CounterPunch

TELLS THE FACTS AND NAMES THE NAMES • VOLUME 27 NUMBER 2 • 2020

CounterPunch
www.counterpunch.org

CounterPunch Magazine, Volume 27, (ISSN 1086-2323) is a journal of progressive politics, investigative reporting, civil liberties, art, and culture published by The Institute for the Advancment of Journalistic Clarity, Petrolia, California, 95558. Visit counterpunch.org to read dozens of new articles daily, purchase subscriptions, order books and access our digital archives.

Periodicals postage pending at Eureka, California.

POSTMASTER send address changes to:
CounterPunch
P.O. Box 228
Petrolia, CA 95558

ISSN 1086-2323 (print)
ISSN 2328-4331 (digital)
www.counterpunch.org

Contact Information

CounterPunch Business Office
PO Box 228, Petrolia, CA 95558
1 (707) 629-3683

EDITORIAL:
counterpunch@counterpunch.org

BUSINESS:
becky@counterpunch.org

SUBSCRIPTIONS & MERCHANDISE:
deva@counterpunch.org

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nichole@counterpunch.org

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"Don't Tread on Us!"
by Oliver Grant.

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In Memory of Alexander Cockburn 1941–2012

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Dear CounterPunchers,

As CounterPunch evolves, we are faced with decisions that can sometime be very difficult. This is one of them. We've recently come to the conclusion that we'll need to stop printing the magazine and go to a digital only format, starting, we hope, by late-July. As such, you are now reading our last magazine. Currently we're down to so few paper subscribers—a tiny fraction of our readers still request the print edition—that the cost per copy to produce the magazine has increased each issue for the past few years.

While we are sad to see the print magazine go, we're very excited about the features we'll be offering our subscribers. We will be rolling out these new and improved features during the year and they will include more up-to-the minute exclusive content for our subscribers in easily printable formats for those who still want to read paper. As has been offered to all subscribers in the past few years, you'll continue to have access to the entire archive of magazines and newsletters as well. The new area of the website will be user friendly and searchable, so no more digging through magazines to find that long-lost article. All of this, and more, will be at your fingertips.

We acknowledge that many of our print subscribers have been with us since the beginning, or for many years and as our Charter Subscribers, you've been long-time friends and supporters of CounterPunch. We don't want to disappoint you and hope that we can make this transition as smooth as possible. All current print subscriptions will be extended until the completion of the print magazine, If your subscription is not yet due to expire at that point, we will automatically provide all digital subscribers' access unless otherwise requested. Instructions to access the new online version will be sent out well before that and hopefully there won't be too many hiccups.

Sincerely,

Jeffrey, Joshua, Becky, Deva, Nat and Nichole

ROAMING CHARGES

400 Years in 8 Minutes

By Jeffrey St. Clair

The difficulty of speaking about this "historical moment" is that the "moment" has been going on for 400 years, featuring a lot of speaking and almost no structural change. There is everything to say. There is nothing to say. It's all been said. It all must be said again. Words cannot express the rage we feel. Yet, words are all we have to express our rage. Words and the street. Who will hear us? What will it matter? The words have been spoken. The flames lit. The street has burned before. It will burn again. What will change? How can it be made to happen?

The body count stubbornly remains the same, year after year. A thousand people a year killed by cops in the US. With body cameras and without. With community policing and without. With stop-and-frisk or without. Before broken windows policing and after. Before Black Lives Matter and after. We've seen it play out again and again. Heard the cries for breath. Seen the hands held up. Watched the fear in faces. Listened to the sermons of contrition and vows for reform. Since Michael Brown was murdered by Ferguson police on August 9, 2014, police have killed nearly 6,000 people in the US. Despite six years of protests and vows of reform from liberal politicians, the blood flows, year after year at the same rate, almost to the ounce.

I am struck by the horrible trivialness of these recent murderous episodes. A man shot for jogging away from a house under construction. Shot by a former detective, acting as a hired gun for a white neighborhood in Georgia. A medical technician shot in her bed in Louisville when cops broke into her house on a no-knock drug raid, guns blazing. They had targeted her boyfriend. But they didn't care who they shot. A man buys a pack of cigarettes with a counterfeit bill in Minneapolis. The clerk says there's something funny about the paper. He apologizes, hands back the pack of smokes. The cops are called, find him sitting in his car, pull him out, hold him down, knee jammed to his throat. He pleads for his life, screams he can't breathe, passes out. The knee remains thrust on his throat for another two minutes and fifty seconds. Eight minutes in total. The time it takes to walk a half mile or boil pasta. The length of The Who's "Won't Get Fooled Again." Why? Why do police feel empowered to kill people on mere suspicion of petty crimes? Why does the government encourage it?

We are told we need leaders. But our leaders have failed, some more brutally than others. But all have been complicit. We are told that Trump has summoned demonic forces to the surface that have lain latent in the Republic for decades. And yet Trayvon Martin, Michael Brown, Eric Garner, Tamir Rice, Philando Castile, died on Obama's watch, in what had been dramatized as a post-racial America. America will never be post-racial. The entire idea of the nation, its founding principles, its operating system, is coded with racism. It's inscribed in the country's DNA. The divisions and animus now seem as stark as they were in the 18th Century. The country has gotten much richer for a few, but the gaps between us have grown even more immense. I get the sense that if the edifice of the nation could be burned down to the foundations, it would grow back pretty much the same. We exist on haunted ground. But we exist here none-the-less and must find some way to navigate its mortal hazards.

We are urged to await moral instruction on race relations from the man who lied about doing Civil Rights era sit-ins, lied about visiting Mandela, palled around with segregationists, gagged Anita Hill, wrote the '94 crime bill, falsely claimed he'd been endorsed by the NAACP and says, "You ain't black" if you don't vote for him?

Yet, the paramilitarized policing system we watched violently crush protests across the country in the same ways, using the same tactics and equipment, was designed, funded, armed and catalyzed by the judiciary committees of Congress, where Joe Biden sat as a powerbroker for over 30 years.

Even now, the chances of a police officer being prosecuted and convicted of any crime committed in the "line of duty" are infinitesimal, about what they were during the days of the slave patrols. Over the last 15 years, there have been more than 16,000 police killings but only 35 convictions. Look no further than presidential aspirant Amy (Klobocop) Klobochar. As a prosecutor, the police were the only people Klobocop didn't want to police. It's how the carceral system perpetuates itself.

Yet, the arrest, prosecution and conviction of a very few police officers for abusive, torturous or murderous actions only serve to help legitimize the systemic repressive actions of the rest of the force. These periodic prosecutions don't even serve as a momentary inhibition, as demonstrated by the Seattle cops who a few days after the murder of George Floyd knelt on the throat of a protestor in brutal imitation of Chauvin, even as they knew cameras were recording their every savage move. The system itself remains immune.

But immunities break down. Or rather, they are broken down by resistance. So we must find the words to express our collective rage. Pick the streets for our fights, on our terms, in our time, unshackled by the failures of the past, as the American political apparatus begins to decay and fall apart before us. **CP**

EMPIRE BURLESQUE

The Buzzard in the Bardo

By Chris Floyd

On March 27, Bob Dylan released a single called "Murder Most Foul," centered on the assassination of John F. Kennedy but rippling far beyond that now-mythic event. For 17 minutes, Dylan sweeps slowly across a ravaged landscape, like an old buzzard peering down at the carcasses and smoldering ruins below. Voices rise up here and there, along with snatches of music fading in and out like the signal from pirate radio. Are they the cries of the living or the echoes of the dead, reverberating one last time before they dissipate forever? At some point, you finally realize it's not John Kennedy being conveyed to the afterlife: it's you, along with the particular jumble of history and culture that formed you, all of it now passing away.

"Murder Most Foul" is not a literary work, although Dylan is, rather infamously, a Nobelist of Literature. (An honor he himself seemed to treat largely as a joke.) It's barely even a song, meandering with no firm structure, shifting in and out of viewpoints voiced by different characters: some malevolent, some mournful, some speaking with a sarcastic sneer, and some—or perhaps one, perhaps the main one—speaking like an old man meditating through a sleepless night, a whiskey in hand as the fire flickers and the shadows dance.

So if not really literature or fully a song, what is then? Well, here's an idea. Dylan, who has played so many different, contradictory roles in American culture—from flaming young rebel to quiet country gent, from Rimbaud manqué to Americana avatar—has now come to perhaps the last of his public permutations: as psychopomp, the voice in the bardo, imparting instructions and offering laments to the soul of our civilization, as it dissolves into a future when it will no longer walk in the world of the living.

Too much? I don't think so. This is not a claim of special knowledge or exalted status for the wizened old man from Minnesota. It's just to say that, for whatever reasons—reasons that he himself has expressed deep puzzlement about over the decades—Dylan has been one of those who receive, at whiles, the "echoes from the future" that Boris Pasternak spoke of. In the manifold mysteries of space-time, Pasternak—a former philosophy student under the heavy influence of Henri Bergson—was speaking of the weight of the future pressing ceaselessly back upon the present. He was talking of the way the future warps the weave of present time, in the same way that the past does.

But if Dylan (or Pasternak or Bergson) aren't your cup of tea, then look at it this way, through the prism of epidemiological statistics and the accelerating accumulation of data on climate change. We are passing from the paradisiacal conditions of the Holocene into an age of rolling thunder: a never-ending series of world-churning upheavals, with the pandemic blending into the floods and storms and famines and locust swarms and melting ice sheets and loosening methane and apocalyptic degenerations that are even now characterizing the nature of our planet and defining the lineaments of its imminent future.

To some, it may seem that the pandemic is a prelude to climate catastrophe—in the same way that most historians see World War I as the harbinger of World War II. But in truth, both world wars were part of the same centuries-long dehumanization of individuals and societies by capitalism and imperialism: twin bastards born from the barbaric, blinkered, fear-ridden, deeply ignorant understandings of reality that comprised Western Christendom as it spread its way, by gun and genocide, across the planet. They were not separate irruptions, but a continuum.

And in precisely the same way, the pandemic and climate catastrophe are not separate events, but part of the same process of the self-induced dissolution and destruction of our environment and, ultimately, our civilization.

So what is the answer to the horrendous fate laid out for us by our Bergsonian bards and our climate change scientists? There is none, if by "answer" you mean an easy solution that will assuage the consciences and preserve the comfort of the comfortable. There is no technology that will reverse this dissolution, no ideology that will overcome it (although there is a plethora that will accelerate it), no miracles that will undo it. We are here, now, in the reality that we have made in the present; in the reality that was made for us in the past; in the reality that the future is pressing down upon us like a stone slab.

What is left is … mitigation. What is left is the cultivation of a mindful, thoughtful, loving, generous attitude toward our fellow sufferers and those who will follow us. What is left is a heedfulness to those who—randomly, wildly, accidentally, mysteriously—were vouchsafed those strange and ambiguous echoes from the future. Those like the sarcastic, infamous, contradictory, Kennedy-keening singer who felt those echoes decades ago, when he sang these lines:

> Eden is burning;
> Either get ready for elimination,
> Or else your hearts must have the courage
> for the changing of the guards

CP

BOTTOMLINES

Forward to the Past

By Pete Dolack

As we plunge into a new great depression, happy days appear to be far off. Despite brave talk of the economy "snapping back" when shelter-in-place restrictions are fully lifted, precedent says otherwise. The number of small businesses that are likely to not survive the pandemic's mass closures seem another grim augury.

For folks in the United States, an added factor is the spectacularly incompetent Trump administration, headed by an ignorant egomaniac completely absorbed in handing all responsibility elsewhere and his, if possible, even dimmer son-in-law, the world record holder for being in over his head. Switching overnight from denying there was any problem at all to predicting high death tolls so as to take credit if actual deaths prove to be somewhat less to ignoring the advice of disease-management experts, it is hard to imagine anybody worse in the White House. Although it must be admitted that as long as Mitch McConnell is around, crowning the most malevolent person in Washington will never be a clear-cut choice.

Denying the reality of a crisis and then pronouncing it over isn't unique to Trump. I remember the recession that hit during the Bush I administration; George H.W. Bush went months claiming there was no recession, right up to one Friday, then the following Monday announced the recession was over. Shortest recession in history—it lasted only a weekend. But as much as the Bush family purports to dislike Trump, they must have a little bit of a rooting interest because the Trump administration has displaced the Bush II/Cheney administration as the worst ever.

With the pandemic bringing about Great Depression-level unemployment rates in three months that took three years to reach after the 1929 stock-market crash, what does the rest of 2020 look like? History does not repeat itself so neatly, but the downturn that stretched across the 1930s with only incremental improvement doesn't provide a hopeful example. Nor does the long "jobless recovery" from the 2008 economic crash or the Reagan recession of the 1980s.

Wherever you are reading this column, difficult times likely will remain. Unemployment was high throughout the 1930s in the capitalist countries, but with the possible exception of Germany, the crash of 1929 hit hardest in North America. U.S. unemployment bottomed out at 24.9 percent in 1932 and at an estimated 30 percent in Canada in 1933. By 1932, Canadian industrial production was 58 percent of what it was in 1929 and U.S. production had declined by a similar amount.

Three years of cascading economic collapse wasn't going to reverse itself overnight and certainly didn't. By 1939, U.S. unemployment was 17.2 percent—and that was with the New Deal and programs such as the Works Progress Administration in place. Canadian unemployment is harder to determine because the Canadian government didn't begin keeping that statistic until the early 1940s. One way we might extrapolate the unemployment rate is to use the statistics gathered by trade unions. In 1932, Canadian trade unions reported 22 percent of their members were out of work. If we assume the same ratio of trade union unemployed to overall unemployed, then we can estimate the 1939 Canadian unemployment rate was perhaps 13 percent.

It was the massive government spending to win World War II that brought the North American economies back to life. Worry about deficits went out the window thanks to the existential threat of fascism. The next peak of U.S. unemployment was 10.8 percent in 1982 during the Reagan recession; it took seven years for that figure to halve. Canadian unemployment peaked at 13 percent in 1982 and took until 1988 to decline to below 8 percent.

What this history tells us is that we are going to be in a period of high unemployment for some time. It would be foolhardy to predict how long a recovery will take this time given the unprecedented nature of 2020's plunge into depression, including the steepness of the economy's descent, but the mantra of the Trump administration and its enablers that we'll have a so-called "V-shaped" downturn with a rapid return to normality has no precedent. And no basis other than wishful thinking—this is a White House that believes if you yell loud and stamp your feet, that makes it so.

Compounding all this is that we were overdue for a recession. The pandemic, while certainly making the downturn steeper and deeper than it would have been otherwise, should be seen as the proximate triggering factor, not the ultimate cause.

Shoveling piles of money at big capital while giving crumbs to small businesses and local governments hasn't, and isn't, going to bring the economy back to life.

Even if Trump is voted out of office, the neoliberal Joe Biden isn't likely to offer more than tepid help. That voters in the U.S. are again faced with a choice of two miserable alternatives speaks volumes to the system's inability to find solutions to fundamental problems thanks to the death grip of capital. Justin Trudeau has already shown himself the Obama of the North, so not much help is coming to Canada, either. Regardless of who is in what office, an irrational economic system is only going to provide more irrationality and misery. **CP**

HOOK, LINE AND SINKER

AI in the Time of COVID-19

By Jennifer Matsui

It doesn't take a crystal ball, or even the powers of the imagination to divine an ever-present pandemic future. It's all unfolding now as Silicon Valley forges long-anticipated partnerships with government to provide the "solutions" that will eventually replace it. Already former Google CEO Eric Schmidt has been put in charge of dismantling New York City's existing institutions for public health and education, while New York Governor Cuomo has struck a similar deal with the Bill and Melinda Gates Foundation to implement "smarter" systems.

By now, we should be able to see where this is going while markets are rallying even as unemployment figures surpass the Great Depression's. As unhoused populations overwhelm New York City's subways and San Francisco's streets, their numbers rising in rhythm to the steady uptick of Amazon stocks hitting another all time high. As Wall Street celebrates what should be a funeral for global capitalism, it's hard not to draw the conclusion that an engineered demolition of the 'old' economy is already underway. Arguably, this risky maneuver was meant to stave off the inevitable and more unpredictable collapse that was coming down the pipeline, and hastened into its present implementation phase when a mysterious Coronavirus of disputed origin first hit the headlines.

From this corrupted looking glass, we can just make out the contours of the 'smart' city beginning to take shape on the horizon. Perhaps you vaguely recall this deferred utopia as a failed experiment by the Google owned company Sidewalk Labs to transform Toronto's waterfront district into a project dubbed "Quayside", a "sustainable", data-driven, showroom for subterfuge technologies of surveillance. This time the "debacle" will be replicated with pandemic as its justification, rather than its downfall.

Unfortunately, for this Canadian prototype, its "innovations" were no match for the written-on-parchment laws still in existence that prioritized privacy over "progress", and citizen-led resistance to the digitization of all basic infrastructure and business transactions to the detriment of those surrendering their unprotected data. As Quayside's pioneering architects presciently considered, traditional urban centers were to become obsolete. Already, their their topography has proven incompatible with all the AI-driven infrastructure required to accommodate "new realities" like pandemic.

Quayside's current status as a project on permanent hold should not discount its braintrust's cockroach like ability to adapt to a climate of adversity: As Sidewalk Labs CEO Daniel L. Doctoroff stated recently: "The current health emergency makes us feel even more strongly about reimagining cities for the future". The Terminator, in other words promising "I'll be back" with the same threat implicit in the catchphrase of a cyborg assassin.

All this non-human and non-contact technology (remote learning and telemedicine) will be instrumental in eventually re-shaping society to conform to the misanthropic ideals underlying this soon-to-be revived utopia, "reimagined" to reduce public engagement down to the level of a coffee order, and as "inclusive" as an ICU ward during lockdown. The smart city of this foreseeable future is less a Brave New World than a fear-driven fortress within it.

No longer a society mediated by images of wealth and prosperity (as French philosopher Guy Debord would define late stage capitalism) but a world wholly given over to dismantling the notion of society itself and divestment from the "spectacle" it engendered to reflect a falsely held notion of participation within it. False consciousness as Marx described this misidentification with the ruling class will soon give way to stark realization (and acceptance) of stagnation within a social vacuum administered by machines. An already anachronistic social order will shift from a single organism with diverse tendencies to diffuse, identical components prodded into service by a single intelligence.

In contrast to the cumbersome apparatus of analog governance, "instrumentarian" power will be a seamless integration of technology into every aspect of life, mediating every relationship to it, while burrowing itself deeper into our anatomies to extract value from all their plundered secrets.

This new and even more concentrated power base will demand a radical overhaul of what was once considered 'society', noting the present system is burdened to breaking point by human error. They will demand that we distance ourselves from each other.

Pandemic itself will be the underlying and guiding force of a new economy that has transitioned from the production, distribution, and consumption of goods and services in the social domain into a more abstract realm. Under this arrangement, the economy is no longer dictated by consumers or their demands, but the data they provide both digitally and biologically. Environmental destruction and the scarcity of natural resources has necessitated this transition from the failed "free" market to a centrally planned 'command' model overseen by leaders in tech and pharmaceutical industries. This intentional pivot from oligarch rule to an absolute and authoritarian technocracy, made possible by medically-imposed martial law, ensures that dwindling resources are not squandered on a surplus, no longer performing labor sector, but given over entirely to the class that rendered them obsolete in the first place. **CP**

BORDERZONE NOTES

Virus as Vehicle

COVID-19 Advances Trump's White Supremacy Plan

By Laura Carlsen

The physical paralysis of the present has fostered a flourishing of discussions about the future. As conservatives hanker for a pre-pandemic past, progressives have reached a consensus that the old normal was what made so many people vulnerable; the pandemic revealed just how lethal social inequality can be. The web is abuzz with debates on what the new normal should look like and how to get there. The pause has made us think about the world we want and dare to believe that we can get there.

But there is also at least some recognition—not enough—that we cannot expect an a-ha! moment of historic paradigm shift. The pandemic in itself will not rip off capitalism's guise of inevitability to give rise to a more caring, sustainable society with human values at the core. This is not the time when, after pining in confinement, the human race realizes the error of its ways and eventually emerges holding hands and singing on a daisy-covered hillside.

That's not going to happen. What we're facing is the battle of our lifetimes. The rightwing in many ways is better poised to seize this moment than we are, and it has made huge strides in the few months of the crisis so far. For the Trump administration, the first agenda to push on a demobilized society has been—you guessed it—the white supremacist crackdown on immigrants of color.

There's no need for a conspiracy theory here. The sequence of policy attacks on the immigrant community since the pandemic began tells its own story, backed up by Tweets and White House statements. What's important to remember is that although obscure laws and scrambled explanations regarding public health have been used to justify the attacks, they have no scientific application whatsoever. The anti-immigrant offensive began far before the pandemic—the coronavirus just cranked it up a notch.

When the pandemic began early this year, the relentless efforts of Trump and his weaselly senior advisor, Stephen Miller, had already achieved far more in limiting the entry of foreign immigrants, asylum seekers and refugees and harassing those already in the country than anyone would have believed possible a few years ago. The pandemic, while inconvenient for Trump's re-election campaign in other senses—such as provoking mass death and economic crisis on his presidential watch—provided a perfect vehicle for their anti-immigrant plans.

First, because it could be framed as a foreign invasion. Trump's first response was to impose travel restrictions from China on January 31. The measure, along with the repeated use of the epithet "Chinese virus", served its purpose to taint all Chinese people as dangerous pathogens. Human rights organizations reported a rise in hate crimes against all Asians in the U.S. and in many other countries, prompting the UN Secretary General to tweet, "The pandemic continues to unleash a tsunami of hate and xenophobia, scapegoating and scaremongering." That's exactly the Trump formula for stirring up his base.

On the other hand, the travel restrictions had little to no impact on containing the virus. U.S. citizens were permitted to continue to travel back and forth to China, although those returning from the Wuhan area were subject to quarantine. Goods continued to flow and transportation personnel went between the countries. Several experts noted that restrictions targeting a single country in a building global pandemic are ineffective. Several cases had already been identified in the U.S., followed by no effort to institute systematic testing or contact tracing to limit the contagion.

Second, the health crisis provided a pretext for rapidly implementing racist policy goals that have nothing to do with health or the spread of the virus. As the administration fumbled with slow and contradictory responses to the disease, it moved quickly to shut down the border. On March 18, Trump announced that the US-Canada and US-Mexico borders would be closed to "non-essential travel", citing immigrants' "potential to spread infectious disease". A March 19 memo from Customs and Border Patrol called for 1,500 soldiers to be sent to the borders with Canada and Mexico, heightening the perception of threat from immigration as fear rose within the United States with the rising death toll. The Canadian foreign minister irately opposed the troops as "an entirely unnecessary step". Mexico's president Andres Manuel Lopez Obrador has continued his policy of avoiding confrontation with Trump even when migrants' lives are at stake.

A March 20 order signed by Robert Redfield, chief of the Center for Disease Control (CDC), applied an 1893 quar-

antine law to justify sealing the Mexico border to immigrants, stating, "The existence of COVID-19 in Mexico presents a serious danger of the introduction of COVID-19 into the United States for these reasons [Mexico's more limited social distancing response at the time and the calculation that the pandemic would hit later], and because the level of migration across the United States border with Mexico is so high." The premise was absurd, considering that at the time of the order, the World Health Organization reported that Mexico had 53 confirmed cases and the United States had topped 25,000—clearly in the stage of community transmission. The idea that immigrants were the cause of the deadly coronavirus pandemic in the United States defied all scientific evidence and politically justified the anti-Latinx immigrant measures Trump and Miller had long sought.

Homeland Security announced it would take on the task to "no longer detain illegal immigrants in our holding facilities and will return them to the country they entered from—Canada or Mexico." The argument went that since the U.S government did not have the infrastructure to apply health measures during processing in accordance with its own immigration and asylum rights laws, it would simply eliminate those rights. The measure sweeps up unaccompanied minors and asylum seekers, who do in fact have rights under national and international law, in the automatic deportation order, speed of expulsion being a major goal. The Washington Post reported that the average time for return to Mexico is just 96 minutes—no questions, no due process, and no legal protections for children. In just the first two weeks of the order, more than 20,000 people were turned away, including at least 400 children. Only two migrants have been allowed to pursue asylum claims. The dangerous and unsanitary refugee camps on the Mexico side of the border are swelling as experts warn they are a natural breeding ground for the virus. Some migrants are being bussed to other parts of Mexico, while others are forced to return to the same countries they fled under threat of death.

El Salvador is under strict lockdown by orders of President Nayib Bukele, who seems to have found his true vocation in the crisis as a budding dictator. All deportees must go into a month-long state quarantine. The Guatemalan government blocked deportation flights from the U.S. when it discovered that scores of deportees tested positive for COVID-19. Promised U.S government screening proved to be a sham. Guatemalan President Gianmattei was forced to back down and accept the flights again after only a week. Now deportees face expulsion from the United States and discrimination and rejection back home, as Guatemalans fearful of becoming the next New York have barred migrants from their own communities of origin.

In perhaps the cruelest irony, the Trump administration has rammed what are called "Third Safe Country" agreements down the throats of the Central American countries, which force migrants to seek asylum in other nations instead of the United States. The Trump administration considers Honduras, a narco-state experiencing widespread riots of people starving under lockdown, a safe country for asylum seekers.

The order that effectively ended the right to asylum was extended for another thirty days on April 20. Now the Trump administration has dropped all pretense of tying it to the health crisis and according to a report in the *New York Times* will seek to make the ban "indefinite." In addition to using archaic laws to deny asylum and stop immigrants, the pandemic has halted naturalization ceremonies, slowed or closed immigration courts and led to the cancellation of flights bringing already approved refugees. Social cleansing of the white supremacist variety had begun under cover of COVID-19.

Lest there be any doubt, on April 20 Trump announced in a Tweet that he was suspending all immigration: "In light of the attack from the Invisible Enemy, as well as the need to protect the jobs of our GREAT American Citizens, I will be signing an Executive Order to temporarily suspend immigration into the United States!"

This caused a predictable uproar (Miller's preferred tactic) and pushback from business sectors. On April 22, Trump released a diluted executive order that basically bars visa applications from outside the country for 60 days, with exceptions. Temporary visa programs, like the H2A for agricultural workers now deemed "essential" to the U.S. economy are not affected. While the actual impact is limited, the message hit home: 'to protect our (white Americans) lives and livelihoods, we need to get rid of immigrants.'

Under quarantine, essential workers—disproportionately immigrants—keep the country running and people fed at huge risk to their own health. The nation faces the worst economic crisis since the Great Depression, with unprecedented demands on public resources. Yet Donald Trump's favorite talking point and pork barrel project is still The Wall.

On May 4, he tweeted "Mexico is sadly experiencing very big CoronaVirus problems, and now California, get this, doesn't want people coming over the Southern Border. A Classic! They are sooo lucky that I am their President. Border is very tight and the Wall is rapidly being built!

What California, and other states, want is support to deal with their endemic pandemic the economic crisis. The U.S. has more than 110,000 dead and some 40 million out of work. Instead Trump's latest proposal is to paint the wall black, at an additional cost of $500 million dollars.

Maybe there is something fitting about that—a useless structure that symbolizes hostility toward the most vulnerable and exploited, dressed in mourning for a nation whose leadership is morally dead. **CP**

EUROZONE NOTES

The Camps of Lesbos

By Daniel Raventós and Julie Wark

From the Bronze Age to the Byzantine era the island of Lesbos in the eastern Aegean Sea consisted of several thriving city-states and was famous in antiquity for its wine and culture. Its history, through to the present day, has been shaped by its location at the edge of the Greek world, separated from Turkey by the narrow Mytilini Strait, with a maximum width of eight nautical miles. Its eminent early inhabitants included the poet Sappho, the philosopher Theophrastus, and the sage and statesman Pittacus of Mytilene. Lesbos appears in the Odyssey and the Iliad and is said to be where the head of Orpheus washed up, with his lyre, after he was torn to pieces by a pack of frenzied Maenads. In recent times, thanks to crystalline waters, picturesque villages, the famous petrified forest, and medieval fortress, its economy has depended on tourism but the visitors arriving right now haven't come to take selfies against a backdrop of ancient walls besieged by Achilles. Numbering approximately 20,000, they are among some 42,000 refugees scattered around the islands of Lesbos, Samos, Chios, Leros, and Kos, prisoners in a tourist paradise of the EU containment policy.

According to the UN High Commission for Refugees, there are more than 25.9 million refugees in the world. They have survived all kinds of horrors, have had to flee, and face many perils only to face different dangers in places they hoped would offer succor and safety. As national governments are adopting emergency measures against coronavirus to protect public health, international protection for refugees is being undermined as the right to seek asylum is being suspended together with the legal norms that are supposed to protect them. Aren't refugees "public" too? Don't they have a right to health? They do, but in these times, they are the disease because using disease as a metaphor is an old nativist ploy which, with "scientific" presumption, is used to stigmatize people who are already doomed to exclusion and ill-treatment.

Europe's biggest camp, in Moria, Lesbos, with refugees mainly from Afghanistan, Syria, Iraq, Palestine, and the Democratic Republic of the Congo, is a microcosm of a global system of cruelty to refugees. It is filled to six times overcapacity. Malnourished people sleep in tents and meningitis, flu, tuberculosis, scabies, and lice flourish in horrendous conditions of hygiene and lack of healthcare. In one part of the camp, there is only one toilet for 167 people. They are depressed and under severe psychological stress. Some children are suicidal. Rape is common, as are fights, stabbings, and even murder. Now that Lesbos has announced its first coronavirus cases, authorities are trying to isolate the camp, even though doctors agree that it is the perfect breeding ground for the virus and calls are being made to evacuate the refugees.

Camps like Moria are lawless, inside and out. They represent flagrant violation of international law on refugee rights, including that to safe asylum, and others accorded to any other foreigner who is a legal resident. Anyone who seeks asylum at the border has a legal right to a hearing under international law, to access to medical care and schooling, as well as the right to work. The Greek islands, left to cope alone, have no resources to guarantee those rights. And there is no intention to guarantee them. This deprival of rights is a form of murder. As Karl Heinzen wrote in his pamphlet "Murder and Liberty" (1853), "There are a number of technical expressions for the important manipulation by which one man destroys the life of another. […] The means, the pretexts, and the causes differ; but the object is always the same, viz., the annihilation of a hostile or inconvenient human life." The Trump supporter who yelled, "Shoot 'em!" understood this. Now politicians want to lock down the camps. How many others see coronavirus as a silver bullet?

On 2 March this year, on the western bank of the Evros River (on Turkish soil) bullets, shot by Greek security forces, took the life of Mohammed Yaarub, a 22-year-old from Aleppo. The following day, Charles Michel, president of the European Council, praised Greece for the support given by its security forces, including a secret, extrajudicial black site on the mainland where refugees or "migrants" are held incommunicado, beaten, and stripped of their belongings before being returned to Turkey without due process. The lawlessness is becoming more blatant. Recently, the Greek coastguard, supposedly a lifesaving institution, was filmed charging a loaded dinghy, attacking it with poles, and firing shots.

Camps, set up as contingent measures to "help" refugees become militarized, permanent mechanisms of exclusion, using the legal limbo of their emergency status and physical isolation to install a system of "mass detention without trial" as Andrea Pitzer, author of One Long Night: A Global History of Concentration Camps, describes it. Not only detainees are affected but local inhabitants, too, are sacrificed to the system. Society in Lesbos is strained to breaking point. At the end of 2019 when local people resisted the construction of another large camp, fearing it would

end up as a Greek Guantánamo, the government brought in three hundred special police forces. They were eventually withdrawn but, more recently, far-right thugs from Germany and Austria arrived to "defend the border" by attacking journalists and aid workers.

The Guantánamo camp comparison is apt because temporary camps easily become permanent, mainly because of their extrajudicial status. In the 1990s, it was used for refugees from Haiti and Cuba. Then, within a gray area of US law, it was easy to turn it into a site for indefinite detention, perfect for locking away the Bush administration's terror suspects. If camps exist, they'll be used, especially when they're cloaked in legal obscurity. Understanding the Guantánamo comparison, residents and refugees in Moria know that the prospects of that camp being closed any time soon are bleak.

Refugees are processed in a way that presents every possible obstacle to adjudicating asylum claims so paperwork morphs into endless detention, as Scott Morrison, Australia's prime minister, not a man noted for finesse, boasted: "If you choose not to go home, then you will spend a very, very long time here." This "here" is a camp in Manus island in Papua New Guinea. Out of sight and out of mind, the interminable confinement of refugees is "justified" by the language of crisis. The "crisis" refers not to the suffering of millions of people caught up in wars and famine caused by the crisis-criers, but to the inconvenience for states that have to deal with "illegal" "hordes", "floods", "waves", "the rising tide" and "tsunamis" that are "submerging" host countries and being a "drain" on the economy. Refugees are menacing water, animals coming in "herds" or "swarms", are "hunted" by vigilantes, and live in "jungles" like the infamous Calais camp. Animals, insects, or water, they aren't threatened people but are themselves the threat. And primitive mantras, endlessly repeated in the media, make citizens believe that something must be done to protect them from that danger.

The camps fulfil the prophecy. The longer people are locked up, the more bestial they tend to become. In his book *No Friend but the Mountains*, Iranian-Kurdish refugee, Behrouz Boochani writes, referring to the Manus island camp, that the aim "[…] is to turn the prisoners against each other and to ingrain even greater hatred between people". The hatred spills over outside the camp, as has happened in Moria, where aid workers are being attacked by once sympathetic islanders who now accuse them of attracting refugees. Some residents want more riot police. They are organizing vigilante patrols while leftwing groups are encouraging refugees to take to the streets and protest. Clashes between left and right groups, between refugee and refugee, between refugees and residents, and between local and national government reveal the huge political reach of the camp.

As of 1 March, the right to asylum has been de facto suspended by Greece, with support from the EU, which is therefore violating the Geneva Convention and the European Declaration of Human Rights. The refugees, who are given no information about their fate, are a European responsibility, and will be even more so if there is a coronavirus outbreak in the camp. When Turkey began transporting people to the border and encouraging them to cross in March, EU leaders, in a parody of support for Athens, praised Greece as Europe's "shield" in deterring "migrants" (avoiding where possible the word "refugees" who have bothersome rights enshrined in international law) and guaranteeing European "stability", and never mind that the whole island of Lesbos is falling apart under the pressure of EU refugee policy. Help was immediately offered but not for human beings because a refugee, an inhabitant of no-man's land, is the no-man, the non-human beyond the protection of human laws.

Since neoliberal economic dynamics create large redundant populations, dealing with them requires major infrastructure which is far more extensive and militarized than refugee camps. Hence, Greece will receive EU funds to the tune of €700 million to upgrade border "security", which includes boats, helicopters, an aircraft, thermal vision vehicles, more border guards, and even a floating plastic fence to separate the islands from mainland Turkey. Meanwhile, inside the camp, soap is lacking.

Andrea Pitzer describes camps as "a deliberate choice to inject the framework of war into society itself" and this is what Europe is doing. It has created a huge industry stretching through North Africa, the Sahel, and the Horn of Africa, doing deals with Omar al-Bashar's Janjaweed militia, known for their genocidal violence in Darfur but now called Rapid Support Forces which are employed by the EU to hunt down migrants. Libyan coastguards, too, are trained and paid by the EU. As a leaked EU document recognized last year, capturing refugees or migrants is a "profitable business model" in Libya where militia and human traffickers, combined in a proxy force, are on the EU payroll for work that includes torture, starvation, rape, disease, forced labor, and other abuse of the 20,000 migrants they hold captive. They are doing what the EU cannot do openly since it is (still to some extent) bound by international law and conscious of its image. But, as one senior EU official says, "We have put our fate in the hands of crooks".

Whatever euphemism is used, arbitrary mass detention, torture and killing, are Fortress Europe policy. Voters who support their governments' strategies of "border security" should be honest with themselves and recognize that, by turning a blind eye, they're condoning torture and murder. Lesbos is just one case answering Karl Heinzen's description of the "important manipulation by which one man destroys the life of another". And Sappho was right when she wrote, "If you are squeamish, don't prod the beach rubble." **CP**

Getting Beyond the Green New Deal

By Stan Cox

Forget the small decline in greenhouse emissions we're seeing during the COVID-19 pandemic; the climate emergency remains as dire as ever. Meanwhile, tens of millions of Americans are suddenly out of work. Many in the environmental movement are putting those two facts together and calling for trillions of federal dollars to be spent on a massive new workforce that will build up renewable energy capacity and green infrastructure.

A recent survey of more than two hundred central-bank and treasury officials in the G20 group of affluent countries concluded, "Recovery packages that seek synergies between climate and economic goals have better prospects for increasing national wealth, enhancing productive human, social, physical, intangible, and natural capital."

Meanwhile, the Green New Deal—the vision embodied in a 2019 joint congressional resolution and now being written up in detail—included a "green jobs" push long before the pandemic hit. It also calls for social, economic, racial, gender, and workplace justice—all of which are needed, especially now that the economy's imploding.

The "New Deal" part of the Green New Deal, therefore, may turn out to be pretty straightforward. Where things break down is in the "Green" part. It lacks any direct mechanism to eliminate fossil fuels from the economy on a crash deadline. And there is nothing in it that would end our long-running assault on the Earth's ecosystems in pursuit of profit and wealth accumulation.

The national climate discussion appears to be based on an implicit assumption that as new energy capacity comes online in the coming decade or two, it will push an equal quantity of fossil-energy capacity off-line, joule for joule. History and research argue against that assumption, showing that with economic growth, new energy sources mostly add to the total energy supply rather than replace existing sources.

Growing economies need a growing pool of energy on which to draw, because, historically and materially, increasing GDP is accompanied by increased energy demand. For example, between 2009 and 2018, during a historically rapid buildup of U.S. wind and solar capacity, three-fourth of that new output went into increasing the total supply, without displacing fossil-fueled capacity.

Carbon taxes, sale and trade of permits, utility incentives, and other means of giving "renewable" energy sources a leg up in the market are being suggested and tried. But these and other market interventions are weak, indirect approaches to reducing emissions. None of these widely debated climate strategies has included any mechanism to directly and rapidly eliminate fossil fuels from the economy, without fail.

Eradicating emissions will require a statutory limit on all fuel extraction and use, one that lowers annually on a strict schedule, along with a system to guarantee justice and material sufficiency for all people and excess for none. The reduction or elimination of greenhouse emissions, however, will not reverse the broader ecological damage. That will require a transformed economy that operates on less total energy and resource extraction.

There is no time for trial and error. The top-priority target must be to drive emissions down to zero in time, without fail. It doesn't matter whether the target is set at 1.5°C, 2°, or even a catastrophic 2.5° above pre-industrial temperatures; any of those will require immediate, steep annual reductions through the next decade and beyond. If the action taken proves to be inadequate, it will be too late to try something else. By the time failure is apparent, no alternative policy will be capable of keeping warming within acceptable limits.

Go to zero. Go directly to zero.

Were the United States to get serious about climate, the first move would be a tight cap on the total quantity of fossil fuels extracted and allowed into the economy. Limits on oil, gas, and coal all would ratchet down simultaneously year by year until the burning of all three is eliminated on schedule.

If our rate of fossil-fuel phaseout is based on the 2019 United Nations' Emissions Gap Report, which calls for an annual greenhouse emissions reduction of 7 to 8 percent of today's supply, then we could reduce fossil fuel supplies by, say, 7 percent each year, thereby cutting them to zero in about fifteen years. The government would enforce the cap through a system of non-tradable permits. No company or individual could pull any amount of fuel out of the ground without handing over the permits to cover that amount.

The buildup of wind, solar, and other non-fossil energy capacity won't be able to proceed fast enough during that time to compensate for the precipitous decline in the supply of dirty energy. And the handy liquid fuels that for a century have powered road vehicles, farm tractors, freight trains, and air travel will be steadily closed off at the tap. The result will be a smaller, less flexible energy supply. We can easily live with less energy, but it will require massive changes in American life.

In The Green New Deal and Beyond, I cite extensive research and analysis demonstrating that "renewable" energy sources can never be scaled up to satisfy 100 percent of current U.S. energy demand, let alone growth of that demand. One scenario purporting to achieve that goal would result in wind farms covering 6 percent of the entire land surface of the forty-eight contiguous states. Global "100 percent renewable" plans would require solar installation on at least as many square miles of the Earth's surface as are now occupied by all food production and human settlement combined.

Then there are the twenty-plus minerals critical to the manufacture of a new electric grid and electric vehicle fleet as

well as components for wind turbines, solar arrays, high-speed rail, and other features of the new infrastructure. Even today, with the big electrification scale-up still in the planning stage, mining of those metals is creating ecological and humanitarian nightmares.

The world's reserves of critical metals lie mostly outside our borders, so people and landscapes around the world would endure the worst impacts of fully electrifying a high-energy U.S. economy. Just as America's quest for more and more fossil fuels has been a source of oppression and war across much of the world, a future quest to keep wind, solar, and battery factories supplied with resources dug up on other continents could bring further humanitarian disasters.

The only clean and just choice left to us as a society is to adopt a much leaner diet of energy and materials. That does not have to be a grim ordeal; in fact, it will provide opportunities to scale back the damage, by both military and civilian forces, that potent, portable energy sources, especially liquid fuels, have empowered.

Coping with the cap

With declining energy supplies, the production of goods and services, and therefore the accumulation of wealth, will slow. A smaller economy could mean an improvement in our circumstances. Decades of research have shown that when median incomes are high, further increases in GDP do not bring improve people's life satisfaction.

What will improve the quality of life for millions of Americans and make us a more humane and ecologically sound society is to cure our distortions of economic power and cruelly high level of inequality while at the same time bringing the bloated GDP down to size.

A slowing of economic activity is not going to be popular at all in the pointy part of the economic pyramid. Big Petroleum and Big Coal in particular will never go along with anything like a fast-declining cap on their products. As they have throughout their history, they will use their great wealth and pervasive influence in Washington to fight or sabotage any serious attempt to further regulate fossil fuels.

Given such resistance, the next Congress, if it's serious about heading off climate catastrophe, will have to nationalize the fossil-fuel sector. There will be worries about compensating those who own the oil, gas, and coal reserves, but that won't be a problem. The companies can simply be told, "Because under the law, the vast majority of your reserves can never be sold, they now have a value of zero. So they aren't assets anymore. Sorry."

The fossil fuel giants can be replaced with two brand-new public cooperatives—People's Carbon for coal and People's Hydrocarbon for oil and gas—whose business plan will be to put themselves out of business within the next decade or two. Their allocation of fuels must be conducted under democratic oversight nationally and administered locally.

The cooperatives will allocate their diminishing allotments of fuels into the various economic sectors. As the War Production Board did in the 1940s, they will direct fuels toward essential agriculture and manufacturing, and barring their use in wasteful or superfluous production.

With oil, gas, and coal use suppressed and new energy capacity still ramping up, there will be upward pressure on fuel and electricity prices. To avoid severe inflation, not only in energy but throughout the economy, the federal government will need to impose price controls on all energy, as the Office of Price Administration did in the 1940s and the Nixon Administration did in the 1970s.

As the flow of energy into the economy contracts, it will also be necessary to ensure economic security for all households and greater equality overall. In The Green New Deal and Beyond, I discuss policies for achieving economic sufficiency and justice, such as planned allocation of resources and production, shorter working hours with full pay, and price controls with rationing of essential consumer goods.

Meanwhile, contracts for the buildup of green infrastructure and wind and solar capacity must give preference to community and neighborhood power generation, prohibit profiteering, and prevent environmental harm. They will shut large corporations out as much as possible.

National home-insulation and efficiency efforts and affordable-housing construction will have to surge, starting in lower-income neighborhoods. Congresswoman Ilhan Omar of Minnesota has gotten a jump on this by introducing the Homes for All Act, which would provide for 12 million affordable, environmentally sustainable housing units.

Rail travel must displace air travel. Green public transportation within urban areas should expand, not by digging under cities but by taking over existing streets and expressway lanes, gradually displacing private cars completely.

Fair shares for all, not a free-for-all

Price controls will keep the energy affordable, but they won't increase its supply. The energy crisis of the 1970s and empty store shelves during the COVID-19 pandemic, among many other events, have shown the corrosive impact of shortages on society as a whole. Measures must be in place to deal with shortages before they develop.

With the cap lowering each year, supplies of fuel or electricity will become insufficient to fully satisfy unchecked demand. A fair-shares rationing system will be needed in order to ensure that households have equitable access to electricity, gas, heating oil, and vehicle fuel.

The simplest and fairest approach will be to allot to each household every week or month a fixed number of credits per adult, free of charge, to be surrendered when paying utility bill and fueling up vehicles. Because the total power supply will be decreasing, it will be necessary to ration all electricity, whether it's generated by fossil fuels or non-fossil sources, to

ensure fair shares.

Even with price controls, however, economically stressed households will not be able to afford their full share of rationed goods. It will then be time to enact big national policies such as "universal basic services," which would guarantee access to energy and other goods and services regardless of income.

Whatever basic procedures and formulas end up being used for fair-shares energy rationing, they will need to be applied equitably throughout the nation. However, they could and should be administered locally, democratically, and inclusively. Local decision-making was the key to both U.S. and U.K. rationing systems during World War II.

With rationing of energy applying to everyone equitably, the more affluent households would see the biggest reduction in their consumption, because they are the biggest energy users today. How we use our energy allotments would still be up to us, our neighbors, and our local communities. We would all be living under the same energy limits, but individuals and communities would be the ones who decide how to use their share.

To emphasize the central point: A Green New Deal-style renewable energy buildup will not be the force that drives down emissions. That new energy infrastructure will serve one purpose only: to partially fill the hole left by the forced exit of oil, gas, and coal. The direct suppression of fossil fuels will stimulate demand for wind and solar energy; the conversion won't happen the other way around.

Acceptability versus necessity

The idea of a Green New Deal went viral in 2018 because it proposed to steer clear of regulation, carbon pricing, international obligations, punishment of polluters, and other policies that are viewed by politicians and their corporate patrons as threats to wealth accumulation. Therefore, it did not pose a threat to big business, aside from the coal and petroleum giants.

In contrast, the nationwide declining cap on fossil fuels that I am calling for, followed by adjustment of the economy to planned allocation and production (policies described in detail by Larry Edwards and me in the report "Cap and adapt: A failsafe approach to the climate emergency" at Resilience.org in 2019) would be about as welcome in corporate America as Carrie Nation at a cocktail party.

The Green New Deal vision, capital-friendly as it is, has not escaped verbal abuse by the Right. The attack has come from all the predictable angles—it's big government, it's socialism, it will hurt coal country. Donald Trump came up with some of the most hallucinatory inventions: that the legislation would mean "no more airplanes, no more cows," would include "trains to Europe, Hawaii and Australia," and would set a limit of one car per household.

In his ignorance, like the stopped clock that's correct twice a day, Trump unintentionally made some valid points. Achieving the deep, on-schedule emissions cuts that are essential in the years ahead would indeed require deep reductions in car and air travel, elimination of confined animal-feeding operations, and many other profound changes in the "American way of life." There are Green New Dealers who acknowledge the need for such deep changes, but those policies did not make it into the joint Congressional resolution, nor are they envisioned as part of the grand plan.

Under the pandemic, most planes have been grounded and vehicle traffic has thinned, but corporate pressure to get all of those sources of greenhouse emissions revved up again will be intense. Meat consumption has dropped, but only amid the cruel sacrifice of that industry's workers. All of this to restart the capital-accumulation engines.

Few are questioning the drive for unlimited growth, including the group New Consensus, which is working to flesh out the full Green New Deal plan. In their publicity, they have predicted that it could be fully paid for by the growth it stimulates, that the prosperity generated by the Green New Deal will "rapidly grow the nation's tax base, vastly expanding federal revenue even without raising marginal tax rates."

Meanwhile, a fact sheet accompanying last year's House resolution for the Green New Deal stated, "At the end of the day, this is an investment in our economy that should grow our wealth as a nation, so the question isn't how will we pay for it, but what will we do with our new shared prosperity."

Paying for a green transition through economic growth sounds easy and painless, but it would be self-defeating. If, say, once this pandemic has finally passed, a twenty-five-year renewable buildup were to stimulate a consistent 3 percent growth rate in the broader economy, GDP would double during that time, swamping any achievements in decarbonization and energy efficiency.

If we're expecting the just transition to increase prosperity, then we're going to need a new definition of prosperity. The word should not signify rising profits and growing wealth; rather, it should indicate the high degrees of economic and ecological stability and justice necessary to sustain a much more just society far into the future.

Race for the flag

Eliminating fossil fuels on a tight schedule seems politically unrealistic, but that's no reason to surrender. Maybe, just maybe, we can find a political opening for necessarily bold climate action. We're seeing in pandemic time that when the predicament is dire enough, there can be broad popular agreement to set aside the pursuit of a boom economy and deal with the disaster at hand. Energy policies that would have been deemed too radical just a few months ago could finally get traction in the next year or two.

My purpose here is to plant a flag marking how far climate policy will have to go if America is to eliminate fossil fuels by the ecologically necessary deadline. Whenever more politically palatable but weaker proposals such as techno-fixes or carbon

pricing are floated, we must insist on the fact that speculative half-measures will not drive emissions down in time.

If half-measures are nevertheless adopted, we all need to be fully aware that we are still heading for an Earth-wide meltdown unless we stop, turn, and head for that flag before it's too late.

During the pandemic, we've seen a contraction of energy consumption as economic activity has plummeted. The World Meterological Organization predicts that global carbon dioxide emissions will fall by 6 percent this year, the steepest annual decline since World War II. But without decisive, transformative interventions, that decrease will be only temporary.

If our collective recovery from the coronavirus is left up to the political and economic powers-that-be, the singleminded drive for wealth accumulation will be re-established ASAP, with consequent increases in emissions.

If reckless re-expansion is achieved, it won't last long. We are already well into ecological overshoot, and growth of the human economy is going to end—permanently—one way or the other.

No one can predict when or where the irreversible contraction will begin. Nor do we know yet whether the degrowth will be achieved democratically, fairly, and peacefully, or simply happen, in a scene that looks something like a remake of Mad Max shot in a sauna. But we'll know soon enough. That choice will be made, either by us or for us, in the next decade, maybe two. **CP**

Stan Cox is a research fellow at The Land Institute and the author of *The Green New Deal and Beyond: Ending the Climate Emergency While We Still Can* (City Lights, 2020).

Antibiotic Resistance

Big Pharma's Hand in the Disaster

By T.J. Coles

The global antibiotic crisis has increased the COVID-19 death toll. From the Second World War onwards, drug companies overproduced antibiotics and health professionals overprescribed. Bacteria grew resistant to the drugs. One major solution is for Big Pharma to conduct R&D into new antibiotics to keep one step ahead of bacterial mutations. But that's not profitable. With few governments willing to intervene, the crisis will worsen.

COVID-19 is a virus, not bacteria. The World Health Organization, therefore, advises that antibiotics should not be used to prevent or treat the virus. But like the Flu Pandemic (1918-20), many COVID-19 victims do not die of the virus, but from bacteria-related secondary complications. It is important to note that the crisis of antibiotic resistance contributes to the deaths of many COVID-19 victims. In Italy, for instance, 8.5 percent of deaths from COVID-19 complications including bacterial superinfections, with many of the bacteria strains resistant to antibiotics. In March 2020, the World Health Organization said: "Dual infections with other respiratory viral and bacterial infections have been found in SARS, MERS and COVID-19 patients." The American College of Cardiology states: "It is important for patients with CVD to remain current with vaccinations, including the pneumococcal vaccine given the increased risk of secondary bacterial infection with COVID-19."

Worldwide, antibiotic-resistance to respiratory pathogens, including S. pneumoniae and M. tuberculosis has reached epidemic levels. Global antibiotic usage is expected to increase from 63,000 tons in 2010 to 105,000 tons by 2030: with nearly 100 percent increases in Brazil, China, India, Russia, and South Africa. The most frequently-used antibiotics are amoxicillin and clavulanic acid. These are regarded by the World Health Organization as first or second-line drugs. Others, including carbapenems, cephalosporins, and quinolones are recommended with caution due to their high levels of resistance. The second category accounts for around a fifth of all antibiotics used globally.

Antibiotic Crisis

Formal antibiotics and antimicrobials began with Paul Ehrlich's discovery of a syphilis cure in 1909 and Sir Alexander Fleming's discovery of penicillin in 1928.

From the 1940s to the 1980s, Big Pharma overproduced antibiotics and marketed them as a cure-all. One of the consequences was that bacteria mutated to survive. This led to widespread resistance to antibiotics. In 2013, Tom Fried, Director of the US Centers for Disease Control and Prevention, described humans as close to living in a "post-antibiotic era." Antibiotic drugs were widely produced by foreign companies as generics. The increasing privatization of global healthcare markets, beginning roughly in the 1980s, meant that the production of niche drugs was more profitable for Big Pharma than the continued research into and development of new antibiotics. Dr. Joan Butterton, head of antibiotic research at Merck, notes that antibiotics are "made to be used as little as possible, so therefore companies aren't making any return." Giants do not profit from antibiotics and smaller companies haven't the capital to wait to develop new products, ergo the giants are dumping their antibiotic arms onto smaller firms.

Most antibiotics work by inhibiting the ability of bacterial cells to synthesize their DNA and RNA proteins. After producing penicillin, the drug giant Eli Lilly produced the antibiotics vancomycin, erythromycin, Keflex, and Ceclor. From 1943 to 1960, penicillin, tetracycline, erythromycin, and methicillin were also developed. But, within the same period, the bacteria R. Staphylococcus, Shigella, Staphylococcus, and pneumococcus had each developed resistance. From 1967 to 1985, the

drugs gentamicin, vancomycin, imipenem, and ceftazidime had been produced. But by 1988, Streptococcus, Enterococcus, Enterobacteriaceae, and Enterococcus had developed resistance. Lastly, between 1996 and 2010, the drugs levofloxacin, linezolid, daptomycin, and ceftaroline had been produced. But, by 2011, many of the aforementioned bacteria, as well as extensively drug-resistant (XDR) tuberculosis, pan-drug resistant (PDR) Acinetobacter, and N. gonorrhoeae, had also developed resistance.

Having created a crisis of resistance, Big Pharma is now abandoning the public. Fewer and fewer new antibiotics are coming onto the market. Kevin Outterson the head of CARB-X, a government-funded antibiotic resistance research project, said: "You'd never tell a cancer patient, 'Why don't you try a 1950s drug first and if doesn't work, we'll move on to one from the 1980s.'" Yet, that is what they are saying when it comes to the use of outdated genetics for treating bacteria. Per capita, rich countries are the biggest consumers of antibiotics, with the exception of a few poorer nations, including Turkey, Vietnam, and Saudi Arabia. Between 2000 and 2015, the consumption of antibiotics by low- and middle-income countries increased as followed: cephalosporins consumption by 339 percent), quinolones 125 percent, and macrolides 119 percent. Between 1999 and 2014, merely 12 new antibiotics went on sale across just 10 countries.

In June 2018, the French giant Sanofi sold its antibiotic branch to Germany's Evotec. Another pharma giant, Novartis AG, sold biotech startups to Boston Pharmaceuticals. Bloomberg Businessweek provides an anecdotal example of the unprofitability of antibiotic R&D and sales for Big Pharma. The superbug Enterobacteriaceae is resistant to carbapenem (CRE). The US drug company Achaogen developed Zemdri, which kills CRE. Because the deadly CRE kills relatively few people, there is barely a market for Zemdri, hence the collapse of the company in 2019. Dr. Helen Boucher of Tufts Medical Center said: "We have a broken antibiotic market, and this is a stunning example of how broken it is."

Factory Farms

At any one time on farms around the world there are 19 billion chickens, 1.5bn cows, 1bn sheep, and 1bn pigs. Each year 50bn chickens are slaughtered for food, as are 1.5bn pigs, and 500 million sheep. Worldwide, the amount of meat consumption by humans has tripled since 1970. Due to cruel factory-farming practices, animals are forced to live in their own filth. It is cheaper to cram animals into dirty pens and cages than to buy land and allow them to move. The latter would be more hygienic. It is also more efficient for farmers to use spare land for crop cultivation. To solve the paradox of raising animals in cheap but dirty conditions, farmers pump them full of bacteria-killing antibiotics. But doing so means that antibiotics enter the human food chain and contribute to the crisis of resistance. The market says the bigger the animal, the bigger the profit. Antibiotics are also used as growth promoters.

Factory farms have been expanding since the end of the Second World War. They resulted from mechanization and threatened the traditional factory farm. As family farmers either turned into factory farms or tried to compete with them, banks benefited from lending for technology purchases. Large amounts of animals were bred in confined spaces, risking the spread of disease. Antibiotics were used to kill animal disease. Industrial livestock breeding, rearing, and slaughter not only produced horrendous effects for animal welfare but also in the environment: dyes, methane, pesticides, and preservatives. Antibiotics entered the food chain in the 1940s, as farmers fed broiler poultry antibiotics as low-cost growth-promoters. Since the late-1970s, antibiotic animal feed was shown to have transferred to humans. Despite this, 80 percent of all antibiotics sold in the US are used in animals, the majority of which to promote growth and prevent infection. Up to 90 percent of bacteria are excreted by farm animals and widely dispersed via fertilizer, groundwater, and surface runoff.

A report by the US Agency for International Development (USAID), the World Food Programme, and the World Health Organization notes that in poor and rich countries alike, governments and publicly-employed veterinarians once treated animals. By the 1980s, however, fiscal constraints, notions of market efficiency, and suspicion of state-intervention led to privatized veterinary services. Both animal health and the supply of goods and services were affected, lessening the access of rural communities to vets, who favored more profitable urban markets. The report notes that "experiences with recent outbreaks of transboundary animal diseases such as HPAI H5N1 have emphasized the importance of public veterinary services." It is worth considering the fact that USAID, an organization designed to push privatization under the cover of a foreign aid program, is highlighting the importance of the public sector. "Tasks such as surveillance, prevention, control, and eradication of highly contagious diseases with serious socioeconomic, trade, and public health consequences, quarantine and movement control, emergency responses, disease investigation and diagnosis, and vaccination and vector control require public intervention and are unlikely to be adequately provided by the private sector alone." Yet, many of these vital public controls were missing when COVID-19 hit.

America's China Market

China is the world's largest producer and consumer of antibiotics, half of which are consumed by animals. Four fifths of Chinese chicken farmers use at least one prohibited antibiotic. The health of many Chinese people is already compromised by the quality of air, with nearly 100m people sick with chronic obstructive pulmonary disease. Such conditions make people more susceptible to bacterial infections. Antibiotic consumption increased by nearly 80 percent in China between 2000 and 2015, compared to the global average of 65 percent in the

same period.

Big Pharma had to create a national market for antibiotics in China, as the nation was run by semi-autonomous provinces, much as it is today. Hospitals bought 85 percent of all pharmaceuticals: antibiotics being the single biggest product by the 1990s. Despite being limited to urban referral hospitals, the antibiotic cephalosporin remains popular. Cephalosporins appeared in China in 1982, when the US firm Bristol-Myers Squibb (BMS) began exporting. A couple of years later, BMS worked with the Sanwei Pharmaceutical in Shanghai to produce the antibiotic cefradine. Aventis and Glaxo (later GlaxoSmithKline) led the market. According to The Pharma Letter, by 1997, "most of the top-20 pharmaceutical companies' joint ventures in China [we]re concentrated in Shanghai, Tianjin, Beijing, Wuxi and Suzhou."

By the late-1990s under foreign direct investments (FDIs), 18 out of 20 top drug producers had established plants in China: Novartis, Glaxo Wellcome, Merck & Co, Hoechst Marion Roussel, Bristol-Myers Squibb, Johnson & Johnson, Pfizer, SmithKline Beecham, Hoffmann-La Roche, Bayer, Astra, Eli Lilly, Rhone-Poulenc, Schering-Plough, Pharmacia & Upjohn, Boehringer Ingelheim, Takeda Chemical, and Warner-Lambert. Eli Lilly sold its antibiotic production to China "to better focus our resources on the exciting new therapies that we are launching in our core therapeutic areas," says expert, Amber Tong. US companies are "[c]apitalizing on the rich pipeline, faster and broader access in China."

Like post-WWII US farmers, Chinese peasants have also increased their agricultural mechanization to the point where, by 2010, labor productivity had stagnated as agricultural productivity using machines continued to grow. Liu et al. note "the declining importance of agricultural land." The government developed an industrial agriculture policy to meet the demands of accumulated capital. High yields resulted from the use chemical fertilizers and pesticides. Multiple cropping was extended to improve land usage. But it wasn't particularly efficient. By 1978, the grain output increase of over 80 percent led to an annual sector growth rate of less than 3 percent. In the broader economy, labor productivity grew by 58 percent, but in agriculture, it fell annually by 0.2 percent. From 2000, the average annual migration from country to town totaled 15 million people. From 2004, the agricultural machinery industry enjoyed a 6 percent annual growth, thanks to government subsidies in the form of procurement.

Chinese industrial farm policy also wiped out the centuries-old effective culture of natural medicine, such as garlic and horseradish for use as antibiotics. In 2000, China produced 40 million tons of pork. Four years later, it was producing 56 million, as demand exceeded production. The number of large farms raising more than 3,000 pigs increased from 5 percent in 2003 to 14 percent in 2010. Simultaneously, and in keeping with the overall trend noted above, the number of farms producing fewer than 50 pigs declined from 71 percent to 36 percent.

In Xinjiang Province, pork production was 0.025 million tons in 1978. By 2010, it was 0.231. Pig manure samples show significant antibiotic levels (of tetracycline, sulfonamides, and quinolones), above the levels found in chicken and cow feces. Each year, Chinese farmers feed their animals over 8,000 tons of antibiotics: sulfonamides, tetracyclines, fluoroquinolones, macrolides, and β-lactams. Some areas are what the authors Yang et al. describe as antibiotic "hotspots": Southwest China (Sichuan), Central China (Hunan), North China (Henan and Hebei), and the southeast coast (Fujian, Guangdong and Guangxi). To give some examples: In Hong Kong, over 80 percent of people tested positive for the aaaC2 gene, which resists the antibiotic, gentamicin. The acc(3)-IV gene confers resistance to the agricultural antibiotic, apramycin. Apramycin-resistant genes were found in swine-farm workers, where the antibiotic was used as a growth promoter. Certain cytoplasmic membranes contain proteinaceous transporters called the efflux pump. One such pump is called the OqxAB, after the genes that encode it. A study into E. coli in Chinese factory-farmed pigs found that the OqxAB gene was present in over 30 percent of E. coli.-infected human farmworkers. The fact that the farmworkers had never received antimicrobial or hospital treatment indicates the transmission of antibiotic-resistant OqxAB from swine to humans.

By 2015, nearly 60 percent of Chinese children had traces of antimicrobials in their urine, acquired it would seem from food and environmental pollution. Qu et al. outline likely candidates for why antimicrobial resistance is high in China: over-prescription during flu seasons, lack of public knowledge, "Financial incentives, such as mark-ups on drug price, is considered to be the main driver of over-prescribing in China." The Chinese government has taken swift but inefficient action to ban certain antibiotics, replace them with organic acids, improve husbandry and welfare standards, and enforce and surveille. Furthermore, Chinese specialists have researched detection (including quorum sensing) and resistance, such as a new class of antibiotics (arylomycins).

Capitalist India

India is one of the largest consumers of antibiotics, given the product's relative affordability, the size of the Indian population, and the potential market. Nearly 40 percent of India's antibiotics are either substandard or counterfeited. Given that India has one of the lowest doctor-patient ratios in the world (0.8 per 1,000 people compared to 2.8 in the UK), people often self-prescribe and/or are given poor or inappropriate advice. Between 2000 and 2010, India's retail antibiotic consumption increased by over 20 percent.

India is the world's largest producer of fish and milk. Chicken consumption is expected to rise by 577 percent by 2030, relative to 2000 levels. In West Bengal, antimicrobial resistance to Gram-negative bacteria (which are dangerous because they camouflage themselves) were found in nearly 50

percent of cows' milk. A fifth of samples were resistant to the drug vancomycin and a further fifth to methicillin. Among humans, "more than 70 percent isolates of Escherichia coli, Klebsiella pneumoniae and Acinetobacter baumannii and nearly half of all Pseudomonas aeruginosa were resistant to [the drugs] fluoroquinolones and third-generation cephalosporins." Alarmingly, 100 percent of crabs, shellfish, and shrimp in Kerala are resistant to ampicillin, as are around 70 percent of those creatures to ceftazidime. Bacteria in water are also resistant to antibiotics. In surface waters, 17 percent of E. coli cultures were resistant to antibiotic cephalosporin. Likewise, in the major rivers of India, 17 percent of enzymes produced by bacteria, called Extended Spectrum Beta Lactamase, were resistant to drugs.

In Hyderabad (population nearly 7 million), waterborne E. coli is 100 percent resistant to antibiotics. Specialists Taneja and Sharma note: "India is still striving to combat old enemies such as tuberculosis, malaria and cholera pathogens, which are becoming more and more drug-resistant. Factors such as poverty, illiteracy, overcrowding and malnutrition further compound the situation." In addition to animal products, the use of biocides, which kill "good" and "bad" bacteria, have been found to impair the natural bacteria-resisting vanA gene. India is also one of the biggest pharmaceutical water polluters, with over 28 mg/l of the antibiotic ciprofloxacin found in samples of effluent waters.

Unlike the US and China, India has not pursued an extensive policy of agricultural industrialization. By the mid-2000s, India had 140 million hectares of cultivated land directly worked by 225 million laborers. Despite the absence of centralized industrial policy, the laborers use 149 million pieces of farm machinery, 520 million hand tools, and 37 million animal-drawn implements. Work includes threshing, cutting, dusting, spraying, and crushing. There are 42 threshing accidents per 1,000 threshers. Around 22 per every 100,000 farmers are killed each year by their machines.

Over 700 million Indians depend on agriculture directly or indirectly for their livelihoods. Around 400 million Indians enjoy a strictly vegetarian and animal-milk diet. Indian Hindus tend not to eat cows and Indian Muslims tend not to eat pork. Indians eat 2 million tons of meat per annum. India has the second-largest goat population in the world after China, and 95 percent of goats are consumed locally. Chicken and fish are the preferred meats in rural areas. Urbanization has increased meat consumption. By 2014, India was the world's second-largest beef exporter, after Brazil. Nearly 40 percent of agricultural output between 2005 and 2011 came from animal products. A third of incremental food inflation since 2009 has resulted from increased animal production. Indian farmers continue an epidemic of suicides: 300,000 in 20 years. Suicides are caused by rising equipment costs, debt, impossible competition against international market forces (e.g., WTO rules which prohibit the saving of seed), climate change and resultant unpredictable weather, over-regulation of small farmers and under-regulation of big agribusiness, and the monopolization of the once-lucrative cotton industry by biotech companies, particularly Monsanto (Bayer) which produced a self-destructive gene preventing cotton farmers from saving their seed. The Indian government banned the seed, but by 2012 it had already spread and was cultivated across 1.2 million hectares, compared to 6.2 million hectares of legal seed cultivation.

The Good Ol' USA!

By the 1950s, resistance to penicillin was already apparent. Efforts to defeat bacteria with beta-lactam proved ineffective, with methicillin-resistant Staphylococcus aureus being identified within a decade: a disease that kills over 10,000 Americans a year. Ten, years later in the 1970s, the drug vancomycin was introduced to treat Staphylococcus aureus and staphylococci. Again, within ten years, the bacteria developed resistance. C. Lee Ventola writes that in addition to the overuse and misuse of antibiotics, "the lack of new drug development by the pharmaceutical industry due to reduced economic incentives" has been another factor. Ventola advocates for coordinated R&D. But funding cuts due to the financial crisis (2007-08), as well as mergers and acquisitions, have reduced the amount of research being conducted. For instance, between 1980 and 1984, US authorities approved 19 new antibacterial drug applications. Between 2010 and 2014, they approved just six.

In the US, 2.8m people are infected with antibiotic-resistant bacteria or fungi, which kill 35,000 Americans each year. Per annum 99,000 Americans die in hospital from contracting antibiotic-resistant pathogens and associated hospital-acquired infections: pneumonia and sepsis being the most common. Lost productivity due to antibiotic resistance in the US costs $35bn a year.

Over 60 percent of Americans with a bacterial infection are now resistant to antibiotics. The Infectious Diseases Society of America declared multi-drug antibiotic resistance a national security risk and a public health crisis. By 2010, the average American took 22 antibiotic pills a year. Incorrect prescriptions are a serious problem. In intensive care units, 30 percent of prescribed antibiotics are unnecessary, inappropriate, or suboptimal. Treatment indication, drug choice, and duration are wrong 30 percent of the time. Quality of healthcare is another serious problem. In the privatized, highly bureaucratic US, where under-diagnosing can save money for health providers, the pathogen of community-acquired pneumonia is correctly identified less than 8 percent of the time, compared to Sweden which has a near-90 percent identification rate. Resistance to nearly all antibiotics has development.

Profitability is a limiting factor. Big Pharma prefers to invest in medicines for chronic conditions. The net present value for a drug company producing an antibiotic is $50m compared to the production of a neuromuscular disease-treating drug, valued at $1bn. In addition, a course of antibiotics can cost

$1,000 compared to cancer and chemotherapy drugs which cost tens of thousands. The fear of antibiotic resistance has led physicians to increasingly prescribe only for the worst cases, essentially lowering the value of the product and further disincentivizing Big Pharma R&D. In addition, because many antibiotics are non-patented generic drugs, consumers expect specialist antibiotics to be as cheap; another disincentive for corporations.

Wrap Up

The COVID-19 crisis has exposed the many failures of the neoliberal model, including the reliance on Big Pharma to keep the population heathy. Many coronavirus victims died of complications, including bacterial infections. For Big Pharma, other drugs are more profitable, so having created a resistance crisis, the companies now turn their backs. A humanistic response would be significant government funding for and intervention in the global antibiotic industry to develop new, effective drugs. The government would also be tightening prescription rules and promoting healthier farms that do not require massive antibiotic usage. But, if the financial crisis is an example of governmental responses to disaster, the burden of COVID-19 will again fall upon the poor. **CP**

T. J. Coles is director of the Plymouth Institute for Peace Research.

Federal Appeal Courts Agree

Facts About Nuclear Weapons Can be Hidden from Juries in Protest Cases

By John LaForge

If you thought confronting nuclear weapons in the United States would be easier now that the UN General Assembly has approved a treaty outlawing them, think again.

The 2017 Treaty on the Prohibition of Nuclear Weapons will come into force after 50 countries have ratified the law. This may occur in 2020, since 34 nations have already done so.

However, the US court system has constructed a seemingly impenetrable fortress of legal precedent that provides nuclear weapons systems a heavy blanket of judicial security. Like a palace guard that keeps an Emperor safe from all foes, US Courts of Appeal have placed the Bomb and its producers on a throne of the highest order where the mere mention of its status under law is forbidden.

Between 1980 and 2005, seven separate United States Circuit Courts of Appeal have decided that federal judges may—and in one case must—prevent juries in nuclear weapons protest cases from hearing a "defense of necessity" or expert testimony about international law, even if such law forbids nuclear weapons by name.

The First, Second, Seventh, Eighth, Ninth, Tenth, and Eleventh US Circuit Courts of Appeal have all agreed that in political protest cases, keeping juries in the dark concerning the outlaw status of nuclear weapons is legitimate. These seven federal US circuits are the controlling and precedent-setting tribunals for all federal trial courts in 38 of 50 states.

Most recently, in the October 2019 trial of the Kings Bay Plowshares 7 in Brunswick, Georgia, Federal District Judge Lisa Godbey Wood granted the government's "motion in limine" or gag order, agreeing with the government's wish to silence the defendants and quash their attempt to argue a "crime prevention" defense based on international law. Judge Godbey Wood even ridiculed the controversy over the legal status of nuclear weapons in her October 18 order granting the motion, writing, "… whether nuclear weapons are actually illegal under international or domestic law (a doubtful proposition) is not relevant or an appropriate issue to litigate in this case."

The judge' s order, issued 60 hours before trial, kept the defendants and their lawyers in a state of pre-trial overwork, unable until then to finalize their defense arguments, witnesses, and exhibits. Judge Godbey Wood's order denied the defendants' right to fairly and fully defend their actions in the context of a lawful excuse that turns ordinary criminal "trespass" and "damage to property" into justified intervention or crime prevention.

In his detailed Stanford Law Review history and analysis of the government's use of the motion in limine, Hofstra University Assistant Professor of Law Douglass Colbert explained that, "If the court grants the government's motion, the accused's right to present a full complete defense is placed in jeopardy, and the jury's role as a trier of fact is severely undermined." The government's motion in limine, "when successful in eliminating an entire defense, seriously erodes (if not completely nullifies) the crucial role of the jury as judge of fact. …[T]he motion in limine represents a direct attack on the accused's right to a trial by jury," Colbert wrote.

Judge Godbey Wood had plenty of legal precedents to rely on in her glib, last-minute court order. In the U.S. v. Montgomery (1985), the Court of Appeals for the 11th Circuit which covers Brunswick, Georgia and controls Judge Wood's court, the majority said the trial court was right to keep exculpatory evidence from the jury. "Defendants' most interesting claim," the majority found, "is that the trial judge erred in excluding evidence offered to establish the affirmative defenses of necessity and international law.… Other federal courts have considered the availability of an international law defense in cases like this one and have uniformly rejected it."

In a nutshell, the argument is that because nuclear weapons are so hideously poisonous and indiscriminate, and their effects so vast and uncontrollable, that threatening their use (deterrence) like the US Navy practices using Trident subma-

rines out of Kings Bay, is a criminal conspiracy to commit war crimes, and therefore nonviolent interference with this ongoing criminal conspiracy is a justifiable form of crime prevention or a kind of citizen's arrest. Judge Wood sidelined this defense in a written order issued 60 hours before the trial began. The judge wrote in part, "[W]hether nuclear weapons are actually illegal under international or domestic law (a doubtful proposition) is not relevant or an appropriate issue to litigate in this case."

Trial court judges have regularly granted government "motions in limine" excluding evidence about international law, the effects of nuclear weapons, or the nature of the US nuclear arsenal. When the inevitable convictions have been appealed, US Circuit Courts of Appeal have declared, like the Second Circuit did in a 1985 case, that defendants "should not be excused from the criminal consequences of acts of civil disobedience simply because the acts were allegedly directed at international law violations."

Later, and as if anticipating the new Treaty on the Prohibition of Nuclear Weapons, the Seventh US Circuit Court of Appeals wrote in 2002, "Even if it were contrary to international law for a nation to possess nuclear weapons, domestic law could properly and does make it a crime 'to correct a violation of international law by destroying government property.'" These 18- and 35-year-old decisions appear now to be an attempt to proactively and permanently shield nuclear weapons from legal scrutiny, making them sacrosanct forever on a pedestal above the law.

After their October 6, 2002 symbolic disarmament action at a Minuteman missile launch site in Colorado, Sr. Ardeth Platte, Sr. Carol Gilbert, and the late Sr. Jackie Hudson, all members of the Dominican Order of Preachers, were convicted of "sabotage" and of "depredation against government property." Before trial, by court order, the nuns' convictions were guaranteed and made inevitable by the trial court's granting of the government's motion in limine—turning the courtroom drama into a version of Kabuki dance—that formulaic Japanese stage play with elaborate costumes, caricatured roles, and a never-altered conclusion. Srs. Ardeth, Carol and Jackie were prohibited from presenting evidence—or jury selection questions, jury instructions, or opening or closing statements—regarding the effects of nuclear weapons detonations or the legal obligations of citizens under international law. The trial court in Denver—evidently having scoured every previous nuclear weapons protest case for any potential defense—forbade the three nuns from:

> any defense based on necessity or violation of international law or that impugns the … legality … of the Minuteman III missile system, including" the defenses of "necessity; duress; choice of evils; privilege; justification; 'Nuremberg'; mistake of law; international law violations; US Army Field Manual violations; International Court of Justice judgment violations; Treaty violations; UN Charter violations; Vienna Convention violations; … Geneva Convention violations; and/or Tokyo Judgment violations.

The nuns appealed, but in 2005, the 10th Circuit Court of Appeals, also in Denver, upheld the trial court's all-encompassing exclusion of evidence from the jury.

Matthew Lippman, Professor Emeriti of Law at the University of Illinois at Chicago, has argued that, "Civil resisters typically … claim that their criminal act was a justified attempt to halt an ongoing governmental illegality." The government is, the resisters assert, "intentionally engaging in illegitimate criminal conduct"—nonchalantly called "deterrence"—which is the ongoing public, terroristic threat to commit massacres.

By denying protesters the use of the necessity defense, courts are abdicating their constitutional duty to permit criminal defendants to introduce a defense.

Most of the trial court orders forbidding "necessity" defenses rely on the Chicago-based 7th Circuit's 1985 decision in U.S. v. Allen, which asserts, in error some would say, "Although their purpose may have been to uphold international law, their action disobeyed the wholly independent federal law protecting government property." Although federal law may be independent, it is not superior to or controlling of US treaties which constitute "the supreme law of the land" under Article 6 of the US Constitution. The 7th Circuit's error or subterfuge is obvious and egregious in view of five Supreme Court cases in which US treaty law was declared "supreme" and controlling of all the rest.

Prof. Lippman explained, "By denying protesters the use of the necessity defense, courts merely are … abdicating their constitutional duty to permit criminal defendants to introduce a defense." Nowadays, most federal juries are prohibited from learning objective facts from expert witnesses about nuclear weapons—either about their uncontrollable, indiscriminate, and long-term radiological effects, or about what superior/controlling law says regarding individual responsibility for the planning and preparation of mass destruction. Federal juries only hear what the prosecutor's military or weapons-building witnesses (so-called "experts") say in testimony about the Bomb. (Occasionally, federal defendants are allowed to

testify about the facts, but their testimony is always dismissed as inexpert, and coming from alleged conspirators, saboteurs or terrorists.) The government witness's biased, self-interested testimony and "exhibits"—from the perpetrators of the crime being protested—become the only set of "facts" presented by authorities or experts the jury is allowed to consider.

Because of court orders granting "motions in limine," federal juries never hear any expert testimony (facts) that contest much less rebut or refute the government's claims that nuclear weapons are defensive and legal. The reason for excluding these facts is obvious. Any trial defense team can easily disprove the nearly axiomatic presumption that nuclear weapons are lawful. Judges at every level of the judiciary all know how easy it is to show that the effects of H-bombs are ghastlier and more heinous than all other banned weapons (poison, cluster munitions, land mines, and gas) combined.

This is my personal experience as well. In a simple Minnesota case of trespass against depleted uranium (DU) munitions manufacturer Alliant Techsystems in 2004, four civilian non-lawyers, myself included, proved to a jury that our refusal to leave the company's premises was an act of justifiable crime-prevention, not criminal trespass. The jury found us not guilty. It is so easy to show that radiological DU weapons are unlawful, that we established our successful defense of necessity even without the help of attorneys. Historically, court authorities react to such verdicts. Professor Colbert noted that, "The motion in limine to exclude an entire defense first appeared just after juries had acquitted civil rights protestors, anti-war demonstrators, and black liberation activists … in the late 1960s and early 1970s."

A legal vacuum into which federal courts allow no air

Binding international treaties in general, and US Air Force, Navy and Army Field Manuals in particular, all hint at the illegality of nuclear weapons by forbidding mass attacks on civilians and any use of poison. In view of the toxic, indiscriminate, long-term, and uncontrollable effects of nuclear weapons, military and international treaty law can be interpreted as having already prohibited them. Nuclear weapons are like other contraband, in a class along with land mines, cluster bombs, biological weapons, and poison gas. Yet federal courts cannot tolerate any airing of these facts—which might prove the Bomb is unlawful—and the "supreme" law can't be allowed within a jury's earshot. To protect the bomb from legal scrutiny, federal judges and appellate courts have created a legal vacuum, where the introduction of even the tiniest bit of fresh, treaty air would smash their bubble.

So frightened of this a puff of air are federal courts that even former US Attorney General Ramsey Clark, an expert on treaty law who helped negotiate the US adoption of the Nuclear Non-Proliferation Treaty, was kept away from the Tennessee jury in the notorious Y-12 nuclear weapons factory protest case of 2012. (The 6th US Circuit Court of Appeals in Cincinnati ultimately nullified the three convictions and sentences in this case—May 15, 2015—but not because the trial judge excluded evidence friendly to the defendants in error. The convictions were vacated due to gross over-charging by the government which used the Patriot Act's draconian anti-terrorism language against three nonviolent, gray-haired political protesters: Sr. Megan Rice, 81, Michael Walli, 63, and Greg Boertji-Obed, 57.)

The court system appears nearly petrified that a jury might hear an expert explanation of the Bomb's unlawful status. In one extraordinary case, after a federal judge in Arizona agreed to hear a necessity defense by nuclear weapons protesters, the 9th US Circuit Court of Appeals in San Francisco rushed in before trial to prevent it. In pre-trial motions in the case, U.S. v. the Hon. Richard M. Bilby,(11) Arizona's US Attorney filed a complaint against Federal District Judge Richard Mansfield Bilby, warning that the defense of necessity would, "divert the focus of the trial", … "transforming routine criminal prosecutions … [in] to broad-ranging and time-consuming inquiries concerning the wisdom of nuclear … policies…." The US Attorney even warned that, "If left uncorrected, the … order will … possibly result in the defendants' acquittal…"—a prospect so unthinkable that the 9th Circuit acted quickly to snuff it out.

Prof. Lippman noted that, "The judiciary, in ruling on necessity, must concede that the harm created by nonviolent protesters is minor when compared to the potential consequences of a nuclear…war…" But the judiciary habitually echoes appeals court precedents and US Attorney's speeches. One DA ominously warned that if the necessity defense were allowed in nuclear weapons cases, "the harm to the government … would be substantial."

As Lippman reported, dozens of lower courts have allowed juries to hear necessity defenses by war resisters, after which juries have returned not guilty verdicts. "In my rather extensive experience, in civil resistance cases in which defendants have been permitted to rely upon the necessity defense, a significant percentage have been acquitted by a jury of their peers," Lippman wrote. In U.S. v. Ashton, a judge ruled in 1853 that the crew of a faulty ship was justified by necessity to demand that the captain return to port. They were not bound to continue on a voyage that presented a risk to their lives. Lippman found in the Ashton case a perfect analogy to our dilemma of being involuntarily conscripted into the "ships' company" of what could be called our nuclear weapons flotilla. "[T]he crew," the judge said, "have a right to resist, and to refuse obedience."

"It is time," as Lippman says, "to tear down the Berlin Wall that prevents civil resisters from pleading the necessity defense in an attempt to justify their formally criminal conduct—and to open the judicial politburo to the voices of change."

Addendum

For Elizabeth McAlister, 80, federal prosecutors are not

asking for more jail time, and her sentencing date has been set for June 8. Still to be discussed and decided by the judge regarding all 7 defendants are the amount of restitution if any, and the so-called "risk of death enhancement" to the federal sentencing guidelines. Observers may be able to call in and listen to the hearings. Last week the other defendants filed for a continuance, and on May 22 were given new sentencing dates for June 29 and 30. **CP**

John LaForge is a Co-director of Nukewatch.

A Shared Perception of Harm

The Disruptive Power of COVID-19

By John Davis

Myth, magic and ritual largely define pre-modern thought. Now, and at least since the Enlightenment, science attempts an explanation of the world. It is around points on an epistemological spectrum, bounded by these simplistic characterizations, that societies cohere. From the time of Socrates, it is the analysis of these systems of thought that form the basis of philosophy, the modern version of which, since Kant, has developed as a critique of knowledge. Early in the twentieth century, the American philosopher John Dewey established the concept of 'Publics', arguing that within societies, smaller groups develop around shared perceptions of potential harm. Our general understanding of the world, and an awareness of the threats humans face within it, are now subject to a global transformation.

Science has revealed the SARS-CoV-2 virus in spectacular imagery rendered by the electron microscope. It is pictured as a florid, multi-colored, globular life form, but it is the virus's invisible-to-the-naked-eye transmission across the pervious borders of human skin that have infected our bodies and haunted our imaginations. Its colonization of humanity, having been previously confined to Asian bat populations, has enabled the pathogen to express itself dramatically in the form of a global pandemic. As image, performative infection, scientific phenomenon, and statistical event, the little microbe has assumed the role of protagonist in the world's unfolding present.

We, as a predominantly passive (as in locked-down) subject population, receive broad-brushed synopses of scientific findings and assume that a medical understanding of the virus, as well as therapies such as a vaccine, will be established within this system of thought—and will eventually halt the pandemic. What science leaves out are those forms of awareness contained in the fundamentals of pre-modern thought which I characterized as myth, magic and ritual. Yet science, founded on objectification of the natural world, may now be taking account of the co-mingling of the human and the non-human which has always been the creative province of non-civilizational storytelling, sorcery and ceremonial observance. There has been a disruption of modernity whereby new versions of ancient wisdoms may infiltrate.

Our common understanding of modernity, as it has developed over the last century and a half, depends on the work of Darwin, Marx and Freud and their respective explanations of evolution, capitalism and the unconscious. An awareness of the comingling of life-forms in a world in which we humans no longer enjoy sovereignty reveals the hard truth that our story is no longer all about us. Philosophy has usually designated humanity as the unique province of intentionality, of expressions of will, and rendered humanity's setting—its environment—as a largely mechanical world, allowing for its appropriation and exploitation entirely according to human appetites. Biology has previously tended towards a teleological version of evolution which establishes humankind as its final triumph. The unconscious is now explored in ways that are breaking down the mind-body binary in seeking the biological unconscious. As philosophers, social theorists, political theorists, biologists and ecologists take up the notion of a co-evolved, co-existing world, reflecting their understanding of the entanglement within and amongst life-forms, the fortress of modernity is coming under siege.

Donna Haraway, Professor Emerita in the History of Consciousness Department at U.C. Santa Cruz, has given us the term, sympoesis, which denotes a sharing, multi-species approach to the processes of life-making. Bruno Latour, the French Philosopher and former historian of science, extends agency to biota (plants and animals) and as well as abiota (climate), which he collectively characterizes as willful 'actants'. Timothy Morton, the object-oriented ontologist, ascribes sensuality to objects, while Jane Bennett, a Professor of Political Theory at John Hopkins, is a vital-materialist who studies the human-nonhuman 'assemblage'—a word she uses to identify an 'arena in which stuff happens', inhabited by 'a spectrum of agentic capacities'.

Parts of this sort of thinking derive from the breaking down of scientific notions of individuality. Scott F. Gilbert, a Professor of Biology at Swarthmore College specializing in developmental genetics and embryology, challenges the idea of an anatomical individual by observing that, "Only about half the cells in our bodies contain a human genome. The other cells include about 160 different bacterial genomes." Each of these bacterial species forms complex ecosystems. He points out that what has been characterized as our 'sacred DNA', is in fact violable. Our bacterial symbionts (each half of a symbiotic relationship) also confer heritable traits which link to our metabolism and brain function. We know now that we are all holobionts—hybrid organisms that depend on persistent communities of symbionts. We maintain bacterial microbiomes within which viruses coexist, and they, in turn, form the human virome. Just as there

are both healthy and deleterious bacteria, there are both benign and pathological viruses. So it is that we inherit, live and die, at least partly, by our non-human symbiont communities.

Each bacterial and viral member of its respective biome and virome has a face. But if we are currently haunted by just one, another 1.7M viruses are waiting to infect those who attend the continuing push of urban development into the farthest reaches of the global, but especially Asian, wildlands where they have long inhabited the viromes of native fauna. There is irony in this capitalist agenda of exploitation and extraction wreaking a viral revenge. The Dean of Yale School of Public Health, Dr. Sten Vermund, has opined that, "There is no greater threat to the economic well-being of planet Earth than pandemic respiratory illness." How long ago was it that the sages were suggesting that global warming—another by-product of capitalism—offered a threat of similar magnitude?

Jane Bennett writes, in, *Vibrant Matter: A Political Ecology of Things*, 2010, that all matter is vital. But she goes further. She reprises John Dewey's idea, established in, *The Public and its Problems*, 1927, of 'Publics' which suggests that political communities function as ecosystems. Bennett sees this as confirmation of their literal organicism. She writes that, "Dewey imagines a public as a set of bodies affected by a common problem generated by a pulsing swarm of activities." We cannot be sure what Dewey meant, but Bennett's phrasing clearly indicates her interpretation. The spark of life retrogrades through her sentence, from 'pulsing swarm', briefly touching down on 'common problem' and then leapfrogging to 'a set of bodies'. It is a leap she makes, and I suggest that it is in these terms that we may now be experiencing COVID-19 as part of a human-nonhuman assemblage—sparking the vital matter of an organic political ecosystem.

She goes on to note that Jacques Rancière, the French philosopher, in his *Disagreement: Politics and Philosophy* (1999) suggests the radical potential of these politicized groups. He identifies a disruptive force within the public, or 'demos', that consistently trends towards exposing, "…the ultimate secret of any social order—that there is no natural principle of domination of one person over another." Additionally, he suggests that there is a protean force that flows through the demos that disrupts ways in which people see. A COVID-19 public has formed around the global presence of the virus. We may see, as members of this public, Wuhan, the sprawling capital of China's Hubei province, its eleven million be-masked people, even its famous cherry blossoms, its bio-labs, and its teeming wet market, as a part of our origin story—but more compelling are the personal, political and bureaucratic impacts of the arrival of the virus in our local communities. All these particularities and events cohere within Bennett's notion of the 'arena in which stuff happens', and it is in these swarms of vibrant materials that she discerns the comings and goings of 'agentic assemblies.' A decade ago, at the time of writing Vibrant Matter, she posed such questions as, "Can a hurricane bring down a President?", and ominously, "Can an avian virus jump from birds to humans and create havoc for systems of health care and international trade and travel?"

Cruise ships and recalcitrant, populist, demagogic political leaders; the absence of medical equipment; freedom-loving, gun-toting deniers of prescriptive social distancing are some additional actants pulsing through our shared, global space. Within it, we now understand, bat-borne viruses can infect human populations in days, or weeks, and vaccines are likely to appear only after the virus has mutated to a less symptomatic version (which it tends towards in order to maximize its host population).

Meanwhile, many of us may feel more and more removed from the organic processes that support our lives—isolated from food production, desensitized to the violence of resource extraction, and, until very recently, by virtue of modern standards of hygiene and near-universal vaccinations, securely separated from the planet's miasma of bacteria, viruses, fungi and protozoa. Our modernity has been our protection against the nonhuman. But what Bennett and others have been preaching, and which science has been confirming since at least the beginning of the twenty-first century, is that we have always been thoroughly entangled in the nonhuman world—cosmically, biologically, and botanically.

The SARS-CoV-2 virus, arriving within the human population via an immensely complex human-nonhuman agentic assemblage, has now produced its own public—a global population that coheres around a common perception of viral harm. If Rancière is correct in identifying a disruptive, democratizing force within such political ecologies, then this public's power is immense. Its voice will be of excluded humans and nonhumans alike, but we must be attuned to its massive sonority if we are to respond, or take part, intelligently. Most have not heard its pre-modern bass tones, unvoiced for a half-millennium, and I suspect we are ill-prepared for the profundity of its message. **CP**

John Davis is an architect living in southern California.

Waste Commodified

COVID-19, Surplus Humanity and the Coffin-dodgers

By Dan Glazebrook

Amongst all its glistening commodities, one product has defined capitalism above all else: human waste. Superfluous people, not necessary for production, not able to participate in the market, and an ever-present threat to the stability of the system, are—and have always been—the main output of the bourgeois epoch; managing, containing, expelling and

eliminating this waste has always been its prime, if hidden, concern. In the nineteenth century, surplus Europeans were exiled, in their millions, to the colonies—to Australia, Canada, the US, Algeria etc—to continue the process of exterminating surplus non-Europeans. In the twentieth century, two world wars functioned not only to destroy surplus capital, but surplus humanity too, in unprecedented numbers.

But today, for the first time in history, it is a majority of humanity who face redundancy.

In 2004, Zygmunt Bauman published *Wasted Lives: Modernity and its Outcasts*. In this short book, he argues that "the production of 'human waste', or more correctly wasted humans… is an inevitable outcome of modernisation, an inseparable accompaniment of modernity." Indeed, in the eighteenth and nineteenth centuries, he wrote, "the disposal of human waste produced in the 'modernised' and still 'modernising' parts of the globe was the deepest meaning of colonisation and imperialist conquests," as these conquests produced outlets for the export of surplus human beings. As Europe 'modernised' itself, throwing people off the land and replacing them with, first, sheep, and then threshing machines, these 'surplus' humans were shipped off to the colonies. Thus did the modern European states "seek, and find, global solutions to locally produced 'overpopulation' problems."

But this situation, he noted, could only last

> as long as modernity (that is, a perpetual, compulsive, obsessive and addictive modernisation) remained a privilege. Once modernity turned, as it was intended and bound to, into the universal condition of humankind, the effects of its planetary domination have come home to roost. As the triumphant progress of modernisation has reached the furthest lands of the planet and practically the totality of human production and consumption has become money and market mediated, and the processes of the commodification, commercialisation and monetarisation of human livelihoods have penetrated every nook and cranny of the globe, global solutions to locally produced problems, or global outlets for local excesses, are no longer available... the volume of human waste [is] outgrowing the extant managerial capacity.

As a result, the world now faces "an acute crisis of the human waste disposal industry". This issue—what to do with those growing number of souls superfluous to the requirements of modern capitalist production—is "simultaneously a most harrowing problem and a most closely guarded secret of our times."

The year before Bauman's book was published, in 2003, the UN issued a report entitled "The Challenge of Slums: Global Report on Human Settlements." This paper noted that almost a billion people—one third of all city dwellers globally—now lived in slums, with this number projected to double by 2020. The causes were straightforward: "The collapse of formal urban employment in the developing world and the rise of the informal sector is seen as a direct function of liberalization…. Urban poverty has been increasing in most countries subject to structural adjustment programs," imposed on the global South throughout the 1980s and 90s by Western-controlled financial institutions. Fragile national economies were forced to open up to heavily-subsidised, high-tech imports against which they had no chance of competing, with entire industries and farming communities devastated as a result.

Life in the slums produced by these policies consisted of "the most intolerable of urban housing conditions" whose residents "suffer inordinately from water-borne diseases such as typhoid and cholera, as well as more opportunistic ones that accompany HIV/AIDS."

By the year 2030, the report's authors predicted, the world's city dwelling population will consist of three sections, summarised by Mike Davis as follows:

1: .1 billion urbanites—owners, managers, technicians, and skilled information-sector workers—will provide the principal demand for branded international production.

2: . 1.5 to 2 billion workers—ranging from Mexican American nurses' aides in Los Angeles to Chinese teenagers in Guangdong sweatshops—will provide the metropolitan labor-power for the global economy.

3: 2 to 3 billion informal workers—at least 2 billion of whom live in classic slums or peripheral shantytowns—will exist outside the formal relations of production, in Dickensian conditions or worse, ravaged by emergent diseases and subject to a menu of megadisasters following in the wake of global warming and the exhaustion of urban water supplies.

In other words—consumers; producers; and those superfluous to the reproduction of capital; the latter by far the biggest group. Of them, Davis wrote that "this outcast proletariat… is the fastest-growing and most novel social class on the planet. By and large, the urban informal working class is not a labor reserve army in the nineteenth-century sense: a backlog of strikebreakers during booms; to be expelled during busts; then reabsorbed again in the next expansion. On the contrary, this is a mass of humanity structurally and biologically redundant to global accumulation and the corporate matrix." Superfluous to the needs of capitalism, and with "little vested interest in the reproduction of private property," this class does nevertheless possess "yet unmeasured powers of subverting urban order… the contemporary megaslum poses unique problems of imperial order and social control that conventional geopolitics has barely begun to register."

Fast forward sixteen years today and it has certainly registered. Frase warns us that "A world where the ruling class no longer depends on the exploitation of working class labor is a world where the poor are merely a danger and an inconvenience. Policing and repressing them ultimately seem more trouble than can be justified. This is where the thrust toward

"the extermination of multitudes" originates. Its ultimate endpoint is literally the extermination of the poor, so that the rabble can finally be brushed aside once and for all, leaving the rich to live in peace and quiet in their Elysium."

In the "dystopic robo-feudalism" that is our near future, Ian Shaw writes, "a policy of 'neo-exterminism' might be enacted."

* * *

On December 31st 2019, China alerted the World Health Organisation to the existence of several cases of an unusual pneumonia in the town of Wuhan. Eleven days later, Chinese scientists published the genetic sequence of the virus causing it, identifying it as a new strain of coronavirus. That it was deadly was confirmed by Wuhan's first death from the virus, reported the same day. On 24th January, a study published in the UK's leading medical journal, the Lancet showed that a third of China's COVID-19 patients required admission to intensive care, with 29% worsening to the point where they needed ventilation. The authors made clear the lethal potential of the virus, making comparisons to the 1918 Spanish flu pandemic which killed up to 50 million people, and recommended measures be taken to suppress the virus. Understanding the seriousness of the coming pandemic, the British government convened its first COBRA emergency planning meeting on the outbreak. But underscoring their determination not to fight it, the prime minister refused to attend, as he would fail to attend the next four COBRA meetings that followed; as one senior government advisor told the *Sunday Times*, "There's no way you're at war if your PM isn't there."

A week later, on January 31st, the Lancet published another study on the new virus, concluding that: "On the present trajectory, 2019-nCoV could be about to become a global epidemic…for health protection within China and internationally…preparedness plans should be readied for deployment at short notice, including securing supply chains of pharmaceuticals, personal protective equipment, hospital supplies, and the necessary human resources to deal with the consequences of a global outbreak of this magnitude." The same day, the COVID-19 outbreak was declared a global health emergency by the World Health Organisation.

Since long before humanity even knew about viruses, the time-honoured method of dealing with them has been to identify those with symptoms, isolate them, and follow up everyone they have been in contact with, today known as "test, track and trace". These were the measures public health experts had been advocating since the new coronavirus was first identified, and have been used by all countries (such as South Korea, Singapore and Vietnam) that have managed to keep a lid on the spread of the virus and death rates low. As Mike Buckley has pointed out, "WHO advice is abundantly clear, based on existing guidelines and the experience of countries which have successfully contained and turned back COVID-19 and previous pandemics. The essential elements for success are mass testing, the isolation of the sick and those carrying the virus, contacting and testing people who may have been exposed to it, and social isolation to prevent its spreading by people yet to show symptoms. This is not theory, it is fact." Yet, in the UK, noted the Lancet in a scathing editorial in March, "they didn't isolate and quarantine. They didn't contact trace. These basic principles of public health and infectious disease control were ignored, for reasons that remain opaque… February should have been used to expand coronavirus testing capacity, ensure the distribution of WHO-approved PPE, and establish training programmes and guidelines to protect NHS staff. They didn't take any of those actions." Indeed, when the government's SAGE committee—an ad-hoc subgroup of COBRA tasked with providing scientific advice during an emergency—first commissioned a study on the impact of possible COVID-19 interventions in January, it specifically requested that test, track and trace was not included in the modelling. It was later claimed that this decision was taken because "not enough tests were available". Yet they had eight weeks to prepare; Vietnam had been able to produce its entire supply of COVID-19 tests domestically in far less time. As Anthony Costello noted in *The Guardian*, "The UK had been among the first countries to develop a COVID-19 test in mid-January, approved by the WHO, and has an exceptional national research infrastructure," including a sophisticated pharmaceutical industry, and 130 NHS labs which were never utilised. The idea that it was beyond Britain's physical capacity to produce the tests it required is utter nonsense; what was lacking was the political will. Clearly, a decision had been taken very early on that the only tried-and-tested measures of disease control were not to be implemented in the UK.

Instead, the UK government seemed determined to follow a policy of what could only be termed 'let it rip'. As the government's chief scientific advisor Patrick Vallance explained, the aim was "to reduce the peak [of infection], not suppress it completely". Graham Medley, the government's chief modeller, elaborated: "We're going to have to generate what we call herd immunity … and the only way of developing that in the absence of a vaccine, is for the majority of people to get infected". Robert Peston summarised it as follows: "The strategy of the British government in minimising the impact of COVID-19 is to allow the virus to pass through the entire population so that we acquire herd immunity". This strategy went into overdrive on March 12th, when the limited testing that had been occurring was stopped, and the advice to travellers coming into Britain from hotspots such as Wuhan and Northern Italy to self-isolate for fourteen days was withdrawn. At this point, noted the *Financial Times*, "there were fewer than 1,500 confirmed cases in the UK, while in contrast infection rates were soaring in Italy and Spain." The result, said the government's Chief Scientific advisor Patrick Vallance, was that a wave of infections were "seeded right across the country."

Advocates of the so-called 'herd immunity' (aka Let It Rip)

strategy proposed that the most vulnerable should be shielded whilst the virus was allowed to flow through the population. Yet in practice, far from being shielded, those most susceptible to the disease appear to have been deliberately targeted. The particular vulnerability of the elderly to COVID-19 had been understood since the study of its first victims was published on January 23rd. Yet the government ordered that elderly patients be removed from hospitals, where they may well have contracted the virus, and sent back to their care homes, where they would inevitably spread it. As one NHS cardiologist told *The Telegraph* newspaper, "Our policy was to let the virus rip and then 'cocoon the elderly'. You don't know whether to laugh or cry when you contrast that with what we actually did. We discharged known, suspected, and unknown cases into care homes which were unprepared, with no formal warning that the patients were infected, no testing available, and no PPE to prevent transmission. We actively seeded this into the very population that was most vulnerable." When discussing the policy of wilfully spreading the virus, Boris Johnson's chief advisor Dominic Cummings was reported to have said that "if a few pensioners die, so be it."

The cardiologist continued, "We let these people die without palliation. The official policy was not to visit care homes—and they didn't (and still don't). So, after infecting them with a disease that causes an unpleasant ending, we denied our elders access to a doctor—denied GP visits—and denied admission to hospital. Simple things like fluids, withheld. Effective palliation like syringe drivers, withheld." By the start of May, 12,500 care home residents were recorded to have died from COVID-19.

Meanwhile, no effort was made to increase the population's ability to survive the disease by boosting their immune systems. In the 1940s and 50s, cod liver oil was provided free to children, pregnant mums and nurses due to its immunity-enhancing properties; yet in 2020, government ministers made no effort even to promote immune-boosting vitamins or foods, let alone provide them. On the contrary, the government's lockdown guidelines actively prevented people receiving their daily dose of vitamin D by barring those without gardens from the sun, despite growing evidence of the vitamin's importance in fighting the disease.

That people would die, in their thousands, from the government's policy of 'wilful neglect' was painfully obvious, and indeed, was admitted at the time. As countries across Europe were announcing bans on mass gatherings and school closures, Johnson resisted such measures, and instead told the nation to brace themselves for mass death. On March 12th, the day the government formally announced its intention to roll the virus out across the population, Boris Johnson told a press conference that "It is going to spread further and I must level with you, I must level with the British public: many more families are going to lose loved ones before their time." This was at a time when Vietnam—which shares a border with China—had suffered zero COVID-19 deaths, due to their timely implementation of WHO advice. At the time of writing (17th May) they have still not suffered a single fatality.

Yet, far from being a cause for concern, the coming cull was positively welcomed in some quarters. Toby Young, old friend and fellow Etonian of Boris Johnson, and an advocate of what he calls 'progressive eugenics', said in his column on 31st March that "prolong[ing] the lives of a few hundred thousand mostly elderly people is an irresponsible use of taxpayers' money." Earlier that month, financial writer Jeremy Warner in *The Telegraph* had written that "from an entirely disinterested economic perspective, COVID-19 might even prove mildly beneficial in the long-term by disproportionately culling elderly dependants." BBC radio broadcast 'moral philosophy' programmes debating which patients were more deserving of access to ventilators, the young or the old; the fit and healthy or those with obesity or diabetes. The idea that the sick and elderly should be denied medical care was being pushed further than ever before.

The same day the government finally started recruiting contact tracers—four months and 30,000 deaths after Lancet recommended it–Boris Johnson low-paid manual workers back to work.

As the 'herd immunity' strategy was greeted with universal horror by public health experts, the government performed an apparent (but only apparent) volte face and pretended it had never existed. Eventually, with infections doubling every three days, and a steadily mounting death toll, calls for action became irresistible. Yet the nationwide 'lockdown' imposed on March 24th—with all but 'essential' businesses ordered closed and the rights to assembly and association suspended—has been widely misinterpreted. Far from being a belated recognition and reversal of the reckless negligence that had characterised their initial response, it served as a cover for continuing that response but in a way that preserved the integrity of British state institutions such as the NHS.

Once the virus had spun out of control, a lockdown could have served the useful purpose of buying time to establish the basic disease control procedures that should have been implemented from the outset—mass testing, contact tracing and quarantining. But, even during lockdown, the government's stubborn refusal to take these measures continued. Travellers remained free to enter the country from known hotspots, without testing or quarantining, and no test-and-trace system was put in place. Whilst a symbolic target of 100,000 tests per day by the end of April was announced to placate the media, testing remained at a far lower level until right up to the 31 April, when the target was magically reached by testing tens of thousands of people twice on the same day, a horrific waste of resources when care homes were crying out to be allowed access to testing. The following day, the numbers slumped back down again. Meanwhile the British company delivering test kits for use in Germany told *The Telegraph*, on April 16th, that it was ready to provide one million tests per week to the British government, but their calls had been unanswered.

Those tests that were carried out were not done as part of an integrated programme of virus suppression; they were simply a standalone distraction for the media. To the extent they had any purpose beyond pure symbolism, it was to maximise staff turnout at hospitals (by preventing suspected cases from needing to self isolate) and nothing more. Care homes, who needed these tests the most, remained barred from them right up until the end of April. No system of contact tracing was established. And test results—carried out not by the 130 world-class NHS labs ideal for the purpose, but by the accountancy firm Deloittes—were not shared with local Directors of Public Health or GPs; the entire infrastructure of public health was still being barred from the information which would have enabled them to identify and tackle local outbreaks. A successful contact tracing apparatus could have been set up in three days using the existing infrastructure based around Environmental Health Officers alongside retraining those furloughed in other lines of work, explained public health expert Allyson Pollock, if the political will was there. But it wasn't. The government only started advertising for contact tracers—via outsourcing giant Serco, to whom it awarded the contract—on May 10th, six weeks into the lockdown. Even now, it remains far from clear whether this is part of a genuine attempt to keep track of the virus or simply an excuse to award a lucrative monopoly to a major government-backed private company in order to help build up its global brand; once again, the existing public health infrastructure necessary for a holistic, integrated response has been cut out of the process. [9]

Meanwhile the government hammered out a message of "stay home, protect the NHS, save lives". Yet this was more than simply a benign injunction to ensure people avoided picking up or transmitting the disease; it also carried the more subtle message that you should not bother the NHS at this crucial time. People were being made to feel guilty for seeking treatment, especially if they were old. How dare they distract the NHS from its essential COVID-19 work? Old people were told they would almost certainly not get emergency treatment and were pressured to sign 'Do Not Resuscitate' orders en masse, whilst the NHS was effectively shut down for all but COVID-19 patients (and, in the case of elderly care home residents, even them). Hospitals were cleared, 'elective operations' cancelled and treatments stopped. The emptying of sick elderly patients led to an increase in care home deaths from an April average of 8000 to a staggering 26,000, only 8000 of which were attributed to COVID-19; the rest very likely a result of the abrupt termination of their treatment. Oncologist Dr Karel Sikora noted that cancer diagnoses were around 5000 in April, down from what would normally be around 30,000. All these missed diagnoses, along with the cancelled treatment for known cases, could, he estimates, lead to an additional 60,000 cancer deaths this year. Thus, both the 'let it rip' strategy and the measures supposedly taken in response to it, such as the clearing out of hospitals, have had unnecessary mass death as their result rather, it seems, than their target.

That same day the government finally started recruiting contact tracers—four months and 30,000 deaths after it had been recommended by the Lancet—Boris Johnson ordered low-paid manual workers back to work, to be followed by the reopening of primary schools three weeks later. This was in breach of WHO advice, and public health experts were united in their view that this easing of the lockdown without having put in place any system to trace and isolate the virus in was reckless and threatened a second wave of infection and death. As Oxford University professor of epidemiology David Hunter wrote in *The Guardian*, "the countries that have succeeded in taming their coronavirus epidemics—such as South Korea, Taiwan, China, Australia and New Zealand—all have in common "test, trace, isolate" as the centrepiece of their strategy." In Johnson's speech, however, "what we did not get was any list of the actions in place to pursue and contain the virus…. If we take the prime minister's advice and return to work in large numbers now—and without the ability to test, trace and isolate—then virus spread will increase." Yet this seems to be precisely the point; as Hunter notes, "emerging antibody data from hard-hit cities such as New York show that, with less than a quarter of the population affected, it would take at least another wave of devastation to get close to the herd immunity threshold." Far from using the lockdown to buy time to establish disease-control structures, the government appears to be using it as a 'tap', not to reduce infections, but to ensure their flow across the population in a timely manner. It is a tap they are now slowly turning back on, and will have predictable, and fatal, results.

COVID-19's results in the Southern hemisphere, however, are likely to be catastrophic. Here, noted World Food Programme's chief economist Arif Husain recently, "is where the winter is coming, where the flu season is coming. I'm really,

really concerned about Southern Africa. Why? Because there's extreme poverty, extreme malnourishment, to begin with, and poor, poor, poor health infrastructure. There's already a history of HIV/AIDS and TB, and they've gone through multiple climate disasters. Now you get COVID-19 on top of that—what do you think is going to happen?" The WFP's executive director David Beasley, in a disturbing address to the UN Security Council in April, noted that the COVID-19 crisis had already sparked "the worst humanitarian crisis since World War Two". Yet COVID-19 itself is only half the story; the lockdown imposed by Western societies is also ravaging the global South. Siegfried Kracauer has written that "the measures provoked by existential fear are themselves a threat to existence," and this is certainly true of the 'lockdown' prompted by the fear of the government's refusal to tackle COVID-19. Remittances, which last year overtook foreign investment as the largest source of capital inflows to low and middle income countries, are expected to drop by $100 billion this year, as migrant workers find themselves unable to earn money to send home, money on which millions of families depend to meet their nutritional needs. And the wiping out of demand consequent to the lockdowns is likely to prove equally devastating. As Beasley noted, there is "a real danger that more people could potentially die from the economic impact of COVID-19 than from the virus itself," warning that famines could break out in 55 countries in the worst case scenario, with 300,000 starving to death every day and 260 million ultimately at risk of starvation. "If we don't prepare and act now," he concluded, "we could be facing multiple famines of biblical proportions within a short few months." "In all," *The Guardian* concluded, "shortages are likely to affect a fifth of the world's population," some 1.6 billion people.

And yet there is no shortage. "The world is not running out of food," one humanitarian worker told *The Telegraph*. "Global food prices have been coming down for several years and we've had good harvests over the last few years. The main problem is access." This is capitalism being pushed to its depraved logical conclusions. People will be wiped out by a lack of food not because there is a lack of food, but simply because their labour is not needed to meet the demands of wealthy countries.

* * *

We are living through the early stages of a massive extermination event. To deliberately and wilfully allow a deadly virus to rip through the population, fully aware of the consequences for the elderly and vulnerable is beyond negligent; it is the rebirth of colonial eugenics in the heartlands of empire, unprecedented since the foundation of the welfare state. As Bauman noted, with the universalisation of modernity, and the consequent drying up of 'non-modern' areas for the export of surplus population, "societies increasingly turn the sharp edge of exclusionary practices against themselves". The demonisation of the elderly and sick, the ideological war against their right to life, tentatively floated with Cameron's proposition that obese people should be denied access to the NHS, appears now to have passed a major milestone. Our reactions are being tested; COVID-19 is being utilised as a canary in the mine for our willingness to be abandoned by any pretence of state protection in the face of the coming economic chaos and climate misery. The 1% and their state planners must be very pleased with the results.

Meanwhile, famines "of biblical proportions" threaten the global South, provoked by the gratuitous—because, had public health advice been followed, unnecessary—lockdowns which have strangled global supply chains. Saskia Sassen, in her 2014 book *Expulsions: brutality and complexity in the global economy*, notes that "the move from Keynesianism to the global era of privatisations, deregulation, and open borders for some, entailed a switch from dynamics that brought people in [to global capitalism] to dynamics that push people out". We appear now to have reached such an extremity of that process, however, that there is a new switch under way—from the containment of those pushed out, to their outright elimination. Already the humanitarian agencies, tasked with keeping a lid on surplus humanity, are warning that their calls for an emergency $4.7 billion to feed those "pushed out" by the COVID-19 response are nowhere near being met. With nativists like Trump in charge of the richest economies already terminating contributions to the World Health Organisation, what are the chances of a newfound love for the World Food Programme emerging anytime soon?

Order, Bauman reminds us, is defined by the *Oxford English Dictionary* as "the condition in which everything is in its proper place and performs its proper function." Yet in the capitalist order of the near future, there is no proper place or proper function for the majority of humanity, neither as producers nor as consumers. Asked how he obtained the beautiful harmony of his sculptures, Michaelangelo reputedly answered: 'Simple. You just take a slab of marble and cut out all the superfluous bits'. Comments Bauman, "In the heyday of the Renaissance, Michaelangelo proclaimed the precept that was to guide modern creation… through cutting out and throwing away the superfluous, the needless and the useless, the beautiful, the harmonious, the pleasing and the gratifying was to be divined." Today, the 'harmony' of the capitalist order can be preserved only by a massive intensification of this "cutting out and throwing away" of the superfluous who, quite apart from being a threat to stability, are an abhorrent reminder of the defects of the system. "As modern times went by," says Bauman, "an ever larger part of the designing zeal and design-drawing efforts was prompted by the urge to detoxicate, neutralise or remove from sight the 'collateral damage' done by past designing."

And yet, we must always remember, none of this is inevitable. The technical capability to provide the housing and nutritional needs of everyone on the planet has never been

greater. Charity has never been more than a sticking plaster, nor intended to be more; what is needed is the realisation of Article 25 of the Universal Declaration of Human Rights—the right to subsistence. All are capable of making a dignified contribution to the global provision of subsistence, regardless of their economic circumstances, and none should be denied food or shelter simply because their labour is superfluous to the requirements of capital accumulation. A new global movement with this principle at its heart is needed—and needed urgently. **CP**

Dan Glazebrook is a political writer and journalist.

The Deadlock of Predator Management in the American West

By Maximilian Werner

> Life has one final end, to be alive; and all the tricks and mechanisms, all the successes and the failures, are aimed at that end. — John Steinbeck

1. Theory

Dismayed by human hostility toward predators, I often turn to great books of the past for ways to rethink predator management in the American West. *The Land of Little Rain, Of Wolves and Men*, and *Sand County Almanac* come to mind. But no book has done more to untangle the animus toward predators than John Steinbeck and marine biologist Ed Ricketts' *The Log from the Sea of Cortez*. This book is a must read for everyone, though wildlife and land managers who want to improve the quality of their thinking and surpass the limitations of their own perspectives will find it especially useful. But first we must acknowledge a truism among wildlife managers with any degree of autonomy, which is that predator management is more about managing humans. And to manage humans, we must understand what makes them tick.

While the notion that humans are the crux of wildlife conflcit has merit in wildlife advocacy circles, the agricultural community would likely consider the idea as just one more example of how environmentalists are placing the well-being of wolves, grizzlies and other predators above their own. But is that what's happening? Do we really have a predator problem and not a human problem? How do we decide? We need to explore these kinds of questions if we hope to bring fresh insights and new resolve to the deadly and litigious impasse of predator management. Although there are multiple data sets we could consider, we can start by examining anti-predator discourse, which is consistently characterized by lower-order thinking and emotion.

Although a collecting expedition on the Sea of Cortez might not seem relevant to our treatment of predators in the mountains and deserts of the West, Ricketts and Steinbeck's insights relate to how we think and therefore have broad ecological application. "We discussed intellectual methods and approaches," Steinbeck writes, "and we thought that through inspection of thinking technique a kind of purity of approach might be consciously achieved" (109). Granted, most predator advocates probably do not associate inspection of one's thinking (or any thinking at all, for that matter) with state and federal decisions vis-a-vis predators. But Ricketts offers a more charitable appraisal by distinguishing teleological (or subjective) thinking from non-teleological (or objective) thinking. Thus it's not that people don't think; it's that they think differently. The question is how do we decide which method will define our relationship with predators?

Teleological thinking "considers. . .what 'should be' in terms of an end pattern (which is often a subjective or an anthropomorphic projection); it presumes the bettering of conditions, often, unfortunately, without achieving more than a most superficial understanding of those conditions" (112). One could argue that most predator management decisions are teleological, but most humans are actually predisposed to subjective thinking because that is all we've needed throughout most of human evolution. In other words, early hominids didn't survive because their perceptions made it harder for them to act; they survived because their perceptions made it easier, which may explain why some modern humans still opt to destroy rather than coexist with predators. Non-teleological ideas or responses, by contrast, "derive through 'is' thinking, associated with natural selection as Darwin seems to have understood it. They imply depth, fundamentalism, and clarity—seeing beyond traditional or personal projections" (112). We begin to think non-teleologically when we consider all that is involved in coexisting with predators in contrast with how little is involved in destroying them.

Despite our evolutionary predispositions, we have never been better situated, nor had greater wherewithal (and urgency) to "[see] beyond traditional and personal projections." In light of the unrelenting, brutal, and large scale destruction of predators, it is hard to believe that we are also living in a time of astonishing scientific knowledge, one that rivals the Enlightenment in terms of its implications. Discoveries in biology and ecology alone have raised serious questions about our uniqueness as a species and the extent of our dependence on the biotic communities of which we are part. But this knowledge is only valuable if we use it to overcome what Steinbeck describes as our "mental constrictions," a process that would "place the whole problem in a new and more significant light" (118). Sadly, our treatment of predators has not changed much over the centuries. Indeed, too many of us seem locked in a state of willful ignorance.

2. Practice

Not everyone living in North America 400 years ago shared white, Christian settlers' maligned view of predators, but it is easier to understand why, given the challenges they faced and the limited knowledge with which they had to face them (e.g., the King James Bible was the authoritative text at the time), coexistence wasn't a priority. Thus, though it is still difficult to regard their slaughter of tens-of-thousands of wolves, grizzlies, and other predators as anything other than abhorrent, they simply did not know any better. Not because they willfully ignored information that might have lead to a more enlightened perspective of predators and other novelties in the environment, but because for the most part (and notwithstanding any indigenous knowledge they might have acquired) that information did not exist. This is meant to neither absolve nor condemn; it is meant only to illustrate how consideration of the broader (Steinbeck would call it the "relational") context might improve our understanding of how people could behave in ways that by today's standards would be problematic at best.

Predator management is more about managing humans. And to manage humans, we must understand what makes them tick.

Understanding past events is arguably of tertiary importance compared to understanding the present with an eye toward future (and more responsible) outcomes. Unlike our 17th, 18th, and 19th century counterparts, modern humans have access to an extraordinary amount of information that could be used to prevent or mitigate our conflicts with predators. And yet it is precisely this information is absent from most predator management decisions.

A couple months ago I joined a handful of other likeminded individuals at the Utah State Capitol to oppose House Bill 228 (the brainchild of House Representative Casey Snyder), otherwise known as the Livestock predator removal amendment. The bill was one of two designed to do what all predator-related bills are designed to do, which is to make it easier to kill predators while all but eliminating accountability. But on that day in early February I was there to talk specifically about 228. Opaque, ill-defined, and ecologically illiterate, this poorly written bill was emblematic of the anti-predator mentality of legislators throughout the West, where each year more and more predators are killed for non-evidentiary reasons.

On a very basic level, I knew I wasn't going to change the hearts and minds of the people sitting around that table. They, too, are likeminded and many have built their entire careers on catering to the desires of the agricultural and hunting communities. On a rational or extra-tribal level, however, I was willing to give them the benefit of the doubt. After all, if the committee had read the bill they would see its many problems. How could they not? And as state representatives and members of the House Natural Resources, Agriculture & Environment Standing Committee, surely they were prepared to give serious consideration to the opposition's arguments and valued the logic and science on which those arguments were based.

Given this context and the fact that the lives of hundreds of black bears, lions, and coyotes were at stake, I held out hope that committee members would subordinate their own and their constituents' personal beliefs in service of the truth. But the longer I sat there, the more I realized that the meeting was not designed to consider objective truth; it was designed to remain impervious to it. This is likely obvious to anyone who has attended a predator-related legislative meeting anywhere in the West; what may not be obvious are the different ways this goal is achieved.

All the bill's proponents took a similar tack when making their case, but two comments stand out as particularly illustrative of the constricted thinking described by Steinbeck and Ricketts, and what we are up against as people who care deeply about predators and their right to exist. After hearing testimony from those who supported and opposed the bill, Representative Carl Albrecht made this observation: "We've heard from folks who represent science. I would state that those who live on the ground and live with predators every day and try to salvage their sheep herd, their cows, their calves over a period of 40 to 50 years as a family; that's observation; that's science."

Apart from being patently false, Albrecht's comment undermines truth-finding and responsible policymaking by dismissing the single most reliable and accurate means we have of knowing anything. Livestock producers do indeed acquire a great deal of hard-won knowledge during their time on the land, but most of that information is related to how environmental factors—predators, weather, disease, forage—affect livestock production. Wildlife biologists and ecologists are also interested in these factors, but they use the scientific method and precisely suited tools to conduct lengthy studies and experiments before drawing conclusions about what's happening. We would be wise to consider both ways of knowing in our bid to address these complex challenges. Albrecht would have us value the subjective gleanings of personal experience above all else.

Equally indicative of a constricted mindset was a comment made by Representative Casey Snyder in his closing remarks:

"I would submit to you that those who supported this bill were not speaking in the abstract. This is real to them," he said as motioned to the ranchers and herders who sat with their hats in their laps. "This bill has real implications to them. It's going to affect them personally.… So I would encourage my colleagues… to listen to those voices and not to the voices that may not be impacted in a personal way." By suggesting that the reality of personal experience is somehow more important than the reality of the abstract, Snyder's comment echoes Albrecht's belief that observation outweighs science. But Snyder's comment also alludes to another signature of subjective thinking, which is the primacy of emotion.

Although the implications to which Snyder refers are never named, he is likely referring to the trauma of witnessing and/or discovering depredated animals; and to how depredation threatens a livestock producer's ability to survive. These are indeed real concerns and they matter, but making wildlife policy decisions on the basis of them represents a dereliction of duty by any reasonable standard if only because they are not all that matters. If there is any doubt about Snyder's standard or where his priorities lie, consider his emphasis on the personal—as opposed to the collective or ecological—significance of predators. In a anthrocentric universe, wildlife management is about people. Animals are either resources or competitors with nothing in between.

I struggle to understand why people show such low regard for predators, but as much as I disagree with them, as much as I shudder at the thought of all the unspeakable ways they treat these important and amazing animals, unlike Mr. Snyder, I would not recommend that they be ignored. No matter how you cut it, it makes sense to listen to what people have to say and, when necessary, to change in light of it. We can do so much better than to follow the example of the Snyder and Albrechts of the world. The work of scientists and critically thinking people everywhere can help show us how to think objectively and thereby overcome the self-interested limitations of our own minds. **CP**

Maximilian Werner is an Assistant Professor (Lecturer) of Rhetoric and Writing Studies at the University of Utah. His most recent book is *The Bone Pile: Essays on Nature and Culture.*

CULTURE & REVIEWS

Rap on Trial

By Lee Ballinger

Under the leadership of Al Gore, in 1985 the Senate held hearings on the "dangers" of rock music. Musicians were called to testify and politicians preened as they slandered the music created by their constituents. The idea of music as an evil force—a narrative previously the province of the Klan and extremist religious groups—entered the mainstream.

That same year, the Parents Music Resource Center (PMRC) came out of the woodwork. The PMRC was a group of Washington wives who used the influence of their politician husbands to develop some clout of their own. They allied with the PTA to push for warning labels on records, tapes, and CDs. Shortly after the 1985 Senate hearings concluded, the music industry quickly caved in and agreed to put such labels on the music.

The real agenda of the censors was revealed at a secret gathering in the Maryland countryside in 1986. On its private invitations the event was billed as a "Pig Pickin' Barbecue," a benefit for the PMRC. The thoroughly bi-partisan "Benefit Committee" included Marine Corps commandant P.X. Kelly, Marriott vice-president Fred Malek, former Republican Party chairman Dean Burch, Al Gore, future HUD Secretary Jack Kemp, past president of the American Bar Association Robert Wallick, and Merrill Lynch vice-president Bruce Thompson. If its real purpose was simply to raise money, these well-heeled folks could have just sent a check. In reality it was a war council of America's power elite, brought together to discuss the threat that music posed to their unquestioned control of society. Music had become the conscience of the world. Musicians were using the corporate structure of the music industry to spread their messages.

The attacks on music began on a broad stylistic front but gradually narrowed to a primary focus on rap. The Beastie Boys and LL Cool J were arrested. The major record labels set up in-house lyric censorship committees and rappers who wrote songs criticizing the police weren't allowed to record or release them. Insurance coverage was canceled for rap tours. Police established local and national monitoring networks, disrupted shows and tours, and threatened to make it impossible for Time Warner, a major distributor of rap music, to do business.

One of the PMRC's primary allies, the evangelical Focus on the Family, used a chunk of its $57 million annual budget to oppose Earth Day, child care, and the anti-apartheid struggle that was a big part of the hip-hop scene. FOF also put out an audiotape, Bringing Hope to the

Inner City, in which Dr. John Perkins warned against getting drugs out of the black community because "You'll have a generation of people who are going to get a leader and say the problem is society around us."

The Congressional Black Caucus, National Organization For Women, the NAACP, and both the National and Progressive Baptist Conventions backed a boycott of Tower Records for selling hip-hop music.

In 1996, the Clinton/Gore administration pushed through the Telecom bill, which made it a crime punishable by up to five years in prison to distribute or promote by any means music that is "obscene, lewd, lascivious, or filthy." The definition of those terms was left up to prosecutors, who were made legally free to go after not just artists or record companies but bloggers and DJs as well. Among the 91 Senators who voted for the bill were presumptive 2020 presidential candidate Joe Biden and Carol Mosely-Braun, convener of her own Senate anti-rap hearings.

Things have been relatively quiet on the censorship front for the past several years. The easy availability of downloaded music is one reason, but the main factor is that there was a war and the other side won the battle. A systemic censorship was put in place, part of an ever-growing web of control that includes the Patriot Act, cameras on almost every corner, gang databases, post-Occupy restrictions on protest, and privacy invasion as a fact of digital life.

Yet nothing could stop hip-hop from becoming the world's most popular form of music. Despite all the resultant pressures on the content of rap, it is omnipresent and remains a bone that would-be censors cannot swallow or spit out.

Erik Nielson and Andrea L. Dennis, authors of the new book *Rap on Trial: Race, Lyrics, and Guilt in America,* write:

> In the early morning hours of August 9, 2014, eighteen-year-old Michael Brown was shot and killed by police officer Darren Wilson in Ferguson, Missouri. On the day of Brown's funeral, a *New York Times* article about Brown painted a picture of him as a troubled youth and referred to him as 'no angel.' The article described Brown's alleged criminal history, drug and alcohol use, and his residence in 'a community that had rough patches.' Brown reportedly 'had taken to rapping in recent months, producing lyrics that were by turns contemplative and vulgar.' The article then quoted one of Brown's lyrics: 'My favorite part is when the bodies hit the ground.' There were softer lyrics in which Brown complained about deadbeat dads and doted on his stepmother. But those didn't reinforce the narrative of Brown as a monster and were left out of the article.

The obvious message from the nation's paper of record? Michael Brown got what he deserved. Meanwhile a new and rapidly escalating war against rap has been gathering steam over the past fifteen years, as detailed in *Rap on Trial*.

This new book describes how prosecutors are using the alleged connection between violent crimes and "violent" rap music to get defendants, usually young black men, sentenced to long prison terms or even, in many cases, death.

"Police are using rap lyrics to identify and arrest suspects. Prosecutors are using them to charge those suspects. Those suspects are then pressured to accept plea bargains."

The general scenario is to identify a suspect who has recorded rap music, often accompanied by a video, and allege that the lyrics, which may or may not describe violence or drug dealing, prove that the defendant was guilty of a crime (a prosecutors training manual recommends this approach). This happens even if the lyrics were written by someone else years before the alleged commission of a crime. In almost every case the lyrics do not describe the actual crime in question. People have been found guilty when the evidence is merely that they were standing in the background of a rap video. Prosecutors have even introduced as "evidence" the fact that there was rap music played as incidental music in a video.

According to Nielson and Dennis, there have been over five hundred instances nationwide of "rap on trial." In one case the court held that writing lyrics with drug references proves guilt in drug trafficking. In thirty cases, lyrics have been used to pursue death sentences.

> Prosecutors use rap lyrics to show that defendants have bad characters and by nature are hyper-violent criminals who need to be removed from society...This approach relies on the assumption that rap artists—unlike other artists—are incapable of separating their music from their real lives.... By this logic, the many actors who have played violent characters, singers who have recited violent lyrics, or authors who have written violent novels could find themselves persecuted.

If the actors in, say, Breaking Bad—a violent TV series of some note—were arrested for a crime, would their acting be submitted as evidence? Of course not.

On February 20, 2000, a rapper from the No Limit label named Mac was performing at Club Mercedes in Slidell, Louisiana, when a fight broke out and a young fan was shot and killed. Despite the fact that witnesses identified the shooter as someone who looked nothing like Mac, authorities arrested him for murder.

The authors go on to say: "At trial they produced a number of witnesses who would, nearly fifteen years later, recant their testimony completely, revealing that prosecutors threatened to put them in jail if they didn't finger Mac as the shooter. One of them, a pregnant woman named Yulon James, was told she could identify Mac as the killer or have her baby in prison." Mac was convicted and sentenced to thirty years.

How do prosecutors get away with such conduct?

As a lawyer friend told me:

> A prosecutor holds all the cards, and the deck is stacked completely in his or her favor. A prosecutor has the entire law enforcement investigative power and money at their disposal; a prosecutor's evidence is based on what the same law enforcement investigators say was found or said—meaning that the fact-gatherers are also the advocates. A prosecutor has unlimited resources and most defense attorneys have little to work with. When a defendant does have money and gains an acquittal, the hue and cry is always 'See, money buys acquittals.' No, money buys convictions.
>
> In order to indict," add Nielson and Dennis, "grand juries do not have to reach a unanimous decision, and if the grand jury declines to indict, the prosecutor can simply present the case a second time to the same grand jury or to a different one. Because the process is so one-sided, it's often said by prosecutors and defense attorneys alike that you could indict a ham sandwich.

But if you're innocent you've got nothing to worry about. You can always clear yourself at trial, right? Hardly. The grand jury indictment sets the stage for the prosecutor to intimidate the defendant into a plea bargain (over 90 percent of all felony cases are settled without trial). A heavy sentence is held over the head of the defendant, who is constitutionally presumed to be innocent. If they're a rapper, their lyrics are thrown into the threat mix. Often without effective counsel, the defendant usually takes the deal, saving the state the cost of a trial while creating another cog in the wheel of the prison industrial complex.

When a rapper is on trial, so-called "expert" witnesses, usually police officers, testify that the defendant's lyrics establish guilt. Such experts are seldom knowledgeable about rap music, often comically so. Rap on Trialdescribes one case where a juror had to speak up and correct the misinformation presented.

On the other hand, Davey D, unquestionably the most knowledgeable hip-hop journalist in the world, was called to be an expert witness in the trial of a rapper in Baltimore. The judge would not allow Davey D's credentials to be presented and he was denied expert witness status.

At the same time, "gang" has become a word with the same function and meaning as the word "terrorist," a wand to be waved to prevent further discussion. This is certainly the case in rap trials, where the constant refrain of "gang member" is used to browbeat juries into convictions. Convictions with "gang enhancements" make long sentences longer and help to keep the prisons full. Officers from local gang units take the stand to assert the gang membership of defendants. Do they know what they're talking about? Nielson and Dennis explain that most gang unit officers spend the bulk of their time doing surveillance of social media and spend little time on the streets.

> In 2012 New York City announced it was doubling the size of its gang unit to 300 people. This massive increase came even as gangs accounted for less than 1 percent of city crime. The city would be deploying more gang police than there were total gang-motivated crimes (264) for that fiscal year.

A defendant is presumed to be a gang member if he or she is in one of the ever-expanding gang databases. You can be included simply for the way you look or because you live in the wrong neighborhood (one of the criteria for inclusion in California's massive CalGang database is "Subject has been seen frequenting gang areas.") An audit of the CalGang database found that it contained 42 people under the age of one.

Gangs do exist and gang members sometimes cause violence. But before we accept the violent stereotypes the media and prosecutors promote as an explanation, we should look at the economic context. For example, a map of factory closures in Los Angeles is almost identical to a map of areas of gang activity.

Violence doesn't come from the human nature or musical preferences of those whom ambitious prosecutors demonize as predators. It comes from living in a world of extreme economic polarization where people are forced to fight over scraps. It comes from living in a world saturated by war and other forms of official violence, a world where movies and TV constantly put forward violence as the solution to conflicts, a world where, since 2004, there have been over two thousand people in Southern California shot by police (one indictment, no convictions).

They will come after you in different ways depending on your status. Superstar rapper Kendrick Lamar had many run-ins with LA cops when he was coming up. If he'd remained local he would have been a likely candidate to wind up labeled a gang member and sent to prison. Instead, he became a star and put out the song "Alright" (with lyrics "And we hate po-po / Wanna kill us dead in the street for sure" accompanied by a chilling video about police brutality). "Alright" became an anthem at police brutality protests. Because of his visibility, Kendrick Lamar was attacked not by armed police, but by Geraldo Rivera on Fox News, who blamed Lamar for the fact that "Hip hop has done more damage to young African-Americans than racism in recent years." When Beyoncé critiqued the police on her Super Bowl halftime show and on the video for her song "Foundation," police chiefs nationwide howled in outrage but she wasn't dragged off to jail.

These megastars are not likely to be stopped in the streets, harassed, arrested and forced to defend themselves in court. A little further down the rap food chain, it can be a different story. The artists at No Limit Records out of New Orleans, successful but out of the full glare of the mainstream, have suffered consistent police harassment. Rapper McKinley Phipps (Mac) is doing thirty years for a crime he almost certainly did not commit. Cops pulled over Lil Boosie and cut up the upholstery in his car with a knife. In Pittsburgh, unsigned

rappers Jamal Knox and Rashee Beasley recorded a song called "Fuck The Police." They were arrested for making terroristic threats and sent to prison.

The war on music has moved beyond PMRC-style censorship. To understand why, we need to look at recent history. Rap music emerged from the South Bronx in the 1970s as a direct result of some of the earliest manifestations of deindustrialization. Trapped in a crossfire of unemployment, arson, drugs and violence, local youth invented a whole new culture. There was plenty of resistance to it, but nobody went to jail based upon lyrics they had written.

Fast forward to 2005, the year in which "rap on trial" began to grow like a weed in the judicial system. Deindustrialization was now rampant throughout the country. The Clinton crime bill of 1994 had borne its fruit—the biggest system of incarceration the world had ever seen. The rap audience was now multiracial, worldwide, and huge, meaning a rapper, whether local hero or superstar, was now in a position to help further erode the racial and social barriers that kept different sections of the people apart.

Today, in 2020, the power elite wants to keep nurturing the prison industrial complex to satisfy its many economic stakeholders, including the private prisons which are contractually mandated to remain full. This vast apparatus is sustained by a relentless flow of new bodies: 2.3 million people behind bars, 5.1 million on probation or parole.

In part, rappers behind bars are just the collateral damage of an onrushing police state. But on the other hand, rap music is the most important voice of resistance to that police state. The creation of special police squads in many cities to infiltrate and keep track of hip-hop culture confirms how seriously the forces of law and order take this musical and social threat.

Eighty-five percent of all defendants in trials in which lyrics are used against artists are black. Nielson and Dennis compare this to the example of Johnny Cash, whose lyrics in "Folsom Prison Blues" (I shot a man in Reno / Just to watch him die) obviously meet the current standard for legal sanction. The same could be said about white artists such as the Kingston Trio and their song "Bad Man Blunder" ("I was feeling kind of mean/ I shot a deputy down") or Eric Clapton's hit cover of Bob Marley's "I Shot the Sheriff." But these songs are from the twentieth century, when no one of any color was being persecuted in court for their lyrics.

Race clearly plays a role when rappers are on trial today. Prosecutors regularly traffic in the most revolting racial stereotypes to remind jurors that young black man equals thug equals criminal. This corresponds to the way the huge edifice of control has been constructed, in which fear-driven racial propaganda equals a phony drug war equals massive prison budgets equals police forces beyond any public accountability.

But there's also another picture. Detailed studies reveal that half of all people killed by the police in the United States are white. A massive Justice Department survey showed that half of all people abused by police in a year in the United States are white. This makes sense since half of the poor in America are white. On the other hand, black and brown folks are killed and abused by police out of all proportion to their numbers in the population, an inevitable outcome given the inequality which has defined this country since its inception. Meanwhile, the deindustrialization which was once almost unique to the South Bronx, the birthplace of rap music, is now the norm nationwide.

A love of rap music is also nationwide, present in all communities large or small. Rap provides a connection between countless people regardless of race, age, or gender. That same music is under attack, from the courts to the media, from a superstar like Kendrick Lamar to an unknown like Jamal Knox. Can we unite to defend it, to take rap's most important messages and use them in our common interest? **CP**

Lee Ballinger is the author of *Love and War: My First Thirty Years of Writing*, available as a free download at loveandwarbook.com.

Monuments or Idols

By Elliot Sperber

Look into the windows
of your telephones and tell me
Are these monuments or idols?
These statues of slavers,
And statutes for slaves
From wave after wave
Of colonization, and privatization
Waves of plantations
And waves of police violence —
A phrase that's redundant
Police are nothing but —
Just look at their tools
Their nightsticks, and guns;
The second wave
Of the virus
Along with the waves of layoffs,
and die-offs,
And waves of evictions,
All of these waves
Extend from one ocean
Millennial floods
Now occur every year
As Jesus is coming
Flooding the Milky Way Galaxy —
Gala, that's milk in Greek
Reminding me
Of that other tautology
Don't say: end police violence
Just say: end police
Empty the jails
Refill them with cops
Seventy-seven police stations
In New York City
Shut them all
Sell them off
Or, better yet, give them away
And what'll be gardens and parks
tomorrow
Are parkways and jails today

Elliot Sperber is a lawyer and writer in Brooklyn.

CounterPunch
ISSN 1086-2323 (print)
ISSN 2328-4331 (digital)
www.counterpunch.org
1 (707) 629-3683
$7.50 per issue
P.O. Box 228
Petrolia, CA 95558

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