case of *Baker v. Carr*, which challenged Tennessee's legislative districts as unconstitutional. The state had not redistricted for more than a half a century. Its districts were badly malapportioned, such that rural voters had vastly more legislative authority than urban voters. Voters

in the disempowered districts contended that a judicial solution was required. Electoral reform had been cut off by the very practice under challenge. Democracy, in other words, necessitated some kind of outside management of the political process.

Frankfurter did not agree. In 1946, in a case called *Colegrove v. Green*, he had written for the court that judges had no business engaging in the messy practice of districting. "Courts," he had insisted, "ought not to enter this political thicket." Districting would inevitably favor one side or another. How much malapportionment, Frankfurter asked, was too much? The Constitution did not say, and neither, he believed, should the court. But a decade and a half later, as Frankfurter's health began to fade, a new generation of justices rejected his *Colegrove* opinion. In *Baker v. Carr*, Justice William Brennan wrote for six justices who set aside Frankfurter's cautions and ruled that political malapportionment claims were subject to judicial review. Frankfurter castigated the majority for invoking a "destructively novel judicial power" and warned that only "complete detachment" from politics could sustain the court's fragile institutional legitimacy.

Frankfurter's angry dissent in *Baker v. Carr* is a grave liability for Snyder's central thesis. Refusing to check legislative gerrymandering was not a democracy-promoting position at all. Snyder channels Frankfurter to warn that a "Supreme Court on judicial steroids, embroiled in electoral and other political disputes," threatens to displace the people from their rightful place in managing their problems. But Frankfurter's dissent invited the legislative fox to guard its own districting henhouse. To be sure, a Supreme Court with its own biases and its own politics is no perfect solution. Sometimes, however, judicial deference is merely judicial abdication.

WHEN ROE WAS decided in 1973, eight years after Frankfurter's death, Frankfurter's disciples lined up against the decision, helping to produce central themes in what became the conservative critique of the decision. Two decades earlier, Frankfurter's friend, the jurist Learned Hand, had attacked *Brown v. Board* as indistinguishable from *Lochner*. Now Frankfurter's law clerk Alexander Bickel critiqued *Roe* on the same grounds.

It is unclear whether political movements in the U.S. constitutional model can successfully champion the model of

deference at all. Justices tend to lose their taste for deference once they are in the majority. The New Deal's coalition and the justices it produced passed quickly from Frankfurterian deference to Warren court activism. Today, the conservative legal movement that began by turning Frankfurter's critique of *Lochner* against cases like *Brown* and *Roe* has abandoned deference in favor of a new aggressive role of its own. One day before adopting a Frankfurterian emphasis on legislative assemblies to overturn *Roe*, the court struck down New York state's duly enacted licensing law for carrying concealed handguns in a case called *New York State Rifle & Pistol Association v. Bruen*.

The dissenters in *Dobbs v. Jackson Women's Health* observed this contradiction. But, in one crucial way, the conjuncture of *Dobbs* and *Bruen* makes perfect sense: Juridical positions must reflect political coalitions if they are to lodge themselves durably in the law of the land. Frankfurter's close connection to FDR's New Deal illustrates the point. Today, guns and abortion are central issues for the political coalition from which six of today's nine justices come. And as Frankfurter discovered in his old age, such coalitions have no intrinsic investment in juridical positions on the proper role of the court.

In this respect, Frankfurter was farsighted. "There will come a time," he warned the liberals of the Warren court, "when there is a very different majority." Conservatives, too, could wield the power of judicial review to carry out an aggressive political agenda. Frankfurter knew this from experience; he had come of age when conservative judges had exercised power with reckless abandon. But the point is more fragile than Frankfurter thought. Jurists of one political persuasion will leave aside the tool of judicial review only if they can be sure that future jurists of other political persuasions will show similar restraint when they control the courts. There is no mechanism for guaranteeing such future cooperation. It is no surprise that the conservatives on today's court show no sign of holding back.

Critics of the judicial power in U.S. constitutional law face a giant prisoner's dilemma. The court's authority lies, like a loaded weapon, ready to be used by the justices who pick it up first. **TNR**

John Fabian Witt is a professor of law and history at Yale. His most recent book is *American Contagions: Epidemics and the Law From Smallpox to COVID-19*.



A Very British Swindle

How the United Kingdom became a haven for dirty money

By Geoffrey Wheatcroft

OVER THE 70 YEARS of her reign, Queen Elizabeth II has witnessed many changes, but few more historically significant than the decline and fall of the British Empire. From the days when much of the map of the world was painted red, it has shrunk to almost nothing. But not quite nothing. Here and there across the globe, tiny red dots still mark the last relics of empire: the Cayman Islands, the British Virgin Islands, and Gibraltar, all still nominally under British sovereignty. And although Dean Acheson could say in 1962 that “Great Britain has lost an empire but not yet found a role,” those last remnants of empire have assuredly found new roles. They are true world-beaters: as tax havens, homes for semi-criminal shell companies, and eager recipients of dirty money in need of laundering.

A recent reminder came when the premier of the British Virgin Islands, Andrew Fahie, was stripped of his office this year. While on an ill-advised visit to the United States, he stepped off a private plane in Miami and was arrested by the Drug Enforcement Administration. The U.S. government charged him with money laundering and drug smuggling, while the British fretted over whether it should take the BVI under direct rule.

Such little outposts could claim that they are no worse than the mother country that once ruled the empire. In May, Liverpool FC won the historic Football Association cup final by beating Chelsea FC, a team then switching owners. One consequence of Vladimir Putin’s brutal invasion of Ukraine was to remind us that London was awash with the wealth of the absurdly termed “oligarchs,” the men who became enormously rich in the years following the collapse of communism and the implosion of the Soviet Union by looting Russia of its vast natural resources. One of them was Putin’s associate Roman Abramovich, who bought Chelsea in 2003 and, having been sanctioned by the British government, which froze his assets in March, began trying to dispose of it.

Part of this squalid story has already been told by Oliver Bullough in his excellent 2018 book, *Moneyland*, which described the new world order of national and international kleptocracy. Abramovich was a notable member of that order, along with Vladimir Chernukhin and Alisher Usmanov, among others. Since that book, Bullough has been running “kleptocracy tours” of London, like bus tours of the Hollywood showing where the stars live, except in this case Bullough has mapped the vast abodes

where these rascals live, from Highgate to Chelsea. His new book, *Butler to the World*, is a form of guided tour itself, taking us to those last relics of empire before returning home to “Londongrad,” where Bullough finds a service industry of bankers, lawyers, accountants, estate agents, “reputation protection consultants,” and facilitators of every kind.

England today, Bullough proposes, “is like a butler,” a figure who “does not concern himself with the moral character of his clients.” That may be a little unfair to butlers, not such a bad lot in my limited experience, and what Bullough really means is that, beyond financial and legal services, London is also selling the remains of its cultural capital: the deference or obsequiousness of its professional class conferring on their business associates an aura of respectability or patrician glamour. The more apt word for members of this class would be enabler or opportunist: *Butler to the World* is really a story about the legacy of empire and the sorry state of a country that finds itself acting as a factotum for the international plutocracy.

THE STORY OF Britain’s transformation into an oligarch’s paradise has its origins in the country’s earlier decline. Once upon a time, English banking and broking prided itself on its integrity. Bullough describes a system before the 1950s in which “financial institutions were largely guided by gentle pressure toward doing the ‘right thing,’” with no need for formal agreements, since “a chap’s word was his bond.” But the City lost its global financial supremacy to Wall Street after two world wars. Cripplingly indebted after 1918, Britain was well-nigh bankrupt after 1945. “At the end of the ‘50s, London seemed to have been left behind in the progress of world trade and finance,” Richard Fry wrote in *The Guardian* in 1970. “Such was the prevailing pessimism that the sons of some bankers were training to be farmers.” And yet by the end of the 1960s, all had already changed, thanks to brilliant wheezes thought up by a London bank: the Eurobond and the Eurodollar.

Before 1914, the financial dominance of the City had rested on the strength of the pound sterling, based in turn on the gold standard. Forty years later, the perennial weakness of sterling endangered all British financial institutions, until the Midland Bank had a brain wave: Rather than buying dollars, it could borrow them. “It was like renting a car rather than

**Butler to the World:
The Book the Oligarchs
Don't Want You to Read—
How Britain Helps the
World's Worst
People Launder Money,
Commit Crimes, and
Get Away With Anything**
by Oliver Bullough
St. Martin's Press,
288 pp., \$28.99

buying one,” Bullough says: “you can still drive wherever you like, but since the car belongs to someone else, you dodge any limitations on car ownership.” Better still, while avoiding limitations placed on domestic lending, Midland could also allow, let’s say, the Moscow Narodny Bank to avoid U.S. restrictions, while the Eurobond allowed “tax dodgers, kleptocrats and the occasional refugee to hide illicit funds from governments.” The genius of the Eurodollar was that “If you wanted to take advantage of the vitality and strength of the US economy, they were dollars; if you wanted to avoid restrictions imposed by the US government, they weren’t.”

In some rather predictable passages, Bullough derides the antiquated patrician elite who used to run the City, and he illustrates what he thinks was their haughty condescension to social inferiors by describing their tendency to address people by their surnames (“Dear Bell”). But not long ago, Englishmen of a certain class (politicians, barristers, and dons as well as bankers) talked to one another in just the same way: Seventy years ago, the prime minister would begin a letter to the leader of the opposition with “My dear Churchill.” More to the point, that old elite showed that they could easily move with the times and forget their stuffier proprieties, when it suited them. It was Charles Hambro, an Etonian with a name famous in high finance, who formulated the proposition, “If we were to stop the business here, it would move to other centers with a consequent loss of

earnings for London.” Since he said that, his words have been parroted endlessly by everyone from bankers doing dodgy deals with shady customers to politicians justifying the sale of armaments to brutal tyrannies: If we don’t do it, someone else will.

The international rich now had their own currency. By 1964, Oscar Altman, deputy director of the International Monetary Fund, could say, “The Euro-dollar market knows no politics,” and by 1969, *The New York Times* called the Eurodollar “a strapping giant, well over \$20-billion strong, baffling to the layman and puzzling even to the experts,” and one which “has no nationality, owes allegiance to no one and roams the world looking for the biggest financial rewards.” More than 50 years on, we can see that enthusiasm as the harbinger for so much to come.

Leaving the City, Bullough takes us to the next stop on his kleptocrat tour. The British Virgin Islands were a colonial relic; once a sugar-producing colony run on slave labor, by the postwar decades, the islands earned half their revenue from selling their decorative stamps. Then, in 1976, the BVI caught the eye of the New York lawyer Paul Butler, who saw their remarkable potential as a financial center. Some American financiers had already identified the Caribbean island of Curaçao as a convenient place to establish notional subsidiaries, allowing them to avoid high U.S. taxes and operate free from pesky domestic regulations that were designed to restrain reckless speculation. The drawback was that Curaçao is Dutch-speaking, and its legal structures all use Dutch. The BVI, on the other hand, speak English. Butler’s lawyers set about incorporating companies there, forming as many as 50 in one month, and money poured into the islands.

When the U.S. government closed the tax loophole in 1982, Butler came up with a new idea. Inspired by shell companies in Panama and Delaware, he persuaded the government of the BVI to create “international business companies,” opaque, tax-free, and obliged to keep records only “as the directors consider necessary.” This strategy earned a glowing endorsement when Li Ka-shing, the richest man in Hong Kong, transferred his shipping assets to a BVI shell company in the mid-1980s. By 1997, Bullough writes, “the BVI was registering more than 50,000 companies a year.”

These BVI shell companies have enabled a range of dubious actors around the world. They are used, Bullough reports, “by North

Korean arms smugglers, crooked Afghan officials, American tax dodgers, South American drug cartels, Kremlin insiders, corrupt football administrators and far too many criminals to name.” This was “all guaranteed by the pleasant and reassuringly solid presence of the British flag.” We learned something of this when the highly embarrassing Panama Papers were leaked from the Panamanian law firm Mossack Fonseca, with details of many companies registered in the BVI. That firm has now cut its connections with the BVI, although when Bullough visited the country, he found its ghostly name on its former office.

IF THE BVI had been a small, struggling remnant of empire, Gibraltar had been a world-famous symbol of British might for more than three centuries. In its new late-twentieth-century role, it was destined to play a large part in the unhappy story of British gambling. More than 30 years ago, the legislature of this little colony changed its betting taxes, prompting a stream and then a flood of London bookmakers to move there, relieving gamblers of their money while avoiding British taxes. Soon the bookmakers used the welcoming base in Gibraltar for further expansion, in particular finding new clientele in the Middle East and East Asia.

English horse racing is largely owned by the rulers of oil-rich, democracy-poor Persian Gulf states, and English football has an enormous audience in China. The bookmakers now had distant clients who would bet online in five- or six-figure sums. Before long, the average bet in Gibraltar was £2,500. British-based bookmakers now argued they needed similarly lax rules in order to compete. By the late 1990s, Bullough writes, they “were pushing at an open door.” Tony Blair’s “third way” relished discarding “the pious moralizing of old-style politics,” Bullough says. “If multinational betting companies just happened to massively increase their profits in the process ... then that was all for the good.”

What was not to the good was the Gambling Act passed by the Blair government in 2005, which made gambling a free-for-all, with no restrictions on the number of betting shops that could be opened and no supervision of betting in cyberspace. Blair’s sidekick Peter Mandelson had memorably said that New Labour was “intensely relaxed about people getting filthy rich,” and Denise Coates took him at his word. She began her online firm, bet365, from a shed in

a parking lot and has since expanded it to the point where she can pay herself a salary of £250 million a year. If you watch sports on English television nowadays (my wife might say that I do little else), you will see relentless promotion of gambling, in the ads, on the billboards at football stadiums, and even on the players’ shirts.

Meanwhile, in the poorest quarters of working-class cities, there are streets without grocery or clothing stores, but instead a line of betting shops. Inside, you find rows of fixed-odds betting terminals like diabolical fruit machines. Then came the smartphone, and bookmakers, shrewdly ahead of the game, realized that gamblers could be encouraged to bet more or less continuously. Countless people, and their families, have been destroyed by the addictive gambling this encouraged, all thanks to what some still think was a progressive government.

If a British government facilitated this social disaster, another kind of scandal, unnoticed to begin with, was the Scottish limited partnership. SLPs are like limited partnerships in England, in that the partnership does not have to make its accounts public and is not taxed itself; the partners instead pay taxes as individuals. But unlike the English kind, the Scottish partnerships can “own property, enter into contracts, sue or be sued and generally behave like a company,” all without making any disclosures, Bullough writes. Since these limited partnerships are almost entirely opaque, they were perfectly suited to people who had money they wanted to move clandestinely and hide effectively. SLPs have existed since 1907 but were not widely used until the last decade, when they became suddenly popular. More SLPs were registered in 2016, Bullough observes, than in the first 100 years of their existence.

SLPs were very useful for companies that wanted to look legitimate while operating with complete freedom and secrecy. In 2015, journalists at the Glasgow *Herald* found that an innocuous-seeming partnership called Fortuna United LP was the final owner of \$1 billion stolen from Moldovan banks in 2014. Though the partnership was registered to a modest house in a suburb of Edinburgh, it was “actually controlled by two companies in the Seychelles, a notorious tax haven where ownership of companies is a closely guarded secret.” And 437 other limited partnerships, the *Herald* journalists learned, were registered to the same address. These SLPs, they

reported, were used to facilitate the arms trade between Ukraine and Gulf states, for marketing counterfeit vodka, and for copyright infringement on a vast scale.

IN ONE RESPECT, Bullough’s book is more topical than he could have imagined when it went to press. Before the overthrow of Putin’s ally Viktor Yanukovych in 2014, energy-related interests enjoyed extraordinary power and influence in Ukraine, particularly the shadowy company RosUkrEnergo. Its half-owner turned out to be Dmitry Firtash, who had helped Yanukovych become president before plunging into English life, and in Firtash’s story Bullough’s theme really comes into its own. England, the City, the “establishment” didn’t just allow such people to come in; they begged and almost bribed them to come with “golden visas” for “highly skilled migrants”—or very rich foreigners.

Thus Vladimir Granovski, a Ukrainian millionaire, arrived in London, bought a house for £5.4 million, and went into a new business, helping rich Russians immigrate and find a place in English high society, or at least among other rich people. In 2004, Granovski found a partner in Raymond Asquith, great-grandson of the early-twentieth-century Prime Minister H.H. Asquith, and now himself the earl of Oxford and Asquith. He had formerly worked for the Secret Intelligence Service or MI6—the British counterpart to the CIA—when he pulled off a brilliant coup by exfiltrating the double agent Oleg Gordievsky in 1985, smuggling him out of Russia in the trunk of a car with a used diaper to throw KGB sniffer dogs literally off the scent. Now in the private sector, he went into business with Granovski, enlisting a helpful Conservative MP called Richard Spring on a retainer of up to £40,000 a year. One of the first clients of Asquith & Granovski Associates was Firtash.

In 2010, Firtash sponsored a Ukrainian studies course at Cambridge University. His £4 million donation would make the university “a vibrant home for the study of Ukraine for many generations to come,” the head of the Cambridge School of Arts and Humanities, professor Simon Franklin, declared in a statement at the time. The next year, Firtash was welcomed into the Cambridge Guild of Benefactors by no less than the chancellor of the university, the duke of Edinburgh. All this unfolded, Bullough notes, while Firtash’s friend Yanukovych’s “corruption became ever more blatant, and

his profligacy ever more obscene with the building of a huge palace on the outskirts of Kyiv.” In less than 10 years, Firtash had gone from a “shadowy businessman who had helped Putin dominate Ukraine to a widely praised philanthropist” who met the queen’s husband and, in a surreal touch, bought the disused Brompton Road underground station from the Ministry of Defense to add to his London property portfolio.

But by 2018, even the English were growing uneasy about the oligarchy. An attempt by Putin’s agents to poison the Russian defector Sergei Skripal in the leafy cathedral city of Salisbury, of all places, began to ring alarm bells—not only about an outrageous attempted assassination but about the whole way in which the British had welcomed so many rich Russians, some of whom, like Skripal, might have fallen foul of Putin, some of whom were still his cronies. Bullough himself gave evidence in 2018 to the Foreign Affairs Committee of the House of Commons, to which he expatiated on the “British tendency to accept money from anyone that has it,” and the entirely foreseeable consequences of this. He also warned that the Financial Conduct Authority and other British official bodies were grossly underfunded and put to shame

by their U.S. counterparts when it came to tackling large-scale financial crime.

Government agencies had been demoralized by unsuccessful cases they had brought against powerful international criminals who, unlike petty fraudsters, could command the best lawyers and financial advisers money can buy. In 2020, the National Crime Agency suffered a striking failure in the “unexplained wealth” case it brought against Dariga Nazarbayeva, daughter of the former “president for life” of Kazakhstan (whose own personal adviser, by the way, was none other than Tony Blair). After the case collapsed, one of the investigators said sourly that it was “a waste of time trying to take on oligarchs if they employ topflight law firms.” A handful of extremely expensive London firms like Carter-Ruck and Schillings use the English libel laws—which, despite recent reforms, remain heavily weighted in favor of the complainant or plaintiff—to silence criticism.

Such laws make honest reporting on international crime extremely difficult. When the former Moscow correspondent for the *Financial Times*, Catherine Belton, published her acclaimed exposé, *Putin’s People: How the KGB Took Back Russia and Then Took on the West*, she was sued by Abramovich

and the oil and real estate tycoon Shalva Chigirinsky, and her publisher was sued by the Russian banker Mikhail Fridman, in a concerted campaign of “lawfare.” As the huge legal bills mount, it’s very tempting for publishers to settle, but to its credit, her publisher, HarperCollins, defended her, agreeing in the end to only minor changes to the text. Her remarkable book remains available, even if the campaign against her is likely to have discouraged other journalists from digging as deep as she has.

IT HAS TAKEN the war in Ukraine to cool the attitudes of British government and business toward the oligarchs. Only recently, Bullough writes, “hundreds of billions of pounds of criminal money” was flowing “through the City of London every year, most of it stolen from vulnerable people in some of the world’s poorest countries.” And where did this money go, besides to estate agents who sell huge London houses, to the expensive English boarding schools where Russians liked to send their children, to the financiers who facilitated their deals, and to the lawyers who used every ruse to protect them? Well, one answer is to our politicians: At the time of writing, we have just learned that the Conservative Party received a major donation from a Russian source, with links to the pro-Kremlin Ukrainian politician Sergei Kopytov. While this may be an example of how Bullough’s “butler” analogy doesn’t quite work—a butler accepts tips from guests but doesn’t run the country—it illustrates in the most lurid way a larger story.

There is no clearer indication that Britain has lost its way, politically, economically, strategically, and ethically, than the outgoing occupant of 10 Downing Street. We have had good prime ministers and bad prime ministers, but never before a totally unprincipled opportunist and self-seeking mountebank, and it’s fair to say that, until recently, a man of Boris Johnson’s character and conduct could not possibly have become prime minister. In June, another prime minister who worships money became Sir Anthony Blair, Knight of the Garter. The motto of that ancient order of chivalry is “Honi soit qui mal y pense”—shame on him who evil thinks of it. Our national mottoes today might rather be, “How can I oblige?” and “No questions asked.” **IN**

Geoffrey Wheatcroft’s books include *Churchill’s Shadow: The Life and Afterlife of Winston Churchill* and *The Strange Death of Tory England*.

Retrospect

by Rae Armantrout

To be a famous instance
of myself

on some occasions
to which

from a safe distance
I would be able

to refer.

Was that what I wanted?

Is this
one of those?

Rae Armantrout’s collection *Finalists* was published in the spring of 2022.

Facing the Muzak

Can the American mall survive?

By Jillian Steinhauer

IN THE DAYS before the pandemic, when I visited the Museum of Modern Art, I would stop at Mrs. Fields. Mrs. Fields does not have the best cookies, especially in a city teeming with boutique bakeries. But getting a snack there was never about the quality of the food itself. A Mrs. Fields cookie summons up a weekend in the early 1990s when my parents would pack me and my siblings into our Volvo station wagon and drive us half an hour over state lines to the mall in Stamford, Connecticut. There, my mom would peruse high-end stores that didn't have locations in our hometown, while my dad would take us kids to buy cookies and eat them on the steps that formed the mall's gathering spot.

You could tell the story of many suburban childhoods through a progression of visits to such anodyne shopping centers. Once I was old enough to go to malls on my own, I met up with friends at the two main ones in White Plains, the New York City suburb where I grew up: the Galleria, where I got my ears pierced at Claire's, and the Westchester, a shiny new beacon whose upscale nature was reflected in the fact that it had carpeting. By the time I moved away for college, I was over the world I left behind. When people asked where I was from, I'd answer, "a soulless suburb of New York City with no culture but lots of malls."

I haven't spent much time in shopping centers since—partly by choice, partly through circumstance. Malls have been struggling in one way or another since the 1990s, thanks to a slew of factors: a glut of such shopping centers, the replacement of department stores with big-box ones, recessions, the rise of the internet, and a new generation of mega-developer owners who are more cutthroat about their bottom lines. Even before the pandemic, which made gathering indoors dangerous,

fewer Americans were whiling away their weekends and after-school hours at the mall. Yet for so many of us, the image of a sunlit atrium crossed by steadily gliding escalators, with a Bath & Body Works looming in the background, evokes a deep nostalgia. Like how, the minute I walk by a Mrs. Fields and smell that intoxicating scent of butter, sugar, and chocolate, my defenses drop.

The mall is "ubiquitous and under-examined and potentially a little bit embarrassing," the design critic Alexandra Lange notes in the introduction to her new book, *Meet Me by the Fountain: An Inside History of the Mall*. Shopping is part of our daily lives, as are the spaces where we do it. Malls are fixtures of our physical and psychic landscapes, embedded with social and personal histories. They're loaded symbols within our culture, inspiring feelings of allegiance or contempt. In George Romero's famous 1978 movie, *Dawn of the Dead*, the mall is a home for humans and zombies alike. In the third season of the '80s-nostalgic TV show *Stranger Things*, it's simultaneously a place of teenage possibility and a Russian front for a sci-fi lab.

**Meet Me by the Fountain:
An Inside
History of the Mall
by Alexandra Lange
Bloomsbury,
320 pp., \$28.00**

In contemporary "ruin porn" photography, the empty shells of malls represent the just deserts of late-stage capitalism.

What makes malls the object of both longing and disdain? The civic purpose of the mall—unlike libraries, schools, and museums—has never been entirely clear. "In contrast to many other forms of public architecture, which embody fear, power, and knowledge, the mall is personal," Lange writes. It's not an institution, officially speaking, but it is social, a rare type of place intended to encourage hanging out. "At their best, malls create community through shared experience," Lange says; at their worst, they're temples to consumerism. They offer freedom—from parents, strict rules, the weather—even as they're policed. They're public, sort of, but also private, providing convenience at a price. Malls are not necessarily the communal spaces we would design for ourselves, but in a country short on alternatives, they're the ones we've been given. Is it any surprise that we want them to be so much more?

THE STORY OF the mall, like so many quintessentially American things, begins with an immigrant. The architect Victor Gruen (née Viktor Grünbaum) was an Austrian Jewish émigré who fled the Nazis in 1938; upon arriving in the United States, he began designing eye-catching shops and other commercial projects in a European modernist style. Visionary and ambitious, Gruen didn't invent the mall whole cloth, but he did pioneer the form and help embed it firmly in the American landscape.

Twentieth-century malls grew in part out of nineteenth-century arcades and department stores, important spaces for shopping and socialization. Their more immediate predecessors, however, were the shopping centers created for the suburbs that were growing around U.S. cities. As Lange explains, many of these were modeled on the idea of a high street: "the most artistic pattern for shopping districts outside the urban core looked like Main Street—but a Main Street transplanted to the edge of town and built all at once." Gruen was drawn to the idea of creating a "one-stop shopping area" designed to serve a given community, but he wanted to find a different way to do it.

His first attempt was theoretical: For a 1943 issue of *Architectural Forum* magazine, he and his partner, Elsie Krummeck, dreamed up a neighborhood shopping center with an open-air courtyard that would



be more than just a place of commerce; it would contain the “necessities of day-to-day living,” like doctors’ offices and a library. “Shopping thus becomes a pleasure, recreation instead of a chore,” they wrote. Eleven years later, that vision—in spirit, if not details—became a reality with the opening of Northland, a shopping center outside Detroit. Northland was funded by a downtown department store, Hudson’s, which also served as the core of the new complex. Around it, Gruen arrayed five more buildings containing smaller shops. The spaces between the buildings were connected by manicured, art-filled outdoor plazas, which were named after the features of various European cities (and curated by the artist Lily Swann Saarinen, wife of architect and designer Eero).

Northland was a success by multiple measures: Critics applauded the design, and

people came, tens of thousands of them. Gruen next went to Minneapolis, where, in a similar scenario—a downtown department store investing in the suburbs—he expanded on his original concept by adding a key feature: air conditioning. The mall would be entirely enclosed, meaning you could shop, worry-free, year-round; an ad for the new center, called Southdale, boasted, “Every day will be a perfect shopping day.” Hammering home the wonder of such a feat, Gruen designed a “Garden Court of Perpetual Spring,” which Lange deems “the inspiration for all future mall atria.” It occupied the center of Southdale, stretching three stories high and almost a block long, with trees, a café, art, a carousel, and a cage filled with birds. Like Northland’s plazas, it was a leisurely environment, the kind of space where you’d want to linger—but now you could do so anytime, in any weather.

The court helped set the stage for what theorists call the “Gruen transfer,” defined by Lange as “the moment when your presence at the mall tips from being goal-oriented ... into a pleasure in itself.” Why come to buy one item when you could while away the day? This was what made Gruen’s designs novel: In his hands, the mall wasn’t just utilitarian; it was aspirational. Not just “Somewhere To Go”—to use a phrase coined by Ray Bradbury and referenced by Lange—but somewhere to be.

Depending, of course, on who you are. One of the problems of malls, like so many American things, is the discrimination embedded in them from the start. They originated in the suburbs, where white Americans fled in the postwar decades, building segregated communities in the process. Lange discusses Kansas City’s Country Club District, an early and influential suburb with its own Main Street–style shopping plaza. The developer, J.C. Nichols, “set a design standard that would be imitated in many other places,” she writes, and enforced it with form-based deed restrictions that also included racial strictures: no Black buyers. “The shopping mall, from its origins in plazas such as this one in Kansas City, has to be seen as a racist form,” Lange concludes, “born from speculation that a whites-only version of the city ... would prove to be a better return on investment.”

Even when discrimination was less blunt, structural forces still ensured that malls were meccas mostly for white people. The Federal Housing Administration, commercial banks, and developers colluded to keep Black people out of certain neighborhoods by redlining and refusing to insure mortgages, and exploited them by flipping houses in white neighborhoods at higher prices, a practice known as blockbusting. What’s more, while Gruen had envisioned his malls sitting within mixed-use neighborhoods that would integrate more of the needs and activities of a community, the developers he worked with often sold off the surrounding land in order to make money. This, combined with mid-century federal funding for highways at the expense of all other forms of transit, further consolidated the exclusionary realities of the suburbs and their attendant malls. “In proposing a downtown outside downtown, protected from the elements, ringed by parking lots, designed for a single use and rigidly planned,” Lange observes, “Victor Gruen had also created a mechanism to protect white,

The Marriage of Mary

by Mary Jo Bang

Wedding Procession of the Virgin, Giotto, 1305

I was too young to know anything
about what I didn’t know.
And this is what you want

for your daughters? To go along
with the script and pay
with their lives. I’m young

and my son was once older than I
was when I was and he wasn’t yet.
He’s gone and not gone.

That’s what myth does, it stops
time to allow people to change
into costumes with different colors

and faces. Each mask
a girl with a different name,
inconspicuously covered in fabric.

**Mary Jo Bang’s translations of poems by
Matthias Göritz, *Colonies of Paradise*, will
appear in October.**

upwardly mobile homeowners from those unlike themselves.”

THE MALLS OF the '50s and '60s departed from Gruen's vision in other ways, too, becoming more uniform and less surprising as they spread across the country. Amid a wave of new building, architects and developers set standards dictating how malls should look and feel. The Urban Land Institute's annual *Community Builders' Handbook* proposed, for instance, that a community center should have 20 to 40 businesses, including a florist and liquor store, and offered four types of layouts. There was the cluster format that Gruen had used for Southdale, but more popular was a simpler form of mall: the I-shaped plan with anchor department stores on either end, connected by two rows of shops and an enclosed hallway. From there, L- and T-shaped plans developed that allowed for three anchor stores, or an X, which had four. Recognizing these elements as the core building blocks of malls—although they would become more bloated and complicated—helps explain why they often feel so familiar. It's not just certain stores that appear again and again; it's the way they're laid out. There's an underlying logic to them.

That extends to the interiors as well. The handbook recommends everything from a maximum ideal hallway distance between stores (65 feet) to the inclusion of “active features such as statuary, bird cages, kiosks, small animal cages (but be careful to avoid having monkeys), aquariums, and the like,” in order to induce “an active and attractive environment which creates an appeal not possible on a conventional pedestrian sidewalk.” This is the stuff of the Gruen transfer, and it's essential to how malls were constructed, as sterile pleasure gardens of a kind. It's also part of what makes them feel so weird. The inclusion of fountains and plants (but not monkeys!) dresses up the artificial space of the mall in nature; the inclusion of art wraps shopping in sophistication. These qualities can feel especially jarring when you step outside and find yourself facing a sea of paved parking lot.

In many ways, the process of implementing standards and designing shopping malls was about control. Lange tells of how Gruen's idea for Northdale came in response to driving around Detroit and its environs and finding them a “mess” (her word). In Dallas in the 1960s, Raymond and Patsy Nasher built a shopping center,

NorthPark, whose hallmark—beyond the stellar art collection it houses today—is its sophisticated coordination of everything from building materials to graphic design specifications. As the suburbs sprawled, developers, architects, and shoppers alike sought to impose order on them; they wanted to escape and refute the unwieldy realities of the city. “The ‘regional center,’” Lange writes, referring to one of the handbook's designations, “was clean and neatly maintained ... it lacked vehicular congestion, jostling crowds, street noise, the ‘wrong’ social elements, and crime—all departures from qualities associated with downtown.”

But building your own new downtown comes with problems, too. The more you try to control the environment, the more stifling it becomes. I think this is why I turned on malls after spending my formative years inside them. As I got older, I yearned for the unpredictability of a less manicured and mass-produced reality, one more surprising than what a stop at the Gap or Sbarro could offer. The more I understood the codes and rules of suburban shopping centers, the more I longed for the world outside of them.

AS THE 1970S gave way to the 1980s, malls tried to fight their reputation for dreary conformity by going even bigger and more immersive. Inspired in part by the essays of science-fiction writer Ray Bradbury, the architect Jon Jerde began designing spaces that were more like world's fairs and theme parks than the orderly, sedate shopping centers of previous decades. Seen from above, San Diego's Horton Plaza, one of his first major retail projects, looked like someone took a knife and cut a thin, diagonal slice out of multiple city blocks. The colorful, five-level pedestrian mall was dotted with stairs, escalators, and bridges and divided into six sections, each based on a different city's architecture. It was the classic Main Street idea, given the mega-funhouse treatment. Jerde's aesthetic was postmodern pastiche, a mash-up of international references, and he included waterways, movie theaters, and, in the case of the giant Mall of America, an entire theme park in his plans. John Simones, who has worked at Jerde's firm since 1984, summed it up as “the idea of moving from a typical mall, a place of consumption, to a place of experience.”

In a way, Jerde's idea wasn't entirely dissimilar from Gruen's or those of other

predecessors: He wanted the mall to be a destination. But he made it so for a wider swath of visitors. He recognized that by the '80s, splashing fountains and novelty trees were not enough to draw people; you had to “make shopping beside the point,” as a writer for *Los Angeles Magazine* once summed it up. And it worked. After all, if the mall is a model of consolidation, why not add entertainment? There's something freeing about shedding stuffy, middle-class values for good old-fashioned American fun, of embracing over-the-top artificiality and not pretending that a shopping trip is about anything besides consumption, whether of pretzels, shoes, or experiences.

Plenty of malls today follow Jerde's precedent, including New Jersey's American Dream, where entertainment—including what's billed as “North America's first and only indoor, real-snow, year-round ski and snow resort”—accounts for more than half the space. Opened in fall 2019, American Dream has struggled financially, something that Lange attributes not just to the pandemic but to the design itself, calling it a mall that has “gone too far.” While I was working on this essay, though, I saw a friend who'd been there with his daughter the week before. I said I'd heard the mall was too big, empty, and floundering, but this surprised him. He said they'd seen plenty of visitors and had a great time.

Jerde wasn't just trying to get people to spend more time and money on shopping; he wanted to build on malls' potential to be social spaces. “In America the last vestiges of community are a parade, a football game and a shopping center,” he once said. And in fact, in many places, malls have served that function, as Lange details in a chapter devoted to various groups and subcultures that have found and made homes there. There are mall walkers like Caroline Knutson, who began doing laps at Salem, Oregon's Lancaster Mall in 1982 and was still doing them (albeit fewer) in 2013, when she was vision impaired and needed a walker. Mall walking has become so popular that the Centers for Disease Control and Prevention sponsored a guide to it in 2015, noting the value of “level surfaces, benches for places to rest, water fountains,” and “accessible restrooms.” It's not just amenities that are a draw, however; it's the creation of social bonds. For years until a 2015 renovation, the food court at the Gallery in Philadelphia served as a “de facto senior center” on weekday mornings, as mostly older Black men gathered to talk

and people-watch. The presence of such groups is how even malls that look disconcertingly like every other mall become particular and unique.

YET MALLS OFTEN have an uneasy relationship with those groups that love them most. Perhaps the clearest example of this is teenagers, who have been both courted and overpoliced at the mall. In pop culture, as in real places like my hometown, malls are a center of teenage life: a place to see and be seen, to roam without adults, to spend some money figuring out what you want to wear or own or play, and by extension who you want to be. And importantly, they're capacious, home to *Clueless*'s Cher, a preppy, rich girl whose favorite form of self-care is shopping, as much as to *Mallrats*' Brodie Bruce and T.S. Quint, slacker dudes who take refuge at the mall after being dumped. Malls have spaces—like the thousands of arcades built in the 1980s—and stores—like that trend-tracking staple, Hot Topic—meant for teens, and they promise a modicum of independence.

That independence can easily be taken away. In *Mallrats*, T.S.'s ex-girlfriend's dad has the guys arrested on false charges. In real life, a video-game and arcade panic in the late '80s led many malls to increase private security and install CCTV. Those measures were followed by codes of conduct and parental escort policies, the first of which was instituted by the Mall of America in 1996 and mandated that anyone under 16 had to be accompanied by an adult after 3 p.m. Lange reports that the American Civil Liberties Union "immediately opposed" the policy for "infringing on the rights of young people," while local activists in Minneapolis felt it had been implemented specifically because teens of color were hanging out at the mall.

Black, Indigenous, and people of color (especially teens) have faced suspicion and profiling at malls. "The problem with going to department stores is every time a Black person enters, they get followed," says the comedian Chris Rock in voice-over in an episode of his quasi-autobiographical sitcom, *Everybody Hates Chris*. A satisfying scene in the 1997 film *Selena* captures how racist and class-based dynamics can play out at the mall: A white saleswoman in a boutique dismisses Selena (Jennifer Lopez) as too poor to afford an \$800 dress, but while her friend is trying it on, word gets around among Latinx mall workers that the Mexican American pop star is there. They

mob the store asking for autographs, and amid the fawning crowd, Selena calls out to the saleswoman, "Excuse me, miss? We don't need the dress."

Some of the most successful—at least by Lange's standards, maybe not those of developers—malls have adapted to embrace the people who now live near them. If malls began as spaces by and for white people, many have taken on new lives in the intervening decades. For one thing, the suburbs where many of them are located have become far more diverse. Lange discusses places like California's Westfield Santa Anita, which has flourished by catering to the local Asian American population and bringing in Asian stores and eateries, and Atlanta's Plaza Fiesta, a community hub that hews to Gruen's original vision by housing shops as well as dentists, insurance agents, and a bus company that runs trips to Mexico. (Plaza Fiesta is a project by José de Jesús Legaspi, who has "an almost twenty-year career in retrofitting dying malls for Latinx and Caribbean entrepreneurs and customers across the country.")

Lange also looks at shopping centers that have thrived with a different clientele than the one their builders intended: A prime example is Fulton Mall in Downtown Brooklyn, a longtime shopping street whose makeover in the 1980s failed to attract suburbanites but turned it into a locus for the surrounding, largely Black communities. In such cases, it's clear how successful malls can be when they actually work for the people around them.

STILL, THERE'S A reason the United States today is littered with dead and dying malls: We have more of them than we need. A question kept nagging me as I read *Meet Me by the Fountain*—one that Lange answers but not, I think, completely convincingly: Should malls be saved? She says yes, making the case that "the mall is neither a joke nor a den of zombies, but a resource. America's dead malls represent millions of square feet of matériel that are not going to be reabsorbed without investment and effort." This is an important point: No one is served by hulking, decaying structures, least of all the people who live nearby, and Lange details some fascinating examples of adaptive reuse, including one former shopping center that's been transformed into an Austin Community College campus.

But while she's defensive about those who catalog dead malls with glee (see:

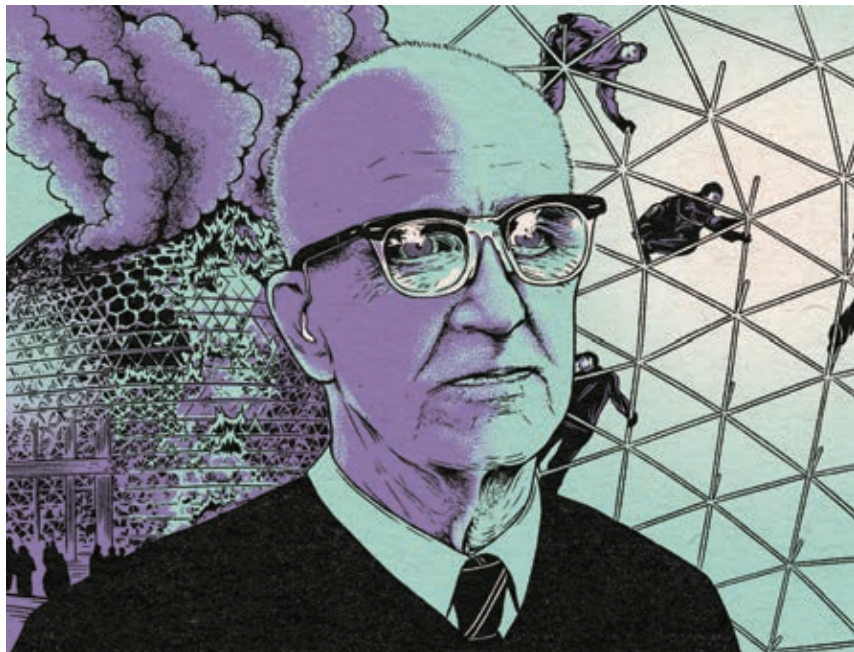
deadmalls.com), I understand the impulse—although my take has always been more of a lament. Instead of multiple shopping centers with similarly sterile interiors, why couldn't my suburban hometown have had theaters, a skate park, nature trails, and more sidewalks? We all need places to go to sit among strangers and bump into friends, but I wish I'd been given more opportunities to do so that weren't linked to commerce or set to the sounds of Muzak or Top 40 pop.

For all the services malls provide, they remain private spaces. We can try to improve them by making them more diverse and democratic, but we also have to contend with the reality that they are in many ways a private substitute for things the government has failed (or, arguably, refuses) to provide. Instead of public plazas with fountains to lounge around, we get food courts. In place of rent regulations to encourage small-business owners, we get Auntie Anne's and Hot Topic. Our planners forgo walkable downtowns for a strip of shops you have to drive to. More often than public parks, we get parking lots.

When I think about malls, I find myself wondering where else the money spent on them could go. Lange takes considerable time analyzing the layout of the Shops and Restaurants at Hudson Yards, the mall within the \$25 billion real estate project on Manhattan's West Side. Yet she doesn't ever explain how Hudson Yards' developer, the Related Companies, siphoned off at least \$1.2 billion in funding via a gerrymandered district for a visa program that's meant to support investment in areas with high unemployment—which Midtown West is not.

We're living in a golden age of privatization, extending from social media to city parks. This means our amenities come with strings attached and harmful consequences, like misallocation of money or neglect of poorer communities. The history of the mall has at least taught us that. What would it look like if we tried to reclaim some of the space we've lost and demanded more from our leaders in the process? When I think about the future I want, I don't envision a new and improved version of the mall. I want more truly public space, which is so hard to come by in the United States. I have plenty of places to shop. What I want is somewhere to socialize, somewhere to pee, and somewhere to rest. **TNR**

Jillian Steinhauser last wrote for *The New Republic* about the life of Stan Lee.



Dome Sweet Dome

The legacy of Buckminster Fuller's futuristic visions

By Rebecca Onion

IF YOU HAVE any mental image of Buckminster Fuller, you might picture him as a white-haired, bespectacled old man, standing in front of a chalkboard, holding up a model of a geodesic dome: a visionary, explaining his invention. This is how he appears in the second-and-a-half-long clip that Apple used in its “Think Different” commercial in 1997. Fuller’s image flashes on the screen as part of a parade of some of the most famous figures of the twentieth century: Albert Einstein, Bob Dylan, Martin Luther King Jr, Muhammad Ali. “Here’s to the crazy ones,” the voice-over, by actor Richard Dreyfuss, intones. “The misfits. The rebels. The troublemakers.

The round pegs in the square holes. The ones who see things differently.”

Fuller may have been the least famous person in that lineup, but to his fans, he was a towering influence. In a new biography, *Inventor of the Future: The Visionary Life of Buckminster Fuller*, Alec Nevala-Lee recalls becoming a teenage Fuller fan himself, steadily working through his writings after discovering him in Stewart Brand’s *Whole Earth Catalog*. Over his 60-year career, Fuller collected admirers, from the college students he taught to Silicon Valley entrepreneurs like Apple co-founder Steve Wozniak—who saw in Fuller’s ideas the blueprint for a new synthesis of technology

and culture. (Wozniak called Fuller “the twentieth century’s Leonardo da Vinci.”) Leaders of universities and nations flew Fuller around the world to lecture on his vision of a tech-enabled future in which humans would “do more with less,” and the public followed along through features on Fuller’s work in middlebrow mass-audience magazines like *Time* and *Life*.

Nevala-Lee is something of an expert in a very specific type: twentieth-century men, working on the fringes of STEM careers, who channeled the technological optimism of the years between World War I and the 1970s into careers as media icons. His last book was a group biography of three science-fiction authors (Robert Heinlein, L. Ron Hubbard, and Isaac Asimov) and the writer-editor John W. Campbell. These men, like Fuller, interpreted advances in specialized fields for the public, making forceful arguments about the future, which they said would be science-driven, tech-enabled, (mostly) better in every way. This worked, in part, because these guys had something: preternatural confidence, and personal charisma.

In order to specialize in writing about this type, you need both love and skepticism. It’s a labor of love to take on a subject whose personal archive—called the Dymaxion Chronofile, and amounting to 270 feet worth of paper, now held at Stanford—was intended to provide maximum possible documentation of a human life. You don’t do that kind of work for somebody you don’t respect. Yet Nevala-Lee’s meticulous and clearly written 400-plus-page biography presents an engineer whose inventions largely didn’t stick, a sometime prophet who fundamentally misunderstood politics and human nature, and a person who floated on the good graces of others around him—collaborators, students, his wife—who often seemed to be worse off for having known him.

BORN TO A fancy Massachusetts family, complete with an intellectual celebrity for an ancestor (the nineteenth-century author and feminist Margaret Fuller was his great-aunt), Buckminster Fuller was a familiar American type: a precocious boy, always tinkering, who didn’t get good grades. He was expensively and privately educated, but dropped out of Harvard (where four generations of his family had gone) as an undergrad, due to an inability to manage his coursework and balance his allowance with the demands of his social life. He was

sent to work in a mill in Quebec, to turn his life around, and came out not recommitted to his education, but the opposite. As Nevala-Lee puts it: He was meant to come out appreciating Harvard, but “identified with the machinists instead.”

Nevala-Lee splits Fuller’s adult life into two eras: before and after 1948. In the 1920s, Fuller first thought of applying himself to the problem of housing, developing a prototype of his round, aluminum “Dymaxion house,” which was never produced on a large scale. (The name “Dymaxion”—a portmanteau combining “dynamic,” “maximum,” and “tension,” which Fuller would apply to many of his projects—was the invention of a marketing professional who worked with Fuller in the late 1920s.) In the 1930s, he got funding from a socialite friend (one of many such infusions of cash from his allies and acquaintances) to execute another of his ideas, the Dymaxion car, a streamlined silver bullet of a vehicle with a single rear wheel and some sobering safety issues. In late 1933, a Dymaxion car rolled over in an accident in Chicago, killing one passenger and severely injuring two others. Nevala-Lee documents several more accidents that took place in Dymaxion cars, including one carrying Fuller’s wife and daughter, who were not seriously hurt.

The car had great publicity value, despite these accidents, and marked the beginning of Fuller’s evolution into a brand: a futurist and innovator whose projects drew coverage in magazines and newspapers, and who could (most important to Fuller) attract funding from patrons who would allow him to do as he pleased with their money. While conducting “independent research” for the government in World War II, Fuller invented the Dymaxion map: a cartographical innovation that could preserve the continents’ relative sizes, even when presented in two dimensions. The map used a unique projection onto an icosahedron—a 20-faced polyhedron—which then unfolded to lie flat, looking more like a partially finished patchwork quilt than the familiar, distortive Mercator projection. The map became the subject of a story in *Life* magazine, which celebrated its novelty and included a version of the map printed on a pullout section on thick paper, which readers could cut and fold into a three-dimensional object.

But it was in 1948 and 1949 that Fuller perfected the idea of the geodesic dome, and his career as a talker and influencer—the most successful of his jobs—really

**Inventor of the Future:
The Visionary Life
of Buckminster Fuller**

by Alec Nevala-Lee
Dey Street Books,
672 pp., \$35.00

began. The dome was a response to the U.S. wartime and postwar housing crisis, which began when men left the building trades for the service, and continued as they returned home, and the population, scattered for years, shifted and reconfigured itself across the country. Fuller saw the dome—so lightweight that its materials could be quickly flown by airplane to building sites; so simple that it could be put up quickly, with minimal labor needed; and so energy-efficient that it would save homeowners from high electricity bills, and the nation from wasting precious energy—as a possible magic bullet for this postwar housing crunch.

The design reflected Fuller’s idea that human life was tending toward “ephemeralization,” or the tech-enabled tendency to (as he often repeated) “do more with less.” The idea that human activity was moving from the physical to the abstract turned out to be prophetic, and is responsible for some of Fuller’s continuing popularity among those who credit him with extraordinary foresight. But the dome would become Fuller’s visual legacy. With its science-fictional roundness and fly’s-eye paneling, it looked nothing like a colonial, a Craftsman bungalow, or even the more modern ranch house, the silhouettes of which made up the landscape of the American neighborhood. While some of Fuller’s past inventions—the Dymaxion house and car—were cool-looking as well, they were much more difficult to reproduce and disseminate. The dome, on the other hand, presented a ready-made symbol of postwar American society.

They also became tools in the Cold War. As Fuller’s wife, Anne, wrote in a letter to his student and protégé Peter Floyd in 1957, geodesic domes were used by Marines in combat, farmers on the “first line of agricultural offense,” in auditoriums (what Anne called the “first line of cultural

offense”), and even in playgrounds, where kids on the “infantile frontier” hung from “playdomes.” Not only could domes house a growing populace, Anne argued, they could develop young muscles, win hearts and minds, and extend the military’s ability to operate in far-flung places. This proud list of militaristic, nationalistic applications would startle the hippies who later came to see the dome as a symbol of off-the-grid self-sufficiency, and used the underground *Dome Cookbook* (published by Steve Baer in 1968) to construct round dwellings on their communes. But over the course of its twentieth-century career, the geodesic dome combined all of these meanings, becoming a marker of the “space age” equally at home at Disney World and in the hills of Santa Cruz.

The domes had clear potential, but the truth is, as Nevala-Lee understatedly shows through example, they had significant problems. Fuller built his own home in one in Carbondale, Illinois, where he had a professorship for a while. It was not a snap to put up, as he had promised. Although erecting the shell took only one day of work (during which Fuller continually lectured the workers and any curious onlookers), the rest of the construction stretched over “months, as electricians and plumbers struggled to make sense of a house that lacked conventional angles.” Anne tried to hang pictures from the walls, but they would be “just sort of dangling out from the curve,” and the dome leaked until Fuller gave up and covered it with shingles. After all, wrote architect, writer, and erstwhile dome advocate Lloyd Kahn in 1973, 90-degree walls had their advantages: “They don’t catch dust, rain doesn’t sit on them.... It’s easy to build in counters, shelves, arrange furniture, bathtubs, beds.” And Stewart Brand wrote in 1994, in a mea culpa for having promoted the idea of the dome in the *Whole Earth Catalog*: “The inside was basically one big room, impossible to subdivide, with too much space wasted up high ... Worst of all, domes couldn’t grow or adapt.”

THE DOMES’ FAILURES could easily serve as a metaphor for Fuller’s story about his own life and work, which proves to be extremely leaky at the seams. Nevala-Lee finds omissions, errors, and overstatements at every turn: in Fuller’s account of what happened when he dropped out of Harvard; in his shifting explanations of how key discoveries were made; in the way he covered up the problems with the Dymaxion car;

in his claim that his work had influenced Manhattan Project scientists; in his head-turning, *Time*-magazine-article-generating claim that he followed a schedule he called “Dymaxion sleep,” which involved taking a half-hour nap every six hours, resulting in two hours’ total rest in every 24. Fuller presented himself as a kind of visionary cyborg, an embodiment of tech-optimized living; the self-mythologizing, as the existence of the Chronofile archive shows, was part of the job.

A generalist who strenuously believed in generalism, Fuller tried to do so many things at once that he might have done none very well. *Inventor of the Future* is peppered with negative evaluations of Fuller’s work from more strictly disciplined professionals: the architect Philip Johnson, who said the Dymaxion house had “nothing at all to do with architecture”; the panel of cartographers who recommended *Life* be wary of publishing the Dymaxion map, which seemed “pasted together”; a collaborator on a project who said, “He may have been a machinist, but he was scary around the equipment”; the press director at Southern Illinois University who resisted publishing his books on the grounds that they weren’t written in English. “The author has sound knowledge of one thing and mere opinion on a thousand things,” wrote William Marias Malisoff, reviewing *Nine Chains to the Moon* in *The New York Times Book Review* in 1938.

These protests from professionals, Fuller would have said, merely proved his point. Generalism, Fuller thought, was the key to human advancement, and he saw himself as something of a singular savior for pursuing it. When Fuller wrote a letter to Albert Einstein in 1948, hoping to secure a meeting that never happened, it included the incredible sentence, “In all humility, I state that I seem to have articulated aright the ‘open-sesame’ to a comprehensive system of sublime commensurability”—a statement that confirms the opinions of both Malisoff and the poor director of that university press.

Fuller prided himself on his ability to talk; but, as those who hired him at universities warned one another, he was no teacher. Conversation with Fuller was a one-way street. When Calvin Tomkins profiled Fuller for *The New Yorker* in 1965, Fuller shared a story about his encounter with a Maori anthropologist in New Zealand. This anthropologist told Fuller that he was the Keeper of the Chants for his people, and that the chants were a more than 50-generation oral history of the Maori, and

as such would never be recorded on tape for scholars to hear. Fuller told Tomkins that he lectured the man on the principles of celestial navigation, and claimed that he had been a Maori at some point, and had sailed into the sea and been unable to find his way back, and therefore “had a personal interest in seeing that the chants got recorded.” Tomkins writes: “We have Fuller’s assurance that the anthropologist is now engaged in recording all the chants, together with their English translations.”

Fuller, the anecdote suggests, could convince anybody to give him anything. This apparently irresistible gift of gab, even more than individual inventions like the dome, the map, or his idea for a World Game intended to figure out an answer to the problem of overpopulation, became the engine for his fame. “Fuller’s lectures,” Brand wrote in the first edition of the *Whole Earth Catalog*, explaining how Fuller’s work had inspired the *Catalog*, “have a raga quality of rich, nonlinear, endless improvisation full of convergent surprises.” Toward the end of his life, Fuller traveled and lectured incessantly, which was often his one reliable method of supporting his household. His reports of these lectures, which went on many hours, to apparently rapt audiences, can be hard to believe. Fuller claimed, for instance, that an incarcerated audience at San Quentin supposedly sat through a lecture over five hours long, risking missing head count and being put in solitary in order to hear him “talk for another minute.”

NEVALA-LEE DEPLOYS THIS kind of story with a sublime gentleness, showing how Fuller bent reality to fit his own ideas. Fuller’s futurism, while containing some prescient forecasts about automation, climate change, and remote work and schooling, often failed to consider other people’s realities and desires. To create his prototypes and carry out local construction of some dome projects, he used dispersed networks of student laborers, which accorded with his ideas about ephemeralization but also allowed him to get people to work for free (he never thought much of unions). He believed protesters against the Vietnam War must be influenced by foreign agents pursuing a new kind of ephemeralized warfare. He “had nothing useful to say about institutionalized racism,” as Nevala-Lee puts it, and thought racism itself was being “swiftly eradicated.”

In explaining the inevitability of ephemeralization, he seemed to assume that all

humans wanted to float as free as he did, living in light domes, flying around the world, and learning and working using computers. He often exclaimed that man was born with legs, not roots, for a reason. In the twentieth century, these ideas seemed futuristic and appealing; now, when we have begun to live in a world defined by them, we have much more mixed reviews of their desirability. Mobility and novelty, we see, are not always gifts, and stability, safety, and community have their benefits, especially in times of stress and struggle.

Yet despite his shortcomings as a thinker and a person, *Inventor of the Future* insists, many brilliant people—from the sculptor Isamu Noguchi, his longtime friend and collaborator; John Cage and Merce Cunningham, his colleagues at Black Mountain College; designer Edwin Schlossberg, his later-in-life protégé; Nevala-Lee himself—have loved Fuller, and found something in his ideas. This must mean something, but what?

In 1985, chemists Robert Curl, Harold Kroto, and Richard Smalley, by aiming a laser at a graphite target, saw carbon rearrange itself in large, stable clusters of atoms that they were then able to observe and describe for the first time. Thinking of the Fuller domes, the group made the interpretive leap (later borne out through testing) that this molecule might look like one: a closed cage structure, with icosahedral symmetry. This was a breakthrough in the field that landed them the Nobel Prize in 1996, and they called the molecule buckminsterfullerene.

But then, there’s the fact that George Mitchell, who pioneered hydraulic fracturing, or fracking, claimed that Fuller’s ideas inspired him to work on the problem of resource scarcity. When a person like Fuller channels the zeitgeist, especially one as new and fervid as the twentieth-century American affection for science, technology, and engineering, the effects can be unpredictable. Fracking makes energy; fracking also extends our bad habit of fossil fuel consumption. Apple gave us the iPhone; it also gave us the human rights-violating factories where the iPhone is produced. Ideas like Fuller’s—optimistic, far-reaching, ungrounded in politics and material reality—can do anything and everything, this book insists. And they do. **INR**

Rebecca Onion is a senior editor at Slate and the author of *Innocent Experiments: Childhood and the Culture of Popular Science in the United States*.

Forever Young

Lena Dunham's characters never want to grow up.

By Lidija Haas

A MILF, an influencer, and a doll-faced, baby-talking 26-year-old are lolling around together, long hair and limbs strewn across pillowed surfaces, for their version of story time. The mother, Marilyn (Jennifer Jason Leigh), is recounting for her two daughters, each in turn, their origin stories: the pregnant model she picked up at a furrier's on Wiltshire and took in as her comrade, who gave birth to Treina (Taylour Paige) before moving on with a guy she met at a Scientology meeting; the personal trainer from Florida (one in a long line of interchangeable men) she'd barely remember if he hadn't knocked her up and bestowed on her the still inexplicably childlike Sarah Jo (Kristine Froseth).

Rather than the TriBeCa setting of *Tiny Furniture* or the Greenpoint of *Girls*, *Sharp Stick* takes place on the West Coast, somewhere on the low-rent outskirts of Hollywood, yet we can instantly recognize the ingredients of family life as conjured by writer-director Lena Dunham: a motley assortment of femmes, grooming one another in every sense; a blend of sexual frankness, perversity, and faux-cynicism with blithe, insistent naïveté; a tiny hothouse cocoon, self-created and self-referential, that bleeds into the world outside, rendering it a more or less harmless and comical adventure playground.

Most familiar of all from the Dunham oeuvre is the sense that even within this claustrophobically intimate group, each individual inhabits her own protective narcissistic bubble. Marilyn does invest in Treina's outfits and dole out unpromising dating advice ("men love a problem,

interesting men, you know, complicated men, they love a backstory"). Sarah Jo, who works part-time as a babysitter for kids with special needs, photographs semi-clad Treina at otherwise hard-to-reach angles for her followers. She helps her mother, a property manager, by collecting rent and serving handwritten eviction notices on the inhabitants of nearby housing units. Yet through it all, they seem to notice very little about one another. Sarah Jo, an Alice band-wearing virgin who bears scars from an emergency hysterectomy in her teens, displays an extreme sexual ignorance, impervious to the cheerful smut coming from the other women in her household: She's never seen porn, let alone a real-life penis, and believes oral sex is performed by literally blowing air. Treina greets her sister's alienness with unsurprised acceptance—that's just how Sarah Jo is.

She is, in fact, a lot like the slightly lost and unfiltered characters Lena Dunham became famous for playing herself. When *Girls* first appeared on HBO a decade ago, it marked a departure from the polished half-hour sitcoms that had dominated the '90s and '00s, with its unpredictable tone and messy, unresolved storylines; its candid portrayal of young women's sexual and emotional lives from their own perspectives; and its striking willingness to address the meta question—which had hovered absurdly over the likes of *Friends* and *Sex and the City*—of how these New York-based characters had seemingly endless leisure time to hang out together.

Even at the time, *Girls* was asked to bear far too much representative weight—and

Dunham's willingness to play on her media status as "a voice of a generation" meant her public gaffes drew as much attention as her creative work. Her first feature since *Tiny Furniture* in 2010 would seem an ideal opportunity to shed that ludicrously ill-fitting mantle, breaking away from the preoccupations of her twenties. And yet *Sharp Stick*'s greatest weakness might be how hard it leans on that old Lena Dunham type, with Froseth playing a kind of Dunham substitute (not unlike Owen Wilson standing in for Woody Allen). Aptly enough for a coming-of-age movie, it attests to the difficulty of escaping an earlier version of oneself.

MORE UNEVEN THAN *Tiny Furniture*, the new film feels marked by Dunham's intervening years of television work, stringing together a few episodic strands that could each have served as its own admittedly well-worn storyline. The two of these involving Sarah Jo's self-discovery get the most time and attention: Using a fail-safe line cribbed from Marilyn ("Do you find me beautiful?"), she seduces Josh (Jon Bernthal), the gentle, insecure father of one of her babysitting charges and househusband of a heavily pregnant, high-powered real estate professional played with pleasing acidity by Dunham herself; then, when Josh inevitably disappoints Sarah Jo, leaving her concerned that she may be "bad at sex," she embarks on a quest to research every depraved act she can find in online porn and check it off her IRL list one internet-sourced stranger at a time.

Froseth throws herself into the role with such impeccable intensity and commitment that, for whole stretches, you can almost ignore the nagging falseness of the enterprise—there are moments in the scenes of sexual exploration between her and Josh, in particular, that feel unnervingly true. But it should be no insult to the sheer inventiveness and technical precision that went into Dunham's on-screen persona to say that it's non-transferable, that it relied on her individual qualities and played off a very specific set of social expectations.

Dunham has always been a master of dialogue and, sometimes despite herself, a sharp observer of interpersonal dynamics, who can find real surprises within old tropes, and draw reserves of feeling from people or situations that might at first seem alienating or grotesque. But what truly set her apart was her ability to fuse her skills



as a writer and director with those of a performance artist—more specifically, a brilliant physical comedian.

At its best, Dunham's clowning could evoke the likes of Buster Keaton: No one who saw *Tiny Furniture* will forget the moment when her character, Aura, atop a deflating blowup mattress, looks wearily into the camera as she descends, slow and smooth and steady, all the way out of shot. And *Girls* was full of such visual jokes, which often employed an insistent childish sexual provocateurism: "If it's making you *uncomfortable*, I can cover my bush," Hannah Horvath tells her boyfriend's aghast roommate, yanking her nightshirt down over her crotch so hard that her bare breasts pop out of the neck hole; reprimanded for inappropriate behavior by her boss at a teaching job, she responds, "Can you think of a solution?" while campily uncrossing her legs (short skirt, no underwear) à la Sharon Stone in *Basic Instinct*.

There was more to the Dunham persona than this sexual jester act, but it serves as a microcosm for the whole: The sex stuff was just one expression of the self-parody she'd perfected, even before *Tiny Furniture*—memorably filmed in her artist parents' Manhattan loft and co-starring her mother and sibling—as the consummate coddled rich kid millennial, who had grown up (or rather, hadn't) being encouraged to express everything, no matter the cost to others or herself. Dunham's fictional avatars loved inhabiting the role of the overgrown "fat baby angel" brat, grabbing at whatever

took their fancy, saying the silliest, most obnoxious, least self-aware things they could think of, and their willingness to do so (as well as being narratively fruitful) could have a wild range of tonal effects. At the time, it still felt rare to see a woman "13 pounds over" (Horvath's words) the conventionally acceptable weight move so freely in her body on-screen, let alone shout her desires aloud. It could feel courageous, awkward, ridiculous, implicating, confrontational, liberating, beguiling, and poignant by turns, but always anarchic. Her persona was a marvelously flexible device.

Though Sarah Jo isn't quite the same as Hannah or Aura, she shares some of their key qualities and many of their narrative functions: Like a Shakespearean fool, she doesn't know what not to do or say, appears not to understand the basics of cause and effect that most people encounter in childhood, and moves through the world exposing its cruelest stupidities with her intractable innocence. Never mind the question of how this young woman could have made it to such an age in such an environment without being at least sexually harassed.

Realism is of course beside the point. The problem is that this stylized portrait of a wide-eyed, skinny girl savant couldn't be less original, less surprising or weird. It's the figure tacitly invoked in every romance, and in the most boring porn you can imagine: the conventionally gorgeous, untouched young woman, totally unaware of her own looks or sexual charisma, who barely grasps what sex is enough to notice how badly she wants it, and is all ready

for some daddy type to come along and educate her. There is a long tradition of the sexy innocent clown—think of Marilyn Monroe. Dunham's movie tries to put an empowering feminist spin on it, which doesn't feel disingenuous so much as trite, uncharacteristically behind the times.

The movie initially plays it for affectionate laughs when Sarah Jo finds the woman-centered online porn she can really connect with—her new guiding light, Vance Leroy (Scott Speedman), gives respectful pep talks before each scene: "I was raised with sisters," he tells a co-star, "and I feel that strength in you"—but in the end Dunham seems unsure how to tie things up except by doubling down on the message of self-love and sexual liberation. "Stop striving to please everyone else and start striving to please you," Sarah Jo is told. "Be proud of your fuckin' scars!... Difference is something to celebrate." Though *Sharp Stick* is clearly set in the present (as attested by references to Covid scares, and even the occasional on-screen face mask), there is something slightly quaint in Dunham's attempt to wring more meaning or feeling from the sexual awakening of a lovely white twentysomething, almost as if her years of being pilloried online have somewhat scrambled her sense of what counts as daring or insightful.

Perhaps the most intriguing thing about *Sharp Stick* is its low-fi grunginess—Dunham, who at this point could probably fund whatever ambitious or lavish project she wanted, evidently chose to abdicate that pressure and return to her shoestring indie roots. And if the rich vein she has been mining for much of her career so far is nearly used up, my sense is that she's bored with it, too—that having said what she had to say about herself, her body, her family and friends, and above all about extended adolescence, she might be ready to explore some new territory. **TNR**

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Every President A King?

Why the greater risk is in not prosecuting Trump

The January 6 committee has done a superb job of ferreting out former President Donald Trump's various schemes for keeping himself in power after losing the 2020 election, and the American press has done an excellent job of summarizing and explaining each of the committee's alarming discoveries. I have noticed, though, that frequently, nearing the end of an article describing one or another of Trump's hair-raising plans to subvert the U.S. electoral process, the writer will say something to the effect that Trump is not likely to be prosecuted for any of his subversive ploys because putting an ex-president on trial would be so traumatic for the nation.

Why, exactly, would putting an ex-president on trial for crimes he has clearly committed or abetted cause Americans such great trauma? A *Washington Post*/ABC News poll last May found slightly over half of all Americans in favor of putting Trump on trial, which happens to be exactly where the American public stood in the immediate aftermath of the January 6, 2021, attack on the U.S. Capitol by Trump supporters. The most recent ABC News/Ipsos poll found nearly 60 percent of Americans in favor of charging Trump with a crime. It seems likely that the increase in support for subjecting Trump to the judicial process is a result of the investigations of the January 6 committee, and the committee has clearly not finished its work. I think it is a good bet that, by the time it has, the idea of putting Trump on trial will have the support of about two-thirds of the American people.

These figures do not necessarily rebut the fear that an extended trial of an ex-president might be, in some ways, an unsettling experience for the nation. I believe that the American people, without thinking about it consciously perhaps, do regard the president, whoever it is, as a monarch, even if they dislike the person occupying that office at a given time. And I believe this is true for several reasons, the first of which is that there is a natural human tendency to accord respect (even if it's a hostile, grudging respect) to the person with the highest status in the land. Secondly, an American president, given the powers that the office holds, is to some extent a virtual monarch. The monarchical aspect of the

presidency has been an issue since the founding of the country and has increased as the powers of the presidency have expanded over the years. Richard Nixon's statement in a post-presidential interview with David Frost that "when the president does it, that means that it is not illegal" tells the tale.

Back in the days of the George W. Bush administration and its "war on terrorism," Frederick A.O. Schwarz Jr. and Aziz Huq wrote a piece called "PRESIDENT OR KING?" accusing that president of asserting "the power once claimed by British kings to set aside the laws of the land." They were referring to the administration's condoning of the use of torture, in contravention of U.S. law. They wrote: "The theory of a monarchical presidency, decried by *The New York Times* last month as a return to the 'imperial presidency' condemned by Arthur Schlesinger, Jr., during the Nixon years, has been used to underwrite precisely those policies that the American people would not countenance as open laws." They went on to argue: "The theory that the president can break the law flies in the face of America's founding covenant to be a government of laws, not men." They referenced Alexander Hamilton's *Federalist Paper No. 69*, which argues that the Constitution as written gave Congress more than sufficient power to check the monarchical tendencies of a president, a conceptual frame that has not exactly worked out in practice.

If Trump were to be indicted by the federal government, what might the charges against him be? Former acting Solicitor General Neal K. Katyal outlines the possible charges in a *New York*

Times piece titled "THE FUTURE CRIMINAL CASE AGAINST DONALD TRUMP." The first possibility would be to charge him with obstruction of an official proceeding, referring to the attempt on January 6, 2021, to disrupt the certification by Congress and the vice president of Joe Biden's election to the presidency. The question would be whether Trump was part of the plot, and Katyal believes there is persuasive evidence that he was. Second, Trump could be charged with "conspiracy to defraud the United States." The fact that a conspiracy failed cannot be a defense against this charge, and Trump's supposed belief that he was cheated out of an election victory would also not suffice as a defense. Third, Trump could be

charged with seditious conspiracy. The Justice Department has used this exact charge against members of the Proud Boys and Oath Keepers who were part of the assault on the Capitol, but prosecutors would have to prove that Trump and at least one other person conspired to use force to delay the execution of a law, or to overthrow the government, a hard charge to substantiate. Trump also may be indicted in Fulton County, Georgia, for his insidious attempt to "find" enough votes to turn the state.

It is, however, clear enough that Donald Trump, while still president, led an attempt to subvert the peaceful transfer of power to the man who had beaten him in the 2020 election, using various means, including inciting his followers to violence in an attack on the U.S. Capitol building, an attack he wanted to lead himself. There may indeed be some danger in putting him on trial for his misdeeds, but I think there is a far greater danger in not doing so. That danger is that it will have been conclusively demonstrated that the U.S. presidency is indeed a monarchy, beyond the reach of the laws to which every other American is subject. And future presidents will take note of that, and act accordingly. **TR**



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