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"We need to take away children"

The Atlantic
EST 1857

The secret history of the U.S. government's family-separation policy

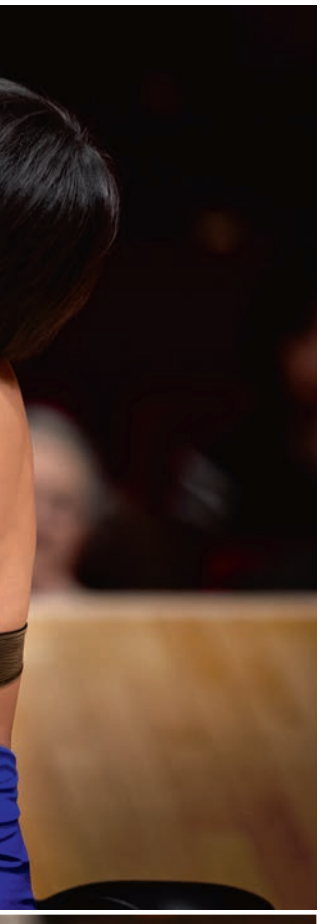
By Caitlin Dickerson

ANOUSHKA SHANKAR

YUJA WANG

MICHAEL BUBLÉ

SIR ANTONIO PAPPANO



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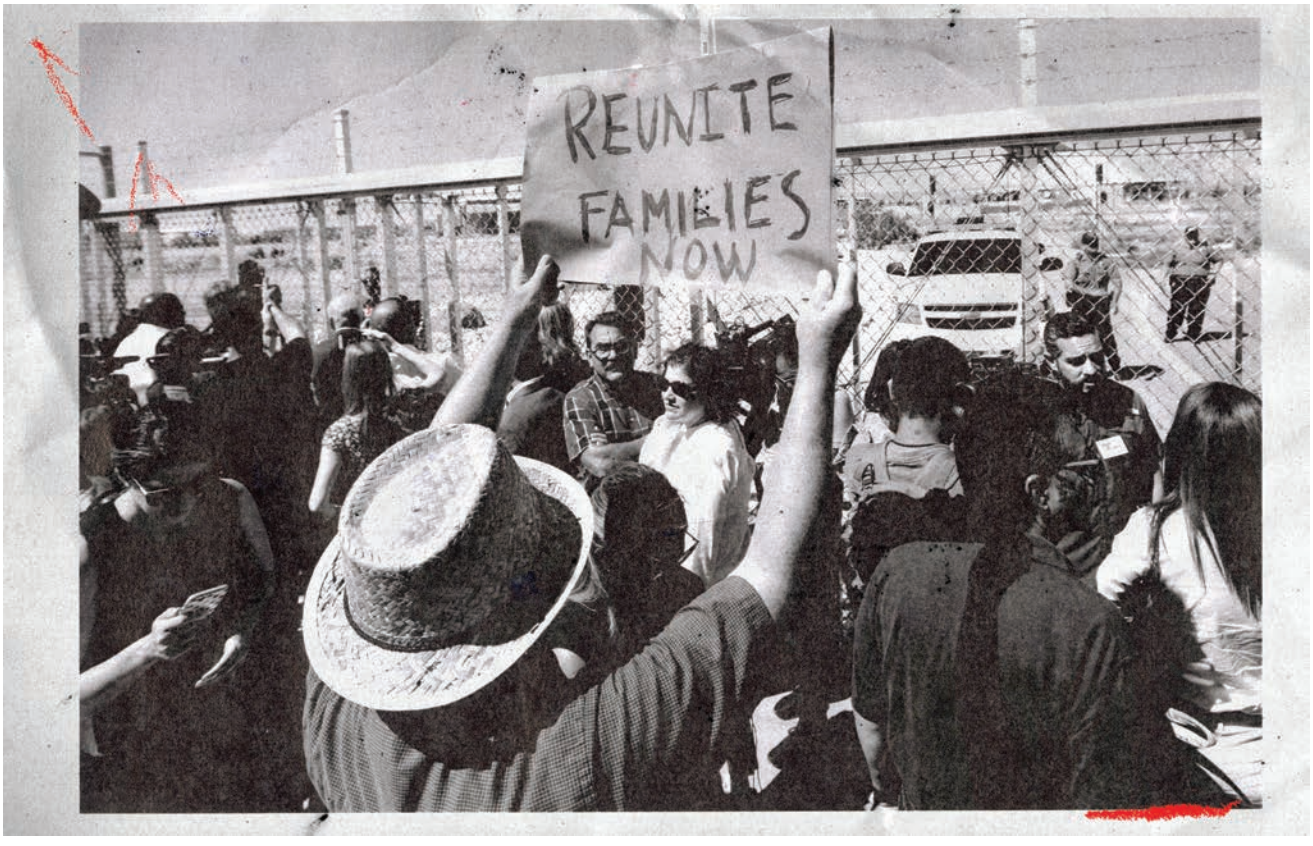

Cover Story

Features

June 2018: A person in Tornillo, Texas, protests against the Trump administration's Zero Tolerance policy, which separated families attempting to cross the border into the U.S. without authorization.

MIKE BLAKE / REUTERS / ALAMY

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On the Cover

ILLUSTRATION BY OLIVER MUNDAY

"BEAUTY LIES IN THE DETAILS OF THE GRANDEST STRUCTURES, AND THE FINEST."

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Behind the Art: "'We Need to Take Away Children'" (p. 36), an investigation of the Trump administration's family-separation policy, is the longest feature *The Atlantic* has published in a single issue in decades. The art for this article employs the aesthetics of bureaucracy—photocopied documents, torn renderings of court filings, and black-and-white photography—to evoke the trove of evidence that Caitlin Dickerson uncovered in her reporting. We found that presenting the information in stark terms made clear how administrative banality masked the callousness at the heart of the policy.

— Oliver Munday, *Design Director*

THE

How Politics Poisoned the Church

The evangelical movement spent 40 years at war with secular America, Tim Alberta wrote in June. Now it's at war with itself.

Letters

I have been in full-time ministry for more than 20 years in churches around the U.S. Now I am winding down even though I am just 44.

I am due to preach in a couple of weeks, and I have nothing to say. I have wrestled with why and have concluded that I am so disappointed and frustrated with modern Christianity that all I want to do is rail against it. It has taken a toll on my faith for many years and has left me empty. The Church has fallen prey to propaganda and a lack of critical thinking, resulting in an ever-weakening witness and a nearsighted worldview. We contradict the very essence of the teachings of Jesus.

Thank you for your research and article. You give a voice to those who will never be heard by more than a small audience.

Michael Rhodes
Belpre, Ohio

I appreciated Tim Alberta's clarity about what is really at stake with the rise of far-right evangelicals. The unholy alliance between radically conservative Christianity and radically conservative politics doesn't seek the kingdom of God; instead, it wants to impose a theocracy on the United States of America. Such a theocracy would cheapen the foremost requirement of the Christian faith: humbly carrying one's cross daily.

Early Christians believed that following Jesus Christ transforms a person into a well of compassion, humility, kindness, and generosity. They put the needs of others before their own.

Theocracy does not require such an inner transformation; the evangelical-right base and its prophets are quick to condemn cherry-picked sins. Jesus, by contrast, said that the important matters of God's commands are "justice, mercy, and faith." I don't think Jesus himself would fit with today's evangelical base.

Reverend Vanessa J. Falgoust
Natchitoches, La.

The fact that Tim Alberta "didn't see a single person carrying a Bible" at FloodGate is not at all surprising. Just as a disturbing percentage of evangelical Christians find science, democracy, and journalism inconvenient, so too, it seems, do they find the New Testament inconvenient. That's because its main message is not freedom, but responsibility. How else would we categorize the Golden Rule and the parable of the Good Samaritan?

Evan Bedford
Red Deer, Alberta, Canada

Tim Alberta laments "How Politics Poisoned the Church." Unfortunately, the current predicament of American evangelicalism started long ago, when it opened itself up to various poisons by cutting itself off from the deep spiritual, liturgical, and intellectual roots of the Church. Matters worsened when evangelicals hitched themselves to American capitalist culture and its growing pile of social detritus: celebrity, power, success, and narcissism. Having severely

COMMONS

DISCUSSION & DEBATE

limited their theological diet to a single book, the Bible, they forgot that though it is a rich and powerful book, it is also almost infinitely malleable when atomized into single verses. It's a recipe for captivity to whatever cause or enthusiasm catches fire at the moment. The result is a bizarre caricature of Christianity.

Arland D. Jacobson
Moorhead, Minn.

Thanks for Tim Alberta's thoughtful and heartbreaking reporting on politics and American evangelicalism. I grew up attending a small Southern Baptist church in rural Kentucky. I haven't visited in several years, but I hear it hasn't escaped the politicization that Alberta writes about. The pastor—a conservative, by any normal standard—has been branded a liberal for bucking right-wing orthodoxy on race, gun violence, and other issues. Relationships have been strained or broken.

Politicizing the Gospel has human consequences. My dad, a Focus on the Family conservative in the great tradition of the '90s, felt alienated by COVID skepticism on the right. The message he heard from anti-maskers and vaccine skeptics was this: Only healthy people matter. Dad was at high risk for several reasons and feared that he would die if he caught the virus. He was right. I watched COVID stop his heart last October.

As I grieve my dad, I'm also grieving evangelicalism like another loved one. My faith journey is complicated enough already. It's even harder having to realize that the tradition I come from is committed to political victory at all costs.

Joel Sams
Frankfort, Ky.

Tim Alberta's analysis of the current evangelical movement's struggles seems based, at least in part, on the separation of the spiritual and religious from the earthly and human, as he states in his interpretation of Paul's second letter to the Corinthians. Yet Paul's encouragement to set one's sights on the "unseen" does not indicate that his followers should move "away from the fleeting troubles of humanity." If politics refers to the power dynamics that shape and influence how a society sees and defines itself, claiming that the earliest Church writings, including the Gospels, were apolitical seems a gross misinterpretation of their content and message.

When Christ tells us to feed the hungry and clothe the naked, he implies that there's something inherently wrong with allowing others to starve or freeze to death. Preachers encouraging greater inclusion of the marginalized, generosity to the poor, and welcoming of the outsider are offering messages that have not just spiritual implications, but political and economic ones as well. The churches vilifying those who support science by stressing the importance of wearing masks during a pandemic or those who accept the truth that the 2020 election was not stolen are divisive and toxic, yes, but more important, they're not preaching the Gospel. Pastors need to be courageous enough to support leaders and government policy that make manifest what it means to live up to Christ's teaching.

Jonathon Huber
Atlanta, Ga.

To respond to *Atlantic* articles or submit author questions to The Commons, please email letters@theatlantic.com. Include your full name, city, and state.

FROM THE ARCHIVE

One striking image in this month's Viewfinder column ("A Man's World," p. 18) shows a group of astronauts posing in microgravity on the Mir Space Station in 1998. Tucked in a scrum of rugby-shirt-wearing men is Bonnie Dunbar, the seventh American woman to go to space, who was then on her fifth and final space-shuttle mission. Dunbar has appeared in *The Atlantic* before. In March 2019, what would have been the first-ever all-female spacewalk was stymied by a dearth of spacesuits small enough for the women. Dunbar spoke with our space reporter, Marina Koren, about the limitations NASA's suits had long imposed on astronauts.

As Koren reported, NASA still uses spacesuits designed in the 1970s. These initially came in a range of sizes, but in the '90s, budget cuts led to sizing cuts: The agency eliminated its smallest spacesuits.

On the International Space Station, astronauts conduct regular spacewalks to maintain the facilities. These walks require well-fitting spacesuits. According to Dunbar, the suits' shortcomings in recent years have influenced not just who went on missions but who became an astronaut. "Applicants had to be bigger to be selected," she told Koren.

Having spent years trying to develop new spacesuits in-house, NASA recently contracted with two companies to finish the job; these next-generation suits will accommodate a broader range of body types. Separately, at Texas A&M University, Dunbar and a team are working to develop custom-fitting suits using body-scanning technology.

— Stephanie Hayes,
Deputy Research Chief

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DISPATCHES

OPENING ARGUMENT

THAT'S IT. YOU'RE DEAD TO ME.

Suddenly everyone is "toxic."

BY KAITLYN TIFFANY

Last spring, my boyfriend sublet a spare room in his apartment to an aspiring model. The roommate was young and made us feel old, but he was always game for a bottle of wine in the living room, and he seemed to like us, even though he sometimes suggested that we were boring or not that hot.

One night, he and my boyfriend started bickering about which Lorde album is better, the first one or the second one. This kind of argument can be entertaining if the participants are making funny or interesting points, but they weren't, and they wouldn't drop it. The roommate was getting louder and louder; my boyfriend

was repeating himself. It was Friday; I was tired. I snapped and said, loudly, "This conversation is dumb, and I don't want to keep having it." I knew it was rude, but I thought it was expedient, eldest-sibling rude. So I was sort of shocked when the roommate got up without a word, went into his room, slammed the door, and never spoke to me again.

Though he lived in the apartment for several more months, I saw him only one other time, on the way to the bathroom. We didn't make eye contact. Another time, I was on a Zoom call in the living room and heard, from behind his closed bedroom door, the Avril Lavigne song "Girlfriend," the chorus of which is a peppy "Hey, hey, you, you, I don't like your girlfriend," playing at a pointed volume. Eventually, my boyfriend texted him to see if he would talk about the situation. He replied that there wasn't much to say, except one thing: "Your girlfriend is toxic," he warned, followed by an emoji of a monkey covering its face.

This accusation was upsetting because I crave approval at all times from everyone around me. But it was also surprising because *toxic* is an internet word. I had seen all kinds of advice on Twitter, Instagram, TikTok, and Reddit about how to deal with "toxic" friends, generally by never speaking to them again. But I had rarely heard it used offline, and then only semi-ironically, or in regard to people who were objectively terrible. I had never had to consider whether it was a word that could be applied to me.

THE INTERNET IS wallpapered with advice, much of it delivered in a cut-and-dried, cut-'em-loose tone. Frankly worded listicles abound. For instance: "7 Tips for Eliminating Toxic People From Your Life," or "7 Ways to Cut a Toxic Friend Out of Your Life." On Instagram and Pinterest, the mantras are ruthless: "There is no better self-care than cutting off people who are toxic for you"; "If I cut you off, chances are, you handed me the scissors." The signature smugness and sass of Twitter are particularly well suited to dispensing these tidbits of advice. *I don't know who needs to hear this*, a tweet will begin, suggesting that almost anyone might need to hear it, *but if someone hurts your feelings, you are allowed to get rid of them*. There is even a WebMD page about how to identify a "toxic person," defined aggressively unhelpfully as "anyone whose behavior adds negativity and upset to your life." Well, by that measure . . . !

I find this stuff tough to read because—like most people I know—I've surely hurt everybody I love at least once. Plus the roommate. I talked down to him—an obvious red flag—and he did what he was supposed to do, according to the prevailing online wisdom. He acted quickly to protect himself. *A person has no obligation to forgive anyone for anything*, he may have been reassured by some tinny internet voice. Or as one "Inspirational Quotes" account tweeted over the summer: "Cut them off silently, they know exactly what they did."

I can't say it was a huge loss—our relationship was based almost entirely on proximity. But the advice I'm sifting through isn't just about sloughing off casual acquaintances; it's meant to apply to close friends, siblings, partners, parents. The message—implied if not always stated outright—is that other people are simply not my problem.

"THESE ARE SOME signs that you should cut somebody off," Sahar Dahi, a 22-year-old TikTok creator, announced last year to her millions of followers. She has the air of a big sister—but a fun one, not a scold. The signs include: They can't tell the truth, they can't keep your secrets, and they cross your boundaries even though your boundaries are nonnegotiable. "These are definitely red flags," she told me.

THE MESSAGE—IMPLIED IF NOT ALWAYS STATED OUTRIGHT—IS THAT OTHER PEOPLE ARE SIMPLY NOT MY PROBLEM.

Dahi posts a lot of videos tagged #toxic. When I interviewed her, I asked her if she practices what she preaches, and she told me that she's actually very big on practicing what she preaches—she's cut a wild number of toxic people out of her life. How many, exactly? She paused. "Like, just doing a quick count? Oh my God, I'd say, like, 10." (In the past year.)

I should stop here to note that I'm not looking to instigate some kind of moral panic. Maybe #toxic posts are popular because relationship drama is good entertainment, especially on TikTok—an app for teenagers whose literal role in society is to explore the full spectrum of irrational behavior. Maybe this advice is just what's in style right now. But at a time when our most intimate relationships really do seem to be becoming more brittle, it's hard to laugh off the possibility that some people are taking all of this to heart.

Nobody tracks breakups between unmarried romantic partners, let alone friends or subletters. But we do know that all kinds of relationships seem to be snapping. Last year in *The Atlantic*, Joshua Coleman, a psychologist focused on family estrangement, described advising an influx of parents whose adult children had cut them out of their lives. Karl Pillemer, a professor at Cornell University, published a book on the topic in 2020 in which he estimated that about 67 million Americans were estranged from a family member.

Some blame self-absorbed young people. In a *New York Times* column last year, David Brooks employed the work of Pillemer and other experts to argue that the estrangement epidemic might be driven by "a generational shift in what constitutes abuse"—difficult or distant parents, redefined as dangerous. He wondered whether today's young people view the family as a "launchpad for personal fulfillment," rather than the site of lifelong obligation. Brooks then painted a lonely picture of the "psychological unraveling of America," working in high rates of depression and suicide, as well as the sizable percentages of Americans who feel that they do not have even

one close friend and that nobody truly knows them.

Two decades ago, Robert D. Putnam lamented the breakdown of social ties in *Bowling Alone*. Americans, pressed for time and money, were abandoning their bridge clubs, bowling leagues, and broader community obligations. Putnam diagnosed a generational posture toward society, but what's going on now is different: a generational mutation in the philosophy of interpersonal relationships. It's more intimate, and maybe more distressing.

CSA IMAGES / GETTY; FOTOGRAZIA / GETTY; RYASICK / GETTY

WHY IS THIS happening? Maybe young people have been inspired by the impermanence and infinite choice baked into online dating and social media. Maybe our brains have been pickled in wellness culture and "self-care" rhetoric, which stress the need to privilege our own well-being above all else. Or maybe we're just good American capitalists, encouraged by the cult of individualism to think of ourselves as compelling brands, the main characters of cinematic star vehicles, the centers of the universe.

The line between internet advice and bona fide mental-health guidance can get a little blurry. A few TikTok personalities have branched out into something that looks more like therapy—charging for one-on-one consultations. And I spoke with professionals who told me that this school of online advice has made its way into their own consultation rooms.

Lina Perl, a clinical psychologist in New York, said her patients sometimes talk about toxic friends and the internet's advice for dealing with them. She gets the appeal. "People love rules," she told me. They want to know what their responsibilities are. "When do I get to say, 'That's it. I cut you out'?"

Jack Worthy, a psychotherapist in New York, doesn't care for the word *toxic*: "As far as I know, it's not an actual psychological construct that has validity and reliability." But lately, he told me, it's been coming up "again and again" in his practice. Many patients "want to explore ideas or frameworks that they learned online."

Worthy noted that self-help is much older than social media, but that reading an entire Brené Brown book takes far more commitment than passively consuming what's presented to you in an algorithmic feed. "I think previously it might not have been so easy to find content to validate what you already feel," he said.

The advice is not just easier to find; it's easier to follow, too. Earlier iterations of self-help often stressed the hard work of building and maintaining relationships, of opening up and connecting with others. That's more arduous than simply removing from your social network anyone who causes you discomfort.

SOCIAL MEDIA, by its nature, can make people appear more extreme than they are. Consider a recent incident involving Lindy Ford, a 21-year-old influencer from Spokane, Washington, who posts videos on Twitch of herself playing fantasy games like The Elder Scrolls V. Though her modest audience follows her for gaming content, she has also been candid about her anxiety and panic disorders, as well as her relationships;

sometimes, on Twitter, she'll offer bits of advice. Last year, she posted:

> here's your reminder that unless someone explicitly told you with their words they are upset with you, there is no need for you to worry yourself sick. you have no mental or emotional obligation to people who do not communicate with you. no matter how much you love them.

Pretty intense! The tweet was shared more than 50,000 times—in many cases approvingly. But others saw Ford's message as wrong or even dangerous, describing it as an "insane thing to say" and a "great entry in the short but rich history of sociopathic advice on social media."

When I spoke with Ford soon after, I was curious about whether she was surprised by that backlash. "That is just the way it is online," she told me. Her followers knew she was alluding to her own tendencies to overthink things and be too self-critical. But she understood why other people thought "it was quote-unquote sociopathic … They were reading it as if I were saying, 'If you hurt someone, then you have no obligation to fix it, because they didn't tell you that you hurt them.'" That wasn't what she meant. It's only what she wrote.

The beauty of a tweet is its simplicity: You can hear a gavel bang at the end of each sentence. But that just doesn't correspond to the messiness of life. *What mistakes can we make and still ask for forgiveness? What do we owe one another? What do we owe ourselves?* You can discuss these questions forever. This is why I love reality TV—especially the *Real Housewives* universe, which, stripped of the glitz, is about nothing other than how and when to give an apology, and under what terms to accept one.

In her 1987 memoir, *Fierce Attachments*, Vivian Gornick describes her relationship with her unhappy and demanding mother. The story doesn't come to a dramatic end in which Gornick stops talking to her mother forever. Instead, Gornick painfully, slowly, gains a little freedom. "We are no longer nose to nose, she and I. A degree of distance has been permanently achieved … This little bit of space provides me with the intermittent but useful excitement that comes of believing I begin and end with myself."

Beginning and ending with yourself is not the same as suggesting that your self is your only obligation, which is plainly nonsense. Even the influencers with the most followers, putting out the toughest advice, must know that's no way to live. Because if the people in our lives aren't our responsibility, then what is?

Catherine Hodes, a social worker in Massachusetts, doesn't spend a lot of time on the internet, but she has devoted her career to thinking about how people treat one another. In 2013, when she was the director of the Safe Homes Project, a domestic-violence program, she started a workshop called "Is It Conflict or Abuse?" An abusive dynamic, she argues, requires one person to have power over the other, whereas conflict involves two people struggling for power. The distinction can be confusing, and in some cases "both people feel like they're being abused, because they're not getting their needs met or they're not getting their way."

The relationship advice I've been describing doesn't necessarily encourage anyone to think of themselves as a victim of abuse, but it does imply that one person is always in the right, while the other is in the wrong—so much so that the person in the right should summarily dismiss the person in the wrong. To demonstrate the error of this thinking, Hodes told me a story.

She once attended a conference where a group of people shared experiences of abuse. One young man was asked to tell his story of abusing someone else. He said that he'd been jealous when his girlfriend spoke to other guys, that he cursed at her and felt the need to exert control over her. He had thought this was a normal part of being in a couple, but he'd since been corrected.

"He spoke very softly and he looked down, and he seemed shy and maybe ashamed," Hodes recalled. As he spoke, she was thinking, "Wait a minute. Why is this being called abuse? It sounds like a 16- or 17-year-old kid with no experience with relationships who doesn't know anything about intimacy … I saw his confusion and his pain and his humanity. And I had no desire to label him as being bad."

In 2016, the writer Sarah Schulman published a book called *Conflict Is Not Abuse*, elaborating on Hodes's work. She argues that overstatement of harm can itself cause more harm. The person seen as good will be supported and the person seen as bad will be shunned. On social media, Hodes said, these binaries become even more entrenched, because people are encouraged to take sides. This was the case with Ford's tweet, and thousands of other ephemeral dramas.

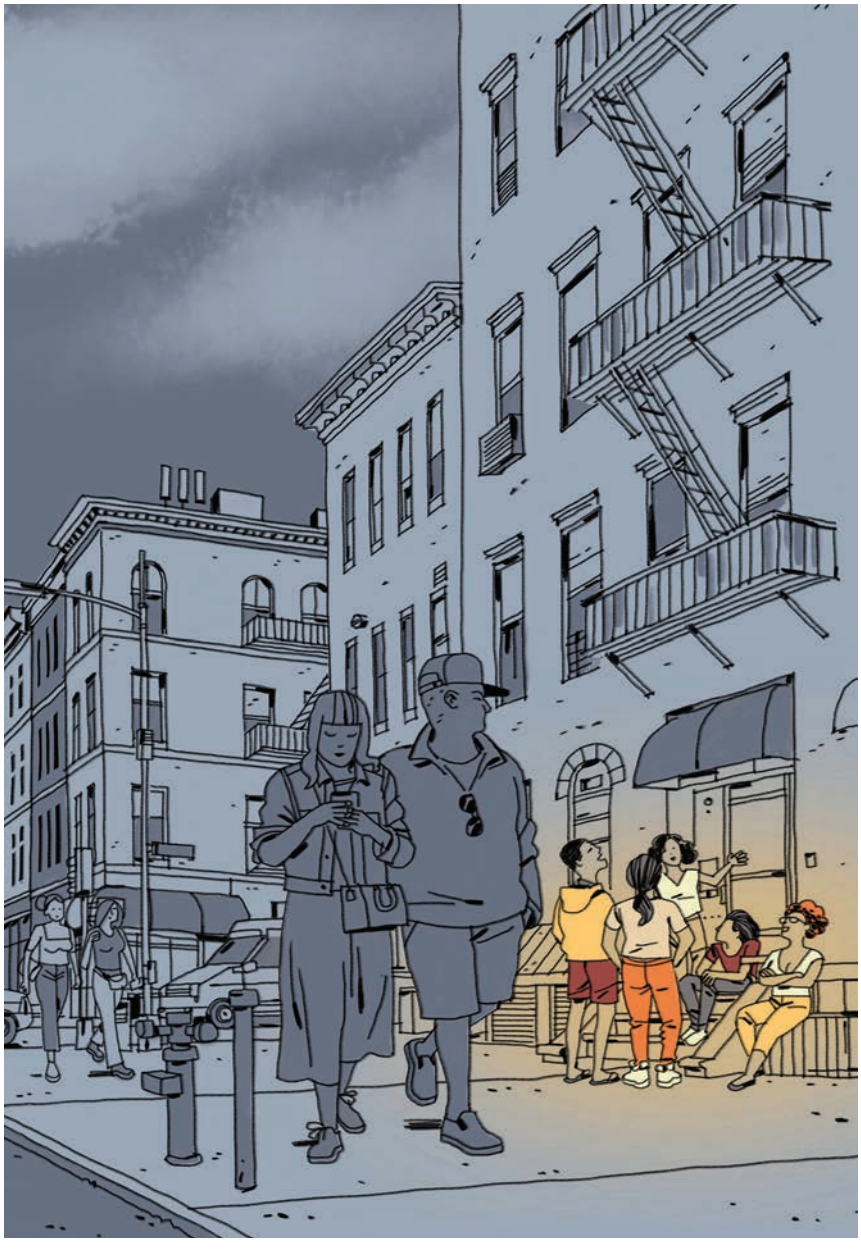
One of the easiest explanations for the "toxic" trend is clearly false: Young people aren't misanthropes. In the past few years, Millennials and Gen Zers have helped rejuvenate the concept of mutual aid, participated in some of the country's largest-ever demonstrations in favor of racial justice, and expressed a renewed interest in organizing labor. Many of us are thinking hard about our interconnectedness and sometimes tying ourselves in knots trying to do the right thing.

But too often this does not square with the way we discuss our personal lives. I never feel quite so worried that I could die alone and unloved as I do when scrolling through the relationship-sphere, hit by so many emphatic declarations of who should be dead to me and why I should be dead to others.

And yet, I don't feel hopeless. I have "no obligation," I'm told, but we all feel obligation, or we wouldn't be looking so desperately for some relief from that sensation. The very existence of the relationship-advice ecosystem implies an attitude of responsibility and generosity toward our fellow travelers (*I don't know who needs to hear this, but* …). That attitude will remain, I think, long after the chilly tone of today's advice-givers goes out of style. *A*

Kaitlyn Tiffany is a staff writer at The Atlantic *and the author of* Everything I Need I Get From You: How Fangirls Created the Internet as We Know It.

SOCIETY



LET BROOKLYN BE LOUD

Why do rich people love quiet so much?

BY XOCHITL GONZALEZ

New York in the summer is a noisy place, especially if you don't have money. The rich run off to the Hamptons or Maine. The bourgeoisie are safely shielded by the hum of their central air, their petite cousins by the roar of their window units. But for the broke—the have-littles and have-nots—summer means an open window, through which the clatter of the city becomes the soundtrack to life: motorcycles revving, buses braking, couples squabbling, children summoning one another out to play, and music. Ceaseless music.

I remember, the summer before I left for college, lying close to my bedroom box fan, taking it all in. Thanks to a partial scholarship (and a ton of loans), I was on my way to an Ivy League college. I was counting down the days, eager to ditch the concrete sidewalks and my family's cramped railroad apartment and to start living life on my own terms, against a backdrop of lush, manicured lawns and stately architecture.

I didn't yet know that you don't live on an Ivy League campus. You reside on one. Living is loud and messy, but residing? Residing is quiet business.

I first arrived on campus for the minority-student orientation. The welcome event had the feel of a block party, Blahzay Blahzay blasting on a boom box. (It was the '90s.) We spent those first few nights

ILLUSTRATION BY JORGE COLOMBO

convening in one another's rooms, gossiping and dancing until late. We were learning to find some comfort in this new place, and with one another.

Then the other students arrived—the white students. The first day of classes was marked by such gloriously WASPy pomp that it made my young, aspirational heart leap. Professors in academic regalia gave speeches about centuries-old traditions and how wonderful and unique we were—"the best class yet." Kids sang a cappella and paraded with a marching band. I'd spent my high-school years sneaking out at night to drink 40s on the beach and scheming my way into clubs. I understood that what was happening around me wasn't exactly cool, but it was special. And I was a part of it.

I just hadn't counted on everything that followed being so quiet. The hush crept up on me at first. I would be hanging out with my friends from orientation when one of our new roommates would start ostentatiously readying themselves for bed at a surprisingly early hour. Hints would be taken, eyes would be rolled, and we'd call it a night. One day, when I accidentally sat down to study in the library's Absolutely Quiet Room, fellow students *Shhh*-ed me into shame for putting on my Discman. With rare exceptions—like Saturday nights during rush—silence blanketed the campus.

I soon realized that silence was more than the absence of noise; it was an aesthetic to be revered. Yet it was an aesthetic at odds with who I was. Who a lot of us were.

Within a few weeks, the comfort that I and many of my fellow minority students had felt during those early cacophonous days had been eroded, one chastisement at a time. The passive-aggressive signals to wind our gatherings down were replaced by point-blank requests to make less noise, have less fun, do our living somewhere else, even though these rooms belonged to us, too. A boisterous conversation would lead to a classmate knocking on the door with a "Please quiet down." A laugh that went a bit too loud or long in a computer cluster would be met with an admonishment.

In those moments, I felt hot with shame and anger, yet unable to articulate why. It took me years to understand that, in demanding my friends and I quiet down, these students were implying that their comfort superseded our joy. And in acquiescing, I accepted that.

I had taken the sounds of home for granted. My grandmother's bellows from across the apartment, my friends screaming my name from the street below my window. The garbage trucks, the car alarms, the fireworks set off nowhere near the Fourth of July. The music. I had thought these were the sounds of poverty, of being trapped. I realized, in their absence, that they were the sounds of my identity, turned up to 11.

I loved the learning that I did in college—academic and cultural. And I managed to have a lot of fun, in the spaces that the students of color claimed as our own. We had our own dormitories, our own hangouts; we even co-opted a room in the computer center where we could work the way we preferred, with Víctor Manuelle or Selena playing in the background. Some white students resented that we self-segregated. What they didn't understand was that we just wanted to be around people in places where nobody told us to shush.

WHEN I MOVED back to Brooklyn after college, I found that the place had changed. Neighborhoods that had been Polish and Puerto Rican and Black were suddenly peppered with people who looked better-suited to my college campus than to my working-class home turf. Many of them needed the affordable rents because they had opted into glamorous but poorly paying white-collar jobs. Alas, these newcomers hadn't moved here to live alongside us; they'd come to reside.

> AS MY GRANDMOTHER USED TO SAY, "I'M NOT YELLING, THIS IS JUST HOW I TAWK!"

The first time it happened was the night before Thanksgiving. Three or four of us—all people of color—were eating takeout in my best friend's studio apartment. The radio was playing, and we were debating, as we often did, who was the best rapper alive. There was a knock at the door and when we opened it, my friend's neighbor, a 20-something woman new to Brooklyn, was standing there, exasperated. "Did your mothers not teach you the difference between inside voice and outside voice?"

The next time it happened was at brunch in Fort Greene, the time after that in a newly opened hotel bar in Williamsburg. After a while, I stopped keeping track. The people complaining clearly thought they were trying to enforce a sonic landscape that they deemed superior, but what they were really doing was using shame to exert control. Over the restaurant, the building, the borough. Us.

For generations, immigrants and racial minorities were relegated to the outer boroughs and city fringes. Far, but free. No one else much cared about what happened there. When I went to college, it was clear to me that I was a visitor in a foreign land, and I did my best to respect its customs. But now the foreigners had come to my shores, with no intention of leaving. And they were demanding that the rest of us change to make them more comfortable.

THE SOCIETY FOR the Suppression of Unnecessary Noise was founded by a physician named Julia Barnett Rice in 1906. Rice believed noise was unhealthy, and enlisted New York City's gentry (including Mark Twain) to lobby for things like rules governing steamboat whistles, and silence pledges from children who played near hospitals.

The group met in posh spaces like the St. Regis hotel, but Rice insisted that she was not solely interested in protecting New York's upper class. "This movement is not for the relief of the rich," she wrote in *The New York Times*, "for the poor will benefit by it fully as much as, if not more than, those who can leave the city whenever they wish." In 1909, the organization celebrated the passage of an ordinance that prohibited street vendors (many of them immigrants) from shouting, whistling, or ringing bells to promote their wares. (The ban applied only to Manhattan, though the city had fully incorporated as the five boroughs a decade earlier.)

Attempts to regulate the sounds of the city (car horns, ice-cream-truck jingles) continued throughout the 20th century, but they took a turn for the personal in the '90s. The city started going after boom boxes, car stereos, and nightclubs. These were certainly noisy, but were they nuisances? Not to the people who enjoyed them.

In 1991, the NYPD launched Operation Soundtrap, a campaign in which cops would trawl streets—often in majority-Black-and-brown communities—hunting for and confiscating cars with enhanced stereo systems. ("If they don't turn down the volume, we'll turn off their ignition," the chief of the police department vowed.) When Rudy Giuliani became mayor in 1994, he used a cabaret-license law to force clubs out of gentrifying neighborhoods like the Lower East Side and Chelsea. The battle against nightlife continued during the Bloomberg years. New York was effectively codifying an elite sonic aesthetic: the systemic elevation of quiet over noise.

In the years that followed, many of New York's nightclubs migrated to Brooklyn, which remains loud and proud. An analysis of 2019 data ranked it as the loudest borough in New York. It earned this distinction by racking up the most noise complaints to 311—the city complaint hotline. Which raises the question: *Was* it the noisiest borough? Or was it just home to the densest mix of loud people and people who wanted to control those loud people?

I find many city noises nerve-racking and annoying: jackhammers doing street maintenance, the beeping of reversing trucks, cars honking for no good reason. Yet these noises account for a small minority of all noise complaints. Nearly 60 percent of recent grievances center on what I'd consider lifestyle choices: music and parties and people talking loudly. But one person's loud is another person's expression of joy. As my grandmother used to say, "I'm not yelling, this is just how I tawk!"

THE UPPER EAST SIDE of Manhattan, which runs from 59th Street to 96th Street, is one of the borough's quietest neighborhoods. Save for trips to the Metropolitan Museum of Art, I didn't spend a lot of time there growing up. In fact, my first real foray uptown came that summer before college. The woman who'd endowed my scholarship wanted to meet me. I stepped out of the elevator of her Fifth Avenue apartment building in my Sunday best, and was promptly greeted by a maid—another Latina. I waited, very quietly, for my benefactor—a pleasant older woman in a Chanel suit—to join me for tea. For an hour I pretended to be a meek, muted version of myself. No one had told me to do this. I instinctively understood that, in this unfamiliar environment, the proper way to express my gratitude was to hush myself.

That day recently returned to me when I realized that the same luxurious stretch of Fifth Avenue is also home to the National Puerto Rican Day Parade. Puerto Ricans have been coming to New York since the United States seized the island as a colony after the Spanish-American War, but the great wave of migration occurred in the 1950s and '60s. Hundreds of thousands of Puerto Ricans moved to the Lower East Side, Spanish Harlem, parts of the Bronx, Bushwick, and Sunset Park, where I grew up. In the late 1950s, community leaders wanted to show their children—many of whom had never been to *la matria*—pride in their identity by coming out of the margins and marching through the heart of Manhattan. Over the years, the parade has grown and grown.

It is a loud affair, and I take pride in saying that we are a loud people. (Is it a coincidence that one of J.Lo's biggest hits was "Let's Get Loud"? I think not.) We love our music. We love to dance. We love being Puerto Rican. And perhaps this is why the parade inspires such discomfort. In the '90s, Upper East Siders implored the city permit office to move the parade to the Bronx, to "their neighborhood." A 2003 *New York Times* story reported that "one day a year the Upper East Side takes a deep breath and prepares itself." Only after Michael Bloomberg, then the city's mayor, made a public appeal did retailers and property owners along the route stop boarding up their windows as if a hurricane were barreling down on the city. Some restaurants and coffee shops still close for the day.

In June, after a two-year COVID hiatus, the 65th Annual National Puerto Rican Day Parade marched up Fifth Avenue. I had the honor of being an ambassador for arts and culture, which meant I got to ride in the back of a red convertible. The event is a big party, or more accurately, a thousand different parties all celebrating the same thing: being Puerto Rican in the greatest city in the world. Every float, every car, every delegation was playing reggaeton, salsa, merengue, boleros, and Bad Bunny. Everywhere you went you heard Bad Bunny. People were dancing bomba and plena and bachata. There were chants of "Puerto Rico!" and "*¡No se vende!*" I waved at all the beautiful people, and when we passed the apartment building where my former benefactor lived all those years ago, I shouted out an extra-loud "*¡Wepa!*"

For 35 blocks, we were as loud as we wanted to be, and nobody could tell us nothing. And then we got to the end of the route. The crowd thinned out and the blockades ended, and we were met with a giant traffic sign illuminated with the words QUIET PLEASE. *A*

Xochitl Gonzalez, the author of the novel Olga Dies Dreaming, *writes the Brooklyn, Everywhere newsletter for* The Atlantic.

A Man's World

For her new book, *The Only Woman*, the documentary filmmaker Immy Humes collected 100 group portraits—of artists, astronauts, civil-rights leaders—that share a common trait: Each photo has only one woman. Can you spot her? Depending on your point of view, she might seem like an emblem of progress, evidence of old-fashioned gender inequality, or both. Is she a fluke? A token? A trailblazer?

— Amy Weiss-Meyer

Mia Westerlund Roosen
Artists celebrate the 25th anniversary of the Leo Castelli Gallery, New York City, 1982

Katharine Graham
Board of directors of the Associated Press, New York City, 1975

Lisette Dammas
Jury for the espionage trial of Julius and Ethel Rosenberg, New York City, 1951

Gloria Richardson
Civil-rights leaders meet with Robert F. Kennedy, Washington, D.C., 1963

Bonnie Dunbar
American and Russian astronauts, Mir Space Station, 1998

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My Escape From the Taliban

When Kabul fell, my sister and I almost didn't get out.

By Bushra Seddique

ILLUSTRATION
BY SALLY DENG

The text message came a little before 5 p.m. It was August 26, 2021. Eleven days earlier, the Taliban had overthrown the Afghan government. My friend—a German writer and academic—had been trying to help my family flee the country. Now she told me she had gotten my two younger sisters and me on the list for a flight to Frankfurt, a last-minute evacuation negotiated by the German government and a nonprofit group.

"What about my mom?" I asked. She didn't reply for a moment. "I was not able to get her on this flight," she answered. Please, I begged her: "My brothers are gone and my father is living with his second wife. She just has us, no one else, for God's sake please do something."

But there was nothing she could do. "These are the names that they offered me," she wrote. "I know it's a terrible choice."

She said we had 20 minutes to decide whether to stay or go. We would need to pack, then take a taxi to a secret location, where we'd meet the buses that would drive the evacuees to the airport.

Just a few weeks earlier, my life had been relatively normal. We knew the Afghan National Army was getting weaker—on the battlefield, scores of soldiers were dying—and the front lines kept getting closer to Kabul. And yet, inside the city, schools, offices, and cafés were still open. People were going out to sing and dance; music played in restaurants and taxis. I was 21 and had recently started working for a newspaper, which had me traveling around the city reporting. I loved writing about people, especially the poor, whose voices were rarely heard. I wrote about how they lived, the problems they faced, the joy they experienced regardless.

My father is from Tolak, a remote district in Ghor province, where, even after the fall of the Taliban 20 years ago, women were still flogged and stoned to death. As far as I know, there has never been a journalist from Tolak, certainly not a female one. I knew that the life I was living would not have been possible if my father hadn't worked hard to bring our family to Kabul. I knew it would not have been possible if the Taliban had remained in power.

But now the Taliban were back. On August 15, the government collapsed, the security forces disintegrated, and the president, Ashraf Ghani, fled. Once he'd left his people behind, Europe and the United States abandoned us too. If I could meet Ghani today, I would have nothing to say to him. I would silently stare into his eyes so that he could feel the homelessness of a young woman.

I had heard about the Taliban all my life. But I had never actually seen a Talib before. Suddenly they were everywhere, patrolling the streets of Kabul. My family gathered in my mother's apartment, near the U.S. embassy: me, my younger sisters, and our mother, as well as our father and stepmother and their five kids. When the government disappeared, my job at the newspaper disappeared too. It wasn't safe to commute to work anymore, anyway; none of us left the apartment except to go to the food shop just downstairs. The apartment was crowded. But we were together.

Now, suddenly, I had to choose between my loved ones. How could I leave my mother alone? If one of us girls stayed behind, which one should it be? What if the sister who stayed was killed? What if the sister who tried to escape was killed?

We sat on the floor of my small bedroom with its red-and-white curtains and tried to talk about what to do—me; our mom; my youngest sister, Sara; and another sister, Asman. I knew that my family would be targeted—I had two older brothers who had worked for the Americans and had already been evacuated, and I was a woman with a job. But I didn't want to leave, especially when I looked at my mother's face, at the lines across her forehead, her white hair that made her look older than her five decades—proof of how hard the life of an Afghan wife and mother is.

In the end, she decided for all of us. "You and Sara go," she said to me. "Asman and I will stay."

Sara was only 16 then—she's a dreamy girl who likes adventure and wants to be a pilot when she grows up. My mother felt she wasn't brave enough to adapt to the oppressions of life under the Taliban. Asman was 19. She is the quietest of us sisters but also the kindest. We're two years apart but grew up like twins. She's more than a sister to me—my all-time secret keeper. My mother knew she would be strong enough to withstand whatever came next. It was the best choice she could have made.

But what about me? I didn't know how I would take care of Sara on my own. And how could I leave my best friend? (Asman, for the record, is a pseudonym; because she remains in Afghanistan, it is not safe to use her real name here.)

Sara and I packed a bag each, and my mother handed us some snacks—cakes and cookies—and water. We put on long black dresses and veils over our hair. I couldn't look Asman in the eye. I didn't have the courage to tell her goodbye. All of us were crying. As Sara and I walked out the door, my mother sprinkled water on our backs—an Afghan tradition to wish someone a safe trip. It all happened so fast. My father was sleeping in the other room. Instead of waking him, I just opened the door and looked at him—this brave man who had worked for years in the most dangerous provinces to support us and make it possible for us to go to school and have a better life. And then we were gone.

How could I leave my mother alone? If one of us girls stayed behind, which one should it be?

IT WAS ABOUT a 15-minute drive to the buses. I felt like time stopped in those 15 minutes. Everything outside the window had changed; my whole country had changed. The taxi drove by a Talib, one of the first I'd seen up close. He was a young man in his 20s, wearing traditional Afghan clothes—all in gray, with the black vest we call a waskat and a black lungi wrapped around his head. His long, greasy hair fell over his shoulders and his eyes were dark, so dark that he must have been wearing surma—the sooty eyeliner that some believe improves vision and looks pious. He held a rifle.

Now I could see the white flags of the Taliban and the gunmen everywhere, with their Humvees and motorcycles. I didn't see any women or girls on the streets. I held tightly to Sara's hand. I was her guardian now; I was her mother and her father. If something happened to us, it was my responsibility.

We stopped at the side of the road, where five buses were waiting, along with about 250 Afghans, including journalists, human-rights activists, and people who had worked for the German government. Someone was calling out names from a list, telling people which bus to get on. I went up to him—his name was Jordan, I later learned, and he was an Australian filmmaker who had reported from Afghanistan for several years—and asked about my mother. Was there any way to add her? Maybe it wasn't too late; maybe she and Asman could still join us. "I am so sorry," he told me.

Everyone else had a brother or father to help them with their bags and to keep them from being crushed by the surging crowd. Everyone was jostling to get on the bus first. But not Sara and me. When our names were called, we moved slowly. We still weren't sure whether to stay or go.

While we waited on the bus, the sun set and the sky turned dark. We were told that there were a few things we needed to know. The first was that the airport was dangerous. It was under the protection of Taliban gunmen and American soldiers—for another four days, before the Americans left forever. If something happened to us there, the nonprofit group couldn't take responsibility for it. Second, we were not allowed to turn the bus lights on. Third, the women must stay covered. At last, the buses started moving. In half an hour, we thought, we'd be driving through the gates and taking off into the sky.

But that's not what happened.

THIS WASN'T SARA'S and my first time at the airport; two days earlier, my family had made our initial attempt at evacuating.

Our older sister's husband works in Canada, and we had applied for Canadian visas. The Canadian government contacted us to say it could fly us out of the country. We rushed to the airport and

waited all night outside the Abbey Gate entrance. Thousands of people were sleeping on the dirt outside the airport, near a pond that was slowly filling with urine and feces and garbage. Finally, we saw some Canadian soldiers, but they were on the other side of the pond. To reach them, we'd have to wade through the sewage. So that's what we did.

The soldiers let my older sister and her 5-year-old son through the gate, but I didn't have all the documents the rest of us needed. My sister turned back to look at me, her face filled with guilt, but I tried to smile at her, and waved her on. She and my nephew, at least, would be free and safe. Then I waded back, soaking and stinking, and went home.

Today, as we returned to the airport, I realized that in many ways it was harder to be the sister who left than the sister who got left behind.

This time we were headed to a different entrance—the North Gate. The scene ahead of us was even more chaotic than I remembered. We heard an explosion and gunshots, and I saw fire on the horizon. Not long before, we learned, a bomb had exploded at the Abbey Gate, killing more than 150 people. The bomb went off right where my family had been sleeping just two nights before.

The attack was carried out by an Islamic State suicide bomber. He had been in a high-security prison, and was released when the Taliban set their own fighters free. It was a reminder that while the Taliban may know how to wage war—they've had decades of practice—they have no idea how to govern a country and protect the people.

The only thing that seemed more dangerous than staying on the bus right then was getting off it.

Because of the bombing, the Taliban said it wasn't safe to let anyone else into the airport. They turned the buses away, and we pulled over on the side of the road. Inside the bus, we were silent. But all around us, people were running and screaming. I felt like I was watching a movie about a war. But it was real. I wondered if I knew any of the people running, if my cousins or teachers were among the dead.

My mom called me, crying. She'd heard about the bombing and was terrified. She said we should give up and come home. But I didn't want to lose our chance to get out. And besides, the only thing that seemed more dangerous than staying on the bus right then was getting off it.

THE SECOND DAY dawned quietly. No more gunshots, no more people fleeing. Most of our food was gone. Sara had fallen asleep lying across my lap. She had not once complained, and I was proud of her. Late in the night, I had texted my friend who'd gotten us on the evacuee list to ask if she could find out any more information. I wrote, "I don't want to die."

The passengers were all waking up now, their backs and knees aching. There were no bathrooms on the buses, and everyone was insisting that we needed to find a safe place to get off. The organizers conferred and decided to drive to a nearby university. It was empty except for a single guard, who allowed us to come in one at a time to use the bathroom and stretch our legs until the drivers called us back. My friend texted me, "There is movement."

We returned to the airport, creeping slowly through the crowds of people and cars and other buses. Finally we approached the gate. We watched through the windows and tried to hear what was being said. We supposedly had permission to enter, but the Taliban guards weren't letting us through. They feared another attack and were afraid for us or suspicious of us—or maybe both. Finally, a commander arrived and delivered the verdict: He wouldn't let us in unless the Americans approved our entry themselves. The Taliban were in charge of guarding the outer checkpoints and the Americans were deeper inside

the airport. We knew that they weren't about to come out into Taliban territory.

We tried four more times, and each time we were turned away. Sometimes the guards would check our documents, sometimes not. By now we were out of food and water. "Bushra," my friend wrote again, "how are you holding up? It has been so long!"

I told her I was thinking of getting off the bus, and she told me, "I cannot make this decision for you, Bushra. I also want you to live … I want you to live a safe and happy life in a place of your choosing."

It was now our third day on the bus. We were trying to approach the airport again when two Talibs stopped us and came aboard. They wore the traditional waskats, but underneath they had put on the boots and camouflage pants that the soldiers of the Afghan National Army had once worn. Their faces were covered, but I could tell these weren't just any Talibs; they were commanders. Their bodies were bigger; their guns were bigger. I thought to myself, *You are done, Bushra*.

"Why are you leaving the country?" they asked us. "Stay with us to make an Islamic government."

Soon after, we got word that the Taliban were shutting down all the gates and blocking the road. Jordan told us we were out of options. It was time to give up.

"It's over?" I texted my friend. She replied, "It's over."

WE WERE STARVING and exhausted. I was a journalist and a woman stuck in a country now ruled by terrorists who hated journalists and women. The Taliban had a list of everyone who had tried to flee on the bus; they knew my name, and nothing would stop them from coming to knock on my mother's door. I knew I had no rights, and no future.

And yet I was happy. It sounds crazy, but it was seven in the morning and we were going home. Sara and I got off the bus and into a taxi, and talked about what we would do first: eat or sleep. I said sleep; Sara said eat. "Are you happy?" I asked her.

"I am so happy. Maybe they are sleeping now; what do you think?"

"I think so. A good time to surprise them."

We rushed up the stairs to our apartment, and Asman opened the door. "I knew you were coming back!" she said. We hugged one another tightly and laughed so loudly that we woke our mother up. We all four wrapped our arms around one another, and they told us how frightened they'd been. Then my mother bustled off to cook us a celebratory meal and I went back to my bedroom with the red-and-white curtains, fell onto my own soft mattress, and slept.

I slept until evening, when my phone woke me up. It was my friend: "Open your WhatsApp and read my messages NOW." I saw one with the subject line "URGENT." The gates were open again—the evacuation was back on.

We had to get back to the buses.

I got up and pulled on the long black dress and shouted for Sara. Asman said our mother had made *quabili palaw*—rice with raisins and lamb, my favorite. But there was no time to eat it. There wasn't even time to say goodbye to our mother; she had gone to run an errand. She wasn't there to sprinkle water on us as we walked out the door. But our dad was there. He brought out the Quran and asked us to pray. We recited some verses from the Fatiha, asking Allah for a safe journey—for him to "guide us to the straight path." Then we kissed our father's hand and he kissed our cheeks and heads. And for a second time, we left our home behind.

America had promised to fight the terrorists, but it handed our country over to them instead.

THE TALIBAN HAD a new rule: no luggage. You were allowed only a small, clear plastic bag, so they could make sure no one was carrying weapons. Only a few of our clothes fit, and what about my laptop? All of my photos were on it, memories from childhood and university, and all of my writing—drafts of so many articles I was working on and wanted to finish. How could I go to a new country as a journalist without a laptop to write on? I had only $400 in cash to last through the journey and whatever came after; I couldn't afford a new computer. So I tucked it under my dress and hoped no one would notice.

This time everything moved much faster. We passed through a checkpoint on the road. Waited a few hours. Then another checkpoint. A rumor was going around the bus that the Taliban would turn back any woman traveling without a male guardian. When we heard that, Sara and I lost hope again. But I had an idea. I asked the kind family sitting behind us if they would say we were their cousins, and if the husband would pretend to be watching over us. At first he said no—he didn't want any trouble—but his wife persuaded him to help us.

It was our turn at the gate. We got off the bus and the guards separated the men and women into two lines. They checked our bags, and then a Taliban commander called

people up one by one. We were so afraid they would know that we had no man with us, but in the end no one even asked. Finally we were inside the gates.

It wasn't how I had pictured it: The place looked more like a military base than an airport. Behind us were the Taliban gunmen. Ahead of us were the American soldiers. My little group of evacuees stood between them. It seemed impossible that these armies that had fought each other for almost 20 years were now just standing there, sharing the road. America had promised to fight the terrorists, but it handed our country over to them instead—trading us for its own convenience. It felt like a great betrayal.

And yet I could see that the individual American soldiers were doing as much as they could to help us. As we entered the American side of the airport, I saw them bringing people water and snacks, being kind and smiling at kids. A few soldiers were lying in corners, fast asleep. They were clearly working hard to get as many people to safety as possible. It made me wonder where all the Afghan soldiers had gone when they surrendered. Why weren't they helping their people?

The first thing Sara did was tear off her long black dress and say she hoped she would never wear such a thing again. I kept mine on because it was hiding my laptop. We were thirsty, but there was no water—only cartons of milk, for children. We drank a few each. I texted my friend, "We are in," and sent her a selfie of Sara and me. She wrote, "Yessss!!!!"

Now the Americans had yet another new rule for us: no luggage whatsoever. I took my favorite shirt and pair of pants out of my bag and changed into them. Sara, who loves fashion, hated to give up her clothes. We left them all in a pile. I held on to my passport and other documents, a photo of my father, my mother's watch, and my laptop.

The sun was rising and we were weak with hunger and exhaustion. For four hours we stood in line until we reached a checkpoint where soldiers examined our pockets, our folders, even our hair. When my turn came, I said I was a journalist and begged them to not take my laptop. They made me turn it on, to ensure it really was a working computer, and to my enormous relief, they let me keep it. It was late morning now, and the soldiers brought us water bottles hot from the sun. Each of us was given an identification bracelet. I didn't know it then, but I would wear that bracelet for the next four months.

It had been almost three full days since I'd gotten that first text message from my friend about the flight. In that time, we'd traversed just two and a half miles. And now I was about to travel across the world. I was heartbroken to be leaving my mother and sister, relieved to be free of the Taliban, but also furious at the United States and the world for abandoning my country. What would happen to me? What would happen to everyone I left behind?

IT WAS 11:30 A.M. on August 29, the day before the last American soldier left the country. Five hundred of us evacuees flew in a military aircraft, a C-17. I had never flown before, and I wouldn't have predicted that my first time would be on a military plane with no windows, sitting on the floor, escorted by soldiers.

I asked Sara, "Are you excited?" I could tell she wasn't thinking about the Taliban or our mother or the past few awful days. She was thrilled. She pointed to an American soldier—a woman—and said she looked very brave. "I want to be a pilot in the Air Force," she told me, and I said, "Yes, you can!" But when the plane took off, every single one of us—even Sara—wept.

We landed in Qatar, where we met with some American officials. We explained that our brothers had worked for USAID, and they gave us permission to travel on to America. Many evacuees had to stay in Qatar for a long time, but because we were young women traveling alone, I assume, they put us on one of the first flights out.

We stopped in Germany, and finally, on September 4, Sara and I landed in Washington, D.C. From there, we traveled to Camp Atterbury, a military training post in Indiana. I'd never heard of Indiana before. Winter began and it was cold; I'd never experienced a cold like that before. We spent much of our days waiting in lines for meals, and by the time we finally got inside, our faces would ache from the wind and our hands would be so frozen, it hurt to bend our fingers. Thousands of Afghan evacuees lived in the camp, and Sara and I slept in a big room with 40 other people, including babies who cried at night. We were safe, but it was like living in a prison.

While we were at the camp, Sara and I were reunited with our oldest brother and his wife and three kids. And at the end of December, we all moved to Maryland, to a three-bedroom apartment near Washington, D.C. Our place is small and noisy, but happy. Sara is going to high school again. She's learning to ride a bike and applying for a part-time job at the library down the street, which I use most days as an office. I found work as a journalist—an editorial fellowship at this magazine. What we are doing now, the Taliban would never let women and girls do.

When I talk with my mother, she says she misses us; she says the apartment is too quiet now. When I talk with Asman, she says she is lonely; I am no longer there to irritate her by eating all her leftovers and messing with her long hair. She has no one to dance around the room with, no one to plan her future with.

I wonder sometimes: What if I had stayed and fought for my country? The Taliban prevented my mother from getting an education the first time they were in power, in the '90s. Now they are back and doing the same thing to Asman. The Taliban have banned women from traveling without men, from participating in sports and the arts, and from doing most jobs. When outside the home, they must cover themselves from head to toe. The Taliban are hunting down and killing people who fought for the old government. The economy has collapsed, and children are starving.

No one is left to chronicle how Afghans are paying the price for the Taliban's victory. Activists are arrested, and journalists are forbidden from reporting the truth. It is hard to be an exile, but it would be harder still to be silenced. I smuggled my laptop past the Taliban and carried it across continents to a free country so I could write this story, so I could tell you this. *A*

Bushra Seddique is an editorial fellow at The Atlantic.

REZ LIFE

Sterlin Harjo's genre-mixing, cliché-exploding series captures coming of age as a Native kid like no TV show before it.

By

DAVID TREUER

Photograph by BRIAN ADAMS

First, a story.

So this one time some rez kids messed up my car. It was my first "real" car. I'd had a '67 Catalina that started about half the time, and went off the road the other half because the tires were worn down to nubs. And then I'd had a '79 Thunderbird that everyone called the "Thunderchicken" because it had a broken door and one of the eight cylinders didn't work. This new car was sensible: a 1993 Honda Accord done up in pale blue.

It was 1994. I was driving from Bemidji, Minnesota, back to my house, on the edge of the Leech Lake Reservation. I'd dropped out of grad school the year before and come back home. It was the right thing to do, the only thing: I'd moved away when I was 17, and now I was 23 and I felt disconnected, adrift on American seas, invisible in a way only Native people can understand.

Anyway, it was a good night. My brother and a buddy and I had gone to the movie theater to see *Speed*. We were headed home and had turned onto Lake Avenue and suddenly—*pop-pop-pop*—my car was under attack. And I just knew it was those Metallica-T-shirt and nunchuck kids from nearby throwing rocks at my ride. That's where they hung out, on the south side of town. I slammed on the brakes and said, "Let's get 'em."

It had to be Cheyenne and Charlie and Robbie and Davey and Ogema. Some of these kids were brothers—like, actual brothers—but they were all related in that Indian way. I got out of the car and walked through a cornfield to surprise them. The corn was high and waxy, and the leaves looked wet under the sodium lamps. I heard them whispering. *They're by the road. Naw, dog, I can hear them. Yeah, that's them.* And then … *Oh shit!* I saw them: bushy hair, baggy jeans, skater-punk tees. They turned to run just as I jumped out of the corn. I think they actually screamed.

I put my hands on Cheyenne's shirt and lifted him up on his toes. "Is that you, Cheyenne? That you throwing shit at my car?" "I didn't know it was yours!" he yelled. "I didn't know it was yours!" I shook him a few more times while I said something about the car being new, how they could throw rocks at white people but should leave me and my car alone. Then they took off into the night. And that's the story about how my first real car got fucked up by a bunch of Indian kids.

IN 2021, I was surprised to see those kids again—different names, different tribes—stealing a truckload of Flaming Flamers chips in the opening minutes of the FX series *Reservation Dogs*. The same restless energy, the same quick patter, the same easy style.

The setup of the show is simple: Four kids living on an Oklahoma reservation commit petty crimes to bankroll an escape to California. They're motivated by the death of their friend Daniel, which happened the year before the series opens. Bear, Elora, Cheese, and Willie Jack have been friends all their life—more than friends, actually. They are unofficial siblings and cousins, and Daniel was family to them, too. His absence drives the first season. *Reservation Dogs* is an ensemble comedy, full of mischief and warmth, but it's also a powerful portrait of unresolved grief.

Reservation Dogs has been a critical hit for FX, earning widespread praise and landing on multiple lists of the best TV of 2021. Its second season premieres in August. The series was co-created by Sterlin Harjo and Taika Waititi, the Māori filmmaker from New Zealand known for depicting the lives of Indigenous people with wry humor. Waititi had already achieved mass-market success: He won an Academy Award for his film *Jojo Rabbit*, directed the Marvel movies *Thor: Ragnarok* and *Thor: Love and Thunder*, and is now developing a *Star Wars* movie. But this is Sterlin Harjo's first TV show, and his biggest project to date. *Reservation Dogs* came most directly from his brain.

Harjo, 42, grew up in Holdenville, Oklahoma, more or less on the seam between Muscogee and Seminole territory; he belongs to both tribes. He has made three feature films, two documentaries, and multiple shorts, all of which deal intimately with Native life—but nothing has captured mainstream attention quite like this show.

Three years ago, I destroyed Harjo at pool at one of his favorite bars in Tulsa, where he now lives. I'd known him casually for more than a decade, through the network of Indian creatives who end up bumping into one another at powwows and conferences and festivals. But that night in Tulsa was our longest hangout yet, and I remember how excited he was to show me his Oklahoma—to have me try his favorite barbecue and listen to a local honky-tonk band he loved. "Check these guys out," he said admiringly. "They're so Tulsa." (Harjo ended up using their music in an episode of *Reservation Dogs*.)

When I reached out to him again recently, he was in Los Angeles for two awards ceremonies. So we met at the rooftop restaurant at the Waldorf Astoria Beverly Hills. It was strange. And by *it* I mean the caviar french fries and the way the waiters brought us a few things "courtesy of the chef" and generally seeing Harjo as a part of the Hollywood machine, although he seemed exactly as he's always seemed. When an Indian asks for another Indian's bona fides, the highest praise you can give is to say "He's a community guy." It means that he knows where he's from, and he still hangs out there. He actually likes his fellow

Indians. He hunts and gathers food and goes to ceremonies, and you're just as likely to see him at the local QuikTrip convenience store as anywhere else.

Harjo is a community guy. He's got the same slightly greasy hair and big smile as he did when I first met him. The same taste in hipster hats that would look lame on another guy but just work on Harjo. The same Seminole and Muscogee bling (chest plate, bracelets) that he's always worn. Still, we both felt a certain mischievous glee in ordering those caviar fries. It was like we were counting coup on an industry, or a better life, or an establishment that had for a long time frozen out people like us. Like: *How much can we get away with?*

There's a spirit like that in *Reservation Dogs*, a sly giddiness. Stifled by the ways of their elders and the limited opportunities of rez life, the four kids dream of escaping to a freer, more exciting future. They navigate standard-issue teen drama—a driver's test, a turf battle with a rival neighborhood crew—but they also face the very specific challenges of being young Indians who must decide what their own commitment to community will be. Over time, they are repeatedly pulled apart and thrust back together, and their goal of leaving the reservation becomes more complicated as they discover that their connection to home is deeper than they'd thought. Watching *Reservation Dogs*, I realized that this was a show like I'd never seen before: a show that was about me and my life, that was somehow made for me. And by *me*, I mean us. And by *us*, I mean Indians.

HARJO AND WAITITI first met almost two decades ago. Harjo described a feeling of immediate kinship between the two. Their fathers were similar—both into Harleys, both into "Native shit." Harjo and Waititi would meet for drinks and wind each other up and tell stories from home. They gelled, Harjo said, in a "community way."

They'd already been friends for 15 years when Waititi told Harjo he had a deal at FX and asked if he had any TV pitches brewing, Harjo recalled. The two men traded a few ideas, and Harjo wrote up some notes, just the bare bones of a concept for a show. He sent them to Waititi, who pitched the idea to FX. The network said that they'd never heard of anything like it. Harjo had a deal for a pilot the next day. "It happened so fast," he said. "I got a call from my agents. They were like: 'What the fuck is *Reservation Dogs*?'" Waititi told me that there was no better person to direct this story than Harjo. "It's so deeply personal to him," he said.

I'm sure it's true that FX executives hadn't ever seen anything quite like Harjo's pitch. For decades, onscreen depictions of Indian life largely consisted of a tragic Native man reining in his horse on a windswept southwestern plain or, worse, standing on a roadside crying at the sight of litter. On the rare occasions when a Native character had a speaking part, he was most likely astride a horse on a butte yelling "You'll always be my friend!" to some white man he'd served loyally. Or explaining to an interloper, in a weird, stilted monotone, something like "You're on tribal land and your white-man laws don't apply here" while wearing an ill-fitting Pendleton vest and a bolo tie. In the 1950s, countless Westerns and Western-themed TV shows evoked hackneyed ideas, images, and myths surrounding Native people. In shows like *The Lone Ranger* and *Gunsmoke*, Indians were stoic, comically impassive, sphynxlike.

The years passed, but such images persisted. Indians in pop culture have long been there to embody suffering and to do so quietly. This stereotype has stood in for the real, wild contours of Native lives and personalities, altering even our own sense of self and place. When Native Americans have been afforded the opportunity to tell our stories, we have often succumbed to the pressure to perform a kind of cultural show-and-tell, to lift the buckskin curtain so outsiders can peer in. "The problem with many Native projects of the past," Harjo told me, "is that they're for white people."

This was a show like I'd never seen before: a show that was about me and my life, that was somehow made for me.

Over the years, I've felt tempted to apply something like the Bechdel test to depictions of Native life. To pass the Bechdel test, popularized by the graphic artist Alison Bechdel, a work of art must feature at least two women who talk to each other about something other than a man. My test would require a show to include at least two Native characters who talk to each other about something other than white people, or what it means to be Indian, or what the government has done to us. In the history of stories about Native people, only a handful would pass.

This is finally changing, thanks in part to a broader cultural reckoning about the importance of diversity and representation in art. The world seems to have woken up to the fact that there is more than one Native story to be told. We now have multiple series by and about Natives: *Rutherford Falls* gives us a toothless, feel-good sitcom. *Letterkenny* offers something close to *Parks and Recreation*. We even have, or will have, a Marvel superhero show with *Echo*.

But in this time of relative plenty, *Reservation Dogs* still stands out. The drama and humor of Indian life unfold through the relationships among the kids and, later, between the kids and adults, like the "grandmother" Cheese adopts at a health clinic or the "uncle" the kids claim (and who eventually claims them back). The show is more interested in the daily reality of Native experience than in signposting big themes about what it means to be Indian. "We're not always referencing who we are as Native people," Harjo

In the opening scene of Reservation Dogs*, the kids steal a truck full of Flaming Flamers chips.*

told me. "We're just being Native." He was determined to have *Reservation Dogs* reflect that. "I didn't want to explain shit."

The four young leads are all Native themselves, and their intimacy feels loose and natural: D'Pharaoh Woon-A-Tai as Bear, the self-appointed leader no one takes seriously; Lane Factor as sweet, gentle Cheese; Paulina Alexis, who plays Willie Jack with a kind of innocent world-weariness; and Devery Jacobs as Elora, whose pain animates much of the plot. Their friend Daniel's death is explained in a slow reveal. It's past halfway through the first season when we finally see him in a flashback, and eventually accompany Elora as she finds his body. Only then do we learn that he died by suicide. As *Reservation Dogs* develops Daniel as a character, we also gain a sharper sense of what he meant to the others, and what those four mean to one another.

Many of the little touches in this series seem specifically meant for Indian viewers. How the characters Deer Lady and Tall Man, both drawn from Native folklore, are introduced without explanation. How the kids react in horror to the statue of an owl—a bad omen for every Indian person I've ever known. How one of the first bits of dialogue, an exchange between Bear and Elora, is spoken in a kind of intertribal patois. "Skoden" ("Let's go, then"), Bear says. "Stoodis" ("Let's do this"), Elora replies.

And there are big touches, too—like the scene when the gang visits their "Uncle" Brownie in the woods and they find him tearing up his yard looking for a jar of 15-year-old ditch weed he buried. Elora asks him to talk about her mother, who died when she was 3. "You think you could tell me more about her, Uncle?" she asks. "I can't," he replies. "I can't, because I'll cry. It's not because I don't want to." That scene floored me because Brownie, played masterfully by the Cayuga actor Gary Farmer, was so familiar to me: a strange, large Indian man, at once unapologetically crazy and tender. I know so many guys like that—older Native men who might seem tough and stern from across the room, but who will talk openly about their rawest feelings when you get to know them.

For all the subtle ways *Reservation Dogs* speaks to people who know what rez life is really like, it does not ward off non-Native viewers. Throughout the first season, for instance, Bear is visited by the spirit of a Lakota warrior named William Knifeman, who reminds the young man of his obligations to his community while at the same time lampooning the trope of the proud Indian warrior. (Knifeman died at the Battle of the Little Bighorn—when his horse stepped in a gopher hole.) "That character is so important because I think it's what allows white people into the world," Harjo told me in Beverly Hills. "What they're used to is that image. We give them what they want and then we flip it right after." This helps, Harjo said, to bring white viewers "in on the joke with us. Like, if you were to ask 99 percent of the people on this patio right now or in the world to draw a Native American, they would draw William Knifeman."

Alienating non-Native people would be bad for ratings, but it would also have played into another hoary myth: that the Indian world is entirely separate from the world around it, that the disparity between these two worlds is fundamental and absolute. Real Native life is much more porous.

Reservation Dogs is packed with winking pop-cultural references. The show's title, of course, is a nod to *Reservoir Dogs*; Harjo, like Quentin Tarantino, has magpie tastes and enjoys

SHANE BROWN / FX

Uncle Brownie (Gary Farmer) with Bear (D'Pharaoh Woon-A-Tai), Willie Jack (Paulina Alexis), and Elora (Devery Jacobs)

paying tribute to the works that shaped his own style. But the allusions are also a way of underlining the point that the rez is not sealed off from the rest of America.

Elora's name is taken from the fantasy adventure *Willow*. The two characters played by the Native rappers Lil Mike and FunnyBone were inspired by the bike-riding Deebo in the Ice Cube classic *Friday*. When the crew has a confrontation with a rival "gang" and gets shot with paintball guns, Bear falls to the ground in slow motion, his arms extended in the air; I recognized the prayerful reach of Willem Dafoe's Sergeant Elias when he is killed in *Platoon*. After Bear is gunned down by enemy paintballs, his spirit temporarily departs his body; Harjo told me that this scene is a "straight homage" to *Rumble Fish*, the Francis Ford Coppola adaptation of S. E. Hinton's novel. (It's no coincidence that these films come from the 1980s and '90s and that most of them aired on cable. A friend of Harjo's dad worked for a cable company and hooked his family up.)

Hinton's work is a particular touchstone for Harjo. This is surely because she, too, is known for indelible coming-of-age stories. But it's also because of her connection to Oklahoma. A few years ago, as we were driving through Tulsa, Harjo pointed to the small houses near Crutchfield Park. This is one of the settings for the film adaptation of Hinton's novel *The Outsiders*. "You know, someone asked S. E. Hinton why she didn't move away after her success," Harjo said. "She was like: 'I grew up here and my friends are here. There's nothing wrong with here.' I feel the same way."

Harjo has lived in Oklahoma for most of his life. During a brief stint in Austin, he remembers, a film producer he knew said to him: "Robert Rodriguez and Richard Linklater planted their feet in Austin and didn't leave, and made movies there. You should move back to Oklahoma and do that." And that's what he did. His three feature films were set and shot in the state, as was a documentary he made about the 1962 disappearance of his grandfather.

Oklahoma is a place of wild mixing and wild invention. As a result of the passage of the Indian Removal Act of 1830—the intention of which was to move all Native peoples from east of the Mississippi to what would be known as Indian Territory, resulting in the Trail of Tears—there are more than 300,000 Native people in Oklahoma who belong to nearly 40 different tribal nations, which is more Native Americans and more represented tribes than in almost any other state in the union.

Back in Tulsa, on the day we played pool, Harjo and I had also gone on a barbecue quest and wound up at some busy place on the north side. While we waited for our food, Harjo looked around at the motley crowd, a combination of teens and families and guys on their lunch break from work. "At least half of the folks in here are probably Native," he said, "but you wouldn't really know it."

The radical tribal diversity of Oklahoma is reflected throughout *Reservation Dogs*. Some background characters "look" Native and some "look" white or Black, even in scenes where everyone is Native. The show also has a recurring character, White Steve, a member of the rival gang whose background is never explained (do they call him "White Steve" because he is white, or because he's light-skinned?) and doesn't need to be. Harjo said that it just felt right to represent the mix that

is Oklahoma. People always seem to expect something else, something that looks entirely Indian—but a show like that, Harjo told me, "is not gonna be real."

Harjo's interest in capturing Oklahoma went beyond casting. During the production-design process, he made everyone watch *Friday*, which is set in South Central Los Angeles—a place outsiders might view as "the ghetto, and dangerous." "I was like, 'Look at the color palettes they use: it's pastel, things are bright,'" he said. "And yeah, there are gonna be some houses that are trash, but the whole neighborhood isn't." Harjo wanted the crew to see how *Friday* treats its people "like humans"—and how even the way the scenes are shot and decorated shapes how we see the characters. In *Reservation Dogs*, some of the houses are dilapidated and others are "curated with flowers and stuff." Some are painted in pastels. Each is different.

MOST TV SHOWS are written by committee: A group of people gathers in a room and creates the series together under the guiding sensibility of a showrunner or an executive producer. That's true of *Reservation Dogs*, but there's a deeper bond among the writers, too. All of them are Native, have spent decades living on reservations or in urban neighborhoods with other Indians, and are steeped in Native life. One reason the show feels different from other works by Native artists may be that so many of the writers are community people, as opposed to Indians who aren't fully at ease around other Indians, or people writing their way into understanding who they are.

A sense of community runs through all of Harjo's work. Whatever inner conflict his protagonists might feel about the rez or their heritage, all of his stories end in a final homecoming, or in a kind of communal embrace as his characters are reabsorbed into the places they came from. I wondered if Harjo ever worried that such endings could start to feel too easy, like a simplification of the intractable challenges many Indians face in charting life outside the reservation. But he doesn't see it that way. It makes narrative sense, he told me, that so many Native stories would end like this. Community, to Indigenous Americans, is everything; for people who have long been disenfranchised, driven from their homes, community is "what's at stake."

The *Reservation Dogs* writers' room is profoundly intertribal. The writers are Dakota, Ojibwe, Ponca, Muscogee/Creek, Seminole, Kumeyaay, Navajo, Paiute. And it's partly for this reason that the show so effectively captures a shared, modern Indian experience—one characterized by poverty, trauma, crime, substandard housing, disenfranchisement, and high suicide rates, but also hope, success, and joyful connection.

The first season was written by Harjo, Tommy Pico, Migizi Pensoneau, Tazbah Chavez, Sydney Freeland, and Bobby Wilson, most of whom were new to writing for TV. Many of the writers, Harjo included, are members of the 1491s: a group of Native comedians, filmmakers, and actors who make comic shorts for YouTube. In my favorite, "I'm an Indian Too," the comedian Ryan RedCorn dances around the Santa Fe Indian Market wearing a fake headdress and a dish-towel breechcloth—playfully mocking the way non-Natives often try to love us by pretending to be us.

I recently caught up with Pico and Pensoneau at the Thunderbird Bar on Wilshire Boulevard, in Los Angeles. Interviewing Native TV writers at an Old West–themed bar in Hollywood felt like it made sense. Pico grew up on the Viejas Reservation in San Diego County and is part of the Kumeyaay Nation. His father was the tribal chairman. He didn't leave the rez until he moved to Brooklyn at age 18. Pico has had success as a writer, publishing several poetry books and getting featured in a *New Yorker* profile. But when COVID hit, he was struggling financially. Then he got a call from Harjo. The two had met in 2019 at the Oregon Shakespeare Festival but didn't know each other well. "I thought it was a butt dial," Pico said. "It was two minutes. He was like, 'Hey, we're putting this room together, *Reservation Dogs*; we start next week.'" Pico remembers replying, "Do you wanna fuck around and make all my dreams come true?"

This was my first time meeting Pico, but Pensoneau I knew. I grew up with him around Bemidji. His stepfather and mother had a sweat lodge next to ours. I'd be watching TV with my mom and there'd be a knock on the door, and Pensoneau would be standing there holding two five-gallon buckets and asking if he could "borrow some water." He is Ponca through his father and Red Lake Ojibwe through his mother. He was into tae kwon do and trained in the sport alongside my younger brother and sister.

After we ordered our food, Pensoneau turned to me. "Was that your car that we hit with the rocks?"

I was dumbfounded. "Wait. You were there?"

He explained that, when he was young, he and his buddies used to throw snowballs and rocks at cars, and only got caught twice. Once was the time they came after my blue Honda. I'd had no idea that Pensoneau was one of those kids. I told him I remember picking up Cheyenne and shaking him. We were quiet for a minute. "He was my version of Daniel," Pensoneau said.

Cheyenne and Pensoneau had been best friends growing up. "He went wild for a while," Pensoneau told me. He joined the military. Went AWOL. He was discharged. And then came back home and had a kid. "He was like: *I better get my shit together*," Pensoneau said. Cheyenne called Pensoneau up one summer and told him things were going well. He'd gotten a job on a construction crew and was doing demolition at an old lumber mill. "That was our hangout when we were kids," Pensoneau said. Three weeks later, Cheyenne was dead. "He died in the weirdest, stupidest way," Pensoneau told me. He was working on the roof and he slipped and fell. It was only 15 feet, but he landed on his head.

So many Native people have a Daniel. Someone we grew up with, who lived hard and died too young. Pico had one, too. His was a friend and neighbor, he told me. They'd go down to a nearby creek together and play on the rocks. As they got older, they'd smoke cigarettes in their yards. "His brother died in a car crash, and he kind of fell off a little bit," Pico said. Later, "he was going to the market to get beer, because he wanted to get there before it closed, and he hit a telephone pole."

A lot of us die long before we should, and a lot of us die messy. A lot of us also become smaller, broken, somehow, by that loss.

Part of the kids' journey in *Reservation Dogs*, Pensoneau told me, "is to not become the stunted versions of themselves that the

adults are." The kids are learning their way through grief, trying to figure out "how to deal with it in the healthiest way they can." Hopefully, he said, "it's all iterative: My grandparents were way less equipped to deal with the shit I dealt with; my mom and dad had better tools but still not the ones I had." And hopefully the next generation will be even better.

Harjo himself had more than one Daniel. Each was a death that stunned him, he said, no matter how the person had seemed to struggle or self-sabotage in life. And in each case, others were left to "pick up the pieces," to try to make sense of the suddenness and the waste.

In the *Reservation Dogs* pilot, the four kids hold a private memorial ceremony for Daniel; they smudge, burning plants to cleanse themselves. Before they shot that scene, Harjo told me, he took the kids aside. "I was like, 'Look, we all dealt with this,'" he said. They sat around and told one another about the real people they'd lost. He played a video clip of a boy singing, someone he used to know who'd died by suicide when they were young. "Everyone was emotional, everyone was crying," Harjo said. And then, before the scene where Elora finds Daniel's body, Harjo shut down production and brought his cast and crew together into a big circle. They smudged, and an elder led them in some prayers. They talked about why telling stories like this felt important, and why they were making the series at all. But Harjo wanted to remind his people of something else, too: "Don't take any of this shit with you," he said to them. "Leave it here."

ONE MORE STORY. My uncle Davey was the toughest man I knew, but also in many ways the gentlest. He had served with the 82nd Airborne but returned to the rez after he got out of the Army. He was a small, muscular man who always wore a folded-bandanna headband and often a denim jacket with no shirt underneath. Once when we were deer hunting, I saw a rabbit hiding behind a little growth of sumac. I whispered this to Davey, who was skinning a doe he'd shot. He looked at me, his knife in his hands. "You want him?" I shrugged. He took off his jean jacket and caught the rabbit and gave it to me to keep as a pet.

Davey liked his pot, and he liked his beer, and, later, he liked his harder drugs, a little too much. But I always felt profoundly safe with him.

When I was in grade school, Davey used to scoop me up from my parents' house and drive me to Bemidji, where we'd watch movies at the Chief Theater. He let me get whatever candy I wanted. One night in 1980, he took me and my brother Anton to see *Windwalker*. Windwalker, an aging Cheyenne chief, tells his grandsons the story of how he lost his wife and one of his twin sons during a Crow raid. He had searched for his lost son for years but was unable to bring him home. After Windwalker's funeral, his remaining son, Smiling Wolf, and family are again attacked by Crow on their way back to their village. The spirits take pity on the family and reawaken Windwalker, who leads his son and grandchildren to a secret cave, where he heals the wounded Smiling Wolf. They then fight the Crow together. At one point, Windwalker and Smiling Wolf capture one of the Crow leaders, who turns out to be Windwalker's long-lost son. The movie was terrible, but we were rapt.

Davey put his arms over the backs of our seats. When the children lure a mounted Crow raider onto the ice and, as planned by Windwalker, the raider falls through and drowns, he murmured, "Ho fuck. That's exactly what I would do." I didn't doubt him one bit. There we were: two Indian boys with their Indian uncle between them watching Indians win in the Chief Theater in the downtown of that dismal border town of my youth, on the edge of the Leech Lake Reservation. Thirty years later, Davey became my Daniel.

So many Native people have a Daniel. Someone we grew up with, who lived hard and died too young.

Of course, I didn't know that back in 1980. I didn't know there would be many hard things besides: a rack of losses, immeasurable heartbreak, pain too evergreen to touch or talk about, struggle after struggle after struggle. I also didn't know that there would be, for all of us, improbably, a larger measure of joy and laughter and community than is anyone's right. I didn't know that, while watching the scene in *Terminator 2* when Schwarzenegger immolates himself in a pool of molten metal to protect John Connor, my 11-year-old daughter would glance over at me and ask, incredulous, "Are you actually crying right now?" And that, with tears streaming down my cheeks, I'd try and fail to say, "You don't know what it's like to be a father and to be ready to sacrifice everything for your kids." I didn't know that I'd have the chance to watch *Reservation Dogs* with the same daughter and her brothers, and that they'd be able to see themselves on-screen along with their uncles and even their father. I didn't know any of that, sitting in the Chief Theater. What I did know was that there, in the dark, with my brother and my uncle, as we watched the Cheyenne kids run across the ice, I would never die. None of us would die. We would live forever. *A*

David Treuer is a contributing writer at The Atlantic *and the author of* The Heartbeat of Wounded Knee: Native America From 1890 to the Present.

"We Need Away Chi

The secret history of the U.S. government's family-separation policy

SEP 2022

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BY
CAITLIN DICKERSON

As a therapist for children who are being processed through the American immigration system, Cynthia Quintana has a routine that she repeats each time she meets a new patient in her office in Grand Rapids, Michigan: She calls the parents or closest relatives to let them know the child is safe and well cared for, and provides 24-hour contact information.

This process usually plays out within hours of when the children arrive. Most are teens who have memorized or written down their relatives' phone numbers in notebooks they carried with them across the border. By the time of that initial call, their families are typically worried, waiting anxiously for news after having—in an act of desperation—sent their children into another country alone in pursuit of safety and the hope of a future.

But in the summer of 2017, Quintana encountered a curious case. A 3-year-old Guatemalan boy with a toothy smile and bowl-cut black hair sat down at her desk. He was far too little to have made the journey on his own. He had no phone numbers with him, and when she asked where he was headed or whom he'd been with, the boy stared back blankly. Quintana scoured his file for more information but found nothing. She asked for help from an Immigration and Customs Enforcement officer, who came back several days later with something unusual: information indicating that the boy's father was in federal custody.

At their next session, the boy squirmed in his chair as Quintana dialed the detention center, getting his father on the line. At first the dad was quiet, she told me. "Finally we said, 'Your child is here. He can hear you. You can speak now.' And you could just tell that his voice was breaking—he couldn't."

The boy cried out for his father. Suddenly, both of them were screaming and sobbing so loudly that several of Quintana's colleagues ran to her office.

Eventually, the man calmed down enough to address Quintana directly. "I'm so sorry, who are you? Where is my child? They came in the middle of the night and took him," he said. "What do I tell his mother?"

THAT SAME SUMMER, Quintana was also assigned to work with a 3-year-old Honduran girl who gave no indication of how she'd gotten to the United States or where she was supposed to be going. During their first several sessions, the girl refused to speak at all. The muscles on her face were slack and expressionless. Quintana surmised that the girl had severe detachment disorder, often the result of a sudden and recent trauma.

Across her organization—Bethany Christian Services, one of several companies contracted by the American government to care for newly arrived immigrant children—Quintana's colleagues were having similar experiences. Jennifer Leon, a teacher at Bethany, was at the office one day when the private company that transports children from the border delivered a baby girl "like an Amazon package." The baby was wearing a dirty diaper; her face was crusted with mucus. "They gave the baby to the case manager with a diaper bag, we signed, that was it," Leon recalled. (Leon rushed the baby to the hospital for an evaluation.)

Mateo Salazar, a Bethany therapist, went to his office in the middle of the night to meet a newly arrived 5-year-old Honduran girl. At first, the girl was stoic, but when the transportation-company employees started to leave, the girl ran after them, banging on the glass doors and crying as she fell to the ground. Salazar sat with her for two hours until she was calm enough to explain that her mother had made her promise—as Border Patrol agents were pulling them apart—to stay with the adults who took her no matter what, because they would keep her safe.

For more than a year, Quintana and her colleagues encountered cases like this repeatedly. To track down the parents of children in their care, they would scour American prisons and immigration detention centers, using clues from social media or tips from friends inside the government. They would struggle to explain to parents why their kids had been taken away or how to get them back. The therapists, teachers, and caseworkers would try to maintain their composure at work, but they would later break down in their cars and in front of their families. Many debated quitting their job. Though they were experts in caring for severely traumatized children, this was a challenge to which they did not know how to respond.

"I started questioning myself," Quintana said. "Am I doing the correct thing by serving these kids, or am I contributing to the harm that's being done?"

"It just seemed unreal to me," she said of the moment she understood that these were not one-off cases. "Something that was not humane."

DURING THE YEAR AND A HALF in which the U.S. government separated thousands of children from their parents, the Trump administration's explanations for what was happening were deeply confusing, and on many occasions—it was clear even then—patently untrue. I'm one of the many reporters who covered this story in real time. Despite the flurry of work that we produced to fill the void of information, we knew that the full truth about how our government had reached this point still eluded us.

Trump-administration officials insisted for a whole year that family separations weren't happening. Finally, in the spring of 2018, they announced the implementation of a separation policy with great fanfare—as if one had not already been under way for months. Then they declared that separating families was not the goal of the policy, but an unfortunate result of prosecuting parents who crossed the border illegally with their children. Yet a mountain of evidence shows that this is explicitly false: Separating children was not just a side effect, but the intent. Instead of working to reunify families after parents were prosecuted, officials worked to keep them apart for longer.

Over the past year and a half, I have conducted more than 150 interviews and reviewed thousands of pages of internal government documents, some of which were turned over to me only after a multiyear lawsuit. These records show that as officials were developing the policy that would ultimately tear thousands of families apart, they minimized its implications so as to obscure what they were doing. Many of these officials now insist that there had been no way to foresee all that would go wrong. But this is not true. The policy's worst outcomes were all anticipated, and repeated internal and external warnings were ignored. Indeed, the records show that almost no logistical planning took place before the policy was initiated.

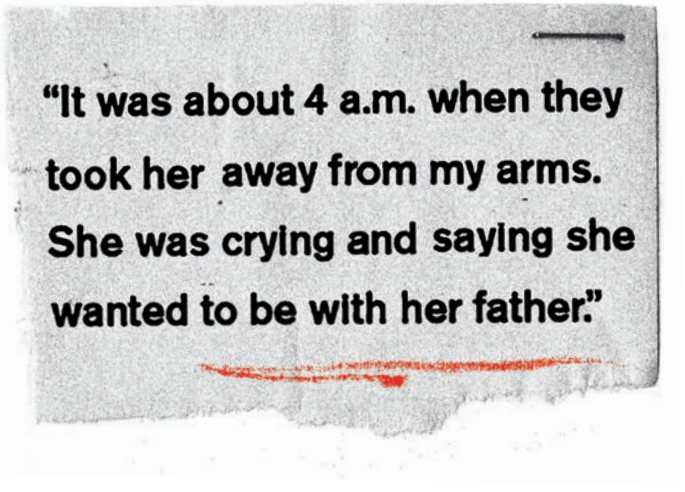
It's been said of other Trump-era projects that the administration's incompetence mitigated its malevolence; here, the opposite happened. A flagrant failure to prepare meant that courts, detention centers, and children's shelters became dangerously overwhelmed; that parents and children were lost to each other, sometimes many states apart; that four years later, some families are still separated—and that even many of those who have been reunited have suffered irreparable harm.

It is easy to pin culpability for family separations on the anti-immigration officials for which the Trump administration is known. But these separations were also endorsed and enabled by dozens of members of the government's middle and upper management: Cabinet secretaries, commissioners, chiefs, and deputies who, for various reasons, didn't voice concern even when they should have seen catastrophe looming; who trusted "the system" to stop the worst from happening; who reasoned that it would not be strategic to speak up in an administration where being labeled a RINO or a "squish"—nicknames for those deemed insufficiently conservative—could end their career; who assumed that someone else, in some other department, must be on top of the problem; who were so many layers of abstraction away from the reality of screaming children being pulled out of their parent's arms that they could hide from the human consequences of what they were doing.

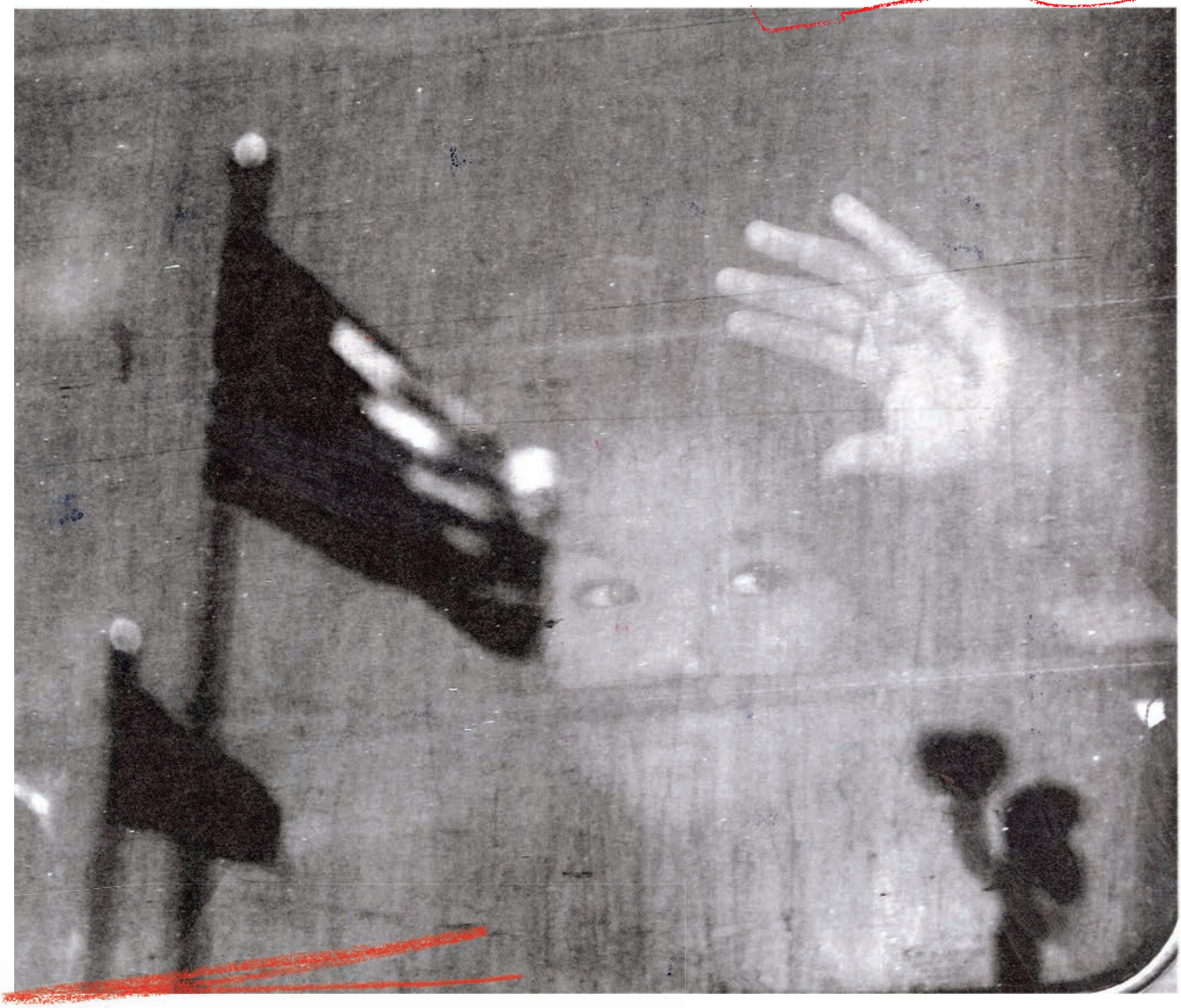
Congress, too, deserves blame, because it failed for decades to fill a legislative vacuum that anti-immigration officials moved to exploit. For too long, an overworked and underequipped border-police force has been left to determine crucial social, economic, and humanitarian policy. It should be no surprise that this police force reached for the most ready tool at its disposal: harsher punishments.

What happened in the months that led up to the implementation of Zero Tolerance—the Trump administration's initiative that separated thousands of families—should be studied by future generations of organizational psychologists and moral philosophers. It raises questions that have resonance far beyond this one policy: What happens when personal ambition and moral qualm clash in the gray anonymity of a bureaucracy? When rationalizations become denial or outright delusion? When one's understanding of the line between right and wrong gets overridden by a boss's screaming insistence?

In reporting this story, I talked with scores of Trump-administration officials whose work was in some way connected to the policy. Very few were willing to speak on the record, for fear that it would affect their employment prospects. A number of them told me they were particularly nervous because they had children to think about and college tuitions to pay. During interviews, they asked to call me back so that they could run and pick their children up from school; they sat their children down in front of homework or toys so that we could speak privately in their homes. "Can you hold on? My daughter is about to get in her car to leave and I need to kiss her goodbye," one government official said as she was in the middle of describing a spreadsheet of hundreds of complaints from parents searching for their children.



These illustrations were created by *The Atlantic* using direct quotes from parents who were separated from their children. Interviews were conducted by the Asylum Seeker Advocacy Project, a legal-advocacy organization that has helped separated families build and file lawsuits against the U.S. government. In a statement, U.S. Customs and Border Protection told *The Atlantic*, "We take all allegations seriously, provide multiple avenues to report allegations of misconduct, and investigate all formal complaints."



A migrant child looks out the window of a bus leaving a U.S. Customs and Border Protection detention center in McAllen, Texas, in June 2018.

SPENCER PLATT / GETTY

I listened as the mother and daughter said "I love you" back and forth to each other at least five times before the official returned and our conversation continued.

Recently, I called Nazario Jacinto-Carrillo, a 36-year-old farmer from the western highlands of Guatemala whom I first wrote about in 2018. Back then, with his field barren and the price of crops stagnant, his family had been straining to survive on the $4 a week he brought home during harvest season. Most days, he and his wife went hungry; some days, his two young children did too. They were destitute and felt unsafe in their community. So that spring, he and his 5-year-old daughter, Filomena, set off for the United States. A "coyote" guided them to the American border near San Diego. All they had to do was walk across.

Things didn't go as planned. As six Border Patrol agents surrounded them, Filomena grabbed onto one of Nazario's legs, as did another girl her age with whom they were traveling. The girls screamed as the agents pulled the three apart, one of them holding Nazario by the neck. Nazario eventually agreed to be deported back to Guatemala because, he said, a federal agent told him that if he did so, Filomena would be returned to him within two weeks. This false promise was made to many separated parents, who were later portrayed by the administration as having heartlessly chosen to leave their children alone in the United States. "I would never abandon my daughter," Nazario told me when we first spoke. More than a month had passed since Nazario's deportation, and Filomena still wasn't home.

Nazario's voice cracked as he interrupted my questions with his own. When will Filomena be returned to Guatemala? How many weeks? What number of days? When is the United

States government going to give back the children it kidnapped? What does it want with them? *They're children.*

It would take nearly three months, a team of lawyers, the sustained attention of journalists, and a federal court order for Filomena to be reunited with her family. By then she was 6; she'd celebrated a birthday in U.S. government custody.

When I called Nazario again recently, his children were still hungry and his family still felt unsafe. I told him that four years later, some parents still don't have their children back. "I honestly don't know what to say," he said. When I asked him if Filomena, now 9 years old, thinks back on what she experienced in the U.S., he handed her the phone so she could answer herself. She eked out a few words that I couldn't understand and then went silent and handed the phone back to her father.

"Sorry," he told me. "She's crying."

THE DAWN OF ZERO TOLERANCE

To understand how the American government took children away from their parents with no plan to return them, you have to go back to 9/11. Following the deadliest attack in U.S. history, the Bush administration created a new federal department. Comprising 22 offices and agencies, the Department of Homeland Security became the largest federal law-enforcement agency in the country. Its hundreds of thousands of employees were charged with vetting foreigners as they entered the U.S., any of whom could be carrying out the next plot to take American lives.

Among the agencies folded into DHS was the Border Patrol. A federal police force established in 1924, the Border Patrol resembled something out of an old Western. The agency drew thousands of young men and women who wanted to fight crime and carry weapons—and because for decades it did not require a high-school degree, it attracted many who might not have qualified to work for their local police department. For every one person the Border Patrol caught, chasing after them on foot, horseback, or ATV, 100 others seemed to slip through. Even the agents themselves knew that their work was mostly ineffectual.

But after 9/11, the agency took on a national-security mission, and the way that it viewed border crossers evolved. Though a denigrating posture toward migrants was nothing new—agents referred to people they apprehended as "bodies," and categorized them with terms like *guats* and *hondus*—suddenly the agency's leadership began describing these day laborers as hardened criminals and grave threats to the homeland. The Border Patrol Academy transformed from a classroom-like setting, with courses on immigration law and Spanish, into a paramilitary-style boot camp.

No longer content to police the national boundary by focusing on the highest-priority offenses, the Border Patrol now sought to secure it completely. A single illegal border crossing was one too many. The new goal was zero tolerance.

IN 2005, during George W. Bush's second term, an enterprising Border Patrol chief in Del Rio, Texas, named Randy Hill came up with an idea for how to eliminate unauthorized border crossings for good: He would make the process so unpleasant that no one would want to do it. He looked to a legal provision added into federal immigration law in the 1950s that had only rarely been enforced; it made any unauthorized border crossing a misdemeanor crime, and any repeat offense a felony. Before 2005, federal judges and prosecutors had tacitly agreed to leave migrants alone, except in high-profile cases. People picking crops for under-the-table wages were not a principal concern for most Americans; overworked U.S. attorneys preoccupied with major drug- and weapons-smuggling cases viewed border crossing as a minor infraction not worth their time. (Hill could not be reached for comment.)

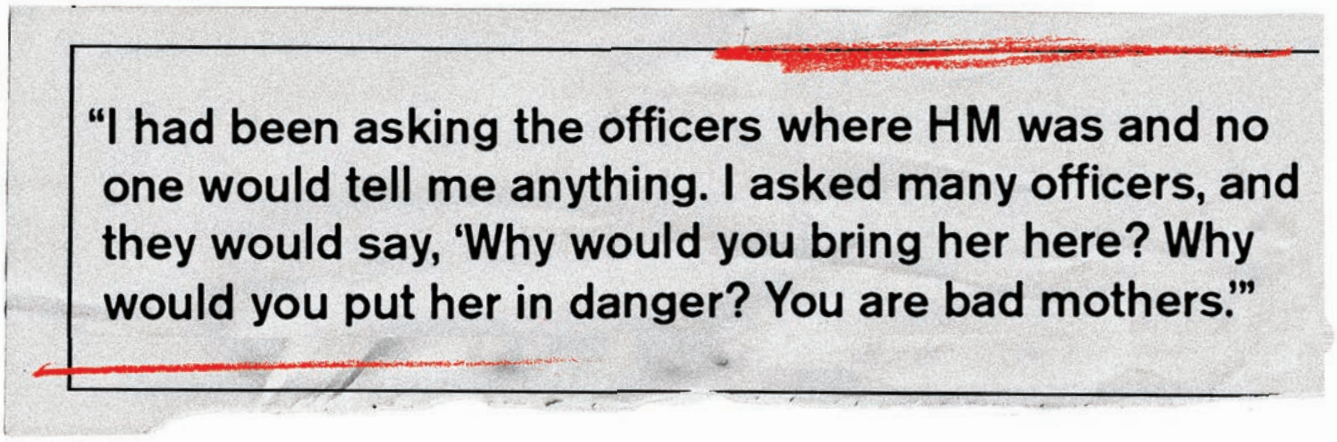
But the Del Rio chief persuaded his counterparts in local law enforcement to participate in an experiment in which every adult who was caught crossing the border illegally, no matter the reason, would be prosecuted. This would subject the migrants to formal deportation proceedings, and trigger even harsher penalties if they were caught trying to cross again in the future, all but cutting off their route to citizenship.

This initiative, named Operation Streamline, would form the basis of a school of thought that has made "prevention by deterrence" a centerpiece of the United States' immigration enforcement today. Parents traveling with children were generally exempt from prosecution under Operation Streamline, but this approach to securing the border would eventually culminate in family separation.

The experiment started out promisingly enough. Within four years, apprehensions at the border in Del Rio dropped by 75 percent, and in Yuma, Arizona, by 95 percent. Border Patrol headquarters was so impressed that it moved to implement the plan nationwide. But the effort may have been less successful than those numbers suggested.

In regions that didn't adopt Streamline, border crossings increased, indicating that the program was pushing people to cross in different areas. "I call it 'squeezing the balloon,'" Anthony Porvaznik, who served as the Border Patrol chief in Yuma during the Obama and Trump administrations, told me. While the first half decade of Streamline coincided with an overall decline in nationwide crossings, academic research indicates that this was largely attributable to economics. (Declining births in Mexico had resulted in far fewer adults who needed work, while demand for labor in the United States plummeted in 2008, during the recession.) Those who did appear to be deterred by Streamline were migrant workers who had never been to jail before, Porvaznik said. People carrying drugs or weapons across the border didn't seem to care.

In many ways, the implementation of Streamline was a mess. Courthouses along the border became so overwhelmed that they had to close to the public. Judges began holding mass hearings, with groups of up to 100 shackled defendants being tried at the same time. Arizona declared a judicial emergency in early 2011, temporarily suspending the right to a speedy trial for all federal defendants, including American citizens. Law-enforcement officers argued that the onslaught of misdemeanor prosecutions required by Streamline took resources away from serious felony cases.



Yet criminal prosecutions against border crossers became more and more politically popular. Under the Bush and Obama administrations, DHS officials who were eager to show that they were keeping the nation safe testified before Congress that Operation Streamline was an industry "best practice." Border Patrol agents embraced the model too, finally feeling empowered after decades of impotence.

By the mid-2010s, deepening poverty and an explosion of gang and domestic violence in Guatemala, Honduras, and El Salvador were driving children and families to the border in larger numbers. (Today, the State Department discourages Americans from traveling to those countries, because of rampant kidnapping and murder.) Jonathan White, a longtime Health and Human Services social worker, was sent to assess the situation. He saw children crammed into tiny, concrete Border Patrol holding cells or sleeping under bridges while they waited to be processed into the United States. In one facility, "the fire-marshal sign over the door said MAX OCCUPANCY 35 PEOPLE," White told me. More than 80 teenage boys were passing around water in paper cups and climbing over one another to access a single toilet. He saw a baby lying alone on a flattened cardboard box. "We were horrified from a public-health, child-health perspective."

In 2014, Jeh Johnson, President Barack Obama's secretary of Homeland Security, called John Kelly, a Marine Corp general who was serving as the highest-ranking U.S.-military official in Central and South America, for advice. "I said, 'Come down here,'" Kelly recalled telling Johnson at the time. "'You have to come down here and look north and see what the other side of the problem is all about.'"

During Johnson's July 2014 visit to Guatemala City, Kelly explained that the mass migration of children and families seeking asylum in the U.S. was not a threat to national security, but said that the crush at the border would continue to build unless jobs became more plentiful, and violence less rife, across Central America. No amount of "deterrence," Kelly told Johnson, would outweigh all of the factors driving Central Americans to the United States. Johnson left Guatemala City with a better understanding of the dynamics he faced but no solution for his overwhelmed agents or his boss, President Obama.

So Johnson convened a meeting in Washington with his top border-enforcement officials to discuss ideas. Among those present were Kevin McAleenan, who was then the deputy commissioner of Customs and Border Protection; Ron Vitiello, the deputy chief of the Border Patrol; and Tom Homan, the executive associate director of enforcement and removal for Immigration and Customs Enforcement. All three would subsequently be promoted, and become integral to implementing family separations four years later.

Of those in the room, Homan was the most strident. He had spent decades in immigration enforcement, beginning in his early 20s as a Border Patrol agent. Homan said he wanted to apply the perceived lessons of Operation Streamline to migrant families, by prosecuting parents who crossed the border illegally with their children. Though many of these families came to the U.S. seeking asylum, under this new model they would be treated as criminals. Homan explained that the parents would be taken into federal criminal custody, just like with Operation Streamline—only this time the process would trigger an automatic family separation.

This is the earliest instance I've discovered of family separation being proposed as a way to deter migration to the United States. This makes Tom Homan the father of what might be the Trump administration's most controversial policy. "Most parents don't want to be separated," Homan told me recently. "I'd be lying to you if I didn't think that would have an effect."

Homan acknowledged that many people would think him evil for proposing the idea, but he said it was intended to help families, not hurt them. He explained himself by way of an experience that, he said, still troubles him today. One day in the spring of 2003, he said, he got a call from ICE headquarters asking him to rush to a crime scene near Victoria, a city in Southeast Texas. He flew to the border, where more than 70 migrants had been discovered packed into the back of an overheated semitruck. When the authorities found them, 17 of the passengers were already dead; two more died soon after. Lifeless bodies spilled out of the truck. Most of the passengers had stripped down to their underwear for relief from the heat.

As Homan surveyed the trailer, he noticed a boy who turned out to be 5 years old—the same age as Homan's youngest son—lying in his father's lap, both of them dead. "I got down on my

knees, put my hand on the child's head, and said a prayer, because I could only imagine what his last hour of life must have been like, how scared he must have been. Couldn't breathe, pitch black, begging his father to help him. His father couldn't help. What was his father thinking? He'd put him in that position, right? His father was probably saying, 'I can't believe I did this.'" He said the experience had driven him to therapy. "That one instance made me who I am today, because it's preventable. We could stop this."

Homan said he had families like this in mind when he pitched Secretary Johnson on the idea of prosecuting parents and taking their children away. Yes, the separated families would suffer, he acknowledged, but at least "they're not dead."

"The goal wasn't to traumatize," he added. "The goal was to stop the madness, stop the death, stop the rape, stop the children dying, stop the cartels doing what they're doing."

When the official Zero Tolerance policy went into effect, in the spring of 2018, the Trump administration made frequent use of this defense. I heard it again and again while I was conducting interviews for this story: Families were separated not to harm them but to keep others like them safe. What I never heard anyone acknowledge was that "deterrence" methods such as family separation have been shown to increase the likelihood of these terrible outcomes—because harsher enforcement induces children and families to try to sneak across the border using more dangerous methods, such as hiding in the back of a tractor trailer.

Johnson eventually rejected Homan's proposal. Though he professed belief in the value of deterrence, he said that, as a father, he couldn't stomach separating children from their parents.

"Family separation was raised and rejected for two reasons," Johnson told me recently. First, "I already had in my mind the vivid visual image of a mother clinging to a child in a Border Patrol holding station—and I was not going to ask somebody from the Border Patrol or ICE to take that child away." Second, "it would have overrun" government shelters for children. "So it was heartless *and* impractical."

THE C-TEAM ASSEMBLES

(NOVEMBER 2016–JANUARY 2017)

In the executive branch of the American government, policy ideas are traditionally vetted first by subject-matter experts—lower-level staffers whose knowledge is specific and deep. The ideas that pass muster are elevated to managers who are familiar with multiple areas of study and, therefore, a potential policy's broader implications. Finally, proposals are handed to political appointees who ensure that they meet the objectives of the administration. Only those policies that survive these layers of vetting are presented to principals—the Cabinet secretaries or agency heads who decide, based on exhaustive briefings, whether or not to authorize them.

The system serves multiple purposes: It protects those at the top from getting so entangled in the specifics of one part of their portfolio that they neglect another. And given the little firsthand knowledge they have, it's supposed to prevent those in authority from making uninformed decisions. "It's a very poorly kept secret in Washington that principals never have any idea what they are talking about," one Trump White House official told me. Keep that in mind as we move forward in this timeline.

As Donald Trump prepared to fill the political positions that sit atop the bureaucracy in January 2017, he had a thin bench from which to draw. During Trump's campaign, many prominent Republicans had sworn publicly never to support him. The list shrank further when Chris Christie, Trump's transition head, was fired. When Christie left, so did many establishment Republicans he'd lined up. It was time to bring in the C-team.

The political appointees who came to work on immigration issues in the new administration can be sorted into two groups.

In the first group were establishment Republicans—I'll refer to them as the Careerists—who were compelled not by the president but by the call to serve their country, as well as by personal ambition: With so few qualified candidates eager to work for Trump, those willing to do so got installed a few rungs higher in the bureaucracy than they likely would have in a traditional administration. Like other moderate Republicans, they still hoped that Trump would be less erratic and extreme as president than he had been as a candidate. And if not, they told themselves, the bureaucracy would save them: Trump's most outlandish ideas would never survive the layers of expert review.

Some members of this group came from a tight-knit community of national-security wonks who had occupied the lower rungs of leadership in the Department of Homeland Security when it was first established. Now mid-career and entering middle age, they had stayed in close touch; at Bush-alumni events, they could usually be found huddling about cybersecurity or anti-terrorism issues. They were not particularly hawkish on immigration by the standards of Trump's GOP. Among this group was Kirstjen Nielsen, a senior policy director at the Transportation Security Administration upon its founding, who was selected to "sherpa" John Kelly, the president's nominee for DHS secretary, through his confirmation process. She would later become the face of family separations.

For the second group—I'll refer to them as the Hawks—Trump was a vehicle for the implementation of ideas they had been honing for years. He doubled down on their plans to slash immigration after seeing how popular they were at campaign rallies. Credit for that success went to Stephen Miller, the Hawks' leader, who had already achieved minor infamy while working as the communications director for Senator Jeff Sessions of Alabama. He signed on as chief speechwriter and senior adviser to the president. Sessions, who had previously been ostracized by his own party for his almost fundamentalist stance on immigration, became Trump's first attorney general.

Lesser known than Miller was Gene Hamilton, a lawyer who had worked for ICE in Atlanta before going to Capitol Hill as then-Senator Sessions's general counsel. He became senior counselor to Secretary Kelly. Hamilton's reputation is complex; he

stood out to colleagues as exceptionally kind and, indeed, family oriented, and frequently asked colleagues about their children and personal lives. But he believed that immigration laws should be applied with draconian rigor. Though Atlanta had the country's harshest immigration courts, where more than 90 percent of immigrant defendants lost their cases, he had left that job angry, according to a longtime colleague, because he felt that too many undocumented immigrants were given a "free pass." (Miller declined to comment for this story. Hamilton did not respond to requests for comment.)

To staff his team in the White House, Miller hired a variety of people from the anti-immigrant fringes of official Washington. Many had personally helped thwart bipartisan reform efforts in the past. Now they planned to bypass Congress altogether, using every possible presidential authority to shape the nation's immigration policies without any input from legislators.

The Hawks knew that their plans were going to be controversial, but they didn't care. New colleagues were viewed as closeted liberals until proved otherwise. "There's this worship of process," John Zadrozny, who joined Miller's team as a member of the White House Domestic Policy Council, told me. "Process, process, process. *Process* is code for 'We can slow down the quick impulses of a fiery political administration with no experts.' Well, that's not what was voted for."

"Our posture was 'If you don't want to make these tough decisions, go,'" Zadrozny said. "'There are plenty of us here who will do these things and sleep at night … We know we'll take a few arrows. That's okay. That's why we're here.'"

Prone to paranoia and insularity, the Hawks signed nondisclosure agreements and met during the transition in secret war-room sessions, unencumbered by general-counsel staff who might say their ideas were illegal, or by bureaucrats who might call them unrealistic. They composed a raft of executive orders, many of which read more like press releases, though Miller would later use them to strong-arm Cabinet secretaries into fulfilling his wishes.

In any other presidential administration, Miller's disregard for the chain of command would have been grounds for his dismissal. But he possessed a kind of mystique that insulated him from consequences. Almost no one, including Cabinet secretaries, dared challenge him, even as he drove them to distraction. (At least one Cabinet secretary negotiated an effective ban on ever having to deal directly with Miller, and another demanded that Miller never speak to his subordinates without permission—an order that Miller did not heed.)

Miller was better than other advisers at managing his relationship with the president. He avoided the limelight and never pushed back, as others did, against the president's more ill-considered ideas. But when I asked his colleagues why he was afforded such protection, they reminded me that this was an administration plagued by insecurity and imposter syndrome: The president and his family had not expected to win the 2016 election. When they did, a narrative formed that gave Miller, and his immigration speeches, the credit. Miller's messaging came to be seen as crucial to securing a second term.

At meetings about immigration policy during the transition, Miller and Gene Hamilton displayed how little they understood about border enforcement. According to people who attended the meetings, they proposed ideas that were outlandishly impractical—such as sending National Guard troops to the border to block migrants from setting foot on American soil, or building barriers across private land, including through waterways where such structures would not be able to withstand seasonal weather patterns. "They were talking like people who'd never been down on the border," one official said.

But instead of pushing back against bad ideas in those early meetings, the Careerists just rolled their eyes and commiserated afterward. I asked a number of them why they hadn't explained the obvious reasons such policies should not be pursued. These were "speak when spoken to" environments, they told me. And precisely because the proposals being batted around were so terrifically bad, they felt confident that the bureaucracy would neutralize them. In the end, these officials assumed—incorrectly—that the only harm done by those meetings would be the time they wasted.

One idea that surfaced multiple times in early 2017 was Tom Homan's Obama-era proposal to prosecute parents coming across the border with their children and separate them. John Kelly, who did not hide his distaste for the Hawks, told me that Stephen Miller pitched the idea to him directly, with support from Hamilton. Kelly came into his position at a disadvantage, as did Kirstjen Nielsen, whom he'd appointed as his chief of staff. Though they understood, at a high level, the push-and-pull factors influencing immigration trends, they had little knowledge of the actual federal immigration code or the mechanisms through which it was enforced. This made Kelly reliant on Hamilton's knowledge of the system, despite his disdain for Hamilton's politics. "There would be this unusual dynamic where Kelly would kind of rib Gene," a senior DHS official told me about the daily morning staff meetings. "He would say, 'Oh, Gene-O, has your buddy Stephen been calling you up lately?' That was Kelly's way of saying, 'I know that you've got friends in all these places and there's this right-wingy immigration network here, but I'm the boss, so make sure everything comes through me.'"

Kelly told me he immediately opposed separating families, not just on moral grounds but also for pragmatic reasons: Based on his own experiences in Central America, he didn't think it would work. Kelly knew the moral argument wouldn't sway Trump, so he focused on the logistical challenges. He asked for a cursory review of the policy, after which he came to the same conclusion as Jeh Johnson: Though the idea was likely legal, it was wildly impractical—executing it successfully would require hundreds of millions of dollars to build new detention facilities and months to train staff within both Homeland Security and Health and Human Services, the latter of which would be charged with caring for the separated children. (In March 2017, Kelly told CNN that the idea was under consideration, fueling rumors and confusion that would linger for the next year.)

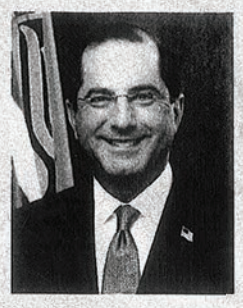
Based on this review, Kelly told me, he decided definitively not to authorize a separation program. He shared his decision

SCOTT HEINS / GETTY; U.S. ADMINISTRATION FOR CHILDREN AND FAMILIES; U.S. DEPARTMENT OF HOMELAND SECURITY (HAMILTON, HOMAN, KELLY, NIELSEN, VITIELLO); U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; U.S. CUSTOMS AND BORDER PROTECTION; JAMES TOURTELLOTTE / U.S. CUSTOMS AND BORDER PROTECTION; U.S. DEPARTMENT OF JUSTICE; CHIP SOMODEVILLA / GETTY

MATTHEW ALBENCE
DEPUTY DIRECTOR, ICE
(AUG. 2018–APRIL 2019);
HEAD OF ENFORCEMENT AND
REMOVAL OPERATIONS, ICE
(FEB. 2017–AUG. 2018)

SCOTT LLOYD
DIRECTOR, OFFICE OF
REFUGEE RESETTLEMENT, HHS
(MARCH 2017–NOV. 2018)

GENE HAMILTON
COUNSELOR TO THE ATTORNEY
GENERAL (OCT. 2017–JAN. 2021);
SENIOR COUNSELOR TO THE
DHS SECRETARY (JAN.–OCT. 2017)



ALEX AZAR
SECRETARY, HHS
(JAN. 2018–JAN. 2021)

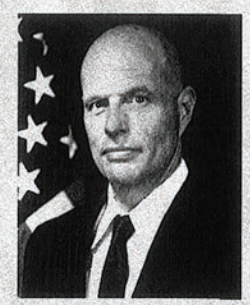
TOM HOMAN
ACTING DIRECTOR, ICE
(JAN. 2017–JUNE 2018)

CARLA PROVOST
CHIEF, U.S. BORDER PATROL
(APRIL 2017–JAN. 2020)

JOHN KELLY
WHITE HOUSE CHIEF OF STAFF
(JULY 2017–JAN. 2019);
SECRETARY, DHS
(JAN. 2017–JULY 2017)

KIRSTJEN NIELSEN
SECRETARY, DHS
(DEC. 2017–APRIL 2019)

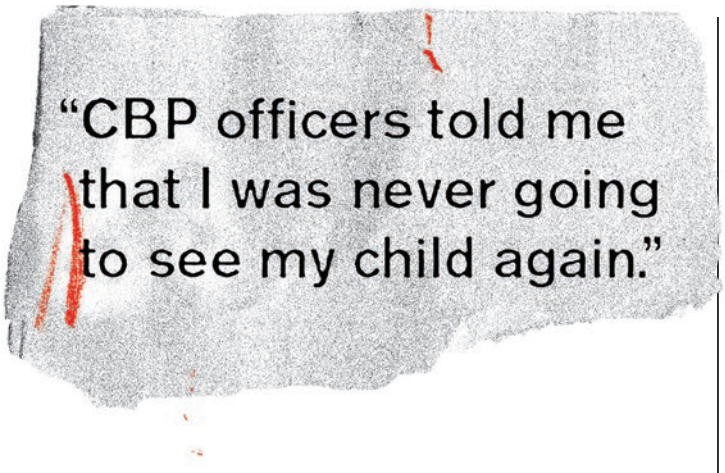
KEVIN McALEENAN
ACTING SECRETARY, DHS
(APRIL–NOV. 2019);
COMMISSIONER, CBP
(JAN. 2017–APRIL 2019)



RON VITIELLO
ACTING DIRECTOR, ICE
(JUNE 2018–APRIL 2019);
ACTING DEPUTY COMMISSIOMER,
CBP (APRIL 2017–JUNE 2018)

JEFF SESSIONS
ATTORNEY GENERAL
(FEB. 2017–NOV. 2018)

STEPHEN MILLER
SENIOR ADVISER TO
THE PRESIDENT
(JAN. 2017–JAN. 2021)



publicly, first in a meeting with Senate Democrats on March 29, 2017, and subsequently with the press.

After that, Kelly told me, every time the idea was proposed in a Cabinet or other meeting, he would refer back to the results of the review, as if reading from a script: Separating families was simply impossible. He told Trump that the president would have to ask Congress for the funds for it, knowing that he would never agree to do that, "because that then links him to the policy, and he loses deniability," Kelly said.

But the idea to separate families was proceeding anyway, on numerous tracks at once, including some that were out of Kelly's sight. On Valentine's Day 2017, Kevin McAleenan, now the acting head of Customs and Border Protection, hosted a large meeting with representatives of CBP, ICE, HHS, and a smattering of White House Hawks.

On the other side of the table from the Hawks, both literally and figuratively, was Jonathan White, the social worker. A former academic, White had become a commander in the U.S. Public Health Service Commissioned Corps, and risen quickly within HHS: Weeks before Trump was elected president, White had been tapped to head the program that houses immigrant children in U.S.-government custody, a division of the Office of Refugee Resettlement (ORR). Along with most of that office's employees, he is an expert in childhood trauma. He views the children in the office's care as the most vulnerable in the Western Hemisphere, not merely because they are alone in a foreign country but because they are "off the charts when it comes to ACEs," or adverse childhood experiences, such as exposure to violence, food insecurity, and the feeling that their life is at risk. Even before Trump took office, ORR had often been left out of meetings because it was viewed as an impediment to border enforcement.

White says the environment was like a pep rally, with two deputies of Tom Homan's—Matt Albence and Tim Robbins—announcing their plans for securing the border, which included separating migrant families. (Robbins did not respond to requests for comment.) As the initiative was described, White says, he turned pale and began strategizing about how to stop it. He requested a white paper articulating the idea, knowing that having such documentation would allow him to lobby against family separation directly to the Health and Human Services secretary, Tom Price, and to share it with other parts of the HHS bureaucracy that could begin to outline its many ethical and logistical flaws. (Documents show that White would continue to request the white paper from CBP and ICE officials, who promised it was coming, though it never materialized.)

Meanwhile, Kelly learned that Miller was contacting various DHS officials to push forward the idea of separating families, and he was furious. Kelly stormed into one of his daily morning staff meetings and declared that anyone contacted by Miller needed to refer him directly to Kelly—and that, in any case, DHS would not be moving forward with the idea, no matter how many times it was raised. He told Reince Priebus, Trump's chief of staff, to keep Miller away from his subordinates at DHS.

By the time Kelly replaced Priebus as Trump's chief of staff, he thought he had shut down the discussion of separating families for good. But a local initiative was already under way that would soon be used to justify separations on a nationwide scale.

THE PILOT

(MARCH–NOVEMBER 2017)

In the spring of 2017, as illegal border crossings were undergoing their typical seasonal spike, Jeff Self, the Border Patrol chief in El Paso, Texas, acted on a general message that he and other sector chiefs had received after Trump's election—to work with their local counterparts at the Department of Justice to crack down on border crossings in service of the new president's agenda. Self decided that the best way to do that would be for his agents to start referring parents traveling with children for prosecution. Though he likely didn't realize it at the time, Self was laying the groundwork for a national policy that called for separating families. Federal officials would later call his local initiative a "pilot" and use it as a model for expanding the practice nationwide. (Self declined to comment for this story.)

A Border Patrol agent working under Self emailed an assistant U.S. attorney for the Western District of Texas about the departure from prior practice. Though phrased in such a way as to suggest an insignificant administrative change, the email was in fact describing a revival of the idea Tom Homan had proposed to Jeh Johnson in 2014—using prosecution and family separations as a means of deterring would-be migrants.

At the time, the Western District of Texas was being run by Richard Durbin, who was keeping the U.S. attorney's seat warm until a Trump appointee could be nominated and confirmed. Durbin, who had been with the office for decades, responded to the policy change with skepticism. "History would not judge that kindly," he wrote to his colleagues. Though Durbin agreed that exempting *all* parents from prosecution seemed unwise, he said he had "no confidence" in the Border Patrol's ability to determine which ones deserved to face prosecution. "We don't want small

Homeland Security Secretary John Kelly and Kirstjen Nielsen, then Kelly's chief of staff, meet with Tom Homan, Gene Hamilton, Matt Albence, and other senior DHS leaders in March 2017.

children separated from parents and placed into some bureaucratic child services or foster agency in limbo."

Durbin eventually consented to prosecuting some parents, but he wanted to focus on those who were also being accused of much more serious crimes. "If culpability is very low and they have their own children we don't need to prosecute," he wrote in an email. "If they are a *sicario* [cartel hit man] we should prosecute and figure out how to deal humanely with children."

But the instructions sent to Border Patrol agents, which I obtained through a Freedom of Information Act request, contain none of the limitations Durbin requested, instead emphasizing that "the US Attorney's office will be contacted to seek prosecution for the adults of every family unit arrested." The document is dedicated mostly to warning agents against contacting assistant U.S. attorneys about the cases late at night or on weekends. It does not contain any guidance on how to separate parents and children or what each should be told about what was happening.

A person familiar with Durbin's thinking told me he was incensed when he discovered that the Border Patrol's change in policy was not intended to punish hard-core criminals who might have been using children to gain entry to the United States, but was instead a strategy to deter families seeking asylum. "I was bamboozled," Durbin reportedly said. "They didn't care about our prosecutions. They wanted a reason for separating children from parents."

Wesley Farris, a Border Patrol agent in El Paso, was asked to handle some of the separation cases. In one instance, a boy who was about 2 years old grabbed onto him in confusion, refusing to let go. "The world was upside down to that kid," Farris told PBS's *Frontline*. "That one got me." Farris told his supervisor afterward not to assign him to separation cases anymore. "That was the most horrible thing I've ever done," he recalled. "You can't help but see your own kids."

Meanwhile, the El Paso Border Patrol immediately started looking to expand Jeff Self's initiative to New Mexico. "Although it is always a difficult decision to separate these families," an agent wrote to the acting U.S. attorney there, "it is the hope that this separation will act as a deterrent to parents bringing their children into the harsh circumstances that are present when trying to enter the United States illegally." Some separations also occurred in Yuma, Arizona, under a separate initiative.

In the spring of 2017, Nora Núñez, a public defender in Yuma, noticed that the cellblocks at the federal courthouse were overflowing with detainees, many of them hysterical parents. The system was already under strain from other prosecutions, so Núñez had to move briskly to keep it from breaking down. "Having to get really firm with someone who was crying and upset because they didn't know where their kid was was heartbreaking," she told me.

Though Núñez had never seen misdemeanor charges filed against parents migrating with their children, she assumed that the families would be reunited as soon as their cases were completed, so she rushed them through the process even quicker than usual. Núñez only realized months later that by the time her clients were returned to immigration custody, many of their children had been sent to shelters in different states.

Alma Acevedo, who was then working at Bethany Christian Services in Michigan, said the organization was inundated with

With the anticipation that the duty attorney may receive an increased number of phone calls from the NM Border Patrol Stations, we ask the stations that they limit after hours calls for these types of cases whenever possible.

This guidance impacts only adults that are claiming to be part of a family group/unit. Current prosecutorial guidance on single adults remains in place.

Fro [redacted]
Sent: Monday, July 10, 2017 2:16 PM
To: EPT-PAI [redacted]
Subject: Field Guidance on FMUA

Good Afternoon,

Texas Stations, we are now clear to begin the process below.

Effective immediately, the following steps must be followed when family groups are encountered in Western District of Texas.

- The US Attorney's office will be contacted to seek prosecution for the adults of every family unit arrested.
- There is no longer a requirement for the adult to have an immigration or criminal history.
- The name of the attorney, and the disposition will remain a requirement for all narratives. If prosecution is declined, the reason for the declination must also be documented.
- If prosecution of the parent/s is approved, the family separation request will be sent to (A)ACP [redacted] for final approval.
- Please have your agents conduct their due diligence when verifying the documentation provided by the adults of the family units
- [redacted]

With the probable increase in calls to the AUSA, it was requested that discretion be used when deciding to call the duty attorney. Every effort should be made to call the attorneys during or close to normal business hours.

- The best practice for subjects arrested during the day should be to immediately collect the information needed to present the case and call the duty attorney as soon as the information is available.
- For those subjects arrested in the late evening or very early morning, it is not unreasonable to wait until business hours to contact the attorney.
- It should not be common practice for the processing agents to contact the attorney in the middle of the night for a disposition request that could wait a matter of a few hours.

We all understand that we operate 24/7; however, there are several agencies contacting these attorneys for a variety of cases that need immediate attention. It is also understood that should

The instructions sent to Border Patrol agents that launched the family-separation pilot in El Paso, Texas, did not contain any guidance on how to separate parents and children or what each should be told about what was happening.

children so inconsolable that teaching them was impossible. "It wasn't just tears," Acevedo told me, as I reported at the time. "It was screams."

When Acevedo managed to reach separated parents by phone, they asked for her advice about whether they should sign paperwork that immigration officers had given them. Acevedo feared that the parents were being asked to consent to their own deportations. "Parents are saying, 'The immigration officer told me if I signed this document, they would give me my child back,'" she said. "The parents would sign in desperation and then, the next thing you know, they would call me from their home country and say, 'I'm here, where's my child? Give me my child back.' It was really sad and really depressing hearing the parents cry all the time."

Explaining the situation to separated children was even harder. "The therapists and I would do a meeting with the child and use pictures or puppets. We would say, 'Your daddy is really far,' and kind of show them—'this is Guatemala and this is the U.S., and you guys are far away.'" She learned not to give separated children any specific timeline for when they might see their parent again, because the children would latch on to those promises, however vague, and then ask about them constantly. "We would have to say, 'In many, many days you will be reunited with your parent, but we have to do a lot of paperwork.'"

Supervisors at Bethany and other organizations that operate shelters repeatedly called Health and Human Services headquarters in Washington, pressing for details about what was going on, but they were given none. Don't speak with the media, some were told.

IGNORING THE WARNINGS

(JULY–DECEMBER 2017)

When John Kelly left the Department of Homeland Security to become President Trump's chief of staff in July 2017, Stephen Miller and Gene Hamilton moved in tandem to fill the power vacuum that Kelly's departure created. They appeared determined to institute family separations nationwide.

Elaine Duke, Kelly's deputy, became the acting Homeland Security secretary. Duke had only joined the Trump administration after being coaxed out of retirement by former colleagues desperate to fill the open positions at DHS. Within weeks of her taking over the department, she confronted two natural disasters—Hurricane Harvey and Hurricane Maria—and Miller and Hamilton saw an opportunity in her distraction.

Miller phoned DHS staff day and night, barraging them with demands and bullying career bureaucrats into a putative consensus on his ideas. At a meeting that fall, Hamilton distributed a document listing more than a dozen immigration policies that he said the White House wanted implemented, according to several people who were present. At the top were two proposed methods of achieving family separations: either administratively—by placing children and parents in separate detention centers—or via criminal prosecutions, which would place parents in the Department of Justice's custody instead of the Department of Homeland Security's. In both cases, the children would be given to a division of the Department of Health and Human Services. (The El Paso pilot was still under way, unbeknownst to most people at DHS headquarters, including Duke.)

Duke declined to move forward with administrative separations, and sought advice about the prosecution initiative from John Kelly, who assured her that if the president wanted her to do something, he would have told her himself. Duke agreed and proceeded accordingly. "There was a disconnect between those that had strong feelings about the issues and those that could sign things," Duke told me. "And I was the one with the authority to sign things."

The majority of Duke's staff were moderates. At this point, many of them told me, they still believed that Hamilton's idea for separating families nationally was so outlandish that they didn't take it seriously. "What I remember saying is 'This is the most ridiculous proposal, so this doesn't even require all that much work,'" a senior DHS official said. But Miller, recognizing Duke's resistance, started going around her, to her chief of staff, Chad Wolf, who asked that the DHS policy office produce documentation supporting Hamilton's proposals. Soon after, this official said, he "started getting phone calls from Chad Wolf, and you could tell he was under tremendous pressure, saying, 'I gotta have that paperwork—where are we on the paperwork?' And I said, 'Chad, you know and I know this isn't how government works. We've gotta get a lot of eyeballs on it. We have to find out if this is legal, moral, ethical, good policy, geared toward success, etc.'

"What followed was a lot of bad government," the senior official continued. "Bad draft memos were put together. They went up the chain but were bad because they weren't fully vetted policies."

Several of the DHS officials who were present at the meeting with Hamilton told me that after a few weeks, talk about separating families petered out, so they assumed the idea had been abandoned, or at least put on hold. It hadn't been—those who were perceived to be doubters were just excluded from subsequent meetings. "I think what I recall most is that I wasn't in the discussions," Duke said, adding that perhaps because she was viewed as a moderate, "I wasn't in the inner circle."

Inside and outside the government, people were beginning to notice that separations were already under way. Immigration lawyers who practiced in Texas and Arizona started reporting individual separation cases to national networks of advocates, who began drafting an official complaint to file with the DHS inspector general. Those advocates also began to share cases with reporters, who prepared stories about them. But the DHS press office insisted that no policies had changed.

Throughout the summer and fall, problems cropped up in the pilot regions. Under the guidelines imposed by Richard Durbin, who was still the acting U.S. attorney in El Paso, DOJ lawyers in the sector rejected two-thirds of the cases referred to them by Border Patrol. Despite that, some of the worst outcomes Durbin

had anticipated and tried to prevent were indeed happening. "We have now heard of us taking breast feeding defendant moms away from their infants, I did not believe this until I looked at the duty log and saw the fact we had accepted prosecution on moms with one and two year olds," Durbin's deputy criminal chief wrote to him in August. "The next issue is that these parents are asking for the whereabouts of their children and they can't get a response."

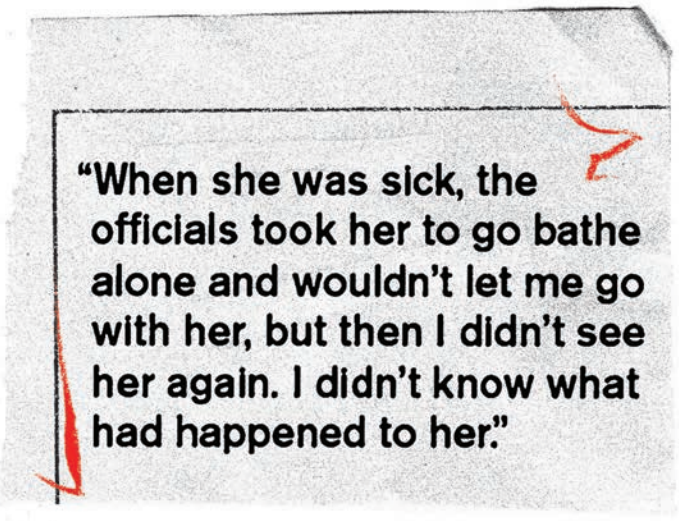
FOIA records show that in the summer of 2017, the DHS's Office for Civil Rights and Civil Liberties, which serves as an internal watchdog for civil-rights violations by the agency, noted a dramatic uptick in complaints involving separations, but remained in the dark about what was driving them. The increase in separations was also being tracked by HHS. Shortly after the meeting on Valentine's Day 2017 when the idea to separate families was presented, Jonathan White and several colleagues had begun an internal campaign to try to stop separations from happening.

Documents I obtained show that White took his concerns about the family-separation proposal to his superiors dozens of times, and asked them to inquire about it with DHS. He underscored that the HHS shelter system was not prepared to take a large number of separated children, who tend to be younger than those who cross the border alone, and require specialized housing that was in short supply. Hoping to catch the attention of others in the bureaucracy who might mobilize against the policy, White repeatedly inserted subtle references to looming family separations in internal and external reports that he wrote, even ones mostly unrelated to the subject. Meanwhile, his colleague James De La Cruz, an HHS administrator, began an effort to track every possible instance of separation, and to strategize about how to help reunite as many families as possible.

But White's concerns were intercepted by his politically appointed boss, Scott Lloyd, who was not inclined to help him. Lloyd told me he has many relatives in policing and corrections; he was predisposed to support the views of law enforcement over those of his own department. "I had an affinity for DHS and just tended to take them at their word, and got annoyed when people didn't," he said.

Finally, in mid-November 2017, White managed to get Lloyd's attention with an alarming email. "We had a shortage last night of beds for babies," White wrote. "Overall, infant placements seem to be climbing over recent weeks, and we think that's due to more separations from mothers by CBP." Lloyd requested a phone call with Kevin McAleenan, so that White could ask the acting Customs and Border Protection commissioner directly about what he was seeing. During the call, on November 16, McAleenan repeated John Kelly's statement that a separation policy had been considered but ultimately rejected. Lloyd would cling to this assurance for months—even when evidence seemed to call for action on his part. (Today, Lloyd says he believes the facts show that he acted appropriately.)

White's warning prompted McAleenan to ask his acting chief of the U.S. Border Patrol, Carla Provost, what was happening. Provost learned about the El Paso initiative from Gloria Chavez, one of her deputies, and immediately shut the program down.



"It has not blown up in the media as of yet but of course has the potential to," Provost wrote to McAleenan. After this clear indication that the pilot could be controversial, McAleenan and others at CBP did not disclose the fact that it had ever existed, even to other government agencies that were dealing with its consequences.

At the end of November, a Border Patrol employee emailed several colleagues, including Chavez, asking how to respond to questions from a reporter from the *Houston Chronicle*, Lomi Kriel, who had been tipped off about the initiative. By this point, Chavez not only knew about the pilot; she had been chastised for not alerting her superiors about it earlier. Yet the Border Patrol spokesperson who ultimately responded to Kriel cited an old policy manual stating that agency protocol required maintaining family unity "to the greatest extent operationally feasible." (Provost and Chavez both declined to comment for this story.)

Kriel's article foreshadowed what would go wrong under a nationwide program the following year—problems that DHS officials who served under Trump now claim they never could have anticipated. "There aren't mechanisms in place to systematically allow a parent or child to locate one another once they have been separated," an NGO told Kriel. "Family members lose track of each other."

In December, immigration advocates filed their complaint with the DHS inspector general's office detailing the experiences of more than a dozen separated families, which prompted CBP officials to meet with the agency's chief counsel, according to records obtained through a FOIA request. The complaint, which was shared with Congress and the media, noted that separated children were ending up in shelters in different states, as far away as New York.

For months afterward, in response to questions from reporters, representatives of DHS would continue to say that there had been no change in the agency's treatment of parents traveling with children, not acknowledging that the pilot program had already separated hundreds of children from their parents.

In January 2018, warning of potential "permanent family separation" and "new populations of U.S. Orphans," documents I obtained show that the DHS Office for Civil Rights and Civil Liberties recommended that criteria be established to prevent the separation of very young or especially vulnerable children. They also recommended that an online database be created that family members could use to find one another in the detention system. This tool, if it had been created, would have proved immeasurably valuable the following year, when thousands of parents were searching for their children.

The Border Patrol's internal summary of the pilot program, which has not been reported on until now, also highlights potential issues such as children getting lost or ending up in long-term foster care. The document repeats versions of the phrase *family separation* more than 10 times. Despite that, CBP leaders said they were not made aware of any problems that came up during the program.

AMBIENT IGNORANCE

(DECEMBER 2017–MAY 2018)

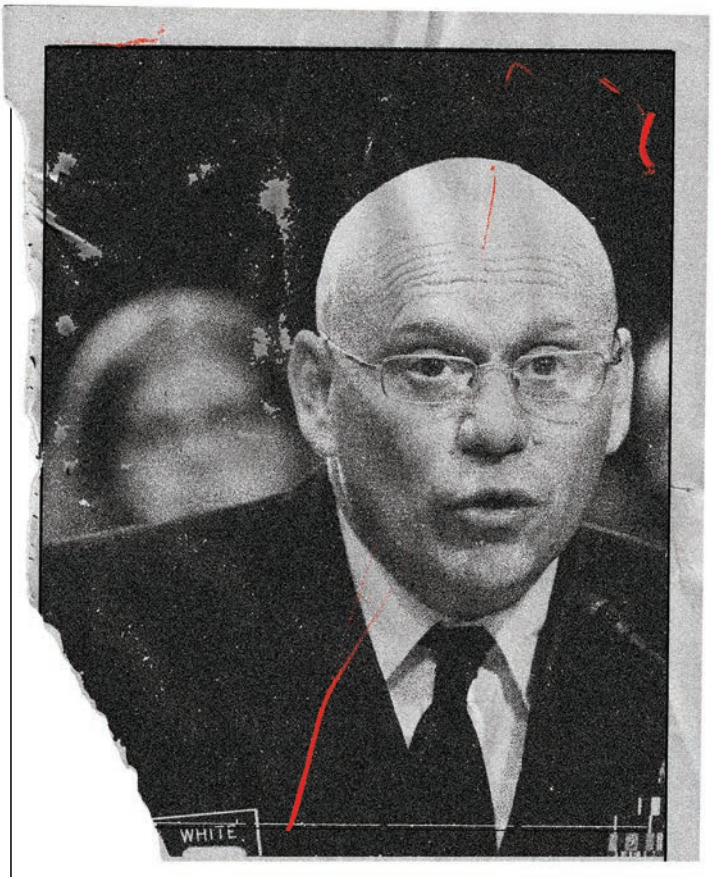
By the end of 2017, DHS and White House officials say, Stephen Miller appeared to be losing patience with Elaine Duke, who had refused to sign off on any of his major plans. Rather than continue to argue with the acting DHS secretary, the White House Hawks started looking for a replacement.

Discussion centered on Kansas Secretary of State Kris Kobach, who had made a career out of pushing controversial anti-immigrant policies. John Kelly worried about someone like Kobach overseeing DHS. So he floated Kirstjen Nielsen, who had worked with him at the agency and come with him to the White House as his No. 2. Trump accepted Kelly's recommendation, perhaps thinking that Nielsen would be pliable. According to colleagues, Gene Hamilton was so upset when the president chose a moderate to run DHS that he went to work for his former boss Jeff Sessions at the Justice Department, thinking he could have more of an impact on aggressive immigration restrictions from there.

It is somewhat ironic that the person most associated with the Trump administration's harshest immigration policy turned out to be Nielsen. She signed the memo allowing Border Patrol agents to take children away from their parents so that the adults could be prosecuted. But Nielsen had not wanted to sign off on Zero Tolerance; for months, she refused to do so. In fact, throughout her tenure as secretary, Nielsen would be accused by administration colleagues of being a "squish" over and over again. Each time, she would go a little further in order to appease her critics. Eventually, she followed them off a cliff.

Compared with many of her hard-line colleagues at DHS, Nielsen was technocratic and restrained. After graduating from Georgetown and the University of Virginia School of Law, she had worked at a private law firm in Texas, until September 11 motivated her to take a position with the newly established Transportation Security Administration (soon to become part of DHS); she also worked in the Bush White House and over time became one of the country's foremost experts on cybersecurity policy.

Nielsen's own employees noted that she had considerably less leadership experience than any previous DHS secretary, and some took issue with that. Before joining the Trump administration, she had run a consulting company that had a handful of employees. Now she was leading an agency that employed a quarter of a million people. She was exceptionally hardworking, but in a way that didn't always endear her to colleagues. "She read 80-page briefs for breakfast, lunch, and dinner," one high-ranking DHS official told me, adding that in meetings, Nielsen "asked



Jonathan White, who ran HHS's shelter system for unaccompanied immigrant children, appealed to his bosses dozens of times to try to stop family separations from happening.

J. SCOTT APPLEWHITE / AP

questions that embarrassed you because she knew more than you did about what you were supposed to be doing."

Nielsen was defensive about any criticism of the department. Unlike Kelly, who had let staffers sift through the pile of news clips published about DHS and only share with him the ones they deemed important, Nielsen devoured them on her way to work each morning, pillorying staff because she hadn't been alerted beforehand about negative stories. But in the eyes of key advisers and staff, anything the press wrote was inherently suspect—likely liberal hysteria. Because of this, they viewed Nielsen's demands for inquiries into allegations of wrongdoing by DHS staff as an annoying waste of time. By the time family separations were being described in the national media, much of her staff didn't believe what was being reported, even when clear evidence supported it.

The DHS that Nielsen took control of was virtually unrecognizable compared with the one that she had worked for when it was started under President Bush. Its energy was now directed toward the southwestern border, with much less attention focused on other matters, including the issue that had sparked its creation: global terrorism. Nielsen was being summoned to the White House so often to talk about immigration that she started working out of a makeshift office at the nearby CBP headquarters on Pennsylvania Avenue, which put her in close proximity with her immigration-enforcement chiefs, Tom Homan and Kevin McAleenan.

From the moment she was confirmed, Nielsen fielded a barrage of immigration-policy proposals from Stephen Miller, which he conveyed through incessant phone calls, day and night. When John Kelly was secretary, he would ignore Miller's late-night calls. But Nielsen frequently found herself listening to him rant after midnight.

Nielsen would hear Miller out, knowing that his approval was crucial to her success in the job. "I would say, 'Okay, Stephen, we'll have a meeting on it; we'll get the lawyers and we'll figure out what's possible and we'll talk it through,'" she told me. "Or I'd say to him, 'Have you talked to anyone at CBP? Did you talk to anybody at HHS? Did you talk to the lawyers? What does [White House Counsel] Don McGahn say?' It would just be him saying stuff and me being like, 'Okay, Stephen, let's find a process here. I don't just make policy on phone calls with you. We have a whole department that I run.'"

By this point, Miller had insinuated himself deep into DHS, identifying allies at its lower rungs who either agreed with him or were open to persuasion. Under the traditional chain of command, only a department's senior leadership has direct contact with the White House, to prevent miscommunications and decisions being made by people lacking authority. Now random employees throughout DHS were speaking directly with Miller and his team, who would then claim to have buy-in for their ideas "from DHS."

Miller's incursions extended to the communications department. For example, he requested photos of detained immigrants with tattoos, presumably to suggest that most of those crossing the border were hardened criminals. When he faced pushback, Lauren Tomlinson, a senior DHS communications aide, told me, "a phone call would go to someone else further down the chain, and the next thing you know, they've got the photos. They would just keep calling until they got to yeses."

Miller blocked numerous candidates to replace Gene Hamilton as senior counselor to the DHS secretary, apparently intent on assuming the role informally himself. Nielsen's staff learned not to bring Miller any job candidates who had served in the Bush administration, because they would be automatically rejected. A handful of people cycled through the position over the next several months, but none lasted long, because "no one could pass the Miller smell test," a senior DHS official recalled.

Soon after Nielsen's confirmation in December, colleagues of Kevin McAleenan say that he began to agitate for a meeting about rising border crossings, which the White House was pressuring him to contain. Like Nielsen, he'd pursued work in Homeland Security after 9/11, leaving behind a career in corporate law. In the Trump era, he was also under pressure to prove that he wasn't a squish. He had leapfrogged over those in CBP leadership who'd worked their way up from the front lines of the Border Patrol and who tended to view leadership recruits with posh résumés as "street hires." Brandon Judd, the head of the Border Patrol union, may have been McAleenan's most influential skeptic. Judd maintained close access to Trump after winning his affection with an early endorsement in 2016, and occasionally attended private Oval Office meetings where he lobbied for McAleenan to be fired for being too weak on enforcement.

But McAleenan navigated this terrain deftly. He could pass as a Hawk, professing an adherence to the gospel of deterrence, but moderates and progressives on Capitol Hill appreciated that he was more polished than his brasher colleagues during congressional briefings. He made abundant use of Latin phrases (*sui generis*, *ex ante*, *ex post facto*) and words like *confirmatory*, even during small talk. In meetings, he rattled off facts and statistics with such facility that people were reluctant to challenge him. During his frequent media appearances, he outlined harsh enforcement policies, coming off not as someone who felt strongly about them one way or the other, but as the coolheaded adult in the room who was making sure they were implemented smoothly. Over time, more than 15 of McAleenan's colleagues told me, he became one of the most vocal advocates for Zero Tolerance.

Chad Wolf, who was now Nielsen's acting chief of staff, told McAleenan that if he wanted a meeting with Nielsen about the rising number of border crossings, he first needed to put together a proposal with possible solutions for her to study. Nielsen liked to be well prepared ahead of meetings, to avoid being put on the spot about issues she hadn't fully considered. This ended up being a primary way that extreme immigration policies were delayed under Nielsen: She would ask questions in meetings that her staff was not prepared to answer, then send them off to look for more information.

"There was a joke we all had, because everything needed sign-off from the secretary," John Zadrozny, of the White House Domestic Policy Council, told me. "So we'd get something up to the secretary's desk, and weeks would go by where we hadn't gotten something back, and we're like, 'Where is this?' 'Oh, it's on the secretary's

desk, hahaha.' Meaning it sat there because she didn't want to deal with it … We were basically always pushing Jell-O up a hill."

When McAleenan and Homan ultimately presented a set of ideas to Nielsen, she and others who were there say, they started by proposing separating families administratively. (Homan says he doesn't recall this.) This would have allowed the agency to separate not only families that crossed the border illegally but also those who presented themselves at legal ports of entry, requesting asylum. Nielsen rejected the idea out of hand, invoking John Kelly's prior decision, which she told the men she viewed as standing DHS policy. Homan and McAleenan shot back that border crossings had increased since Kelly's tenure as secretary and that other strategies to quell them weren't working. "My response was more or less 'I agree we need to do something big,'" Nielsen told me. "'Let's talk about realistic options.'"

McAleenan and Homan then began to describe an initiative to prosecute all adults—including those traveling with children—who crossed the border illegally, telling Nielsen that a pilot program along these lines had already been successfully implemented in El Paso and that the prosecutions could serve as a deterrent on a larger scale.

Nielsen was upset that a pilot had been implemented, seemingly in defiance of Kelly's orders. She asked how the border-enforcement apparatus would absorb the burden of so many additional prosecutions. McAleenan and Homan, who was now the head of ICE, testily assured her that the agencies involved "had a process"—without specifying what it was. Unsatisfied with their responses, Nielsen ended the meeting by telling them to run down answers to her questions and report back.

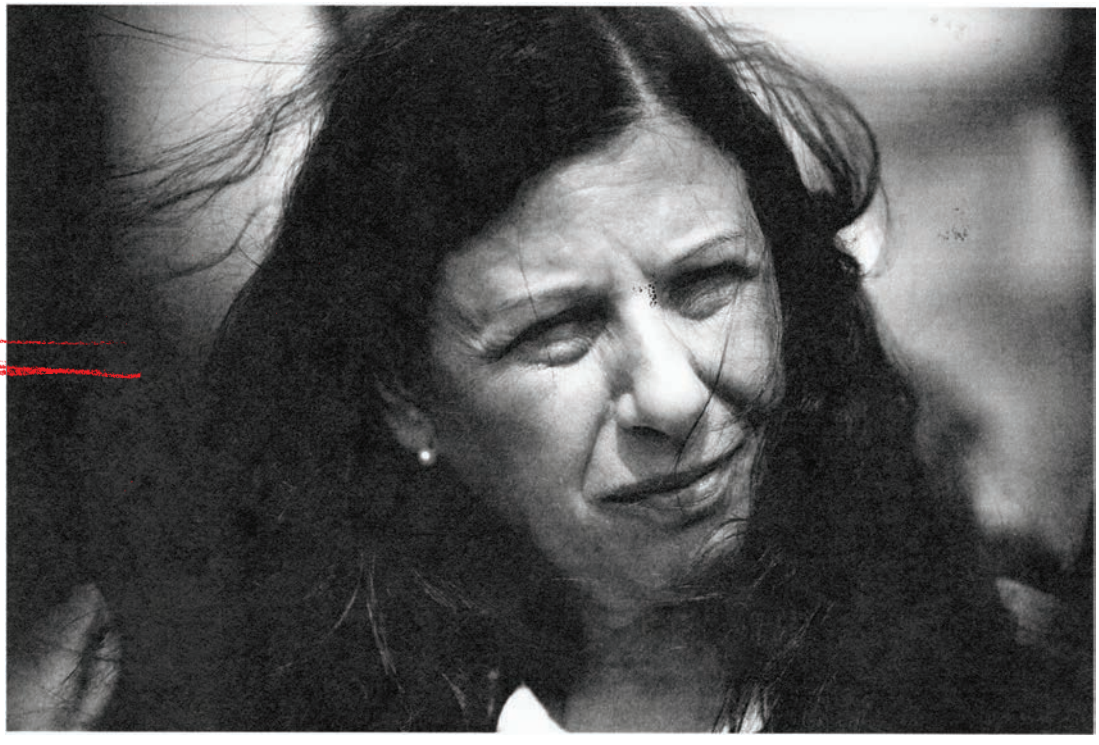
Elizabeth Neumann, Nielsen's deputy chief of staff, told me she was shaken by the nonchalance with which McAleenan and Homan had proposed taking vast numbers of children away from their parents. "They were not grasping the humanity of the situation; they were just all about 'I need Stephen [Miller] off my back. I need the president off my back,'" she said. (McAleenan denies this account.)

After the meeting, Neumann, who had spent more than a decade working with Nielsen in and out of government, said she approached another top adviser to ask whether taking children from their parents was truly being considered. If the answer was yes, she was planning to lobby against it. The colleague told Neumann that Nielsen was holding firm against separating families. "I was really relieved because I didn't feel I had to have the next conversation," Neumann said.

What she didn't realize was that the second proposal—to refer for prosecution every adult coming across the border illegally—would have the same result, and was still on the table.

Across Washington, a new immigration-prosecution initiative that was being considered by the White House came up in various meetings. But the blandness with which it was described—as a way to crack down on lawbreakers—served as a sleight of hand. Because fluency on immigration policy is so rare in Washington, few people grasped the full implications of what was being suggested until it was already happening.

As Nielsen debated these proposals, my sources at DHS alerted me to their existence. Once I'd confirmed the details, *The New York Times* published my report in December 2017, which included the story of a father and his 1-year-old son who had already been separated. *The Washington Post* published a story about the proposals the same day. The response both papers got from the DHS press office not only failed to acknowledge that separations were already taking place; it also characterized



JUSTIN SULLIVAN / AFP / GETTY

Elaine Duke served as acting Homeland Security secretary after John Kelly became White House chief of staff. She declined to sign off on family separation and was soon sidelined.

families seeking asylum in the United States as abusive to their own children: "It's cruel for parents to place the lives of their children in the hands of transnational criminal organizations and smugglers who have zero respect for human life and often abuse or abandon children. The dangerous illegal journey north is no place for young children and we need to explore all possible measures to protect them." The statement alluded to "procedural, policy, regulatory and legislative changes" that would be implemented "in the near future."

UNLIKE KIRSTJEN NIELSEN, Jeff Sessions is exactly the sort of person one might expect to be responsible for a policy that would result in widespread family separations. Throughout his career, his approach to both criminal justice and immigration enforcement could be defined by the phrase *zero tolerance*, a law-enforcement term of art that is almost always used euphemistically, because snuffing out all crime is impossible. But for Sessions, the phrase is literal. He supported enforcing all laws—or at least the ones that he deemed important—to the fullest extent possible, with no room for nuance or humanitarian exception.

In interviews, DHS officials blamed Sessions for ordering the separation of thousands of families. Some of Sessions's own staff at the Justice Department blamed him as well. Gene Hamilton and Rod Rosenstein, the deputy attorney general, who are revealed to have pushed persistently for Zero Tolerance in a report published by the DOJ inspector general, told the IG's office that they did so solely at the behest of Sessions. (Sessions says that the report appeared to be politically biased, pointing to the fact that it had been leaked prior to the 2020 election. He says President Trump had clearly ordered the executive branch "to reduce the immigration lawlessness at the border." Rosenstein declined to comment for this article.)

Though it is true that Sessions pushed hard for aggressive immigration-enforcement policies, including Zero Tolerance, nothing I found in my reporting suggests that prosecuting parents traveling with children was his idea, and nothing that he did as attorney general, from a legal perspective, caused the policy to come into being.

Exactly how much Sessions even understood about Zero Tolerance is unclear. He is not, former colleagues say, one to get entangled in details, or to let facts get in the way of what he thinks is a good idea. Sessions was distracted during his tenure as attorney general, battling constant rumors that he had had untoward interactions with Russian operatives. He was also trying to salvage his relationship with President Trump, who never forgave Sessions for recusing himself from the congressional inquiry into Trump's own ties to Russia.

In a functioning bureaucracy, none of this should have presented any great impediment to Sessions's understanding of Zero Tolerance: A Cabinet secretary generally makes decisions based on the recommendations presented by advisers, which in turn are based on expert analysis. But Sessions's principal immigration adviser was Gene Hamilton. As one of the only DOJ staff

As secretary of Homeland Security, Kirstjen Nielsen signed the memo that authorized Border Patrol agents to take children from their parents.

U.S. DEPARTMENT OF HOMELAND SECURITY

members fully dedicated to the subject, Hamilton worked in relative isolation, with few colleagues to challenge his positions. And Hamilton showed an unwillingness to take seriously any of the policy's pitfalls that he was alerted to before and during its execution.

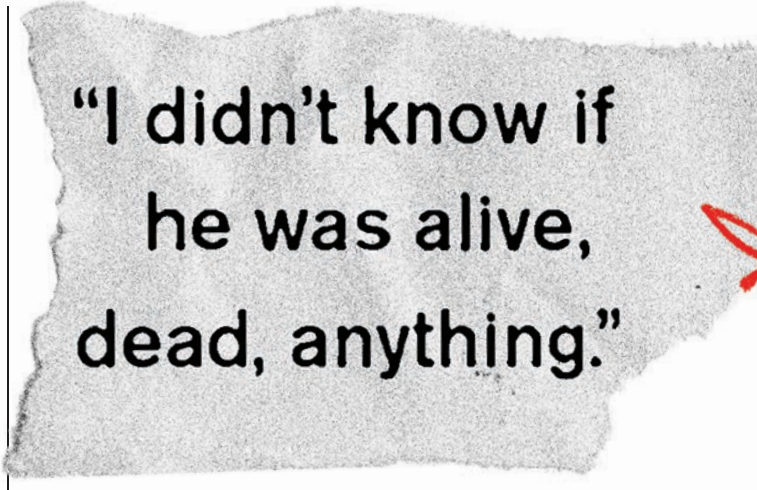
As Hamilton prepared to formally propose Zero Tolerance to Sessions, Rosenstein's office asked John Bash, the newly confirmed U.S. attorney in El Paso, for a briefing on the separation pilot program there. Bash had previously served as a White House legal adviser and was considered a trusted Trump ally. Bash asked his new colleagues in El Paso to bring him up to speed on the pilot, according to email excerpts that were published by the DOJ inspector general. He then briefed Hamilton and others at DOJ. His notes indicate that the initiative had faced "significant 'pushback'" from local stakeholders; they also reference pending litigation in the Western District of Texas filed on behalf of five people whose children (and in one case a grandchild) had been taken away from them. The magistrate judge in that case complained that the defendants before him were "completely incommunicado" with their children "while being prosecuted for a very minor offense" and that parents and children had no apparent way to find each other after being separated.

Hamilton later told the inspector general that he didn't remember the meeting. This is the first of many documented instances—all of which he would later tell the inspector general he could not recall—when Hamilton was warned directly about the problems that would take place if the pilot was expanded nationwide. He forged ahead anyway.

A few weeks later, Bash received a memo from his colleagues explaining in even greater detail problems that had arisen during the prosecution pilot. But headquarters hadn't followed up with him about expanding it, so he didn't share the memo with anyone, and he later told the inspector general that he'd assumed the idea had died. No one at headquarters ever contacted Richard Durbin—the acting U.S. attorney in El Paso during the pilot program who had been told that infants were being separated from their mothers—for his input.

Meanwhile, immigration advocates were still learning of families that had been separated during the pilot but had not yet been reunited. They were also hearing reports of families that had been separated after presenting themselves at a port, where it is perfectly legal to request entry to the United States. The advocates prepared to file a lawsuit, which they hoped would result in a nationwide injunction against separations and a court order to reunify the families that had already been torn apart. Lee Gelernt, a lawyer with the ACLU's Immigrants' Rights Project, would lead the case. "It's not just that the parents and children are separated for months and months," Gelernt told me at the time. "It's that the parents have no idea where their children are, what's happening to their children, or whether they are even going to see their children again."

Gelernt was gathering tips from advocates with connections to shelter workers in the Department of Health and Human Services, who defied orders not to speak publicly about what was happening, out of concern over what they were seeing. The



shelter workers "don't even know where the kids are coming from, who the parent is, where the parent is," Gelernt told me. "They are 2, 3, 4, 5 years old."

During this period, each time I asked Trump-administration officials about a specific case, they would say that the separation had taken place only because the child was thought to be caught in a trafficking scheme or otherwise in danger, which would have been in keeping with past policies. But in many of these cases, lawyers representing the families said none of those circumstances held true.

In February 2018, Gelernt met a woman from the Democratic Republic of Congo who had been separated from her 6-year-old daughter. The girl had spent several months in an HHS shelter in Chicago; her mother was being held in an immigration detention center in the desert on the outskirts of San Diego. When she walked into a cinder-block room to meet Gelernt, she appeared gaunt and confused—"almost catatonic from what had happened to her," Gelernt told me. The woman explained that when she and her daughter had crossed the border, agents had taken them to a motel for questioning—a common practice when border facilities run out of space—and put them in adjacent rooms. Because the mother and daughter, who became known in court as Ms. L and S.S., respectively, had been living in South America before requesting asylum in the United States, S.S. had picked up Spanish. When the agents began to discuss separating the girl from her mother, perhaps thinking that they were being discreet by speaking in Spanish, Ms. L heard her daughter's screams through the wall between them.

Though Gelernt had been planning to build a case for a class-action suit, he was so disturbed by the meeting that he began drafting a complaint on Ms. L's behalf as soon as he returned from the detention center. "Her child's been gone for nearly four months," he told me at the time, "and I just could not justify delaying going into court any longer to get her and her child reunited. Hearing her talk about her child screaming 'Don't take me away from my mommy.'"

On May 7, 2018, Attorney General Jeff Sessions held a press conference in San Diego to publicize the Zero Tolerance policy.

ARIANA DREHSLER / BLOOMBERG / GETTY

While they waited for a ruling on the Ms. L case, Gelernt and his colleagues scrambled to prepare filings for other plaintiffs, quickly adding another mother, known as Ms. C, who had been separated from her 14-year-old son during the El Paso pilot six months earlier. (Ms. C had ended up in West Texas; her son had landed in a shelter in Chicago.) At this point, the ACLU asked the judge to certify the case as a class action, estimating, based on accounts it had collected—some from concerned government sources—that at least 400 to 500 separations had occurred by then.

The government responded to Gelernt's suit in a legal briefing with the same message that reporters kept hearing—that the Department of Homeland Security did not have a separation policy and that nothing had changed in its treatment of migrant families. The response did not acknowledge the existence of any pilot program. "Such a policy," the government's brief stated, "would be antithetical to the child welfare values of the Office of Refugee Resettlement."

The government argued that agents had separated Ms. L from her daughter because they were skeptical that the pair were truly related; Ms. L had not provided documents proving she was the child's mother. Gelernt thought this was merely a pretense to justify the separation. "She spent three months walking here," Gelernt told me. "She was robbed. So of course she didn't have documents." A judge called for a DNA test, which proved that Ms. L was in fact S.S.'s mother. Soon after, the government released Ms. L onto the street outside the desert detention center. Several days later, with the help of lawyers, Ms. L was reunited with her daughter.

IN THE SPRING OF 2018, I learned about the list of separated children that James De La Cruz, Jonathan White's colleague at the Office of Refugee Resettlement, was compiling. De La Cruz and a handful of others at ORR were using the list to seek help from ICE in tracking down the parents of those children and trying to reunify them, or at least connect them by phone—many of the separated parents were still detained or had been deported. De La Cruz and the small group of his colleagues who had access to the list were keeping its existence quiet, knowing that the document would be controversial because the administration was still publicly denying that children were being separated from their parents at the border with any greater frequency than under previous administrations.

Most of those with access to the list initially told me they worried that a news article about it could be traced back to them—or worse, that it might somehow jeopardize what, at the time, was the only known effort to track family-separation cases. But by early April, the list grew to include more than 700 names—enough that my sources began to conclude that the situation was too dire to go unreported any longer. And they knew that the total number of separations was even higher: The list contained

only the names of children whose cases had been reported to HHS headquarters by shelter staff.

At that point, I contacted the HHS and DHS public-affairs offices at the same time, letting them know that I was preparing to publish a story about the list of separated children, and asking them to confirm its authenticity. Mark Weber, an HHS spokesperson, says he called Katie Waldman, a DHS spokesperson who later married Stephen Miller. Waldman yelled at him, telling him that DHS was not separating children from their parents. (Waldman told me the same, saying that I would be misleading the American public if I published my story as planned.) But Weber's own colleagues at HHS eventually acknowledged, according to emails that were made public later as part of a congressional inquiry, that De La Cruz was keeping track of separations. When Weber went back to Waldman, telling her that he planned to corroborate my story, he says that Waldman and her boss, Tyler Houlton, insisted that he officially deny that DHS was separating families any more than in the past. "They made me lie," Weber told me recently. (Waldman said Weber's memory of the conversation is not accurate; Houlton did not respond to a request for comment.) Waldman and Houlton provided a statement for my *Times* story, insisting that families were not being separated for the purposes of prosecution and deterrence. All the while, separations were still increasing. By April 23, three days after the story was published, documents show that De La Cruz had tracked 856 separations, more than a quarter of which involved children younger than 5.

When my *Times* story came out, Scott Lloyd, De La Cruz's boss, was distressed. "I was just like, 'Why do we have a list?'" Lloyd told me recently. "It looked like ORR keeping tabs on DHS. And possibly leaking it to *The New York Times*." Lloyd asked ORR staff to stop adding to the list, because the document made "it look like something that isn't happening is happening, because I didn't know there to be any sort of a zero-tolerance policy." But De La Cruz told Lloyd he felt the list was necessary to ensure that the children would be reunited with their families. He continued adding to it.

THROUGH THE EARLY SPRING OF 2018, border crossings continued to rise. Fox News commentators took note of the trend and blamed Kirstjen Nielsen. Stephen Miller prompted the president to chastise her. Knowing that Trump did not like to read official reports, Miller would instead print out articles by a few choice immigration reporters at right-wing outlets and leave them on the president's desk, saying they were evidence that Nielsen was a bad leader. Soon, Nielsen was being summoned to the West Wing for even more frequent—sometimes daily—meetings about what to do. The discussions consisted mostly of Miller ranting about how the ideas he'd been pitching for months had needlessly stalled. Jeff Sessions would sometimes pile on, telling the president that Nielsen was being gutless, allowing him—if only temporarily—to escape Trump's ire himself. Once, Sessions told Trump that Nielsen could simply choose not to let people cross the border, but was refusing to do so. Trump screamed at Nielsen, making her Cabinet colleagues deeply uncomfortable. Kelly stepped in and tried to adjourn the meeting, but he stayed quiet about the specific policies.

Indeed, the limitation of Kelly's approach to opposing Zero Tolerance may have been that, in front of the Hawks, he focused on his logistical concerns. Kelly felt that approach was the most likely to stop the policy from being implemented, but the Hawks now say they didn't register Kelly's general opposition to it, only that he thought it would require additional resources. (Kelly says his opposition to separating families was plainly clear throughout his tenure in the administration.)

According to colleagues, Tom Homan and Kevin McAleenan continued to minimize the significance of Zero Tolerance, saying that they merely wanted to increase enforcement of laws already on the books. "Under what authority do you tell the police 'Don't enforce law'?" Nielsen told me McAleenan said to her. "He was basically like, 'Look, you're not allowing me to do my job. We need to stop having the conversation and just move forward and do this.'" (McAleenan says he never suggested that the policy was uncontroversial and that he raised logistical concerns with Nielsen repeatedly. Homan says he never pressured Nielsen.)

Nielsen still didn't feel she had enough information to make a decision: Did Border Patrol stations have the capacity to house additional migrants waiting to be sent to court? Did the Justice Department have enough lawyers to take on extra cases? Did the U.S. Marshals have enough vehicles to transport separated parents? What would happen to the children while the prosecutions were carried out? Nielsen and her colleagues say that McAleenan and Homan were dismissive, the implication being that it was not her job as secretary to get mired in enforcement details; she was micromanaging.

Every key member of the Trump administration's DHS leadership team whom I interviewed told me that separations were never meant to play out as they did. But when I asked them to explain how separations, prosecutions, and reunifications were supposed to have worked, every one of them gave me a different version of

"When I got to the border, the officials separated me from my daughter and put her in a separate room—I could hear her screaming and crying that she wanted to be with me. The officials said no one had forced me to come to the U.S. and this is what I came looking for—I didn't have any rights."

the plan. Some said they thought that parents and children were going to be reunited on an airport tarmac and deported together. Others said they thought that after being prosecuted, parents would go back to Border Patrol stations, where their children would be waiting. Others thought that kids would be sent to HHS facilities for only a few days. But it doesn't really matter which plan was supposed to have prevailed: None of them was feasible or had any precedent. This points to how little knowledge of the system most of these people had and how unclear communication was throughout what passed for the planning process.

In early April 2018, Stephen Miller, Gene Hamilton, and Kevin McAleenan (who had recently been confirmed as the CBP commissioner) began citing various documents to insist that Nielsen was violating a lawful order by delaying the implementation of Zero Tolerance, according to colleagues. One was an executive order, "Enhancing Public Safety in the Interior of the United States," crafted by Miller and his faction during the transition and issued in January 2017. It was clearly directed toward ICE, which operates in the interior of the country, unlike the Border Patrol. But by refusing to command Border Patrol agents to refer parents for prosecution, the Hawks said, Nielsen was violating a clause in the order that stated, "We cannot faithfully execute the immigration laws of the United States if we exempt classes or categories of removable aliens from potential enforcement."

Two new documents were issued on the same day, April 6, 2018, perhaps to increase the pressure on Nielsen. In one, Jeff Sessions officially announced a new "zero-tolerance policy," under which U.S. attorneys would, "to the extent practicable," accept 100 percent of the illegal-entry cases referred to them by the Border Patrol. (Sessions had also issued a similar memo the year before.) The second, a presidential memorandum, called generally for the end of "catch and release" immigration enforcement. Materially, the documents did not mean much for the Border Patrol, which Nielsen, a lawyer, theoretically should have known: Sessions had no authority over that agency, including over which cases its agents referred for prosecution. And Trump's memo didn't contain any specific directives regarding parents traveling with children.

The Border Patrol could have continued processing families the same way it always had without violating any law or order. Records show that Border Patrol sectors even received guidance indicating that Sessions's initiative applied only to adults traveling without children. But colleagues say that McAleenan, Hamilton, and Miller again told Nielsen that by declining to refer parents traveling with children for prosecution, she was defying orders.

As the Zero Tolerance announcement was hyped to Nielsen for its alleged importance, it was played down to the U.S. attorneys whom it would ultimately affect. Originally, they were told that Sessions's memo was no big deal. According to the DOJ inspector general's report, Sessions had asked Hamilton to "ensure it was workable, and there were no red flags," before writing it. But Hamilton didn't do that. Instead DOJ asked for feedback on the document from the five U.S. attorneys stationed along the southwestern border—without making clear to them that it would change the department's treatment of migrant families. The attorneys later told the inspector general that they assumed parents would continue to be exempt from prosecutions for illegal entry, as they had been for the entirety of DHS's history. Ryan Patrick, the U.S. attorney in South Texas, told me that each time "zero tolerance" messaging came up, DOJ officials told him explicitly that his district was already doing plenty to combat illegal immigration and that he could disregard the initiative.

Again and again, Gene Hamilton ignored or rejected anything suggesting that the execution of a policy that separated children from their parents would create moral, legal, or logistical problems. When I asked a close colleague of Hamilton's at the Justice Department why Hamilton was so persistent about moving the policy forward, she took a guess based on her own experience: "Stephen Miller told him to." She added, "Stephen Miller often told people that if they tried to work through the system that they would get pushback … so it was really important for that person to just go around the system and do it themselves and circumvent the chain."

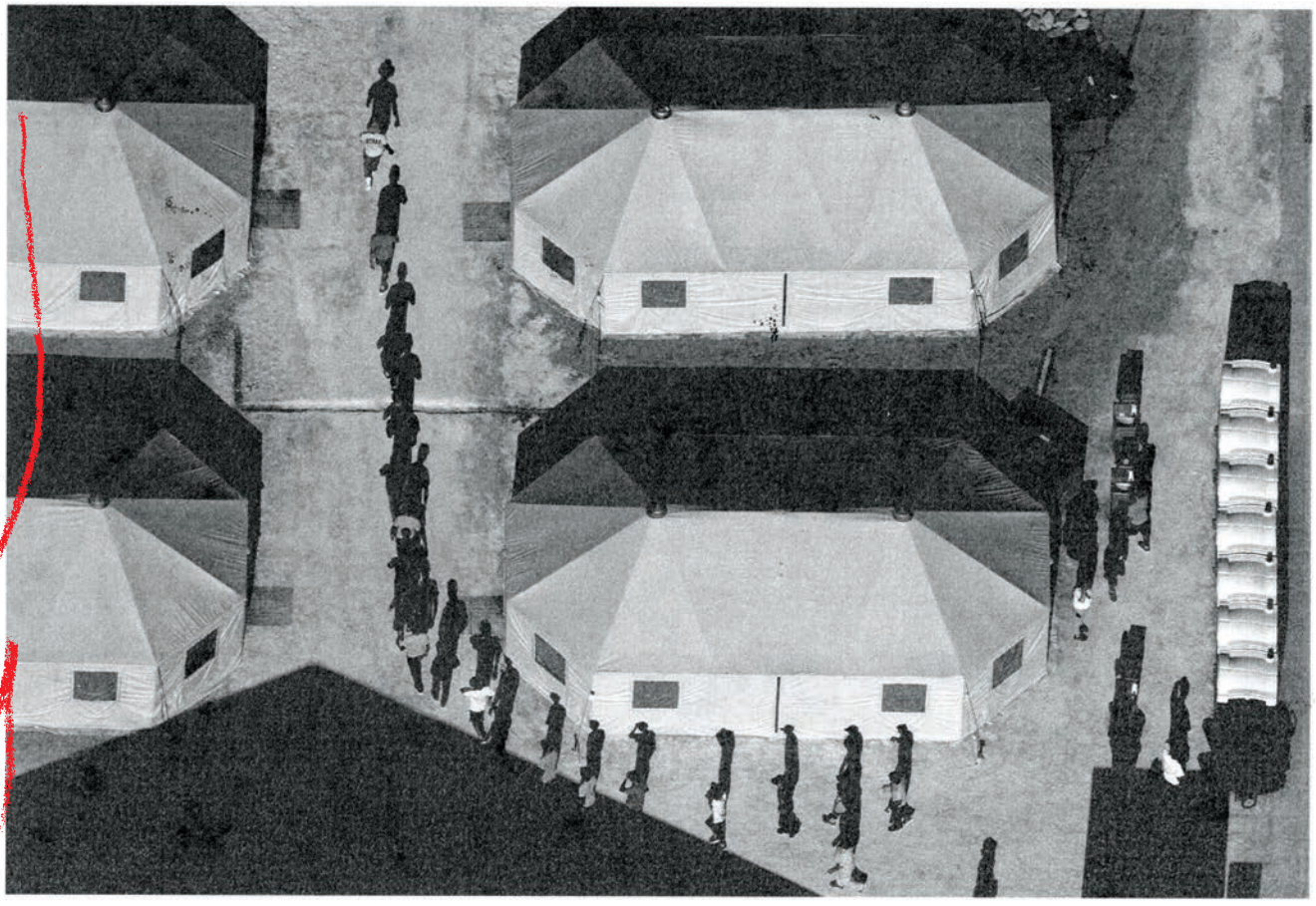
"For Stephen and Gene," she told me, "anything that got stalled was evidence of the failure of the system," not of any weakness in their policy ideas.

Beyond actual experts, official Washington has very little knowledge of how the immigration system works. (Immigration "is a career killer," Lauren Tomlinson, the senior DHS communications aide, told me. "You can't solve it. All you're gonna do is piss everyone off.") Still, in retrospect, it is astonishing how many people throughout the federal government were engaged in conversations about a policy that would result in prolonged family separations apparently without realizing it.

This ambient ignorance enabled the Hawks to hoodwink the Careerists, and to make certain facts appear more benign than they were. Kirstjen Nielsen and members of her inner circle all told me they recalled constantly hearing the line "We've done this before" in reference to prosecuting parents and separating them from their children; Kevin McAleenan and Tom Homan and their respective staffs repeated that line incessantly. Nielsen, Scott Lloyd, and others said they understood this to mean that Border Patrol agents under previous administrations had done the same thing.

When I first heard this argument from one of Nielsen's advisers, I assumed that he had misspoken or that I had misheard. It seemed preposterous that he didn't know separating children from their parents was not something that had been done on any significant scale. But then I heard it again from Nielsen and her senior staff. Some of them told me they remembered hearing certain statistics—that 10 or 15 percent of parents had been referred for prosecution in the past. Others said that the details were never clear, or that the White House or Justice Department would claim it didn't keep data on that. These officials said they believed that the idea Nielsen was debating was nothing new. "It just seemed like a nonissue that I shouldn't spend any time on," May Davis, who held various roles in the Trump White House, recalled.

When I would tell these officials, including Nielsen, that parents traveling with a child had rarely been prosecuted in the past, they sounded shocked. Those who reportedly gave these assurances about the policy, including Homan, McAleenan, and Ron



MIKE BLAKE / REUTERS / ALAMY

Children are led through a detention center in Tornillo, Texas, in June 2018.

Vitiello, the acting deputy commissioner of CBP, all denied doing so; some suggested that the DHS secretary and her advisers must simply be confused.

THE RELENTLESS PRESSURE from the White House Hawks seemed to be wearing on Kevin McAleenan. Caravans of asylum seekers from Central America had formed, headed for the United States, and 24-hour coverage of them incited a new level of panic in the administration about border crossings. After debating the idea for months, McAleenan took his most direct step to push for prosecuting parents, knowing that they would be separated from their children by the Border Patrol. In an email dated April 19, 2018, to Tom Homan and Francis Cissna, the director of U.S. Citizenship and Immigration Services, he stated his intent to formally recommend the idea to Nielsen.

"Please see a draft decision memorandum proposing increased prosecution (toward 100%) of all adults who cross illegally, whether they present as single adults or in family units," McAleenan wrote. "I do believe that this approach would have the greatest impact on the rising numbers, which continue to be of great concern." He said he planned to send the memo to Nielsen by close of business the next day, adding that even without their support, "I am prepared to submit solo."

Homan and Cissna decided to sign on. McAleenan now says the email was only a "small snapshot" of a larger bureaucratic process in which he was just following directions.

Nielsen received the memo with annoyance, feeling squeezed by her own subordinates. Attached was a legal analysis by John Mitnick, the top lawyer at DHS, who found that "although it would be legally permissible to separate adults and minors as outlined above, any such decisions will face legal challenges." He warned that a court could find family separations on a large scale, without any proven mechanism for swift reunification after prosecutions, in violation of "various laws or the Fifth Amendment due process clause." (Though Mitnick's analysis is written with lawyerly detachment, a White House staffer who attended a meeting about Zero Tolerance with him in April said that he was "freaking out" about the litigation risks associated with the policy.)

Nielsen told me she supported the idea of prosecuting all those who crossed the border illegally, including parents traveling with their children, but she feared that DHS was not

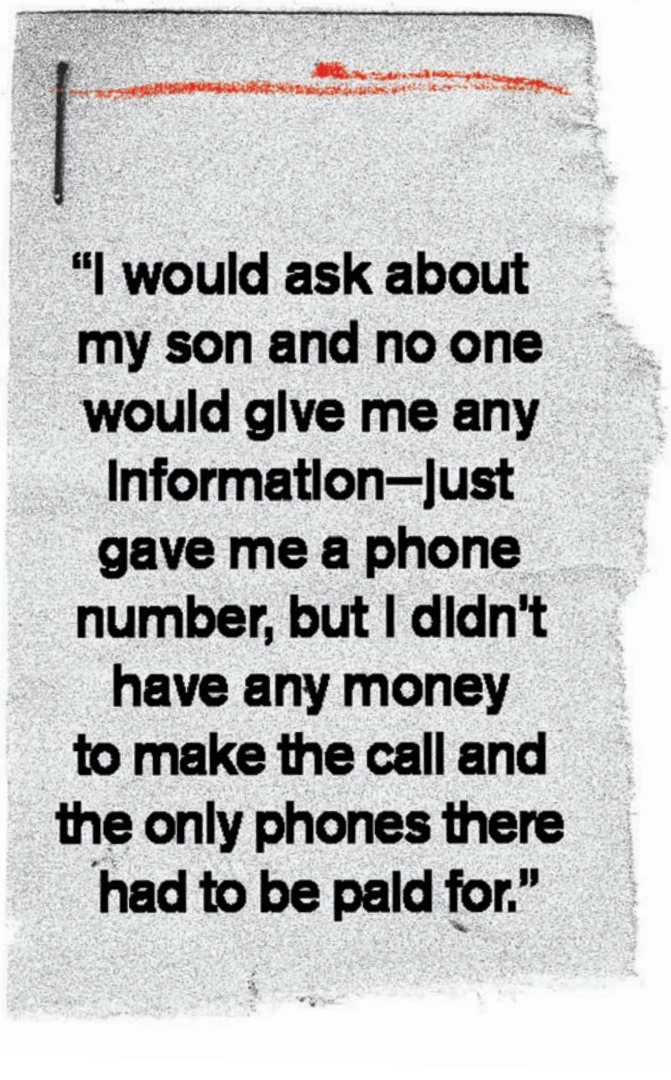
logistically prepared to implement the policy without causing chaos in courts and detention centers, and losing track of parents and children. She asked the White House to allow her to defer her decision on the program for six months so she could travel to Central America herself and announce that the policy was imminent, in hopes that doing so would encourage families that needed to seek asylum to use legal ports of entry. Stephen Miller was unwilling to wait. Nielsen told me he claimed to be in contact with Border Patrol officials who were eager to get started. With him, Nielsen said, "the tone is always frantic. 'The sky is falling, the world is ending, it's going to be all your fault. The president promised this, and we have to deliver on the promise.'"

"The White House was growing frustrated" with the delays, an adviser to Nielsen told me. "They basically said, 'Look, the attorney general gave you a lawful order. You need to execute it.'" This was not true. "And we kept pushing back. Eventually the pressure got to be just overwhelming." McAleenan and Homan were saying, "We're ready to go. We're ready to go. We're ready to go. We've got it in place. We've got a good battle rhythm with DOJ. We can do this."

None of the other agencies that would be affected by Zero Tolerance had been alerted to what was looming. That included the Department of Health and Human Services. "I don't know how to say this delicately, so I'll just say it: It's really not like HHS's opinion mattered here," John Zadrozny told me, explaining that because HHS did not have any authority over immigration policy, it was not uncommon for the department to be left out of such discussions. Zadrozny said that although he did not recall a specific decision to keep the Zero Tolerance policy secret from HHS, it wouldn't surprise him if there was one. "There were times when we were having meetings where we would specifically say, 'Keep HHS out of it; they're just going to babble and cause problems. They're not actually going to be helpful.'"

Astonishing as this sounds, it seems that no one at the department that would be charged with taking care of thousands of separated children was given any official warning that the Zero Tolerance program was in the offing. "We did not find evidence that DOJ leadership had discussions about the zero tolerance policy or family separations with HHS prior to the announcement," the inspector general's report later concluded.

At the end of April, several developments took place almost at once. Gene Hamilton's office asked the five U.S. attorneys who were stationed in southwestern border districts if their staffs had seen an increase in prosecution referrals for parents traveling with children based on Sessions's April memo, and if not, when they expected to. The email was written as if the attorneys should have known that a change was coming, but their response made clear that this was, in fact, the first notice they had received that the treatment of families would change. The attorneys issued a joint response stating that none of the five districts had the resources to handle the increased volume of cases that prosecuting parents would create. "This change in policy would result in new referrals of 20 to 400 cases per day, depending on the district," the U.S. attorneys wrote. Furthermore, Homeland Security and Border Patrol would not be able to process these cases fast enough. "The medical screening for TB, chicken pox, measles; much less the processing of these individuals in establishing identity, alienage, criminal and/or immigration history, etc. would be practically impossible to accomplish within the constitutionally mandated time constraints." Hamilton would later tell the inspector general that he'd "missed" the response from the U.S. attorneys—which was one he'd requested—and that he was not aware that the U.S. attorneys had raised these specific concerns about prosecuting parents.



Rich Hunter, the second-highest-ranking official in the U.S. Marshals Service in South Texas, heard about what was coming from a colleague who had been tipped off by a friend at the Justice Department. The Marshals are responsible for housing pretrial detainees facing federal criminal charges, including border crossers, and transporting them to court for their hearings. Even in normal circumstances, their facilities along the border are constantly at capacity. Under the influx of new detainees that a zero-tolerance policy would bring, Hunter anticipated that the system would break down.

"The more and more information we got, it just painted a bleaker and bleaker picture for us," Hunter told me. "I could see the impact headed down the tracks straight at us, and no one had talked to us. No one had prepared us for this. No one had asked us, 'Do you have space for this? Do you have resources, manpower?'" Hunter helped produce a report that was delivered to the Justice Department on April 27. It stated that the Marshals—like the U.S. attorneys—did not have the resources to implement Zero Tolerance. The Marshals sent copies of the report to Jeff Sessions's office and to Rod Rosenstein, who would later push DOJ attorneys to apply the policy as aggressively as possible. Both Hamilton and Rosenstein would tell the DOJ inspector general that they were unaware of any problems with Zero Tolerance raised by the Marshals—yet another warning they claim to have missed.

That same week, McAleenan's memo pressing Nielsen to activate Zero Tolerance was leaked to *The Washington Post*, which published an article about it on April 26. To this day, it is not clear whether the memo was leaked by those who supported Zero Tolerance or those who opposed it. Many speculated that opponents of the program had leaked it in order to generate popular blowback and make the policy's implementation less likely. But if that's the case, the scheme backfired. After the *Post* article appeared, the pressure on Nielsen to authorize Zero Tolerance only increased. "It seemed like Kirstjen was sitting on all these memos and wouldn't do anything," Lauren Tomlinson recalled.

In early May, Miller convened yet another meeting about Zero Tolerance, in the Situation Room. Nielsen says she started listing all the reasons the department was not ready to move forward. "First Stephen said, 'We've had this meeting a million times—who thinks despite all of that we need more time?'" Nielsen told me. She raised her hand—the only person in the room to do so. "The follow-up from Stephen was 'Okay, who thinks we just need to go forward? We're done talking about this.' And at that point, I remember what felt like a sea of hands."

According to notes that he prepared, Hamilton acknowledged that separated children would be sent to HHS. To anyone familiar with HHS's operations, this would have immediately indicated that the government would face significant barriers in trying to bring parents and children back together—among them, children and parents would be separated by hundreds of miles because of the way HHS placements typically work, and many parents would not qualify to regain custody of their own children under the requirements for sponsoring a child officially deemed an unaccompanied minor. But no one with such knowledge was in the room.

On May 1, McAleenan emailed Hamilton, saying, "Looking at next week, likely," for the Border Patrol to begin referring parents for prosecution. Three days later, McAleenan went to see Nielsen, his draft memorandum in hand for her to sign. A heated conversation ensued, according to Nielsen and several people who overheard it.

Nielsen told me that McAleenan made the usual arguments—you can't tell Customs and Border Protection not to enforce the law; you can't exempt parents from prosecution; the president wants this. "But I had been telling Kevin, 'You cannot implement Zero Tolerance until I'm convinced that we have the resources.'" Nielsen said she thought that "in Kevin's mind, I was holding up what they had been told to do, basically under law. And I'm sure Stephen was calling all of them five times a day, like, 'Why aren't you doing this?' And the [Border Patrol and ICE] unions were freaking out because they wanted it to happen."

Nielsen told me she wanted to be "the type of leader who deferred to the experts and the careers," using shorthand to refer to those, like McAleenan and Homan, who had spent years working at their agencies and insisted that they had the resources necessary to implement the policy smoothly. She also could not afford to be seen as the sole moderate who was stalling for time. "DHS is a department of 250,000 people, so for me to pretend that I know better than everyone else, to me, seemed to be the opposite of the type of leader that I wanted to be," Nielsen told me. "So, yeah, ultimately, I took Kevin at his word," she said, adding that McAleenan demanded, "Why don't you believe me and why don't you believe the careers? They know what they're doing!" (McAleenan denied ever pressuring Nielsen on his own behalf. He said he did convey directives that he was receiving from the White House and others.)

The argument would have continued but, Nielsen told me, she had to leave for another meeting. "I was like, 'Okay, I believe you.'" She signed Zero Tolerance into being. "Frankly," she told me, "I wish I hadn't."

ON THE AFTERNOON of May 7, standing at the border in San Diego, overlooking the Pacific, Jeff Sessions held a press conference. With Tom Homan standing at his side, he announced that Zero Tolerance was going into effect as a national policy. Kirstjen Nielsen and other DHS staff say they weren't informed about the press conference until a few hours beforehand, when a Justice Department spokesperson shared a draft of Sessions's remarks. When they read it, Nielsen's staff asked for the removal of one line, hoping that they could ask Border Patrol to hold off on applying the policy to families until they could prepare: "If you are smuggling a child, then we will prosecute you and that child will be separated from you as required by law." Sessions's staff declined; that's our "money line," they said, according to *Border Wars*, a book by Julie Hirschfeld Davis and Michael D. Shear.

John Kelly told me that during the televised press conference, Nielsen burst into his office in the West Wing, incensed. She was worried that a sudden and dramatic increase in prosecutions was going to cause chaos at the border. "Nielsen was saying, 'We're not ready to do this. We don't have any facilities. We don't have any training.'"

She was right, Kelly told me. "It was a disaster as predicted."

After months of unheeded warnings and unread reports, the mass separation of families was about to begin. Though many have argued that the policy was born out of malice, those who watched it unfold up close say they saw something subtler but no less insidious among Homan and McAleenan and others who pushed the policy forward.

"They were trying to do their jobs," Elizabeth Neumann, Nielsen's deputy chief of staff, told me. "And they were absolutely flummoxed about how to stem the tide" of migrants flowing across the border. "And I think they lacked a really important filter to say 'There is a line that we can't cross.'"

She paused, then put this another way: "If the president suggested, 'We should have moats with alligators in them, and maybe shoot people from the border, and that would be a deterrent,' I think most every Border Patrol agent would be like, 'Hey, that's a red line we will never cross.' We all know the bright-red lines.

"They just were up against this wall, and they couldn't see the red line anymore."

IMPLEMENTATION

(MAY–JUNE 2018)

The implementation of Zero Tolerance was a disaster. For 48 days, catastrophes cascaded. After two and a half weeks, the Border Patrol leadership finally told agents to write down which children belonged to which parents. Internal emails show that when a magistrate judge in South Texas demanded that the Border Patrol there provide the court with weekly lists of separated children and their locations, threatening to hold the agency in contempt for failing to do so, agents panicked at their inability to fulfill such a basic request. "I might be spending some time in the slammer," one supervisor wrote to a colleague, who replied, "I ain't going to jail!!!!!!!!!!!!!"

Some of those dealing with the fallout of Zero Tolerance—the bureaucrats, judges, social workers, U.S. attorneys, and law-enforcement officials—registered warnings or complaints with their supervisors. They received different versions of the same response: Push harder.

After Jeff Sessions's announcement, the five U.S. attorneys stationed on the southwestern border requested a meeting with Gene Hamilton. Four days later, on May 11, as the attorneys sat on the line waiting for a conference call to begin, they received an email informing them that Hamilton would no longer be able to attend. The attorneys decided to talk among themselves, while a liaison from the Justice Department listened in and took notes. Afterward, the liaison wrote a summary of the call that concluded, "BIG CONCERN: What is happening with these children when they are being separated from the parent? It appears that once DHS turns the child over to HHS, DHS is out of the picture and cannot give information. What are the safeguards to the children?"

His attention apparently piqued, Sessions agreed to speak with the attorneys by phone later that day. His responses seemed out of touch with reality. He had promised to assign 35 additional attorneys to southwestern border districts to help with the implementation, but they wouldn't be able to start those jobs for months. Several of the attorneys' notes about the call record that Sessions articulated a central goal: "We need to take away children."

Soon after, the U.S. attorneys were assured that parents and children would be swiftly reunified after prosecution. With that, they forged ahead.

Internal emails show that some assistant U.S. attorneys who resisted prosecuting parents under Zero Tolerance faced reassignment—and the parents whose cases they declined were separated from their children anyway. In early May, for example, DHS officials heard that attorneys in Yuma, Arizona, were declining to prosecute Zero Tolerance cases except in those instances where children had crossed the border with both parents, so that at least one parent could remain with them. As Border Patrol officials scrambled to confirm that this "problem" was not occurring elsewhere, one warned that "there will be repercussions" for prosecutors who turned down cases. Another added that "the AG's office"—presumably a reference to Hamilton—had assured them that any attorneys refusing to break up family units "will find themselves working in another district, away from the Southwest Border."

Hamilton made several attempts in early May, after Zero Tolerance began, to convene meetings between the Departments of Health and Human Services, Justice, and Homeland Security, in hopes of getting all three agencies, with their tens of thousands of employees, on the same page—but it was far too late. His emails betray such naivete about the system that it's unclear if they were sincere or feigned. For example, in one email, he proposed that perhaps the U.S. Marshals could use abandoned jails to house separated parents—an idea that went nowhere because it would have taken millions of dollars and months of contract negotiations to bring such facilities up to federal code. At the same time, Hamilton was bragging internally about how much prosecutions had increased, writing to a colleague on May 21 that, although 2,700 monthly prosecutions had been typical in the months before Zero Tolerance, "we're now on track to do at least that many each *week*."

The brutality of Zero Tolerance was immediately evident. The father of a 3-year-old "lost his s—," one Border Patrol agent told *The Washington Post*. "They had to use physical force to take the child out of his hands." The man was so upset that he was taken to a local jail; he "yelled and kicked at the windows on the ride," the agent said. The next morning, the father was found dead in his cell; he'd strangled himself with his own clothing.

The influx of anguished parents into government detention centers across the country turned the facilities into pressure cookers, where detainees and correctional workers alike were on edge. Even during the busiest season at the border, an individual U.S. Marshals facility would typically deal with only a few dozen daily intakes. Now the facilities were suddenly being asked to find housing for hundreds of new detainees every day.

Marshal supervisors ordered that temporary, stackable overflow beds be crammed into dorms so that the separated parents had a place to sleep. "Our manpower has been completely depleted," a Marshal in the Southern District of California wrote in an email to staff in mid-May. "We are in 'crisis mode,' 'critical mass' 'DEFCON 1' or however you want to phrase it."

On top of this, the Marshals were fielding urgent calls from shelter staff working under the Office of Refugee Resettlement who were improvising any method they could to track down the parents of separated children, to satisfy requirements that children in federal custody be given the chance to speak with their family members or sponsors twice a week. According to the DOJ's inspector general, some of the Marshals had never heard of ORR and had to research it on the internet. Many Marshals declined to make parents available for the calls, because the Marshals were too busy or said they were not required to do so.

Rich Hunter, the high-ranking Marshals official in Texas who had anticipated such chaos, traveled from his office in Houston to the federal court in McAllen to try to troubleshoot problems. He arrived to find the street outside the courthouse lined with charter buses that had been procured at the last minute to transport the surge of separated parents to court. Because the court didn't have enough cellblocks, parents had to sit for hours inside the parked buses until it was their turn to be called before the judge. The courtroom itself resembled a packed concert venue; the court reporter "was crammed in the corner," Hunter told me. "The prosecutors are standing up over by the jury box that had additional defendants in it. It was just not a picture of a federal courtroom that I had ever seen before."

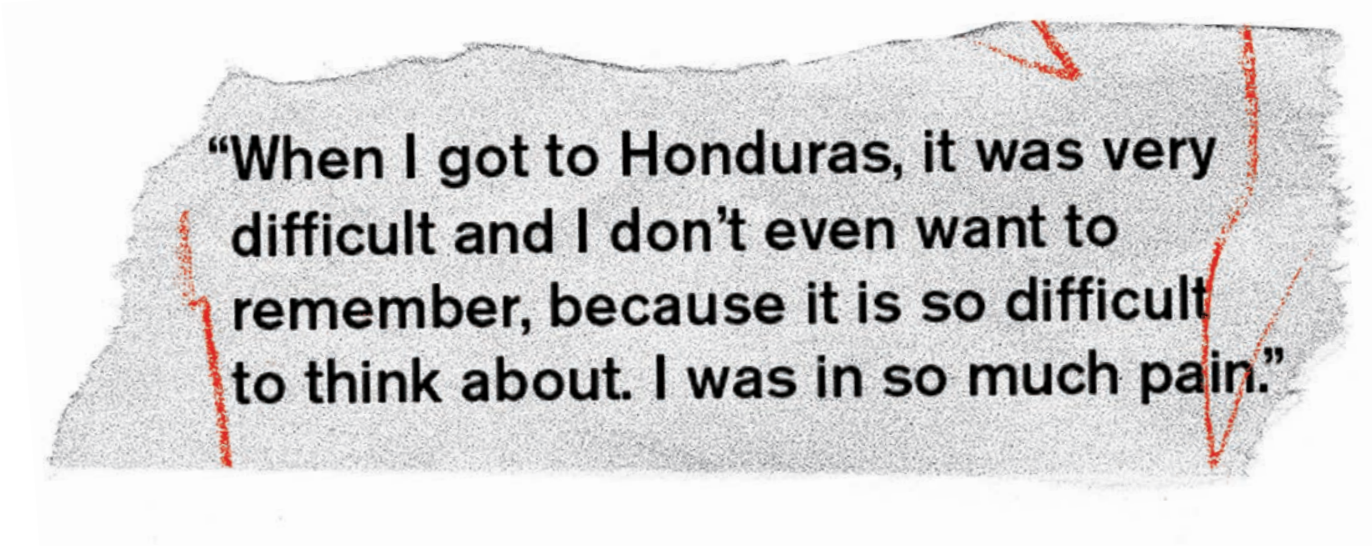
As a 30-year veteran of the agency, Hunter said his first concern was safety. But he also found the scene emotionally disturbing. "I remember their faces," Hunter said. "You deal with this issue long enough, you realize that the overwhelming majority of people are not cartel members … You would hear them asking their defense attorneys, asking anybody, for information [about their kids]. As a dad, as a person, it would take a toll on you, because you can imagine what that was like."

He recalled parents struggling to use the court's interpretation headphones. "A lot of them had not seen technology like that before ever in their life, so they're put on wrong," he said. "And then the look on their faces of *What am I going through?*"

Neris González, a Salvadoran consular employee charged with protecting the rights of migrants from her country in U.S. custody, was stationed at a CBP processing center in McAllen when she read about Zero Tolerance. "In my little mind," she told me, "I thought they were going to separate the families" by putting parents in one cell and children in another. "I never thought they would actually take away the children."

MARK WILSON / GETTY

Kevin McAleenan, one of Kirstjen Nielsen's top deputies, pushed her to sign off on family separation. He was later named acting secretary of Homeland Security.



But when she walked into the processing center for the first time after Zero Tolerance was implemented, she saw a sea of children and parents, screaming, reaching for each other, and fighting the Border Patrol agents who were pulling them apart. Children were clinging to whatever part of their parents they could hold on to—arms, shirts, pant legs. "Finally the agent would pull hard and take away the child," she said. "It was horrible. These weren't some little animals that they were wrestling over; they were human children."

Other than Wesley Farris, the Border Patrol officer who spoke to *Frontline*, González appears to be the only official to have gone on the record to describe the separations themselves. (I asked members of the Biden administration to provide Border Patrol officials who'd participated in Zero Tolerance for an interview. I was told that no one would agree to speak with me.) González said the facility was effectively locked down during Zero Tolerance; almost no one outside Border Patrol and ICE was allowed in, whereas in the past, journalists, representatives from faith-based organizations, and human-rights lawyers had sometimes been given access. "It wasn't right," she said. "They didn't want anyone to expose what they were doing."

González asked a Border Patrol agent what was going on. "He said that ICE and BP were under orders from Trump, and he said to separate the kids from their parents—as in, completely separate." Desperate scenes played out everywhere. Border Patrol agents who were yanking children away asked González to help them prevent fights. In several instances, she placed herself between parents and agents, trying to calm the families down. González said that at the height of Zero Tolerance, about 300 children were separated each day at her facility and crammed into caged enclosures. She spent most of her time inside the enclosures, helping children call their relatives. Sometimes the younger children didn't seem to fully understand what was going on.

González says the sound in the facility was chilling—the children's cries formed an ear-piercing, whistling wind. The sound worsened when it came time for her to leave at the end of the day. "They grabbed me, squeezed me, hugged me so that I couldn't leave."

For her, the scene triggered flashbacks to the war in El Salvador, where thousands of children were disappeared and the sound of their wailing mothers was hard to escape.

WHILE ZERO TOLERANCE was in effect, Kirstjen Nielsen defended it before Congress and in the media using the same clinical language that had been deployed to convince her that the policy was reasonable. She and her team argued that some of the separated families were actually part of trafficking schemes in which children were either kidnapped or paired with random adults in order to give both parties free passage into the United States. (Several Trump-administration officials stipulated that they would talk to me for this article only if I agreed to mention "false families" in my story. Instances of such false families do exist, but subsequent investigations into family separation have not yielded many examples. In the federal class-action lawsuit over family separation, the government indicated that it suspected only a small number of false families existed, and Michelle Brané, who is heading up the Biden administration's Family Reunification Task Force, recently told me the group had not found a single false-family trafficking case.)

Another argument Nielsen made is still popular today among veterans of the Trump administration: that separating migrant children from their parents for the purposes of prosecution was no different from what happens in American criminal proceedings every day. "If an American parent is pulled over for a DUI and their child is in the back seat," this argument goes, "the child doesn't go to jail with them."

But as U.S. attorneys—who are arguably the highest authorities on this subject—came to understand what was happening to families after separated parents left the courtroom, they wholly disagreed with this assessment. American parents who are arrested in the United States typically have access to a system for getting their children back when they are released from custody. According to a source, John Bash, the Trump-appointed U.S. attorney in El Paso, recently testified in federal court that he was horrified to discover in June 2018 that in the few days it took his office to finish prosecuting parents, their children were already being shipped as far away as New York, with no system in place for reuniting them. "It was like, 'You're telling me the kid is nowhere to be found and they're in some other state?!'" Bash reportedly said.

Bash and other U.S. attorneys were flabbergasted by the ineptitude of those who had created the policy. "I remember thinking, *Why doesn't someone just have an Excel file?*" Bash

reportedly said. "I mean, it's a large population in human cost and human terms, but it's not a large population in terms of data management. We're talking about a few thousand families. You can have all that on one spreadsheet with the names of the people, where the kid's going. It was just insane. I remember being told that there was going to be a phone number parents could call and know where their kids were. And I told a public defender that and she was like, 'This phone number doesn't work, one. And two, most parents don't have access to phones where they're being held, or they have to pay for the use of the pay phone. So that doesn't work.'"

Bash asked the Justice Department to launch an investigation into why parents and children were not being reunited expeditiously, still not fully understanding his agency's role in the scheme. He created a list of questions that he wanted answered, which were shared with Gene Hamilton, Rod Rosenstein, and others at DOJ: "What technology could be used to ensure that parents don't lose track of children?"; "Is it true that they are often pulled apart physically?"; "Why doesn't HHS return the child to the parent as soon as the parent is out of the criminal-justice system, on the view that at that point the child is no longer an 'unaccompanied minor'?" Rosenstein responded that the U.S. attorneys should try to find out what was going on themselves. The attorneys sent the questions to their Border Patrol counterparts, but their inquiries were ignored. "DHS just sort of shut down their communication channels to us," Ryan Patrick, the U.S. attorney in South Texas, told me. "Emails would go either unanswered, calls would go unreturned, or 'We're not answering that question right now.'"

Recently disclosed internal emails from that time help explain what Bash, Patrick, and the other U.S. attorneys couldn't figure out—why the plan for reunifying families was faulty to the point of negligence. Inside DHS, officials were working to *prevent* reunifications from happening.

Within days of the start of Zero Tolerance, Matt Albence, one of Tom Homan's deputies at ICE, expressed concern that if the parents' prosecutions happened too swiftly, their children would still be waiting to be picked up by HHS in Border Patrol stations, making family reunification possible. He saw this as a bad thing. When Albence received reports that reunifications had occurred in several Border Patrol sectors, he immediately sought to block the practice from continuing, contacting at least one sector directly while also asking his superiors—Tom Homan, Ron Vitiello, and Kevin McAleenan—for help. "We can't have this," he wrote to colleagues, underscoring in a second note that reunification "obviously undermines the entire effort" behind Zero Tolerance and would make DHS "look completely ridiculous." Albence and others proposed "solutions" such as placing parents whose prosecutions were especially speedy into ICE custody or in "an alternate temporary holding facility" other than the Border Patrol station where their children were being held. This appears to have happened in some cases.

Albence also suggested that the Border Patrol deliver separated children to HHS "at an accelerated pace," instead of waiting for federal contractors to pick them up, to minimize the chance that they would be returned to their parents. "Confirm that the expectation is that we are NOT to reunite the families and release" them, Albence wrote. (Albence declined to comment for this article.)

DHS headquarters sent out an email on May 25 saying that—when it was possible—the agency had no choice but to reunify children with parents whose criminal sentences were complete. The responses made clear that this was new information and not part of the original plan. Mere prosecution was "not exactly a consequence we had in mind," wrote Sandi Goldhamer, a longtime agent and the partner of Carla Provost, the head of the Border Patrol at the time.

Still unaware that DHS officials were working to keep parents and children apart, both Bash and Patrick started to devise strategies wherein parents could be prosecuted on misdemeanor charges, satisfying their orders from Sessions, but still get their children back quickly: Patrick developed a plan to transfer some detainees to less burdened courts in his district, farther away from the border, so that they could be prosecuted faster. Bash hashed out another plan to conduct prosecutions via video teleconference, so families would not have to be separated in the first place. Neither idea ever got off the ground.

Bash recently reviewed the exchanges between Albence and others at DHS, which were made public this past June as part of the court case for which Bash was deposed. He was outraged. In no place in the American criminal-justice system, he reportedly testified, would it be considered either ethically or legally permissible to keep children from their parents for punitive purposes after their legal process is completed. "We wouldn't do that to a murderer," much less a parent facing misdemeanor charges as a result of their attempt to claim asylum, Bash reportedly said.

In federal court cases, several parents whose children were taken away allege being taunted by agents who said "Happy Mother's Day!" And parents say they were told that their children would be put up for adoption or that they would never see them again. Others recount being threatened or ignored when they asked where their children were. Perhaps to avoid physical altercations, some agents began deceiving families in order to lure them apart, or pulling children out of holding cells while they and their parents were asleep. Bash reported to DOJ headquarters that two plaintiffs in his district said they had been told their children were being taken to have baths and then never saw them again.

HHS child-care facilities evolved rapidly to meet the new demands of their work. Bethany Christian Services, which had previously cared mostly for children 12 and older, had to open a makeshift preschool to accommodate the influx of separated children who were not yet potty-trained and who needed to take naps. Bethany's teachers stopped trying to give traditional lessons, resorting instead to playing soothing movies throughout the day, in hopes of preventing a domino effect where one child's emotional outburst could quickly lead to an entire wailing classroom.

"What it demonstrated was that we do not, in fact, want your tired and poor and huddled masses," Hannah Orozco, a supervisor at Bethany, told me. "We want to deter you from coming here, and we were the face to the children of that message."

When the entire HHS shelter system reached capacity, Bethany resisted pleas to expand its program, which consists mostly of foster homes and a few small shelters housing only up to 36 kids at a time, to ensure that each child still received individualized care. But other companies eagerly accepted multimillion-dollar government contracts, housing children in huge facilities such as a former Walmart, which was at one point used to detain more than 1,000 children.

Large-scale institutions had long since been eliminated from the domestic child-welfare system because they were found to be traumatizing and unsafe. Indeed, many such facilities for immigrant children have faced significant allegations of physical and sexual abuse, and some have bypassed federal background-check requirements to weed out predators. But they are where most separated children ended up, in part because the lack of advance planning left no other option.

Some of the social workers under contract with HHS wrestled with the ethical dilemma presented by Zero Tolerance, unsure if they were helping separated children by continuing to go to work each day or if they were enabling the system that had taken them away from their parents in the first place. In mid-June, Antar Davidson quit his job at a large shelter in Arizona, calling himself a "conscientious objector" to Zero Tolerance. Children at the shelter had been "running up and down the halls, screaming, crying for their mom, throwing chairs," he told MSNBC, which led to a "harder, more authoritarian approach by the staff in attempting to deal with it."

The public did not know what to make of HHS's role in the situation either. Reporters and protesters showed up outside HHS child-care facilities, whose addresses are typically tightly guarded because of the vulnerability of their clients. Staff put Halloween masks on the children or shielded their faces when they were outside to protect them from being photographed. A Bethany caseworker in Michigan was spit on at a gas station and accused of kidnapping.

Even high-ranking Trump-administration officials were deeply confused. For weeks, the White House communications team asked the Justice Department to put forward lawyers who could explain the policy to the media, but no one at DOJ headquarters wanted to do it. May Davis, then the deputy White House policy coordinator, tried to explain the situation to a group of senior staff, including Sarah Huckabee Sanders, the press secretary, who was being questioned by reporters about the policy. But Davis inadvertently added confusion by suggesting that parents and children were being swiftly reunited. "I did a few diagrams of what I thought was happening," Davis told me. "Of course, what I thought was happening was 'separate for two to three days while they go get time served from a judge and then come back.'"

At one point, Claire Grady, Nielsen's deputy, emailed Rod Rosenstein at the Justice Department to ask for help: HHS had run out of space, so more than 100 young children had been stuck for several days in Border Patrol holding cells. Rosenstein, who had previously admonished John Bash's office for declining to prosecute parents of very young children (a charge Rosenstein disputed to the DOJ inspector general, though it was explicitly documented), responded by asking if the 72-hour time limit on when children must be transferred over to HHS for their safety could simply be changed. Grady and Gene Hamilton had to explain to Rosenstein that the limit was nonnegotiable; it had long been enshrined in law. The email chain eventually made it to Jeff Sessions, who replied unhelpfully: "If things are not moving at any DOJ agency don't hesitate to report it to me, and Rod or I may need to call them. We are in post 9/11 mode. All is asap."

Meanwhile, the DHS Office for Civil Rights and Civil Liberties was being overrun with pleas for help from separated parents looking for their children. The requests tended to be fielded by entry-level contract employees. Each time an employee started processing a new complaint, a mug shot of the child taken by the Border Patrol appeared on their computer screen. In some photos, a very young child appeared unaware of what was about to happen—smiling as if on school-picture day. Photographs of older children, who seemed to have a better understanding of what was going on, showed some in tears or still screaming. Young staffers in the office started breaking down at their desks.

Government records indicate that, just like with Operation Streamline, Zero Tolerance began preventing Border Patrol agents and federal prosecutors from focusing on higher-stakes work. The Border Patrol "is missing actual worthy felony defendants, including sex offenders," the DOJ liaison for the U.S. attorneys wrote in an email to colleagues in Washington.

Ron Vitiello told me the main goal at CBP during Zero Tolerance was to encourage agents, whose morale was eroding. "This was supposed to be short-term pain for long-term gain," Vitiello said. "I was trying to communicate with the workforce, telling them, 'Hopefully we'll see a dip in the numbers. This is going to work.'"

But as individual parts of the immigration enforcement system each wrestled with their own logistical crises, a gruesome larger picture began to come into view. The policy was so broken—perhaps intentionally—that it could not be fixed.

Vitiello and others at CBP and DHS headquarters said they were not aware of the wrenching separations being reported by the media. "I would feel bad if someone went to the shower and their kid was gone when they got back. I'm a human being," Vitiello told me. He and others said they did recall the mood beginning to sour when it seemed as if the department had "lost the narrative" on Zero Tolerance in the press. McAleenan has since said that he felt the policy needed to end because CBP was losing the public's trust—though he and others have also expressed a belief that journalists exaggerated their reporting on separations to make them seem more egregious than they were.

Some at DHS, however, did believe the well-documented reports that they were reading in the press—many of which involved leaks by government workers. Elizabeth Neumann, Nielsen's deputy chief of staff, recalls a career civil servant walking into her office around this time and saying, "I can't believe they're doing it. This is evil."

ON JUNE 18, the fog of denial abruptly dissipated when ProPublica published leaked audio of separated children crying for their parents inside a government facility. It called into question the official assurances that separations were happening smoothly and humanely. More than that, it made clear that the targets of the Zero Tolerance policy were not criminals, but children.

Throughout the seven-minute recording, a little boy speaking through a low, wobbly sob repeats "Papá, papá," over and over. "I want to go with my aunt," one little girl tells agents. Over their cries, a detention official can be heard joking with the children. "*Tenemos una orquesta*," he said. "We have an orchestra—what we're missing is a conductor."

By that point, the U.S. government had separated from their parents more than 4,000 children under Zero Tolerance and the preceding local initiatives.

The audio clip was picked up by news outlets around the world. Comments posted on the YouTube version of the ProPublica audio show the news of family separation finally penetrating the public's consciousness.

> As I listened to this I cried till my stomach hurt so much.
>
> My heart breaks hearing these innocent children crying. I hope that they will be reunited soon. God help us.
>
> Never have I ever been more ashamed with America.

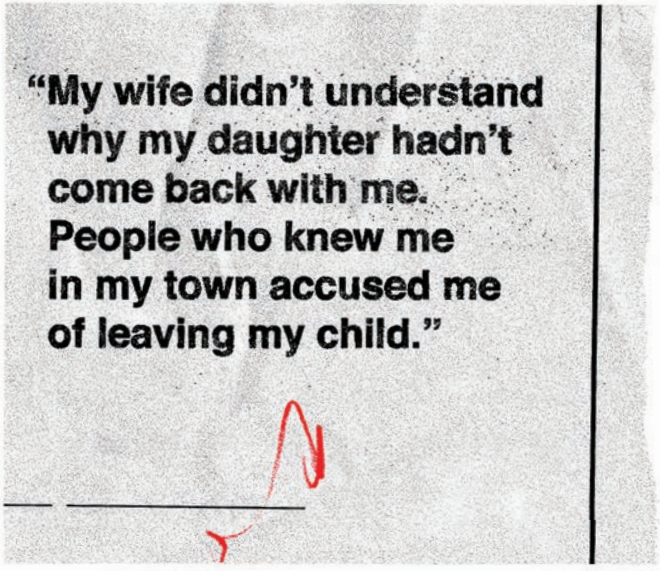
FACING AN OVERWHELMING OUTCRY, even the staunchest Republican allies of Trump's immigration agenda began condemning Zero Tolerance, some of them sincere and others motivated by politics. "All of us who are seeing images of these children being pulled away from moms and dads in tears are horrified," Senator Ted Cruz told reporters. "We should keep children with their parents. Kids need their moms. They need their dads."

One high-level HHS official told me it took weeks for her to accept what she was reading in the news, including that immigration officers were pressuring parents to agree to be deported without their children. "It was something so horrible that it wouldn't occur to any normal person that this was happening," the official said.

When denial was no longer viable, the administration wasted no time looking for someone to scapegoat.

"It was very apparent that they wanted a fall guy," Lauren Tomlinson, the senior DHS communications aide, told me. When ProPublica published the recording, Kirstjen Nielsen was in Louisiana for a speech. At that point, she had already declined several requests from Sarah Huckabee Sanders to address the press from the White House podium.

While still on the plane back to Washington, Nielsen was summoned to the White House by Sanders, who told her when she arrived that she was the administration's best person to address the policy, and that Jeff Sessions's attempts to do so had only made things worse. (Days earlier, the attorney general had invoked scripture to justify the separation of families.) Nielsen and her inner circle huddled in the West Wing with John Kelly, who



strongly urged her against doing the press conference. "I said, 'Look, whoever goes out there is going to own this,'" Kelly told me. Nielsen told me she felt she had no choice. Her agents were being attacked, and it was her job to defend them.

Nielsen sat down in the makeup chair off the White House pressroom, while an aide, Jonathan Hoffman, peppered her with mock questions. Minutes later, she walked to the podium. Kevin McAleenan, who had urged Nielsen to approve the policy and was officially responsible for the actions of the Border Patrol, stood off to the side, outside of most of the news cameras' frames, silent and unnoticed.

At DHS headquarters, staff huddled around televisions. "I think in that moment it became very clear to everyone just how bad everything was," a senior DHS official told me. "For some people, that was their first time really understanding how much of a crisis this was."

At the podium, Nielsen was defensive, causing reporters to bear down. She tried to distinguish between separating families and prosecuting parents—ignoring the fact that in practice this had amounted to the same thing. She emphasized that the parents being separated were committing the crime of crossing the border illegally, even if to exercise their legal right to claim asylum. She did not acknowledge that DHS had been limiting access to official ports of entry through a process called "metering," effectively blocking people from requesting asylum without breaking the law to do it. Nor did she acknowledge that substantial numbers of families that had been able to cross at official ports of entry, or who had crossed elsewhere but were not being prosecuted, had also been separated. And she repeatedly blamed Congress for Zero Tolerance, suggesting that she'd had no choice but to enforce the statutes that made unauthorized border crossing a crime, which was a lie—outside Operation Streamline, few people were prosecuted in the decades prior to Donald Trump taking office.

To viewers watching the press conference, for whom the pleading cries of separated children were still fresh in mind, Nielsen's focus on technical details seemed astonishingly tone-deaf.

Cindy Madrid located her then-6-year-old daughter, Ximena, only after recognizing her voice in audio released by ProPublica of separated children crying in a government facility.

Nielsen told me that at the time of the press conference, she was unfamiliar with news reports indicating that babies had been taken from their parents, or that family members were getting lost in the maze of federal detention, or that parents had been deported without their children, which happened more than 1,000 times, according to federal records. This is almost impossible to believe given her reputation as someone who was obsessively well prepared and consumed with following media coverage of her department's operations.

"The last thing I would ever support or defend is some sort of tragic scene where someone is grabbing a baby out of someone's arms," Nielsen told me. "That's just so the opposite of every bone, every cell in my body."

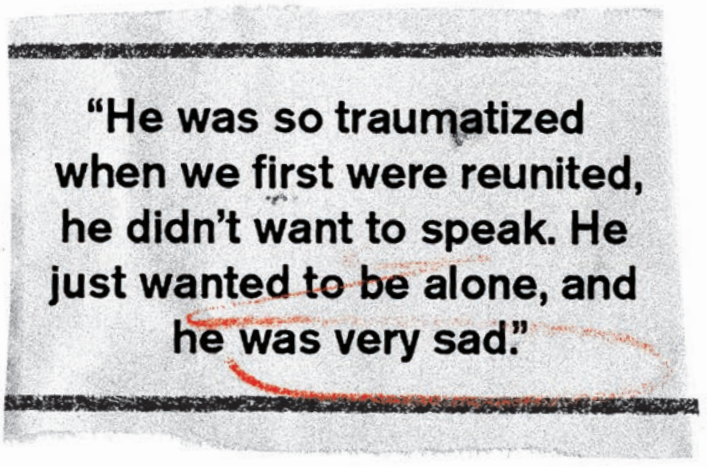
After the press conference, Nielsen made her way out of the White House. As she left, people patted her on the shoulder as if they were touching a casket at a funeral one last time.

REUNIFICATION

Across the federal government, futile attempts at damage control began the next morning. It was "a minute-to-minute disaster," a Justice Department official told me, recalling a meeting that day. "We were taking on water from all sides." DOJ's congressional-affairs team reported being inundated with official requests for information from Capitol Hill, while Rod Rosenstein finally conceded that he did not see any way of solving Zero Tolerance's logistical problems. In the meeting, Sarah Isgur, the chief spokesperson for DOJ, said that the narrative around the policy had become so bad, there was no way to recover from it. As district-level reports—initially tightly controlled—circulated more widely at headquarters, it became clear that "there were some unfair stories out there," the official told me, "but even the fairest ones were bad. And with some of the ones that the reporter had gotten wrong, the facts were actually worse than the reporter realized."

Congressional Republicans began asking not only for an end to family separations, but for a bill outlawing them in the future. Paul Ryan, the speaker of the House, told John Kelly at a breakfast meeting that if Congress didn't outlaw family separations, "we will lose the House [in the 2018 midterms]. It will kill the Republican Party." Kelly recounted the meeting in a discussion with Stephen Miller and some DHS officials, according to the contemporaneous notes of a Nielsen staffer who was present. Miller argued that the program should continue.

The White House scrambled to issue an executive order—one that is among the most confusing and nonsensical of all those produced by the Trump administration. It called for the Justice Department to continue exercising "zero tolerance" toward illegal border crossings—but at the same time for the Department of Homeland Security to maintain the family unity of those who were prosecuted. This was executive order as oxymoron: Zero Tolerance had meant separating families.



"It didn't make a damn bit of sense," May Davis recalled.

Nevertheless, the next day, June 20, Trump signed it. "He just kind of caved," one Hawk told me. The administration indicated that families that crossed the border would be detained together in DHS's family-detention centers for the duration of their criminal and immigration cases. This also made no sense. For one thing, DHS had about 3,000 family-detention beds. Based on the number of people crossing the border, those beds would have filled in less than two weeks. For another, asylum cases take more than a year to complete, on average, and a long-standing federal consent decree held that families could be detained for a maximum of only 20 days, because of the harm that long-term detention does to children.

During a conference call that same day, Gene Hamilton told reporters that the administration planned to challenge the consent decree, and that if the judge did not agree to lift it, family separations would begin again. "It's on Judge [Dolly] Gee," he said, referring to the Central District of California judge who would rule on their challenge. "Are we going to be able to detain alien families together or are we not?" The consent decree, Hamilton said, "put this executive branch into an untenable position"—as if the 20-day limit had not already been in place for several years and as if it were the judge, not the Trump administration, that had changed things with Zero Tolerance.

BY LATE JUNE, new separations had stopped. But it was still not at all clear what would happen to the estimated 3,000 separated children who remained in government custody, not to mention those who had been released to a sponsor in the United States but still had not been reunited with their parents. Soon after the executive order came down, an HHS spokesperson told reporters that the separated families would not immediately be reunited, because their parents were being detained on criminal or immigration charges. A second HHS spokesperson from the same agency followed up later in the day to say that the first one had misspoken, explaining that "it is still very early, and we are awaiting further guidance on the matter," but that "reunification is always the ultimate goal."

Only at the height of Zero Tolerance did Alex Azar, who was the secretary of Health and Human Services and therefore the overseer of the system tasked with sheltering the separated children, begin to understand his agency's role in what was happening, according to his staff. (Azar declined to comment for this story.) A former corporate lawyer and pharmaceutical executive, Azar was appointed after the administration's first HHS secretary, Tom Price, was ousted in scandal. He was given a mission of overhauling federal regulations on prescription-drug pricing, and he had pursued his target with exacting focus. Azar was so obsessed with efficiency that HHS employees were not allowed to contact him directly, lest he be distracted; his email address was a tightly kept secret. Azar's chief of staff and deputy chief of staff fielded all internal inquiries to his office; anything that was not of utmost importance to Azar, they delegated. This included all matters related to immigration.

Azar didn't know or care much about immigration policy when he joined the administration. He didn't view this as a problem, because it seemed to him to be a fraction of HHS's work. The entire immigration portfolio was given to Azar's deputy secretary, Eric Hargan. Colleagues say that Hargan was not taken seriously—that he was frequently out of the office, appeared less than fully engaged in meetings, and lacked mastery of the policy details for his areas of responsibility, including immigration. Hargan declined to comment, so I was not able to confirm whether he had any knowledge of Zero Tolerance prior to it being announced, but Azar and others close to him insisted repeatedly that they had been wholly blindsided. Although Nielsen and others at DHS said that Azar was warned that the policy was coming, they conceded that perhaps no one "shook him by the shoulders" to explain exactly what it meant. Those close to Azar say that if he had been involved in any discussion of an innocuous-sounding prosecution policy, it would have flown over his head. He would have had no idea that prosecution would entail taking the parents' children away, much less making them his responsibility as part of the larger pool of unaccompanied minors in the U.S. whom HHS was tasked with caring for.

Once he fully understood Zero Tolerance, some of his employees told me, Azar was furious. But at no time, it appears, did he or other Health and Human Services officials argue against separating children before the policy was implemented nationwide. Yes, HHS officials had been cut out of the conversation by the Hawks in the White House—but they hadn't noticed, they freely admit, because they hadn't been paying attention. This is especially noteworthy in Azar's case. He had a close relationship with Ivanka Trump and Jared Kushner, which Azar leveraged to keep Miller from ever contacting him directly. If Azar had been attuned to what Zero Tolerance would mean, he may have been able to head it off or reshape it.

News coverage now made his agency's connection to the crisis undeniable. Azar's office heard from Rachel Maddow's producers that her MSNBC show was getting ready to report that during Zero Tolerance—while his agency was erecting a tent city in the Texas desert to house the overflow of separated children in its custody—Azar had attended his Dartmouth College reunion. Azar demanded that Scott Lloyd, at the Office of Refugee Resettlement, immediately locate the parents of the separated children whom HHS was sheltering. When Lloyd went to Azar's office the next morning to say that the parents were in ICE custody, Azar started yelling: He wanted precise locations for all of the parents. He didn't yet understand that such information did not exist.

Casting Lloyd aside as useless, Azar deputized Bob Kadlec, the agency's assistant secretary of preparedness and response, to take over the effort to put parents and children back in touch with each other. Kadlec, a physician, had spent two decades in Air Force Special Operations and the CIA, serving five deployments, before moving over to HHS. Though he had done stints advising Republicans in Congress and the George W. Bush White House, he identifies as an independent.

Recognizing immediately that he knew next to nothing about immigration law or the shelter system that HHS oversaw, he did something that those in charge of Zero Tolerance had yet to do: He turned to the bureaucracy for help. He asked his staff to identify experts in the agency who could brief him. Soon after that, Jonathan White was in his office. (White had eventually become so infuriated with Scott Lloyd that he'd left ORR and moved to a different department in HHS. In addition to rebuffing White's pleas for an intervention on family separation, Lloyd had also been trying to stop unaccompanied girls in ORR care from getting abortions, using a spreadsheet with data including their last menstrual cycle. "We were in a human-rights free fall," White recalled.) After a half-hour conversation, Kadlec announced that White would take charge of the entire operation.

For White, the appointment felt like an opportunity to redeem himself from his failure to stop family separations from happening. A week later, Lloyd still had not satisfied another one of Azar's requests—to produce a list of potentially separated children. Azar told his staff to brew coffee and order pizzas; no one was going home. About a dozen members of Azar's inner circle sat down in the secretary's command center in front of computers, while Jallyn Sualog, a longtime civil servant at HHS who had been working with White to oppose separating families, taught them how to use an online portal to review every available detail about every child in their care.

At the time, Health and Human Services was housing roughly 12,000 children, the majority of whom had come to the United States alone—the population the HHS shelter system was created to serve. They would have to sift through those records in order to figure out which children—nearly a quarter of the total—had arrived at the border with a parent and then been separated.

Photos taken at the ORR shelters, similar to the mug shots that had brought employees in the DHS Office for Civil Rights and Civil Liberties to tears at their desks, now filled the computer screens of Kadlec and his colleagues. When I met with Kadlec recently, he teared up when he told me that the pictures he saw that night still haunt him. "The first one was a little girl kind of smiling. Another was a little boy crying. Another was a teenage girl who looked fearful," he said. "You could just see that what was happening was devastating to these kids … Some of the children were infants. Some were 1 and 2 years old, 5 years old, 10 years old."

Lucinda and her son Gabriel, photographed in July. They were separated for almost three months when he was 5, after they came to the U.S. from Honduras.

Federal employees took mug shots of children who were separated from their families. These photos are reprinted with permission from the children's parents and legal representatives.

He recalled the "stupefying silence" that came over the room where he and the rest of the task force were working. "People afterwards had a hard time. I had to put some on extended leaves of absence because of emotional trauma."

That night was the first time officials running HHS had to confront the faces of separated children—something many of those responsible for the policy have never had to do.

INTERNAL EMAILS REVEAL that officials at Immigration and Customs Enforcement, which was assuming custody of separated parents after the completion of their criminal proceedings, were still determined to block the HHS task force from reuniting any families unless it was for the purposes of deportation. "They will want to know what can be done to facilitate immediate reunification," Matt Albence, who was soon to become the deputy director of ICE, told colleagues in an email. "I told them that wasn't going to happen unless we are directed by the Dept to do so."

Sensing that reunification was nowhere in sight, the ACLU's Lee Gelernt asked the judge in his case against the government to intervene. Most of the separated children, except for those who had been released to other relatives in the United States, were still in HHS custody. For the most part, separated parents who had not yet been deported were either serving time for their illegal-entry convictions in the custody of the Bureau of Prisons or being detained by ICE. Many parents still didn't know where their children were, and vice versa. (One woman, Cindy Madrid, only located her 6-year-old daughter, Ximena, after recognizing Ximena's voice in the audio released by ProPublica, which was played during a news broadcast shown in the South Texas detention center where Madrid was being detained.)

On June 26, Judge Dana Sabraw of the Southern District of California responded to Gelernt's request, ordering that the government return children younger than 5 to their parents within two weeks, and that the rest of the separated children be reunited with their families within 30 days. Alex Azar's general counsel warned him that he could be held in contempt of court if the government did not successfully comply, which theoretically meant that Azar could be put in jail.

Kadlec and White, who were leading the HHS task force, sought out a few select representatives of ICE and CBP to help with their efforts. "We had to pick those people carefully so that they would be willing to share," Kadlec told me, anticipating that not everyone at the law-enforcement agencies would try to be helpful.

"The ICE leadership didn't want us to succeed," White said. "They wanted to sabotage the reunification effort." According to White, Tom Homan's initial position as the head of ICE was that families should be reunified only "at the flight line in Phoenix"—meaning he didn't want to return any children to their parents unless their immediate deportation was guaranteed. But there was no way to adjudicate everyone's asylum claims (many of which were eventually successful) before Judge Sabraw's deadline, so White requested that four DHS processing facilities be designated to serve as reunification sites. Even then, White says, ICE leaders started coming up with excuses for why they needed more time. Emails show that some children were told that they were going to be reunited with their parents and then were driven or flown to reunification sites hours away, only to learn upon arrival that ICE still wanted to interview their parents before they could be released, or that their parents were not even there yet. (Homan denies trying to delay family reunifications.)

"They were trying to run out the clock," White said. He addressed HHS staff: "If we miss the judge's deadline, there is nothing that we can use to hold the administration's feet to the fire to make this happen. Do you understand? Then those kids will wait, their parents will be deported, and they will be separated potentially for the rest of their lives."

U.S. FEDERAL GOVERNMENT

White told his colleagues to marshal vehicles and flights they needed to move thousands of children across the country in a matter of days. "Here's what we are going to do: You push those kids, once they're green-lighted, to ICE's door. You park them outside the door. We will move the kids to them and force them to do the reunifications, or the whole world will see kids surrounding them … Take snacks, take blankets. I am besieging ICE with children until they reunify them as they're required to do."

As officials in the Departments of Homeland Security, Justice, and Health and Human Services prepped for congressional hearings, the DHS communications aides Jonathan Hoffman and Katie Waldman showed up at HHS for a "murder board" session to prepare Jonathan White and others to answer questions. Quickly, arguments broke out, as White and Judy Stecker, a public-affairs official at HHS, felt that White was being pressured to suggest, inaccurately, on the witness stand that HHS had been given advance notice of Zero Tolerance. Stecker asked Brian Stimson, the lead HHS lawyer working on litigation over family separations, to provide backup. According to those present, Stimson told Hoffman to "fuck off" and called him a "moron." (Hoffman disputes this.)

Afterward, Waldman pulled White aside and called him a bleeding-heart liberal. White unloaded on her, shaking and turning red. "It is difficult to maintain my emotional equilibrium where family separation is concerned," he told me. "I do not accept that any immigration outcome, however important it might be to people, can be bought at the price" of separating families. "Like, you do understand these aren't theoretical children? They're all real children … They're as real as my kids."

THE AFTERMATH

On August 1, a week after the court deadline, more than 500 separated children remained in federal custody; many others had been released to sponsors in the U.S. but still had not been reunited with the parent with whom they'd crossed the border. The government still had made no effort to contact parents who had been deported without their children. Judge Sabraw called the government's progress "just unacceptable," adding that "for every parent who is not located there will be a permanently orphaned child. And that is 100 percent the responsibility of the administration."

Additional separated children were later added to Lee Gelernt's class-action lawsuit; as of now, the total number of known separations between January 2017 and June 2018 is more than 4,000. After entering the White House, President Joe Biden signed an executive order forming the Family Reunification Task Force, headed by Michelle Brané, to continue tracking down and reuniting the 1,500 families that remained separated when his administration took office. At least 360 parents have been reunited with their children. Those who had been deported after they were separated were allowed to return to the United States and given a three-year temporary-parole status. But approximately 700 families still have not been officially reunited, according to the task force's most recent estimate. Some families are presumed to have found each other independently without reporting it, fearing any further interactions with the U.S. government.

Though prominent child-welfare organizations have labeled the family separations carried out by the Trump administration "child abuse" and "torture," Gelernt avoids such language, because he believes it risks causing people to tune out even more. But he struggles with the reality that so many people seem to have moved on. "The average American parent, when they leave their child the first time for one night with a babysitter, is worried every minute of it, or when they drop their kid off for the first time in preschool and worry what the child is going through or the first time a teacher treats them unfairly," he said. "Do they really not think these families suffer the same way they would from losing their child?"

His main goal at this point is to push for the separated families to receive permanent legal status in the United States—"something Congress could do tomorrow," he said. Others are still advocating for the law that Paul Ryan requested, making it illegal to separate children from their parents for the purposes of deterrence. Both efforts have stalled.

The lasting effect of family separation is undeniable. Cheryl Aguilar, a therapist in Washington, D.C., who has treated more than 40 formerly separated families, said the children are still

Mirian and her son, originally from Honduras, were separated in U.S. custody in 2018, when he was 18 months old, not long after presenting themselves for asylum. In a sworn declaration in federal court, Mirian said that because her son was so young, Border Patrol agents made her carry him to a car herself, strap him into a car seat, and watch as they closed the door and drove off.

CHRISTOPHER LEE FOR *THE ATLANTIC*

experiencing regressive behaviors such as bed-wetting and pronounced immaturity, as well as nightmares, flashbacks, and severe withdrawal and detachment from loved ones. Healing "takes a very long time when that kind of trauma takes place at such an important developmental stage," she told me. "It impacted the wiring of their brain so that they have been primed to expect scary experiences like that in the future. They are hyperaware and hypervigilant of dangers—some of which are real and some perceived." Aguilar hosts a support group for separated parents, who also struggle with severe depression and anxiety; some feel rejected by their children, many of whom believe their parents abandoned them or gave them up willingly. "We're trying to give children and families basic tools to reconnect and start processing," she said.

Various studies have looked at the effect of separation on migrant families. In April, Physicians for Human Rights published a report based on clinical evaluations of 13 separated parents. All of them had some form of mental illness linked to the separation; 11 had PTSD. Anne Elizabeth Sidamon-Eristoff, now a medical student at Yale, who led another study, pointed out that in animal research used to assess risk for mental illness, separation of mice from their mothers is used as a kind of gold-standard

strategy for modeling stress in humans. "My first thought was, *That's what our government is doing to children*," she told me.

"These studies reaffirm what science has been saying all along" about what the impact of a program like Zero Tolerance would be, Sidamon-Eristoff told me. "And it's honestly quite frustrating to me that we even have to collect this data to try to prove a point that we've always known: Family separation is bad for children."

The frontline workers who were pulled into Zero Tolerance against their will have also struggled. Last summer, I visited Nora Núñez, who no longer works as a public defender. She invited me into her living room, where the lights were off. She was in low spirits. A *Washington Post* reporter had recently contacted her for a story about a separated mother whom Núñez had represented in court. He'd shown Núñez a picture of the mother and daughter being reunified four years after they were separated. The girl's arms were limp at her sides while her mother embraced her through tears. "You could tell that little girl was traumatized. Her mother was hugging her, and you could see her face and her eyes looked kind of vacant," she told me, her mouth quivering. "You didn't see any normal emotion of happiness of being reunited."

Núñez said she felt sick as she recalled rushing parents through their prosecutions because she thought that it would get them back to their children more quickly—not realizing that the government had other plans.

"I'm not sure if I can do this much more right now," she said after a while, eventually asking me to leave.

AS THE TRUMP ADMINISTRATION sought to defuse the anger over Zero Tolerance, White House officials proposed blaming separated families for what had happened to them. A damage-control working group developed fact sheets suggesting, without evidence, that most of the separated children were trafficking victims, according to two people who were present. At one meeting, one of these officials told me, "they were like, 'Why don't we just show these women throwing their children over the wall, and then people will think, *How could they do this?*'"

Throughout the remainder of his presidency, Trump pushed to relaunch family separations. "The conversation never died," Kirstjen Nielsen told me, recalling a series of discussions that took place at the White House and on Marine One. "I started saying, 'Sir, we really can't reinstate it. Nothing has changed. We still do not have the resources. It will result the same way. The system didn't get fixed.'" She says she threatened to resign, and appealed for support to the first lady, Melania Trump, who would place a discouraging hand on her husband's shoulder when Trump ranted about "turning it back on," generally while watching Fox News.

Nielsen had been persuaded to sign off on Zero Tolerance by people who either minimized its implications or cloaked its goals, but the president himself didn't bother speaking in euphemism. Trump would "literally say 'family separation,'" a senior DHS official recalled. "Stephen Miller was always very cautious and would frame it as 'reinstituting Zero Tolerance.' But Trump himself just blurted it out." (Trump could not be reached for comment.)

The official continued, "The level of visceral description that the president gave would freak Nielsen out because she was like, 'I'm out here trying to explain that this isn't what the administration intended to do,' and the president's talking like it totally was."

Nielsen said she tried framing separation as something that would harm the president's reelection prospects, but the strategy didn't work, because Miller would counter that he believed the opposite was true. She told Trump he would have to write yet another executive order to reinstate Zero Tolerance, knowing he would never agree to backtracking publicly, because it would make him look weak. A few times, Nielsen called Alex Azar to ask him to back her up. Azar also indicated that he would resign if the policy were to be reinstated.

As time went on, Trump became further incensed about the number of people crossing the border, proposing more and more outlandish ideas to stop it from happening, many of them preserved in the senior DHS official's notes: The president once "ordered Kelly to tell Nielson to, 'Round them all up and push them back into Mexico. Who cares about the law,'" one entry says. "Silence followed."

NIELSEN'S RELATIONSHIP WITH the president never recovered; she was asked to resign in the spring of 2019. Trump elevated Kevin McAleenan to replace her temporarily. During his tenure, DHS and its subagencies pursued other controversial tactics targeting families, such as conducting raids in homes with children and detaining them along with their parents for the purposes of deporting them, something ICE had historically tried hard to avoid. Trump refused to officially nominate him for the position. He eventually resigned as well.

"To me, the person who did not get enough scrutiny or enough blame or enough attention was Kevin McAleenan," a lawyer working for one of the congressional committees that investigated family separations told me. This idea was repeated by many of those closest to Zero Tolerance, who criticized McAleenan for insisting—publicly and privately—that he was merely a bystander. In an interview with MSNBC's Chuck Todd at the height of the policy, when asked who had ordered Zero Tolerance, McAleenan invoked Sessions's Zero Tolerance memo, not mentioning that his own memo had been the catalyst that activated the policy, or that he had repeatedly urged Nielsen to sign off on it. "Kevin knew everything that was going on, he pushed it, he supported it, and he was the key to implementing it," the lawyer said. After Zero Tolerance ended, McAleenan said publicly that he felt it was a mistake. "The policy was wrong, period, from the outset," he told me. "It should never have been undertaken by a law-enforcement department, even while facing the stark challenges we faced at the border."

Ron Vitiello, who became the acting director of ICE in June 2018, also owned up to the policy's shortcomings, becoming emotional in some of our interviews. "We could have done the logistics better," Vitiello told me. "It wasn't messaged right. We rushed into this failure, basically … It's definitely one you wish you could get back, but it wasn't cruel and heartless to be cruel and heartless. We surmised it was a way to get us out from under this crush at the border, but we sort of lost it."

Nielsen said she decided to speak to me for this story "because the border and immigration situation in this country

is heartbreaking and is only getting worse." She said that it is up to Congress to reform our immigration laws in a way that allows people who need to come to the United States to do so legally, and for the laws to be fully enforced in a way that is humane. With regard to Zero Tolerance, Nielsen said she wouldn't apologize for enforcing the policy. She echoed an argument I heard frequently from people I interviewed for this story: that they, or their agency, had been unfairly blamed. "HHS had the children, DOJ had the parent, we had neither," Nielsen told me.

But she wished she hadn't approved the policy, because of its deep flaws. "I made the decision based on what turned out to be faulty information," she told me. She insisted that she had prevented the worst from happening, because she never signed off on the administrative-separation proposal, which could have led to thousands more children being taken from their parents.

People who know Miller say he believes that Zero Tolerance saved lives, and that immigration enforcement was Trump's most popular accomplishment among his base. Miller has told them that the administration laid the groundwork necessary for a future president to implement harsh enforcement even more quickly and with greater reach than under Trump.

In my interviews, the Hawks argued that Zero Tolerance had been effective—or that it would have been, if only it had been left in place a little longer—suggesting that if Trump or someone who shares his views on immigration were to be elected in 2024, family separations would almost definitely recommence.

RECENTLY, I SPOKE WITH Alejandro Mayorkas, President Biden's Homeland Security secretary, who has been dealing with yet another influx of border crossers, most of whom are now coming from places outside Latin America. Biden campaigned on a promise to tackle the root causes of migration to the United States from Central America—poverty and violence—but little progress has been made on that front. In June, 53 migrants died trying to sneak into the interior of the country in the back of a tractor trailer, a deadlier incident than the one Tom Homan witnessed in 2003.

Despite the fact that such incidents tend to result from harsh enforcement at the border, Mayorkas has faced criticism from Republicans for being too soft on immigration, in particular for the Biden administration's move to scale back Title 42, a Trump-era policy linked to the coronavirus pandemic that effectively sealed the border. In response, Mayorkas has started reaching for the same solutions that led to Zero Tolerance—using the Border Patrol to ramp up prosecutions and generate other forms of "consequence delivery," though he says those tools should be deployed only "in concert with ample humanitarian protections for people seeking asylum." Congressional action on border issues continues to stall, leaving immigration policy squarely in the hands of the executive branch.

Mayorkas said he hoped the media would help hold those responsible for family separation to account. While some deterrent strategies "arguably fall within the parameters of our value system," Mayorkas said, family separation was "way outside the bounds of what we as a civilized and humane country would ever countenance."

When I asked Mayorkas about any official government accountability for those who were responsible for separating families, he said that was outside his purview at DHS and was up to the Justice Department. But DOJ has been defending Zero Tolerance—and the individuals responsible for it—in court, insisting in a recent hearing that a family-separation policy "never really existed. What existed was the Zero Tolerance policy which started in April of 2018 … We have testimony from the CBP and ICE witnesses and from Hamilton, who was at DHS at the time, that these separation policies, as plaintiffs put it, never existed, and they were never enacted."

But the judge was unconvinced. "This is a continuing argument that the government's been making," she said, pointing out that the plaintiffs in that particular case, migrants who were all separated from their children, were never even prosecuted. (The Justice Department declined to comment for this story but has said previously that it is devoted to "bringing justice to victims of this abhorrent policy.")

A comprehensive accounting of what happened during Zero Tolerance would require the government to look not only ahead toward reunifying families, but backwards as well—to be fully transparent about the past. This seems unlikely to happen. "DHS was lying to us and not giving us documents," the lawyer who investigated Zero Tolerance for a congressional committee while Trump was still in office told me. "They very much withheld stuff from us, and I would catch them red-handed and flag it for them, and they're like, 'Oh well, we'll go back and look,' and it was a constant BS battle."

Many of those who were involved in the development of Zero Tolerance are still working at DHS or its subagencies. But Mayorkas said it would be too hard for him to determine "what they knew, what they didn't know, what they understood, what they didn't understand." That lack of accountability for those who participated in separating families has some in the government worried that the practice could restart under another administration. "There is no cautionary tale to prevent this from happening again," Jonathan White said. Without that, he told me, "I fear that it will."

If anyone is likely to lead another push for the American government to separate families, it's Stephen Miller. For a year and a half, I tried to reach him so that I could ask him directly, among other things, why he had lobbied so forcefully for this to occur in the first place, and whether he would do so again in the future. A close friend of Miller and his wife explained that ever since the couple became parents, they had been consumed by child care and were hard to reach.

As my deadline approached, Miller repeatedly ducked or delayed speaking with me. Once, when I got Miller on the phone, he quickly told me that he had to go, and hung up. He soon sent a follow-up text to explain why he had been so abrupt. "With the extended family." he said. "And our little one." *A*

Caitlin Dickerson is a staff writer at The Atlantic.

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Heavenly Hackwork

John Donne was a mystic in bed and a mystic in the pulpit.

By James Parker

If you were a gentleman in Elizabethan London, a gentleman of more or less regular means and habits, your typical day went something like this: You rose at 4 a.m., you wrote 14 letters and a 30-page treatise on the nonexistence of purgatory, you fought a duel, you composed a sonnet, you went to watch a Jesuit get publicly disemboweled, you invented a scientific instrument, you composed another sonnet, you attended the premiere of *As You Like It*, you romanced someone else's wife, and then you caught the bubonic plague and died.

They packed a lot in, the Elizabethans, is my point. Maybe posterity, considering our own age, will judge that we are packing a lot in, with the fascism and the COVID and the melting glaciers. Maybe. But there was a peculiar paradoxical ugly-beautiful density to life as the Elizabethans lived it. The Reformation was just behind them; the civil war was coming; Elizabeth, the virgin queen, may have been semi-celestial, but her subjects lived in a police state. They had a passion for virtue and a genius for cruelty. They had wonderful manners and barbaric inclinations, lovely clothes and terrible diseases. They oscillated madly between the abstract and the corporeal. And among his contemporaries, nobody oscillated more madly than John Donne.

English verse is not the same after Donne. Harmony and gentility go out the window.

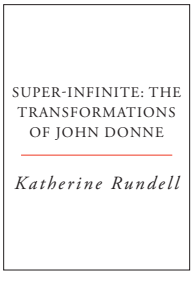
Donne was made of contradiction, or of transformation. Born an outsider, a Catholic at a time when being Catholic in England was illegal—his uncle and then his brother went to prison for their faith, and his brother would die there—Donne worked his way in, into the inside, shifting and shedding as he went.

He was a bookish lover-poet who went to sea with the doomed and dashing Earl of Essex and caught a vision of hell when he watched Spanish sailors being burned alive in the harbor at Cádiz. (His Rutger Hauer–in–*Blade Runner* moment: "I've seen things you people wouldn't believe. Attack ships on fire off the shoulder of Orion.") He was a splenetic satirist, all-observing, all-condemning, who was also a world-class flatterer/ingratiator. He had a slicing, dicing, predatory mind that he applied with equal force to sex, to politics, and finally to a religious vocation. Young Donne had an inflamed libido, old Donne an inflamed conscience. The man who wrote "License my roving hands, and let them go / Before, behind, between, above, below" would become, as the dean of St. Paul's Cathedral, the grave divine who warned his congregants that "a man may be an adulterer in his wife's bosom, though he seek not strange women."

As for his poetry, it's unlovable and it's irresistible. English verse is not the same after Donne. Harmony and gentility—the music of Spenser—go out the window, and in comes a ferocious, sometimes grating intellectual energy and an intense superiority. You can read pages of Donne and register only the oppressive proximity of his pulsing brain. But then he'll snag you. "Busy old fool, unruly sun," grumbles the lover as daylight pushes in at the bedroom window. "Saucy pedantic wretch, go chide / Late school boys." Encrusted as his vocabulary could be, he had a shocking talent for immediate, everyday speech. One moment his verse is alien, twisted, full of fussy wiring and strange mechanical conceits (Dr. Johnson: "Who but Donne would have thought that a good man is a telescope?"); the next he writes "For God's sake hold your tongue, and let me love," or "I run to death, and death meets me as fast," and we hear him speaking to us across four centuries in ringing monosyllables.

Super-Infinite is the title of Katherine Rundell's new biographical study of Donne. It sounds like an album by Monster Magnet. And indeed, Rundell responds to Donne in something of a heavy-metal, hyperbolizing register. Read the first stanza of "Love's Growth," she promises us, and "all the oxygen in a five-mile radius rushes to greet you." Another poem, "The Comparison," in which Donne contrasts the charms of his mistress with those of another woman, takes the tradition of poets praising female beauty "and knifes it in a dark alley." And so on.

But overpraise, or praise with reverb, is very Elizabethan and very, very John Donne, as Rundell shows us. "Compliments," she writes, "were core currency," and Donne was loaded. He flung out admirations; he strewed encomia. "Your going away," he assured one Lady Kingsmill in a letter, "hath made London a dead carcass." Rundell calls this Donne's "pleasure in extravagance." When Elizabeth, the young daughter of



Sir Robert Drury, died, Drury (the sort of grandee to whom Donne was always sucking up) commissioned an elegy. And although Donne had never met Elizabeth Drury, he went at it with a vengeance: In two long, slightly bonkers poems, "The First Anniversary" and "The Second Anniversary," he unfurled the full howling panorama of human existence and almost beatified the deceased girl. "She, she is dead; she's dead; when thou knowest this / Thou knowest how dry a cinder this world is." It was heavenly hackwork. "If he had written it of the Virgin Mary," opined Ben Jonson, "it had been something."

Donne's love poetry is extreme: Bodies melt, souls commingle, genders elide, death is an atom away. For sheer piercing morbidity, what image can match the "bracelet of bright hair about the bone" that he summons in "The Relic," his fantasy of being exhumed while still wearing the tokens of his love? His religious poetry is equally extreme: "Spit in my face you Jews, and pierce my side," runs one of his Holy Sonnets (more of those hammering monosyllables), in which he prays to take on the sufferings of Christ. "Buffet, and scoff, scourge, and crucify me, / For I have sinned, and sinned." On a good day, Donne saw the world as an organic biological-spiritual unity, the famous whole where "no man is an island." On a bad one, it became a slaughterhouse, a Boschian mill: "Th' earth's race is but thy table; there are set / Plants, cattle, men, dishes for Death to eat. / In a rude hunger now he millions draws / Into his bloody, or plaguey, or starved jaws" ("Elegy on Mistress Bulstrode").

An extremity of perception, in the end, is where the two Donnes meet: He was a mystic in bed, and a mystic in the pulpit. The almost Tantric lover, seeking an essence beyond the body, was also the yearning-for-eternity preacher: "As soon as my soul enters heaven, I shall be able to say to the angels, I am of the same stuff as you."

He managed his exit like David Bowie, stripping naked in the weeks before he died and wrapping himself in his winding-sheet so that an artist could make sketches for the posthumous carving of a marble monument. As a preacher, Rundell tells us, Donne's "speciality" was his gift for riffing on infinity. One imagines his congregants at St. Paul's creaking and shuffling in their pews as he laid the vision upon them: "There shall be no cloud nor sun, no darkness nor dazzling, but one equal light; no noise nor silence, but one equal music." And there it is, the final resolving power chord: the radiant wave in which all the contradictions—of the age, and of the man—would be consumed. *A*

James Parker is a staff writer at The Atlantic.

Hotel Earth

By James Longenbach

Cornices overgrown with moss, the stoop
With nettles, flower beds
Hardly discernible beneath brambles and weeds—

Next door was a place where drinks
Were sold, so I ordered
A glass of red wine. *The Earth?*

For years it never changed, said the bartender.
Now kids won't come around at night.
Doors close by themselves

As if clouds were gathering—bang!
Footsteps climb the staircase, one, two—
I paid the tab. Does anything stay

There—hatred, the capacity for love?
There's the baby in the red striped sweater
Against blue sky, my left hand

Holding her, my right the camera.
She's smiling at you.
We're invisible, like the sea.

James Longenbach's most recent collection is Forever *(2021). He teaches at the University of Rochester.*

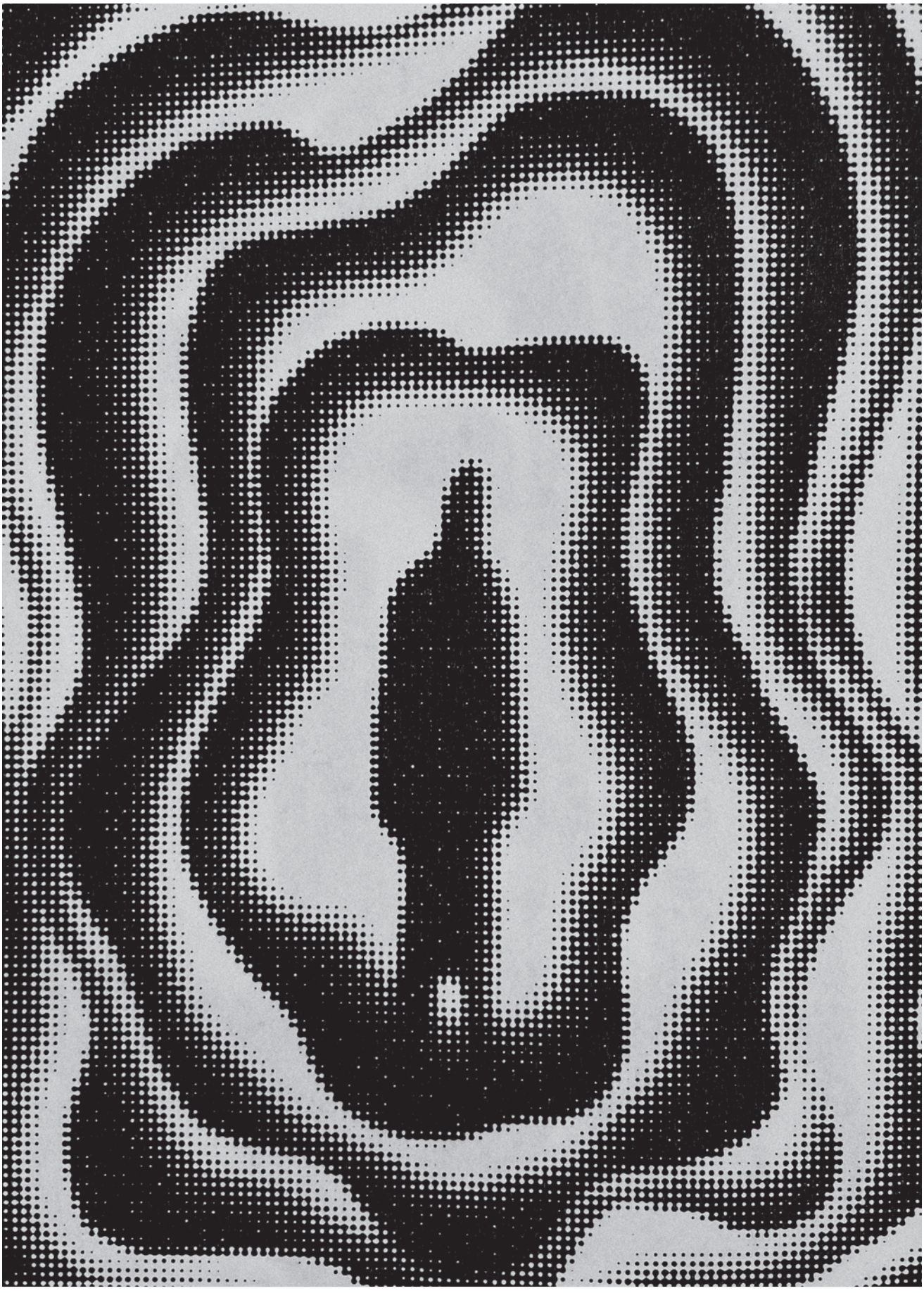


ILLUSTRATION BY OLIVER MUNDAY

A World Without White People

Mohsin Hamid's empty parable of race transformation

By Namwali Serpell

A man wakes to find himself transformed. He looks around, seeking his bearings as he tries to come to terms with what has happened to him overnight, perhaps after uneasy dreams. He looks at his hand, which he knows like … well, like the back of his hand. It is unfamiliar, the hand of another. He seeks out his reflection. The man who looks back at him is a stranger.

These are the opening beats of Mohsin Hamid's latest novel, *The Last White Man*: "One morning Anders, a white man, woke up to find he had turned a deep and undeniable brown." These are also the opening beats—albeit about a black man who wakes up white—of A. Igoni Barrett's *Blackass* (2015), the epigraph of which cites Kafka's "The Metamorphosis" to make the debt explicit. It's also the premise of a chapter of Matt Ruff's *Lovecraft Country* (2016) about a black woman who wakes up white, which, per its title, "Jekyll in Hyde Park," alludes to Robert Louis Stevenson's scene from 1886: "The hand of Henry Jekyll … large, firm, white, and comely" appears "in the yellow light of a mid-London morning, lying half shut on the bed-clothes … lean, corded, knuckly, of a dusky pallor and thickly shaded with a swart growth of hair." Perhaps Hamid is hoping to make good on a saying from his first novel, *Moth Smoke* (2000): "Tales with unoriginal beginnings are those most likely later to surprise."

Like the hero of Herman Raucher's novelization of *Watermelon Man* (1970), Anders's first impulse is to mistake himself for a dark-skinned home intruder. Like the hero of Harry Stephen Keeler's *The Man Who Changed His Skin* (1959), Anders soon realizes this isn't just a tan, either: "He looked like another person, not just another person, but a different kind of person, utterly different." Like the hero of Mortimer Weisinger's pulp story, "Pigments Is Pigments" (1935), Anders reacts with shock at his darkening, then falls into a "murderous rage." As with the more scientifically minded versions of this plot, like Jess Row's *Your Face in Mine* (2014) and Maurice Carlos Ruffin's *We Cast a Shadow* (2019), we'll soon find out whether the transformation is explicable or reversible. We'll discover whether it afflicts just Anders or spreads to others like a fad, as in George S. Schuyler's *Black No More* (1931), or like a plague, as in Junot Díaz's story "Monstro" (2012).

Even if you're unfamiliar with this tradition of stories about race transformation, you'll suspect what's coming. Distinguishing between those born dark and the newly transformed will become fraught. Violence will erupt. Some will come to believe that a genocidal conspiracy is to blame; some will kill themselves; some will kill others. "Militants" will take over, emitting fear and hate like a musk. Love will blossom. Heightened scenes of interracial sex and awkward perusals of genitals will follow. In the end, skin color will be shown to be meaningless for identity, a mere construct. Yet it will prove almost atavistically fascinating as an aesthetic surface and a conductor of feeling.

Tone above all distinguishes Hamid from these precursors. Whereas most of these writers bend race transformation toward satire, offering us topsy-turvy and hysterical tales, Hamid is deeply earnest about his conceit. The novel is that wan 21st-century banality, a "meditation," and it meditates on how losing whiteness is going to make white people feel. Mostly sad, as it turns out.

ANDERS IS HAUNTED by his entrance into double consciousness, which W. E. B. Du Bois famously first described in *The Atlantic* as being divided between your sense of yourself and your sense of how others perceive you. Anders obsesses over how white people will treat him now that they have no way "to know he was white," and seems to sense their "contempt and fascination." As for his new kind, "all these dark people around, more dark people than white people … made Anders uneasy, even though he was dark too." He feels he's been recast as a supporting character in his life; he feels "triply imprisoned, in his skin, in this house, in this town." He dons a hoodie and sunglasses to hide himself from strangers and family.

Anders feels comfortable enough to reveal his new body only to his sometime lover, a high-school friend named Oona. They smoke some weed and give it a spin:

> He started to undress, and then she did the same, warily, and they joined with a degree of caution, almost as though one was stalking the other, which of them stalking and which of them being stalked unclear, maybe both doing both, in a way, and so it was that they came to have that night's sex.
>
> Anders worked at a gym and Oona taught yoga, and their bodies were youthful and fit, and if we, writing or reading this, were to find ourselves indulging in a kind of voyeuristic pleasure at their coupling, we

> could perhaps be forgiven, for they too were experiencing something not entirely dissimilar, pale-skinned Oona watching herself performing her grind with a dark-skinned stranger, Anders the stranger watching the same, and the performance was strong for them, visceral, touching them where, unexpectedly, or not so unexpectedly, they discovered a jarring and discomforting satisfaction at being touched.

The sex improves; the prose does not. A phrase from a later scene, "arousal shadowed by gloom," captures the general feeling. The novel evinces the worst of Hamid's style, intensifying his turn in *Exit West* (2017) toward folksy transitions ("and so it was"), diction that manages to be both officious and purple ("the performance was strong for them, visceral"), and run-ons that feel less breathless than halting, laden as they are with comma-capped redundancies ("maybe both doing both, in a way") and reversals ("unexpectedly, or not so unexpectedly"). As in his earlier novels about social mobility and immigration, romance supplies the plot and casts an aura of "love" over the politico-speculative gimmick. But Hamid here emphasizes the familial, perhaps as a stand-in for the genetic: The love between generations meets the idea that race is an inherited trait.

The titular last white man is in fact Anders's widowed father, who responds to his son's new condition by weeping "like a shudder, like an endless cough, without a sound," then giving him a gun. Anders feels guilty for his darkness; "just by being here, Anders was taking something from his father, taking his dignity." But his father makes it his dying task to accept Anders, even though

> he could understand those who wanted [his son] gone from town now, who were afraid of him, or threatened by him, by the dark man his boy had become, and they had a right to be, he would have felt the same in their shoes, he liked it no better than they did, and he could see the end his boy signaled, the end of things.

Family blood and racial blood are pitted against each other.

Oona's mother, who vomits when she catches the interracial couple in flagrante, is also averse to the barbarian transformation, which she predicts: "People are changing," she warns her daughter early on. "All over. Our people." Hooked up to an IV of online fearmongering and cable news, she has become a "fantasist"; her belief "that life was fair and would turn out for the best and good people like them got what they deserved" has warped upon the death of her husband into an embittered crouch, a "deep, abiding panic" that springs into a "brittle" joy once the violence begins. Oona, "a realist" unnerved by this nativist zealotry, is inspired by Anders's transformation to paint herself with brown makeup. But this flirtation with blackface leaves Oona "ashamed," and though she appreciates her new features when she too turns dark, "a feeling of melancholy" yet touches her, "a sadness at the losing of something."

Things settle down. Darkness—in the novel's conception, more a symbolic hue than an ethnicity—sweeps inexorably, beneficently over town. A child's notion: If everyone is "the same, just dark," what is there to fight about? Anders's father dies; the last white man is buried; you might think the newly darkened (the darkies?) will get together for a block party. Instead, they take walks to process their feelings. Oona and Anders fall in love, move in together, have a daughter—she comes out "brown" and "ferocious." By then, Oona's mother has lost her whiteness, too. When she waxes nostalgic about the glories of the white past, her brown granddaughter stills her with a word, "stop," and a kiss. This is the novel's cure for white despair over the loss of whiteness: Keep calm and carry on.

Never one to let us get away with missing an analogy, Hamid tells us of our baleful lovers:

> Sometimes it felt like the town was a town in mourning, and the country a country in mourning, and this suited Anders, and suited Oona, coinciding as it did with their own feelings, but at other times it felt like the opposite, that something new was being born, and strangely enough this suited them too.

THE LAST WHITE MAN

Mohsin Hamid

RIVERHEAD

WHAT EXACTLY is being mourned? Whiteness in *The Last White Man* is a dream. It's the neighborhood watch and home security. It's weight lifting in an old-school gym, men testing themselves against gravity. It's yoga in a scentless studio, women "staving off aging through attempts to remain supple." It's going out drinking, going out dancing, going out to dinner. It's the myth that "a gun was a marker on the journey of death, and was to be respected as such, like a coffin or a grave or a meal in winter." It's having no vocation and curating yourself online. It's feeling "cashed out, emotion-wise" but flush enough in cash for provisions to survive a race riot. Primarily, it's not being "dark." (The word *black* is verboten in *The Last White Man*, appearing only once, to describe iron.)

What exactly is being born—or rather, borne? Darkness in *The Last White Man* is an ordeal. Those who were already dark have little presence and no internal life in the novel. There is no sense that they have cultures or mores; Anders still sees them, "he could not help it, … like a group of animals." Darkened Oona comes to notice "finer gradations in the texture of someone's skin and the shape of their cheekbones and the nature of their hair," but this somehow

leads to a conceit comparing people to trees. Darkness awakens "the ancient horrors … the almost forgotten savagery upon which [the] town was founded." Anders wonders if "maybe that was the point, the point of it was to break him, to break all of them, all of us, yes us, how strange to be forced into such an us."

Despite its conciliatory tone, this echoes the narratives that Oona's mother reads online about

> the savagery, the savagery of the dark people, how it had been in them from the beginning, and had manifested itself again and again throughout history, and could not be denied, and she read the examples, the examples of when groups of whites had fallen, and the rapes and slaughters and tortures we had been subjected to, and how that was their way, the way of the dark people, whenever they seized the upper hand.

The Last White Man in this way dramatizes the inane, paranoiac interpretation of migration known as the "Great Replacement," which was just condemned in a 2022 resolution by the U.S. House of Representatives.

This conspiracy theory claims that the West is being colonized in reverse by the global South, and has inspired a string of white-supremacist terrorist attacks in places such as Christchurch, New Zealand, and, most recently, Buffalo, New York. The trope of "colored hordes" overwhelming white nationhood is an old and eugenicist idea. The French author Renaud Camus gave it new life when he named it the "Great Replacement" in a short book he published on the subject in 2011. That same year, Anders Behring Breivik set off a bomb that killed eight people, then went on to hunt down and murder 69 members of the Norwegian Workers' Youth League, mostly teenagers. What are we meant to make of Hamid's giving his latest hero the name of the man who applied the logic of "the last white man" so horrifically?

If Hamid's novel were a self-aware satire of this ideology of whiteness and its violent effects, it would be pitch-perfect. But *The Last White Man*'s structure affords us no way to know if this is what Hamid intends: It includes no higher judgment, no specific history, no novelistic frame against which to measure the reliability of the narration, no backdrop across which irony can dance.

The characters are mostly presented as your basic good white people, trying their best to deal with the coming darkness: "Oona wondered … if her mother was always going to find a way to carry on, and had simply been mourning, or not simply, there was nothing simple about it, but mainly, mainly been mourning, as a woman who had lost her husband and her son was entitled to do." Hamid lets them grieve for what is posited as a genuine loss of whiteness, with no compulsive melancholy, no unhealthy attachments, no obsessive shrines left over. Just mementos and a brown child who symbolizes a race-blind future. *The Last White Man* feels like a primer for mourning whiteness, not a critique of it.

To accede to the idea that whiteness can be lost, albeit in the name of open-endedness and open-mindedness, is to exculpate the capitalist imperialism that invented race in the first place. Whiteness isn't monolithic any more than darkness is—remember the Irish, the Jews? Nor is it a dream for everyone. Remember James Joyce's line? "History is a nightmare from which I am trying to awake." Hamid's commitment to a liberal literary ethos veers close to a vague both-sides-ism:

> Online you could form your own opinion of what was going on and your opinion was, likely as not, different from the next person's, and there was no real way to determine which of you was right, and the boundary between what was in your mind and what was in the world beyond was blurry, so blurry there was almost no boundary at all.

Hamid's commitment to a liberal literary ethos veers close to a vague both-sides-ism.

It's one thing for a character to be afflicted with blurred vision or the race "blindness" that grants Oona a "new kind of sight"; it's another for the novel to suffer the same confusion of perspective.

There are two cracks in the humanist glaze, patches of clarity in the blur. A dark man follows Oona and Anders on a walk, scares them with a shout, then walks off, laughing at their hysterical reaction. And a dark-from-the-start, nameless "cleaning guy" at the gym where Anders works declines Anders's belated offer to train him. "What I would like," the man adds, "is a raise." Both of these fleeting scenes are genuinely funny. Why don't we follow these dark men home? Or any of the other people born dark, who must surely be annoyed as well as amused by these confused, deracinated, sad-sack interlopers? Wouldn't their lives offer an interesting foil or counterpoint?

AN EARLIER NOVEL by the same author might have pursued this tack. Hamid's characters sometimes offer scathing indictments of racial capitalism, like this one from a rapscallion in *Moth Smoke*:

> Well, what about the guys who give out the Nobel Prize? What are they? They're money launderers. They take the fortunes made out of dynamite, out of blowing people into bits, and make the family name of Nobel noble. The Rhodes Scholarship folks? They do the same thing: dry-clean our memories of one of the great white colonialists, of the men who didn't let niggers like us into their clubs or their parliaments, who gunned us down in gardens when we tried to protest.

Hamid's narrators often refer matter-of-factly, sometimes with delight, to the variety of darker complexions, to the difference between being a brown Muslim and a black Muslim, to the internal diversity within Pakistani or Nigerian culture. It is taken for granted that "darkness" is not just half of a simplistic racial binary, but rather a pluriform, diasporic, and syncretic cultural phenomenon.

Hamid seems to have sacrificed this sort of specificity in favor of a polished brand of globalish allegory. If in this latest work his characters grow black, over his career, they seem to have grown ever more blank. The primary political dialectic of *Moth Smoke* is rich Lahore and poor Lahore; in *The Reluctant Fundamentalist* (2007), it's New York City and Lahore. *How to Get Filthy Rich in Rising Asia* (2013) never names the Asian country where it's set; the protagonists of *Exit West* leave an unnamed, presumably Muslim, country in the putative East and move steadily West. And in the unnamed, probably European country of *The Last White Man*, we have shifted to an even larger-scale paradigm: the dark and the white. This drift toward the general is also a drift toward the didactic, one that is only nominally secular insofar as it amounts to a righteous liberalism that promises us a peek, as Oona says, into "a mystical truth, a terrible mystical truth" about humanity. Hamid's work is starting to look a lot like high-flown self-help, Paulo Coelho or Robin DiAngelo for the jet-setting smart set.

Hamid has always tended to map the rising tensions of romance onto the movements of social mobility onto metafictional asides about the relations between authors and readers—as if love, politics, and literature were all simply different ways to negotiate intimacy. The absurdity of these equivalences becomes clear in the closing lines of *How to Get Filthy Rich in Rising Asia*:

> You have courage, and you have dignity, and you have calmness in the face of terror, and awe, and the pretty girl holds your hand, and you contain her, and this book, and me writing it, and I too contain you, who may not yet even be born, you inside me inside you, though not in a creepy way, and so may you, may I, may we, so may all of us confront the end.

Beyond the creepiness, this pablum presumes reversibility. Yes, the political affects the personal, and both affect the literary. But having sex with the right person won't change the world; reading the right book won't either. Dark-washing characters won't disappear race, nor will believing that brown kids are our future.

Yet this kind of magical thinking will no doubt continue to meet with success in an era obsessed with the conviction that we are all in a moment of racial reckoning. What Hamid's novels actually offer isn't education but recognition, a self-congratulatory reconfirmation of ideas like "migration is a death" and "race is a construct," which are true enough but also truisms by now. Despite the horrors it has conjured, "the end of whiteness" is just another mantra of our current discourse; whether you are troubled by it or merely curious, Hamid is here to talk you through it.

Apparently, the solutions to the problem of the color line were with us all along: Fiction! Imagination! Empathy!

But who is *you*? Whom is this novel for? Hamid has never shied from connecting his characters' identity crises to his own. "I was not certain where I belonged," the narrator of *The Reluctant Fundamentalist* says, "in New York, in Lahore, in both, in neither." In a recent *New Yorker* interview, Hamid explains the origin and intent of *The Last White Man*:

> After 9/11, I experienced a profound sense of loss. I was constantly stopped at immigration, held for hours at the airport, once pulled off a flight that was already on the tarmac. I had become an object of suspicion, even fear. I had lost something. And, over the years, I began to realize that I had lost my partial whiteness. Not that I had been white before: I am brown-skinned, with a Muslim name. But I had been able to partake in many of the benefits of whiteness. And I had been complicit in that system …
>
> So we have to imagine our way out of it, excavate our way out of it, and over generations grow our way out of it … As a writer, I build environments out of words that readers enter and make their own—and in that process puzzle out a bit of what it is they think. What might it feel like to live in a town that undergoes the transformation that Anders's town undergoes?

This way of putting it hums with the soothing privilege of the elite. Apparently, the solutions to the problem—to the violence—of the color line were with us all along: Fiction! Imagination! Empathy!

The Last White Man offers no news for the nonwhite among us. Maybe Hamid wants it that way. This is unfortunate, because now is a good time to remind ourselves that "dark" people, despite our erasure from national narratives, have been in the West for centuries. We have our own perspectives; we have said and written and done many things—and not just about whiteness, or race, or racism. We are not, and have never been, mere symbols or surfaces for melancholy reflection. You might even say that we have tended on the whole to add some color to things, with our highly particular food, fashion, words, music, art—with that stuff of life that usually goes by the name of culture. *A*

Namwali Serpell, an English professor at Harvard, is the author of The Old Drift *and the forthcoming novel* The Furrows.

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BOOKS

"The Greatest Talker of His Time"

Felix Frankfurter was an eloquent liberal champion of judicial restraint. Is it time for a reappraisal?

By Justin Driver

In September 1953, with the Supreme Court only months away from rehearing oral argument in *Brown v. Board of Education*, Justice Felix Frankfurter received word while vacationing in Massachusetts that Chief Justice Fred Vinson had died suddenly of a heart attack. Returning to Washington so that he could attend Vinson's funeral, Frankfurter bumped into his former law clerk Philip Elman in Union Station. Frankfurter did not exactly appear staggered by grief. To the contrary, Elman observed the 5-foot-5 Frankfurter walking with a particular spring in his diminutive step. Vinson's unexpected departure might enable the Court to issue an effective decision outlawing racial segregation in public schools, an outcome that was, Frankfurter believed, well beyond the late chief justice's meager intellectual and leadership capabilities. Frankfurter gripped Elman by the arm, stared at him intently, and uncorked the following line: "Phil, this is the first solid piece of evidence I've ever had that there really is a God."

This yarn encapsulates vintage Frankfurter in at least two distinct senses. First, he was a lively, often dazzling conversationalist. Despite his never having heard a word of English before he immigrated to Manhattan from Vienna at age 11, elite Americans widely celebrated his silver tongue. As *The New York Times* would memorialize Frankfurter in 1965, "He was … bursting with joy and wit and sarcasm, eager to exchange gossip or debate eternal verities—but at any rate, to talk. He was by all odds the greatest talker of his time." This encomium was not one that Frankfurter received only posthumously. A 1960 book titled *Felix Frankfurter Reminisces*, which consisted merely of transcribed interviews, became an improbable best seller and a finalist for the National Book Award. That volume forthrightly conceded that it was not a full-scale autobiography—indeed, it did not even broach Frankfurter's years as a justice—but rather was "just talk." Still, the response was rapturous.

Second, the vignette illuminates Frankfurter's preternatural penchant for spotting, cultivating, and advancing talented young men. Elman was not just a former law clerk; he was then working in the

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solicitor general's office at the Department of Justice, where he'd assumed primary responsibility for drafting the government's briefs regarding school segregation. Frankfurter communicated with Elman about *Brown* constantly, helping shape the government's arguments. Elman noted, without any hint of rancor, that Frankfurter treated him "not as a lawyer in the SG's Office, but as his law clerk for life."

Elman was only one of many Frankfurter clerks who went on to assume influential positions in national life. Others included the *Washington Post* publisher Philip Graham, Attorney General Elliot Richardson, and Secretary of Transportation William T. Coleman, whom Frankfurter had hired as the Court's first Black law clerk in the 1940s. (Frankfurter's egalitarianism did not, alas, extend to gender; he pointedly refused to hire a young attorney named Ruth Bader Ginsburg even though she received glowing endorsements from several of Frankfurter's usual sources.) And before becoming Justice Frankfurter, Professor Frankfurter had helped supply the federal government with brainpower by dispatching his sharpest Harvard Law School students to Washington. Frankfurter, who had no children of his own, hazed and doted on these protégés in equal measure, and in the process inspired a lifetime of fealty.

In one conspicuous sense, though, the bon mot—or perhaps mal mot—elicited by Vinson's death clashes with the dominant perception of Frankfurter. Recall that Frankfurter's jubilation was driven by hope that the Supreme Court would exercise its authority to invalidate school segregation. Yet Frankfurter was, throughout his time as a justice, the nation's preeminent advocate of judicial restraint. The mighty power to deem laws unconstitutional in a democratic society, he believed, should be exercised only in the most glaring, egregious circumstances. When a group of nine lawyers possessing lifelong appointments vetoes actions taken by elected officials, democracy itself is typically the loser.

Concerns about the judiciary abusing its review authority were not mere abstractions for Frankfurter. During his second year as a law student at Harvard, the Supreme Court used the Fourteenth Amendment's due-process clause to invalidate legislation designed to protect employees in an infamous case called *Lochner v. New York*. This decision from 1905 became Frankfurter's "Rosebud" moment. During the next few decades, the Supreme Court continually wielded the Constitution to strike down progressive economic policies, most saliently during the New Deal. Frankfurter, like many other legal liberals, defined himself against these *Lochner*-era usurpations, vowing that if he ever ascended to the bench, he would delineate a modest role for the judicial branch. "The real battles of liberalism are not won in the Supreme Court," Frankfurter wrote in a *New Republic* article in 1925. After being confirmed as an associate justice in 1939, Frankfurter honored his vow, self-consciously positioning himself as the inheritor of Justice Oliver Wendell Holmes's legacy of judicial restraint. Holmes had been his friend, mentor, and hero, and Frankfurter seldom tired of invoking the great jurist.

Few Supreme Court justices have ever experienced steeper declines in reputation than Frankfurter.

FEW SUPREME COURT JUSTICES have ever experienced steeper declines in reputation than Frankfurter. Peter Edelman, an exceptionally bright Harvard Law student in the late 1950s, recollected that in Cambridge during that era, "Felix Frankfurter was God." By 2005, however, one legal scholar spoke for many in labeling Frankfurter "an overrated judge who left a very limited judicial legacy."

Much of this reputational free fall is explained by Frankfurter over time becoming a man with no country. For liberals, he offered an emaciated conception of the judiciary's responsibility for providing protections to marginalized groups. His dissents from progressive constitutional victories of the mid-20th century began to mark him as a jurist from a bygone age, one still feverishly waging the wars of yesteryear. For conservatives, Frankfurter's commitment to advancing the causes of liberalism before he took his seat on the bench—including helping found the ACLU, staff New Deal agencies, launch the *New Republic*, and defend Sacco and Vanzetti—identified him as a deeply suspect political figure. In the legal sphere, too, more and more conservatives have in recent decades abandoned even the veneer of judicial restraint. *Judicial engagement* has become the operative term, as the right has successfully demanded that the Supreme Court exert its authority to invalidate laws involving firearms, campaign finance, and voting rights.

Brad Snyder's comprehensive, compelling, and generally admiring biography—*Democratic Justice: Felix Frankfurter, the Supreme Court, and the Making of the Liberal Establishment*—arrives at a moment when the justice's stock may, in some quarters, seem poised for a rebound. Thanks in no small part to Senator Mitch McConnell and President Donald Trump, six Republican-appointed justices now sit alongside three Democratic-appointed justices on the high court. Today, in the aftermath of *Dobbs v. Jackson Women's Health Organization*, many liberals fear that the Roberts Court could even someday strike down laws in blue states permitting women to obtain abortions. On the horizon, the Court seems poised to invalidate affirmative-action plans and other policies esteemed on the left. It is no wonder, then, that several prominent left-leaning academics have recently begun advocating for a dramatically diminished role

for jurists. The judicial strides toward equality that occurred during the mid-20th century were historical anomalies, these scholars insist, and they have come to assert—echoing Frankfurter—that liberalism's real battles cannot and should not be fought in the Supreme Court. Might Felix Frankfurter, acolyte of judicial restraint, serve as the intellectual poster boy for this renewed age of judicial skepticism?

SNYDER CHALLENGES conventional assessments of Frankfurter by skillfully placing him into the rich, changing context of American liberalism during the first six decades of the 20th century. It is misguided, Snyder suggests, to view Frankfurter as a wild-eyed leftist during his pre-Court career who suddenly transformed into a raging reactionary upon confirmation. This wrongheaded perception overlooks that Frankfurter—inspired by the foundational scholarship of Harvard Law School's James Bradley Thayer—consistently cautioned against permitting the judiciary to occupy an outsize role in American life. What judges give with one hand, they can just as readily take with the other.

Snyder's portrait of Frankfurter certainly cannot be accused of concealing the justice's rather substantial warts. Snyder does, however, cast him in a flattering light, depicting the justice largely as he depicted himself—as a champion of democracy, and therefore an opponent of juristocracy. "In contrast to many of his [judicial] colleagues, Frankfurter insisted that the best way to protect people's rights was through the democratic political process," Snyder writes in his spirited epilogue. "He understood that nothing was more damaging to our democracy than to expect the Supreme Court to solve our problems … We the People needed Felix Frankfurter to steer generations of elite lawyers into public service, to shape the liberal establishment, and to oppose government-by-judiciary." Frankfurter would not only approve of Snyder's concluding message; he would cherish it.

As Snyder notes, moreover, Frankfurter's invocation of judicial restraint was not an unyielding absolute. Frankfurter evinced particular concern about states' efforts to subordinate Black citizens, and he sometimes supported using the Reconstruction Amendments to set aside such schemes. Regarding *Brown v. Board of Education*, Frankfurter is in legal circles widely known—and widely reviled—for persuading Chief Justice Earl Warren to insert four notorious words during the remedy stage of the decision. Desegregation should unfold "with all deliberate speed," Warren wrote at Frankfurter's behest, and that phrase would eventually be viewed as having blessed the South's massive resistance. Yet even if this terminology was unwise and infelicitous, it should not bear a disproportionately large share of the blame for southern recalcitrance. The phrase also should not be permitted, Snyder contends, to obscure Frankfurter's indispensable role in helping Warren achieve unanimity in the momentous school decision.

DEMOCRATIC JUSTICE: FELIX FRANKFURTER, THE SUPREME COURT, AND THE MAKING OF THE LIBERAL ESTABLISHMENT

Brad Snyder

NORTON

STILL, EVEN AMID a resurgence of judicial skepticism, more than a few roadblocks obstruct the path to any potential Frankfurter revival. Consider only some of the many available instances when reliance on judicial restraint curdled into judicial abdication, as he refused to check repugnant governmental actions. In the 1930s, a public school board in Minersville, Pennsylvania, expelled students who were Jehovah's Witnesses for refusing to recite the Pledge of Allegiance on account of their religious commitments. Although Frankfurter harbored reservations regarding the wisdom of such expulsions, he nevertheless wrote an opinion for the Court in 1940 deeming it permissible for educators to punish the pupils. "The wisdom of training children in patriotic impulses … is not for our independent judgment," he intoned.

This misbegotten decision provoked violent attacks against Jehovah's Witnesses across the nation and elicited scorn from journalists and academics alike. After the outcry, some justices changed their mind about the constitutionality of laws requiring the pledge, and the Court in 1943 reversed course to ban these mandates in *West Virginia State Board of Education v. Barnette*. Frankfurter, however, remained resolute, publishing a vehement, lengthy dissent contending that the judiciary had overstepped its bounds. Despite the dissent's passion and prolixity, he offered no effective response to Justice Robert Jackson's magisterial majority opinion in *Barnette*, which took dead aim at Frankfurter's unduly broad conception of judicial restraint. "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts," Jackson explained. "One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

In 1944, one year after *Barnette*, Frankfurter issued an even uglier concurring opinion in *Korematsu v. United States*. That case evaluated the government's decision to consign all persons of Japanese ancestry living on the West Coast—including many U.S. citizens—to internment camps, which the government branded "Assembly Centers." Although this policy evicted citizens from both their homes and their lives despite no evidence of impropriety, Frankfurter refused to deem it unconstitutional, because he

wished to avoid intruding into the affairs of Congress and the president. "That is their business, not ours," he claimed. It may be tempting to believe that—during the height of World War II, not long after Japan's attack on Pearl Harbor—no judge would have condemned what is, by modern lights, an obviously bigoted policy. Yet in his dissent, Justice Frank Murphy correctly attacked the very governmental actions that Frankfurter refused to disavow, calling them a decline into "the ugly abyss of racism," and disparaging *Korematsu* as a "legalization of racism."

Barnette and *Korematsu* arose early in Frankfurter's tenure, but judicial restraint remained his guiding light up through his final opinion, a dissent, in 1962. In *Baker v. Carr*, the Supreme Court issued a decision that paved the way for the one-person, one-vote principle, finding that Tennessee's refusal to reapportion its wildly unequal districts presented a problem that the Constitution could in fact resolve. Frankfurter, singing one last time from the restraint songbook, excoriated his colleagues for blithely strolling into a political morass. "In a democratic society like ours," Frankfurter stated, "relief must come through an aroused popular conscience that sears the conscience of the people's representatives." Although Frankfurter fancied himself the ultimate democrat, many scholars have persuasively argued that *Baker v. Carr* and its progeny can be understood as buttressing our democratic order. *Democracy* is a famously protean term, and Frankfurter too often failed to appreciate that the judiciary's invalidation of laws can support democratic values rather than subvert them.

Frankfurter's opinions, even at their best, sound like nothing so much as an Oliver Wendell Holmes cover band.

APART FROM such discomfiting votes, his frailties regarding judicial collegiality and judicial writing seem likely to dim the prospect of a Frankfurter renaissance. He habitually treated his intimates as either demigods to be worshipped or disciples to be tutored—which made him a wonderful surrogate son to powerful men and an engaged father figure to legal whiz kids. But he struggled profoundly to maintain close relationships with his brethren. Frankfurter often viewed his fellow jurists not as peers, but as dull-witted first-year law students. In an effort to rally Justice Stanley Reed to his position in one case, he noted: "It is the lot of professors to be often misunderstood by pupils … So let me begin again." Legend held that if Frankfurter felt strongly about the disposition of a case, he would lecture his colleagues for 50 minutes, the standard length of a Harvard class. No matter how bravura the substance of his disquisitions, this act, predictably, grew tiresome. "All Frankfurter does is talk, talk, talk," Chief Justice Warren grumbled. "He drives you crazy."

On no subject did Frankfurter expend greater energy than reminding anyone within earshot of his closeness to and affection for Justice Holmes. As Justice William Brennan noted, "We would have been inclined to agree with Felix more often in conference if he quoted Holmes less frequently to us." Frankfurter confided in a letter that he knew some of his fellow justices "get sick and tired of hearing about Holmes and his genius … but it's a state of mind I can't understand. I belong to the Ecclesiastes school. 'Let us praise famous men.'" Frankfurter simply could not stop himself from engaging in Holmes idolatry. Indeed, it seems difficult to escape the conclusion that Felix Frankfurter, the crown prince of judicial restraint, possessed far too little self-restraint.

In the end, Frankfurter was unwilling to dedicate the time required to produce vital, enduring written opinions, the most significant measure of any justice. One journalist's early assessment of Frankfurter's writings was telling: "Press excitement over the first opinions handed down by Justice Frankfurter cooled noticeably when the reporters began to read them. They were tough going." The going did not get much easier over time, as Frankfurter made preciously few distinctive contributions to the canon of American constitutional law. Frankfurter's opinions, even at their best, sound like nothing so much as an Oliver Wendell Holmes cover band.

In one of Snyder's more revealing asides, he notes that Frankfurter organized his chambers in an idiosyncratic fashion. Unlike his fellow justices, he did not claim for himself the grandest room in the office suite accorded each member of the Court—the one featuring a fireplace, a bathroom, and, most important, some solitude. Instead, Frankfurter, his law clerks, and his secretary all worked together cheek by jowl in a center office. One former law clerk noted that the justice

> was interested in everything. By eight in the morning, he had read five newspapers. He'd already discussed foreign affairs … and taken a stroll with Dean Acheson. By the time we law clerks arrived at the office at nine, he'd be ready to give us a seminar on government until ten or eleven.

The office arrangement suggested, though, that Frankfurter was patently uninterested in at least one thing: devoting long, lonely hours to crafting first-rate opinions that would shape the law for future generations. He preferred to admire the tenor of his own voice. But casual talk, even when performed by a virtuoso, is ultimately ephemeral. *A*

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BOOKS

The Case for Bodice Ripping

Romance novels have radical ambitions.

By Sophie Gilbert

One of my most enduring school memories is of an austere English teacher urging us—a class of two dozen 13-year-old girls with all the raging hormones of a Harry Styles arena tour—not to succumb to the books of Jackie Collins. "If you read trash, girls," she articulated, with icy precision, "you will write trash." Thinking back on this, all I can summon is: *I wish*. Collins sold half a billion novels during her life, made more than $100 million, and had a Beverly Hills mansion and a gold Jaguar XKR with the license plate LUCKY77. We should all be so blessed as to write like she did.

Still, for me, the message stuck—not a moralistic warning about the dangers of sexually explicit popular fiction, but an aesthetic one. The idea that "bad" novels could poison someone's thinking, could plant roots in the recesses of her brain only to send out shoots of florid prose years later, was an alarming one. I read all of Jackie Collins anyway, while feeling slightly embarrassed about it, my initiation into a world where virtually everything that's pleasurable for women is shaded with guilt. Her characters—bold, beautiful women striding through Hollywood in leopard-print jodhpurs

ILLUSTRATION BY NÍCOLAS ORTEGA

and suede Alaïa boots—embodied a combination of desirability and ambition that was totally intoxicating to a British teenager with a school uniform and a clarinet. And her writing did settle into my subconscious, I can see now, but not at all in the ways my teacher feared it would.

Dip even a toe into the pool of popular fiction by women writers, and you'll discover that this word, *trash*, has a long lineage. George Eliot, in her 1856 essay "Silly Novels by Lady Novelists," excoriated what she interpreted as "the most trashy and rotten kind of feminine literature," a genre of contemporary fiction that concerned itself merely with "the ideal woman in feelings, faculties, and flounces," written by ladies in "elegant boudoirs, with violet-colored ink and a ruby pen." One year earlier, Nathaniel Hawthorne, in a fit of pique, had vented to his publisher about the "damned mob of scribbling women" dominating the American literary market. "I should have no chance of success," he pouted, "while the public is occupied with their trash."

The intellectual disdain for novels enjoyed by women often went hand in hand with a paternalistic sense of unease about how these kinds of stories might influence the innocent, unsuspecting reader. "Let us go into the houses of the poor, and try to discover what is the effect on the maiden mind of the trash which maidens buy," Edward G. Salmon suggested in his 1886 essay "What Girls Read." "We should probably find that the high-flown conceits and pretensions of the poorer girls of the period, their dislike of manual work and love of freedom, spring largely from notions imbibed in the course of a perusal of their penny fictions."

Elinor Sutherland was radicalized, as so many girls are, in the library.

Salmon might have been onto something. I'm not here to suggest that all, or even most, romance novels aspire to be highbrow endeavors (the works of E. L. James in particular are still the most brain-meltingly awful and regressive things I've ever read), or that a novelist's popularity is a metric for literary accomplishment. Or that no "literary" fiction these days devotes sexually graphic attention to female ambitions and appetites. But it's worth considering where so much of the anxiety over popular stories written by and for women, especially romances, might stem from. The history of fiction is full of stories about men who *do*; their deeds, wars, journeys, heroic triumphs are the texture of the tale. In stories about women, by contrast, characters primarily *are*: The action lies in their inner lives, dreams, conflicts, desires.

"Admiration for the heroine of a romantic novel … is love for an idealized image of oneself," Rachel Brownstein wrote in her 1982 book, *Becoming a Heroine*. The subversive potential of so many works derided as trash is that they focus on female interiority, female pleasure, female aspiration. The "notions" sparked by romantic fiction and Nancy Meyers movies alike are that women's earthly desires—for love, for sex, for chocolate cake, for professional elevation, for pristine Poggenpohl kitchens with white-marble backsplashes—can and should be gratified.

How fitting, then, that many of the ideas this genre draws from were pioneered by a woman whom hardly anyone remembers. So argues the historian Hilary A. Hallett in *Inventing the It Girl: How Elinor Glyn Created the Modern Romance and Conquered Early Hollywood*. Glyn's 1907 novel, *Three Weeks*, about a young man drawn into an obsessive romantic relationship with a married European royal, was more explicitly sexual than a mass-market novel had ever been (the bookseller WH Smith & Son refused to stock it) but also, Hallett insists, more progressive. It made the case, while the Victorian era and its mores still loomed large in the popular imagination, that women's sexual desire not only existed—a heretical concept—but burned with an intense heat. (Glyn's female protagonist describes love in one scene as "a purely physical emotion … It means to be close—close—to be clasped—to be touching—to be one.") Its power was so great, in fact, that it threatened the patriarchal structures that the 20th century was built on. If women experience desire with a fervor equal to men's, what else might they also secretly be craving? Glyn, in her autobiography, described the furious response to *Three Weeks* as "a curious commentary on the stupendous hypocrisy of the Edwardian age."

Glyn enjoyed unprecedented success as a novelist during the early 1900s—by 1917, *Three Weeks* had sold more than 2 million copies—and went on to become an equally successful Hollywood screenwriter. Yet more than a century later, her radical vision of sexual politics seems to have all but vanished from the screen, as mid-budget movies have waned and audiences for streaming have become more segmented. The romantic comedy, after an '80s and '90s heyday that at its best furthered the idea that men and women could meet on equal terms, is essentially dead in the U.S. (with sporadic, gloomy attempts at resurrection—2022's *Marry Me*, starring Jennifer Lopez and Owen Wilson, featured an extremely silly odd-couple setup and almost negative sexual tension between its stars). Sex on television is largely relegated to the dead-eyed, joyless teen couplings on *Euphoria* and the bouncy, intimacy-avoidant bonkfests of *Sex Education*. Even adaptations of romantic fiction such as *Outlander* and *Bridgerton* struggle; sex is lamentably suffused with violence in the former, and was quietly sidelined in the most recent season of the latter. Meanwhile, romance novels, reliably one of the most profitable and well-read genres in book publishing, have for decades featured a degree of diversity and

JEAN HONORÉ FRAGONARD

(not always heteronormative) sex positivity that puts mainstream culture to shame, yet are still derided.

ELINOR SUTHERLAND was radicalized, as so many girls are, in the library. Born on Jersey, one of the Channel Islands, in 1864 and raised in Canada after her father's death, she moved back to Jersey around the age of 7 when her mother married a wealthy Scotsman with his own ancestral castle. (Aristocrats, it's worth noting, are a popular trope in romantic fiction; the romance novelist Maya Rodale points out in *Dangerous Books for Girls* that dukes in 1818 made up 0.0001735 percent of the English population but feature in 1.7 percent of the titles of romance novels.) When Elinor, or "Nell," was a teenager, her stepfather decreed an end to her formal education, leaving her to her own devices in a dusty, wood-paneled room on the ground floor of the family home. There, she read Walter Scott, William Thackeray, and Samuel Pepys, whose diaries offered a glimpse into the more libidinous Restoration era. Hallett lays out Glyn's story with novelistic verve, drawing on her diaries as well as taking some imaginative liberties: She narrates how, one evening, Nell closed her bedroom door, put the candle on the bureau, and undressed while thinking about *Vanity Fair*'s Becky Sharp, who taught her "the importance of not getting trapped in one place, of the wonderful tonic of changing scenes."

This stylized treatment continues through Nell's debut in society, where, Hallett writes, she stunned the London season with her "red hair, milk-white skin, green eyes, and a waist that looked small enough to snap in two." (If you've ever read a Harlequin novel, you know the type.) She had no dowry and was obliged to shrewdly pick a partner even as the Victorian era enshrined the idea of marrying for love. At her middle-class core, Hallett writes, she wanted "a man who possessed charm and animal force as well as cash"—the perennial dream espoused most memorably in the fiction of Jane Austen. In 1892, at the age of 28, spinsterhood on the horizon, she married Clayton Glyn Jr., a sportsman from a respectable English landowning family and a bon viveur who would, before too long, gamble away everything he'd inherited and proceed to do much the same with his wife's very substantial earnings from her work.

When Glyn began to write, three main forces motivated her: financial necessity, imaginative escapism (not to mention sexual frustration), and her emerging belief that the strictures of society did girls and women a disservice. Don't be put off by Hallett's penchant for exhaustively researched historical digressions (about the intricacies of the money-lending system in turn-of-the-century London, for example) or her susceptibility to the gauzy style of her subject ("Nell believed that outside forces beckoned her now to join in the dance of life and embrace the pleasures of the flesh"). She makes a persuasive case that *Three Weeks*, Glyn's best-known work, busted open the boundaries of mainstream fiction. "The novel's insistence that sexual compatibility was a key component of a successful courtship pressed the marriage plot in an eroticized direction," Hallett writes. Glyn worked within the constraints of what was—just—publishable by trafficking in descriptive insinuation rather than explicit rendering; in one chapter, a character "purred as a tiger might have done while she undulated like a snake." With this authorial dance, Hallett argues, Glyn "transgressed her entire culture's code."

Three Weeks, written in what Hallett likens to a haze of longing for a recently departed paramour, was an extraordinarily bold work for a writer in 1907 to publish under her own name. The so-called sex novel had already existed for centuries alongside its more sedate cousin, the romance. (John Cleland's *Memoirs of a Woman of Pleasure*, popularly known as *Fanny Hill*, published in 1748, was so graphic in its biography of a former sex worker that it was banned in the U.S. until a Supreme Court ruling in 1966.) But Glyn brought the two genres closer than any other writer had managed. *Three Weeks* is told from the perspective of a well-off young Englishman banished to Europe after a flirtation with an unsuitable local girl. There he becomes sexually enthralled by a woman he notices one night dining in his hotel.

She has—unbeknownst to him—fled the clutches of her husband, a cruel and psychopathic Slavic king; she's smitten with the Englishman, Paul, and decides to take his sexual and romantic initiation into her own hands. Paul is young and handsome and what we might now call basic. His passions include hunting, clothes, and ogling "perfectly virtuous" young women at the theater. The lady (who is only ever referred to as such) gently mocks him as a "great big beautiful baby." Before he can be her lover, he has to submit to her authority and accept her terms. "I don't belong to you, baby Paul," she tells him when he tries to pay for lunch during one of their outings in the Swiss mountains. "You, for the day, belong to me."

Three Weeks, in so many ways, predicted the formula for the romance novels that would follow it. The genre tends to be structured around accumulation: of pleasure, of possessions, of status. The protagonist, who is almost always female, begins the novel with next to nothing and emerges having gathered all kinds of capital. In a world in which marriage has been enshrined as "the one great profession open to our class since the dawn of time," as Virginia Woolf wrote, love and wealth were already tied in the popular imagination. *Three Weeks*, though, bucks the marriage plot (the lady pursues the man because she desires him, and is more

INVENTING THE IT GIRL: HOW ELINOR GLYN CREATED THE MODERN ROMANCE AND CONQUERED EARLY HOLLYWOOD

Hilary A. Hallett

LIVERIGHT

intent on having his child than his hand). It emphasizes the sensuality of luxury, the headiness of comfort, "the redemptive powers of sexual pleasure when performed in the key of glamour," as Hallett writes.

The novel contains all the tropes of popular escapist fiction: exotic locations, extravagant sumptuousness, an older, experienced person seducing a naive ingenue. But the seducer is, crucially, a woman. And the most rebellious feature of Glyn's writing is that the lady insists that Paul indulge her, meet her on her terms. "I must try to please you," Paul learns, "or you will throw me away." In positioning Paul as the ingenue transformed by his entanglement with the lady, *Three Weeks* was more subversive than most standard romantic fare. Callow and two-dimensional at the beginning, he grows more intelligent, more sensitive, and more fascinating to the people he encounters.

The novel was a sensation. Glyn went on to write another two dozen books, some more successful than others. (*The Career of Katherine Bush*, a 1916 novel about a young woman who unabashedly has a sexual relationship with a man she doesn't intend to marry and is later rewarded by finding true and satisfying love with someone else, still feels strikingly bold.) But the more *Three Weeks* sold, the more its critics attributed its success to readers who couldn't appreciate real art—who were, in one reviewer's words, "naughty little school girls and erotic housemaids."

GLYN FOUND the respect for her talents that eluded her in the literary world when she arrived in Hollywood in 1920, which in its early days was unexpectedly receptive to female creators, who wielded a surprising amount of influence as writers and even directors. A shrewd producer named Jesse Lasky, recognizing Glyn's flair for drawing obsessive media attention, had invited her. In the final section of her book, Hallett recounts Glyn's decade-long career as a screenwriter, during which she pioneered a number of enduring concepts. She coined the term *It Girl* for the actor Clara Bow, defining *it* as "that quality possessed by some which draws all others with its magnetic force." She fostered the star power of Rudolph Valentino, in whom she sensed both a forceful personality and a tender heart; she deduced that he would be irresistible to women because of his combination of "masculine and feminine traits." (You might say her insight anticipated the "internet's boyfriend" label, applied to the likes of Benedict Cumberbatch, Oscar Isaac, and Timothée Chalamet.)

But female clout in Hollywood didn't last. The consolidation of the industry, the rise of the studio system, and the growing dominance of exclusively white and male unions in the mid-1920s, Hallett writes, led to the eclipse of once creatively powerful women. Which in turn led to pop-culture fare that was much less curious about and attentive to female audiences. From 1934 until 1968, thanks to the enforcement of the moralistic Motion Picture Production Code, sex was largely nonexistent on-screen, and portrayals of female agency, too, went into retreat. When filmmakers in the '70s and '80s turned with renewed interest to sex, the male gaze almost entirely defined, and narrowed, the subject. The erotic thrillers of the era cast women as femmes fatales, bunny boilers, psychopaths in thrall to murderous sexual obsession. The romantic comedy briefly revived the concept of female characters with authority and desires of their own, but was largely eclipsed in the 2000s by the raunch comedy and the dawn of the superhero era.

Three Weeks *emphasizes the sensuality of luxury, the headiness of comfort, "the redemptive powers of sexual pleasure."*

Television hasn't fared much better in contemplating female desire. The golden age of prestige TV had space for nagging wives, murdered sex workers, elaborate HBO orgies, and not much else. Consider, if you will, how rapturous the response was to the Hulu adaptation of Sally Rooney's novel *Normal People*, a gorgeously rendered drama about the redemptive power of not just sex, but intimacy. In a medium where sex tends to be colored with violence, politics, or trauma, here was a series portraying the communion of two people, and the shifting balance of power between them, as something primal and life-altering instead.

My theory about Rooney's popularity has always been that she's offering up highbrow romance to a culture that yearns for it, and all too rarely finds it in "literary" fiction. (See also: Céline Sciamma's 2019 historical drama, *Portrait of a Lady on Fire*, in which a female painter and a noblewoman forge an erotic and creative connection that transforms them both.) Contemporary audiences are starved for charged considerations of the modern dynamics of love, sex, and power. Elinor Glyn knew that the impulse to fall in love with another human being, to connect physically, emotionally, and mentally in a way that enriches—and challenges—everyone involved, is one of the most crucial forces in human history. So why is the genre of romance left largely on its own to unpack that impulse?

Perhaps because, as Glyn found, any work that dares to give its whole focus to the subject of female desire, its unapologetically incongruous elements and its imaginative energy, just can't seem to escape the stigma of "trash." Disdaining readers of romance as susceptible schoolgirls and bored housewives seeking escapist thrills is easier than recognizing what Glyn (and Jackie Collins, and Edward G. Salmon, too) sensed: the revolutionary potential inherent in women expressing and exploring what they really want. *A*

Sophie Gilbert is a staff writer at The Atlantic. *She was a finalist for the 2022 Pulitzer Prize for Criticism.*

ESSAY

The Wedding Present

As a young woman, I had a friendly correspondence with a German soldier right after the war. I've been thinking about the silence at the core of our exchange ever since.

By Cynthia Ozick

During my very first term of high school, I failed elementary algebra, and as a consequence was doomed to study German. It was 1942, when the war was well under way—the Second World War, for my generation always "the" war, despite all that came after. Mine was a traditional school that claimed old-fashioned standards; today they might be regarded as archaic. Four years of

ILLUSTRATION BY MAIRA KALMAN

Latin were required, and a choice between French and German. There seemed no need for Spanish; Cervantes notwithstanding, it gave off a faint hint of infra dig, of roiling Central and South American populations at a time when these were remote.

Together with nearly everyone else, I had opted for French. German, especially for a Jewish student in 1942, was a sinister tongue contaminated by its criminal speakers, repellent in its very substance. The massive murders of European Jews were already in progress when, in that same year, the infamous 90-minute Wannsee Conference systematized and codified the "Final Solution of the Jewish Question," a concealing German euphemism among others equally flagrant. The term *deportation* invokes a kind of authoritarian dignity—Napoleon on Elba, say—papering over the terror of outright savagery in the abduction of millions of defenseless Jews torn from their homes. Was I to be condemned to the penalty of learning German solely for the sin of flunking algebra?

Still, the German teacher—Frau Doktor Eva Lange, Ph.D., whose doctorate was in linguistics—was contractually in place, and also the German department and its four-semester curriculum. And so the obligatory German class was filled—for the most part with flunkees from Latin, but no others (that I was aware of) from elementary algebra. A number were the children of post–World War I German immigrants who heard German at home but could neither speak nor read it. For these, the language carried no explicit threat or horror: Theirs was a pursuit of nostalgic family retrieval.

Our teacher was middle-aged and graying and German-born. She might have passed for one of the Jewish refugees who had lately escaped Hitler's genocidal reach and were beginning to settle in parts of New York. Their children, mostly native to Berlin and Vienna and Antwerp and Paris, were being pressed by the speech department to erase their accents, while in our class, in that very hour, Doktor Lange was urging the perfection of our German. The ubiquitous *ch* was particularly difficult for American tongues. It was this offensive consonant, placed somewhere between phlegm and a sibilant, that was mocked in anti-Nazi wartime movies. Under Doktor Lange's tutelage it, and also the umlaut, had a place of honor. She hoped to lure us into the sonorities and ingenuities of the language. She surprised us by teaching the dazzling phonetic morphings of the "High German consonant shift."

Every tongue guards its personal habits. Latin is seductive—the consummate logic of its syntactical cases, the mercurial dance of the ablative absolute. It retains muscle in its ruins (Cicero) and tragic beauty in its posthumous throes (Virgil). The subtleties of the Greek middle voice, neither active nor passive, roam through *The Iliad* and *The Odyssey*. And Hebrew, an ancient yet living language newly revivified, has the elastic trinity of its three-letter root, which, when prefixes and suffixes are attached, can alter past and future, perspectives and relationships.

But what of German? Its compound words—noun hooked to noun, concept to concept—contain, romantically, unnamable emotions, wisps of unidentifiable yearning, literary implications, philosophical hints: *Fernweh*, *Weltanschauung*, *Bildungsroman*, *Doppelgänger*, *Weltschmerz*. Mark Twain satirized these multisyllabic paired ideas as "alphabetical processions … marching majestically across the page." A latter-day addition to such expressively linked constructions—for instance, *Volksschädlingsverordnung*, literally "Decree Against Folk Pests"—flourished as Nazi lingo. Might this have been the species of German they spoke at Wannsee while plotting the ghettos, the camps, the forced marches, the skeletal hunger, the typhus, the ditches, the shootings, the selections, the gassings, the burnings, the self-heaving fields of ash—the deliberate devisings of cruelty? Every language carries its own history.

By the end of the war, in 1945, more was emerging from that history. In the movie houses, between the feature and the cartoon, a film of a British bulldozer pushing gargantuan heaps of twisted corpses was shown again and again. Studies recording scores of witnessed atrocities began to proliferate. The term *Holocaust* had yet to take hold, and when it did, it filled a void: *War* implied combat by two or more armed forces. The Jews of Europe were neither combatants nor enemies. They were, or had been, fellow citizens.

Yet few of these burgeoning disclosures had fully entered public awareness; nearly two decades passed before the meaning of Theresienstadt, Auschwitz, Dachau, Bergen-Belsen, and all the others became rooted in popular discourse. My high-school years, from 1942 until Germany's defeat, were mainly untouched. During the summer break, groups of classmates—those not vacationing or working as camp counselors—met to write patriotic letters to American soldiers. Food rationing was imposed, but no one went hungry. The lack of nylon stockings was lamented. Young men were drafted by the thousands.

And despite my conscious resistance, my immersion in German deepened. I remember an attempt to mimic a folktale, here and there utilizing, or so I hoped, the High German consonant shift: *Zipf*, *zopf*, *tip-tapped a cane*. Though my effort to write in German was everywhere speckled with syntactical errors, Doktor Lange was nevertheless kind to it. Her only comment was this: "*Zu viele Fehler auf der letzten Seite*"—"Too many mistakes on the last page," ignoring all the rest. I remember painting posters for the sparsely populated German Club; was I becoming softened? I mastered much of the grammar: *Aus*, *außer*, *bei*, *mit*, *nach*, *seit*, *von*, *zu*, *gegenüber* are prepositions that take the dative. At commencement I won the German Prize. It was a 19th-century history of German painting, a lavish art book, the colors brilliantly true, printed on exquisite linen paper. As I later learned, there was no graduate German Prize; there never had been. Doktor Lange had paid for this treasure out of her own pocket.

In college I read *Hermann und Dorothea*, Goethe's epic poem; *Minna von Barnhelm*, Lessing's comic play; *Maria Stuart*, Schiller's drama in verse—humanist classics all—while in Europe the stench of the chimneys still lingered. Germany was in collapse, its bombed-out cities in ruins, its people dazed and demoralized. Berlin, where swastika banners had lately hung in their hundreds, was cut in two, half parceled out to the victorious Soviets. Hitler had promised conquest and Lebensraum; instead, Aryan zeal was muzzled, Aryan

belief bludgeoned. And meanwhile I was steeped in Goethe, Lessing, and Schiller.

It was then that my correspondence with Karl Gustav Specht began. Precisely how it happened I can no longer recall, but I surmise that it came about through one of those postwar exchanges, Americans writing to their foreign counterparts, who replied in their own language. Each would enrich the other's skills. Each knew nothing about the other. But at the very start, Karl Gustav Specht told me that he was a soldier who had been at the Eastern Front. A soldier? This meant the Wehrmacht, the so-called regular army, soon to be exposed as a force as fully implicated in overt criminality as the SS itself. The Eastern Front? This meant Stalingrad, the battle that devastated and routed the German military—fatally short of supplies, its straggling troops unfed and shoeless and dying in the Russian cold, more than 700,000 killed, wounded, or captured. (Supply trains elsewhere were at the same time industriously moving their human cargoes.) On May 7, 1945, the Germans officially surrendered to the Allies, and on May 9 to the Soviet Union.

To Karl Gustav Specht's introductory greeting, I wrote back politely. Beyond this one biographical datum—his presence at the Eastern Front—nothing else of his experience appeared in his letter. Nor did I pursue more. My own circumstances spoke for themselves: I was an American student with a literary bent who was attracted to foreign languages. I was also attracted to Karl Gustav Specht's voice, impressively bookish and high-minded. If I stripped him of his recent history, I might think of him as kind and enlightened. An idealist. A humanist. But he had no irony, or avoided it, and his tone, even when it carried a smile, was clear of humor. He was above all earnest. And it was plain that he delighted in our exchanges; so did I.

Looking back at a distance of decades, it seems perverse—even lunatic—that a young Jewish woman in New York was corresponding, in a friendly way, with a soldier loyal to his national duty, a German who had only a short time before served at the Eastern Front, who belonged to the nation that had conceived and carried out the Decree Against Folk Pests. Of which I was one. And still I knew nothing: not his age, nothing of his family, no inkling of his inward thought. Of his outward thought I learned much: art, philosophy, Roman history, his mastery of languages, English and French and Greek and Latin. We had the *Aeneid* in common; we could speak feelingly of *infelix* Dido on her pyre. At the center of it all was an unnamed silence.

But once, only once, he had written, "*Ich hasse keine Rasse*." "I hate no race." It was a sentence that was left floating like a wayward mote in the middle of a vacuum.

IN JUNE OF 1945, one month after Germany's surrender, my brother graduated from dental school, and was instantly sent, as a second lieutenant, to Camp Grant, in Rockford, Illinois, to join an Army medical unit. He was 22, and was assigned to housing for unmarried officers. Abutting Camp Grant, some distance away, was Camp Hampshire, where German prisoners of war were interned. Camps like this were scattered all over the Midwest, partly to keep the prisoners away from the bigger cities, and also to supply farm and factory labor at a time when such workers were scarce. The Germans were paid wages identical to those of the Americans. They ate identical meals, and feasted on whatever they wished from an abundantly stocked camp canteen. There were manifold entertainments—movies, some in German, supplied by public libraries, and performances the prisoners organized for themselves. They were permitted, on their honor, to frequent restaurants in the center of town, where Jim Crow routinely turned away the Black American soldiers of Camp Grant. German friendships with the local population were mushrooming. Following their release and repatriation, several thousand former prisoners returned to become American citizens. Intermarriages abounded.

Once, only once, he had written, "Ich hasse keine Rasse." "I hate no race." It was a sentence that was left floating like a wayward mote in the middle of a vacuum.

On a blizzardy midwinter night, when a pelting of sleet was blinding and ice smothered trees and roads and footpaths, my brother received an apologetic telephone call from Camp Hampshire: It was an emergency. The alternate dentist who was to have been on duty was not to be found; it was not my brother's turn, but would he come immediately? A German officer, an Oberstleutnant, was in howling agony. Half his face was swollen, a throbbing molar was festering, the pain was unbearable.

My brother was shaken: He had pledged to serve and succor and heal and repair and renew. But here, unexpectedly, was a Nazi soldier, a lieutenant colonel no less, one who had commanded obedience, and was himself obliged to obey—to do what? What was the nature of his complicity? Had he ordered the ditches to be dug, and the naked women with their little ones lined up on the brink to be shot and tumble in?

A below-zero blast stung my brother's eyes, and the dental offices were a long and miserable trek away. A suffering man was waiting for him, a man dedicated to the credo that a Jew was a Folk Pest, no different from vermin. Zyklon B, a common pesticide, the gas used in the death camps, was manufactured by the German firm IG Farben, a conglomerate that included Bayer, one of the world's largest pharmaceutical companies. Although Bayer lost the trademark in 1918, its name was still commonly used for aspirin, a popular remedy for toothache.

Were these brutal associations in my brother's thoughts? I cannot say, but he knew what he must do.

He followed his skills and their urgencies. He injected the anesthesia. He spoke to the patient as he would speak to any patient, reassuring, explaining the procedure to come. He wrote prescriptions for

ILLUSTRATION BY MAIRA KALMAN

post-care medication. When all of these ameliorations were completed, and the unendurable pain was relieved, the German broke into shamelessly grateful sobs.

And then my brother did what he had known he must do. He exacted his punishment.

"*Ich bin Jude*," he said.

MY CORRESPONDENCE with Karl Gustav Specht moved on with, on my part, a kind of self-conscious interest in its disparities, and perhaps the same on his. But my life was beginning to alter, and our exchanges were becoming leaner. In 1952 I married, and they came to a close.

As the years elapsed, my curiosity about him waned—he was distant, after all, from everything that mattered. And then, as the histories of the Nazi period accelerated—a flood that has not ebbed even now, eight decades later—and as more and more was revealed and recorded and analyzed and weighed on the scales of the unimaginable, the unlikelihood of those letters from a defeated German soldier took on a less innocent cast.

Owing in part to the Marshall Plan, the postwar American aid program, Germany had wholly recovered economically, and was prospering as a model democratic polity, enacting conscientious public demonstrations of guilt and remorse in hundreds of declarations, memorials, textbooks, and reparations both to the state of Israel and to individual Holocaust victims or, if any had survived, their family connections. But what had become, in this new Germany, of Karl Gustav Specht, with all his intellect and cultivation? How had he turned out in the aftermath of the Eastern Front?

The increasing intensity of my desire to unearth him took me by surprise. I thought I might track him down, if he had left some notable trace, in a volume of *The International Who's Who*—but which one? In the public library I leafed diligently through a heap of possibly relevant dates, from 1947 on into the later years of what might have become his future. His name was nowhere. I asked a friend traveling to Germany to look him up in the telephone directory—but of which city? Futility; the vacuum held. Yet I declined to believe that the Karl Gustav Specht whose mind I had known and appraised would not have distinguished himself in some publicly recognizable way.

I was by then overridingly obsessed with the Holocaust; I had been reading history after history—William Shirer's *The Rise and Fall of the Third Reich*, Raul Hilberg's *The Destruction of the European Jews*, Lucy Dawidowicz's *The War Against the Jews*, Christopher Browning's *Ordinary Men*, and more. I was encountering scores of oral survivor testimonies, many on film, recounting merciless slaughters in broken voices. Belatedly, I uncovered, through Yad Vashem, the Holocaust memorial and archive in Jerusalem, the fate of my own elderly great-aunt, my grandmother's favorite sister, whose many lively and witty letters in Yiddish had been preserved for half a century in a satchel in the attic. I learned that she, together with the entire Jewish population of Bobruisk, a medium-size city in Belarus, had been marched in the night to an airfield, where they were methodically shot.

When the internet arrived, everything long unknowable leaped into instant life. Here, on Wikipedia, is what I found:

> Karl Gustav Specht was a German sociologist, university lecturer, and developer of gerontology and medical sociology as academic subjects in Germany. He was primarily involved in the scientific training of graduate social economists. His approach was characterized by the theoretical analysis of sociological facts and their integration into empirical research. He counts as one of the founders of inter-disciplinary geriatrics in Germany; as early as the 1970s, he initiated studies in the sociology of aging in light of the challenging demographic changes of that period. He was also a pioneer of medical sociology in Germany and its connection to conditions of poverty. He held the Chair of Sociology at the University of Erlangen-Nuremberg, and developed a large number of projects on rehabilitation research at the Institute for Empirical Sociology as well as the Institute for Liberal Professions.

But he was long dead. He had lived only to 64. There was no mention of family, early years, marriage, children. There was no mention of the war. His final residence was listed as St. Moritz, Switzerland, suggesting a retirement enjoyed in luxurious resort surroundings. What particularly struck me was that this man who went on to have an eminent career had been a mere six years older than the diffident student who had toiled over all those nonconfrontational letters—and hadn't he answered in kind? And wasn't he in truth a successor to the humanist sensibilities of Goethe, Lessing, and Schiller? After all, he had devoted his intellectual and professional life to an active compassion for the elderly, the ill, the needy, and wasn't this at least spiritually kin to "*Ich hasse keine Rasse*"? If he had lived, would I have wished to pick up where we had left off—and would he?

IN 1945, as the ragged and beaten Wehrmacht was running away from the triumphant Soviets, and when my correspondent was inconceivably remote from the renowned academic he was to become, another sociologist destined for prominence was gathering notes in Theresienstadt, a holding camp for Jews awaiting shipment to Auschwitz. He was born Hans Günther Adler in German-speaking Prague. But since Hans Günther was also the despised name of the regional Nazi satrap, a deputy of Eichmann, for the greater part of Adler's life he was to be known only by his initials, H.G. At Charles University, drenched in German high culture, he studied music, literature, and philosophy; he began writing poetry, a vocation he never abandoned.

Three years after Hitler's absorption of Czechoslovakia in 1939, with Prague under SS command, Adler was sent to Theresienstadt, and from there was transferred briefly to Auschwitz and then on to two consecutive camps, each a satellite of Buchenwald, where he was put to hard labor. A pernicious German social invention, Theresienstadt was an organism whose every part fit securely into every other part; it was also a gradual disposal mechanism, which could be slowed or sped up at will, depending on bottlenecks in transits to Auschwitz. Despite grinding deprivations and life-draining losses, it was not openly designed as a death camp. With its infirmary, itself a funnel to the freight cars; its well-stocked library of confiscated books;

its conscientious schoolwork curricula; its self-generated lectures and concerts and performances, it signified a Jewish will to preserve, even here, a remnant of civilization. At Wannsee the decision was made to name it an old people's retirement facility. Authority ostensibly lay with its Jewish governing body, the Council of Elders, charged with overseeing the welfare of the inmates, but also with supplying lists of the names of each new contingent of Jews to be sent "to the East" when thinning-out was called for.

One such occasion occurred on June 23, 1944, when representatives from the International Committee of the Red Cross, under pressure from the Danish Red Cross, were permitted to enter Theresienstadt to assess conditions there. Escorted by SS officers, they were led to observe only certain specified areas, where they witnessed functioning shops, newly planted gardens, barracks recently painted, no more than three persons in any living space, a children's opera (*Brundibár*, performed by the children themselves), a cabaret, even an ongoing soccer game, all set in motion by edict of the SS. It was a carefully coerced hoax, a Potemkin village impersonating normality. The daily reality was far less harmonious: a density of overcrowded housing, with its victims sleeping on straw-covered floors or confined to freezing winter attics; food meager and rotting; contagion rampant. Whether the Red Cross delegates were genuinely deceived or were willing to be deceived, they nevertheless gave their approval to what was deemed a model Nazi ghetto. When the visitors departed, the transports resumed. Of the 15,000 children in Theresienstadt, only 100 survived. Of the overall population sent to the death camps, 4 percent were alive by the end of the war.

Adler arrived in February 1942, together with his wife, Gertrud, a physician and medical researcher, and her parents. Except for illicit snatches of opportunity, he was separated from Gertrud, who looked after the infirmary, and to whom he confided in anguished poems and clandestine notes everything he saw and felt and understood. Of his first weeks in the barracks, he recalled:

> For me this place was the worst of all; nowhere else did my soul suffer as much as it did here. Nowhere else did I encounter such abysmal horror. For the few who managed to live through it, Theresienstadt held a grip on their lives forever. It amounted to the most genuinely diabolical span of falsehood stretching over the terrible abyss that existed. It was the most hellish ritual mask that death ever wore.

Laboring as a bricklayer, Adler made sure to avoid any connection with the Jewish administrators, sullied as they were—however under duress—by supplying the SS with Auschwitz-bound quotas. Nor did they ultimately evade the same fate. Yet Adler, not unlike others, left his mark on that falsehood. "If one is honest," he reflected, "one also recognizes oneself in the curse of guilt, if one grasps and understands the evil, and if one knows that one is entwined in its mechanisms as both perpetrator and witness." The term *perpetrator* may be too grimly grotesque. But Adler did participate in "the most hellish ritual mask that death ever wore." He took an interest in the upkeep of the library; he delivered literary talks. The original manuscript of one such talk on Kafka survives and can today be read in toto. Remarkably, Ottla, Kafka's most sympathetic sister, was in his audience. Afterward, she approached him privately and thanked him "on behalf of our family." She, too, was sent to the East.

How could a man of learned intelligence, of elastic perception, have fallen into so terrifying a contradiction?

On October 12, 1944, the month's consignment quota caught up with Adler and his family. Gertrud's father had already died, but the remaining three, among thousands, were taken to Auschwitz. Minutes after arrival, Gertrud's elderly mother was selected for the gas. Unwilling for her to perish alone, Gertrud chose to go with her.

In April 1945, as the American victors neared and the SS fled, Adler escaped from the work camp and later returned alone to Prague.

ADLER'S DEFINITIVE work of sociology—*Theresienstadt 1941–1945: The Face of a Coerced Community*—was completed in London. Recognizing that the postwar Communist takeover of Czechoslovakia would impede his newly recovered freedom, in 1947 he made his way to England, where he met and married Bettina Gross, a sculptor who was an earlier refugee from Prague. Each of the novels he wrote during this period—*The Journey*, *Panorama*, *The Wall*—was a metaphorical representation of all he had seen and endured, evoking the unsettling, surreal nature of these experiences while omitting the names and exactness of events. They are strikingly different from his rigorously factual, source-dense, and data-driven Theresienstadt work, published in 1955 to world recognition, drawing letters from Martin Buber and Gershom Scholem. Peter Filkins, Adler's American translator and biographer, describes it as "part history, part sociological study, and part psychological analysis … encyclopedic in scope yet riveting in its underlying narrative; relentlessly objective and quantitative in its research, yet searing in its moral indictment." Publication instantly brought Adler the notice and acclaim that his novels and poetry and other literary enterprises would not receive for decades. Speaking invitations increased, carrying him not only out of obscurity, but out of a refugee's thin economic circumstances. His success as a popular lecturer was championed by the Frankfurt-born philosopher Theodor Adorno—himself a refugee from Nazism who had sought haven in California and in 1949 returned to Frankfurt as a founder of a movement to remake Germany's political culture. It was in Germany that Adler inaugurated a lauded radio series of literary essays.

And it could have been in Germany at this very time that, if we are tempted to imagine it, the two renowned sociologists

might have met: Karl Gustav Specht and H. G. Adler, so different in experience, so alike in background. Both were intellectuals of rare prowess and initiative; both were the product of German high literary culture. Both were impassioned by the theoretical analysis of facts and their integration into empirical research. Both were moved by an almost visceral need to illuminate a societal darkness—yet here they also differed: One intended to ameliorate present discontent, the other to record harrowings that would forever be too late to erase.

But Adler was also a poet and a novelist, and Karl Gustav Specht was not. Is it possible that this disparity may drill even deeper than the stony truth that one belonged to the nation that devised Auschwitz, and the other was a numbered item in a freight car to Auschwitz?

Rasse—that wicked word in Nazi dress—why did my correspondent not follow where it would inexorably take him? After all, he must have known, or intuited, or divined, or deduced: New York, a city of Jews. He had tripped, all unawares, into its net. The lottery of language exchange, an admirable educational venture, had thrown up—out of a huge and variegated student population—a member of that *Rasse*.

Is this what had made him mum?

In 1941, the German troops, Karl Gustav Specht among them, pushing toward Moscow in their drive to swallow the Soviet Union and finding an aggregate of vulnerable Jewish towns in their path, set out to implement the Einsatzgruppen, ubiquitous mobile Jew-killing squads operating in the merciless wake of the invasion. Karl Gustav Specht, participant or not, was witness to, or had knowledge of, such mass shooting sprees, in which hundreds of thousands of Jews were murdered, some cut down in pits and ravines, others asphyxiated in gas vans.

Was this what had made him mum?

At the very end, when our correspondence had died out, not gradually but abruptly, I finally thought not.

ABOUT TWO WEEKS before my wedding, in 1952, a package came from Germany. It was flat and rectangular, protectively and multiply wrapped to keep it from harm, clearly a thing of value: a wedding present from Karl Gustav Specht. With it came a note, all goodwill and conventional good wishes. I was startled and touched; it was the nearest either of us had come to the personal. It addressed not a set of thoughtful and mannerly literary observations but the very heat of a life in the act of being lived. Or so I felt at first glance—a wedding present!

What emerged from the layers of its many windings turned out to be yet another art book, as thickly paged as Doktor Lange's cherished make-believe graduation prize, but in every way physically inferior, reproduced on cheap, low-grade paper, apparently the product of wartime scarcity. And though Doktor Lange's gift was brilliant with color and movement and arches and porticoes and living human figures in all their historic adornments, here was only black ink slashed like knife wounds over every inch—etched drawings of devastation, geometries of ruins. The captions described Cologne, one of the most bombarded of all German cities, a nightly target of the British Royal Air Force during what came to be known as the Battle of Britain. The famed medieval cathedral survived, but schools, post offices, hospitals, churches, universities, newspapers, hotels, cinemas, apartment buildings, department stores were all destroyed, and 20,000 people died. A normally functioning city decimated. A city buzzing, war or no war, with untrammeled dailiness, undone.

Karl Gustav Specht's "*Ich hasse keine Rasse*" shrank in the face of these stark black scratchings. Why, then, had he written those self-exculpatory words? Written them once only, in a fleeting moment, no more lasting than an intake of breath? I understood why. He had seen all along that I silently suspected him—accused him—of guilt, and he was denying any guilt; he was defying even the imputation of guilt. And now he was telling me the reason. Atrocity canceled atrocity.

I shut the book of black scratchings. I never acknowledged its arrival. I never opened it again. If he was not delusional, then he was a deliberate liar; if he was not a deliberate liar, he was hard-hearted; if he was hard-hearted, it was because he was stripped bare of imagination's charity and insight's clarity. Were the retaliations of war—the Blitz was simultaneously bombing London, targeting especially its Jewish East End—the same as the gruesome inventions of the death camps? Was the war-shattered everyday life of Cologne to be equated with insidious Theresienstadt, the corridor to Auschwitz? Did Cologne annihilate the meaning of the abductions and the confiscations and the shootings and the gassings and the crematories?

These questions have led me, for more than half a century and well into the 21st, to contemplate an aging puzzlement. My correspondent was no commonplace thinker; he had risen to be a successful sociologist. How could a man of learned intelligence, of elastic perception, have fallen into so terrifying a contradiction? As for "*Ich hasse keine Rasse*," even now these syllables dangle untethered, with no context before or after, lurking alone in their enigmatic vacuum. And if, now and then, he thought back to our old exchanges, as I did, did he make of them an analysis of facts to be integrated into empirical research? Or did he *see*, did he truly see?

No, said the wedding present.

I cannot recall what became of it. After so many years, could it be disintegrating up there in the attic, alongside my grandmother's favorite sister's letters from Bobruisk? *A*

Cynthia Ozick is the author, most recently, of Antiquities and Other Stories.

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As a drummer, yes, I've got problems.

Poor technique; irregular impacts; misdirected strike power, such that my kit will literally come apart when we play a show, expanding in all directions like the universe.

But. Preoccupied as I may be by my own shortcomings, for our collective thing, for who we are as a band, I have nothing but an idolatrous passion. I can't believe how good we are. We sound, when we're in our groove, like R.E.M.'s *Murmur* performed by early Motörhead. We sound like Neil Young being attacked by a flock of Canada geese. We sound like five middle-aged men slurping with wild gratitude at the elixir of rock and roll. Which weirdly—we are discovering—makes you older, not younger. But so what?

I once spent a weekend in Vermont with some Revolutionary War reenactors. We were all in our period gear, refighting the Battle of Hubbardton. I liked them, the reenactors, but as one of them came to the end of an especially fervent monologue about tactics or musketry or buttons, I asked him if he wasn't perhaps taking it all a bit seriously. He looked at me with the transparency of the Dalai Lama. "The more seriously you take it," he said, "the more fun it is."

So it is with being in a band. Greg, rhythm guitarist/songwriter, expresses himself deeply and purely through our music. ("When I discovered the key of G," he told us once during practice, "that's when this whole thing popped open.") And in Greg's basement, we are all in the grip of the same late-flowering love: We strive and sweat to be worthy of his beautiful chord changes. We fuss over song parts. We have sudden, bold ideas. We've convulsed our schedules to be here. Our lives, responsibilities, etc. pile up outside. In rock-and-roll terms, we refight the Battle of Hubbardton every week.

And the reward, the payoff? It's that feeling. In the core of the noise, that silent click of abandonment—you're in it and you're out of it, and your instrument is playing itself, and you're with your friends, who before your suddenly cleared eyes are assuming their flamelike Platonic forms. There's George, head down, tormenting his guitar to transcendence. There's Mark, the singer: His tambourine scatters sparks. There's Scott, secure in the intestinal majesty of his bass playing. This feeling, I understood only in Greg's basement, is why musicians take drugs. They have to, because it's fleeting, and when it's gone it's gone, and nothing in ordinary life can touch it.

Are we going anywhere, as a unit? We've got haggard faces and haggard minds: When we make an album, we're calling it *Look What Happens to People*. "Eternity is in love with the productions of Time," said William Blake. And I keep time in my band. *A*

James Parker is a staff writer at The Atlantic.

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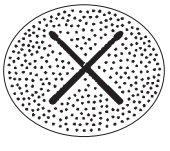
BEING IN A BAND

By James Parker



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