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“SCOTUS POKUS”

HELI SWENSSON

**“SCOTUS POKUS ”**

Cover Design by Heli Swensson.

In a historic decision, the Supreme Court severely limited, if not effectively ended, the use of affirmative action in college admissions. By a vote of 6-3, the justices ruled that the admissions programs used by the University of North Carolina and Harvard College violate the Constitution's equal protection clause, which bars racial discrimination by government entities.

Writing for the majority, Chief Justice John Roberts explained that college admissions programs can consider race merely to allow an applicant to explain how their race influenced their character in a way that would have a concrete effect on the university. But a student “must be treated based on his or her experiences as an individual — not on the basis of race,” Roberts wrote. The majority effectively, though not explicitly, overruled its 2003 decision in *Grutter v. Bollinger*, in which the court upheld the University of Michigan Law School's consideration of race “as one factor among many, in an effort to assemble a student body that is diverse in ways broader than race.” Justices Clarence Thomas, Samuel Alito, Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett joined the Roberts opinion.

- Amy Howe

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SCOTUS THE SUPREME COURT AND AFFIRMATIVE ACTION

AMY HOWE

In a historic decision, the Supreme Court severely limited, if not effectively ended, the use of affirmative action in college admissions. By a vote of 6-3, the justices ruled that the admissions programs used by the University of North Carolina and Harvard College violate the Constitution's equal protection clause, which bars racial discrimination by government entities.

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Justice Sonia Sotomayor — a graduate of Princeton and Yale Law School who once called herself "the perfect affirmative action baby" — dissented, in an opinion that was joined by Justices Elena Kagan and Ketanji Brown Jackson. Sotomayor emphasized that the majority's decision had rolled "back decades of precedent and momentous progress" and "cement[ed] a superficial rule of colorblindness as a constitutional principle in an endemically segregated society."

Thursday's ruling was the latest in a series of challenges to the role of race in university admissions. In both the North Carolina and Harvard cases, the plaintiffs had asked the justices to overrule *Grutter*. In her opinion for the majority in that case, Justice Sandra Day O'Connor reaffirmed that "student body diversity is a compelling state interest that can justify the use of race in university admissions," but she warned that race-conscious admissions policies should not last forever. In 25 years,

she suggested, "the use of racial preferences will no longer be necessary to further the interest" in diversity.

Eleven years after the court's decision in *Grutter*, a group called Students for Fair Admissions filed the North Carolina and Harvard cases in federal court. The group was founded by Edward Blum, a conservative activist who had also spearheaded a challenge to the admissions policy at the University of Texas at Austin as well as to *Shelby County v. Holder*, the 2013 case that narrowed the Voting Rights Act.

After the lower courts upheld both North Carolina's and Harvard's admissions policies, the Blum's group came to the Supreme Court, where it asked the justices to overrule their decision in *Grutter* and bar the consideration of race in university admissions altogether. The court that agreed to take up both cases last year was a very different, and much more conservative, court than the one that had upheld the UT-Austin policy seven years before. Justice Anthony Kennedy, the author of the UT-Austin decision, retired in 2018 and was replaced by

Justice Brett Kavanaugh, while Justice Ruth Bader Ginsburg was succeeded by Justice Amy Coney Barrett.

In a 40-page opinion that addressed both the Harvard and UNC cases, Roberts began with a review of the Supreme Court's past decisions interpreting the equal protection clause. Those decisions, he concluded, reflect the clause's "core purpose": "doing away with all governmentally imposed discrimination based on race." He emphasized that the Supreme Court had only allowed universities to use race-based admissions programs "within the confines of narrow restrictions." But the Harvard and UNC programs, "however well-intentioned and implemented in good faith," Roberts explained, do

not comply with those restrictions.

Both programs, Roberts began, consider race as part of their admissions program for commendable goals, such as "training future leaders in the public and private sector" and "promoting the robust exchange of ideas." But those goals are too vague for courts to measure, Roberts reasoned. How, he queried, do courts determine whether future leaders have been sufficiently trained, or "whether the exchange of ideas is 'robust'?" And even if courts could measure them, he continued, how would courts determine whether universities had accomplished those goals, "and when the perilous remedy of racial preferences may cease?"

The programs also use race in a "negative" manner, Roberts next explained, despite the Supreme Court's admonition that "an individual's race may never be used against him in the admissions process." Although

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— Amy Howe

both universities contend that an applicant's race is never a negative factor, Roberts wrote, "college admissions are zero-sum. A benefit provided to some applicants but not to others necessarily advantages the former group at the expense of the latter." Moreover, Roberts added, the programs also rely on prohibited racial stereotyping – the idea that minority students will always have the same views or perspectives on a particular issue.

Finally, Roberts observed, the Harvard and UNC programs lacked the "logical end point" suggested by *Grutter*: Both Harvard and UNC acknowledged that their programs do not have a "sunset" date. Indeed, Roberts noted, "UNC suggests that it might soon use race to a *greater* extent than it currently does."

Roberts stressed that the court's decision did not bar universities from ever considering race on a case-by-case basis. Schools, he indicated, can consider "an applicant's discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise." However, he cautioned, a "benefit to a student who overcame racial discrimination, for example, must be tied to *that student's* courage and determination. Or a benefit to a student whose heritage or culture motivated him or her to assume a leadership role or attain a particular goal must be tied to *that student's* unique ability to contribute to the university." By contrast, he complained, programs like the ones used by Harvard and UNC have "concluded, wrongly, that the touchstone of an individual's identity is not challenges bested, skills built, or lessons learned but the color of their skin. Our constitutional history does not tolerate that choice."

The majority's decision left the door open for service academies like the U.S. Naval Academy and West Point to continue to use, at least for now, race-conscious admissions programs. The Biden administration, which filed a brief as a "friend of the court" in support of Harvard and UNC, had emphasized that senior military leaders believe that it is important to have a diverse officer corps, which in turn requires the consideration of race for admission to the service academies. But the service academies did not participate in the Harvard and UNC cases and the lower courts did not consider that argument. Therefore, Roberts indicated in a footnote, the Supreme Court did not weigh in on the issue, "in light of the potentially distinct interests that military academies may present."

Thomas filed a concurring opinion and took the relatively rare step of reading a summary of his opinion from the bench. He pushed back against the idea, advanced by Sotomayor in her dissent, that the 14th Amendment "does not impose a blanket ban on race-conscious policies."

But Thomas, who in his memoir discussed the "stigmatizing effects of racial preference" that he felt after he was admitted to Yale Law School in the 1970s under a race-conscious admissions program, was also sharply critical of the UNC and Harvard programs from a practical perspective. Such programs, he argued, "do nothing to increase the overall number of blacks and Hispanics



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able to access a college education” but instead “simply redistribute individuals” among colleges and universities, “placing some into more competitive institutions than they otherwise would have attended” – and where they may be less likely to succeed academically. And if they do succeed, Thomas wrote, they may still be harmed by the stigma that race-conscious admissions programs create. Rather than solving existing issues of inequality, Thomas argued, these policies themselves divide students and “lead to increasing racial polarization and friction.”

Kavanaugh wrote his own concurring opinion in which he acknowledged that “racial discrimination still occurs and the effects of past racial discrimination still persist.” He observed that other paths, such as federal and state civil rights laws, can “deter and provide remedies for current acts of racial discrimination,” while governments and universities can also use race-neutral methods to remedy past discrimination. But he suggested that Thursday’s decision – which, he noted, will first apply to the admissions process for the class of 2028 – was consistent with *Grutter*’s “explicit” 25-year sunset.

Sotomayor’s 69-page dissent emphasized that the “limited use of race” by colleges and universities “has helped equalize educational opportunities for all students of every race and background and has improved racial diversity on college campuses.” “Although progress has been slow and imperfect,” she wrote, “race-conscious college admissions have advanced the Constitution’s guarantee of equality and have promoted” *Brown v. Board of Education*’s “vision of a Nation with more inclusive schools.” “The devastating impact of” Thursday’s

decision, she concluded, “cannot be overstated.”

Justice Elena Kagan joined Sotomayor’s dissent. Justice Ketanji Brown Jackson, who until last year served on Harvard’s board of overseers, recused herself from the Harvard case and therefore joined Sotomayor’s dissent as it applied to the UNC case. Jackson also filed a dissent in the UNC case, joined by Sotomayor and Kagan, in which she argued that American society “has never been colorblind.” “Given the lengthy history of state-sponsored race-based preferences in America,” Jackson wrote, “to say that anyone is now victimized if a college considered whether that legacy of discrimination has unequally advantaged its applicants fails to acknowledge the well-documented ‘intergenerational transmission of inequality’ that still plagues our citizenry.”

Although Thursday’s ruling essentially ended the use of race-conscious college admissions programs, the justices could soon consider whether the Constitution bars other efforts to increase diversity, even if those efforts to do not expressly take race into account. In May, the U.S. Court of Appeals for the 4th Circuit upheld the admissions policy at a prestigious Virginia magnet school over a challenge from a parent group, which alleged that although the policy was “race neutral” it nonetheless discriminated against Asian American students. The group is likely to appeal that ruling to the Supreme Court – possibly as early as this summer.

Amy Howe writes for the *SCOTUSblog*.

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EDUCATIONAL FUNDING AND INEQUALITY

S T A N K A R P

This year marks the 50th anniversary of *San Antonio Independent School District v. Rodriguez*, the landmark 5-4 Supreme Court decision that held that education is not a fundamental right protected by the U.S. Constitution. The decision dashed hopes that the historic *Brown v. Board of Education* ruling that ended legal segregation in 1954 would be followed by a sustained federal commitment to making education equality a reality.

Demetrio Rodriguez was a sheet metal worker and a member of the Edgewood Concerned Parent Association when he became the lead plaintiff in the case. He thought his three children were being shortchanged by wide disparities in schooling across the sprawling San Antonio school district and the state of Texas. Parents hoped the case would clearly establish a federal right to education.

Instead, the *San Antonio* decision closed the federal treasury to advocates of funding equity and set the stage for decades of legal battles over 50 state school finance systems that provide sharply different levels of education to students from different class, race, and community backgrounds. Those court battles, and the organizing and advocacy they generated, made some significant gains. But today the U.S. school funding landscape remains littered with unequal and inadequate state funding systems and is in urgent need of transformation. One recent national survey found that “unequal opportunity is a universal feature of state school finance systems.”

Still, there is reason for hope. Activists and advocates are reaping the lessons of a half century of funding battles and planning the next wave. In February, Pennsylvania’s system of funding schools, one of the most unfair in the country, was declared illegal after a 10-year court battle, opening a debate over how to reform it (see below). Also encouraging, researchers, organizers,

and policy advocates are developing notions of what “transformative justice in school funding” could look like.

Reproducing Inequality Instead of Eradicating It

The process of remaking school funding in the United States begins with understanding how the current system reproduces inequality instead of eradicating it.

In most countries the right to education is enshrined in the national constitution and supported by a centralized, national funding system. The patchwork U.S. system of local property taxes and 50 separate state funding systems makes it an outlier. As with voting rights, the lack of strong federal protections provides room for less transparent and less equitable state and local systems.

The absence of a federal guarantee of basic educational rights can be traced to the country’s historic fault lines. While Horace Mann was organizing “common schools” in Massachusetts in the 1800s, public education

didn’t exist in most parts of the country, and even aspiring to literacy was a crime for most Black people. Arguably, public education got its biggest boost from Reconstruction when multiracial legislatures in the South supported the establishment of public schools and Radical Republicans in Congress demanded that clauses guaranteeing universal access to free public education be added to state constitutions as a condition of re-admission to the union.

But the end of Reconstruction and the consolidation of Jim Crow culminated in the “separate but equal” era of *Plessy v. Ferguson*, and states’ rights — including “local control”

of schools — became central components of segregation in the United States. A federal takeover of school funding never happened for the same reasons that federal efforts to end segregation, even after the *Brown* decision, were weak and indecisive: The structures of white supremacy and class privilege were stronger than society’s democratic and egalitarian impulses.

Some retrospectives marking the anniversary of *San Antonio* noted how these same factors were reflected in the court’s decision. *Chalkbeat* reporter Matt Barnum offered evidence that four of the justices in the 5-4 majority (all recent Nixon appointees) were swayed by “an influential cadre of social scientists [who] claimed it didn’t matter how much money schools spent. In fact, maybe schools weren’t actually a key factor in what

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— Stan Karp



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students learned. Maybe — most insidiously — poor children of color weren't likely to succeed in school no matter how well funded their schools."

Barnum recounts how such ideas were "spreading, appearing in academic journals and publications" like the *Atlantic*, the *Washington Post*, and the *New York Times*. He cites the sympathetic attention given to eugenicists like Berkeley psychologist Arthur Jensen, who argued that IQ was largely fixed at birth and to Daniel Patrick Moynihan, the Harvard academic and presidential advisor who urged "benign neglect" toward issues of racial justice and who emphasized the "pathology" of Black families. Even liberal scholars like James Coleman, whose seminal "Coleman Report" was directly authorized by the Civil Rights Act of 1964, identified "the home" and "the cultural influences immediately surrounding the home" rather than schools or money as the source of education disparities. "The racist notion that children in poverty could not benefit from additional or even equal resources may well have influenced the court's decision," Barnum writes.

He speculates further that pushback to *Brown* led the court to back away from asserting federal responsibility over funding policy for every school in the nation. "Enforcing desegregation," he writes, "had prompted a furious backlash and a host of practical difficulties that engulfed the court in litigation for decades to come. Deciding for the plaintiffs in the *Rodriguez* case, [Justice Lewis] Powell wrote, would have led to an 'unprecedented upheaval in public education.'"

The abdication of federal responsibility for equalizing school funding meant the focus returned to the states. Each state constitution includes language establishing a system of free, universal public education, and since 1973, there have been school funding cases in 48 of the 50 states parsing exactly what that constitutional promise requires. About half have declared existing funding systems illegal or inadequate and mandated a variety of corrective measures or "remedies."

Equity and Adequacy Gaps

Typically, these cases have focused on "equity gaps" in funding across districts that can be traced to wide gaps in per-pupil spending and to finance systems that rely heavily on unequal property tax bases to fund schools. These gaps translate into daily injustices for students in the form of fewer curricular resources and course offerings, less prepared and supported staff, subpar facilities, and fewer support services.

Local property taxes still supply about 44 percent of all school funds. State support varies, but on average provides about 48 percent. The federal government's overall share of education spending, despite the huge impact of federal policies like No Child Left Behind, is still only about 8 percent.

Since the distribution of property in the United States is grossly unequal and communities are sharply segregated by race and class, it's inevitable that schools heavily dependent on property taxes will be unequal. In fact, with more than 13,000 school districts, the reliance

on property taxes is a sorting mechanism for class and race privilege and allows pockets of "elite schooling" to exist within the public system.

Relying on local property taxes serves the agenda of the conservative forces that dominate state and local governments in several ways. When communities must assume growing fiscal burdens for schools by more heavily taxing local residential and commercial property, it creates strong pressure for austerity. When school budget referendums are presented like sacrificial lambs to hard-pressed local taxpayers, who never get to vote on tax abatements for real estate developers or whether the U.S. Department of Defense should build another aircraft carrier, the budget process is driven not by what schools and children need, but by how to keep the tax rate flat. The reliance on property tax funding works at one level to protect privilege and at another as a vise to squeeze local budgets.

At the same time, the per-pupil amounts schools receive in most states are not based on reliable estimates of the staff, programs, and resources needed to provide a quality education for all children. Instead, they are political decisions made by state and local officials based on budgetary pressures and spending priorities.

More recently, school funding cases have focused on "adequacy gaps" between what school funding systems provide and what state and federal education standards demand of schools. The recent lawsuit in Pennsylvania documented a \$4.6 billion gap between what the state funding system provided and what its own cost studies said was necessary to allow students to meet state standards. Expert witnesses testified that Pennsylvania's wealthiest districts spent \$4,800 more per student than poorer ones. The court ruled there was "no rational basis" for such disparities that violated the state constitution's promise of a "thorough and efficient" education for all.

But as New Jersey's Education Law Center (ELC-NJ) has pointed out, "Law books are filled with wonderful paper victories that have never been implemented." Although glaring disparities in school funding have persuaded judges to order reform, it's been difficult to prevent governors and state legislators from limiting the impact of court orders. Restrained by separation-of-powers concerns and a conservative political climate, courts have given states wide latitude to proceed with half measures and evasive action — and seemingly endless delay.

There is an old joke about school funding lawsuits that "they're like a Russian novel, long and boring and by the end, everyone's dead." The recent Pennsylvania decision came after 10 years of litigation and may still be appealed. Newly elected Gov. Josh Shapiro says working out a remedy could take years. Generations of Keystone State students have spent their entire school lives in a system that violates their rights with "no rational basis."

We Won, Now Keep Fighting

Still, decades of legal challenges at the state level have won significant victories, especially when combined with strong campaigns of advocacy and organizing. Where



ABOUT BEYOND BAROQUE

Beyond Baroque Literary Arts Center is one of the nation's most successful and influential grassroots incubators of literary art. Founded in 1968, and housed in the original Venice City Hall building in Venice, California, it is a nonprofit public space dedicated to cultivating new writing and expanding the public's knowledge of poetry, fiction, literature, and art through cultural events and community interaction. The Center offers a diverse variety of liter-ary and arts programming, including readings, workshops, art exhibits, and education. The Center also houses a bookstore with the largest collection of new poetry books on the west side of Los Angeles; the Mike Kelley Gallery, which specializes in text and language-focused visual art; and a 50,000 vol-ume archive of small press and limited-edition publications that chronicles the history of poetry movements in Los Angeles and beyond.

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funding challenges have been successful, disparities have narrowed and spending levels in poorer districts have improved. A 2022 Economic Policy Institute report summarized the impact of funding reforms stemming from successful court challenges. It found improvements in test scores, graduation rates, and “educational attainment” (i.e., years of completed schooling), along with “higher adult wages and reduced odds of adult poverty” for students in affected districts. It also found “improvements to schools themselves — increased teacher salaries, reduced student-to-teacher ratios, higher school quality.”

The most successful funding cases can lead to dramatic improvements. New Jersey’s *Abbott* case produced court mandates that established full-day public pre-K for 3- and 4-year-olds, class size limits of 15 through 3rd grade, and state responsibility for 100 percent of the cost of facilities projects in the state’s poorest districts. In Massachusetts and New York, pressure from court challenges compelled the legislatures to add billions to state school budgets.

Even in deep red Kansas, a combination of six state supreme court decisions and a sustained grassroots campaign for funding justice succeeded in defeating Gov. Sam Brownback’s “red state experiment.” Brownback had turned the state’s school funding system into a patchwork system of “block grants” and the legislature repeatedly balked at providing needed resources. In 2013, a lone parent and a single teacher began a 60-mile trek from the Shawnee Mission school district to the capitol in Topeka to publicize the need for better school funding. The walks grew into an annual event eventually drawing hundreds of parents, teachers, and students. One parent carried a brick from a long-closed public school attended by his father and grandfather. “Kansas schools are kind of important to my family,” he told a reporter. The Kansas Education Association, the state PTA, and the grassroots citizens group Game on for Kansas Schools built a statewide campaign that eventually changed the composition of the legislature and drove Brownback from office. More than a billion dollars in cuts were reversed and hundreds of millions in new resources added to the state education budget.

To be sure, such gains are precarious, subject to erosion and reversal. The watchword for funding battles even when victorious, says ELC-NJ, must be “We won. Now keep fighting.”

As of 2020, 23 states spend above the national per-pupil average (\$15,450) 27 spend less. In some states, equity suits have led to “weighted student formulas” that drive more resources to districts with greater populations of students with extra needs. Nineteen states have “progressive” funding formulas that provide more resources to higher poverty districts. Twelve states have flat formulas and 17 are regressive, providing more resources to wealthier districts than poorer ones.

Decades of funding litigation have established that the state is responsible for meeting the educational promises enshrined in state constitutions and that, legally, districts are creatures of the state. Where overreliance on

local property taxes to fund schools creates inequality, it is the legal responsibility of the state to address it.

One metric that reflects the long-term threat state budget austerity poses to school funding justice has been a steady decline in “state effort,” the percentage of a state’s economic activity that goes to support K–12 programs. In 39 states, average state effort in 2020 was less than it was before the fiscal crisis of 2009. Even as state economies recovered, education spending didn’t return to previous levels. This amounted to an “austerity tax” in which state legislatures refused to raise the funds necessary to support public services like education. If states had simply maintained their pre-recession effort levels, schools would have received nearly \$750 billion in additional revenue.

And then there are the school funding formulas. These hopelessly complicated equations are typically understood by only a few researchers, attorneys, and bureaucrats in each state. But they nevertheless determine the allocation of billions of dollars and are endlessly subject to manipulation and underfunding.

For example, Pennsylvania stopped using its school funding formula to distribute state aid in 1992. Instead, aid was based on whatever districts had received the previous year, regardless of increases or decreases in enrollment or other factors. “Hold harmless” provisions protected some districts from sharp cuts while depriving others of redistributed resources. In 2008, the state adopted a new formula based on a legislative cost study of what it would take to actually meet state standards. But the state never funded the new formula at the projected levels and, again, suspended its use in 2011 after the fiscal crisis. In 2016, the legislature adopted yet another formula that allocated funds more fairly, but only a fraction of total state education aid is distributed according to its provisions. Now, pending a possible appeal of the court ruling, a new remedy phase will try to untangle the mess of overlapping systems that keep Pennsylvania schools strapped and underfunded.

In his first budget, unveiled a month after the Pennsylvania court ruling, Gov. Shapiro proposed a 7.8 percent increase in education spending, but also ended the Level Up program that directed additional funds to the poorest districts, including Philadelphia. Shapiro promised more reform to come, but the advocates and attorneys who brought the case said in a statement, “This year’s proposed education budget does not do enough to meet the standard set by our state constitution and the urgency of this moment.”

Even where progressive funding formulas are in place, there are multiple ways schools can be stripped of resources. Pennsylvania districts made \$2.6 billion in charter school payments for 2020–21, with \$1 billion going to dubious cyber charter schools. The same year corporate tax abatements cost schools in New York state \$1.8 billion in lost revenue. In 27 states, voucher programs divert public funds to support private tuition and other non-public expenses. As articles elsewhere explain, underfunded schools and districts are also caught in an increasing web of debt that siphons funds from classrooms

to financial institutions. Combined with austerity budgets and the slim prospects of dramatically expanded federal investment anytime soon, the current school funding system provides a shaky foundation for educational equity and adequacy, let alone social justice.

“Education Debt” and Funding Justice

Almost 20 years ago, educator and scholar Gloria Ladson-Billings put the year-to-year shortfalls in school funding in context. She spoke of an accumulated “education debt” with “historical, economic, sociopolitical, and moral” dimensions. Rather than a one-year budget “deficit,” she argued, the U.S. “education debt” was akin to the “national debt” amassed cumulatively over the country’s long and unequal history. (For comparison, the federal budget deficit for FY2022 was \$1,375 *billion*. The “national debt” was \$30.93 *trillion*.)

Ladson-Billings used this analogy to reframe the achievement gap as the inevitable outcome of unequal treatment over centuries. The analogy holds for funding as well.

Today’s “education debt” includes the untold costs of Jim Crow schooling; the social, moral, and economic costs of the exclusion and underserving of immigrant and non-English-speaking students; and the degradation of Native education through racist mission schools and later boarding schools and laws that prevented the use of Native languages in Indigenous schools.

“Taken together,” Ladson-Billings said in her famous 2006 address, “the historic, economic, sociopolitical, and moral debt that we amassed toward Black, Brown, Yellow, and Red children seems insurmountable. . . . The images should remind us that the cumulative effect of poor education, poor housing, poor health care, and poor government services create a bifurcated society that leaves more than its children behind.”

As long as public education survives, there will be struggles over funding it. To build on the efforts since *San Antonio* and win future victories, school funding campaigns will need to find multiple pathways forward, including some new ones.

Fifty years of school funding litigation have shown that state courts and legislatures are both highly political and subject to popular pressure. To succeed, fair funding coalitions must mobilize ever-broader bases of parents, students, and communities. They must also strengthen communication and coordination across the legal, legislative, and public engagement sides of such efforts.

One way to do that is to begin building campaigns before the lawsuits are even filed. Public hearings and community speak-outs about the daily, on-the-ground effects of inadequate and unequal school funding can help build public support and create a compelling record that can be used in court. Similarly, sustained public conversation facilitated by advocacy groups and coalition partners, about how new resources should be used, and the many ways public education can be improved, can begin

building grassroots awareness and statewide networks that can support and shape future “remedies.”

In New York, advocacy groups led by parents and organizers from communities of color built statewide campaigns that have pursued such strategies and endured over the long haul. The Campaign for Fiscal Equity (CFE) and the Alliance for Quality Education have led efforts that have stretched from the 1993 filing of a court challenge to a landmark agreement by state officials to provide more than \$4 billion in new education funding by 2024. “From the outset of the filing of the litigation,” wrote one of the group’s founding members, “CFE has involved thousands of citizens throughout the state in an extensive deliberative process to help develop the positions that the plaintiffs presented to the court in the trial and to prepare the ground for successful implementation of a final court order. . . . The realization that their input might help determine the outcome of this major constitutional issue intrigued and excited many of the education advocates, parents, teachers, administrators, school board members, and other community members that CFE sought to engage in this public dialogue.”

In several successful campaigns, the state teacher unions have played a pivotal role. The Washington Education Association funded a court challenge with a special dues assessment approved by the membership. The Massachusetts Teachers Association provided funding and institutional support for legal, research, organizing, and public engagement efforts.

“After five decades advocating for school finance reform, [there is] an urgent need to deepen understanding of how differing strategies — from litigation to research to grassroots organizing to communicating with the public — can combine to achieve successful school funding reform in the states,” says ELC-NJ.

The fight for funding justice will also need a new vision. In the face of expanding voucher and privatization efforts, continued austerity, and the pervasive social inequality that threatens the premises of public education, school funding campaigns need to tie demands for better resources to a more powerful vision of what schools can be. Ultimately, it is not enough to demand “adequacy to meet state standards.”

Realizing this, some researchers and policy advocates have begun to outline a vision of transformative school funding that builds on the work social justice educators have done to develop “culturally sustaining” curriculum and pedagogy. In *Our Children Can’t Wait*, a new volume of essays edited by Joseph Bishop, the head of UCLA’s Center for the Transformation of Schools, researchers Oscar Jiménez-Castellanos, Danielle Farrie, and David M. Quinn outline a framework that means changing the focus from remedies that compensate for perceived deficits of marginalized groups and communities and instead creating systems that build on and sustain the linguistic and cultural diversity in school communities. . . . The foundation of this work is that students’ success is dependent on teaching and curriculum that both values students’ cultural knowledge and experiences and gives

them the tools to critically assess the world around them.

In terms of school finance, this means expanding notions of the “additional” resources that students need to succeed. Instead of programs and services that focus narrowly on students’ ability to meet state benchmarks, an asset-based model would focus on programs that build on students’ existing talents, explore and deepen their understandings of their own culture through literacy and art and provide them with the tools they need to critically engage with the social and political systems surrounding them.

Not surprisingly, there are as yet few well-developed examples of transformative justice in school finance. But such aspirational, community-based, student-centered, and culturally sustaining engagement must become a prominent feature of school funding campaigns if the promise of transformative school finance is to be realized.

In the final analysis, U.S. school funding mirrors — and reproduces — the social and economic inequality we see all around us. The details are complicated, but the heart of the matter is simple: Most schools don’t get enough money, and the money they do get is not distributed fairly.

At bottom, the struggle for funding justice in education raises two questions: Will we provide schools with the resources they need to make democratic, social justice education possible; and will we provide those resources to all children, or only some children? The answers will go a long way toward shaping our future.

Stan Karp (stan.karp@gmail.com) is a policy advocate for New Jersey’s Education Law Center and editor for *Rethinking Schools*.

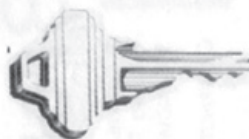


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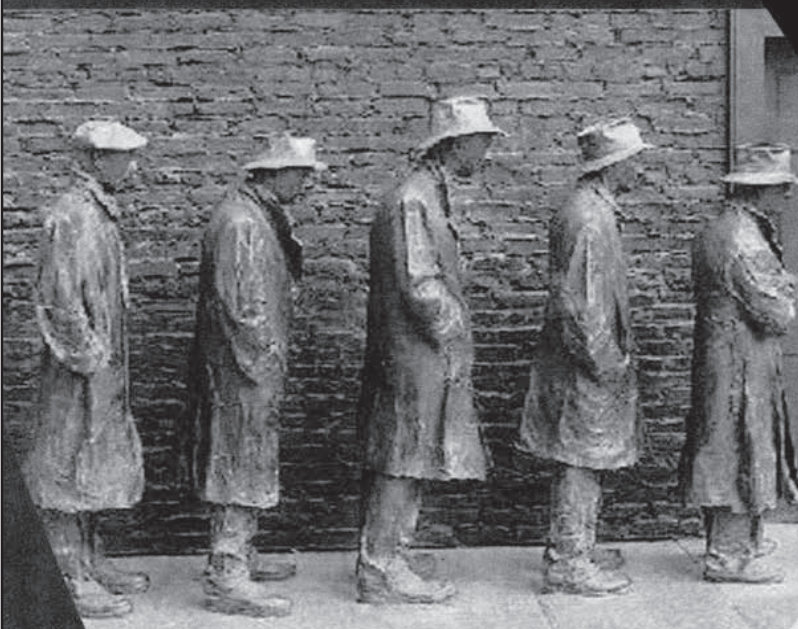


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SAVE THE PLANET WITH A GREEN NEW DEAL

C. J. POLYCHRONIOU

Another summer is upon us and heatwaves are scorching many parts of the world, smashing thousands of temperature records. Even the world's ocean surface temperature is off the charts, reaching unprecedented levels, while sea ice level in the Antarctic has set a record low for the second year in a row.

Indeed, planet earth is screaming because "climate change is out of control," as U.N. General-Secretary António Guterres recently put it. Yet the global community's response to the greatest existential threat facing humanity continues to be not merely unacceptably slow but borders on criminal negligence. We know the reasons why.

But we should also be asking ourselves an additional question: Why is it that populations are not motivated enough to address the climate crisis?

Fossil fuels supply about 80% of the world's energy, and contemporary politics is trapped in the short term, with little evidence that it can be repaired. Across the world, politicians continue to make enormous compromises to short term interests in the name of energy security. China and the U.S. are the world's biggest carbon polluters. Yet President Joe Biden has signed off on a series of major fossil fuel projects, and China is building more new coal plants than the rest of the world. This is even while both countries are also pursuing aggressive clean energy transition policies—indeed they are competing with one another on these.

To add insult to injury, governments continue to subsidize fossil fuel production. In 2022, subsidies worldwide for fossil fuel consumption rose above \$1 trillion, according to the International Energy Agency. And the world's biggest banks have provided \$5.5 trillion in finance to the fossil fuel industry over the past seven years.

As for global climate conferences, they have

turned out to be not only ineffective but something of a cruel joke. They function in the absence of an "enforcement mechanism," and empty words and promises are their hallmark feature. Greta Thunberg was indeed right on the mark when she chastised global leaders at the Youth4Climate event in Milan for their failure to address the climate emergency, dismissing their rhetoric as "blah, blah, blah."

Moreover, data has shown that fossil fuel lobbyists attending the negotiations in climate conferences outnumber almost every national delegation. There were more than 500 fossil fuel lobbyists at the COP26 climate conference in Glasgow, Scotland, and more than 600 at the COP27 summit in Sharm el-Sheikh, Egypt. As for COP28, which will take place this year from November 30 until December 12, the host is the United Arab Emirates, one of the world's major oil and gas producers, and will be presided by Sultan al-Jaber, the CEO of the Abu Dhabi National Company. At this global climate summit, fossil fuel companies are expected to have an even bigger voice. And their main

focus is to promote carbon capture technologies. These technologies have yet to demonstrate their capacity at scale, while also offering their own dangerous side effects.

This is all pretty understandable. It's capitalism at work.

But we should also be asking ourselves an additional question: Why is it that populations are not motivated enough to address the climate crisis? Not only that, but far-right and right-wing populist parties, which are hostile to climate and carbon-low energy, are growing in prominence and influence. The rise of far-right movements is felt not only in Europe and the United States, but also in

Eurasia and South Asia, while right-wing platforms remain popular across Latin America in spite of the fact that the region has shifted to the left over the past two decades.

The reasons for this unfortunate and disturbing development are a bit more complicated. Demagogues are the worst enemies of the laboring populations, yet the working class and poor people are easy targets. In our own era, neoliberal policies (deregulation of the economy, privatization, suppression of wages, and shifting the orientation of the state as far away as possible from redistribution and a socially based agenda) had led to extremely harmful consequences, including poverty, mass unemployment, income inequality, deficits in decent work and labor rights, social exclusion, and overall decline in the

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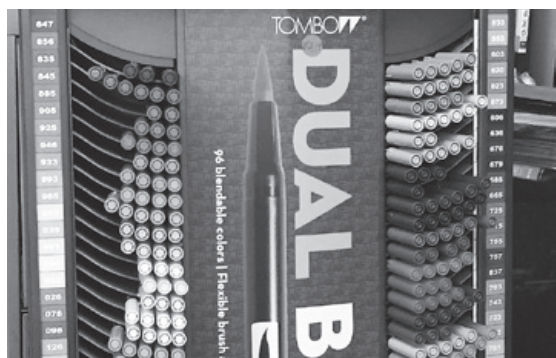
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standard of living.

In Europe, home to the majority of the richest countries in the world, in 2022, more than 95 million European Union citizens, representing close to 22% of the population, were at risk of poverty and social exclusion.

In the U.S., more than 51 million workers currently make less than \$15 an hour—nearly one-third of the workforce—according to data compiled by Oxfam, and the official poverty rate with nearly 38 million people is considered by many experts to be based on a vastly inaccurate measurement of poverty in the United States. For example, the MIT living wage model uses a cost of living estimate that far exceeds the federal poverty thresholds.

At the heart of the neoliberal vision is a societal and world order based on the prioritization of corporate power and free markets and the abandonment of public services. The neoliberal claim is that economies would perform more effectively, producing greater wealth and economic prosperity for all, if markets were allowed to operate without government intervention. This claim is predicated on the idea that free markets are inherently just and can create effective low-cost ways to produce consumer goods and services. By extension, an interventionist or state-managed economy is regarded as wasteful and inefficient, choking off growth and expansion by constraining innovation and the entrepreneurial spirit.

However, the facts say otherwise. During the period known as “state-managed capitalism” (roughly from 1945-73, and otherwise known as the classical Keynesian era), the Western capitalist economies were growing faster than at any other time in the 20th century and wealth was reaching those at the bottom of the social pyramid more effectively than ever before. Convergence was also far greater during this period than it has been during the last 45 years of neoliberal policies. Moreover, under the neoliberal economic order, Western capitalist economies have not only failed to match the trends, growth patterns, and distributional effects experienced under “managed capitalism,” but the “free market” orthodoxy has produced a series of never-ending financial crises, distorted developments in the real economy, elevated inequality to new historical heights, and eroded civic virtues and democratic values. In fact, neoliberalism has turned out to be the new dystopia of the contemporary world.

Today’s left has failed so far to convince the laboring populations that it has a viable political agenda which can effectively address their immediate concerns as well as tackle the climate crisis.

Under the neoliberal socio-economic order and its effects, which provoke fear, insecurity, and indignation, it is not difficult to see why the laboring populations might fall under the spell of right-wing demagogues who know how to exploit societal divisions and resort to deception and manipulation with a political repertoire based on xenophobic nationalism and law and order. It is also not hard to see why concerns about climate breakdown might become far less of a priority for them when they are struggling to make ends meet. Putting food on the table, paying the rent, and fears of losing a job are what

may keep average folks awake at night—not climate breakdown, even when they do recognize it as a major threat. Indeed, climate change, surely among U.S. voters, remains “a lower priority than issues such as strengthening the economy and reducing healthcare costs,” according to a recent Pew Research Center survey. And France’s “yellow vest” movement speaks volumes about the political risks of green taxes, in conjunction with tax cuts for the wealthy, while living standards are moving in the wrong direction.

This is where collective social and political action ought to come in, as it is the only hope we have for a sustainable future. But today’s left has failed so far to convince the laboring populations that it has a viable political agenda which can effectively address their immediate concerns as well as tackle the climate crisis. Today’s left, particularly in Europe, has an economic agenda which pays lip service to social transformation and lacks a concrete action plan for addressing the climate crisis through sustainable development strategies. Throughout the advanced industrialized world, existing climate plans remain insufficient and proceed alongside national plans to increase energy security through reliance on new oil, gas, and petrochemical infrastructure projects.

Make no mistake about it. “Oil and gas projects are back in a big way,” as a recent *New York Times* article put it. And climate protests alone cannot stop global warming. They do have a positive impact on public opinion, though “extreme action protests” can also backfire, according to some studies.

Moreover, some bad ideas, such as that of degrowth, have begun to gain ground, distracting attention away from real solutions to the climate crisis and to the ills of neoliberalism.

What is urgently needed is building long-term power around a vision of progressive politics that is energized by the pressing need to tackle the climate crisis by radically accelerating the transition away from fossil fuels while at the same time pushing for a structural transformation of present-day economies. In other words, a political platform that embraces a sound climate stabilization plan which ensures a just transition, creates a plethora of new jobs, reduces inequality, and promotes sustainable growth. Of course, this is what the Green New Deal (GND) is supposed to be all about, except that there are a number of different versions of a GND policy plan, including one adopted by the European Union. But Europe’s green ambitions (they call it the “European Green Deal” and the aim is for the E.U. to achieve net-zero greenhouse gas emissions by 2050) are contradicted by European countries’ quest for new fossil fuel supplies. In addition, and this is typical of poorly formulated GND policy plans, the European parliament has voted in support of E.U. rules labeling natural gas and nuclear energy as green investments.

Even so, the movement for the Green New Deal is growing and is making a positive impact on several fronts. Several states and over 100 cities in the United States have committed to 100% clean energy. The Inflation Reduction Act may not qualify as a GND, but it is still a historical

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popcorn and celluloid lions
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we stand before A.I.
the new wheel
a Promethean spark
the bright edge of a
blistering sunrise

the evil it is
that it can be
we are

for too long we have been divided
by fantasies of an Easy Street
allowing the power brokers and their elected messengers
to wage war on humanity

and now it is time for us to
wage war for humanity

pain is human
and these human machines that
make machines human
must feel our pain

if in our action
we do not inflict substantial pain
our pain will be that much greater

the feral creatures of our creative existence
our collective suspension of disbelief
is what is at stake here

as curious children
doubt follows belief

but first
we must
believe

– S.A. Griffin

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S.A. Griffin is the author of Pandemic Soul Music.

piece of legislation, especially given the existing political climate in the country.

Still, one might say that what we really need in order to save the planet is a comprehensive GND, formulated as a worldwide program. But we do have such a blueprint in place, courtesy of the American political economist Robert Pollin, and fully endorsed by Noam Chomsky.

All that degrowth will accomplish is more pain for working class people and will most likely fuel further support for the far-right.

Degrowth is not the answer. As Robert Pollin has argued powerfully and persuasively, cutting back on economic growth will have little to no impact on the task at hand, which is “delivering a zero-emissions global economy.” More precisely, if we depend on reducing gross domestic product (GDP) to reduce emissions, then it follows that we can only reduce emissions by the same number we reduce growth. For example, if GDP shrinks by 10%—a massive global recession—it will succeed in cutting emissions by only 10%. We need emissions down to zero.

Moreover, the idea of shrinking rather than growing economies is, politically speaking, a self-defeating proposition. All that degrowth will accomplish is more pain for working class people and will most likely fuel further support for the far-right.

Of course, degrowth advocates argue that this is

a project targeted at the Global North, not a path for the Global South. However, are we to assume on the basis of such claims that the developed countries are void of class inequalities and have somehow escaped the sort of socio-economic ills that accompany the implementation of ruthless neoliberal policies? Are we to believe that there is no need to improve living conditions, reduce poverty rates, and increase employment opportunities for the Western masses? Perhaps such notions do lie behind degrowth, which is why some, if not most, of its advocates reject the idea of economic planning and by extension of the GND. In this sense, I think it's quite fair to say that degrowth is in fact working in service of neoliberalism while doing nothing to stop global warming.

Pondering proposals for saving the planet and humanity from the effects of global warming should be welcomed as they may generate opportunities for creative forms of political and social action. But degrowth is neither a radical alternative nor is it based on sound economics. Furthermore, it is a rather dangerous political idea as it will hurt mostly the laboring classes and deliver them straight into the arms of the far-right.

C.J. Polychroniou is a political economist/political scientist who has taught and worked in numerous universities and research centers in Europe and the United States.

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BANKING THE FEDERAL DEBT

ELLEN BROWN

“Rather than collecting taxes from the wealthy,” wrote the *New York Times* Editorial Board in a July 7 opinion piece, “the government is paying the wealthy to borrow their money.”

Titled “America Is Living on Borrowed Money,” the editorial observes that over the next decade, according to the Congressional Budget Office (CBO), annual federal budget deficits will average around \$2 trillion per year. By 2029 just the interest on the debt is projected to exceed the national defense budget, which currently eats up over half of the federal discretionary budget. In 2029, net interest on the debt is projected to total \$1.07 trillion, while defense spending is projected at \$1.04 trillion. By 2033, says the CBO, interest payments will reach a sum equal to 3.6 percent of the nation’s economic output.

The debt ceiling compromise did little to alleviate that situation. Before the deal, the CBO projected the federal debt would reach roughly \$46.7 trillion in 2033. After the deal, it projected the total at \$45.2 trillion, only slightly less – and still equal to 115% of the nation’s annual economic output, the highest level on record.

Acknowledging that the legislation achieved little, House Speaker Kevin McCarthy said after the vote that he intended to form a bipartisan commission “so we can find the waste and we can make the real decisions to really take care of this debt.” The NYT Editorial Board concluded:

“Any substantive deal will eventually require a combination of increased revenue and reduced spending Both parties will have to compromise: Republicans must accept the necessity of collecting what the government is owed and of imposing taxes on the wealthy. Democrats must recognize that changes to Social Security and Medicare, the major drivers of expected federal spending growth, should be on the table. Anything less will prove fiscally unsustainable.”

The Elephant in the Room

Omitted was any mention of trimming the defense budget, which currently accounts for more than half of the federal government’s discretionary spending and nearly two-thirds of its contract spending. Rep. Ro Khanna

(D-CA), who cast the sole dissenting vote on the recent \$886 billion defense budget in the House Armed Services Committee, has detailed some of the Pentagon’s excesses. For decades, he writes, legacy military contractors have charged the federal government exorbitant sums for everything from fighter jets to basic hardware. Lockheed Martin, for example, has used its monopoly on F-35 fighter jets to profit from maintenance that only they can provide, with the work needed to support and upgrade existing jets projected to cost taxpayers over \$1.3 trillion. TransDigm, another contractor responsible for supplying spare parts for the military, was found to be charging the Pentagon more than four times the market price for their products.

Rep. Khanna concludes, “Keeping America strong starts at home. It means ensuring access to quality, affordable healthcare and education, strengthening our economy with good-paying jobs, and giving Americans the tools they need to pursue the American Dream.... Bloated military spending is not the answer.... We can’t continue to sign a blank check to price-gouging defense contractors while Americans struggle here at home.”

In an address to the UN Security Council on Ukraine aid on June 29, 2023, Max Blumenthal added fuel to those allegations. He said:

“Just June 28th, as emergency crews work to clean up yet another toxic train derailment in the United States, this time on the Montana River, further exposing our nation’s chronically underfunded infrastructure and its threats to our health, the Pentagon announced plans to send an

additional \$500 million worth of military aid to Ukraine....

This policy, ... which sees Washington prioritize unrestrained funding for a proxy war with a nuclear power in a foreign land ... while our domestic infrastructure falls apart before our eyes, exposes a disturbing dynamic at the heart of the Ukraine conflict – an international Ponzi scheme that enables Western elites to seize hard-earned wealth from the hands of average U.S. citizens and funnel it into the coffers of a foreign government that even Transparency International ranks as consistently one of the most corrupt in Europe.

The U.S. government has yet to conduct an official audit of its funding for Ukraine. The American public has no idea where their tax dollars are going. And that’s why this week we at the Grayzone published an independent audit of U.S. tax dollar allocations to Ukraine throughout

**The U.S. government
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of its funding
for Ukraine.
The American public
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where their tax
dollars are going.**

– Ellen Brown

the fiscal years 2022 and '23.

Among other dubious payments they found were \$4.5 million from the U.S. Social Security Administration to the Kiev government, and \$4.5 billion from USAID to pay off Ukraine's sovereign debt, "much of which is owned by the global investment firm BlackRock. That amounts to \$30 taken from every U.S. citizen at a time when 4 in 10 Americans cannot afford a \$400 emergency."

The Black Hole of the Pentagon Budget

The Pentagon failed its fifth budget audit in 2022 and was unable to account for more than half of its assets, or more than \$3 trillion. According to a CBS News report, defense contractors overcharged the Defense Department by nearly 40-50%; and according to the Office of the Inspector General for the Defense Department, overcharging sometimes reached more than 4,000%. The \$886 billion budget request for FY2024 is the highest ever sought.

Following repeated concerns about fraud, waste, and abuse in the Pentagon, in June 2023 a bipartisan group of senators introduced legislation to ensure the Defense Department passes a clean audit next year. The Audit the Pentagon Act of 2023 would require the Defense Department to pass a full, independent audit in fiscal 2024. Any agency within the Pentagon failing to pass a clean audit would be forced to return 1% of its budget for deficit reduction.

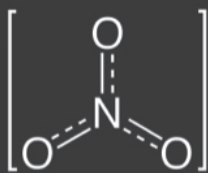
Sen. Bernie Sanders (I-Vt.) observed that the Pentagon "and the military industrial complex have been plagued by a massive amount of waste, fraud, and financial mismanagement for decades.... [W]e have got to end the absurdity of the Pentagon being the only agency in the

federal government that has never passed an independent audit."

Sen. Chuck Grassley (R-Iowa) said the Pentagon "should have to meet the same annual auditing standards as every other agency....From buying \$14,000 toilet seats to losing track of warehouses full of spare parts, the Department of Defense has been plagued by wasteful spending for decades....Every dollar the Pentagon squanders is a dollar not used to support service members, bolster national security or strengthen military readiness."

But defense audits have been promised before and have not been completed. In 2017, Michigan State University Prof. Mark Skidmore, working with graduate students and with Catherine Austin Fitts, former assistant secretary of Housing and Urban Development, found *\$21 trillion* in unauthorized spending in the departments of Defense and Housing and Urban Development for the years 1998-2015. As reported in *MSUToday*, Skidmore got involved when he heard Fitts refer to a report indicating the Army had \$6.5 trillion in unsupported adjustments (or spending) in fiscal 2015. Since the Army's budget was then only \$122 billion, that meant unsupported adjustments were 54 times the spending authorized by Congress. Thinking Fitts must have made a mistake, Skidmore investigated and found that unsupported adjustments were indeed \$6.5 trillion.

Four days after Skidmore discussed his team's findings on a *USAWatchdog* podcast, the Department of Defense announced it would conduct its first-ever department-wide independent financial audit. But it evidently failed in that endeavor. As Bernie Sanders observes, the Pentagon has never passed an independent



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audit. It failed its fifth audit in 2022. Whether it will pass this sixth one, or whether the audit will lead to budget cuts, remains to be seen. The Pentagon budget seems to be untouchable.

Tackling the Other Elephant: The Interest Monster

If the sacrosanct military budget cannot be trimmed, what about that other massive budget item, interest on the federal debt? Promising proposals for clipping both the interest and the debt itself were made in conjunction with earlier debt ceiling crises. In November 2010, Dean Baker, co-director of the Center for Economic and Policy Research in Washington, wrote:

“There is no reason that the Fed can’t just buy this debt (as it is largely doing) and hold it indefinitely. If the Fed holds the debt, there is no interest burden for future taxpayers. The Fed refunds its interest earnings to the Treasury every year. Last year the Fed refunded almost \$80 billion in interest to the Treasury, nearly 40 percent of the country’s net interest burden. And the Fed has other tools to ensure that the expansion of the monetary base required to purchase the debt does not lead to inflation.”

In 2011, Republican presidential candidate Ron Paul proposed dealing with the debt ceiling by simply voiding out the \$1.7 trillion in federal securities then held by the Fed. As Stephen Gandel explained Paul’s solution in *Time Magazine*, the Treasury pays interest on the securities to the Fed, which returns 90% of these payments to the Treasury. Despite this shell game of payments, the \$1.7 trillion in US bonds owned by the Fed is still counted toward the debt ceiling. Paul’s plan:

Get the Fed and the Treasury to rip up that debt. It’s fake debt anyway. And the Fed is legally allowed to return the debt to the Treasury to be destroyed.

Congressman Alan Grayson, a Democrat, also endorsed this proposal.

Taxing the Bubble Economy

In a July 8, 2023 article on *Naked Capitalism* titled “The United States’ Financial Quandary: ZIRP’s Only Exit Path Is a Crash,” economist Michael Hudson points to the speculative bubbles blown by the Fed’s Zero Interest Rate Policy, dating back to the Great Recession of 2008-09. The result is a Ponzi scheme, says Hudson, and there is no way out but to write down the debt or let the economy crash.

According to Fed insider Danielle DiMartino Booth, it is those speculative bubbles that Fed Chair Jerome Powell has attempted to pop with the drastic interest rate hikes of the last year, eliminating the “Fed Put,” the presumption that the Fed will always come to the rescue of the speculative market. That tack actually seems to be working; but the approach has resulted in serious collateral damage to mainstream businesses and the productive economic base.

Another way to trim the fat from the “financialized” economy is a small financial transactions tax. That solution was also discussed in a 2023 book titled *A Tale of Two Economies: A New Financial Operating*

System for the American Economy by Wall Street veteran Scott Smith. He argues that we are taxing the wrong things – income and physical sales. We actually have two economies – the material economy in which goods and services are bought and sold, and the monetary economy involving the trading of financial assets (stocks, bonds, currencies, etc.) – basically “money making money” without producing new goods or services.

Drawing on data from the Bank for International Settlements and the Federal Reserve, Smith shows that the monetary economy is hundreds of times larger than the physical economy. The budget gap could be closed by imposing a tax of a mere 0.1% on financial transactions, while eliminating not just income taxes but every other tax we pay today. For a financial transactions tax (FTT) of 0.25%, we could fund benefits we cannot afford today that would stimulate growth in the real economy, including not just infrastructure and development but free college, a universal basic income, and free healthcare for all. Smith contends we could even pay off the national debt in ten years or less with a 0.25% FTT.

Funding Infrastructure Through a National Infrastructure Bank

Another way to fund critical infrastructure without tapping the federal budget is through a 1930s-style work-around on the model of Roosevelt’s Reconstruction Finance Corporation. HR 4052, a proposal for a national infrastructure bank on that model, is currently before Congress and has widespread support. The proposed bank is designed to be a true depository bank, which can leverage its funds as all banks are allowed to do. With a 10% capital requirement, it can leverage \$1 in capital into \$10 in loans.

For capitalization, the bill proposes to follow the lead of Alexander Hamilton’s First U.S. Bank: shares in the bank will be swapped for existing U.S. bonds. The shares will earn a 2% dividend and are non-voting. Control of the bank and its operations will remain with the public, an independent board of directors, and a panel of carefully selected non-partisan experts, precluding manipulation for political ends.

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Granted, these proposals are not likely to be implemented until we are actually facing another Great Depression, or at least a Great Recession; but Michael Hudson and other pundits are predicting that outcome in the not-too-distant future. It is good to have some viable alternatives on the table for consideration when, as in the 1930s, politicians are compelled to seek them out.

Ellen Brown is an attorney, chair of the Public Banking Institute, and author of thirteen books including *Web of Debt*, *The Public Bank Solution*, and *Banking on the People: Democratizing Money in the Digital Age*. She also co-hosts a radio program on PRN.FM called “It’s Our Money.” EllenBrown.com.

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DEMOCRACY CNN TOWN HALLS DO DEMOCRACY NO FAVORS

JULIE HOLLAR

After its embarrassing town hall with Donald Trump, which helped precipitate the downfall of chair and CEO Chris Licht (FAIR.org, 6/8/23), CNN has doubled down on the format—at least for Republican candidates. Since Trump’s May 10 appearance, the network has featured GOP candidates Nikki Haley (6/4/23), Mike Pence (6/7/23) and Chris Christie (6/12/23), with more promised. Curiously, however, no offers to Democratic or third party candidates have been announced, which prompts the question: What purpose do these town halls serve?

In the case of the Trump town hall, CNN’s decision appeared to be entirely self-serving. Having worked to move the network rightward, Licht had led CNN to “its historic nadir,” as described in the *Atlantic* (6/2/23), in terms of both ratings and newsroom morale. The Trump town hall was meant to be the “big win” that would turn those things around.

Of course, the plan backfired. Trump had a field day, spewing lies and trampling over and insulting host Kaitlan Collins to the wild cheers of the crowd. The entire affair read as a giant campaign rally sponsored by CNN, aided by the floor manager’s instructions to the audience that while applause was permitted, booing was not. While immediate ratings spiked (*Axios*, 5/11/23) they then plunged even further (*TV Insider*, 5/16/23), as the network’s reputation immediately suffered and morale hit rock bottom. Licht was soon given the boot (FAIR.org, 6/8/23).

‘In the Public’s Interest’

CNN’s Anderson Cooper (5/11/23) suggested that critics of the Trump town hall were upset because “maybe you haven’t been paying attention to him since he left office.”

But Anderson Cooper (5/11/23) would have you believe the network was actually putting democracy and

the public interest first. He went on the air in a huff to accuse the network’s many critics of trying to stifle debate and refusing to face disagreeable realities. “Many of you felt CNN shouldn’t have given [Trump] any platform to speak,” he scolded. “Do you think staying in your silo and only listening to people you agree with is going to make that person go away?”

Fellow anchor Jake Tapper agreed. Speaking on a *New York Magazine* podcast (On With Kara Swisher, 7/10/23), Tapper argued that the town hall format for Trump was “in the public’s interest.”

Some outside of CNN stepped in to defend the outlet’s decision as well. The *New York Times*’ Maureen Dowd (5/13/23), for instance, wrote that “the task is to challenge Trump and expose him, not to put our fingers in our ears and sing ‘la, la, la.’” She approvingly quoted former Obama adviser David Axelrod:

“It strikes me as fundamentally wrong to deny voters a chance to see candidates, and particularly front-running candidates, answering challenging questions from journalists and citizens in open forums... You can’t save democracy from people who would shred its norms by shredding democratic norms yourselves.”

But these specious arguments are easily dispensed with. What democratic norms require offering a serial liar a town hall stuffed full of supporters, in which the audience is instructed that applause is welcomed but booing is forbidden? In what way does that serve the public interest?

After four years of the Trump presidency and the democracy-shaking transition out of it, CNN would be hard-pressed to find a living soul who doesn’t know exactly who Trump and his supporters are and how they can be

expected to behave. That the town hall was devoid of thoughtful policy discussions but replete with insults and falsehoods should have surprised no one. And despite her efforts, CNN’s Collins had no chance of pinning down Trump in any useful way on any of his lies or contradictions in such a format.

Platform for Falsehoods

But the problem goes beyond Trump. Trump’s challengers have all broken with the former president to some degree, though few will risk alienating his followers by forcefully denouncing his lies. Still, they represent a

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— Julie Hollar

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slightly more reality-based GOP than Trump, such that their town hall appearances might be expected to meet the extremely low bar of not being as filled with disinformation as Trump's.

Yet CNN's own factchecks of its subsequent GOP town halls showed Haley, Pence and Christie were permitted numerous falsehoods without real-time challenge by their journalist hosts.

Haley, for instance, claimed that crime is at "all-time highs" (judged by CNN factcheckers—6/4/23—to be "not even close to true"), that *Roe v. Wade* made "abortion anytime, anywhere for any reason" the law of the land ("not true"), and that the US "is very good when it comes to emissions," while the Chinese and Indians "are the problem" (seriously misleading, as the US is second to China in total current emissions, with India well in third place; the US has much higher total historical emissions, and much higher per capita emissions, than China or India). Tapper, the host, did not push back against any of these claims.

Or take Pence's town hall, in which he announced that inflation is "at a 40-year high" (nope—"the inflation rate has fallen for 10 straight months," noted the CNN fact check—6/7/23), that the Trump/Pence family separations began "under Obama" and Trump and Pence simply "continued" it ("not true at all"), and that their administration "reduced CO2 emissions beyond what the previous administration had committed to just through American innovation, through expanding American energy and natural gas." (That one CNN didn't factcheck, but it's terribly false.)

Host Dana Bash did not challenge any of these statements, either.

Town Halls for GOP Only

Former New Jersey Gov. Chris Christie was given a town hall of his own by CNN (6/12/23), despite having the support of approximately 1 in every 40 likely Republican primary voters.

In contrast to its apparent policy of handing out GOP town halls like candy, CNN has announced no plans to give any Democratic candidates town halls. While Biden has the power of incumbency that the GOP field lacks, he does have at least two announced challengers: Robert F. Kennedy, Jr., and Marianne Williamson. Meanwhile, Cornel West has declared a presidential run with the Green Party.

Kennedy and Williamson, with recent polling averages of 14.6% and 5.6% respectively among Democratic primary voters, have been polling higher than either Haley (3.5%) or Christie (2.3%). (Pence's latest average is 6.0%.)

But Kennedy, whose campaign seems to be driven largely by right-wing funders and media as a spoiler (see FAIR.org, 6/29/23), is an outspoken conspiracy theorist on issues ranging from vaccines to the climate crisis to 5g networks. Williamson, a self-help author with mostly progressive politics, long encouraged doubts on vaccines and anti-depressants (*Vox*, 7/31/19), though she has since

at least partially rejected those positions.

CNN's Tapper, despite his full-throated support for the CNN Trump town hall, has declared that he would not host a town hall with Kennedy because of his conspiracy theories. (*Upstart NewsNation*—6/28/23—did give Kennedy such an opportunity, the only network so far to do so.)

One of the worst possible ways

Biden may not traffic in conspiracy theories or attempt the level of dishonesty Trump revels in, but his claims regularly require factchecking as well. Virtually all politicians' claims do—and our corporate media have never been up to the task (*FAIR.org*, 8/24/20). But live, single-candidate town halls before a strictly friendly audience are indisputably one of the worst possible ways for news outlets to help the public make an informed choice at the ballot box.

Holding a politician accountable to the facts across the universe of possible topics is a herculean task for a journalist in the best of circumstances, and impossible in a town hall format that's set up more like a campaign rally than a serious journalistic forum. In 2020, Donald Trump's strategy of overwhelming interlocutors with lies rendered even the debate format essentially useless (*FAIR.org*, 10/2/20)—and that was with an opponent and a respectful audience.

The public needs to understand the candidates they'll be choosing from next year, which means news outlets must offer them a platform. But the *kind* of platform offered is crucial. In the Trump era, town halls simply don't offer the tools necessary to hold politicians accountable, whether that politician is Trump or Kennedy, DeSantis or Biden.

Good journalism demands one-on-one encounters with the candidates, with incisive questions that speak to people's actual needs and concerns, and real-time factchecking (or a taped format with factchecking provided prior to airing). If candidates can't agree to a platform that can hold them accountable, they don't deserve to have a media platform at all.

Julie Hollar is FAIR's senior analyst and managing editor. Reprinted from FAIR's blog.



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REPARATIONS AND THE STUDENT DEBT WARS

JOHN O'KANE

The public college and university system in California was tuition-free during the sixties and into the seventies when the baby boomers were attending college in record numbers. Favorable budgets helped stoke the demand and new campuses were built to accommodate this explosion, propelled by an inclusive ethos special to this left-liberal era where a different breed of Democrats governed. This trend, also evident nationwide, revived the spirit of the free school movement popular in the early 19th century that encouraged the creation of literate citizens for a more vital democracy.

The pedagogy of education was accordingly different. There was a significant stress on a well-rounded critical and humanistic education for education's sake. Thanks to a more favorable job market, students could experiment for a while, relatively secure in the belief that education was about more than career-niching. The evaluation process was accordingly experimental and consumer-driven, grading lax if implemented at all in some circles.

This liberal "Enlightenment" ideal succumbed to shifting trends in the 1970s. A glut of new grads materialized amid an epidemic of budget deficits in a slumping economy that bred conservative solutions to a host of ills. Milton Friedman's early-decade market-fundamentalist trounce of Keynesian economics was the authority for dealing with them. Education started to become a privilege. Ronald Reagan, as Governor of California, was an outspoken supporter of these changes. In his run-up to the presidency, however, he vowed to support the plight of grads that for so many years had faced limited job prospects—not unrelated to his enmity toward unions and the working class.

Policies since then have certainly beefed-up support for the middle-and-upper class college grad over and against the working class, whose wages have remained stagnant since the mid-1970s, but they've also made a college degree extremely expensive. Endless budget cuts to

education have forced higher and higher tuition hikes and made student loan debt one of the most pressing concerns in recent years, and especially in the current election cycle. It may reach the danger level of the 2008 housing crisis that forced the Great Recession. This explains why there have been calls for cancelling this debt. Elizabeth Warren and Bernie Sanders proposed plans that were not accepted.

Warren proposed forgiving \$50,000 in loans for those households earning less than \$100,000 a year (estimated to cover 95% of the 45 million with debt). Those earning more would get partial—unspecified—relief, with those earning more than \$250,000 being ineligible. This outlay of \$640 billion would be funded by her proposed "wealth tax," a 2% tax on those earning more than \$50 million and a 3% tax on wealth above \$1 billion. This forgiveness would not be taxed as income. Those with private loans will be able to convert them to federal ones to qualify. Sanders goes even further and would cancel all \$1.6 trillion in outstanding loan debt, with no eligibility limitations. It would be paid for with a new tax on Wall Street speculation. Both propose making tuition free at public

colleges (Katie Lobosco, "Elizabeth Warren's New Bill Would Cancel Student Loan Debt for Millions, CNN, 7/23/19).

Proposals to cancel debt in the wake of the 2008 recession floundered on exactly this issue of how to apply broad general categories in a way that equitably matched the reality of the financial reversals. Are those under the \$100,000 cap all equally deserving? Should all family households be considered equally deprived, no matter what their size? Should the quality of the institution the tuition is paid to be a factor? Did the borrower use the loan for tuition or other, possibly unrelated pleasures or investments?

Do those just under the

\$100,000 cap really need help? Might those just over it need more help? Would \$80,000 be a fairer dividing line? Should households earning above \$100,000 all the way to \$250,000, especially those closer to the upper limit, get any relief at all?

Sanders' proposal to fully cancel the debt without eligibility requirements smacks of the desire to at least address the fundamental structural issues of this crisis, but the same concerns apply here. And wouldn't his proposal work like a proportional, regressive tax—same rate for wide swatches of subjects—and give the upper ranges a greater benefit? This will surely appease the group that

**The spread of
privatization
through society produces
greater and greater
inequality, thus raising
the question of
whose freedom flowers
when individuals
and groups exercise
their will to
maximize market power.**

— John O'Kane

gave him the biggest boost in 2016, the bloc of millennials supportive of his “socialism.” So how accurate a solution to the problem can this be? How many will fall through these cracks? How many will unfairly benefit? If these numbers are too high a backlash might result. There must be a proper accounting, a precise surgical intervention to establish criteria and qualifications that will prevent the proposal from being labeled a bailout mostly for the privileged.

Sanders certainly offered a more complex and honest re-structuring of the problem that comes closer to full reparations. But this proposal lacked the kind of focus on the working class that has marked his “socialism” in most respects (Nick Pemberton, “Reparations for Millen-

nials,” *CounterPunch*, 7/8/19).

It’s the recent grads who are understandably the target here. The bankruptcy law permitted the cancelation of student loan debt up until the 2005 revision passed by the Republican Congress, and tuition increases during this stretch have been especially sharp due to the post-2008 economic meltdown that gutted public budgets. So these proposals target the mini-generation that seems to be in most need. But they stop short of tackling the root causes of the tuition spikes that pre-date this current crisis, the only approach that will return value to those who’ve lost so much from the student debt wars.

Should those who found a way to pay off their tuition debt be reimbursed? What about those prevented

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from going to college by the artificial shrinkage of spaces due to budget cutbacks, restrictions that forced a reliance on higher tuition to compensate, imposing further shrinkages in a vicious cycle? Can one be awarded damages for the effects of a shift in ideology, from entitlement to a low-cost—even “free”—education to a queueing-up for the privilege to pay for it? Is there a way to put a value on the loss for those excluded from education because of reversals in Affirmative Action policy? Should those be reimbursed who were caught up in the market-glut era and effectively marketed out of the picture?

Stepping back and looking at this longer stretch means considering the issue of reparations, the need for a redress of fundamental wrongs from the past so that progress can be made to correct the current ones. The logic behind calls for slavery reparations, for example, is that advances in overcoming racism and in fulfilling civil rights mandates can’t be maximized until progress is made in canceling the original deficits. Otherwise, a reasonably level playing field won’t exist. Too much lingering injustice sabotages efforts to move forward.

The concept of reparations emerges from war. The losers pay the winners, the victors who get what they deserve, the spoils from their position of power. These are not always the truly good guys, and they can be punitive, exact too much, leading to backlashes. Punishing Germany so excessively for WWI had its consequences. The powerful can also subdue the good guys, refuse to pay reparations, and this repression can lead to further conflict, a compounding of war. Reparations therefore must approximate fairness.

The damage accrued from the policies of the past 45 years or so that have destroyed free public education and replaced it with a high-priced commodity has brought war-like horrors to many, denying them a chance to secure the American Dream. Democracy is about maximizing access and involvement, learning better what makes the system work or not work through participation in it. But the costly and exclusive nature of education has restricted access and influence. And the streamlining of education to the job market has led to grade-inflation pressures and the dumbing-down of the curriculum, among other liabilities.

What then would credible reparations consist of? They would have to include all victims of the wars from the beginning when market forces began to encroach on education; when privatization became all the rage to eviscerate the commons, public spaces and ownership, as a forum for democratic expression. Value attached to land and activity held in common and merely for use were deemed inferior to the value that accrued from making a profit on these very same entities. Milton Friedman proselytized these virtues.

Freedom lies in individuals and groups being able to perfect the profit-making power of the market to control all spaces and activity in society. The public and governmental structures left uncontrolled will tend to threaten this freedom. Therefore, money should be withdrawn from public budgets because the value it represents is taken in the form of taxes from those who earned it through more

genuinely private initiatives in the exchanging of goods and services. The wealth of the whole will be maximized through the orchestration of individual and group wills that strive to succeed through the market.

The scramble after the spoils by these willful profiteers leaves many behind since there’s a structural limit to ownership. Resources for maximizing profit accrue to relatively few players; they can’t be extended to everyone in society. And those who control it can dictate to the rest and appropriate its wealth. This means the government must step in as a player and clean up messes—“externalities”—the profiteers create from an imperfect market mechanism. Hence the need, for example, to legislate bankruptcy codes to stabilize the system. We’ve witnessed the effects of this necessary cleanup very recently with the emergence of the reality and concept of the “1%,” the survivors of this evolving privatization who have worked the system to their benefit but have left a lot of problems in their wake: low wage, temporary work with no benefits, and especially the underfunding of social programs and, most particularly, education.

The spread of privatization through society produces greater and greater inequality, thus raising the question of whose freedom flowers when individuals and groups exercise their will to maximize market power. This idea of the superiority of the private was pushed through a concerted effort by Friedman and the Chicago School well before the institutions were put in place to secure it, and the meaning of freedom for them was linked to a belief in inequality as natural. Freedom flowers for everyone but not to the same degree. The outcome of private initiative may well produce aggregate positives, but it also leaves uneven pockets, negatives, these reversals and insufficiencies then blamed on the individual and group efforts not the market mechanism itself. This leads to contradictory notions of freedom.

As education developed its high price tag and became ever more severed from the public domain it reinforced this trend. Education is an institution that not only instructs, it socializes students in the values of the mainstream, like the family and the media. And while this is far from universal, pockets of alternatives certainly exist in departments and institutes of today’s colleges and universities, education helps to reproduce the system as it is. It delivers the commonsense that shapes our beliefs.

For some time, neoliberalism has been the orthodoxy of choice in school systems, and not merely as a presence in the curriculum but in how they’re managed and function in the larger corporate order. To be most efficient, we’re told, they must be run like a business, executing a model that meshes with the corporate hierarchy and its high administrative costs at the top versus the employees, pressures that effect tuition levels. This is especially evident when it comes to personnel issues. Schools have their own version of temping. Over half of the faculty in many departments are temporary and without benefits, their value helping to sustain high salaries at the top. Hence the increasing reliance on corporations for research support, strikingly evident in the UC system even before

the post-2008 austerity-driven budgets.

The demographics of the institutions become advertisements for themselves. Fewer and fewer students of color or from the lower classes have a presence in the classrooms and over time this comes to be accepted as the way it should be, as a space mostly for the privileged. Within some elite universities now there's a striking class divide with the very well-to-do students living in separate quarters, often off campus, and rarely mingling with the granted masses. They have special hyper-consumption gatherings and exotic spring breaks. And the book-consumer-goods-stores—commonly privatized entities these days—have special spaces for very high-end products (Jennifer Medina, "Student Life? It All Varies, By Income," *New York Times*, 4/4/19).

A fair reparations solution will have to extricate the damage from the compounding of neoliberal power and return to a semblance of "free" to apportion blame and subsidize victims. The slavery analogy again: There will have to be a return to the conditions of the crime and a tally of the damages incurred from then until now. This will be a formidable task given the reproducing-power of the existing system, the type of obstruction that surely motivates Sanders' call for fundamental change. In fact, the analogy with "Medicare for All" is also appropriate. As Sanders claims, it will be necessary to extricate the excesses of private insurance-overhead to arrive at "free" universal health care. This will mean engaging with what "free" means.

Those heavily invested in the privatized education system will argue that a return to "free" will amount to theft, a taking away from those who earn their living

through the legal and legitimate route of the market. They will fight against these efforts like the medical industry has been doing for some time, especially since "Medicare For All" has gained traction, spending considerably to block change, arguing there's no free lunch, that someone has to pay.

Those heavily invested in the ideals of the "free" education movement will argue that the commercializing of education is the theft of value possessed in common by activists and that this movement was itself a counter to the imposition of unfair debts in the form of relegation to second class citizenship status. So getting back to a moment which was itself a throwback to a prior status quo when participatory democracy thrived is about syncing with fundamental American ideals upon which a price tag can't be put. Education is one of those areas that should be protected from the market, like land preserves, medical care and even housing, because they affirm the quality of civilization, the species, and shouldn't be quantified.

Political fixes that breed more political fixes will likely decide the fate of this argument, a trade-off between extremes. But if Sanders or Warren would get the chance to fix a solution that pushes for reparations, as opposed to simply canceling select debts and making tuition free, they could seed the kind of change that will be very difficult to reverse for some time.

Finally, an irony. If we get back to a state of free education for all, will the occupational structure be upgraded to accommodate these aspiring citizens? If not, they will be able to use their free time as watchdogs to critically evaluate the direction of the Republic...

Revised from an essay originally published in *CounterPunch*.



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STUDENT DEBT HIGHER EDUCATION FINANCING CHALLENGES

CECILIA ELENA

Some 44 million Americans currently owe \$1.6 trillion in student loan debt, and more than seven million of them were in default prior to the pandemic repayment pause. Since this crushing burden is associated with reduced homeownership, degraded credit ratings, and delayed marriage and child-bearing, lawmakers and advocates have pushed for blanket student loan forgiveness. However, a recent effort by the Biden administration to cancel \$430 billion of student-loan debt was struck down by the Supreme Court as unconstitutional.

While much of the public focus has been on the Court's ruling, a one-time loan cancelation was never going to be a lasting solution to the ongoing challenge of financing higher education in the United States. We still need to figure out how to help students invest in their education without saddling them with crushing debt in the first place.

A critical step forward would be to replace the existing system with a standard repayment plan that aligns payments with a borrower's ability to pay. Funding for post-secondary education in the US comes from the public sector (state and local appropriations and federal grants and contracts) as well as from private gifts and contracts, with the remainder covered by student tuition and fees. But an underappreciated fact is that state and local contributions have not kept pace with the increase in cost. In 1980, tuition and fees paid by students represented only 13% of the cost of education at public institutions; by 2020, this share had risen to nearly 20%. Students and their families have increasingly borrowed to cover the cost.

There are many proposals for making higher education more affordable, such as offering free (two-year) community college or eliminating student loans altogether. Given that post-secondary schooling yields benefits for all of society – through greater tax contributions, higher productivity, reduced dependence on the social welfare system, and so forth – some public subsidization of the cost of higher education makes sense. At the same time, it also makes sense for students to bear some responsibility for a share of the cost of the education they acquire. After

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– Cecilia Elena Rouse

all, post-secondary education and training are well known to increase the likelihood of being employed, boost lifetime earnings, improve health outcomes, and offer other benefits to the individual. Given the substantial private return, it is appropriate that loans remain in the financial-aid portfolio. But the standard federal student loan under the existing program does not align with the economic realities of post-secondary schooling and the labor market. And, though education is a risky investment that does not pay off for everyone, students face complex and limited options for reducing repayment burdens and are prohibited from discharging the debt through bankruptcy.

Equally important, the standard repayment plan expects students to repay their loans over the first ten years of their careers, before most have hit their peak earnings. Even for those whose investment pays off over time, the financial burden may be too high during the repayment period.

Aiming to solve these problems, Congress and the Department of Education have, over time, created several income-driven repayment (IDR) programs – a bipartisan idea that dates to the mid-twentieth century, when it was endorsed by economists Milton Friedman and James Tobin alike. Unlike a mortgage, which requires borrowers to pay a pre-determined amount each month, IDR plans set the payment at a percentage of borrowers' income. Set optimally, borrowers repay their loans on average, but should they fall on hard times or select an occupation that does not pay well (such as working in the public sector), they can repay what they can of their loans without undue financial hardship. Given these merits, it is not surprising that many economists have advocated for such programs.

But the existing plans are not optimally designed. Borrowers must opt into an IDR over the standard repayment plan. Payments are based on the prior year's income, which means they do not seamlessly adjust to changes in borrowers' earnings and employment circumstances. Nor do they automatically adjust to borrowers' current hardships, necessitating complicated forbearance and deferment rules and requiring annual recertification. Further, the plans have different eligibility rules, payment rates, repayment periods, and definitions of discretionary income. As a result, choosing a plan is so confusing that to date only a minority of eligible borrowers take advantage of them.

As a stopgap measure, the Biden administration has introduced Saving on a Valuable Education (SAVE), an even larger, more generous IDR plan than the existing options.

The hope is that the new program will be so obviously advantageous that more students will sign up for it, rather than stick with the traditional plan. But SAVE is far from perfect. It will not be the default plan, and it still bases payments on the past year's income. As a result, it is not clear how effective it will be at addressing the country's student-debt crisis and higher-education financing challenges. More to the point, SAVE is an expensive plan layered on top of a labyrinth of other student-loan options.

That brings us to the larger problem: the Department of Education cannot simply eliminate plans created by Congress. Genuinely transforming federal student loans requires Congress to phase out all existing IDR plans and replace them with a well-structured IDR plan as the default. Ideally, such a plan would be administratively straightforward and designed to encourage students to assume a responsible level of debt to pay for valuable education programs. Structured properly, an IDR plan helps to

address one of the biggest challenges in higher-education financing in a way that need not unfairly burden taxpayers or saddle students with unmanageable debt. While even a well-designed IDR would not solve all the problems in the financing of higher education in the US, making IDR the default repayment plan for student loans would be a huge improvement and is a reform that both parties should be able to get behind.

Cecilia Elena Rouse teaches Public Affairs at Princeton University.



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A I CHANGES EVERYTHING

HAROLD JAMES

The rapid march of artificial intelligence is not only disrupting conventional notions of work. It is also changing the essence of human identity. Whereas previous technological developments altered human behavior and appearances, AI will fundamentally reshape individuals' core social and political beliefs, including about the nature and role of the state.

In the nineteenth-century Industrial Revolution, mechanical power – mostly fueled by burning carbon – replaced human and animal power as a source for energy to be used in the transformation of nature and the production of industrial and consumer goods. As the revolution matured in the twentieth century, hard physical labor was left to only a dwindling group of occupations.

For a glimpse of most pre-industrial work, look at roofers, who today are still exhausted and worn out by toiling in the elements in uncomfortable, distorting physical positions. They are preserving in the twenty-first century what was once a general experience. Early twentieth-century automobile workers bent over their tools, lifted heavy objects, and applied huge amounts of energy.

Their early twenty-first-century counterparts look at monitors and track the robots who have taken over the heavy physical tasks. As the sweat economy has disappeared, working people have become weaker, but also healthier. Those who want to retain some physical strength now go to the gym. The information-technology revolution represented another step in this human development. As machines have taken over more cognitive tasks, computers now monitor the robots doing the physical

work. With the elimination of mental work (like the complex arithmetic that shop assistants used to perform), the same old pattern has continued: many people have stopped thinking at work and devoted those energies to crossword puzzles, sudoku, or Wordle.

Today's revolution goes much further because it affects how collective activity is conceptualized. This development is perhaps clearest in the military, but it also has implications for political participation and even our understanding of legitimate

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authority. The twentieth century was marked by the most destructive wars in human history, which in turn produced a new impulse to democratize. Since soldiers and their families needed to be rewarded for their sacrifices, both World Wars led to an extension of the franchise. Classical political liberalism held that people should not be expected to sacrifice their lives for a specific political entity unless they had some say in the matter.

But technology offers a way to short-circuit this process. Around the world, educated urban populations increasingly are not expected to engage with the brutal side of human affairs. Consider Russia. Russian President Vladimir Putin has relied on

semi-autonomous mercenary groups, peripheral populations, and even prisoners to wage his war in Ukraine, because he knows that the populations of Moscow and St. Petersburg are physically and – more importantly – psychologically unsuited for the task.

This is not a new problem, of course. Before World War I, military commanders in big European countries wondered how they would field large armies, given that modern industrial life had made many recruits physically unsuited for military service.

Today, military planners still harbor the same concerns. In 2017, the Pentagon estimated that 71% of young Americans (aged 17 to 24) were unfit for service, and since then the share has risen to 77%. But it has technologies that earlier generations could scarcely have imagined. War is being taken over by unmanned appliances – such as autonomous drones – just as industrial and clerical work was in earlier eras.

To understand the political consequences of the automatization of war, just consider how society overall has changed in the modern era. In medieval society, humans were generally divided into three estates: *oratores*, *bellatores*, *laboratores* – those who orated or prayed (the clergy); those who fought (the aristocracy); and the rest, who actually did some “work” in the form of manual labor. It was owing to their fighting capacity that the aristocracy originally could claim massive political power. But after they stopped fighting and retired to a foppish court existence, the legitimacy of their rule vanished in a cloud of perfume.

With the mass armies that followed the French Revolution, war became democratized, and so did politics. But now that war is being fought through technology, power is moving away from the people again. What will come of the remaining social groups? Just as the Industrial Revolution reduced the need

for *laboratores*, the AI revolution is rendering humans obsolete in the military sphere. Like the *laboratores* before them, the *bellatores* are becoming machines. That leaves

the *oratores*, who are tasked with preserving what is still distinctively human. Are they, too, vulnerable to creeping redundancy and eventual existential destruction at the hands of

technology? Fearing as much, some critics and tech leaders are calling for a “pause” on AI development. But technology has never stopped simply because some people wanted it to.



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P H A R M A **VITAL DRUGS ARE** **NEARLY IMPOSSIBLE** **TO FIND**

GEOFFREY JOYCE

Past public ire over high drug prices has recently taken a back seat to a more insidious problem – no drugs at any price.

Patients and their providers increasingly face limited or non-existent supplies of drugs, many of which treat essential conditions such as cancer, heart disease and bacterial infections. The American Society of Health System Pharmacists now lists over 300 active shortages, primarily of decades-old generic drugs no longer protected by patents.

While this is not a new problem, the number of drugs in short supply has increased in recent years, and the average shortage is lasting longer, with more than 15 critical drug products in short supply for over a decade. Current shortages include widely known drugs such as the antibiotic amoxicillin; the heart medicine digoxin; the anesthetic lidocaine; and the medicine albuterol, which is critical for treating asthma and other diseases affecting the lungs and airways.

What's Going On?

I'm a health economist who has studied the pharmaceutical industry for the past 15 years. I believe the drug shortage problem illustrates a major shortcoming of capitalism. While costly brand-name drugs often yield high profits to manufacturers, there's relatively little money to be made in supplying the market with low-cost generics, no matter how vital they may be to patients' health.

The shortage includes chemotherapy drugs, antibiotics, medications to treat ADHD and other critical drugs. Some patients are able to get their drugs while others are not, and in some cases patients are getting

"rationed care."

A generic Problem

The problem boils down to the nature of the pharmaceutical industry and how differently the markets for brand and generic drugs operate. Perhaps the clearest indication of this is the fact that prices of brand drugs in the U.S. are among the highest in the developed world, while generic drug prices are among the lowest.

When a drugmaker develops a new pill, cream or solution, the government grants the company an

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– Geoffrey Joyce

exclusive patent for up to 20 years, although most patents are filed before clinical testing, and thus the effective patent life is closer to eight to twelve years. Nonetheless, patents allow the drugmakers to cover the cost of research and development and earn a profit without the threat of competition from a rival making an identical product.

But once the patent expires the drug becomes generic, and any company is allowed to manufacture it. Since generic manufacturers are essentially producing the same product, profits are determined by their ability to manufacture the drug at the lowest marginal cost. This often results in low profit margins and can lead to cost-cutting measures that

can compromise quality and threaten supply.

Outsourced Production Creates More Supply Risks

One of the consequences of generics' meager margins is that drug companies outsource production to lower-cost countries.

As of mid-2019, 72% of the manufacturing facilities making active ingredients for drugs sold in the U.S. were located overseas, with India and China alone making up nearly half of that.

While overseas manufacturers often enjoy significant cost advantages over U.S. facilities, such as easy access to raw materials and lower labor costs, outsourcing production at such a scale raises a slew of issues that can hurt the supply. Foreign factories are more difficult for the Food and Drug Administration to inspect, tend to have more production problems and are far more likely than domestic factories to be shut down once a problem is discovered.

In testimony to a House subcommittee, Janet Woodcock, the FDA's principal deputy commissioner, acknowledged that the agency has little information on which Chinese facilities are producing raw ingredients, how much they are producing, or where the ingredients they are producing are being distributed worldwide.

The COVID-19 pandemic underscored the country's reliance on foreign suppliers – and the risks this poses to U.S. consumers.

India is the world's largest producer of generic drugs but imports 70% of its raw materials from China. About one-third of factories in China shut down during the pandemic. To ensure domestic supplies, the Indian government restricted the export of medications, disrupting the global supply chain. This led to shortages of drugs to treat COVID-19, such as for respiratory failure and sedation, as well as for a wide range of other

conditions, like drugs to treat chemotherapy, heart disease and bacterial infections.

Low Profits Hurt Quality

Manufacturing drugs to consistently high-quality standards requires constant testing and evaluation. A company that sells a new, expensive, branded drug has a strong profit motive to keep quality and production high. That's often not the case for generic drug manufacturers, and this can result in shortages.

In 2008, an adulterated version of the blood-thinning drug Heparin was recalled worldwide after being linked to 350 adverse events and 150 deaths in the U.S. alone.

In 2013, the Department of Justice fined the U.S. subsidiary of Ranbaxy Laboratories, India's largest generic drug manufacturer, US \$500 million after it pleaded guilty to civil and criminal charges related to drug safety and falsifying safety data. In

response, the FDA banned products made at four of the company's manufacturing facilities in India from entering the U.S., including generic versions of gabapentin, which treats epilepsy and nerve pain, and the antibiotic ciprofloxacin.

And while there may be multiple companies selling the same generic drug in the U.S., there may be only a single manufacturer supplying the basic ingredients. Thus, any hiccup in production or shutdown due to quality issues can affect the entire market.

A recent analysis found that approximately 40% of generic drugs sold in the U.S. have just one manufacturer, and the share of markets supplied by just one or two manufacturers has increased over time.

Expatriating The Drug Supply

It is hard to quantify the impact of drug shortages on

population health. However, a recent survey of U.S. hospitals, pharmacists and other health care providers found that drug shortages led to increased medication errors, delayed administration of lifesaving therapies, inferior outcomes and patient deaths.

What can be done?

One option is to simply find ways to produce more generic drugs in the U.S.

California passed a law in 2020 to do just that by allowing the state to contract with domestic manufacturers to produce its own generic prescription drugs. In March 2023, California selected a Utah company to begin producing low-cost insulin for California patients.

Whether this approach is feasible on a broader scale is uncertain, but, in my view, it's a good first attempt to repatriate America's drug supply.

Geoffrey Joyce is Director of Health Policy at the Schaeffer Center.

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F O O D PICK YOUR OWN FARMS

SHELBY VITTEK

Every summer, people flock to farms to pick their own fresh cherries, berries, peaches, and plums. When autumn rolls around, they head to orchards for apple picking and pumpkin patches in search of the perfect porch gourd and, of course, capturing plenty of Instagrammable content along the way.

Pick-your-own (also called U-pick) farms might be widespread and ubiquitous now, but that hasn't always been the case. The concept first emerged during the Great Depression of the 1930s, when prices for fruit and vegetable crops reached historically low levels as war-torn countries began to recover and no longer relied on U.S. exports. For many growers, it was cheaper to leave their crops in the field to rot than it was to harvest them and sell them for a pittance. That's when a ragtag bunch of cherry growers in Wisconsin decided to offer their fruit directly to the public for pennies a pound. The only catch was they'd have to come out to the farm to pick the cherries themselves.

And so the bustling pick-your-own industry was born.

Today, U-pick programs often make up just one part of a farm's operations, a far cry from their original role as a sort of Hail Mary — and they're certainly more lucrative than they were in the 1930s. Pick-your-own operations now exist in every state, luring urbanites and families out to the country to spend a wholesome weekend. Advancements to automobiles and road infrastructure have helped pave the path, too.

Agritourism has boomed over the last two decades, with revenue more than tripling from 2002 to 2017. According to the USDA, agritourism revenue grew from \$704 million

in 2012 to \$950 million in 2017. Pick-your-own farms have played a key role in that growth, attracting customers to farms to pick or cut their own fruits, vegetables, flowers, or Christmas trees out of fields — and charging them to do so.

The U-pick business model reduces a farm's reliance on labor for harvesting, and eliminates the need for working with distributors, giving farms immediate access to the profits. "Getting the fruit out of the field is great. You're getting cash flow coming onto the farm earlier,

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— Shelby Vittek

so that's helpful," said Anu Rangarajan, director of the Cornell Small Farm Program, and former owner of a pick-your-own strawberry farm in Freeville, New York.

As with every corner of agriculture, however, running a U-pick operation comes with its own unique risks. "There are lots of pros and cons of U-pick," said Megan Bruch Leew, a value-added agriculture marketing specialist for the Center for Profitable Agriculture at the University of Tennessee. "Bringing the customer to your farm and them doing the labor of picking can be a savings to [farmers] so they don't have to pick all of it and transport it to market. On the flipside of that, consumers don't often know

how to appropriately pick and can damage plants, so there's a loss aspect that needs to be built in when folks are pricing product."

While plenty of consumers embrace the opportunity to pick their own fruit, and are happy to pay to do so, others have critiqued the idea of being charged to do labor. But as Leew points out, there are hidden costs associated with U-pick fruit and vegetables that more commercial operations don't have to factor into costs. "When you bring people out to the farm, you need some added risk management and insurance," she said. "So there's costs associated with that, as well as the costs of providing customer comfort. People are going to need access to a restroom, handwashing, and other things."

And then there's the unpredictability of weather, a factor that farmers of all kinds deal with, but one that has the potential to wipe out an entire crop for a U-pick farm, causing a trickle-down effect on the farm's overall profits. "Pick-your-own farms oftentimes have an on-farm retail market where you can buy pre-picked fruit and value-added products like fruits, jams, and salsas," said Leffew. "But if there's no pickable produce, or even if the weather is just unpleasant,

agritourists might not trek out to the farm at all, delivering a one-two punch to the farm's sales."

This year, fruit growers across the country have experienced significant crop loss after erratic weather. Georgia lost more than 90% of its peach crop this year due to an abnormally warm winter. Powerful rainstorms in California flooded hundreds of acres of strawberry fields. And in the Northeast, orchards and vineyards suffered damage from a late May frost that wiped out the large majority of this year's crops.

At Rose Hill Farm in Red Hook, New York, co-owner Holly Brittain estimates the frost wiped out 95% of this year's cherry crop.



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A portion of the fruit grown on the farm — which includes apples, strawberries, blueberries, peaches, cherries, plums, apricots, nectarines, grapes, and more — goes to the U-pick side of their business. But more importantly, the fruit is needed to fuel their lucrative cider and winemaking operations. That's led the farm to not be able to offer pick-your-own strawberries or cherries to the public this year, which means those would-be visitors might not make it out to the farm where they're likely to spend additional money in the tasting room.

"We couldn't open those for pick-your-own, which is pretty devastating because cherries as a unit cost do pretty well, and that's our first fruit of the season. Folks are excited to

come back [for cherries], and people drive from as far as Long Island and New Jersey. So that was a big ouch for the beginning of the season," said Brittain, who acknowledges these unexpected and hard decisions come with the territory of running an agritourism business.

A lack of early-season fruits hasn't seemed to dull interest in the farm's other pick-your-own offerings — which will help support the farm as it awaits support from federal disaster assistance programs to help offset costs incurred from a devastating late-season frost. Rose Hill recently opened its blueberry fields to U-pick, and the seasonal flow of tourists has resumed.

However, the power of a pick-

your-own business extends beyond their ability to lure customers onto a farm. "Our culture is starving for connections to nature. It's one more way that people can feel connected — connected to their food, connected to where they live," said Ranganathan. "U-picks do a huge service for connecting people to our food system, and especially the seasonality of food ... and [gives farmers] the opportunity to have important conversations with people who can support agriculture more actively."

Shelby Vittek is a New York-based food and agriculture journalist. She writes for a variety of publications.

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AWNINGS

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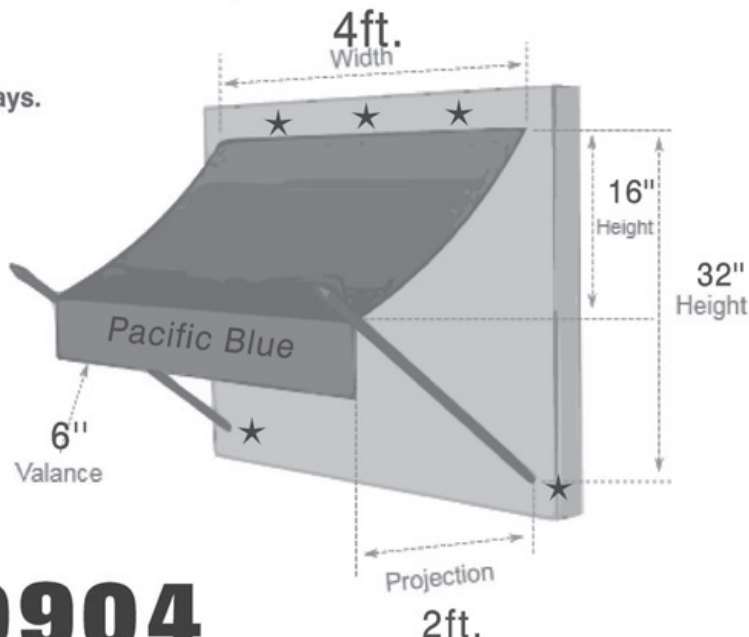
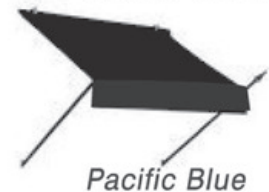
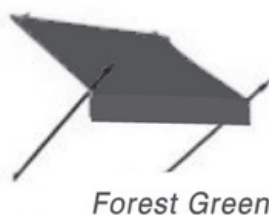
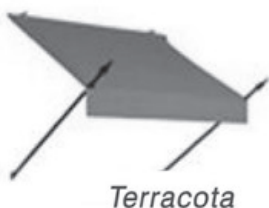
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STORYLANDIA

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Contributions from: Gordon J. Stirling, Evan Howell,
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