

# THE **N**ation.

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EST. 1865

## The Case of **Baby O**

How the fight over  
a foster child threatens  
Native sovereignty.

REBECCA  
NAGLE

**PARTY OF  
NO SHAME**

CHRIS LEHMANN

**IAN McEWAN'S  
20TH CENTURY**

SARAH CHIHAYA





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EDITORIAL / ELIE MYSTAL FOR THE NATION

# The Court's Next Target

**T**HE SUPREME COURT IS POISED TO TAKE DOWN AFFIRMATIVE ACTION AND DECLARE the consideration of race in college admissions unconstitutional. On Halloween, the court heard two cases aimed at prohibiting the policy—one against the University of North Carolina and the other against Harvard University. Over a five-hour marathon of oral arguments, the six conservative justices all seemed willing to do away with the most effective policy I can think of in American history for promoting diversity and racial integration.

While a wide array of conservative-aligned people and institutions always arrive at the conclusion that affirmative action is “bad,” they generally fail to provide logically or legally coherent reasons for why this policy must die. This was the case during the oral arguments. As the justices asked their questions and telegraphed their takes, they couldn’t even agree on why they were going to ban affirmative action. (Diversity is bad! Diversity is good but can be achieved by other means! Affirmative action has failed because we still need it!) Instead, they kept throwing spaghetti at the wall, desperately attempting to find a basis on which to issue their predetermined ruling, because the cases in front of them are too weak to support their extremist desires to overturn nearly 60 years of precedent.

The cases against the universities were brought by a group called Students for Fair Admissions, which claims to represent students from the Asian American and Pacific Islander community who feel that affirmative action discriminates against them. In fact, the group was organized by a well-funded white conservative gadfly, Ed Blum, who has made it his life’s work to end affirmative action. Actual AAPI affinity groups, and a whopping 69 percent of AAPI voters, support affirmative action. The idea that the white conservative legal echo-system is attacking affirmative action *on behalf of* Asian Americans fails in its first contact with reality.

Moreover, the argument that race consciousness in admissions hurts AAPI applicants is wholly unsupported. In the North Carolina case, the facts show that the university admits a higher percentage of AAPI applicants than Black and Latino applicants. The Harvard case is a little more complicated, because Harvard does use a metric, called the “personal rating,” which does seem to discriminate against AAPI applicants. But Harvard’s use of this problematic rating has nothing to do with affirmative action. Indeed, after the conservatives ban affirmative action, Harvard will not be allowed to consider an applicant’s race, but it *will* still be allowed to consider an applicant’s personal rating.

The conservatives’ final argument against affirmative action also fails spectacularly. An army of white people who have reduced the life and career of Dr. Martin Luther King Jr. to one line, from one speech they probably haven’t read, think the legal argument against

affirmative action is obvious: It’s unconstitutional to judge people on the basis of race. But that’s not what the Constitution says. The 14th Amendment says that you must treat people equally and fairly, and it was written with specific racial remuneration programs in mind. Moreover, there is an entire canon of constitutional law that says race can be taken into account if it serves a “compelling” state interest, and it’s hard to get more compelling than diverse representation and social integration.

The conservative justices can’t muster a good argument against affirmative action because there isn’t one. The idea that universities can consider an applicant’s legacy status, extracurricular endeavors, gender, hometown, parental donations,

foot speed, test-taking skills, and personal rating, but not their race or ethnicity, is preposterous on its face.

That said, the conservatives did make one argument that, while not compelling, was revealing. They kept saying that college admissions are a “zero-sum game,”

the implication being that anything that helps Black or Latino students hurts everybody else.

And that is why affirmative action will die. It’s not unconstitutional, and it doesn’t lead to discrimination against AAPI students, but conservatives believe that anytime a Black or brown person gets ahead, there’s a more deserving white person who gets left behind. They think that America itself is a zero-sum game, and anything that doesn’t help white Americans win that game and keep a disproportionate share of the spoils must be stopped.

It’s not a good argument. It’s just the one they all agree on.

**The conservative justices can’t muster a good argument against affirmative action because there isn’t one.**

COMMENT / CHRIS LEHMANN

# Party of No Shame

*As recently as 2006, Republicans could take an internal political scandal seriously.*

**L**IKE EVERY UNHAPPY FAMILY, EVERY POLITICAL SCANDAL is different. But the assassination attempt that targeted Nancy Pelosi and gravely injured her husband, Paul, offers some grim points of reflection for students of recent Republican politics. These lessons stand out in especially high relief when you cast your mind back to the last midterm cycle that brought an

October surprise to the GOP faithful: the 2006 scandal involving Florida Representative Mark Foley, who sent a string of sexual e-mails and texts to adolescent boys who were working as pages for the House.

Of course, the particulars of the two scandals are distinct. Foley was an elected official and a closeted gay Republican, and the story broke two years after the GOP had demagogued the issue of gay marriage to help reelect George W. Bush. Paul Pelosi's attacker, David DePape, is a right-wing conspiratorialist who told the San Francisco Police Department that he intended to wrest "the truth" from Nancy Pelosi by threatening to break her kneecaps. Still, each incident should have prompted a crisis of conscience for a political party interested in responsible governance.

To be sure, the GOP's response when the Foley bombshell dropped in early October 2006 was far from exemplary: Then-House Speaker Dennis Hastert tried to coordinate messaging among party leaders who should have testified independently before a pending ethics committee investigation. But there was, at bottom, a recognition that the episode was real and serious. Foley resigned, at the leadership's prompting, just prior to the 2006 balloting, and a Democratic challenger took his historically safe GOP seat. And Republican leaders realized that this betrayal of trust would have immediate consequences: While the incumbent GOP majority in Congress was already endangered by the disastrous course of the war in Iraq and the corruption of the Bush White House, the Foley scandal rendered a Democratic takeover of Congress a virtual certainty.

"I was working on a congressional campaign back then," says Timothy Miller, the communications director for Jeb Bush's 2016 presidential campaign. "I always felt we lost that race because of Mark Foley—we had a narrow lead, and it broke the other way."

To say that none of the restraints that Republican leaders felt circa 2006 apply to the Trump-era GOP is a cosmic understatement. In the main, party leaders and influencers responded to DePape's horrific attack not by straightforwardly addressing the epidemic of political violence on the right but through broad-stroke denunciations of it, which they, as usual, attributed as much to Democrats as to their own election-denying, apocalypse-minded base. Right-wingers rushed to blame the attack on Democrats' allegedly lax crime policies—and in the wake of the news that DePape is a Canadian national who overstayed his visa, launched into full anti-immigrant mode.

In other words, in this instance as in so many others, the party is acting just as Donald Trump would. Thus it was fitting that Donald

Trump Jr. stormed through Twitter blasting out any and all available conspiracy theories, vicious memes, and right-wing talking points relating to the attack. It's hard to isolate a low point on Trump Jr.'s feed, but a retweeted image of a pair of underpants and a hammer, tagged as Paul Pelosi's Halloween costume, was right down there; it was a reference to an early conspiracy theory that DePape was Paul Pelosi's lover.

A big factor in the Foley scandal's reception on the right was the press—the *St. Petersburg Times* had been reporting an investigation on Foley's conduct for the better part of a year before ABC News ran its own report. GOP leaders knew that if they stonewalled or downplayed the Foley scandal, they would come across as moral cowards and enablers.

**The GOP never looked back after Trump's belligerent handling of the Access Hollywood scandal.**

But the Trump playbook has rendered such concerns a dead letter on the right. After years of GOP-sanctioned assaults on "fake news" purveyors as "enemies of the people," the party feels no compunction about spreading lies and throwing conspiracy theories against the wall to see if they'll stick with its base. The right

has indeed built its own media ecosystem dedicated to just these aims. "The more-or-less fascist Tucker Carlson of 2022 makes the Sean Hannity of 2006 look like an old-fashioned, courtly conservative," says William Kristol, who was Carlson's boss when he edited the conservative *Weekly Standard*.

The GOP has never looked back after the Trump campaign's belligerent handling of the 2016 *Access Hollywood* scandal, Miller notes, when the presidential nominee was caught on tape bragging about past sexual assaults. In prior moments of scandal, "the old Republican guard made the call that the best thing for the overall brand of the party was to distance yourself from scandal and indecent behavior," he adds. "Now the conventional wisdom among Republican candidates and strategists is to just mock the opposition."

Amid these near-hermetic conditions of ideological insulation, it's no great surprise that Foley himself has wandered back into the Republican mainstream as a prominent Trump supporter. At a 2015 Palm Beach party fundraiser, he joked that "the Democrats were so interested in my e-mails, they don't seem to worry about Hillary Clinton's. I hope they focus on her e-mails as much as they did on mine." In other words: lesson learned.

COMMENT / LAURA CARLSEN

# Brazil Is Back

*Lula da Silva's defeat of Jair Bolsonaro in Brazil's recent presidential election is a blow against the global far right.*

**I**N A HOTEL IN DOWNTOWN SÃO PAULO PACKED with international press, Lula supporters waited with fingers crossed. The early election returns on October 30 showed the far-right President Jair Bolsonaro with a strong lead over the leftist former president Luiz Inácio Lula da Silva. That was to be expected, since the first results came in from Bolsonaro strongholds. But you could feel the mood shift as the vote count reduced the gap. A few minutes before 8 PM, cheers broke out—the lines on the TV's voter graph had met, and Lula proceeded to edge into the lead. The final tally for the election showed 50.9 percent for Lula to 49.1 percent for Bolsonaro.

Lula made his triumphant entry shortly thereafter, as photographers yelled at supporters to get down off the chairs. After two presidential terms and nearly two years in prison on trumped-up charges, he seemed more than ready for another go at leading the nation with the 10th-largest economy in the world.

I expected a conciliatory speech, and Lula did promise “to govern for the 215 million Brazilians, not just the ones who voted for me.” Then he went on to make important distinctions.

“The people made it clear they want more, not less, democracy; they want more, not less, social inclusion...they want more, not less, liberty, equality, and fraternity in our country.” He repeated his progressive promises: combating racism and violence against women; the need for “books, not arms,” a reference to Bolsonaro’s arming of civilians and cozying up to security forces; access to health care, education, and housing. He emphasized the distribution of wealth, protecting the Amazon, and support for small- and medium-scale farmers rather than the large landowners given free rein by Bolsonaro. He vowed to launch a new campaign against hunger in the wake of the economic and food crises brought on by the pandemic.

After the speech, I walked the few blocks up from the hotel to Avenida Paulista, into a scene that looked more like a day of Carnival than an election night. Thousands of supporters chanted, sang, and danced down the avenue. After four years of Bolsonaro’s hate speech and discrimination, Black, gay, and Indigenous Brazilians poured into the streets. Bottle rockets and sound systems added to the noise.

Four years marked by one of the highest Covid death rates in the world, rising inequality, the destruction of the Amazon, and international isolation had come to an end. I was in the streets after Andrés Manuel López Obrador’s victory in Mexico and Gustavo Petro’s victory in Colombia, but nothing matched the gigantic party that was Brazil when Lula defeated Bolsonaro.

Brazilians know the hardships that await them. Bolsonaro’s base of “beef, Bibles, and bullets”—the cattle ranchers, evangelical churches, and security forces and armed militias that support him—is not going away. Lula has promised moderate economic reforms, naming the

centrist Geraldo Alckmin as his running mate. If and when he attempts structural reforms to the neoliberal system, including moving Brazil away from its reliance on extractive industries and unfair trade agreements, he’ll face pushback. But today, congratulations from foreign nations, including the US, were pouring in, and the support for Lula’s legitimacy was secure.

“Brazil is back,” Lula proclaimed, after those dark years when foreign leaders shunned Bolsonaro as a Covid and climate denier. Although he faces a tough road at home, with a conservative-controlled congress and governorships, Lula may have an easier time advancing his international agenda. He called for strengthening alliances within the Global South through the Community of Latin American and Caribbean States, Mercosur, UNASUR, and ties with

African nations. These initiatives would redraw the hemispheric map with greater sovereignty and more independence from US military and economic interests.

The global far right, which has been racking up victories from Iowa to Italy, suffered a major setback with the fall of Bolsonaro. The Brazilian elite had mobilized like never before to consolidate control over the nation’s vast power and resources. Steve Bannon, the architect of the international alt-right movement, called the election “the most important of all time in South America,” with Bolsonaro’s son Eduardo standing at his side. When Bolsonaro lost, Bannon practically ordered him not to concede, spewing obscenities on social media.

**After four years of Bolsonaro's hate speech and discrimination, Black, gay, and Indigenous Brazilians poured into the streets.**

Before the elections, the possibility loomed of post-electoral conflict, even violence. After Lula was declared the winner, Bolsonaro remained invisible. When he finally appeared, he announced that his government was cooperating with the transition and asked his supporters to lift the roadblocks set up by pro-Bolsonaro truckers. There was no concession and no congratulations. Bannon and company had been counting on Brazil serving as their fascist foothold in Latin America, and their formula of culture wars and class warfare came dangerously close to winning.

But it didn't. Before the sobering reality of governing sets in, the joy of this victory for freedom is an inspiration for what comes next. **N**

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*Laura Carlsen is the director of the Americas Program, an independent foreign-relations think tank based in Mexico City.*

# Morbid Symptoms

## Jeet Heer



# The Perils of Fortress NATO

*The West's focus on Ukraine is creating a new global divide.*

**J**OSEP BORRELL, THE TOP DIPLOMAT OF THE EUROPEAN Union, has a brutal candor rare in his profession. On October 13, he addressed an audience of aspiring diplomats with a speech that contrasted Europe, which he described as a “garden,” with much of the rest of the world, which he condemned as a “jungle.” “Yes, Europe is a garden,” Borrell said. “We have built a garden. Everything works. It is the best combination of political freedom, economic prosperity, and social cohesion that humankind has been able to build—the three things together.” He added, “Most of the rest of the world is a jungle, and the jungle could invade the garden.” The purpose of diplomacy, by his account, is to defend the garden from the jungle. Borrell called on European diplomats to be “gardeners” who would “have to go to the jungle. Europeans have to be much more engaged with the rest of the world. Otherwise, the rest of the world will invade us, by different ways and means.”

Borrell’s remarks were quickly condemned, not just by public officials outside Europe but also by his fellow gardeners. The implicit racism of his metaphor speaks for itself. Borrell seems blithely unaware of the generations of gardeners who helped create “the jungle.” Yet, as with many scandals over controversial speeches, the real problem isn’t that the words are false, but what those words reveal about the underlying attitudes.

The Russian invasion of Ukraine has opened up two seismic rifts in global politics. One is the obvious divide between Russia and the NATO countries, which are currently arming Ukraine. The other—more subtle but no less real—is the growing divergence between the West and the Rest. “The West,” of course, is an elastic concept but in the 21st century comprises countries that are sufficiently wealthy and militarily important to qualify as core allies of the United States: Let’s say the NATO countries plus Australia, New Zealand, Japan, and South Korea (the latter four firmly in the East geographically).

In focusing on Ukraine as a make-or-break issue, the West is adopting a haughty indifference to the countries of the Global South. We’ve created a Fortress NATO, one that inevitably appears suspicious or hostile to anyone outside the gates. In turn, many of the non-Western countries have been reluctant to accept the

Western framing of Russian aggression as an unforgivable violation of international law. As *The New York Times* notes, “In United Nations General Assembly votes, a bellwether for how well Western allies are doing against Russia’s own diplomatic efforts, the European Union and the United States have struggled to rally support from African and Asian countries they would normally call allies. High-profile partners like South Africa and India have chosen to abstain on key votes, for example.”

Chrystia Freeland, Canada’s deputy prime minister and minister of finance, is a much more tactful diplomat than Borrell. Yet in an October 11 talk at the Brookings Institution, Freeland framed global politics in a way that called to mind his xenophobic garden metaphor. In the question-and-answer period, a speaker who identified as being from Africa complained, “The messaging we’re getting from the West is [Africans] are not going to get that much resources, because a lot of the money is going to Ukraine.”

Freeland responded, “One of the sort of profound lessons, I think, of the war in Ukraine is democracy can only be built by people themselves, for themselves. And a democracy can only be defended by people themselves, if they’re actually prepared to die for their democracy.... So, part of what I certainly believe is the in-between countries, certainly the countries of Africa—this is a choice they need to make for themselves.”

Like Borrell, Freeland was cogently criticized for her blinkered and colonialist view of history. Freeland talks as if Africans haven’t fought for freedom from both European colonialism and African-born despots. But again, the controversial nature of her remarks shouldn’t hide the fact that they reflect the underlying consensus of the West: the view that the African countries (and all the other countries of the Global South) need to fend for themselves. Fortress NATO has pulled up the drawbridge.

The attitudes of Fortress NATO have deep roots that precede the Russia-Ukraine conflict, but there’s no question that the war has intensified those sentiments. One can see this same militant indifference to the Global South in vaccine hoarding and in our failure to take adequate action on climate change (with US climate envoy John Kerry denying Western responsibility for the environmental crisis).

Even at the simplest level of diplomatic relations, a pattern

**The shape of the 21st century is starting to emerge: The West will protect its “garden,” leaving the residents of “the jungle” to their fate.**

of indifference reigns supreme. On October 23, *Politico* reported, “Over the past decade, China has increased its spending on diplomacy and even surpassed the United States in the number of diplomatic posts it has worldwide.... U.S. spending on diplomacy, meanwhile, has stayed effectively flat, as has the size of the U.S. Foreign Service, while funding, security and other factors have limited America’s diplomatic footprint abroad.” A *Foreign Policy* report from Africa also noted the contrast between a diplomatically assertive China and a United States that regards diplomacy as a burdensome duty best kept to a minimum.

The shape of the 21st century is starting to emerge: The West will protect its “garden” and leave the residents of “the jungle” to their fate. Trump and other right-wing populists are often accused of being isolationists who want to destroy the liberal international order. But the truth is that many of the

**Many defenders of the liberal international order are isolationists in their own way: They want to shut out the Global South.**

so-called defenders of the liberal international order are isolationists in their own way: They want to maintain a gated community to shut out the Global South. But given the planetary nature of problems like pandemics and climate change, tending solely to our own garden will lead to disaster. **N**



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ELLEN MEYERS

## The Front Burner Kali Holloway



### The Threat Within

*Evidence keeps mounting that white supremacists are well represented within law enforcement—at all levels.*

**I**N SEPTEMBER, PRESIDENT JOE BIDEN DELIVERED A speech titled “The Battle for the Soul of the Nation,” a dire warning about the threat posed by MAGA Republicans, who cheer political violence and “look at the mob that stormed the United States Capitol on January 6—brutally attacking law enforcement—not as insurrectionists who placed a dagger at the throat of our democracy, but...as patriots.” The president rightly identified the entire MAGA project as a danger “to our personal rights, to the pursuit of justice [and] to the rule of law.”

That speech came on the heels of the president’s announcement of his Safer America Plan, a crime-reduction initiative that would provide \$13 billion to add 100,000 officers to local and state police forces. He also used the moment to indict MAGA right-wingers for their hypocrisy: “You’re either on the side of a mob or the side of the police. You can’t be pro-law enforcement and pro-insurrection.”

But neither of the president’s speeches acknowledged the fact that law enforcement formed a noteworthy contingent of the insurrectionist mob. At least 19 Capitol defendants are current or former police officers; a *Los Angeles Times* report pointed out that “dozens more were there but so far haven’t faced charges.” More than 80 Capitol rioters are veterans or active service members. If President Biden sincerely cares about the white supremacist “poison... running through our body politic,” as he put it in yet another speech, his administration had better get busy purging the strain that courses through the ranks of our police.

It would be the first time the government has endeavored to do so, despite plenty of studies finding that the issue is a major problem. Over 140 years after Reconstruction saw slave patrols re-form as Southern police departments, a 2006 FBI report warned of a new tide of “White Supremacist Infiltration of Law Enforcement.” Hate groups, the paper noted, have long found police departments to be fertile recruitment grounds, but there was now evidence of “self-initiated efforts by...those already within law enforcement ranks, to volunteer their professional resources to white supremacist causes.” Three years later, a Department of Homeland Security report predicted that the white backlash to a Black president might become “the most dangerous domestic terrorism threat in the United States”; the report was rescinded in the face of conservative outrage. By 2015, an internal FBI counterterrorism guide admitted that agency investigations of white supremacist and other domestic terrorist groups “often have identified active links to law enforcement officers.”

Evidence of these links keeps mounting. Six days after the “Soul of the Nation” address, the Anti-Defamation League announced that it had



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Al Sears, M.D., recently released an energy-boosting supplement based on this NASA nutrient that has become so popular, he's having trouble keeping it in stock.

Dr. Sears is the author of over 500 scientific papers on anti-aging and recently spoke at the WPBF 25 Health & Wellness Festival featuring Dr. Oz and special guest Suzanne Somers. Thousands of people listened to Dr. Sears speak on his anti-aging breakthroughs and attended his book signing at the event.

Now, Dr. Sears has come up with what his peers consider his greatest contribution to anti-aging medicine yet — a newly discovered nutrient that multiplies the number of tiny, energy-producing "engines" located inside the body's cells, shattering the limitations of traditional CoQ10 supplements.

## Why mitochondria matter

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But because of changes in cells, stress and poor diet, most people's power

generators begin to malfunction and die off as they age. In fact, the Mitochondria Research Society reports 50 million U.S. adults are suffering from health problems because of mitochondrial dysfunction.

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## Science stands behind the power of PQQ

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"Imagine 5,000 times more efficient energy," says Dr. Sears. "PQQ has been a game changer for my patients."

"With the PQQ in Ultra Accel II, I have energy I never thought possible," says Colleen R., one of Dr. Sears' patients. "I am in my 70s but feel 40 again. I think clearer, move with real energy and sleep like a baby."

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Along with an abundance of newfound energy, users also report a sharper, more focused mind and memory, and even younger-looking skin and hair. Jerry M. from Wellington, Florida, used Ultra Accel II and was amazed at the effect.

"I noticed a difference within a few



NASA-discovered nutrient is stunning the medical world by activating more youthful energy, vitality and health than CoQ10.

days," says Jerry. "My endurance almost doubled. But it's not just in your body. You can feel it mentally, too," says Jerry. "Not only do I feel a difference, but the way it protects my cells is great insurance against a health disaster as I get older."

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identified more than 370 current police officers and more than 100 active-duty military members on the Oath Keepers' leaked membership rolls. Back in 2019, the Center for Investigative Reporting linked nearly 400 former and current "police officers, sheriffs or prison guards" from more than 150 departments to online groups with names such as "Ban the NAACP" and "The White Privilege Club." A 2019 survey by *Military Times* found that one-third of all active-duty troops said that they had "personally witnessed examples of white nationalism or ideological-driven racism within the ranks in recent months."

The racist attitudes of off-duty and very online police persist on duty and IRL, where they pose real dangers. For two decades, from the early 1970s through 1993, a rumored Klansman, Jon Burge, commanded a Chicago police gang that tortured at least 118 Black men, extracting false confessions with cattle prods and electric shocks in a device they called the "nigger box." In 2018, Kentucky police veteran Tim Shaw advised a new recruit to shoot Black teens caught smoking pot and to rape the kid's parents. Five years after he was hired despite admitting he'd attended a Klan meeting, Little Rock, Ark., officer Josh Hastings murdered an unarmed Black 15-year-old boy.

**The racist attitudes of off-duty and very online police persist on duty and IRL, where they pose real dangers.**

The 50-year presence within the Los Angeles Sheriff's Department of racist gangs has cost the county \$55 million in victim payouts.

And in early October, in response to a FOIA request, the FBI disclosed that one week after the Capitol insurrection, FBI deputy director Paul Abbate received an e-mail from an internal source warning that there is "a sizable percentage of the employee population that felt sympathetic to the group that stormed the Capitol." The letter also indicated that its author had "spoken to multiple African American agents who have turned down asks to join SWAT

because they do not trust that every member of their office's SWAT team would protect them in an armed conflict."

Just as the "bad apples" analogy downplays the systemic rot of racist policing, the "lone wolf" theory of white supremacists in law enforcement belies the institutional reality. Departments with officers bearing "sympathy towards the ideologies of extremism leave us all compromised," writes Georgetown University law professor Vida B. Johnson. "If police departments are complicit in the attack on truth and democracy, they cannot be trusted to protect the general public."

Eight months after the Capitol insurrection, the House Committee on Oversight and Reform held a hearing on the

white supremacist infiltration of law enforcement. Congressman Jamie Raskin, who led the proceedings, told *USA Today* at the time that "a street alliance among right-wing paramilitary forces, law enforcement and demagogic politicians has been a hallmark of fascism for a century." And yet there is still no national plan to address what Raskin termed "a warning sign of danger for our democracy." What might help bring about that strategy is pressure from above. Biden has said that Trump's 2017 defense of white nationalists at the Charlottesville Unite the Right rally is what motivated him to again run for president. "It was a wake-up call for us as a country and for me, a call to action," Biden said in 2020.

Cops with racial animus toward Black folks are more likely to harm Black children, a 2014 UCLA study found. A 2017 study found that "white police officers are nine times as likely as a white nonpolice citizen to think that Black people are more violent than white people." And most grimly, Black folks are more than three times as likely to be killed by police as white people.

There is no louder wake-up call than this. I hope the president is listening. **N**



OPPART / PETER KUPER



# Should Governments Reinvest in Nuclear Power to Fight Climate Change?

## Yes

JESSICA LOVERING

**E**VEN BEFORE RUSSIA INVADED UKRAINE, governments should have been investing in nuclear power. Demand for electricity was still growing, and the climate crisis was still accelerating. Now, with Europe trying to wean itself off Russian gas as quickly as possible, we find ourselves in a situation reminiscent of the 1970s oil crisis, when European countries built nuclear power plants to reduce their dependence on Middle Eastern oil. That period in Europe remains the fastest-ever expansion of clean energy.

Today, given the urgent need to reduce greenhouse gas emissions, there's an even stronger case to be made for nuclear energy. In the United States, where fossil fuels continue to be cheap and abundant, Washington has been spending to prolong the life of nuclear power plants and incentivizing the construction of new, advanced nuclear technologies. In California, long a hotbed of antinuclear sentiment, Governor Gavin Newsom reversed his position and moved to extend the life of the state's sole remaining nuclear plant because of concerns about the reliability of the electrical grid.

Keeping existing nuclear plants running may be an acceptable compromise in the short term. (Even Greta Thunberg has thrown her support behind it.) But in the long term, nuclear power will be critical for reducing carbon emissions and, in turn, our reliance on authoritarian regimes. Nuclear power offers several benefits that are impossible to get from renewable energy.

It's become a tired refrain among advocates for nuclear energy to point out that the sun doesn't always shine and the wind doesn't always blow. Yet while improvements in electricity storage such as batteries can help balance the daily fluctuations in supply, study after study shows that having nuclear energy makes decarbonizing the grid easier and cheaper.

More important, because sources of wind and solar energy are geographically dispersed, adding large amounts of these renewables to our power grids will require more transmission lines, which are becoming increasingly difficult to site. A 2020 Princeton University study found that meeting US energy demands with renewables would require a quintupling of transmission capacity. In contrast, nuclear

## No

PAUL HOCKENOS

**T**HE CASE *AGAINST* NUCLEAR POWER and *for* genuinely renewable energy has never been so conclusive.

Critics' original concern about nuclear power, namely its safety, remains paramount. The two most catastrophic meltdowns, in 1986 at the Chernobyl nuclear power plant in the Soviet Union and in 2011 at the Fukushima site in Japan, had repercussions that still haunt those regions. But these mega-disasters are only the best known. There have been 33 serious incidents at nuclear power stations worldwide since 1952—two in France and six in the US.

And then there's the 80-year-old saga of nuclear waste. Currently, there are more than a quarter-million metric tons of spent fuel rods sitting aboveground, usually in cooling pools at both closed-down and operative nuclear plants.

In northern Europe, the Finns claim they've solved that issue by digging 1,400 feet into the bedrock of an uninhabited island in the Gulf of Bothnia. The \$3.4 billion undertaking, the first permanent repository in the world for nuclear waste, will eventually hold all of Finland's spent nuclear refuse—less than 1 percent of the world's accumulated radioactive remnants—until about 2100. This highly radioactive mass will, its operators promise, remain catacombed for 100,000 years. In light of Finland's small volume of radioactive waste, the full lifetime price tag of nearly \$8 billion is significantly more per ton than the estimated \$34.9 billion, \$19.8 billion, and \$96 billion that France, Germany, and the United States, respectively, will shell out for nuclear waste management.

Even given these safety concerns, the knockout arguments against the nuclear industry today are the reactors' cost and deployment time. The greatest barrier to the proclaimed renaissance of nuclear power—and it is primarily talk, not investment—is its inability to deliver affordable power on time and on budget.

Nuclear energy involves such colossal expense—into the tens of billions of dollars, like the \$30 billion cost for the Vogtle units in Waynesboro, Ga.—that few private investors will touch it, even with prodigious government bankrolling. So catastrophic are the cost overruns of the French nuclear company EDF's projects worldwide that the company could no longer service its €43 billion debt, and this year it agreed to full nationalization. But experts

The Debate

plants can be built close to where the power is needed and more easily take advantage of existing power lines.

Over the past decade, more than 600 coal plants have been shuttered in the US, and nuclear power can take advantage of the existing infrastructure at these sites. Indeed, advanced nuclear companies are looking to do just that. NuScale Power is planning to build a six-pack of small modular reactors in Idaho to power nearby municipal utilities that are looking to replace aging coal plants. The Bill Gates-backed company TerraPower is set to construct a sodium-cooled reactor at the site of a retiring coal plant in Kemmerer, Wyo., and the company is looking at five additional projects at or near retiring fossil-fueled sites across the American West.

Globally, the potential for coal-to-nuclear repowering is immense. There are more than 4,000 coal power plants in operation—all of which will need to stop spewing CO<sub>2</sub> by 2050 to meet our climate goals. One study in Poland found that up-front capital costs for new nuclear power projects are 30 percent lower at old coal plants than at fresh sites. Such repowering could also contribute to a just energy transition by providing well-paid jobs to former coal workers.

Although we think of nuclear power plants as being prone to long construction delays, nuclear has historically been the fastest low-carbon technology to scale up. The United Arab Emirates broke ground on its first nuclear power plant in 2012, and three of its four units are already generating electricity. When the fourth is fully

operational, the UAE could get as much as 30 percent of its annual electricity from nuclear power. (Before this, it got 96 percent of its electricity from fossil fuels.)

Nuclear energy takes up significantly less land than any other electricity-generating technology. Ironically, this may be why people underestimate its contribution to the grid: You see solar panels and wind turbines everywhere, but how often do you drive past a nuclear power plant?

And while the United States may seem to have plenty of land for renewable energy generation, projects that take up large amounts of space face more opposition from local communities. In 31 states, residents and state legislatures have fought new renewable energy projects, resulting in more than 100 ordinances that restrict or block their development.

Many progressive critiques of nuclear energy are valid, but given the reality of climate change, the need for independence from Russian fossil fuels, and increasing energy demands, there is now a moral imperative to invest in all of our clean energy options—and that includes nuclear. **N**

*Jessica Lovering is a cofounder and co-executive director of the Good Energy Collective, a progressive nuclear research organization.*

< LOVERING

> HOCKENOS

## Repowering the Debate

say this alone won't solve any of the fundamental problems at EDF's Hinkley C plant in England or its Flamanville plant in Normandy, which is 10 years behind schedule, with costs five times in excess of the original budget. Cost overruns are one reason that one in eight new reactor projects that start construction are abandoned.

While safety concerns drive up the cost of nuclear plant insurance, the price of renewables is predicted to sink by almost 50 percent by 2030. Study after study attests that wind and solar are three to eight times cheaper than nuclear power.

In the face of an ever more cataclysmic climate crisis that demands solutions now, the build-out of nuclear power is also painfully, prohibitively slow. In Europe, just one nuclear reactor has been planned, commissioned, financed, constructed, and put online since 2000. That's Finland's Olkiluoto-3, which was connected to the national grid in March 2022. Europe's flagship nuclear projects, called European Pressurized Reactors, have been dogged by delays from the start. The Olkiluoto-3 reactor, which had been scheduled to go online in 2009, still isn't heating homes even though it's now connected to the grid. Globally, the average construction time—which doesn't include the planning, licensing, site preparation, and arranging of finances—is about a decade.

Small-scale modular reactors, advanced with funding during the Obama administration, are supposedly the industry's savior. Purportedly quicker to build, with factory-made parts, they generate at most a 10th of the energy of a conventional reactor. Yet they have many of the same problems.

Reports show that they are even slower to deploy than conventional reactors and more expensive per kilowatt capacity.

Finally, nuclear supporters claim that the massive baseload supply that reactors provide when they're up and running is just what systems that rely on weather-based renewables need during down times. In fact, nuclear energy is the opposite of what decentralized clean energy systems require.

Renewables and nuclear energy don't mix well in one system, according to Toby Couture of the Berlin-based think tank E3 Analytics. "What renewables need is not so-called baseload power," he told me, "which is inflexible and unable to ramp up and down, but flexible, nimble supply provided by the likes of storage capacity, smart grids, demand management, and a growing toolbox of other mechanisms—not the large and inflexible supply of nuclear reactors."

Renewables, clean tech, and energy-efficiency measures are easy to roll out, cost-effective, and safe. Let's concentrate on deploying these alternatives as fast as we can to decarbonize our world before the impacts of climate change overwhelm us. **N**

*Paul Hokenos is a Berlin-based writer who covers renewable energy and the climate crisis.*

**There is a moral imperative to invest in all of our clean energy options—and that includes nuclear.**

**Nuclear energy is the opposite of what decentralized clean energy systems require.**



SNAPSHOT/Michael M. Santiago

## A Death Sentence

Protesters gather outside New York's City Hall three days after the death of Erick Tavira at Rikers Island on October 22. Just days later, Gilberto Garcia died in custody there, increasing the number of deaths in the city's jail system to 18 people this year. Activists have called for the closing of Rikers due to its prolonged history of violence and inhumane conditions.

### By the Numbers



**20%**

Portion of the world's incarcerated population that is in the United States

**80%**

Portion of arrests

in the US that are for low-level, non-violent offenses or poverty-related conduct

**18**

Number of incarcerated people who have died in New York City's jail system this year

**480%**

Increase in the number of women incarcerated in the US between 1980 and 2020

**35%**

Portion of people

in the US prison population who are Black

**13%**

Portion of people in the US population who are Black

**95%**

Portion of US jail population growth since 2000 that was driven by pretrial detention

**\$2B**

Annual profit of the US bail bond industry

—Karen Ng



CALVIN TRILLIN  
**DeadlinePoet**

### Musk Takes Over Twitter

So half the staff was canned at Twitter—  
And in a way that made them bitter.  
They say this wealthy retrofitter  
Treats people as just so much litter.

# The Case of Baby



BY REBECCA NAGLE

*With reporting by  
Amy Westervelt, Abn Gray,  
and Maddie Stone*



IN MARCH OF 2016, A NEWBORN BABY WAS LEFT AT A HOSPITAL IN NEVADA. IN COURT DOCUMENTS, THE child is called “Baby O,” but we will call her “Octavia.” When she was 3 days old, Octavia went to live with a couple named Heather and Nick Libretti in the small city of Sparks, Nev., just outside of Reno. At the time, Heather did PR for a classic cars festival, while Nick worked as a mechanic. The couple, now in their early 40s, had fostered and adopted two boys—and taken in a third—but Heather had always wanted a girl.

Octavia had been left at the hospital under Nevada’s Safe Haven law, which allows a parent to give up their child at a hospital, a firehouse, or a police station without fear of being arrested or prosecuted. In line with the statute, Octavia’s mother voluntarily relinquished her parental rights. When she was asked by hospital staff to share the father’s name, she refused. And so, when Octavia went home with the Librettis, there was no biological family to claim her. Given the circumstances, the Librettis felt certain they would be able to adopt her.

Then, three weeks after Octavia was born, her father’s name was found, though it’s not entirely clear how. He was contacted, as required by law, and, after a DNA test confirmed his paternity, said he wanted to raise the child. Since Octavia’s father was homeless and struggling with substance use, however, the Washoe County Human Services Agency (HSA) determined that Octavia could be reunited with him only after he achieved sobriety.

And there was something else: Octavia’s paternal grandmother was a citizen of the Ysleta del Sur Pueblo, a federally recognized tribe in El Paso, Tex. This meant Octavia was eligible for citizenship in the tribe and that her case would likely fall under a 1978 federal law known as the Indian Child Welfare Act (ICWA), which was created to prevent family separation in Native communities. Among other things, the law gave Octavia’s tribe the right to intervene in her case and required social workers to prioritize placing Octavia with extended family

or another member of her tribe. Social workers from the Ysleta del Sur Pueblo told the Washoe County HSA that they would intervene only if the child wasn’t placed with relatives. Her placement with the Librettis would be temporary.

The Librettis, however, did not accept the news that they might not be allowed to adopt Octavia. Instead, they decided to fight. Over the next year, they would contact Octavia’s family members and talk them out of raising the child; ask her grandmother to renounce her tribal membership so ICWA wouldn’t apply; and hire lawyers to fight for custody. Eventually, the

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*Rebecca Nagle, an award-winning journalist and citizen of the Cherokee Nation, is the host of Crooked Media’s podcast This Land.*

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How the fight over a foster child  
threatens Native sovereignty.





Librettis would prevail: They would adopt Octavia.

But the Librettis didn't stop there. In 2017, they joined a federal lawsuit seeking to strike down the Indian Child Welfare Act. That case, *Haaland v. Brackeen*, has now wound its way to the Supreme Court and brought the Librettis to the paradoxical place where they find themselves today: They have won custody

of Octavia—over the child's blood relatives—but claim that ICWA harmed them so seriously that it violated their constitutional rights.

The Librettis didn't respond to multiple requests for comment. Their lawyer declined to comment about the details of the underlying custody case, stating it happened before he represented the couple.

## **Haaland v. Brackeen is a sprawling case—one of the most important of the term—with potentially seismic implications for Indigenous nations.**

**Test case:** Tehassi Hill, tribal chairman of the Oneida Nation, outside a federal appeals court following arguments in *Brackeen* in 2019.

of the most important of the term—with potentially seismic implications for Indigenous nations in the United States. In addition to the Librettis, it hinges on the stories of two other pairs of non-Native foster parents, who collectively wanted to adopt four Native children: Chad and Jennifer Brackeen of Texas and Danielle and Jason Clifford of Minnesota. The plaintiffs are joined in trying to overturn the law by the State of Texas; defending ICWA are four federally recognized tribes (the Cherokee Nation, Oneida Nation, Quinault Indian Nation, and Morongo Band of Mission Indians) and the federal government.

For the last three years, I have researched *Brackeen*, digging through the underlying custody cases along with my colleagues Amy Westervelt, Maddie Stone, and Ahn Gray. In the process, I found persistent and troubling similarities. Two of these stories—those of the Brackeens and Cliffords—became the basis of the second season of *This Land*, a podcast I host. This is the first time I'm sharing the story of the Librettis.

As the Librettis frame their case in their federal court filings, they simply wanted to give a child a loving home—a Native child they had raised from birth; they were nearly thwarted, however, because an outdated, ill-fitting law wouldn't let them keep her.

In the lawsuit, the Librettis allege that ICWA violated their constitutional rights because it gave preference to Native families over them. Their lawyer, a partner in the law firm of Gibson Dunn, claims his clients were treated like “fourth tier citizens” and that ICWA results in a “direct disadvantage to non-Indians.” Both the Librettis and their lawyer argue that ICWA violates the equal-protection clause of the 14th Amendment because it discriminates against white foster parents. To put it simply, the Librettis claim they couldn't adopt Octavia—even though they did end up adopting her—because they aren't Native.

A lot is riding on the case. When Congress passed ICWA in 1978, about a third of Native children had been removed from their families and their tribes by the government. In the 1950s and '60s, the federal government sponsored a national program that actively sought to take Native children out of Native homes and place them in white homes. At the same time, state child welfare agencies were systematically removing Native children from their families for innocuous reasons like being raised

by a grandparent or just being poor. Indigenous nations and children's rights organizations warn that overturning ICWA could lead to the loss of future generations of Native children to predatory adoption and abusive social work practices.

The Indian Child Welfare Act was passed with bipartisan support and, for the next 30 years, existed without much controversy. But in the past decade it has been challenged nearly as many times as the Affordable Care Act. The challenges are part of a coordinated strategy to strike ICWA down that's being led by the private adoption industry, right-wing organizations like the Cato Institute, anti-Indigenous hate groups, and corporate law firms. Many legal scholars and Native advocates argue that the lawsuit isn't even about ICWA—that it's a Trojan horse designed to gut the legal rights of Indigenous nations.

“It literally could call into question all of federal Indian law,” Chrissi Ross Nimmo, the deputy attorney general of the Cherokee Nation, which has intervened in the case, told me.

The potential domino effect of the lawsuit rests in the way it seeks to reframe tribal membership as a racial rather than a political category. “The United States Supreme Court, federal courts, and state courts have repeatedly said that someone's status as an Indian is not racial, because it's based on membership in an Indian tribe,” Nimmo said. “That is a political classification, not a racial classification.” If the Supreme Court rules that ICWA is unconstitutional because the Librettis and their coplaintiffs were discriminated against based on race, it could reverse centuries of

US law and precedent protecting the rights and sovereignty of Indigenous nations.

“We're talking about laws that apply to individual Indians—you know, possession of eagle feathers,” Nimmo told me. “But we're also talking about much, much broader laws that apply to tribes as governments. So issues like reservation status, land use, water rights, gaming—just any issue that you could ever think about that is a legal issue involving tribes is questionable if a court finds that ICWA is unconstitutional because it's race-based.”

Last January, with a more senior member at the firm, the Librettis' pro bono corporate lawyer filed a federal complaint on behalf of a non-Native casino developer challenging the legality of tribal casinos; the complaint cites a race-based argument similar to the one in *Brackeen*. Supreme Court watchers worry that if this argument prevails in *Brackeen*, the lawsuit to topple Indian gaming is already in the queue.

Amid such heady threats, it's easy to lose sight

**O**N NOVEMBER 9, THE Supreme Court heard arguments in *Haaland v. Brackeen*. It is a sprawling case—one





of the stories at the center of *Brackeen*'s four custody cases. But the stories matter, because they are the basis for the claims against ICWA. In the years I have spent looking into these stories, I have found that they've been misrepresented in the media and in federal court. The unvarnished versions of these stories suggest that factors other than ICWA were behind the challenges these couples faced on the way to adoption. More than that, they suggest that, far from being penalized for not being Native, the Librettis, like their coplaintiffs, were helped by it. Their story shows us not why ICWA should be overturned, but why the law is still needed.



children with relatives whenever possible—whether or not their case falls under ICWA. “Reunification with the biological parents is always goal number one,” Amber Howell, the director of the Washoe County HSA, told Ahn Gray and Amy Westervelt. “If reunification is not possible at the time, or ever, relatives are always second.... That’s the next best option, because that keeps children with people that they’re familiar with or have some family ties or a relationship with.”

**T**O UNDERSTAND THE DISTORTIONS AT the heart of the Librettis’ case, it helps to understand how the foster care system is supposed to work in the United States.

When stripped to its essence, the central harm Nick and Heather Libretti claim in federal court is that—for a period of time—they weren’t allowed to adopt the child they were fostering. Within the broader context of foster care, however, this claim is perplexing. The overwhelming majority of children who leave foster care—some 87 percent in 2020—are not adopted by their foster parents. Indeed, if every foster parent who didn’t adopt a child they had fostered had a case worthy of Supreme Court review, the court would see nearly 200,000 cases each year. But it doesn’t, because adoption is not the purpose of foster care. The purpose of foster care is to provide a safe and temporary home while social workers work to reunite the child with their family.

There’s a reason for this. Research shows that foster children do better with relatives and people from their community, in what are often called “kinship placements.” Foster children placed with kin are less likely to be moved around, reenter foster care, languish in foster care for long periods of time, or have mental health and behavioral problems later. Thanks in good measure to ICWA, Native children in foster care are more likely than white or Black children to be placed with kin, less likely to be placed in a group home or congregate care setting, and less likely to age out of the system. National child welfare organizations say that ICWA has become a “gold standard” and represents the “best practices” of child welfare policy. Because of this, state child welfare policies have begun to look more and more like ICWA.

This is ostensibly the case in Washoe County, where the Human Services Agency says it places

the Librettis appeared to reject the idea that fostering Octavia could lead to anything other than adoption. The language of their own legal declaration makes clear that the Librettis misunderstood their “foster-to-adopt” status as a guarantee. “We are listed with the County as foster-to-adopt parents,” they wrote, “which means that the County would place a child with us only if we would be able to adopt and provide a permanent home for the child.” But according to Howell, all foster-to-adopt parents in the county sign a legal form acknowledging that they understand foster-to-adopt placements are “no guarantee,” because many things can happen during the course of a child welfare case, including relatives coming forward.

Despite this, the Librettis made it clear from early on that “their goal” was to adopt Octavia, according to one source familiar with the situation. Several sources we spoke with said that Heather asked Octavia’s paternal grandmother to renounce her tribal membership so ICWA wouldn’t apply to the case.

During the first six months of Octavia’s case, this grandmother expressed interest in fostering and adopting her granddaughter. But after talking to Heather, she got the sense that the Librettis were determined to keep Octavia, one source said. At some point, she changed her mind about the adoption.

Octavia’s paternal uncle also expressed interest in raising her and started the foster care application process early on. “Everything was going through,” said Leah Lopez, the social services coordinator for the Ysleta del Sur Pueblo. But then, “all of a sudden, we received a letter from this uncle stating that he had spoken to the Librettis and felt like Baby O was best with the Librettis.” He withdrew.

**T**HE LIBRETTIS ARE NOT alone in turning to the foster care system as a way to adopt. “Foster to adopt,” as it is often called, is the latest adoption trend in the United States. “A lot of people will come into our training [for foster parents] with the express desire to adopt,” Cara Paoli, the director of the Children Services Division of the Washoe County HSA, said. “They’re really not so much interested in ongoing fostering, but it gives them an opportunity to meet the kids that are free for adoption and to see if they think it’s a good fit.”

For Paoli, this is a positive development. “We love that, because we want our kids to find a forever home,” she said.

**Before ICWA:** A Native boy surrounded by his adopted family, perhaps during the era of the Indian Adoption Project (1958–67).

**Because it seeks to reframe tribal membership as a racial instead of a political category, the lawsuit could have a domino effect.**



To understand why prospective adoptive parents would go through foster care—a system in which adoption is not guaranteed—one has to understand the landscape of adoption in the US. While exact numbers are hard to come by, there are more people in the United States who want to adopt a child than there are children available for adoption (according to some sources, the number of prospective adoptive parents outstrips kids by a ratio of 30 to 1). The reasons are complicated, but there’s a strong correlation between the dawn of the era of reproductive rights—when women won access to abortion and birth control and single motherhood became less stigmatized—and the declining number of US babies being placed for adoption. In the mid-1970s, about 8 percent of all children born in the United States were placed for adoption; today it is less than 1 percent.

At first, the adoption industry solved this problem by going overseas. At the peak of this trend in 2004, 23,000 children were adopted from other countries, such as China and Russia, by US parents. In response to numerous scandals—the most extreme of which included children being kidnapped and murdered—countries started restricting adoptions by families in the United States, and the US strengthened its own laws to curb abuse. Since then, the number of children available for adoption has plummeted: In 2021, only 1,738 children were adopted from abroad.

**Deep roots:** A makeshift memorial for the Indigenous children who died more than a century ago while attending an Albuquerque boarding school.

At the same time, the number of children being adopted from foster care started to increase. By the mid-2000s, roughly as many children were being adopted from foster care as through private domestic or international adoption. From 2011 to 2019, the number of children adopted from foster care increased by 30 percent.

By statute, the primary goal of child welfare cases involving foster care is to reunite the foster child with their family. “You go into it knowing that the state is to a certain extent working against you,” said Sherri Statler, who runs a private adoption agency in Texas that licenses prospective adoptive

parents to foster. But the benefit, she explained, is that it is much less expensive than private adoption, which can cost \$30,000 to \$60,000. In foster care, “the state almost pays you to adopt,” she said.

To be sure, there are children waiting to be adopted from foster care—over 100,000 in 2020. But the influx of people turning to foster care to adopt isn’t the neat solution one might think. Most prospective adoptive parents want a newborn, or close

to it. The children who are the least likely to be adopted from foster care are older. The heyday of international adoption saw a similar problem: Children who were older, sick, or had disabilities waited in orphanages, while younger, healthier children were taken from their families by methods that were often coercive and sometimes illegal. There is growing evidence that a similar mismatch is arising in the foster-to-adopt system. One statewide child welfare administrator told me her department had stopped recruiting foster-to-adopt families because those families only wanted children who were very young.

The Librettis claim that the source of the conflict in their custody case was ICWA. It’s a belief they hold so fervently that they have taken it all the way to the Supreme Court. But what if the explanation is much simpler: What if the source of the conflict was using foster care to adopt?

**I**F THE LIBRETTIS WERE CONFUSED ABOUT THE true purpose of the foster care system, one group of people should have known better: the social workers at the Washoe County HSA. In Nevada, under state law, the department is required not only to place children with relatives when possible but also to search “diligently” for those relatives. In Octavia’s case, Washoe County social workers did not live up to that charge.

Social workers from Octavia’s tribe, the Ysleta del Sur Pueblo, stayed involved in her case to ensure that she would be placed with family. But from their perspective, the Washoe County HSA was resistant. In Texas, where many of the tribe’s ICWA cases are based, the Ysleta del Sur Pueblo enjoy “a great working relationship with the state,” Leah Lopez said. But in Nevada, she added, “they didn’t understand ICWA, didn’t like ICWA, didn’t enforce it.” Washoe County declined to respond to the allegations.

By mid-September of 2016, when Octavia was 6 months old, she was enrolled as a citizen of the Ysleta del Sur Pueblo. By that time, Washoe County had changed the case plan from reunification with her father to terminating his parental rights. After Octavia’s uncle withdrew as a foster placement, Ysleta del Sur Pueblo social workers started looking for other family.

They identified 39 relatives and gave the list to Washoe County social workers. But, according to Lopez, the Washoe County caseworker didn’t contact anyone on the list, as required by law. The tribe had to get a judge to order the social worker to start making calls. And when that social worker did start calling people, “the worker seemed very pushy about not having Baby O placed with family here,” Lopez remembers. Instead of explaining the process or helping people fill out paperwork, the Washoe County social worker tried to talk family

**The Librettis claim the source of the conflict in their custody case was ICWA. But what if it was their use of foster care to adopt?**

members out of taking the baby, according to Lopez and family members we spoke with.

Sylvia Triste was one of those family members; she is also a citizen of the Ysleta del Sur Pueblo. Octavia's grandmother is Triste's cousin, which in their family makes them akin to siblings. Triste was a single mother living with her youngest daughter, Savannah, in Las Cruces, N.M., when she learned of Octavia. She had just purchased a three-bedroom home and had space for another child; her two older children had gone to college and the Army and were out of the house. "I said, 'Well, I'm positive that me and Savannah and the baby could be a happy family,'" she told me. "It was not even that I had to think about it. It's just something we do as family."

Triste had learned about Octavia's case from her mother, who had received a letter early on about the baby but felt she was too old to care for a newborn. But when Triste reached out to the Washoe County HSA to say she was interested, she didn't hear back for months. In the end, Triste got the phone number for a Washoe County caseworker from Lopez and called her.

But the call wasn't what Triste expected. "That lady was just letting me know that they [the Librettis] were going to fight for this baby and they've had it since the baby was born," Triste told me. "And I just felt that it was already going to be a done deal." The caseworker told Triste she could try to win custody of Octavia, but she likely wouldn't succeed.

"I do know about the ICWA law and what it does for us and how it tries to keep the Indian families together," Triste told me. "But when I talked to them [the Washoe County social worker], it didn't sound like we had a chance."

The story Heather and Nick Libretti tell in their lawsuit is very different. They claim they were the only people who wanted to adopt Octavia. According to the paperwork they filed in federal court, most of the family members the tribe identified "withdrew from consideration or were deemed unfit placements."

"I was willing to adopt the baby," Triste said when I read her the court document. "And I don't know what they're saying about 'unfit.' I mean, maybe we don't come from money like they do."

Triste was never found to be unfit, and Lopez said that at least one other family member finished going through the foster process, obtained her license, and even fostered other children. That family member never got to

move forward with Octavia, however.

After Octavia celebrated her first birthday, the tribe was still working to place her with family. But Washoe County social workers argued that moving the child now would be harmful, because she had been with the Librettis for so long. The case went to mediation. According to the Librettis' declaration, the tribe agreed to let them adopt Octavia only after the Librettis joined the federal lawsuit in 2017 seeking to strike ICWA down. But one source suggested that the situation was more complicated.

The source alleged that the Washoe County HSA put forward an unusual arrangement: If the Librettis couldn't adopt Octavia, Washoe County social workers suggested that the child could be placed with her biological mother—but the birth mother would have custody only on paper; Octavia would actually stay with the Librettis. Since the birth mother was family, the placement would not violate ICWA. When asked about this alleged proposal, Howell, the HSA director, declined to comment, citing privacy concerns.

Uncertain it would prevail in court, the tribe decided to settle the case. Under the order, the Librettis agreed to take Octavia down to the reservation in El Paso once every three years.

Since custody cases in Nevada are sealed, we don't know all the details of Octavia's case. But from e-mails received via public records requests, we know social workers at the Washoe County HSA were struggling as recently as 2021 with how to apply and follow ICWA, despite the fact that they handle a number of ICWA cases each year.



**T**HE REAPPEARANCE OF OCTAVIA'S BIRTH MOTHER IN THE STORY RAISES COMPLICATED questions. Altagracia Hernandez, or "Gracie" as she goes by on social media, is a plaintiff in *Haaland v. Brackeen*. She and her lawyers suggest that ICWA violated her constitutional rights by not allowing her to choose her child's adoptive parents. The implication is that ICWA interfered with a mother's right to choose what was best for her child. "I strongly oppose any effort to relocate her away from the Librettis or out of Nevada to a strange place to live with people she has never met," Hernandez wrote in her declaration to the court. When contacted, Hernandez declined to comment.

While Hernandez's position as a birth mother trying to navigate what's best for her child is sympathetic, the argument that ICWA interfered with her right to choose isn't the full picture. In their declarations and court filings, Hernandez, the Librettis, and their attorneys all fail to mention that Hernandez surrendered Octavia under Nevada's Safe Haven law. Such laws were created in response to high-profile cases of newborns being abandoned and even dying. While the law allows parents to give up infants without fear of prosecution for abandonment, it also requires them to relinquish their parental rights. (While the law does allow parents to regain custody under limited circumstances, Hernandez got involved in Octavia's case to support the Librettis, according to her federal declaration, not to regain custody herself.)



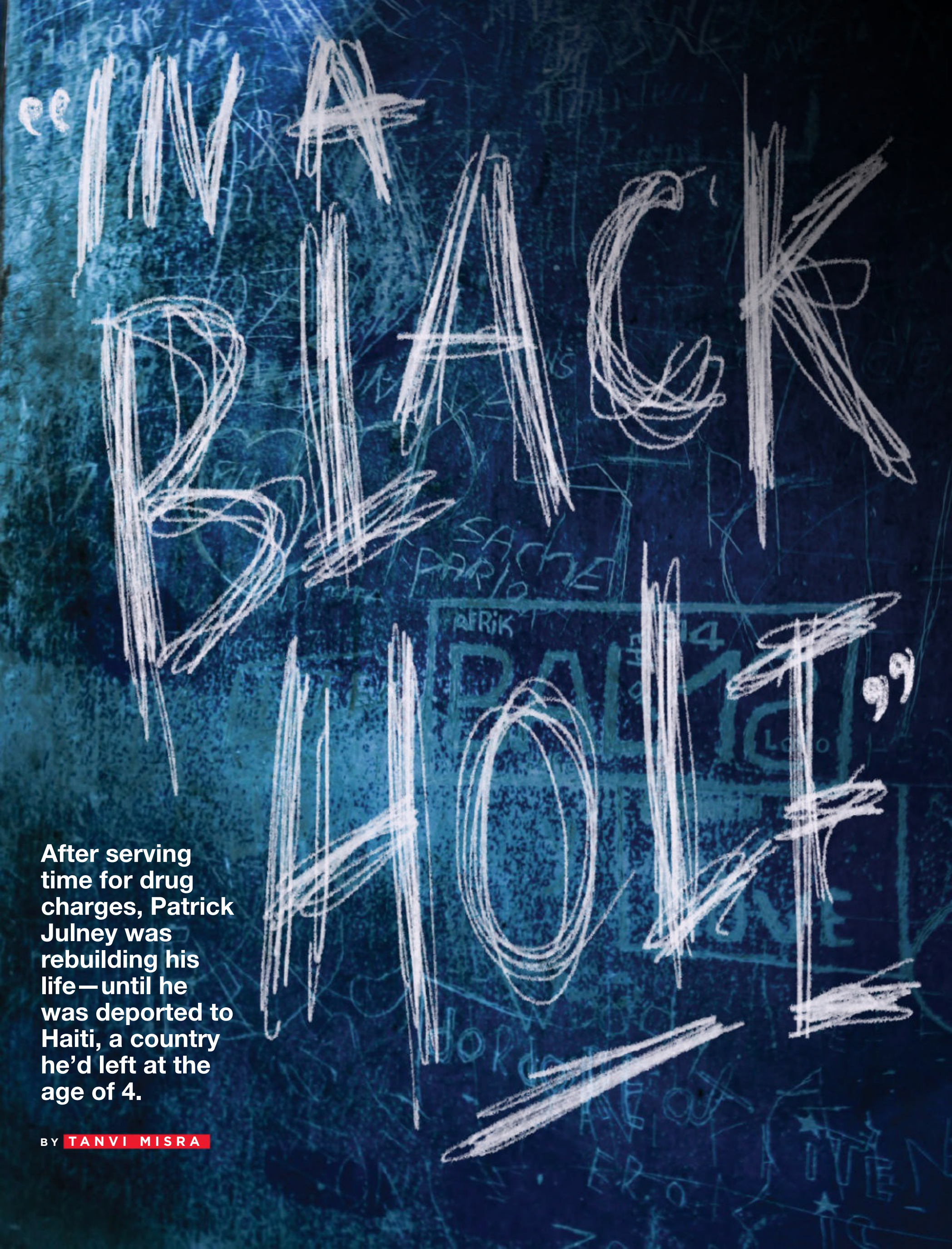
**National child welfare organizations say that ICWA has become the "gold standard" for child welfare policies.**

**Madonna and child:** Madonna Pappan, a plaintiff in a lawsuit that charged South Dakota with violating ICWA, with her daughter in 2013.

(continued on page 31)



**Restless:** For the prisoners detained at Haiti's National Penitentiary in Port-au-Prince, a good night's sleep is hard to come by.



After serving time for drug charges, Patrick Julney was rebuilding his life—until he was deported to Haiti, a country he'd left at the age of 4.

BY **TANVI MISRA**

IT WAS THE MUNDANE PLEASURES THAT PATRICK JULNEY MISSED THE MOST: A cold glass of water out of the refrigerator; a warm handshake with a friend on the street; the unique comfort of a familiar bed; a plate of chicken and waffles.

Instead, he faced a sordid reality: In his cell at the National Penitentiary in Port-au-Prince, Haiti, Julney slept sitting upright on a bucket. With roughly 40 men packed into the small space, he had no room to lie down. The men shared one toilet that lacked proper plumbing. Some of them would defecate into plastic bags and throw them out the window, right into the yard. The place reeked of sewage and human refuse and crawled with rats and bugs. The drinking water was filthy and made Julney sick. His body broke out with bumps and rashes, and his feet swelled up because of an untreated injury. The prison offered only a measly breakfast—anything else had to be bought from the commissary—so Julney kept on losing weight. It was almost inevitable, then, that as cholera cases started to surge across Haiti at the start of October, the national penitentiary became ground zero for the disease. With a capacity of 800 people, the penitentiary holds closer to 4,000—90 percent of whom are in pretrial detention. They were all sitting ducks, unable to protect themselves against the deadly disease tearing through the country. Julney could only watch as prison guards carried out the bodies of people who had died—including another US deportee, Roody Fogg. Julney tried to calm himself, but as sickness closed in around him, he felt like he was losing his mind.

On June 7, Julney was deported to Haiti despite a pending motion to reopen his immigration case and a review petition in the Third Circuit. Shortly after he landed in Port-au-Prince, the scenario he had feared—and warned US officials about—came true. Julney was taken by Haitian police to a jail where he had no immediate access to food, water, or the small supply of prescription medicine that the US government had sent with him. Then, on June 28, he was transferred to the National Penitentiary. In the months since, Julney has counted between 20 and 30 other US deportees inside, most of whom—like him—have not been formally charged with a crime in Haiti.

*Tanvi Misra is a freelance writer and multimedia journalist who covers migration, urban policy, and criminal justice.*

On some days, their cell had no electricity and felt like an oven. Everyone was stuffed shoulder to shoulder, body to body—“marinating,” Julney told me over the phone from his cell. He had trouble sleeping, and when he was able to fall asleep, he would find himself not wanting to wake up.

“We’re not animals, man. We have made mistakes—some are worse than others—but at the end of the day, we’re not animals,” Julney said. “I just want the opportunity to feel like a human again.”

#### “A TRIPLE SENTENCE”

JULNEY’S FAMILY MOVED TO THE UNITED States in 1988, when he was 4. His parents were murdered in Haiti roughly a decade apart when he was still young, so an aunt in New Jersey took him in. In high school, Julney, a football player, met Laura McMaster, a cheerleader at a nearby school. They dated and drifted apart a few times but settled down together after graduating from high school. During their courtship, they discussed their hopes for the future: working, owning a home, starting a family, sharing a life.

In 2005, Julney received his green card, and for a while the young couple’s plans continued on track. Then, in 2010, Julney was sentenced to prison for possession of cocaine with intent to distribute and on charges related to a robbery. In the years after, he tried to get his guilty plea for the latter vacated in court, maintaining that he had not been involved in the incident.

In prison, though, Julney dedicated himself to learning. He was given a position as the counselor’s assistant after doing well in a drug and alcohol rehabilitation program.



**Unequal:** Black immigrants are deported from the United States on criminal grounds at a disproportionate rate.

He completed various certifications, including ones for workplace and forklift safety. He prepared himself for a life on the outside. “I didn’t waste my experience in prison—I have plenty of skills to put out there,” he said. “But then [Immigration and Customs Enforcement] snatched me up.”

On his release from prison in 2019, Julney received a Notice to Appear (NTA)—a charging document for removal proceedings in immigration court—and was transferred to ICE custody. His family was blindsided. “We would take a couple of steps forward and then just get punched in the face—that’s kind of what it felt like,” McMaster said. “We were just going in circles.”

Julney had arrived at the tail end of what advocates call the “prison-to-deportation pipeline,” which funnels immigrants who interact with the criminal justice system into removal proceedings. The number of immigrants the government has sought to remove on criminal grounds each year has decreased in the past decade. Still, at least half the people who were deported between 2003 and 2020 had at least one conviction on record, according to the Transactional Records Access Clearinghouse at Syracuse University. Because of the increased intertwining of immigration and criminal law since the 1980s, a broad range of offenses—including even traffic violations—can make someone a target for deportation. According to the Vera Institute of Justice, Black immigrants make up only 7 percent of the immigrant population, and yet they represent 20 percent of those facing deportation on criminal grounds. It makes sense: Black people are more likely than whites to be stopped by police and to be sentenced for crimes (including ones they didn’t commit), and they are likely to get harsher punishments for the same crimes. A saga that begins with a traffic ticket can end with deportation for Black immigrants in many parts of the country.

But Julney kept fighting. He got quite far into the trial and appeals process in immigration court without a lawyer—a feat in and of itself. (Detained immigrants without lawyers are 10 times more likely to get a negative outcome in their immigration cases and seven times more likely to be remain detained, according to the American Civil Liberties Union.)

Meanwhile, during his detention at the Bergen County Jail, Julney tried to make a good impression. He signed up for the detainee work program and earned praise. In March 2020, one ICE agent described Julney as an “outstanding kitchen



worker” who was “dependable, on time, and clean” in a handwritten evaluation. Two months later, another officer wrote that Julney had “a positive perspective for life and exemplary work ethics.”

Good behavior did not earn good treatment, however. During his time at Bergen County Jail, Julney filed complaints of civil rights violations (for a use-of-force incident) and religious discrimination (for not having his meals accommodated during the Ramadan fasts). He was among multiple detainees at the facility who filed complaints of mistreatment with the Homeland Security Office of Civil Rights and Civil Liberties.

In 2021, Julney and McMaster were married by a Muslim cleric. A month later, Julney got a decision from the immigration court appeals board affirming a previous deportation order. He filed another appeal, this time in the Third Circuit. With the help of a new lawyer, Eleni Bakst, who is a managing attorney of the detained adult program at the Capital Area Immigrants’ Rights (CAIR) Coalition, Julney was able to temporarily halt his removal. Bakst also filed a motion to reopen his immigration case because of a new development in his circumstances: His uncle in Haiti had recently been kidnapped and tortured. His loved ones rallied together, compiling news articles on the worsening conditions in Haiti and the past treatment of Haitian deportees—evidence that Julney would not be safe if he were deported. But on June 7, he was flown to Haiti and imprisoned again, this time in the worst conditions he had ever experienced.

“Bring me back to ICE. I’d take that 100 times over,” Julney told me. “This is a triple sentence—a triple sentence of death.”

“This is a black hole for me,” Julney said. After living nearly his whole life in the United States, he has little reason to call Haiti home. “My heart is not here—my heart is in the States, my mind is in the States, my soul is in the States. I don’t know this country, and I’m not trying to.”

#### “DIFFERENTIAL TREATMENT OF HAITIANS”

**I**N SEPTEMBER OF 2021, THOUSANDS OF HAITIAN MIGRANTS made their way to the United States. Those coming directly from Haiti were fleeing the violence, poverty, and food insecurity that had intensified after President Jovenel Moïse was assassinated earlier that year. Others had decided to leave countries like Chile and Brazil, where they faced immense xenophobia and racism. Many didn’t make it, dying off the Florida coast when their boats capsized or in Mexican border towns after being turned back by the US Border Patrol under Title 42—a Trump-era policy that the Biden administration has kept in place. Title 42 was rolled out as a public health policy in 2020; it allows border agents to “expel”—in government parlance—many migrants without ever letting them make their case for humanitarian protection, as US law typically allows. Neither Trump nor Biden officials provided any evidence that the policy was effective or explained why it was still in place after other border closures had been lifted.

After long, dangerous journeys to the US-Mexico border, many Haitians waiting to request asylum set up camp around the Del Rio bridge in conditions the United Nations High Commissioner for Refugees called “deplorable.” In response, the Department of Homeland Security “surged” agents to take

**Abandoned by the system:** Deportees from America are left with uncertainty about the terms of their release.

**“This is a black hole for me. My heart is not here. I don’t know this country, and I’m not trying to.”**

—Patrick Julney,  
a deportee from America in Haiti

**“When it comes to Black migrants, we have to prove our humanity. We have to prove that we deserve safety.”**

—Guerline Jozef,  
Haitian Bridge Alliance

**An ominous setting:**

As more and more deportees are sent back to Haiti without recourse, prison cells are filling up past capacity.

ald Trump told Fox News in October 2021 that Haitians who were coming to the US “probably have AIDS” and that allowing them in was “a death wish,” he was drawing from a centuries-old racist trope—and exhibiting a willful blindness toward the US contribution to Haiti’s descent into poverty and instability. This rhetoric continues to have a bearing on real policy.

In the 1970s and ’80s, the United States greeted Haitians escaping their country’s US-backed dictatorships with an expansion of the US immigrant detention system. At the time, the government painted Haitians as economic migrants, ineligible for asylum, but it released and quickly naturalized Cubans fleeing their own country. The historian and US Coast Guard veteran Ryan Fontanilla has said that the Coast Guard’s techniques for blocking Haitian asylum seekers have roots in the tactics used during the slave trade. The Clinton administration expanded the range of criminal offenses for which migrants could be deported—which would come to affect even Haitians who had obtained legal status. Between 1991 and 1993, the United States also operated a camp for HIV-positive migrants from Haiti at Guantánamo Bay—the first and only detention center of its kind.

Today, the rates of Haitians being granted asylum continue to be the lowest of any nationality. Haitians (and other Black immigrants) have repeatedly reported being shackled and restrained while being transported. And according to an analysis of recent removals by the organization Washington Office on Latin America in May 2022, “no other country whose citizens are expelled by air comes close to Haiti” in terms of the numbers. NBC News recently reported that the Biden administration is now considering sending Haitian migrants coming to the US-Mexico border to a third country or to its decades-old migrant holding facility in Guantánamo Bay.

“control of the area.” Soon photos emerged of Border Patrol officers on horseback, appearing to pursue Haitian migrants, whips coiled to strike. The incident prompted a class-action lawsuit, and DHS officials promised an investigation.

The striking photos from Del Rio evoked scenes from antebellum America of overseers on horseback at Southern plantations. They sparked discussions about the journeys that Black migrants—and Haitians in particular—need to take to reach the United States and how they’ve always received harsh treatment upon arrival.

A perception that Haitians are more threatening goes back to the 18th century, according to Alyssa Goldstein Sepinwall, a professor of history at California State University, San Marcos. The Haitian Revolution was the first in the Americas that overthrew the slave-owning class. That successful revolution, Sepinwall notes, created a fear of Black Haitians among white Americans.

“Haiti came to be identified with Black freedom, and throughout the 19th century there were proposals in the US to conquer Haiti and ‘reimpose order’ on Black people there, who were seen as threatening because they were unwilling to be dominated by whites,” Sepinwall said. Long after independence, the French descendants of slave owners in Haiti continued to siphon funds. Then, at Wall Street’s solicitation, the United States occupied Haiti in 1915, controlling its fortunes until 1947—13 years after the last US troops left the island. When former president Donald



“A FIGHT TO GET THE BARE MINIMUM”

**T**HIS YEAR, US CUSTOMS AND BORDER Protection released a 511-page investigation into what happened in Del Rio in 2021. The agency’s reviewers concluded that some Border Patrol agents had used “unnecessary force” on, and made denigrating comments against, Haitian migrants—but that they did not use whips on them. Agency officials framed the incident as a result of “inappropriate” actions by individual agents and not as a symptom of systemic discrimination.

Advocacy groups were angry, noting that CBP did not interview any migrants involved in this incident—even though the 11 Haitian plaintiffs named in the lawsuit the groups filed last year were made available for interviews. “They chose not to include the voices and the realities of the people who are impacted,” Guerline Jozef, the president of the Haitian Bridge Alliance, said in a July press call. “As a matter of fact, they erased them and their voices by expelling and deporting them.”

According to internal documents obtained by *BuzzFeed News*, the US authorities knew last year that deported Haitians may face harm upon return, but they nevertheless ramped up deportations and Title 42 expulsions throughout the year. Witness at the Border, a group that tracks deportation flights, found that 277 flights to Haiti with an estimated 27,000 people—including children—have taken off since Biden was inaugurated. Of these, around 240 left between September 19, 2021, and August 31, 2022. Since September 2021, approximately 15,000 Haitians have been expelled to Mexico or back to Haiti from the US border under Title 42.

The administration acknowledged that conditions in Haiti were worsening and took a handful of steps to address the displacement of Haitians. Among them was the redesignation of Temporary Protected Status (TPS) for Haitians already here due to “serious security concerns, social unrest, an increase in human rights abuses, crippling poverty, and a lack of basic resources.” These victories were not

easily won; advocates routinely highlight the stark contrast between their difficulty in getting the government to protect Black and brown migrants and the ease with which they have gotten relief measures for Ukrainians fleeing the Russian invasion. “When it comes to Black migrants and people of color in general, we have to prove our humanity—we have to prove that we deserve safety, that we deserve protection,” Jozef told me in a follow-up call. “It is never willingly done—it is a fight to get the bare minimum.”



Temporary Protected Status, family parole, and other protections provided by the government do not, of course, help fresh arrivals or those who have already been deported. Jozef is in touch with many Haitians who were sent back—including all the plaintiffs in the Del Rio bridge lawsuit—and now face conditions worse than the ones they fled months or years ago. One couple, whose child was born on the US-Mexico border, have gone into hiding, Jozef said, fearing they will be targeted for their political ties. Another deportee left Haiti once again, retraced the dangerous journey back to the United States, and was ultimately able to pursue an asylum claim after obtaining a narrow exemption to Title 42.

“THERE ARE PLENTY OF PEOPLE **STILL INSIDE**”

**H**AITI HAS A LONG-STANDING PRACTICE of imprisoning deportees with US criminal records, said Michelle Karshan, the founder of Alternative Chance, a group that advocates and organizes services for such deportees. After the devastating 2010 earthquake in Haiti and the cholera epidemic that followed, the United States granted Temporary Protected Status to some Haitians, but among those who didn't qualify were people with criminal records. Of the 27 men deported to Haiti in January 2011, all were immediately jailed. Among them was Wildrick Guerrier, who became ill and died 10 days later of “cholera-like symptoms,” according to a 2015 report by lawyers and advocates. The US halted deportations for about two months after that, but the reprieve was short-lived: Deportations started back up again later that spring.

In 2012, US officials noted a decline in the Haitian detentions, although Haitian officials told advocates two years later that they were still jailing some deportees upon arrival. In the last eight or so months, however, Haiti appears to have resumed the widespread detention of deportees, Karshan said. Haitian leaders use deportees from America as “scapegoats” to blame for the country's ongoing crime and violence, she added. Haiti's ambassador to the United States, for instance, called deportees from the US “expert gangsters” in an interview with a South Florida radio station last year.

“You tell us you don't want us to be around something, but you stuff us in a prison with all the big dogs—the heads of these gangs?” Julney told me when I asked him his thoughts on this narrative. “It doesn't make sense.”

Being in prison in Haiti right now means being caught in the crossfire of gang violence inside and outside the prison walls; and it entails endangering distant family and acquaintances by asking them to wade through gunfire and protests to drop off food or medication. At its worst,



it can mean death by starvation or illness as the malnutrition crisis in Haitian prisons grows more dire. At best, it means shelling out cash in exchange for basic rights, and then more cash for pursuing the few available pathways to get back to America.

The costs for Julney, his family, and advocates have added up: \$50 to \$100 a day to procure food and clean water while he remains in jail; \$5,000 to get a Haitian lawyer to file a habeas petition seeking his release; time and labor for his lawyer to continue to seek remedies in US courts, such as a motion to reopen his case so that if he gets a favorable decision, he may be able to return to the United States on parole. Advocates have also filed a request for an emergency hearing at the Inter-American Commission on Human Rights, in which they have highlighted Julney's predicament. They have lobbied the Congressional Haitian Caucus and US consular offices for a moratorium on deportations to Haiti—and the safe return of deportees.

There is also an unquantifiable emotional toll. Julney's wife said she couldn't sleep on the days that he hadn't called her—such as when his phone battery died after a days-long power outage. On the bad days, McMaster said, what kept her going were the memories of better ones together: when she and Julney used to skip class, read books in the park, and ride around in their car. “Even the simplest of things—like an argument face-to-face—those are the things I miss the most, because I don't know if I'll experience that again with him,” she added. “And I don't plan on experiencing them with anybody else.”

On October 24, Julney's attorney, Bakst, called me, giddy with emotion. Julney's cellmates had told her over WhatsApp that he had been taken from the cell by police. Two other cellmates had recently been released without explanation, so maybe Julney had too. Then Julney himself had called her and confirmed the good news: “I'm out,” he said. The first thing he wanted to do was buy clean clothes and underwear, he told her before he lost the phone signal. The next day, once he was safe with his extended family, he sent a photo of himself smiling, three-quarters of a pizza pie before him.

Bakst wasn't sure why Julney had been released, but she figured it was a combination of factors: US news reports of the cholera outbreak and the instability in Haiti, and back-channel pressure from US lawmakers and advocates. “But there are plenty of people still inside,” she said.

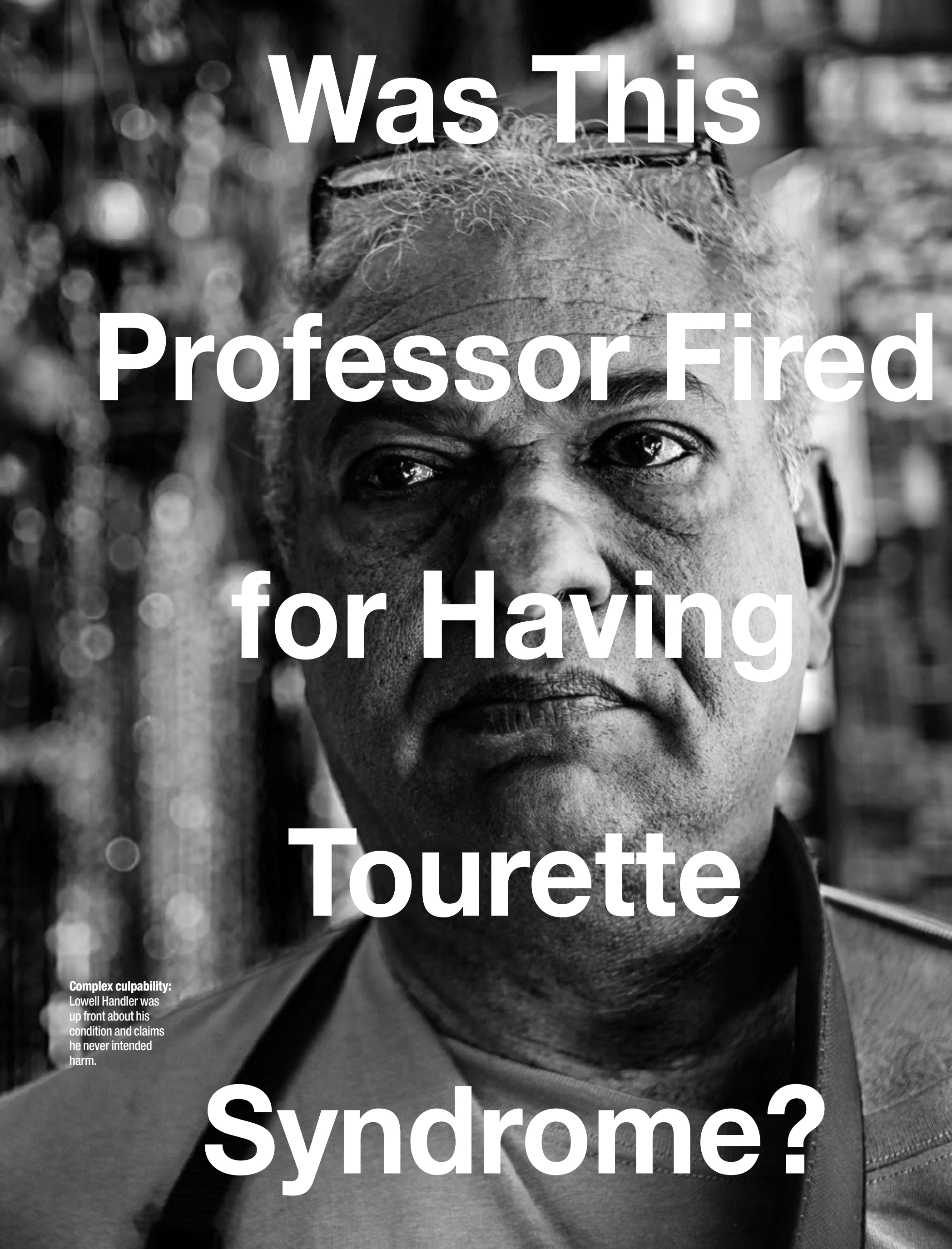
And for those who remain stuck in the prison-to-deportation pipeline, uncertainties abound. It's a “black hole” they may never be pulled out of.

**A little bit of faith:** Prisoners attend a prayer ceremony in Haiti's National Penitentiary.



**Being imprisoned in Haiti right now can mean death by starvation or illness, as a cholera outbreak and malnutrition crisis grow more dire.**

**N**

A black and white close-up portrait of Lowell Handler, an older man with short, graying hair, wearing a dark suit jacket and a light-colored shirt. He has a serious, somewhat somber expression, looking slightly off-camera to the right. The background is blurred, showing what appears to be a crowd of people.

# Was This Professor Fired for Having Tourette

**Complex culpability:**  
Lowell Handler was  
up front about his  
condition and claims  
he never intended  
harm.

# Syndromе?

BY  
BARRY  
YEOMAN

## We want to ensure harassment-free climates in schools and workplaces, and we want to protect the rights of people with disabilities. What happens when these imperatives collide?

**I**N JANUARY 2020, DUTCHESS COMMUNITY COLLEGE IN NEW YORK BANNED A photography professor named Lowell Handler from its property and declared him unqualified to continue teaching there. Handler, the school claimed, had touched students “in a sexual manner” without their consent and peppered his classes with suggestive comments. “Students have a right to an educational environment free of sexual harassment and forced touching,” wrote then-president Pamela Edington.

Handler came under scrutiny after a student claimed that, during a conversation, the professor reached across his classroom desk and grazed her pubic area with his fingertips. In the weeks that followed, other students came forward with stories of uninvited contact. One told a campus investigative panel that, after some “near misses” by Handler above her breast, she began wearing heavy clothing in his presence, even during warm weather. She said she asked male students to stand between her and the teacher as a shield.

Handler had taught at Dutchess’s Poughkeepsie campus for almost 20 years. He admitted to touching students, though he disputed the details—insisting, for example, that he touched the first accuser’s arm. He also acknowledged making offensive comments. But his explanation added a twist to the narrative: Handler has Tourette syndrome, a neurodevelopmental disorder that causes a wide range of involuntary sounds and movements. When Handler touched students, he said, the gestures were fleeting and reflexive, a manifestation of his condition, devoid of sexual intent.

For decades, Handler has been something of a Tourette ambassador. In the 1980s he traveled with Oliver Sacks, the storied neurologist, to document the lives of people with the condition. Together they published a *Life* magazine article about a large Mennonite farm family with a six-generation history of Tourette. Handler narrated a documentary about the syndrome called *Twitch and Shout*. In a memoir by the same name, he chronicled the perils of compulsive touching—as when his brother underwent a bone-marrow transplant that weakened his immune system. “No one was allowed to touch him,” Handler wrote. “I could not stop Tourettically tapping his ankle, however.”

At Dutchess, Handler was open about his condition. He talked about it at campus events. He disclosed it to his students at the start of each semester.

When he received the president’s letter, Handler pleaded for his job. “I have come to recognize that I experienced an exacerbation of my Tourette’s Syndrome this past year and became more disinhibited,” he wrote to Edington. “I believe that strains in my personal life contributed to this behavior.” Handler promised to re-engage in therapy, continue his medication, and make a “concerted effort” to modify his behavior. When the college did not relent, he and his attorney negotiated an early retirement to avoid an outright firing.

Then, in March 2021, he sued. “The college terminated him solely on the basis of his disability,” said the lawsuit, filed in the US

District Court for the Southern District of New York. The coerced retirement, it alleged, violated the Americans With Disabilities Act (ADA).

Representing Handler in the ongoing case is Michael H. Sussman, a civil rights lawyer best known for his efforts to desegregate public housing in Yonkers, N.Y. (Jon Bernthal played him in the HBO miniseries *Show Me a Hero*.) Sussman has also litigated on behalf of sexual harassment victims, including a New York City Housing Authority heating plant technician who was penalized after fighting off her supervisor’s advances.

“For me,” Sussman said of Handler’s forced retirement, “it’s akin to blaming a person who’s in a wheelchair for being in a wheelchair.” Just as people with mobility issues can’t suddenly decide to walk, people with Tourette can’t decide not to have tics. “These are very much involuntary movements and sounds,” said pediatric neurologist Jaclyn Martindale, director of the Tourette Syndrome Specialty Clinic at Atrium Health Wake Forest Baptist in North Carolina. (She is not involved in the case.) “The way I like to describe it to families is: Can you prevent yourself from blushing? It’s not something that’s in your control, even if you don’t want it to happen.”

Still, knowing Handler’s diagnosis didn’t always change how students experienced his conduct. The initial accuser told campus investigators that she froze and felt scared when Handler reached across the desk. “I understand he has Tourette’s,” she said. “But this shouldn’t be an excuse for students to be constantly made to feel uncomfortable and unsafe in the school environment.”

That’s what makes the case so complicated. The law tries to protect people with disabilities from discrimination. It also tries to protect students and workers from sexual and racial harassment. “And the law is about resolving rights in tension,” Sussman said. “That’s what the law’s challenge always is.”

Back in 2016, before the students’ complaints, Handler predicted this collision of different rights. In a column called “Teaching With Tourette’s,” published on the *Chronicle of Higher Education* website, he wrote that students sometimes complained in their course evaluations of his “repeated touching,” which he acknowledged could be annoying. And he posed this question to readers: “Where does the civil rights of

**“For me, it’s akin to blaming a person who’s in a wheelchair for being in a wheelchair.”**

—Michael H. Sussman,  
attorney for Lowell Handler

Barry Yeoman is a freelance journalist living in Durham, N.C.



**Misunderstood movement:** Handler has photographed others with Tourette to document their involuntary tics.

**Campus liability:** Seth Pressler was barred from the University of Southern Indiana after making offensive remarks he attributed to Tourette.

an individual with a disability intersect or ‘push the limits’ of the civil rights of the general population to live unencumbered or uncompromised by other people’s actions?”

**W**HEN A CHILD MISBEHAVES IN SCHOOL, FEDERAL law requires administrators to analyze whether that behavior is the manifestation of a disability. “All of a sudden, you leave high school [and] that important analysis no longer exists,” said Susan Stone, an Ohio attorney who represents students and professors with disabilities. College students and teachers—not to mention employees at noneducational workplaces—lack the protections that K-12 students have. That puts them on shakier ground when they’re accused of antisocial behavior.

They’re accused with some regularity. “I probably hear of a situation like this”—at a school or elsewhere—“at least once a week,” said Amanda Talty, president of the Tourette Association of America. Last year, for example, a student named Seth Pressler, who has the disorder, sued the University of Southern Indiana, claiming that it barred him from campus because of the involuntary, offensive utterances that sometimes accompany Tourette syndrome. Pressler, according to the lawsuit, blurted out sentences like “I have a bomb,” which he followed with apologies and explanations. News accounts reported that he also shouted racial slurs, distressing his Black classmates. The university, in response, said that Pressler did not qualify as disabled and posed a “significant risk” to others. The case was settled out of court.

Conflicts also arise for students with autism, who are entering higher education in greater numbers than ever, in part because of better K-12 support services. Autistic students sometimes have difficulty reading social cues and thus engage in behaviors that, to their neurotypical classmates, resemble stalking. In college, the support services that earlier might have intervened are gone.

“You take a kid who’s had a life jacket on, and that’s how they’ve been swimming for years, and then you put them into a different pool, take off the life jacket, and say ‘Good luck,’” said Lee Burdette Williams, the executive director of the nonprofit College Autism Network. “And they just plunge to the floor of the pool. And one of the ways that happens is around their social interactions.”

The object of an autistic student’s attention might file a stalking complaint under Title IX, the federal education law barring sex discrimination. “And then you have [campus officials] swooping in to say, ‘That’s not allowed here, and now I’m going to have to sanction you,’” Burdette said. “And here’s the kid, furiously trying to stay above water.”

Ideally, these types of conflicts would be resolved outside the disciplinary system. But all parties must agree. “If the complainant is resistant, then the process is a runaway train,” said Brett Sokolow, advisory board chair of the Association of Title IX Administrators. “It goes from complaint to investigation to hearing to appeal. There’s no way around it.”

According to Sokolow, campus Title IX officers sometimes insist on using the disciplinary process, even if the behavior stems from a disability, because they don’t want to be seen as singling out any group for leniency. “My response is, ‘Well, OK, so you found them in violation. Now you have to sanction them. How are you going

to sanction them in a way that changes this behavior? Are you going to sanction them not to have a disability?’”

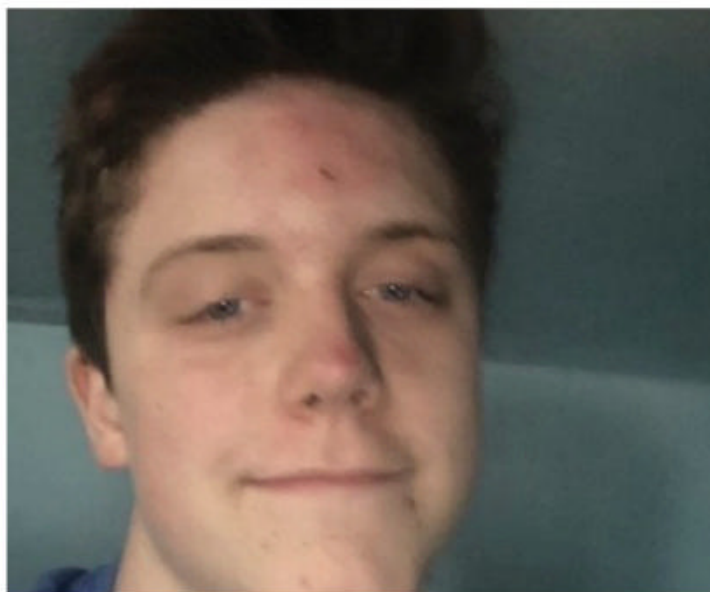
What makes this so tricky is that sexual misconduct is still rampant on college campuses. In a 2020 survey of 182,000 students, commissioned by the Association of American Universities, 42 percent said they’d been sexually harassed at school, including a majority of female and transgender undergraduates. More than a quarter of undergraduate women had endured nonconsensual sex, as had 7 percent of undergraduate men.

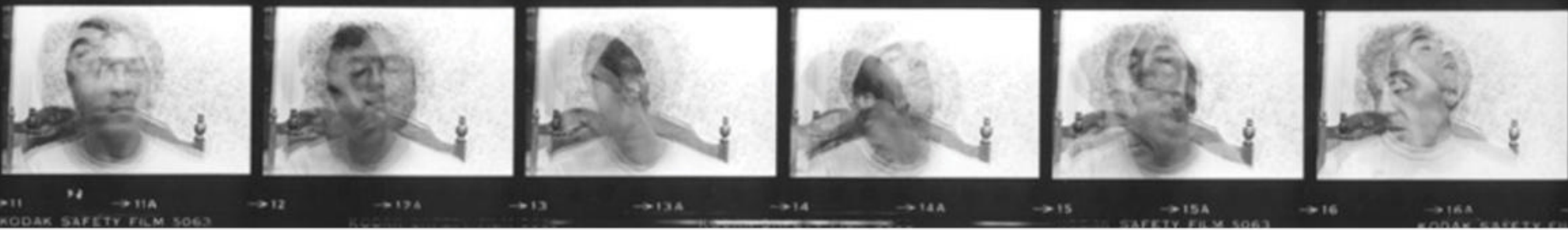
That report was consistent with years of research chronicling a hostile sexual climate on campus. In 2010, the Center for Public Integrity, in another report, documented the ways in which student victims run into institutional obstacles to justice. Almost half the students interviewed were funneled into secret school proceedings that led to lenient or no penalties. Some schools threatened victims with punishment if they spoke publicly about the proceedings. What’s more, the authors of the report concluded, federal oversight of Title IX enforcement was “overly friendly” to administrators, “which ultimately lets colleges—and rapists—off the hook.”

Back then, when sexual harassment rose to the level of a crime, colleges often punted the case to outside law enforcement, said Laura Dunn, a Washington, D.C., attorney who represents victims (and herself survived a campus rape). If law enforcement didn’t respond, she added, “a lot of schools did nothing and just washed their hands of it.”

In 2011, the Obama administration sounded “a call to action” and outlined a new get-tough approach. In a 20-page letter, the Department of Education’s Office of Civil Rights directed colleges to assess wrongdoing based on a “preponderance of the evi-

dence,” a 51 percent standard. That’s typical for civil cases, but a low bar compared with criminal cases, which require proof “beyond a reasonable doubt.” The letter also discouraged cross-examination in Title IX hearings, saying the confrontation might traumatize the student who filed the complaint. Colleges that didn’t comply could lose federal funding. “The decency of a nation is determined by how we tolerate, or do not tolerate, the abuse of women,” then-Vice President Joe Biden said at the time.





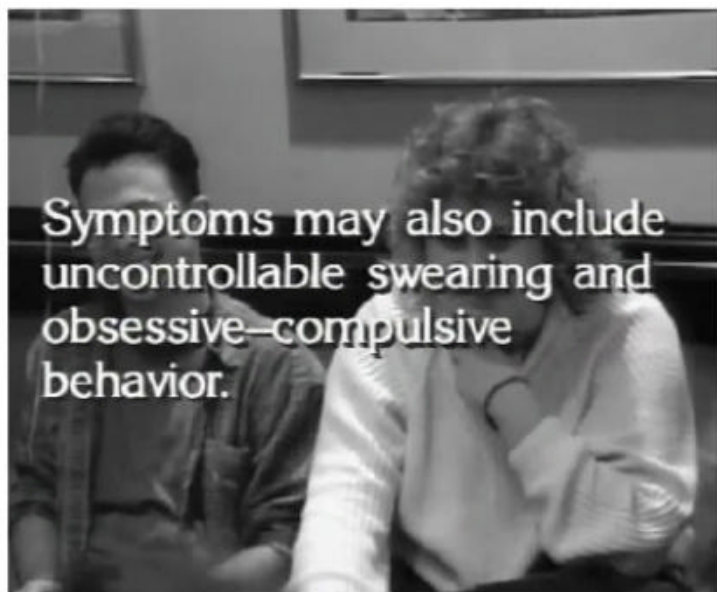
The 2011 letter, said Dunn, provided an urgent corrective to a system that did not protect survivors. It increased public awareness that Title IX covered sexual harassment and violence. “People started filing more Title IX complaints,” she said. “Enforcement action just spiked.... Schools were more often finding students responsible.” That lasted until 2017, when the Trump administration rescinded the letter and substituted its own interim guidance. In 2020 it enacted new regulations that, according to Dunn, have made it harder for survivors to get justice.

But the Obama administration’s letter also had consequences for neurodiverse students, according to Williams of the College Autism Network. (At the time of the letter, she was vice president for student affairs at Wheaton College in Massachusetts.) It panicked college presidents, who along with their general counsels grew reluctant to take more flexible approaches even when appropriate.

That reluctance outlived the letter itself, Williams said, and continues to get communicated down the administrative hierarchy. “A lot of the student-conduct folks are in their late 20s and early 30s,” she said. “They don’t have the experience, the sophistication and nuanced thinking, and the confidence to push back. And so, absent any of those things, they just kind of capitulate.”

When Williams was a college administrator, until 2014, she saw Title IX used in situations that, in her view, didn’t merit its punitive force. “This is like bringing an automatic weapon to a knife fight,” she said she remembers feeling. Working on autism issues, she added, has sharpened her focus: “If I thought Title IX was weaponized for neurotypical students, it’s a nuclear weapon for students with disabilities.”

**D**UTCHESS COMMUNITY COLLEGE OFFICIALS declined to be interviewed about Handler, the photography professor with Tourette syndrome. “On the advice of counsel, we are advised to refrain from contributing to a story that may have implications for pending litigation,” Peter Grant Jordan, the college’s president, wrote in an e-mail. But the college’s internal documents, along with its response to the lawsuit, make its position clear.



The case against Handler began in October 2019, when he reached across his desk and touched his student. She confided in a friend about the experience, and two days later the friends filed simultaneous complaints based on different incidents. The college convened two separate panels to investigate the allegations.

Both panels concluded that Handler had sexually harassed his students. One went further, alleging a years-long pattern of off-color comments and unsolicited touching. According to the students who testified, Handler wanted to be the “cool teacher.” They said he invited students to smoke marijuana with him and suggested they call him “Kush Daddy.” He allegedly responded to a mention of *The Vagina Monologues* by saying that he loved vaginas and was “married to a woman with a vagina.” When a student mentioned eating oysters at a restaurant, Handler reportedly said that oysters made his ex-girlfriend horny.

The panel heard that Handler touched women more often than men, and in more sensitive areas, including their chests, thighs, and buttocks. One student said she wanted to disappear after Handler touched her just above, and then just below, her breast. Another student, who also has Tourette syndrome, told panelists she believed that Handler used his diagnosis as a “mask” for inappropriate contact. Dutchess’s attorney concurred: “The conduct alleged by students was not a manifestation of Tourette’s Syndrome,” she wrote in a response to the lawsuit.

Martindale, the North Carolina neurologist, said she has not seen Tourette patients use the disorder as a cover for voluntary misconduct. “I can never say ‘never’ or ‘always’—that’s just kind of the rule in medicine,” she said. “But if there are people out there like that, it’s an entirely different disorder.... Those are few and far between and shouldn’t be confused with Tourette’s.”

In interviews with *The Nation*, Handler said he never touched sensitive areas and did not single out women over men. Nor, he said, did he invite students to smoke pot with him.

Some of his remarks, Handler said, were misreported or taken out of context. For example, he once brought up sadomasochism after a student had written a report about photographer Robert Mapplethorpe’s still lifes of flowers. (Mapplethorpe’s S&M images were the subject of an unsuccessful criminal prosecution in 1990.) According to the investigative panel, the student claimed that Handler tried to initiate a personal conversation about the sexual practice. Handler said he did no such thing, but rather shared a bit of relevant art history.

Handler agreed that other comments were inappropriate—a product of the disinhibition that, according to researchers, sometimes accompanies Tourette syndrome. Since then, Handler said, he has gone for a neurological workup that included a physical exam and a review of his medical history, symptoms, and medications. He also started taking guanfacine, a prescription drug that helps with impulse control.

**Trying to educate:** A still from *Twitch and Shout*, the documentary narrated by Handler, which attempts to demystify and destigmatize Tourette syndrome.

**“If I thought Title IX was weaponized for neurotypical students, it’s a nuclear weapon for students with disabilities.”**

—Lee Burdette Williams, College Autism Network executive director

Sussman, the attorney, said the investigative process morphed from two accusations into “a frontal attack on Lowell and his character [that] didn’t seem to me to have much to do with getting to the truth.” In a real courtroom, Sussman noted, the defendant faces the accuser. That didn’t happen at Dutchess. “You had no opportunity to cross-examine or even see the accusers, let alone any other witness,” he said. “This gentleman had been there 20 years, and I felt that some modicum of due process—which included the right to confront—was requisite.”

**A**DVOCATES FOR PEOPLE WITH DISABILITIES, TO BE CLEAR, ARE NOT ASKING for a pass. “The ADA doesn’t give a right to create a hostile environment, or to harass someone, any more than it gives the right to assault someone,” said Zoe Gross, director of advocacy at the Autistic Self Advocacy Network.

Handler agrees that students should never feel like they’re in a hostile environment. “And I was wrong for partially creating that,” he said. Had he understood the extent of the problem, he said, he might have gotten the workup and changed his medications sooner. And he might have been able to temporarily suppress some of his offensive comments, he said, the way others can delay an involuntary eye blink. (Martindale called this a temporary fix that can trigger more frequent tics later.)

The question is how a college, or an employer, responds when someone’s disability inadvertently creates an unwelcoming campus or workplace. Can an institution ameliorate the situation without resorting to punishment?

“When we are dealing with the civil rights statutes, I think that sometimes we kind of see them as conduct codes,” said Taylor Parker, a Title IX and ADA coordinator who has written about how these two areas of the law intersect. “Actually, the disciplinary response is just one part—and I wouldn’t even say the largest part.” (Parker works for New College of Florida, but said she wasn’t speaking for her employer.) The alternative, she said, is supporting the accuser while also educating the accused. “That means really working with them to understand their own conduct,” she said, “and hopefully to intervene in situations that look like they could end up

building into a hostile learning environment.”

Sokolow, from the Association of Title IX Administrators, said that’s what happened at a community college several years ago, where an autistic student was accused of stalking. “He didn’t read the signs that she didn’t want anything to do with him,” Sokolow said. “He followed her around like a puppy dog.” Initially, the woman wanted the college to adjudicate her complaint. “I’m scared to death,” he recalled her saying. “How do I know he’s not going to hurt me?”

With the permission of the male student and his parents, the college disclosed his autism to the woman. “In the meeting, you could watch her whole body just shift,” Sokolow said. “Her face changed. Her fear dissipated.” She agreed to drop the charges—and, in exchange, the student received additional counseling on how to read social cues. It was an amicable ending, Sokolow said. “But it really took a lot to get her to that table. And, ultimately, it had to result in a loss of privacy for him.”

As for the Dutchess Community College case, Handler said the moment for an amicable resolution has passed. His attorney, Sussman, said he anticipates settlement talks. But Handler said that’s not really what he wants. “I want to have my day in court with them,” he said of the administration. “Because I want to teach them a fucking lesson.” **N**



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*(continued from page 19)*

**W**HEN YSLETA DEL SUR PUEBLO citizens are adopted—whether by members of the tribe or by non-Natives—the tribe holds a big ceremony, and it did so for Octavia and the Librettis. “It was just a traditional ceremony. Our Cacique, our chief, did a blessing over the family and over Baby O,” Lopez told me. “And then we had the kids from our pre-K, they came down and they did dances for her.”

Octavia’s extended family was invited, and many came. Triste drove down from New Mexico with her aunt. But for them it wasn’t a celebration. “That was the saddest thing, to see her and to see how much she looks like the family,” Triste said. On the car ride home, she and her aunt cried.

I asked Triste if she ever regrets not fighting harder to adopt Octavia. “Yes, I do. I do. I really do,” she told me. “I regret it because I feel that the baby would have been more at home being with true family and true blood, you know, with a Native Tigua family.”

Under the custody agreement, the Librettis will continue to take Octavia to visit her reservation in El Paso once every three years. According to Heather Libretti’s social media, they last visited in June 2022. On Instagram she called it “a great cultural experience for [Octavia].” In her federal court filings, however, she alleges that the visits are a “financial burden.”

“The tribe helps out. Let me just say that,” Lopez told me. “The tribe helps out with financial costs.”

Lopez maintains contact with Heather Libretti. She was nervous about discussing the details of the custody case with a reporter, because she didn’t want it to damage the tribe’s relationship with the adoptive couple. “I’ve never doubted for a second that they [the Librettis] love her, but it was really hard for us... having a child that belongs to our tribe stay with a non-tribal family,” Lopez said.

“[Heather] was given this little girl thinking that it was a done deal. And it wasn’t. And so I can understand what came from that,” Lopez continued. “I do wish that things were probably explained better to her during the initial stages of the [custody] case. But it is what it is, and we just want to move forward.”

Heather and Nick Libretti have split up since filing the lawsuit. Heather now works at the Washoe County Human Services Agency. Based on social media posts, Hernandez maintains contact with Heather Libretti and Octavia.

**T**HE SUPREME COURT WILL LIKELY ISSUE ITS RULING IN *Haaland v. Brackeen* in the late spring, potentially overturning the law and, with it, the futures of scores of Native families. One family it will not affect, however, is the Librettis.

The outcome of the lawsuit will not change who raises Octavia, because her adoption is final. One might have thought the Librettis would have been satisfied that they won custody. But they are still suing the federal government to strike down ICWA.

One of the big questions raised by the Librettis’ legal opponents is whether or not they should be able to bring the case in the first place. Normally, to have standing in a federal lawsuit, a plaintiff has to prove, among other things, that they experienced harm as a direct result of that law and that winning the lawsuit would fix that harm. The harm the Librettis claim is not that ICWA prevented them from adopting Octavia, but that it made the adoption harder. This claim is a little odd; it’s like a white college student suing a university over its affirmative action policy—after the student was accepted by the school.

“In order to have a case in federal or state court, you have to have controversy,” University of Michigan law professor Matthew Fletcher explained. But the controversy here—the custody dispute—has been settled. In fact, all of the underlying custody cases in *Brackeen* have been finalized and won’t be affected by the Supreme Court’s decision. The case “is moot completely,” Fletcher said.

Yet *Haaland v. Brackeen* is still moving forward.

The narrative that ICWA disadvantaged the Brackeens, Cliffords, and Librettis is an upside-down version of the truth. The four Native children the plaintiffs sought to adopt entered foster care because their biological parents had substance use disorders. All four Native children had an extended family member who wanted to raise them. Every Native relative got pushback—from a social worker, foster parent, family court judge, or all three. Compared with the white foster parents, the Native family members faced more hurdles in these custody battles. In the end, only one grandma was able to adopt her granddaughter—

Child P—after fighting for *six years*.

These three cases tell a story worthy of national attention, but that story is not that ICWA disadvantages non-Native foster parents. Rather, it’s how, in a biased system, Native families still struggle to keep their children.

Because issues affecting Native American rights rarely make headlines in this country, it is unlikely *Brackeen* will be one of the closely watched, blockbuster cases this term. But it should be. The *Brackeen* case is a test for the Supreme Court. And everyone concerned about the integrity of the high court should be watching. Will the court follow decades of court precedent and centuries of federal law that say Native Americans are a political, not a racial, category? Will the court follow the rules of civil procedure and challenge whether the individual plaintiffs have legal standing? And will the court seek out the truth in a case where plaintiffs misrepresented the underlying facts?

Given the court’s very mixed decisions on tribal sovereignty in the past three terms, it’s difficult to say. Whatever the outcome, *Haaland v. Brackeen* will either demonstrate that the court is still tethered to federal law, court precedent, and the rules of civil procedure—or it will show that the court is so unmoored that even the truth no longer matters.

## The narrative that ICWA disadvantaged the Brackeens, Cliffords, and Librettis is an upside-down version of the truth.

**What came before:**  
Red Lake Indian School in Beltrami County, Minn.





# B&theA

BOOKS ARTS



## An Entire System

*Ian McEwan's 20th century*

BY SARAH CHIHAYA



EARLY IN IAN MCEWAN'S NEW NOVEL, *Lessons*, an 11-year-old Roland Baines witnesses a terrible traffic accident as he and his father stroll through the streets of mid-20th-century London. Seeing the alacrity with which the onlookers—men who “had been in the war and knew what to do”—come to the victims’ aid, he is overwhelmed by a sudden wave of gratitude. As an ambulance carries away a man who might be fatally injured, young Roland is moved to tears by the idea that he lives in a society supported by “an entire system, just below the surface of everyday life, watchfully waiting, ready with all its knowledge and skill to come and help, embedded within a greater network of kindness.... It would



embrace and contain him kindly, justly, and nothing bad, really bad, could happen to him or to anyone, or not for long.”

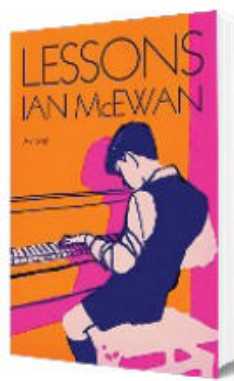
The passage may remind some readers of Robert Musil’s novel *The Man Without Qualities*, which opens with a similar episode. In Musil’s version, an anonymous pair of stylish passers-by watch as an ambulance promptly bustles an unconscious victim away and are struck, as Roland is, by the efficient operation of civil society. They eventually leave the scene “justified in feeling that they had just witnessed something entirely lawful and orderly.” But there is one noticeable difference between the two episodes. In Musil’s Vienna of 1913, the events unfold in a few wryly cutting paragraphs that underscore the irony of these onlookers’ sentiments: They may thoughtlessly assume that the response to the accident demonstrates the underlying stability of the Austro-Hungarian Empire, but as Musil’s readers know, that empire is at its decadent end, primed for an imminent plunge into war and dissolution. McEwan, on the other hand, describes the accident in *Lessons* in breathless detail, making sure we know that we have witnessed a seminal event in our hero’s existence: “What Roland saw...remained with him for the rest of his life. At its end it would feature in the dying forms and whispers of his retreating consciousness.”

This moment is a primer for everything to come—from the novel’s air of maudlin self-importance to its nostalgic yearning for a vanished social order. For McEwan, and for his protagonist Roland, the scene depicts the kind of solidarity and faith that once existed in Britain’s postwar welfare state, which has been all but drained of both public resources and emotional resonance in today’s post-Brexit London. Musil’s unfinished novel of ideas, written mainly in the years between the two world wars, took a particularly ironic view of history as a series of philosophical quarrels and disingenuously civic-minded nonevents that were not to be looked back on fondly but that only emphasized the creeping unwellness of a society. McEwan, on the other hand, communicates a wistful sense of irony closer to Alanis Morissette’s than to Musil’s: Isn’t it unfortunate and slightly ridiculous—don’t you think? While the

*Sarah Chihaya is the author of the forthcoming Bibliophobia and a coauthor of The Ferrante Letters: An Experiment in Collective Criticism.*

broad scope of *Lessons*, which follows Roland from the 1950s to the present, occasionally indicates the author’s vague desire to take his fellow baby boomers to task, the novel is primarily a lenient and sincere depiction of one man reconciling himself to his own historical smallness, while wishing that the past was not entirely past.

McEwan has not always been prone to such mellow generational contemplation. Many of his earlier works are constructed around daring central gimmicks. From the shocking set piece that opens *Enduring Love* (probably the most harrowing hot-



### Lessons

A Novel

By Ian McEwan

Knopf.

448 pp. \$30

air-balloon accident in literary history), to the metafictional twists of *Atonement* and *Sweet Tooth* (in which late revelations about authorship make readers reevaluate the whole novel), to outlandish conceits like the fetus narrator of *Nutshell*, McEwan has always been drawn to the use of flashy narrative devices to pose big questions about life, the universe, and everything in between. There have been some exceptions: *On Chesil Beach*, for example, offers a quiet, uncharacteristically restrained meditation on love and its limits. But mostly McEwan has taken big stylistic swings, offering un-subtle morality plays that are, at best, devastating and, at worst, daddishly pedantic.

*Lessons*, as its title promises, has more than a little daddish pedanticism, but it is mostly gimmick-free. Unlike with many of his previous novels, McEwan cultivates a careful distance here from the showy drama of form and content. Instead of setting off the tempting narrative bombs he has placed in Roland’s story and life, he offers a set of earnest meditations on the anti-climactic drift of real life. It’s an intriguing gambit, especially for a writer whose early gruesome dramatics earned him the nickname “Ian Macabre.” But McEwan does so for a reason. One gets the feeling that this is his big soul-searching book, especially since Roland is, in some respects, an only slightly altered version of

McEwan: They are the same age and share the same trajectory, from their fathers’ military posting in Libya to their time in an experimental boarding school (the one in *Lessons* is closely modeled on McEwan’s alma mater, Woolverstone Hall School), and both discovered long-lost siblings late in life. In contrast with McEwan’s other recent work, *Lessons* is not just an exercise in acting out dramatic issues in current affairs or in historical scenarios; here he seems to want to use his own trek through the 20th and 21st centuries to ruefully look back at a Britain that no longer exists and then to gently interrogate the role his generation played in its undoing.

One can’t help but admire the restraint it takes to do this in such a fashion that does not overwhelm the book with either a nostalgia overload or overt preachiness—but in the cautious balance that McEwan achieves here, he ends up providing readers with a novel that lacks dramatic and emotional tension. The problem, simply, is this: *Lessons* is a very boring book. One can appreciate the intellectual exercises it undertakes and the diligence with which it rehearses them, but in the end, a good idea does not a good novel of ideas make. In its attempt to work through its overabundance of muddled thoughts, *Lessons* neglects what another Roland B. called “the pleasure of the text.”



The literal “lessons” of the title are first administered to a preadolescent Roland by Miriam Cornell. Described as at once hard and soft, terrifying and irresistible, Miriam is a sadistic piano teacher who eventually entraps young Roland in an abusive, obsessive sexual relationship that derails his early education and life. Despite everything that happens to Roland in the next 60 years, much is determined—about his character as well as his circumstances—by this formative period. Though the novel ping-pongs through time, visiting and revisiting Roland’s memories, Miriam is one of two figures to whom his thoughts always return. In the period of their intense affair, which begins when Roland is 14, she maintains strict control over both his musical and his emotional education, hoping to groom him into the successful concert pianist she never was and an obedient child-husband.

Roland finally does reach a breaking point at age 16. But to

run away from Miriam, he must also run away from the possible futures that both he and his parents have imagined for him. He does not finish school or go to university, nor does he fulfill Miriam's fantasy and go to music college. Instead, he enters into a decades-long semi-adulthood, living a blur- rily sketched bohemian life. At some points he wants to be a poet or an "intellectual"; at others he makes ends meet as a mu- sician. His liberation from Miriam comes with its own burdens: He spends his teens and 20s wending his way through assorted freelance jobs and un- successful love affairs, always chasing a "hope- less dream" of a thrill- ing passion that he can never again attain, even though, when he had it, it was not always happily.

By his late 20s, Roland is still adrift, but he is partly guided by a desire to make up for his lost education, and so he seeks out another strong-willed woman to play the part of teacher. She is Alissa Eberhardt, his instructor in a conversational German class. Roland's return to a routine of "les- sons" lays the ground for a new life: Alissa eventually becomes his wife, and they have a child together, Lawrence, and embark on a generic suburban family existence. But this attempt at stability ends before it ever really begins. If Roland's relationship with Miriam provides the perpetual under- current of anxious memory and thwarted potential that courses through *Lessons*, the unhappy aftermath of his marriage gives the novel its loose chronological struc- ture, the initial present-day from which his wandering memories depart. When we first meet Roland, it's 1986, and Alissa has just disappeared from their home in London, abandoning him and 7-month- old Lawrence to pursue her own dreams of becoming the greatest novelist of her generation. Caring for the baby single- handedly, Roland is plagued by his dreams and memories of Miriam, the other woman who wronged him two decades ago. From there, we follow Roland through single parenthood, further romantic entangle- ments, and a constant stream of memories of the Britain of yore, even as we march up to the present.

Considering the nature of his relationships, it's no wonder that Roland clings to the brief epi-

sodes of perceived human kindness and optimism that he witnesses, whether in the postwar British welfare state or in early '80s East Berlin, where he smuggles Bob Dylan and Velvet Underground records through Checkpoint Charlie at the request of a couple he befriends in the GDR. In these moments, we begin to see Roland's understanding of the world take shape. While he prides himself on his interest in

broader systems and on his autodidactic under- standing of topics rang- ing from contemporary politics to quantum mechanics, his own ac- tions are often driven only by his ephemeral passions. Despite this, Roland always manages to get by: Whether it is

through luck or something else, he never knows, though he is painfully aware of his own lack of self-determination. "How easy it was to drift through an unchosen life, in a succession of reactions to events," McEwan writes. "He had never made an important decision."

Instead of investigating his own sense of hapless non-agency, Roland often muses about the decisive moments of history tak- ing place around him. Even before he has his first piano lesson, he is preoccupied with romantic memories of the Suez Canal crisis and how, as an 8-year-old in Brit- ish-occupied Libya, he and his fellow expat children were sent briefly to an army camp until they could be evacuated back home, in the midst of the growing antipathy toward Britain as a result of its actions in Egypt. As Roland gets older, world-histor- ical events take up more and more space in the narration of his story, often inextric- ably linked—sometimes with unbelievable coincidence—to the major events of his personal life. His sexual enthrallment to Miriam is tied to the apocalyptic angst of the Cuban missile crisis. Alissa's vanishing heralds the post-Chernobyl panic about nuclear clouds spreading across Europe. Roland and Alissa meet again at the fall of the Berlin Wall.

Beyond these moments of peak histor- ical and personal drama, Roland's story is also interwoven with lengthy disqui- sitions on all of the other notable events that happened along the way, sometimes jarringly mixing the personal and the (entirely unrelated) political in the same breath. When his mother dies, we are

informed that "the funeral...was the day after the general election, the reckoning of New Labour's landslide victory." The intermingling of personal biography and dry historical context might have been interesting in theory, but it feels extreme- ly contrived in practice. It also becomes repetitive: Of the 14-year-old Roland, McEwan muses that "this was what the far-off belligerent gods, Khrushchev and Kennedy, had arranged for him," while of the seventysomething Roland he ob- serves, "Those angry or disappointed gods in modern form, Hitler, Nasser, Khrushchev, Kennedy and Gorbachev may have shaped his life but that gave Ro- land no insight into international affairs."



So what are the lessons of *Lessons*? This is where things get a little fuzzy. The book seems interested in exploring the failings of

Roland's sense that his personal life has been inexorably directed by the course of history. This might be, the novel ap- pears to suggest, both an act of wish- ful self-exoneration and the cause of his mostly unproductive life. But McEwan often seems to let Roland off the hook, allowing for the possibility that his course in life was indeed set by the winds of his- tory. Part Two of the novel opens with a chain of "events and accidents, personal and global, minuscule and momentous" that reads like a gloss on the old proverb: Instead of a kingdom being lost for want of a horseshoe nail, Roland meets Alissa because Hitler had invaded Poland. It is, he thinks, "commonplace and wondrous."

This faith in an unseen chain of causal- ity is what allows Roland to maintain his particular sense of political idealism. De- spite the doubled trauma of sexual abuse and abandonment that shapes first his childhood and then his entry into adult- hood, he holds on to a lingering version of the same Candide-like sense that had struck him in the aftermath of that traffic accident: that the world is tending inevita- bly toward moral rectitude and goodness. This faith is perhaps most clearly elab- orated in his exhilaration at the end of the Cold War; it is also seen in his later con- fidence in Tony Blair's third-way politics, and earlier in his ill-advised speculation that Margaret Thatcher's rise "might, just possibly, advance the cause of women's empowerment." Through a happy acci- dent, Roland finds himself in Berlin at

the fall of the wall, buffeted by crowds flowing from west to east, east to west. From his giddy standpoint, he muses: “The Cold War’s nuclear menace was over. The great disarmament could begin. History books would close with this.... The new century would be fundamentally different, fundamentally better, wiser.” If there is a tinge of humor to be found in *Lessons*, it is of a weary and wearying kind. Knowing, as we do, that history famously did not end with the Cold War, we are expected to give an indulgent half-smile to the earnest naivete of Roland’s unbounded optimism.

Unbounded, but not exactly unfounded—and this, too, is one of the lessons Roland eventually learns. His optimism is not entirely unjustified. It is, McEwan tells us, the product of Roland’s historical luck, his oft-commented-on good fortune at being born in the right place, at the right time, and of the right race and gender. Thanks to this fluke, Roland is uniquely set up to drift through life sanguinely. Despite his personal misfortunes and his aimless life as a failed writer, single father, and semi-employed lounge pianist, history almost always seems to come to his rescue. For much of his life, “the greater network of kindness” that he saw at work on the day of the accident does support him; he begins life at an idealistic, experimental, state-funded boarding school and approaches its end on a government pension, albeit an insufficient one. Indeed, one of the main lessons he receives over the course of the novel is that the same is not true for the generations that preceded or succeeded his: “It was common enough for Roland and his cohort as they turned adult in England to wonder at the dangers they never had to face.... His generation were also more fortunate than the one that followed. His lot lolled on history’s aproned lap, nestling in a little fold of time, eating all the cream.”

This awareness comes relatively early in the novel and in Roland’s life, but it takes decades to truly sink in. By the end of *Lessons*, Roland has come to terms with the end of his generation’s run of luck and the consequences of its blinkered worldview. His gradual arrival at this realization is enacted heavy-handedly, by a bathetic scene of fisticuffs between the elderly Roland and the closest thing the novel has to a villain, a former friend turned Brexiteer politician and general Tory evildoer. This long-delayed reckoning with the damage done to the world over the course of his lifetime, from which he and those of his class have benefited, parallels his eventual reckoning with the damage done to him by both Miriam and Alissa—a double realization that is most clearly illustrated by Roland’s final meeting with Alissa, who is now at death’s door and suffering from a range of ailments, from lung cancer to social media cancellation. Seeing her, Roland is forced to take stock of everything that has happened to each of them, and to decide what can be forgiven and what

cannot. This belated awareness is reinforced in the novel’s final chapters with the undramatic, genuinely sad refrain that resonates quietly through its later sections: “That was the nature of the harm.”

**B**ut what exactly was the nature of the harm? The obvious answer can be found in the various minor or major failings of Roland’s life, all the missed chances and scuttled possibilities. The reader is never left entirely sure, though, because Roland’s way of processing (or refusing to process) all the harm that has been inflicted on him is not by acting but by always remaining acted upon. This habit creates an intriguing problem for the book: We have to wonder whether Roland would have lived a different life without these traumas, or whether this passivity is not a dysfunctional coping mechanism but his actual character. Although Roland remains the tight focus of the third-person narration’s limited perspective throughout the novel, we never get a truly intimate sense of his inner self. Often it seems that Roland does not have a sense of it either. Near the end of the book, as he moves through his 60s and 70s, he does begin to know himself in one sense, and we with him: Much attention is paid to the everyday dangers of domestic life that threaten the aging body. In these scenes of physical discomfort and anxiety about how to respond to the material reality of old age, McEwan provides us with many of the novel’s finest, most moving moments. But by the time we get there, it’s too late—perhaps not for Roland, but certainly for the readers, who have spent upwards of 400 pages waiting to get under his skin.

The absence of a real intimacy with Roland might have been remedied by the presence of compelling and believable secondary characters, but Miriam and Alissa are the only two other figures who are given the opportunity to account for themselves in any way, which they both do in brief scenes that are, admittedly, effective and affecting: Miriam is given a couple of pages to explain her mad sexual obsession with the teenage Roland, and Alissa has a fleeting opportunity to narrate their split from her perspective. One cannot help but feel from quite early on that they are both thought experiments in the reversal of gender roles. As the police detective investigating Roland’s abuse by Miriam notes, it is far more common for an adult man to abuse a juvenile girl. Likewise, as we are reminded through an awkward digression on Robert Lowell’s treatment of Elizabeth Hardwick, we are all too familiar with the story of a male artist who takes advantage of and then abandons a female partner. But, McEwan asks, with perhaps a little too much glee, what if the tables were turned?

There are other characters who pique both Roland’s interest and the reader’s, such as Alissa’s mother and his own—women whose fascinating wartime stories are, by necessity, only partly revealed. But throughout the book, they seem to be as much ciphers for the World War II generation as Roland,

Alissa, and Miriam are for the postwar one. The same goes for Roland’s millennial son and daughter-in-law. At times, the representative sketchiness of the novel’s social world approaches the comic; McEwan describes Roland’s diverse network of unnamed friends in the heyday of Tony Blair’s New Labour as

a shifting, ill-defined group. Many worked in the public sector—teachers, civil servants, a GP.... There was also a cello maker, an independent-bookshop owner, a builder and a professional bridge player. The average age was around forty-five. Most were parents, none was rich, though everybody earned more than Roland. Most were heavily mortgaged, many had been married twice and had complicated families and com-

**Lessons can be  
painstaking in its  
comprehensiveness.**

plex weekly arrangements. Almost all had been educated by the state. There was a fair national and racial mix. The two schoolteachers were third-generation Caribbean. The bridge player was of Japanese extraction. Occasionally, Americans, French and Germans passed through.

We don't get any explanation of how Roland came by these friends, and none of them get speaking lines. The idealized model of 1990s middle-class multiculturalism played out here feels so on the nose that it might be a joke—but by now the reader is well aware that deadpan jokes are not the style of this novel.

The humorlessness of *Lessons* is made all the more apparent when we come back to the comparison McEwan all but forces on us—a comparison we are invited to make at the beginning of the novel as well as at its end, when we find Roland in his 70s, deciding to read *The Man Without Qualities* in the original German as he waits out Britain's first Covid lockdown. The comparison is not always kind. If Musil's story offered an ironic and knowing postmortem of the pre-World War I years, is there any biting social commentary or criticism to be had in McEwan's more earnest and often self-indulgently loitering account of the second half of the 20th century and the first decades of the 21st? *Lessons* ends with Roland emerging from his pandemic isolation, feeling older and wiser. And yet the ultimate lesson articulated by the novel's final paragraphs is the most hackneyed, obvious one of all. Looking at his young granddaughter, Roland muses that “he loved her and in the liberated moment he thought that he hadn't learned a thing in life and he never would.” In short: Life is simply for living.

This is an unsatisfactory, too-neat conclusion to McEwan's necessarily messy project—and one we can imagine the Austrian novelist almost certainly sending up. Musil's *Man Without Qualities* may be incomplete, generically noncommittal, and, in various ways, inaccessible—but what it lacks in these areas it makes up for in charisma, wit, and sheer unexpectedness, leaving an idiosyncratic philosophical account of its time. McEwan's *Lessons*, on the other hand, is straightforward and painstaking in its comprehensiveness, but it ultimately aspires to teach us too much of what we already know. **N**



## The Experiment

*The life and afterlife of the Paris Commune*

BY DAVID A. BELL



WE GENERALLY DON'T SEE PARIS AS A CITY SCARRED BY war. It is not like London and Berlin, where the drab modern architecture of the urban centers offers silent reminders of past aerial bombardment. It is not like Warsaw and Frankfurt, where the “old towns” are modern re-creations, erected over cleared fields of corpse-filled rubble. Despite revolutions, sieges, World War I shelling, and World War II bombings, Paris still possesses a remarkable architectural unity. The city's center looks much as it did in the late 19th century. But while the scars are not immediately visible, they are there, and the worst of them are self-inflicted: the product of a single hideous week in May 1871. This was the week that the Paris Commune died.

The Commune was one of the most radical political experiments in European history, but it was also tragically short-lived. At the start of 1871, France's fledg-

ling conservative republican government signed an armistice with Prussia, which had defeated the armies of Emperor Napoleon III (leading to the collapse of his regime) and subjected the French capital to a grueling siege. In mid-March, the city's radical National Guard challenged the government's authority and set up a revolutionary municipal administration that called itself, echoing French

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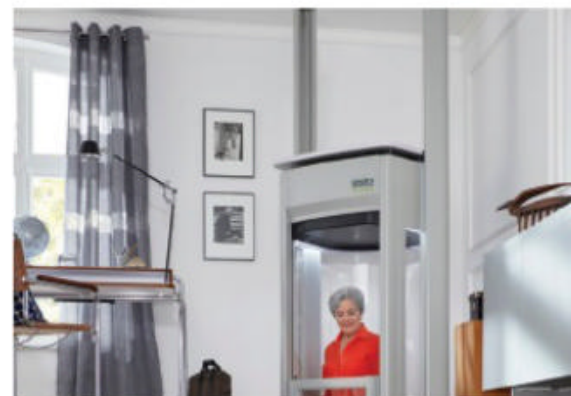
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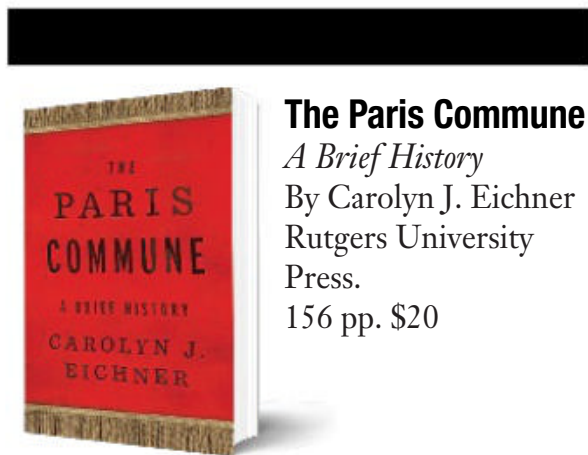
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Revolutionary terminology, the Commune. With thousands of rank-and-file soldiers supporting this new body, the national government withdrew to the nearby town of Versailles, the residence of France's monarchs under the pre-1789 ancien régime. There followed two extraordinary months in which the Commune passed a host of egalitarian and anti-clerical measures, including a postponement of debt and rent obligations, a curtailment of child labor, the expropriation of church property, and the secularization of schools. Although it did not grant women the right to vote, women took on important political roles and militated for expanded rights. The socialist red flag flew over city hall (the Hôtel de Ville).

But the experiment lasted just two months. The national government, led by the veteran centrist politician Adolphe Thiers, declared the Commune illegal and planned a counterattack. On May 21, its armed forces entered Paris, and there followed a week of slaughter and fire. The "Versaillais" carried out large-scale summary executions, while the "Communards" desperately tried to stop them. In a final attempt to block the enemy advance, they even torched major monuments, including the Hôtel de Ville and the Tuileries Palace (which stood between the Tuileries Garden and the Louvre). As fires burned out of control throughout the city, the Commune's defenders made a hopeless last stand in the cemetery of Père Lachaise. In the end, 147 were lined up against the cemetery wall by the national government's forces and shot—part of a death toll that probably exceeded 20,000.

The Paris Commune received more worldwide media attention than probably any other event of the period except the American Civil War. A city that had served as a glittering showcase for modern consumer capitalism after its reconstruction by Napoleon III had been taken over by radical revolutionaries and then, horrifically, became a battlefield. Conservatives around the globe denounced the Communards as bloodthirsty savages and saved their worst venom for the so-called *pétroleuses*—women arsonists supposedly armed with watering cans full of kerosene. (They were mostly a propaganda invention.) The worldwide left, meanwhile, hailed the Commune as a beacon of hope and mourned its slain supporters as martyrs. Karl Marx called it "the glorious harbinger of a new society." One of its flags later accompanied Lenin to his final resting place in Red Square.

Few things generate more powerful legends than martyrdom and massacre, and for historians, it has sometimes been hard to crawl out from under the legends of the Commune. Up until its 150th anniversary last year, which saw a profusion of innovative new studies (notably one by Quentin Deluermoz on the global resonance of the Commune), the temptation to refight it on paper has often ended up obscuring its complexity and ambiguities. It took a very



**The Paris Commune**  
*A Brief History*  
By Carolyn J. Eichner  
Rutgers University Press.  
156 pp. \$20

long time to recognize that, despite the red flag, the social reforms, and Marx's paean to a "working men's government," the Commune was in no simple sense either socialist or proletarian. A majority of its governing council came from the lower bourgeoisie, and the best indicator of whether Parisians supported it was not their social class but their neighborhood. The recent rebuilding of the city had driven poorer Parisians from the center into peripheral areas like the former village of Belleville, and in doing so had nurtured strong local solidarities and resentment of the central administration. But the Commune could never count on the support of all Parisians, and by the end, much of the exhausted and anxious city population actually welcomed the arrival of the Versaillais.

Finally, the Commune government itself was uncomfortably divided among several distinct factions: followers of Louis-Auguste Blanqui, who prioritized establishing dictatorial rule by a tight-knit revolutionary socialist party; socialist internationalists, who wanted to implement broad egalitarian reforms as soon as possible; and Jacobin republicans, who believed in at least a limited right to private property. As a result, the Commune's social policies remained limited in scope. If a single political cause united the factions,

it was anti-clericalism, not socialism.

It is all the harder to know what to make of the Commune because it changed so much over the course of its brief life. In its last, desperate days, its governing council shut down opposition newspapers and created a Committee of Public Safety—a name deliberately resonant of the French revolutionary Reign of Terror. On May 15, 1871, representatives of the socialist internationalist group charged that "the Paris Commune has abdicated its power into the hands of a dictatorship." Nine days later, over the opposition of many of the same figures, the council ordered the execution by firing squad of clerical hostages, including the archbishop of Paris. Was the Commune, under the influence of the hard-line "Blanquists," moving toward the sort of government by terror that would characterize too many self-proclaimed socialist regimes in the 20th century? Or might the moderate internationalists have prevailed? (Indeed, in one of the Commune's tragic ironies, a prominent leader of the moderates, the bookbinder Eugène Varlin, was lynched on May 28, partly in revenge for the archbishop's death.)

**I**n light of these ambiguities, it would be easy to consign the history of the Paris Commune to the same gray limbo of memory in which so many left-wing revolutions now reside: honored for their ideals but damned for their sometimes monstrous betrayals of them. Yet in our own increasingly unequal age, there is a reason to look back to the Commune that does not involve its internal quarrels, its uncertain trajectory, or its dreadful conclusion. This is the sense of equality, of humane treatment of all people, that it briefly but powerfully summoned up. It is precisely this quality that Carolyn J. Eichner emphasizes in *The Paris Commune*, her short but informative and moving new history. In the book's opening vignette, she describes a concert given in the Commune's last days in the Tuileries Palace, where Napoleon I and Napoleon III had both lived. The Commune opened it up to some 10,000 ordinary Parisians, who

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crammed in to partake of free food and drink and to hear some of the most famous musical performers of the day. A member of the Commune government commented that the people “seemed to say, ‘Finally we are in our house, in our palace! We have driven out the tyrant, and now can use this place as we please.’”

Eichner previously wrote the influential study *Surmounting the Barricades: Women in the Paris Commune*, and in her new book she pays particular attention to the extraordinary and innovative roles played by feminists in the event. Women spoke out forcefully in political clubs, often chiding male Communards for political timidity. “Men,” charged one, “are like monarchs softened by possessing too much authority...it is time for woman to replace man in directing public affairs.” The Commune government refused to grant women many formal rights, but it worked closely with the Union des Femmes, founded by a young Russian emigrée named Elisabeth Dmitrieff, which fought against the marginalization of women’s labor.

The journalist and novelist known as André Léo (a pseudonym created from the names of her two sons), who had co-founded the Society for Women’s Rights and written its most important manifesto, became one of the Commune’s most eloquent radical and militant voices. A similar trajectory was followed by Louise Michel, the so-called “Red Virgin” of the Commune, who consistently argued for aggressive action against the Versaillais and threatened personally to assassinate Thiers. Both of them argued that women should serve as soldiers, although the Committee of Public Safety refused to go along.

Eichner also expertly summarizes the Commune’s attempts to end economic exploitation and to transform education and culture in the city. In terms of the first, many of the Commune’s far-reaching plans never had a chance to come to fruition. A women’s labor organization, for instance, called for limits on repetitive manual labor and on working hours, as well as equal pay for women and men and the confiscation of property abandoned by bourgeois who had fled the city. Other radicals proposed taking over the national bank and abolishing the hated pawnshop network, which was filled with items sold by the desperate poor. The Commune government did not take these steps, but

it did allow Parisians to retrieve low-cost items from the pawnshops, passed a decree taking over abandoned workshops and factories, and issued its measures on debt and rent relief and child labor. The council never abrogated private property rights in general, although that did not stop conservative journalists from asserting that it had. As one of them wrote: “The government is passing from those who have a material interest in the conservation of society, to those completely disinterested in order, stability, or conservation.”

Meanwhile, under the leadership of the realist painter Gustave Courbet, a new Federation of Artists began to de-

velop ambitious plans for freeing the art world from government control, opening museums to the public free of charge, subsidizing theaters, and breaking down barriers between artists and workers through free classes and free library access. Along with proclaiming the formal separation of church and state at the start of April and the confiscation of church property, the Commune charged a new Education Commission with developing “a plan to render instruction free, mandatory, and entirely secular.” On May 16, the Commune demolished the 145-foot column in the Place Vendôme that had been erected by Napoleon I (and topped by his statue)

## The Limits of Language

it was something about the bounce in my step,  
in the rippling jiggle of my belly & breasts,  
something about the periwinkle painted pinkies,  
the purple pointers, the chipping its own kind  
of fashioning, something about the bend  
of the wrist, of the flick, about the way it shares  
the blunt, something about passing, breaths  
falsetto’d, about the difficulty of altitudes—  
& maybe less how & why, more when & where—  
all of the comings in & out, something about pride  
with a sibling fear of my own body, someone  
checking the clock, how a sentence shivers,  
something about my sentient shivering, everything  
about how i’m too sensitive sometimes, too  
sensual, something suspect & censured,  
something to do with attunement, with pulses  
in the blood, something about water & thickness  
& viscosity, something more like nectar, yeah,  
like golden honey, like golden bees & their buzzing  
geographies—the gut brain in the hive mind,  
something closer to how land shifts & water waves & waves,  
something like the supple becoming of flora & fungi, then,  
of drifting pollen, yeah, reaching closer to something  
in how limbs can reach & how nails reach in that reach  
like a camera eye zooming in, out, in, all a single take

AERIK FRANCIS

to commemorate the Battle of Austerlitz. Two years later, the legislature of the Third Republic voted to rebuild it at Courbet's expense and seized all his property. (Courbet fled to Switzerland, where he died, a ruined man, in 1877.)

Eichner does not disguise her sympathy for the Commune and her horror at its bloody suppression. That sympathy and horror are understandable, but as a result she does not fully acknowledge how greatly the Commune's popular support had ebbed by May 1871, thanks to its own internal divisions, the increasingly repressive tactics of the Blanquists, and the sheer exhaustion of the Parisian population after eight months of war, siege, and civil war. She also characterizes the Commune's opponents a little too quickly and broadly as social elites greedily defending their privileged status. At the time, even many liberal republicans had a sincere and principled opposition to a number of the Commune's policies. They recognized the awkward fact that Paris in 1871 was a political island in a much more conservative country where a majority of the population still worked the land and where the Catholic Church retained considerable popularity. Did not democracy require coming to terms with the will of the majority—even a supposedly unenlightened one? This is one reason why a prominent liberal republican like Léon Gambetta, a man deeply committed to the French revolutionary tradition, abhorred and denounced the Commune. Similar ambivalences, of course, have continued to plague Western democracies—very much including our own—down to the present day.

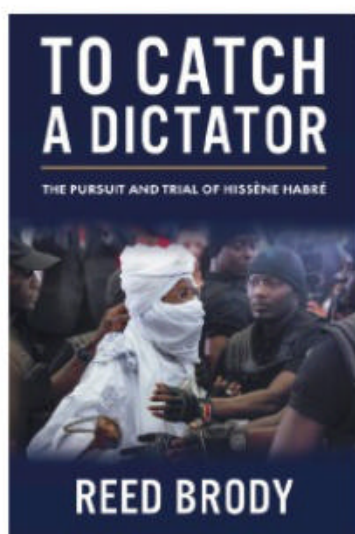
**The Commune was one of the most radical political experiments in European history.**

**E**ichner concludes her history with the observation that the Commune “persists as a guide to multiple radically democratic goals” and mentions commemorations that have stretched down to the Occupy movement and beyond. For my part, I would also mention one of the greatest ironies of the event, namely that the Third Republic, which so brutally destroyed the Commune, ended up realizing many of its goals. In the 1880s, it took public education out of the hands of the Catholic Church and created a mandatory system of free primary education. In 1905, it decreed a formal separation of church and state. Despite the violent repression that accompanied its birth, the Third Republic soon evolved into a moderate democracy with substantial freedom of speech and other protections for individual rights—although far less for women, who, for instance, could not publish without their husband's consent, a restriction that stayed in place until the 1960s. French society remained anything but egalitarian, and socialists railed against the “two hundred families” who were said to control the commanding heights of the economy. Still, left-wing parties increasingly agreed to play the political game, entered into government, and eventually helped pass important social welfare measures, including paid vacations, a minimum wage, old-age pensions, the right to strike, and public works programs. Despite a merry-go-round of unstable government coalitions, the Third Republic became the longest-lasting French regime since the Revolution of 1789 (70 years, as opposed to the current Fifth Republic's 64), and it fell only as a result of military defeat in 1940.

But would these progressive reforms have come about without the example of the Commune and the threat to an overly rigid social order that it continued to symbolize, even in defeat? I suspect the answer is no. The ghost of the Commune continued to haunt the regime that had killed it and helped to push the Third Republic and future regimes in the more progressive direction they eventually took. For all of the contradictions that accompanied its short life, the Commune, as Eichner insists, played a key historical role.

The events of 1871 had, in fact, not yet slipped below the horizon of living memory when another European city underwent a strikingly similar experience: republican Barcelona, at the start of the Spanish Civil War of 1936-39. There, too, different political factions jostled for control, including the anarchists of the POUM and the hard-line Communists, the Blanquists of their day. There, too, the experiment was constantly under dire threat from better-armed enemies: the soldiers of Francisco Franco, backed by Hitler and Mussolini. But there, too, for a brief moment, an extraordinary spirit of equality and revolutionary energy prevailed, as brilliantly described by George Orwell in *Homage to Catalonia*. Seemingly every building was festooned with flags and posters; all traces of servility disappeared from social relations, indeed from the very language; strangers treated each other as brother and sister. There, too, the experiment was achingly brief and ended tragically. But the moment itself gleams as a sign of hope and possibility. As Orwell wrote: “All this was queer and moving. There was much in it that I did not understand, in some ways I did not even like it, but I recognized it immediately as a state of affairs worth fighting for.” **N**

## A QUEST FOR JUSTICE IN AN AGE OF IMPUNITY



“Part political thriller, part memoir,  
part handbook for human rights  
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—Amy Goodman, *Democracy Now!*





# Departures

*Michelle de Kretser's fiction of migration and globalization*

BY NAWAL ARJINI

**I**N LIFE, AS IN MICHELLE DE KRETSER'S NOVELS, AUSTRALIANS are always traveling. If they're not in New York or London or flooding the perimeter of Asia, you'll find them in the bush or on the reef. It's a settler colony whose inhabitants remain a bit unsettled. At the same time, prospective migrants from across the Indian and Pacific oceans line up at embassies or are shunted to brutal island detention facilities, where they await the dim possibility of a new Australian life. Successive governments have expressed only vicious disdain for the migrants accumulating offshore: *Don't you know you're supposed to want to leave?*

Michelle de Kretser, once an editor of the Lonely Planet travel guides, has spent the last decades writing novels about globalization from two perspectives: that of the person who can afford to travel and that of the person who is forced to move. In her latest book, *Scary Monsters*, she deepens this divide and makes it literal, with the two halves of her narrative

printed inversely so that, depending on how you hold the book, either the tourist section or the migrant section comes first. (The flipped sides are otherwise identical in format, down to the acknowledgments section at the end.)

De Kretser's first two novels were a historical romance and a murder mystery, and though her subsequent work has been more straightforwardly literary, she never lost her taste for genre or her interest in large social questions. In *Scary*

*Monsters*, she takes a new approach to reconciling her literary ambitions with her fondness for experimentation: Its formal gimmick adds a thriller-inflected air of dread and uncertainty to what is otherwise an unrelenting satire of the cosmopolitan upper-middle classes, both the naively navel-gazing past generations and the spineless ones to come.

**T**he tourist section of *Scary Monsters* takes place about five decades earlier than the migrant one. Its narrator is Lili, a 22-year-old brown-skinned Australian en route to Oxford for graduate school in the early 1980s. She stops off in France for a year to teach and to form herself into a "Bold, Intelligent Woman" in the mold of Simone de Beauvoir, the subject of her undergraduate thesis. Failing this, she'll accept

becoming a “Sexy Modern Woman,” like Debbie Harry, or like Minna, a rich London artist with whom Lili quickly falls into an obsessive and competitive friendship. Important steps toward her goal include living in Montpellier’s historic center, though she can barely afford it; going to see Roberto Rossellini films at night and walking back from the cinema alone; vacationing in Sardinia in the hopes of meeting John Berger’s mistress; and carrying on affairs with an Italian socialist and Nick, who was, until very recently, Minna’s boyfriend.

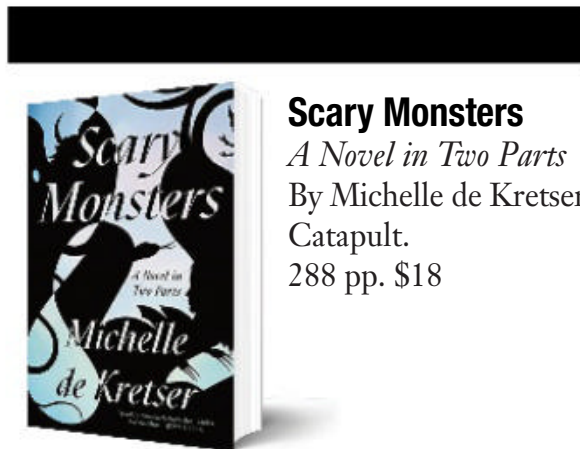
Dangers abound, from the *gendarmes* checking the passports of brown-skinned people in the town square, to Lili’s creepy neighbor, to the possibility of Mitterrand losing that year’s election. Lili has to remind herself often of de Beauvoir’s assurance that “there were certain things, such as accidents, serious illnesses or rape, which simply could not happen” to such a “Bold, Intelligent Woman,” though she finds herself rounding corners with growing dread.

The reader, initially invited to join Lili in dismissing her fears as unfeminist and paranoid, grows more uncertain as violence begins to appear everywhere: North Africans continue to be harassed, Louis Althusser kills his wife, and an immigrant from Mali, known to Lili and Minna as “The Most Beautiful Woman in France,” is brutally murdered by an unknown killer. But Lili is determined to uncover the Beauvoirian heroine inside her, and so she spends her portion of the book forcing it out over her fears, protected by her friends, her false self-assurance, and the first-person narration, whose tone makes something truly terrible happening to her seem unlikely.

Lili and Nick walk through the cemetery where Paul Valéry is buried; “with death close all around,” Lili thinks, “my body felt arrogantly alive.” Nick attempts to recite a Valéry poem, and Lili startles him by filling in the missing word. Lili has studied the poets and philosophers of France in order to find herself “in possession of le centre historique.” Her struggle is to convince herself that not yet having fully attained this knowledge of self and society is her only real problem, and that there is no connection between the world she aspires to and the world that menaces her. Lili’s attempts to discover herself are themselves dwarfed by the larger processes that shape our world; no matter how far she travels, no matter how much she asserts her privileges or tries to live a parallel life, she can’t shake her connection to the people who have come to France not out of self-indulgence but out of necessity.

**I**t would be impossible for Lyle, the narrator of the migrant section, which is set in the near future, to reveal himself gradually. Early

on, we learn he has brought his family from an unnamed and troubled country to the law-abiding



### Scary Monsters

*A Novel in Two Parts*

By Michelle de Kretser  
Catapult.

288 pp. \$18

suburbs of Melbourne, where he observes the native-born Australians around him with the single-minded goal of becoming unremarkably, indistinguishably one of them.

Under pressure from his young son to get a dog, Lyle learns that a neighbor is about to put down an inconvenient canine and, with an immigrant’s hatred of waste, adopts the aging creature. (Though at first he doesn’t realize that the dog is meant to be euthanized; he hears the phrase “being sent to the farm” and puzzles it over with his wife, Chanel, that night.) The dog, named Alan, is used to being left to his own devices in the yard during the day while everyone is out, a practice referred to by Lyle’s neighbor as “Set and Forget.” Around the same time that they adopt Alan, Lyle’s elderly mother comes to live with the family too:

Then Ivy joined our household. Ivy is my mother, and she had Alan inside all the time. I tried to explain about Set and Forget. The news was on, and a government hatespokesperson was telling us why it was necessary to detain asylum-seeking queue-jumpers on an offshore island forever. Ivy said, “I suppose that’s called Set and Forget, too.”

Ivy’s sympathy for abandoned dogs and “queue-jumpers” soon becomes a liability for her son’s family as they try to

mimic the callousness of their new compatriots, who scramble to distance themselves from anybody who bears a whiff of foreign or rural origins and who renovate and re-renovate their bathrooms as they listen to audiobooks like *127 Top-Secret, Must-Have, Clinically Proven, Executive-Strength, WINNING!!!! Tips for Growing Your Unethics*. From these early pages, it is already inevitable that Lyle and Chanel (names they chose upon immigrating) will, by the end of their story, become the kind of Australians who get rid of their dogs without a second thought. This mindless cruelty is an informal requirement for assimilation and eventual citizenship. Ruthless ambition and optimization are important national virtues as well: Chanel becomes an ardent fitness enthusiast in order to appear promotable to the board of the financial corporation where she works, excising any suggestion of maternity (and its connotations of care and generosity) from her figure. Lyle isn’t as attuned to the minute details of being Australian as Chanel is, but he’s happy to follow her lead, rejecting inherited furniture from his motherland and keeping his head down at work, where he does his boss’s job for him as the white man plays hooky.

The decision they end up making is worse than putting down a dog: Ivy herself becomes inconvenient, and Lyle finds himself pressing her into a new voluntary euthanasia program so that he and Chanel can afford to move to a more prosperous neighborhood. Lyle may not know at the beginning of his narrative that he’s capable of such behavior, but that’s what survival in his adopted country demands, and he knew that much as soon as he landed. Lyle can draw connections between his circumstances and his feelings, but he never allows himself an explanation; looking inward would mean looking backward, and he’s focused on the future.

Lyle’s section is best read first (though I didn’t). His Australia, an accelerated version of our own trajectory where Islam is outlawed, people play Whack-A-Mullah, and Glossier still exists, is different from the one Lili left—though how much can it have changed, really, in the two generations between them? How long can an immigrant hold out hope that his adopted

*Narwal Arjini is on the editorial staff at The New York Review.*

homeland will be any better than the one he left? And knowing what we do about the suffering of the future and the present, how can we take seriously one young person's wanderlust and nostalgia for a bolder and more intellectual past?

There's nothing easier to mock than a tourist (especially an Australian tourist), and de Kretser's novels delight in skewering these jet-setters. But she takes the impulse to travel seriously and doesn't dismiss it as a less generous writer might, as mere nostalgia for colonial largesse, an old-world desire to retreat into a way of life in which certain hierarchies remain in place and certain services might still be provided. Nor are her migrant characters reduced to pitiful circumstances. Her subject is the way that people move through different parts of the world, whether they arrived via the front of a plane or via the bottom of a leaky ship. Everyone's gaze reveals something about themselves and the world in front of them.

**D**e Kretser's previous book, her only work of nonfiction, was a pocket-size collection of writings on the novelist Shirley Hazzard, a fellow itinerant Australian and a major inspiration for de Kretser. Hazzard, who died in 2016, spent her life moving between continents, first as a diplomat's daughter; then, for about a decade, as an employee of the United Nations; and finally as a writer, having succeeded at achieving the aristocratic cosmopolitanism of many of her characters. According to de Kretser, Hazzard's "deep subject" is the narrative consequences of lingering history, such as the scars of World War II or the memory of a dominating older sibling, "oxygenating" her precise prose and providing the structure of her masterpiece, *Transit of Venus*, which describes the lives of two Australian sisters living abroad. De Kretser has entangled herself with Hazzard the way her characters entangle themselves with one another; she embeds little references to Hazzard and adopts her narrative strategies—parallel narratives, deferred climaxes, pilgrimages to Europe where interpersonal drama can unfold in ancient settings—for a new set of historical questions.

**De Kretser, a former Lonely Planet editor, has spent the past two decades writing novels about globalization.**

Decades after her teenage departure from Sydney, Hazzard remained preoccupied with her nation of birth. Her Australian characters, facing mild ridicule and benign condescension abroad, take advantage of being ignored and look their northern counterparts straight in the eye. She identifies "a clear perception unmingled with suspiciousness" as a distinctively

Australian trait, though the way of seeing she describes strikes me as similar to that of the nonwhite elite (and perhaps the few proles who achieve the luxury of unsuspection), who swarm to London to turn incisive eyes on English society. But it's

not exactly the same, for as V.S. Naipaul puts it, "To be a colonial"—we can assume he means "visibly colonial"—"is to be a little ridiculous and unlikely.... [B]etween the colonial and what one might call the metropolitan there always exists a muted mutual distrust."

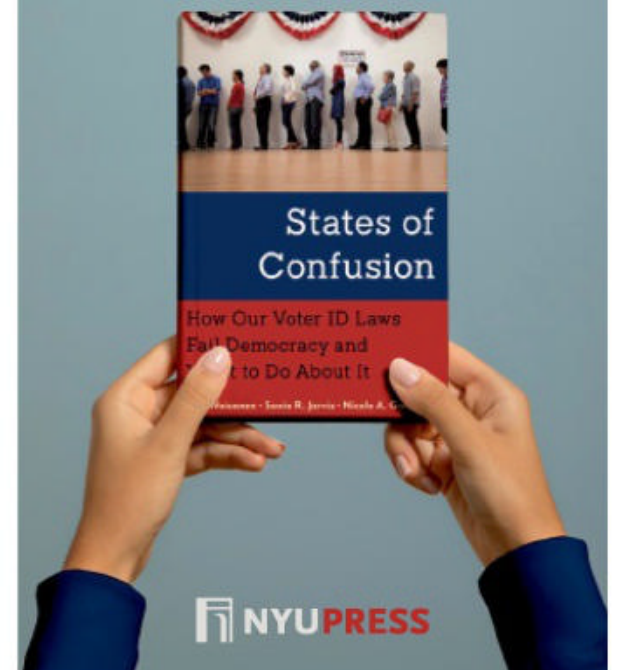
**L**ike many of her characters, de Kretser is a Sri Lankan Burgher, descended primarily from European (in her case, Dutch) settlers. Burghers are overrepresented among the island's upper crust and constitute almost all of Sri Lanka's most famous artists: Michael Ondaatje, George Keyt, Lionel Wendt, Geoffrey Bawa. Hazzard refers to these creole populations, in their various iterations all over the Asian continent, as "Eurasians." At home, they are instantly understandable as local elites; abroad, they are odd and unplaceable. Their European morals have been shaken loose by strange weather and Technicolor flora; their culture is frozen in the period of the ancestor who left; they are sure of their equality and resentful that it goes unnoticed among people they think of as their racial peers—in other words, being Eurasian is another way to be Australian, to see antipodally.

De Kretser's characters, more Australian than their Australian neighbors, often resemble Naipaul's creations as much as Hazzard's. They are ethnically illegible, sometimes even to themselves. Referring to his own experience of travel, Naipaul wrote that "to be an Indian or East Indian from the West Indies is to be

**"Essential for voting rights advocates and policymakers."**

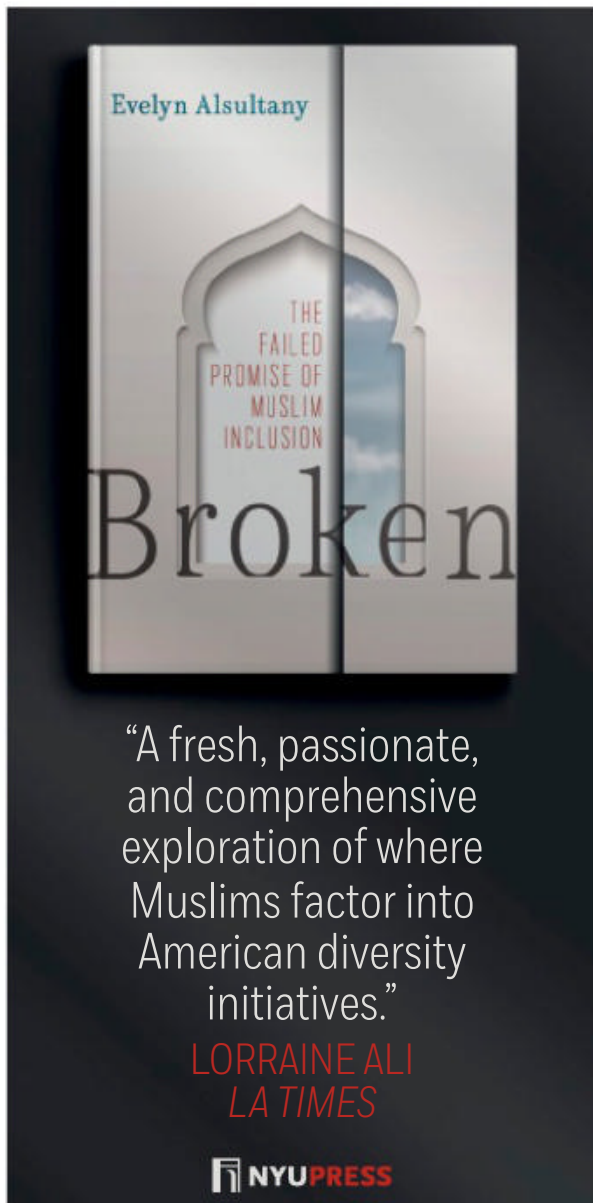
*Kirkus Reviews*

A comprehensive look at the ways Voter ID laws fail democracy and what to do about it.



a perpetual surprise to people outside the region." In Europe, Lili feels more like a disappointment as she introduces herself to a Sardinian: "Wonder flitted over his face and was succeeded by dismay. For the moment it lasted the look said, as crudely as a neon sign, Not a Real Australian." Which is to say, not entirely white.

Lyle and Chanel try to exploit their illegibility, as a rule offering only Thai food to their houseguests. "Every year someone says, 'Oh, I didn't realize you had Thai heritage,' and we have to explain: 'We're real Aussies—we love all ethnic food. Our favorite just happens to be Thai.' Naturally, we never, ever cook food from our homeland for other people.... Where would it get us? Into a mural that celebrates multiculturalism—flat, colorful figures to be marveled at, assessed, and never mistaken for the human race." Lili too insists on her Australian identity, refusing to tell other people, or the reader, where her family is originally from. Aboriginal people and Sri Lankan Veddas appear in de Kretser's work, but not at length. Everyone in her books,



them undeservedly into her affectionate scorn. Or perhaps she holds them at wary distance because there is no space for the indigene in her diagram of the itinerant life: What would she make of people for whom migration was beyond memory?

**I**n her effort to write an Australian literature that might accommodate the many strata of Australian society, de Kretser may stay close to the characters she knows best, but she has started experimenting with the structure of her novels. Starting early in her career, she rejected the use of a single narrator, and many of her novels have dyadic narration, like that of *Scary Monsters*.

De Kretser’s fractured perspectives follow paths that almost always refuse to conjoin in a satisfying climax; her protagonists often enter each other’s orbits without knowing it and move away again without registering each other’s gravity. Her plots resist the centralizing forces that are also the impulse toward the metropole, away from the ends of the world. For all her ambivalence about being Australian, she retains a mistrust of the way Europeans tell stories about themselves, as the node around which plot and history revolve.

This fractured focus doesn’t always serve her purpose well. In previous books, de Kretser would flip perspectives back and forth between narrators even as her tone remained constant, which often left the reader struggling to balance the urgency of one character’s asylum application against the equal intensity afforded to another’s failed sexual encounter. “Literature lives in sentences”: This is de Kretser’s mantra. But sometimes her attention to detail and revelation, no matter how technically impressive or aesthetically satisfying, overwhelms the structure of her stories. Nothing is left to simple observation; everything passes through her interpreter’s lens—and as exhilarating as that can be, at times it loses steam. The distances she is otherwise careful to maintain between her characters collapse under her exacting, all-encompassing prose.

In the totally severed halves of *Scary Monsters*, de Kretser has found a format, and a style, that suits her purpose. The contrast between the lives of her characters, divided by time as well as place and circumstance, are clearer, and their similarities—in the limits on their ambition

and their ability to connect to those around them—are made more plain as well. The uncertainty and unease every reader feels at the outset of a new book never leaves as we grow familiar with these worlds but only comes into sharper focus as the disruptions and dislocations accumulate.

*Scary Monsters* is not de Kretser’s most enjoyable novel—the brutish, cynical jokes in Lyle’s section don’t pass the time as well as her usual elegant narratives do—but it is the most secure in its voice and, despite its severed sections, the most whole. Lyle’s section half answers questions unasked in Lili’s and offers none of its own; it is a closed door, trapping us in a worse world.

Lyle’s daughter, Mel, leaves Australia for Chicago, where she studies architecture and uploads makeup tutorials, expanding the reach of her parents’ assimilationist ambitions to a new continent. (As Lyle says, “Wanting to be American is authentically Australian.”) His son, Sydney, goes underground as part of a radical environmental movement, sending only occasional letters to his family; although his activities are outlawed, Lyle and Chanel nervously reassure themselves that “Sydney’s dream of building a new world is thoroughly Australian.” The two halves of the novel trace the end of Lili’s and Ivy’s generation and the ascent of Mel’s and Sydney’s, as the value of bourgeois introspection gradually fades in comparison to the comforts of aesthetic experimentation or the necessity of direct political action. Lyle and Chanel’s generation is one of intolerable stasis, of digging in their heels, and the corrosive effects of this stubbornness don’t take long to emerge.

No home is safe in *Scary Monsters*—not the Australia Lili left, which will descend into Lyle’s hellscape within a generation or two; not the land that Lyle came from; not France and its roving *gendarmierie* or even Lili’s little apartment in Montpellier, perched at the top of the stairs just two flights above her creepy neighbor; and certainly not Lyle’s house, where first Alan the dog and then Ivy find themselves being disposed of when they become obsolete. Perhaps the only road to security is restlessness, in long walks around the neighborhood or last-minute trips. Don’t stay in the same place for too long, or you’ll end up needing to leave; and don’t commit to leaving, because you never know the kind of place you’ll land in. **N**

from Sydney art snobs to Sinhalese refugees, is endlessly fascinated with the national character of Australians, but this character is understood as belonging to European and Asian settlers who moved to Australia. As one character in her novel *The Life to Come* writes to her son as he prepares to move to Melbourne:

Australians are hardworking and very successful. They are suspicious of their success and resent it. They are winners who prefer to see themselves as victims. Their national hero, Ned Kelly, was a violent criminal—they take this as proof of their egalitarianism. They worship money, of course.

This description rings more or less true for most of de Kretser’s Australian characters, though they may win us over as we read; her protagonists emerge from the interaction between this caustic summary and the fondness generated by minute observation. Perhaps de Kretser steers clear of Aboriginal characters because inclusion might draw



# Letters

## Godard's Intentions

🗨️ J. Hoberman's essay on the passing of Jean-Luc Godard ["In Memoriam," October 17/24] is a token of my personal history of attachment to the avant-garde, beginning in my teens, when reading Hoberman and watching Godard were an essential part of the discovery. Now we are facing the death of so many key figures of the generation; my own field, postwar art, is filled with loss. So I write in a sentimental vein. My favorite anecdote about Godard concerns *Breathless*: He thought he was making *Scarface*, but instead he made *Alice in Wonderland*. I think it was a fairly careful formulation for the interview circuit, because he said it multiple times. Yet it has always struck me as a key to the idea that, from start to finish, intentions are important but secondary to a work. The closed system of the work is its own world, and if the conditions are right, things can change in the most productive way. Godard was remarkable for following the unfolding logic of his work, even when it had its own life.

JEFFREY WEISS

## The Pain of Others

Elie Mystal rightfully calls out the cruelty at the heart of the case *National Pork Producers Council v. Ross* in his survey of the Supreme Court's current term ["Welcome to the Juristocracy," October 17/24]. He refers to the gestation crates used to confine pregnant hogs, but readers may not be familiar with the widespread use of farrowing pens. Years ago, I visited "total confinement" hog-raising facilities in Iowa as part of my graduate research.

The farrowing pens used to contain nursing hogs were constructed of heavy-duty steel pipes spaced a few inches apart and cast into a concrete floor. While held in the pen, a sow could move neither forward nor back, neither left nor right. Neither could she roll over or jump up. As with her four months in a gestation crate, she was confined to standing or lying on her belly. Farmers pointed out to me that this prevents the 500-pound sow from rolling onto her piglets and possibly killing them while they suckled. But I saw that the pens' thick, sturdy pipes had all been bent out several inches, away from the sow's sides. If you can imagine bending a single two-inch-outer-diameter steel pipe, try to imagine bending five or more; this will give you an indication of the sow's pain without letup for 140 days, only for the cycle to begin again each time she is re-impregnated. The animal scientist Temple Grandin pointed out over 30 years ago that animal farming does not require cruelty.

G.F. DOBBERTIN  
PORTLAND, ORE.

## Let the Voters Decide

🗨️ Re "Progressives Split" [September 19/26], in which Joan Walsh asks whether centrist Daniel Goldman's victory over a crowded field of progressive candidates could have been avoided in New York's 2022 congressional primary: Rather than have some king-maker pull people aside, use a ranked-choice system and let the voters decide.

ELIZABETH GIOUMOUSIS

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# Q&A

## Ross Gay

Ross Gay is a poet, essayist, professor, and avid gardener and orchardist based in Bloomington, Ind. His latest book, *Inciting Joy* (Algonquin), is an exploration of joy as a critical emotion that “gets us to love, as a practice of survival.” Gay and I spoke about why so many people resist seeing grief as the inherent twin of joy, and about the uses of gardening to assist the “acutely bereaved.” —Sara Franklin

**SF: How did you decide to use the word “incite” in the book’s title? It’s a striking word, and one we don’t usually see paired with the word “joy.”**

**RG:** I was thinking about the word “provocation,” but “incitement” has more juice to it. I’m talking about the ways that care, or sharing, or these things that are in the mix of this conversation around joy—regarding each other’s sorrows, and helping each other carry them—those are incitements, because they suggest we might care for one another, that we might in fact depend on and be indebted to one another.

**SF: I’ve heard you say that people come to your readings and really want a “how-to” for delight and joy. But you’re trying to drive home this notion that joy is a by-product, or maybe even a direct result, of loss and grief. Why do you think so many people are resistant to this perspective?**

**RG:** I think there are a bunch of reasons. One is, people are sort of desperate for good news. I also wonder if there’s some degree of absolutism. You know: “He’s happy, this guy’s happy.” I’m talking about race—“this Black dude.” A desire to construe a certain kind of “everything’s OK” Black person. Which is also a kind of misreading that happens on another side, too, which is: Why are you talking about delight? They’re kind of like twins. I’m arguing for joy as a rigorous emotion that excludes no one, and the repression of which is a kind of alienation—a suggestion that we ought to be alienated from one another.

**SF: In the chapter “The Grief Suite: Falling Apart,” you offer a real provocation when you say, “Grief is not gotten over, it is gotten into.” I’m curious how you came to that.**

**RG:** On a personal level, I was in this mindfulness class, and we had an exercise. The teacher asked, “How was it?” Everyone said it was fine except this one woman, who said, “I didn’t like it.” And the teacher said, “Is it OK if we think about this?” This checking-in was a foreign language to me. The woman said yes, and it came out that she was sad. The teacher

**“I’m arguing for joy as a rigorous emotion that excludes no one.”**

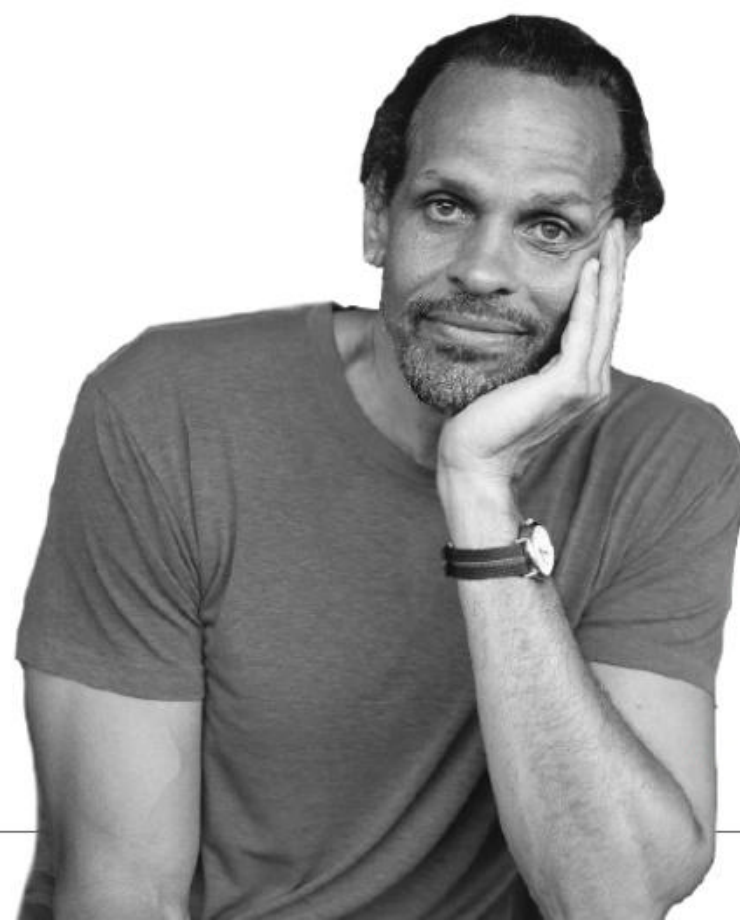
was taking care of her, but as it was going on, it felt to me like a brutality. And I realized it felt precisely like what it felt like when I would go visit my mother—like something was compressing my chest. I was having the same exact feeling in this class. I realized my refusal to engage with other people’s sorrow is my refusal to engage with my own sorrow. I realized that a certain part of myself would rather die than be sad, because being sad reveals that you’re entwined with people. That can be horrifying.

**SF: Tell me about teaching. What has your experience been like recently?**

**RG:** I’ve been profoundly skeptical of universities and institutional education for a while, but in the last couple of years, it’s gotten a little clearer that these institutions are effectively branches of a certain kind of wretched economic, social, and spiritual scene. I’m more attuned to how much we need each other. The utility of school—which is also the utility of relationships, period—is that we get to come together and say, “What do we do with our unknowing, together and around it?” We need to know how to be with each other, to negotiate and care for each other in space.

**SF: You write about gardening as a site of “unknowing” and a practice that reveals how much we don’t know. Tell me more about that.**

**RG:** The garden is interesting and beautiful because it’s a place where things go on. You’re going to put a seed in, and even if that seed doesn’t take, some seeds are going to take. To be in that practice is really vital. But as much as you think you know, every season, you know you know nothing. That unknowing is a kind of submission, another word for which is “curiosity” or being “beholden.” When the thing happens that you thought might happen, or the thing happens that you didn’t know would happen or might be beautiful, you’re like, “Oh my god. Thank you. Thank you.” **N**





*This holiday season*

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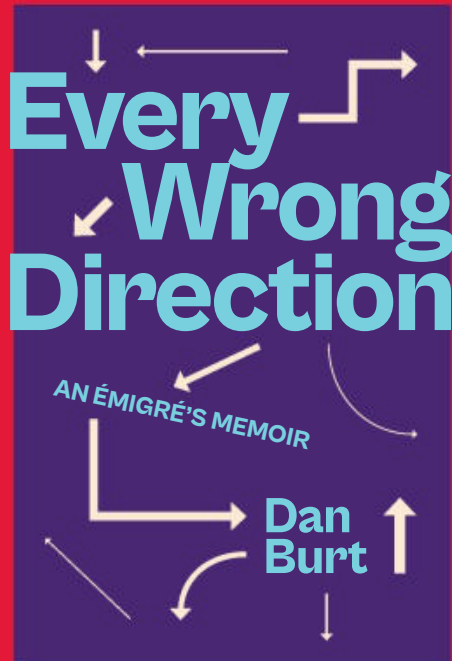


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# BOLD Ideas, ESSENTIAL Reading



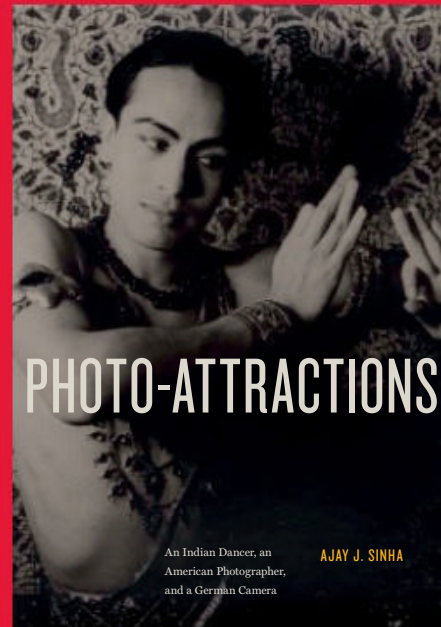
Burt's memoir follows the author from his rough workingclass childhood to becoming a lawyer and maps his pursuit of, realization, disillusionment with and abandonment of America and the American Dream.

**Every Wrong Direction**  
An Emigré's Memoir  
Dan Burt



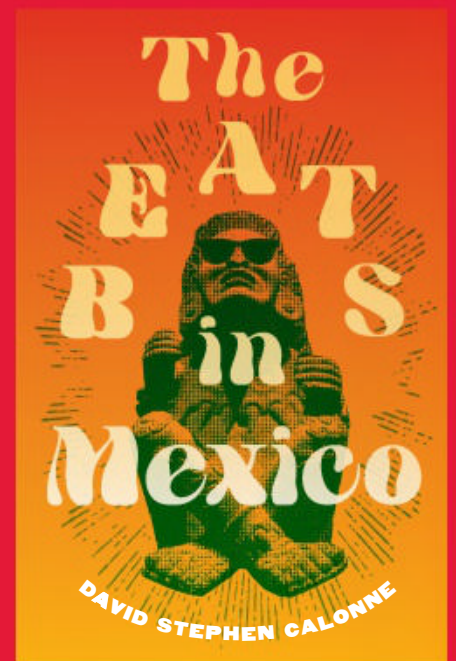
Examining how 1980 was a turning point in American history, Cullen looks at the year's most notable movies, television shows, songs, and books to garner surprising insights about how Americans' attitudes were changing at this pivotal moment.

**1980**  
America's Pivotal Year  
Jim Cullen



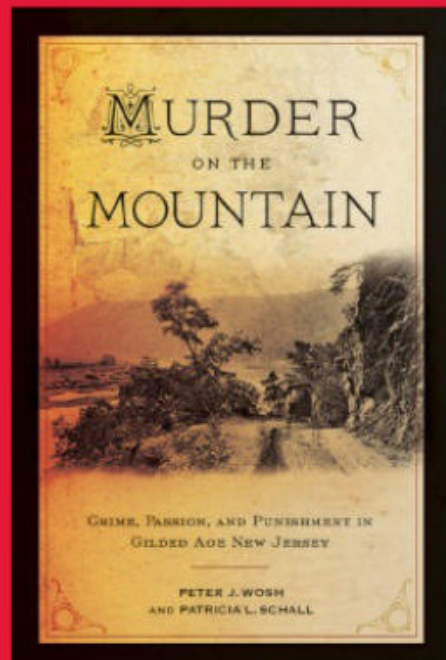
*Photo-Attractions* uses a set of photographs taken by Carl Van Vechten of the Indian dancer Ram Gopal to raise provocative questions about race, sexual identity, photographic technology, colonial histories, and transcultural desires.

**Photo-Attractions**  
An Indian Dancer, an American Photographer, and a German Camera  
Ajay Sinha



*The Beats in Mexico* examines such canonical figures as Kerouac, Burroughs, Ginsberg, Lamantia, McClure, and Ferlinghetti, as well as lesser-known female Beat writers like Margaret Randall, Bonnie Bremser, and Joanne Kyger.

**The Beats in Mexico**  
David Stephen Calonne



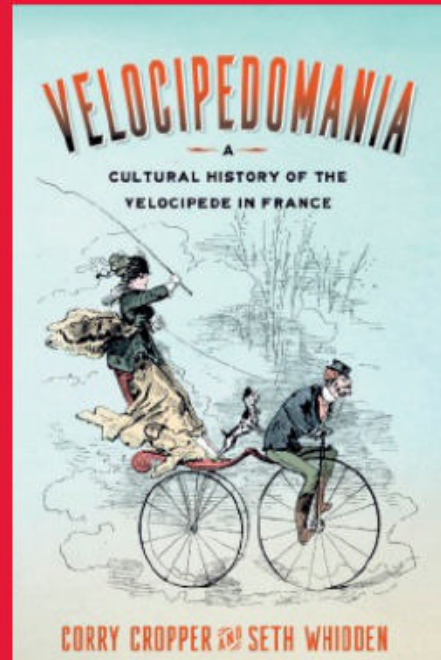
Charged with murdering her husband, Margaret Meierhofer became the last woman executed by the state of New Jersey. The case's sensational details about domestic violence gripped the nation.

**Murder on the Mountain**  
Crime, Passion, and Punishment in Gilded Age New Jersey  
Peter J. Wosh and Patricia L. Schall



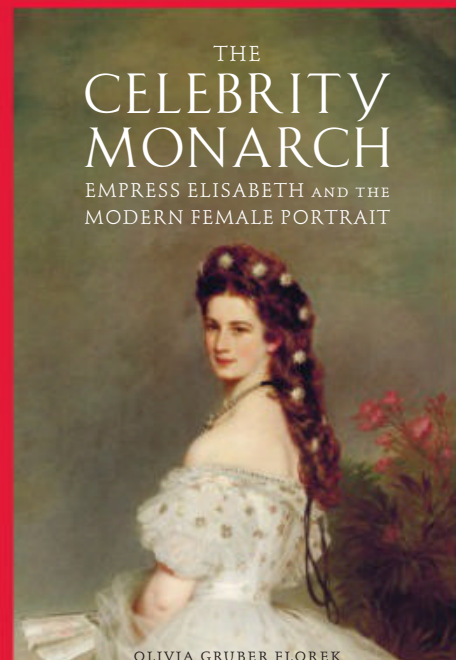
*"Gillespie tells a riveting story that includes political intrigue, labor conflict, crime, racial strife...and the impacts of globalization."*

—Simon J. Bronner, author of *Americanness*  
**Port Newark and the Origins of Container Shipping**  
Angus Kress Gillespie



The forerunner of the bicycle, the velocipede inspired a cultural craze that reflected changing cultural attitudes. *Velocipedomania* is the first in-depth study of this fad and the popular culture it inspired.

**Velocipedomania**  
A Cultural History of the Velocipede in France  
Corry Cropper and Seth Whidden  
Published by Bucknell University Press.



The inspiration for the Netflix series *The Empress*, this book argues that portraits of Empress Elisabeth of Austria (1837-1898) shaped both modern female portraiture and celebrity.

**The Celebrity Monarch**  
Empress Elisabeth and the Modern Female Portrait  
Olivia Gruber Florek  
Published by the University of Delaware Press.

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