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*in*FOCUS

QUARTERLY

Governing Post-Pandemic



Mark Meirowitz on Hyper-Partisanship | **Max Abrahms** on Combatting Domestic Extremism | **Peter Huessy** on Nuclear Modernization | **Richard W. Rahn** on Stimulus-Induced Inflation | **Philip Hamburger** on Regulating Online Speech | **Tom Finnerty** on Biden's Energy Plan | **Tevi Troy** on 2020 Healthcare Lessons | **Ian Kingsbury and Jason Bedrick** on School Choice | **Paul J. Larkin Jr.** on the Healing Power of Dogs | **David Wurmser** on Eroding Fiduciary Responsibility | **Shoshana Bryen** reviews *The Kennedys in the World*

Featuring an Interview with Prof. Glenn Loury

LETTER FROM THE PUBLISHER

Welcome to Spring. Daffodils are up, people are being vaccinated (not fast enough, but the whole process has been epic from the start of our understanding of the virus, through Chinese obfuscation and lies, to tens of millions of jabs and more to come). That means Congress and the White House should be focused on where our country is going as the fog lifts. We, at *inFOCUS Quarterly* are here to help with our annual “issues issue.”

We have priorities.

Our first, and overriding priority is the bridging partisan divide that makes progress on the others nearly impossible and undermines the strength of our Republic. Mark Meirowitz outlines the key gifts of the Founders. Max Abrahms tackles domestic extremism – left and right. For Philip Hamburger and David Wurmser, the Constitution is the guide for both the parameters of free speech and the fiduciary responsibility of our banking and investment system. It is ignored at great peril. Richard Rahn considers another societal peril – looming inflation as a result of our pandemic-driven choices. Tom Finnerty vets the “New Green Deal.” Ian Kingsbury and



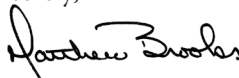
Jason Bedrick consider school choice as a Jewish option. And Tevi Troy asks what, if anything, we’ve learned about medicine and our medical systems. Not all of our priorities are domestic – Peter Huessy reminds us that nuclear modernization can’t be put off forever. Paul Larkin lowers our blood pressure with the value of rehabilitation animals, for which we are grateful.

Brown University Professor Glen Loury raises it again with a remarkable, no-hold-barred interview on race in America.

Shoshana Bryen reviews *The Kennedys* by Lawrence J. Haas and, almost by accident, discovers the roots of many of today’s foreign policy conundrums back in the “Swingin’ 60’s.”

If you appreciate what you’ve read, I encourage you to make a contribution to the Jewish Policy Center. As always, you can use our secure site: <http://www.jewishpolicycenter.org/donate>

Sincerely,



Matthew Brooks,
Publisher

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Can the Founding Fathers Help With Today's Challenges?

by **MARK MEIROWITZ**

America is at a crossroads. The pandemic combined with deep political polarization has led Americans to question the efficacy and value of our governmental institutions. Our political parties are in a mortal battle on a variety of issues, and politics has become a zero-sum game, in which each party, when in control of a branch of government, ignores the views of the other party. As of this writing, the U.S. Congress implementing a \$1.9 trillion Covid Relief Package which was passed in the Senate through a procedure entitled “reconciliation,” requiring only a majority vote (i.e., the approval of only one political party). One minority Senator demanded that the 628-page Covid relief bill be read in its entirety, wasting endless hours of time, instead of proceeding by unanimous consent (the custom). Both parties have resorted to scorched earth warfare to get bills passed.

One wonders what the Founding Fathers might have thought of all this.

When asked by an inquisitive passerby at the Constitutional Convention, “What have we got a republic or a monarchy?” Benjamin Franklin replied, “A republic... if you can keep it.” This is our challenge today.

On political parties, Thomas Jefferson was quite explicit, “If I could not go to heaven but with a party, I would not go there at all.” James Madison spoke about the “mischiefs of faction.” “When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens” (Federalist No. 10).

The Founders were also very worried

about majoritarian control. Madison, in Federalist No. 51, said that “[i]f a majority be united by a common interest, the rights of the minority will be insecure.” Madison was also concerned that “the accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few, or many, and whether, hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.”

...You must first enable the government to control the governed; and oblige it to control itself.

The Founders were realists, understanding that a government established by men, rather than angels (under which no government would be necessary), would need to find a way to function effectively. They came up with checks and balances as the solution. “Ambition must be made to counteract ambition,” and that “in framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself” (Madison, Federalist No. 51).

■ *The Influence of Parties*

In today's political maelstrom, one senses that the government appears to be dysfunctional, and is not controlling itself, with the conflict deriving not from the branches competing with each other, but from the influence of political parties within the branches. If the House, Senate, and Presidency line up on an issue, following only one party's

view, then the balancing envisioned by the Founders does not work. The problem of the outsized influence of political parties has been a phenomenon irrespective of the party in power. Also there needs to be a balancing between the various branches; George Washington said that the Framers created the Senate to “cool” down House legislation, just as a saucer was used to cool hot tea. This cooling function doesn't work very well when po-

litical parties determine the interaction of the two houses of Congress.

Our basic institutions and standards have come under scrutiny and criticism. A few examples:

■ *Impeachment*

The standard for impeachment and conviction in Article II, Section 4, “high crimes and misdemeanors” is still unclear. Indeed, when the Committee of Eleven debated this provision at the Constitutional Convention, George Mason suggested that the proper standard for impeachment was “maladministration” as well as treason and bribery. James Madison was of the view that “maladministration” was too vague, so the resulting provision as suggested by Mason, and included in the Constitution, was “treason, bribery, or other high crimes and misdemeanors.” Alexander Hamilton was of the view (Federalist No. 65) that impeachment was directed to address “offenses which proceed from the

misconduct of public men, or, in other words, from the abuse or violation of the public trust,” and that these matters “are of a nature which may with peculiar propriety be denominated POLITICAL as they relate chiefly to injuries done immediately to the society itself.” With prescient insight, Hamilton added that the determination in an impeachment proceeding “will connect itself to pre-existing factions... and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence and guilt” (Federalist No. 65).

This resonates in terms of our recent experience with the two impeachments, and Senate trials of a President, and of the same President when out of office. Our recent experience with impeachment has opened our eyes to the fact that, as Hamilton predicted, the matter would be determined by politics. President Gerald Ford was not far off the mark when he said that impeachable offenses are “whatever a majority of the House of Representatives considers them to be at a moment in history.” We saw this clearly in the impeachment by the House on pure party majority lines in 2020, and that the only factor that prevented the conviction of the former President in February 2021 was the high political bar (a 2/3 vote of the Senate). We also witnessed the anomaly of the U.S. Senate deciding (on party lines and without solid precedent) that it was constitutional to hold an impeachment trial of a former President. Politics intervened and the wishes of the political parties predominated.

■ *The Electoral College*

The Electoral College is widely misunderstood, especially because of the anomaly that a candidate can win the Presidency by winning the Electoral College but losing the popular vote. There have been calls for the replacement of the Electoral College by a direct national popular vote, or, since amending the Constitution would prove too difficult,

through implementing the National Popular Vote Compact, which provides that the candidate who wins the national popular vote will automatically receive all of the electoral votes in each state.

The Electoral College was established by the Founding Fathers to prevent the people from directly electing the President. In order to avoid “tumult and disorder,” the Founders wanted the popular vote to be filtered through “electors,” a “small number of persons, selected by their fellow-citizens from the general mass, [who] will be most likely to possess the information and discernment requisite to such complicated investigations” (Hamilton, Federalist No. 68). That is to say, the ordinary people were not capable of making the choice directly through their votes. Nowadays, electors are selected by their respective political parties, and have no discretion to make independent judgments as to who they wish to choose; they must cast their electoral votes for the candidate to whom they are pledged.

Indeed, it is settled law as a result of the *Chiafalo* and *Baca* Supreme Court cases that “faithless electors,” who vote against their pledged candidates can be fined or removed. Political parties decide the elections, not the electors themselves, as originally envisioned by the Founding Fathers.

To the point about taking power away from the people, and noting not only the way the Electoral College deprived the people of a direct popular vote (coupled with the fact that the Senate was originally elected by the State legislatures and not by the people directly; which was changed by the 17th Amendment), Jeremy Belknap, a contemporary of the Founders, stated: “Let it stand as a principle that government originates from the people; but let the people be taught...that

they are not able to govern themselves.” The Founding Fathers were not great fans of pure democracy but conceded that the source of government power was the people (“We The People”) and the consent of the governed. The Founders created political institutions like the Presidency and the U.S. Senate that were insulated from the people.

■ *The Filibuster and Cloture in the Senate*

These allow Senators to place a hold on legislation, with the hold removed (via a Cloture Vote) only by a 3/5 vote (or 60 votes) in the Senate. In the past, to stop a bill from proceeding, Senators would hold the floor for hours by reading the Bible and newspapers (reminiscent of Jimmy Stewart in the film “Mr. Smith Goes to Washington,” literally holding the Senate floor until he faints from exhaustion to prevent a bill from passing). This is a rule which used to provide for a required 3/5 vote on Presidential nomi-

Our recent experience with impeachment has opened our eyes to the fact that, as Hamilton predicted, the matter would be determined by politics.

nees (under Advice and Consent) as well as for bills. The rule was first changed to remove the 3/5 requirement from Senate votes for nominees other than Supreme Court justices, and then was removed from Senate votes for Supreme Court justices as well – meaning that all such votes in the Senate, other than for bills, would henceforth require only a majority vote. What remains now is only the 60-vote requirement for bills – and Senators no longer have to hold the floor for hours to maintain the filibuster; they can merely put a hold on a bill, and the bill will be put aside unless the required 60 Senate votes remove the hold.

The purpose of the filibuster and cloture was to foster compromise. The majority party in the Senate now is



Washington as Statesman at the Constitutional Convention by Junius Brutus Stearns, oil on canvas, 1856.

clamoring for the elimination of the filibuster because the minority party refused to agree to the Covid relief package. The “reconciliation” maneuver avoided a showdown on the filibuster for the time being. However, the issue of the filibuster will likely come to the forefront again in the battle over the \$15 minimum wage, which the Senate Parliamentarian ruled could not be passed via “reconciliation.” There is now intense political pressure within the majority party in the Senate to reinstate the in-person filibuster, which would make the filibuster much more difficult to sustain, or to eliminate the filibuster completely (which, as a rule change, can be done by simple majority vote). For now, eliminating the filibuster is a non-starter, because one senator has opposed this move. An instrument of compromise between the parties is being challenged by the forces advocating for one-party government. Eliminating the filibuster would, in effect, end bipartisan compromise.

There are many other points of disagreement between the political parties, including with respect to voting rights, which are raging throughout the courts

nationally (including the recent *Brnovich* case in the U.S. Supreme Court regarding voting procedures in Arizona); redistricting (whether redistricting should be non-partisan); and with respect to the power and influence of the U.S. Supreme Court (the one branch not elected by the people, but with enormous impact on the nation). On all of these issues, the impact of political parties is enormous.

■ *The Spirit of Compromise and Civility*

The Founders at the Constitutional Convention had little choice but to compromise on a number of major items, such as the way in which Americans would be represented in the two houses of Congress. There have been other major compromises throughout our history.

We seem to have lost the spirit of compromise, and the triumph of one political party over another has become the highest value.

There is also a need for civility in discourse. To avoid chaos, we must act with respect toward one another, even when we have different political views. Our political discourse in an age of social media

has become supercharged and overheated, and we need to tone down our differences and work together to achieve what is good for all Americans. This requires the collaboration of all branches of government, and of all of our leaders from both parties. Our leaders must focus on benefiting the nation as a whole, and not on whether their respective political parties will win the next election or score the next political victory. The pandemic and the chaos of January 6th have taught us an important lesson: we must find a way to resolve disputes without rancor.

To return to Ben Franklin, the only way we will “keep” our Republic is by finding a way to work out our differences thinking only of the nation, and not just about partisan political differences. We have kept our Republic until now, despite all of the complexities the Founding Fathers incorporated into our political system. We can achieve a bright future only by working together, and through political compromise.

MARK MEIROWITZ, Ph.D., is a professor at the State University of New York Maritime College.

Don't Give Domestic Extremists the 'Post-9/11 Treatment'

by **MAX ABRAHMS**

You may remember the Walmart shooting in El Paso, Texas, which killed 23 people in August 2019. This “deadliest attack to target Latinos in modern American history” was obviously extreme, but so was the response to it.

A flurry of opinion-makers demanded that the federal government give domestic terrorism what I call the “post-9/11 treatment.” The Stanford political science professor Michael McFaul recommended after the El Paso attack, in a now-deleted tweet, for America to “start a war on terrorism at home.” *The Atlantic* staff writer and *Washington Post* columnist Anne Applebaum agreed that our government should employ a “similar response” to “domestic white supremacist terrorism” as “foreign jihadi terrorism.” *The Daily Beast* echoed, “Now, before it grows any stronger, should be the time to move against it with the same kind of concerted international focus of attention and resources that were trained on Osama bin Laden. Now is the time for a global war on white nationalist terrorism.” In the primaries, Democratic presidential candidate and military veteran Pete Buttigieg told audiences that he “learned a lot [in Afghanistan] that sadly will be applicable here at home, too.”

Former CIA and FBI practitioners likewise specified all sorts of ways the post-9/11 global war on terror could be applied to fighting white-nationalist terrorists, from tracing the networks of extremists “just like we did against other terrorist groups” after 9/11 to changing our laws for us to “fight domestic terror groups...the way we treat foreign ones.”

Six former senior directors for counterterrorism at the White House’s National Security Council released a joint statement calling on the government to go after the Timothy McVeighs as ferociously as the Osama bin Ladens.

The January 6 attack on the Capitol has recommenced calls to give right-wing extremists in America the post-9/11 treatment. Elizabeth Neumann, who served for three years under President Donald Trump in the Department of Homeland Security, said that “We have to go after the[se] people...with the same intensity that we did with al-Qaeda.” And we must treat Trump like Osama bin Laden for inciting the violence, as he was the “spokesperson that rallied the troops.” Gen. Stanley McChrystal claimed that right-wing extremists are following “the evolution of al-Qaeda in

specialists to the newly formed National Security Council. And Senate Majority Leader Chuck Schumer called on the FBI to place all Capitol riot participants on the federal no-fly list.

But the post-9/11 treatment is hardly worth emulating. The war on terror has cost \$6.4 trillion and 801,000 lives according to one estimate, created a massively expanded security state, and actually helped al-Qaeda to grow in Iraq, Libya, and Syria by generating the sorts of power vacuums that are ideal for terrorists to thrive.

Counterterrorism is admittedly difficult. The main challenge is to eliminate existing terrorists without generating new ones in the process. To thread this needle, law enforcement must distinguish between two types of “extremists”—those who employ extreme

The war on terror has cost \$6.4 trillion and 801,000 lives, ... created a massively expanded security state, and actually helped al-Qaeda...

Iraq,” which led to ISIS. Alex Stamos of the Stanford Internet Observatory recommended that we treat white nationalists at home like ISIS by monitoring and restricting their social media. *The New York Times* noted the growing push for a “9/11 Commission” for domestic extremism. Already, President Joe Biden is looking to add domestic terrorism

tactics versus those who merely harbor what may be regarded as extreme political preferences. Law enforcement should go after the former but not the latter. That is, it should punish those guilty of committing attacks like those against the Capitol or against shoppers at Walmart without assuming the role of the thought police.



National guardsman deployed near the U.S. Capitol following the January 6, 2021 riot.
(Photo: Michael Johnson)

Former CIA Director John Brennan exemplifies how not to conduct counterterrorism. In an interview on MSNBC shortly after the Capitol attack, deservedly mocked on social media, he claimed that law enforcement is moving “in laserlike fashion” to combat an “unholy alliance” of “authoritarians, fascists, bigots, racists, nativists, even libertarians.” Notably, Brennan did not distinguish between those who use extreme tactics and those with whom he disagrees politically.

For Brennan, both are enemies worthy not only of contempt, but action or at least government scrutiny.

This wide-net approach risks breeding more terrorists.

For starters, terrorists thrive on grievances. And the far right in particular has historically been fueled by perceived injustices. Timothy McVeigh attacked the Alfred P. Murrah Federal Building in Oklahoma City to avenge government abuses at Ruby Ridge and

Waco. A common narrative after the Capitol attack was that it would spur recruitment for the far right. *The New York Times*, for example, ran a piece titled “Capitol Attack Could Fuel Extremist Recruitment for Years, Experts Warn.” And yet far-right violence has historically eroded support for far-right movements, whereas government abuses have increased it. For this reason, many terrorists actually hope to elicit government overreactions in order to increase membership rosters.

As some scholarship suggests, such overreactions give people an incentive to become terrorists – not only by creating grievances but also by reducing the relative risks of turning to violence. A standard assumption in political science is that terrorists are rational actors. Many people decide against becoming terrorists because they know that the costs to them will be severe. But if the government is going to treat innocent people like terrorists anyway, then no additional risk is incurred. Unsurprisingly, terrorists thrive in the most illiberal countries, where governments fail to distinguish between terrorists and political dissidents.

Big Tech has been working with the government to combat extremism, often in counterproductive ways. A common approach is to “deplatform” leaders seen as extreme, including Trump.

Some commentators say that the logic is the same as killing the leaders of terrorist groups to make them less extreme. In reality, the research indicates the opposite. As I have shown in multiple studies, taking out the leaders of terrorist groups tends to make them even more extreme by empowering subordinates less restrained from using terrorism.

Government responses to the far right must be research-based and not just emotional reactions. Otherwise, they will make our country less free – and make the far-right threat worse, too.

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Nuclear Modernization in an Era of Great Power Competition

by **PETER HUESSY**

America's nuclear weapons deter attacks on the United States from biological, cyber, conventional, or nuclear weapons. That deterrent capability has kept the nuclear peace for seventy-five years but is now in danger of rusting to obsolescence. Why?

With the dissolution of the Soviet empire, the U.S. kicked the nuclear modernization can down the road, going on what MG Garrett Harencak, USAF (ret.) called a three-decade "nuclear procurement holiday." Consequently, the U.S. now needs to acquire a new nuclear triad, warhead production complex, and command and control system rapidly and sequentially. The challenge of doing so at "the speed of relevance" over the next 25 years is more daunting than any effort since World War II.

The good news is the modernization plan has been endorsed on a bi-partisan basis under both Presidents Obama and Trump and approved by Congress for 12 consecutive years. That consensus is a national gift that should not be squandered.

The not-so-good news is that to continue, the U.S. will have to be clear about deterrent funding requirements, understand the threats, avoid adopting untenable options that would cripple the deterrent, and ignore calls for more delay.

■ **What is Deterrence?**

Nuclear deterrence is the state where an adversary chooses not to attack the United States or our allies because our will to use our military capability can inflict unacceptable costs on them. Our deterrent strategy is carefully crafted, conventional wisdom notwithstanding,

and holds at risk an adversary's military capability without which they cannot achieve their hegemonic objectives.

■ **How Did We Get Here?**

While the U.S. has been on an extended "nuclear procurement holiday," the Russians paused only temporarily to comply with START I reductions and regain their economic footing. But since 2004, Russia has completed 90% of its planned acquisition of 22 new types of nuclear-capable cruise, land, and sea-based ballistic missiles, bombers, and submarines.

■ **The History of Arms Control**

Can more arms control rectify the current imbalance of a fully modernized Russian nuclear complex compared to a U.S. nuclear force now older than at any time during the nuclear age? No, it cannot. However, while arms control cannot

subsequent 15 years to near twelve thousand treaty-compliant warheads. By 1980 Moscow believed the "correlation of forces" had shifted so dramatically it would enable the Soviets to "win" the Cold War.

■ **Closing the Window of Vulnerability**

To remedy this imbalance, in 1981 President Ronald Reagan called for a combined nuclear modernization, and reductions in nuclear weapons. Particularly important was closing the "window of vulnerability," by securing major reductions in overall nuclear forces and a ban on large, multiple-warhead land-based missiles, the Soviet weapons most capable of carrying out a feared pre-emptive bolt-from-the-blue attack.

President Reagan also proposed a "zero-zero" option, banning the Soviet SS-20 medium range missiles in Europe and Asia. Originally ridiculed as a "trick," the deploy-

...while the United States still has the smallest and oldest nuclear deterrent in 60 years, a bipartisan modernization consensus exists to rectify the current geostrategic imbalance.

end the underlying pursuit of hegemonic nuclear objectives by Russia, if done correctly it could help strategic stability by providing transparency about Russian nuclear forces.

For example, despite the 1972 SALT nuclear arms agreement and a policy of "détente," Moscow's long-range strategic nuclear arsenals increased five-fold in the

ment of a NATO-approved Pershing and Ground Launched Cruise Missile (GLCM) counter missile deployment, a "peace through strength strategy," ended the Soviet attempt to intimidate our European NATO allies. The subsequent 1987 Intermediate Forces Treaty (INF) banned such missiles on both sides, the first such agreement in history.

President Reagan's larger geopolitical strategy also succeeded, and just four years later the Soviet empire collapsed. With the subsequent signing of the START I (1991) and START II (1993) treaties by President George H.W. Bush, deployed strategic nuclear warheads on both sides were intended to be cut by an unprecedented 70 percent. Reagan's new and sensible idea worked: you could simultaneously reduce nuclear weapons while modernizing. (While the 1991 START I treaty entered into force, the START II ban on multiple warhead land-based missiles, signed by Presidents Yeltsin and Bush in 1993, was eventually rejected by the Russian Duma.)

In 2002, President George W. Bush first removed the United States from the ABM treaty in order to deploy a missile defense against North Korean missile threats.

Since the inception of New START in 2010, the Russians have deployed 20 new types of nuclear systems including cruise, land-based and sea-based strategic missiles, submarines, and bombers.

And then the next year, the United States and Russia agreed to the "Moscow Treaty" further reducing deployed strategic nuclear weapons from the START I level of 6000 to 2200, proving you could build defenses while also doing arms control, upending a long-standing disarmament community assumption.

In 2010, the United States and Russia signed New START, capped Strategic Nuclear Delivery Vehicles (SNDVs), at 700 long-range strategic missiles and bombers, while cutting warheads to a notional 1,550.

American drafters of New START knew the U.S. required a modern ICBM force of Ground Based Strategic Deterrent (GBSD) missiles, a fleet of 12 new Columbia class submarines, and a nuclear capable B-21 bomber, along with

40 nuclear capable legacy B-52 bombers for continued deterrence. All of which fit within the constraints of the agreement.

The Obama administration confirmed the New START framework with Congress in December 2010 in a bipartisan deal with Senator Jon Kyl. In short, while the United States still has the smallest and oldest nuclear deterrent in 60 years, a bipartisan modernization consensus exists to rectify the current geostrategic imbalance.

Two Choices Ahead

Admiral Charles Richard, Commander of USSTRATCOM, underscored that the United States faces two choices: we either replace our legacy systems with modern deterrent forces, or our forces become obsolete within the next decade.

Nonetheless, nuclear critics are ad-

vocating for major force changes: the unilateral elimination of the Ground Based Strategic Deterrent program; eliminating up to half of our submarines; and ending the bomber cruise missile. If adopted, these measures would unilaterally reduce American SNDVs under New START from 700 to 156, a whopping 80%. The biggest push by disarmers is to eliminate ICBMs. Their argument goes as follows:

- The ICBM missiles are in fixed silos.
- It is assumed that in a crisis the Russians would attack those locations.
- The U.S. might mistakenly cause Armageddon by launching our missiles having assumed a Russian attack is underway.

In fact, in 1980, a training tape used at Strategic Air Command was mistakenly loaded into the early warning system

and appeared to show real Soviet missiles headed our way. The disarmers fear that such an error could happen again, and the President might mistakenly assume the Russian strike was real. And if the President was under pressure to launch our ICBMs ("use 'em or lose 'em") there would not be time to determine whether the attack was authentic. The notion then arose that ICBMs are on "hair trigger" alert, and vulnerable to launch on warning.

The real story is that the 1980 alarm was quickly determined to be false, the USAF went back to normal alert levels, but more importantly, a technology fix was instituted to where such a false warning from a training tape is no longer possible.

Sponge Strategy?

Bound and determined, the disarmers then invented another ICBM ghost story. In this new narrative, our 450 ICBM silos and their 45 launch control centers spread out over tens of thousands of square miles in five midwestern states, are assumed to be strategically irrelevant and nothing but a "giant sponge."

If Russia decided to take out America's nearly 500 ICBM assets, Moscow would need to use upwards of 1000 highly accurate warheads, and thus divert weapons that would otherwise have been used against American cities.

However, when examined, the narrative falls apart. First what are the chances the Russians would actually attack American ICBM silos? The 2018 Nuclear Posture Review, a 2020 Federation of American Scientist essay, and a 2021 Carnegie Endowment for International Peace publication, all concluded the chances of such an attack are "near zero."

Why? As former Air Force Chief of Staff, General David Goldfein explained, the U.S. ICBM force is so broadly spread out that any disarming attack is technically and operationally impossible. In addition, even after such an attack, the U.S. could respond with upwards of a thousand retaliatory warheads from surviving elements of the Triad and destroy most significant vestiges of Russian

military power. This makes any such initial Russian nuclear attack suicidal.

Second, even if you assume the Russians would use 1,000 warheads in a suicidal attack on the U.S. ICBM “sponge,” the Russians retain plenty of additional warheads to incinerate America’s largest cities. Thus, there is no “sponge strategy.” The sponge idea exists only in the fevered imagination of some in the disarmament community.

■ ***Does The United States Have Too Many Warheads?***

Another disarmament meme – also wrong – is that the U.S. just has too many warheads, as we can destroy most Russian cities with a much smaller force. Since the early 1970s, the United States adopted a “counter-force” deterrent policy where we hold at risk an adversary’s military capability and forces but not their cities. Mutual assured destruction, or “MAD” as it was known, that called for “city busting,” went out the strategy window some half century ago.

The deterrent policy requirements are not set by the U.S. military but by the President. Military leaders then adopt a strategy to implement those requirements. Today, that strategy holds at risk enemy military targets which, if destroyed, would compel our enemies to stop the fight and the pursuit of their hegemonic objectives. Our deterrent is sized to accomplish that task.

■ ***The U.S. Has to Stop Arms Racing?***

But isn’t the U.S. engaging in an arms race by modernizing its nuclear enterprise? Wouldn’t U.S. restraint end the “arms competition.”

The United States is not in an arms race; Russia and China are. The Russians are building new types of nuclear systems at two-thirds the Cold War rate. While the Chinese are projected to double their nuclear arsenal within this decade.

Since the inception of New START in 2010, the Russians have deployed 20 new types of nuclear systems including

cruise, land-based and sea-based strategic missiles, submarines, and bombers.

By contrast, the U.S. will not initially deploy a new type of nuclear weapon until 2029. As former Defense Secretary Harold Brown described the arms race and the Soviets: “When we build, they build. And when we stop, they build.”

■ ***Nuclear Threats***

What are the major nuclear threats the United States and its allies face?

First, Russia and China are building up their nuclear forces across-the-board. Second, Russia and China have a militarily cooperative policy, including conducting joint military exercises. Third, and most disquieting, Mr. Putin has adopted an “escalate to win” nuclear strategy, a threat in a crisis or during a conventional conflict to use a limited number of nuclear weapons against the United States to coerce the U.S. to stand down. The Russians, and now increasingly Chinese Communist Party leaders, believe this will succeed, as they assume the United States will not have the stomach to risk, or have the necessary forces to credibly deter, any such threatened escalation.

However, it is important to acknowledge that under a limited strike scenario, all U.S. nuclear forces, including ICBMs, would be available for retaliatory strikes. The Russians and Chinese if contemplating such strikes, would face the full panoply of America’s retaliatory deterrent forces, but credibly available *only if acquired in a timely fashion*.

■ ***Eliminate the GBSD***

Minuteman III for the time being remains a credible deterrent. It was upgraded starting in 1995 with a propulsion and guidance replacement program that extended the life of the system through the year 2030.

Having repeatedly lost the fight to unilaterally eliminate U.S. ICBMs, critics have adopted an interim idea – extend Minuteman III, delay GBSD, and study everything – again.

Does this make sense? No.

Admiral Charles Richard, the Commander of U.S. Strategic Command, has explained that Minuteman is old technology that can no longer be replaced. The Vice Chairman of the Joint Chiefs of Staff, General John Hyten, has said that shortly after 2030, Minuteman will “begin to fall apart.”

General Hyten led requirements when ICBMs were assigned to Air Force Space Command where he examined the issue. He has repeatedly testified before Congress that the Minuteman system cannot be further refurbished, that the 1995-2005 guidance and propulsion replacement program was only designed to give Minuteman an additional 20 years of life. During that extra time, it was assumed the United States would develop and begin to deploy a new land-based missile – which indeed is the current plan approved by Congress.

Numerous studies by both the U.S. government and outside independent groups have all concluded GBSD is required to sustain credible nuclear deterrence and is the cost-effective choice. Extending the life of Minuteman III – even if possible – makes no sense because it simply cannot provide the required capabilities for a credible nuclear deterrent.

The GBSD not only meets the deterrent requirements set by U.S. Strategic Command, but the new modular technologies also allow for considerably less required maintenance personnel. This factor alone may eliminate tens of billions of dollars in lifetime costs.

■ ***Stability, Hedge Capability, and ICBMS***

What if the United States eliminated all ICBMs and if needed, moved all the ICBM warheads to the submarine fleet?

The United States currently has over 500 nuclear assets with which any potential adversary must contend if contemplating a military conflict with United States. Eliminating the ICBM force would reduce the number of strategic targets an adversary would have to attack to disarm the U.S. from about 500 to 10-13 – three



An LGM-30 Minuteman III missile soars in the air after a test launch at Vandenberg Air Force Base, California (Photo: U.S. Air Force)

bomber and two submarine bases plus five to eight submarines at sea.

As former USAF Chief Staff Larry Welch warned, eliminating ICBMs is an open invitation to our enemies to concentrate their technological ingenuity in finding our submarines at sea. Without ICBMs, the potential to pre-emptively disarm the United States of its nuclear capability emerges as a real possibility.

Former Secretary of the Navy John Warner revealed his biggest fear was if one of our “Boomers” did not come home. He noted further: “How would we even know who took out one of our ballistic missile carrying submarines?” Over time, the entire fleet of submarines could be eliminated.

Former senior OSD official Dr. Brad

Roberts underscored this danger. He explained that conventional wisdom assumes the oceans, unlike the air, space, and land, will never become transparent. Prudence dictates the requirement for a prompt response capability to deter conflicts that only ICBMs can provide, and a smart insurance policy should a technological problem arise with our submarines.

Even more calamitous, eliminating ICBMs reduces the number of warheads the United States is allowed under New START by 64 percent, leaving the U.S. in a weak position from which to maintain deterrence or negotiate any further arms reductions.

Now why not simply add the 400 ICBM warheads to the submarine missiles to maintain the number allowed

by treaty? The U.S. could, in theory, add all 400 ICBM warheads to all 16 missiles deployed on each of 12 Columbia class submarines. The end result would be a submarine fleet maxed out at 1536 warheads, and thus with zero ability to add to the American arsenal. This eliminates any “hedge” or insurance policy to build back up if the strategic environment worsens.

■ Is Defense Affordable?

The final issue raised by critics of nuclear modernization is that it’s “not affordable.” Often relied upon are CBO reports estimating American nuclear modernization costs of \$1.2 trillion. To get to that number, CBO:

- Estimates costs for three decades.
- Includes 100 percent of the bomber costs.
- Arbitrarily adds a 3 percent per year cost growth; and
- Merges legacy system sustainment and new modernization.

What’s wrong with these numbers?

- Congress considers budgets for five-year defense plans or even a ten-year budget window, but not 30 years. Projecting three decades effectively doubles cost estimates.
- The nuclear elements on U.S. bombers are 3% of the total cost.
- Fully half of the estimated nuclear costs are the maintenance of legacy systems, not modernization.

In short, when these factors are considered, modernization costs are actually quite reasonable. Even at its peak in 2030, all nuclear costs will remain at less than 1 percent of the federal budget, while modernization alone will be 0.5 percent and 3-3.4 percent of the federal and defense budget, respectively. As former Secretary of Defense James Mattis understood, such costs are reasonable because as he explained, “Survival is affordable.”

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Inflation is Inescapable: It Will Not Be Pleasant

by **RICHARD W. RAHN**

Miami is a boom town, with not much sign of the pain of COVID other than some mask wearers. The schools have been open since August, the shops, restaurants, bars are open, albeit with some distance spacing. Both the State and the City of Miami governments are running budget surpluses. New construction is everywhere. Realtors complain about the lack of housing inventory, as a flood of people from New York, New Jersey, Connecticut, etc. flee those disasters to come to “paradise.”

Florida is benefitting from the incompetence and destructive policies of the poorly managed states. Florida has no state income tax, but despite having a larger population than New York gets along just fine on about half of the revenue. Unfortunately, not even Florida is going to be able to escape the policy disasters of the Biden Administration and the Congress.

Over the last year, many businesses have learned they do not need lots of expensive floor space in Manhattan's luxury office buildings to operate perfectly well. Some businesses have moved, or will shortly move to Florida and elsewhere, and so it may be many years before Manhattan office space is fully occupied. The workers that filled those offices have left or will leave, so many of the apartments in the city are going to remain vacant. The restaurants and shops that catered to all of the workers and residents will see a long-term drop in demand. The financial institutions that depended on the mortgage cash flow from the offices, shops and residences will be faced with a high level of defaults, which in turn will cause them to default or scale back.

These financial failures will spread outside of New York, and eventually cascade throughout the economy. The drop in New York rental income will cause prices to drop. Rents and real estate prices are rising in Florida so what appears to be inflation in the Florida market will partially offset the price drops in New York.

Most measures of human activity get better over time, but not inflation numbers – more on this below. Inflation is said to be a result of the money supply growing faster than the supply of goods and services – which is true provided the velocity (the number of times the money turns over) of money does not change. Last year the money supply grew at a record level – more than 25 percent – but it did not result in immediate inflation because most of it was not spent. Instead, people and businesses greatly increased their savings, causing a decline in the velocity of money.

Most major governments ran enormous deficits this past year, and many already had record high levels of debt, as can be seen in the accompanying table. In the U.S., the Federal Reserve bought much of the new debt from the banks, which bought it from the Treasury – but then the Fed left most of the funds from the sale with the banks, as bank reserves. The result of all these convoluted actions was to lock up the “new money” so no inflation resulted. This shell game cannot continue and as the economy recovers and the banks increase their lending, inflationary pressures will rise.

■ **Deficits & Debt**

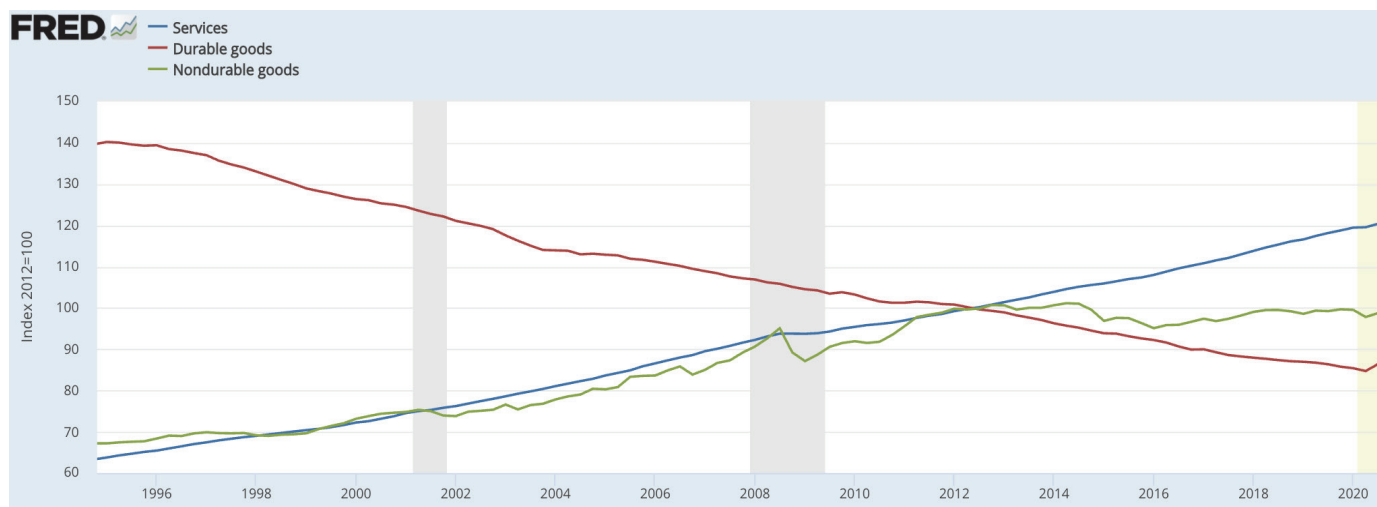
Economists define inflation as a general increase in the price level where the purchasing power of the money

declines. But as previously noted, in the real world some prices increase while others fall. The government has many measures of inflation, the Consumer Price Index (CPI) being the best known. Economists frequently use Personal Consumption Expenditures (PCE) in the belief that it gives a slightly better measure of real inflation.

The government tries to measure changes in prices over time for hundreds of different goods and services. Some things are easy to measure – such as the price of a bushel of wheat or corn – where the records of free-market determined prices have existed for these products for well over two centuries, and the nature of the product has changed only very slowly. And at the other end of the spectrum are totally new products that replace many other previously produced goods and services, notably the smartphone.

Only a couple of decades ago, trans-Atlantic phone calls could cost several dollars a minute. Now, the marginal costs of such calls, depending on the device and communication plan, can cost close to zero – a massive deflation in communications' costs. Two decades ago, most people had film cameras which required the purchase of film and then a trip to the store to get the pictures developed – which involved significant costs. Now everyone has far better cameras in their phones, where the pictures cost zero to take and send to others. Which means that the purchasing power of dollars spent on photography has soared (huge deflation).

In trying to measure inflation and deflation, government statisticians attempt to determine what people spend for durable goods – those that last more



Price Indexes for Personal Consumption Expenditures by Major Type of Product. (Graph: U.S. Bureau of Economic Analysis)

than three years (such as automobiles, furniture, appliances, aircraft, etc.); non-durable goods that are consumed in less than three years (such as food, gasoline, paper, etc.); and services (such as banking and other financial services, maintenance or repair work, transportation, legal services, etc.). The above chart shows the relative price of average durables has declined for the past twenty-five years (by about 38 percent). (The statisticians attempt to factor in product improvement in their price calculations – such as new safety features in automobiles – which is a most difficult task.) The price declines have been driven by technological progress, including manufacturing efficiency improvements, and the “China effect” whereby much manufacturing was transferred to China and other low-wage countries, enabling Americans to buy many things less expensively. These goods were often sold in Walmart and other highly efficient retailers that could cut margins and prices at great benefit to consumers – making their dollars in effect worth more (deflation).

During this same 25-year period, the price of non-durable goods rose at about 46 percent. Virtually all of this price rise occurred before 2012, while in the last eight years many prices fell. The fracking revolution reduced the real price of gasoline and natural gas, and huge productivity gains in agriculture continued. Also, deregulation under

the Trump Administration allowed for many production efficiencies, again reducing prices.

Unfortunately, the Biden Administration is reversing course, and its policies are likely to cause the price of energy and many other goods and services to increase. As the restrictions from the pandemic are lessened, temporary supply shortages will arise, again causing price increases. For instance, there is a shortage of cargo containers because, as ocean shipping recovers from the shutdown, the demand for containers has soared. This has led to large increases in shipping costs that are, in turn, passed along to the cost of the goods being shipped and, ultimately, higher consumer prices.

Service costs have risen most rapidly (about 86 percent in the last 25 years) – in part because productivity gains have been so much lower in the service sector than in the goods sector. Medical and educational services are major components of the services price indices. As measured by student achievement and costs per student, most education has shown negative productivity gain – that is, it costs more today in real terms to achieve reading and math proficiency in the average student than it did a quarter of a century ago.

There have been enormous gains in medical science, but these gains have been offset by the ever growing medical

and paperwork bureaucracy. Tens of millions now have most of their health bills paid in part by Medicare, Medicaid, the VA, and other government health insurance and so have little or no idea of how much any given medical procedure costs – and hence are insensitive to the price. As the medical price system has broken down, the ability to measure medical cost inflation has become nearly impossible.

The result is that the house of cards that has been created is going to fall. But no one knows precisely when – next week, next month or next year. Those old enough to remember the late 1970’s will recall they were not pleasant times – with soaring inflation and after-tax incomes rising more slowly than prices.

Over the last eight years, the Greeks have gone through something similar. They engaged in more deficit spending than they could support, and finally no government or company would lend them more money. The result was they had to lower their consumption to what they were actually producing – so living standards have dropped on average by more than thirty percent. Much of the rest of the world is going to experience something similar, including the U.S. People may protest or riot, but there is no painless way out of reality.

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The Constitution Can Crack Section 230

by **PHILIP HAMBURGER**

Section numbers of federal statutes rarely stir the soul, but one of them, 230, stirs up much fear, for it has seemed to justify censorship. Relying on it, tech companies including Google and Twitter increasingly pull the plug on disfavored posts, websites, and even people. Online moderation can be valuable, but this censorship is different. It harms Americans' livelihoods, muzzles them in the increasingly electronic public square, distorts political and cultural conversations, influences elections, and limits our freedom to sort out the truth for ourselves.

But does the 1996 Communications Decency Act really justify Big Tech censorship? The key language, Section 230(c)(2), provides: "No provider or user of an interactive computer service shall be held liable on account of . . . any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected." The companies take this as a license to censor with impunity.

That understanding is questionable. Law is rarely as clear-cut as a binary switch. To be sure, courts emphasize the breadth of Section 230's immunity for website operators. But there is little if any really relevant federal appellate precedent upholding censorship by the big tech companies. The question therefore comes down to the statute itself. The answers should give pause to the companies and courage to those they've censored.

The fundamental problems are constitutional – the first concerning the Commerce Clause. Congress's authority to enact Section 230 may seem indisputable because the Supreme Court has, since the New Deal, adopted an almost open-ended view of Congress's power to regulate interstate commerce. Yet congressionally emboldened censorship poses unique questions.

Originally, the Constitution's broadest protection for free expression lay in Congress's limited power. James Wilson reassured Americans in 1787 – four years before the First Amendment's ratification – that "a power similar to that which has been granted for the regulation of commerce" was not "granted to regulate literary publications," and thus "the proposed system possesses no influence whatever upon the press."

The expansion of the commerce power to include regulation of speech is therefore worrisome. This is not to

on the power to regulate commerce, there are constitutional dangers, and ambiguities in the statute should be read narrowly.

A second constitutional question arises from the First Amendment. The companies brush this aside because they are private and the amendment prohibits only government censorship. Yet one must worry that the government has privatized censorship. If that sounds too dramatic, read Section 230(c)(2) again. It protects tech companies from liability for restricting various material "whether or not such material is constitutionally protected." Congress makes explicit that it is immunizing companies from liability for speech restrictions that would be unconstitutional if lawmakers themselves imposed them.

Seventeenth-century censorship, which the First Amendment clearly prohibited, was also imposed largely through private entities, such as uni-

...when a statute regulating speech rests on the power to regulate commerce, there are constitutional dangers, and ambiguities in the statute should be read narrowly.

dispute whether communication and information are "commerce," but rather to recognize the constitutional reality of lost freedom. The expansion of the commerce power endangers Americans' liberty to speak and publish.

That doesn't necessarily mean Section 230 is unconstitutional. But when a statute regulating speech rests

versities and the Stationers' Company, England's printers trade guild. Whereas privatized censorship then was often mandatory, the contemporary version is voluntary. But the tech companies are protected for restricting Congress's list of disfavored materials, and this means that the government still sets the censorship agenda.



Google CEO Sundar Pichai testifies remotely during a Senate Commerce, Science, and Transportation Committee hearing to discuss Section 230 of the Communications Decency Act in October, 2020. (Photo: Greg Nash/CNP)

Some of the material that can be restricted under Section 230 is clearly protected speech. Consider its enumeration of “objectionable” material. The vagueness of this term would be enough to make the restriction unconstitutional if Congress directly imposed it. That doesn’t mean the companies are violating the First Amendment, but it does suggest that the government, in working through private companies, is abridging the freedom of speech.

This constitutional concern doesn’t extend to ordinary websites that moderate commentary and comments; such controls are their right not only under Section 230 but also probably under the First Amendment. Instead, the danger lies in the statutory protection for massive companies that are akin to common carriers and that function as public forums. The First Amendment protects Americans even in privately owned public forums, such as company towns, and the law ordinarily obliges common carriers to serve all customers on terms that are fair, reasonable, and nondiscriminatory. Here, however, it is the reverse.

Being unable to impose the full breadth of Section 230’s censorship, Congress protects the companies so they can do it.

Some Southern sheriffs, long ago, used to assure Klansmen that they would face no repercussions for suppressing the speech of civil-rights marchers. Under the Constitution, government cannot immunize powerful private parties in the hope that they will voluntarily carry out unconstitutional policy.

Perhaps judges can avoid the constitutional problem, but this will be more difficult if they read Section 230(c)(2) broadly. The tech companies can’t have it both ways. If the statute is constitutional, it can’t be as broad as they claim, and if it is that broad, it can’t be constitutional.

The statute itself also poses problems for Big Tech. The first question is what Section 230(c) means when it protects tech companies from being “held liable” for restricting various sorts of speech. This is widely assumed to mean they can’t be sued. But the word “liable” has two meanings.

In a civil suit, a court must first consider whether the defendant has violated

a legal duty or someone else’s right and is therefore legally responsible. If the answer is yes, the court must decide on a remedy, which can include damages, injunctive relief and so forth. The term “held liable” as used in Section 230(c) can fall into either category. Thus, the protection of tech companies from being “held liable” may merely mean they can’t be made to pay damages, not that they can’t be held responsible and subjected to other remedies. The former interpretation seems more plausible, if only because a mere ambiguity seems a weak basis for barring a vast class of plaintiffs from recourse to the courts on a matter as central as their speech.

After protecting tech companies from being held liable, the statute recites: “No cause of action may be brought and no liability may be imposed under any State or local law that is inconsistent with this section.” This clause, Section 230(e), may seem to vindicate the companies, but it distinguishes between a “cause of action” and “liability” and thereby clarifies the ambiguity. Evidently, when Section 230(c) protects

tech companies from being held liable, it does not generally immunize them from causes of action. It merely protects them from “liability” in the sense of damages.

To be sure, when a company is sued for damages, Section 230(e) bars not only the imposition of such liability but

take disproportionate action against material, let alone when they unnecessarily restrict other things, such as websites and persons.

What is in good faith for a website may be different from what is in good faith for a tech company that operates

objectionable.” The companies understand this to include nearly anything to which they object.

But Section 230(c) enumerates only categories of content, not viewpoints. The distinction between content and viewpoint is crucial in free-speech law: Government can’t discriminate against disfavored viewpoints even when regulating unprotected speech such as “fighting words.” It is therefore telling that the list focuses on content. One may protest that “otherwise objectionable” could include objectionable viewpoints. But it is obviously a catchall, and following a list of types of content, it would seem to refer only to additional objectionable content.

The tech companies could argue that the catchall is still ambiguous. But at stake is viewpoint discrimination by vast companies that are akin to common carriers, whose operations function as public forums, and that are carrying out government speech policy. Are we really to believe that a mere ambiguity should be interpreted to mean something so extraordinary?

Section 230’s text offers the tech companies less shelter than they think. It protects them only from damage claims and not at all when they go beyond a constitutional reading of the statute.

The implications are far-reaching. As litigation comes before the courts, they will have to decide the limits of Section 230 and the lawfulness of privatized censorship. In the meantime, some state legislatures will probably adopt civil-rights statutes protecting freedom of speech from the tech companies. Recognizing that such legislation isn’t barred by Section 230, lawmakers in several states are already contemplating it. One way or another, Section 230 does not, and will not, bar remedies for government privatization of censorship.

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What is in good faith for a website may be different from what is in good faith for a tech company that operates like a common carrier or public forum.

also the underlying cause of action. But the statute apparently protects tech companies only from being sued for damages, not for other remedies.

Another question concerns the “material” that the companies can restrict without fear of being sued for damages. Section 230(c) protects them for “any action voluntarily taken in good faith to restrict access to or availability of material” of various sorts. Even before getting to the enumerated categories of material, it is important to recognize that the statute refers only to “material.” It says nothing about restricting persons or websites.

To be sure, the statute protects the companies for “any action” restricting the relevant material, and if taken literally “any action” could include various nuclear options, such as barring persons and demonetizing or shutting down websites. But the term “any action” can’t be taken to include actions that restrict not only the pertinent material but also other things. “Any action” has to be focused on such material.

The statute, moreover, requires that such action be taken “in good faith.” At common law, that can mean not acting with the effect of destroying or injuring the rights of others and, more specifically, not acting disproportionately to terminate relations. The statute thus doesn’t protect the companies when they

like a common carrier or public forum. But at least for such tech companies, the statute’s focus on “material” – combined with the requirement of “good faith” – stands in the way of any categorical protection for suppressing websites, let alone demonetizing them or barring persons.

What does this mean in practice? Even if a company technically can’t bar some material without taking down the entire website, it at least must give the operators an opportunity to remove the objectionable material before suppressing the website altogether. As for demonetizing sites or barring persons, such actions will rarely if ever be necessary for restricting material.

Such is the statute’s text. If you nonetheless want large common-carrier-like companies to go beyond “good faith” actions against “material,” pause to consider a little history, if only as a reality check about the proportionality of your desires. Even the Inquisition gave heretics formal opportunities to recant. And even the Star Chamber required its private censors to bar offensive material, not authors.

The next question is viewpoint discrimination. Section 230(c) specifies protection for restricting “material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise

Biden Energy Policy: All Cost, No Benefits

by **TOM FINNERTY**

Immediately after his inauguration, Joe Biden got to work on what the Associated Press referred to as “a 10-day blitz of executive actions to redirect the country in the wake of Donald Trump’s presidency...” The intent of these executive orders was to broadcast the priorities of the incoming administration. Environmentalism – energy policy – was most conspicuous among them.

This signalled that the new Administration was on board with the leftward edge of the modern Democratic party, away from the interests of working and middle class Americans, toward those of elites. For such voters environmentalism is a religion of sorts. Showing reverence for the angry climate change gods is necessary, to keep them on-side.

But the real-world costs of Biden’s handing power to the environmentalists – both to individual Americans and to the nation’s international standing – seem to have factored into that calculation barely at all.

■ **Fracking**

Fracking is a notable topic where the enmity of environmentalists runs counter to the national interest. The refinement of hydraulic fracturing, where water, sand, and some friction reducing chemicals, (basically soap) are injected at high pressure into the earth to open up tiny fractures in subterranean rock formations liberating the natural gas contained therein, has revolutionized American energy over the past 25 years. This has led to some unalloyed good, including lowering consumer costs while also substantially reducing carbon emissions by transitioning America away from coal to significantly cleaner natural gas.

In this it has been nothing short of a miracle. Due in large part to the fracking boom, the U.S. has led the world in carbon emissions reduction since 2000. You’d think environmentalists would love it.

That is not, however, the case. In fact, because it has undercut the rationale for transitioning to alternative energy sources like wind and solar, while also highlighting their expense, the environmentalist movement has long had fracking in its crosshairs. This has led to the proliferation of anti-fracking propaganda which tends to assert fracking’s culpability in all manner of environmental defilement.

Many of these claims are preposterous – no, fracking won’t make your drinking water flammable. That’s not to say it presents no environmental challenges. It does, particularly issues related to the wastewater that comes back up with the gas. Sensible regulation and technological innovation have helped address these issues. Today much of the water left over from fracking is treated and reused.

■ **Solar and Wind Power**

Meanwhile, the proposed alternatives – principally wind and solar power – create their own environmental issues. Wind turbines require 40 to 50 tons of plastic, which is made from petroleum byproducts. They must be replaced every twenty years, and used blades are not recyclable; they are simply dumped into landfills. Solar panels contain toxic chemicals including cadmium, antimony, and lead, which can leach into the soil of landfills, a significant hazard as older panels are decommissioned.

Solar panels also require significant

amounts of rare earth minerals and other mined materials, so it isn’t as if they leave the earth untouched. That problem is compounded by the fact that both wind and solar need hundreds of acres of land to generate sufficient amounts of electricity. Additionally, since wind and sunshine are intermittent, traditional – mostly coal-fired – power plants must be kept on stand-by to cover any gaps in the power supply, undercutting any carbon emission reduction wind and solar to which apologists might point.

And then there are the jobs. Fracking has been a boon to the economies of numerous states, including West Virginia and Pennsylvania. At a time when the alienation of America’s working classes has been highlighted by the opioid epidemic and deaths of despair, those trends have been countered by blue collar job growth in the oil and gas industry.

■ **Reducing Jobs**

Democrats are sensitive about the suggestion that their energy policies will harm employment prospects among their former voter base. When Biden’s “climate czar,” John Kerry, was asked recently about environmentalist policies endangering jobs, he replied that the Biden administration wants to make it so oil and gas workers “have better choices.... [t]hat they can be the people to go to work to make the solar panels.” Not only was this about as tone deaf as the suggestion that these workers should simply “learn to code,” it failed to account for the fact that such jobs aren’t available, since 70 percent of the world’s solar panels are manufactured in China.

Even if the Biden administration could bring solar panel manufacturing

to the U.S., by, for instance, massively increasing the \$6.7 billion in annual subsidies which currently make renewables competitive with traditional energy sources in the first place. According to the Energy Information Administration, American fracking has contributed roughly 500 percent more energy to global markets since 2007 than all wind and solar combined. It is improbable that renewables will be able to make up that difference any time soon. Moreover, as energy policy expert Mark P. Mills has observed, ending fracking in America would trigger a global recession, just as the Arab oil embargoes of the 1970s did.

Consequently, when Elizabeth Warren famously promised a total crack-

Mexico's oil and natural gas production. In Utah and Wyoming, it accounts for 63 percent and 92 percent of their respective production totals.

As those numbers make clear, halting leases will cause massive disruption in the oil and gas industry. It will have serious governmental repercussions as well. As Shawn Regan explained in his recent article *The Cost of Not Drilling*, "Revenues from energy development on federal land and in offshore waters are a major source of federal income, second only to tax revenue."

The revenue is divided between the federal government and the states, and while several popular federal programs are funded by these royalties, it is at the

(then known as TransCanada) proposed Keystone XL, which would connect the terminal in Hardisty, Alberta with one in Steele City, Nebraska by a shorter route than their existing connection.

So how did this ordinary project garner such notoriety?

The answer is complicated, but it boils down to the fact that environmentalists were wildly successful in getting the broader public to notice Keystone XL. Though Keystone passed every environmental review it was subjected to, it became a cause célèbre of the left. This led directly to President Obama's rejecting the project application in 2015 after years of vacillating. During the 2016 election, Donald Trump promised to revive it if elected, which he did. Now it has been cancelled again.

...due in large part to the fracking boom, the U.S. has led the world in carbon emissions reduction since 2000.

ing ban if she were elected president, Biden demurred. The talking point he settled on was "No more new fracking!" Perhaps he thought this sounded like a reasonable compromise, but as a policy it falls apart under scrutiny. As Mills noted, fracking, like "manufacturing or farming... is a continual process. So, banning 'new' output quickly becomes an overall ban."

■ **Banning Oil and Gas Leases on Federal Land**

Thus far, President Biden has not moved against fracking directly. He has, however, put into motion one of his promises, temporarily banning oil and gas leases on federal land. This is a more dramatic move than it seems. More than 20 percent of America's oil production and 12 percent of natural gas extraction occurs on federal land. Those numbers go up precipitously when you single out our less populous western states – according to the American Petroleum Institute, federal land production accounts for well over 50 percent of New

local level where their loss will really be felt. Oil and gas revenue account for a full 20 percent of New Mexico's budget, and much of the \$150 million they provide Wyoming is earmarked for K-12 education. A recent study by the University of Wyoming estimated that an extended lease moratorium could cost the states \$1.6 billion per year on average.

■ **The "Climate Crisis" and Keystone XL**

Still, the costs of the moratorium will take time to become clear, as existing leases remain unaffected. But the "Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," creates an immediate crisis. This sententiously titled order revoked the permit held by Canadian oil concern TC Energy "to construct, operate, and maintain" the Keystone XL pipeline.

This pipeline is an extension of the existing Keystone system which transports Canadian crude to refineries throughout the United States. In 2008, TC Energy

■ **Canada's Response**

This game of political ping-pong has caused tension with America's neighbor to the north. Reports of Biden's impending Keystone cancellation dominated headlines in Canada and made the Liberal minority government uneasy. While Prime Minister Justin Trudeau is an environmentalist darling, like any other politician he needs to attend to the facts on the ground, and on the ground KXL's termination was bad news. As much as Trudeau might wish it were otherwise, Canada has the third largest oil reserves in the world, and its economy is heavily dependent on its resource sector.

In response to the rumors, Canada's U.S. ambassador released a statement on the government's behalf, stressing the fact that TC had adjusted Keystone in the face of every critique such that it was now more environmentally sound than when it was cancelled in 2015:

Not only has the project itself changed significantly since it was first proposed, but Canada's oilsands production has also changed significantly. Per-barrel oilsands [greenhouse gas] emissions have dropped 31 percent since 2000, and innovation will

continue to drive progress... Keystone XL fits within Canada's climate plan at a time when our economic recovery is a top priority.

Ultimately, this plea was unsuccessful – KXL was cancelled and TC Energy immediately fired a thousand construction workers. They also began exploring their options for suing the U.S. government for damages.

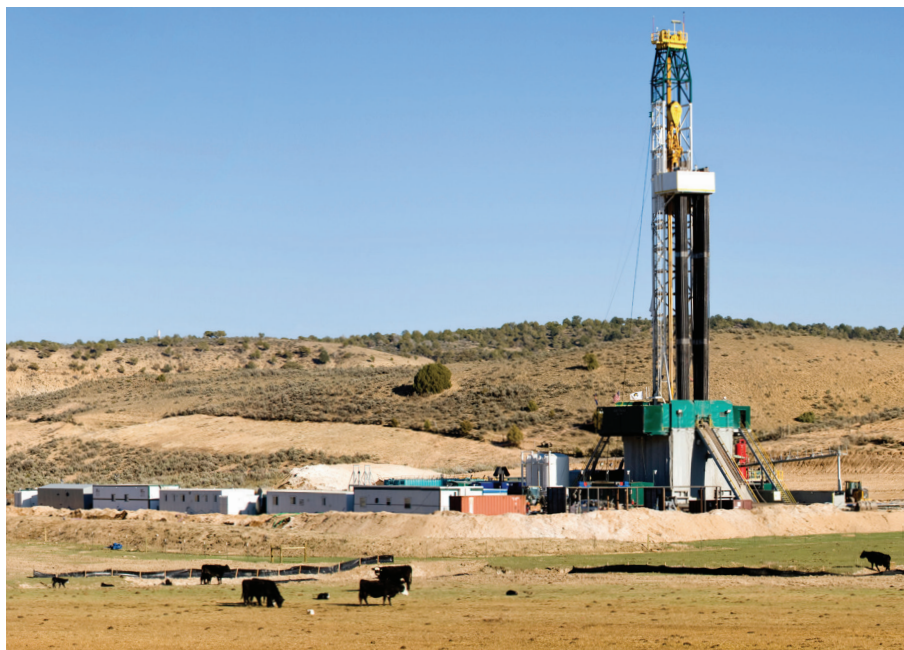
They're supported in that proposal by Alberta's premier Jason Kenney, who has expressed the frustration of Canadian workers in a way that Trudeau could not. He said:

Let's be clear about what happened today: The leader of our closest ally retroactively vetoed approval for a pipeline that already exists... directly attacking by far the largest part of the Canada-U.S. trade relationship, which is our energy industry and exports.... This decision was made without even giving Canada the opportunity respectfully to make the case for how Keystone XL would strengthen U.S. national and energy security.... That's not how you treat a friend and an ally.

■ The Case for Keystone

What might Canada's case for the KXL Pipeline have looked like? It would likely have been similar to the case made by the U. S. Chamber of Commerce, which held that building the pipeline would create 20,000 union manufacturing and construction jobs; generate almost \$140 million in property tax revenue for state and local governments; and attract an additional \$20 billion in private sector investment.

The cancellation redounds to the benefit of nations far less concerned about environmental exploitation and human rights abuses than Canada. U.S. refineries will need to purchase oil from such sources, and with Canada less able to sell her resources, the global supply will tighten, and prices will rise. This will harm



Ranchers share land with a fracking natural gas station in the Piceance Basin, Colorado. (Photo: Ted Wood / Aurora Photos)

consumers, but it will also necessarily increase American entanglement in the messy politics of the world's petro-states. At the height of the Iraq War, young leftists would chant "No Blood for Oil!" but by cancelling Keystone, a Democratic president has now made American military intervention in the Middle East in the next few years – to ensure oil tankers have unobstructed passage through the Strait of Hormuz, for instance – rather more likely.

■ The Cost of COVID

COVID-19 has compounded the cost question. With the development of vaccines and the advance of other treatments, the virus appears to be on its way to defeat, but once that has occurred, we will have to come to terms with the devastation the pandemic has wrought.

Unemployment is up, especially among people who can't simply work from home, and the cost of living has risen as well. Government spending has increased precipitously to fill the gap, while the dramatic contraction of the economy will mean lower tax receipts.

At such a time, it is folly to decimate an industry which sustains so many jobs, keeps energy affordable, and generates so much federal and state tax revenue.

COVID-19 has also complicated the foreign policy equation. Iran has been hit harder than any other country in the Middle East. It is a destabilizing force in the region in the best of times, and it is unlikely that the Khomeinist government will be made more pacific by the disaster.

Meanwhile, China's management of the virus at its outset, as well as its human rights abuses, are troubling. Despite its poor environmental track record – in 2020 alone, new coal-fired power plants in China outpaced those going online in the rest of the world by 300 percent – China has made itself a dominant force in the wind and solar industry.

President Biden promised to "build back better," but that requires changing course on energy policy, including prioritizing domestic oil and gas production, and doing business with responsible allies like Canada. Rather than subsidizing China's coal-fired power plants by investing in their alternate energy tech, America should emphasize our own low or zero carbon energy sources, like natural gas and nuclear.

TOM FINNERTY writes about politics and energy policy for *The Pipeline.org*, an energy newsletter.

Equity, Equality, and MLK

An *in*FOCUS interview with Prof. GLENN LOURY

Glenn Loury is the Merton P. Stoltz Professor of Economics at Brown University, and a Senior Fellow at the Manhattan Institute. For forty years, he has thought and written extensively about race, poverty, crime, the Black family, affirmative action, and relations between people in our society, during which time he has earned a reputation as a truth teller and a sharp critic of the shibboleth of the moment. When we sat down with him recently, Professor Loury seemed more frustrated than sanguine, and deeply pained about the direction in which much of American culture is heading.

***in*FOCUS: LET'S JUMP RIGHT IN. HOW ARE RACE AND CANCEL CULTURE RELATED?**

Glenn Loury: They're joined at the hip, in my opinion, but it's not only race. Cancel culture is also the MeToo movement. Cancel culture is if you like the Founding Fathers or Mount Rushmore, you're in trouble. If you thought Columbus Day should have been Indigenous People's Day, you're in trouble. Cancel culture is about a lot of things, but it is substantially about race.

We have events [*Ed. the death of George Floyd*] that become the focus of movements. And now they've become the stage on which people perform rituals of expiation. The president of Princeton University talked about how racist his institution is. Now, in 2021. It's madness. All the affirmative action, all of the Black studies, all of the recognition of the legitimacy of the claim of African Americans against slavery and Jim Crow. We've been doing this for a half century and still presidents of Ivy League institutions have to "fess up" to systemic racism. And everybody knows it's a fraud.

***iF*: EVERYBODY KNOWS THAT?**

Prof. Loury: The professor of physics, the professor of organic chemistry, the person who actually knows something about the French Revolution, because he or she reads French and studied the texts from the 18th and early 19th century.

The computer scientist.... No, of course, everybody doesn't know it's a fraud. But I'm saying it is a fraud and it doesn't go down very deeply in the real root of the academy. It would be the tail wagging the dog to have these institutions defined and organized around the petulance and sophomoric tantrum-throwing of all of these kids. It's the tail wagging the dog.

I think there's substance in the university. I think that the great traditions of learning that we've inherited, they're Western traditions, not exclusively, but substantially so, are real things. They're the achievements of human civilization. I think they will weather the storm, although I don't exactly see the end of the storm.

***iF*: WHAT ABOUT ALL THOSE DEPARTMENTS OF RACE, OR SEXUAL STUDIES, OR IDENTITY?**

Prof. Loury: These departments are here to stay. I'm sorry to report that. I think it was a mistake, but they're here to stay. Let me try to defend the position that it was a mistake. The year is 1969, '70, '71, Black power, and the kids are taking over the administration building, and they demand Black studies.

So, you create Black studies departments. Now, it's not like there's nothing to study, there's a legitimate set of questions. But we all knew, and we always have known that the history department was where history was done, the political science department was where the study

of government took place, the economics department stood on the shoulders of generations of reflection about economics. The university has traditions and the canon. The study of Afro-related affairs should have been vetted through the normal channels. Identity in politics should not drive that process. Sadly, what we did in the late 1960s and early 1970s was to lock in an institutional framework in the universities, such that identity in politics ended up driving that process. That was a mistake.

■ *The Discipline of the Disciplines*

***iF*: AND CRITICAL RACE THEORY?**

Prof. Loury: That's a slightly different subject. I'm not sure I understand it, but I will speculate. It's not inconsistent with what I was saying because the discipline of the academic disciplines is what I was trying to drive toward when discussing Black studies. You have to submit yourself to the discipline of the disciplines, and you also have to submit yourself to the discipline of your peers in terms of evaluation. The gates get narrower as you ascend the pyramid of human excellence. And when we start talking about MIT and Caltech, we're talking about the top tier. The narrower the gate, the more each one of us who seeks to pass through knows and is aware of the fact that we're being judged.

And not everybody is going to be found fit. That's the nature of the thing

– it's elite. Why is the "identitarian" attraction so powerful? For many, it's a way of evading the existential angst of confronting one's own failure in the face of severe competition as you enter into elite venues when nobody knows if they are really on sure footing.

The point of a university education is to expose students to the whole vista of what is available to know about life. Students don't know what they're going to be after they've encountered that vista. So rather than doubling down on what they bring to us at 18 years old, to form their identities, we should be encouraging them to shed that and to open themselves to all these possibilities. And we're not doing that. Affirmative action exacerbates this.

■ Summer 2020

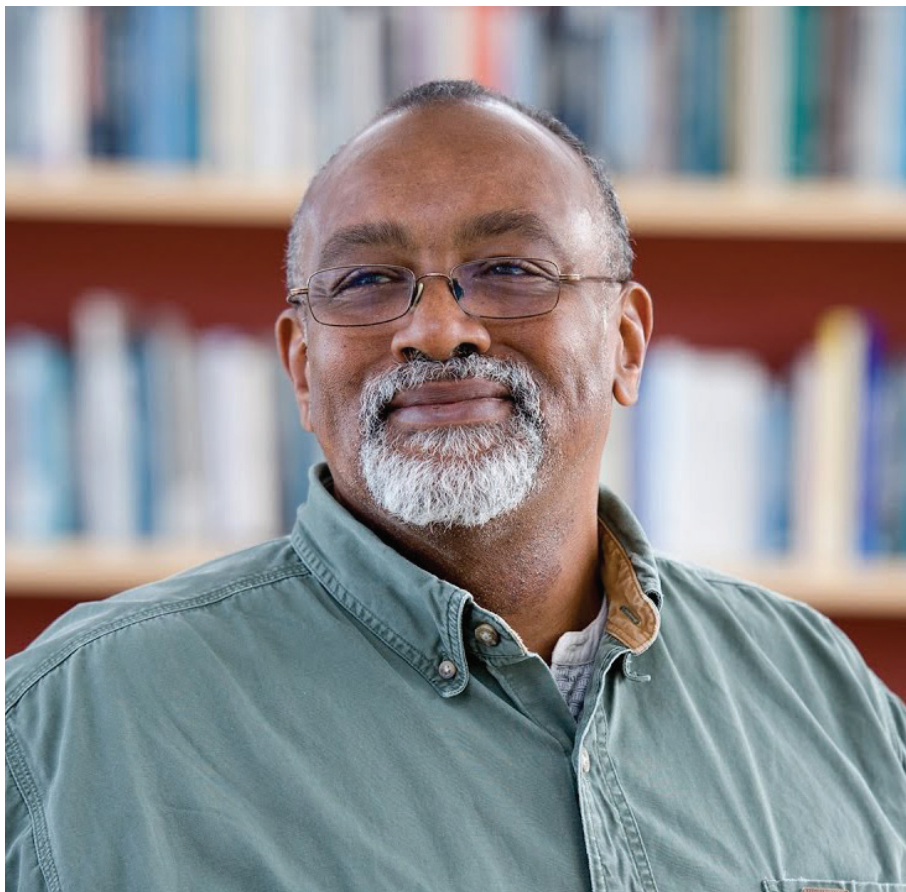
iF: LAST SUMMER THE BLACK LIVES MATTER EXPLOSION ALONG WITH THE CLAIMS OF STRUCTURAL RACISM AND WHITE PRIVILEGE, WENT FROM ZERO TO KAMALA HARRIS FOR PRESIDENT. WHAT HAPPENED?

Prof. Loury: God, I'm befuddled by what happened in the summer of 2020, but I'm also chastened by it because this is a deep thing about our country. I mean, there are small points. Where's Tom Wolf when we need him? George Floyd was buried in a gold casket. There was a caisson. It was a state funeral. George Floyd – I don't mean to disparage him, but this wasn't Emmett Till, lynched.

So, what's going on? This is theater. "America needs to get its knee off the neck of Black people." Come on, this is preposterous. It's an absurdity. The Black Lives Matter movement, those riots. American will be a long time recovering from the summer of 2020 in terms of race relations.

I was deeply disquieted by what happened in summer. This will bear bitter fruit, in my opinion.

Mainstream institutions let us down. This is why I objected when the president of my university wrote one of



Prof. Glenn Loury. (Photo: Brown University)

these silly letters mouthing the Black Lives Matter platitudes. I thought, "My God, we're a university, and we've surrendered our reason and our capacity to reflect about subtle moral issues to this... We've now joined that movement?" It's insulting to the intelligence and since these are precious institutions... I speak about universities, but I could be speaking about newsrooms mouthing that riots were "mostly peaceful protests."

iF: WHERE DID THE MOBS COME FROM?

Prof. Loury: Opportunity presented itself. I remember the book by Edward C. Banfield, *The Unheavenly City*. He had a chapter called, "Rioting for Fun and Profit." He pointed out it's an opportunity if you're 18 years old, sitting around talking to your friends and have nothing else to do. I don't know whether there was something more systematic, I certainly can't rule it out. It gets into

conspiracy theory territory, but I don't think you could rule it out. But I think real damage was done on the race question.

There will be a backlash. They think they're winning, the racial radicals, the "critical race theory" people. They're not winning. It's a big country. There are 330 million people. There is a lot that's going on. It's fast moving. We're a nation of immigrants. The Asians and Latinos, everything is changing.

■ Civil Rights and School Failure

Technology will be completely different in 25 years. There are real impediments to success in the modern world and those problems got set back in the Black community.

We're decades past the start of the Civil Rights movement. We should be all over school failure, advocating choice and charters and every other kind education. It should be a main pillar of the Civil

Rights movement. And I'm not saying that as a partisan, neo-liberal, I'm just saying, if kids can't learn to read and count in large numbers, it's a time bomb. We need the country to embrace this project – not just in a racial way because kids are like this in Appalachia and Southwestern Ohio, and so on. We should get beyond this identity thing, but that's a separate conversation. We were talking about the race question. And I'm saying, the issue here is the incomplete development and the ineffective functioning of these people in terms of their ability to cope in life.

We need the country to tackle that problem. And what happened in the summer of 2020, I think, alienates the country from a sense of responsibility for – and engagement with – these questions. Now it's about a kind of bargaining, where belligerents sit on one side of the table threatening to burn the thing down and the powers-that-be placate and pay them off. Corporate America pays them off, the foundations pay them

American Jew couldn't possibly support the Iran nuclear deal.

iF: Oy...

Prof. Loury: It seems like it shouldn't be so, but believe me, it can happen. African Americans are the richest and most powerful people of African descent on the planet. Thirty or 40 million people – billionaires, industry-defining moguls, entertainers, and athletes who set global styles. There are artists and writers. Doctors and lawyers and Indian chiefs. A lot of people who are setting up businesses and so on. The United States has an extremely prosperous, extremely accomplished, large population of people of African descent.

There are problems and there are issues, and some of what affects the lower classes of the Black community creeps across the line. But on the whole, I think, there's much to celebrate. When Gunnar Myrdal, the Swedish economist came to

course, there are the issues that everyone talks about in terms of disparities, but come on, we're citizens of this Republic, we are a part of the warp and woof of America at its center. And in fact, perhaps overrepresented to some degree at its center because gatekeepers and cultural barons want to compensate for the history of exclusion.

So, the African American middle-class is profoundly significant in indicating what's possible to accomplish here in America, notwithstanding the disparities and the gaps. But the politics of it – as far as I can tell, they're 80% behind the woke narratives.

They are committed to liberalism without a doubt, and the Democratic party. I want to make this point about the African American middle class and their political instincts: They're going to circle the wagons around the Democratic party and around the liberal agenda, and many around the woke agenda. But there are issues that are ambiguous and complex. The implications of relatively uncontrolled entry into the country of low-skilled labor from south of the border is one of those issues

What unchecked immigration implies for African Americans is not a simple question. It seems to me that it should be an agonizing question causing deep deliberation. Same with the appropriation of the phrase "people of color." This is a cultural move that's been made with Critical Race Theory. The moral capital of Black people within this country, because of our history, has been commodified, generalized, and appropriated by other causes. Other groups basically draw an analogy to the rights claims of African Americans, including transgendered people, or immigrants who are coming from south of the border, who speak Spanish as a native language. How did they get to be people of color? How did they get our moral authority?

The black middle class doesn't take up these questions because of the monolithic character of the narrative in intellectual life.

We should be all over school failure, advocating choice and charters and every other kind education. It should be a main pillar of the Civil Rights movement.

off, the Democratic Party pays them off and they lie about the real problem.

Violence and lethality are a fundamental impediment to Black life. The homicide numbers are unbelievable. They're stratospheric.

■ **The Black Middle Class**

iF: THERE'S A VERY LARGE BLACK MIDDLE CLASS, AND WE DON'T HEAR ABOUT THEM. HOW ARE THEY DOING? THEY SEEMED TO BE DOING BETTER UNDER TRUMP, ECONOMICALLY. THE BLACK MIDDLE-CLASS CANNOT POSSIBLY SUPPORT LOOTING AND RIOTING?

Prof. Loury: Oh, don't be so sure. That would be a little bit like saying an

the U.S. in the middle of the 20th century to write about the American Negro, the typical occupation for a Black man was a laborer in manufacturing or on the farm. Most Black women who were working were domestic servants of one sort or another. It was a completely different world.

Now there is a tremendous demand for the services of the educated African American middle class. This is the social revolution that gave us Barack and Michelle Obama. And it's a part of the remarkable story. When you think about it in broader terms, African Americans emerged from slavery just 150 years ago. And this population has become integrated fully, not socially integrated in terms of intermarriage, but still... And of



Demonstrators gather outside the White House in the days following the killing of George Floyd (Photo: Michael Johnson)

■ Who is Black?

iF: BARAK OBAMA WAS THE FIRST BLACK PRESIDENT, BUT NOT FROM THE TRADITIONAL AFRICAN AMERICAN, FORMER SLAVE COMMUNITY. NOW WE'VE GOT KAMALA HARRIS AND IT'S THE SAME THING.

Prof. Loury: Obama's father was born in Kenya and his mother was born in Kansas. Neither one of those is the Southside of Chicago. And Kamala Harris's father is Jamaican and her mother is Indian. And yet they're Black.

What other group is so porous that people whose neither mother nor father belonged to the group get to be iconic tribunes embodying the aspirations of the group?

■ Equity, Equality and MLK

iF: WHEN WE WERE YOUNGER, IT LOOKED LIKE OUR SOCIETY WAS HEADING TOWARD THAT MARTIN LUTHER KING IDEAL OF COLOR-BLINDNESS: INDIVIDUAL CHARACTER

AND ACTION, NOT RACE. AND THEN THAT ALL SEEMED TO GO SOUTH.

Prof. Loury: The weight, the center of gravity, has shifted away from the color-blind ideal – which is a great mistake, it is a historic wrong turn. But the turn has been made. I don't know how we go back.

What happened was that “equal opportunity” was not enough. The challenge of getting people equipped to actually compete and perform wasn't met. Equal opportunity was not enough to bring a parity of performance about, quickly enough. And so, the latest version of this is, they play with language. We need George Orwell to protect us from these people. They don't want to talk about equality anymore, they want to talk about equity. And you know what they're talking about? They're talking about covering up the fact that outcomes will not be proportionate because performance it's not equal. But we're not going to judge based on performance, we're going to judge based on outcomes, and we're

going to jigger such that we get a parity of outcome notwithstanding the fact that we don't have parity of performance.

The reality of the development question was too daunting. If you go color blind, you have to live with the consequences, like a law firm with a class of new partners that didn't have any Blacks in it. You'd have to live with schools like Stuyvesant [*Ed. competitive high school in Manhattan*] which, when they admitted a thousand kids, had 15 Black kids in it. People don't want to live with that. They prefer a security blanket of mandated “equity.” And again, I say they're wrong.

They think they've got a trump card in identity, but it is as if they say, “I can't compete. I'm not going to be able to cut it on the basis of performance. I demand because of slavery. I demand because of Jim Crow, redlining, micro-aggressions, cultural appropriation. I demand.” This is what goes on in a big newspaper, talking about what's going to be on the editorial page. People are throwing tantrums and they're throwing fits. This is

a department in a university insisting that they don't have enough people on the faculty who are this, or that – not based on the books that they've written or work they've done. They think they've got a trump card, but at the end of the day everybody knows it's a shell game and people are being tolerated, patronized, placated, condescended to.

■ *The Family and a New Black Movement*

iF: WHEN YOU TALK ABOUT THE DEVELOPMENT THAT DIDN'T OCCUR, I PRESUME YOU'RE TALKING ABOUT THE FAMILY.

Prof. Loury: I am talking in part about the family because that's where human development is anchored, and about out of wedlock births and single parent families and multiple paternity. I'm not a sociologist, but there's just a lot of child abuse, there's a lot of domestic

I don't have a policy agenda, but yes, I would put my finger on child-rearing, on parenting, on the family, on the stability of the environment in early life. And I think the issues for the African American family are significant.

iF: IS IT FIXABLE?

Prof. Loury: It may not be. These are very large forces at work. It's not necessarily something that can be fixed by us, meaning the entire national community. It may require a movement of us, within the black community, a mobilization that would have to be cultural and would have to be driven by an inspirational articulation of a sense of Black identity. This cuts against colorblindness, so it starts to get complicated. Call it "cultural reform," which entails changing bedrock patterns, expectations, habits, and customs within a community, such as "How do you behave inside the con-

basement. I want to write the sermon.

I want a movement for this, so that I think about my identity differently. I want a movement where people start saying how they want to live, and then start imposing those expectations on their peers. "You are not in good standing within our community if..." And this would have to have its effects in Hollywood on the popular culture, it would have to have its effect in the Academy.

Myron Magnet first made this argument in *The Dream and the Nightmare*. He wrote something like, "America caught a cold in the '60s with sex, drugs, and rock and roll, throwing over everything. And the poor, the Blacks at the bottom, they got pneumonia." Because once you threw away all these guardrails and people didn't have any resources, it was going to be a nightmare – and it has been a nightmare. That's certainly a part of the problem, I think, that the larger culture has become so libertine. Black identity, all you have to do is look at hip hop, which is often musical genius, but it's also not a part of the restoring the Black family program that I was giving voice to a moment ago.

iF: WHAT COMES NEXT? GIVE ME SOMETHING OPTIMISTIC, OR IS THERE NOTHING?

Prof. Loury: The last thing I put up in my newsletter was that I'm in complete despair. And I feel like I'm just tilting at windmills and it makes me think, "This is not what you want to do if you've only got a limited amount of time. Try to find some pragmatic way."

So, I am thinking concretely about prison reform. And I am teaching a class, with 20 very eager Brown undergraduates, who are furious at how stifling things are. We are reading Plato, and John Stuart Mill, and we are all trying to think about the big questions.

iF: PROF. LOURY ON BEHALF OF THE JEWISH POLICY CENTER, AND THE READERS OF inFOCUS, THANK YOU.

African Americans are the richest and most powerful people of African descent on the planet.

violence, there's woundedness and brokenness and it affects kids. Schools can't do everything. This is a part of it. It's not the only thing, but it's a part of it. And transfers of money will not solve all of these problems. Not that I'm necessarily against trying to help people who are poor, but it's not a panacea. And policy is limited to the extent that you respect privacy and autonomy, and there are places you don't want the state to enter, to try and govern people's lives.

We could talk about what you can do about helping people be better parents – about supplementing the experience of early childhood with one kind of intervention or another, about various environmental, nutritional stopgaps.

text of marriage?" or "Do you enter into it?" Changing that single childbearing practice and interactions between men and women.

These are very intimate things. And to mobilize on that perhaps might draw on positive black identity. I'd say, "Our ancestors didn't bring us this far in order for us to let them down by..." This kind of talk. And that's very sectarian. It's very thick with groupness. And so, on the one hand, from the civic point of view, I want the nation to be a nation of laws in which people are getting the equal protection irrespective of their identity. But if I have a cultural impediment and I want to do something about it, I need to mobilize people and to draw them into the church

Healthcare: What Did We Learn from 2020?

BY TEVI TROY

From the beginning, 2020 was an extremely consequential year in a multitude of ways, but perhaps none more so than in health care. This traumatic and upheaval-filled year taught U.S. a great deal about the state of American health care, where its vulnerabilities are, where its strengths are, and where it might be going.

■ *We Weren't Ready*

The biggest and most painful lesson was in the area of pandemic response. The U.S. has had years of warnings about preparedness for a new outbreak of a deadly disease. The year 2018 was filled with reminders of the one hundredth anniversary of the 1918 Spanish Flu and how we as a society need to get ready for the next one. In 2016, this author published *"Shall We Wake the President: Two Centuries of Disaster Management from the Oval Office,"* (reviewed by inFOCUS

W. Bush warned of – and took preliminary but crucial steps to protect from – a pandemic flu outbreak.

Despite all of these warnings, and despite billions of dollars spent in creating, filling, and maintaining the Strategic National Stockpile, when the SARS-Covid-2 outbreak occurred in 2020, the U.S. was not ready. We did not properly prepare for the disease before it came to our shores – to be fair, the Chinese government's obfuscation helped here – we could not track and trace outbreaks via robust and effective testing once it got here, and we had no countermeasures in the form of vaccines or antivirals. When the biggest disease outbreak that the world had seen in a century came, all that the most advanced health care system in human history could do was... tell people to shelter in place and wash their hands. It was a humbling come-down for a society that was used to having technology fix its problems.

started to exert more effort into the realm of non-communicable conditions created by human behavior. Instead of looking at pandemics, public health paid more and more attention to criticizing and trying to root out human behaviors like the consumption of large sodas. The focus became behavior modification rather than disease mitigation, and that may have contributed to the lack of preparedness for a once in a century pandemic.

Then, once the pandemic struck, the politicization continued, with disastrous effects. Initially, the public health community tried to downplay the risks, suggesting that flu shots and attending Chinese New Year celebrations were more important than worrying about a mysterious virus. Worse, as Americans started considering the adoption of face masks, something not natural in American culture, Surgeon General Jerome Adams tweeted: "Seriously people- STOP BUYING MASKS! They are NOT effective in preventing general public from catching #Coronavirus, but if healthcare providers can't get them to care for sick patients, it puts them and our communities at risk!"

Later, it emerged that public health officials intentionally downplayed the use of masks, not because they were ineffective, but because they wanted to maintain supply levels for frontline health care workers. Making sure that supplies were adequate for the front line was and is an admirable goal, but the intentionally misleading communiques had a disastrous effect. Once public health officials discovered that masks did have some level of effectiveness at preventing the spread of a communicable airborne disease,

...public health paid more and more attention to criticizing and trying to root out human behaviors like the consumption of large sodas.

Quarterly in summer 2017) which warned that "One specific area that could stand improvement is the development of coronavirus countermeasures." In 2014, the U.S. had a brief Ebola scare in which we learned that our systems of infection controls were not as robust as they needed to be. And in the 2000s, President George

■ *Politicizing the Health Care Community*

The second disturbing lesson from 2020 was about the increasing politicization of the public health community. The public health world, which is supposed to protect the public from the spread of deadly communicable diseases, had lost focus and

changing the messaging encountered some skepticism among an American public long disinclined to mask wearing. The result was that masks unnecessarily became a political issue, and another flashpoint in the detrimental perceived war between conservatives and the public health community.

■ **Conservatives, Social Protests and COVID-19**

The tensions between the communities worsened over the summer during the Black Lives Matters protests. The public health community had been at the forefront of pushing for lockdowns and social distancing, and particularly critical of protests against those lockdowns. Yet when the BLM protests took place this summer, over 1,000 public health experts signed a letter giving their blessing to mass gatherings in the streets: “We created the letter in response to emerging narratives that seemed to malign demonstrations as risky for the public health because of COVID-19. Instead, we wanted to present a narrative that prioritizes opposition to racism as vital to the public health, including the epidemic response. We believe that the way forward is not to suppress protests in the name of public health but to respond to protesters demands in the name of public health, thereby addressing multiple public health

needed to do a better job communicating with conservatives. In the piece, Leininger and Pollack argued that public health needed to treat conservatives as another demographic group that required targeted outreach. They also pointed out that survey showed that 72 percent of public health officials considered themselves liberals, while only 4 percent classified themselves as conservatives. While this disconnect has existed and been widening for a while, 2020 showed that this disconnect had real world consequences in terms of the willingness of Americans to comply with public health pronouncements.

■ **W’s Vaccine Strategy Success**

On the positive side, one lesson we learned was that vaccine development had made incredible advances over a short period of time. When George W. Bush put together his pandemic preparedness plan, one of the plan’s long-term goals was to increase vaccine development capabilities. In fact, the Bush administration’s plan specifically called for a “crash program” to “accelerate cell culture technology.” For years, our egg-based vaccine development system had a host of vulnerabilities, including the limitations of the egg supply, susceptibility to allergic reaction in some, and imperfect levels of effectiveness in our annual flu vaccine.

for the development. This approach led to the development of two vaccines in record time, both with over 90% effectiveness, with other vaccine candidates emerging as well. The results from the vaccine in Israel, the world leader in vaccinations thus far, have been incredibly encouraging, with deaths, illnesses, and instances of transmission all going down. By all accounts, the development of the vaccine has been a stunning success.

■ **Distribution Failures**

Unfortunately, and at the same time, the distribution of the vaccine, particularly in the U.S., has been a disappointment. The reason that the paragraph above refers to the impressive results in Israel is that the distribution there has been sufficiently efficient and widespread to enable us to see these impressive results. In the U.S., though, distribution has not been nearly as efficient, and the very success of the vaccine development has been diminished by the confusion and disorganization of its distribution. Instead of focusing solely on getting vaccines to the highest risk people, or to the greatest number of people in the shortest amount of time, CDC and state public health officials allowed political considerations to affect the prioritization of vaccines. This was yet another instance in which the politicization of public health got in the way of responding to the coronavirus. In addition, distribution challenges beyond the politicized prioritization process meant that the demand for shots far exceeded the available supply of them in the crucial early months of the vaccine when the U.S was trying to stem the tide of the virus.

Given these lessons, the question going forward should be how we can take the lessons of 2020 – and some of 2021 – and apply them to making sure that something like this never happens again. The overwhelming costs of the virus in the U.S., hundreds of thousands of dead, trillions of dollars spent, U.S. credibility severely damaged, and national vulnerabilities exposed for enemy state and non-state actors alike. If there

To millions of Americans, the message seemed to be:
all social activities are forbidden, except for ones that
advance a preferred political agenda.

crises.” To millions of Americans, the message seemed to be: all social activities are forbidden, except for ones that advance a preferred political agenda.

The disconnect between conservatives and the public health community was so stark that public health experts Lindsey Leininger and Harold Pollack wrote a piece in *The Washington Post* declaring that the public health community

Now, with the new flu vaccines, we are using even more advanced mRNA technology. The flu vaccines were developed in less than a year under the Operation Warp Speed initiative. This initiative called for active cooperation between the public and the private sectors, with the federal government standing as a guaranteed purchaser of the product, and the private sector being responsible



U.S. Army medical staff at coronavirus pandemic relief facility set up at the Jacob Javits Center in New York City. (Photo: U.S. Army)

is to be another deadly pathogenic outbreak in the future, the U.S. will have to have a far better response than what we witnessed in 2020.

■ *Lessons for the Future*

To do better in the future will require a careful examination of this recent past and a willingness to do better next time. The first lesson and required improvement is in the area of international monitoring. We will of course need to be more skeptical of information coming from China next time, but there is no guarantee that the next outbreak will come from China. In the future, the U.S. will have to be both more active and skeptical of official reports when it comes to international monitoring. Since the U.S. can't be everywhere, this will entail international cooperation and working with the World Health Organization (WHO). Unfortunately, the WHO's continued unwillingness to hold China to account suggests that the U.S. and its allies have a lot of work to do

in terms of trying to reform the WHO to make it a better partner in the future.

The second area of required improvement is in the area of domestic monitoring and testing. Clearly, reliance on CDC to develop the testing needed to measure an outbreak in the future will not work. Going forward, the U.S. will have to learn the lessons from Operation Warp Speed and ensure that there is active cooperation between the private and public sector, allowing the public sector to set direction and indicate governmental needs, but to allow the private sector to do what it does best in terms of developing and manufacturing the required tests.

Third, the U.S. must rethink its Strategic National Stockpile (SNS) in the future and ensure that it focuses on more nimble platforms and less on specific hit or miss products. The groundbreaking mRNA success of Operation Warp Speed indicates that the U.S. does not need to have vaccine on hand for a particular pathogen so much as the ability to develop a vaccine – quickly – for whatever

pathogen comes our way.

Finally, the key lesson of 2020 is the need to depoliticize public health. Public health should focus on the hard science of preventing and or mitigating the spread of deadly diseases rather than the soft non-science of advancing its political preferences. Focusing on politics rather than disease prevention leaves officials unfocused on the deadliest problems we face, weakens our ability to respond, and perhaps worst of all, damages the credibility of public health among large sections of the population at the very moments when we most need population-wide adherence to science-based disease prevention guidelines. We cannot know what pathogens we may face in the future, but we already do know what we need to do now to prepare for what may come.

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Why American Jews Should Embrace Education Choice

by **IAN KINGSBURY** and **JASON BEDRICK**

Due to the longstanding attachment that most non-Orthodox American Jews have had to public education, the institutions representing them have long opposed “education choice” policies, such as school vouchers and K-12 education savings accounts, that allow public funds to follow the child to the school of his or her family’s choice. It is time to rethink that attachment. Private schools have proven better than public schools at instilling the type of civic virtues that are essential to the flourishing of religious and ethnic minorities, like Jews, within a representative democracy. As radicals attempt to indoctrinate children with anti-Israel and even anti-Semitic beliefs, educational choice policies are necessary not only to provide educational alternatives, but also to empower families fighting to keep such odious views out of the public education system.

The notion of significant structural reform to the American K-12 education system is often met with resistance in many quarters of the American Jewish community. For one, public education is conventionally regarded as the crucible through which Jews became Americans. Moreover, the traditional public education system has worked well for American Jewry. In popular imagination, public schools fueled rapid Jewish social mobility, both by conveying the knowledge and skills required to succeed in the labor market and employing a significant number of Jews as educators. Finally, just as many American Jews long believed that public schools helped the community make the adjustment

from *shtetl* to suburb, they also tend to believe that they train individuals from diverse backgrounds to embrace liberal democratic norms, such as respect for religious and ethnic diversity. In other words, the same public schools that taught American Jews to become good neighbors also taught our neighbors to be kind to the Jews.

For these reasons, the notion of expanding education choice policies does not necessarily elicit great enthusiasm from the Jewish community. In fact, the anti-Defamation League explicitly opposes school vouchers, their opposition predicated in part on the concern that “under voucher and neo-voucher programs, our educational system and our country would become even more Balkanized than today.” Likewise, the Reform movement’s Religious Action Center lists a litany of reasons they oppose school choice policies, including that they supposedly

of the research literature found that private schools typically outperform public schools in instilling civic values such as political tolerance and voluntarism. Two studies published since then only reinforce the private school advantage, especially as it relates to the welfare of American Jews. A 2017 study co-authored by one of us concluded that private school-educated adults were less likely to profess belief in anti-Semitic stereotypes, even after controlling for a variety of background characteristics. Another 2017 study meanwhile found that among the seven *jihadi*st home-grown U.S. terrorists for whom the researchers could find education records, none of them attended Islamic schools.

Scholars do not agree about why private schools outperform public schools in preparing Americans for virtuous democratic citizenship. In the study about the education origins of home-

...a pluralistic education system better meets the needs of a pluralistic polity, making Jews safer and more accepted.

“threaten the First Amendment’s guarantee of religious liberty” and “divert desperately needed resources away from the public school system and help only a few of the nation’s children.”

The ADL and RAC position does not hold up to scrutiny. A 2007 review

grown Islamic terrorists, researchers posit that Islamic schools give students a sense of purpose, the absence of which is linked to subscription to extremist ideologies. In the aforementioned study about education background and anti-Semitism, the authors postulate that

“our answer might rest in the critical self-examination that Christian, particularly Catholic, organizations undertook after the Holocaust... The greater tolerance of Jews observed at private schools – the overwhelming majority of which are affiliated with religious organizations – might simply reflect contemporary church teachings.” Other studies linking private schools to positive civic outcomes stress the importance of an open classroom climate: Private school teachers are willing to engage students in controversial topics (e.g. Holocaust denialism) that public school teachers are trained to avoid.

Whatever the reason, a pluralistic education system better meets the needs of a pluralistic polity. That relative advantage might say as much about the failure of public education as it does the success of private education.

■ *The Growing Threat of Anti-Semitic Ideology in Public Education*

Anti-Semitism is on the rise in America’s schools. According to a study by the ADL, hate incidents directed at Jews quadrupled in K-12 schools from 2015 to 2017. Indeed, the ADL found that “in 2017, K-12 schools surpassed public areas [such as parks and streets] as the locations with the most anti-Semitic incidents.”

Worse still, there are indications that the U.S. public education system itself sometimes contributes to the problem. Reviews of popular American textbooks concluded that “information concerning Jews and Israel is fraught with half-truths, double standards, and outright lies.” For example, several textbooks erroneously characterize the Second Intifada as a spontaneous uprising. One textbook falsely claims that Israel placed Palestinians in refugee camps, while several that cover the Arab-Israeli conflict omit mention of the migration of Jewish refugees from Arab nations around the time of the founding of the modern state of Israel.

While anti-Jewish pedagogy is nothing new, there are some indications that the phenomenon is becoming more acute and widespread. As the recent publication of the 1619 Project highlighted, culture warriors are increasingly less willing to allow facts to get in the way of self-affirming narratives.

Postmodern, “woke” sensibilities were clearly reflected in the first draft of California’s controversial ethnic studies curriculum, which omitted the Jewish-American immigrant experience and championed the Boycott, Divestment, Sanction (BDS) movement as a “global social movement that currently aims to establish freedom for Palestinians living under apartheid conditions.” Moreover, the curriculum identified “classism, homophobia, Islamophobia, and transphobia” as types of oppression, but omitted anti-Semitism. In fact, American Jews were initially not even mentioned as a minority group. After a wave of criticism, a third version included two lessons on American Jews – one which taught “that Mizrahi Jews coming to the United States from Arab lands were mistreated by ‘white’ Ashkenazim” and another that claimed “that Jews of European descent have white privilege.” In other words, in a curriculum based on a reductive worldview that categorizes racial and ethnic groups as oppressor and oppressed, Jews were portrayed primarily as oppressors.

Given local control of public schools, anti-Jewish woke pedagogy is more likely to take root in California districts before it does, say, in Texas districts. Still, the phenomenon is not confined to the West Coast, and it draws support from national teacher unions. Worryingly, in recent years, the national teachers’ unions have cozied up to far-left radicals. For example, American Federation of Teachers President Randi Weingarten called former Women’s March leaders Tamika Mallory and Linda Sarsour “friends” and “warriors for justice.” Mallory accused Jews of “upholding white supremacy” in an

“apology” for accusations of even more grotesque remarks, while Sarsour has praised Palestinian terrorism as “the definition of courage.”

Reversing the rising tide of anti-Semitism in America’s K-12 education system will require bold new policies that shift the locus of control away from bureaucrats and special interests and toward families.

■ *Education Choice: Exit and Voice*

A half-century ago, economist Albert O. Hirschman described two ways that members of an organization can cope with a decline in the quality of the service or benefits the organization provides: exit or voice. They can speak up and try to influence the organization from within or they can simply leave. Public schools, alas, tend not to be particularly responsive to either exit or voice. This is particularly true in lower-income areas where parents cannot afford either to move to a better district or pay for private school. In such cases, the public schools are a monopoly with a captive audience. Those who have no choice will also have difficulty exercising their voice.

Education choice policies break that monopoly. By allowing public funds to follow the child to the learning environment that parents choose, school choice policies provide families with an exit option. If families are unhappy that the public school system has become politicized, choice policies provide an immediate escape hatch.

Indeed, universal choice policies have the potential to fundamentally transform the U.S. education system. When asked what type of school they would choose if cost were not a factor, only 35 percent of parents of K-12 students said they would prefer a public school, compared to 40 percent who would choose a private school. This differs dramatically from actual enrollments. At present, about 83 percent of U.S. students attend a

traditional public school while only eight percent attend private school. Even if nothing else changes, choice policies would mean far fewer children being exposed to anti-Semitic curricular materials. If so, *dayenu*, that would be enough. Therefore, we should be even more grateful that education choice policies also have the potential to affect what goes on in the public schools.

Although Hirschman himself was initially skeptical of the use of the exit option in a public education setting, he eventually reversed himself, concluding that “opening up of previously unavailable opportunities of choice or exit may generate feelings of empowerment in parents, who as a result may be more ready than before to participate in school affairs and to speak out.” In other words, parents are more likely to speak up when they have other options—and the school administrators know it.

■ **Education Choice in America Today**

More families are exercising education choice than ever before. When Nobel Laureate economist Milton Friedman founded the Friedman Foundation for Educational Choice (now called EdChoice) in 1996, only a handful of states had school vouchers or individual-use tax credits or deductions for private education expenses. Twenty-five years later, there are 67 choice policies—also including K-12 education savings accounts and tax-credit scholarships—serving more than 600,000 kids in 29 states plus Washington, D.C. and Puerto Rico.

Participating families are highly satisfied. In a survey of parents of students using Florida’s tax-credit scholarship program – the largest choice program in the nation – more than nine in ten expressed satisfaction with both the program and the school their child attends using the scholarships. More than two dozen other parental satisfaction surveys also find that families are overwhelmingly satisfied with the education

their children receive using education choice programs.

The growth in education choice over the last quarter-century has been impressive, but there’s still a long way to go. Most programs limit participation via restrictive caps or by limiting eligibility to special needs and other disadvantaged students. Only in Arizona and Florida are five percent or more of K-12 students utilizing a choice program to access a private school or to home-school, and only nine additional states plus Washington, D.C. top one percent.

The education choice movement may be hitting a tipping point, however. As of March 2021, more than 30 states are considering legislation to create new education choice policies or to expand existing ones. The movement has the potential to top its high-water mark when the *Wall Street Journal* declared 2011 “the Year of School Choice” after 13 states enacted new choice policies or expanded existing ones. It’s not just the quantity of bills – it’s also the quality. Instead of traditional vouchers, which can be used at private schools, more than a dozen states are considering K-12 education savings accounts that can also be used for tutoring, textbooks, home-school curricula, online courses, educational therapy, and more. Legislators are going bolder with more expansive policies, including potentially universal eligibility for education savings accounts in New Hampshire and West Virginia.

Legislative interest in enacting choice policies follows a spike in enthusiasm among parents. According to polling by EdChoice, support for education savings accounts hit 80 percent among parents of K-12 students in February 2021, up more than 20 percentage points since 2016. Support was even higher among parents who were black (81 percent), Hispanic (83 percent) and Asian (87 percent).

Much of the recent enthusiasm for choice policies stems from the COVID-19 pandemic – and especially the public school establishment’s

response to it. Parents quickly came to realize that their diverse needs could not be met by a single institution. When schools closed and shifted to distance learning, some kids thrived but most floundered. A report from McKinsey in December 2020 found that on average, students “lost the equivalent of three months of learning in mathematics and one-and-a-half months of learning in reading.” Learning losses were even greater among students of color.

Yet when parents – exhausted from trying to manage their children’s Zoom school schedule while they also worked from home – demanded that public schools re-open as the private schools down the street managed to do safely, they had a rude awakening: public schools were not directly accountable to them. Instead, the schools were beholden to special interests – particularly teachers unions – that wanted to keep the schools closed. And so, in most cases, closed they remained. A survey by Education Next in the fall of 2020 found that only 24 percent of public school parents said their schools were open for in-person instruction compared to 60 percent of private school parents. Not surprisingly, the same survey found that private school parents were more than twice as likely as public school parents to report being “very satisfied” with their school’s performance during COVID (55 percent to 25 percent).

Whether 2021 becomes the “Year of Education Choice” remains to be seen. More and better bills are advancing, but entrenched special interests are doing everything in their power to stop the momentum. To successfully enact education choice policies, families will have to flex their civic muscles and show policymakers that they care deeply about the issue, and that they will hold legislators accountable for their votes.

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Prisoners, Dogs, Love, and Rehabilitation

by PAUL J. LARKIN, JR.

*To err is human.
To forgive, canine.*
– Unknown

Somewhere between 9,000 and 150,000 years ago, man made a deal with another species. Man allowed relatively tame wolves to enter their small communities to stay warm by the fire and eat whatever scraps families did not finish. In return, those proto-canines became nighttime watchdogs, warning of the approach of predators or rival tribes, as well as hunting companions, whose speed and courage enhanced humans' ability to track and capture wild game.

Over the millennia that followed, man and canine adapted to each other and became far more than just useful

Others perform as service dogs for the blind or disabled. Still more work with the courts where they provide comfort for victims or children appearing as witnesses. As Odean Cusack explains in his book *Pets and Mental Health*, “pets seem to bring out the best in us. If there is a capacity for affection, compassion, for empathy or tenderness overlooked by our human fellows, a pet has an uncanny ability to ferret it out.”

What probably few people know, however, is that dogs help some Americans who almost no one cares about: prisoners. Dogs are part of numerous rehabilitative programs in federal and state prisons in the United States and foreign nations such as Australia, Canada, England, Italy, New Zealand, and South Africa. Under those pro-

and state prison systems are largely “correctional” facilities in name only. They serve principally to isolate and incapacitate hundreds of thousands of offenders, at a considerable cost, rather than to reform them, which is largely deemed impossible. If rehabilitative programs using dogs can materially contribute to the rehabilitation of offenders in a cost-effective manner, they would be a valuable addition to the options currently available.

■ *Rehabilitation as a Justification for Punishment*

For most of the nineteenth and twentieth centuries, the justification for punishment was the need to correct the moral failings of wayward parties. Punishment should serve, not to satisfy impulses of vengeance or retribution by inflicting pain on an offender, but to reform someone who had gone astray because of a disease of the soul or mind. Whether it stemmed from the religious beliefs that all of us are sinners and that society can bring anyone back into the fold through correction and penance, or the secular belief that some people are “mad” rather than “bad” are therefore in need of psychosocial treatment, the “rehabilitative ideal” sought to transform the character of offenders into that of ordinary, law abiding citizens. That justification gave birth to the creation of the so-called correctional facilities like the Cherry Hill Prison in Philadelphia, the Elmira Reformatory in upstate New York, and the federal correctional facility in Leavenworth, Kansas.

In the last quarter of the twentieth century, however, society ditched

Dogs are part of numerous rehabilitative programs in federal and state prisons in the United States and foreign nations...

collaborators. Today, in many families dogs are an integral part of the household. Americans spend billions of dollars each year in money and time feeding, bedding, treating, exercising, and generally caring for their dogs. In return, dogs gives us unconditional loyalty and love. It's the best deal man ever made.

Atop being man's best friend, dogs perform numerous roles in modern society. Some, like the now famous “Conan,” assist the military in the field or on base.

grams, prisoners raise and train dogs for a year as a prelude to the dogs' receipt elsewhere of advanced training necessary to become service dogs.

The concept that dogs can perform a rehabilitative function for prisoners is a novel development. In the nineteenth century, society labelled prisons as “penitentiaries” in the hope that, through prayer and introspection, offenders would acknowledge their wrongdoing and reform their nature. Today, federal



Inmate Paul Dixon plays with Judy as they take part in a program at the Sander Estes Unit of the state prison system in Venus, TX. (Photo: Rodger Mallison)

the rehabilitative ideal and many of its rehabilitative mechanisms. Gone was belief that offenders were not fully responsible for their crimes. Gone was the belief that that society was morally obligated to help them to walk the straight and narrow. Gone was the belief that, just as physicians and surgeons could best decide what medical treatment an injured or diseased patient needed, judges and parole boards could best determine what rehabilitative efforts were optimal for convicted criminals. Prisons became warehouses for the segregation of prisoners from society for the length of their sentences, which should be long and uncomfortable. Incapacitation replaced rehabilitation as the justification for punishment, sentencing guidelines or mandatory sentences became common, and parole disappeared. Congress went so far as to prohibit a district court from even considering rehabilitation at sentencing.

Yet, rehabilitation did not completely become the criminological equivalent of kryptonite. Prisons could still offer “good time” credits toward an early release (viz., a reward for positive in prison behavior), along with adult education programs, vocational and technical training, GED classes, cognitive-behavioral drug or alcohol treatment, life skills training (e.g., managing a checking account), and the like. But they were seen as being like a T-Rex’s forelimbs, useless appendages, rather than as the heart and soul of an effort to reform inmates.

Then, a few people thought that dogs might be better at rehabilitating prisoners than people are. They were on to something.

■ **Rehabilitative Power of Dogs**

More than a century ago, Florence Nightingale realized that pets have the power to ease the suffering of hospital patients. Contact with small companion

animals lowered patients’ heart rate, blood pressure, and stress. Her insight led to the use of Animal Assisted Therapy (AAT) in long-term residential facilities, and to the testing of that practice in different psychiatric and women’s correctional facilities. Each pilot program was a success. The rates of violence and attempted suicides for psychiatric patients responsible for a pet’s care decreased, and life in the ward noticeably improved. Women prisoners responsible for a dog developed a sense of self-esteem, learned a skill, and received college credit. The practice spread nationwide. Today, numerous states and the federal government have similar programs with such doggone clever names as Pawsitive Partners Prison Program, Prisoners Assisting With Support Dogs (PAWS), A Dog on Prison Turf (ADOPT), Puppies Behind Bars, Prisoners Overcoming Obstacles & Creating Hope (POOCH), and Death Row Dogs.

Here's how those programs work: Prisoners must volunteer to become a trainer. Prison staff select participants based on such factors as a prisoner's criminal history, disciplinary record, custodial level, and remaining term. Once selected, prisoner-trainers must keep their noses clean, which means avoiding fighting or disciplinary infractions. The dogs have a diverse nature. They come in all breeds and sizes, often from a local shelter. The facility pairs each prisoner with a dog, who might live with his or her "person" on an around-the-clock basis. Prisoners learn training, grooming, and caring techniques from professional trainers. Each pairing can

improve. And the dogs not only escape death row, but also wind up in a "forever home." The result is a "win times five."

■ **Why Aren't these Programs More Widely Used?**

With all those benefits, why do we not hear more about these programs? Why are they not part of every prison facility? One explanation is architectural. Not every prison is built to accommodate the demands of these programs. If the dogs stay with prisoners on a 24/7 basis, there must be a way to allow the dogs outside for recreational and other purposes at several times during the day. There may be no location near an

whether on other criminal justice resources – such as hiring additional police officers or upping the salaries for the ones already on the force – that keep voters safe or on other state functions – such as emergency medical care, public education, state parks, electricity generation, and so forth – that voters use.

A third explanation is practical. These programs would have more gravitational power than a black hole if they could be proved successful at saving lives or preventing other serious crimes. Unfortunately, that cannot be done. In part that is because it is virtually impossible to quantify a negative – viz., a crime that was not committed, and a person who was not victimized. In part, that is because there are no "double blind" studies establishing the programs' success that are comparable to the ones used to prove that a drug is safe and effective. Why? No prison wants to take the risk of canicide by randomly assigning dogs to prisoners. As the result, the selection process eliminates the random assignment that statisticians use to measure effectiveness. Even elected officials willing to support can only talk abstractly about the societal value of rehabilitated offenders. Theoretical explanations go only so far in the battle over limited public funds.

■ **"Do Not Ask for Whom the Dog Barks. It Barks for Thee."**

Because the phrase "Abandon all hope, ye who enter here" is not inscribed above the gates of the nation's prisons, we should not jettison all hope for the rehabilitation of their inhabitants. The federal Second Chance Act is evidence that the nation has not consigned rehabilitation to the category of failed experiments. It would not be Quixotic to hope that correctional officials will continue to see the rehabilitative potential of dogs.

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...it might not be an uncommon experience for prisoners for the first time in their lives to feel loved by another creature, and express their own love for their own dog.

last from 40 days to 18 months. After "graduation," the dogs leave to become service dogs for the disabled, or perhaps move into a home where they become members of a new family. Successful prisoner-trainers can then reapply for another buddy-in-training.

The experience benefits prisoners in several ways. Prisoners obtain vocational skills and work experience that could lead to employment in the pet care industry after their release. The experience is also therapeutic for prisoners. In fact, it might not be an uncommon experience for prisoners for the first time in their lives to feel loved by another creature, and express their own love for their own dog.

These programs appear to be quite beneficial for others too. Non-trainer prisoners benefit from a reduced level of violence and tension in the facility. Recipients of a trained dogs wind up with a companion or helper. The community benefits whenever a recipient's life

entrance/exit point that could house a large number of dogs and their trainers. If the dogs are kenneled at night, there would need to be a separate location for them inside the prison but near an exit, so that they are not exposed to the elements. There might not be space in any such region for them.

Another explanation is political. Politicians generally do not use their political capital to improve the lot of prisoners, particularly in states where offenders lose their right to vote after conviction. Politicians also attract fewer ballots from eligible voters by arguing, "Every prisoner should have a puppy," than by barking, "Every offender should rot in prison." Chichi rehabilitative programs also don't generate much interest or support from like-minded, law-and-order legislative colleagues. Voters care more about themselves than inmates. A dollar spent on one of these programs is a dollar that cannot be spent elsewhere,

Eroding American Fiduciary Responsibility

by **DAVID WURMSER**

Many have recently become aware of the immense distortion posed by the alliance of large social media with government, enshrined in U.S. Section 230, which exempts such firms from liability and undermines anti-trust actions. This poses an obvious threat to free speech, as was exposed during the presidential campaign when major news stories that could have influenced the campaign were suppressed. But it is really only part of a much larger threat not only to our First Amendment rights, but to the integrity of our sovereignty that extends far beyond the social media, or communications sector, altogether.

An emerging triad of large capital, government, and international organizations is moving dangerously fast toward subordinating sovereignty to fashionable policies dictated by an emerging unaccountable international aristocracy. Sadly, as the behavior of the social media giants demonstrated, a good bit of this evolution occurred right under the outgoing Trump administration's nose despite its best efforts to "drain the swamp."

■ *NSGF: Eroding Fiduciary Responsibility*

This threat is materializing fastest in the environmental sphere over which John Kerry has been appointed czar on behalf of the United States. A few weeks ago, the U.S. Federal Reserve joined the "Network of Central Banks and Supervisors for Greening of Financial Systems" or NSGF for short. So, while the United States is re-entering the Paris

Accord, which has no real enforcement mechanism, this body has teeth designed to enforce environmental norms on nations as defined by an unaccountable body representing the interests of the emerging international environmental aristocratic class. At its core, the mechanism upturns the role of fiduciary responsibility – namely that an investor actually can count on his investment manager to base his judgments on trying to make money – and weaponizes it. Fiduciary responsibility has hitherto tempered activist investment being imposed on large investment houses or on

In contrast, the NSGF, through the participation of the central banks, forces the banking and investment community to elevate the priority of environmental considerations into the heart of fiduciary judgments, essentially weaponizing the pricing of risk on behalf of an environmental cause du jour. Moreover, lest any institution attempts to buck the trend, the full weight of international banking system and government can be used to shut down that effort and put it out of business. In other words, international environmental activists and the monopoly of government can be used to

...the Network of Central Banks and Supervisors for Greening of Financial Systems (NSGF)... forces the banking and investment community to elevate the priority of environmental considerations into the heart of fiduciary judgments...

credit-lending banks. Retirement accounts, government investment funds, private and institutional investors all invest their money to make money. This bottom line, namely legally enforceable fiduciary responsibility, has thus far guaranteed prioritization of profit, sobriety, and investment or lending discipline. It preserved market competition and ensured that companies with bright new ideas have a shot at thriving based on their ability to deliver goods or services to market based on such innovation.

impose distorted investment decisions on large capital and fundamentally upturn what is meant by fiduciary responsibility by prioritizing social credit over profit. And this can be done nearly invisibly without any legislature in the U.S. ever passing a single law.

■ *Undue Advantage to Favored Institutions*

Similarly, the consequences of the immense power government wields to grant tax-breaks, offer protection from

the damage that could be done in such distortions, issue contracts or extend grants to business large and small will make inevitable the emergence of an alliance between large capital, govern-

prices dramatically, and undermine our energy independence. Involving the financial sector in such a triad will ensure all businesses in all sectors will be subordinated.

The dangerous NSGF structure has now established a precedent that can be extended beyond social media activities and energy sector interests...

ment and aligned political movements and parties. International structures and sovereign governments grant an undue advantage to favored institutions in exchange for those institutions' adhering and advancing the policy aims of the government and international structures, as well as donate to the NGOs advocating for them. Facing such a daunting triad, any potential competitor who tries to buck fashionable policy aims withers. And small business – dependent on loans and credit – will have to pay the piper in terms of aligning itself on politics and policy with the reigning powers and their international allies.

Our energy sector and its large industries, which are already reeling from the kibosh on the Keystone XL (KXL) pipeline and the suspension of drilling permits on federal lands, will soon feel the full weight of this emerging distortion and the power behind it in the coming months and years. The greatest danger, however, is that we will soon see it play out not only in the energy and social media sectors, but in every sector. The dangerous NSGF structure has now established a precedent that can be extended beyond social media activities and energy sector interests – as much as the former compromises the 1st Amendment and the latter can devastate our energy sector, raise energy

■ *The European Model for America?*

Moreover, one needs only to look to Europe to see how much the EU elites have already distorted their societies and made their business activity obedient, with the help of activist courts – such as the Court of Justice of the European Union and the European Court of Justice – whose mission is to advance their interpretation of the spirit

It is only a matter of time until international juggernauts akin to the NSGF emerge across the board to barrel over national sovereignty...

of European moral and social justice rather than strict constitutional and rule of law adherence. The new trend will force American businesses to align their behavior with the compliant way European businesses operate in coordination with EU elites driven by fashionable social justice ideas.

It is only a matter of time until international juggernauts akin to the NSGF emerge across the board to barrel over national sovereignty in the financial and banking sectors forcing social justice considerations to become widespread. Indeed, one needs only look to UN institutions, the WHO and Davos discussions, to understand the political directions this will take beyond the energy sector. Indeed, the NSGF itself is the brainchild of Klaus Schwab, his World Economic Forum (Davos) and his fund, the Schwab Foundation for Social Entrepreneurship, which its own website claims advances “an approach by individuals, groups, startup companies and entrepreneurs, in which they develop, fund and implement solutions to social, cultural or environmental issues.”

■ *Compromising Foreign Policy*

As such, not only our industrial policy, but our foreign policy, will be compromised. Policies hitherto serving as profound expressions of the unique American mindset, values, and culture, will be exposed to international structures and the domestic allies pursuing

their narrow definitions of social justice. Businesses, suppliers, banks, and investors internationally will find it increasingly impossible to avoid factoring social justice issues into their activities. That poses a tremendous threat to key allies whom global elites in the international institutions define as “rogue.”

Consider for a moment what happens when such an international structure, in which our Federal Reserve is a member, decides that any Israeli industry that has any presence in territories

business with any firm whatsoever.

Israel is not unique in potentially being exposed to this sort of threat. Other nations out of fashion with the progressive EU and other international

Essentially, Israeli firms with any presence at all in or supporting Israel's defense sector Jerusalem – or accused of contributing to the “occupation” in any direct or indirect way – could be cut off from the international financial system.

these elites do not consider part of Israel, such as Jerusalem – even an employee living there – is an investment risk based on a social justice political risk factor index. Any fiduciary advantage in investing in an Israeli company, then, is weighed against the likelihood of the investors (and not just the Israeli company) being written off as a high credit risk by both domestic and international banking and investment structures.

One can only imagine how few companies will make a stand at that point because any gain in investing in such an Israeli company would be eclipsed by the devastating loss of denied credit. Every industry that depends on a banking structure – i.e., every industry – will have to accede to this. Microsoft already did last year when it divested from Israeli firms providing facial recognition technologies, since these firms involved in developing such technologies advanced the “occupation.” Essentially Israeli firms with any presence at all in or supporting Israel's defense sector Jerusalem – or accused of contributing to the “occupation” in any direct or indirect way – could be cut off not only from the international financial system, but from even doing

elites – such as Hungary, Poland, and now even the United Kingdom, let alone countries such as Taiwan – could easily find themselves almost invisibly slipping into such a catastrophic purgatory. So, could major religions and their institutions, such as the Vatican.

Thus, foreign policy should be ex-

United Nations, than the past geopolitical solidity that informed our pursuit of national interests and preservation of our sovereignty.

This vision of the future may appear fantastic, but the experience of the last months with social media and the emerging assault on the U.S. energy sector are only a subset of the signs we have seen lately, wherein social activism has made its way to boardrooms and investment managers. The Federal Reserve's joining the NSGF is a harbinger of what is to come far beyond the energy sector. Business schools are beginning to teach social justice NGO expertise, and business after business – especially faith-oriented CEOs and businesses – are already increasingly subject across America to lawsuits and boycotts, such as bakers, Hobby Lobby, and Chik-Fil-A. But these efforts are the minor leagues compared to what is coming down the pike on a level far higher, and less visible than currently imagined by those who would most be affected by it. Lest one have any doubt, just look at the swagger of EU elites toward Brexit to understand the power they are confident they are amassing.

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pected to go the way of environmental policy. It will as well likely be subordinated to a fashionable aristocracy, rather than continuing to be the expression of the values, culture and aspirations of the American people as it largely has been until now. Our foreign relations will approximate much more closely the intersectional campus cancel culture of today, or the surreal debates at the

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“I Want to Improve the Human Condition”

review by SHOSHANA BRYEN

Some books are actually two books. You can read them twice, or buy two copies, or take two sets of notes. *The Kennedys in the World: How Jack, Bobby, and Ted Remade America's Empire* by historian Lawrence J. Haas is one of those. Both books are excellent, but one takes a LOT of patience.

Haas, a former senior White House official and award-winning journalist, is Senior Fellow for U.S. Foreign Policy at the American Foreign Policy Council. He is the author of six books, including the outstanding *Harry and Arthur: Truman, Vandenberg, and the Partnership that Created the Free World*, a 2016 *Wall Street Journal* top ten non-fiction book, reviewed in the Summer 2016 issue of *inFOCUS Quarterly*.

The Kennedys is, first, the biography of Jack, Bobby, and Ted (Haas's use of nicknames saves U.S. from multiple Senator Kennedys). Not a full biography – Haas doesn't care about their love lives, personal peccadillos, or assassinations. Jack is dispatched at the end of one section and Bobby at the end of the next. That's fine. Mary Jo Kopechne gets a single mention, which is less fine, but it is in keeping with the principle that what counts is how they were raised and how it impacted public policy. That's *public* policy.

A demanding father and distant mother set the stage. Standards for academics, current events, and sports. “Poor little rich boy” stories about how Rose didn't visit Jack when he was in the hospital at Choate, and no suggestion that aviator and eldest brother Joseph Kennedy, Jr. might have been the preferred son.

And, suddenly, the Kennedy boys are men, where Haas has a strong preference for Ted.

Jack doesn't fare too well. War hero and Cold Warrior, Jack offloaded blame – the generals were to blame for the Bay of Pigs, Bobby was sent to meetings during the Cuban Missile Crisis so Jack could disavow knowledge, and he was, apparently, preparing to blame the generals again for the escalation of U.S. military activity in Vietnam. He had a close relationship with Bobby, but when Ted offered to be helpful to the President, Jack said, “Go run for Congress.” Bobby was the interim figure, changing his view of the Vietnam War and promoting social change in South America as the antidote to communist revolutionaries. Ted's was a full-blown revolutionary – mostly for others.

If at that point you thought you didn't need another Kennedy biography, even a well-written and interesting one, you'd be right. However, this is where the second book starts.

■ *Dylan's Foreign Policy*

The 1960s were for American foreign policy exactly what they were for social policy – a test bed of new, interesting, and sometimes, ultimately unsupportable policies. They were Camelot, broadly speaking, where idealism was coin of the realm (we'll get to COIN later). Bob Dylan wrote the outline:

*And how many years can some people exist
Before they're allowed to be free?
Yes, and how many times can a man*

LAWRENCE J. HAAS

THE KENNEDYS IN THE WORLD

*How Jack, Bobby, and Ted
Remade America's Empire*



**The Kennedys in the World:
How Jack, Bobby, and Ted
Remade America's Empire**

By Lawrence J. Haas

*turn his head
And pretend that he just doesn't see?*

People should be free, but are not,
and other people are turning away from
the oppression. How can you look at op-
pression without doing anything about
it? And what should you do about it?
Especially when the song admonishes:

*Yes, and how many times must the
cannonballs fly
Before they're forever banned?*

And

*Yes, and how many deaths will it take
'til he knows
That too many people have died?*

That last one is really ambiguous
because he doesn't mention whether the
"too many" deaths are the people of op-
pressed places or the soldiers who have
stopped turning away from them and are
trying to make the oppressed free. Were
there "too many" deaths at Omaha Beach
or Iwo Jima?

A conflicting mishmash of plati-
tudes and hopes are fine for Dylan, but
more is required of presidents and sena-
tors. This is why the reader needs pa-
tience – there is head-banging between
here and the end.

The Kennedys were not oblivious
to the suffering of people trapped be-
hind the Iron Curtain – all three broth-
ers made pilgrimages to Eastern Europe
– but their efforts (after Cuba) were di-
rected more toward Soviet machinations
in Asia, and later South America than to-
ward undoing the oppression 70 million
people under communist occupation.

Ted, in fact, "argued that Soviet
control over Eastern Europe had largely
ended... 'Today, with the exception of
East Germany, Russia has no more satel-
lites.'" Shortly before the Soviets invaded
Czechoslovakia.

Perhaps they thought their best
strategy was to prevent communism
from taking hold in new places, rather

than rolling it back. The book is unclear.
Cold Warrior Jack was firm on the im-
portance of Vietnam. He was less firm
about the need to couple the troops and
arms – which he was willing to autho-
rize – with aid and pressure for political
change in Saigon. It didn't take long for
him to become ambivalent and was con-
sidering withdrawal when he died.

It should be noted that when wars
end for some people, they don't end
for others. Haas writes, "As the war
(Vietnam) wound down, Ted geared up
to address global challenges of a different
nature..." The war did not "wind down"
for the Vietnamese, which is a source of
head-banging for the reader.

■ COIN

The 60s produced COIN – counter-
insurgency operations – which haunts
American military and foreign policy
makers to this day. COIN says you don't
have to conquer territory – don't have to
stand in a capital and accept surrender pa-
pers. You can defeat enemies by support-
ing a local faction to kill the communist
factions while you offer money and food
to those who might support the commu-
nists – to induce them to support the U.S.
as well. At Caltech, Bobby called for:

*...better training for "foreign na-
tional to defend themselves against
communist terrorism and guerrilla
penetration," but more importantly,
for "progressive political programs
which wipe out the poverty, misery,
and discontent on which [commu-
nism] thrives."*

The trick is knowing which foreign
nationals only want American money
and arms, and which share America's
goals – something we haven't gotten
right yet. Who could have and should
have been America's partners in Iraq? In
Syria, the Obama Administration armed
and trained the "Free Syrian Army,"
claiming it was secular Syrians who
wanted to depose Assad. Not exactly.
And American help for the Lebanese

Armed Forces (LAF) was supposed to
keep an alternative to Hezbollah in place
to protect the interests of the Lebanese
people – as distinct from Hezbollah it-
self. But the LAF actually shares weapons
and training with the terror group that
bombed the Marine Barracks in Beirut
in 1983.

Major head-banging.

Returning to The Kennedys, Latin
America was largely a test bed. Ted wrote:

*Here, as in no other continent, the
1970s will determine whether we are
right in asserting that fundamen-
tal and rapid change can take place
without violent, bloody disruption...
if we assume that all radical move-
ments are subversive; if we curtail aid
to governments because they prom-
ise swift change; if we curtail aid to
governments because they promise
swift change' if we deprive them of
our markets and our resources, we
ourselves may force them to look
elsewhere.*

Consider, for a moment, what we're
asking of "them" – trading local loyalties
for economic change; social change; mod-
ern education; and electoral politics that
presume multiple, fair elections so that if
you lose this time, you can win next time;
a loyal opposition; and the understanding
the coalition building helps. But what if
governments are unable to do all of those
things? What if they don't want to? There
was enormous disillusionment with the
government of South Vietnam for both
Jack and Bobby – rather like the disillu-
sionment that came with Egypt after the
so-called Arab Spring, or with Iraq after
the toppling of Saddam, or the 2011 top-
pling of Moammar Qaddafi, or with a
variety of Afghan governments after the
ouster of the Taliban.

We seriously have to ask, "What if
they really can't do it, and what we push
them into is NOT a version of ourselves,
but a rift that allows communists, or ji-
hadists, or anarchists or other despots to
gain power?"

More head-banging here. Because for all of the good intentions of the Kennedys, and all of the hard work – including championing civil rights in the United States – there are limits to what American idealism can do. There were limits to what the Kennedys could do.

Contrary to Ted's hope, fundamental and rapid change leads to violent, bloody disruption more often than not. Interestingly, he opposed Reagan's support of the Nicaraguan Contras and was thrilled when Congress cut off their funding, saying, "This is a historic day, the day the tide was turned against the secret war in Nicaragua."

Actually, the Contras held on long enough to force a democratic election in 1990. It was monitored by former President Jimmy Carter and won by Violeta Chamorro, a conservative and democratically inclined newspaper publisher, over the communist Sandinistas. Daniel Ortega, the Sandinista leader, ran and lost in democratic elections until he forced changes in electoral law that brought him to power in 2006 with less than 38 percent of the vote. Ortega never looked back.

Ted opposed Reagan's hard line on the Soviet Union and opposed both the

Nixon era ABM systems and Reagan's Strategic Defense Initiative. But it was Reagan's determination to build arms that the Soviets were compelled to acknowledge they could not match, in tandem with his support of the people of Central Europe that allowed for the peaceful uprising and political change the Kennedys hoped for but couldn't produce. Jack's "Ich Bin Ein Berliner" remark, aside from sometimes being translated as "I am a jelly donut," didn't have the clout that Reagan's, "Mr. Gorbachev, tear down this wall" had decades later.

Left-wing pacifist head-banging here.

Countries that do not threaten U.S. directly but impose restrictions on the civil rights and human rights of its citizens should be treated the way we treated the Soviet Union – as an abhorrent system of governance. There was no assumption that the U.S. could invade, occupy, or arm and train guerrillas, to make over the USSR in our image. And no likelihood that will do it to save the Uyghurs in China. Maybe because they are really big, with really big armies. The Kennedys generally mucked around in smaller Asian countries and in Latin America where there would be no

physical backlash against us.

On the other hand, our Western heritage – NOT of electoral politics necessarily – but free speech, rule of law, free market economics, independent judiciaries, property rights and tolerance – is precisely responsive to the conditions faced by millions of people around the globe today. It is appalling – and more than a little bit condescending – that where the Kennedy brothers were openly patriotic and admiring of the American political system and Western Civilization, today's political leaders are running the other way.

Final head-banging here.

■ Epilogue

Don't read this.

Do, however, buy the book – it is engaging and, if read with the right mindset and two aspirin, will force you to assess the relationship among American politics, money, and power from the 60s to the current day. The past has something to teach U.S. and Lawrence Haas is a really good teacher.

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■ *A Final Thought ...*

Biden's Charm Offensive

Saudi Arabia is an authoritarian place where religious leaders have tremendous power, and the royal family has more. Its standards for justice are not American standards.

So, when the CIA authors a report on the death of a Saudi journalist at the hands of Saudi henchmen, it isn't surprising that the report pointed the finger at Saudi Crown Prince Mohammed bin Salman (MbS). What is surprising is that the report on the murder of Jamal Khashoggi is just three-quarters of a page of amateurish innuendo.

No evidence.

"We assess" – not with confidence, not with human sources (even anonymous or redacted sources), not with physical evidence, not with evidence at all. Just "we assess" because the crown prince had "control of decision-making" and "absolute control" of the intelligence operations.

We needed a report for that?

Later, "The Crown Prince probably fostered an environment in which aides were afraid that failure to complete assigned tasks might result in him firing or arresting them."

Probably?

One could equally posit that, given an "environment in which aides were afraid" and knowing as they did that the

crown prince despised Khashoggi, they took it on themselves to get rid of the guy – hoping to curry favor with a demanding boss. Did they? Who knows? Not the CIA, apparently.

In fact, the report was released by the administration to topple MbS. It doesn't matter whether it is credible—it matters that President Joe Biden says it is.

Biden is on a "charm offensive" to woo the Iranians back into negotiations over a JCPOA. The Iranians expect to be paid in advance, and undermining MbS is a hot ticket.

Therefore, the report is best understood in the context of other reckless moves by the Biden administration: "freezing" arms sales to the United Arab Emirates and Saudi Arabia, halting intelligence assistance to the Arab Coalition opposing the Houthis, removing the Houthis from the terror list, and working with South Korea to unfreeze at least a billion dollars of Iranian assets. As well as holding Israel at arms length.

Biden is well on his way to destabilizing the Persian Gulf and rewarding Iran, a chief sponsor of regional and international terrorism.

– Shoshana Bryen
Editor, *inFOCUS Quarterly*