

Ruth Bader Ginsburg



Died September 18<sup>th</sup> 2020

REMEMBERER

REPAIR

REUNITE

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## To ReUNITE: Practice Peaceabilities

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Now more than ever – This must be one of our mantras

after the election

Rob Knapp October 2008

after the election  
anguish will continue— either the easy kind,  
the fault of my enemy,  
or the hard kind,  
the anguish my ally makes with my conniving.

after the election  
all beings will still need saving whether it rains red or blue

after the election  
bodhisattvas will still arise— either the easy kind,  
chanting like my friends,  
or the hard kind,  
those who see suffering I cannot but only my enemy can.

after the election  
all beings—all— will still need saving.

## TO ReUNITE

Our success as we attempt to reUnite will likely depend in part on PEACEABILITIES. Each one is a skill. Not merely an attitude. With practice we can reach "Excellence." It is unlikely that any of us are equally adept at every one, but we are capable of them all.



Take this as encouragement to find these skills in yourself and use them whenever you can.

**Craftsmanship:** Make something with care & beauty, aware of yet not bound by tradition.

**Good Name:** Actively build your own reputation as dependable and committed to a wise future.

**Adaptability:** Practice enjoying impermanence, ready to reconfigure your purpose and actions.

**Courage:** Fear less. Prepare for risk. Share the dangers you face with others, intentionally.

**Unpretentiousness:** Avoid gilding your appearance and actions. Demand less than you might.

**Hospitality:** Invite others to share your space, projects, meals without asking anything in return.

**Forbearance:** Think twice before you act; react mercifully to wrongdoing; slow down.

**Determination:** Keep going, push on in the face of resistance; hold true to convictions.

**Remembrance:** Keep the past with you and beloved faces close. Stare openly at difficult history.

**Generosity:** Donate, give away, share. Praise others.

**Timing:** Act or think the right thing at the right time — neither too early nor too late.

# INTRODUCTION: Remember Repair ReUnite

Ruth Bader Ginsburg died and all over the USA people reacted intensely. Although her landmark Supreme Court trials and decisions date back decades, she been seen as a National Icon only recently. Women are her most visible admirers and it was young women who propelled her standing still higher up to the very top of the pedestal, from important to icon.

How iconic? She is the first woman ever to **Lie In State** in the US Capitol building.<sup>1</sup> Undoubtedly she is also the first Justice for whom a Jewish funeral ritual was celebrated in the Supreme Court Building.

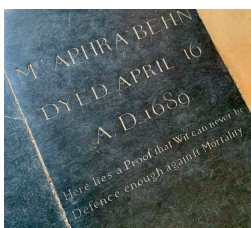
Like many others, hearing the news that first evening I was overcome with anxieties. Who would Trump propose? How much ugliness would the whole process add to an already grotesque election? Was health care of all kinds now in real danger? Within hours, my emotions were “trending” satirical. How hypocritical could Republican Senators become in their rush to replace her? What would Trevor Noah say? The satirical was soon working to bury my fear in anger and mordant wit. Well not really witty but mordant for sure.

Within a very small number of days, love surfaced and it has been with me ever since. Love for Ginsburg’s work. Love for all that is best in this struggling country. Love for the endless debate and unease we go through every four years to try to identify some shared national agenda. Love growing for my new home, California, with neighbors who are COVID careful and a government that tries to manage wildfires, education and its other obligations with generosity and determination.

There was also an immense amount of love in the air on an afternoon a few years ago, when Rob and I went to the movies. A Double Bill!! A biographical documentary about the children’s television creator and performer **Fred Rogers** and then, in similar vein, a deeply laudatory bio-pic about Ginsburg: **RBG**. We came out of the theater awake, alive and full of joy that we had lived alongside such marvelous people for so many years.

Their peaceabilities? Craftsmanship for sure. Brilliantly written opinions, both rulings and dissents. Television shows perfected week after week for years. Hospitality? Fred Rogers invited all the children into his two worlds (imaginary and regular) every day, asking “Won’t you be my neighbor?” Timing – Ginsburg’s years as an equity advocate are marked by her astute appreciation of when as well as which specific cases might succeed.

I could go through their expertise on the list of peaceabilities item by item but I leave that to you. Those who watched Fred as a child or watched with your own children, those for whom Ginsburg is an icon – give it a try. Their presence among us was both powerful and strikingly peaceable.



Contrast the US Congressional honor’s male dominance with Westminster Abbey, Britain’s “national memorial.” Remembrance there prioritizes men of course. Nonetheless as far back as 1689, a woman poet Aphra Behn was buried in the Abbey Cloister.

## WOMENS WORK: Remembering Justice Ginsburg

Remembrance: Keep the past with you and beloved faces close. Stare openly at difficult history.

Ginsburg joined my sizable array of valued public figures when I learned about her love of opera, a love she shared with another of the Supremes, Justice Antonin Scalia. Not only did they share the love, they often went to the opera together. They even appeared on stage as supernumeraries at the Washington National Opera. I love opera too, have done since I was a child. I also love women's rights, equity justice etc. but it was opera that ensured Ginsburg a place on my personal list of excellent people.



Scalia and Ginsburg often ruled on opposite sides in cases. In 2013, Scalia joined the majority ruling against the Voting Rights Act, with the justification that a 40 year old law simply didn't reflect current conditions. Ginsburg argued, convincingly to progressives, that there was reason to believe States would quickly return to discriminatory practices if the law was changed. She was correct. Luckily for the success of American elections, the Supreme Court is not the only avenue on which to make changes in the franchise.

These pamphlets routinely explore ways that women have special work to do confronted as we are with a considerable list of challenges both new and old. It is all too easy to find difficult history with respect to the wider situation women have faced in the US. A younger Ginsburg's response to that difficult history? Work for the ACLU and argue cases all the way to the Supreme Court. The Guardian newspaper summarized her key successes in that forum thus:

First was *Reed v Reed* (1971), that struck down an Idaho law favoring men over women in estate battles. That case extended the Equal Protection Clause of the 14th amendment to women, barring laws that discriminated by sex. Ginsburg followed this case with victories in *Frontiero v Richardson* (1973), barring gender discrimination in compensation of military members, and *Weinberger v Wiesenfeld* (1975), striking down gender discrimination in state benefits. In *Weinberger*, she managed to get a discriminatory practice deemed illegal largely by virtue of finding a rare case in which the victim of sex discrimination was a man.

Her tactics were savvy; she framed gender discrimination in ways that made the practice seem unreasonable even to hardened misogynists. In *Craig v Boren*, she successfully convinced the court that state laws that distinguished on the basis of sex needed to be subjected to at least what was called "intermediate" scrutiny; she won the decision not by arguing for women to have equal freedom to men, but equal obligations.

My first years employed in the USA preceded Ginsburg's run of cases, so the tangible effects of her successes were perceptible in my own professional trajectory. Bit by bit Evergreen State College came to grips with its own participation in discriminatory practices. We should remember, however that other activists, Ginsburg's contemporaries, who managed to persuade Congress to pass a national Constitutional Amendment for women's equality, proved unable to achieve ratification in the necessary 38 states. The ERA remains in limbo. Ginsburg notwithstanding, we have more work to do.

There is also plenty of dark history to remember in the quest for women's rights, going all the way back to the 19th amendment, the one giving women the right to vote. The devastating misogyny and serious racism that attended that historic campaign was audible right through to the final vote in 1920 in

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Tennessee, the last state needed for national ratification. We should never allow ourselves to forget the negative events and yet there is inspiration too.

Theater and music drew me into this particular tale of women's work as well. Laura Harrington, a brilliant colleague and librettist was asked to write libretto and book for a musical in celebration in 1995 of the 75th anniversary of Tennessee's ratification. It was to have been revived this year, the 100th. Parts of that theater work have indeed been circulating online this year, to inspire participation in the election through, among others, the League of Women Voters. <https://www.perfect36themusical.com/>. (Given its actual history I find I don't want to know how the word "perfect" got into this story.) In reality passage in Tennessee was touch and go, a one vote margin that depended on one Member of the House following his mother's advice.

Laura's collaborators, unable to re-stage the musical in these COVID times, opted instead to carry out a scripted, dramatized re-enactment of the actual debates and votes in the Tennessee House of Representatives. There were actors in leading roles to be sure, but a lot of the people "on stage" were sitting Reps. speaking the votes of their predecessors who had held those very seats 100 years ago. Tennessee seems proud now of its role in creating opportunities for equality. A less than beautiful history has been turned into a powerful way to demonstrate that change for the better is possible. Tennessee officials opted to broadcast the re-enactment to their public schools on the anniversary. You can watch it too. <https://www.youtube.com/watch?v=jwbeK30B124>. It is such a moving piece of theater, all the more so in having made its way into public in these difficult times.

Peaceabilities? determination among the original suffrage supporters, matched this year by the artists who have been spreading their vision generously. All of those artists will have put in far more hours on Zoom than anyone should have had to. Luckily the 21st century legislators had already equipped their desks with plastic shields so the re-enactors could gather safely that day.

There will be plenty of people, beginning with Saturday Night Live, now considering ways to re-enact or enact Ginsburg. She had such a theatrical presence, bejeweled collars and all. Also courtroom dramas are a tried and true staple of television. I've spent some of my COVID confinement watching old Perry Mason shows. My scholarly and artistic selves are now considering a rather different kind of courtroom drama re-enactment. This is a story I do not "own," so whether it is re-enacted for public viewing or not depends not on me but on the Native American Tribes of the Salish Sea (also known as Puget Sound). For American Indians and for the people of the Pacific Northwest, a ruling in favor of Tribal treaty rights by Judge Boldt in 1974 left as significant a change in the Pacific Coast legal and cultural realities as Brown v. Board of education did in the nation's approach to education.

A sketch of the history: Nineteenth century treaties between the US Government and Tribes in the Northwest routinely allocated to the Indians the right to fish and to hunt in their accustomed manner "in common" with the white settlers new to the region. In the 1960s Indians began asserting their right to fish with new determination, facing arrest and jail time repeatedly as Washington State fisheries officials aggressively denied Indians any say in how or where they fished.

Washington State these days projects a Blue State mien, but there was and remains a deep strand of anti-Indian sentiment dating all the way back to settler times. There are few public officials whose brutality



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and racist crudeness matches Jim Clark the Sheriff of Selma, Alabama during the Civil Rights era, but Slade Gorton, the Attorney General who, in 1972 defended the State's policies in court, and the State Fisheries staff who implemented the State's policies on the ground are not that far behind.

So there was a trial in Federal Court. They brought Judge George Boldt out of retirement because everyone knew it would be a long and complicated case. In the end it ran from 1972 - 1974. Boldt ruled for the Tribes. "In common" meant the Tribes were entitled to 50% of the entire fishery and fishing by others had to be constrained enough to allow 50% of the fish actually to return to their natal rivers where the Indian fishermen would string gill nets and catch their allotment.

The statements in court in support of Tribal treaties and against them make a riveting drama in their own right. Add to them media coverage of the indignation of white fishermen, the actual bureaucratic obstructionism and ex-post-facto financial payoffs to the whites and one has a vivid example of one half of America's story. But there is another half. It covers the creation of the Northwest Indian Fisheries Commission. It covers the arrival of Tribal fish harvest at the Olympia farmer's market. It covers the expansion of Indian control over the ecology and clean-up of the Salish sea. In 40 years the complexion and character of salmon fishing in that waterway, in Canada, in Oregon and down the California coast is utterly changed.

When and if travel opens up, I plan to spend a few weeks at the Washington State Archives reading the trial documents closely, seeking to identify ways the story could return to the public consciousness. This really isn't my story but, as is now clear, I am confident that one way for Americans to see and also grow from a deeper understanding of our history is to see its shadows and its more shining moments re-enacted. Men, young and old, have been re-enacting the battles of the Civil War for generations. Let's also re-enact our better history, the times when we changed without killing each other, the times when the country made a turn in a better direction.

I began this as a paean to Ruth Bader Ginsburg and her years on the court. Let me end by acknowledging that for the last 50 or 60 years we have increasingly turned to US Courts to give this nation a sense of direction. Indeed for the last 15 years or so, the deeply flawed "Obamacare" and "No Child Left Behind" Acts represent the only serious efforts I can easily call to mind when the US Congress attempted to shape a collective sense of national purpose through legislation.

Right now, late in 2020, the US Supreme Court looks likely to back itself into a minority corner, but we can sharpen our legislative tools once again. We can show ourselves adaptable, learning to make change via legislation as we have so often before, remembering that we can do so again. Ruth Bader Ginsburg, wherever she is, would particularly enjoy our efforts in remembering our options if they were presented on stage and portrayed in song and dance.

## DEEPER THAN ELECTIONS: McConnell, Filibuster and the Civil War Amendments

Senator Mitch McConnell has been the leader of the Republicans in the US Senate since 2007, becoming Majority Leader in 2015, Democrats having been shattered by the 2014 midterms. His ascent to leadership enabled McConnell to block Obama's Supreme Court nominee a year later. He has now, of course, rescinded his entire 2016 justification for that delay, to push through Trump's new nominee just days after Ruth Bader Ginsburg died and 4 weeks before this election.

Looking through his 13 years in Senate leadership it is impossible to find a single piece of national legislation that bears McConnell's imprint. Oh, he pushed through financial compensation for Kentucky tobacco farmers losing ground as smoking faded and he made sure there was money to help those who wanted to shift into hemp production. National policy proposals? None. McConnell's interest has been in sustaining Republican power in the Senate, in the States and in the Judiciary. Nothing else. As Minority leader he was an avid user of the filibuster, forcing bills to get a super-majority to pass. Then so too was Harry Reid when the Democrats became the minority. A tool rarely used 50 years ago was put to work 52 times in McConnell's last term as Minority leader and 137 times in the next two years in Harry Reid's years in the Minority.

The US Constitution, crafted to protect a smaller settler, slave holding electorate in States in the South has not been adjudged to frown on a minority using tools like the filibuster to protect its interests. In principle neither do I. Minorities have rights too. In practice, I find it maddening that the Electoral College is so powerfully biased in favor of the smaller populations in rural states that trend Republican. My realist voice says proposals to reduce the power of smaller states are unlikely to succeed. Adding full congressional representation for Puerto Rico and Washington DC might temper this pro-Republican bias; that too seems hard to achieve.

I have turned my eye instead on ending the filibuster, partly because it has already been weakened dramatically, but mostly because I am betting that we are entering into a period when legislation will again have to be the means by which Americans move forward as a reunited whole. If that is the case, then to make super-majorities essential to success makes paralysis, gridlock, inevitable.

For the last 20 years or so those who would drive US national policy forward have relied on very limited legislative strategies – (1) adjusting the bills that fund Federal government operations and (2) trimming tax law to create more ideal incentives and barriers. The bills we will need in the future, to guide health care, climate change and more equitable justice cannot effect national change with such limited means. Further back in time, nationally oriented bills relied on the constitutional proviso nick-named “The Commerce Clause.” The US Constitution reserves huge powers to States – States really do govern public education, most criminal justice, a great deal of labor law and environmental law and each state also manages its own criteria for the financing and specifying appropriate forms of health care. That's how the endless abortion debates became endless. Each state can pass its own health rule.

Uses of the Commerce Clause since 1937 have been virtually unlimited, justifiable because so much economic activity does cross State lines. National standards in the conduct of business in automobiles, in construction, in pharmaceuticals etc. are the norm. However, there exists another tool, better than the Commerce Clause, ready and waiting to legislate many of the issues that face us in the near future.



## DEEPER THAN ELECTIONS: McConnell, Filibuster and the Civil War Amendments

The bills we need now have been given explicit support for Federal legislation thanks to the three "Reconstruction," post Civil War-era Constitutional Amendments.

13th – abolishing slavery

14th – the birthright guarantee of US citizenship, civil rights and liberties

15th – a national guarantee of voting rights regardless of race or color or previous servitude.

In 2020 it has become clear, through (1) our responses to police brutality, (2) the evident inequities that make race a factor in those dying disproportionately from COVID and (3) from the widespread and purposeful voter suppression in this year's election campaigns, that we need to go back to the 14th and 15th amendments because we know their guarantees right now are not adequately protected.

Each one of those amendments closes with the words: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." What more can Congress need? Assuming that Democrats actually do hold the majority in the Senate. SO VOTE!! There is work ahead. We can do it if we abolish the filibuster.

I am not being naive here. From the very first, the Reconstruction amendments were dishonored repeatedly and US Courts took a full century after the end of the Civil War to take the judicial end of their enforcement seriously. In the 2013 Shelby County v. Holder disaster, Ginsburg's defense of the Voting Rights Act of 1964 was sharp eyed and prescient in anticipating an immediate return to programs for voter suppression. At the same time, Scalia and his colleagues were also correct. The poll tax and civic brutality curtailing voting rights for African Americans in 1964 have been updated by internet disinformation and failing voting machines.

It is time for Congress to legislate Voting Rights for the digital age.

It is time for Congress to legislate civil rights in an age of hyper militarized policing.

It should also be time for Congress to reconsider that part of the 13th Amendment that empowers US prison systems to treat the incarcerated as though they were enslaved.

One more thing.

The 14th and 15th amendments were "anti-Indian" in their intent as was the original Constitution. It is important to be clear with ourselves the degree to which our nation's repair of the damage done to former slaves and their descendants is not the same as the repair needed by Indian Tribes.

We should also notice that Trump's first Supreme Court Justice, Neil Gorsuch, has a good, even excellent record on Indian rights, leading to a US ruling this very year that the terms of an existing Treaty, covering the eastern half of Oklahoma, require everyone for the purposes of criminal law to designate that region as Reservation land. Back in 1972, Washington State's Slade Gorton worked tirelessly to curtail Treaty rights. There is a new Justice in the other Washington and in these kinds of cases that's a good thing.

## IN REAL LIFE THERE IS NO INTERMISSION: Indian Sovereignty and Black Excellence

The first pamphlet in this **Remember, Repair, ReUnite** series centered on the COVID virus. This one centers on Judges and justice. Coexisting with COVID is the framework for the last section of this document. For now let's stay with justice, while "stipulating for the record" that the virus itself is profoundly interwoven with challenges facing Black Lives and Native Lives.

I finished that first Issue in this series Memorial Day weekend, just a few days after the death of George Floyd – a searing event which millions of Americans have now seen for themselves in a video lasting over 8 minutes, that shows a cop kneeling on Floyd's neck until he dies. The horror has reverberated again and again all summer long. Floyd was not the first and not the last. Some in law enforcement are now being charged with crimes, and the reckoning the country is making with its own racism is perhaps the most serious among the pressures tearing us in at least two contrasting directions with astonishing ferocity: Trump, Attorney General Barr and the Proud Boys of Portland cry "anarchy." The rest of us, horrified by Floyd's death call out for Justice.

All over the United States people regardless of persuasion appear to be immersing themselves in readings, lectures and movies exploring race relations in the USA right now. I deplore many resources being used on the political right, but I remain glad that people are moving out beyond their existing data resources, building additional support for their beliefs and perhaps also beginning to see new angles. Reading lists galore are shared online as well as lectures and movies, both documentary and fictional.

Rob and I have turned for guidance, as we do quite often, to Berkeley's [Institute on Othering and Belonging](#). Theirs is the epitome of a Good Name, helping us all to find our path to a wiser future while staring at history with an open heart. Somewhat to our surprise, this fall's offering centers on films first shown in 2003: a three part, Public Broadcasting Series – [Race: The Power of An Illusion](#). At two-week intervals the episodes go online, followed by a rich panel discussion. The videos are pure gold – one about social darwinism and biology/"biology," one about US history and the third, which has not yet played, which promises to be about the present.

If you can spare 6 hours in the near future, to get a detailed and comprehensive look at race in America, it would be hard to improve on these shows. You can watch the entire series for a pittance at [http://newsreel.org/video/RACE-THE-POWER-OF-AN-ILLUSION?mc\\_cid=057f440516&mc\\_eid=0f3fe049af](http://newsreel.org/video/RACE-THE-POWER-OF-AN-ILLUSION?mc_cid=057f440516&mc_eid=0f3fe049af). After each one, take yourself over to the [Othering and Belonging Institute](#) to watch recordings of their panel discussions. <https://www.racepowerofanillusion.org/clips>. The panels are at the bottom of the web page. If you prefer to read about the African American experience in American history, consider soaking up Eddi Glaude's [Begin Again](#). It tours readers through James Baldwin's oeuvre, putting his writing in dialogue with the USA during Baldwin's own time and our USA now. If you prefer Baldwin himself, my earliest love is his novel [Giovanni's Room](#), and my most recent love, [The Price of the Ticket](#), a pretty great compilation of his non fiction. Ibrahm Kendi and Khalil Gibran Mohammed are two of the most important living writers creating new understandings of African American experience today. No matter how one does it, remembrance is a vital ingredient of peaceable existence and remembrance requires, among other things "staring openly at difficult history."

# IN REAL LIFE THERE IS NO INTERMISSION: Indian Sovereignty and Black Excellence

Here's where my mind has been recently.

## Indian Land

Long ago I realized I need to place the racism experienced by African Americans and Native Americans in a different category from the experiences of immigrants. Though the suffering of any brown skinned person today can be egregious, their histories are not commensurate. The panel discussion after the history show in the Race/Illusion series brought one of the differences between African American and Indian issues into sharp relief. **Kim TallBear** (Associate Professor in the Faculty of Native Studies, University of Alberta) made a clear distinction between Native peoples and African Americans with respect to reparations. Native Tribes she said have Treaties to rest on, Treaties that promise land, sovereignty, resources. Reparations as she put it is not "our word."

In the context of justice under the US Constitution, Treaty rights do indeed have very special standing, higher even than statutory claims. The precise language in Article IV goes as follows:

"all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Indians in every state live as they do and where they do as a result of Treaties which gave their tribal communities legal standing, and sovereignty in designated areas, commonly known as reservations. Over the last 40 years, and despite challenges to their land sovereignty by former Senator and Washington Attorney General Slade Gorton and many others, these treaty powers have often held firm. With Neal Gorsuch now on the Supreme Court it is unlikely that the Court will even consider serious threats to that standing.

## Black Excellence

For me, perhaps just for me and for no-one else, working on and thinking about race and African American experience the last few months has made it possible for me to hear how frequently Black leaders take pride in Black Excellence. The phrase was everywhere during the nationally televised celebration of students graduating from Historically Black Colleges and Universities. Unlike the PBS series on race, this particular event, [Show me your walk](#) is no longer visible online but watching it live was inspiring, exciting, and joyful. Above all it reiterated the widespread appreciation I now notice everywhere that lauds African American resilience and achievement, triumphs that echo despite the deeper challenges in the historical and current versions of America's racism. Beyoncé's Coachella performance is an ardent expression of Black Excellence, taking explicit pride in HBCUs around the country, their Homecomings and their local passions. The Netflix movie documenting Michelle Obama's book tour resounds with this same spirit. It left me smiling, also, when I remembered that the scenes in her movie represent the USA as it was just a few months ago. The nightmare that is COVID and a Trump's election campaign cannot drown out that memory. Over at the US Tennis Open just a couple of weeks ago,

## What's Your Favorite H.B.C.U. Homecoming Memory?

Did you attend a historically Black college or university? Or are you a current H.B.C.U. student? If so, we want to hear about your most memorable homecoming experience.



Howard University homecoming weekend in October 2019. Andre D. Wagner for The New York Times

**IN REAL LIFE THERE IS NO INTERMISSION: Indian Sovereignty and Black Excellence** journalists seemed more ready to see a unique excellence in Serena Williams, though it's a rare writer who also acknowledges how many more Grand Slam titles she holds than Federer. (23-20 if you are counting). What stands out is that the phrase Black Excellence has moved well beyond the celebrity world and into every day experience. Listen for it.

For Indians and Black Americans there has never been anything like an intermission in the pressures, the destruction, the constraints meted out on their communities since the first settlers came and stayed, and the first slave ships landed their cargoes. Nor has there been any kind of steady, incremental process of improvement.

Rather America has gone forward and backward repeatedly, exposing its deepest flaws and then covering them up with new strategies. As I put it last time I wrote: "I was (and am) already aligned with those in the policy and academic communities who assume that there is a direct line of descent from slavery through Jim Crow and segregation to mass incarceration." The challenge facing us once again, therefore, is to move decisively away from our ugly past.

When it comes to justice, and policing, it can feel natural to assume the venue for change should be the courts. Given what we can now expect about the national trajectory for Federal cases, trying to do a Ginsburg seems unwise. "Federalist" lawyers have invested heavily in creating a conservative Federal judiciary and also in passing conservative legislation in the States that aims at challenges brought under the Federal judiciary. These in turn can prompt national Supreme Court actions that can undo decades of rights rulings in labor law, civil rights, abortion, environmental regulation and the rights of the accused and incarcerated. While "States Rights" is often dog whistle language for racist tactics, recent voting rights cases among others are a reminder that this is a country with multiple sovereignties: Federal, State and Tribal.

A ReUnited States ultimately also depends on increasing solidarity among States, particularly across the North South divide. I for one need reminders to avoid "othering" the former Confederate States. Campaigns by Stacey Abrams (Georgia) and Doug Jones (Alabama) remind me that across that divide is a powerful group of people who are well organized, the embodiment of Black Excellence. They are election organizers today. Once upon a time they organized marches across the Edmund Pettis Bridge. Like Ginsburg they know what justice is and like Ginsburg they are both powerful and peaceable. We are colleagues and compatriots and I am grateful for their determination and their courage. Like Fred Rogers I need to start asking people in Alabama "Won't you be my neighbor?"



## NONE OF US IS ALONE: Quarantines small and large

I woke up the other day with the word quarantine wandering around in my brain. This last March we had been put under Federal quarantine after a flight on the very first day that travelers from overseas were required by the Federal government to fully isolate. We also had to take our temperatures night and morning for two weeks. The requirements were actually a relief. They put clear constraints on us and on our children nearby. We kept it secret from the 2 and 4 year old grandchildren that we were even back from the UK. As we were leaving our British family it was clear they too were taking the virus threats seriously and, though it wasn't called quarantine for them, within days our son and his family had gone north to the Lake District. They opted to do all their food shopping in "no-contact" pick up or delivery, and committed to staying quarantined for a while even from cousins in houses next door.

Looking back at the last six months, endless debates about masks, schooling, bars and football games having gone on by, I now realize that the word "quarantine" and our activities back at the beginning of virus times never felt even remotely uncomfortable. The constraints were reassuringly clear, time specific and congruent with what little there was in the way of widely accepted understanding of the COVID virus behavior.

The idea of quarantine resonates far back into my own childhood. It's part of my understanding of what happens when people get ill. My own fully vaccinated children and their even more fully vaccinated children cope from from to time with much more murky situations: "I feel kind of sick. There's a big test/report due today. I wonder if I should stay home?" All too often, in the USA, the answer is "No. Go to school, go to work" We Americans have been encouraged to leave the house regardless, without even that protective piece of gear, the mask, long commonplace in Japan.

Quarantines when I was young happened pretty often: Measles of course. If anyone got sick everyone who had been with them recently stayed home too, for a set number of days, the incubation period. I can still remember having measles. It was dreadful. No wonder we were all kept in isolation. Polio was the other really, really serious illness back then, but the quarantine I had to go through which had my parents really worried was for meningitis. A baby living upstairs in our house, a baby with whom I snuggled and played all the time, got sick. For a few days they watched me like a hawk and I was kept away from my sisters as well. Then it was over and life went back to normal. Fears about German measles continued well into my pregnancies. The vaccine had been invented in the mid 1960s so even in the late 1970s there were still plenty of people around who had never been vaccinated and who had no idea whether or not they had ever had the disease. Everyone with an unexplained rash was kept away from pregnant women just in case.

Quarantine works like a fire break. It prevents viral particles traveling to a new host.

Quarantine can be fun. With zoom likely bringing an end to that favored American surprise holiday, the "snow day," we could start seeing quarantine as an opportunity for change of pace.

Quarantine can be a way kids who have had a given illness become treasured playmates for kids still in isolation.

Quarantines keep us aware of ways our actions affect other peoples' lives.

## NONE OF US IS ALONE: Quarantines small and large

Quarantines can also be large, even nation-sized. In effect that is how New Zealand has opted to handle this COVID time. The country has decided to keep itself indoors, to keep away from other people, keeping outsiders away and telling everyone who leaves the country intending to return that on return they will be held at a distance from the rest of the society for at least two weeks.

Inside the country, New Zealanders probably feel rather like we did as children when kept at home merely because of contact with an infection (though not the way it felt during the meningitis episode). New Zealanders are living with an unusual freedom of movement, in effect a holiday, compared to the rest of us who are still trying to live effective and public lives while the virus lurks. At the same time, New Zealanders are home bound, locked in until the rest of us get a grip on the disease, and also probably being bombarded by rich tech folk hoping to buy their way in, to join the frolicking behind the barrier wall.

China of course has taken a completely different approach to the whole affair. During the peak months of illness the state forcibly locked people into their apartment buildings while they remained healthy, forcibly removing them if they became sick. In the last few weeks the country has been forcibly vaccinating people by the million, soldiers, essential workers, school teachers, well before any conventional vaccine trials have been completed. In effect China's government has forced millions of people into the trial totally missing the issue of "informed consent" so pivotal in medical ethics elsewhere. Given their high levels of secrecy throughout, we are most unlikely to learn any truth there might be either about the course of illness and death in China when COVID was at its height or about the negative effects, if any, of the Chinese vaccine on those required to take it.

It will take quite some years yet for us in the USA to discover how we are living or how we ought to live with this or the next pandemic. Among the options: US minimal quarantine, Sweden's herd immunity, New Zealand full territorial quarantine, China mandatory isolation and vaccination, Japan consensus masks. The US election, which will reach its climax well before our current pandemic fades will, by its outcome, reveal a lot about this place I believe I love. Right now I am completely confident that I never want to live as Chinese people have. I never want to lose my ability to think, to decide for myself, to use my judgement and to allow others to use theirs.

However, I am the daughter of a refugee from Nazi Germany and I know with great sadness that democratic process is not immune from perpetrating terrifying political, social and even medical catastrophes. I send you this pamphlet in the hopes that the US will return to its better self. If it fails to do so I will be devastated and probably mute. On the last page, here, an exhortation from our son Malcolm about one thing any one of us can do between now and January 20th to keep the more normal features of our lives ascendent while the electoral process unfolds.

Helena Meyer-Knapp is a scholar/activist and an immigrant for whom August 2019 marked the 50th anniversary of her entry into life and work in the USA. That work centers on peace making. Her life includes a marvelous family as well. She earned a BA in History at Oxford in the UK, the country of her birth, and an MA in Communications and Ph.D. in Interdisciplinary Political Studies in the USA.

She was a member of the faculty (International Relations and Political Studies), 1984 - 2017 and was honored with Emerita status on her retirement from the Evergreen State College in Olympia, Washington State. Since 2001 her research has taken her regularly to NE Asia, most often to Japan but also to South Korea.

In Political Studies her college teaching stressed the importance of engagement in public life, encouraging students to gather the materials, the skills and the momentum they need to participate in the community on their own behalf. An activist in public affairs herself since the 1970s, she is interested in local and national elections and in policy. Her public work in the early 1980s included National leadership on behalf of referenda in support of the Campaign for a Nuclear Weapons Freeze.



**And then there's an ELECTION!!!**

Justice Dept. declares three cities, Seattle, Portland and New York to be anarchist

Trump pays \$750 in taxes for both 2016 and 2017

The Presidential Debate is a nightmare

Trump and many close associates become COVID positive. Trump in hospital.

WHAT CAN YOU DO?—>



ONE OPTION: Our son, Malcolm lives a life engaged in public issues. He has always been particularly committed to Election Day, advocating a national holiday every 1st Tuesday in November, for example. Like many others he has taken Trump's threats not to accept this year's election results very seriously. His particular alarm bells really began clanging when he heard that A. G. Bill Barr's Department of Justice had issued a document describing Seattle, Portland and New York City as "Jurisdictions Permitting Violence And Destruction Of Property" because, as the document puts it, these cities "rejected federal law enforcement support."

Malcolm knows all three cities well and he is also clear that Presidential harping on "anarchy," constantly reiterated by media sources of all persuasions, is itself creating truly "fake news." The result? He is now circulating the proposal you see here:

The story of America is the story we tell ourselves as a country about America's past and future. Right now Trump is constructing a story based on a pinhole view of what America is. He uses real events and real violence to construct a story that America is on the brink of anarchy. This story is false. The events are not actually connected but the story feels real because it is clear, simple, and exciting. He paints liberal controlled cities as crime ridden cesspools of mismanagement now, as a warning to his supporters of what will happen to all of America if Biden is elected.

To make this narrative feel real Trump must omit pretty much everything and that is its fundamental weakness. To break this narrative all we need to do is show that life continues as normal even under COVID.

So take a video walking down your neighborhood street in the morning of whatever is going on. Time stamp it with a clock or newspaper that you do not control. Then share this message with your friends and post it to social media.

Keep doing this and we can break Trump's narrative and tell the story of America that is complete and true.

Malcolm  
#morninginamerica  
#breakingthenarrative  
#therearefourlights  
#thestoryofamerica

If you want to see the original DOJ document you can find it at: <https://www.justice.gov/opa/pr/department-justice-identifies-new-york-city-portland-and-seattle-jurisdictions-permitting>.

I am no social media maven. I have no accounts to which I post any videos but I watch my friends' and family's accounts with pleasure. So I am spreading his suggestion, with a particular focus on the 53 people I know in the three "target" cities who might take this up. We do need valid descriptions in these times of "Morning in America." We also need to make our own plans in advance, to guide our responses if Federal troops actually move. If they never do, such videos still help build a sounder narrative for us all.

WHAT CAN YOU DO?—>