

REGIONAL
ETHICS BOWL
CASES

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1. Some Lives are More Equal than Others

As the verdict was being read finding Derek Chauvin guilty of murdering George Floyd, the news broke that police in Columbus, Ohio had shot and killed a Black teen named Ma'Khia Bryant. Earlier this year, Minneapolis police shot and killed Daunte Wright and North Carolina police shot and killed Andrew Brown Jr., both Black men. The circumstances of each of these shootings were different. Bryant was lunging at two people with a knife when she was shot; Wright was shot during a traffic stop by an officer who apparently drew her gun instead of her taser by mistake; Brown was shot in the head while trying to drive away from officers attempting to arrest him. But all of these incidents raise the same issues: why do police so often fail to deescalate these types of situations, especially when Black people are involved? Why are police so quick to use deadly force when other options are available to them? What can be done to stop these tragedies from happening with such alarming frequency?¹

Black Lives Matter (BLM)—an organization dedicated to ending police violence against Black communities—proposes, among other initiatives, that police forces should be fully defunded in favor of an entirely new approach to public safety. They do not believe that true reform is possible, explaining that “The police were born out of slave patrols. We cannot reform an institution built upon white supremacy. We need a new, radical approach to public safety and community investment.”² But many involved in the broader BLM movement have clarified that they do not advocate for completely abolishing the police, rather “the movement seeks to demilitarize police departments and reallocate funding to trained mental health workers and social workers to reduce unnecessary violent encounters between police and citizens.”

Under this model, police interaction in communities would be a last resort, much less frequently deployed, and the circumstances under which force could be used would be much more circumscribed and subject to much better training.³ Furthermore, the model would encourage community policing, which aims to hire police from the neighborhoods they patrol and favors hiring officers whose race and lived experiences better reflect those neighborhoods. Lastly, many within the BLM movement advocate for decriminalizing numerous victimless “crimes” such as homelessness and drug use, as well as ending police stops for traffic infractions and other

¹ Peniel Joseph, “Ma'Khia Bryant's death on the day Chauvin was found guilty is a reminder that we have a long way to go,” CNN Opinion, April 21, 2021, <https://www.cnn.com/2021/04/21/opinions/makhia-bryant-and-chauvin-verdict-a-reminder-joseph/index.html>; Ryan W. Miller, “Andrew Brown Jr.'s death ruled homicide, shot in head, North Carolina state autopsy report says,” USA Today, June 10, 2021, <https://www.usatoday.com/story/news/nation/2021/06/10/andrew-brown-jr-shot-head-north-carolina-autopsy-report-says/7637739002/>; “Daunte Wright shooting: Officer ‘mistook gun for Taser’” BBC News, April 13, 2021, <https://www.bbc.com/news/world-us-canada-56724798>

² Black Lives Matter, BLM Demands, last accessed July 20, 2021, https://blacklivesmatter.com/blm-demands/?_cf_chl_jschl_tk=_pmd_b502e7fad4088e19a72fae95b5b6f5ff998abd4-1626755026-0-gqNtZGzNAiKjcnBszQiO; see also Sean Illing, “The ‘abolish the police’ movement, explained by 7 scholars and activists,” Vox, June 12, 2020, <https://www.vox.com/policy-and-politics/2020/6/12/21283813/george-floyd-blm-abolish-the-police-8cantwait-minneapolis>

³ Howard Henderson & Ben Yisrael, “7 Myths about ‘defunding the police’ debunked,” Brookings, May 19, 2021, <https://www.brookings.edu/blog/how-we-rise/2021/05/19/7-myths-about-defunding-the-police-debunked/>

non-criminal or nuisance-based conduct in favor of moving such functions to specially trained social services units.

If such a system had been in place, Bryant, Wright, and Brown may not have interacted with the police at all and would not have died at their hands. Indeed, mental health professionals are able to use nonviolent de-escalation techniques to prevent interactions like the one that led to Bryant's death from becoming violent or fatal.⁴ And in the context of someone accused of a nonviolent crime trying to resist arrest or flee from the police, the police could simply allow them to do so instead of using force to subdue them--a situation that all too often leads to completely unnecessary violence and death.⁵

But according to others, "Defunding or abolishing the police—as BLM and others have called for—is a utopian fantasy."⁶ As one commentator explains, BLM's "rhetoric . . . sounds amazing to liberal elites who live in gated communities and luxury high-rises—but is far less appealing to Black people who live in crime-ridden communities."⁷ Indeed, because many marginalized people live in high-crime areas, many of them *want* a police presence despite concerns about police brutality because a police presence is an effective way to reduce crime.⁸ Some point to the "broken windows" theory of policing as the reason why New York City was able to transition from a city renowned as one of the highest crime areas in the country to one of the safest major metropolitan areas within just a few years.⁹ More Black lives are lost at the hands of violent criminals than at the hands of police; more Black people are protected by police than have been hurt by police.¹⁰ From this perspective, "The police abolition movement ought to be condemned because its adherents [have] traded the actual needs of real marginalized people for an unachievable and purely theoretical ideal."¹¹

Even critics of BLM acknowledge that some Black people have been unjustly killed by police, but they see the issue as blown out of proportion. They also note that in many of these scenarios, the police were acting quickly under pressure and just doing what they had been trained to do. For example, as one commentator noted, "We can mourn the tragedy of Bryant's death without maligning a cop who had seconds to react and may have prevented the death of another Black

⁴ Merushka Bisetty, "Ma'Khia Bryant didn't have to die. A technique called deescalation could have saved her," Vox, April 29, 2021, <https://www.vox.com/first-person/22409527/makhia-bryant-deescalation>

⁵ Paul Butler, "Opinion: Police have a dangerous 'dead or alive' mentality. Andrew Brown Jr. is dead because of it." The Washington Post, May 21, 2021, https://www.washingtonpost.com/opinions/2021/05/21/andrew-brown-jr-police-dead-or-alive-mentality/?utm_campaign=wp_week_in_ideas&utm_medium=email&utm_source=newsletter&wpisrc=nl_ideas

⁶ Rachel Ferguson, "The Real Critique of Black Lives Matter," Discourse Magazine, February 22, 2021, <https://www.discoursemagazine.com/culture-and-society/2021/02/22/the-real-critique-of-black-lives-matter/>

⁷ Rob Smith, "Black Lives Matter doesn't really care about Black lives lost unless group can blame police," Fox News, September 9, 2020, <https://www.foxnews.com/opinion/black-lives-matter-protests-rob-smith>

⁸ Ferguson, *supra*.

⁹ Vedantam, Shankar, Chris Benderev, Tara Boyle, Renee Klahr, Maggie Penman, and Jennifer Schmidt, "How A Theory Of Crime And Policing Was Born, And Went Terribly Wrong," NPR, November 1, 2016, <https://www.npr.org/2016/11/01/500104506/broken-windows-policing-and-the-origins-of-stop-and-frisk-and-how-it-went-wrong>

¹⁰ Smith, *supra*.

¹¹ Ferguson, *supra*.

teen. If we're going to punish cops for preventing a potentially fatal attack—a scenario in which deadly force has always been accepted—we should inform them that we've altered our standards."¹² Similarly, the District Attorney addressing the Brown case concluded that, "Mr. Brown's death, while tragic, was justified because Mr. Brown's actions caused three deputies to reasonably believe it was necessary to use deadly force to protect themselves and others."¹³ And as for Wright's death, the chief of police characterized the shooting as simply a horrible accident resulting from the officer mistaking her gun for her taser.¹⁴

¹² Conor Friedersdorf, "The Numbers Tell a Different Story About Police Killings of Minors," *The Atlantic*, May 2, 2021, <https://www.theatlantic.com/ideas/archive/2021/05/what-americans-should-know-about-police-killings-minors/618759/>

¹³ Eric Levenson, Melissa Alonso, Amir Vera, "Three Deputies who fired shots at Andrew Brown Jr. will be reinstated and retrained, sheriff says," *CNN*, May 19, 2021, <https://www.cnn.com/2021/05/18/us/andrew-brown-jr-press-conference/index.html>

¹⁴ BBC News, *supra*.

2. Talk Until You're Blue in the Face

Unlimited debate is a U.S. Senate tradition. But this tradition has also allowed senators to use the filibuster—the tactic of prolonging debate on a matter for the purpose of delaying or preventing a vote. Although filibustering has been employed in the Senate since its very first session, there was no way to force a vote until the “cloture” rule was adopted in 1917. This rule allowed a two-thirds majority of senators to vote to end the filibuster and force a vote on the proposal at issue. In 1975, the number of senators needed for cloture was lowered to three-fifths, which amounts to 60 of the 100 members of the Senate. Because achieving even a three-fifths majority is difficult, however, the filibuster has remained an effective way to stall or block legislation to this day.¹⁵

In the past, the filibuster was only used for extremely controversial issues. But as the political parties in the U.S. have become more staunchly divided, the filibuster has been used more and more often. It effectively requires a 60-vote supermajority to pass any legislation. Indeed, “Critics of the modern filibuster have argued that the maneuver undermines the Senate as a governing body and its reputation as a consensus-building chamber. The mere threat of a filibuster silences debate and removes incentives to work toward compromise.”¹⁶

Another issue with the filibuster is its problematic history. It was used by pro-slavery senators to protect the interests of slaveholders, and it has often been used to block civil rights legislation.¹⁷ In arguing for sweeping voting reform during a eulogy for civil rights icon Rep. John Lewis in 2020, Former President Barack Obama opined that getting rid of the filibuster may be necessary. “And if all this takes eliminating the filibuster, another Jim Crow relic, in order to secure the God-given rights of every American, then that's what we should do,” Obama proclaimed.¹⁸

There is currently a push among Democrats to end the filibuster to pass legislation not only to protect voting rights, but also to address other pressing issues such as gun control, healthcare reform, tax reform, Covid relief, student loan reform, and climate change. Many proposed laws would in fact receive widespread support from both parties' constituents, but due to the competitive nature of the American two-party system, allowing passage of popular legislation when the opposing party holds all elected branches of government represents an existential threat to the future of the minority party. Thus, even legislation that would be popular with constituents may face opposition in order to prevent an opponent's “win.” In the alternative, some legislation faces opposition from a very small but influential business class, and politicians on both sides of the aisle may be swayed by the potential windfall of campaign donations and

¹⁵ “About Filibusters and Cloture, Historical Overview,” United States Senate, last accessed July 20, 2021, <https://www.senate.gov/about/powers-procedures/filibusters-cloture.htm>

¹⁶ Tim Lau, “The Filibuster, Explained,” Brennan Center for Justice, April 26, 2021, <https://www.brennancenter.org/our-work/research-reports/filibuster-explained>; see also Molly E. Reynolds, “What is the Senate filibuster, and what would it take to eliminate it?” Brookings, September 9, 2020, <https://www.brookings.edu/policy2020/votervital/what-is-the-senate-filibuster-and-what-would-it-take-to-eliminate-it/>

¹⁷ Lau, *supra*.

¹⁸ Max Cohen, “Obama calls for end of ‘Jim Crow relic’ filibuster if it blocks voting reforms,” Politico, July 30, 2020, <https://www.politico.com/news/2020/07/30/barack-obama-john-lewis-filibuster-388600>

lobbyist gifts. Even if such politicians ignore the needs of their broader constituents, they recognize that significant financial contributions from elites will allow them to sway the public narrative regardless of whether actual legislative outcomes benefit their voters.

Regardless of whether the source of opposition is fealty to the corporate elite or the desire to keep an opponent from scoring political points, without ten Republicans on their side, the Democratic majority cannot pass legislation on the problems facing the country, and they believe that the future of the country hangs in the balance.¹⁹ The Democrats currently have a slim majority in an almost perfectly split Senate; each party holds 50 seats, but the Vice President, as the tie-breaking vote, gives the Democrats claim to hold the majority. However, depending on the outcome of the 2022 midterms, they may have only a limited window in which to pass legislation. Even if the Republicans gain control of the Senate again in 2022, the laws that have already been passed will be difficult to undo.²⁰

But any change in these rules would require the support of all 50 Democrats in the Senate, and two Democratic Senators—Joe Manchin of West Virginia and Kyrsten Sinema of Arizona—object to the abolition of the filibuster for fear that weakening that threshold would subject federal legislation to political whiplash every time a different party comes to power. As Manchin put it, “The time has come to end these political games, and to usher a new era of bipartisanship where we find common ground on the major policy debates facing our nation.”²¹ Mitch McConnell has similarly argued that the filibuster should stay, noting that “The framers designed the Senate to require deliberation, to force cooperation and to ensure that federal laws in our big, diverse country earn broad enough buy-in to receive the lasting consent of the governed.”²²

Even aside from whether the filibuster promotes cooperation, getting rid of the filibuster would allow whichever party is in power to push legislation through without cooperation from the other side. So if the Democrats eliminate the filibuster to enact laws on voting rights, gun control, and climate change, the next time the Republicans hold the majority they will not only try to counteract the laws passed by the Democrats but also push through laws that they see as a priority, such as restrictions on abortion, rights for gun owners, as well as loosening environmental and economic restrictions. To the extent eliminating the filibuster would benefit the party with the current majority, the tables can easily turn. As McConnell has said, “Nobody

¹⁹ Michael Kranish, Mike DeBonis, and Jacqueline Alemany, “Democrats grapple with the enemy within: What to do about the filibuster rule that could kill their agenda,” The Washington Post, May 29, 2021, https://www.washingtonpost.com/politics/senate-filibuster-commission-voting-rights/2021/05/28/0776b6a6-bf00-11eb-9c90-731aff7d9a0d_story.html

²⁰ Peter W. Stevenson, “The filibuster, explained,” The Washington Post, June 24, 2021, <https://www.washingtonpost.com/politics/2021/04/09/what-is-filibuster/>

²¹ Colby Itkowitz, “Manchin says there is ‘no circumstance’ where he would vote to get rid of or ‘weaken’ the filibuster in blow to Biden agenda,” The Washington Post, April 7, 2021, https://www.washingtonpost.com/politics/manchin-filibuster-biden/2021/04/07/03635ab2-97fd-11eb-b28d-bfa7bb5cb2a5_story.html

²² Stevenson, *supra*.

serving in this chamber can even begin to imagine what a completely scorched-earth Senate would look like.”²³

²³ Stevenson, *supra*.

3. Critical Race Theory in Schools

In a recent viral TikTok video, a teacher from Iowa voices her outrage over a ban on teaching Critical Race Theory (CRT) in schools. “This is what’s bullshit,” she starts out. “My governor has put into place some ridiculous legislation that many governors have put into place such as I can’t teach anything divisive, I can’t teach Critical Race Theory, and I can’t teach about racial equity.” She ends the clip with a call to action to “stand up” and “do what’s right for our kids.”²⁴

The law in question, which went into effect on July 1st, prohibits teaching the following concepts (among others):

- That the United States is fundamentally or systemically racist or sexist.
- That people—by virtue of their race or sex—are inherently or unconsciously racist, sexist, or oppressive.
- That people should not attempt to treat others without regard to race or sex, i.e., that people should not strive to be “colorblind.”
- That a person’s moral character is necessarily determined by their race or sex.
- That a person--by virtue of their race or sex—bears responsibility for actions committed in the past by other members of the same race or sex.
- That anyone should feel discomfort or guilt due to their race or sex.

Iowa’s Governor, Kim Reynolds, says the law “promote[s] learning, not discriminatory indoctrination.” She has explained that it is meant to prevent the teaching of CRT, which she believes “is about labels and stereotypes, not education. It teaches kids that we should judge others based on race, gender or sexual identity, rather than the content of someone’s character.”

The Iowa law is modeled in part on one of President Trump’s executive orders and is just one of a number of similar laws that are being considered and enacted across the country.²⁵ Gov. Reynolds’ statements are emblematic of the views behind this wave of legislation. Advocates of these laws claim that CRT is politically motivated and sows division and intolerance by separating people into groups labeled either “oppressed” or “oppressor.” “I grew up attending segregated schools in the Jim Crow South during a time when people were treated differently based on the color of their skin,” Rep. Burgess Owens (R-Utah) explained. “Critical Race

²⁴ Megan (@ms.magoo), Tiktok, June 19, 2021, https://www.tiktok.com/@ms.magoo/video/6975681632510463238?referer_url=https%3A%2F%2Fwww.dailydot.com%2F&referer_video_id=6975681632510463238&refer=embed&is_copy_url=0&is_from_webapp=v1&sender_device=pc&sender_web_id=6986322530655733253

²⁵ Ian Richardson, “Iowa Gov. Kim Reynolds signs law targeting critical race theory, saying she’s against ‘discriminatory indoctrination,’” Des Moines Register, June 8, 2021, <https://www.desmoinesregister.com/story/news/politics/2021/06/08/governor-kim-reynolds-signs-law-targeting-critical-race-theory-iowa-schools-diversity-training/7489896002/>; see also Map: Where Critical Race Theory is Under Attack, EducationWeek, June 11, 2021 (updated July 15, 2021), <https://www.edweek.org/policy-politics/map-where-critical-race-theory-is-under-attack/2021/06>

Theory preserves this way of thinking and undermines civil rights, constitutionally guaranteed equal protection before the law, and U.S. institutions at large.”²⁶

But what exactly *is* Critical Race Theory? CRT is an academic concept originally developed by legal scholars Derrick Bell, Kimberlé Crenshaw, and Richard Delgado in the late 1970s and early 1980s. The theory posits that racism is systemic and institutionalized, embedded in the fabric of society via our government, legal system, and policies. It is more than just the product of hateful or prejudiced individuals. “The theory says that racism is part of everyday life, so people—white or nonwhite—who don’t intend to be racist can nevertheless make choices that fuel racism.”²⁷

Opponents of this legislation say that banning CRT will interfere with a full and robust discussion of the way racism has shaped our country's history and how that history can still be seen in our current social, political, and economic systems. Of course, these discussions will be uncomfortable—perhaps especially for white students who have not had to confront the reality of systemic racism before—but they are necessary to move forward. They point out that any framing of history is necessarily political, and that political views can never be fully disentangled from how history is taught.²⁸ For teachers and especially professors, academic freedom—the ability to use their expertise and their role to move debate forward, consider new ideas, and promote new understanding—can and will be inhibited by prohibiting discussion of any topic, including CRT, and is antithetical to a free and open society. They argue that without awareness and understanding of a problem, the ability to solve such problem may well be impeded.

Moreover, according to opponents of the laws banning CRT from public schools, the laws are seriously misguided because they misrepresent what CRT is and target a problem that does not actually exist. As one 8th grade history teacher from Texas bluntly put it, “Nobody in K-12 is teaching critical race theory.” Other teachers and professors agree. Indeed, one professor explained that “[a] vast majority of teachers in K-12 schools don’t know critical race theory. They are not coming into the classroom and saying, ‘I’m going to teach critical race theory.’” Rather, CRT is sometimes taught at the college or graduate level, and it is not typically part of the required curriculum. So the teaching of CRT cannot be said to be indoctrinating children in any widespread way. The recently enacted laws also do not accurately represent the concepts behind CRT. As Daniel HoSang, a professor at Yale University, explains: “[CRT] has nothing to do with sentiment, guilt or shame. In fact, one of its premises is that those are not actually helpful places to examine. It’s taking us out of racism as a psychological and emotional

²⁶ Marisa Iati, “What is critical race theory, and why do Republicans want to ban it in schools?” The Washington Post, May 29, 2021, <https://www.washingtonpost.com/education/2021/05/29/critical-race-theory-bans-schools/>

²⁷ Stephen Sawchuk, “What is Critical Race Theory, and Why is it Under Attack?” Education Week, May 18, 2021, <https://www.edweek.org/leadership/what-is-critical-race-theory-and-why-is-it-under-attack/2021/05>

²⁸ Sean Illing, “Is there an uncontroversial way to teach America’s racist history?” Vox, June 11, 2021, <https://www.vox.com/policy-and-politics/22464746/critical-race-theory-anti-racism-jarvis-givens>

question, and is focusing much more on the structures, the policies that people create that govern our lives.”²⁹

The question at the core of the debate around CRT is whether such an area of study aids in understanding and problem-solving or merely serves to alienate, shame, and guilt those from historically advantaged groups (cisgendered, white, male, etc.) about their group’s role in oppression and harm, regardless of whether such individuals are presently empowered to fix any of these problems. Some opponents of CRT worry that negative confrontation with such issues may have the opposite of the intended effect—by teaching that racism is stitched into the very fabric of society, some students may simply throw up their hands and give up, seeing the problem not as one of personal accountability, but of systems too large to control. By downplaying individual agency—and, therefore, individual ability to achieve change—Critical Race Theory may, in fact, push us further from Dr. Martin Luther King’s goals of racial inclusion and equality.³⁰

²⁹ Isabella Zou, “What is critical race theory? Explaining the discipline that Texas’ governor wants to ‘abolish’” The Texas Tribune, June 22, 2021, https://www.texastribune.org/2021/06/22/texas-critical-race-theory-explained/?utm_campaign=trib-social&utm_content=1624411372&utm_medium=social&utm_source=twitter

³⁰ Ganske, Greg, “Opinion: Understanding critical race theory reveals how it’s harmful to race relations,” Des Moines Register, May 22, 2021, <https://www.desmoinesregister.com/story/opinion/columnists/iowa-view/2021/05/22/critical-race-theory-harmful-race-relations/5076052001/>.

4. A Stately Proposition

“Since 1801, residents of Washington, DC... have desired to be equal to all other citizens of the United States of America. [...] DC residents fulfill all the obligations of US citizenship and yet are denied representation.”³¹

The case for making DC a state has recently regained national prominence. DC’s population of 700,000 exceeds the population of Wyoming and Vermont, and DC residents pay more in federal taxes than their counterparts in 22 states; yet—because the district is not a state—residents do not have congressional representation. Nonetheless (and perhaps even more infuriating), DC’s laws are subject to congressional review, meaning lawmakers from the 50 U.S. states must approve *all local legislation, including DC’s local budget, and can veto local proposals*.

Moreover,

DC is governed by Home Rule, which allows Congress to invalidate any law or initiative the DC government or its voters pass. In addition, Congress can use the appropriations power to affect the manner in which DC is run. It is also a majority-minority city with only 37.5% of residents identifying as white non-Hispanic. And given the current policy environment, the disenfranchisement of more than 400,000 Black and Latino voices has a negative impact on the policymaking conversation, particularly on issues that are so meaningful to those communities.³²

In addition to the issue of taxation without representation (which, as an aside, is the slogan on DC license plates), persons favoring making Washington the 51st state note (in part):

- DC taxpayers pay more *per capita* than any state, more total federal taxes than 12 states, and more in total federal income tax than 22 other states.
- DC residents have contributed to this nation just like state residents: More than 11,000 DC residents currently serving in the military can be sent to war zones, but do not have full voting rights. Since World War I, DC has sent nearly 200,000 brave men and women to defend and fight for democracy abroad, 2,000 of whom died in service.
- DC operates its own school system; manages its own SNAP and Medicaid programs; and receives federal block grants that are typically awarded to states (e.g., Workforce training grants, Community Development Block Grants for housing, Ryan White funding to combat HIV and Violence Against Women Act grants).
- DC is fiscally independent but subject to the Congressional appropriations process and riders that allow *any member of Congress* to impose their will on DC residents.
- Statehood is the only remedy that provides full Congressional representation and freedom from the whims of external representatives for DC residents of DC.³³

³¹ About DC Statehood. (2019) <https://statehood.dc.gov/page/about-dc-statehood>

³² John Hudak. (June 25, 2020) “The politics and history of the D.C. statehood vote.” *Brookings*. <https://www.brookings.edu/blog/fixgov/2020/06/25/the-politics-and-history-of-the-d-c-statehood-vote/>

³³ DC Statehood, *Supra*. *Emphasis added*.

In 2016, the District held a referendum on the issue; 86% of voters backed statehood. In February 2021, the U.S. House of Representatives passed a bill favoring making DC the 51st state.³⁴ The Senate has not brought the bill to the floor for consideration.

Finally, the lack of representation for DC residents has been internationally condemned. The United Nations human rights committee has repeatedly noted that DC's current status violates human rights, thereby flying in the face of U.S. international treaty obligations. Arturo Carrillo, director of the International Human Rights Clinic at George Washington University law school, finds this injustice ironic: "In the capital of one of the oldest democracies in the world, citizens are not represented at the federal level."³⁵

Objectors to DC statehood are typically Republicans. Supporters charge that Republicans' objections are largely political: DC typically elects Democratic mayors, and the DC population overwhelmingly votes Democrat; if granted statehood, DC would likely elect two Democratic senators. However, Republicans themselves cite the U.S. Constitution, which reads that Congress shall have the power to "exercise exclusive legislation" over DC, and claim that granting statehood to DC would require a Constitutional amendment.³⁶ The Office of Management and Budget agrees, believing that statehood would violate the 23rd Constitutional Amendment, which grants DC three Electoral College votes. Thus, statehood would effectively "give the tiny population ... the same voting power in the Electoral College as the smallest state in the country."³⁷ Finally, Republicans are concerned about the expenses of running DC as a state, as statehood would require the federal government to fund the district's prisons and courts, which are projected to cost billions of dollars.³⁸

Although DC residents overwhelmingly voted in favor of statehood in 2016,³⁹ some residents do oppose the move, worrying that the change would be expensive (e.g., costs of running campaigns). Many worry that the issue is a waste of time, energy, and money, believing that any statehood bill "won't pass in Congress anyway."⁴⁰

³⁴ Joan E. Greve. (May 3, 2021) "Our moment is now': can Washington DC statehood finally become a reality?" *The Guardian*. <https://www.theguardian.com/us-news/2021/may/03/washington-dc-statehood-51-stars>

³⁵ Ibid.

³⁶ Richard Dahl. (July 2, 2020) "The Legal History of the D.C. Statehood Movement" *Find Law*.

https://blogs.findlaw.com/legally_weird/2020/07/the-legal-history-of-the-dc-statehood-movement.html?DCMP=google:ppc:K-FLPortal:10313486553:442395883130:103002902536&HBX_PK=&sid=9032569&source=google~ppc&fltagtagmanagerenv=5.

But *cf.* <https://www.brookings.edu/blog/fixgov/2020/06/25/the-politics-and-history-of-the-d-c-statehood-vote/>

³⁷ Morgan Chalfant. (June 24, 2020) "White House threatens to veto DC statehood bill" *The Hill*.

<https://thehill.com/homenews/administration/504361-white-house-threatens-to-veto-dc-statehood-bill>

³⁸ Michela Lefrak. (Nov. 7, 2016) "7 Reasons Why Some D.C. Residents Are Voting Against Statehood" WAMU. https://wamu.org/story/16/11/07/why_some_dc_residents_are_voting_against_statehood/

³⁹ Rebecca Hersher (Nov. 9, 2016) "D.C. Votes Overwhelmingly To Become 51st State" NPR.

<https://www.npr.org/sections/thetwo-way/2016/11/09/501412360/d-c-votes-overwhelmingly-to-become-51st-state>

⁴⁰ Summer Lin. (June 26, 2020) "Should DC become a state? Here are the pros and cons as House passes bill" *McClatchy*. <https://www.mcclatchydc.com/news/nation-world/national/article243816112.html>

5. Iguana be Left Alone

Florida has long struggled with ecological issues resulting from the presence of roughly 500 non-native species of animals. Many of these “foreign” animals have caused “massive damage to a sensitive ecosystem”.⁴¹ For example, Burmese pythons have killed deer and adult wading birds and their nestlings (e.g., egrets, ibises, herons, and wood storks).⁴²

On February 25, 2021, the Florida Fish and Wildlife Commission (FWC) added sixteen high-risk nonnative reptiles to Florida’s Prohibited list;⁴³ these species are now allowed into the state only for purposes of research, educational exhibition, control, or eradication. Sales of such animals are now prohibited. This list includes green iguanas and [tegu](#) (a non-native species of giant central and south American lizard), which many residents keep as pets.

According to the FWC, green iguanas pose multiple ecological and social threats. Green iguanas damage residential and commercial landscape vegetation, as well as infrastructure by digging burrows that erode and collapse sidewalks, foundations, seawalls, berms, and canal banks. The remains of endangered species of tree snails have been found in [green iguanas](#)’ stomachs. They consume a plant food preferred by the endangered Miami Blue butterfly. And they can transmit *Salmonella* to humans through fecal contamination of water or other surfaces.

Tegus have demonstrated similar threats. They compete with and prey on native wildlife, including some imperiled and protected species; prey upon nests of American crocodile; eat American alligator eggs; and have been discovered to be eating threatened juvenile [gopher tortoises](#) and agriculturally valuable foods. Adults have few predators and can give birth to large numbers of offspring per year, further increasing the risk of spreading beyond their established ranges and impacting surrounding areas.

Green iguanas and tegus may be kept by Floridians *who already own them* (no new iguanas or tegus may be imported without express permission), but only if their animals are “microchipped”—a procedure commonly used for dogs and cats—so that if these animals are lost, their owners can be readily identified and the animals can be returned to them. While not explicitly addressed in the new law, one wonders if identifying owners of escaped or abandoned animals will lead to requiring those owners to reimburse the state for any damage the animals caused while loose.

Further, owners of tegus and green iguanas must meet strict extensive and expensive indoor and outdoor housing requirements (e.g., specified building materials; locks requiring a key, key card,

⁴¹ Richard Luscombe. (May 3, 2021) “Iguanas with chips: Florida seeks solution to invasive reptile problem” *The Guardian*. <https://www.theguardian.com/us-news/2021/may/03/florida-iguanas-chips-invasive-reptile-tegu-lizards>

⁴² Jessica Meszaros. (April 15, 2019) “Pythons Feeding On Wading Bird Nests In Everglades, Study Says” WUSF. <https://wusfnews.wusf.usf.edu/environment/2019-04-15/pythons-feeding-on-wading-bird-nests-in-everglades-study-says>

⁴³ The Florida Senate (Jan. 21, 2020) Bill Analysis And Fiscal Impact Statement on Prohibited Reptiles. <https://www.flsenate.gov/Session/Bill/2020/906/Analyses/2020s00906.en.PDF>.

or combination lock; an escape-proof entry).⁴⁴ Finally, owners of these species may not sell them.

FWC believes that these widespread ecological threats justify stricter regulation of possession of these species. However, some who keep these creatures as pets—and who love them just as other pet owners love their pets—are distraught by the new regulations, expressing dismay at the extensive, expensive new housing and chipping requirements. One owner opined that responsible pet owners were being burdened by irresponsible behaviors of irresponsible owners.

Finally, Florida has multiple rescue operations whose work could be hampered by the stringent housing requirements—which are likely to deter persons interested in adopting—and the prohibition of sales. These institutions typically operate on shoestring budgets, relying heavily on adoption fees. For example, Hernando Reptile and Exotic Animal Rescue and Education, a 501(c)(3) nonprofit organization, has as its mission:

...to promote the health and well-being of abused, neglected, unwanted, and abandoned native and non-native reptiles and exotic animals through rescue, rehabilitation, education, and community outreach, while preserving the native Florida ecosystem and preventing release of invasive species.

Our organization not only rescues animals, but focuses on the education of Florida youth and adults about the importance of thoroughly researching all exotic animals before obtaining one as a pet, the seriousness of caring for an animal (especially an exotic as they require more specialized care than domestic pets), and preventing the release of invasive species into the Florida ecosystem. We provide all educational demonstrations at no charge to anyone and everyone who requests one.⁴⁵

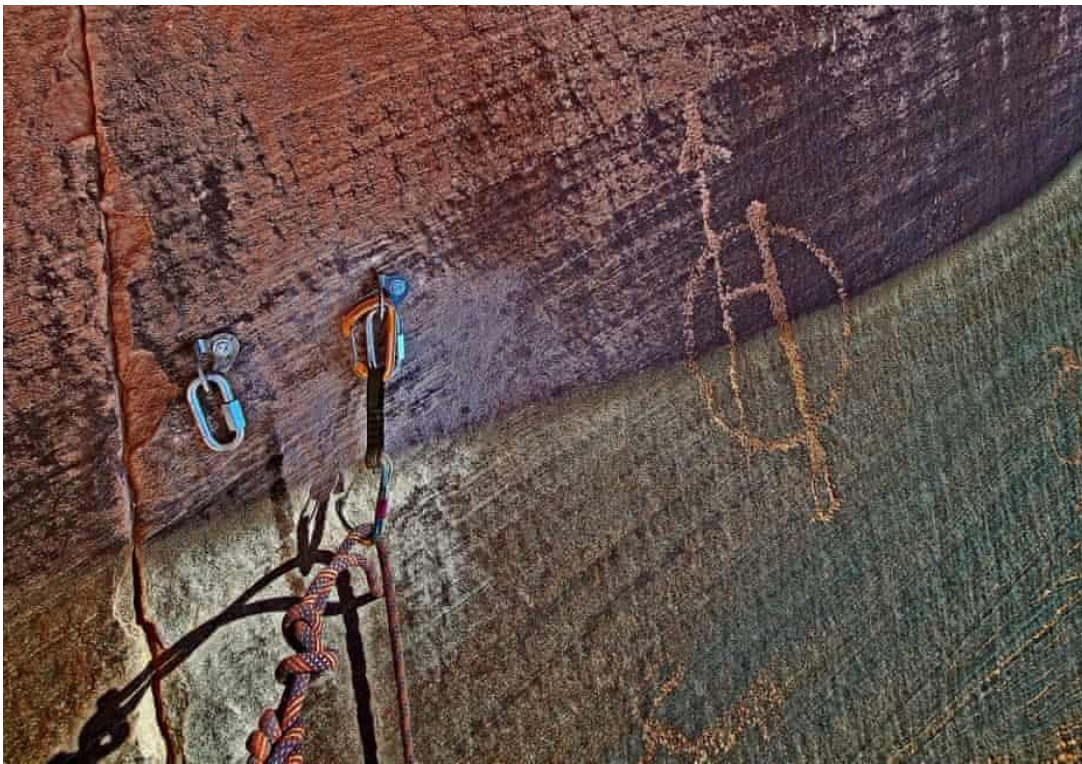
A reduction in willing adopters and prohibition of sales will reduce the fiscal stability of such rescue organizations, thus imperiling rescue, rehabilitation, and educational programs—and the well-being of the animals involved.

⁴⁴Florida Wildlife Commission (February 25, 2021) 68-5.007 Possession of Prohibited Non-native Species; <https://myfwc.com/media/25817/5a-reptile-68-5007.pdf>; see specifically (7) Caging and Biosecurity, pp.4ff.

⁴⁵ Hernando Reptile and Exotics Rescue. (2021) <https://www.hernandoreptile.org/>

6. Just Rockin' Along

“Richard Gilbert claims he had no idea he was doing anything wrong when he drilled bolts into a rock wall in Utah to establish three new climbing routes, illegally defacing a 1,000-year-old Indigenous cultural site. The rock, known as [Sunshine Wall](#), is a crag north of Moab and Arches National Park hosting the centuries-old petroglyphs of the Fremont people. Gilbert has said he didn’t realize the carvings’ significance, even though most climbers make it a point never to disturb Indigenous cultural sites.”⁴⁶ “It was horrible to see,” said Skye Kolealani Razon-Olds, executive director of Kanaka Climbers, a Native Hawaiian climbing group. The recent news about the bolts in Utah “hurt me as an Indigenous person” she added, “knowing how much pain other Indigenous people would feel from seeing that”.⁴⁷



Bolt anchors placed near a petroglyph near Moab, Utah. Photograph: Darren Reay/Facebook

⁴⁶ Cody Nelson. (May 4, 2021) “Defaced petroglyphs force rock climbers to reckon with sport’s destructive past” *The Guardian*. https://www.theguardian.com/sport/2021/may/04/rock-climbing-native-american-indigenous-people?utm_term=b987b60787728da55b7d48c0f71639e1&utm_campaign=GuardianTodayUS&utm_source=esp&utm_medium=Email&CMP=GTUS_email

⁴⁷ Ibid.



A bolt placed directly above a petroglyph near Moab. Photograph: DarrenReay/Facebook

“Nearly every climbing area in America is still connected to an Indigenous community today. [...] Climbing on certain formations has been, and continues to be, in opposition to the wishes of some tribal governments...”⁴⁸ Nonetheless, as rock climbing becomes increasingly popular, actual and potential damage to structures that have long-standing and important meaning for—some even being considered sacred to—Native peoples are increasingly at risk.

The damage to culturally significant sites is only a small part of the damage caused by climbers. More climbers and less-experienced climbers contribute to multiple environmental damages such as “soil erosion, breaking rock features, chalk accumulation, litter, abandoned bolts and ropes, human excrement, introduction of foreign plants through seeds on shoes and clothing, as well as damage to native plant species (especially those growing in cracks and on ledges as these are often intentionally removed during new route development...)”⁴⁹ Climbers can also threaten nesting sites of “birds of prey like eagles, falcons, and osprey”. Finally, climbing aids can permanently damage rock faces as well as the integrity of rocks themselves.

Rock climbers are aware of these concerns and have sought to address them by developing new, less intrusive equipment. Going further, some climbers have advocated foregoing equipment altogether. In 1911, expert European climber, Paul Preuss contended that “If a climb was too

⁴⁸ Taimur Ahmad. (April 24, 2019) “Climbing and Respect for Indigenous Lands” Access Fund. <https://www.accessfund.org/open-gate-blog/climbing-and-respect-for-indigenous-lands>.

⁴⁹ “Rock Climbing” Wikipedia (May 29, 2021) https://en.wikipedia.org/wiki/Rock_climbing

difficult ... to basically free solo, up and down, it was his [the climber's] duty to down climb and return when he was a better climber or pick an easier route".⁵⁰

On the other hand, like other sporters, climbers want to take on greater challenges as their abilities develop; 'conquering' tougher sites is a means to self-improvement and personal fulfillment, as is discovering interesting new climbing sites. As *National Geographic* explorer Mike Libeck notes, "You can't just go out and discover another Mount Everest, but maybe some of the greatest bouldering fields or sport climbing crags or big walls are still out there. The mystery equals adventure." And more rock climbers mean increasing competition for sites.⁵¹

The outdoor education organization, Outward Bound, notes, "It seems the human psyche has been drawn to climb to the top of things since the beginning of time. From the top of a mountain, a cliff...we gain perspective, see long distances and imagine great things."⁵² Outward Bound describes climbing as "...an exhilarating activity that...allows us to reach special places and vistas we'd not otherwise have a chance to see." In short, the psychological and aesthetic experiences of a bird's eye view of the world should not be underestimated.

Many climbing sites are on federally-protected lands (from which Native communities were displaced in the 17th and 18th centuries) and are managed by the National Park Service (NPS). Park Rangers have worked with Native peoples and climbers to achieve some agreement on permissible use of these sites, for example managing Devils Tower National Monument in Wyoming. This magnificent, imposing volcanic upthrust plays a central role in the creation myths of and is a ceremonial site for the Arapaho, Cheyenne, Kiowa, and Lakota Nations.⁵³ Because more Native ceremonies occur in June than in any other month, Native governments and the NPS agreed on a compromise position: a *voluntary* ban on climbing in June every year. This approach appeared hopeful: The year prior to the ban saw 1,225 climbers on the Tower in June; the first year following the ban (1996) saw only 167 climbers. Sadly, the number of June climbers is inching up. In June 2016, 374 people climbed Devils Tower, noting the ban was voluntary and they were not volunteering to comply.

⁵⁰ Jim Erickson. (Sept 29, 2020) "Mauerhaken Streit: The Great Piton Debate of 1911" *Outside*.
<https://www.climbing.com/people/mauerhaken-streit-the-great-piton-debate-of-1911/>

⁵¹ Freddie Wilkinson. (March 14, 2019) "Rock climbing: from ancient practice to Olympic sport" *National Geographic*. <https://www.nationalgeographic.com/adventure/article/rock-climbing>

⁵² CJ Wilson. (May 17, 2017) "Beginner's Guide to Rock Climbing" *Outward Bound*.
<http://www.outwardbound.org/blog/beginners-guide-rock-climbing/>

⁵³ Michael Levy. (June 2017) "Devils Tower: Why We Don't Climb in June" *Outdoor Journal*.
<https://www.outdoorjournal.com/news-2/devils-tower-why-we-dont-climb-in-june/>

7. Live Free or Die

Christopher Ahn is an American citizen, a U.S. Iraq War Veteran, and a ‘priority target’ of the North Korean Kim regime.

Mr. Ahn’s status as enemy of the regime was earned through his participation in the ‘*Cheollima Civil Defense*,’ a loose network of individuals who seek to de-stabilize the Kim government by supporting defectors from North Korea. Ahn’s involvement in the group began as a volunteer who comforted would-be defectors. In 2017, one notable recipient of Ahn’s care was Kim Han Sol, the half-nephew of North Korean leader Kim Jong-un.

Sol had defected to the Netherlands following the brutal assassination of his father, Kim Jong Nam—the only other possible legitimate heir to Kim Jong Il. At the time of the assassination—the result of a nerve agent smeared in his face by two young women—Nam lived outside of North Korea for years and never contested his half-brother’s claim to rule.

After the assassination and fearing for their safety, *Cheollima*—with the participation of Christopher Ahn—rescued Sol’s family. Following this rescue, Ahn himself stated, “People say we’re the Underground Railroad, but it was really just me buying tickets with my credit card on Expedia.”⁵⁴

Two years later, Ahn arrived in Spain to support *Cheollima* once more. His mission was to help facilitate the defection of North Korean diplomats in Madrid. To avoid serious repercussions for the defectors’ families in North Korea, *Cheollima* leaders devised an elaborate scheme designed to appear as a kidnapping. For his part, Ahn claims to have had no foreknowledge of this violent plan developed by his comrades. The plan went awry, however, when a scared diplomat escaped from the Embassy and alerted officials.⁵⁵

Back in the United States after the failed effort, Ahn and his compatriots contacted the FBI and shared their story openly, hoping that they would not face repercussions. His compatriots later changed the name of *Cheollima* to ‘Free North Korea,’ and declared itself the provisional government preparing for the end of the Kim regime.

Ahn was eventually arrested by U.S. Marshals, upon a complaint filed by Spanish officials alleging that he and others broke into the North Korean Embassy in Madrid. Ahn countered that they were invited by the North Korean Ambassador and spent hours inside with no problems. Video appears to corroborate Ahn’s claims.

In their official testimony to Spanish authorities, Embassy officials accused *Cheollima* volunteers of beating and terrorizing them and attempting to force them to defect.

⁵⁴ Bradley Hope. (May 24, 2021) “The Fall Guy.” BuzzFeed News.

<https://www.buzzfeednews.com/article/bradleyhope1/north-korea-escape-madrid-christopher-ahn>

⁵⁵ Suki Kim. (Nov 16, 2020) “The Underground Movement Trying to Topple the North Korean Regime” *The New Yorker*. <https://www.newyorker.com/magazine/2020/11/23/the-underground-movement-trying-to-topple-the-north-korean-regime>

Ahn believes that the diplomats made these false claims to avoid retribution. His supporters claim that this is the first-ever instance of the U.S. Government executing an arrest warrant issued by another country in a case almost entirely based on North Korean testimonies.

Ahn's supporters have requested that the Department of Justice drop its efforts to send Ahn back to Spain to face justice for his participation in the scheme, noting that Spain has an extradition relationship with North Korea, and that Ahn will face certain death and/or torture if he is extradited to Madrid.⁵⁶

⁵⁶ Victoria Kim. (June 7, 2019) "Attorneys for ex-Marine accused in North Korean embassy attack say he faces retaliation" *Los Angeles Times*. <https://www.latimes.com/world/asia/la-fg-north-korea-embassy-attack-christopher-ahn-20190607-story.html>

8. Is the Price Too High?

Bitcoin, a digital currency that uses encryption to verify transfer of funds, operates completely outside of government and banking regulation. Transactions occur through a digital ledger called the Blockchain. Bitcoin must be ‘mined’; this means that they are created via high-powered computers solving complex mathematical equations through specialized computer software called Application Specific Integrated Circuits (ASIC). Only 21 million Bitcoin will be developed and made available to the public, after which, no further Bitcoin will be available.

This complex currency was developed by the secretive ‘Satoshi Nakamoto,’ in response to the perceived ‘failings’ of governments and banks to protect their respective societies from fallout of the global financial crisis. Bitcoin value began nominally and has varied dramatically; it is a volatile currency which has been impacted by shutdowns of bitcoin exchanges and bans by certain governments.

Supporters believe that cryptocurrencies such as Bitcoin can be viewed as stable compared to national currencies, which are dependent on the actions of governments and the international currency markets; cryptocurrencies may be valuable for those within nations who have excess inflation or a weak national currency.

However, Bitcoin has been criticized for:

- Funding criminal activity, given the relative, but not complete, anonymity of financial transactions it affords and the fact that Bitcoin does not operate through regulated third-party payment providers such as Mastercard or Paypal; this makes it hard for law enforcement to preventatively regulate transactions
- Circumventing government pressure, including pressure to prevent certain transactions that governments find undesirable (i.e., funding for Wikileaks); as a result, governments cannot wield financial control over bitcoin transactions in the same way they wield it over transactions made through third party payment
- Potentially becoming a competitor to national currencies
- Operating on ‘crypto proof,’ rather than trust (like conventional currency); this means that Bitcoin is not backed by anything with inherent value, increasing volatility in its value, particularly as a result of speculation by investors

However, one of the most enduring criticisms of Bitcoin is the large volume of energy consumption required for production. It has been estimated that the computer power required to create a single digital token consumes as much, if not more, electricity as the average American household consumes in two years. Bitcoin’s annual energy consumption currently stands at approximately 70 terawatt hours per year, or 0.33% of the world’s total electricity production; this is roughly equivalent to the annual energy consumption of countries such as Bangladesh and Chile. An individual bitcoin transaction has been estimated to require 80,000 times more electricity to process than a Visa credit card transaction.

In addition to energy *consumed* to ‘mine’ Bitcoin, the Sierra Club estimates that Bitcoin mining *produces* 36.95 megatons of carbon dioxide (CO₂) annually, a greenhouse gas impact which is comparable to the entire country of New Zealand.

Until a major crackdown in May 2021, about 65 percent of cryptocurrency mining occurred in China, a desirable locale for its relatively ‘cheap’ electricity. Other countries with major mining operations include the United States, Russia, and Kazakhstan. Though some of these countries claim that the energy to mine Bitcoin is being attained through renewable resources, it remains unclear whether this is actually true.

In response to Chinese government efforts to ban virtually all Bitcoin mining, Bitcoin has become relatively ‘greener,’ particularly as older, less efficient mining equipment is permanently being taken offline, saving energy. As a low-margin industry where the only variable cost is energy, Bitcoin mining operations are incentivized to ‘migrate’ to locales where they can find the cheapest sources of energy, which often can be, but is not always renewable.

“The bitcoin network is ruthless in its drive for the lowest cost,” said Mike Colyer, CEO of digital currency company Foundry. “Miners around the world are looking for stranded power that is renewable. That will always be your lowest cost. Net-net (a migration away from China) will be a big win for bitcoin’s carbon footprint.”⁵⁷

Experts assert that Bitcoin mining is a portable market that can be brought to sources of energy. As ‘less-efficient’ operations get taken off-line, space is created for new equipment that can double its energy efficiency.⁵⁸

Reports indicate that much of this ‘migration’ is coming to the United States, with many of the new ‘miners’ planning to power their operations by renewables, or gas offset by renewable energy credits. It is currently estimated that Bitcoin mining in the U.S. is already 50% powered by renewables. Experts assert that future investors and eventual regulators will look more favorably upon operations that are greener, and mining operations have voluntarily sought locations with ready access to renewable sources of energy.

But not all mining will move to the U.S. Almost 10% of crypto mining occurs in Kazakhstan, whose coal power plants provide cheap and abundant energy and produce significant carbon dioxide. Experts predict that larger Chinese mining operations with older, less efficient equipment will move to Kazakhstan temporarily, as a ‘stop over’ until they make a more permanent migration Westward.

⁵⁷ MacKenzie Sigalos (July 20, 2021) “Bitcoin mining isn’t nearly as bad for the environment as it used to be, new data shows” CNBC. <https://www.cnn.com/2021/07/20/bitcoin-mining-environmental-impact-new-study.html>

⁵⁸ Ibrahim AlHusseini (Feb 12, 2018) “To ethically mine crypto we need to use renewable energy” Quartz. <https://qz.com/1204842/bitcoin-mining-should-use-renewable-energy-if-we-want-cryptocurrencies-to-be-ethical/>

9. Giving in to the DarkSide

In May 2021, a group of criminal hackers known as ‘DarkSide’ staged a Ransomware attack that directly led to damaging disruptions to fuel supply chains in nearly half of the U.S. East Coast. Ransomware is a type of malware that prevents users from accessing their data and threatens to make it unusable by deleting the data or encrypting it unless the original data owner agrees to pay a ransom.

This particular attack inserted malware that encrypted Colonial Pipeline’s files, compromising their billing systems and halting Colonial’s operations. Additionally, attackers stole roughly 100 gigabytes of data, threatening to release the data on the internet if the ransom was not paid. Although the halt in operations did not initially cause a fuel shortage, panic buying caused disruptions and gas station shutdowns throughout the East Coast, interrupted operations at major U.S. airports, and led to average fuel prices rising past \$3 a gallon, their highest since 2014.

Although Colonial Pipeline agreed to pay the hackers within hours of the original attack, the decryption tool provided by the thieves was so slow, Colonial Pipeline used its own backups to bring its system back online. This extended recovery time put an incredible strain on a critical piece of U.S. infrastructure, and called into question Colonial’s decision to pay nearly 75 bitcoin (\$4.4 million) to recover access to its infrastructure.

As a private company, Colonial Pipeline had the legal right to pay the ransom. However, the U.S. Federal Bureau of Investigation (FBI) discourages the payment of ransom in response to cyberattacks for several reasons:

- 1) Attackers often demand victims to pay extra even after the original ransom is paid
- 2) Criminal attackers do not always provide decryption keys after victims pay the ransom (victims must trust their attackers to be ‘honorable thieves’)
- 3) Victims who pay may be targeted again

Further, the group responsible for the Colonial Pipeline attack, ‘DarkSide,’ is known to share its tools with other criminal hackers, potentially funding other illegal and harmful activities. It is generally agreed by experts that paying ransoms emboldens cyberattackers, giving them an incentive to strike again (or for more criminal groups to plan and carry out attacks).

“It has to be a case-by-case decision,” said Kim Milford, executive director of [REN-ISAC](#) (The Research and Education Networking Information Sharing and Analysis Center). She encourages victims to ask themselves the following question before deciding next steps: “Can we carry on with our business without this vital information that is being held ransom?”⁵⁹

⁵⁹ Carl Straumsheim (Jan. 24, 2017) “Your Data or Your Money” Inside Higher Ed. <https://www.insidehighered.com/news/2017/01/24/experts-warn-ethical-implications-paying-ransom-unlock-hacked-files>

Joseph Blount, the CEO of Colonial Pipeline, reportedly agreed to pay the ransom as a result of his team's analysis of their options, believing that this approach was best as they didn't know how much of their systems were compromised and how long it would take to restore operations.

It was later revealed that Colonial Pipeline executives were working behind the scenes during the entire crisis with FBI and other law enforcement during the attack. As a result of this coordination, U.S. investigators were able to seize and return a significant portion of the ransom, approximately \$2.3 million in cryptocurrency. This recovery, a very rare positive outcome of a ransomware attack, was the action of the newly-created DOJ digital extortion taskforce, and an example of aggressive steps that the U.S. government is taking to deal with the rise of digital extortion.

Some experts assert that the only way to 'strike back' against cyberattacks is to eventually outlaw payments altogether, as they believe that successful ransomware attacks drive "bigger and bigger ransoms"⁶⁰ and cause further disruption and criminal behavior in the industry. Others assert that outlawing ransoms hampers the ability of companies to deal quickly with the crime and prevent unnecessary disruption to vital services; organizations that do not have the appropriate cyber infrastructure may have no choice but to cooperate with criminals and pay.

Increased partnership with law enforcement and victims is viewed as necessary, as news of attacks across vital sectors, including schools, health care institutions, the meat industry, and even water systems, become more widespread each day.

⁶⁰ Evan Perez, Zachary Cohen and Alex Marquardt (June 8, 2021) "First on CNN: US recovers millions in cryptocurrency paid to Colonial Pipeline ransomware hackers" CNN.
<https://www.cnn.com/2021/06/07/politics/colonial-pipeline-ransomware-recovered/index.html>

10. A Penny for your Shots

At the time of writing, less than half of the U.S. population is fully vaccinated against COVID-19.⁶¹ For medical reasons some people will never be vaccinated but reaching herd immunity in the long term requires nearly everyone who can be vaccinated to do so. Medical ethics—including the requirement of informed consent—prevent compulsory vaccination. One would think that the benefits of vaccination would be enough to persuade people to be vaccinated but given the abundance of misinformation these medical benefits have failed to be adequately convincing. In response, many groups—public and private—have offered additional incentives for voluntary vaccination.

Recently state governors have set up lotteries to encourage residents to get vaccinated. Ohio's jackpot is \$1 million. West Virginia is offering \$100 savings bonds to young people (ages 16-35) who get a shot. Maine is giving away hunting and fishing licenses; Memphis is setting up an automobile raffle. Houston's Harris County has set aside \$250,000 in taxpayer funds for gift cards. In the private sector companies like Krispy Kreme give a free donut daily to anyone who shows proof of vaccination. Companies like Aldi, Amtrak, Chobani, Dollar General, Instacart and others are offering employees paid time off to get vaccinated. Kroger offers its employees a \$100 bonus for proof of vaccination. Many people think these “nudges” will increase vaccination rates, and evidence seems to support this belief.^{62,63}

Still, others worry that non-medical incentives may send a troubling message. They may raise suspicions about the riskiness of the vaccine; and “freebies” don't address issues of mistrust or misinformation. Further, scientists say people will probably need booster shots to protect against new variants. Handing out cash now may habituate some people to hold out for more perks in the future. Finally, a bigger issue is with the message this state-sponsored bribery sends about our society: “Think about how entitled and spoiled this must look to the developing world, desperate for access to vaccines. As states and cities sweeten the pot, India is recording more than 4,500 Covid deaths per day.”⁶⁴

While paying people to take the vaccine may be effective in some measure, it also highlights a basic injustice in the distribution of access to healthcare. The U.S. healthcare system charges some fee for nearly all interventions but offers vaccinations free. This is an effort to increase population health by limiting disease and a step toward healthcare justice. But, if being vaccinated is a moral obligation, paying people to do their duty may rob the act of moral significance. In the case of radical economic inequality, such payments may even be considered coercive. Historically employers have not required vaccination of their employees, but schools

⁶¹ Hannah Ritchie, Esteban Ortiz-Ospina, Diana Beltekian, Edouard Mathieu, Joe Hasell, Bobbie Macdonald, Charlie Giattino, Cameron Appel, Lucas Rodés-Guirao and Max Roser (2020) - "Coronavirus Pandemic (COVID-19)".

Published online at OurWorldInData.org. Retrieved from: '<https://ourworldindata.org/coronavirus>'

⁶² Lynn Vavreck “\$100 as Incentive to Get a Shot? Experiment Suggests It Can Pay Off.” New York Times, May 4,

⁶³ Christopher Robertson “Paying people to get vaccinated might work – but is it ethical?” The Conversation, May 19, 2021. <https://www.nytimes.com/2021/05/04/upshot/vaccine-incentive-experiment.html>

⁶⁴ James Hohmann, “Opinion: The moral hazard of vaccine giveaways” The Washington Post, May 19, 2021.

certainly can and typically do require vaccinations. With all of the carrots on offer, one wonders about the possibility of the stick.

11. Your Money or Our Lives

World-wide only three countries—Canada, the UK, and Spain—have fully vaccinated at least 50% of their populations. Eight countries, including the US, have at least partially vaccinated 50% of their populations. In these wealthy nations vaccines are plentiful and free to patients. However, in the world’s most populous and poorest nations vaccination rates are startlingly low. India has a full vaccination rate of only 6%. According to authors in the British Medical Journal: “We have multiple safe, highly efficacious vaccines that we should be deploying worldwide to end the pandemic. And yet only 0.3% of total doses have gone to low-income countries, a grotesque inequity that Winnie Byanyima, executive director of UNAIDS, calls “vaccine apartheid.”⁶⁵

Doctors Without Borders/Médecins Sans Frontières (MSF) called on all governments, including the United States, to support a landmark request to the World Trade Organization put forward by India and South Africa that would allow all countries to choose to not grant or enforce patents on COVID-19 products. According to Dr. Sidney Wong, executive co-director of MSF’s Access Campaign, “Countries need to use every tool available to make sure that COVID-19 medical products are accessible and affordable for everyone who needs them.” On May 5th the Biden administration issued a statement in support of the WTO patent waiver. The hope is that by waiving the requirement to grant or enforce patents on vaccines, more affordable versions of desperately needed drugs, vaccines, and diagnostics will become available.

Although the waiver debate has gained momentum with the U.S. announcement of support, several prominent EU nations have opposed the decision and no consensus has been reached so far. EU nations have argued that the waiver of patent protections would set a dangerous precedent and may not solve the immediate problem. A spokesperson for Germany argued, “The limiting factor for the production of vaccines are manufacturing capacities and high-quality standards, not the patents. The protection of intellectual property is a source of innovation, and this has to remain so in the future.”⁶⁶ Partly the worry is that waiving patent rights will produce uncertainty about protections, in turn limiting cooperation between companies and aggressiveness in responding to future outbreaks. Additionally, some worry that production after waived patents will lead to a dangerous reduction in quality.

A “global pooled solidarity mechanism” called Covax established last year aimed to vaccinate high-risk people in all nations rich and poor equally, but this organization was undercut by wealthy nations’ procurement of vaccines. With production at high levels the U.S. has promised 500 million doses by the end of 2022 and the EU has made similar promises. Still, nations in the most immediate need have asked that they be allowed to manufacture their own vaccines *now* in an effort to protect their own populations.

⁶⁵ Gonsalves G, Yamey G. The covid-19 vaccine patent waiver: a crucial step towards a “people’s vaccine” BMJ 2021; 373 :n1249 doi:10.1136/bmj.n1249

⁶⁶ Arne Delfs and Eric Martin, “Merkel Pushes Back on Vaccine Patent Waiver in Row With U.S.” Bloomberg, May 6, 2021. <https://www.bloomberg.com/news/articles/2021-05-06/merkel-pushes-back-on-vaccine-patent-waiver-in-clash-withbiden>

12. From Cradle to College?

Political tensions in the United States have been driving wedges on a number of previously uncontroversial or at least significantly less controversial issues over the years, often to the detriment of society. For example, the left-right divide has rendered things that used to be much less controversial, like the Supreme Court's nominees and performance,⁶⁷ public health mandates,⁶⁸ the benefits of organized labor,⁶⁸ and the benefits of higher education,⁶⁹ have all seen partisanship increase and areas of public confidence decrease, at least on one side of the political divide or the other. While some of these divides are based almost entirely in partisan rhetoric and can operate to the detriment of our society, others represent much more legitimate concerns, and the difficulty is sorting out where hesitance or valid principled objections intersect with what appear to be unadulterated public goods.

One such area is the expansion of public childcare, which is now facing objection from some Republicans on the grounds that such public goods operate in conflict with several principles fundamental to their party's principles. [For example, Republicans like Sen. Tim Scott (S.C.) have voiced objection to the expansion of early childhood education because it represents government overreach, rendering the education of young children subject to federal legislation and indoctrination.⁷⁰ These sorts of concerns have resulted in Idaho state lawmakers rejecting \$6 million in federal early childhood education grant monies in March.] On the other hand, President Biden supports expansion of public early childhood education, even appearing to endorse including such policies in an infrastructure bill, under the argument that care for family impacts our human infrastructure, our ability to support our economy, and to improve America's place in global competition.

While the issue is relatively settled on the benefits of early childhood education—early enrichment has been demonstrably proven to improve outcomes later in life—this does not necessarily end the discussion. Up to this point, early childhood education has seen a wide array of responses of necessity from parents. “Americans do, in fact, want a dizzying variety of care setups: secular child-care centers, faith-based options, home-based daycares, public

⁶⁷ Golde, Kalvis, “Recent polls show confidence in Supreme Court, with caveats,” SCOTUSblog.com, Oct. 22, 2019, <https://www.scotusblog.com/2019/10/recent-polls-show-confidence-in-supreme-court-with-caveats/>;

“Supreme Court,” Gallup.com, retrieved July 20, 2021, <https://news.gallup.com/poll/4732/supreme-court.aspx>.

⁶⁸ “The Public’s Perspective on the United States Public Health System,” at VIII. Differences by Political Party Affiliation, Harvard T.H. Chan School of Public Health, May 2021, https://cdn1.sph.harvard.edu/wp-content/uploads/sites/94/2021/05/RWJF-Harvard-Report_FINAL-051321.pdf.

⁸ Lewis, C.M., and Kevin Reuning, “New polling data shows complicated politics of union members,” thestrikewave.com, Oct. 14, 2020, <https://www.thestrikewave.com/original-content/complicated-politics-of-union-members>; Domhoff, G. William, “The Rise and Fall of Labor Unions in the U.S.,” Who Rules America?, posted Feb. 2013, retrieved July 20, 2021, https://whorulesamerica.ucsc.edu/power/history_of_labor_unions.html; “Labor Unions,” Gallup.com, retrieved July 20, 2021, <https://news.gallup.com/poll/12751/labor-unions.aspx>.

⁶⁹ Parker, Kim, “The Growing Partisan Divide in Views of Higher Education,” Pew Research, Jan. 30, 2019, <https://www.pewresearch.org/social-trends/2019/08/19/the-growing-partisan-divide-in-views-of-higher-education-2/>; Nietzel, Michael T., “New Survey: Americans Want More Higher Ed Accountability, Take A Dim View of For-Profit Colleges,” Forbes.com, May 25, 2021, <https://www.forbes.com/sites/michaelnietzel/2021/05/25/new-survey-americans-want-more-higher-ed-accountability-take-a-dim-view-of-for-profit-colleges/?sh=6140967237f1>.

⁷⁰ Haspel, Elliot, “Child care has bipartisan support. But the culture war could wreck that,” The Washington Post, May 6, 2021, https://www.washingtonpost.com/outlook/child-care-has-bipartisan-support-but-the-culture-war-could-wreck-that/2021/05/05/62624d98-ac34-11eb-ab4c-986555a1c511_story.html.

prekindergarten, minding by relatives, care from a parent.” Thus, as systems may be put into place to help close the gap between the haves and the have-nots for early childhood education, the question of access, and what sorts of access, will become central to the execution of such policies, should they be put into place. And this leaves open a wide array of issues, including whether state sponsorship of stay-at-home parenting will be adopted, as well as whether funding will be given to the religious daycares that have emerged to fill the early childhood education gap, and whether federal funding will be available to such institutions, potentially in violation of the principle of separation of church and state.

Lastly, while more readily accessible metrics are available to measure outcomes in primary education, the quality of early child education may render the protection and nurturing of our youngest citizens hard to measure, and some worry that federal bureaucrats, who remain far too distant and potentially unaware of regional differences and needs, will be ill-equipped to protect the nation’s youngest learners as society picks up the burden of early childhood education on behalf of young families.

13. Snow (too) White?

Is Snow White a secret villain? Is her name an homage to racist institutions and people? Is her relationship with the seven dwarves built on a problematic power dynamic? These questions aren't in the news yet; but, there has been an exodus of classic Disney scenes including the "wench auction" from *Pirates of the Caribbean*, the "Song of the South" inspired theme of Splash Mountain, updates to the classic Jungle Cruise ride and most recently the elimination of traditional gendered language such as "ladies and gentlemen, boys and girls, dreamers of all ages." The language and rides have been changed to bring them into keeping with modern sensibilities.

According to company executives the changes at Disney parks over recent years is all a part of keeping current. As part of this process Disney has added "inclusion" to their traditional corporate values of safety, courtesy, show, and efficiency. Chris Beatty, Disney's Imagineering creative portfolio executive, explains "We want to make sure everybody has the best time—that guests from all over the world can connect with the stories we share and how we bring those to life are respectful of the diverse world we live in."⁷¹

Some worry that the progress made by Disney is an effort to 'whitewash' its historical 'dark side;' which includes a long list of cultural stereotypes, racism, misogyny, and white supremacy. In 2014 Abigail Disney, Walt Disney's grandniece, shared her own "mixed feelings" towards her great uncle's legacy: "Anti-Semite? Check. Misogynist? OF COURSE!! Racist? C'mon he made a film ('Jungle Book') about how you should stay with your own kind; at the height of the fight over segregation!"⁷² The claim that the Disney company wants to rehabilitate its past is also supported by the hugely flattering image of Walt Disney as portrayed in *Saving Mr. Banks*. Leaving reminders of Disney's oppressive past would surely cost the company financially and perhaps reputationally, but at least some people think these costs are a part of honesty and atonement.

Others object to the whitewashing of Disney's past for other reasons. Some Disney fans are pushing back on what they deem unnecessary changes, creating a petition to "save" Splash Mountain. The hope is not the save the ride itself, but to retain the motif of an idyllic post war south. For example, Jonathan VanBoskerck complains that Disney is pushing a too progressive agenda and ruining the experience for him and those like him: "The next time I ride Jungle Cruise I will not be thinking about the gloriously entertaining puns of the skippers, I will be thinking about Disney's political agenda," he wrote. "That's a mood killer."⁷³

⁷¹Tom Walker (July 29, 2021) "Disney World show goes gender-neutral" Attractions Management. <https://www.attractionsmanagement.com/index.cfm?subID=0&pagetype=news&codeID=348204&dom=n&email=web&pub=AME&date=>

⁷² Scott Feinberg (Jan 15, 2014) "Walt Disney's Grandniece Agrees With Meryl Streep: He Was 'Racist'" *The Hollywood Reporter*. <https://www.hollywoodreporter.com/race/walt-disneys-grandniece-agrees-meryl-670039>

⁷³ Hannah Sampson (May 6, 2021) "Disney's 'woke' moves spark a conservative backlash" *The Washington Post*. <https://www.washingtonpost.com/travel/2021/05/06/disney-woke-snow-white-fox/>

14. Living and Dying in Skid Row

According to the 2020 Homeless Assessment Report to Congress, U.S. Department of Housing and Urban Development, more than one-quarter of the nation's homeless population lives in California, and both the County and City of Los Angeles experienced double-digit growth in the number of the unhoused in the past year.⁷⁴ Just in 2020, 1,300 people died in the streets, in vehicles or other unsheltered places in Los Angeles.

Some homeless individuals have spent time in the notorious Skid Row neighborhood in downtown L.A. Since the 1930s, this neighborhood has contained one of the largest stable populations (about 4,200–8,000 individuals) of homeless people in the United States. It has a long history of police raids and has also served as the epicenter of homeless advocacy and many unsuccessful targeted city initiatives. A new \$12 billion plan is being touted as a potential solution to end homelessness on Skid Row and other parts of the state with protracted homelessness.

Elected officials have publicly proclaimed their commitment to implementing a sustainable solution to the homelessness crisis; Governor Newsom devoted his entire State of the State address in 2020 to addressing the issue. Newsom noted that “it’s a disgrace that the richest state in the richest nation—succeeding across so many sectors — is falling so far behind to properly house, heal and humanely treat so many of its own people.”⁷⁵

Housing advocates say the \$12 billion investment announced by Newsom, although the biggest intervention ever by any state, is not nearly enough. Matt Schwartz, the head of the California Housing Partnership, asserts that the state must create 1.2 million more homes for homeless and low-income Californians over the next decade in order to properly deal with the crisis—a proposal with a \$17.9 billion price tag. Yet Newsom’s proposal doesn’t include a long-term plan or permanent sources of funding.

In April 2021, a federal judge directed the city and county of Los Angeles to provide—within six months—shelter for the nearly 5,000 unhoused people living on Skid Row. The order, which chastised elected leaders for not doing enough to solve the homelessness crisis, and which clearly documented the systemic racism that greatly contributes to the problem, is being appealed.⁷⁶ According to Michael Walsh, an attorney representing the city of L.A., “To impose those policy preferences through a sweeping order rather than the decisions made by the city's elected officials is judicial overreach of the worst sort.”⁷⁷

On August 1, 2021, Los Angeles Mayor Eric Garcetti, signed into law an ordinance that criminalizes homelessness in most parts of the city, a motion that has drawn just as much fierce support by some as it has opposition by others. The law specifies certain times and locations

⁷⁴ 2020 Annual Homeless Assessment Report to Congress. U.S. Department of Housing and Urban Development. January 2021. <https://www.huduser.gov/portal/sites/default/files/pdf/2020-AHAR-Part-1.pdf>

⁷⁵ Gavin Newsom (Feb 19, 2020) State of the State Address <https://www.gov.ca.gov/2020/02/19/governor-newsom-delivers-state-of-the-state-address-on-homelessness/>

⁷⁶ Jordan Williams (April 21, 2021) [Judge orders LA to offer housing to homeless people by October | TheHill](#)

⁷⁷ Carlos Granda (July 7, 2021) “[Appeals court hears arguments over order forcing LA city, county to house Skid Row's homeless](#)” ABC News

where it will be ‘unlawful for a person to sit, lie, or sleep, or to store, use, maintain, or place personal property in the public right-of-way’. The ordinance makes it illegal to sit, lie, sleep, or set up encampments within 500 feet from ‘sensitive use’ properties, which include schools, parks, libraries overpasses, underpasses, freeway ramps, tunnels, bridges, subways, spreading grounds, and active railways.⁷⁸

⁷⁸ Brian Stieglitz (August 1, 2021) “LA Mayor Eric Garcetti signs order criminalizing homelessness” *The Daily Mail*. <https://www.msn.com/en-us/news/us/la-mayor-eric-garcetti-signs-order-criminalizing-homelessness/ar-AAMOA6>

15. An Eye for An Eye

After the Charlottesville “Unite the Right” rally in 2017, amateur sleuths promptly took to the Internet to attempt to identify participants in the rally who committed acts of violence. Screenshots of particularly heinous acts were isolated, spread far and wide by social media influencers like Shaun King, and followers throughout the country assisted King, and by extension, law enforcement, in identifying those who had committed crimes.

A similar situation occurred on November 14, 2020, when freelance journalist, Laura Jeeded, covered the “Million MAGA March” in Washington, D.C., taking video of the protesters who had gathered there to support for then-President Trump. At the event, a female MAGA supporter shouted to the crowd of protesters that Jeeded was “Portland Antifa press.” Jeeded was then surrounded by the protesters, one of whom stepped on Jeeded’s toes and yelled: ““What’s up, you stupid b----?”” and later asked, “How does it feel to be a Nazi fascist?”⁷⁹ Another source quoted that same assailant as repeatedly calling Jeeded a “maggot-a--” and “b----,” and noted that he directed Jeeded not to take video of him. At one point during the confrontation, the assailant’s American flag gaiter mask slipped down, revealing his face.⁸⁰

Jeeded later uploaded the video she had taken of this confrontation to Twitter and YouTube, where it promptly went viral. From there, Twitter users and local Antifa activists identified the flag gaiter-wearing assailant as Washington state resident Edward “Jeremy” Dawson, and were able to uncover and publish Mr. Dawson’s home address and phone number, a process known as doxing.⁸¹ After watching the video, Christian Exoo, “a prominent anti-fascist activist” also retweeted the video, and included contact information for Dawson’s employer. “Two days later, Dawson lost his job as an ironworker, his employer citing his actions in D.C.,” as the reason for the firing.⁸²

Not long after Dawson was doxed and fired, Dawson’s wife, Michelle, a Yacolt, Washington Councilwoman, posted an emotional, tearful and now-deleted Facebook Live video in which she claimed that she had other friends who had been doxed and blamed Antifa for her husband’s woes. She stated,

⁷⁹ Klemko, Robert, “Unmasking the far right: An extremist paid a price when his identity was exposed online after a violent clash in Washington,” The Washington Post, June 21, 2021, https://www.washingtonpost.com/national-security/doxing-far-right-violent-extremists/2021/06/20/35f730e2-ba68-11eb-a5fe-bb49dc89a248_story.html

⁸⁰ Crowley, James, “Viral Video Shows Councilwoman Crying After Husband Fired for Confronting Journalist,” Newsweek, Culture Section, Nov. 24, 2020, <https://www.newsweek.com/washington-councilwoman-video-crying-husband-fired-intimidating-journalist-million-maga-march-1549990>.

⁸¹ Doxing (a neologism that comes from the abbreviation “docs,” which is short for documents) involves compiling and publishing things like the address, employer, family, friends, and other personal information of someone, often in retaliation for what the poster views as improper or undesirable behavior. One of the first prominent public debates around doxing arose during a scandal known as “Gamergate,” in which a female gamer who criticized the online gaming industry for sexism had her personal information published by former friends and colleagues who took offense to her critique. The tactic resulted in threats of murder or rape, and was widely seen as an effort to intimidate and silence her. See Gamergate (harassment campaign), Wikipedia, last accessed Aug. 22, 2021, [https://en.wikipedia.org/wiki/Gamergate_\(harassment_campaign\)](https://en.wikipedia.org/wiki/Gamergate_(harassment_campaign)).

⁸² Klemko.

The video . . . is probably not my husband's best moment, but between Antifa and BLM murdering J and all the other bulls--t . . . , I feel what he did, I'm not gonna say is okay—sh-t happens.”

The company that Jeremy worked 6 years for and worked his a-- off for, bent their knee to terrorists yesterday and fired him.

The world needs to see what happens when Antifa destroys your life. The world needs to see why we cover our faces when we're out there. The world needs to see how demonic these little f---ers are.⁸³

Shortly after Mrs. Dawson's video, she was fired from her job at Walmart, though it is unclear whether that firing resulted from her support for her husband's actions or due to substantial amounts of missed work due to back problems.⁸⁴ It is also unclear whether her statements have had any impact on her role as local councilwoman. Regardless, right wing activists have taken issue with the doxing they have experienced. Some doxing is done using publicly available information. Other times the doxing may result from hacker collectives; the hacker group, Anonymous, has famously breached private databases in the name of social justice and published personal information of individuals who have engaged in bad acts.

Antifa and other left-wing activists say that rhetoric like that displayed by Dawson, while protected by the First Amendment, is not protected from the consequences of other citizens and private companies who are welcome to make decisions about the individuals with whom they interact. Businesses in many instances are permitted to fire individuals for virtually any reason or no reason at all, with the limited exception that it is illegal to fire someone based upon their membership in a protected class.

Thus, left wing groups often advocate for the outing of individuals like Dawson, particularly when right-wing extremists advocate for or use violence as part of their ideology (such as stepping on, surrounding, and threatening journalists who seek to cover MAGA protests). Many of the left-wing activists argue that doxing is a nonviolent response to violence, as it makes those living near and working with right wing extremists to become aware of the potentially dangerous and hateful views held by those extremists, and further allows individuals who interact with extremists the opportunity to make informed choices about those with whom they interact. Others on the left acknowledge the potential downsides of doxing, including the possibility that it may provoke further isolation from broader society, and by extension, more extreme behavior from doxing victims once they lose status in 'polite' society.

For her part, the journalist who was originally assaulted by Dawson is unsure how effective doxing is in the fight against extremism. She notes: “From a practical perspective, I feel like being unemployable is going to push him in a more extreme direction.” She further acknowledges, however, that a person “shouldn't be able to act like that and then have nothing happen to you.”

⁸³ As quoted by Crowley, from now removed video.

⁸⁴ Klemko.