

Washington MONTHLY

THE DEMOCRATS' NEXT AGENDA

Ten new ideas for the party to
help the working class, and itself

1. Fire the Contractors
2. Champion the Self-Employed
3. Make Employers Secure the Border
4. Medicare Prices for All
5. Bring Back Airline Regulation
6. Offer Colleges a New Deal
7. Corporate-Proof the Care Economy
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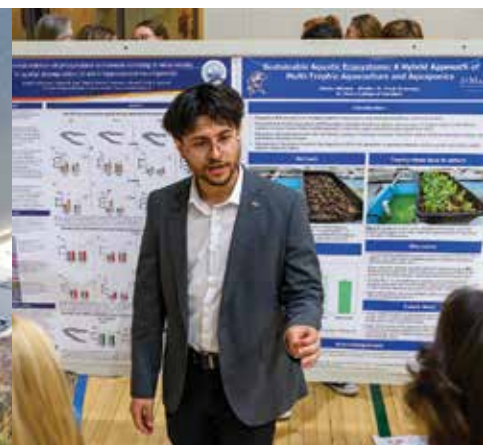


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The Democrats' Next Agenda

TEN NEW IDEAS FOR THE PARTY TO HELP THE WORKING CLASS, AND ITSELF.

BY PAUL GLASTRIS

For many years, outside observers, including the editors of this magazine, have warned that the Democratic Party cannot win if it continues to hemorrhage the support of working-class Americans. The results of the November election should put an end to any debate about this.

The tragedy is that as president, Joe Biden did a lot to try to bring back these voters. He openly supported unions and was the first sitting president to walk a picket line. He pushed through major legislation to fund infrastructure and manufacturing projects that would produce, he said again and again, good-paying jobs that you don't need a college degree to get—and by design these projects were disproportionately located in red areas. He signed other bills that put cash in the pockets of average Americans, including a short-lived but successful child tax credit. He began a revolution in competition policy that took on corporate power and greed in favor of small businesses and employees. When he dropped out of the race, Kamala Harris picked a running mate with working-class rural roots and proposed to help ordinary Americans buy a first home, start a new business, and secure protection from corporate price gouging.

Yet despite all of this, Donald Trump not only won the election but also gained ground with working-class Americans of every race and gender and in every part of the country.

There are ongoing debates about why this happened. The most obvious culprit is inflation, which hit working-class Americans hardest and led to electoral drubbings of every incumbent party in every major country that held elections in 2024. But there are other reasons, too. Chief among them is that the coalition that makes up the Democratic Party includes many groups and demographics whose demands over the past four years have been different from, and in many ways counter to, those of rural and working-class Americans. Younger college-educated progressives insisted that Democrats focus on trans rights, DEI, student debt relief, police brutality, and the plight of undocumented migrants. Older, wealthier liberals, especially those working in the upper echelons of the tech and financial sectors,

warned party leaders against going “too far” with its populist economic agenda.

Biden and Harris tried to accommodate all these voices, which often took the form of blunting their own. The result was a party that took half measures toward true economic reform, made early mistakes in areas like border enforcement that it couldn't overcome, and had a brand that was toxic to too many working-class voters—especially after Trump's propaganda machine was done with them. Instead, a majority of those voters wound up supporting a candidate many of them knew to be a criminal and a liar but who at least promised radical actions to shake up a status quo that has not benefited them in decades.

This package of essays is not an exercise in political “messaging.” It is an effort to provide the policy scaffolding of a new liberalism that addresses, not in word but in deed, the long-neglected interests of working-class Americans.

If Democrats hope to take back power again, they are going to need to do more than wait for Trump's policies to create chaos and failure. Even if that happens—and, yes, it will—working-class voters who are clearly in revolt against existing institutions and arrangements are unlikely to shift their support to a party they see as representing that failed establishment. Instead, Democrats are going to have to take to heart, more seriously than they have, the true conditions, opinions, and interests of rural and working-class voters—and convince members of their coalition to do the same. And they're going to have to offer plans for more thoroughgoing change than they have up until now considered.

If you think those voters are permanently in the GOP camp and forever lost to the Democrats, consider recent

history. In 1980, after solidly supporting Democrats for decades, working-class voters swung hard for Ronald Reagan, who campaigned on ideas about shrinking government and massively expanding defense that had been considered extreme even within his party a few years before. In 1992, Bill Clinton won those voters back with a set of “New Democratic” ideas about welfare, trade, policing, and bureaucratic reform that scandalized traditional liberals and the left (and still do) but that led to (or at least coincided with) rising wages, falling crime, and increased public confidence in government. George W. Bush, with his “compassionate conservatism,” stole away many of those voters, but Barack Obama won them back with his “One America” politics. Trump and the GOP have them now, and in such numbers that it’s hard to imagine the situation changing. But it can if the right political talent meets the right set of ideas.

We offer 10 such ideas in the essays that follow. Some are drawn from the *Monthly’s* Old Testament of long-held policy positions, which have never been more relevant; others are New Testament additions fitted to emerging realities. Several are easy for average Americans to grasp and can be utilized immediately to challenge Trump’s agenda—and potentially attract some GOP allies and voters. Others will require time for liberals to absorb, debate, and coalesce around, and even longer—years, perhaps—to bring millions of misdirected voters, step by step, into the light. This package of essays is not, in other words, an exercise in political “messaging.” It is an effort to provide the policy scaffolding of a new liberalism that addresses, not in word but in deed, the long-neglected interests of working-class Americans. ^{WM}

Paul Glastris is the editor in chief of the *Washington Monthly*.

MEDICARE PRICES FOR ALL

BY PHILLIP LONGMAN

According to exit polls, the top reason voters gave for not supporting Kamala Harris was inflation. Yet by the time of the election, official measures showed that inflation had moderated to historical norms. Meanwhile, other conventional economic indicators showed that wages had been rising far faster than prices for the previous two years. So why were so many voters convinced that their standard of living was falling?

Here’s one factor that has been largely overlooked. Everyone complains about the high price of drugs and hospital stays. But few people are aware of how hidden health care costs that don’t show up in the Consumer Price Index are profoundly eroding their purchasing power.

To understand how this giant rip-off works and how to fix it, you need some background. Most working- and middle-class Americans receive their health care coverage through employer-sponsored insurance plans. Most of us

covered by such plans know full well that we are perpetually being asked to pay higher deductibles and co-pays. Most of us also know when our premiums go up. Individual workers covered by such plans typically pay around 20 percent of the cost of the premium in the form of a paycheck deduction. Workers who insure a spouse and two children under an employer plan typically see about 32 percent of the cost of the premium deducted from their paycheck.

But here’s what most people miss. They think their employer pays the rest, which is true, but only literally. Your employer does send a check to the insurance company, but it’s a shell game. Any economist will tell you that workers in an employer-sponsored plan pay nearly all the cost of their benefits, and that it’s a very, very big number. This year, according to the Milliman Medical Index, for a typical middle-aged worker who enrolls their spouse and two children in a typical employer-sponsored family plan, the annual cost of their insurance has reached a staggering \$32,066.

The reason workers bear nearly all the cost of such plans is simple. When employers compensate workers with health care benefits, they almost always offset this expenditure by offering that much less in wages. They do this because they can and have no reason not to. All that matters to them is that the total compensation package allows them to recruit or retain the workers they want. For employers, their contributions to the health care plan are thus effectively free so long as they reduce other forms of compensation by the same amount. But for workers, the employers’ contribution to the health care plan usually means less take-home pay and other benefits.

A corollary to this truth is that when the costs of a health care plan go up, employers compensate by either laying people off or giving lower raises than they otherwise would. For businesses that are losing money or operating at small margins, there often is literally no other choice. And for others, holding down salaries in the face of rising health care costs is the rational choice even if they could afford to do otherwise.

This poorly understood reality has huge consequences for the finances of ordinary Americans. The employee-benefits expert Syl Schieber has calculated how much rising health care costs have lowered what he calls the “kitchen table” income of workers with employer-sponsored health care plans—that is, the income they have available each month to pay for housing, groceries, gas, and other day-to-day expenditures. He finds that due to the wage suppression caused by the rising cost of their health care plans, lower-income workers with family coverage had \$2,500 less kitchen table income in 2019 (adjusted for inflation) than they brought home two decades earlier. In effect, health care inflation gobbled up *all* of the meager raises they received as they gained seniority, and more.

The hit on lower-income workers is particularly hard because employer-sponsored plans are financed by what is

effectively a hidden and regressive head tax. The plan imposes the same flat costs on all employees regardless of how much they make. This means that the janitors on the plan pay a much higher share of their earnings than do the C-suite executives for the same coverage.

Yet even workers in the top 10 percent of the income distribution are getting hosed. In his book *Healthcare USA: American Exceptionalism Run Amok*, Schieber shows that between 2000 and 2019, such high-income workers saw more than half of the total increase in their compensation over the period diverted into the cost of their health care plan. Put another way, that's like finding, as you gain seniority and obtain increasingly valuable job skills, that your purchasing power is going up at only half the rate as the value you're adding to your employer's bottom line because (unknown to you) your employer has diverted the other half to covering the mounting cost of health care inflation.

And that cost keeps rising. Since 2010, health care costs for the average family of four with an employer-sponsored plan have risen by more than \$13,000, or over 71 percent. Currently, the cost for individuals covered by such plans is rising by 6.7 percent a year, roughly double the official rate of inflation. No wonder so many Americans, even those "privileged" enough to have employer-sponsored health insurance, feel like the economy is not working for them.

The Princeton economists Anne Case and Angus Deaton attribute the rising death rates among working-class Americans in part to the economic hardships created by these plans. In their book *Deaths of Despair and the Future of Capitalism*, they write, "The cost of employer-provided health insurance, largely invisible to employees, not only holds down wages but also destroys jobs, especially for less skilled workers, and replaces good jobs with worse jobs."

What can be done? Abolishing our employer-based health care finance system and replacing it with something like a government-financed, "Medicare for All" program might be a good idea. But it hardly needs saying that it is a political nonstarter at the moment.

Fortunately, there's another way.

It turns out that in addition to all their other faults, employer-sponsored plans are terrible at negotiating with health care providers for lower prices. That's supposed to be one of their key functions. They are supposed to go to hospitals, doctors, and drug companies and say, "If you want to be part of our network of preferred providers, you have to give us discounts." Yet it turns out that on average, when people on these plans go to the hospital to have a specific procedure done, the hospital charges an average 254 percent more than they do when they perform the same operation on a Medicare patient. Hospitals also charge commercial plans more than 100 percent more for any drugs they administer, according to a massive ongoing survey conducted by the RAND Corporation.

This disparity is not entirely the fault of the plans. Thanks to rampant hospital mergers and the roll-up of independent doctors and other providers, many health care markets these days are dominated by a single mega health care provider with so much market power that it can simply dictate prices even to the largest purchasers of health care. In other places, insurers and providers have merged into a single, self-dealing conglomerate. Either way, in the face of so much monopoly power, most employer-sponsored plans are not providing any real value to their members when it comes to negotiating for fair prices.

When employers compensate workers with health care benefits, they almost always offset this expenditure by offering that much less in wages and other benefits. They do this because they can and have no reason not to.

So here's the solution. Just mandate, going forward, that all employer-sponsored plans pay providers the same, or close to the same, prices Medicare does. And further mandate that employers share the enormous resulting savings with their workers.

Will hospitals object? Of course. But their case is weak. Abundant evidence shows that the U.S. hospital system could easily sustain itself with prices that are much closer to Medicare reimbursement rates. This should come as no surprise, since Medicare sets these rates by calculating what a well-run hospital needs in revenue in order to cover its costs and earn a respectable profit. Most hospitals are classified as nonprofit, charitable institutions for tax purposes. It's time they operated as such, rather than behaving as profit maximizers. And it's time American workers stopped seeing so much of their well-deserved earnings siphoned off by medical monopolies charging predatory prices.

In 2018, the *Washington Monthly* published an article that worked through the details of how such a plan could be implemented and how much it would save workers. In 2020, we reported on how a similar plan had been successfully implemented by Montana on behalf of its state employees.

Maybe now, as Democrats look for ways to improve the real and perceived economic security of working- and middle-class voters, it's time to consider implementing "Medicare Prices for All." It's a plan that doesn't require raising taxes or forcing anyone to give up their private insurance. But it offers a way to squeeze the monopoly rents

out of the health care system and return them to the American people. ^{WM}

Phillip Longman is senior editor at the *Washington Monthly* and policy director at the Open Markets Institute.

MAKE EMPLOYERS SECURE THE BORDER

BY BILL SCHER

The moment that President Trump puts his hand on that Bible and takes the oath of office,” said incoming Deputy Chief of Staff Stephen Miller to the Fox News host Sean Hannity after the election, “the occupation ends, liberation day begins. He will immediately sign executive orders, sealing the border shut [and] beginning the largest deportation operation in American history.”

Democrats should expect Donald Trump to follow through on that threat. We know from the last time Trump was president that he likes to begin with shock-and-awe exercises of executive power, as with his abrupt ban on travel from seven Muslim-majority countries. And we know he views brutal, inhumane tactics as a deterrent to immigration, which we saw in his policy of migrant parent-child separations.

But Democrats should also expect voters to judge Trump’s second-term mass deportations with as much revulsion as they did his first-term travel ban and family separations, swinging the public opinion pendulum back in their direction. Even though Joe Biden’s administration, and Kamala Harris’s presidential campaign, struggled to mitigate public ire over the record number of border crossings on their watch, Trump’s own brand of chaos will present a fresh opportunity for Democrats. Sooner than you might think, voters will be open to hearing Democratic ideas for solving the immigration mess that would restore order, respect humanity, and reflect the desires of most Americans.

The solution needn’t be invented from scratch. It’s the same one every Democrat in the Senate, and plenty of Republicans, supported more than a decade ago: tough restraints on employers who hire undocumented migrants combined with generous opportunities for those migrants to become legal immigrants. It won’t disrupt the economy or require mass militarized roundups. And once those disruptions and roundups begin under Trump, it’ll look increasingly appealing to the public.

We know Trump’s plans go far beyond his limited mandate. The 2024 exit poll asked if undocumented immigrants should be deported or given a chance at legal status. Only 40 percent wanted deportation, while 56 percent preferred legal pathways. Clearly, Trump didn’t win the national popular vote or the swing states on the deportation vote alone. He needed a piece of the legal pathway vote to seal his victory, and snagged 22 percent of it.

And in his first term, we saw Trump lose support, and drag the entire Republican Party down with him, because of his nativist fixations.

FiveThirtyEight began tracking the average of Trump’s first-term job approval rating on January 23, 2017, four days before he imposed the travel ban that detained people at airports, stranded visa holders abroad, and separated families. While his average approval was always below 50 percent, he started his presidency with a level of approval slightly higher than disapproval. However, one week after the controversial ban, Trump’s approval number sunk underwater, and it stayed that way for the rest of his presidency.

Separating families who cross the southern border seeking asylum, a policy publicly announced in April 2018 as “zero tolerance,” did not help Trump’s political standing. Public outrage was so intense that Trump signed an executive order in June instructing the Department of Homeland Security to keep families together (though some separations quietly continued).

Then, in October 2018, as the midterm election neared, Trump tried to whip up panic about a “caravan” of Central American migrants heading to the American border, relying on a familiar mix of bigoted lies and conspiracy mongering about their intentions. Playing the fear card failed to prevent Democrats from seizing control of the House by keeping the focus on health care. Exit polls showed that a plurality of 41 percent of voters named health care as their most important issue, and three-quarters of them voted Democratic. Only 23 percent cited immigration, and Democrats picked up about one-quarter of those.

Backlash against Trump’s attacks on immigrants continued to build. Gallup polling in the spring of 2020 registered the highest share of people in at least two decades, 77 percent, holding the belief that immigration is good for America. And for the first time since at least 1965, more Americans expressed support for an increase in levels of immigration than for a decrease.

Yet in the 2020 presidential primary, most Democratic candidates excessively interpreted the shift in public sentiment and rushed to support very loose immigration laws, such as lowering an illegal border crossing from a criminal offense to a civil one. The leftward lurch on immigration didn’t pose a political problem in a general election dominated by Trump’s mishandling of the COVID-19 pandemic. But when the Biden administration faced a record influx of migrants, the perception of possessing a lax attitude toward immigration left Democrats vulnerable to attack.

Biden and Harris tried many different approaches to limit the flow of migration and steer it toward legal avenues. (Recall Harris’s controversial 2021 visit to Guatemala when she told potential migrants, “Do not come.”) In 2024, the administration imposed strict border limits by executive order that dramatically reduced the number of illegal crossings. But their efforts did not register with most voters. Frustration with immigration was not nearly as central to Trump’s victory as was

frustration with inflation—75 percent of voters said they had experienced some degree of “hardship” from inflation in the past year. But most voters, 53 percent, sided with Trump over Harris on the question of who they trusted more to handle immigration. And we have anecdotal evidence that some voters with a moderate view on deportations set aside Trump’s vitriol and charitably assumed he would take a narrow approach. For example, *The New York Times* interviewed an immigrant business owner in Pennsylvania who said, “Me, worried about deportations? No, not one worry. Trump knows he needs immigrants to work. Us, we’re here to work, we commit no crimes.”

Such voters are about to have a rude awakening. Trump’s incoming border czar, Tom Homan, made clear that the administration will not limit deportations to those who have committed crimes inside the United States, but will target anyone who is undocumented. He said on Fox News, “I’ve talked about prioritization of public safety threats and national security threats. But if you’re in the country illegally, you’re not off the table.” To maximize manpower beyond the agents from Immigration and Customs Enforcement, Stephen Miller has said the Trump administration will enlist state National Guard units. If and when Democratic governors don’t cooperate, Miller has suggested that units from Republican states will cross state lines.

Trump is also expected to revoke the legal status of hundreds of thousands of people who were granted “humanitarian parole” or “temporary protected status” after fleeing dangerous circumstances in their home countries. Miller has even voiced plans for a “turbocharged” denaturalization program—stripping citizenship away from the naturalized who have committed crimes or, potentially, for minor transgressions.

The aggressive strategy could hit logistical roadblocks. Since other nations might not readily accept deportees, Miller and Homan have floated various mass detention options, which are easier to talk about than to build and manage. Trump’s competence in carrying out nativist policies is highly questionable; in his first term, despite the cruel tactics deployed, illegal border crossings rose during the pre-pandemic years, and the pace of interior deportations trailed his predecessors.

Yet harsh tactics can still inflict harm on undeserving people who only want the opportunity to join the American middle class and contribute to our economic growth. And most American voters don’t want their government to break up families and disrupt local businesses reliant on immigrant labor. At the same time, they also didn’t want the disturbances experienced during the Biden administration, when surges of migrants strained the ability of state and local governments to provide shelter and schooling. Any Democratic response to Trump’s disruption should involve policies designed to bring order, not further disruption.

Fortunately, the hard work of developing such policies has already been done.

The Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 was crafted by a bipartisan Senate group dubbed the “Gang of Eight,” and if you don’t remember it, you will be gobsmacked by some of the cast of characters involved: Jeff Flake (anti-Trump Republican turned Biden administration ambassador to Turkey), Lindsey Graham (anti-Trump Republican turned Trump sycophant), John McCain (Barack Obama’s 2008 opponent turned savior of Obamacare), Bob Menendez (convicted of bribery), and Marco Rubio (anti-Trump Republican and now Trump’s secretary of state appointee).

The bill was held together by a series of interconnected bargains. Undocumented immigrants already here could obtain legal status and get on a path to a citizenship if they had no criminal record and paid penalties. But before people could pursue green cards, border security goals needed to be met, including a 90 percent rate of preventing illegal crossings. At the same time, steps would be taken to clear out a backlog of visa applicants—people trying to enter through legal means.

The solution needn’t be invented from scratch. It’s the same one every Democrat in the Senate, and plenty of Republicans, supported over a decade ago: tough restraints on employers who hire undocumented migrants combined with opportunities for those migrants to become legal immigrants.

And all employers would be required to use the “E-Verify” computer background check system to ensure that their employees were legally documented. As the *Los Angeles Times* reported in October, “E-Verify is free for employers, with more than 98% of those checked being confirmed as work-authorized instantly or within 24 hours,” but as of today it’s mostly voluntary and rarely used.

In other words, people who are already here and contributing to America can stay, our workforce would no longer be reliant on illegal labor, and a more orderly system for future immigration would be put into place.

The bill passed the Senate in a bipartisan 68–32 vote. But as anti-immigrant sentiment within the Republican Party grassroots boiled over, Republican Speaker of the House John Boehner refused to bring the Senate bill to the floor. Similar legislation has not been formally considered since.

Earlier this year, a different bipartisan immigration compromise was attempted in the Senate with a limited focus on border security. Republican Senator James Lankford, Democratic Senator Chris Murphy, and independent Senator Kyrsten Sinema struck a deal designed to expedite

adjudication of asylum claims and give border security officials more power to turn people away at the border. Senate Republicans sabotaged the compromise with a filibuster, prompted by Trump, who did not want Biden getting credit for a border security bill.

While most Democrats were prepared to support the bill, some progressive immigration advocates deemed the border provisions too restrictive. But if they were incorporated into a comprehensive bill that also improved the processing of legal visa applications, the restrictions would be more palatable.

The collapse of the 2013 bill made “comprehensive” a dirty word. Too many compromises gave critics too many targets, so the argument went. But narrower immigration reform bills haven’t fared much better in the last decade. The politics are just as complicated, and the policies can’t work as well when implemented piecemeal. For example, this year a bipartisan Senate bill to mandate E-Verify was introduced but went nowhere, for good reason. If we suddenly imposed E-Verify on every business, without any other fixes to the immigration system, about 8 million undocumented workers would not only lose their jobs but be removed from the workforce entirely. During a period of low unemployment, that would force many businesses to close and risk recession. To avert that risk, mandatory E-Verify should be paired with legal status for existing undocumented workers. It needs to be part of a comprehensive reform bill.

The problem with stymieing comprehensive immigration reform was never the complexity of the legislation. The problem was and is a Republican Party taken over by nativists uninterested in finding commonsense solutions reflective of the public will. Once Trump reminds us all over again that, when it comes to immigration, he is a chaos agent, Democrats will have a fresh opportunity to show they are the problem solvers. ^{WM}

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OPEN A NEW FRONT FOR RACIAL JUSTICE

BY PAUL GLASTRIS

If there’s one message the *Washington Monthly* has been trying to get across over the years in its writing about higher education, it’s this: Stop obsessing over wealthy elite universities that educate the few, and pay more attention to the underfunded, unfancy schools that educate the many. For Democrats (or anyone else) concerned about America’s costly and inequitable higher education system, this should be common sense. If your aim is to make the country more prosperous and fair, focus your reform efforts on the institutions of higher learning that affect the most people.

It is hard, however, for this idea to penetrate the minds of the affluent liberals who have outsized influence over the agenda of the Democratic Party. That’s because they are fixated on the kind of elite colleges *they* went to, or tried to get into, or desperately want their kids to attend. *The New York Times*, written by and for such people, mentioned Harvard University about a thousand times in non-sports-related stories over the past year, according to a Google search. It cited Arizona State, the country’s largest university (with 80,000 students on campus, versus Harvard’s 7,100), only 79 times. It referred to the University of Central Florida, the nation’s fourth largest (69,000 students), fewer than 20 times. In all, the *Times* cited Harvard more often than the 10 largest U.S. universities combined.

When these liberals consider how higher education might ameliorate the plight of the underprivileged, they naturally think the solution is to open for racial minorities the path that brought *them* wealth, status, and influence—admission to a selective university. That’s a big reason why, for decades, affirmative action in college admissions was at the center of liberal efforts to advance racial justice.

The main argument for affirmative action in higher education was, and remains, sound. Elite colleges produce a disproportionate number of a country’s leaders, and it’s unhealthy for a democracy if that elite core of students doesn’t at least roughly reflect the diversity of the country. And affirmative action did some good—the percentage of Black students admitted to selective colleges rose considerably in the 1960s and ’70s before leveling off in the 1980s.

Yet affirmative action never benefited more than a tiny fraction of minority students, even as it proved politically divisive in ways helpful to its conservative critics. A Brookings study found that only 13 percent of Black students, 14 percent of Latino students, and 8 percent of Native American students in 2019 attended a college that practiced affirmative action. The rest went to schools that admitted most or all applicants so felt little need to adjust admissions numbers based on race. After the Supreme Court in 2023 made most race-based admissions practices illegal, more than two-thirds of Americans, including nearly half of African Americans, told Gallup the decision was “mostly a good thing.”

Over the past decade, the left has championed another set of policies aimed at easing the paths of racial and ethnic minorities on colleges campuses: DEI, short for diversity, equity, and inclusion. These policies include everything from hiring “chief diversity officers” to mandatory antiracism seminars for students to requirements that prospective faculty sign statements pledging to advance DEI goals in their teaching. Though present to some extent on a wide range of campuses today, DEI programs are highly concentrated among elite institutions. North Carolina’s two flagships, the University of North Carolina–Chapel Hill and North Carolina State, spent nearly twice as much on DEI programs as the Tarheel State’s other 14 public universities combined, even though the latter educate more than twice as many students.

DEI's defenders argue that these programs are necessary to combat institutional racism on campuses. But while that goal make sense, it's hard to find evidence that DEI programs as currently structured have advanced it. As the *Washington Monthly* contributing editor Nicholas Confessore reported in *The New York Times Magazine* this past fall, the University of Michigan has invested nearly a quarter of a billion dollars on DEI programs since 2016, more than any university in America, but has seen no increase in the percentage of Black students admitted to the institution. Moreover, he wrote, "in a survey released in late 2022, students and faculty members across the board reported a less positive campus climate than at the program's start and less of a sense of belonging." In the past two years, seven red states, including North Carolina, have rolled back or eliminated DEI programs in their state colleges.

Here's the harsh truth: The strategy of trying to advance the interests of African Americans and other minorities by reengineering the policies of elite schools has failed. Spectacularly.

That doesn't mean, however, that liberals should abandon the cause of racial justice in higher education. It means that they should shift their agenda to efforts that will do more good.

It's not like there hasn't been racial progress in higher education. The percentage of African Americans who earned a college degree grew by 9.3 percentage points between 2009 and 2022, compared to 9 percentage points for whites, according to the Lumina Foundation. Elite colleges, however, contributed virtually nothing to that progress. Instead, it largely happened on campuses that most affluent liberals are only vaguely aware exist and probably wouldn't be eager for their own kids to attend: regional public universities.

These are the schools with "state" in their name, like Grand Valley State University in Michigan, or that reference their location, like Northern Arizona University. They tend not to be very selective, admitting 80 percent or more of applicants. They charge tuition that is more than 25 percent cheaper on average than other colleges. They generally draw working- and middle-class students from their surrounding regions, and their student bodies reflect the diversity of those regions.

Regional publics are the workhorses of higher education, conferring more than 40 percent of all four-year degrees in America. But here's the most striking fact: They award 58 percent of all bachelor's degrees earned by African Americans. No other sector comes close (historically Black colleges and universities, another crucial path for Black achievement, grant 13 percent of Black BAs, but many of those schools are also regional publics). They also bestow 44 percent of the four-year degrees Latinos earn.

Regional publics accomplish this astonishing feat despite grossly inequitable funding. On average, they receive \$1,091 (or about 10 percent) less state support per student than flagships, one-twentieth the funding from federal re-

search grants and contracts, and a tiny fraction of income from endowments that elite schools enjoy.

Liberals who are serious about racial justice in higher education should stop listening to elite colleges about how to achieve it. If those institutions want to maintain a fair share

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of minorities on their campuses—still a worthy goal—there's a way forward. They should spend some of their own sizable resources on building the kind of prep schools that U.S. service academies like West Point use to meet their diversity needs (promising but underprepared students spend a year at these prep schools getting their grades and test scores up before entering the academies). The Supreme Court has not outlawed this method of race-conscious admissions.

Instead, liberals should put all their energies into raising awareness of and demanding more funding for regional public universities—along with community colleges, the other big, racially integrated sector of higher education that serves working- and middle-class students. To their credit, President Joe Biden and congressional Democrats advocated legislation—the American Families Plan—that would have helped these institutions by, among other things, greatly boosting Pell Grant funding. It was blocked in the Senate by 50 Republicans and two Democrats. Biden also pushed a provision to make community college free. It was quietly sabotaged by lobbyists for elite colleges that would not benefit from it.

For too long, affluent liberals have been led to believe that elite universities are at the vanguard of the fight for racial justice. Turns out they were being duped, and the real action was elsewhere all along. ^{WM}

CHAMPION THE SELF-EMPLOYED

BY WILL NORRIS

Perhaps the largest group of Americans who have no home in the political status quo are the self-employed. According to the U.S. Census, this demographic includes 16.5 million workers, or about 10.4 percent

of the total working population. But this is likely a significant undercount, because it fails to capture the full range of self-employment types, which includes gig work, side hustles that supplement traditional employment, contract work, and sole proprietorships (small businesses with no employees). A more comprehensive survey conducted by the National Bureau of Economic Research suggests that 15 percent of workers are best classified as independent; another from MBO Partners that includes in its count those who work independently only some of the time puts the share of self-employed workers as high as 44 percent.

And this cohort is swelling: Millions of Americans who were laid off or furloughed during the pandemic found new opportunities in independent work and never went back. Historically, self-employed workers were disproportionately educated, white male professionals who earned high incomes. But especially since the pandemic, this group has gotten younger, more diverse, more female, and lower earning. A 2024 study found that 18 percent of independent workers are Black—a higher share than in the workforce as a whole (13 percent). Today, the self-employed population looks remarkably like the traditional base of the Democratic Party.

As such, you might think that this growing army of freelancers, gig workers, and micro-business owners would be a key target of the Democrats' messaging and policy making. In fact, almost the opposite is the true. The 2024 Democratic Party platform mentions "workers" 78 times and "union" 23 times, but "self-employed" workers and "independent contractors" just once each. As they try to understand why they're losing the support of the multiracial working class—and formulate a plan to win such voters back—Democrats might start by focusing on what they can do to connect with and help the self-employed.

Democrats would have a good story to tell about what they've done for this group if they chose to tell it. In 2010, they passed the Affordable Care Act, which gave self-employed workers and small business owners access to affordable, comprehensive health insurance, enabling more workers to strike out on their own without fear of losing coverage. Joe Biden's administration made investments in the economy under the American Rescue Plan, CHIPS and Science Act, and Inflation Reduction Act that led to an explosion of small business creation in recent years and a doubling of the Black business ownership rate between 2019 and 2022. On the campaign trail, Kamala Harris proposed to help small businesses by increasing the start-up expense deduction tenfold, to \$50,000, and offering partially forgivable loans to entrepreneurs.

Democrats at the federal and state levels have also taken the lead in cracking down on corporate exploitation of the self-employed. A 2020 study from the National Employment Law Project estimates that between 10 and 30 percent of companies misclassify employees as independent contractors to dodge paying employee benefits. In early 2024, the Biden administration finalized a rule that imposes a stricter rubric

to determine whether a worker is an employee of a company. In California, Democrats in the state assembly passed a bill in 2019 designed to reclassify many gig workers as employees, granting them benefits and labor protections.

Yet, confoundingly, Democrats almost never talk about how their agenda has helped the self-employed. In fact, they almost never talk about independent workers as a discrete group at all. Part of the reason is that no one is pushing them. Unlike labor unions, which represent a smaller (10 percent) share of the American workforce, the self-employed lack organized representation with which to pressure elected officials to see them as a defined group and pay attention to their needs. Democratic campaign professionals slice and dice the electorate in all sorts of ways to better understand important demographics, but seldom do their polls contain cross-tabs for "self-employed." "It just hasn't occurred to most of them," says the liberal political analyst Michael Podhorzer. "When I ask progressives, 'What percentage of the self-employed do you think are in economically precarious positions?' they lowball it by at least half."

Republicans seldom talk about self-employed workers either. Donald Trump made no promises specifically to them on the campaign trail in 2024. The closest he came was his promise to exempt tips from federal taxes. (Many gig workers who use digital platforms like Uber rely on tips.)

Republicans are masters, however, at promoting policies in ways that seem appealing to self-employed workers but, in reality, screw them. For instance, in 2017, Trump promised that his signature Tax Cuts and Jobs Act would help middle-class entrepreneurs. ("The rich will not be gaining at all with this plan," he said of the bill, presumably with a straight face.) Indeed, the bill included a provision that allowed sole proprietorships and other so-called pass-through entities to deduct 20 percent of their revenue from their taxable income. But this ultimately was just another giveaway to the wealthy. As a 2024 study found, the wealthiest 1.5 percent of filers received more than half of all pass-through deductions. Filers with an income below \$160,000—the large majority of sole proprietorships—received just 13 percent of the total pool of deduction dollars.

The real purpose of the provision was to push traditionally employed workers to quit and become contractors, relieving the payroll burden on big businesses, which would no longer have to pay employee benefits. Similarly, in the waning days of Trump's presidency, his administration issued a rule that aimed to make it easier for companies to classify workers as independent contractors rather than employees. (The Biden administration later stopped it from taking effect—a measure they did little to advertise.)

In 2017, Trump also issued an executive order allowing collectives of small businesses and self-employed individuals to purchase group health insurance plans. This, too, sounded beneficial to self-employed workers but in fact was the opposite. These association health plans (AHPs) were not required to follow ACA rules, which meant they could

omit basic benefits like mental health care and prescription drugs and deny coverage for preexisting conditions. AHPs were also notoriously susceptible to fraud and financial instability, often leaving members with unpaid medical bills when plans collapsed. In 2019, a federal judge struck down the rule, and last spring, the Biden administration formally repealed it, having previously made ACA insurance policies less expensive for the self-employed by getting Congress to put more money into the program.

Over the next four years, the Trump administration will undoubtedly try to pass off still more policies that hurt the self-employed as favorable to them instead. Democrats can use these occasions to expose his duplicity. But to win the support of self-employed voters, they need something more: a robust plan to help them.

Such a plan begins by understanding the two fundamental ways the current system mistreats the self-employed. The first is that the American social safety net is largely tied to traditional W-2 employment. Self-employed workers lack access to benefits like unemployment insurance, workers' compensation, and overtime pay that federal law requires employers to provide their workers, as well as 401(k) retirement plans and paid medical leave, which most companies offer. As a result, workers outside the traditional employment system are left to buy costlier individual insurance and save for retirement without employer contributions. When they're sick or can't find work, they're left in the lurch.

The second way self-employed workers are taken to the cleaners is through the array of federal rules and regulations that, over recent decades, has led to corporate monopolization of markets. For example, small online sellers have little choice but to ply their wares on Amazon's online marketplace. By 2023, the tech giant was taking a whopping 45 percent of sellers' revenue in the U.S through various fees—up from 35 percent in 2020 and 19 percent in 2014. It's the same story for self-employed workers trapped on other exploitative digital platforms: Uber's dominant market position allows it to impose high commissions, offer unpredictable pay, and shift costs onto drivers, leaving many earning less than minimum wage after expenses.

Monopolists squeezing independent workers is a problem in legacy industries, too. Big poultry producers exploit the independent farmers who supply them with chickens by enforcing one-sided contracts, controlling key inputs, and manipulating pay systems to maximize their own profits while shifting risks and costs onto the farmers. This system traps farmers in debt and dependency, leaving them with little autonomy or recourse against abusive practices.

Another prime example: Visa and Mastercard control more than 80 percent of credit card transactions and use this duopoly power to charge businesses exorbitant swipe fees. Small businesses, with their smaller sales volume, are disproportionately harmed by this abusive practice.

In November, the Senate Judiciary Committee held a hearing on Democratic Senator Dick Durbin's proposed Credit Card Competition Act, which would guarantee that merchants have access to networks other than Visa and Mastercard. The bill, first introduced in 2022, is cosponsored by a small, bipartisan group of senators but faces precipitous odds of becoming law: Industry lobbyists funded by Visa and Mastercard have spent some \$80 million fighting it. The bill is an object lesson in the challenges sole proprietors and small-scale entrepreneurs face in shaping federal policy without well-funded pressure groups or the strong support of party leaders. (The closest thing they have to a presence in Washington, the National Federation of Independent Business, is really a right-wing, Big Business–led astroturf group.)

It's time Democrats offered self-employed workers more. Fighting misclassification is only part of the answer. Most independent workers don't see themselves as misclassified full-time workers—in fact, according to one survey, more than half of freelancers say that *no amount of guaranteed money* could persuade them to return to a conventional job. “Not only do most freelancers not have an obvious would-be employer who is misclassifying them, but for many of them, the freedom, flexibility, and ownership they get from freelancing is of the essence,” the organizer Sara Horowitz writes in her 2021 book, *Mutualism: Building the Next Economy From the Ground Up*.

Historically, self-employed workers were disproportionately educated, white male professionals who earned high incomes. But this group has gotten younger, more diverse, more female, and lower earning. Today, the self-employed population looks remarkably like the traditional base of the Democratic Party.

One of the more sensible ways to help them is to finally sever the outdated tie between basic social safety net protections and traditional W-2 employment. As Steven Hill first proposed in the *Washington Monthly* in 2016, Democrats should advocate for a “portable benefits” model for independent workers. Under this approach, benefits like health insurance, retirement savings, paid leave, and other employment-related protections would not be tied to a single employer but would instead move with workers across multiple jobs. Each employer would pay an allocation for benefits (prorated based on the number of hours an independent worker was contracted) into that worker's “individual security account,” which would be managed by the federal government or a private agency specializing in benefit administration.

Such “multi-employer plans” are common in industries like construction and mining. If employers were required to give identical benefits to both employees and independent contractors, the incentive for them to turn employees into contractors would be gone, making the question of worker misclassification mostly irrelevant. There’s been some progress on making portable benefits a reality: In May 2023, a bipartisan group of legislators, led by Senators Mark Warner and Todd Young, reintroduced the Portable Benefits for Independent Workers Pilot Program Act. This bill proposes a \$20 million grant program through the Department of Labor to encourage states, localities, and nonprofits to test various models for portable benefits.

The other important step Democrats can take to help the self-employed is to continue promoting the fight against market consolidation. The Biden administration brought major antitrust lawsuits against Amazon for its exploitation of small-scale sellers and its monopoly over online retail; against Cargill and other top poultry producers over their treatment of independent chicken farmers; and against many other monopolists that abuse their power over contractors and small businesses. But the administration rarely presented its pro-competition agenda as a means to help the self-employed as a defined class of workers.

With Trump already promising to limit benefits for gig workers, there is a clear opportunity for the Democratic Party to position itself as the champion of the modern American workforce. Campaigning on portable benefits, antitrust enforcement, and other measures that help self-employed workers and micro-business owners could prove important in future elections. ^{WM}

Will Norris is an editor at Bloomberg News and a contributing editor to the *Washington Monthly*.

BRING BACK AIRLINE REGULATION

BY PHILLIP LONGMAN

Donald Trump has vowed to pursue sweeping deregulation of the economy in his second term. He has also called for elimination of at least one federal agency—the Department of Education—and set Elon Musk and Vivek Ramaswamy to work deconstructing the remaining administrative state.

So it might seem like an epic case of not reading the room to now propose that Democrats advocate for a new regulatory agency with broad powers over the single most critical sector of economy. Yet I am going to do just that, while hastening to point out to skeptical Republicans that if they get behind this proposal they will not only be more likely to achieve many of their stated goals, such as revitalizing heartland America and loosening ties to China, they

will also be undoing the work of key Democrats of the last generation, from Ted Kennedy to Ralph Nader and Jimmy Carter.

Starting in the late 1970s, Democrats enacted, with Republican support, a radical new policy idea. The press mostly treated it as a banal, technical matter. But over time this quiet policy shift would profoundly tilt the balance of political economic power in the United States and wind up hurting tens of millions of people in both blue states and red states.

The radical idea was to get the government out of the business of regulating prices and terms of service in transportation markets. In all of American history, nothing like this had ever been tried before. In colonial times, Americans applied English laws dating back to the Middle Ages that prevented the owners of ferries, toll roads, and stagecoaches from charging some customers higher fares than others for the same trip. Later, American governments, at first at the state and local levels and later federally, banned this kind of discrimination whenever a new form of transportation came along, from canals, railroads, and steamships to trucks and airlines.

By the late 19th and early 20th centuries, as more and more commerce flowed by rail across state lines and came under the control of giant corporations, even the most conservative advocates of laissez-faire came to understand that Washington had to join in setting market rules for this increasingly dominant mode of transportation. The free enterprise system—let alone democracy—would not work if the winners and losers in American life were determined not by who came to market with the best products but by who got the best deal from the self-dealing financiers who controlled the railroads.

At the same time, even the plutocratic owners of giant rail systems came to advocate for federal regulation in this sector as a way of avoiding the ruinous price wars that frequently broke out among them. Railroads often charged predatory prices where they enjoyed a local monopoly. But where more than one railroad competed, they often had to set rates below cost in order to defray their high fixed expenses, leading to massive bankruptcies. In the 1870s, railroads accounting for nearly a third of domestic mileage failed or fell into court-ordered receivership.

Thus, in 1887, Congress created one of the federal government’s first regulatory agencies, the Interstate Commerce Commission. By the early 20th century, the ICC was effectively setting the industrial policy of the United States by ensuring that the prices railroads charged were publicly posted and nondiscriminatory. Under ICC price regulation, all rail shippers, regardless of their market power or geographic location, paid roughly the same price per ton and per mile for transporting the same kinds of goods for the same distance. Similarly, railroads had to charge passengers the same price per mile regardless of whether their trip was long or short, or between major cities or remote

destinations. The ICC set rates at a level that allowed railroads to maintain their infrastructure and earn a fair return on their capital. But the carriers had to use some of the profits they earned on highly profitable mainlines to cross-subsidize service on less profitable or money-losing routes or lines of business. Finally, railroads could not abandon routes or cancel service without ICC permission.

In 1916, Congress extended these same principles, known as “common carriage” law, to maritime transportation. The Shipping Act created a new agency, the U.S. Shipping Board, and charged it with ensuring that all ocean carriers publicly posted their prices and offered all “similarly situated” shippers roughly equal terms of service. In 1935, Congress extended the same regulatory model to interstate trucks and buses by giving the ICC jurisdiction over these modes. Then it followed up three years later by applying the same models to airlines, putting the newly created Civil Aeronautics Board in charge of enforcement.

Under this regulatory regime, the United States developed into an industrial powerhouse, with a transportation system that, while far from perfect, was unrivaled in its efficiency, equity, and levels of innovation. Prairie farmers gained access to global markets, and both small and large manufacturers in heartland cities like Buffalo, St. Louis, and St. Paul could compete on an even playing field. Operating under the same market rules, air transport expanded rapidly after World War II, becoming safer and cheaper to the point that by the mid-1970s, two-thirds of all Americans over 18 had traveled by plane, and jet travel to tourist destinations in Florida, the Caribbean, and Europe was becoming routine.

Yet beginning in the Carter administration, key Democrats decided to remove these crucial, regulatory ingredients from America’s trademark formula for broad-based, capitalist prosperity. In 1978, at the urging of Ted Kennedy and the consumer activist Ralph Nader, Jimmy Carter signed legislation that permitted airlines to engage in systematic price discrimination and to abandon or roll back service that did not offer high volumes of profitable traffic. Two years later, Carter did the same for railroads and trucking firms, again at the urging of leading Democrats. Then in 1984, President Ronald Reagan followed through by signing legislation that ended price regulation and reduced common carriage requirements in ocean shipping.

At the time, policy makers hoped that this wave of deregulation would foster more market competition and cheaper prices. And it did, at least partially and at first. After deregulation, many small new airlines popped up offering bargain fares, for example. But as unmanaged competition drove down fares below cost, most of these new carriers soon failed or wound up merging into bigger, monopolistic systems. Service to midsize cities in what became known as “flyover” America either disappeared or became much more expensive, fueling regional inequality by helping to concentrate economic growth in a handful of


elite coastal cities. Meanwhile, flying became a miserable experience, marked by ever-shrinking seats, baggage fees, delays, and restrictions, as airlines merged into a handful of giant systems with overlapping ownership that sought to maximize profits by cutting costs and engaging in more refined methods of personalized pricing.

The deregulation of railroads also seemed to work at first. But in combination with lax antitrust enforcement, it led to financiers and private equity firms exacting monopoly rents from captive rail shippers, thus making heavy manufacturing in the United States increasingly expensive and logistically difficult. The railroads’ abandonment of all but the most profitable routes and lines of business has also disrupted supply chains, causing shortages and inflation. Meanwhile, it has led to unregulated, energy-inefficient, pollution-spewing trucks hauling a rapidly growing share of the nation’s freight while also causing surging numbers of highway deaths and harm to roads and bridges.

Finally, the deregulation of ocean shipping has also proved to be a failure. In the absence of price regulation, ruinous price wars broke out among domestic carriers, causing many to go broke and contributing eventually to the

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near-total collapse of the nation’s merchant marine fleet. Deregulation has led to an ocean shipping system dominated by a handful of foreign-owned cartels that have a stranglehold not only over American commercial life but over its military sea lift capacity as well.

There were, to be sure, faults with the Interstate Commerce Commission and the other agencies that were once involved in regulating transportation markets. But these faults provided arguments for reform, not for abolishment, and now we are paying the price. If Republicans are serious about reindustrializing America and overcoming our economic and military vulnerability to China, then they need to join Democrats in building a new agency to manage and coordinate competition across the transportation sector. And if Democrats also want to lower carbon emissions, reduce highway deaths, and fight the “greedflation” caused by unregulated transportation monopolies, they need to embrace the same program to make 21st-century America truly great. 

FIRE THE CONTRACTORS

BY DONALD F. KETTL

Donald Trump won the 2024 election on a promise to radically shake up the federal government. Voters were hungry for that message, as was obvious to anyone who looked at the polls, and even more from the election's results. A Pew Research Center survey released in June 2024 found that 56 percent of Americans believed that government is "almost always wasteful and inefficient." That belief is not new. From 1979 to 2015, Gallup asked Americans what percentage of every tax dollar they thought the federal government wastes. The answers ranged from 38 to 51 percent.

Of course, what constitutes "waste" depends on your point of view. Conservatives might think anti-poverty programs are wasteful but that defense expenditures are worth every penny; liberals might think the opposite. Navigating those disagreements is the job of Congress, which writes the laws and appropriates the funds. The president's job is to "take Care that the Laws be faithfully executed," with the laws and money that Congress provides. Or so the Constitution says.

In general, however, the voters aren't wrong: The federal bureaucracy *does* waste too much of the money Congress gives it to deliver public services. It undoubtedly *could* deliver those services more efficiently and effectively. The *Washington Monthly* has been arguing for years that Democrats need to face this reality. Alas, the Joe Biden–Kamala Harris administration and Democratic leaders in Congress shut their ears—and now the party is shut out of power, without a tool kit for dealing with these issues.

The good news for them is that Trump's plans for the federal government—which he has outsourced to Elon Musk and Vivek Ramaswamy and their ill-defined advisory group, the Department of Government Efficiency (DOGE)—are likely to upset voters, including his own.

That's because Trump and his DOGE sidekicks both misunderstand the nature of the problem and risk undermining the government services that their base depends on. The primary source of government waste and inefficiency isn't what they say it is: a bloated civil service insufficiently "loyal" to the president. Rather, as writers for this magazine—including yours truly—have tried to explain, the problem is the opposite. Federal agencies have too few civil servants with the right expertise to manage the contractors who increasingly deliver the federal government's services. The key to reducing waste and increasing efficiency is for the government to hire more high-quality government employees and shrink the number of contractors. And there's even a huge opportunity here of bringing in the technology and people skills to remake government so it's ready for the challenges of the future.

To grasp this counterintuitive point, it helps to look at the numbers. The federal government's civilian employment now stands at 2.28 million people. That's about the same as during the Lyndon B. Johnson administration. In the meantime, the U.S. population has increased by about 70 percent and federal spending has quintupled in inflation-adjusted dollars.

To handle this mounting workload, Washington has increasingly relied on contractors—not just to build hardware like fighter jets and levees, but to do much of the work that civil servants once did, from conducting security clearances to overseeing the work of other contractors. These "service contracts" are typically performed by giant firms like Booz Allen Hamilton and McKinsey, and then are often subcontracted to small companies most people have never heard of. Private contractors working for the federal government have grown to the point that they outnumber federal employees by more than three to one, according to a 2022 Brookings Institution estimate.

Sometimes these service contracts make sense and provide good value. It can be hard to get good expertise in the door fast. Too often, however, they are a taxpayer rip-off. A 2011 study by the Project on Government Oversight found that in 33 of 35 different government occupations, federal employees were less expensive than comparable contractors, even accounting for federal benefits. In the case of "claims assistance and examining" work, contractor rates were almost five times higher than the cost of having federal employees do the job. And according to a 2024 CBO analysis, workers in the highest-skilled positions—and these are the positions most likely to be contracted out—are paid one-fifth more in the private sector.

Privatizing federal work has made government not just more costly but also less effective. There are too few federal employees with the needed skills, charged with managing too many contractors. That's led to endless cost overruns and policy snafus, which the press inevitably blames on Washington—and on incompetent federal bureaucrats. The fault lies in not having enough bureaucrats to begin with.

Fixing these problems will require a considerable increase in the number of civil servants, especially ones with the right training and experience to manage complex contracts. We need civil servants, in particular, with the skills to ensure that government is a smart buyer: that it can define what it needs, that it can choose who can best deliver it, and that it can be sure we get our money's worth. An aggressive effort to fire expensive contractors and bring work in-house, combined with reasonable reforms of civil service personnel rules, would be the kind of dramatic overhaul that voters have been looking for. It's just the reverse of what they've been told for decades: The key to more responsive government at a lower price is often having government employees do the work.

That is not, to say the least, what Trump and his DOGE advisers have in mind. Ramaswamy announced in the fall of

2024 that he'd like to fire all the feds whose Social Security numbers begin or end with an odd number. "Boom," he said. "That's a 75 percent reduction done." His quip conveyed not only his contempt for federal employees but also his ignorance of how government works. No president has the power to fire mass numbers of civil servants. Congress sets personnel levels in the agencies.

In a *Wall Street Journal* op-ed after the election, Ramaswamy and Musk got more specific—if not more persuasive—in how they intend to achieve "mass headcount reductions across the federal bureaucracy" without asking Congress. Their plan begins with recent Supreme Court rulings that have checked the power of agencies to write expansive new regulations. These decisions, they say, also give the executive branch greater power to unilaterally rescind existing regulations. The president can then cut the federal workforce "at least proportionate to the number of federal regulations that are nullified."

Assessing the merits of these legal arguments is best left to constitutional law scholars (see Peter Shane's essay on page 28). As a student of public administration, however, I can say that if Trump and his team are relying on regulatory agencies for a substantial share of their civil service scalp quota, they are going to be mightily disappointed. That's because the regulatory reductions they hope to achieve will require more feds, not fewer.

The statutorily defined procedures the Trump administration will have to follow to unwind regulations are as cumbersome and time consuming as the ones required to create them—and recent Supreme Court rulings don't give the administration a pass on that. Agencies must justify their deregulatory proposals in writing, allow time for public comment, redraft their plans to take account of the comments, and respond to the almost inevitable legal challenges that groups and individuals will bring to court. That whole process can take years—and lots of government lawyers. The complexity of the process is a big reason why, in his first term, Trump failed to fulfill his pledge to cut the overall number of federal regulations (they actually went up a bit).

Even successful deregulatory actions typically require civil servants to enforce them. If, say, the Trump administration rescinds the Biden-era rule that colleges taking federal Title IX money can't bar trans women from playing on women's sports teams, federal staff will be needed to inform colleges that aren't in compliance and handle the lawsuits that will inevitably arise.

Musk and Ramaswamy identify other means at the administration's disposal to achieve major staff reductions and budget savings. One is aggressive use of "reductions in force," or RIF, the rules the executive branch follows to carry out layoffs. Those rules, however, only apply under certain circumstances, such as when Congress fails to appropriate funds for existing programs.

The idea that the president can RIF employees whenever he wants is farcical. A second route is to challenge the constitutionality of the 1974 Impoundment Control Act, which bars presidents from refusing to spend congressionally mandated funds. A third is to assert that the president is not obliged to spend funds Congress has appropriated but not reauthorized.

These assertions don't pass the constitutional laugh test, either. But with this Court, who knows? So, for the sake of argument, let's assume Trump and team get their way, and the administration is free to cut spending and staffing levels unilaterally to its heart's content.

Most Americans won't complain if the administration uses those powers to make a few, largely symbolic cuts—say, eliminating every DEI office in the government. But racking up even a fraction of the savings Musk and Ramaswamy have promised—half a trillion dollars a year—will require making cuts that Trump's supporters won't appreciate. In poll after poll, we've learned one thing for sure: Everyone wants to cut back on government. There's no consensus, however, about which part of government to cut—and, in fact, most people want more of the government they themselves get.

The primary source of government waste and inefficiency isn't a bloated civil service that's insufficiently "loyal" to the president. It's the opposite. Federal agencies have too few civil servants to manage the contractors who increasingly deliver the federal government's services.

The employees at the dozen largest federal agencies together account for 75 percent of all federal jobs. Among them is the VA. Is the administration prepared to turn off health care for the veterans, from the constellation of military branches and agencies that Republican voters revere? Then there are the various agencies of the Department of Homeland Security, where, if anything, the Trump administration will want to *increase* employment—deporting millions of undocumented migrants will require a bigger, not smaller, workforce at Customs and Border Protection. And there's the FAA, which is already struggling to keep planes flying on time because of the shortage of air traffic controllers. There's the Bureau of Prisons; no one is going to want to turn convicted criminals loose because there aren't enough prison guards. And then Social Security—try clogging up a payment system that provides half the income for two-thirds of the nation's seniors.

That leaves 25 percent of all federal employees to manage the other 400 federal government agencies, from the Forest Service (should we just let fires burn the West Coast to the ground?) to the Coast Guard (the next boat in trouble might just have to sink to the bottom of the sea).

Radically reducing these vital government services would outrage the public. To avoid that result, but still fulfill their promise to cull the civil service, the Trump administration will surely be tempted to bring in even more contractors. As it is, the federal government spent \$307 billion in salaries and benefits for government employees in fiscal year 2023. That's a lot of money that Musk and Ramaswamy would love to slash. But, in the same year, it spent three times as much on private service contractors. If, at the end of four years, the contractor budget soars and total federal spending rises, will anyone care?

Maybe not, but here's what voters do care about: disasters. Remember when the Obamacare website failed to work when it was unveiled? The problem was caused by federal managers who didn't have the knowledge to oversee the contractors who built the website (and it was solved by adding experienced federal managers into the mix). Remember the George W. Bush administration's incompetent response to Hurricane Katrina? That calamity was the result of the president putting inexperienced federal managers ("Brownie, you're doing a heck of a job") in charge of FEMA. And what about Trump's own shambolic management of COVID-19, including, among other things, shutting down the Obama administration's pandemic preparedness office and failing to resupply the strategic stockpile with ventilators and other medical equipment?

Each of these debacles did serious political damage to the administrations in charge. In fact, the point at which Bush's negatives exceeded his positives and never recovered was in the immediate aftermath of Katrina. In Trump's case, it may have cost him the 2020 election. Yet these fiascos will seem like fender benders compared to what could happen over the next four years if the Trump administration decimates the civil service and tries to fill the void with more contractors, who are left home alone without oversight to make sure they're giving taxpayers what they're paying for.

During the campaign, Trump promised that his government efficiency commission would "develop an action plan to totally eliminate fraud and improper payments within six months." Musk and Ramaswamy echoed those claims in their *Wall Street Journal* op-ed. It's true that there are big savings to be had. The Government Accountability Office estimates that improper payments have totaled \$2.7 trillion since fiscal year 2003 and that the federal government is losing somewhere between \$233 billion and \$521 billion each year to fraud. In Medicare, for example, a fraud ring was submitting bills for unnecessary medical equipment, which led to before overbilling of more than \$2 billion since 2022.

The reason we aren't doing more to rein in fraud and overpayments, however, is not a lack of will but insufficient

federal staff capacity and technological muscle. Medicare, Medicaid, and the Children's Health Insurance Program (CHIP) account for roughly 23 percent of all federal spending, but the agency that oversees that spending, the Centers for Medicare and Medicaid Services (CMS), employs just 0.2 percent of all federal employees. Critics pounced on Trump's appointment of Dr. Mehmet Oz for lacking experience in running a large bureaucracy. But CMS isn't a large bureaucracy—it's a small bureaucracy charged with overseeing a mammoth contractor system. Seniors visiting their doctors are often told, "We'll see if Medicare will pay for this." It's a safe bet that it's not CMS but a private contractor that ultimately makes the call about what public money will pay for.

Fixing the problem requires more feds with better IT to detect and correct the overpayments and find the fraudsters. If Trump cuts the CMS workforce, all these problems will surely get worse.

Of all the unilateral power grabs Trump has announced, none is more frightening—to liberals, at least—than "Schedule F." This is the plan to strip job protections from 50,000 senior civil servants and essentially turn them into political appointees who can be dismissed at will, all the better to ensure their "loyalty" to his agenda. Schedule F is also, alas, the most constitutionally defensible of his plans—presidents really do have significant power to make civil servants at-will employees. Legality notwithstanding, Schedule F is a terrible idea for all kinds of reasons, including its potential unworkability. No administration in recent memory has filled all its 4,000 current political appointees, let alone the 50,000, because it's hard to recruit individuals with the right expertise for jobs that don't pay a lot and that they might lose in the next election. But for our purposes, two aspects of the plan are most relevant.

The first is that the senior civil servants most likely to become Schedule F employees are also the ones most likely to have supervisory roles over contractors. If the administration replaces capable people with loyalists who have less contractor oversight experience, all the problems of the current system—cost overruns, performance failures, fraud, overpayments—will get worse.

The second is that politicization of the civil service could lead to politicization of contracting. For all its faults, the government's traditional contracting system generally follows accepted legal procedures in everything from choosing the best contractors to overseeing their work. But with loyalists in charge of the process, it wouldn't be hard for the administration to steer contracts to firms it sees as friendly (because, say, their executives provide sizable campaign contributions to the GOP) and away from those it deems unfriendly (because its executives give to Democrats). This kind of political control over government contractors is common in illiberal countries like Hungary, Turkey, and Russia. And it tracks with how Trump governed in

his first term—when, for instance, he used antitrust enforcement to reward his friends in industry and punish his enemies. But if the administration goes in that direction, it will be hard to hide from investigative reporters, inspectors general, and anyone else who bothers to look—especially if Elon Musk maneuvers to garner special deals for his own companies.

There's a high likelihood, in other words, that four years from now, voters who supported Trump and his MAGA plans to shake up the government for the benefit of the American people will feel swindled. And they might just be ready to support those who have a different and better plan for government reform. ^{WM}

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OFFER COLLEGES A NEW DEAL

BY KEVIN CAREY

In late 2023, then candidate Donald Trump released a series of internet videos outlining his agenda for education. Mixed into his typical stew of bald-faced lies and racial denialism, alongside plans to abolish the U.S. Department of Education and privatize public schools, was something that, coming from Trump, should be cause for genuine surprise: a sensible policy idea.

Trump proposed creating a new, free, online university called the American Academy, which would offer high-quality courses in an array of subjects ranging from ancient history to accounting to training in the skilled trades. The American Academy would accept transfer credits from other colleges and universities and offer the equivalent of a bachelor's degree, increasing access to higher education and creating new price competition in the college market to help tamp down rising tuition prices and spiraling student debt.

Information technology really does hold the potential to make college more affordable and accessible—so much so that I devoted a whole book to the subject in 2015. As I wrote for CNN that year, George Washington himself called for creating a “National University” in his final annual address to Congress. He even left money to build it in his last will and testament. Technology creates the opportunity to realize Washington's dream at a national scale.

We shouldn't have much faith that the onetime proprietor of the fraudulent Trump University will do a good job getting this new university built, if he builds it at all. But the idea is a step toward solving the crisis of affordability and access that plagues higher education—a problem that Democrats have been unable to systematically address. Presi-

dent Joe Biden spent most of his four years in office focused on lifting the burden of student debt, a worthy goal but only a treatment of symptoms, not the underlying problem.

Many undergraduates, particularly first-generation and academically underprepared students, need the personal touch that brick-and-mortar colleges provide. They also need that education to be affordable and of high quality, a promise on which our dysfunctional and inequitable system often doesn't deliver. Today, top-tier colleges are swimming in money while the lesser-known institutions most students attend are starved for funds. Credits often don't transfer, good teaching isn't rewarded, and students are recruited with deceptive prices that often leave them with unmanageable debt.

What's needed, in short, is transformational reform. In the summer of 2020, I proposed such a plan in these pages—a plan that would rework the federal government's financing of higher education from top to bottom. Key aspects of it were reflected in the Biden administration's proposal to make community college free. But that same summer, other forces were at work, and would turn the administration's focus in a different direction.

Over the past decade, college affordability has moved to the forefront of the Democratic domestic policy agenda, mostly through the combination of expansive “free college” and mass student loan forgiveness policies championed by Bernie Sanders, Elizabeth Warren, and other members of the progressive left. When Biden won the Democratic nomination in 2020, he consolidated party support by signing on to a version of the loan forgiveness plan. He also included a robust free community college plan in his “Build Back Better” agenda, along with expanded child care, family leave, and much else. Unfortunately, only half of that platform survived.

Thanks to changing economic circumstances and the whims of a couple of centrist Democrats in the Senate, Biden was forced to abandon the community college plan. Instead of addressing the root causes of unaffordable tuition and high debt, Biden was left to try fixing the problem after the fact by using a 2003 federal law that gives broad authority to “waive or modify” student loan provisions in a time of national emergency, which the COVID-19 pandemic definitely was. Biden's plan was to forgive \$10,000 from nearly all federal loans, and \$20,000 for loans held by low-income students. But the Supreme Court abandoned its textualist pretenses and struck down the program based on the “major questions doctrine,” an alleged legal principle that the Court's six-member Republican majority made up out of whole cloth the year before.

This is where things started going off the rails.

The Supreme Court has dealt a series of major blows to progressive causes in the past five years, on issues including abortion, affirmative action, environmental protection, and more. Activists have responded in a variety of ways, includ-

ing grassroots organizing, political action, and calls to reform and expand the Court.

What they haven't done is send the same exact issues right back to the same six justices who just a minute ago created damaging legal precedent that could rule American law for decades to come. But this is what happened with student loans—the Biden administration doubled and tripled down, devoting its energy to a cause it knew was headed nowhere in hopes voters would see and reward the effort.

Reworking the higher education system would restore the promise of the 1960s and '70s, when working- and middle-class Americans could attend state or regional college and receive a quality education at low cost.

On cue, the Department of Education dared the federal courts to stop them by vastly expanding the generosity of an existing student loan forgiveness program, and then used the federal rulemaking process to conjure up a bunch of new ones out of thin air—even though, in its decision, the Supreme Court explicitly told the department it has no authority to do so. Even the SAVE loan forgiveness plan, which the Education Department based on existing statutory authority, was blocked by Republican state attorneys general filing lawsuits with federal judges eager to implement the Court's radical new anti-regulatory doctrines.

By this point, it was more and more difficult for borrowers to understand how to pay back their loans, or which among the alphabet soup of forgiveness programs were real, tied up in court, or might never be implemented at all—especially since this was all happening at the same time that the pandemic pause on loan payments was winding down in its own complicated way.

Yet this was the moment when the administration decided to release yet *another* forgiveness program, one that was more legally tenuous and logically indefensible than any that had come before. The new regulations were conveniently released just two weeks before this year's presidential election, and were designed to forgive the student loans of anyone experiencing financial "hardship." To determine whether someone qualifies, the Department of Education would predict ahead of time who is likely to someday default on their loan, based on 17 different factors, one of which is whether people are making regular payments on the debt. In other words, if you don't want to pay your loan back, all you have to do is not pay your loan back.

This is a kind of Alice in Wonderland version of loan policy. A private bank evaluates an application and doesn't lend to people it thinks will default, or charges them a

higher interest rate. The Education Department proposed a system where everyone gets a loan, no questions asked, at the same interest rate, and then the people who it thinks might default don't have to pay their loans back at all. It would create huge incentives for people to make their credit *worse*.

Because this system was apparently not weird and complicated enough, the department also proposed that borrowers whose loans are not automatically pre-forgiven could also receive a "holistic" review of their hardship, based on "circumstances." How the department would manage to spend hundreds of millions of dollars it doesn't have to hire vast legions of currently nonexistent "holistic" evaluators was left wholly unexplained.

The hardship regulations are truly a descent into public policy madness. They represent the final logical collapse of a loan forgiveness movement that began with good intentions but wandered step by step into an ever-more-confusing thicket of policy ideas that amount to making higher education affordable by allowing colleges to charge whatever they want, loaning students vast amounts of taxpayer money to pay those prices, and then forgiving the loans in the most diabolically complicated way possible. The Trump administration is going to do the next Democratic president a favor by ripping out the hardship regulations, root and branch. The party should take the opportunity to return to sane ideas that address the underlying causes of college unaffordability.

Tump's American Academy is a good idea if done well. Democrats should support the plan if it's implemented in good faith, but oppose anything that hints of propagandizing or for-profit exploitation. And even the best possible version of a national online university is no substitute for doing a much better job of supporting and regulating the public universities we already have.

The bones of a better system are in the Biden free community college plan. As I argued in the *Monthly* four years ago, the plan should be expanded to include four-year public and private universities that have a mission of providing access to large numbers of first-generation and Pell Grant-eligible students. All of these institutions would be given the option of receiving direct federal subsidies in exchange for adopting a simple, transparent price schedule that charges zero tuition for low-to-moderate-income families and modest tuition to everyone else. The policy that many public universities used to have, in other words, before losing their way.

Colleges and universities that voluntarily choose to join this network would agree to meet basic standards of ensuring that students are able to succeed in their careers. They would also accept the credits of other institutions in the network, so students would be able to transfer or attend multiple institutions without wasting valuable money and time. If the federal subsidy were large enough—say, \$10,000

per student—most of the participating institutions would have enough money to meet the tuition requirements *and* invest in raising faculty salaries, reducing class sizes, hiring more tenured professors, improving buildings and equipment, and providing students with the academic and social support services they need.

This plan is sweeping, but it's not entirely new. American higher education worked like this back in the 1960s and '70s, before some states began cutting funding and many public universities chose to hike tuition in pursuit of prestige. Reworking the system would restore the promise of that era, where working- and middle-class Americans could attend state or regional college and receive a quality education at low cost. Those kinds of institutions would likely see increased funding under this program, but not at the expense of elite schools, which could simply choose not to participate. Harvard would remain Harvard, a hotbed of research, innovation, and ruling-class acculturation. Meanwhile, we would rebuild the pathway to opportunity whose state of disrepair has bred such resentment among the voters without a college education who supported Trump.

Even in a time when political party identification is increasingly tied to college diplomas, reports of declining confidence in higher education are greatly exaggerated. Americans of all political stripes continue to place a high value on affordable colleges. Democrats need to learn from their student loan forgiveness misadventure and return to policies that work. ^{WM}

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CORPORATE-PROOF THE CARE ECONOMY

BY AUDREY STIENON

During the tense negotiations over his “Build Back Better” bill, President Joe Biden fought hard to include a \$400 billion provision that would have dramatically lowered the cost of child care and expanded access to pre-kindergarten. He did not succeed, thanks to opposition from Senate Republicans and one key Democrat, Joe Manchin. But the effort signaled a new level of commitment among most Democrats to address what policy wonks often refer to as “the care economy.” During her campaign, Kamala Harris stressed her support not just for increasing public funding for child care but also for another urgent issue: the lack of affordable long-term care for the elderly and people with disabilities.

Though elements of the MAGA movement have advocated for more federal support for families with children, today it seems unlikely that the Trump administration will do much. Another federal push to fund the care economy is likely years away.

That delay, however, could be a blessing if those who are committed to helping families use the time wisely to address a growing problem with social service delivery: its capture by corporate interests. Experience has demonstrated that when the federal government steps in to provide more public support for different facets of the care economy, too often the unintended consequence is to attract new players to the sector who are motivated by greed. Examples include a vast corporate ecosystem of privately owned, publicly subsidized, and massively predatory providers that range from dental chains specializing in the overtreatment of children on Medicaid to abusive, monopolistic dialysis centers gorging on Medicare dollars.

Before more spigots of federal money get opened, advocates need to figure out how to corporate-proof the care economy. The way to do that is to focus their energies at the state and local levels. That's not only where reform actions will be possible over the next four years—it's also ground zero for the care economy itself. After all, child care facilities, hospitals, nursing homes, and most other health care providers operate almost exclusively in local or regional markets, and they have long been subject to regulation, and subsidy, by state and local governments.

Get those regulations and subsidies right, and great things can happen, even in red states. It's worth remembering that Oklahoma, which voted for Donald Trump twice by huge margins, has operated a no-cost pre-K program open to all four-year-olds regardless of income since 1998, which is widely considered among the best in the country.

Get the ground rules wrong, however, and government programs can become captured by corporate interests. That's especially true with the spread of private equity. Firms like Apollo, Carlyle, KKR, and Blackstone are the rebranded descendants of the corporate raiders and leveraged-buyout firms that wreaked mayhem on industrial America during the junk bond boom (and bust) of the 1980s and '90s. These 21st-century raiders use wealthy clients' funds and high quantities of debt to buy control of companies, restructure these companies to maximize short-term profits, and then sell them off to the highest bidder within three to five years.

The consequences are often disastrous. Bankruptcies of care providers, including hospitals, are rising due to private equity's debt-fueled acquisitions and asset stripping. Private equity-owned providers are driving up prices for patients, and have been behind the surge in surprise medical billing for out-of-network care in hospitals and emergency rooms. Private equity cost cutting has delayed and deteriorated the quality of care received by hospital patients and nursing home residents, killing thousands of people every year.

Until now, regulators have largely acted retroactively, waiting for evidence of harm to emerge before closing the loopholes that enabled these outcomes. For example, Congress banned surprise medical billing as part of its pandem-

ic relief efforts, while the Centers for Medicare and Medicaid Services set new minimum staffing levels for nursing homes to limit the risk of fatalities from understaffing.

What can state governments do to get ahead of the problem? Policy makers' immediate instinct may be to prohibit private equity from entering these socially critical sectors. And short of a total ban, private equity ownership should at the very least trigger extra scrutiny from regulators.

Nevertheless, such a ban would not, by itself, protect states against companies or investors that, although organized through a different corporate form, mimic the worst of private equity's tactics. So a broader approach is needed.

When the federal government steps in to provide more public support for different facets of the care economy, too often the unintended consequence is to attract new players to the sector who are motivated by greed.

State governments can start by leveraging their control over the distribution of public money for federal and local care programs. They should set clear expectations in return for their funding, including standards for the quantity or quality of care provided, the wages and working conditions for caregivers, and the costs that will be passed on to care recipients and their families. States can also place restrictions on asset sales, executive compensation, dividend payments, and other corporate methods for passing a company's wealth on to Wall Street.

Meanwhile, states should take the lead in enforcing competition policy rules against companies that profit from illegal, anticompetitive behavior. This is especially important in highly fragmented care markets that are typically populated with small, independent businesses—like family doctors, dentists, and veterinarians, or like child care centers—that can be rolled up into chains and then sold at a profit to even larger chains.

Addressing this trend at the federal level is challenging because the scale of each individual deal is so small that the cumulative impact does not immediately register on the national radar. But state attorneys general are closer to the problem and do not need to wait for federal regulators to act.

For example, the Colorado attorney general this year broke a private equity–owned anesthesiology chain's monopoly over the Denver and Durango markets, requiring them to suspend contracts with five hospitals and dissolve their noncompete agreements with local doctors.

One important issue reformers must deal with is the many care providers, ranging from independent doctors to nursery school owners, who are tempted to sell their small

businesses to large chains or private equity firms. There are some legitimate issues of fairness here for providers who have built up their businesses without the benefit of direct public subsidies, and are now hoping to be relieved of administrative burdens or just to cash out. But going forward, care providers who benefit from large infusions of public dollars and who operate essentially as public subcontractors have no legitimate expectation of making huge returns on the public's money. In the care sector, everyone should make a fair and decent income, but we need people driven by mission, not margins.

One way to deal with this issue is for states to encourage community development finance institutions or public pension funds to invest in smaller providers. This source of funding can give older caregivers the ability to transfer ownership of their businesses to their employees or to local entrepreneurs or nonprofits and still provide for their retirements. Another way is for states to discourage the roll-up of smaller providers by helping them with publicly subsidized administrative services or through shared service alliances with other providers.

Whichever mechanisms states choose, they should deepen their collaboration with people on the ground: care workers; small business entrepreneurs; care recipients and their families; and community leaders. Not only should these stakeholders participate in designing local regulation and market rules, they also should be included as partners in the fight against corporate chains' and private equity's campaign to corporatize and financialize the local care economy. ^{WM}

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TUTORIZE, DON'T PRIVATIZE, PUBLIC SCHOOLS

BY PAUL GLASTRIS

The subject of K–12 education barely came up during the 2024 presidential campaign. But it's likely to be a big issue in Washington soon if, as many observers expect, the Trump administration and congressional Republicans push for federal legislation to allow families to use tax dollars that would have gone to their public schools to pay for private schools. It's a terrible policy idea on the merits—in addition to weakening public schools by draining away their funding, such "privatization" programs mostly benefit the affluent, and there is a lack of evidence that they improve student performance. But a GOP effort to privatize public education could be a golden political opportunity for Democrats if they fight it hard and propose a

better plan to improve the nation's schools—a plan that, as of now, they don't have.

Allowing public tax dollars to flow to private schools has been a dream of conservatives for decades. Scores of states and cities set up such programs, typically using private school vouchers, in the 1990s and 2000s. But these were often small scale and targeted to low-income families. Betsy DeVos, the education secretary in Trump's first term, included provisions in her budget requests that would have allowed families regardless of income to use public money for private schools. Democrats in Congress shot down those proposals. But in the past few years, eight GOP-controlled states have launched what conservatives euphemistically call “universal choice” programs that are open to even the wealthiest families. And, not surprisingly, affluent families have so far disproportionately taken advantage of them.

Just because education privatization is growing, however, doesn't mean it's popular. In fact, it's deeply *unpopular*, including with many Republican voters who live in small towns and rural areas where the local public schools are treasured civic institutions and private school options are sparse. The November elections made that clear. A ballot measure in Colorado over a state constitutional amendment that would have merely opened the door to private school programs in the future went down to defeat roughly 51 to 49 percent thanks to tepid support in rural counties. In Nebraska, a less urban state than Colorado, 57 percent of voters chose to partially repeal a state-funded private school scholarship program. And in heavily rural Kentucky, 65 percent of voters rejected a proposed constitutional amendment that would have given every student in the state the right to use public money to attend private schools.

With that record in mind, you would think Trump would hesitate to push universal choice programs at the federal level. Prudence, however, has not been his defining characteristic. Rather, he offered praise of universal choice in the rare occasions when he talked about the issue during the campaign. The idea was also endorsed by the Heritage Foundation's controversial Project 2025 and by its rival transition organization, the America First Policy Institute, which was chaired by Linda McMahon, Trump's current pick to be secretary of education. Despite the risks, the temptation to privatize a vast part of the public sector will be hard for Trump to resist, if history is any guide.

George W. Bush didn't talk much about privatizing Social Security during the 2004 campaign, either. Yet once he was reelected, he grabbed the third rail of politics with both hands by pushing for the creation of individual retirement accounts using Social Security funds. The result was an epic failure. The more the public learned about his plan, the less they liked it. Minority Senate leader Harry Reid and minority House leader Nancy Pelosi whipped their caucuses into unified opposition and refused to negotiate with the Republicans. GOP leaders retreated, and

the measure never came up for a vote. Bush's approval ratings fell and never recovered.

Democrats should treat any plan to privatize public education the same way. But they will be missing an opportunity to help the working-class voters they most need to

The coming GOP effort to privatize public education could be a golden political opportunity for Democrats if they fight it hard and propose a better plan to improve the nation's schools—a plan that, as of now, they don't have.

win back if they offer no alternative agenda for improving America's public schools. And right now, the party generally lacks any such plan beyond “Pay teachers more” and similar items on the wish lists of teachers' unions.

The inequities in education spending and quality that have long diminished the life chances of poor and working-class kids are still there, even if we don't talk about them as much as we did in the 1990s and 2000s. The federal reforms of that era—higher academic standards, test-based accountability mandates, and support for charter schools—helped boost some metrics of learning but proved divisive and lost political support. What Democrats need are new reform ideas that would be popular with voters, measurably improve student outcomes, unite the Democratic caucus, and possibly win some support across the aisle.

One such idea is tutoring. Affluent parents have long known the value of paying private tutors to boost their kids' academic success. But over the past three years, the federal government funded a vast, nationwide experiment to provide that benefit to millions of poor and working-class students. The American Rescue Plan, the mammoth \$1.9 trillion COVID-relief measure that President Joe Biden signed in March 2021, contained an estimated \$7.5 billion in funds that public schools used for online tutoring programs to help students during the pandemic. Not all the tutoring efforts panned out. But as Thomas Toch and Liz Cohen wrote in these pages last summer,

Schools that implemented “high-impact” tutoring—where students work in small groups during the school day with the same tutor in 30-minute sessions three times a week over several months—have been strikingly successful. Those programs are producing an average of more than four months of additional learning in elementary literacy and nearly 10 months of additional learning in secondary school math, says Susanna Loeb, a Stanford education economist who leads a highly regarded tutoring research center. “The effects we see for high-impact tutoring are larger than what we see for most other education inter-

ventions, including class-size reduction, extended day, and technology support for students,” Loeb says.

Federal money for this giant experiment in school reform is running out. But its success has prompted governors in both blue states (New Jersey and Oregon) and red ones (Tennessee and Florida) to pledge funding to continue tutoring programs.

Despite this bipartisan enthusiasm at the state level, Republicans in Washington have shown little interest in continuing to fund a tutoring program that blossomed under Joe Biden. But there are other evidence-based education reforms that they might find more politically satisfying. For instance, in recent years, education experts have increasingly signed on to a “science of reading” consensus that the best way to teach young children to read prioritizes phonics, a traditional approach that conservatives have long championed but that got sidetracked for decades in favor of the whole language system and other methods. Democrats could give Republicans a chance to spike the ball by agreeing to support a new grant program to states and districts that embraces the new science of reading.

Even in the minority, Democrats have the ability to develop and publicize ideas like these that have real potential to improve the quality of the schools that average Americans send their kids to. And once the war over privatizing schools is fought and won, they might be in a position to turn those ideas into policy. ^{WM}

RECONSTRUCT THE ADMINISTRATIVE STATE

BY PETER SHANE

The impending return of aggressive right-wing presidentialism under Donald Trump is likely to take on a dangerous double character. On one side, those parts of the administrative state that can bring force to bear on Trump’s opponents and his demonized “others”—for example, immigrants and trans persons—may be eagerly deployed as swiftly and cruelly as possible. On the other, when it comes to regulatory agencies that embody progressive values—protecting workers, consumers, investors, small businesses, older Americans, really everyone—Trump has promised “the largest regulatory reduction in the history of our country, and it’s going to happen very fast.”

The hopes of Trump’s supporters to pursue both sides of this agenda depend in no small part on the quiescence of right-wing judges. Trump’s first-term engineering of a conservative Supreme Court supermajority fuels those hopes, having already curtailed the authority of federal regulatory agencies to interpret their own statutory powers. The

justices have reserved that power, naturally, to themselves. They have also shown exceptional deference to Trump in hot-button cases on presidential authority. Trump’s cabinet appointees and advisers like Elon Musk and Vivek Ramaswamy aim to enlist the Court, along with a GOP-controlled Congress, in sweeping efforts to assert presidential prerogative and to enable Trump’s policy makers to gut their predecessors’ regulatory handiwork.

Any plausible strategy for checking the worst excesses of the next Trump administration will incorporate a critical role for administrative law. After all, when Trump ran in 2016, he also promised a vast campaign of deregulation. Yet as the *Monthly* reported in spring 2024, that effort to cut red tape was largely unsuccessful. Though Trump had pledged to remove two regulations for each one his administration added, the overall number held steady or increased slightly. Moreover, as shown in a study by Bethany Davis Noll, litigation director for the Institute for Policy Integrity, the first Trump administration’s overall success rate in court in defending legal challenges to his agency actions was 23 percent. The win record of prior administrations was approximately 70 percent.

Litigation, however, will not be enough to undo second-administration Trumpism. That’s in large part because conservatives have a multidecade head start in shaping the information environment and building the policy and legal infrastructure for their antiregulatory, Christian nationalist juggernaut. Over the past 50 years, they assembled a unified movement with many interlocking components—Republican presidents going back to Ronald Reagan; conservative think tanks like the Heritage Foundation; corporate money from the likes of the Koch brothers; judges and legal scholars bound by allegiance to the Federalist Society; and right-wing media like Rush Limbaugh and Fox News.

During that time, nothing of comparable ambition occurred on the left. To be sure, different sectors of the progressive coalition stood up impressive efforts to advance specific regulatory programs important to their constituencies—environmentalists fighting to strengthen clean air regulations, for instance, or labor unions mobilizing to improve workplace safety rules. But there was no coordinated effort across the coalition, and certainly no comparable funding by foundations and progressive donors, to undergird a politically bold, intellectually compelling, values-driven reinvigoration of the regulatory state. At this juncture, it therefore becomes critically important not only to attend to the impressive array of legal tools that administrative law has to offer in curbing Trump, but also to position the progressive legal strategy within a much larger campaign for hearts and minds.

Where administrative law can be most helpful is demanding that formal government actions, such as agency regulations or adjudicative orders, meet requirements for legal authority, reasoned explanation, and factual sup-

port. Law can stop bad administrative moves that lack these qualities. Such a speed bump role is critical in facing both sides of the Trump agenda. There will be aggressive new rules and orders targeting Trump's political opponents, disfavored business interests, and marginalized groups. Most will be subject to judicial review. As for deregulation, under the federal Administrative Procedure Act, any rescission of or amendment to a current regulation also counts as a positive "rule." Deregulatory rules can thus be required to meet the law's exacting demands for evidence and justification. As I mentioned in a recent essay, it was a deregulation case that is now the canonical precedent for so-called hard-look judicial review of administrative action—that is, judicial scrutiny of agency regulation to ensure that rules are rationally based on legally and factually relevant factors and clearly explained in a manner that takes due account of significant objections and plausible alternatives. That case, *Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co.*, grew out of the Reagan administration's attempt to withdraw the Carter administration requirement for passive restraints in new cars. The Supreme Court unanimously held the rescission invalid because the agency's justification for repeal was inadequately explained.

And this is not ancient history. Citing the airbags case, a federal district judge in early December set aside a 2020 regulation issued by the Department of Agriculture's Animal and Plant Health Inspection Service under Trump. According to the plaintiffs—growers of organic or otherwise non-genetically engineered crops—the deregulatory rule "effectively abandoned federal government regulation of [genetically engineered] organisms," thus eliminating adequate safety protections and other appropriate oversight. The court faulted the APHIS for inadequately explaining its regulatory change and vacated the rule.

The Musk-Ramaswamy deregulation blueprint anticipates that Trump agencies can persuade courts that any number of relevant regulatory statutes do not authorize the initiatives of prior presidents that Trump now seeks to roll back. But as I noted recently for the *Monthly*, the Supreme Court specifically rejected that reasoning when it abandoned so-called *Chevron* deference to agency legal interpretations. In that case, *Loper Bright*, it wrote, "We do not call into question prior cases that relied on the *Chevron* framework." Beyond that, an aggressive Trump push for deregulation is going to run into a series of inconvenient truths. The Court's overturning of *Chevron*, long a pet cause for legal conservatives, now works against Trump. The burden will be on the Trump administration to defend its narrower readings of agency authorizations as the *best* readings of those statutes, not just *permissible* readings, as under *Chevron*.

Likewise, the major questions doctrine (MQD)—a tool eagerly embraced by the right for challenging "unheralded" and "transformative" agency initiatives based only

on insufficiently specific statutory language—is now a hurdle that Trump agencies must jump. Exercises of statutory authority subject to MQD analysis may be regulatory, deregulatory, or a mix of both. For example, Trump's ambitions for converting a civil service largely insulated from electoral politics into his personal cadre of apparatchiks will be a prime target for an MQD challenge. Civil service laws give presidents broadly worded authority to make changes to the "competitive service." But such language was never intended to enable presidents to eviscerate a civil service system designed to promote professionalism and deemphasize political loyalty. If the MQD is deployed faithfully, courts will deny Trump power to broadly repoliticize the hiring and firing of civil service professionals absent explicit, specific statutory language conferring any such authority.

Conservatives have a multidecade head start in shaping the information environment and building the policy and legal infrastructure for their antiregulatory juggernaut. During that time, nothing of comparable ambition occurred on the left. It's therefore critical to position the progressive legal strategy within a much larger campaign for hearts and minds.

Perhaps most importantly, virtually every significant regulation issued since 1981 has had to run a gauntlet of cost-benefit analysis at the OMB's Office of Information and Regulatory Affairs. Trump agencies now arguing that their predecessors acted in an arbitrary and capricious manner can be required to try to persuade courts that their predecessors' analytic handiwork should be ignored. This may prove an uphill job for Trump's minions. According to a leading administrative law scholar, Richard Pierce, OMB cost-benefit analyses show that "the average rule has benefits that are six times greater than its costs." According to Pierce, "that is one of the main reasons why Trump was so unsuccessful in his prior deregulatory efforts" during his first administration.

Pierce's insight begins to point the way to a much larger strategy for reenergizing the movement for regulation in the public interest. GOP politicians—often with Democratic acquiescence—have indulged in a myth that regulation is inevitably bad for the economy. Yet regulations are often a boon to business, not a drag, because they set a level playing field for entrepreneurs. In the recent case in-

volving genetically engineered organisms, for example, it was precisely the complaint of the farmers challenging deregulation that weakening USDA oversight of genetically modified plants was increasing the risk of contamination to nearby organic and other non-genetically engineered farming operations. New regulations can also create new opportunities, generating new jobs and preventing innovation-stifling abuse by incumbent companies. In these ways, well-designed regulations can actually help to promote dynamism and growth.

Progressives need also to highlight how regulation can enhance freedom. Regulations protecting consumers and investors allow us to lead less anxious, more confident lives without having to devote extraordinary personal resources to protect ourselves against easily preventable risks. As Senator Elizabeth Warren, mastermind of the Consumer Financial Protection Bureau, once said in a speech:

Done right, strong, clear regulations protect the freedom of every American. How free would you be if companies were allowed to lie to you about their businesses in order to trick you into investing your life savings in their stock? How free would you be if no one had to wash their hands before they handled your hamburger? How free would you be if companies could pass off little white pills as antibiotics, even if they weren't?

Finally, a progressive campaign to win the support of the American people needs to emphasize how deregulation is what put the working and middle classes in peril in the first place. Financial deregulation ushered in the Great Recession and a massive transfer of wealth toward the top. Angry voters need to understand that Trump, in pushing for more deregulation, will be imposing more of what's harmed them, not enhancing their prosperity.


It is essential that affected communities know how the regulatory state helps them, because political organizing can push back on Trumpism in ways that courts cannot. Those of Trump's assaults on the regulatory state likely to prove most difficult to resist in court will fall within a category of what the law professors Jody Freeman and Sharon Jacobs have called "structural deregulation." These are self-sabotaging efforts by a hostile administration to undermine governance by "eroding an agency's staffing, leadership, resource base, expertise, and reputation—key determinants of the agency's capacity to accomplish its statutory tasks." Law-based resistance to self-incapacitation is more challenging because it is harder for courts to induce good action than to stop bad action. The pressure most effective at inducing energetic agency performance is more likely to come from voters who benefit from vigorous government. If voters are to play that role, they need good sources of information.

Every regulation weakened and many self-sabotaging attempts to incapacitate federal agencies will have direct

adverse effects on identifiable American communities. What is needed is reporting that connects the dots between Washington shenanigans and impacts on people's lives. A good place to start will be with Biden-era regulations that the new Republican Congress will undo via the Congressional Review Act, just as they did when Trump succeeded Barack Obama. The cost-benefit analyses supporting those rules will tell stories that local reporters and activists should translate into explanations of the real-world consequences of GOP fecklessness.

The year 2025 will not be 2017. Trump is bringing into his administration at least some key officials who will have deeper understanding of the legal instruments and management strategies through which change is leveraged in the executive branch. The right has been preparing for this moment for years. But the networks of journalists, activists, public interest groups, and others opposed to Trumpism—what Benjamin Wittes of the Brookings Institution once called "the coalition of all democratic forces"—is also better prepared. The Trump playbook is familiar. His agenda is fully on view. There will not be a shortage of pro-democracy lawyers willing and able to take on Trump 2.0.

But lawyers alone are not enough. If Trumpist triumphalism is to have its shortest possible life-span, it is necessary that pro-democracy groups, local activists, and as broad a public as possible be engaged in framing a new, more inclusive, and more just path toward actual governmental reform. An unfortunate reality facing the Biden administration and the otherwise extraordinary presidential campaign of Vice President Kamala Harris is that their arguments against Trump too often came across as merely a defense of the status quo. As strong as the U.S. economy may be, millions of Americans have come to believe that the status quo does not work for them. It is not hard to see why.

Trump, J. D. Vance, Musk, Ramaswamy, and their entourage have demonstrated no interest in good-faith deliberation about real reform grounded in the lives of most Americans. Rather, the billionaires leading this charge are seeking to further extend their economic control over the daily lives of ordinary people, so as to squeeze them for every dollar they can get. Administrative law can be a huge help in stymying this oligarchic vision. But it will be just as imperative, if not more so, to use the coming years to organize around a vision of government that can meet the challenges posed by relentless technological, economic, and social change through inclusive, collaborative, and accountable governance. 

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USE THEM TO START A CONVERSATION
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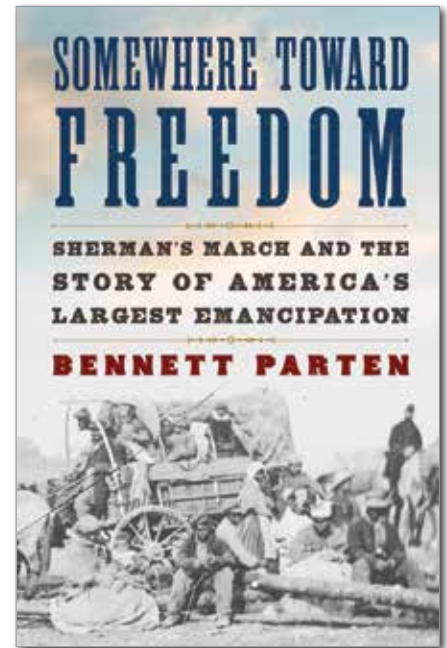
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VENTURES

In Sherman's Wake

The hidden story of enslaved Georgians who, however briefly, seized freedom during the Union general's famous march to the sea.

By Allen C. Guelzo



**Somewhere Toward Freedom:
Sherman's March and
the Story of America's
Largest Emancipation**

by Bennett Parten
Simon & Schuster, 272 pp.

At the time of the 1996 Summer Olympics in Atlanta, a wickedly satirical cartoon made the rounds, showing the notorious William Tecumseh Sherman sporting a lewd grin as he grasped an Olympic torch. "Atlanta's Original Torch-Bearer," snarked the caption.

What was interesting about the cartoon was that it needed no further explanation. One hundred and thirty-two years after Sherman and the Union Army of the Tennessee set off on the march across Georgia that was supposed to bring the Civil War to an end, everyone still seemed to know who Sherman was and what he was accused of doing to Atlanta, the smoking city he left behind. One of the most popular songs of the Civil War, Henry Clay Work's "Marching Through Georgia," celebrates how easily Sherman's resistless legions swept "from Atlanta to the Sea" in the late fall of 1864, ticketing anything in their path for destruction. And anyone who has seen *Gone With the Wind* surely knows that Sherman's March was one long trail of wartime death and mayhem, visited mostly on a helpless Georgia population.

Umm, maybe. Sherman liked to boast that he had accomplished "the utter destruction of [Georgia's] roads, houses, and people ... in the interior of the state," and estimated that he had inflicted "one hundred millions of dollars" on "Georgia and its military resources." But the entire population of Georgia on the eve of the Civil War was fewer than a million people (including slaves), its entire banking capital only \$16 million, and its entire land value only \$136.6 million. Where the \$100 million estimate came from is anyone's guess, but it may have been from Sherman's weakness for what the historian Albert Castel scorchingly described as "exaggerations, distortions and falsehoods."

Still, the notion that Sherman was responsible for inventing some kind of civilian catastrophe on the way from Atlanta to Savannah suited the mythmakers of the "Lost Cause," who could hold up Sherman as "the merciless commander" and an example of Yankee perfidy. A hundred years later, it would come equally in handy to critics of the Vietnam War like James Reston Jr. of *The New York Times*, who pointed to Sherman's March as the forerunner of "Dresden, Hiroshima, and Vietnam."

Yet that too earns an ambiguous *maybe*. Sherman ordered "all depots, car-houses, shops, factories, foundries, &c."—in other words, anything of military value—in Atlanta destroyed, but left three-quarters of the city undisturbed. The entire campaign, compared to the rest of the Civil War's campaigns, was almost bloodless. Only one serious confrontation with Sherman's army was attempted by Georgia militia at Griswoldville, on November 22; overall casualties along the way amounted to fewer than 2,000, and there was no report of even a single civilian casualty along the en-

tire march. And when Anne Sarah Rubin retraced the route of Sherman's March in 2008 for *Through the Heart of Dixie: Sherman's March and the American Memory*, she was surprised by how many antebellum buildings showed no sign of Sherman's affection for torches.

In the long back-and-forth over Sherman's military mania, historians have largely bypassed a story about the march that may have even greater importance in American culture: the long and unsung train of refugees from bondage who flocked to Sherman's soldiers as liberating conquerors. Unfortunately for the historical record, most of the refugees were illiterate, and thus unable to match the vast outpouring of memoirs and reminiscences with which white soldiers, both Union and Confederate, littered the ensuing decades. Their story, with the exception of a handful of unavoidable disasters, has not been told until now.

Bennett Parten's *Somewhere Toward Freedom* began as his PhD dissertation at Yale in 2020. But from the outset, nothing about this literary debut reads like academese. Parten is a gifted writer, with a marvelous sense of timing and pattern, which makes his book read like first-person observation. He also has the advantage of being a native Georgian who understands the changing geography and shifting environment of the 285 miles Sherman's army crossed from November 15 to December 22, 1864. Above all, he has the storyteller's sharp eye for vivid detail—for the “winding columns, glittering muskets, glowing flags” recalled by the chaplain Thomas Stevenson of the 78th Ohio, for example, and for the “caravans of negroes” John R. Kinnear of the 86th Illinois saw following “our war-path.”

It is those “caravans” that form the centerpiece of Parten's narrative of the

march; the refugees whose story he tells constituted “the largest emancipation event in our history and one of the largest in the rise and fall of Atlantic slavery.” Parten is conscious that “we’ve only ever seen the March as a military campaign.” What that misses is how Sherman's Yankees “cut a path through the state of Georgia wide enough for freed people to begin putting the pieces of freedom together.”

In doing so, the refugees were not simply running away from slavery. They were running toward an army they hoped would welcome and protect them, toward a future where they could acquire their own land, to a system that would rewrite the laws of race that had held them in captivity for generations, and in the process extend the promise of American freedom to all. For Parten, the most important part of Sherman's March was not the soldiers, the generals, or the battles—but, instead, a deliverance that counted as nothing less than a biblical Jubilee.

Not that it was planned that way. Sherman's war was about the restoration of the Union, not the emancipation of the slaves. He regarded southern slavery as “the mildest and best regulated system of slavery in the world, now or heretofore,” and believed that at best, “the negro is in a transition state, and is not the equal of the white man.” Emancipation, he told his brother (a U.S. senator from Ohio), was “a judicial matter not mine.” If anything, he preferred that the refugees “stay where they were” rather than join his march.

Moreover, flight from slavery usually landed African Americans in so-called contraband camps where they eked out a marginal existence, courtesy of the federal military and under the deep suspicion of northern working-class whites who dreaded the competition the “contrabands” might offer for jobs. The march would be different. Sherman's army was moving through a hostile landscape for all of the 37 days between Atlanta and Savannah. There was no time, and were certainly no resources, for building refugee settlements, so the refugees simply tagged along while the army moved

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southeast, mostly in the rear but occasionally scattered throughout the marching columns as cooks, informers, and pioneers (the 19th-century military term for a construction battalion). They were surely happy to rid themselves of masters and whips, delighted at the prospect of living for themselves, and hopeful that the onward march to somewhere might reunite them with family members who had been long ago sold away.

Even so, the march did not always look like a Jubilee, and never less so than in the wrenching desertion of the refugees at Ebenezer Creek. It was one of the great conundrums of the Civil War that so many of the Union generals who brought the Confederacy to its military knees had, like Sherman, no particular enthusiasm for ending slavery. Of Sherman's four principal subordinates, Oliver Otis Howard of the 15th Corps was the most confirmed abolitionist, followed somewhat more mildly by Henry Warner Slocum and Francis Preston Blair. But the ineptly named Jefferson Davis, who commanded the 14th Corps, was an even deeper racial bigot than Sherman, and when his men crossed the Ebenezer Creek on December 9, 25 miles from Savannah, Davis ordered the bridges his corps had used pulled down before the refugees could follow. They were not just stranded. The shadowing Confederate cavalry swept down on the defenseless freedmen, driving many of the refugees to drown in the creek and its surrounding swamps, and herding many others back into slavery.

Of all the disgraces that mar the image of the Civil War—Fort Pillow, Sand Creek, the Crater—none quite reaches the infamy of Ebenezer Creek. No wonder that, three weeks after Sherman arrived in an unresisting Savannah, Secretary of War Edwin Stanton also showed up, wanting explanations. The explanations were not particularly convincing. But Sherman offered at least a measure of redress by issuing Special Field Order No. 15, which set aside a 400,000-acre swath of rich coastal territory for settlement by the refugees in 40-acre parcels, with help from “partially broken down” army pack animals (the origin of the legendary phrase “forty acres and a mule”).

In practice, Sherman was less interested in satisfying the refugees' prayers for land of their own and more in getting them out of the way of the next campaign he was planning, northward into the Carolinas. Anywhere between 6,000 and 8,000 of the refugees who had followed Sherman's army were never permitted to enter Savannah. Instead, they were loaded onto steamers and tugboats and dumped unceremoniously on the islands of the Port Royal Sound, where a settlement and land redistribution experiment of its own had been going on since 1862 under the oversight of the Union military and northern civilian volunteers and missionaries. Sherman's offloading of the refugees gave him a free hand to strike northward on February 1, but it swamped the capacities of the Port Royal community.

Ultimately, as many as 40,000 freedmen were able to subdivide the land set aside under Sherman's special order by April 1865. But with the murder of Abraham Lincoln, the presidency fell to the hands of Vice President Andrew Johnson, a Tennessean whose chief aspiration was to make peace with the defeated Confederates and declare an amnesty that would allow them to reclaim the lands that Sherman's field order had put into the freedmen's hands.

Sherman's March thus became another of the great missed opportunities for a new racial future in America, and almost a trailer for how the postwar disappointment of Reconstruction would unfold. Nevertheless, it is worth asking whether the march was really the “largest emancipation event” Parten would like to believe it was. No one kept a census of the refugees who followed the march, but by even the most optimistic estimates, the Sherman refugees amounted to only a fraction of the slave population of Georgia. Juneteenth in

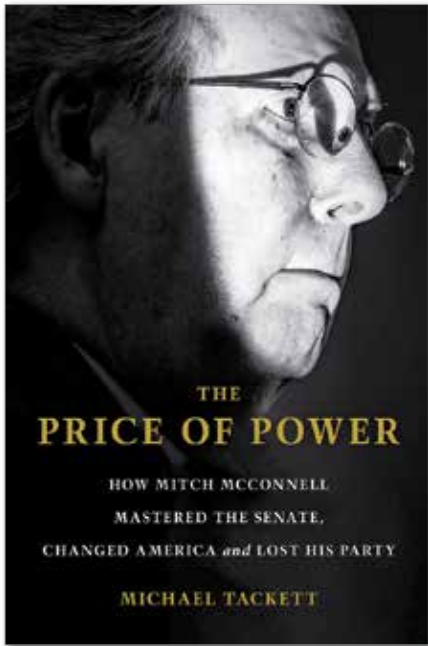
Texas in 1865 announced the emancipation of more than 182,000 people. Parten acknowledges that Sherman's soldiers were not always seen as friends by Georgia's African Americans, either. However much the Yankees looked like the paladins of Jubilee, they still presented a mixture of liberation and gamble, a risk that Parten freely acknowledges: “The army was also a threat, especially the foraging

The refugees were not simply running away from slavery. They were running toward an army they hoped would welcome and protect them, toward a future where they could acquire their own land, to a system that would rewrite the laws of race that had held them in captivity for generations.

parties, who routinely appropriated the property of enslaved people.” It was all well and good that Sherman's army was there to bring freedom, but that freedom might only last as long as the blue suits were still in the vicinity. Otherwise, as one Union officer was candidly informed, “Massa, you'se'll go way tomorrow, and anudder white man'll come.”

The fate of the Georgia refugees is emblematic of the disappointments and shortfalls of the war to end American slavery. The Civil War may remain the central epic of American history—or, as Robert Penn Warren declared 60 years ago, “our only ‘felt’ history.” But in that light, Sherman's March and its marchers are a major marker of both our failures and our aspirations, and nothing has captured that contradiction with greater skill or depth than *Somewhere Toward Freedom*. ^{WM}

Allen C. Guelzo, a senior research scholar at Princeton University, is a Civil War historian and three-time winner of the Lincoln Prize.



**The Price of Power:
How Mitch McConnell
Mastered the Senate,
Changed America,
and Lost His Party**

by Michael Tackett
Simon & Schuster, 416 pp.

Icarus of the Senate

Mitch McConnell sought power for its own sake. His fall is bringing down the Republic.

By Jean Parvin Bordewich

On January 3, 2023, Mitch McConnell burst into tears at home while eating breakfast. The famously phlegmatic senator was reading an email from Josh Holmes, his political adviser, congratulating him on becoming the longest-serving party leader in Senate history.

Later that morning McConnell wept again in front of his loyal staff. The senator is an ardent anti-smoker, but they marked his milestone by purchasing an ashtray like the ones former Democratic Majority Leader Mike Mansfield used to give away as mementos. They lit cigarettes and crushed them out in the ashtray, symbolizing that McConnell had at last extinguished Mansfield's record and achieved his lifelong goal of "making history."

Michael Tackett, deputy Washington bureau chief for the Associated Press, recounts this story in *The Price of Power*. It is a highly readable account of McConnell's childhood, early political ambitions, steady rise into Senate leadership, and the ways in which he wielded that hard-won power over three decades. McConnell's Sphinx-like exterior is one of his great political assets, and his occasional displays of emotion can be as baffling to some as the apparent contradictions in his Senate record. But as Tackett observes, "Many people only see Senator McConnell in monochrome. The real portrait has many hues."

Indeed, McConnell's complex legacy as Senate Republican leader has many dimensions. His political acuity, focus, strategic foresight, and tactical skills have leveraged his party's influence in both the minority and the majority to advance conservative policies for decades. At times he has been willing to test or bend the norms and traditions of the institution he often says he loves. Yet McConnell's handling of the emerging populist Republican right and its leader, Donald Trump, might wind up being his starkest legacy. As a Reagan Republican committed to an internationalist foreign policy and a bipartisan system of governing, McConnell has repeatedly come into conflict with the rising right wing of his party. In 2014, running for his sixth term, McConnell writes in his autobiography, *The Long Game*,

I was well aware that efforts from the Left would very well be the least of my problems. The cottage industry of so-called professional conservatives that had sprouted a few years earlier had by this time taken full bloom. Prior to 2010, the energy of the grass-roots conservative movement was entirely focused on unseating Democrats, but now certain so-called conservative groups were determined to unseat Republicans they deemed insufficiently conservative.

McConnell struggled to adapt, straining to protect the conservative values and style of Reaganism while continuing to exert influence in the new era. He antagonized the Republican right when he opposed them, and repeatedly infuriated Democrats. Ultimately, his instincts failed him. He could have voted to convict Trump in the second impeachment trial for the president's behavior on January 6, 2021. He could have urged other

Republican senators to join him. It might well have worked, but he didn't even try. Instead he wavered, then at the last minute chose to vote with his party. Acquittal meant that Trump, a man McConnell loathes, could become president again.

Tackett had exceptional access in researching this book. He conducted more than 50 hours of interviews with McConnell from March 2021 to June 2024, a crucial period as the Republican Party fractured around the Senate leader. Tackett also listened to hours of tapes from the senator's oral history, interviewed staff members and advisers, and read volumes of archives, including family letters dating back to the courtship of McConnell's parents. Additional research included more than 100 interviews with historians, Senate experts, Democratic and Republican politicians, including President Joe Biden, and others who have known McConnell over the years, such as Bill Gates, with whom he worked on eradicating polio. (Curiously, he seems not to have interviewed Senate Democratic leader Chuck Schumer or former House Speaker Nancy Pelosi.)

The result is a staunchly evenhanded narrative from the perspective of a perceptive and knowledgeable outsider. Readers who want more critical assessments of McConnell's career can find them in Ira Shapiro's 2022 book, *The Betrayal: How Mitch McConnell and the Senate Republicans Abandoned America*, or Alec MacGinnis's *The Cynic: The Political Education of Mitch McConnell*, published in 2014.

Tackett reveals new material, particularly in the first third of the book, which focuses on McConnell's years as an only child, the two years of intense therapy at Warm Springs and at home that saved him from being crippled by polio, and the germination of his passion for politics. He was born in rural Alabama and had a close relationship with both of his parents, especially his mother, who dedicated herself to his recovery while his father was fighting in World War II. When McConnell was 13, the family moved to Louisville, Kentucky, for his father's job at DuPont. There he schemed for two years to be elected senior class president. By his early 20s, after interning on Capitol Hill, he was obsessed

with becoming a U.S. senator. "Honestly, the odds of me making it [to majority leader] were pretty daunting, and even though this was my goal for a long time, I didn't have any realistic thoughts that I would actually get there," McConnell told Tackett. "I wasn't sure I was good enough."

Tackett captures McConnell's exceptional self-discipline and unflagging drive to harness power in service of his political agenda. "Do I want to have power? Absolutely," McConnell said. "What's the point of being here if you are not trying to have an outcome?" In the Senate, he pointed out, you can make policy in the mold of your political view when your party is in the majority. McConnell's "long game" is also thus an "inside game," and he has played it brilliantly by mastering the rules and serving the needs of his fellow Republicans. "If you measure [his success] by someone's ability to direct the caucus, he'll go down as one of the best, not only in terms of longevity, but just in terms of batting average," Virginia Democratic Senator Tim Kaine told Tackett.

Many senators aspire to be president, but McConnell understood early on that he was not well suited to a national popularity contest. He gambled that sheer hard work and his talent for strategic and tactical politics would elevate him inside the smaller arenas of Kentucky politics and the U.S. Senate. Control of the Senate, he understood, meant winning elections. And winning would require money for political campaigns, canny application of Senate rules, and a more conservative judiciary.

He trained himself to be a phenomenal fund-raiser, first for his own campaigns and later for his caucus. He made loosening restrictions on money in politics a constitutional issue, adopting the argument that money is speech. He took his challenges to the Supreme Court, which eventually overturned a number of campaign finance restrictions, culminating in the 2010 ruling in *Citizens United*, which opened the door to unlimited spending by corporations and the creation of super PACs. When Democrats then tried to pass legislation requiring full public disclosure of the sources of this money, McConnell's Republicans blocked it with filibusters.

Tackett describes in fresh detail how these court decisions turbocharged McConnell's power through the creation of the Senate Leadership Fund, a super PAC that quickly outstripped American Crossroads, the outside group that had been funneling money to Republican Senate races. In 2016, its first full year in operation, the Senate Leadership Fund spent more than \$164 million on Republican Senate candidates chosen by McConnell, cementing their loyalty to him. A companion group run by a McConnell aide, One Nation, does not have to disclose its donors and has given more than \$205 million to the Senate Leadership Fund since 2016. (Democratic leaders in the House and Senate also use fund-raising entities of this kind.) "The conservatives on the Supreme Court, in their *Citizens United* decision," writes Tackett, "had created a financial pipeline that McConnell built into a vast political ecosystem."

McConnell's success in remaking the federal judiciary was, he told Tackett, "the single most consequential thing I've been involved in in my public life." Federal court nominees had usually been confirmed overwhelmingly by the Senate. McConnell changed that tradition when he weaponized the filibuster, a tactic Democrats had also used in the past, but sparingly. From 1955 to 1964, the filibuster was used nine times to stop a measure in the Senate; from 2009 to 2014, with McConnell as minority leader, the filibuster was used 643 times.

After the 2008 election, Republicans were on their heels. Democrats held the White House and commanding majorities in Congress. McConnell used the filibuster and other stalling tactics to amplify the minority's power beyond their numbers. Democrats became so frustrated that in 2013 they detonated the so-called nuclear option for nominations other than the Supreme Court, using a parliamentary maneuver to reduce the number of senators it takes to end a filibuster from 60 to 51. It was a bold and potentially dangerous move, one McConnell opposed, and he warned the Democrats that they would regret it. Indeed, after Republicans regained the majority and the White House in 2016, they lowered the threshold for Supreme

Court nominations as well, enabling Donald Trump to appoint three justices and ensure a conservative Court for decades to come.

McConnell's tactics weren't limited to high-profile judgeships; he also blocked President Barack Obama's appointees to relatively obscure posts at the National Labor Relations Board, the Election Assistance Commission, and the Government Printing Office, hampering these agencies' ability to function. Republicans even refused to allow the Senate to organize in January 2009 unless Republican committee staff funding remained the same, breaking with the prior practice of reduced funding for the minority.

Tackett acutely portrays McConnell as a wily leader who finds—or even invents—process rationales for political decisions: for example, denying Obama Supreme Court nominee Merrick Garland even a hearing, allegedly because it was in the year before an election, then pushing

Amy Coney Barrett's Court nomination through in the final months of Trump's first term.

At the same time, notably in the sphere of foreign policy, McConnell shaped major bipartisan legislation, risking the wrath of the growing Trump faction. He has supported a robust internationalist foreign policy—for example, assembling a bipartisan coalition to appropriate money for Ukraine in its fight against Russia. His long-standing concern about foreign policy is less known than it should be: As a freshman senator, he joined the Foreign Relations Committee, though it had nothing to do with Kentucky, and later served on the Appropriations Subcommittee on Foreign Operations, which doles out foreign aid, another unlikely choice.

Within the Republican Party, McConnell has become increasingly unpopular with rank-and-file voters who support Donald Trump. He was even booed at the 2024 Republican National Convention. McConnell was shocked that Trump won in 2016. He told Tackett, "The big problem is ... [he] has every characteristic you would not want a president to have. Not very smart, irascible, nasty." On January 6, according to Tackett's riveting account, McConnell's aides feared for their lives as they blockaded themselves in their Capitol offices. McConnell said later on the Senate floor, "January 6 was a disgrace ... There is no question, none, that President Trump is practically and morally responsible for provoking the events of the day. No question about it." Why then did he vote to acquit Trump in the impeachment trial after the storming of the Capitol? Undecided until the last minute, McConnell ultimately found process reasons to justify it, as he so often had before. He claimed, not very convincingly, that he could not have persuaded enough Republicans to reach the 67 votes needed for conviction. He asserted that Trump could be subject to criminal prosecution and civil action, adding that the Constitution does not allow conviction after a president has left office.

McConnell's real goal was to preserve a Senate majority. Tackett writes, "He wanted the energy of Trump's voters in Senate races, without the baggage of Trump." McConnell's encyclopedic knowledge of histo-


ry may have misled him into believing that Trump, like Andrew Johnson, the first impeached president, who escaped conviction in 1868 by one vote, would become a pariah in his own party. "He gambled on his belief that Trump would fade from the political stage in the wake of the insurrection," writes Tackett. "Instead, Trump re-emerged every bit as strong among core supporters. It was likely the worst political miscalculation of McConnell's career."

Indeed, the failure to bar Trump from holding federal office again might be the unfortunate coda to a career that will surely be remembered as one of the most consequential in modern Senate history. With his current term ending in 2026, McConnell might retire while Trump is still president and the Republican Party is further transformed into one he barely recognizes.

There is often an element of tragedy in an arc of political power, as one period in history gives way to another. For McConnell, the Reagan Republican, decades of deluging politics with money, bending Senate rules and norms, and shaping the judiciary to his will are giving way to the new Trump era, which not even he can control. But the influence of the longest-serving party leader in Senate history has not yet faded away. When Senate Republicans voted for McConnell's successor as leader, it did not choose Rick Scott, the candidate backed by Trump Republicans. It selected a senator who has been part of McConnell's leadership team since 2009, John Thune. Further, in the next Congress McConnell will chair the Defense Appropriations Subcommittee, where he will control an enormous portion of the federal budget, including funding for Ukraine. He will also chair the Committee on Rules and Administration, where he says he will continue to "defend the Senate as an institution and protect the right to political speech in our elections." Mitch McConnell's career is winding down, but it's still a little too soon to write his political epitaph. *WM*

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Party Animal

Martin Van Buren, father of the Democrats, knew that the Founders were wrong about partisan politics.

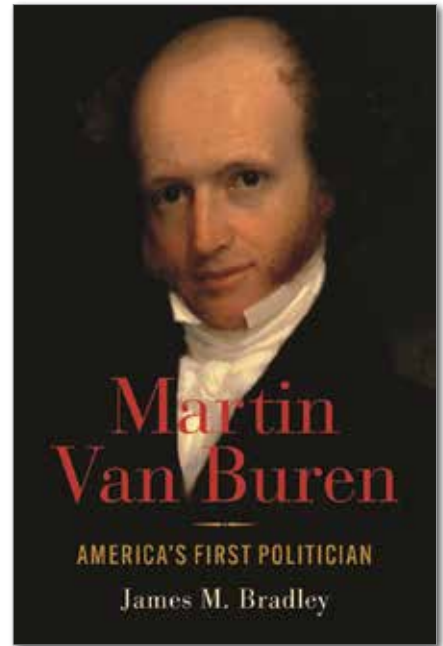
By James Traub

Our Founding Fathers, who disagreed on so much, were of one mind on the subject of political parties. In his “Farewell Address,” written at the end of his 20 years of public life, George Washington warned the American people about those “potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people.” Even James Madison, who understood that the private interests of citizens were bound to clash, nevertheless believed that republics depended on disinterested men who would pursue the public good rather than factional interest. Those potent engines would tear the country apart.

The revolutionary generation has a way of regarding itself as the sole custodian of a nation’s interests. Mexico was governed by the Institutional Revolutionary Party for 70 years; India by the founding Congress Party for 30. Then new men, new ideas, new interests push to the fore, the uni-party moment comes to an end—and democracy survives perfectly well, thank you. The United States took a little more than 40 years to develop its first true political party. The politician who invented “the Democracy,” as that first true party called itself, was a new man named Martin Van Buren.

As we come to know him in James Bradley’s intriguing and incisive new biography, Van Buren was the right man at the right moment. He was born in 1782, just after the American Revolution, into an old, but not grand, Dutch family along the Hudson River in New York. His father was a tavernkeeper. Young Martin was a very bright, indifferently educated young man; Alexander Hamilton’s son James later said, “His knowledge of books outside of his profession was more limited than any other public man I ever knew.” But Van Buren knew his law books very well. A crackerjack advocate, he reached the top of the profession in the provincial capital of Hudson, then in Albany, and finally in Washington, D.C.

As both coauthor of the Van Buren Papers, an effort to catalog and digitize the former president’s writings, and a former political reporter for *The Village Voice*, James Bradley knows everything there is to know about Van Buren’s many satchels, rivals, and mentors-turned-rivals. He also has a finely honed instinct for the play of interest and ambition that ties these figures to one another. His Van Buren is an indefatigable operator who outworks and outthinks the opposition and attracts other bright young self-made fellows to his side. He watches, he plans, he springs traps. As a 30-year-old freshman legislator in Albany in 1812, Van Buren had already made such a name for himself that Governor DeWitt Clinton made him floor manager for the Republican presidential caucus in New York. Knowing full well that Clinton had to win every delegate to have a ghost of a chance of unseating the incumbent, James Madison, Van Buren arranged one proposed slate of electors after another, each of which the Madisonians rejected. In an act of sheer audacity, he proposed a slate consisting only of Clintonians. The Madisonians’ leader, outraged, slammed the door behind him. His bewildered charges fell into disarray and finally left their ballots blank. Clinton won all delegates, and then lost to Madison, as Van Buren knew he would. Of such moments of legerdemain are political reputations made.



Martin Van Buren: America’s First Politician

by James M. Bradley
Oxford University Press, 623 pp.

By 1821, Van Buren had gotten himself elected (by the state legislature) to the U.S. Senate. He understood that a national figure could be no stronger than his standing at home. Clinton, who had returned to power, was now Van Buren's only rival for control of Albany. A proposal for a constitutional convention, which Van Buren had previously opposed, now offered itself as the instrument for Clinton's destruction. Van Buren staffed the convention with allies, who then proceeded to vote for the elimination of property restrictions on voting, filling the rolls with humble men who could be counted on to oppose the seigneurial Clinton. They abolished a key source of gubernatorial patronage and moved up the next election so that Clinton would immediately face a contest he couldn't win. The governor announced that he was retiring from politics. Van Buren and his circle, collectively known as "the Albany Regency," now controlled the biggest state in the country.

Van Buren was always of the party of the common man. His politics could be read as a campaign to build a coalition of Jeffersonians to dethrone the nation's legacy class, still going by the increasingly archaic name of Federalists. Van Buren regarded President John Quincy Adams as the last remnant of a dying class, and lost no opportunity, and passed up no flimsy pretext, to ensure Adams's failure. In 1827, Van Buren wrote a letter to a prominent Virginia editor proposing a coalition between "planters of the South and plain Republicans of the North." Bradley generously interprets "planters" to mean "Jeffersonian yeomen" rather than "slaveholders," which it plainly also meant. Though he regarded slavery as morally wrong, Van Buren was happy to treat it as a local concern of the South, as manufacturing was to New England. He added a characteristic insight: "Party attachment," Van Buren argued, could supersede "sectional prejudices," thus producing a truly national organization uniting different regions. Parties modernized politics.

By forging that coalition, Van Buren helped Andrew Jackson win his rematch


with Adams in 1828. Party affiliation remained transitory and inchoate. But by 1832, Jackson, Van Buren, and their team had produced a real organization, with local "Hickory" clubs and big rallies featuring marching bands and even personal campaigning by the president. They now called themselves "Democrats." The rival party, Henry Clay's "National Republicans," was forced to keep up, but did so less well. With Jackson's smashing victory, a new political culture was born. The National Republicans would become the Whigs, and then the Republicans, producing the two-party system with which we have lived ever since.

After serving as Jackson's running mate, Van Buren was elected president in 1836. He was not loved. The "Little Magician" was seen as a faithless conniver, a kind of Jacksonian epigone. The "little" epithet always dogged Van Buren, though he was, at five foot six, of average height for the time. Schemers seem smaller than they are. Van Buren had small plans. In a brief stint as New York governor he had proposed an immensely ambitious program of banking and electoral reform, but his Jeffersonian fear of an activist federal government ensured that he would venture little as president. Bradley makes a valiant effort to convince the reader that Van Buren's single term in office was consequential; it wasn't. Daniel Walker Howe, the great historian of the Whig era, offers a fitting epitaph: "Adept at gaining power, he proved largely unsuccessful in wielding it."

The fun dissipates for the 50-odd pages that Bradley devotes to Van Buren's presidency. *America's First Politician* is an old-fashioned political biography, and Bradley becomes less compelling once Van Buren no longer has traps to set. He tends to scant the charm of vivid characterization. Only almost 400 pages in do we learn that the president did not swear or tell jokes and went up the stairs two at a time. Those details rivet our minds more firmly than the question of who screwed whom in the final version of the 1828 "tariff of abominations."

Like John Quincy Adams, Van Buren remained a central figure in American politics during the long period (two decades, in his case) that followed his presidency. But unlike Adams, whose fervent and often solitary stand against the "slavocracy" earned him the love and respect he had never enjoyed as president, Van Buren could not shake his reputation as a master puppeteer. At length, his ambition slackened and he found the courage to stand up for his convictions even in the face of his political interests. In 1844, when he was hoping to regain the Democratic nomination, Van Buren came out against the annexation of Texas as an imperialist venture unworthy of a republic. This was, he knew, heresy for the Democrats, who hoped to break up Texas into a cluster of slave states and thus tip the balance of power in the union.

Four years later, Van Buren finally stopped pussyfooting on slavery, arguing that Congress had the obligation to ban the abhorrent practice in the new territories in the west and southwest. In 1848, the 66-year-old ex-president allowed himself to become the candidate of the antislavery Free Soil Party, precisely the kind of single-issue, regional grouping he had warned against two decades before. For once he seemed to be acting out of belief rather than ambition. Van Buren won 10 percent of the vote and no states, which was probably about what he had predicted. This was a man whose judgment never deserted him.

"Founder of the party system" might not sound like a heroic epithet just now, when one of our parties has degenerated into a personality cult and the other is in disarray. But while Van Buren was not a heroic figure, he was a necessary one. *America's First Politician* reminds us that democracies survive not because citizens sacrifice their interests in the name of the public good, as the Federalists insisted they do, but because organized groupings called parties effectively represent those interests. Parties are a fallen institution, but we are, after all, fallen beings. 

James Traub is the author of *John Quincy Adams: Militant Spirit*. His next book will be *The Cradle of Citizenship*, on civic education.

Gray Expectations

Caring for my aging father taught me about the massive holes in America's safety net for the elderly.

By Anita Jain



Golden Years: How Americans Invented and Reinvented Old Age

by James Chappel
Basic Books, 368 pp.

In the days since Donald Trump was reelected president, we've been subjected to news of the president-elect's Cabinet choices, each one a harbinger of some disaster in the making: a defense secretary issuing orders to a military to attack private citizens; an attorney general weaponizing the state to go after political enemies based on grudges; a national intelligence director working in tandem with the world's most ruthless despots.

These are just the routine nominations. President Trump is also planning to set up the new Department of Government Efficiency, to be led by his acolytes Elon Musk and Vivek Ramaswamy, with the explicit goal of slashing \$2 trillion of federal spending. With close to 35 percent of the federal budget allocated to Medicare and Social Security, one would assume that these programs, which support the country's elderly, would be on Musk and Ramaswamy's chopping block. Yet Trump has deemed these programs untouchable, telling AARP earlier this fall, "As you know, I was there for four years and never even thought about doing it. I'm going to do nothing to Social Security." He similarly vowed to protect Medicare, suggesting that increased economic growth under his leadership would be enough to sustain the program.

Trump's disavowal that Social Security and Medicare would undergo cuts wasn't enough to retain voters over 65, who favored him by seven points in 2016 and five points over the Democratic candidate in 2020 but were evenly split between him and Kamala Harris this year. This may be because seniors are far more attuned to the precarious future facing America's rapidly aging population. Both Social Security and Medicare trust funds are heading toward exhaustion in a decade, and the long-term outlook for these programs is threatened by a precipitous decline in birth rates, since contributions from workers fund the programs.

There's also a looming cost-of-care crisis as the sizable Baby Boomer generation continues to hit old age. The number of Americans living with Alzheimer's—just one type of dementia—is projected to double to 13.8 million by 2050, while associated costs are expected to grow to \$1.5 trillion, twice the costs for individuals without dementia. Our current system of Medicare covers medications and surgeries for elders afflicted with conditions like cancer and heart disease but does not pay for help with everyday activities like eating and dressing, the type of caregiving those with dementia primarily need.

At the same time, most Americans lack enough savings to maintain their current level of living, dementia or not. This cloudy outlook for seniors is rarely mentioned by policymakers and the media. Released in November, *Golden Years*, by the historian James Chappel, seeks to compensate for this lack of attention. Beginning with the invention of retirement in the early 20th century—before which Americans were expected to work until death—Chappel traces the history of how America's seniors came to have a social safety net at all, before arriving at today's uncertain future. Throughout the book, both a thorough history and a call to action, Chappel airs his frustration

over the country's failure to do more for our aging population.

Much like with universal health care, the United States is a laggard among industrialized nations when it comes to providing for its seniors. Yes, Social Security offers a basic monthly stipend, and Medicare does pay for costly acute medical care that might otherwise bankrupt a family on a fixed income, but most wealthy countries in Europe and Asia cover long-term care in the form of assisted living and nursing homes.

What does America have instead? Women. As Chappell rightly points out, it is middle-aged daughters, many of whom are already buried under their own child care responsibilities, who are called on to take over the onerous task of caring for an elderly parent. Chappel quotes a 67-year-old grandmother named Miriam Dypold who takes care of her 90-year-old mother and describes feeling "more frazzled and tied down than she did during the years when she was raising five children." Akin to reserve military personnel, once activated, these women are expected not to grumble but rather to view the job as one of duty and honor.

I should know—I'm one of them. When my now 86-year-old father was widowed eight years ago, I imagined a time would come when he would be unable to take care of himself; I just didn't know when. He was able to live by himself for a few years, until the pandemic took away the systems he relied on: his gym routine and the cook who came every day to prepare a home-cooked meal and tidy up.

The monotony and loneliness wrought by the pandemic sent him spiraling into a deep depression and placed my erstwhile mentally sharp father on the path of cognitive decline. (Seventy-five percent of those killed by the pandemic in the United States, or 860,000 people, were over 65, and those seniors who did manage to survive the COVID-19 virus often suffered similar fates to my father.) Irascible and beset with anxiety, he began bouncing between living with me and my family in Brooklyn and in a retirement home 7,000 miles away in New Delhi, India, the country of his birth.

My father also suffers from diabetes and a heart condition that has led to a couple of heart attacks in the last few years. As I've taken on his care, I've become intimately familiar with his pill regimen and fluctuating blood sugar and blood pressure levels. My blood pressure, likewise, has skyrocketed, and I've developed a frozen shoulder from the stress. As Dypold puts it, "This is just the way it is for women of my generation."

I am ill-equipped to be taking care of my father, but paying for long-term care in the U.S. is prohibitively expensive. Unless he is prepared to hand over all of his hard-won life savings—painstakingly accrued over his 50 years as an immigrant in America—to the state and go on Medicaid, my dad is, as they say, shit out of luck.

Medicaid does pay for long-term care, but only after a person has exhausted his or her savings, with spouses also required to spend down to near-poverty levels. Even then, long-term care through Medicaid may not be attractive when only poor-quality nursing homes accept Medicaid patients. America's failure to provide for universal long-term care doesn't just impact the elderly. Younger people with disabilities or life-threatening illnesses are also left in the lurch, not to mention female caregivers like me.

Chappel spotlights the failure of the U.S. government to provide long-term care for its aging population, instead placing an undue burden on their adult sons and daughters, many of whom are raising children of their own. Indeed, he notes, relieving aging parents' dependence on their grown children was the very impetus behind Social Security when it was conceived and passed by President Franklin D. Roosevelt and his labor secretary, Frances Perkins, in the mid-1930s. According to a report commissioned by FDR to study the issue of social insurance for the aging, dependency was "enormously expensive not only in the cost of actual assistance," but also in the "loss of self-respect and the constant fear of insecurity."

The passage of Social Security followed a ferment of early-20th-century social movements that lobbied the federal gov-

ernment to provide for aging Americans, the most popular of which was led by a physician from Southern California named Francis Townsend. Spurred by socialist ideals, Townsend envisioned a state-supported division of life into three parts. Americans would receive an education in their youth, after which they would begin working and enter what Townsend deemed the "productive years of life." Finally, no longer able to work, they would arrive at old age, or the "age for leisure." Under his scheme, every old person would receive a monthly payment of \$200—the equivalent of \$5,000 today—all of which he or she would be forced to spend every 30 days to fuel a prosperous economy.

The Townsend Plan, as it was known, gained steam precisely because its champion possessed a vision of old age distinct from the other phases of life *at all*. "Townsend wasn't just promising miserly, means-tested pensions to keep older people out of poverty," Chappel writes. "He was promising a *new way of life* for older people, and he was offering them a chance to participate in the salvation of the American economy." Perhaps most importantly, Townsend was offering it to *all* old people, women and former slaves among them, not just to the working white men who until then had long dominated the conversation on providing for retirement.

The program FDR and Perkins ultimately implemented was a far cry from the generous Townsend Plan, which ultimately foundered when Townsend was forced to admit before Congress that he had invented the revenues that would be generated to cover the scheme. FDR's Social Security was not funded by government general revenue but by a new and separate payroll tax through which people would receive a retirement income in proportion to how much they paid in, translating into smaller payments to the less well-off. The program would be less about articulating a new phase of life for the country's seniors and more about reducing their dependence on their children, who were still contributing to the economy.

Chappel laments how Social Security reinforced the existing hierarchies of the labor market, contrasting it with how the Townsend Plan would have

“used old-age policy to attack and redress some of the most insidious injustices of American society.”

Despite this critique, Chappel is quick to acknowledge that Social Security and its handmaiden Medicare, passed three decades later and for much the same reason—“to save *younger* people from being on the hook for their parents’ expenses,” as he puts it—have done much to reduce poverty, particularly among older Black Americans and seniors with disabilities.

The wave of political energy that spawned these and other federal safety net programs from the 1930s to the ’60s crested in the 1970s and ’80s. Right-wing ideologues like the economist Milton Friedman, the chief architect of the era’s conservative retrenchment, began raising concerns that Social Security would soon run out of money. Other leading conservative figures, magazines, and think tanks jumped on the bandwagon, increasingly calling for market-based solutions and private investment. The drumbeat of negative attention culminated in a lengthy 1974 report in *U.S. News & World Report* entitled “Social Security: Promising Too Much to Too Many?”

The criticism was not entirely misplaced. In 1983, President Ronald Reagan struck a bipartisan compromise to address the program’s insolvency, ultimately raising taxes on younger Americans while cutting their future benefits.

Yet other efforts to improve the lives of the elderly ran aground. A congressman named Claude Pepper sponsored the Medicare Catastrophic Coverage Act, which would have funded long-term care by eliminating the income cap on Medicare taxes. The act, which allowed individuals to pay premiums toward long-term care, initially passed in 1988 but was repealed the next year.

The financial world stepped into the breach left by faltering legislative activity. Financiers looking to capture a potential windfall in retirement funds helped usher in the individual-funded 401ks and IRAs that are meant to compose the bulk of our retirement income today. Friedman’s fervent desire to do away with Social Security and Medicare is hardly a moot ques-

tion and could still come to pass under President Trump despite his protestations. Indeed, the conservative Project 2025 blueprint calls for making Medicare Advantage, which are Medicare-approved plans offered by insurance companies, the “default enrollment option.” This is tantamount to the privatization of Medicare.

Describing how popular culture from the Reagan era reflected the notion that aging Americans were responsible for their own basic well-being, Chappel dedicates an entire rapturous chapter to the cult classic *The Golden Girls*. In an episode called “Rose Fights Back,” he writes, the character played by Betty White is distraught when she realizes that she will no longer receive a small pension from her late husband’s bankrupt business. As a result, she pulls herself up and gets a job as a journalist’s assistant. “Just as the show propagated a widely shared ideal of health as personal responsibility, it did the same for finances,” the author writes, adding that *Golden Girls* rarely depicts an older person’s reliance on the government, “almost as though Social Security doesn’t exist.”

Almost a century after its creation, Social Security has proved remarkably resistant to the slings and arrows. As described earlier, however, its reckoning is fast approaching. *Golden Years* is a clarion call to not just reform the fragile system that supports old age in America but also to augment it to cover the long-term care the country, including my family, so desperately needs.

Yet nearly 300 pages later I was none the wiser on what solutions Chappel proposes to get there. His lens is a progressive one, so maybe an increase in taxes would play a role in funding an improved system, but he fails to mention the easiest fix of all—raising the cap on payroll taxes, currently set at \$176,100. Does he support increasing the full retirement age for Social Secu-

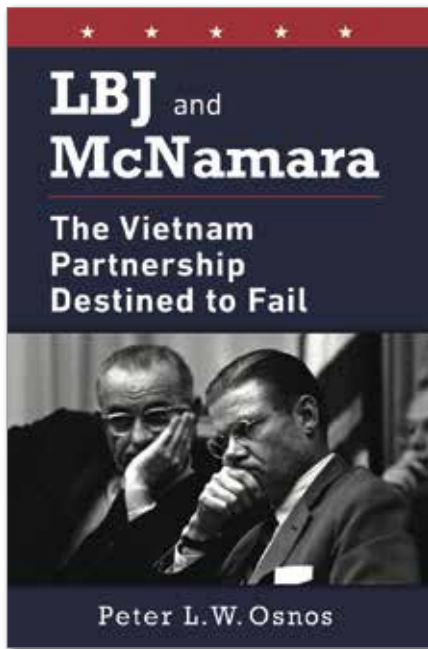
rity from the current 67? I can’t imagine he does, but I would have wanted him to compare and contrast the various proposals being considered. What kinds of taxes would be involved in funding long-term care? How would he propose dealing with a potential public outcry over increased taxes to support the elderly, upon whom a third of the federal budget, or \$2 trillion, is already spent?

Most wealthy countries in Europe and Asia cover assisted living and nursing homes. What does America have instead? Women. It is middle-aged daughters, many of whom are already buried under their own child care responsibilities, who are called on to take over the onerous task of caring for an elderly parent.

As much as I believe that fully funded long-term care for my father is the answer to our own family’s crisis, I do wonder how it would be paid for in hyper-individualistic America. In any event, my father cannot wait for that to happen and is returning to India, where, to my relief, he can afford to pay for a nursing home out of pocket.

Golden Years is unlikely to get a wide reception. Had Chappel ended his encomium to America’s seniors with a set of proposals for addressing the pending Social Security crisis and expanding the framework to include long-term care, this book might have become required reading for policymakers on both sides of the aisle. Nonetheless, it is a welcome primer on the history of American aging for anyone who has a parent or is planning to get old. And yes, that means you. ^{WM}

Anita Jain is the editorial director at the Open Markets Institute. She is an editor, book author, and communications strategist with more than 20 years of experience spanning roles in the nonprofit world and in journalism.



LBJ and McNamara: The Vietnam Partnership Destined to Fail

by Peter L. W. Osnos
Rivertowns Books, 177 pp.

Secretary of Enablement

Robert McNamara's subservience to Lyndon Johnson led America to disaster in Vietnam.

By Jeff Stein

A few months ago I had one of my occasional lunches with a retired former senior CIA officer who spent years in Indochina during the 1960s and '70s. Of course, per usual, we talked about the doleful war in Vietnam.

"It took me only about three weeks there to realize it was a total loser," I offered at one point, and not for the first time. I'd spent a little under a year in Da Nang during 1968–69 running an Army Intelligence spy operation against the communists.

"Took me about three *minutes*," the CIA man replied, with a slight ironic smile. A moment's silence passed. What more was there to say?

It didn't take a genius, in other words, to see that by the time we arrived in Vietnam the U.S. ground war was a horrible, horrible mistake. Our Saigon allies—Catholics in a Buddhist nation—were unreliable and cruel. The South Vietnamese government, including its army and intelligence agencies, was riddled with communist spies. Its troops could buy their way out of the draft. Corruption was endemic, sewn into the fabric of the regime. The muddy banks of the Saigon River were littered with the cardboard shacks of pitiful refugees.

President John F. Kennedy had seen the seeds of defeat early on and developed plans to withdraw some 16,000 American special forces advisers from the benighted country, a move embraced by his youthful defense secretary, Robert McNamara. But McNamara's propensity for loyally echoing the views of his commanders in chief would prove fatal for millions under the slain president's successor, Lyndon B. Johnson, an insecure Texan whose fears of failure in an upcoming election against a war-happy Republican drove him to desperate measures to stave off defeat, only to slide into the vortex of a conflict from which neither man could find a way to escape.

Why? That's the heart of the matter in Peter L. W. Osnos's *LBJ and McNamara*, a slim volume with a knife's edge, even a half century later. Osnos, a distinguished journalist who was a *Washington Post* correspondent in Saigon between 1970 and 1973, was McNamara's editor in his 1995 "explanatory memoir," *In Retrospect: The Tragedy and Lessons of Vietnam*. Here he draws heavily on their recorded editing sessions, during which he struggled to get the famously buttoned-up bureaucrat to come completely clean. Even 20 years after the last U.S. troops escaped South Vietnam as the North Vietnamese Army closed in, it was difficult.

"I want you to know this," McNamara said to Osnos in one of their first conversations. "You don't have to act on it—but I have said if, when I finish this, I don't think it's going to be what I call constructive—which means non-self-serving, non-white-washed, contributing to—I'll call it healing the wounds—I'm going to tear up the contract. I'll pay back the advance and I won't publish."

He was still an emotional wreck. His memoir was "constructive," but not in ways he might have hoped. When the book was published, his mea culpa for pursuing victory in Vietnam while not believing in it drew big headlines, but the reviews were

“scathing,” Osnos notes. *The New York Times* dedicated a prominent, denunciatory editorial to it—and to McNamara personally:

Perhaps the only value of “In Retrospect” is to remind us never to forget that these were men who in the full hubristic glow of their power would not listen to logical warning or ethical appeal ... [McNamara’s] regret cannot be huge enough to balance the books for our dead soldiers ... Surely he must in every quiet and prosperous moment hear the ceaseless whispers of those poor boys in the infantry, dying in the tall grass, platoon by platoon, for no purpose. What he took from them cannot be repaid by prime-time apology and stale tears, three decades later.

The years since have not been any kinder to McNamara’s odious legacy. Osnos’s contribution to the already voluminous literature on Vietnam, despite many wrenching anecdotes of his tortured relationship with LBJ, is not likely to soften the views of those of us who have long despised McNamara’s lethal, self-serving hypocrisy.

This is not to say that there’s little new in *LBJ and McNamara*, which previously appeared in 18 segments on Peter Osnos’s *Platform*, his Substack newsletter. It hardly needs saying that anything that furthers our understanding of the emotional dimensions of our national security leaders as they faced crises, however incremental, is valuable—and, ideally, instructive.

“The hundreds of pages of transcripts, I now realized, were more candid and therefore revealing than what McNamara would allow himself to say in the book,” Osnos writes, noting that the work of many others, in particular Robert Caro’s “monumental biography” of LBJ, “have provided me with the narrative to make the point that the Johnson-McNamara partnership, so crucial to the war, was from the outset destined to end in failure.” His own book, he says, “is an account of how this happened and, to the extent possible, why.”

The stage was set for their fatal partnership at the advent of the Kennedy administration, when the president-elect called McNamara in the early winter of 1960 and asked him to be his defense secretary. McNamara, appointed president of the Ford Motor Company the day Kennedy was elected, protested that he was supremely unqualified. He’d achieved a measure of fame as one of the “whiz kids” who had modernized Ford’s managerial practices after World War II, but his familiarity with the military was limited to his service as a helpmate to General Curtis LeMay’s firebombing campaign on Japanese cities. He was astonished that Kennedy would want him to run the sprawling Defense Department.

“When McNamara told Kennedy that he was not qualified by experience to be secretary of defense, Kennedy replied, who is?” Osnos writes. “There were no schools for defense secretaries, Kennedy observed, and no schools for presidents either.” Decades later, McNamara would expand on his lack of preparation during an editing session with Osnos. “What do I know about the application of force,” he recalled thinking, “and what do I know about the strategy required to defend the West against what was a generally accepted threat ... [and] the force structure necessary to effectively counter the threat?”

The “generally accepted threat” was the Soviet Union and, to a lesser extent, China—big strategic calculations. Communist-backed “wars of national liberation” were still at a manageable boil, it seemed. McNamara’s first shock on that score came in April 1961, during the CIA’s disastrous Bay of Pigs invasion of Cuba, a preposterous project (in retrospect) that Kennedy had inherited from Dwight Eisenhower and rubber-stamped.

McNamara contributed to the disaster himself, he confessed in his 1995 memoir—an admission that would have startled people at the time:

I had entered the Pentagon with a limited grasp of military affairs, and even less grasp of covert operations. This lack of understanding, coupled with my preoccupation with other matters and my deference to the CIA

on what I considered an agency operation, led me to accept the plan uncritically ... The truth is, I did not understand the plan very well and did not know the facts. I had let myself become a passive bystander.

The pattern would continue. A year and a half later, JFK and McNamara found themselves in another crisis in Cuba, when the CIA discovered that Moscow had slipped intermediate-range nuclear-tipped missiles onto the island. The U.S. narrowly averted a nuclear war that its generals—McNamara’s generals—were willing to risk, thanks to the personal backchannel diplomacy of the president and his brother Robert. (In all this, by the way, Johnson, despised by Bobby, wasn’t even a bit player.)

Then came Indochina. Twice burned by terrible advice from the military and the CIA, Kennedy rejected proposals to send American troops into Laos and backed an agreement with the Soviets that made the kingdom officially neutral with a government that divided power among pro-American, pro-communist, and neutral factions. It was a flimsy arrangement, but from Kennedy’s view, it was the best they could come up with to avoid further entanglement.

In any event, they were just making guesses. “As for Vietnam, McNamara said years later, Kennedy and his advisers, for all their pizzazz, were ignorant in almost every way possible about Southeast Asia, its languages, its history, its culture—and moreover, in a global battle with communism, Vietnam ‘was a tiny blip on the radar,’” Osnos writes. Unmentioned: the McCarthyist purge of the State Department’s best China experts.

In the early fall of 1963, Kennedy sent McNamara on an inspection trip to South Vietnam, perhaps thinking he could pull a rabbit out of a hat there, too, but a coalition government was out of the question for the hardcore, Catholic Ngo Dinh Diem family ruling the roost. JFK despaired. “It was Kennedy’s strong opinion that the war was South Vietnam’s to fight and win—and should not be America’s responsibility,” writes Osnos.

JFK made plans to start withdrawing the 16,000 military advisers the U.S. had there, but ended up going along with an ill-advised coup ending in the assassination of Diem and his brother that only accelerated the chaos. Three weeks later, Kennedy was assassinated, too, leaving LBJ and McNamara with a mess that included a thriving insurgency and an ongoing program of clandestine warfare against North Vietnam that would lead to the key turning point in the war, the Tonkin Gulf affair. Based on erroneous reports that Hanoi's torpedo gunboats had conducted an unprovoked attack on a U.S. destroyer off North Vietnam's coast, President Johnson got a resolution from Congress that gave him political cover to dispatch U.S. ground units to the south and American warplanes over the north. Osnos writes, "No one anticipated that the authority approved after a minor incident in offshore waters would morph into a half million American combat troops and a sustained bombing campaign that would go on for years."

LBJ was intent to just stave off a complete collapse during the summer of 1964. Obsessed with winning the election and restoring some self-confidence to himself after years of maltreatment by the Kennedys, especially after the Republicans nominated the ultra-hawk Barry Goldwater, Johnson portrayed himself as an opponent to widening the war, even if he was egging on his advisers to "maintain the status quo for six months"—casualties be damned, it must be said, both Vietnamese and American. Kept secret by McNamara at the time: "There was no consensus among the military or among the president's advisers on what should be done." But he would be the loyal soldier, whatever doubts he and others had about the strategy. Goldwater would be a disaster. He would keep his mouth shut. Osnos writes,

McNamara's definition of his role was never under any circumstances to undermine the people's choice for the nation's highest office, yet another reason that he subsumed his views on the war into Johnson's quest for

a validating election victory in 1964 and beyond.

"I think the American public and cabinet officers and residents don't understand the government," McNamara maintained, in effect rationalizing his reasons for staying on and issuing optimistic statements about the war that he knew were false. There's only one president; everyone else is a hired gun, stripped of agency. "I didn't believe I had independent power," he told his editors. "This is one of the things that affected the way I behaved as Secretary, particularly during Vietnam."

But his painful breaking point with LBJ was coming. On January, 27, 1965, just days after Johnson's inauguration, McNamara's private pessimism was reinforced when the Vietcong "mauled two elite South Vietnamese units in major battles." Combined with other doleful reports from the field, he said, "these events made me conclude, painfully, and reluctantly, that the time had come to change course." He and McGeorge Bundy, the national security adviser,

delivered a memorandum to the president that portrayed the situation in Vietnam in stark terms: a moment of choosing had come, and Johnson had to decide whether to proceed with a direct US military intervention or a withdrawal of American advisors, leading to a negotiated resolution to the conflict. It became known as the "Fork in the Road" memo.

They chose the wrong fork. "While the memo presented withdrawal and negotiations as an option," Osnos writes, "McNamara and Bundy told the president that they favored increasing military engagement." Forceful arguments against escalation were made by other senior advisers, notably Undersecretary of State George Ball, but the hawks carried the day.

McNamara knew it was a mistake—"We were sinking into quicksand," he later said—but he and Johnson managed to maintain a public posture that no dramatic expansion of the war was underway. Lulled by such assurances, Osnos

reports, "a significant majority of Americans supported the war policies, without knowing they were being changed."

McNamara went along with the subterfuge even as the facts on the ground showed that we were losing. He told his editors, "For me to go public and say we weren't winning ... For anybody—if the president went public and said, 'we're not winning,' because it was a fact in the midst of a war, that is a hell of a thing to say."

Indeed, it would have been—but it would also have spared the nation, not to mention the Vietnamese, north and south, an immense tragedy, not to mention bloodletting. Clark Clifford, McNamara's successor as defense secretary, told Osnos and other editors of his own memoir, *Counsel to the President*, that JFK would have cut bait without remorse, because "in judging matters of this kind, [Kennedy] was a real cold fish ... cold, calculating and penetrating." McNamara would have swung to the cold side, too. He would go along with, and even believed in, troop withdrawals as much as troop increases—whatever his commander in chief wanted.

I always suspected that LBJ gave southern Democrats the war so he could secure their votes on his civil rights and poverty initiatives, but Osnos writes that the president was keeping his incremental escalations secret from them, too, because he would have "come under pressure" from them "to go further and faster." In any event, the subterfuge was working to the president's advantage as he managed to win passage of his domestic legislation while fending off demands from hawks to obliterate North Vietnam—or, as Curtis LeMay put it, "bomb them into the Stone Age."

The military situation only got worse. By the end of the year, McNamara told Johnson, for whom he still maintained great empathy, that the chances of "a military solution to the problem is not certain—one out of three or one in two. Ultimately, we must find a ... diplomatic solution."

The North Vietnamese, alas, were not interested in any deal short of Saigon's capitulation.

And so LBJ and McNamara plowed on, optimistic in public, doubtful in private, through 1965 and 1966 and beyond, amping up troop levels and bombing raids, with a few fruitless halts in the bombing of Hanoi in between. Antiwar resistance spread at home, not just on campuses but also in the streets and among the children of administration officials. A young Quaker named Norman Morrison self-immolated under McNamara's Pentagon window; it deeply upset him—but not enough to break with his president. Adding to his eternal disgrace, the defense secretary initiated Project 100,000, which lowered mental and medical standards for enlistees to help fill the cannon fodder pipeline to “the Big Muddy.”

The big crackup had begun. With 35,000 American troops dead, multiples of that wounded, and mounting civilian casualties on the nightly news, fights broke out at Georgetown dinner parties. Children of administration officials rebelled. LBJ had a hard time sleeping. Lady Bird Johnson fretted about “the emotional toll” of the war on her husband. A fraying McNamara, LBJ knew, was done. In late 1967, Johnson arranged a soft landing for his loyal lieutenant at the World Bank. “The word in Washington was that McNamara was at his wits’ end, near a breakdown,” Osnos writes. “When he was emotionally overcome at his retirement ceremony and unable to speak, that perception was widely accepted.”

How did it come to this? The resilience of the communists, combined with the virtually complete ignorance of Washington about the enemy, ultimately proved lethal. Or as Osnos writes, “The Pentagon Papers would show that any grasp of Vietnamese history and culture by the leading U.S. decision makers was too superficial to be useful in deliberations and decisions.”

One could leave it at that. But in *LBJ and McNamara*, Osnos nails it: “The Vietnam partnership destined to fail was a mismatch of personalities—earnestness to a fault for McNamara and a brew of insecurities and political calculations for Johnson.”

Then there are the roads not taken. Osnos writes,

If John F. Kennedy had not been assassinated on November 22, 1963, and if Robert McNamara had been a man who was as politically astute as he was believed to be accomplished as a manager, and if Lyndon Johnson had been less captive of insecurities eroding his judgment and spirit, then the misbegotten escalation in Vietnam might well have been avoided.

LBJ could have—should have—taken the opportunity to change course when he decided not to run for reelection in March 1968, McNamara confessed to Osnos decades later. “Why didn’t he, when he decided not to run, shift [policy]. Damned if I know. Except that he was the kind of person that never wanted to say he was wrong.” The same might be said of McNamara, whose critics (including his close friend Jackie Kennedy) had long implored him to break with LBJ.

In *The Fog of War: Eleven Lessons from the Life of Robert S. McNamara*, Errol Morris’s groundbreaking 2003 documentary, the defeated former defense secretary gave voice to the question

that has tormented many a presidential adviser since the beginning of the Republic—and most recently during the disastrous wars into which the U.S. has plunged over the past 20 years in Iraq and Afghanistan: “It is a profound, enduring, and universal ethical and moral dilemma: how, in times of war and crisis, can senior government officials be completely frank to their own people without giving aid and comfort to the enemy?”

Osnos notes that McNamara didn’t answer the question. He might have looked to George Ball, who resigned his post in 1966 after being smacked down by McNamara and others over his

vehement disagreement with the administration’s Vietnam policy. In any event, few officials since have publicly expressed regret over failing to speak up forcefully against military adventures they considered wrongheaded or reckless. Secretary of State Cyrus Vance is the singular exception in modern times, resigning in 1980 over the Carter administration’s operation to rescue American hostages in Iran (albeit after it was launched).

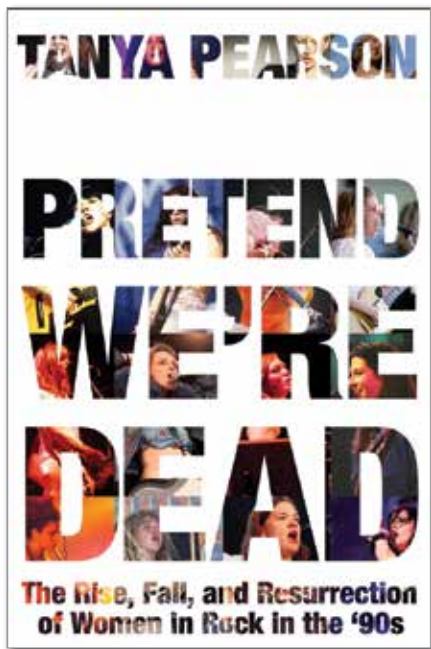
In his 2019 memoir, the current CIA director, Bill Burns, expressed deep regret over not having objected more forcefully to the impending invasion of Iraq by the George W. Bush administration when he was a senior State Department official. All that he and other dissenters did was write a memo of concern to the

McNamara’s propensity for loyally echoing the views of his commanders in chief would prove fatal for millions under LBJ, an insecure Texan whose fears of defeat against a war-happy Republican drove him into the vortex of a conflict from which neither man could escape.

White House. “Years later,” Burns wrote in *The Back Channel: A Memoir of American Diplomacy and the Case for its Renewal*, “that remains my biggest regret.”

The drawing rooms of Georgetown today are filled with the old ghosts of Vietnam regrets and new ones over lessons unlearned. Few of us can escape them. **WM**

Jeff Stein, a onetime case officer with U.S. Army Intelligence in South Vietnam, is a longtime Washington, D.C.-based national security reporter and the author of *A Murder in Wartime: The Untold Spy Story That Changed the Course of the Vietnam War*. In 2020, he founded *SpyTalk: Intelligence for Thinking People*, a Substack newsletter and podcast.



**Pretend We're Dead:
The Rise, Fall and Resurrection
of Women in Rock in the '90s**

by Tanya Pearson
Hachette Books, 256 pp

Grunge Grrrls

A look back at the audacious, rule-breaking women of '90s alt-rock and the forces that erased their moment of glory.

By Clara Bingham

The year 1992 will always stand out in my mind as the “Year of the Woman.” At the time, I was a reporter at *Newsweek* based in Washington, D.C., covering the presidential election, and politics was my world. It was the election that followed the cataclysmic Anita Hill/Clarence Thomas Supreme Court hearings, in which Hill, facing a panel of all white, all male members of the Senate Judiciary Committee, was humiliated and dismissed as she told the story of her former boss’s sexual harassment. We all know what happened next. Thomas was approved for the Supreme Court, and women voters rose up in outrage over the spectacle of the gender imbalance in the Senate and elected a slew of new women representatives to Congress. The national consciousness raised that year made way for what is now considered third-wave feminism.

But what I was completely oblivious to from my perch inside the Beltway was the cultural reverberations of that signature year. Not only were rebellious women storming the Capitol and demanding the passage of legislation like the Violence Against Women Act, they were also dominating stages in clubs, taking over the airwaves on independent radio stations, and signing up with record labels. Washington State, represented by “Mom in tennis shoes” Senator Patty Murray, also happened to be home to a new underground feminist punk rock–grunge movement called “riot grrrl.” If 1992 was the political Year of the Woman, 1993 to 1995 were the Years of the Woman in the alternative-rock music scene, when, as the historian Tanya Pearson writes, “a tsunami of rock women released albums on major labels, to critical acclaim.”

In her captivating oral history of this feminist rock phenomenon, *Pretend We're Dead*, Pearson resurrects the decade when audacious, angry, outrageous rockers like Courtney Love, Donita Sparks, Shirley Manson, Liz Phair, Nina and Kim Gordon, and others dominated the music scene. It was a glorious heyday for feminist musicians, a time when they were embraced by the mainstream music-industrial complex. But this embrace came to an end after the Twin Towers came crashing down on September 11, 2001, when American culture abruptly reverted to a conservative patriarchal war mode that ignited an anti-feminist backlash. As the war on terrorism consumed the country in the 2000s, tolerance for norm-smashing, guitar-bashing, women rockers evaporated almost overnight.

Pearson lived through this decade as a teenage die-hard fan, but when she set about writing a research project in 2014 about women rock bands in the 1990s at Smith College, she discovered that there was very little archival record from which to draw. Thankfully, she had the foresight to start the Women of Rock Oral History Project at Smith, in which, over a decade, she and others have captured interviews with 40 of these iconic artists, whose musical contributions will no longer be lost to history. The fruit of Pearson’s labor, *Pretend We're Dead*, harnesses the vivid voices of women on stages and in recording studios to tell the story of this important decade in American cultural history. It is also a nostalgic reminder of a simpler time, before TikTok and Spotify, when music was recorded on vinyl by multiple independent labels, and small college radio stations were king (and queen) makers.

In September 1991, grunge music captured the mainstream with the release of Nirvana's hit single "Smells Like Teen Spirit." Pearson heralds Nirvana's lead singer, Kurt Cobain (who died in 1994), as a feminist whose "moral fortitude brought out the best in everyone, but it certainly brought out the best in men." Women musicians benefited from Cobain's leadership, and grunge music itself was strongly antisexist, antiracist, and anti-misogynist. Pearson was in high school in 1991, and observed that Cobain's ethos influenced his fans. "Even the douchebag boys in my school became more feminist. Their musical tastes expanded, they thought women were cool, and they disavowed misogyny."

As Nirvana conquered the charts, Cobain's soon-to-be-wife Courtney Love's band Hole also gained traction. Cobain and Love's youth, beauty, and fuck-you attitude made them the glamorous "it" couple—the John and Yoko, or Beyoncé and Jay-Z—of the early '90s. Love was all headache to Cobain's heartthrob. "She didn't attempt to pacify the general public or patriarchal notions of feminine propriety," writes Pearson. "She twisted gender norms, punched people, aggressively pursued fame (and men), thrust her leg on a monitor, and screamed. Love upturned the agreed-upon notion of how popular female icons should behave."

Courtney Love's unleashed id and her brazen aggression stood in stark contrast to traditionally feminine rock stars like Stevie Nicks, Cher, or Olivia Newton-John. And Love was far from alone. Take, for example, Donita Sparks, the lead guitarist and vocalist for L7. "We dressed very grungy, our hair was matted, dirty, dreaded, and clumped, and our clothes were torn," says Sparks about her band. "None of us knew how to sew, and we would duct-tape our pants closed ... I'm the one who threw the tampon, our audiences were literally riots—stage-diving mayhem." *Spin* magazine featured the band on its July 1993 cover with the title "The Magnificent 7," describing them as "four of the funniest, meanest, strongest, coolest, most pissed-off women I know."

The media struggled with categorizing this genre of bands, because each one

was so different. "L7 played metal riffs and were dirty, androgynous, and absurd," writes Pearson. "Shirley Manson was direct, outspoken, and led Garbage, an all-male backing band that infused rock, pop, and industrial elements; Liz Phair was a hyperfeminine, overtly sexual singer-songwriter and sang about blow jobs and fucking and running."

When the Madison, Wisconsin-based band Garbage toured in the early '90s, and their songs started to get picked up by radio stations, things progressed quickly. As lead singer Shirley Manson describes it,

It was like wildfire. It just ignited. And then before we knew it ... record labels were falling over themselves to come and sign us ... The thing that I don't think people quite understand about that trajectory for us was, that whole period in the '90s was the first time alternative music (i.e., anyone who was nonconformist) suddenly became the popular kid. Suddenly, we were overtaking everything. If you weren't alternative, you weren't getting played on MTV, you weren't getting played on the radio, you weren't getting on the front covers of music magazines. So it was a surprise for everyone.

Bands like Veruca Salt, Hole, the Breeders, Babes in Toyland, Bikini Kill, Jack Off Jill, L7, Luscious Jackson, and Garbage dominated magazine covers, music videos, concert halls, and the airwaves by the mid- to late 1990s.

This was the first time since the 1960s hippie counterculture—when women musicians like Joni Mitchell, Carly Simon, and Joan Baez reigned—that "nonconformist, antiestablishment women got a mainstream platform," Pearson explains. And like their '60s predecessors, who devoted their lyrics and performance to social justice issues like protesting the Vietnam War, the female grunge bands also took public political stands. When arsonists began terrorizing abortion clinics and David Gunn became the first obstetrician to be killed for terminating a pregnancy, L7 started a series of high-profile Rock for Choice benefit con-

certs, which took place from 1991 to 2001. Other bands took a stand against rape and domestic violence. The Seattle band 7 Year Bitch "were masterful social commentators fusing blunt punk and metal riffs. The band released their first full-length album, *Sick 'Em*, in 1992, featuring the classic 'Dead Men Don't Rape,'" Pearson writes.

The beginning of the end started when Bill Clinton signed the Telecommunications Act of 1996, which deregulated the broadcast industry and allowed large corporations to gobble up small radio stations. For example, in 1995, Clear Channel owned 39 radio stations, and five years later the radio behemoth had acquired 1,100 stations. Unsurprisingly, corporate conglomeration proved to be the death knell of musical diversity. College radio stations, Pearson explains, which used to be the best vehicle for promoting underground bands, were all but eliminated because of consolidation. Then the internet, in its nascent stages in the mid-'90s, would eventually finish off what the corporate radio conglomerates started.

As radio stations consolidated, so did record companies. Small independent labels became scarce by the turn of the century. "Capitol Records had gone through personnel change, and the people who had championed us throughout the years left or were fired," recalls Kate Schellenbach of Luscious Jackson. "They were left with us and didn't quite know how to market us ... All the radio stations were like, 'Well, we're already playing Garbage, so we can't play Luscious Jackson.' It was that kind of thing. 'We already have our lady group.'"

Pearson and the women she interviewed also point to the disastrous Woodstock '99 three-day concert, held on the 30th anniversary of the original music festival, as a bellwether that signaled the backlash against feminist alt-rock. The festival, which only featured three women-fronted bands—one per day—turned violent. "The legacy of the festival remains one of disaster, corporate greed, middle-class white misogyny, sexual assault, bonfires, looting, rioting, and riv-

ers of human excrement,” writes Pearson. The small radio stations that played women alternative rock in the mid-’90s “all went away pretty quickly by the time that fucking Woodstock ’99 thing happened,” Schellenbach says. After Sheryl Crow played at the festival, she reported back, “This was horrible. Women were literally getting groped and fucked in the mud pits. It was just awful.” Schellenbach says, “We all had a sense that ‘this is not good.’”

Then came 9/11, and the music scene went the way of the nation, which returned to the perceived safety of patriarchal patriotism. Susan Faludi, in her second book about an anti-feminist backlash, *The Terror Dream: Myth and Misogyny in an Insecure America*, carefully documents how the war on terror contributed to the end of third-wave feminism. “In the aftermath of September 11, you didn’t have to be a feminist to feel

the purge,” Faludi writes. “Soon after the World Trade Center vaporized into two biblical plumes of smoke, another vanishing act occurred on television sets and newspaper pages across the country. Women began disappearing.”

Pearson fills in what Faludi left out of her book by showing how the music industry followed the same post-9/11 playbook as the rest of the culture. “After September 11, they stopped playing nonconformist women on the radio,” says Shirley Manson of Garbage. “I mean, that’s just a blanket rule of thumb.” Garbage, which sold 4 million copies of their first record in 1995 and their second in 1998, planned to release their third album, *Beautiful Garbage*, on the ill-fated day of September 13, 2001. Needless to say, the album was a commercial flop. “The conservative political climate that arose after 9/11 killed us as a pop band for sure,” Manson says.

Soon enough, most of the other alt-rock feminist bands met the same fate as Garbage. “Boy bands, female pop stars, nu metal figureheads like Slipknot, Korn, and Staind, and some members of the old guard—namely Aerosmith and U2—graced the covers of *Rolling Stone* through the early 2000s, but nonconformist women disappeared,” writes Pearson. “It was like the feminist, alternative rock wave never happened.” Thanks to Pearson’s essential book, their glory days will no longer be forgotten. But this book does raise the question: Who will the cultural victims of the new Trump era be? **WM**

Clara Bingham is a journalist, author, former *Newsweek* White House correspondent, and *Washington Monthly* advisory board member. Her latest book is *The Movement: How Women’s Liberation Transformed America 1963–1973*.



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Hillbilly Legacy

The blood-soaked history of Scotch-Irish settlers on the early American frontier—and its echoes in today's politics.

By Sara Bhatia

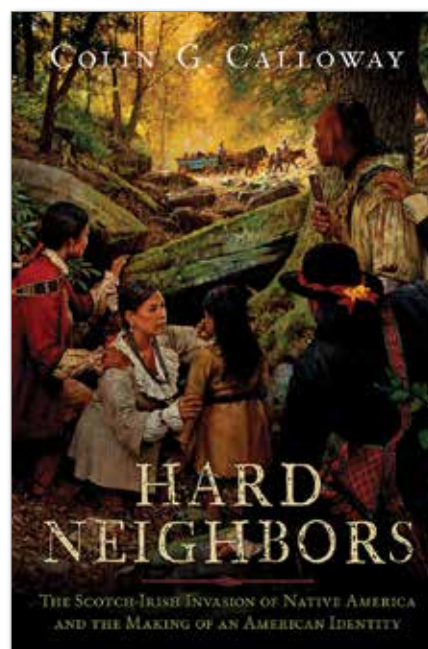
In December 1763, the “Paxton Boys,” a vigilante group of white settlers on the Pennsylvania frontier, killed and scalped six Conestoga Indians living under the colonial government’s protection on a contested tract of land. Two weeks later, the vigilantes rode into neighboring Lancaster and shot, scalped, and dismembered 14 more Conestoga—three elderly men, three women, and eight children—living in a provincial workhouse under the auspices of the local government. The men celebrated in town, “hooping and hallowing” and firing their guns. There were dozens of witnesses, but no one interfered; one resident opined that “too many approved of the massacre.” In February, 200 Paxton Boys and their allies marched to Philadelphia, a three-day journey, to protest the colonial government’s failure to defend *them* against Indian attacks, rebuking the governor, “You peacefully drink your tea and coffee etc., live care-free, and we have to stand constantly at the ready on the borders expecting to be destroyed by Indians.”

Colin G. Calloway, a history professor at Dartmouth, has written extensively about the tangled relations between Native Americans and European colonists. In his aptly titled *Hard Neighbors*, Calloway turns his gaze toward the violent, contested borderlands of the early American frontier and, in particular, the Native people’s primary antagonists, the Scotch-Irish, “a population of white frontiersmen who cut a bloody swath through Indian country and were often the cutting edge of the colonial dispossession of Native people.” The Paxton Boys, Calloway writes, saw themselves as “the front line of frontier defense and the last line of frontier justice.” The so-called Paxton riots were not merely violent retribution toward Native Americans but also a protest against provincial elites in Philadelphia, and against the imperial government, which they believed pandered to their adversaries, even as it failed to protect settlers from Indian attacks.

At its core, *Hard Neighbors* is a story about a collision of cultures, and a government’s failure to defend its citizenry. Calloway explores the ways in which border conflicts not only forged American history but also shaped the Scotch-Irish themselves, whose cultural and political influence continues to this day.

Hard Neighbors depicts a harsh and gruesome history, mythologized in popular culture and broadly familiar to even casual armchair historians: tribal abductions of white women; the burning of Indian villages in retribution; the torching of settlers’ crops; the scalping and dismemberment of victims for bounties; and the signing and then betrayal of peace treaties. Calloway fills in these broad outlines with deeply researched histories, offering a densely detailed chronology of violent encounters and shifting alliances, set against a backdrop of clashing colonial empires and the territorial sprawl of a young nation.

At the center of the conflict were the Scotch-Irish, Presbyterians of meager means who emigrated to America in the 18th century, lured by the promise of free land. Colonial governments throughout North America sought out immigrants—notably Germans, as well as the more numerous and bellicose Scotch-Irish—explicitly intend-



Hard Neighbors: The Scotch-Irish Invasion of Native America and the Making of an American Identity

by Colin G. Calloway
Oxford University Press, 528 pp.

ed to settle along their colonies' loosely defined western borders, thereby creating a buffer zone between Indian tribes and the settled interior and coastal towns. The Scotch-Irish were thought to be particularly desirable as border settlers, since their Scottish forefathers had a history of acting as buffers—they themselves had been lured to Ireland in the 17th century by Queen Elizabeth I and King James I, in an attempt to quell the Catholic “barbaric Irish.”

Some colonies offered generous enticements. South Carolina, for example, offered free passage, 50 acres of land, tools, temporary tax exemptions, and a year's provisions. The campaign was remarkably successful—by the eve of the American Revolution, Scotch-Irish colonists

gretted, “troublesome to the government and hard neighbors to the Indians.”

Nor were they particularly good settlers—the Scotch-Irish proved itinerant, journeying along river valleys and reversing course when they encountered Indigenous resistance. Many arrived in the backcountry so impoverished that they had no resources to invest in housing, tools, seed, or livestock.

In the first decades of the 18th century, Native Americans and Scotch-Irish interests often converged and the communities coexisted, trading, working side by side, and intermarrying. The Scotch-Irish learned Indian methods of hunting and agriculture, and paddled canoes. Some adopted Native dress and lived in crude bark or log houses.

Eastern elites looked down on the Scotch-Irish, viewing them as excessively assimilated with their Native neighbors, and routinely decried them as “white Natives.” George Washington, who earned his military bona fides on the frontier, described the Scotch-Irish as “a Parcel of Barbarians and an Uncouth Set of People.” Provincial Secretary Richard Peters mused that the frontier might be more safely inhabited by the colony's

Iroquois allies than by “the lower sort of People who are exceedingly loose and ungovernable.”

Proximity led to alliances and cooperation, but also conflict, particularly over land. Calloway notes, “Borderlands and frontiers may be zones of flux where identities become blurred, but they can also be places where identities form and harden.” The Scotch-Irish were expected to serve as “expendable defensive barriers,” protecting eastern elites and settled farming and coastal communities from Indian attacks and, over time, from French Catholics and slave rebellions.

This settler colonialism served the distant agendas of eastern elites and the British monarchy, rather than the im-

mediate interests of Scotch-Irish communities. Frontiersmen were expected to serve in militias to fight in Indian wars but frequently deserted, fearful of leaving their homes and families unprotected. Governments, Calloway notes wryly, “outsourced the dirty work of empire building” to the Scotch-Irish.

Global forces far beyond the frontier brought Native American and settler relations to the boiling point. The clash between the French and British colonial powers that ignited the French and Indian War (1754–63) began on the North American frontier. Indian tribes allied with the French raided British settlements, burning houses, torturing settlers, and kidnapping women and children. By 1756, Indian raiders had killed more than 1,000 colonial soldiers and frontiersmen, and settlers had fled nearly 30,000 square miles of territory.

Backcountry settlers like the Paxton Boys fought back, sometimes adopting Native styles of warfare, including scalping and the use of tomahawks. Outflanked, settlers begged for assistance, sending petitions to their governors asking for arms and ammunition. Settlers in Pennsylvania described their situation as “Lamentably Dangerous.” They feared for their lives, “being in such imminent Peril of being inhumanely Butchered by our Savage neighbours.” When the Quaker legislature responded that the Scotch-Irish must defend themselves, 100 settlers, “naked and defenceless,” petitioned the king, to no avail. Instead, the governor placed bounties on Indian scalps as a way to encourage disheartened settlers to remain in the backcountry and fight, rather than flee the contested territory. A group of frontiersmen drove a wagonload of frozen corpses—among the 47 settlers slaughtered by Delaware warriors—and laid them before the statehouse in protest. Calloway explains, “They saw themselves as a beleaguered people left to fight for themselves by a distant government.”

For the Scotch-Irish, who served as the tip of the spear, the French and Indian War was a formative experience. Years of coexistence with local tribes, dotted with periodic conflict, were replaced by an era of unrelenting violence and a

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had created 500 settlements tracing the Appalachian Mountains, extending 1,500 miles from Maine to Georgia.

Contrary to governmental promises, much of the frontier was not “free” but contested, and new arrivals squatted on property claimed by others, ignoring legal claims and surveyors' studies, and antagonizing local Indian tribes. James Logan, a colonial official in Pennsylvania, came to rue his role in encouraging Scotch-Irish settlement on the frontier, writing in 1731, “Great Numbers of wilful people from the North of Ireland [have] over-run all the back parts of the Province as far as the Susquehannah and are now to the further disaffection of the Indians, passing over it.” They were, he re-

hostility toward Native Americans. The shared atrocities of warfare and fear of Indian attacks bonded communities, created tight kinship networks, and built a folk culture in which they viewed themselves as both victims and heroes. After a decade bearing the military burden on the western frontier with little support from colony or king, the Scotch-Irish settlers developed a suspicion of authority and outsiders, antipathy toward government, and enthusiasm for the mounting demands for independence.

In the early years of the new republic, Federalist administrations endeavored to restore peace on the frontier, penning treaties to establish relations with Native nations, and planning for an orderly, titled national expansion. But for the Scotch-Irish, who had spent decades embroiled in violent conflict, the political exigencies of the French and Indian and Revolutionary Wars had hardened into a culture of hatred for Indians and a squatters' sense of frontier justice and entitlement to Native lands. Calloway writes, "The language of savagism that angry Scotch-Irish on the mid-Atlantic frontier had employed in the midst of a brutal war became part of the everyday talk of white Americans, justifying dispossession."

Scotch-Irish hostility toward elites and authority persisted, exemplified in the Whiskey Rebellion, a series of skirmishes in response to an excise tax intended to help pay for Revolutionary War debts. Along the frontier, where whisky was the most important item of trade, the tax infuriated backcountry settlers as both an attack on their income and a reminder of the government's ongoing failure to protect them against the Indians. In 1794, 31 years after the Paxton Boys had marched on Philadelphia, 7,000 settlers from throughout Appalachia marched on Pittsburgh, threatening to burn the city occupied by cultural elites, wealthy merchants, and land speculators. In a massive show of force, President George Washington sent an army of 13,000 militia to quell the rebellion.

By the early 19th century, the descendants of the Scotch-Irish had found a political and cultural home with the Jeffersonian Republicans and, later,

Jacksonian Democrats, who embraced settlers' role as active participants in national expansion and land appropriation, and hostility toward Native tribes.

Hard Neighbors is a scholarly book, well researched, deeply documented, and set in the colonial and early American past. The author's explicit aim—which he achieves admirably—is to detail the complexity of relations between Native Americans and the Scotch-Irish, and break down monolithic notions of "white colonists" and "European settlers." Calloway makes only the most glancing allusions to current events. And yet, in the shadow of the 2024 election, it's hard not to hear echoes of present-day politics. And for amateur readers of history, probing this sort of connective tissue can prove deeply satisfying.

Calloway's Scotch-Irish settlers are the literal forefathers of J. D. Vance's Appalachian hillbillies, eulogized in his best-selling memoir. When Calloway describes the personal characteristics of the Scotch-Irish, borne from years of hard frontier living under threat of Indian attack and abandoned by the provincial government, they sound curiously like the cultural strain of MAGA: "a reputation for fierce independence, clannishness, a touchy sense of honor, eye-for-an-eye standards of justice, defiance of authority, dislike of elitism, a populist version of democracy, a strong military tradition, and general combativeness."

The vigilante Paxton Boys bear more than a passing resemblance to today's Proud Boys, and the events of January 6 recall settlers' own theatrical demands for provincial support and defense on the grounds of the Pennsylvania capitol. When the Scotch-Irish expressed terror in the light of gruesome Indian attacks and resentment over contested hunting and farmlands, it is easy to hear echoes of Americans today along the U.S.-

Mexico border, begging for government aid in enforcing safety, providing essential public services, and supporting economic well-being. Indeed, Governor Greg Abbott's deportation of 100,000 migrants from Texan border towns to northern sanctuary cities mirrors settlers' angry refusals to serve as their government's "tip of the spear."

It's not a perfect analogy, of course—today the much-maligned "incursion" is by Latin Americans and other immigrants of color, while in the nation's

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formative years, white European settlers were the immigrants, invading Native lands. And while Donald Trump has made the invidious criminality of immigrants central to his political identity (even as data on crimes committed by immigrant groups belies the argument), it is a poor parallel for the colonial and early American frontier, where white settlers faced genuine peril from Indian tribes. But while the actual threats may not be equivalent, the rhetoric surrounding the existential threat of the "other" is remarkably similar. Calloway's history serves as a cautionary tale of how fractious relations with other ethnic and racial groups—especially on the border—can boomerang with resentments toward the government for failing to protect its citizens. *WM*

Sara Bhatia is an independent museum consultant who writes about museums, history, and culture.

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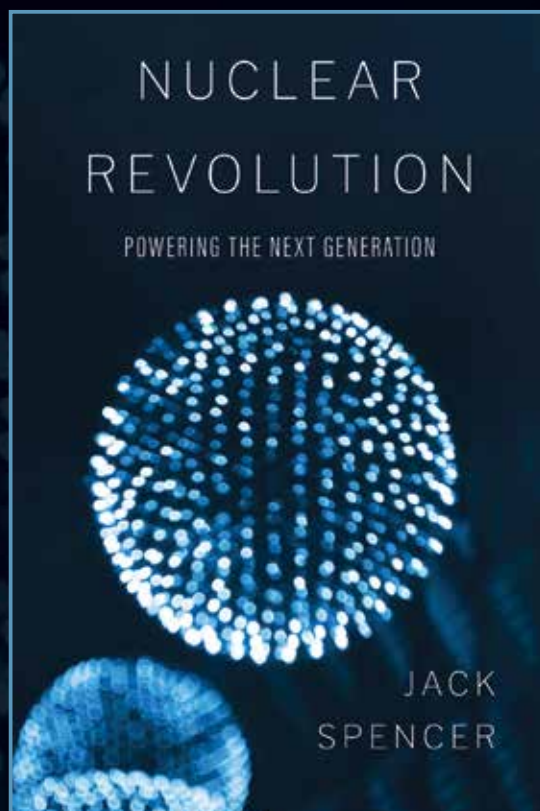
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