The congregation swooned as she bounded on stage, the prophet sealskin sleek in her black skinny ankle pants and black ballet flats, a lavalier microphone clipped to the V-neck of her black button-down sweater. “All right!! Let’s go!!” she exclaimed, throwing out her arms and pacing the platform before inspirational graphics of glossy young businesswomen in managerial action poses. “Super excited to have all of you here!!”

“Whoo!!” the young women in the audience replied. The camera, which was livestreaming the event in the Menlo Park, California, auditorium to college campuses worldwide, panned the rows of well-heeled Stanford University econ majors and MBA candidates. Some clutched copies of the day’s hymnal: the speaker’s new book, which promised to dismantle “internal obstacles” preventing them from “acquiring power.” The atmosphere was TED-Talk-cum-tent-revival-cum-Mary-Kay-cosmetics-convention. The salvation these adherents sought on this April day in 2013 was admittance to the pearly gates of the corporate corner office.
“Stand up,” the prophet instructed, “if you’ve ever said out loud, to another human being—and you have to have said it out loud—‘I am going to be the number one person in my field. I will be the CEO of a major company. I will be governor. I will be the number one person in my field.’” A small, although not inconsiderable, percentage of the young women rose to their feet. The speaker consoled those still seated; she, too, had once been one of them. When she was voted “most likely to succeed” in high school, she confided, she had begged a yearbook editor to delete that information, “because most likely to succeed doesn’t get a date for the prom.” Those days were long gone, ever since she’d had her conversion on the road to Davos: she’d “leaned in” to her ambitions and enhanced her “likability”—and they could do the same. What’s more, if they took the “lean in” pledge, they might free themselves from some of those other pesky problems that hold women back in the workplace. “If you lean forward,” she said, “you will get yourself into a position where the organization you’re with values you a lot and is therefore willing to be more flexible. Or you’ll get promoted and then you’ll get paid more and you’ll be able to afford better child care.” If you “believe you have the skills to do anything” and “have the ambition to lead,” then you will “change the world” for women. “We get closer to the goal of true equality with every single one of you who leans in.”

The pitch delivered, Lean In founder and Facebook chief operating officer Sheryl Sandberg summoned her deacon to close the deal. Rachel Thomas hustled onstage, a Sandberg Mini-Me in matching black ensemble (distinguished only by the color of her ballet flats and baubled necklace, both of which were gold). She’s Lean In’s president. (Before Lean In hit the bookstores, it was already a fully staffed operation, an organization purporting to be “a global community committed to encouraging and supporting women leaning in to their ambitions.”) “I really want to invite you to join our community!” Thomas told the assembled. “You’ll get daily inspiration and insights.”

Joining “the community” was just a click away. In fact, the community was already uploaded and ready to receive them; all they had to do was hit the “Lean In Today” button on their computer screen . . . and, oh yeah, join Facebook. (There is no entry into Lean In’s Emerald e-Kingdom except through the Facebook portal; Sandberg has kept her message of liberation confined within her own corporate brand.)

Thomas enumerated the “three things” that Lean In offered. (In the Lean In Community, there are invariably three things required to achieve your aims.) First, Thomas instructed, “Come like us on Facebook” (and, for extra credit, post your own inspirational graphic on Lean In’s Facebook “photo gallery” and “tag your friends, tell them why you’re leaning in!”). Second, watch Lean In’s online “education” videos, twenty-minute lectures from “experts” (business
school professors, management consultants, and a public speaking coach) with titles like “Power
and Influence” and “Own the Room.” Third, create a “Lean In Circle” with eight to ten similarly
aspirational young women. The circles, Lean In literature stresses, are to promote “peer
mentorship” only—not to deliver aid and counsel from experienced female elders who might
actually help them advance. Thomas characterized the circle as “a book club with a purpose.” All
they had to do was click on the “Create a Circle” button on LeanIn.org and follow the “three easy
steps.” “We provide everything that you need to do it,” Thomas assured. “All the materials, all
the how-to information, and a very cool technology platform called Mightybell.” Mightybell’s
CEO, it so happens, is Gina Bianchini, cofounder of Lean In. “So it’s really easy to do, and don’t
wait!” Thomas said. “Go do it for yourself today!”
Since its unveiling this spring, the Lean In campaign has been reeling in a steadily expanding
group of tens of thousands of followers with its tripartite E-Z plan for getting to the top. But the
real foundation of the movement is, of course, Sheryl Sandberg’s bestselling book, Lean In:
Women, Work, and the Will to Lead, billed modestly by its author as “sort of a feminist
manifesto.” Sandberg’s mantra has become the feminist rallying cry of the moment, praised by
notable figures such as Gloria Steinem, Jane Fonda, Marlo Thomas, and Nation columnist Katha
Pollitt. A Time magazine cover story hails Sandberg for “embarking on the most ambitious
mission to reboot feminism and reframe discussions of gender since the launch of Ms. magazine
in 1971.” Pretty good for somebody who, “as of two and a half years ago,” as Sandberg confessed
on her book tour, “had never said the word woman aloud. Because that’s not how you get ahead
in the world.”
*If you were waiting for someone to lean in for child care legislation, keep holding your breath.*
The lovefest continues on LeanIn.org’s “Meet the Community” page, where tribute is paid by
Sandberg’s high-powered network of celebrities, corporate executives, and media moguls
(many media moguls), among them Oprah Winfrey, New York Times executive editor Jill
Abramson, Newsweek and Daily Beast editor in chief Tina Brown, Huffington Post founder
Arianna Huffington, Cosmopolitan editor in chief Joanna Coles, former Good Morning
America coanchor Willow Bay, former first lady Laura Bush (and both of her daughters), former
California first lady and TV host Maria Shriver, U.S. senators Barbara Boxer and Elizabeth
Warren, Harvard president Drew Gilpin Faust, Dun & Bradstreet CEO Sara Mathew, Yahoo CEO
Marissa Mayer, Coca-Cola marketing executive Wendy Clark, fashion designer Diane von
Furstenberg, supermodel Tyra Banks, and actor (and Avon “Global Ambassador”) Reese
Witherspoon.
Beneath highly manicured glam shots, each “member” or “partner” reveals her personal “Lean In moment.” The accounts inevitably have happy finales—the Lean In guidelines instruct contributors to “share a positive ending.” Tina Brown’s Lean In moment: getting her parents to move from England to “the apartment across the corridor from us on East 57th Street in New York,” so her mother could take care of the children while Brown took the helm at The New Yorker. If you were waiting for someone to lean in for child care legislation, keep holding your breath. So far, there’s no discernible groundswell.

When asked why she isn’t pushing for structural social and economic change, Sandberg says she’s all in favor of “public policy reform,” though she’s vague about how exactly that would work, beyond generic tsk-tsking about the pay gap and lack of maternity leave. She says she supports reforming the workplace—but the particulars of comparable worth or subsidized child care are hardly prominent elements of her book or her many media appearances.

Sandberg began her TED Talk in December 2010, the trial balloon for the Lean In campaign, with a one-sentence nod to “flex time,” training, and other “programs” that might advance working women, and then declared, “I want to talk about none of that today.” What she wanted to talk about, she said, was “what we can do as individuals” to climb to the top of the command chain.

This clipped, jarring shift from the collective grievances of working women to the feel-good options open to credentialed, professional types is also a pronounced theme in Lean In, the book. In the opening pages, Sandberg acknowledges that “the vast majority of women are struggling to make ends meet,” but goes on to stress that “each subsequent chapter focuses on an adjustment or difference that we can make ourselves.” When asked in a radio interview in Boston about the external barriers women face, Sandberg agreed that women are held back “by discrimination and sexism and terrible public policy” and “we should reform all of that,” but then immediately suggested that the concentration on such reforms has been disproportionate, arguing that “the conversation can’t be only about that, and in a lot of ways the conversation on women is usually only about that.” Toward the end of the Q&A period at the Menlo Park event, a student watching online asked, “What would you say to the critics who argue that lower socioeconomic status makes it difficult to lean in?” Sandberg replied that leaning in might be even “more important for women who are struggling to make ends meet,” then offered this anecdote as evidence: She had received a fan email from a reader who “never graduated from college” and had gone back to work in 1998 after her husband lost his job. “Until she read Lean In, she had never asked for a raise. And last week, she asked for a raise.” Pause for the drum roll. “And she got it! That’s what this is about.”
Lean In’s rank-and-file devotees don’t get the marquee billing accorded the celebrity and executive set on the handpicked “Meet the Community” page. Nevertheless, they seem eager to “join the community”: as of July 12, 2013, they “liked” Lean In 237,552 times. Their online participation on Lean In’s Facebook page is limited to making comments—in response to the organization’s announcements of the latest Lean In marketing triumphs. (“Very excited that Lean In is #1 on The New York Times Book Review - Six weeks in a row!”; “Very excited to see Sheryl Sandberg on the TIME 100 list of the most influential people in the world!”; “We’re excited to watch Sheryl Sandberg Lean In with Oprah this weekend. Tune in to watch Oprah’s Next Chapter on Sunday, March 24 at 9 p.m. ET/PT on OWN: Oprah Winfrey Network!”)

Evidently the “likers” are excited too: they cheer the media conquests of the Leaner-In-chief, whose success began at the top (thanks not to “peer mentoring” but to her powerful college adviser, former Harvard University president Larry Summers) and who has remained there ever since—a stratospheric hurtle from Harvard to the World Bank to the U.S. Treasury Department to Google to Facebook. The comments read like a Sandbergian amen corner: “Congratulations Sheryl! You deserve [sic] it!♥”; “This is such an awesome book! It has really energized me with refocusing on my career goals.”; “am reading book on my kindle now, awesome so far!”; “Awesome talk!!!”; “God Bless! And lets [sic] continue to spread this message and lean in!”; “Sheryl is igniting the new feminine movement!”; “THANK YOU FOR LEADING THE REVOLUTION!!!!☺”; “sheryl is inspirational! I missed zumba for this and happy I did!”

The scene at the Menlo Park auditorium, and its conflation of “believe in yourself” faith and material rewards, will be familiar to anyone who’s ever spent a Sunday inside a prosperity-gospel megachurch or watched Reverend Ike’s vintage “You Deserve the Best!” sermon on YouTube. But why is that same message now ascendant among the American feminists of the new millennium?

Sandberg’s admirers would say that Lean In is using free-market beliefs to advance the cause of women’s equality. Her detractors would say (and have) that her organization is using the desire for women’s equality to advance the cause of the free market. And they would both be right. In embodying that contradiction, Sheryl Sandberg would not be alone and isn’t so new. For the last two centuries, feminism, like evangelicalism, has been in a dance with capitalism.

All As One

In 1834, America’s first industrial wage earners, the “mill girls” of Lowell, Massachusetts, embarked on their own campaign for women’s advancement in the workplace. They didn’t “lean in,” though. When their male overseers in the nation’s first large-scale planned industrial city cut their already paltry wages by 15 to 20 percent, the textile workers declared a “turn-out,” one
of the nation’s earliest industrial strikes. That first effort failed, but its participants did not concede defeat. The Lowell women would stage another turn-out two years later, create the first union of working women in American history, lead a fight for the ten-hour work day, and conceive of an increasingly radical vision that took aim both at corporate power and the patriarchal oppression of women. Their bruising early encounter with American industry fueled a nascent feminist outlook that would ultimately find full expression in the first wave of the American women’s movement.

Capitalism, you could say, had midwifed feminism.

And capitalism, Sandberg would say, still sustains it. But what happened between 1834 and 2013—between “turn-out” and “lean in”—to make Lean In such an odd heir to the laurels of Lowell? An answer lies in the history of those early textile mills.

The Lowell factory owners had recruited “respectable” Yankee farmers’ daughters from the New England countryside, figuring that respectable would translate into docile. They figured wrong. The forces of industrialization had propelled young women out of the home, breaking the fetters binding them to the patriarchal family, unleashing the women into urban areas with few social controls, and permitting them to begin thinking of themselves as public citizens. The combination of newly gained independence and increasingly penurious, exploitative conditions proved combustible—and the factory owners’ reduction in pay turned out to be the match that lit the tinder. Soon after they heard the news, the “mill girls”—proclaiming that they “remain in possession of our unquestionable rights”—shut down their looms and walked out.

*Capitalism, you could say, had midwifed feminism.*

From the start, the female textile workers made the connection between labor and women’s rights. Historian Thomas Dublin, in his book on the Lowell mill girls, *Women at Work*, cited an account in the Boston *Evening Transcript*. “One of the leaders mounted a pump,” the article reported, “and made a flaming Mary Woolstonecroft [sic] speech on the rights of women and the iniquities of the ‘monied aristocracy.’” The speech “produced a powerful effect on her auditors, and they determined ‘to have their own way if they died for it.’” In a statement the mill workers issued on the first day of the turn-out, titled “Union is Power,” they elaborated:

The oppressing hand of avarice would enslave us, and to gain their object, they gravely tell us of the pressure of the times, this we are already sensible of, and deplore it. If any are in want, the Ladies will be compassionate and assist them; but we prefer to have the disposing of our charities in our own hands; and as we are free, we would remain in possession of what kind Providence has bestowed upon us, and remain daughters of freemen still.
The mill proprietors looked on with unease at what they regarded as an “amizonian [sic] display” and “a spirit of evil omen.”

The Lowell turn-out was a communal endeavor, built on intense bonds of sisterhood forged around the clock: by day on the factory floor, where the women worked in pairs, with the more experienced female worker training and looking out for the newcomer, and by night in the company boarding houses, where they shared cramped quarters, often two to a bed, and embroiled themselves in late-night discussions about philosophy, music, literature, and, increasingly, social and economic injustice. As Dublin observed of the web of “mutual dependence” that prevailed in the Lowell mill workforce, the strike was “made possible because women had come to form a ‘community’ of operatives in the mill, rather than simply a group of individual workers.” An actual community, that is—not an online like-a-thon. Tellingly, the strike began when a mill agent, hoping to nip agitation in the bud, fired one of the more voluble factory workers whom he regarded as the ringleader. The other women immediately walked out in protest over her expulsion. The petition they signed and circulated concluded: “Resolved, That none of us will go back, unless they receive us all as one.”

In a matter of years, the Lowell women would become increasingly radical, as crusaders for both worker and gender equality. They had originally been encouraged to write ladylike stories for the mill girls’ literary magazine, the Lowell Offering, which was launched by a local minister and supported by the textile companies. By the 1840s, many young working women were filing copy instead with the Voice of Industry, a labor newspaper published by the Lowell Female Labor Reform Association. The paper’s “Female Department,” edited by the association’s president, Sarah Bagley, featured articles by and about women workers, with a declared mission both to revamp “the system of labor” and “defend woman’s rights.” “You have been degraded long enough,” an article in the Voice advised its female readers. “You have sufficiently long been considered ‘the inferior’—a kind of ‘upper servant,’ to obey and reverence, and be in subjection to your equal.” No more. “Enter at once upon your privileges,” the article exhorted, calling on women to demand their equal rights to education, employment, and respect from men.

The mill workers went on to agitate against an unjust system in all its forms. When Lowell’s state representative thwarted the women’s statewide battle for the ten-hour day, they mobilized and succeeded in having him voted out of office—nearly eighty years before women had the vote. Mill women in Lowell and, in the decades to come, their counterparts throughout New England threw themselves into the abolitionist movement (drawing connections between the cotton picked by slaves and the fabric they wove in the mills); campaigned for better health care, safer schools, decent housing, and cleaner water and streets; and joined the fight for women’s
suffrage. Sarah Bagley went on to work for prison reform, women’s rights, and education and decent jobs for poor women and prostitutes. After a stint as the first female telegrapher in the nation (where she pointed out that she was being paid two-thirds of a male telegrapher’s salary), she taught herself homeopathic medicine and became a doctor, billing her patients according to her personal proviso, “To the rich, one dollar—to the poor gratis.” Increasingly, the mill girls were joined in these efforts by their middle-class sisters. Cross-class female solidarity surfaced early in Lawrence, Massachusetts, after the horrific building collapse of the Pemberton Mills factory in 1860, which killed 145 workers, most of them women and children. (The mills in Lawrence would later give rise to the famously militant “Bread and Roses” strike of 1912, in which female workers again played a leading role.) In the aftermath of the Pemberton disaster, middle-class women in the region flocked to provide emergency relief and, radicalized by what they witnessed, went on to establish day nurseries, medical clinics and hospitals, and cooperative housing to serve the needs of working women. By the postbellum years, with industrialization at full tide and economic polarization at record levels, a critical mass of middle-class female reformers had come to believe that the key to women’s elevation was not, as they once thought, “moral uplift,” but economic independence—and that cross-class struggle on behalf of female workers was the key to achieving it. A host of organizations launched by professional women, like Sorosis and the Women’s Educational and Industrial Union (WEIU), sprang up to campaign for the economic advancement of both middle- and working-class women. “From its first days,” historian Mari Jo Buhle observed in *Women and American Socialism*, “Sorosis encompassed broader purposes than aid to a handful of aspiring women professionals. All workingwomen, the leaders believed, shared a common grievance and a common need for organization.” The WEIU in Boston, like Lean In, held lectures to promote women in business—but it also sent investigative teams to expose poor conditions for women on the factory and retail floor, procured legal services for working women denied their rightful wages, offered job referral services for women of all classes, and set up cooperative exchanges for homebound women to sell their handcrafts so that even they might achieve some measure of fiscal independence from their husbands. In Chicago, the Illinois Woman’s Alliance launched a full-bore probe of abusive sweatshops that spawned a congressional investigation, successfully lobbied for a shorter workday for sweatshop workers, and even demanded legal rights for prostitutes, including the right to be free of police harassment. From the sounds of recent pronouncements, it might seem that efforts to elevate the woman worker have finally paid off. With giddy triumphalism, books like Hanna Rosin’s *The End of
Men: And the Rise of Women and Liza Mundy’s The Richer Sex: How the New Majority of Female Breadwinners Is Transforming Sex, Love, and Family (both published in 2012) celebrate the imminent emergence of a female supremacy. “For the first time in history, the global economy is becoming a place where women are finding more success than men,” Rosin declared, noting that twelve of the fifteen jobs projected to grow the fastest in the United States in the next decade “are occupied primarily by women.” The female worker, she wrote, is “becoming the standard by which success is measured.” Mundy, who called this supremacy the “Big Flip,” predicted that, thanks to the new economy, we would soon be living in a world “where women routinely support households and outearn the men they are married to,” and men “will gladly hitch their wagon to a female star.”

A star like Sheryl Sandberg, whose feminism seems a capstone of female ascendancy. Never mind that the “fastest-growing” future occupations for women—home health aide, child care worker, customer service representative, office clerk, food service worker—are among the lowest paid, most with few to no benefits and little possibility for “advancement.” Progress has stalled for many ordinary women—or gone into reverse. The poverty rate for women, according to the Census Bureau’s latest statistics, is at its highest point since 1993, and the “extreme poverty rate” among women is at the highest point ever recorded.

But there seems to be little tangible cross-class solidarity coming from the triumphalists, despite their claims to be speaking for all womankind. “If we can succeed in adding more female voices at the highest levels,” Sandberg writes in her book, “we will expand opportunities and extend fairer treatment to all.” But which highest-level voices? When former British prime minister Margaret (“I hate feminism”) Thatcher died, Lean In’s Facebook page paid homage to the Iron Lady and invited its followers to post “which moments were most memorable to you” from Thatcher’s tenure. That invitation inspired a rare outburst of un-“positive” remarks in the comment section, at least from some women in the U.K. “Really??” wrote one. “She was a tyrant. . . . Just because a woman is in a leadership position does not make her worthy of respect, especially if you were on the receiving end of what she did to lots of people.” “So disappointing that Lean In endorses Thatcher as a positive female role model,” wrote another. “She made history as a woman, but went on to use her power to work against the most vulnerable, including women and their children.”

Even when celebrating more laudable examples of female leadership, Lean In’s spotlight rarely roves beyond the uppermost echelon. One looks in vain through its website statements, literature, and declarations at its public events for evidence of concern about how the other half lives—or rather, the other 99 percent. As Linda Burnham observed in a perceptive essay on
Portside.org, Lean In “has essentially produced a manifesto for corporatist feminism,” a “1% feminism” that “is all about the glass ceiling, never about the floor.” The movement originally forged to move the great mass of women has been hijacked to serve the individual (and privileged) girl.

As it turns out, it’s a hijacking that’s long been under way.

Dream On
The landmark year in the transition from common struggle to individual enhancement was 1920—ironically, the same year that women won the right to vote. In the course of the twenties, an ascendant consumer economy would do as much to derail feminist objectives as advance them. Capitalism, feminism’s old midwife, had become its executioner. And a cleverly disguised one: this grim reaper donned a feminist-friendly face.

The rising new forces of consumer manipulation—mass media, mass entertainment, national advertising, the fashion and beauty industries, popular psychology—all seized upon women’s yearnings for independence and equality and redirected them to the marketplace. Over and over, mass merchandisers promised women an ersatz version of emancipation, the fulfillment of individual, and aspirational, desire. Why mount a collective protest against the exploitations of the workplace when it was so much more gratifying—not to mention easier—to advance yourself (and only yourself) by shopping for “liberating” products that expressed your “individuality” and signaled your (seemingly) elevated class status?

In the postindustrial economy, feminism has been retooled as a vehicle for expression of the self, a “self” as marketable consumer object

The message was ubiquitous in 1920s advertising pitched to women. “An Ancient Prejudice Has Been Removed,” decreed a Lucky Strike banner, above a picture of an unfettered flapper girl wreathed in cigarette smoke. Enjoy “positive agitation” at home, Hoover vacuum ads entreated, with the new machine’s “revolutionary cleaning principle.” “Woman suffrage made the American woman the political equal of her man,” General Electric cheered. “The little switch which commands the great servant Electricity is making her workshop the equal of her man’s.” That “workshop,” of course, was the domestic bower, to which privileged women were now expected to retire. In 1929, at the behest of the American Tobacco Company, Edward Bernays, the founding father of public relations, organized a procession of debutantes to troop down Fifth Avenue during the Easter Parade, asserting their “right” to smoke in public by puffing “torches of freedom.” Women’s quest for social and economic freedom had been reenacted as farce.

Where industrial capitalism had driven women as a group to mobilize to change society, its consumer variant induced individual women to submit, each seemingly of her own free will, to a
mass-produced culture. They were then encouraged to call that submission liberation. This is the mode that much of American feminism has been stuck in ever since, despite attempts by late-1960s radical feminists to dismantle the female consumer armament of cosmetics, girdles, and hair spray. (The dismantling became quite literal in the 1968 demonstration against the Miss America Pageant, where young radicals hurled “instruments of female torture” into a “Freedom Trash Can.”)

In the postindustrial economy, feminism has been retooled as a vehicle for expression of the self, a “self” as marketable consumer object, valued by how many times it’s been bought—or, in our electronic age, how many times it’s been clicked on. “Images of a certain kind of successful woman proliferate,” British philosopher Nina Power observed of contemporary faux-feminism in her 2009 book, *One-Dimensional Woman*. “The city worker in heels, the flexible agency employee, the hard-working hedonist who can afford to spend her income on vibrators and wine—and would have us believe that—yes—capitalism is a girl’s best friend.”

In the 1920s, male capitalists invoked feminism to advance their brands of corporate products. Nearly a century later, female marketers are invoking capitalism to advance their corporate brand of feminism. Sandberg’s “Lean In Community” is Exhibit A. What is she selling, after all, if not the product of the company she works for? Every time a woman signs up for Lean In, she’s made another conquest for Facebook. Facebook conquers women in more than one way. Nearly 60 percent of the people who do the daily labor on Facebook—maintaining their pages, posting their images, tagging their friends, driving the traffic—are female, and, unlike the old days of industrial textile manufacturing, they don’t even have to be paid or housed. “Facebook benefits every time a woman uploads her picture,” Kate Losse, a former employee of Facebook and author of *The Boy Kings*, a keenly observed memoir of her time there, pointed out to me. “And what is she getting? Nothing, except a constant flow of ‘likes.’”

When Losse came to Facebook in 2005, she was only the second woman hired in a company that then had fifty employees. Her job was to answer user-support emails. Low-wage customer support work would soon become Facebook’s pink ghetto. Losse recalled the decor that adorned the company walls in those years: drawings of “stylized women with large breasts bursting from small tops.” On Mark Zuckerberg’s birthday, the women at the company were instructed to wear T-shirts displaying his photo, like groupies.

“It was like *Mad Men*,” she wrote of the office environment in *Boy Kings*, “but real and happening in the current moment, as if in repudiation of fifty years of social progress.” A few years into her tenure, Losse was promoted to oversee the translation of Facebook’s site into other languages. The promotion didn’t come with an increase in pay. When Losse, like the
woman in Sandberg’s anecdote, asked for a raise, she was refused. “You’ve already doubled your salary in a year,” her manager told her, “and it wouldn’t be fair to the engineers who haven’t had that raise”—the engineers (virtually all male) who were already at the top of the pay scale, unlike her. Her final job at Facebook was to serve as Mark Zuckerberg’s personal “writer and researcher.” The job, or rather “the role,” as Zuckerberg called it, required her to write “his” blog entries on Facebook and post “his” updates to the Zuckerberg fan page.

Losse quit in 2010 to become a writer—of her own words, not her boss’s. Earlier this year, she wrote a thought-provoking piece about Lean In for Dissent, “Feminism’s Tipping Point: Who Wins from Leaning In?” The winners, she noted, are not the women in tech, who “are much more likely to be hired in support functions where they are paid a bare minimum, given tiny equity grants compared to engineers and executives, and given raises on the order of fifty cents an hour rather than thousands of dollars.” These are the fast-growth jobs for women in high technology, just as Menlo Park’s postindustrial campuses are the modern equivalent of the Lowell company town. Sandberg’s book proposed to remedy that system, Losse noted, not by changing it but simply by telling women to work harder:

Life is a race, Sandberg is telling us, and the way to win is through the perpetual acceleration of one’s own labor: moving forward, faster. The real antagonist identified by Lean In then is not institutionalized discrimination against women, but women’s reluctance to accept accelerating career demands.

For her candor, Losse came under instant attack from the Sandberg sisterhood. Brandee Barker, a Lean In publicist and former head of public relations for Facebook, sent Losse the following message: “There’s a special place in hell for you.” Losse defended herself the only way you can in the age of social media: she took a screenshot of Barker’s nastygram and tweeted it. “Maybe sending Hellfire and Damnation messages is part of the Lean In PR strategy,” Losse wrote in her tweet. “LEAN IN OR ELSE YOU’RE GOING TO HELL.” Other Lean In naysayers have been similarly damned by Lean In devotees. When New York Times columnist Maureen Dowd wrote a measured critique of Lean In, Sandberg’s fans promptly and widely denounced her. Losse said she’s not surprised by the fire-and-brimstone ferocity of the response. “There’s this cult-like religiosity to Facebook and Lean In,” she told me. “If you’re ‘in,’ you belong—and if you’re not, you’re going to hell.”

That Lean In is making its demands of individual women, not the corporate workplace, is evident in the ease with which it has signed up more than two hundred corporate and organization “partners” to support its campaign. The roster includes some of the biggest American corporations: Chevron, General Electric, Procter & Gamble, Comcast, Bank of
America and Citibank, Coca-Cola and Pepsico, AT&T and Verizon, Ford and GM, Pfizer and Merck & Co., Costco and Wal-Mart, and, of course, Google and Facebook. Never before have so many corporations joined a revolution. Virtually nothing is required of them—not even a financial contribution. “There are no costs associated with partnering with Lean In,” the organization’s manual assures. “We just ask that you publicly support our mission and actively promote our Community to your employees.” All the companies have to do is post their logo on Lean In’s “Platform Partners” page, along with a quote from one of their executives professing the company’s commitment to advancing women. The testimonials are predictably platitudinous:

- Ed Gilligan, American Express president: “At American Express, we believe having more women in senior leadership is critical to fostering an environment that embraces diverse opinions and empowers all employees to reach their full potential. It’s this spirit of inclusiveness that helps us make better decisions today to drive our growth for tomorrow.”
- Paul Bulcke, Nestlé CEO: “At Nestlé we are committed to enhancing the career opportunities for both men and women, and the knowledge and expertise provided by Lean In will help accelerate our journey.”
- Jeff Wilke, Amazon senior vice president, consumer business: “At Amazon, we lean in to challenge ourselves to develop as leaders by building things that matter. We solve problems in new ways and value calculated risk-taking; many decisions are reversible. Bold directions that inspire results help us to think differently and look around corners for ways to serve our customers.”

That last statement manages to endorse Lean In without even bothering to mention women. Many of the high-level executives dispensing quotations are male—and a notable number of the female executives are in “communications,” “human resources,” or “diversity” posts. And funny—or not—how often professed “commitment” to women’s advancement fails to bear up under inspection. Run some Platform Partner names through databases that track legal cases, and you will find a bumper crop of recent or pending EEOC grievances and state and federal court actions involving sex discrimination, sexual harassment, pregnancy discrimination, unfair promotion policies, wrongful terminations, and gender-based retaliations against female employees. Here are just a few:

- Lean In Platform Partner Citibank: In 2010, six current and former female employees sued Citibank’s parent company, Citigroup, for discriminating
against women at all levels, paying them less, overlooking them for promotions, and firing them first in companywide layoffs. Their federal court complaint held that the company “turns a blind eye” to widespread discrimination against women and detailed the paltry numbers of women in upper management in every division—with the proportion of female managing directors in some divisions as low as 9 percent. All nineteen members of the bank’s executive committee are male. “The outdated ‘boys club,’” the complaint concluded, “is alive and well at Citigroup.”

- **Lean In Platform Partner Booz Allen Hamilton:** In 2011, Molly Finn, a former partner at the firm who had been fired after serving as its highest-ranking female employee and a star performer, sued for sex discrimination. She charged the company with creating an unwelcome environment for women and intentionally barring them from top leadership posts. During a review for a promotion (which she was subsequently denied), she was told to stop saying “pro-woman, feminist things,” she recalled.

Soon after Finn’s suit, a second longtime partner and leading moneymaker, Margo Fitzpatrick, sued the company for sex discrimination and retaliatory termination. In court papers, she charged that the firm has “maintained a ‘glass ceiling’ that intentionally excludes highly-qualified women.” The complaint went on to note, “Currently, The Firm has no female partners in the pipeline for Senior Partner.” With the termination of Fitzpatrick and Finn, “the number of females in the partnership has dwindled to 21—or only 18%.”

- **Lean In Platform Partner Wells Fargo:** In 2011, the bank reached a class-action settlement with 1,200 female financial advisers for $32 million. The sex discrimination suit charged that the bank’s brokerage business, Wells Fargo Advisors (originally Wachovia Securities), discriminated against women in compensation and signing bonuses, denied them promotions, and cheated them out of account distributions, investment partnerships, and mentoring and marketing opportunities.

- **Goldman Sachs (whose philanthropic arm, the Goldman Sachs Foundation, is a Lean In Platform Partner):** In 2010, former employees of Goldman Sachs filed a class-action suit against the company, accusing Wall Street’s
most profitable investment bank of “systematic and pervasive discrimination” against female employees, subjecting them to hostile working conditions and treating them “like disposable, second-class citizens.”

- Lean In Platform Partners Mondelez and Nestlé: In 2013, an Oxfam investigation in four countries where the two companies outsourced their cocoa farms found that the women working in the cocoa fields and processing plants that the companies relied on “suffer substantial discrimination and inequality.” When women at a cocoa processing factory demanded equal treatment and pay, the investigation noted, all of the female workers were fired. The same companies that “put women first in their advertisements,” Oxfam concluded, “are doing very little to address poor conditions faced by the women who grow cocoa.”

- Lean In Platform Partner Costco: In 2012, a federal judge approved a huge class-action lawsuit that alleges Costco discriminated against about seven hundred women and denied them promotions. The company, the suit charged, maintains a “glass ceiling” that prevents women from advancing to assistant manager and general manager positions. Costco’s senior management, the complaint observed, is virtually all male, and less than 16 percent of general managers nationwide are women. Costco cofounder and longtime CEO Jim Sinegal (who retired in 2011), has argued that women don’t want warehouse management posts because “women have a tendency to be the caretakers and have the responsibility for the children and for the family.”

And then there’s Lean In Platform Partner Wal-Mart. In 2011, the world’s largest retailer famously managed to dodge one of the largest class-action sex-discrimination suits in U.S. history (involving 1.5 million women), after the U.S. Supreme Court ruled on technical grounds that the case didn’t constitute a single class action. In preparation for a second round of individual and regional class-action proceedings, thousands of female employees have already refiled sex-discrimination grievances in forty-eight states.

Here’s what Mike Duke, Wal-Mart CEO and president, had to say in his statement on Lean In’s Platform Partner page: “As we lean in to empower women, it helps us to better serve our customers, develop the best talent, and strengthen our communities.”

*Never before have so many corporations joined a revolution.*
And what about Facebook? When asked about women’s representation at the company during media appearances for her book tour, Sandberg was vague. “We’re ahead of the industry,” she told one interviewer, noting that a woman heads Facebook’s “global sales” and another is “running design,” before briskly changing the subject.

I contacted Facebook’s press office and submitted questions about the numbers and percentage of women in management, engineering, and so on. Ashley Zandy, media spokeswoman at Facebook, emailed me back, thanking me “for reaching out” and offering a “chat.” The chat was off the record and, in any case, provided no additional information on women’s representation at the company. Then she offered me an “off the record” conversation with Sandberg, which I declined: off the record meant I couldn’t repeat what Sandberg told me—and, considering Sandberg’s polish and power, I didn’t understand her reticence. Zandy said she’d try to get the figures I’d requested and arrange interviews, including ones with Sandberg and Facebook’s head of human resources.

Two days later, she sent me a second email. “I appreciate you reaching out,” she wrote. “Unfortunately, I won’t be able to arrange any of the interviews you requested.” Nor provide statistics. “Unfortunately, we don’t share much of the detailed and quantitative data you have asked for.” She was able to tell me the following:

- The names of Facebook’s top executives (which the company, by law, has to disclose in its annual report). Except for Sandberg, they were all male.
- Names of “female leaders in operational roles.” Of the nine, only one was on the engineering side of the aisle; the others were mostly in traditionally “female” roles like communications, consumer marketing, and human resources.
- Examples of Facebook’s “incredible benefits” (a generous four-month paid parental leave and a $4,000 “baby cash” payment) and “strong resources for ALL employees—and for women” (“Women Leadership Day,” “hosting speakers and mentoring student groups,” etc.).
- And finally, “a FB statement in lieu of an interview”: “Statement: Facebook supports the message of Lean In—that women should pursue their goals with gusto, no matter what they may be. We work hard to create a work environment that supports women and gives them the opportunities to have impact and lead. Our management and employees are incredibly passionate about not just recruiting and retaining women, but developing the right
leadership, policies and support to create a culture and workplace where they can thrive.”

I wrote back to say I appreciated the information and still wished to talk to Sandberg. “Though some of my questions are skeptical,” I said, “I hoped that they might open an actual and meaningful dialogue on a subject both she and I care about.” I presented four questions for Sandberg. Here are the first two:

1. A number of Lean In’s corporate Platform Partners seem to have a woman problem—most notably (though not alone), the sex-discrimination legal actions against Wal-Mart and Costco. How do you ensure that corporate partners are not signing up as a way of whitewashing (agreeing publicly with the concept of women’s advancement, and securing Lean In’s imprimatur, to avoid addressing more systemic problems)? Is there an instance where you’ve said to such a company that you’d be glad to have it as a partner, but only after it cleans up its act? Wouldn’t such a demand be an example of what you champion—that having women in power will benefit ordinary women?

2. Lean In Circles have been described as peer mentoring and as a sort of consciousness-raising for our times. If a Lean In Circle decides that members of its group have actual grievances with the companies they work for that require a political response, would Lean In be supportive of them taking political or legal action against those companies? Would you, for example, encourage a Lean In Circle to picket a discriminatory employer?

Zandy replied: “As I mentioned before, I do think an off the record conversation between you and Sheryl would be a great place to start the dialogue. Let me know if you would reconsider that.” I again declined.

In the middle of the next week, I received an email from another media spokesperson, this one with Lean In. Andrea Saul (formerly the press secretary for Mitt Romney’s 2012 presidential campaign) informed me, “Unfortunately, an interview will not be possible.” Instead, she sent me written answers to my questions, evidently drafted by Lean In’s public relations apparatus (see below), and “a quote for your use”:

Lean In is a global community committed to encouraging and supporting women leaning in to their ambitions. We’re incredibly grateful to our community and the individuals, and institutions, who have already made progress changing the conversation on gender. But we know there is so much more to do before we live in an equal world. That’s why we’re not just encouraging, but supporting, everyone and every company that wants to lean in. It’s time to change the world, not just the conversation.
Upstairs, Downstairs

One Saturday several weeks into Sandberg’s protracted multimedia tour, I drove to the mother root of American industry, the city that, as its historical literature puts it, “gave birth to the modern corporation.” So many of New England’s old textile factories have been gutted and converted into boutique and condo space. But in the 1970s, Lowell, Massachusetts, turned over millions of square feet of abandoned mills to the National Park Service. The 141 acres of factories, boardinghouses, and power canals are now the preserve of the Lowell National Historical Park.

Its centerpiece is the Boott Cotton Mills, “the cathedral of industry,” a red brick behemoth that sits alongside the Merrimack River like a medieval fortress, ensconced within a rampart of thick red brick walls, accessible only by a single bridge spanning a deepwater canal. A huge bell tower presides over the courtyard: for decades, its 4:30 a.m. toll summoned a nearly all-female workforce to a fourteen-hour day. The Boott Mills is now a museum, its exhibition space a reminder of the vast divide between the men who owned it and the women who labored there.

Upstairs, a wing is adorned with large oil portraits of the gentlemen mill proprietors who formed the WASPy Boston Associates. Downstairs, the “weave room,” a sprawling factory floor, has been restored to its early glory (minus the humid, lint-choked air that incubated spectacular rates of tuberculosis and other lung diseases, and minus the mass infestation of cockroaches that swarmed over employees’ clothes and lunch pails). During visiting hours, museum staffers run a portion of the eighty-eight power looms to provide visitors with a modest sense of the earsplitting cacophony. (Even at reduced levels, the museum must dispense earplugs.) On the day I visited, two middle-aged women were operating the clanking looms. As I stood, half-hypnotized by a power shuttle flinging itself back and forth between the warp threads, they came over to ask if I had questions. Several minutes into our conversation, it was apparent that they were no ordinary docents. Francisca DeSousa and Cathy Randall were lifelong mill workers.

The textile factory where DeSousa had worked for more than a quarter century had hightailed it to Mexico, and she’d taken the job at the museum. Randall has continued to work in the few remaining mills, including for a time at one that has made certain adjustments to the times: it weaves carbon fiber for microchips. She was working, that is, at the industrial production end of the empire that Sheryl Sandberg presides over as chief operating officer.

DeSousa, like Randall, started at $3 an hour. Later, she recalled, “they paid you four to five cents per piecework—to make you work faster.” In the course of her employment, she and her husband, who also worked full time, had four children. After she gave birth, “I took one week off, unpaid,” she said. “You didn’t dare take more than that—you’d get fired.”
“There was no vacation time,” Randall recalled of her first job, “no health insurance, no benefits, and no sick days.” After eleven years, she was making $11 an hour. “Now they just don’t give you the forty hours,” she said, “so they don’t have to pay you benefits.”

DeSousa and Randall, like so many mill workers, saw many accidents: women who were maulled, women who lost body parts, women nearly scalped when the loom mechanism seized their hair. On the factory floor one day, Randall witnessed an “amputation”: a young woman’s arm was sucked into the machinery. The memory still haunts her. “She was one of the ones I trained,” she said.

None of these jobs were unionized. At the first mill Randall worked for, she became involved in an organizing effort. The union campaign never came to a vote. “People were too afraid,” she said, recalling how one of the women “came to me crying, ‘Don’t do this, I can’t lose my job.’”

DeSousa led two ad hoc protest efforts of her own. The first was in response to a company announcement that the workers would no longer be given a lunch hour—which was actually a lunch half hour. “I told them we are going to sit down for half an hour, because we deserve it,” she said. At first, her coworkers were leery of taking a stand. “It was hard keeping people together. I mean, I was scared, too—my God, what were they going to do to us?” But finally she convinced her colleagues. “I told them, ‘Listen, if we stick together, they can’t fire all of us.’” After two weeks of sit-downs, the company relented. Then the company announced that mill workers would be required to work overtime on Saturdays. While the women were glad for the extra money, many were single mothers with no weekend day care. “If you didn’t show up on Saturday, they’d give you a yellow slip,” DeSousa recalled, “and after you got several of them, they could fire you.” DeSousa and another mill worker proposed a plan: “We stop all the looms—it’s the only way to get their attention.” The workers did, and a few minutes later, their overlords rushed in. “Even the big bosses from the main office came running.” After a tense negotiation, the women won their fight. DeSousa’s supervisor, though, let her know that she better not try for a third victory. “My boss came over,” DeSousa recalled, “and he said to me, ‘Some day, Norma Rae, I’m going to get you.’”

I asked the two women if they had heard of Lean In. Randall said she had seen a couple of Sandberg’s TV appearances, but didn’t quite understand the message. I told her that Lean In argues that women need to break down “internal obstacles” within themselves that are preventing them from moving up the work ladder. “There are a lot of barriers women face,” Randall said. She ticked off a few: lousy pay, no benefits, no sick leave, no unions, sexism, and a still highly sex segregated workforce. “There are lots of jobs that are still considered women’s work,” she said. “In one of the mills, I was actually referred to as ‘the girl.’”
What Randall described is what most American working women face. And they are also the sort of problems that the advocates of Lean In and its sister impulses must address if they are not to be seen as individual women empowering themselves by deserting other women—if they are to be called, as Sheryl Sandberg calls herself, feminist.

What about “internal obstacles,” I asked Randall—the sort of obstacles that cause women to curb their ambitions because they’re afraid they won’t be likable? She pondered the question for a time. “I don’t know,” she said finally. “That’s just not the world I came from.”

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**My Questions for Sheryl Sandberg . . . and the Answers from Her PR Department**

**Q:** A number of Lean In’s corporate Platform Partners seem to have a woman problem—most notably (though not alone), the sex-discrimination legal actions against Wal-Mart and Costco. How do you ensure that corporate partners are not signing up as a way of whitewashing (agreeing publicly with the concept of women’s advancement, and securing Lean’s imprimatur, to avoid addressing more systemic problems)? Is there an instance where you’ve said to such a company that you’d be glad to have it as a partner, but only after it cleans up its act? Wouldn’t such a demand be an example of what you champion—that having women in power will benefit ordinary women?

**A:** We reject this premise. There are over 200 companies who have joined as platform partners, and it seems early to judge their motivations. We are not setting up a watchdog organization or an audit function. Rather, we are providing high-quality educational materials and technology at scale that companies can use to improve their understanding of gender bias. We want to make these materials available to everyone—because every company can get better, and we want them to.
Q: Lean In Circles have been described as peer mentoring and as a sort of consciousness-raising for our times. If a Lean In Circle decides that members of its group have actual grievances with the companies they work for that require a political response, would Lean In be supportive of them taking political or legal action against those companies? Would you, for example, encourage a Lean In Circle to picket a discriminatory employer?

A: Lean In Circles are a starting point, not an endpoint. We are encouraging people to set up Circles and take them where they will through an open and constructive dialogue—and share their learnings with other Circles. Lean In provides a framework but we want each Circle to decide what it does or focuses on, because each Circle is different and has different needs.

Q: Lean In has described itself as a “movement.” Social movements in my experience are all about solidarity and confrontation—that is, a collective response that confronts powerful institutions and people who are holding a group down. What is the confrontation here, and who or what is being confronted? Or does the sort of self-awareness endorsed by Lean In Circles stop when external confrontation begins? Put another way, is the confrontation all with one’s self, to appeal to the corporation?

A: Again, we reject this premise. We are a community that seeks to promote awareness and empower individual, as well as collective, action. Lean In is made up of individuals and organizations coming together to further the common aim of understanding gender bias and helping other women achieve their goals.

Q: Lean In emphasizes individual solutions to problems of individual advancement. How do you keep this focus on individual initiative from undermining an alternative group awareness necessary to fuel an actual movement?

A: This is not a zero-sum solution. It takes both individual and collective initiative. In fact, Lean In makes clear that individuals can facilitate institutional reform. The more people are focused on issues for gender, the more of both there will be. We think Lean In is already demonstrating results—individuals taking action, women asking for and getting raises, companies changing policies. The questions we would ask back is: “Has overall group awareness of these important social issues increased since Lean In launched?” Our answer is that while there is so much more to do, changes have begun.
Americans use the Internet to abandon children adopted from overseas

By Megan Twohey

Filed September 9, 2013

MOTIVATED MOM: In her time seeking children on the Internet, Nicole Eason has referred to herself as Big Momma and Momma Bear. Her term for informal custody transfers is "non-legalized adoption," and she defines the phrase to mean: "Hey, can I have your baby?" REUTERS/Samantha Sais

Part 1: When a Liberian girl proves too much for her parents, they advertise her online and give her to a couple they’ve never met. Days later, she goes missing.

KIEL, Wisconsin – Todd and Melissa Puchalla struggled for more than two years to raise Quita, the troubled teenager they’d adopted from Liberia. When they decided to give her up, they found new parents to take her in less than two days – by posting an ad on the Internet.

Nicole and Calvin Eason, an Illinois couple in their 30s, saw the ad and a picture of the smiling 16-year-old. They were eager to take Quita, even though the ad warned that she had been diagnosed with severe health and behavioral problems. In emails, Nicole Eason assured Melissa Puchalla that she could handle the girl.

"People that are around me think I am awesome with kids," Eason wrote.
A few weeks later, on Oct. 4, 2008, the Puchallas drove six hours from their Wisconsin home to Westville, Illinois. The handoff took place at the Country Aire Mobile Home Park, where the Easons lived in a trailer.

No attorneys or child welfare officials came with them. The Puchallas simply signed a notarized statement declaring these virtual strangers to be Quita’s guardians. The visit lasted just a few hours. It was the first and the last time the couples would meet.

To Melissa Puchalla, the Easons "seemed wonderful." Had she vetted them more closely, she might have discovered what Reuters would learn:

• Child welfare authorities had taken away both of Nicole Eason's biological children years earlier. After a sheriff's deputy helped remove the Easons' second child, a newborn baby boy, the deputy wrote in his report that the "parents have severe psychiatric problems as well with violent tendencies."

• The Easons each had been accused by children they were babysitting of sexual abuse, police reports show. They say they did nothing wrong, and neither was charged.

• The only official document attesting to their parenting skills – one purportedly drafted by a social worker who had inspected the Easons' home – was fake, created by the Easons themselves.

On Quita's first night with the Easons, her new guardians told her to join them in their bed, Quita says today. Nicole slept naked, she says.

Within a few days, the Easons stopped responding to Melissa Puchalla's attempts to check on Quita, Puchalla says. When she called the school that Quita was supposed to attend, an administrator told Puchalla that the teenager had never shown up.
Quita wasn’t at the trailer park, either. The Easons had packed up their purple Chevy truck and driven off with her, leaving behind a pile of trash, a pair of blue mattresses and two puppies chained in their yard, authorities later found.

The Puchallas had rescued Quita from an orphanage in Liberia, brought her to America and then signed her over to a couple they barely knew. Days later, they had no idea what had become of her.

When she arrived in the United States, Quita says, she "was happy ... coming to a nicer place, a safer place. It didn't turn out that way," she says today. "It turned into a nightmare."

The teenager had been tossed into America's underground market for adopted children, a loose Internet network where desperate parents seek new homes for kids they regret adopting. Like Quita, now 21, these children are often the casualties of international adoptions gone sour.

Through Yahoo and Facebook groups, parents and others advertise the unwanted children and then pass them to strangers with little or no government scrutiny, sometimes illegally, a Reuters investigation has found. It is a largely lawless marketplace. Often, the children are treated as chattel, and the needs of parents are put ahead of the welfare of the orphans they brought to America.

The practice is called "private re-homing," a term typically used by owners seeking new homes for their pets. Based on solicitations posted on one of eight similar online bulletin boards, the parallels are striking.

"Born in October of 2000 – this handsome boy, 'Rick' was placed from India a year ago and is obedient and eager to please," one ad for a child read.

A woman who said she is from Nebraska offered an 11-year-old boy she had adopted from Guatemala. "I am totally ashamed to say it but we do truly hate this boy!" she wrote in a July 2012 post.

Another parent advertised a child days after bringing her to America. "We adopted an 8-year-old girl from China... Unfortunately, We are now struggling having been home for 5 days." The parent asked that others share the ad "with anyone you think may be interested."

U.S. lawmakers call for action on re-homing
Reuters analyzed 5,029 posts from a five-year period on one Internet message board, a Yahoo group. On average, a child was advertised for re-homing there once a week. Most of the children ranged in age from 6 to 14 and had been adopted from abroad – from countries such as Russia and China, Ethiopia and Ukraine. The youngest was 10 months old.

After learning what Reuters found, Yahoo acted swiftly. Within hours, it began shutting down Adopting-from-Disruption, the six-year-old bulletin board. A spokeswoman said the activity in the group violated the company's terms-of-service agreement. The company subsequently took down five other groups that Reuters brought to its attention.

A similar forum on Facebook, Way Stations of Love, remains active. A Facebook spokeswoman says the page shows "that the Internet is a reflection of society, and people are using it for all kinds of communications and to tackle all sorts of problems, including very complicated issues such as this one."

The Reuters investigation found that some children who were adopted and later re-homed have endured severe abuse. Speaking publicly about her experience for the first time, one girl adopted from China and later sent to a second home said she was made to dig her own grave. Another re-homed child, a Russian girl, recounted how a boy in one house urinated on her after the two had sex; she was 13 at the time and was re-homed three times in six months.

"This is a group of children who are not being raised by biological parents, who have been relocated from a foreign country" and who sometimes don't even speak English, says Michael Seto, an expert on the sexual abuse of children at the Royal Ottawa Health Care Group in Canada. "You're talking about a population that appears to be especially vulnerable to exploitation."

Giving away a child in America can be surprisingly easy. Legal adoptions must be handled through the courts, and prospective parents must be vetted. But there are ways around such oversight. Children can be sent to new families quickly through a basic...
attorney” document – a notarized statement declaring the child to be in the care of another adult.

In many cases, this flexibility is good for the child. It allows parents experiencing hard times to send their kids to stay with a trusted relative, for instance. But with the rise of the Internet, parents are increasingly able to find complete strangers willing to take in unwanted children. By obtaining a power of attorney, the new guardians are able to enroll a child in school or secure government benefits – actions that can effectively mask changes of custody that take place illegally outside the purview of child welfare authorities.

Interactive Explore an online child market

Reuters gathered five years of messages posted on a Yahoo bulletin board, Adopting-from-Disruption. This database consists of posts where parents or middlemen advertise an unwanted child. Each figure represents an offer of a child. Click to explore.

Messages are verbatim, except where redacted to protect children's identities. Multiple messages were used to analyze each child's situation.

BOYS GIRLS NOT INDICATED

Subject: Considering disruption

I just got our 4 year old boy from Haiti on Humanitarian parole in January. He is a great kid and I look at him and my heart breaks for him because I have failed to be the mom he needs.

First of all, when we decide to adopt, we know what we can handle and we ask for that so we can be prepared. When we started our journey, we asked for a child up to a year. Our son was 6 months at referral and our agency told me he would be home by age 15 months and I was OK with that since that was young enough for me to handle. They hurried me through a lot of the processes telling me if I did not hurry, the boy would be gone. (I still have the emails they wrote stating so). And of course I did not know that the Haiti process took years to complete. As he turned 3 and a half, I told me agency that I did not want to adopt him because he no longer a toddler or infant or an age I was comfortable with. They told me to bring him here and that they would help me if disruption was to be considered. We wanted him to be the first child but when it took so much time to get him, we started our own bio family and now we have a 2 YO daughter and a month old baby. One night about a month ago, he was playing house with my daughter and hugging on her...my husband thought it was cute but after baths (my husband bathed them together) My son took his hand and started touching my daughter. They did not see me there. So I spanked him and explained to both at the same time and
separately that they should not allow anyone or each other to touch their privates. A few days later, they were watching TV and he started kissing her on the face (at 4?). The first incidence left me wondering if it was just curiosity; the second...my mom wires just rose and I now cannot just bond with him. I care for him but I cannot bond with him as my child. And when I spoke with the social worker, she was supposed to come by but has not yet because of unforeseen circumstances and the last day she was supposed to come, he was laying with her, hugging and they had their faces on each other but not kissing (and this has also happened today). We had sexual abuse in my family and I didn’t (nor did my mom) know about it until recently when my sister revealed she was sexually molested by my cousins and an uncle and my brother was molested by my mom’s brother...people that my mom trusted to take care of us. How can I take this sweet little boy and wait for him to grow up and have sex with my daughters or son before I get him out of my house? He is such a sweet little boy when he wants to be. BUT he can be defiant, has no fear of authority. Time out helps a little but behaviors are not corrected. He does the same thing over and over. He is destructive but he is a boy. He does not listen to his father even though I think he is well bonded to him and very slightly to me. He knows certain behaviors will not be tolerated but has noticed that when we discipline my daughter, we try to reason with her to teach her at 2 yrs, why we are giving her time out and sometimes we just explain why we don’t want her to do something which if our son did, he gets time out because he understands and knows better...e.g. playing with the door of the car and trying to open it while we are driving. So now when he wants to do something, he calls her out to do it with him. So we are constantly calling their names to stop and with a new born, this is becoming stressful. I had gestational hypertension and despite medications, my blood pressure has refused to go down and I think it is just stress. I hate my home because all we do is scream and now I am beginning to feel like a monster...hypervigilant to avoid him and my daughter being alone; him teaching my daughter dangerous behaviors and now my daughter parrots everything we say. We never wanted her to be saying some of the words we use now and never did use those words but now, when I am tired, they just come out. He hugs strangers in the store, is ready to go with my friends and a minutes notice whom he has never met and last weekend, he called a priest that came to our house, his papa. The girl that was with the priest asked him if he wanted to stay with me or my husband, he said no. He wanted to go with them. So when I said, well, pack your bags, he ran to do so. That was very puzzling. He is always in time out at school for hitting other kids though he does not hit my daughter. He takes things that are not his and states they are his when we visit friends and we are forced to make him take them back and offer an apology. Just recently, he took gum from a gas station but my
husband saw him and told him to put it back. I am having a lot of difficulty trying to adjust as his mom and with a new born and a 2 YO, I cannot give him the attention he deserves. If he came as planned, he may have ended up as an only child but he would have been a child that we raised and maybe the sexual behavior and not listening to us would not be problems...I dont know. But I cannot take him in knowing that he could potentially abuse my kids in the near future. I do not want to wait until something happens. The 2 people in my family that were sexually abused are the least adjusted. I look at him and he needs a mama that will kiss him and his boo boos; that will hug him, lift him and just love up on him. He is still a baby and needs those things and all I do is bark orders half the time and look like a police woman controlling traffic the other half trying to make sure boundaries are observed. That makes me really upset. If he did not have the sexual behaviors, I may have kept him longer trying therapy but as it stands, I cannot raise him. He would be perfect as an only child, or the youngest of the children (by at least 3-4 yrs) or an all boy family. I really need help because I dont think I can complete his adoption. I want him to experience having a mommy who loves him as she does her own. Any advice???

[name redacted]

May 31st, 2010

There is one potential safeguard: an agreement among the 50 U.S. states, the District of Columbia and the U.S. Virgin Islands called the Interstate Compact on the Placement of Children, or ICPC. The agreement requires that if a child is to be transferred outside of the family to a new home in a different state, parents notify authorities in both states. That way, prospective parents can be vetted.

The compact has been adopted by every state and is codified in various statutes that give it the force of law. Even so, these laws are seldom enforced, in part because the compact remains largely unknown to law enforcement authorities. Each state is also left to decide how to punish those who give or take children in violations of the compact's provisions. Some states attach criminal sanctions – generally, misdemeanors. Other states aren't explicit about how violations should be handled.
A child might be removed from the new home if an illegal re-homing is discovered. But seldom is either set of parents punished. No state, federal or international laws even acknowledge the existence of re-homing.

“You're talking about a population that appears to be especially vulnerable to exploitation.” Michael Seto, expert on sexual abuse of children

International adoptees are especially susceptible to being re-homed. At least 70 percent of the children offered on the Yahoo bulletin board, Adopting-from-Disruption, were advertised as foreign-born.

Americans have adopted about 243,000 children from other countries since the late 1990s. But unlike parents who take in American-born children through the U.S. foster-care system, many adults adopting from overseas receive little or no training. It isn't unusual for the children they bring home to have undisclosed physical, emotional or behavioral problems.

No authority tracks what happens after a child is brought to America, so no one knows how often international adoptions fail. The U.S. government estimates that domestic adoptions fail at a rate ranging from "about 10 to 25 percent." If international adoptions fail with about the same frequency, then more than 24,000 foreign adoptees are no longer with the parents who brought them to the United States. Some experts say the percentage could be higher given the lack of support for those parents.

A U.S. federal law, passed in 2000, requires states to document cases in which they take custody of children from failed international adoptions. The State Department then collects that information. In addition, adoption agencies are supposed to report to the department certain types of failed international adoptions that come to their attention.

But many states say they are unable to keep track of the cases because their computer systems are antiquated. And the State Department won't disclose the number of failed international adoptions that are reported by adoption agencies.

"Because the State Department is not the authoritative source of information regarding dissolutions and is not always notified when adoptions are dissolved, we do not provide statistics," a State Department official said.

The failure to keep track of what happens after children are brought to America troubles some foreign governments. So do instances of neglect or abuse that become known. Often cited is the case of the Tennessee woman who returned a 7-year-old boy she adopted from a Russian orphanage. The woman had cared for him only six months when she put the boy on a flight to
Moscow in April 2010. He was accompanied by a typed letter that read in part, "I no longer wish to parent this child."

Late last year, Russia banned adoptions by Americans amid a broader diplomatic dispute. Other nations, including Guatemala and China, have also made the process more difficult. As a result, the number of foreign-born children adopted into the United States has declined from a peak of almost 23,000 in 2004 to fewer than 10,000 a year today.

The recent obstacles to bringing new kids to America could make the Internet child exchange even more appealing. A participant in one online bulletin board characterized the re-homing groups as "the 'latest country' to adopt from."

Other participants wrote about openly defying government efforts, foreign and domestic, to keep track of children from failed adoptions (also sometimes called "disrupted" adoptions).
"We adopted two children from Russia. We have disrupted our daughter. What business of the Russian government?" one parent wrote in July 2012. "We never let anyone know about the disruption." (Russia is among the nations that seek periodic updates on children adopted from there.)

Parents who offer their children on the Internet say they have limited options. Residential treatment centers can be expensive, and some parents say social services won’t help them; if they do contact authorities, they fear being investigated for abuse or neglect.

The problems – and the isolation parents feel – can prove overwhelming. On the bulletin boards, parents talk of children becoming abusive and violent, terrorizing them and other kids in the household.
"People get in over their heads," says Tim Stowell, an adoptive parent who created the Facebook group last year. "The main thing is to offer hope for families that have no hope... I also knew there were people looking to adopt kids from those situations, so I wanted to get those people together, kind of like a clearinghouse."

Not until January 2011 did any official responsible for overseeing the U.S. child-protection compact call attention to the dangers of the online network. In a nationwide alert to state child welfare authorities, an administrator for the ICPC warned that adoptive parents were sending children to live with people they met on the Internet. The practice, the official wrote, is "placing children in grave danger."

NEW PARENTS: On the day her adoptive parents dropped her at the Eason trailer in Illinois, they snapped this picture inside the couple's kitchen. From left to right, Calvin Eason, Quita Puchalla and Nicole Eason. REUTERS/Handout

The official who sent the memo, Stephen Pennypacker, says he issued the warning after a child welfare worker in one state noticed cases of kids being sent to new parents without the approval of authorities.

In the alert, Pennypacker asked that such cases be documented and reported to the national non-profit organization that oversees the ICPC. He says he also told child protection officials in each state to alert their attorneys general, local police and social workers "so that people could be on the lookout."

Despite the urgency of the request, Pennypacker says there has been no response.

As part of its investigation, Reuters reviewed thousands of pages of records – many of them confidential – from court cases, police reports and child welfare agencies. Reporters examined ads for children and emails between parents, and also identified eight Internet groups in which
members discussed, facilitated or engaged in re-homing. Reporters then analyzed thousands of posts from the group that Yahoo subsequently shut down, Adopting-from-Disruption. Some participants in that group both offered and sought children for re-homing, sometimes simultaneously. Others looked to offload more than one child at a time. Some sought new parents for children who already had been re-homed. A 10-year-old boy from the Philippines and a 13-year-old boy from Brazil each were advertised three times. So was a girl from Haiti. She was offered for re-homing when she was 14, 15 and 16 years old. In an interview earlier this year, Nicole Eason - the woman who disappeared with Quita - referred to private re-homing as "non-legalized adoption."

"The meaning of non-legalized is, 'Hey, can I have your baby?"' Eason said. She discussed why she was so motivated to be a mother. "It makes me feel important," she said. And she described her parenting style this way: "Dude, just be a little mean, OK? ... I'll threaten to throw a knife at your ass, I will. I'll chase you with a hose.

'RED LIGHT': Melissa Puchalla says she sobbed after leaving Quita with the Easons, the couple she met on the Internet. "Maybe a red light should've went off – too good to be true," she says now. REUTERS/Sara Stathas

"I won't leave burns on you. I won't leave marks on you. I'm not going to send you with bruises to school," she said. "Make sure you got three meals a day, make sure you have a place to live, OK? If you need medication for your psychological problems, I've got you there. You need
therapy? You need a hug? You need a kiss? Somebody to tickle with you? I got you. OK? But this world is not meant to be perfect. And I just don't understand why people think it is."
The story of the Easons and the girls and boys they have taken through re-homing illustrates the many ways in which the U.S. government fails to protect children of adoptions gone awry. It shows how virtually anyone determined to get a child can do so with ease, and how children brought to America can be abruptly discarded and recycled.

A CHILD FOR FREE

The night before leaving Quita with the Easons, Melissa Puchalla showed her daughter a picture of the couple. Like Quita, Calvin Eason is black. Nicole is white, and Puchalla thought Quita might thrive in a mixed-race household.
The Puchallas also say they were giving up the teenager to protect their other children. Quita was unpredictable and violent, Melissa says, and her siblings had grown frightened of her. "There was no other option," Melissa says today.
Puchalla assured her daughter that the Easons were "very good people," Quita remembers. "But I was like judging in my mind: 'How do you know?'" Quita says today. She says she spent the night crying.
The Easons were elated. They were about to get a child, for free.

Part of the allure of re-homing is that the process is far cheaper than formal adoptions. Adopting from a foreign country can cost tens of thousands of dollars. Taking custody through re-homing often costs nothing. In fact, taking a child may enable the new family to claim a tax deduction and draw government benefits. The Easons view re-homing as a way around a prying government, and a way to take a child inexpensively.

"If you don't want to pay $35,000 for a kid," Nicole Eason says today, "you take your chances."

“Dude, just be a little mean, OK?... I’ll threaten to throw a knife at your ass, I will. I’ll chase you with a hose.... I won’t leave burns on you. I won’t leave marks on you. I’m not going to send you with bruises to school.” Nicole Eason, on her approach to parenting

For Quita, the drive to the Eason place was a blur. But she remembers vividly when her adoptive father, Todd Puchalla, stopped in front of a mobile home with an overgrown lawn. Some of the trailers were well-maintained. This one, Quita thought, looked like a junkyard.

From the picture her mother had shown her, Quita recognized the Easons immediately. Both were large, well over 200 pounds, and Calvin was tall – about 6-foot-2. But what first caught the Puchallas’ attention was the tube coming out of Calvin’s neck a few inches beneath his chin. It was from a tracheostomy, a surgical procedure to alleviate a sleep disorder.
"We were a little standoffish about him because he has a trach," Melissa Puchalla recalls. "But they were warm, and they were caring. They seemed kind."

Today, Melissa Puchalla says, "Maybe a red light should've went off – too good to be true. But at that point, I was walking in such a fog."

Not only were the Easons willing to take Quita, but they would gladly do so through the simple device of a power of attorney document, about 400 words long. The paper is signed by the old parents and the new guardians, and witnessed by a notary. As happened in Quita's case, no lawyers or government authorities are involved. The document is filed nowhere; it functions, in essence, as a receipt. Such agreements fail to satisfy the ICPC when custody of the child is exchanged across state lines and authorities in both states aren't involved. But that hasn't stopped some parents from handling transfers this way.

Not long after the Puchallas arrived with Quita, the Easons presented a cake. "Welcome home Quita" was written in orange frosting.

Nicole also had a card for Melissa. Inside were printed these words: "I have faith that you're going to come out of this experience with more wisdom and resilience than you ever thought possible."

Melissa helped Quita unpack and hugged her goodbye. Everything would be fine, Melissa assured her. Melissa also devised a code: Quita would say "I love asparagus" over the phone if she felt in danger. (Quita didn't use the code, Melissa says.)

As the Puchallas drove away, Melissa sobbed. She calls the decision "the hardest thing we've ever done in our lives." Quita still can't reconcile it. "How would you give me up when you brought me to be yours?" she asks.

In the days that followed, two puppies scampered through the trailer, gifts from the Easons to Quita. The dogs lifted the teenager's spirits, but they weren't housebroken and no one cleaned up after them. No one did the dishes, either, or the laundry.
More troubling, Quita says, was that the Easons took her into their bed: "They call me in there to sleep ... to lay in the bed with them." In bed, "Nicole used to be naked and stuff. It was not right to me."

The sleeping arrangements Quita describes are consistent with the experience of another child the Easons took in. Nicole and Calvin both say that no child they took in ever slept in their bed.

A MISSING CHILD

Within days, the Easons had stopped answering Melissa Puchalla's calls or returning her emails, Puchalla says. They attached a makeshift camper to the truck bed of their purple Chevy S-10, packed most of their belongings and left the state. Riding along was a friend of the Easons, a man on parole in Illinois for armed robbery.

When Melissa Puchalla called the school Quita was supposed to attend, she talked with an administrator who then contacted state child protection officials. Although Puchalla had signed over custody of Quita, she says she felt obligated to ensure Quita was safe.

Authorities, including police, subsequently went to the mobile home park in Westville. A neighbor told a child welfare official that before the Easons left, Quita had told the neighbor's daughter that the Easons would be heading to upstate New York to visit Nicole's mother.

The puppies, left chained in the yard, were retrieved by animal protection officers.

As authorities searched for Quita, they discovered information that could have precluded the Easons from taking custody of the teenager, if the proper officials had been involved, adoption experts say.

Illinois authorities determined that the Easons had fabricated a document they provided to the Puchallas called a "home study." It purported to be from a social worker who had visited their home and done background checks of the couple. Actually, Nicole had found a sample document on the Internet and filled it out herself. Some of the information was true; the rest was fiction.
"Quita Puchalla is missing as is the Eason family," reads a confidential report by the Illinois Department of Children and Family Services. The internal report was dated Oct. 20, 2008, 16 days after the Puchallas had dropped Quita at the Easons.

"The Easons faked their home study," the report says. "The Easons are suspected of using the disrupted adoptions of out of country children... Because there are other states involved, licensing issues and possible public aid fraud as well as a missing child, this matter may involve the FBI at some point."

ONGOING STRUGGLE: Today, Quita Puchalla lives in Milwaukee, Wisconsin. She says she still cannot reconcile why the parents who adopted her from Liberia gave her away. "How would you give me up when you brought me to be yours?" she asks. REUTERS/Jeffrey Phelps

Illinois officials did share their findings with the local sheriff's office and with the Federal Bureau of Investigation. Authorities then contacted the New York State Police, who located the Easons' truck in Stephentown, New York. It was parked outside a house where Nicole's mother lived.

When police went to the home on Oct. 21, they found Nicole, Calvin and Quita. The man convicted of armed robbery who had traveled with the Easons to New York wasn't there.

“I have a 16 year old that came home from Haiti.... We need to find someone who would be willing to take her.... None of us want her back.”Participant writing on Yahoo group

Later that day, investigators separately interviewed the Easons and Quita. Reports show that the teenager said the Easons had pornography in their house. Police took Quita to a homeless shelter; the next day, she was put on a bus. She was heading back to Wisconsin, by herself, to the parents who had given her up not three weeks before.

Taking Quita from the Easons and returning her to the Puchallas was the extent of the response by authorities.
New York State Police concluded that the Easons had committed no crimes in their jurisdiction. Illinois authorities took no legal action, and neither did officials in Wisconsin. No one did anything to prevent the Easons from taking a child again. Hundreds of other adoptive parents were seeking new homes for their unwanted children through Internet message boards like those that had featured Quita. Nicole Eason knew how the child exchange worked. She would tap it again after losing Quita, much as she had used it before. One of the first times, Eason had gone by the screen name Big Momma. The custody transfer took place in a hotel parking lot just off the highway, and the man who went with her to get the 10-year-old boy would later be sentenced to federal prison. His crime: trading child pornography.

(Additional reporting by Ryan McNeill, Robin Respaut, Zachary Goelman and Elizabeth Dilts in New York)

Next, Part 2 - The Dangers: In the company of a pedophile

Leave a comment on our Facebook page or tweet us @SpecialReports and use the hashtag #ChildExchange. You can also send us an email atchildexchange@reuters.com.

A look at the kids offered on a Yahoo group

By Ryan McNeill, Robin Respaut and Megan Twohey

Created in September 2007, a Yahoo group called Adopting-from-Disruption was a place where struggling parents sought support from one another. Some also used the group as a clearinghouse for unwanted children.
For an investigation into how parents use the Internet to offload adopted children, Reuters analyzed more than 5,000 messages posted on the forum over a five-year period, September 2007 to September 2012. During that time, the group was one of the most accessible Internet forums for adoptive parents seeking new homes for their children.

After Reuters shared its findings with Yahoo, the company acted quickly to shut down the group. Reuters identified more than 500 members who participated at least once during the five-year time period. Just before it was closed, it had 184 members.

The information gleaned from posts on the group leaves some questions unanswered. Some advertisements for children contained limited information – for example, the age or sex of the child is missing. That means Reuters may have accounted for some children more than once.

Even so, the information in the posts provides a clear indication of the expanse of the Internet child exchange and many particulars about the children offered on it.
Stop what you’re doing. I don’t mean stop reading this, or whatever you’re doing while you’re reading (brushing your teeth, eating, waiting for the water to boil). I mean consider the possibility of stopping whatever your answer is to the conversational gambit, “And what do you do?” Try putting the appropriate response in the past tense: “I used to be [. . .]” It’s very likely, unless your interlocutor gives up on you at that point (as an academic sitting at a Cambridge “feast” once did, turning to her other neighbour for the rest of the meal when I told her I was a novelist), that the follow-up question will be: “So what do you do now?” You might attempt to circumvent this with “I used to be [. . .] but now I’m retired”, if you look old enough, or if you’re younger you could try, “I used to be [. . .] but now I’m vastly wealthy”, but the chances are that the next question will still be in the conceptual area of “What do you do now?”, such as: “How do you spend your time? What do you do with yourself? What are your hobbies?” If you wanted to
avoid the whole party chatter thing (but what are you doing at this vacuous party, anyway?), you could say: “Unemployed, thanks to the government’s economic policy, and lacking the financial resources for hobbies to pass the time until I die.” Or in a more passive-aggressive mode just answer, “Oh, these days I skive and scrounge.”

But what if as you use the phrase “I used to [ . . . ]” your own heart sinks, or your psyche panics at the idea that you might not be what you think yourself to be? Or that what you think yourself to be crumbles into nameless dread at the thought that you are not being what you are doing? The party questioner is only you (or me) on another day, wondering how on earth we are to get through the rest of our time as conscious beings without the reassurance that we are a writer, a teacher, a taxi driver, a parent. The Tory rhetoric about the skiver and scrounger is not nearly as disturbing as the idea we have of ourselves, of being cut loose from a sense of purpose. And the venom directed at the skivers is surely the result of the rhetoric feeding on our own fears about a life without a labelled purpose.

Driving ambition might just be a way of staving off the vacuum, rather than a sign of bottomless greed for more when you have enough. An unquenchable passion for work might be a panic-stricken way of concealing the fear of a lack of passion for life itself. If you are what you do, what are you when you stop doing it and you still are? There are people who don’t find this a problem, who have not entirely or even at all identified existence with what they do and how they make a living, but they are evidently a great problem to those – the majority – who do.

What if you answered the question “What do you do all day?” with “Nothing”? It isn’t as if that could possibly be true. If you spent all day in bed watching television, or staring at the clouds, you wouldn’t be doing nothing. Children are always being told to stop doing “nothing” when they’re reading or daydreaming. It is lifelong training for the idea that activity is considered essential to mental health, whether it is meaningful or not. Behind the “nothing” is in part a terror of boredom, as if most of the work most people do for most of their lives isn’t boring. The longing people express to be doing “creative” work suggests that they think it less boring than other kinds of work. Many people say that writing isn’t “proper work”. Often they tell me they are saving up writing a book for their “retirement”. Creative work sits uneasily in the fantasy life between dread leisure and the slog of the virtuous, hardworking life. It’s seen as a method of doing something while doing nothing, one that stops you flying away in terror.

It was Michel de Montaigne’s chosen solution in 1571, after retiring from his position as a counsellor of the Bordeaux high court. He settled himself at the top of a circular tower in his chateau, surrounded by books, and decided to write delicate morsels of classical rhetoric to pass the time. He crashed into a depression and then, in desperation, started to write a newfangled
form of essay that looked, not from some high, abstract point at well-trodden arguments, but deep into the well of his self to investigate the nature of the world of which he had once been so much a part. It turned out to be not so much a retirement, as a reinvention of life and form.

It’s true that the Tories (imitated by every other political party) did not invent the idea of “decent, hard-working families” and “strivers”, even if it seems as if they have so convincingly coined the phrases that their clichéd-language coffers are now overflowing. (If only the mountain of hard-working-family rhetoric could be used to pay off the national debt.) Max Weber and R H Tawney would claim the work-ethic-as-self-worth idea behind the virtuous labouring discourse to be the cultural property of the Protestant Reformation. In the north/south religious divide it does, roughly speaking, keep to the same side as Protestantism. It can’t be only the lack of sunshine that prevents us in the more northern parts of the western hemisphere from enjoying and benefiting from those civilised siestas and mañanas that punitive economists partly blame for the Greek, Spanish, Italian and Portuguese financial crises. If we’re going delving, there’s also Adam (and all of us), punished for his disobedience by having to work hard for a living, as well as the first deadly rivalry between the farmer Cain and the herder Abel, each striving to have God favour his produce over his brother’s. Not such an honest and decent family, that original one. Working hard to earn a living may go back to the very beginning, but it was called the Fall for a reason, and it signalled the opposite of an ideal way of life. Work as ethic and work as punishment might come to seem, in the omnipresence of religious or Freudian guilt, to be one and the same thing, but they are not.

Nor are the skiver and scrounger labels recent inventions, although “welfare state”, which is the context for the latest iterations (and not about scrounging but a social safety net for any of us who find we cannot earn a living by ourselves), is relatively new. Most familiarly, concern about skivers and scroungers takes us back to the deserving and undeserving poor of the Poor Law Amendment Act of 1834. This legislation embodied the Victorian view that if you made destitution unpleasant enough (because it wasn’t unpleasant enough already?) and arguably worse than a fairly swift death from cold and starvation, with grim and regimented workhouses providing bare sustenance, only the most hopeless cases would consider it an option. Genesis gave us work as punishment and the Victorians doubled it, by punishing those who didn’t or couldn’t work. I’m rather inclined to think that those who can liberate themselves from the severe whims of old Nobodaddy deserve a cheer, but the Victorians’ moral assessment of the poor into good and bad, worthy and unworthy sorts, translates effortlessly into the present government’s employment of companies such as Atos, which use standardised questionnaires to decide who is “genuinely” seeking but unable to find a job, and who disabled enough not to be fit
to work. Then and now, avidness to work hard all their lives is – unsurprisingly, you might think – the ruling classes’ and corporations’ definition of the good citizen.

My father often used to tell me how my immigrant grandfather declined in health and spirit once he gave up the café he ran from dawn to late into the night in Petticoat Lane to retire to a leafy suburb. It was only a matter of time, my father said of the man I never met and knew almost nothing else about, before he died of having stopped work. I think this story is the equivalent of an urban myth of that generation. The decent man who worked all the hours that God sent and more, provided what he could (which was never lavish) for his family, toiled unceasingly in order to make sure his son went to a good school and got a profession, collapsed and died once he stepped off the treadmill.

I never doubted that retirement killed my grandfather. I did wonder sometimes why his devotion to work unto death was considered a virtue. It was never explained, as if it were self-evident, although frequently the story would be told to me as an improving tale when I had failed to complete some task or activity – regardless of its lack of efficacy on my own father, who was a criminal conman, a profession that David Cameron and Iain Duncan Smith would presumably not include in the decent, hard-working category.

There is an argument to be made against the prototypical life of hard work as the inevitable lot of humanity. In 1974 the Chicago anthropologist Marshall Sahlins published Stone Age Economics. He proposed the idea that individuals in many “simple” societies, far from working themselves to death merely to exist in their nasty, brutish and short lives, were actually members of the “original affluent society”. He suggested that, in those parts of the world where co-operation and social exchange were paramount, once people had done the few days’ hard work of felling a tree and carving out a canoe, there were large amounts of free time to lie about daydreaming, exploring, telling stories: doing “culture” or just skiving. You’d fish in the canoe you’d made, and by preserving and sharing the catch with others, who also shared theirs with you, you could then take a few days off before you needed to get any more. Decent members of those communities did what they needed to do and then when they didn’t need to do it, they stopped.

Only when you worship the idea of accumulation and status based on its perceived wealth-giving properties do you have to work hard all the time. Accumulation was hampering; you had to carry it about with you when you moved from camp to camp, or find ways of storing and securing it if you were sedentary. Without the idea of surplus as a value beyond its use value, when you needed/wanted something you got it, and when you had it, you enjoyed it until it was time to get some more.
To modernity’s inability to grasp the idea of a pattern of necessity, sufficiency and rest, we could add its lack of understanding about the social conditions needed to produce a willingness to labour. A few years ago I visited the isolated island of St Helena, a plaintive, forgotten and unwanted British overseas territory left over from the days of the East India Company. There were desperate plans by DfID (the Department for International Development, responsible for the island) to make St Helena economically viable by building an airport to fly in rich South Africans for “luxury holidays”. This was in spite of the mountainous island being overrun with flax that was once disastrously imported as a possible cash crop, the place having no natural resources or industry, frequent shortages of fresh water, not a single accessible beach or usable port, and a dwindling, elderly population of 4,000.

A DfID official was travelling from England on the same boat as me in 2008 (this dedicated boat, the RMS St Helena, was the only means of delivering people and goods as basic as salt and potatoes to the island from England and South Africa, though the English leg has now ceased). DfID Man explained that the people living on the island were fatally dependent on Britain’s (rather paltry) annual handouts. As he told me, one example of the essential laziness of the Saints – as they call themselves – was that those with boats and nets on the island fished only when they needed to, and then waited until they needed more fish before going out again. St Helena was one of George Osborne’s feckless families on a slightly grander scale, stuck in the middle of the southern Atlantic Ocean, “sleeping off a life on benefits”. If it had blinds around its sheer coastal cliffs, it would keep them down all day.

Only a handful of people I spoke to wanted the airport or believed it could be anything other than an outrageously expensive white elephant, especially since the planned airstrip was battered by fierce crosswinds that would make landing and taking off terrifying at the least. And if it worked it would be a less-than-attractive, island-sized case of, as always, the “feckless” poor being forced to earn their own living by servicing the pleasures of the rich. Only the old were left, and they loved the island, having returned after retirement from a life of work abroad, taking up half the passenger space on the RMS St Helena to be back where they belong.

I wondered: given how little the Saints cost the British taxpayer, on whose behalf the DfID official was wringing his hands, why not carry on paying our dues and let those who want to live there continue to live there without requiring economic self-sufficiency for the whole island? The population of St Helena is roughly half that of Malton, North Yorkshire, a town from which we wouldn’t think of demanding self-sufficiency.

There were, of course, all sorts of problems in St Helena – empty shelves in the shops before the boat with supplies arrived, very poor standards of education, a class division between self-
important bureaucrats and the rest of the population, inadequate self-esteem – but those things could be improved with a little more money and commitment to our historical responsibility to the place that did not seek to turn the islanders’ perceived paradise into a service industry for wealthy tourists. Why not let them be? “Because,” I was told firmly, “they have a culture of dependency. St Helena, like everywhere and everyone else, must earn its living.” My “Why? Not everyone can” was left hanging in the air, the question so evidently absurd and troublemaking that the man from DfID didn’t bother to reply.

Even those imbued with the work ethic used to concede that a lifetime’s work earned an easeful retirement early enough in life to allow you a few years to appreciate it before you died. If you weren’t driven, like my grandfather, the gold watch represented the time you’d looked forward to during those decades of nine-to-five, the time when you would potter in the garden, read books, go on long, lazy cruises or play with the grandchildren. It was a prize of extended leisure for a life of hard work and a consolation for forthcoming death. It was the equivalent of the Lord’s seventh day of rest, a well-deserved, built-in part of the pattern of a life of doing. The Lord got one day in seven for the graft of creating the earth, and his virtuous followers got ten or 15 years in addition after four or five decades of shipbuilding, selling, teaching or manufacturing cardboard boxes. At any rate, that was how it was for a western capitalist society that thought it had got itself sorted.

In the 1960s some of the postwar generation, given time to think by relative peace, security and wealth, voiced their doubts about the pattern of virtuous hard work followed by a bit of a rest and death, but, on the whole, nothing much changed structurally. Now, a new demographic (those very 1960s dissidents reaching retirement age) and the results of the greed inherent in capitalism are causing economists and politicians to fret about the cost of an ageing population “being paid for by the hard-working young”, idling their lives away too soon and for too long to sustain an honest hard-working economy. If only their deteriorating bodies can be kept going, the old folk could stay in work for longer and cost less. But keeping those bodies going is expensive, and the longer the old work, the fewer jobs there are for the young.

All very perplexing, when things seemed to be going so nicely in our small part of the planet for a not very long time. Especially confusing as it turns out that the economy, in fact, is controlled by people who gamble rather than graft, and that the decent hardworking family has to be provided with mythical villains – the skivers and scroungers somehow taking the benefit of their efforts – to prevent them from questioning what all the hard work and striving is for. The state has reasons of its own survival for requiring everyone to keep busy; it must maintain the status
quo, keep the taxes rolling in and above all thwart the devil’s penchant for making work or something even more dangerous for idle hands.

The wealthy, the privileged and those satisfied with what they have done with their life (if anyone really is or ever could be) will continue to retire, to give themselves a rest and a break. The most dogged and unlikely people are taking the final sabbatical. Alex Ferguson, Philip Roth, even popes are retiring these days. Only the Queen is a holdout, the very emblem of the old standing in the way of the young and preventing them from having a decent hard-working existence. For decades now people have voiced concern about Prince Charles finding a role for himself and what the lack of purpose in his life might be doing to his character. The worry is that, if he finally attains the throne, it will cause the next prince-in-waiting to become a fretful, interfering busybody who has nothing to do but believe in odd theories, being an odd theory himself. The whole problem of the decent hard-working family in modern times is acted out for us by that quaint historical anomaly, the Windsors.

Philip Roth, apparently, is delighted not to be writing any more novels and seems to be having a wonderful time sitting around in coffee bars learning to use an iPhone. Alex Ferguson can have the satisfaction of watching the football or, perhaps, not watching it and going to the races instead if he wants to. But generally there isn’t very much evidence of joyful retirement even among the elite. The Daily Mail reports that the Pope Emeritus has gone into a physical decline of Diskigrandfatherly proportions, even though he is living comfortably next door to Pope Francis in a flat in the Vatican, in the care of “four consecrated laywomen”. Margaret Thatcher didn’t go gracefully into retirement; indeed, she seems to have taken the long route to going the way of my grandfather after the day job gave up on her.

It has always seemed to me that even those with the most worldly and desirable or admirable successes in their working life end up disappointed. How can it be otherwise? Although people fantasise the immense satisfaction of certain achievements, I would guess that if that is what you actually did with your life (whatever the achievement was), when it comes towards the end, it never seems to be quite enough, or the right thing, or what or how you really meant it to be.

The inevitability of it being too late to have another go must and perhaps should cast a shadow over whatever you have done. Only those who wish they had written the books of Philip Roth, coached the greatest football team, been a leader of “the free world”, succeeded Saint Paul as bishop of Rome and leader of the Catholic Church, brought up small children to be independent adults or taught generations of children to think for themselves think these achievements would feel sufficient when it’s game over. Those who do, fret, in my experience. And if satisfaction is properly absent for gaudy high achievers, is it any more available for all those who virtuously
felled trees, dug out canoes and fished without cease until they dropped, because they were told it was “the right thing to do”, when all along their Palaeolithic ancestors knew that there was more to being alive than working to live, than doing something rather than being something?

Leisure, not doing, is so terrifying in our culture that we cut it up into small, manageable chunks throughout our working year in case an excess of it will drive us mad, and leave the greatest amount of it to the very end, in the half-conscious hope that we might be saved from its horrors by an early death.

*Jenny Diski’s most recent book is “What I Don’t Know About Animals”*
When James Arthur Ray lifted the heavy tarp door and beckoned his devotees into a wood-frame dome, they obeyed. Tall and confident, Ray watched them enter one by one, more than 50 of them. Stooping under the low ceiling, they crowded into the dark, windowless space and sat in two tight rings around a pit filled with heated stones.

Many had spent more than $10,000 to be there, in what Ray called his “sweat lodge.” It culminated five days with the self-proclaimed “catalyst for personal transformation” at Angel Valley Spiritual Retreat, a ranch near Sedona, Arizona. During his “Spiritual Warrior” program, he’d asked participants to shave their heads, spend 36 hours in the desert meditating without food or water, and play the “Samurai Game,” in which a white-robed Ray, playing “God,” declared people dead, forcing them to remain motionless on the ground.

Before they entered the dome, he warned them his final test was a symbolic death. "You are not going to die. You might think you are, but you are not going to die," he said, according to several attendees. Around 2:30PM on October 8th, 2009, he lowered the tarp, closing off the only source of light and oxygen. The ceremony began.

James Arthur Ray had gone from obscure motivational speaker to self-help superstar. After more than a decade of writing and lecturing, he’d appeared in The Secret, a 2006 film touting "the law of attraction" — a belief that "thoughts become things." Positive thoughts attract positive outcomes, The Secret promised; a dream life awaits anyone with a properly focused mind.
"Your body is energy. Your car is energy, your house, everything, money, all of it is energy."

Oprah gushed over the film, twice showcasing its stars and telling her audience, "Watch it with your children." The Secret became a cultural phenomenon; a companion book sold 19 million copies. Ray soon appeared on Larry King Live to say, "Well, Larry, science tells us that every single thing that appears to be solid is actually energy. Your body is energy. Your car is energy, your house, everything, money, all of it is energy." The Today Show, Fox Business News, and local network affiliates followed. He toured the country while guesting on smaller venues from Tom Green’s internet talk show to Coast to Coast AM with George Noory. He even judged a Miss America pageant. "Whatever you fear or love will come into your life," he'd repeat for his agreeable hosts.

But not everyone embraced The Secret. Newsweek called it "deplorable," with psychologist John Norcross condemning its "pseudoscientific, psychospiritual babble." Beneath its rosy view of a universe shaped by human will, critics noted a darker corollary: if your life was in shambles, that too resulted from the law of attraction. Negative thoughts produce negative outcomes, tragedy strikes those who somehow attract it, and the poor need more positive thinking. Dubious ethical questions aside, many commentators noted that The Secret didn’t actually present anything new. Instead, it repackaged self-help nostrums as old as Ralph Waldo Emerson, using misleading quotations to bolster its claim to a historical lineage. (Winston Churchill, for example, was not a Secret follower.)

Still, criticism didn’t dissuade the millions who believed, and Ray’s popularity rose alongside The Secret. A smitten 2008 profile in Fortune magazine called him the "next big thing in the highly competitive world of motivational gurus," offering "a frothy concoction of spiritual wisdom, life lessons, and get-rich advice — all carefully attuned to today's fragile zeitgeist." He made no secret of his ambition, aiming to become the first self-help billionaire. He bragged about his financial success and promised it to his followers. He drew on esoterica from shamanism to quantum physics, but his most compelling support came in the form of Ray himself: tanned, confident, and rich.

So they followed him, into Angel Valley and into the darkness of a makeshift sweat lodge draped with tarps and blankets. And James Arthur Ray closed the door behind them.

Two and a half hours later, emergency responders arrived at what one first took for a mass suicide, according to a witness. Many participants were dazed and disoriented, speaking or yelling deliriously. There was vomiting and crying; people frantically doused others with cold water. One man had fallen into the heated rocks, badly burning his arm. Medics performed CPR on at least three unconscious participants.
Kirby Brown had followed Ray into the lodge. Discovered there unconscious after the others had exited, she was dragged out with another group member, James Shore. Both died of heatstroke. A third member, Liz Neuman, slipped into a coma and died of organ failure nine days later. Eighteen others were hospitalized with burns and dehydration, kidney failure, breathing problems, and heat exhaustion.

The tragedy and ensuing prosecution drew international media attention. After a four-month trial, James Arthur Ray was found guilty of negligent homicide and sentenced to two years in prison. Now he’s back on television, recently sitting down with Larry King’s successor, Piers Morgan, for a one-hour solo interview. From all appearances, James Arthur Ray intends to return to his self-help career.

Kirby Brown’s parents find that unacceptable. After suing Ray for negligence, fraud, and wrongful death, they shared with the other victims’ families a $3 million settlement paid out of Ray’s insurance. But that money comes second to preventing similar tragedies — the Browns want to fundamentally shift the self-help industry toward greater honesty, to hold practitioners accountable, and to help strivers like their daughter, as they put it, "seek safely." That means taking on Ray, calling out Oprah and other enabling media figures, and reforming an $11 billion self-improvement market.

"It’s just terrible that our daughter had to die before we could see how dangerous someone like Ray really could be," says Kirby’s mother, Ginny. "But this is bigger than James Ray. This is bigger than our daughter."

‘Harmonic wealth’

*My intent is to get you right on the border of chaos and order by showing you what we now know in the study of the brain, psychology, biology, even metaphysics.*

— James Arthur Ray

Kirby Brown grew up with her parents, George and Ginny, and three siblings in Westtown, NY, a one-stoplight community about 70 miles northwest of Manhattan. There was a small, man-made lake called Lake Nirvana in her backyard and hunting grounds within walking distance. They’d moved there in the late 1970s, concerned about rising crime and racial tension in their native New York City. They wanted a rustic home, with a vegetable garden and forests for hunting. Kirby, though, balked at leaving her school and friends. But she’d always wanted a pony, and George promised her one in Westtown.
Kirby Brown riding horseback as a child.

He kept his promise: a chestnut Arabian with a white blaze and a brown dot at the center. Kirby named her Happy Dot; as a teenager she began volunteering on a horse farm. Though she considered a career working with horses, she decided she didn’t want to limit herself. She attended a state school, graduating with an English degree in 1993. She briefly returned to manage the horse farm, but soon moved to Manhattan to drive limousines — the first in a series of out-of-nowhere transitions. She managed a restaurant, then a ceramic studio, then took a restaurant job in Lake Tahoe. Then a restaurateur invited her to Cabo San Lucas. She moved into a house overlooking the ocean, among the lavish hotels favored by celebrities and Fortune 500 CEOs. She started a business in high-end interior decorating that led to a sense of stability she hadn’t known since high school. She became a dedicated surfer. In 2008, though, Kirby turned 37. Engaged twice, she’d never married. Her business had plateaued. She felt stagnant. A sex scandal in her childhood church had turned Kirby away from her parents’ devout Catholicism. She considered herself spiritual but not religious; a free spirit but not a hippie. Sure, she had an artistic bent, wore tie-dyed clothing, and loved hanging out with musicians. But she didn’t spurn material comforts, either. She liked expensive restaurants; she wanted to own a boat and to travel. And like millions of others, she loved Oprah. When the talk-show host began proselytizing about *The Secret*, Kirby took notice. James Arthur Ray had Oprah’s imprimatur, and his ideas, combining quasi-scientific spirituality with promises of great wealth, appealed to Kirby.
She was curious enough to attend his free, two-hour introductory course, where he claimed years of training with a Peruvian shaman. But he wasn’t just a shaman or a mystic, he said; he was also pragmatic. He was a business advisor as much as a guru, a personal guide for anyone interested in a rich spirit and a well-funded bank account.

He called it "Harmonic Wealth." He’d say, "Energy flows where attention goes," repeating it like a mantra. He claimed science supported his gloss on "the law of attraction."

Kirby signed up for Ray’s weekend of meditation, self-hypnosis, and confidence-boosting exercises. She invited her parents to one in San Diego, chiding them for neglecting their finances. They had a nice life, but, she thought, with some help they could be rich — or at least a little better off. They were nearing retirement, after all, and her father had recently been diagnosed with Parkinson’s disease.

Reluctantly, they agreed to attend.

Kirby Brown died on October 8, 2009, while attending James Arthur Ray's Spiritual Warrior seminar.

Ginny, 5 feet, 5 inches tall with short brown hair and brown eyes, is a youthful 64 years old. She spent much of her career counseling troubled teenagers. She immediately recognized much of Ray’s program — not just the basic business philosophies echoing Dale Carnegie and others, but the psychological premises. She saw how Ray had cobbled together his seminars: the "hero’s journey" from Joseph Campbell’s The Hero with a Thousand Faces; bits of William Glasser’s Reality Therapy; exercises from Neuro-linguistic Programming and Holotropic breathing. They seemed harmless, these repackaged insights that deeply excited her daughter.
Her husband agreed. "I thought, ‘This guy is just remarketing all this stuff, and it’s mostly simple, Business Administration 101,’” says George Brown, Kirby’s father. He’s 69, just under 6 feet tall; gray-haired and clean shaven, he wears a pair of round glasses. A licensed clinical social worker who counseled first responders after the 9/11 attacks, he’s also an accomplished woodworker and avid hunter. Parkinson’s has given him a slight tremor and hunch in his back, but his personality emerges in keenly observant verbal bursts. "I just thought, ‘There’s a tremendous amount of ego walking around on that stage,’” he says.

The Browns thought little more about him until August, 2009, when Kirby announced she’d signed up for the "Spiritual Warrior" event. It cost more than $10,000, her entire life savings, and close friends told CNN Kirby had second thoughts. But Ray’s fee was nonrefundable.

During the 24-hour drive from Cabo, Kirby’s father played the human GPS; for three days they talked almost constantly on the phone. "My last conversation with her was on the way to Sedona," George says. "I was talking with her about what a great summer we had all had and really being thankful that we had that summer together." Once she arrived, the Browns didn’t expect to hear from her until the retreat concluded.

"The next thing we heard was someone knocking on the door at about 8:00 in the morning that Friday,” he says. "It was a state trooper asking us if we knew Kirby Brown."

Who is James Arthur Ray?

Like many of the things I teach, this isn’t necessarily for the average person. I’m asking people to go beyond average. Remember, no one normal ever made history.

— James Arthur Ray

James Arthur Ray was born in Honolulu, Hawaii on November 22nd, 1957. His father was discharged from the Navy soon after, and the family moved to Iowa, then to Tulsa, Oklahoma. His mother worked at home, and his father became a Protestant minister at the Red Fork Church of God in downtown Tulsa.

In Harmonic Wealth Ray describes sitting in the front row of his father’s church as a child. There he first heard that "it is easier for a camel to go through the eye of a needle, than for a rich man to enter into the kingdom of God." He describes how angry he felt, how that Biblical verse made him question his family’s situation — even question God. His parents didn’t have money to buy nice clothes, or own a home — they had to live next to the church. Rather than pay a barber, his mother would cut his hair. From his upbringing he concluded: "Here’s what I know: it’s a sin to be poor." That belief stayed with him for the rest of his life.

A man lost, who chased the wrong life, only to realize through adversity what’s truly important
"I was the kid with the big Coke-bottle glasses and buckteeth who everyone made fun of," Ray writes, painting himself as a stereotypical nerd, mocked for his gangliness and lack of athleticism. Later, a classmate told the Arizona Republic that, like much of his "rags-to-riches" biography, Ray’s tale of an impoverished, socially outcast childhood contained embellishments if not outright lies. He dressed well and carried himself with confidence, said the former classmate. "It depends on what you call poor, but his dad made more than my family made."

Ray graduated in 1976; two years later, he earned an associate’s degree from the local community college. (From Harmonic Wealth: "Did you know that 85 percent of the self-made millionaires in our world don’t have a college degree? Eighty-five percent, including Bill Gates! I don’t have a college degree either, and Bill and I are both doing okay.") According to his biography, he became a "workoutaholic." He reshaped his body, but inside felt he "was still that weakling who sat alone in the cafeteria, terrified of his own shadow." Looking to complete his image as a "stud," he bought a motorcycle — and promptly wrecked it. Only while recovering from his injuries (doctors, he writes, told him he’d never lift again) did he realize that bodybuilding had distracted him from the real locus of his problems: his mind. Through his biography Ray offers a parable almost Biblical in its form and simplicity: that of a man lost who chased the wrong life, only to realize through adversity what’s truly important.

At 26 he got married, he writes, "out of guilt and shame because he had just had sex for the first time and was convinced he was going to hell if he didn’t legalize his dastardly deed — not the strongest foundation for a happy marriage." His wife filed for divorce two years later, just after the bank began foreclosure proceedings against the couple. The divorce was finalized by February, 1987.

According to Ray, by then he’d worked for AT&T nearly a decade. He began at Southwest Bell as a telemarketer, selling equipment and services — often cutting-edge options such as call waiting. He also had a knack for managing telephone stores, leading the company to relocate him several times during the 1980s. By the early 1990s, he’d become a trainer at the AT&T School of Business in Atlanta, Georgia.
Ray was charged with manslaughter in the deaths of Kirby Brown, James Shore, and Liz Neuman.

While there, he used training material from Stephen R. Covey's perennially best-selling self-help book, *The Seven Habits of Highly Effective People* — material AT&T had licensed from Covey Leadership. As early as 1996, Ray's website would tout his "alliance with the Covey Leadership Center." Sometime later, his bio began to mention "four years working with best-selling author Stephen Covey." *Harmonic Wealth* repeats this claim. For the *Fortune* profile published in April 2008, Ray "clarified" that he'd taught the techniques at AT&T, later spending two years as a contract employee for Covey. Yet as late as May 2009, his website bio contained the erroneous information. A Covey spokesperson denied Ray ever worked there; Ray later said he'd never claimed to be an employee. It fit an emerging pattern of résumé inflation, whether explicitly or by implication.

As Ray tells it, the AT&T job made him realize he wanted his own business, so he struck out on his own as a consultant and trainer. He began as a one-man shop called the Quantum Consulting Group, then moved to San Diego and became Ray Transformation Technologies, then James Ray and Associates. (At one point, he says, he had an employee who did marketing, but the "Associates" was largely aspirational.) From there he segued into keynote speaking, which he deemed more lucrative and less time-consuming. Soon he was in front of Herbalife and Amway crowds, hired by multi-level marketers to invigorate their affiliates.

He called his seminars "The Science of Success" — at least until self-help juggernaut the Napoleon Hill Foundation informed him it had trademarked the phrase. The JamesRay.com website, dating back to at least December, 1996, initially emphasized his business acumen and
sales experience. Only later would it adopt the overtly "spiritual" tone and particular neologisms presented in *The Secret*.

"A warrior doesn’t have or need anything."

From 1996–2006, Ray struggled. He never had more than three employees and a high turnover rate. Often, he later told investigators, he made payroll using his personal credit cards. "The tech crash of 2000 brought me to my knees," *Harmonic Wealth* reads, implying some unsavvy stock picks by its author, heretofore presented as financially free and able to "concentrate on my teaching and my ever-growing appetite for acquiring more toys." Speaking to lawyers after his release from prison, he offered a more mundane story: the bursting tech bubble had taken his multi-level marketing events with it.

In *Harmonic Wealth* Ray describes taking a self-imposed exile from his wealth because "a warrior doesn’t have or need anything." He began "by seeking out a wise kahuna in Hawaii and a Peruvian shaman." He writes unspecifically of his studies, which culminated in 2005 with an epiphany at the summit of Mount Sinai. "I was the only one there all night long, shivering from the cold on top of the mountain, and hovering over a tiny candle flame. This is where it all came together for me," he writes, "where the final pieces of *Harmonic Wealth* and the quantum physics material I had studied for over a decade took form for me in a kind of rapid download into my journal." According to his book, in the same cave where Moses received the Ten Commandments, James Arthur Ray received his own universal laws.

Just two months later in July, 2005, he attended a meeting of the *Transformational Leadership Council*, which describes itself as a group of "leaders in the fields of personal and professional development." There he was interviewed by Rhonda Byrne, an Australian television producer. He was not compensated for her project, which went on to become *The Secret*.

Then came Oprah.

**A fatal vision**

*What we must keep in mind is that the master embraces pain and pleasure in the pursuit of his or her vision and intention. An easier life is a fantasy. When we create our dreams, there’s always going to be some part of the creation that isn’t quite what we prefer.*

— James Arthur Ray

The morning of the sweat lodge, Ray’s followers returned to their small cabins at Angel Valley. They’d spent the night fasting, scattered alone in the desert — Ray called it a "vision quest." Many had not eaten for days; many had gone overnight without sleep or water. They showered
and changed clothes before sitting down to a celebratory breakfast of vegetarian food. Ray explained that vegetarians are "not very grounded" because of a lack of protein. "However," he said, "I don't want you grounded here. I want you off-balance ... I want you out of your traditional patterns."

They’d been taken out of their traditional patterns, having persevered through four days of physical challenges: the fasting, the Samurai Game, the head shavings. Ray had led similar activities at the annual Spiritual Warrior event at Angel Valley since 2003. But this time participants were not told beforehand what to expect. When Ray revealed the sweat lodge ceremony — which he described as "hotter than hell" — many were surprised.

Many cultures have sweat lodge rituals, and Ray claimed to have modeled his after Native American practice. Traditions vary, but in all of them tribal elders monitor sweat lodge leaders for years before they’re permitted to conduct ceremonies; the training covers spiritual demands, but also basic safety. High temperatures can impair judgment, causing participants (and untrained leaders) to make poor decisions. Accidents can happen even to trained leaders. Amateur sweat lodges have caused a handful of deaths in the past, whether from heatstroke, suffocation, or smoke inhalation.

The ceremony is a communal experience, usually involving meditation and a leader’s spiritual guidance. A "round" might consist of 15 to 40 minutes inside a densely humid room at 150 to 180 degrees Fahrenheit, followed by a cool-down outside. A typical ceremony might involve two to three rounds.

Ray’s sweat lodges disregarded much of this tradition. Instead, he created a kind of endurance test. In 2009, the temperature approached 200 degrees Fahrenheit; maybe hotter, since no one had a thermometer. A typical lodge might hold 5-10 people who would share a collective experience. Ray demanded Angel Valley allow a lodge big enough for 75 people. (The man Ray asked to design the lodge, David Singing Bear, later claimed to have doubts about its size. His qualifications for designing such a lodge have also been questioned.) Few of the attendees even
knew one another’s names, but they would be thrust together in the heat and darkness under the
dome.

Outside Ray told them they were about to have an experience unlike any other. According to
several attendees, he said, "You are not going to die. You might think you are, but you’re not
going to die." Each attendee should listen to his or her body, he said. Anyone could leave if
necessary, but those seeking a higher level of consciousness would complete the experience. No
one knew how many rounds that might be. Ray told them they "needed to surrender to death to
survive it." Then they entered the lodge.

Problems began almost immediately. Those farthest from the door had trouble breathing. With
each round, Ray had more heated stones added. He’d asked for 100 stones to be readied; the
next-hottest lodge, according to the fire-tender, had used 30 stones. Typically sweat lodge
leaders use a ladle to apply water to the stones; Ray dumped water straight from the buckets.
(He also used water from the buckets to cool himself.) As the prosecution later argued, the high
temperature and overwhelming humidity made it impossible for the participants’ bodies to cool
themselves. As the rounds wore on, people began exhibiting signs of heatstroke: confusion,
nausea, and loss of consciousness.

Debbie Mercer was hired by Ray to pass heated stones into the lodge. She stood outside the door
and thus saw everyone exiting and entering. After the first round, 12 people exited. From inside,
Ray encouraged them to return; one woman cried that she was "disappointing James Ray," but
couldn’t bring herself to re-enter the lodge. Ray’s employees placed their hands on her back and
began pushing her toward the entrance before Mercer intervened. Others collapsed at the
entrance and had to be dragged away from the door. People inside began to lose consciousness;
they too had to be dragged out.

"It’s a good day to die!"

One longtime Ray follower received severe burns after falling into the rocks used to heat the
lodge. Another began screaming repeatedly, "I don’t want to die! I don’t want to die!" and calling
out the names of his two children. Ray seated by the exit closest to the only source of oxygen,
remained calm. One witness heard him mutter, "Buddy, you need to pull it together," before
jubilantly saying "It’s a good day to die!" — apparently referencing his claim that followers
would be "reborn" during the event. One participant testified that even as she passed out, her
thoughts echoed James Arthur Ray: "It’s a good day to die."

Why did so many people subject themselves to such deadly conditions? At trial, many witnesses
seemed ashamed, unable to fathom their own actions. They spoke of assuming they were in
capable hands; Ray had told them they might pass out, and that was okay. They’d paid more
than $10,000 for the experience, making it hard to back out of many of the activities. They were
isolated, both from other sources of authority and from one another — despite being a group,
they were very much alone. And they were afraid of disappointing Ray. Whenever someone
would challenge him about extreme heat — or ask him to let them out of the lodge — he’d
respond with "you’re more than that" and "you can do this."

By the end of the eighth and final round, the event had devolved into chaos. Kirby Brown was
 airlifted to the Verde Valley Medical Center in Cottonwood, Arizona, and pronounced dead on
arrival. James Shore, a 40-year-old father of three young children who practiced therapeutic
medicine and played drums in a band, was found beside her in the lodge, holding her hand.
Witnesses said he’d dragged out a fellow participant, saving her life, before going back in. He too
was dead on arrival.

When authorities tried to question Ray, a note on his door said he would be unavailable because
he was in "prayer and meditation." Investigators later said he had showered and was eating
dinner when police finally reached him. After preliminary questioning, he flew back to
California.

Nine days later, Liz Neuman — a longtime devoted follower of Ray’s who had spent more than
$100,000 over seven years at various James Ray International gatherings and who had fallen
into a coma in the sweat lodge — died of organ failure. By then, Ray was already giving another
seminar. On the day of Kirby Brown’s funeral, he conducted a seminar for the World Wealth
Society — a members-only group of his most devoted followers, which cost as much as $90,000
per year to join. Connie Joy, an attendee, wrote that Ray told people to dance to the Black Eyed
Peas as a way to "shake loose the sadness." Word came to him onstage that Liz had died;
according to Joy, he showed no emotion.
How did so many seemingly intelligent people follow James Arthur Ray into the sweat lodge that day? "Many times in my work, people will say to me, ‘What kind of person gets involved in this stuff?’" responds Rick Ross, a cult-intervention specialist. "My answer is, ‘It could be anyone.’” He says Ray uses "large-group awareness training," or LGAT, where a single leader trains a large group in a particular worldview. Leaders like Ray, Ross suggests, see themselves as more than trainers. "They all have this kind of zealous, almost evangelical view of their philosophy as being an end-all and a cure-all for the participants," Ross says. And if something goes wrong, it’s not the leader’s fault.

In Ray’s case, things had gone wrong before. As far back as 2000, those close to him had voiced concerns about his overzealousness, likening his seminar style to a strength competition rather than a self-help talk. He encouraged participants, regardless of physical brawn or training, to break plywood with their fists, or to bend rebar using only their necks. Predictably, this led to injuries.

His previous sweat lodges had also caused problems. In 2005, Daniel Pfankuch turned irrational and violent after spending almost four hours in the lodge — confusion is a symptom of heatstroke. Ray refused to call 911, and argued loudly with the Angel Valley owner when she did so. Pfankuch went to the hospital, where he received IV fluids for hours. Afterward, he believed he’d had an out-of-body experience from which he’d never fully returned. He went from a six-figure income to being unemployed, unmarried, and homeless. Asked by detectives in 2009 whether Ray realized that the sweat lodge could be dangerous, Pfankuch replied, "He certainly
knew afterwards. He told me that his ego got in the way and he needed to sit down and learn from this."

At trial, the husband and wife hired to manage Ray's sweat lodges testified to what they'd seen. Debbie and Ted Mercer described participants vomiting, collapsing into the mud, and acting disoriented. In 2008, Ted Mercer had helped subdue an apparently delusional man who tried to remove his girlfriend from the lodge; irate and raving, the man later remembered nothing of the incident. Debbie Mercer recalled a woman in a pink bathing suit who, even 45 minutes after leaving the lodge, could not remember her own name. And in 2009, she said, she told Ray that three people had stopped breathing and that she needed a cell phone to call 911. Ray shrugged. Later, when Debbie Mercer returned from her house after calling emergency services, she saw James Ray talking on his cell phone. There is no record of his having called 911.

**Ray had instructed his participants to pretend they were homeless**

The reluctance to contact authorities also fit a pattern. As part of a two-day seminar just a few months earlier, Ray had instructed his participants to pretend they were homeless. Soon after, one attendee, 46-year-old Colleen Conaway, jumped to her death from the fourth floor of a shopping mall. A yet-unsettled lawsuit in San Diego claims that Ray knew Conaway had gone missing, but ordered the group to leave the mall without her. He and his employees did not contact police until six hours after Conaway's death — and after leaving concerned-sounding messages on her cellphone, which she'd turned over to Ray's staff before the homelessness exercise. She'd also given up her driver's license, which led authorities to label her a Jane Doe until Ray's people eventually faxed over a copy of her ID.

Yet whatever went wrong, Ray's authority among his followers remained virtually absolute. Much of that authority came from his charisma — his image as a tanned, handsome, and articulate alpha male. He worked hard to maintain that persona. When police searched his suitcase in Sedona, they found a large collection of medications, including testosterone, human growth hormone, steroids, and Propecia, typically used to treat an enlarged prostate or to fight male pattern baldness.

But most of his authority came from his business success and his spiritual credentials. Under scrutiny, however, many of his qualifications withered. He claimed initiation in three shamanic traditions in Peru, each of which could have taken a decade. In actuality, he'd been "initiated" into all three at once, along with a number of United States tourists; his much-vaunted spiritual mentor was a tour guide. He said he'd been initiated into Huna, a Hawaiian spiritual tradition (and itself a target of criticism over its dubious authenticity). He'd taken four classes, then
begun teaching the material, much to the consternation of his instructor. He had a similar
degree of training in Neuro-linguistic Programming. He joined the Rosicrucians through a
correspondence class. His Samurai Game was copyrighted by someone else; the originator of
Holotropic breathing told Ray to stop using it. And he had no apparent training in running a
sweat lodge.
Because of several court rulings, the jury heard only some of Ray’s problematic history with
sweat lodges. It was not enough to find him guilty of manslaughter, but after 10 hours — and
four months after his trial began — the jury returned a verdict: guilty on three counts of
negligent homicide, a lesser charge. He was sentenced to serve two years in prison, but was
released after 18 months in July, 2013.

‘Drunk on life’
Those are times when your purpose, your inspiration is speaking to you. Yours will be
different from mine and mine is different from the next person’s. But that’s where you need to
start paying attention.
— James Arthur Ray
George Brown calls Ray’s sentence "a damn joke." He and his wife established a nonprofit
organization called Seek Safely intended to provide seekers like their daughter with guidance
about authors, leaders, and motivational speakers. The project’s core is the Seek Safely Promise,
a six-point pledge to provide customers with accurate, truthful information; to respect and
protect customers’ autonomy and privacy while providing a safe environment; and, finally, to
live by one’s own teachings.
Ray told people to "live impeccably, take responsibility for your actions, live with integrity and
honesty, and, if you do, you'll be successful," Ginny Brown says. But she sees that as a facade,
one to which Ray was not held accountable until it was too late. Too many media outlets, from
Oprah to Larry King to The Today Show, promoted Ray without knowing his real background.
"Everything he did that week that he claimed to have training in and experience in and
knowledge about — completely untrue," says Ginny.
Ross, the cult intervention specialist, agrees that the media has a responsibility to its viewers.
Oprah brought James Arthur Ray into millions of homes, asking her audience to trust him. She
made him wealthy and famous. When James Frey admitted to fabricating portions of his Oprah-
endorsed memoir, she publicly chastised him for duping her. When three people died following
a teacher Oprah endorsed, the Browns point out, she remained silent. According to Ross, she
failed her viewers, and without apology continues to promote "these kind of fringe people that
could do the public harm."
And in the United States, it’s largely *caveat emptor* when it comes to choosing a teacher. As Ross points out, the $11 billion "self-improvement" industry is largely unregulated (which even market researchers admit is probably hampering it). First Amendment protections offer broad protection for self-help claims. Kevin Trudeau, a late-night infomercial pitchman who claimed mystical connections similar to James Arthur Ray’s, was recently jailed for contempt of court after the Federal Trade Commission accused him of false advertising — including the idea that "coral calcium" cured cancer. But he’s an exception. Most self-help promoters make claims so vague as to be beyond the reach of the FTC or fraud laws.

The Browns worry that their daughter’s death has changed nothing

That puts the burden of being informed on consumers, and the Browns worry that people will find it too easy to blame their daughter for her own death. They fear that people might consider her to be naive or gullible. "A middle-aged woman in Sedona, Arizona, who was an idiot, did this stupid thing and is dead," George Brown says. "We weren’t going to stand for that." Kirby was curious, ambitious, and hardworking. As Ginny describes it, she was "drunk on life." Like Ray, she was constantly reinventing herself. Those characteristics led her to James Arthur Ray.

The Browns worry that their daughter’s death has changed nothing. And they worry that Ray, now a free man, will simply return to his life as a spiritual guru.

In his first interview since leaving prison, last week Ray appeared on *Piers Morgan Live*. (Morgan’s manager, John Ferriter, is Ray’s current media contact. He also wrote a letter of support to the judge during Ray’s trial, concluding, "As a tax paying US citizen and a supporter of our legal system, I would ask that you allow James to return home so that we can all start healing and give him the opportunity to start a new [sic].") Morgan asked whether Ray would return to self-help work, suggesting, "You could be in an even better position now to help people who had been through a nightmarish experience."

Ray didn’t answer directly, but said, "Some people entertain, some build business, some teach, and my personal belief is that the universal intelligence which many people call God sends situations to you to help you learn and to become a better person." He described the sweat lodge deaths and his subsequent prison time in terms of a "lesson" about "when is good enough, good enough." He hadn’t really wanted to do the sweat lodge, he said, but there were contracts; he felt compelled because "some people were looking forward to it."

The Browns watched the interview, but, they say, were not invited to participate — Ray stipulated he could be the only guest. Ginny Brown watched, looking for some evidence of a changed man. "If he doesn’t understand that he caused this, he’s not a safe person to follow. I do
believe that he's sorry that Kirby and James and Liz are dead. I think he's sorry that this tragedy happened. But he doesn't understand that he needs to apologize, that he caused this to happen. And I don't think he'll apologize for that," she says. She and her husband have asked James Arthur Ray to sign the Seek Safely promise.
He has refused.
This Is Punk?

If a movement known for rage, rebellion, and adolescent id becomes the focus of a high-fashion celebration, is it the final studded nail in the coffin or proof of everlasting life? What punk means now, and what it meant then.

- By Nitsuh Abebe
  Published Apr 21, 2013

One of the 100 self-identified punks (some of whom may not see the others as bona fide fellow travelers) in New York who participated in our poll. (Photo: Lucas Michael)

Punk rock has always had an easy time living up to E. M. Forster’s view of music as a kingdom that “will accept those whom breeding and intellect and culture have alike rejected.” The Metropolitan Museum of Art’s Costume Institute benefit—the “Oscars of fashion,” currently co-hosted by Vogue editor Anna Wintour, and perhaps the city’s most glamorous large social event—feels like the opposite: a celebration of rare finery and a discerning elite. The gala’s theme is generally the same as that of the Costume Institute’s spring exhibit; say, Jacqueline Kennedy or Chanel. But this year’s exhibit is “Punk: Chaos to Couture,” a look at punk clothing and high fashion’s varied responses to it. A lavish ball pivots on the same word you’d use to describe crusty squatters in Tompkins Square Park.
One knee-jerk response to this situation is to see it as a laughable irony, like a steakhouse celebrating how brave and inspiring vegetarians are. I know: It’s tempting. Even a glancing understanding of what “punk” is tends to assume vigorous antipathy toward fashion-industry galas. And it is somehow amusing to imagine socialites commissioning extravagant couture inspired by gangs of raggedy late-seventies miscreants, or *Girls* actress Allison Williams studying photos of the Sex Pistols and, as she said, getting “really excited to commit to that theme.” In 1976, the year the Ramones released their first LP and cemented the “teenage dirtbag” look that’s persevered through decades of rock culture—before the reek of the CBGB bathroom became one of music’s most famous odors—Diana Vreeland was presiding over a Costume Institute fantasia titled “The Glory of Russian Costume,” for which the air was pumped through with ten gallons of Chanel Cuir de Russie perfume. And yes, the whole endeavor comes surrounded with some of the iffy double-talk that arises when cultural institutions celebrate old bits of radical thinking. Exhibit curator Andrew Bolton talks about subverting the mainstream, and of today’s fashion world lacking the energy and freedom of punk—but doesn’t punk’s example suggest that this doesn’t matter? That the fashion world is easily topped, freedom-and-energy-wise, by random glue-sniffers? If one of punk’s lessons is that people can create their own culture, instead of waiting for it to be dictated from on high, what can elite culture-industry folk learn from that, besides modesty?
One answer is “technique.” Bolton’s exhibit isolates specific themes of punk style (confrontational images, tattering and deconstruction, metal hardware) and traces them out into high fashion. It’s not the first time punk has intruded into the Met-gala world. It cropped up in 2006 as well, in Bolton’s “AngloMania: Tradition and Transgression in British Fashion” exhibit. Sex Pistols front man John Lydon neglected to show up for the band’s Rock & Roll Hall of Fame induction honors that year, with characteristic scorn, but weeks later he was recording a podcast on the Met’s behalf; he contributes a preface to this year’s catalogue. His band was famously instigated by Malcolm McLaren, whose longtime collaborator, Vivienne Westwood, turned out iconic early-punk looks from their London shop—all of which is re-created in “Chaos to Couture.” Richard Hell, whose carefully conceived style became the template for museum-worthy punk looks—he figured out the T-shirts and the hair—contributes another preface, and also just published a punk-years memoir, I Dreamed I Was a Very Clean Tramp. CBGB’s bathroom will be replicated as well, both in this exhibit and in a forthcoming big-budget film about the bands and odors and semen-spiked chili that still make rock nostalgists swoon. This exhibit is far from alone: We’re neck-deep in opportunities to memorialize punk.
It’s right on schedule. We’ve all spent enough time with the old boomer iconography of rock and roll—Elvis and Chuck Berry, the Beatles, the student movement, Woodstock—that it’s become quite cozy and grandparentish; it’s as chronologically distant from a young person today as the big-band era was from young people of the nineties. Rock’s become more of a niche interest, and our image of its grand transfiguring moment has gradually become something more obscure: Ramones T-shirts, pictures of Johnny Thunders, spiky hair. The New York scene offers a particularly romantic origin story, full of fabulous records (graceful poetics from Television and Patti Smith, Mad magazine giddiness from the Ramones, Dead Boys, and Dictators), eye-opening tales (with cameos by Beat poets and Bowie and Sontag), and the sense of this fecund window when a few rotten patches of Manhattan made art with such energy and possibility, such unexpected elegance and dignity, that parts of the music world have spent decades obsessing over—or, in the case of those shaggy throngs on the Lower East Side ten years ago, trying to revive it all, the look and feel even more than the sound itself.
This year’s Costume Institute exhibit runs from May 7 through August 14—in deference to the claim, from the Clash’s Mick Jones, that the explosion of true punk lasted only 100 days. The restriction seems appropriately fashion-ish. It freezes punk down into a short spasm, with a single visual surface, then looks at what fashion designers, not future punks, made of it. But if punk means something significant—on the level of, perhaps, an idea—one would have to consider that it’s persisted far longer than that.
In music, punk remains what the critic Frank Kogan calls a “Superword”—a term whose main purpose is for people to fight over what it should mean, using it as a “flag in a bloody game of Capture the Flag.” It’s a concept like “freedom” or “the one true Church” or “real Americans”: to invoke it is to advance a vision of what it entails, and duke it out with competing visions. (Saying that real punk only lasted 100 days is a terrific example of how Superwords work.) In the 37 years since a good mass of people decided “punk” was a flag worth waving, we’ve seen countless versions of it, most at odds with one another. There’s punk that’s dissolute and nihilist, and punk that’s earnest and abstemious; punk as attitude, as economic model, as ideology, and as an ordinary subgenre of music; punk that’s funny and punk that’s humorless; Fascist punk and anti-Fascist punk; punk that sounds like 1977 and punk that can’t imagine repeating the past; you name it. If there’s any reason the stuff’s stayed in the bloodstream of rock, it’s that the idea is flexible enough to put anything into it, take anything out, and feel like you’re fighting the good fight—the word itself is mostly just permission to get into the ring.

“Dissolute and nihilist” might describe the original New York scene. If you could round up all the young people who find that era alluring and send them there—or even, in a pinch, engage us all in a book-club discussion of Please Kill Me, the long-beloved oral history of American punk—a high percentage might wind up feeling uncomfortably like someone’s horrified, scolding parents. Amid all the commitment and brilliance, there was plenty of idiocy, bullying goons, junkie opportunists, rip-off artists, people who believed being cruel to one another was a hip sport, semi-ironic Nazi fetishists (some of them Jewish and great at sarcasm, some too dumb to understand much about Nazi fetishism beyond the fact that it annoyed people, some sounding like fashion’s own John Galliano), sniveling children, and glib predators. What makes the incredible grace of, say, Television’s albums so heroic and fragile if not the feeling, somehow audible in the recordings, that this was a beautiful thing welling up from an ugly void? It’s an easy guess that the people airily complaining about the punk-chic Varvatos store where CBGB stood are not much more likely than the people shopping inside to want to have much to do with the conditions of punk’s origins. There’s a peculiar American love of any transgression that inconveniences someone besides ourselves, and firsthand accounts of punk are often inflected by it, pointing at something crazed and unlikely—“and then he grabbed her by the face and puked on her!”—and marveling, as if it’s a singularly clever contribution not just to rock-and-roll attitude but to human history as a whole. That’s even easier when the transgression has been confined inside an orderly museum. Or a gala, at which there’s little fear anyone will spit or Sieg heil or jerk off in the food.
That’s American punk, anyway, seen from a distance: squalid, visionary, individualist. (Except for the Ramones, of course, gathering a misfit army and shouting, “Gbecca gabba, we accept you, we accept you, one of us!”) Some of the New York musicians were unsettled by what they saw in London, where audiences struck them as creepily violent and negative (when those audiences weren’t striking them with bottles and spit)—a pointy-toothed mob. Some small part of that difference might be attributed to McLaren, who’d spent time in New York, found the scene a bit seedy and directionless, and imagined he could import it back to England with more intellectual scaffolding. Punk could speak to a “politics of boredom,” instead of to a void. Some of the New Yorkers obsessed over French poets; some of the English would obsess over French theorists. By the time critics like Greil Marcus started to do intellectual heavy lifting around the question of what punk meant, the idea became that bands like the Sex Pistols weren’t nihilists but rather “negationists”—in other words, they weren’t saying nothing mattered, just that nothing anyone was suggesting mattered.

As soon as punk exploded, confronting young people with the surprising notion that they could create their own pop culture on the fly, plenty of them began building their propositions about what mattered: There was the growing activism of the Clash, anarchist bands like Crass (who declared, “Our love of life is total”), or U.K. punk’s significant wing of art-school highbrows. Around that time, in the U.S., there was the notion of “Positive Mental Attitude,” an idea culled from a self-help book and introduced to the largely white punk world by a black band, Bad Brains. This was an essential notion, because American punk in the eighties had to sustain itself with no record-company money or nationwide media thrill to help it along; it became obsessed with will, work ethic, self-control, and unity. It also obsessed over punk’s ideology; the literature of eighties and nineties punks can sound a lot like the literature of mid-century Marxist-Leninist groups, full of people splitting into factions over fine political distinctions, hashing out the intricacies of “true” punk ideals. This is what happens to Superwords eventually. They become like what conservatism is to true believers: something that cannot fail, only be failed.

But the effort to sustain punk bewitches few anymore. It’s that memorable flush of English smash-the-system thinking that sticks in most people’s minds—the hundred-day rush that makes us imagine punks preferring to watch the Met burn than fill it with their old clothes. That’s also where fashion’s interest usually ends. Everything fashion needs from punk is right there. Fashion gets, for one thing, a demonstration of its own vigor: Here’s an actual trend whose handmade style had a profound power to inspire and appall, on a national level. (Its discovery of beauty in ugliness was as true for garments as it was for LPs, and possibly more broadly accessible to the eye than the ear—and if the music’s ratty amateurism suggested anyone
could start a band, didn’t the clothes say the same about design?) More important, the new visual vocabulary punk created gave fashion an opportunity to turn in on itself. One ordinary complaint about fashion, after all, is that it’s a frivolous luxury industry, obsessed with opulence and sexual glamour, full of narrow proscriptions about beauty. But the look of punk can be grim, cerebral, and self-consciously anti-beauty. Splash that acidity into the world of fashion—the same way fashion periodically dives, Alexander McQueen—style, into every other form of grotesquerie and danger—and it scans much more readily as art. Punk offered a gift: the exact vocabulary it imagined fashion lacked.

That includes, interestingly, a kind of sexual austerity. This tends to get ignored amid all the focus on power and politics, money and class, but ever since that first decadent New York wave, punk has had a combative relationship with sensuality. It’s rarely tried to be sexy, not in any sustained, earnest, on-purpose way. The New York scene was surrounded (and sometimes funded) by sex work and street hustling, which you can see in its clothes, but all the bondage gear in London punk fashion reads more like a sardonic parody of sex. The only thing I can remember from my teenage viewing of Alex Cox’s film Sid and Nancy is the part where John Lydon turns down sex on the grounds that it’s “free hippie love shit”; the real, nonfictional singer called it “two minutes and 52 seconds of squelching noises.” The music itself quickly stripped away any of New York’s sensuality. By the time punk swept the U.K., the sound had cut itself back to the sinew and muscle of early rock and roll, yes, but it had also excised one of the key things that made early rock and roll captivating to young people, which was some sense of sexual urgency—swing, groove, sly vocal implication. All were traded for happy hectoring and desiccated angularity. The guitars may have a kinship with Chuck Berry, but the barking does not.

Which isn’t to say that punks of any era weren’t at it constantly; it’s just that, aesthetically, the human body isn’t seen as a site of sensual pleasure. The dancing’s confrontational; it resembles a fight as much as most people’s resembles sex. For American straight-edge acts, drugs and alcohol were abandoned, and maybe sex too. (Minor Threat’s “Out of Step”: “Don’t smoke, I don’t drink, I don’t fuck / At least I can fucking think.”) The body’s a site of will and power—see, for instance, Black Flag front man Henry Rollins lifting weights as an expression of self-domination. (“Pain ... is not my enemy; it is my call to greatness.”) It’s a surprisingly short trip from the dissolute style of the original New York punks to the puritan rigor of American hardcore. Maybe that, more than class or ideology, has helped sustain punk’s outsider status for so long: The world’s full of anti-capitalists, and anyone can play the rebel, but turning your back on sex—the guiding light of postadolescent culture—is tougher.
Jahar's World

He was a charming kid with a bright future. But no one saw the pain he was hiding or the monster he would become.

by JANET REITMAN
JULY 17, 2013

Our hearts go out to the victims of the Boston Marathon bombing, and our thoughts are always with them and their families. The cover story we are publishing this week falls within the traditions of journalism and Rolling Stone's long-standing commitment to serious and thoughtful coverage of the most important political and cultural issues of our day. The fact that Dzhokhar Tsarnaev is young, and in the same age group as many of our readers, makes it all the more important for us to examine the complexities of this issue and gain a more complete understanding of how a tragedy like this happens. –THE EDITORS

Peter Payack awoke around 4 a.m. on April 19th, 2013, and saw on his TV the grainy surveillance photo of the kid walking out of the minimart. The boy, identified as "Suspect #2" in the Boston bombing, looked familiar, thought Payack, a wrestling coach at the Cambridge Rindge and Latin School. On the other hand, there were a million skinny kids with vaguely ethnic features and light-gray hoodies in the Boston area, and half the city was probably thinking they recognized the suspect. Payack, who'd been near the marathon finish line on the day of the bombing and had lost half of his hearing from the blast, had hardly slept in four days. But he was too agitated to go back to bed. Later that morning, he received a telephone call from his son. The kid in the photo? "Dad, that's Jahar."

"I felt like a bullet went through my heart," the coach recalls. "To think that a kid we mentored and loved like a son could have been responsible for all this death. It was beyond shocking. It was like an alternative reality."

People in Cambridge thought of 19-year-old Dzhokhar Tsarnaev – "Jahar" to his friends – as a beautiful, tousle-haired boy with a gentle demeanor, soulful brown eyes and the kind of shy, laid-back manner that "made him that dude you could always just vibe with," one friend says. He had been a captain of the Cambridge Rindge and Latin wrestling team for two years and a promising student. He was also "just a normal American kid," as his friends described him, who
liked soccer, hip-hop, girls; obsessed over *The Walking Dead* and *Game of Thrones*; and smoked a copious amount of weed.

Payack stared at his TV, trying to reconcile Dzhokhar, the bomber accused of unspeakable acts of terrorism, with the teenage boy who had his American nickname "Jahar" inscribed on his wrestling jacket. He'd worn it all the time.

That afternoon, Payack spoke with CNN, where he issued a direct appeal. "Jahar," he said, "this is Coach Payack. There has been enough death, destruction. Please turn yourself in."

At that precise moment, just west of Cambridge, in suburban Watertown, Jahar Tsarnaev lay bleeding on the floor of a 22-foot motorboat dry-docked behind a white clapboard house. He'd been wounded just after midnight in a violent confrontation with police that had killed his 26-year-old brother, Tamerlan. For the next 18 hours, he would lie quietly in the boat, as the dawn broke on a gray day and thousands of law-enforcement officials scoured a 20-block area in search of him. He was found just after 6 p.m., though it would take nearly three more hours for FBI negotiators to persuade him to surrender.

The following morning, Payack received a text from one of the agents with the FBI's Crisis Negotiating Unit. He'd heard Payack's televised appeal, told him he'd invoked the coach's name while speaking with Jahar. "I think it helped," the agent said. Payack was relieved. "Maybe by telling Jahar that I was thinking about him, it gave him pause," Payack says. "Maybe he'd seen himself going out as a martyr for the cause. But all of a sudden, here's somebody from his past, a past that he liked, that he fit in with, and it hit a soft spot."

When investigators finally gained access to the boat, they discovered a jihadist screed scrawled on its walls. In it, according to a 30-count indictment handed down in late June, Jahar appeared to take responsibility for the bombing, though he admitted he did not like killing innocent people. But "the U.S. government is killing our innocent civilians," he wrote, presumably referring to Muslims in Iraq and Afghanistan. "I can't stand to see such evil go unpunished. . . . We Muslims are one body, you hurt one, you hurt us all," he continued, echoing a sentiment that is cited so frequently by Islamic militants that it has become almost cliché. Then he veered slightly from the standard script, writing a statement that left no doubt as to his loyalties: "Fuck America."

In the 12 years since the attacks on the World Trade Center and the Pentagon, there have been more than 25 plots to strike the United States hatched by Americans, most of which were ill-conceived or helped along by undercover operatives who, in many cases, provided their targets with weapons or other materials. A few – including the plots to blow up the New York subway system and Times Square – were legitimate and would have been catastrophic had they come to
fruition. Yet none did until that hazy afternoon of April 15th, 2013, when two pressure-cooker bombs exploded near the marathon finish line on Boylston Street, killing three people, including an eight-year-old boy. Close to 300 more were injured by flying shrapnel, with many losing a leg, or an arm, or an eye; a scene of unbelievable carnage that conjured up images of Baghdad, Kabul or Tel Aviv.

An uneasy panic settled over Boston when it was revealed that the Tsarnaev brothers were not, as many assumed, connected to a terrorist group, but young men seemingly affiliated with no one but themselves. Russian émigrés, they had lived in America for a decade – and in Cambridge, a city so progressive it had its own "peace commission" to promote social justice and diversity. Tamerlan, known to his American friends as "Tim," was a talented boxer who'd once aspired to represent the United States in the Olympics. His little brother, Jahar, had earned a scholarship to the University of Massachusetts Dartmouth and was thinking about becoming an engineer, or a nurse, or maybe a dentist – his focus changed all the time. They were Muslim, yes, but they were also American – especially Jahar, who became a naturalized U.S. citizen on September 11th, 2012.

Since the bombing, friends and acquaintances of the Tsarnaevs, as well as the FBI and other law-enforcement officials, have tried to piece together a narrative of the brothers, most of which has focused on Tamerlan, whom we now know was on multiple U.S. and Russian watch lists prior to 2013, though neither the FBI nor the CIA could find a reason to investigate him further. Jahar, however, was on no one's watch list. To the contrary, after several months of interviews with friends, teachers and coaches still reeling from the shock, what emerges is a portrait of a boy who glided through life, showing virtually no signs of anger, let alone radical political ideology or any kind of deeply felt religious beliefs.

At his arraignment at a federal courthouse in Boston on July 10th, Jahar smiled, yawned, slouched in his chair and generally seemed not to fully grasp the seriousness of the situation, while pleading innocent to all charges. At times he seemed almost to smirk – which wasn't a "smirk," those who know him say. "He just seemed like the old Jahar, thinking, 'What the fuck's going on here?'" says Payack, who was at the courthouse that day.

It had been the coach who'd helped Jahar come up with his nickname, replacing the nearly impossible-to-decipher Dzhokhar with a simpler and cooler-sounding rendering. "If he had a hint of radical thoughts, then why would he change the spelling of his name so that more Americans in school could pronounce it?" asks one longtime friend, echoing many others. "I can't feel that my friend, the Jahar I knew, is a terrorist," adds another. "That Jahar isn't, to me."
"Listen," says Payack, "there are kids we don’t catch who just fall through the cracks, but this guy was seamless, like a billiard ball. No cracks at all." And yet a deeply fractured boy lay under that facade; a witness to all of his family's attempts at a better life as well as to their deep bitterness when those efforts failed and their dreams proved unattainable. As each small disappointment wore on his family, ultimately ripping them apart, it also furthered Jahar's own disintegration – a series of quiet yet powerful body punches. No one saw a thing. "I knew this kid, and he was a good kid," Payack says, sadly. "And, apparently, he's also a monster."

Though Dzhokhar Tsarnaev was raised largely in America, his roots are in the restive North Caucasus, a region that has known centuries of political turmoil. Born on July 22nd, 1993, he spent the first seven years of his life in the mountainous Central Asian republic of Kyrgyzstan, where his father, Anzor, had grown up in exile. Anzor is from Chechnya, the most vilified of the former Soviet republics, whose people have been waging a near-continuous war since the 18th century against Russian rule. Dzhokhar's mother, Zubeidat, is an Avar, the predominantly Muslim ethnic group of Chechnya's eastern neighbor, Dagestan, which has been fighting its own struggle for independence against the Russians since the late 1700s. After the fall of the Soviet Union, Chechen nationalists declared their independence, which resulted in two brutal wars where the Russian army slaughtered tens of thousands of Chechens and leveled its capital city, Grozny. By 1999, the violence had spread throughout the region, including Dagestan.

Though Islam is the dominant religion of the North Caucasus, religion played virtually no role in the life of Anzor Tsarnaev, a tough, wiry man who’d grown up during Soviet times, when religious worship in Kyrgyzstan was mostly underground. In Dagestan, where Islam had somewhat stronger footing, many women wear hijabs; Zubeidat, though, wore her dark hair like Pat Benatar. The couple met while Anzor was studying law and were married on October 20th, 1986. The next day, their first child, Tamerlan, was born. Three more children would follow, all of them born in Kyrgyzstan, where Anzor secured a job as an investigator in the prosecutor's office in the nation's capital, Bishkek.

It was a prestigious position, especially for a Chechen, but Anzor had larger ambitions. He hoped to take his family to America, where his brother, Ruslan, an attorney, was building an upper-middle-class life. After Russia invaded Chechnya in 1999, setting off the second of the decade’s bloody wars, Anzor was fired from his job as part of a large-scale purge of Chechens from the ranks of the Kyrgyz government. The Tsarnaevs then fled to Zubeidat’s native Dagestan, but war followed close behind. In the spring of 2002, Anzor, Zubeidat and Jahar, then
eight, arrived in America on a tourist visa and quickly applied for political asylum. The three older children, Ailina, Bella and Tamerlan, stayed behind with relatives.
During their first month in America, Jahar and his parents lived in the Boston-area home of Dr. Khassan Baiev, a Chechen physician and friend of Anzor’s sister, who recalled Anzor speaking of discrimination in Kyrgyzstan that "went as far as beatings." This abuse would be the premise of the Tsarnaevs' claim for asylum, which they were granted a year later. In July 2003, the rest of the family joined them in Cambridge, where they'd moved into a small, three-bedroom apartment at 410 Norfolk St.; a weathered building with peeling paint on a block that otherwise screams gentrification.

There are just a handful of Chechen families in the Boston area, and the Tsarnaevs seemed a welcome addition. "They had wonderful children," recalls Anna Nikeava, a Chechen who befriended the Tsarnaevs shortly after they arrived. "They were very soft, like cuddly kittens, all four kids, always hugging and kissing each other." And the parents, too, seemed to adore each other, even while Anzor, who spoke broken English, worked as a mechanic, making just $10 an hour. For the first year, the Tsarnaevs received public assistance. But they never seemed to struggle, Anna says. "They were very much in love and enjoying life. They were fun."
Chechen families are very traditional – Anna, a warm and talkative woman in her late forties, tells me that in her country, "Ladies don't wear pants, you have to wear a skirt," and marrying outside the culture is taboo. The Tsarnaevs were atypical in that regard. Zubeidat was a "very open, modern lady" with a taste for stylish jeans, high heels and short skirts. "She had the tattooed eyebrows, permanent makeup, very glamorous," says Anna. "And her children were always dressed up nicely too."
Zubeidat adored her children, particularly Tamerlan, a tall, muscular boy she compared to Hercules. Jahar, on the other hand, was the baby, his mother's "dwog," or "heart." "He looked like an angel," says Anna, and was called "Jo-Jo" or "Ho."
"He was always like, 'Mommy, Mommy, yes, Mommy' – even if his mom was yelling at him," says Anna's son Baudy Mazaev, who is a year and a half younger than Jahar. "He was just, like, this nice, calm, compliant, pillow-soft kid. My mom would always say, 'Why can't you talk to me the way Dzhokhar talks to his mother?'"
There were five or six Chechen boys of roughly the same age in their circle, but Baudy and Jahar were particularly close. Now a student at Boston University, Baudy remembers family get-togethers in the Tsarnaevs' cramped, top-floor apartment, where Jahar and Tamerlan shared a small room with a bunk bed; in an even smaller room, their sisters shared just a mattress. There was never room for everyone around the tiny kitchen table, so the boys would engage in epic
games of manhunt, or play video games on the giant TV in the living room, while their parents ate and socialized. Anzor was famous for his booming laugh, which Jahar inherited – "It was so loud, the whole room would know if he was laughing," says Baudy. Jahar idolized his older brother, Tamerlan – all the children appeared to – and as a child, he followed his brother's example and learned to box. But it was wrestling that became his primary sport, as was also true for Baudy, a squarely built kid who competed in a higher weight class than the slender, 130-pound Jahar. "It's a Chechen thing," says Baudy. "When I went to Chechnya to see my cousins, the first thing they ask is, 'You want to wrestle?'

Baudy is fiercely proud of his heritage, and Jahar, who shares a name with Chechnya's first president, Dzhokhar Dudayev (one of Anzor's personal heroes), had similar "Chechen pride." He embraced the national Chechen symbol, the wolf; learned traditional dances; and could speak Chechen as well as Russian. He even talked about marrying a Chechen girl. "He would always talk about how pretty Chechen girls were," says Baudy, though, to his knowledge, Jahar had never met one, aside from the sisters of some of their friends.

There were many, many Jahars in Cambridge: children of immigrants with only the haziest, if idealized, notions of their ethnic homelands. One of the most liberal and intellectually sophisticated cities in the U.S., Cambridge is also one of the most ethnically and economically diverse. There are at least 50 nationalities represented at the city's one public high school, Cambridge Rindge and Latin School, whose motto – written on walls, murals and school-course catalogs, and proclaimed over the PA system – is "Opportunity, Diversity, Respect." About 45 percent of its students live in public or subsidized housing, largely in the city's densely populated working-class neighborhoods. There are more affluent areas, and in them live the children of professors from nearby Harvard and MIT who also attend Rindge, "but not in tremendous numbers," says Cambridge schools superintendent Dr. Jeffrey M. Young. "What you do have is some actively engaged political families" – like those of the school's most famous alumni, Matt Damon and Ben Affleck – "and then there's the voiceless, who we try to encourage to have more of a voice."

All of the Tsarnaev children went to Rindge, as the school is known, but it was Jahar who assimilated best. Though he’d arrived in America speaking virtually no English, by high school he was fluent, with only a trace of an accent, and he was also fluent in the local patois. (Among his favorite words, his friends say, was "sherm," Cambridge slang for "slacker.") Jahar, or "Jizz," as his friends also called him, wore grungy Pumas, had a great three-point shot and became a dedicated pot smoker – something a number of Cambridge teens tell me is relatively standard in their permissive community, where you can score weed in the high school bathrooms and smoke
on the street without much of a problem. A diligent student, he was nominated to the National Honor Society in his sophomore year, which was also when he joined the wrestling team. "He was one of those kids who's just a natural," says Payack, his coach, who recalls Jahar as a supportive teammate who endured grueling workouts and runs without a single complaint. In his junior year, the team made him a captain. By then, everyone knew him as 'Jahar,' which his teammates would scream at matches to ensure the refs would never mispronounce his name.

"I could never quite get his name – Dokar? Jokar?" says Larry Aaronson, a retired Rindge history teacher (Jahar, he says, eventually told him to call him "Joe"). Aaronson, a longtime friend of the late historian Howard Zinn, also lives on Norfolk Street, down the block from the Tsarnaevs' home. "I asked him once where he was from, and he said Chechnya. And I'm like, 'Chechnya? Are you shitting me?" says Aaronson. "I said, 'My God, how did you cope with all that stress?' And he said, 'Larry, that's how come we came to America, and how lucky that we came to Cambridge, of all places!' He just embraced the city, the school and the whole culture – he gratefully took advantage of it. And that's what endeared me to him: This was the quintessential kid from the war zone, who made total use of everything we offer so that he could remake his life. And he was gorgeous," he adds.

Jahar's friends were a diverse group of kids from both the wealthier and poorer sections of Cambridge; black, white, Jewish, Catholic, Puerto Rican, Bangladeshi, Cape Verdean. They were, as one Cambridge parent told me, "the good kids" – debate champs, varsity athletes, student-government types, a few brainiacs who'd go off to elite New England colleges. A diligent student, Jahar talked about attending Brandeis or Tufts, recalls a friend I'll call Sam, one of a tight-knit group of friends, who, using pseudonyms, agreed to speak exclusively to Rolling Stone. "He was one of the realest dudes I've ever met in my life," says Sam, who spent nearly every day with Jahar during their teens, shooting hoops or partying at a spot on the Charles River known as the "Riv." No matter what, "he was the first person I'd call if I needed a ride or a favor. He'd just go, 'I got you, dog' – even if you called him totally wasted at, like, two or three in the morning."

"He was just superchill," says another friend, Will, who recalls one New Year's Eve when Jahar packed eight or nine people – including one in the trunk – into his green Honda Civic. Of course, he adds, the police pulled them over, but Jahar was unfazed. "Even if somebody caught him drinking," says his buddy Jackson, "he was the calm, collected kid who always knew how to talk to police."

He had morals, they all agree. "He never picked on anybody," says Sam, adding that much like his brother, Jahar was a great boxer. "He was better at boxing than wrestling – he was a beast."
But while he could probably knock out anyone he wanted, he never did. "He wasn't violent, though – that's the crazy thing. He was never violent," says Sam.

"He was smooth as fuck," says his friend Alyssa, who is a year younger than Jahar. Girls went a little crazy over him – though to Jahar's credit, his friends say, even when he had crushes, he never exploited them. "He'd always be like, 'Chill, chill, let's just hang out,'" says Sam, recalling Jahar's almost physical aversion to any kind of attention. "He was just really humble – that's the best way to describe him."

Cara, a vivacious, pretty blonde whom some believe Jahar had a secret crush on, insists they were just friends. "He was so sweet. He was too sweet, you know?" she says sadly. The two had driver's ed together, which led to lots of time getting high and hanging out. Jahar, she says, had a talent for moving between social groups and always seemed able to empathize with just about anyone's problems. "He is a golden person, really just a genuine good guy who was cool with everyone," she says. "It's hard to really explain Jahar. He was a Cambridge kid."

Cambridge kids, the group agrees, have a fairly nonchalant attitude about things that might make other people a little uptight. A few years ago, for instance, one of their mutual friends decided to convert to Islam, which some, like Cara, thought was really cool, and others, like Jackson, met with a shrug. "But that's the kind of high school we went to," Jackson says. "It's the type of thing where someone could say, 'I converted to Islam,' and you're like, 'OK, cool.'" And in fact, a number of kids they knew did convert, he adds. "It was kind of like a thing for a while."

Jahar never denied he was a Muslim, though he sometimes played it down. He fasted during Ramadan, which included giving up pot – an immense act of self-control, his friends say. "But the most religious thing he ever said was, 'Don't take God's name in vain,'" says Alyssa, who is Jewish. "Yeah," says Jackson, "he might have been religious, but it was the type of thing where unless he told you, you wouldn't know."

A few years ago, one Rindge wrestler, another Muslim, attended an informal lunchtime high school prayer group, where he spotted Jahar. "I didn't know he was Muslim until I saw him at that Friday prayer group," he says. "It wasn't something we ever talked about."

His friend Theo, who also wrestled with Jahar, thinks somewhat differently. "I actually think he had a real reverence for Islam," he says. There was one occasion in particular, a few years ago, when Jahar became visibly uncomfortable when James, the friend who'd converted, began speaking casually about the faith. "He didn't get mad, but he kind of shut him down," Theo recalls. "And it showed me that he took his religion really seriously. It wasn't conditional with him."
Yet he "never raised any red flags," says one of his history teachers, who, like many, requested anonymity, given the sensitivity of the case. Her class, a perennial favorite among Rindge students, fosters heated debates about contemporary political issues like globalization and the crises in the Middle East, but Jahar, she says, never gave her any sense of his personal politics, "even when he was asked to weigh in." Alyssa, who loved the class, agrees: "One of the questions we looked at was 'What is terrorism? How do we define it culturally as Americans? What is the motivation for it – can we ever justify it?' And I can say that Jahar never expressed to us that he was pro-terrorism at all, ever."

Except for once.

"He kind of did, one time to me, express that he thought acts of terrorism were justified," says Will. It was around their junior year; the boys had been eating at a neighborhood joint called Izzy's and talking about religion. With certain friends – Will and Sam among them – Jahar opened up about Islam, confiding his hatred of people whose "ignorance" equated Islam with terrorism, defending it as a religion of peace and describing jihad as a personal struggle, nothing more. This time, says Will, "I remember telling him I thought certain aspects of religion were harmful, and I brought up the 9/11 attacks."

At which point Jahar, Will says, told him he didn't want to talk about it anymore. Will asked why. "He said, 'Well, you're not going to like my view.' So I pressed him on it, and he said he felt some of those acts were justified because of what the U.S. does in other countries, and that they do it so frequently, dropping bombs all the time."

To be fair, Will and others note, Jahar's perspective on U.S. foreign policy wasn't all that dissimilar from a lot of other people they knew. "In terms of politics, I'd say he's just as anti-American as the next guy in Cambridge," says Theo. Even so, Will decided not to push it. "I was like, 'Wow, this dude actually supports that? I can't have this conversation anymore.'"

They never brought it up again.

In retrospect, Jahar's comment about 9/11 could be seen in the context of what criminal profilers call "leakage": a tiny crack in an otherwise carefully crafted facade that, if recognized – it's often not – provides a key into the person's interior world. "On cases where I've interviewed these types of people, the key is looking past their exterior and getting access to that interior, which is very hard," says Tom Neer, a retired agent from the FBI's Behavioral Analysis Unit and now a senior associate with the Soufan Group, which advises the government on counterterrorism. "Most people have a public persona as well as a private persona, but for many people, there's a secret side, too. And the secret side is something that they labor really hard to protect."
There were many things about Jahar that his friends and teachers didn't know – something not altogether unusual for immigrant children, who can live highly bifurcated lives, toggling back and forth between their ethnic and American selves. "I never saw the parents, and didn't even know he had a brother," says Payack, who wondered why Jahar never had his family rooting for him on the sidelines, as his teammates did. "If you're a big brother and you love your little brother, why don't you come and watch him in sports?"

Theo wondered, too. "I asked him about that once, and he told me that he'd boxed when he was younger, and he'd never lost a boxing match, so he didn't want his dad to see him lose." It sounded plausible: Jahar had an innate ability as a wrestler, but he never put in the time to be truly great. "It wasn't really on his list," says Theo. On the other hand, losing didn't seem to bother him, either. "Other kids, when they lose they get angry – they think the ref made a bad call, and maybe they'll throw a chair. Or they'll cry, or sulk in a corner," says Payack. Jahar would simply walk off the mat with a shrug. "He'd just kind of have this face like, 'Oh, well, I tried.'"

On Senior Night, the last home match of the season, every Rindge senior wrestler is asked to bring a parent or relative to walk them onto the gym floor to receive a flower and have their picture taken. Jahar brought no one. "We had one of the coaches walk him out to get his flower," says Payack. This, too, didn't seem to bother Jahar – and even if it did, he never mentioned it. "With our friends, you don't need to confide in them to be close to them," says Jackson.

Jahar's family seemed to exist in a wholly separate sphere from the rest of his life. Jackson, who lived nearby, would occasionally see Anzor working on cars; several others knew of Jahar's sisters from their older siblings. And there were always stories about Tamerlan, who'd been a two-time Golden Gloves champion. But almost nobody met Tamerlan in person, and virtually no one from school ever went to the Tsarnaevs' house. "I mean never – not once," says Jackson. One friend of Jahar's older sister Bella would say that the apartment at 410 Norfolk "had a vibe that outsiders weren't too common."

There are a number of indications that the troubles in the Tsarnaev family went deeper than normal adjustment to American life. Anzor, who suffered from chronic arthritis, headaches and stomach pain, had an erratic temperament – a residual, he'd say, of the abuse he'd suffered in Kyrgyzstan – and struck one neighbor on Norfolk Street as a "miserable guy," who'd bark at his neighbors over parking spaces and even grab the snow shovels out of their hands when he felt they weren't shoveling the walk properly. Despite his demeanor, he was an intensely hard worker. "I remember his hands," says Baudy. "He'd be working on cars in the Boston cold, no
gloves, and he'd have these thick bumps on his knuckles from the arthritis. But he loved it. He saw his role as putting food on the table."

Zubeidat, an enterprising woman, worked as a home-health aide, then switched to cosmetology, giving facials at a local salon and later opening a business in her home. "She never wanted to commit," says Baudy, who liked Jahar's mother but saw her as a typical striver. "She was trying to get rich faster – like, 'Oh, this is taking too long. We'll try something else.'"

But the money never came. By 2009, Anzor's health was deteriorating, and that August, the Tsarnaevs, who hadn't been on public assistance for the past five years, began receiving benefits again, in the form of food stamps and cash payouts. This inability to fully support his family may have contributed to what some who knew them refer to as Anzor's essential "weakness" as a father, deferring to Zubeidat, who could be highly controlling.

A doting mother, "she'd never take any advice about her kids," says Anna. "She thought they were the smartest, the most beautiful children in the world" – Tamerlan most of all. "He was the biggest deal in the family. In a way, he was like the father. Whatever he said, they had to do."

Tamerlan's experience in Cambridge was far less happy than Jahar's. Already a teenager when he arrived in America, Tamerlan spoke with a thick Russian accent, and though he enrolled in the English as a Second Language program at Rindge, he never quite assimilated. He had a unibrow, and found it hard to talk to girls. One former classmate recalls that prior to their senior prom, a few of Tamerlan's friends tried to find him a date. "He wasn't even around," she says, "it was just his friends asking girls to go with him." But everyone said no, and he attended the prom alone.

After graduating in 2006, he enrolled at Bunker Hill Community College to study accounting, but attended for just three semesters before dropping out. A talented pianist and composer, he harbored a desire to become a musician, but his ultimate dream was to become an Olympic boxer, after which he'd turn pro. This was also his father's dream – a champion boxer himself back in Russia, Anzor reportedly pushed Tamerlan extremely hard, riding behind him on his bicycle while his son jogged to the local boxing gym. And Tamerlan did very well under his father's tutelage, rising in the ranks of New England fighters. One of the best in his weight class, Tamerlan once told a fighter to "practice punching a tree at home" if he wanted to be truly great. But his arrogance undermined his ambitions. In 2010, a rival trainer, claiming Tamerlan had broken boxing etiquette by taunting his fighter before a match, lodged a complaint with the national boxing authority that Tamerlan should be disqualified from nationwide competition as he was not an American citizen. The authorities, coincidentally, were just in the process of changing their policy to ban all non-U.S. citizens from competing for a national title.
This dashed any Olympic hopes, as Tamerlan was not yet eligible to become a U.S. citizen. His uncle Ruslan had urged him to join the Army. It would give him structure, he said, and help him perfect his English. "I told him the best way to start your way in a new country – give something," Ruslan says. But Tamerlan laughed, his uncle recalls, for suggesting he kill "our brother Muslims."

Tamerlan had discovered religion, a passion that had begun in 2009. In interviews, Zubeidat has suggested it was her idea, a way to encourage Tamerlan, who spent his off-hours partying with his friends at local clubs, to become more serious. "I told Tamerlan that we are Muslim, and we are not practicing our religion, and how can we call ourselves Muslims?" she said. But Anna suspects there was something else factoring into the situation. Once, Anna recalls, Zubeidat hinted that something might be wrong. "Tamerlan told me he feels like there's two people living in him," she confided in her friend. "It's weird, right?"

Anna, who wondered if Tamerlan might be developing a mental illness, suggested Zubeidat take him to a "doctor" ("If I said 'psychiatrist,' she'd just flip," she says), but Zubeidat seems to have believed that Islam would help calm Tamerlan's demons. Mother and son began reading the Koran – encouraged, Zubeidat said, by a friend of Tamerlan's named Mikhail Allakhverdov, or "Misha," a thirtysomething Armenian convert to Islam whom family members believe Tamerlan met at a Boston-area mosque. Allakhverdov has denied any association with the attack. "I wasn't his teacher," he told the New York Review of Books. "If I had been his teacher, I would have made sure he never did anything like this." But family members have said Allakhverdov had a big influence on Tamerlan, coming to the house and often staying late into the night, talking with Tamerlan about Islam and the Koran. Uncle Ruslan would later tell The Daily Mail that Allakhverdov would "give one-on-one sermons to Tamerlan over the kitchen table, during which he claimed he could talk to demons and perform exorcisms."

Zubeidat was pleased. "Don't interrupt them," she told her husband one evening when Anzor questioned why Allakhverdov was still there around midnight. "Misha is teaching him to be good and nice."

Before long, Tamerlan had quit drinking and smoking pot, and started to pray five times a day, even taking his prayer rug to the boxing gym. At home, he spent long hours on the Internet reading Islamic websites, as well as U.S. conspiracy sites, like Alex Jones' InfoWars. He told a photographer he met that he didn't understand Americans and complained about a lack of values. He stopped listening to music. "It is not supported by Islam," Tamerlan said. "Misha says it's not really good to create or listen to music." Then, in 2011, he decided to quit boxing, claiming it was not permitted for a Muslim to hit another man.
Zubeidat, too, had become increasingly religious – something that would get in the way of her marriage as well as her job at an upscale Belmont salon, where she broke for daily prayers and refused to work on male clients. She was ultimately fired, after which she turned her living room into a minisalon. One of her former clients recalls her wearing "a head wrap" in the house, and a hijab whenever she went outside. "She started to refuse to see boys who'd gone through puberty," recalls the client. "A religious figure had told her it was sacrilegious."

What really struck her client, beyond Zubeidat's zeal, were her politics. During one facial session, she says, Zubeidat told her she believed 9/11 was a government plot to make Americans hate Muslims. "It's real," she said. "My son knows all about it. You can read on the Internet."

It was during this period that Jahar told his friend Will that he felt terrorism could be justified, a sentiment that Tamerlan apparently shared. Whether or not Jahar truly agreed with his brother, their relationship was one where he couldn't really question him. In Chechen families, Baudy says, "Your big brother is not quite God, but more than a normal brother." When they were kids, Baudy recalls, Tamerlan used to turn off the TV and make them do pushups. Now he urged them to study the Koran.

"Jahar found it kind of a nuisance," says Baudy, and tried to shrug it off as best as he could. But he couldn't do much. "You're not going to get mad at your elders or tell them to stop doing something, especially if it's about being more religious." During one visit a few years ago, Baudy recalls, Tamerlan interrupted them on the computer to say that if they were going to be surfing the Internet, they should focus on their faith. He gave them a book – *Islam 101* – and instructed them to read. He gave the same book to James, the high school convert who, as a new Muslim, was one of the very few of Jahar's friends who came to the house. Tamerlan also taught James how to pray. "I guess they'd sit there for hours," says Sam, who would hear about it afterward. Sam couldn't figure it out. "It was crazy because back a few years ago, Timmy was so like us, a regular dude, boxing, going to school, hanging out, partying all the time. But then he changed and became anti-fun."

By 2011, all remnants of "Timmy" seemed to be gone. When his close friend and sparring partner Brendan Mess began dating a nonpracticing Muslim, Tamerlan criticized Mess' girlfriend for her lack of modesty. And he also reportedly criticized Mess for his "lifestyle" – he was a local pot dealer. On September 11th, 2011 – the 10th anniversary of 9/11 – Mess and two of his friends were killed in a grisly triple murder that remains unsolved. Since the bombing, authorities have been vigorously investigating the crime, convinced that Tamerlan had something to do with it, though so far there's no hard evidence.
"All I know is Jahar was really wary of coming home high because of how his brother would react. He'd get really angry," says Will. "He was a really intense dude."

"And if you weren't Muslim, he was even more intense," says Sam, who notes that he never met Tamerlan in person, though he heard stories about him all the time from Jahar. "I was fascinated – this dude's, like, six-three, he's a boxer – I wanted to meet him," says Sam. "But Jahar was like, 'No, you don't want to meet him.'"

Jahar rarely spoke to his friends about his sisters, Ailina and Bella, who, just a few years older than he, kept to themselves but also had their own struggles. Attractive, dark-haired girls who were "very Americanized," as friends recall, they worshipped Tamerlan, whom one sister would later refer to as her "hero" – but they were also subject to his role as family policeman. When Bella was a junior in high school, her father, hearing that she'd been seen in the company of an American boy, pulled her out of school and dispatched Tamerlan to beat the boy up. Friends later spotted Bella wearing a hijab; not long afterward, she disappeared from Cambridge entirely. Some time later, Ailina would similarly vanish. Both girls were reportedly set up in arranged marriages.

Anna Nikeava was unaware the girls had even left Boston, and suspects the parents never talked about it for fear of being judged. "Underneath it all, they were a screwed-up family," she says. "They weren't Chechen" – they had not come from Chechnya, as she and others had – "and I don't think the other families accepted them as Chechens. They could not define themselves or where they belonged. And poor Jahar was the silent survivor of all that dysfunction," she says. "He never said a word. But inside, he was very hurt, his world was crushed by what was going on with his family. He just learned not to show it."

Anzor, who'd been at first baffled, and later "depressed," by his wife's and son's religiosity, moved back to Russia in 2011, and that summer was granted a divorce. Zubeidat was later arrested for attempting to shoplift $1,600 worth of clothes from a Lord & Taylor. Rather than face prosecution, she skipped bail and also returned to Russia, where she ultimately reconciled with her ex-husband. Jahar's sisters, both of whom seemed to have escaped their early marriages, were living in New Jersey and hadn't seen their family in some time.

And Tamerlan was now married, too. His new wife, Katherine Russell, was a Protestant from a well-off family in Rhode Island. After high school, she'd toyed with joining the Peace Corps but instead settled on college at Boston's Suffolk University. She'd met Tamerlan at a club during her freshman year, in 2007, and found him "tall and handsome and having some measure of worldliness," one friend would recall. But as their relationship progressed, Katherine's college
roommates began to worry that Tamerlan was "controlling" and "manipulative." They became increasingly concerned when he demanded that she cover herself and convert to Islam. Though Katherine has never spoken to the press, what is known is that she did convert to Islam, adopting the name "Karima," and soon got pregnant and dropped out of college. In June 2010, she and Tamerlan were married; not long afterward, she gave birth to their daughter, Zahira. Around this time, both her friends and family say, she "pulled away." She was seen in Boston, shopping at Whole Foods, cloaked and wearing a hijab. She rarely spoke around her husband, and when alone, recalls one neighbor, she spoke slowly with an accent. "I didn't even know she was an American," he says.

Jahar, meanwhile, was preparing for college. He had won a $2,500 city scholarship, which is awarded each year to about 40 to 50 Cambridge students; he ended up being accepted at a number of schools, including Northeastern University and UMass Amherst. But UMass Dartmouth offered him a scholarship. "He didn't want to force his parents to pay a lot of money for school," says Sam, who recalls that Jahar never even bothered to apply to his fantasy schools, Brandeis and Tufts, due to their price tags. A number of his friends would go off to some of the country's better private colleges, "but Jizz rolled with the punches. He put into his head, 'I can't go to school for mad dough, so I'm just going to go wherever gives me the best deal.' Because, I mean, what's the point of going to a school that's going to cost $30,000 a year – for what? Pointless." His other friends agree.

A middling school an hour and a half south of Boston, UMass Dartmouth had one distinguishing feature – its utter lack of character. "It's beige," says Jackson. "It's, like, the most depressing campus I've ever seen." Annual costs are about $22,000.

Jahar arrived in the fall of 2011 and almost immediately wanted to go home. North Dartmouth, where the university is based, is a working-class community with virtually nothing to boast of except for a rather sad mall and a striking number of fast-food joints. It has a diverse student population, but their level of curiosity seemed to fall far below his friends' from Rindge. "Using my high-school essays for my english class #itsthateasy," Jahar tweeted in November 2011. "You know what i like to do? answer my own questions cuz no one else can."

"He was hating life," says Sam. "He used to always call and say it's mad wack and the people were corny." His one saving grace was that one of his best friends from Rindge had gone to UMass Dartmouth, too – though he would later transfer. "All they would do was sit in the car and get high – it was that boring," says Sam.

On the weekends, campus would empty out and Jahar came home as often as he could. But home was no longer "home," as his parents were gone. Many of his closest friends were gone as
well. Tamerlan, though, was always around. "Pray," the older brother told the younger. "You cannot call yourself a Muslim unless you thank Allah five times a day.

Much of what is known about the two years of Jahar's life leading up to the bombing comes from random press interviews with students at UMass Dartmouth, none of whom seemed to have been particularly close with Jahar; and from Jahar's tweets, which, like many 18- or 19-year-olds', were a mishmash of sophomoric jokes, complaints about his roommate, his perpetual lateness, some rap lyrics, the occasional deep thought ("Find your place and your purpose and make a plan for the future") and, increasingly, some genuinely revealing statements. He was homesick. He suffered from insomnia. He had repeated zombie dreams. And he missed his dad. "I can see my face in my dad's pictures as a youngin, he even had a ridiculous amount of hair like me," he tweeted in June 2012.

Jahar had begun his studies to be an engineer, but by last fall had found the courses too difficult. He switched to biology and, to make money, he dealt pot – one friend from his dorm says he always had big Tupperware containers of weed in his fridge.

As he had at Rindge, Jahar drifted between social groups, though he clung to friends from high school who also attended UMass Dartmouth. But he soon gravitated to a group of Kazakh students, wealthy boys with a taste for excellent pot, which Jahar, who spoke Russian with them, often helped to provide. By his sophomore year, even as he gained U.S. citizenship, he abandoned his American Facebook for the Russian version, Vkontakte, or VK, where he listed his world view as "Islam" and his interests as "career and money." He joined several Chechnya-related groups and posted Russian-language-joke videos. "He was always joking around, and often his jokes had a sarcastic character," says Diana Valeeva, a Russian student who befriended Jahar on VK. Jahar also told Diana that he missed his homeland and would happily come for a visit. "But he did not want to return forever," she says.

Tamerlan's journey the past two years is far easier to trace. Though no more Chechen than his brother, Tamerlan was also – as his resident green card reminded him – not really an American. Islam, or Tamerlan's interpretation of it, had become his identity. He devoured books on Chechnya's separatist struggle, a war that had taken on a notably fundamentalist tone since the late 1990s, thanks to a surge of Muslim fighters from outside of the Caucasus who flocked to Chechnya to wage "holy war" against the Russians. It is not uncommon for young Chechen men to romanticize jihad, and for those who are interested in that kind of thing, there are abundant Chechen jihadist videos online that reinforce this view. They tend to feature Caucasian fighters who, far from the lecturing sheikhs often found in Al Qaeda recruitment videos, look like grizzled Navy SEALs, humping through the woods in camouflage and bandannas. Tamerlan
would later post several of these videos on his YouTube page, as well as "The Emergence of Prophecy: The Black Flags from Khorasan," a central part of Al Qaeda and other jihadist mythology, which depicts fierce, supposedly end-times battles against the infidels across a region that includes parts of Afghanistan, Pakistan and Iran.

But Brian Glyn Williams, a professor of Islamic studies at UMass Dartmouth and an expert on terrorism and the politics of Chechnya, believes that Tamerlan's journey – which he calls "jihadification" – was less a young man's quest to join Al Qaeda than to discover his own identity. "To me, this is classic diasporic reconstruction of identity: 'I'm a Chechen, and we're fighting for jihad, and what am I doing? Nothing.' It's not unlike the way some Irish-Americans used to link Ireland and the IRA – they'd never been to Northern Ireland in their lives, but you'd go to certain parts of Southie in Boston, and all you see are donation cans for the IRA."

For Jahar, identity likely played into the mix as well, says Williams, who, though he never met Jahar at UMass Dartmouth, coincidentally corresponded with him during his senior year of high school. One of Williams' friends taught English at Rindge, and "he told me he had this Chechen kid in his class who wanted to do his research paper on Chechnya, a country he'd never lived in." Williams agreed to help Jahar. "The thing that struck me was how little he actually knew," he says. "He didn't know anything about Chechnya, and he wanted to know everything."

Whether Jahar gained much from his studies – or even did much of it – is unknown. Tamerlan, having devoured all the books he could find, was preparing to take the next step. In January 2012, he traveled to Dagestan, where he spent six months. Dagestan has been embroiled in a years-long civil war between Muslim guerrillas and the (also Muslim) police, as well as Russian forces. Bombs go off in the streets regularly, and young men, lured by the romance of the fight, often disappear to "go to the forest," a euphemism for joining the insurgency. Tamerlan, too, seemed to have wanted to join the rebellion, but he was dissuaded from this pursuit by, among others, a distant cousin named Magomed Kartashov, who also happened to be a Dagestani Islamist. Kartashov's Western cousin, who came to Dagestan dressed in fancy American clothes and bragging of being a champion boxer, had no place in their country's civil war, he told Tamerlan. It was an internal struggle – in an interview with TIME magazine, associates of Kartashov's referred to it as "banditry" – and had only resulted in Muslims killing other Muslims. Kartashov urged Tamerlan to embrace nonviolence and forget about Dagestan's troubles. By early summer, Tamerlan was talking about holy war "in a global context," one Dagestani Islamist recalls.

In July 2012, Tamerlan returned to Cambridge. He grew a five-inch beard and began to get in vocal debates about the virtues of Islam. He vociferously criticized U.S. policy in the Middle
East. Twice over the next six or eight months, he upset services at a local mosque with a denunciation of Thanksgiving, and also, in January 2013, of Martin Luther King Jr.

The boys' uncle Ruslan hoped that Jahar, away at school, would avoid Tamerlan's influence. Instead, Jahar began to echo his older brother's religious fervor. The Prophet Muhammad, he noted on Twitter, was now his role model. "For me to know that I am FREE from HYPOCRISY is more dear to me than the weight of the ENTIRE world in GOLD," he posted, quoting an early Islamic scholar. He began following Islamic Twitter accounts. "Never underestimate the rebel with a cause," he declared.

Though it seems as if Jahar had found a mission, his embrace of Islam also may have been driven by something more basic: a need to belong. "Look, he was totally abandoned," says Payack, who believes that the divorce of his parents and their subsequent move back to Russia was pivotal, as was the loss of the safety net he had at Rindge.

Theo, who goes to college in Vermont and is one of the few of Jahar's friends to not have any college loans, can't imagine the stress Jahar must have felt. "He had all of this stuff piled up on his shoulders, as well as college, which he's having to pay for himself. That's not easy. All of that just might make you say 'Fuck it' and give up and lose faith.

Wick Sloane, an education advocate and a local community-college professor, sees this as a widespread condition among many young immigrants who pass through his classrooms. "All of these kids are grateful to be in the United States. But it's the usual thing: Is this the land of opportunity or isn't it? When I look at what they've been through, and how they are screwed by federal policies from the moment they turn around, I don't understand why all of them aren't angrier. I'm actually kind of surprised it's taken so long for one of these kids to set off a bomb."

"A decade in America already," Jahar tweeted in March 2012. "I want out." He was looking forward to visiting his parents in Dagestan that summer, but then he learned he wouldn't receive his U.S. passport in time to make the trip. "#Imsad," he told his followers. Instead, he spent the summer lifeguarding at a Harvard pool. "I didn't become a lifeguard to just chill and get paid," Jahar tweeted. "I do it for the people, saving lives brings me joy." He was living with Tamerlan and his sister-in-law, who were going through their own troubles. Money was increasingly tight, and the family was on welfare. Tamerlan was now a stay-at-home dad; his wife worked night and day as a home-health aide to support the family.

Tamerlan had joined an increasing number of Cambridge's young adults who were being priced out due to skyrocketing real-estate prices. "It's really hard to stay in Cambridge because it's
becoming so exclusive," says Tamerlan's former Rindge classmate Luis Vasquez, who is running for a seat on the Cambridge City Council. "We feel like we're being taken over."

In August, Jahar, acutely aware of the troubles all around him, commented that $15 billion was spent on the Summer Olympics. "Imagine if that money was used to feed those in need all over the world," he wrote. "The value of human life ain't shit nowadays that's #tragic." In the fall, he returned to North Dartmouth and college, where, with no Tamerlan to catch him, he picked up his life, partying in his dorm and letting his schoolwork slide.

"Idk why it's hard for many of you to accept that 9/11 was an inside job, I mean I guess fuck the facts y'all are some real #patriots #gethip," Jahar tweeted. This is not an uncommon belief. Payack, who also teaches writing at the Berklee College of Music, says that a fair amount of his students, notably those born in other countries, believe 9/11 was an "inside job." Aaronson tells me he's shocked by the number of kids he knows who believe the Jews were behind 9/11. "The problem with this demographic is that they do not know the basic narratives of their histories – or really any narratives," he says. "They're blazed on pot and searching the Internet for any 'factoids' that they believe fit their highly de-historicized and decontextualized ideologies. And the adult world totally misunderstands them and dismisses them – and does so at our collective peril," he adds.

Last December, Jahar came home for Christmas break and stayed for several weeks. His friends noticed nothing different about him, except that he was desperately trying to grow a beard – with little success. In early February, he went back to Rindge to work with the wrestling team, where he confided in Theo, who'd also come back to help, that he wished he'd taken wrestling more seriously. He could have been really good had he applied himself a bit more.

At 410 Norfolk St., Tamerlan, once a flashy dresser, had taken to wearing a bathrobe and ratty sweatpants, day after day, while Jahar continued to explore Islam. "I meet the most amazing people," he tweeted. "My religion is the truth."

But he also seemed at times to be struggling, suggesting that even his beloved Cambridge had failed him in some way. "Cambridge got some real, genuinely good people, but at the same time this city can be fake as fuck," he said on January 15th. Also that day: "I don't argue with fools who say Islam is terrorism it's not worth a thing, let an idiot remain an idiot."

According to a transcript from UMass Dartmouth, reviewed by The New York Times, Jahar was failing many of his classes his sophomore year. He was reportedly more than $20,000 in debt to the university. Also weighing on him was the fact that his family's welfare benefits had been cut in November 2012, and in January, Tamerlan and his wife reportedly lost the Section 8 housing
subsidy that had enabled them to afford their apartment, leaving them with the prospect of a move.

Why a person with an extreme or "radical" ideology may decide to commit violence is an inexact science, but experts agree that there must be a cognitive opening of some sort. "A person is angry, and he needs an explanation for that angst," explains the Soufan Group's Tom Neer. "Projecting blame is a defense mechanism. Rather than say, 'I'm lost, I've got a problem,' it's much easier to find a convenient enemy or scapegoat. The justification comes later – say, U.S. imperialism, or whatever. It's the explanation that is key."

For Tamerlan Tsarnaev, the explanation for his anger was all around him. And so, dissuaded from his quest to wage jihad in Dagestan, he apparently turned his gaze upon America, the country that, in his estimation, had caused so much suffering, most of all his own.

In early February, soon after losing his housing subsidy, Tamerlan drove to New Hampshire, where, according to the indictment, he purchased "48 mortars containing approximately eight pounds of low-explosive powder." Also during this general period, Jahar began downloading Islamic militant tracts to his computer, like the first issue of the Al Qaeda magazine Inspire, which, in an article titled "Make a Bomb in the Kitchen of Your Mom," offered detailed instructions on how to construct an IED using a pressure cooker, explosive powder from fireworks, and shrapnel, among other readily available ingredients.

Jahar returned home for spring break in March and spent time hanging out with his regular crew. He brought his friend Dias Kadyrbayev home with him, driving Dias' flashy black BMW with the joke license plate TERRORISTA. He hung out with a few friends and went to the Riv, where they lit off fireworks; he met other friends at a local basketball court, one of his usual haunts. He looked happy and chill, as he always did, and was wearing a new, brown military-style jacket that his friends thought was "swag." "And that was the last time I saw him," says Will.

What went on in the apartment at 410 Norfolk during March and early April remains a mystery. "It's hard to understand how there could be such disassociation in that child," says Aaronson, who last saw Jahar in January, presumably before the brothers' plan was set. "They supposedly had an arsenal in that fucking house! In the house! I mean, he could have blown up my whole fucking block, for God's sakes."

According to the indictment, the brothers went to a firing range on March 20th, where Jahar rented two 9mm handguns, purchased 200 rounds of ammunition and engaged in target practice with Tamerlan. On April 5th, Tamerlan went online to order electronic components that
could be used in making IEDs. Friends of Jahar's would later tell the FBI that he'd once mentioned he knew how to build bombs. But no one seemed to really take it all that seriously.

"People come into your life to help you, hurt you, love you and leave you and that shapes your character and the person you were meant to be," Jahar tweeted on March 18th. Two days later: "Evil triumphs when good men do nothing."

April 7th: "If you have the knowledge and the inspiration all that's left is to take action."

April 11th: "Most of you are conditioned by the media."

The bombs went off four days later.

On the afternoon of April 18th, Robel Phillipos, a friend of Jahar's from Cambridge as well as from UMass Dartmouth, was watching the news on campus and talking on the phone with Dias. He told Dias, who was in his car, to turn on the TV when he got home. One of the bombers, he said, looked like Jahar. Like most of their friends, Dias thought it was a coincidence and texted Jahar that he looked like one of the suspects on television. "Lol," Jahar wrote back, casually. He told his friend not to text him anymore. "I'm about to leave," he wrote. "If you need something in my room, take it."

According to the FBI, Robel, Dias and their friend Azamat met at Pine Dale Hall, Jahar's dorm, where his roommate informed them that he'd left campus several hours earlier. So they hung out in his room for a while, watching a movie. Then they spotted Jahar's backpack, which the boys noticed had some fireworks inside, emptied of powder. Not sure what to do, they grabbed the bag as well as Jahar's computer, and went back to Dias and Azamat's off-campus apartment, where they "started to freak out, because it became clear from a CNN report . . . that Jahar was one of the Boston Marathon bombers," Robel later told the FBI.

But no one wanted Jahar to get in trouble. Dias and Azamat began speaking to each other in Russian. Finally, Dias turned to Robel and asked in English if he should get rid of the stuff. "Do what you have to do," Robel said. Then he took a nap.

Dias later confessed that he'd grabbed a big black trash bag, filled it with trash and stuffed the backpack and fireworks in there. Then he threw it in a dumpster; the bag was later retrieved from the municipal dump by the FBI. The computer, too, was eventually recovered. Until recently, its contents were unknown.

The contents of Jahar's closely guarded psyche, meanwhile, may never be fully understood. Nor, most likely, will his motivations – which is quite common with accused terrorists. "There is no single precipitating event or stressor," says Neer. "Instead, what you see with most of these people is a gradual process of feeling alienated or listless or not connected. But what they all have in common is a whole constellation of things that aren't working right."
A month or so after the bombing, I am sitting on Alyssa’s back deck with a group of Jahar's friends. It's a lazy Sunday in May, and the media onslaught has died down a bit; the FBI, though, is still searching for the source of the brothers' "radicalization," and Al Qaeda in the Arabian Peninsula, capitalizing on the situation, has put Tamerlan, dressed in his crisp, white Saturday Night Fever shirt and aviator shades, in the pages of its most recent Inspire. Jahar has a growing and surprisingly brazen fan club – #FreeJahar – and tens of thousands of new Twitter followers, despite the fact that he hasn't tweeted since before his arrest. Like so many of his fans, some of Jahar's friends have latched onto conspiracy theories about the bombing, if only because "there are too many unanswered questions," says Cara, who points out that the backpack identified by the FBI was not the same color as Jahar's backpack. There's also a photo on the Internet of Jahar walking away from the scene, no pack, though if you look closely, you can see the outline of a black strap. "Photoshopped!" the caption reads.

Mostly, though, his friends are trying to move on. "We're concerned with not having this tied to us for the rest of our lives," says Alyssa, explaining why she and Sam and Jackson and Cara and Will and James and Theo have insisted I give them pseudonyms. Even as Jahar was on the run, his friends started hearing from the FBI, whose agents shortly descended upon their campuses – sometimes wearing bulletproof vests – looking for insight and phone numbers. "You're so intimidated, and you think if you don't answer their questions, it looks suspicious," says Jackson, who admits he gave up a number of friends’ phone numbers after being pressed by the FBI.

Sam says he thinks the feds tapped his phone. All of the kids were interviewed alone, without a lawyer. "I didn't even know I could have a lawyer," says Jackson. "And they didn't tell me that anything I said might be used against me, which was unfair, because, I mean, I'm only 19."

But the worst, they all agree, is Robel, who was interviewed four times by the FBI, and denied he knew anything until, on the fourth interview, he came clean and told them he'd helped remove the backpack and computer from Jahar's dorm room. Robel is 19 but looks 12, and is unanimously viewed by his friends as the most innocent and sheltered of the group. He is now facing an eight-year prison sentence for lying to a federal officer. "So you see why we don't want our names associated," says Sam. "It's not that we're trying to show that we're not Jahar's friends. He was a very good friend of mine."

Jahar is, of course, still alive – though it's tempting for everyone to refer to him in the past tense, as if he, too, were dead. He will likely go to prison for the rest of his life, which may be his best possible fate, given the other option, which is the death penalty. "I can't wrap my head around that," says Cara. "Or any of it."
Nor can anyone else. For all of their city's collective angst and community processing and resolutions of being "one Cambridge," the reality is that none of Jahar's friends had any idea he was unhappy, and they really didn't know he had any issues in his family other than, perhaps, his parents' divorce, which was kind of normal.

"I remember he was upset when his dad left the country," says Jackson. "I remember he was giving me a ride home and he mentioned it."

"Now that I think about that, it must have added a lot of pressure having both parents be gone," says Sam.

"But, I mean, that's the mystery," says Jackson. "I don't really know." It's weird, they all agree. "His brother must have brainwashed him," says Sam. "It's the only explanation."

Someone mentions one of the surveillance videos of Jahar, which shows him impassively watching as people begin to run in response to the blast. "I mean, that's just the face I'd always see chilling, talking, smoking," says Jackson. He wishes Jahar had looked panicked. "At least then I'd be able to say, 'OK, something happened.' But . . . nothing."

That day's Boston Globe has run a story about the nurses at Beth Israel Deaconess Hospital who took care of Jahar those first few days after his capture. They were ambivalent, to say the least, about spending too much time with him, for fear of, well, liking him. One nurse said she had to stop herself from calling him "hon." The friends find this story disgusting. "People just have blood in their eyes," says Jackson.

One anecdote that wasn't in the article but that has been quietly making its way around town, via one of his former nurses, is that Jahar cried for two days straight after he woke up in the hospital. No one in the group has heard this yet, and when I mention it, Alyssa gives an anguished sigh of relief. "That's good to know," she says. "I can definitely see him doing that," says Sam, gratefully. "I hope he's crying. I'd definitely hope . . . ."

"I hope he'd wake up and go, 'What the fuck did I do the last 48 hours?''" says Jackson, who decides, along with the others, that this, the crying detail, sounds like Jahar.

But, then again, no one knows what he was crying about.

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The buses roll up to San Francisco’s bus stops in the morning and evening, but they are unmarked, or nearly so, and not for the public. They have no signs or have discreet acronyms on the front windshield, and because they also have no rear doors they ingest and disgorge their passengers slowly, while the brightly lit funky orange public buses wait behind them. The luxury coach passengers ride for free and many take out their laptops and begin their work day on board; there is of course wifi. Most of them are gleaming white, with dark-tinted windows, like limousines, and some days I think of them as the spaceships on which our alien overlords have landed to rule over us.

Other days I think of them as the company buses by which the coal miners get deposited at the minehead, and the work schedule involved would make a pit owner feel at home. Silicon Valley has long been famous for its endless work hours, for sucking in the young for decades of sixty or seventy-hour weeks, and the much celebrated perks on many jobsites – nap rooms, chefs, gyms, laundry – are meant to make spending most of your life at work less hideous. The biotech industry is following the same game plan. There are hundreds of luxury buses serving mega-corporations down the peninsula, but we refer to them in the singular, as the Google Bus, and we – by which I mean people I know, people who’ve lived here a while, and mostly people who don’t work in the industry – talk about them a lot. Parisians probably talked about the Prussian army a lot too, in the day.

My brother says that the first time he saw one unload its riders he thought they were German tourists – neatly dressed, uncool, a little out of place, blinking in the light as they emerged from their pod. The tech workers, many of them new to the region, are mostly white or Asian male nerds in their twenties and thirties; you often hear that to be over fifty in that world is to be a fossil, and the two founders of Google (currently tied for 13th richest person on earth) are not yet forty.

Another friend of mine told me a story about the Apple bus from when he worked for Apple Inc. Once a driver went rogue, dropping off the majority of his passengers as intended at the main Apple campus, and then rolling on towards San Jose instead of stopping at the satellite location, but the passengers were tech people, so withdrawn from direct, abrupt, interventionary communications that they just sat there as he drove many miles past their worksite and
eventually dumped them on the street in a slum south of the new power centre of the world. At that point, I think, they called headquarters: another, more obedient bus driver was dispatched. I told the story to another friend and we joked about whether they then texted headquarters to get the email addresses of the people sitting next to them: this is a culture that has created many new ways for us to contact one another and atrophied most of the old ones, notably speaking to the people around you. All these youngish people are on the Google Bus because they want to live in San Francisco, city of promenading and mingling, but they seem as likely to rub these things out as to participate in them.

The Google Bus means so many things. It means that the minions of the non-petroleum company most bent on world domination can live in San Francisco but work in Silicon Valley without going through a hair-raising commute by car – I overheard someone note recently that the buses shortened her daily commute to 3.5 hours from 4.5. It means that unlike gigantic employers in other times and places, the corporations of Silicon Valley aren’t much interested in improving public transport, and in fact the many corporations providing private transport are undermining the financial basis for the commuter train. It means that San Francisco, capital of the west from the Gold Rush to some point in the 20th century when Los Angeles overshadowed it, is now a bedroom community for the tech capital of the world at the other end of the peninsula.

There are advantages to being an edge, as California long was, but Silicon Valley has made us the centre. Five of the six most-visited websites in the world are here, in ranked order: Facebook, Google, YouTube (which Google owns), Yahoo! and Wikipedia. (Number five is a Chinese-language site.) If corporations founded by Stanford alumni were to form an independent nation, it would be the tenth largest economy in the world, with an annual revenue of $2.7 trillion, as some professors at that university recently calculated. Another new report says: ‘If the internet was a country, its gross domestic product would eclipse all others but four within four years.’ That country has a capital that doesn’t look like a capital. It looks like beautiful oak-studded hills and flatlands overrun by sprawl: suburban homes (the megamansions are more secluded) and malls and freeways often jammed with traffic and dotted with clunky campuses, as corporate headquarters of tech firms are always called. Fifty years ago, this was the ‘valley of heart’s delight’, one of the biggest orchard-growing regions in the world. It wasn’t to everyone’s delight: Cesar Chavez and the United Farmworkers movement started in San Jose, because the people who actually picked all those plums and apricots worked long hours for abysmal wages, but the sight and smell of the 125,000 acres of orchard in bloom was supposed to be spectacular.
Where orchards grew Apple stands. The work hours are still extreme but now the wages are colossal – you hear tech workers complaining about not having time to spend their money. They eat out often, though, because their work schedules don’t include a lot of time for shopping and cooking, and San Francisco’s restaurants are booming. Cafés, which proliferated in the 1980s as places to mingle and idle, are now workstations for freelancers, and many of the sleeker locales are routinely populated by silent ranks staring at their Apple-product screens, as though an office had suddenly been stripped of its cubicles. The more than 1700 tech firms in San Francisco officially employ 44,000 people, and a lot more are independent contractors doing piecework: not everyone rides the bus down south. Young people routinely make six-figure salaries, not necessarily beginning with a 1, and they have enormous clout in the housing market (the drivers of the Google Bus, on the other hand, make between $17 and $30 an hour).

I weathered the dot-com boom of the late 1990s as an observer, but I sold my apartment to a Google engineer last year and ventured out into both the rental market (for the short term) and home buying market (for the long term) with confidence that my long standing in this city and respectable finances would open a path. That confidence got crushed fast. It turned out that the competition for any apartment in San Francisco was so intense that you had to respond to the listings – all on San Francisco-based Craigslist of course, the classifieds website that whittled away newspaper ad revenue nationally – within a few hours of their posting to receive a reply from the landlord or agency. The listings for both rentals and homes for sale often mentioned their proximity to the Google or Apple bus stops.

At the actual open houses, dozens of people who looked like students would show up with chequebooks and sheaves of resumés and other documents and pack the house, literally: it was like a cross between being at a rock concert without a band and the Hotel Rwanda. There were rumours that these young people were starting bidding wars, offering a year’s rent in advance, offering far more than was being asked. These rumours were confirmed. Evictions went back up the way they did during the dot-com bubble. Most renters have considerable protection from both rent hikes and evictions in San Francisco, but there are ways around the latter, ways that often lead to pitched legal battles, and sometimes illegal ones. Owners have the right to evict a tenant to occupy the apartment itself (a right often abused; an evicted friend of mine found a new home next door to his former landlord and is watching with an eagle eye to see if the guy really dwells there for the requisite three years). Statewide, the Ellis Act allows landlords to evict all tenants and remove the property from the rental market, a manoeuvre often deployed to convert a property to flats for sale. As for rent control, it makes many landlords restless with stable tenants, since you can charge anything you like on a vacant apartment – and they do.
A Latino who has been an important cultural figure for forty years is being evicted while his wife undergoes chemotherapy. One of San Francisco’s most distinguished poets, a recent candidate for the city’s poet laureate, is being evicted after 35 years in his apartment and his whole adult life here: whether he will claw his way onto a much humbler perch or be exiled to another town remains to be seen, as does the fate of a city that poets can’t afford. His building, full of renters for most or all of the past century, including a notable documentary filmmaker, will be turned into flats for sale. A few miles away, friends of friends were evicted after twenty years in their home by two Google attorneys, a gay couple who moved into two separate units in order to maximise their owner-move-in rights. Rental prices rose between 10 and 135 per cent over the past year in San Francisco’s various neighbourhoods, though thanks to rent control a lot of San Franciscans were paying far below market rates even before the boom – which makes adjusting to the new market rate even harder. Two much-loved used bookstores are also being evicted by landlords looking for more money; 16 restaurants opened last year in their vicinity. On the waterfront, Larry Ellison, the owner of Oracle and the world’s sixth richest man, has been allowed to take control of three city piers for 75 years in return for fixing them up in time for the 2013 America’s Cup; he will evict dozens of small waterfront businesses as part of the deal.

All this is changing the character of what was once a great city of refuge for dissidents, queers, pacifists and experimentalists. Like so many cities that flourished in the post-industrial era, it has become increasingly unaffordable over the past quarter-century, but still has a host of writers, artists, activists, environmentalists, eccentrics and others who don’t work sixty-hour weeks for corporations—though we may be a relic population. Boomtowns also drive out people who perform essential services for relatively modest salaries, the teachers, firefighters, mechanics and carpenters, along with people who might have time for civic engagement. I look in wonder at the store clerks and dishwashers, wondering how they hang on or how long their commute is. Sometimes the tech workers on their buses seem like bees who belong to a great hive, but the hive isn’t civil society or a city; it’s a corporation.

Last summer, I went to look at a house for sale whose listing hadn’t mentioned that the house was inhabited. I looked in dismay at the pretty old house where a family’s possessions had settled like silt over the decades: drum set, Bibles, faded framed portraits, furniture grimed with the years, cookware, toys. It was a display of what was about to be lost. The estate agent was on the front steps telling potential clients that they wouldn’t even have to evict: just raise the rent far beyond what the residents can afford. Ye who seek homes, come destroy the homes of others more frail.
I saw the same thing happen in the building next door to the rental I eventually found through word of mouth after failing to compete in the open market. These families are not going to live like that again, in pleasant homes in the city centre. Other buildings I visited had been emptied of all residents, and every unit was for sale, each furnished with brushed steel appliances, smooth surfaces and sleek neutral tones to appeal to the tastes of young technocrats.

In the poorer outskirts of the city, foreclosures and short sales (an alternative to foreclosure where the house is sold even though the sale won’t cover the debts) go on as they have across much of the country since the crash in 2008, and a group called Occupy Bernal Heights (a neighbourhood spin-off of Occupy San Francisco, co-founded by the sex activist Annie Sprinkle) has shown up at the banks and at the houses to defend many owners, one home at a time.

Poverty is cruel and destructive. Wealth is cruel and destructive too, or at least booms are. The whole of the US sometimes seems to be a checkerboard of these low-pressure zones with lots of time and space but no money, and the boomtowns with lots of money, a frenzied pace and chronic housing scarcity. Neither version is very liveable.

San Francisco’s tech boom has often been compared to the Gold Rush, but without much discussion about what the Gold Rush meant beyond the cute images of bearded men in plaid shirts with pickaxes looking a lot like gay men in the Castro in the 1970s. When gold was discovered in 1848, employees left their posts, sailors abandoned their ships, and San Francisco – then a tiny port town called Yerba Buena – was deserted. In the Mother Lode, some got rich; many died of contagious diseases, the lousy diet, rough life and violence; some went broke and crawled back to the US, as the settled eastern half of the country was called when the gold country was an outpost of newcomers mostly arriving by ship and the American West still largely belonged to the indigenous people.

Supplying the miners and giving them places to spend their money became as lucrative as mining and much more secure. Quite a lot of the early fortunes were made by shopkeepers: Levi Strauss got his start that way, and so did Leland Stanford, who founded the university that founded Silicon Valley. The Mexicans who had led a fairly gracious life on vast ranches before the Gold Rush were largely dispossessed and the Native Californians were massacred, driven out of their homes; they watched their lands be destroyed by mining, starved or died of disease: the Native population declined by about four-fifths during this jolly spree.

San Francisco exploded in the rush, growing by leaps and bounds, a freewheeling town made up almost exclusively of people from elsewhere, mostly male, often young. In 1850, California had a population of 120,000 according to one survey, 110,000 of them male. By 1852 women made up ten per cent of the population, by 1870 more than a quarter. During this era prostitution thrived,
from the elegant courtesans who played a role in the city’s political and cultural life to the Chinese children who were worked to death in cribs, as the cubicles in which they laboured were called. Prices for everything skyrocketed: eggs were a dollar apiece in 1849, and a war broke out later over control of the stony Farallones islands rookery thirty miles west of San Francisco, where seabirds’ eggs were gathered to augment what the chickens could produce. A good pair of boots was a hundred dollars. Land downtown was so valuable that people bought water lots – plots of land in the bay – and filled them in.

Wages were high too, until 1869, when the Central Pacific Railroad (built by Stanford and his three cronies) connected the Bay Area to the East Coast, and the newly unemployed railroad workers and the poor of the east poured in. The Annals of San Francisco describe the city twenty years earlier, in 1849:

As we have said, there were no homes at this period in San Francisco, and time was too precious for anyone to stay within doors to cook victuals. Consequently an immense majority of the people took their meals at restaurants, boarding-houses and hotels – the number of which was naturally therefore very great; while many lodged as well as boarded at such places. Many of these were indeed miserable hovels, which showed only bad fare and worse attendance, dirt, discomfort and high prices. A few others again were of a superior class; but, of course, still higher charges had to be made for the better accommodation.

The oil and gas boomtowns of the present, in Wyoming, North Dakota and Alberta, among other places, follow this model. Lots of money sloshes around boomtowns, but everyday life is shaped by scarcity, not abundance. The boom workers are newcomers. They work long hours, earn high wages, drive up the cost of housing for the locals, drive out some locals, eat out, drink a lot, brawl, overload local services, often get addicted or injured. In Wyoming last year I met a disability counsellor who told me about the young men who go into the coal and gas mining business, make more money than they’ve ever seen, go into debt on a trailer home, a fancy truck, extravagant pleasures, and then get permanently disabled on the job and watch their lives fall apart. A journalist who’d been reporting on the boom in North Dakota told me about ranches ruined by toxins and a trailer park full of Native Americans who’d lived there for many decades evicted to make room for higher-paying miners with brand-new trailers. Like a virus, mining destroys its host and then moves on. There are ghost towns across the west full of dying businesses with the landscape around them ground into heaps leaching toxic residue.

There are ways in which Silicon Valley is nothing like this: it’s clean, quiet work, and here to stay in one form or another. But there are ways in which technology is just another boom and the Bay Area is once again a boomtown, with transient populations, escalating housing costs, mass
displacements and the casual erasure of what was here before. I think of it as frontierism, with all the frontier's attitude and operational style, where people without a lot of attachments come and do things without a lot of concern for their impact, where money moves around pretty casually, and people are ground underfoot equally casually. Sometimes the Google Bus just seems like one face of Janus-headed capitalism; it contains the people too valuable even to use public transport or drive themselves. In the same spaces wander homeless people undeserving of private space, or the minimum comfort and security; right by the Google bus stop on Cesar Chavez Street immigrant men from Latin America stand waiting for employers in the building trade to scoop them up, or to be arrested and deported by the government. Both sides of the divide are bleak, and the middle way is hard to find.

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The knife springs open with a satisfying snap.
Matt Lauer, the co-host of the Today show, turns it over in his hand, marveling at the blade.
“Come to papa!” he says.

Sitting at his glass-topped desk on the morning-show set, Lauer, meticulously outfitted in a green-gray plaid suit and a burnt-orange tie, has asked the crew for props for a segment on new TSA rules allowing small knives on commercial airliners. A crewman offered up this specimen from his belt holster.

“You know how long it is?” inquires a producer who sits alongside Lauer with a sheaf of notes.

“It’s long enough to get right to your heart, is what it is,” says Lauer.

I casually try snapping a picture with my phone.

“Whoa!” Lauer yells, suddenly serious, pulling back the knife with the reflexes of a practiced fighter. For a moment, he seems unsettled. “Here’s Matt with a switchblade,” says Lauer, imagining the caption. “Great.”

If Matt Lauer doesn’t want to be seen with sharp knives, it’s because last summer his co-host Ann Curry was discovered with one in her back. She was swiftly replaced by a younger, more genial woman, Savannah Guthrie. Ever since, Lauer has been the prime suspect in Curry’s virtual demise. Five million viewers, the majority of them women, would not soon forget how Curry, the intrepid female correspondent and emotionally vivid anchor, spent her last
appearance on the Today show couch openly weeping, devastated at having to leave after only a year. The image of Matt Lauer trying to comfort her—and of Curry turning away from his attempted kiss—has become a kind of monument to the real Matt Lauer, forensic evidence of his guilt.

The truest truism of morning-TV shows is that they are like families, or aspire to be—it’s a matter of practiced artifice, faked from the first minute to the last. But reality can’t always be kept out of the picture.

On Curry’s final day, Lauer realized the scene was catastrophic even as cameras rolled. “I think we all knew it at that moment,” says Lauer during an interview with his current co-hosts, Al Roker, Natalie Morales, and Guthrie. “And it just seemed like something—there was nothing we could do as it was happening, and we all felt bad about it.”

What followed was the implosion of the most profitable franchise in network television. After sixteen years as the No. 1 morning show in America, Today was worth nearly half a billion dollars a year in advertising revenue to NBC, the bedrock of its business. In the aftermath of the Curry debacle, the show lost half a million viewers and ceded first place in the ratings war to ABC’s Good Morning America, losing millions of dollars overnight.

Blamed in the press for his co-host’s offing, Lauer has watched helplessly as his reputation gets battered week after week. When Chelsea Handler joked to him on Today earlier this month, “You have a worse reputation than I do,” Lauer’s smile sharpened into something that wouldn’t make it past airport security.

The producers of Today are employing every trick they know to rebuild the family’s chemistry, retooling the set, fiddling with the mix of stories, going for more uplift and smiles. But the show is still haunted by what happened, and is still happening, offscreen, the internal struggles and animosities casting strange shadows. Matt Lauer smiles for a living, but offstage he has been obsessed with the situation, brooding about his ratings and his enemies while trying to put forward his own version of events. If Lauer is guilty in the hosticide of Ann Curry (he’s certainly not innocent), he’s far from the only guilty party. For all the smiles, TV hosts often get offed, for all sorts of reasons. As Hyman Roth said in Godfather 2: This is the business they’ve chosen.

The Victim

What had separated Today from its competitors in its decades as the No. 1 morning show was a natural-seeming chemistry between its anchors. The cast of Matt Lauer, Katie Couric, Al Roker, and Ann Curry was once marketed as “America’s First Family,” a morning-news analog to NBC’s prime-time megahit Friends. As the sturdy straight man, Lauer bonded with women by showing he could bake a cake with the same ease with which he could grill a politician, then effortlessly
josh with the avuncular Al Roker, the jovial weatherman, for comic relief. It looked real. For a while, it was.

NBC was highly protective of its No. 1 perch in the morning. The pressure was intense; the network fired producers over internal squabbling or when the ratings dipped. In 2005, Good Morning America nearly overtook Today under the direction of a fiercely competitive executive producer named Ben Sherwood, who came within 45,000 viewers of erasing Today’s winning streak. In the days before the ratings results, Lauer was nerve-racked about Today’s prospects. Sherwood viewed the rivalry as pure warfare. “They’ve got all their big guns out,” he said at the time. “They will fight most fiercely. We will fight most fiercely.”

The Kiss: Lauer and Curry’s awkward goodbye.

When Katie Couric departed to CBS to anchor the evening news for $15 million a year, legendary Today show producer Jeff Zucker managed to keep the familial turbulence to a minimum, installing Meredith Vieira, a warm, maternal presence who helped sustain the family dynamic and Today’s ratings lead. Vieira decided to depart in 2011 to spend more time with her ailing husband, which brought the show to a troubling crossroads. Already Today’s ratings advantage was slipping. And Ann Curry was next in line for the job of sitting beside Lauer.

The irony of the current situation is that almost no one with an eye for live television thought that Curry, all things being equal, was a natural for Today’s couch. Curry was a television pro—her emotionally charged reporting on Darfur and Haiti won awards and performed well in the ratings—but that’s a very different skill than making small talk about salad dressing and bantering with Matt Lauer. Wide-eyed and breathless with empathy while interviewing people touched by tragedy, Curry could be awkward and mercurial in the morning happy-talk milieu, her real feelings bursting forth at odd moments. She was considered intensely earnest and somewhat fragile, despite her hard-news chops. In the past, Couric would sometimes tease her
about her clothes, remarks that Curry took badly. When Lauer and Today producers tried to “punk” the rest of the cast one morning in 2011—sending them to a fake magazine photo shoot where the photographer had a meltdown and started firing all his assistants—Curry was infuriated with Lauer and retreated to her dressing room. Roker, her longtime friend, was sent to comfort her.

Curry’s contract, negotiated by then–NBC television head Jeff Zucker, stipulated that if she didn’t get the co-anchor job, she could leave the network. She had been passed over the last time, when Vieira was hired. But both Lauer and Jim Bell, the executive producer at the time, were opposed to putting Curry in the co-host chair. Lauer attempted to bring Couric back to NBC, proposing an arrangement where she would co-host Today for a couple of years and do a daytime talk show with Lauer as well. But the network balked over money. So they decided not to make the deal, and after Couric, NBC management simply didn’t have another plan—Ann Curry was the choice by process of elimination. She was installed as co-host of Today in June 2011.

Part of the reason NBC couldn’t come up with a plan B was that, at the time, the network was going through an enormous upheaval. The cable behemoth Comcast had agreed to acquire a majority stake in NBC from longtime owner General Electric, and one of its first acts was to remove Zucker, who had let the prime-time lineup sink to last in the ratings. Steve Burke, a Comcast executive with no experience in TV production, replaced Zucker, and for NBC’s people, managing up became as important as managing down.

Within six months, executive producer Jim Bell had come to the conclusion that Curry wasn’t working out. She frequently stumbled over the words on the teleprompter and her intensity sometimes made her difficult to watch during interviews with tragedy victims. But, more important, Lauer looked awkward and unhappy next to her—a situation that Lauer himself had also diagnosed. He openly complained about her to NBC staffers and to Bell. And the ratings seemed to reflect her struggles.

As Don Nash, the current executive producer, told me about the realities of on-air chemistry: “You can’t fake it for very long that early in the morning. I think viewers have a sixth sense about all that. If your two anchors don’t like each other off the air, they’re not going to be fooled if they love each other on the air.”

In January of last year, rumors began circulating that Curry was on the outs. An unnamed NBC source told New York at the time that if the ratings didn’t improve, Curry could be replaced by NBC’s White House correspondent, Savannah Guthrie. “She’s got that girl-next-door quality,” the person said.
But by that point, it wasn’t simply a matter of unplugging one female host and plugging in another. Curry was a real person now—huge swaths of her audience loved her. That was the point when *Today’s* drama became three-dimensional, with a highly public insider struggle as counterpoint to the cheerful banter transpiring onscreen. Angered by the report, Curry complained to the public-relations department at NBC. But more leaks came hinting that Curry’s days were numbered. As *Good Morning America* edged upward in the ratings, Bell told people it was Curry dragging them down. The network was coming under pressure from some of its own affiliates to remove Curry, with general managers complaining in board meetings that she had to go. “Don’t you guys see this?” wrote an influential G.M. from Pittsburgh.

But internal research conducted by a company called SmithGeiger showed something different: When Lauer was onscreen with Curry, it was Lauer who became less appealing to viewers, not Curry. “He was looking aloof, a little bit holier-than-thou, and pompous,” says a former NBC executive who viewed the reports. “He was becoming Bryant Gumbel.” (Gumbel, Lauer’s close friend and frequent golf partner, left *Today* with a similar reputation.) It was obvious to Bell and others that Lauer wasn’t trying hard enough to make it work with Curry because he simply didn’t like her. Off air, Curry and Lauer had no relationship and barely spoke. When she started, Curry had asked Lauer out for lunch to get advice, but Lauer seemed to drag his feet scheduling it and Curry felt he didn’t offer much. With Couric and Vieira, Lauer could be an easygoing straight man; with Curry, who threw off his rhythm and also threatened his dominance of the hard-news stories, he could often look sour.

By early last year, Lauer seemed to his colleagues to be growing more and more disgruntled. He began getting more involved in the daily story lineup, getting into fights with producers and tearing the show up in the early-morning hours. He made it clear to friends that he was
miserable with Curry and uncomfortable with his corporate masters at Comcast. He spoke often of downsizing his work life, playing more golf, spending more time with his kids in the Hamptons.

Lauer's unhappiness was evident to Bell. A former Harvard football player with a garrulous personality, Bell was ascendant at NBC, a 45-year-old acolyte of the legendary sports producer Dick Ebersol. In addition to running Today, Bell had been named executive producer of NBC's Olympics coverage (Comcast paid $4.4 billion for the rights to broadcast the Games through 2020). Consequently, Bell had special entrée to Steve Burke, the NBCUniversal president who had been deeply involved in cutting the Olympics deal. In the months leading up to Lauer's contract decision, Bell began talking with Burke about the future of Today. How could they keep Matt Lauer from leaving NBC? And what about Ann Curry?

But this is where it gets complicated. Technically speaking, Bell's direct boss was Steve Capus, president of NBC News, who'd risen to power as the aggressive producer of Nightly News. Capus was involved in some of those conversations and agreed that Curry was a problem. But that wasn't Capus's only issue. He was rankled by Bell's close relationship with Burke, worrying that Bell was consolidating power and angling to replace him. The two jockeyed for control over the Curry situation, sending mixed messages and sowing confusion, which made the trouble much harder to resolve.

Flirting With the Enemy

Lauer's version of events is that Steve Capus came to him in late February and said Curry was going to be removed from the Today show, regardless of whether Lauer left or not. Lauer says he expressed trepidation about the move, fearing it would hurt the show. But the ratings were softening, and the trend lines showed Good Morning America poised to overtake Today if they didn't change course.

But Capus's statement was not the crucial inflection point in Curry's departure. Rather, it was part of a careful dance over Lauer's future at NBC. Lauer was the franchise, and his views on Curry were already well known, so the statement was as much a promise as it was a threat: If he stayed, Curry would be gone.

And at the moment they informed him of Curry's exit, Lauer himself appeared halfway out the door. Three months earlier, Lauer had been angered by a press leak that Capus and Bell were talking to Ryan Seacrest about possibly replacing him. (Lauer learned of the leak while being forced to stand outside the security gate at the White House Christmas party because Ann Curry had forgotten her driver's license.) In trying to placate Lauer, Burke had given him a window to explore other jobs, but they made it clear that Seacrest was really just an insurance policy; they
didn’t want Lauer to leave. But Lauer, possibly as a negotiating tactic, was taking leaving pretty seriously. He’d begun working closely with Zucker to develop an idea for ABC: the Katie Couric daytime talk show with Matt Lauer—together again. Lauer met with Bob Iger, the CEO of Disney, ABC’s parent company, who made a strong effort to recruit Lauer. Prominently featured in these talks was the president of ABC News, Ben Sherwood, the tall, arch-browed former producer of *Good Morning America*. Fond of using epic historical analogies to describe business maneuvers, Sherwood had risen to the top of ABC News and was now eager to peel Lauer away from *Today* and finally beat his arch-rival. There were issues of both timing and money, but the larger corporate strategy was clear: If ABC could poach Lauer, then *Today*, NBC’s cash cow, would fall from its perch, *Good Morning America* would be ascendant, and the entire NBC network would crumple like a house of cards. The ABC deal, in its final form, would feature Lauer in a dual role: co-host of the daytime program with Couric and also as an ABC News personality. What happened next would color everything that happened after: For a few days in late March, Iger, Zucker, and Sherwood all believed they had been told by both Lauer and his agent, Ken Linder, that Lauer was coming to ABC. In their minds, the deal was done, with only the legalities to be worked out. But the following week, Lauer surprised them all by calling and saying thanks but no thanks. Iger was infuriated, as was Zucker. Sherwood would not soon forget: In the months to come, he would spend an inordinate amount of time poking at Lauer and reveling in Schadenfreude. Before giving ABC the bad news, Lauer had gone back to NBC and said he was prepared to negotiate a new contract. Lauer has said he remained to help shepherd *Today* through a tough period, because he cared about the show and the staff—but this act of selflessness was rewarded with a fairly hefty check. Burke agreed to give Lauer more money than any morning-news anchor had ever received in the history of television: a reported $25 million a year to work four days a week. Lauer says Curry’s name never came up in his contract talks. (Burke declined to comment.) But her fate was already sealed. From top to bottom, Burke, Lauer, Capus, and Bell had all agreed that Curry would be taken off the show, with *Today* rebuilt around Lauer. At the moment when he had maximum leverage with NBC, Lauer, as the multimillion-dollar megastar, could easily have saved her—but he didn’t. To the contrary, in signing a new contract to remain at the show for at least two more years, he tacitly ratified the plan to remove her. Which doesn’t make him a horrible person—it makes him, for better or worse, a pro.

Roosting Chickens
The week after he re-signed, Lauer appeared on the cover of The Hollywood Reporter with the headline “The Most Powerful Face in News.” Even Lauer saw dark tidings in all this: After seeing the cover line, he told the writer of the story, “You just hung a huge target on my back.”

The previous week, Capus scoffed at the idea that Good Morning America might beat Today, telling a reporter that it was “not going to happen.” The very next week, it did: On April 19, ratings showed that Good Morning America had beaten the Today show by 31,000 viewers, breaking Today’s sixteen-year winning streak. Ben Sherwood and the staff of Good Morning America were overjoyed, throwing a victory party on a rooftop overlooking the Hudson River. That day, Good Morning America’s co-host Robin Roberts was diagnosed with MDS, a cancerlike blood disease. Her health struggles would soon become a televised narrative on ABC, reality again intruding on television.

That same week, Bell went to Curry’s dressing room and told her they needed to consider a new role at NBC. Curry asked Bell how she could improve. About two weeks later, Bell took Curry to lunch at one of his favorite restaurants, La Grenouille, on 52nd Street, where he tried selling her on a new roving correspondent role, complete with her own production unit.

Thus began a series of delicate and painful talks with Curry about her future. From the start, Bell was unequivocal that Curry needed to leave in time for the London Olympics in July. But then there was Capus. Increasingly paranoid about Bell’s power and designs, he began engaging in a series of open-ended conversations with Curry in which he told her that she wasn’t the problem with the show. Instead, Capus said, the show’s programming was flawed; Bell had allowed it to become too soft. Capus fanned Curry’s hope that she could hang on longer and undermined Bell’s strategy of resetting the Today show cast during the Olympics. In early June, an interview with Curry in Ladies’ Home Journal came out saying she saw herself at Today for another five years.

As the internal conversations dragged on for weeks, the tension between Capus and Bell paralyzed NBC. Curry, without an agent, was doing her own bargaining. Her elliptical conversational style was interpreted by some as cunning, others as sheer denial. People from all sides counseled her on what to do, including Tom Brokaw, himself a former Today host.

It finally dawned on Lauer and the NBC brain trust that the blowback from pushing out Curry might be worse than any gains they anticipated. Lauer began to do damage control. Over lunch at The Four Seasons, he advised Curry to get an agent so she could resolve her situation and openly worried that the timing of her exit would lead people to believe he’d forced her out during his contract negotiation. Lauer says he told NBC management that Curry’s exit was “a
disaster waiting to happen‖ and argued that they needed to wait until after the Olympics, as Capus was now advising.

But even after Curry hired the Washington lawyer and master negotiator Robert Barnett, the talks dragged on without resolution. Meanwhile, ratings pressure was mounting. A year into Curry’s tenure as co-host, NBC lost half a million viewers while ABC gained on them. And on June 11, ABC News announced publicly that Robin Roberts was sick.

The Spy
What finally forced a resolution was not an agreement between Ann Curry and NBC but a leak to reporter Brian Stelter of the New York Times that Curry was being forced off the Today show. Stelter, an ambitious reporter and hyperactive Twitter star who once interviewed for a job at NBC, was a hovering presence in the morning-TV world as he worked on a forthcoming book called Top of the Morning, which promised to be the definitive account of what was happening at Today. Fingers began pointing over the leak. Was it Jim Bell trying to force Curry’s hand? Was it a negotiating tactic by Curry’s lawyer? (Stelter, for his part, says it was not Camp Curry.)

Lauer assured his booker, ―My hands are clean.‖ Bell considered pulling Curry off the air, waiting till the evening to decide whether she could appear on television the next day. The following morning, Curry was discovered crying in her dressing room before airtime.

For a few days, Curry spoke to no one. The set was funereal. Curry was mad at Bell, Bell was angry with Curry, and Capus was angry at Bell. The next week, a deal was finally hammered out: Curry would get $12 million, and her own production unit at NBC, to leave Today. The day before her last morning, Curry wrote her own copy, telling Capus she wanted to “speak from the heart.” That same night, Lauer called in to ask, “So when am I taking my cyanide pill tomorrow?”

The events of the following morning are now the stuff of television infamy. Along with Bell, Burke was in the control room. When the time came to say good-bye, Curry broke down and wept as she read the script, her eyes red and swollen, appearing to recoil from a visibly shaken Lauer.

Some at NBC believed Curry purposefully self-destructed to damage both Lauer and the show, with one producer describing it as the morning-show equivalent of Curry “strapping on C4” explosives. But few dispute that her emotional state was real. After she left the set at 30 Rock, she got into a car on 48th Street and was driven to the airport to catch a flight to California. She cried the entire way.

After the Divorce
“We’re lawyered up!” yells Al Roker as he and the current cast of the Today show—Lauer, Guthrie, and Morales—walk into a small greenroom at 30 Rock and pull up chairs in a tight semicircle for an interview.

They’re accompanied by two public-relations handlers and the two top producers, Don Nash and Alexandra Wallace. This is the way they want to appear: the way a family would, a unified front.

“I think that was a hard day for everyone who cares about this show,” says a nervous Guthrie. “All of us ... feel connected to what happened ... and feel it really personally.”

“Yeah, it was ... painful,” ventures Roker, a longtime friend of Curry’s. “And anytime a friend of yours is hurting, it’s painful. But I was also thinking about the audience, and it had to be painful for them.”

It was. While the Manhattan media world had seen Curry’s exit coming for months, middle-American viewers recoiled at the raw reality on their screens. Part of the genius of a morning show is that the audience falls in love with the hosts, gets comfortable with them. Which, when a split occurs, becomes an enormous problem. In the space of a few weeks, Today lost a fifth of its audience, what a rival network executive compares to an iceberg sliding into the ocean. Today lost $40 million in advertising revenue from the ratings decline.

Guthrie, the winsome new girl, suddenly found herself in the middle of a media disaster, painted by the tabloids as the “other woman” who ousted Curry. Her agent was furious when he saw how NBC fumbled the transition, believing NBC allowed Curry to hurt the show. Though it had been clear for months that Guthrie was waiting in the wings to replace Curry, she had been careful not to openly angle for the job. Her role was negotiated on the very day of the Stelter report. When she was asked to become co-host, Guthrie cried in Capus’s office, worried that Curry, and Today viewers, would see her as the backstabber.

The biggest blowback, of course, was aimed directly at Today’s main star, Matt Lauer. In the coming months, his Q scores, a measure of audience favorability, sank from 19 to a lackluster 9, the air suddenly rushing out of the balloon. It wasn’t necessarily that Lauer was different; it was that he was perceived differently, with viewers wondering if he was really who he was pretending to be, given what had just happened to his partner, a woman who’d seemed to be, with some minor turbulence, his “friend.”

“Backlash!”

Ann Curry was gone but not gone, which created a situation of spectacular awkwardness. Any trust that had existed between Curry and Today was shattered. When Robin Roberts left Good Morning America a month later to get treatment for MDS, Curry asked NBC if she could tweet a
note of sympathy for the ABC co-host. NBC said no, afraid she was trying to aid the enemy. In late July, when Curry was assigned to cover the shootings in Aurora, Colorado, she refused to appear on the air with Guthrie, believing Bell was trying to exploit the event for image repair.

In the original plan, the Olympics would be the opportunity to hit the RESET button and establish the Lauer-Guthrie duo with viewers. But while Today was in London, Curry sent out a cryptic tweet that made it clear she was miserable. In early August, a week into the Olympics, she wrote, “When I despair I remember that throughout history, truth and love have always won.” (An even more pointed tweet was subsequently deleted.)

When Curry flew to London, the show attempted to stage an on-air reunion between Lauer and Curry. But Curry, who sat in her car a few yards from the set until her shot was ready, refused to speak to Lauer as he tried making small talk. On the air, Curry pretended Lauer didn’t exist after he turned to her to introduce a segment she had produced. Lauer looked stiff and isolated.

The Today show won those two weeks in the ratings, but they would prove an anomaly. Good Morning America immediately sprang back to No. 1.

While in London, Lauer and Today’s producers discussed the direction of the show and how to change it. “When we got back to New York, it was a time to start fresh, and we had to stop thinking about what had happened in the past and start building a future for the show,” says Don Nash, who was then the No. 2 producer under Bell. “We all had to love our show again and be enthusiastic about it.”

But not everyone was feeling it. That same month, Roker suggested, in a now-infamous clip on live TV, that NBC had unfairly axed Curry. While interviewing a group of female crew rowers who said they threw members into the river to celebrate victory, Roker joked that “our tradition” at the Today show “is to throw one of us under the bus! But that’s another story.”

Roker insists his comment wasn’t referring to the Curry situation: “It never even dawned on me that people could possibly construe that it was directed at [Matt Lauer].”

As weeks passed, the story line that Lauer had pushed out Curry became a twinned narrative to what was happening every day on the show. Morale plunged, and disgruntled employees leaked regularly to the tabloids. Thus began a continuous drip feed of negative reports on Lauer. “Backlash! Matt Lauer Hated at Today Show After Ann Curry’s Firing,” went one headline; another: “Matt Lauer ‘Obsessively’ Watches Good Morning America, As Today’s Ratings Keep Sinking.”

Lauer drove the staff harder than ever and was emphatic that either Burke or Bell get in front of the negative wave that was hitting him. In September, Bell was sent out to do a series of interviews insisting that Curry’s disastrous exit “wasn’t Matt’s fault,” but it did nothing to quell
skepticism, not even within NBC’s own ranks. “Everybody at NBC, everybody at the *Today* show, everybody understood that Ann was kicked out of her position because Matt didn’t want her there,” says a prominent NBC staffer. “That’s why it was so personal between Ann and Matt.”

The Villain

Ben Sherwood may not have envisioned this specific situation, but it was certainly the outcome he’d been dreaming of, with ABC finally at No. 1. Sherwood and his minions rubbed it in, getting revenge for all the years of *Today*’s dominance. And while reality was sinking the *Today* show, it was, oddly, lifting *Good Morning America*. *Today* show producers resented the fact that ABC was using the health problems of Robin Roberts to stoke viewer sympathy and expand on their ratings lead, feeling it was cynical—even though *Today* had done the same thing a decade ago when Katie Couric used her husband’s death from colon cancer to promote an on-air colonoscopy that was a ratings smash.

NBC News was in disarray after the Olympics. Burke installed a network executive named Pat Fili-Krushel to oversee Capus, whose career at NBC was swiftly winding down (he would retire in February). When Bell was moved off *Today*, Fili-Krushel tried replacing him with two women producers, but Lauer protested and pressured her to hire Bell’s former No. 2, Don Nash. Fili-Krushel hired NBC producer Alexandra Wallace (disclosure: Her brother, Ben, is a writer for this magazine) to oversee the redesign of the show. In the months leading up to this, both Nash and Wallace had eyed the door, having informal conversations with ABC News.

All the while, Brian Stelter, the *Times* reporter, was documenting the *Today* show meltdown. Lauer refused to give Stelter an interview, believing he was working hand in glove with Ben Sherwood to tear him down in the press (an impression that Stelter vehemently denies). And indeed, Sherwood was fanning bad news about Lauer.

When I bring up the press about him, Lauer grows agitated. “There was a piling on,” he says. “Fair, untrue, unfair, it didn’t matter, there was a wave of negativity.

“When the media covers something, it’s important to do basic homework. You can’t just repeat something over and over again until it sounds true. It’s not fair. You know how much trouble we would be in if we did that? If we repeated what one person told us over and over like it was a basic fact? We would be done.”

“It’s not just the New York *Post,*” adds Roker. “It’s everyone.”

“The show was No. 1 for so long that that story may have gotten a little old,” muses Nash. “So when they see an opportunity to tell a different story, everybody seizes on it. It’s hard to always control the narrative.”
But Lauer and the *Today* show found themselves in a bind: Curry refused to help them repair the damage, and it would be suicidal for Lauer to blame Curry for what was befalling him. Curry had morphed into a kind of martyr, and her defenders say she did nothing to harm NBC.

“I think it’s unfair to blame Ann for any of the problems that she had,” says Nicholas Kristof, the *Times* columnist and a close friend of Curry’s. “They were incredibly lucky to have stabbed in the back somebody who wasn’t in the least vindictive and had the interest of the *Today* show at heart even after they treated her so wretchedly.”

At one point, I ask the cast why Curry never helped repair the damage.

“You’d have to ask her that,” says Roker.

Did Lauer ever try talking to Curry about fixing the perception that her ouster was his fault?

“No, I have not ever had that conversation,” he said.

Why not?

“But I’m concentrating on doing the show,” Lauer says, “not concentrating on spinning the damage and trying to end the negativity on a daily basis.”

When I evince skepticism, Lauer says, “You’re rolling your eyes like you don’t believe us, but that’s just not a conversation we’re having.”

But the answer is obvious: Matt Lauer was helpless to convince her otherwise.

The Wounds Time Heals

There’s talk of a live sloth on the set. I hear Martha Stewart declare, “Herring juice! Yum!” On a cool morning in March, the control-room chatter at the *Today* show rises to a crescendo at 7 a.m., like a ship taking off, as executive producer Don Nash stands before a bank of screens, hands on hips, like Captain Kirk navigating the *Enterprise*. Another producer sees Stewart in one of the screens and declares: “She looks 100 years old!”

In the early-morning hours, starting a little after four, Lauer and Guthrie are briefed on stories in their dressing rooms and emerge before seven to prerecord the opening. On this day, the producers feature two segments with Martha Stewart, both handled by Lauer. The first is about her legal battle with Macy’s over distribution of her housewares, the other a meat-loaf-cooking segment. Lauer’s talent is telegraphing a pleasing, likable gravitas, and in his Stewart interview, he strikes his signature pose: He leans on his right elbow, legs crossed and swiveled left, reading glasses in right hand, pen in left, while he poses questions with a tone of tactful skepticism, his eyebrows cocked in expectation. Then he switches the pen to the other hand, dons his glasses, and reads from notes as if from a stone tablet of inescapable truth, almost sorry he has to go there. Then glasses off, eyebrows up.
But the interview isn’t as tough as it appears. The questions he asks are the ones Stewart was prepared for, and both Lauer and Stewart benefit from the appearance of a sharp exchange. Fifteen minutes later, Lauer is asking Stewart whether overmixing the hamburger and the bread crumbs might make the meat loaf too dense. This isn’t his first meat-loaf session.

For NBC, Lauer’s talent is worth $25 million a year. Or at least it used to be. Now the bond between the star and his audience is damaged. “The guy is a legendary morning-show anchor,” says Nash. “He’s the Johnny Carson of morning TV. There’s nobody better than him. That’s why it’s so hard to read all the negative press.”

Last fall, Today producers used a research firm called Sterling to help analyze how viewers felt about the show. The producers flew to Florida to hang out in viewers’ living rooms, identifying themselves as researchers. A woman named Adrianna, for instance, thought the interviews went on too long, but she liked the weatherman. “People told us, ‘I love that Al Roker,’” says Wallace. “So they’re getting more Al Roker. It’s not an anti-Matt thing at all.”

In trying to rebuild Lauer’s image, Today created a series of advertisements last January describing the cast as longtime friends who know one another’s kids. On the show, producers started putting Lauer in a four-person configuration at a new, wider desk, alongside Guthrie, Roker, and Morales, which replicates the group setup one sees on Good Morning America. “We’re not trying to hide Matt,” insists Nash, “but I think there’s a greater sense of energy when we have all four there.”

This summer, Today will have a brighter, warmer set, getting away from the smoked-glass-and-taupe stage it has now, which Wallace acknowledged was too “cool.” Uplift and warmth are the new buzzwords at Today. And a sense of transparency: The show has also borrowed a trick from CBS This Morning, using a Steadicam to reveal the set from behind the scenes so viewers get a 360-degree feel.

Today producers grouse that ABC has taken the low road by leading the morning news with lurid crime stories and cheesy viral YouTube videos, larding on game-show segments. Today has done less crime, but fills the show with its own variety of tacky stunts and plenty of chatter about YouTube. But in the end it’s about the stars, not the stories. To jump-start the frisson between Lauer and Guthrie, Nash is building in more reaction shots from the two co-anchors so they can emote. “All I can do is create opportunity,” says Nash. “I can’t create chemistry.”

From his vantage point on the set, Lauer believes Today has turned a corner. “The show that you watched yesterday and today is fundamentally different than the show we were doing six months ago,” he says. “That’s been a conscious effort. We will find a way each day to uplift and inspire you. It’s more who we are. We are not dour, depressed people.”
(“That’s who we are!” declares Hoda Kotb, the co-host of the tacky fourth hour of Today, who barges into the room with Kathie Lee Gifford.)

Lauer continues: “I’m confident that the show we’re doing today is the one that will allow us to dig ourselves out of the hole.”

But Today’s own staff appear divided on that, with some leaking their criticisms to the press, including to Stelter, Lauer’s nemesis, who recently reported on speculation that Lauer could be taken off the show. Inside NBC, Stelter’s report was viewed as retaliation for Lauer’s having given an interview to the Daily Beast trying to defend himself against the story line that he was the villain in the Curry debacle—a narrative he believes Stelter will publish in his book this April, along with previously reported allegations in the National Enquirer that Lauer had an affair with co-host Natalie Morales.

But few are letting Lauer off the hook.

There are smart people in the TV business, some within NBC, who say the show cannot hope to regain No. 1 in the morning with Matt Lauer in the chair. Others disagree, but acknowledge it will take a long time—as long as five years. Does NBC have that kind of time?

“Unless you’ve heard any differently,” says Wallace, laughing blackly, “we’re under the impression we do.”

Lauer’s contract is up within the next two years, providing a small window. NBC News executives have already had conversations about who might fill Lauer’s seat if and when he leaves, and there is indeed informed speculation inside NBC that Lauer could leave within the year. MSNBC’s Willie Geist, the Morning Joe anchor who also appears in the third hour of Today, is often mentioned as a replacement, but so are others, including Good Morning America’s Josh Elliott.

Last month, Today featured a segment in which Lauer prankéd several members of the cast and crew into trying out an amazing new product: a mirror that would make them look younger. But it wasn’t a magic mirror at all. When people stood in front of it, they gasped at a terrifying special effect inside: the ghostly apparition of a woman.
The defense of privacy always follows the emergence of technologies for breaching it. Illustration by Nishant Choksi.

An extraordinary fuss about eavesdropping started in the spring of 1844, when Giuseppe Mazzini, an Italian exile in London, became convinced that the British government was opening his mail. Mazzini, a revolutionary who’d been thrown in jail in Genoa, imprisoned in Savona, sentenced to death in absentia, and arrested in Paris, was plotting the unification of the kingdoms of Italy and the founding of an Italian republic. He suspected that, in London, he’d been the victim of what he called “post-office espionage”: he believed that the Home Secretary, Sir James Graham, had ordered his mail to be opened, at the request of the Austrian Ambassador, who, like many people, feared what Mazzini hoped—that an insurrection in Italy would spark a series of revolutions across Europe. Mazzini knew how to find out: he put poppy seeds, strands of hair, and grains of sand into envelopes, sealed the envelopes with wax, and sent them, by post, to himself. When the letters arrived—still sealed— they contained no poppy seeds, no hair, and no grains of sand. Mazzini then had his friend Thomas Duncombe, a Member of Parliament, submit a petition to the House of Commons. Duncombe wanted to know if Graham really had ordered the opening of Mazzini’s mail. Was the British government in the
business of prying into people’s private correspondence? Graham said the answer to that question was a secret.

Questions raised this month about surveillance conducted by the National Security Agency have been met, so far, with much the same response that Duncombe got from Graham in 1844: the program is classified. (This, a secret secret, is known as a double secret.) Luckily, old secrets aren’t secret; old secrets are history. The Mazzini affair, as the historian David Vincent argued in “The Culture of Secrecy,” led to “the first modern attack on official secrecy.” It stirred a public uproar, and eventually the House of Commons appointed a Committee of Secrecy “to inquire into the State of the Law in respect of the Detaining and Opening of Letters at the General Post-office, and into the Mode under which the Authority given for such Detaining and Opening has been exercised.” In August of 1844, the committee issued a hundred-and-sixteen-page report on the goings on at the post office. Fascinating to historians, it must have bored Parliament silly. It includes a history of the delivery of the mail, back to the sixteenth century. (The committee members had “showed so much antiquarian research,” Lord John Russell remarked, that he was surprised they hadn’t gone all the way back to “the case of Hamlet, Prince of Denmark, who opened the letters which had been committed to his charge, and got Rosencrantz and Guildenstern put to death instead of himself.”)

The report revealed that Mazzini’s mail had indeed been opened and that there existed something called the Secret Department of the Post Office. Warrants had been issued for reading the mail of the king’s subjects for centuries. Before Mazzini and the poppy seeds, the practice was scarcely questioned. It was not, however, widespread. “The general average of Warrants issued during the present century, does not much exceed 8 a-year,” the investigation revealed. “This number would comprehend, on an average, the Letters of about 16 persons annually.” The Committee of Secrecy was relieved to report that rumors that the Secret Department of the Post Office had, at times, sent “entire mail-bags” to the Home Office were false: “None but separate Letters or Packets are ever sent.”

The entire episode was closely watched in the United States, where the New-York Tribune condemned the opening of Mazzini’s mail as “a barbarian breach of honor and decency.” After the Committee of Secrecy issued its report, Mazzini published an essay called “Letter-Opening at the Post-Office.” Two months after the Mazzini affair began, the Secret Department of the Post Office was abolished. What replaced it, in the long run, was even sneakier: better-kept secrets.

The opening of Mazzini’s mail, like the revelations that the N.S.A. has been monitoring telephone, e-mail, and Internet use, illustrates the intricacy of the relationship between secrecy
and privacy. Secrecy is what is known, but not to everyone. Privacy is what allows us to keep what we know to ourselves. Mazzini considered his correspondence private; the British government kept its reading of his mail secret. The A.C.L.U., which last week filed a suit against the Obama Administration, has called the N.S.A.’s surveillance program a “gross infringement” of the “right to privacy.” The Obama Administration has defended both the program and the fact that its existence has been kept secret.

As a matter of historical analysis, the relationship between secrecy and privacy can be stated in an axiom: the defense of privacy follows, and never precedes, the emergence of new technologies for the exposure of secrets. In other words, the case for privacy always comes too late. The horse is out of the barn. The post office has opened your mail. Your photograph is on Facebook. Google already knows that, notwithstanding your demographic, you hate kale.

The particular technology matters little; the axiom holds. It’s only a feature, though, of a centuries-long historical transformation: the secularization of mystery. A mystery, in Christian theology, is what God knows and man cannot, and must instead believe. Immortality, in this sense, is a mystery. So is the beginning of life, which is a good illustration of how much that was once mysterious became secret and then became private. Anciently invoked as one of God’s mysteries, the beginning of life was studied, by anatomists, as the “secret of generation.” Finally, citizens, using the language of a constitutional “right to privacy,” defended it against intrusion. Theologically, the beginning of life, the ensoulment of new flesh, remains a mystery. Empirically, uncovering the secret of generation required tools—microscopes, lenses, cameras—that made the creation of life both visible and knowable. Only after it was no longer a mystery, and no longer a secret, only after it was no longer invisible, did it become private. By then, it was too late: contraception was already in the hands of the state.

Secret government programs that pry into people’s private affairs are bound up with ideas about secrecy and privacy that arose during the process by which the mysterious became secular. The mysteries of the Church are beyond the knowledge of any man and, therefore, outside the scope of the state. During the Reformation, Protestants rejected many mysteries as superstitions, and what was mysterious then began to move from priests to princes. By the seventeenth century, the phrase “mysteries of state” meant both state secrets and monarchical power and right—not what God knows, and we do not know and must accept, but what the king knows, and we do not. In 1616, in a speech to the Star Chamber, James I talked about his “Prerogative or mystery of State,” proclaiming, “That which concernes the mysterie of the Kings power, is not lawfull to be disputed.” But monarchical notions about the royal prerogative were challenged by the very existence of books like “The Cabinet-Council, Containing the Cheif Arts of Empire and Mysteries
of State, Discabineted,” published in 1658. It was an age of political reformation, rich with arguments that knowledge that was once the privilege of the king ought to be revealed, taken out of the king’s cabinet. In the early modern world, a mystery came to mean any kind of secret that could be revealed to an ordinary man.

It was at just this moment in the history of the world, on the knife edge between mystery and secrecy, that the United States was founded—as a republic whose politics would be open to scrutiny, its mysteries of state discabineted. The Constitution was meant to mark the end of an age of political mystery. (The claim was loftier, as is inevitably the case, than the reality.) In a republic, there ought to be no mysteries of state: all was to be revealed to the people. It would be revealed, chiefly, in print, and, especially, in newspapers, where, as Thomas Jefferson explained, the “contest of opinion” was waged. The danger, in a republic, wasn’t an inquisitorial priesthood. It was a corrupt journalist. And so when Jefferson attacked newspaper printers the best way he could think to insult them was to accuse them of cultivating mystery: “They, like the clergy, live by the zeal they can kindle.” The objection to mystery in government lies behind Jefferson’s commitment to the separation of church and state.

“Secrecy is an instrument of conspiracy,” Jeremy Bentham argued, in an essay called “Of Publicity,” first published in 1843, a year before the Mazzini affair. “It ought not, therefore, to be the system of a regular government.” By “publicity,” Bentham meant what is now usually called transparency, or openness. “Without publicity, no good is permanent: under the auspices of publicity, no evil can continue.” He urged, for instance, that members of the public be allowed into the legislature, and that the debates held there be published. The principal defense for keeping the proceedings of government private—the position advocated by those Bentham called “the partisans of mystery”—was that the people are too ignorant to judge their rulers. “This, then, is the reasoning of the partisans of mystery,” Bentham wrote. “‘You are incapable of judging, because you are ignorant; and you shall remain ignorant, that you may be incapable of judging.’” But Bentham insisted not only that publicity could educate the public (who would learn about politics by reading the proceedings) but also that it would improve the nature of political conversation (because elected officials would behave better if they were being watched).

In 1844, during the parliamentary debate that followed the report issued by the Committee of Secrecy, some members, believing, with Bentham, that publicity is the enemy of secrecy, suggested that it was fine for the government to open people’s mail, as long as the recipients of the mail were notified that it had been read. (Disraeli said that he would be only too happy to hand over his mail to the Home Office: “They may open all my letters, provided they answer them.”) In “Letter-Opening at the Post-Office,” Mazzini revealed just how much the debate had
been informed by Bentham's arguments about publicity. Diplomats might have their secrets, he
granted, but postmen? “Why, who are these men who treat as enemies their fellow subjects of
the realm?” he asked. “For public servants, we want responsibility and responsibility cannot be
obtained without publicity. Secrecy is but another word for fear. MYSTERY was the name of the
beast in the revelations. The great monster by which was typified all the civil and ecclesiastical
corruptions of the earth, had on its forehead a name written and that name was MYSTERY.”

Bentham’s argument influenced not only how Parliament and the public responded to the
Mazzini affair—with calls for transparency and an end to secrecy—but also how Americans came
to understand the nature of a democracy. The mystery of state, in which a king is crowned by the
hand of an invisible God, had yielded to a democracy, in which rulers are elected and the secrets
of state are made public. In a democracy, publicity is a virtue.

Still more influential than Bentham’s ideas about publicity, though, was the growing fetish for
privacy in an age of domesticity. (The history of privacy is bounded; privacy, as an aspiration,
didn’t really exist before the rise of individualism, and it got good and going only with the
emergence of a middle class.) Nineteenth-century Americans were obsessed with the idea of
privacy and the physical boundaries that marked it, like the walls of a house, and, equally, with
the holes in those walls, like mail slots cut into doors. When mystery became the stuff of the
past, of medievalism and of Gothic romance, a “mystery” came to mean a kind of fiction,
stories—in the United States, those of Edgar Allan Poe, above all—in which something that first
appears inexplicable and even supernatural is submitted to explanation, through the art of
detection. (To detect is, etymologically, to remove the roof of a house.) “It was a mystery all
insoluble,” Poe’s narrator remarks, in “The Fall of the House of Usher.” But in Poe every mystery
is soluble. Nothing ever remains hidden. Crimes must be solved. Walls must be breached.
Tombs must be unearthed. Envelopes must be opened.

The fetish for privacy attached, with special passion, to letters. In the spring of 1844, the year of
the Mazzini affair, Poe sat down to write a story called “The Purloined Letter.” A few months
later, a hardworking young man named James Holbrook was hired as a special agent by the
United States Post-Office Department. He chronicled his experiences in a memoir called “Ten
Years Among the Mail Bags; or, Notes from the Diary of a Special Agent of the Post-Office
Department.” “A mail bag is an epitome of human life,” Holbrook explained. The point of this
Post-Office Department was not to violate people’s privacy but to protect it. Holbrook’s job was
to stop people from opening other people’s mail. He was a post-office detective. “Ten Years
Among the Mail Bags,” like a great deal of nineteenth-century fiction, is full of purloined letters.
E-mail isn’t that different from mail. The real divide, historically, isn’t digital; it’s literary. The nineteenth century, in many parts of the West, including the United States, marked the beginning of near-universal literacy. All writing used to be, in a very real sense, secret, except to the few who knew how to read. What, though, if everyone could read? Then every mystery could be revealed. A letter is a proxy for your self. To write a letter is to reveal your character, to spill out your soul onto a piece of paper. Universal literacy meant universal decipherment, and universal exposure. If everyone could write, everyone could be read. It was terrifying.

In 1890, two Boston lawyers, Samuel Warren and Louis Brandeis, published an article in the *Harvard Law Review* called “The Right to Privacy.” Warren was a Boston Brahmin, but Brandeis’s parents were Eastern Europeans who had supported a failed uprising in Austria in 1848—the very revolution that, four years before, had been anticipated by the Austrian Ambassador who persuaded the British Home Secretary to read Giuseppe Mazzini’s mail. The suppression of the uprising had been followed by a wave of anti-Semitism, leading to the Brandeis family’s decision to emigrate to the United States. Louis Brandeis was born in Kentucky in 1856. In the eighteen-seventies, he and Warren were classmates at Harvard Law School (Brandeis helped found the *Harvard Law Review*); after graduation, they opened a law firm together. Warren married Mabel Bayard, a senator’s daughter, in 1883. As the legal scholar Amy Gajda has shown, nearly sixty articles of gossip about the Warren-Bayard family appeared in newspapers between 1882 and 1890—including front-page stories, two weeks apart, about the funerals of Mrs. Warren’s mother and sister. Warren was infuriated. His household had been violated; his family’s privacy, like a letter, had been purloined. (A great many ideas about privacy have to do with hiding women and families.)

In “The Right to Privacy,” Warren and Brandeis argued that there exists a legal right to be let alone—a right that had never been defined before. Their essay lies at the heart of every legal decision that has been made about privacy ever since. The right to privacy, as they understood it, is a function of history, a consequence of modernity. Privacy, they argued, hadn’t always been necessary; it had become necessary—because of the shifting meaning and nature of publicity. By the end of the nineteenth century, publicity, which for Bentham had meant transparency (the opposite of secrecy), had come to mean the attention of the press (the opposite of privacy). Making public the deliberations of Congress was a public good; making public the names of mourners at Mrs. Warren’s mother’s funeral was not. (The same distinction informed the debate that resulted, in the eighteen-eighties and nineties, in the adoption of the secret ballot. Citizens vote in private; legislative votes are public.)
“The Right to Privacy” is a manifesto against the publicity of modernity: the rise of both the public eye (the eye of the citizen, and of the reporter) and the private eye (the eye of the detective). “The intensity and complexity of life, attendant upon advancing civilization,” Warren and Brandeis wrote, “have rendered necessary some retreat from the world, and man, under the refining influence of culture, has become more sensitive to publicity, so that solitude and privacy have become more essential to the individual; but modern enterprise and invention have, through invasions upon his privacy, subjected him to mental pain and distress, far greater than could be inflicted by mere bodily injury.” Modern life, according to Warren and Brandeis, consists of an endless chain of machines that threaten to expose the private to public view: “Instantaneous photographs and newspaper enterprise have invaded the sacred precincts of private and domestic life; and numerous mechanical devices threaten to make good the prediction that ‘what is whispered in the closet shall be proclaimed from the house-tops.’”

For Warren and Brandeis, the right to privacy was necessary to protect what they called the “inviolate personality.” As a pair of literary scholars has suggested, Warren and Brandeis got part of this idea from philosophers and part from poets. (William James wrote about a “hidden self”; William Wordsworth wrote about “the individual Mind that keeps her own / Inviolate retirement.”) Warren and Brandeis believed that the violation of the right to privacy constitutes a kind of wound—a puncturing of the soul—that might, finally, deaden our minds. The stakes had become, suddenly, very high.

Something creepy happened when mystery became secular, secrecy became a technology, and privacy became a right. The inviolability of the self replaced the inscrutability of God. No wonder people got buggy about it.

Long before the Patriot Act, of 2001, and the expanded authorization of surveillance to fight terrorism—long, even, before the rise of the national-security state—Louis Brandeis predicted the encroachment of technologies of secrecy on the right to privacy. Brandeis was appointed to the Supreme Court in 1916. He was sitting on the bench when, in 1928, in Olmstead v. United States, the Court considered the constitutionality of wiretapping. Roy Olmstead was a bootlegger from Seattle who had been a police officer before he was arrested for violating laws prohibiting the import and sale of alcohol. He was arrested in 1924; his conviction rested on evidence obtained by tapping his telephone. The question before the Supreme Court, in 1928, was whether evidence acquired through wiretapping was admissible in criminal proceedings, or whether the gathering of that evidence violated the Fourth and Fifth Amendments. In a five-to-four decision, the Court affirmed Olmstead’s conviction. (Olmstead served three years’ hard
labor but was pardoned by Franklin Roosevelt, in 1935.) Brandeis dissented: he argued that tapping Olmstead’s telephone constituted a violation of his right to be let alone.

Brandeis’s dissent in Olmstead is, in effect, a continuation of the argument that he had begun in 1890. He thought that wiretapping was just a new form of coerced confession—the replacement of “force and violence” by wires and electrical current. At one time, Brandeis said, the government “could compel the individual to testify—a compulsion effected, if need be, by torture. It could secure possession of his papers and other articles incident to his private life—a seizure effected, if need be, by breaking and entry.” But, in the twentieth century, he went on, “subtler and more far-reaching means of invading privacy have become available to the Government. Discovery and invention have made it possible for the Government, by means far more effective than stretching upon the rack, to obtain disclosure in court of what is whispered in the closet.”

And the invasion wouldn’t end there. “The progress of science in furnishing the Government with means of espionage is not likely to stop with wire tapping,” Brandeis predicted. “Ways may some day be developed by which the Government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home.”

The N.S.A. has been gathering data online for years. Through the Prism project, which began in 2007, and is aimed at preventing terrorist attacks, it has been “tapping directly into the central servers of nine leading U.S. Internet companies,” according to the Washington Post. The companies have denied that this is true. “We have not joined any program that would give the U.S. government—or any other government—direct access to our servers,” Larry Page and David Drummond, Google’s C.E.O. and chief legal officer, said. “Facebook is not and has never been part of any program to give the U.S. or any other government direct access to our servers,” Mark Zuckerberg, Facebook’s C.E.O., insisted. Congress is sure to launch an investigation. (Exactly how Internet companies have complied with requests from intelligence agencies has not yet fully come out.)

For all that has changed in the past few centuries, much that happens in government remains cloaked in mystery, if only because cloaking a secret in mystery is a very good way to hide the exercise of power. In the coming days and weeks, much of the investigation of N.S.A. surveillance will involve detective work: in the stories that will be written, Edward Snowden will make a good character and the plot will be dark, but Poe would have devised a better ending.

One aspect of this story that Congress is unlikely to concern itself with is the relationship, in the twenty-first century, between privacy and publicity. In the twentieth century, the golden age of
public relations, publicity, meaning the attention of the press, came to be something that many private citizens sought out and even paid for. This has led, in our own time, to the paradox of an American culture obsessed, at once, with being seen and with being hidden, a world in which the only thing more cherished than privacy is publicity. In this world, we chronicle our lives on Facebook while demanding the latest and best form of privacy protection—ciphers of numbers and letters—so that no one can violate the selves we have so entirely contrived to expose.

A measure of the distance between the Mazzini affair and the N.S.A. scandal is their wholly different understandings of the nature of the public eye. In 1844, when news broke that the British government had been opening people’s mail, the editors of the London Times insisted that “the proceeding cannot be English, any more than masks, poisons, sword-sticks, secret signs and associations, and other such dark ventures.” It was mysterious; it was un-English; it was anachronistic. “Public opinion is mighty and jealous, and does not brook to hear of public ends pursued by other than public means,” the Times went on. “It considers that treason against its public self.” In the wake of revelations about N.S.A. surveillance, the open-source software group Mozilla organized an online petition to Congress called Stop Watching Us, stating, “This type of blanket data collection by the government strikes at bedrock American values of freedom and privacy.” There is no longer a public self, even a rhetorical one. There are only lots of people protecting their privacy, while watching themselves, and one another, refracted, endlessly, through a prism of absurd design. ♦
In January 1985, Pizza Hut aired a commercial in South Carolina that featured a condemned prisoner ordering delivery for his last meal. Two weeks earlier, the state had carried out its first execution in twenty-two years, electrocuting a man named Joseph Carl Shaw. Shaw’s last-meal request had been pizza, although not from Pizza Hut. Complaints came quickly; the spot was pulled, and a company official claimed the ad was never intended to run in South Carolina.

It’s not hard to understand why Pizza Hut’s creative team thought the ad was a good idea. The last meal offers an irresistible blend of food, death, and crime that drives a commercial and voyeuristic cottage industry. Studiofeast, an invitation-only supper club in New York City, hosts an annual event based on the best responses to the question, “You’re about to die, what’s your last meal?” There are books and magazine articles and art projects that address, among other things, what celebrity chefs—like Mario Batali and Marcus Samuelsson—would have for their last meals, or what the famous and the infamous ate before dying. Newspapers reported that Saddam Hussein was offered but refused chicken, while Esquire published an article about the terminally ill Francois Mitterrand, the former French president, who had Marennes oysters, foie gras, and, the pièce de résistance, two ortolan songbirds. The bird is thought to represent the French soul and, because it’s protected, is illegal to consume.

While the number of yearly executions in the United States has generally declined since a high of ninety-eight in 1999, the website Dead Man Eating tracked and commented on last-meal requests of death-row inmates across the country during the first decade of the new millennium. One of the site’s last posts, in January 2010, was the request of Bobby Wayne Woods, who was executed in Texas for raping and killing an eleven-year-old girl: “Two
chicken-fried steaks, two fried chicken breasts, three fried pork chops, two hamburgers with lettuce, tomato, onion, and salad dressing, four slices of bread, half a pound of fried potatoes with onion, half a pound of onion rings with ketchup, half a pan of chocolate cake with icing, and two pitchers of milk."

There are also efforts to leverage the pop-culture spectacle of last meals to protest the death penalty. An Oregon artist has vowed to paint images of fifty last-meal requests of U.S. inmates on ceramic plates every year until the death penalty is outlawed. Amnesty International launched an anti-capital punishment campaign this past February that featured depictions of the last meals of prisoners who were later exonerated of their crimes. No matter your stance on capital punishment, eating and dying are universal and densely symbolic human processes. Death eludes the living, and we are drawn to anything that offers the possibility of glimpsing the undiscovered country. If, as the French epicure Anthelme Brillat-Savarin suggested, we are what we eat, then a final meal would seem to be the ultimate self-expression. There is added titillation when that expression comes from the likes of Timothy McVeigh (two pints of mint-chocolate-chip ice cream) or Ted Bundy (who declined a special meal and was served steak, eggs, hash browns, toast, milk, coffee, juice, butter, and jelly). And when this combination of factors is set against America's already fraught relationship with food, supersized or slow, and with weight and weight loss, it's almost surprising that Pizza Hut didn’t have a winner on its hands.

The idea of a meal before an execution is compassionate or perverse, depending on your perspective, but it contains an inherently curious paradox: marking the end of a life with the stuff that sustains it seems at once laden with meaning and beside the point. As Barry Lee Fairchild, who was executed by the state of Arkansas in 1995, said in regard to his last meal, “It’s just like putting gas in a car that don’t have no motor.”

On January 14, 1772, in Frankfurt am Main, Susanna Margarethe Brandt prepared for her execution—she had killed her infant daughter—by sitting down to a sprawling feast with six local officials and judges. The ritual was known as the Hangman’s Meal. On the menu that day were “three pounds of fried sausages, ten pounds of beef, six pounds of baked carp, twelve pounds of larded roast veal, soup, cabbage, bread, a sweet, and eight and a half measures of 1748 wine.” Had she committed the crime in neighboring Bavaria, Brandt likely would have preceded the meal with a morning drink in her cell with the man who would later decapitate her with a sword. This shared aperitif was called St. John’s Blessing, after John the Baptist, who is said to have forgiven those who were about to behead him.
Brandt, who was twenty-five years old and is supposed to have inspired Johann Wolfgang von Goethe’s character Gretchen in Faust, reportedly managed nothing more than a glass of water. Her companions in the repast fared little better.

The origins of the last-meal ritual aren’t settled. Although the earliest record of the death penalty is the Sumerian Code of Ur-Nammu in the twenty-second century BC, some scholars suggest the last meal may have begun in ancient Greece, and in Rome gladiators were fed a sumptuous last meal, the coena libera, the night before their date in the Colosseum. In eighteenth-century London, favored or better-off prisoners were allowed a party with food and drink and outside guests on the night before they were hanged. The next day, as the prisoner traveled the three miles from Newgate Prison to the gallows at Tyburn Fair, the procession would stop at a pub for the condemned’s customary “great bowl of ale to drink at their pleasure, as their last refreshment in life.” (England’s noble or high-born criminals, such as Anne Boleyn and the earl of Essex, were beheaded elsewhere, often at the Tower of London; Walter Raleigh reportedly took a last smoke from his tobacco pipe before he lost his head in Old Palace Yard at Westminster.) In the New World, the Aztecs feasted some of those who were tapped for ritual sacrifice, as part of a pre-execution deification ceremony that could last up to a year. Typically, these were warriors captured on the battlefield, and in some cases, after they were killed, their captor was given much of the body for use in tlacatolli, a special stew of corn and human flesh that was served at a banquet with the captor’s family.

Today, most countries that use the death penalty as part of their criminal-justice systems offer some sort of last meal. Along with the United States, Japan and South Korea are the only industrialized democracies among the fifty-eight countries in the world that employ capital punishment, and in Japan, the condemned don’t know when they will be executed until the day arrives. In the 2005 documentary Last Supper, by the Swedish artists Mats Bigert and Lars Bergström, Sakae Menda, who spent thirty-four years on death row in Japan, said inmates may request whatever they want; if no request is made, prison officials provide “cakes, cigarettes, and drink.” Duma Kumalo, who spent three years awaiting death in South Africa, told the filmmakers that he was served a whole deboned chicken and given seven rand—about six dollars—to purchase whatever else he wanted. “What we bought before execution, it was not things that we wanted to eat,” said Kumalo, who was spared for reasons he does not explain, just hours before he was to be killed. “Those were the things which we were going to leave behind with those who would remain. Because people were starving.”
In America, where the death rows—like the prisons generally—are largely filled with men from the lower rungs of the socio-economic ladder, last-meal requests are dominated by the country’s mass-market comfort foods: fries, soda, fried chicken, pie. Sprinkled in this mix is a lot of what social scientists call “status foods”—steak, lobster, shrimp—the kinds of foods that in popular culture conjure up the image of affluence. Every once in a while, though, a request harkens back to what, in the Judeo-Christian West, is the original last meal—the Last Supper, when Jesus Christ, foreseeing his death on the cross, dined one final time with his disciples. Jonathan Wayne Nobles, who was executed in Texas in 1998 for stabbing to death two young women, requested the Eucharist sacrament. Nobles had converted to Catholicism while incarcerated, becoming a lay member of the clergy, and made what was by all accounts a sincere and extended show of remorse while strapped to the gurney. He sang “Silent Night” as the chemicals were released into his veins.

The musician Steve Earle, whom Nobles asked to be among his witnesses at the execution, wrote of the experience in Tikkun magazine, “I do know that Jonathan Nobles changed profoundly while he was in prison. I know that the lives of other people with whom he came in contact changed as well, including mine. Our criminal justice system isn’t known for rehabilitation. I’m not sure that, as a society, we are even interested in that concept anymore. The problem is that most people who go to prison get out one day and walk among us. Given as many people as we lock up, we better learn to rehabilitate someone. I believe Jon might have been able to teach us how. Now we’ll never know.”

As of June of this year, governing bodies in the U.S. and its colonial predecessors had executed some 15,825 men and women since the first permanent European settlements were established. The majority of them, it seems, did not get a special last meal; the Newgate Prison parties didn’t make the crossing with William Bradford and John Carver aboard the *Mayflower*. There is no record of a last meal for George Kendall, believed to be the first Englishman executed in the New World, who was accused of spying for Spain and shot in Jamestown in 1608. (The nature of criminal justice around that time was such that Kendall would also have been shot—or hanged, beheaded, or burned at the stake—for stealing grapes.)

Scott Christianson, who has written extensively on the history of American prison culture, believes the standardized last meal probably emerged around the end of the nineteenth century or the beginning of the twentieth, with the rise of a modern administrative state. Messy and raucous public executions fell out of favor with the more refined sensibilities of
the upper and middle classes, and ideas of man’s ability for moral improvement fueled opposition to the death penalty. Rehabilitation, rather than simply deterrence and retribution, became an important aim of criminal sanction. At the same time, though, there was still a strong fear of social disorder; the assertive state governments were eager to find better ways to keep the peace in a fledgling nation whose cities were growing, industrializing, and diversifying.

The answer, or so it seemed, was to replace the more communal sanctions of the colonial and early republic era—fines, banishment, floggings, labor—with long-term incarceration in state-run penitentiaries. Criminals would be isolated from society and purged of their deviant impulses. Executions, which had long been believed to have a scared-straight effect on the public, were now thought to inspire the very violence they were meant to deter. They moved to yards inside the prisons, where the witnesses were only a select few, usually prominent officials and merchants.

In addition to efficiency and decorum, Christianson writes, another “new aspect of this choreographed ritual of death entailed the release of detailed reports to the public that described,” among other things, “precisely what the condemned had requested as his or her last meal.” This gave the impression of a humane and dispassionate custodial government authority, but it also—intentionally or not—tapped into a bit of the old public fascination with executions, when a family might hop in the wagon, ride to the town square with a picnic basket in tow, and watch someone be “launched into eternity.”

The press, Christianson says, “ate it up.” This was the dawning of the penny press, when steam-driven printing presses spurred the development of a mass media in America. As executions vanished inside penitentiaries, newspapers discovered that the public was still eager for accounts of the proceedings. In 1835, for instance, readers of New York’s Sun and Herald newspapers learned that Manual Fernandez, among the first men at Bellevue Prison to be privately executed, enjoyed cigars and brandy on his last day, compliments of the warden.

Nearly two hundred years later, America is in the grips of a revolution in communication technology even more pervasive than the penny press. The death penalty was resurrected in 1976, after a ten-year-long, nationwide moratorium, and public interest in last meals was rekindled along with the debate over capital punishment. But, initially due to the rapidly merging news and entertainment industries, and eventually to the Internet, the debate was amplified and widened. In 1992, presidential candidate and Arkansas governor Bill Clinton was excoriated over his refusal to stop the execution in his state of Rickey Ray Rector, a
man so mentally impaired that he asked to have the slice of pecan pie he had requested as part of his last meal saved so that he could eat it later—and that morbid fact became the story’s enduring detail. Before long, state corrections departments began posting last-meal requests on their websites. Texas, which was the first to do so, shut down its last-meals page in 2003, after it received complaints about the unseemly nature of the content.

The last meal as a cultural phenomenon grew even as capital punishment faded from public view, and in less than two centuries the country has gone from grisly public hangings, in which the prisoner was sometimes unintentionally decapitated or left to suffocate, to lethal injection, the most common form of execution in America today, in which death is “administered.” The condemned are often sedated before execution. They are generally not allowed to listen to music, lest it induce an emotional reaction. Last words are sometimes delivered in writing, rather than spoken; if they are spoken, it might be to prison personnel rather than the witnesses. The detachment is so complete that when scholar Robert Johnson, for his 1998 book *Death Work*, asked an execution-team officer what his job was, the officer replied: “the right leg.”

The public disappearance of state-sanctioned killing mirrors the broader segregation of death in an increasingly death-shy society. Dying, which had traditionally happened at home, surrounded by family and friends, began migrating into hospitals in the late nineteenth century, which is where most people die today.

Rituals like the Hangman’s Meal and the Aztec sacrificial feasts were anything but detached. They were concerned with the spirituality of death—forgiveness, salvation, appeasing the gods, marking the transition from living to dead. Although prisoners may still pray with clergy, the execution process has been drained of its spiritual and emotional content. The last meal is an oddly symbolic and life-affirming ritual in the vigorously dehumanized environment of death row. In that sense, it’s hard to see the modern last meal in America as actually being about anything.

The last meal, though, is in some ways just an extreme example of the intimate relationship between food and death that is a part of end-of-life customs in nearly all societies. Christianity, after all, tethers the very idea of death to a culinary transgression: Eve and that damned apple. The ancient Egyptians painted images of food on the walls of tombs, so that if the deceased’s ancestors ever failed in their duty to make offerings, his soul would still be nourished and comforted. Native Americans observed a variety of ceremonies involving food when a member of a tribe died. The northeastern Hurons, for example, held a farewell
feast to help them die bravely: the dying man was dressed in a burial robe, shared special foods with his family and friends, gave a speech, and led everyone in song. Buddhists make food offerings to appease what the Japanese call *gaki*, or “hungry ghosts,” lest they return to haunt the living. Food is integral to Mexico’s Day of the Dead—which descended from Aztec festivals—when it is believed that departed souls return to earth. Graves are cleaned and repainted, and offerings of special foods—tamales and moles, *sweet pan de muerto*, skulls concocted of sugar (historically made of amaranth seeds), and liquor—are left for the dead to entice them to visit. And in America, food is brought to the family of the deceased after a funeral for comfort and convenience.

The Chinese, especially, use food to nourish and protect the dead—ancient Chinese even buried their dead with miniature models of stoves so they could prepare meals eternally—but they also, in return, hope to secure the dead’s blessings of prosperity, good health, and fertility upon the surviving family members.

When someone dies, one of the first tasks for the family is to help the deceased break from the community—to physically leave it—and begin the transformation from corpse to ancestor. Food is central to this process, sometimes as enticement and at other times as prod. In her book *The Cult of the Dead in a Chinese Village*, Emily Ahern describes how in one funerary ritual, a small bowl of cooked rice and a cooked chicken head are dumped on the ground. A dog is shown the food, and once the dog gets the chicken head in its mouth, it is “beaten with a long, whiplike plant until he dashes away in a frenzy...The dog represents the dead man, the chicken head the property” that belongs to his family. The idea is to chase away the dead man and make clear that “he has enjoyed his share of the property, so he should not come back and bother the living.”

What unites these customs is an emphasis on the needs of the living, not just the dead; so too with last meals before an execution. When Susanna Margarethe Brandt sat down to the Hangman’s Meal, she signaled that she was cooperating in her own death—that she forgave those who judged her and was reconciled to her fate. Whether she actually made those concessions or not is beside the point; the officials who rendered and carried out her sentence could fall asleep that night with a clear conscience.

With the American public now excluded from the execution process, much of the larger societal meaning of capital punishment, and last meals, has been lost. The community is no longer involved. In colonial America, executions were opportunities to reinforce publicly the Calvinist belief in the innate depravity of man, and also provided a little entertainment.
People thronged to see how someone facing the final mystery of life behaved. On October 20, 1790, a crowd of thousands watched thirty-two-year-old Joseph Mountain, convicted of rape, be hanged on the green in New Haven, Connecticut. Would he confess and repent, as authorities hoped, or would he die “game,” denouncing the sentence?

Over the latter half of the twentieth century, with the notion of deterrence unproven and the promise of rehabilitation mostly forgotten, retribution and general incapacitation became the primary goals of the American criminal-justice system. This was in part due to the changing political climate. The neoconservative movement rose from the ashes of Barry Goldwater’s defeat in the presidential election of 1964, tapping into public concerns about the rising crime rate, a growing disaffection for social-welfare programs, and the unrest evident in the opposition to the Vietnam War as well as urban race riots. In response came the Rockefeller drug laws in New York, which launched over thirty years of tough-on-crime policies, and Ronald Reagan’s warning of the corrosive effects of the “welfare queen” who cheats the system. “Individual responsibility” became the defining doctrine for everything from America’s economic life to its crime-fighting strategies.

In 2007 the U.S. Supreme Court effectively upheld the retributive theory of capital punishment, and the idea of individual responsibility, when it ruled that a mentally ill prisoner could not be executed if he lacked a rational understanding of why the state was killing him, even if he was aware of the facts of the state’s case. As Justice Anthony Kennedy wrote for the court, “It might be said that capital punishment is imposed because it has the potential to make the offender recognize at last the gravity of his crime and to allow the community as a whole...to affirmed its own judgment that the culpability of the prisoner is so serious that the ultimate penalty must be sought and imposed.”

In other words, the public’s need for retribution requires criminals that are somehow irredeemable monsters who still know right from wrong and freely chose to do horrible things; they are certainly not the profoundly disabled or the unfortunate byproducts of societal or familial breakdowns. But the image of the morally culpable public enemy is difficult to sustain in a criminal-justice system that strips away the prisoner’s individuality and free will, reducing him to something seemingly less than human. It’s hard for people to experience a satisfying sense of retribution when the state is, in effect, exterminating something aberrant and abstract, much as a surgeon removes a malignant tumor.

In the nineteenth century, when the American government was ending public executions, officials struggled with a similar dilemma. Historian Louis P. Masur explains how, without the official moralizing sermons that had accompanied public hangings, people “were free to
construct their own interpretations rather than receive only an official one.” There was concern that executions carried out in private could foster doubts that justice was being done—that the prisoner was in fact guilty and that the proceedings had been fair. In short, whether the convict was indeed an irredeemable monster. In an effort to reclaim control of the narrative of capital punishment, the authorities saw the benefit of the new mass-circulation newspapers to feed the public information about executions. The press accounts made it seem that the public still had some sort of informal oversight of the killing done in its name.

Daniel LaChance, an assistant professor of history at Emory University, has argued that the rituals of a last meal—and of allowing last words—have persisted in this otherwise emotionally denuded process precisely because they restore enough of the condemned’s humanity to satisfy the public’s desire for the punishment to fit the crime, thereby helping to ensure continued support for the death penalty. As LaChance puts it, “The state, through the media, reinforces a retributive understanding of the individual as an agent who has acted freely in the world, unfettered by circumstance or social condition. And yet, through myriad other procedures designed to objectify, pacify, and manipulate the offender, the state signals its ability to maintain order and satisfy our retributive urges safely and humanely.” A win-win. The state, after all, has to distinguish the violence of its punishment from the violence it is punishing, and by allowing a last meal and a final statement, a level of dignity and compassion are extended to the condemned that he didn’t show his victims. The fact that the taxpayers are picking up the tab for these sometimes gluttonous requests only bolsters the public’s righteous indignation.

The final turn of the screw is that prisoners often don’t get what they ask for. It is the request, and not what is ultimately served—let alone what’s actually consumed, which is often little or nothing—that is released to the press and broadcast to the public. Most states have restrictions on what can be served and how much of it, a monetary limit, for instance, or based on what’s in the prison pantry on a given day.

So that filet mignon and lobster tail? It’s likely to end up being chopped meat and fish sticks, according to Brian Price, an inmate who cooked final meals for other prisoners in Texas for over a decade before he was paroled in 2003 (and subsequently wrote a book about the experience called Meals to Die For). The 2001 book Last Suppers: Famous Final Meals from Death Row, includes this teaser: “How’s this for a last meal: twenty-four tacos, two cheeseburgers, two whole onions, five jalapeño peppers, six enchiladas, six tostadas,
one quart of milk, and one chocolate milkshake? That’s what David Castillo, convicted murderer, packed in the night before Texas shot him up with a lethal injection.”

What Castillo, who was executed in 1998 for stabbing a liquor-store clerk to death, actually got for his last meal was four hard-shell tacos, six enchiladas, two tostadas, two onions, five jalapeños, one quart of milk, and a chocolate milkshake. A hefty spread, but not quite the jaw-dropper he ordered.

And so it came to pass in Texas in 2011 that the state stopped offering special last meals, after Lawrence Russell Brewer ordered two chicken-fried steaks, one pound of barbecued meat, a triple-patty bacon cheeseburger, a meat-lover’s pizza, three fajitas, an omelet, a bowl of okra, one pint of Blue Bell Ice Cream, some peanut-butter fudge with crushed peanuts, and three root beers—and ended up not eating anything. This prompted an outraged state senator to threaten to outlaw the last meal if the department of corrections didn’t end the practice.

For his crackdown on taxpayer-funded excess, the senator surely earned hearty handshakes from his tough-on-crime constituents. But it is somehow fitting that the sham of the last meal, in Texas at least, which has executed hundreds more people over the last thirty years than any other state, was allowed to fade into history with its bundle of contradictions intact, buried by the calculated denunciation of a politician seizing on a way to stroke his base. Now in the Lone Star State, the men and women killed by the government get whatever is on the prison menu that day. Justice will be served.

*Top: Prisoners Exercising by Vincent van Gogh, 1890. (Pushkin Museum of Fine Art)*
A REPORTER AT LARGE

TAKEN

Under civil forfeiture, Americans who haven’t been charged with wrongdoing can be stripped of their cash, cars, and even homes. Is that all we’re losing?

by Sarah Stillman AUGUST 12, 2013

Clockwise from left: James Morrow, Javier Flores, Jennifer Boatright and her son Jacob, Dale Agostini, and Nelly Moreira. Many police budgets depend on money from forfeiture. Photographs by Ashley Gilbertson.

On a bright Thursday afternoon in 2007, Jennifer Boatright, a waitress at a Houston bar-and-grill, drove with her two young sons and her boyfriend, Ron Henderson, on U.S. 59 toward Linden, Henderson’s home town, near the Texas-Louisiana border. They made the trip every
April, at the first signs of spring, to walk the local wildflower trails and spend time with Henderson’s father. This year, they’d decided to buy a used car in Linden, which had plenty for sale, and so they bundled their cash savings in their car’s center console. Just after dusk, they passed a sign that read “Welcome to Tenaha: A little town with BIG Potential!” They pulled into a mini-mart for snacks. When they returned to the highway ten minutes later, Boatright, a honey-blond “Texas redneck from Lubbock,” by her own reckoning, and Henderson, who is Latino, noticed something strange. The same police car that their eleven-year-old had admired in the mini-mart parking lot was trailing them. Near the city limits, a tall, bull-shouldered officer named Barry Washington pulled them over. He asked if Henderson knew that he’d been driving in the left lane for more than half a mile without passing. No, Henderson replied. He said he’d moved into the left lane so that the police car could make its way onto the highway. Were there any drugs in the car? When Henderson and Boatright said no, the officer asked if he and his partner could search the car. The officers found the couple’s cash and a marbled-glass pipe that Boatright said was a gift for her sister-in-law, and escorted them across town to the police station. In a corner there, two tables were heaped with jewelry, DVD players, cell phones, and the like. According to the police report, Boatright and Henderson fit the profile of drug couriers: they were driving from Houston, “a known point for distribution of illegal narcotics,” to Linden, “a known place to receive illegal narcotics.” The report describes their children as possible decoys, meant to distract police as the couple breezed down the road, smoking marijuana. (None was found in the car, although Washington claimed to have smelled it.) The county’s district attorney, a fifty-seven-year-old woman with feathered Charlie’s Angels hair named Lynda K. Russell, arrived an hour later. Russell, who moonlighted locally as a country singer, told Henderson and Boatright that they had two options. They could face felony charges for “money laundering” and “child endangerment,” in which case they would go to jail and their children would be handed over to foster care. Or they could sign over their cash to the city of Tenaha, and get back on the road. “No criminal charges shall be filed,” a waiver she drafted read, “and our children shall not be turned over to CPS,” or Child Protective Services. “Where are we?” Boatright remembers thinking. “Is this some kind of foreign country, where they’re selling people’s kids off?” Holding her sixteen-month-old on her hip, she broke down in tears.
Later, she learned that cash-for-freedom deals had become a point of pride for Tenaha, and that versions of the tactic were used across the country. “Be safe and keep up the good work,” the city marshal wrote to Washington, following a raft of complaints from out-of-town drivers who claimed that they had been stopped in Tenaha and stripped of cash, valuables, and, in at least one case, an infant child, without clear evidence of contraband.

Outraged by their experience in Tenaha, Jennifer Boatright and Ron Henderson helped to launch a class-action lawsuit challenging the abuse of a legal doctrine known as civil-asset forfeiture. “Have you looked it up?” Boatright asked me when I met her this spring at Houston’s H&H Saloon, where she runs Steak Night every Monday. She was standing at a mattress-size grill outside. “It’ll blow your mind.”

The basic principle behind asset forfeiture is appealing. It enables authorities to confiscate cash or property obtained through illicit means, and, in many states, funnel the proceeds directly into the fight against crime. In Tulsa, Oklahoma, cops drive a Cadillac Escalade stencilled with the words “This Used To Be a Drug Dealer’s Car, Now It’s Ours!” In Monroe, North Carolina, police recently proposed using forty-four thousand dollars in confiscated drug money to buy a surveillance drone, which might be deployed to catch fleeing suspects, conduct rescue missions, and, perhaps, seize more drug money. Hundreds of state and federal laws authorize forfeiture for cockfighting, drag racing, basement gambling, endangered-fish poaching, securities fraud, and countless other misdeeds.

In general, you needn’t be found guilty to have your assets claimed by law enforcement; in some states, suspicion on a par with “probable cause” is sufficient. Nor must you be charged with a crime, or even be accused of one. Unlike criminal forfeiture, which requires that a person be convicted of an offense before his or her property is confiscated, civil forfeiture amounts to a lawsuit filed directly against a possession, regardless of its owner’s guilt or innocence.

One result is the rise of improbable case names such as United States v. One Pearl Necklace and United States v. Approximately 64,695 Pounds of Shark Fins. (Jennifer Boatright and Ron Henderson’s forfeiture was slugged State of Texas v. $6,037.) “The protections our Constitution usually affords are out the window,” Louis Rulli, a clinical law professor at the University of Pennsylvania and a leading forfeiture expert, observes. A piece of property does not share the rights of a person. There’s no right to an attorney and, in most states, no presumption of innocence. Owners who wish to contest often find that the cost of hiring a lawyer far exceeds the value of their seized goods. Washington, D.C., charges up to twenty-five hundred dollars simply for the right to challenge a police seizure in court, which can take months or even years to resolve.
The tangled nature of the process became clear when I spoke to Nelly Moreira, a stout, curly-haired custodian who lives in Northwest D.C. Moreira relied on her 2005 Honda Accord to drive from her early-morning job, cleaning Trinity Washington University, to her evening job, cleaning the U.S. Treasury Department. In March, 2012, her son was driving her car when he was pulled over for a minor traffic violation, and, after a pat down, was found to have a handgun. He was arrested, and her car was seized. Moreira, who grew up in El Salvador, explained in Spanish that she received a letter in the mail two months later asking her to pay a bond of one thousand and twenty dollars—which she took to be the fee to get her car back. Desperate, she borrowed cash from friends and family to cover the bond, which is known in D.C. law as a “penal sum.” If she hadn’t, the car would have been auctioned off, or put to use by the police. But all that the money bought her was the right to a complex and slow-moving civil-forfeiture court case.

She was left struggling to make her car payments each month as her Honda sat in a city lot, unused and unsheltered from the elements. The bond, the loans, and the public-transportation costs added up. “There were days I didn’t have a good meal,” she told me in February, sitting beneath her daughter’s quinceañera portrait in her narrow fuchsia-painted row house.

The Public Defender Service for the District of Columbia won the release of Moreira’s car last summer, and in May filed a lawsuit against the city on behalf of approximately three hundred and seventy-five car owners like Moreira. Describing the policy as “devastating for hundreds of families who depend on their cars for many of the urgent and important tasks of daily life,” it called for higher standards of proof and the end of penal-sum fees. At a public hearing on July 11th, D.C.’s attorney general, Irvin Nathan, acknowledged “very real problems” relating to due-process rights. But he warned that millions of dollars raised by forfeiture “could very easily be lost” and “an unreasonable burden” placed on his office if the reforms supported by the Public Defender Service were enacted. He proposed more modest changes that would leave the current burden of proof untouched.

“We all know the way things are right now—budgets are tight,” Steve Westbrook, the executive director of the Sheriffs’ Association of Texas, says. “It’s definitely a valuable asset to law enforcement, for purchasing equipment and getting things you normally wouldn’t be able to get to fight crime.” Many officers contend that their departments would collapse if the practice were too heavily regulated, and that a valuable public-safety measure would be lost.

But a system that proved successful at wringing profits from drug cartels and white-collar fraudsters has also given rise to corruption and violations of civil liberties. Over the past year, I spoke with more than a hundred police officers, defense attorneys, prosecutors, judges, and
forfeiture plaintiffs from across the country. Many expressed concern that state laws designed to go after high-flying crime lords are routinely targeting the workaday homes, cars, cash savings, and other belongings of innocent people who are never charged with a crime.

When Jennifer Boatright and Ron Henderson complained to the county in the hope of retrieving their savings, they got another surprise. Lynda Russell, the district attorney, told them she had warned “repeatedly” that they did not have to sign the waiver, but, if they continued to contest it, they could be indicted on felony charges. “I will contact you and give you an opportunity to turn yourself in without having an officer come to your door,” she wrote in a letter mentioning the prospect of a grand jury. Once again, their custody of the kids was threatened. Boatright and Henderson decided to fight anyway.

When out-of-town drivers who felt victimized by a Tenaha forfeiture called local lawyers for help, their business wasn’t always welcomed. “That’d be like kicking a basket of rattlesnakes,” one defense lawyer warned a forfeiture target. Often they were referred to a defense attorney named David Guillory, in nearby Nacogdoches. Guillory is a broad-faced man with blue eyes and the gregarious, cheerful disposition of a Scoutmaster. (He is, in fact, an assistant Scoutmaster of local Troop 100, and keeps the “Handbook of Knots” by his desk, near heaps of legal briefs.) He moved to Nacogdoches seventeen years ago and set up shop as a small-town civil-rights lawyer. He specialized in cases around the state that made neither friends nor profits: mostly, suing policemen for misconduct.

By the time Boatright and Henderson spoke with Guillory, he was already acquainted with what he refers to as “the Tenaha operation.” Several months earlier, he’d received a call from a plump-cheeked twenty-seven-year-old man named James Morrow, who worked at a Tyson plant in Pine Bluff, Arkansas, slicing chicken strips for prepared foods. “He told me a pretty startling story,” Guillory recalls. In August, 2007, Tenaha police pulled Morrow over for “driving too close to the white line,” and took thirty-nine hundred dollars from him. Morrow told Guillory that he was on his way to get dental work done at a Houston mall. (The arresting officers said that his “stories of travel” were inconsistent, as was his account of how much money he had; they also said they detected the “odor of burned marijuana,” although no contraband was found in the car.) Morrow, who is black, was taken to jail, where he pleaded with authorities to call his bank to see proof of his recent cash withdrawal. They declined.

“They impounded my car, and they impounded me, too,” Morrow told me, recalling the night he spent in jail. When he finally agreed to sign away his property, he was released on the side of the road with no money, no vehicle, and no phone. “I had to go to Wal-Mart and borrow someone’s phone to call my mama,” he recounted. “She had to take out a rental car to come pick me up.”
For weeks, Morrow said he felt “crippled,” unsure of what to do. He says that a Tenaha officer told him, “Don’t even bother getting a lawyer. The money always stays here.” But finally he decided “to shine a big ol’ light on them.”

After Morrow was steered to Guillory, he took a day off from his job and arrived at Nacogdoches with stacks of old bank files to prove where his money came from. “He knew how hard he’d worked for that money,” Guillory told me, “and every dime was taken from him.” Guillory decided to find out if what had happened to Morrow was more than a fluke. He was taken aback by the scale of what he uncovered. It was a baroque small-town scandal, but it was also a story with national reach. He wondered how many people across the country felt “crippled,” as Morrow did, by statutes so little known yet so widely used.

In West Philadelphia last August, an elderly couple named Mary and Leon Adams were finishing breakfast when several vans filled with heavily armed police pulled up to their red brick home. An officer announced, “We’ll give you ten minutes to get your things and vacate the property.” The men surrounding their home had been authorized to enter, seize, and seal the premises, without any prior notice.

“I was almost numb,” Mary Adams, a sixty-eight-year-old grandmother with warm brown eyes and wavy russet hair, recalled. When I visited her this spring, she sat beside her seventy-year-old husband, who was being treated for pancreatic cancer, and was slumped with exhaustion. A little earlier, he had struggled to put on his embroidered blue-and-yellow guayabera shirt; his wife, looking fit for church in a green jacket, tank top, and slacks, watched him attentively as he shuffled over on a carved-wood cane to greet me. Leon explained his attachment to their home in numerical terms. “1966,” he said. “It’s been our home since 1966.”

Mary had been working as a truck-stop cook in segregated South Carolina when she met and married Leon—a man from “way out in the woods, just a fireplace and a lamp”—and followed him north. Leon had been hired as a cook at the Valley Forge Music Fair, outside Philadelphia, where James Brown, Aretha Franklin, and the Kingston Trio would one day perform. After renting a room in the city, the Adamses found a sweet little two-story house within their budget, five miles from Philadelphia’s Liberty Bell. It had a narrow covered porch that reminded Mary Adams of the country.

The home served the Adams family well over the next half century, as Leon took a job as a steel-plant worker, and later as an elementary-school janitor, and Mary worked as a saleswoman at Woolworth and, eventually, as a patients’ care assistant at Bryn Mawr hospital. (“I treated every patient as a V.I.P., whether you were in a coma or not!”) More recently, the home has helped the
couple ease into their retirement. “I love digging in the dirt,” she said, referring to their modest, marigold-lined front yard, and “sitting on the porch, talking to neighbors.”

Their home also proved a comfortable place to raise their only son, Leon, Jr.—so comfortable, in fact, that the young man never quite flew the nest. At thirty-one, slender and goateed, Leon, Jr., occupied a small bedroom on the second floor. When his father, who had already suffered a stroke, fell ill with cancer, he was around to help out. But, according to a report by the Philadelphia Police Department, the younger Leon had a sideline: on the afternoon of July 10, 2012, he allegedly sold twenty dollars’ worth of marijuana to a confidential informant, on the porch of his parents’ home. When the informant requested two more deals the next week, the report said, he made the same arrangements. Both were for twenty dollars, purchased with marked bills provided by police.

Around 5 p.m. on July 19th, Leon, Sr., was in his bedroom recovering from surgery when he was startled by a loud noise. “I thought the house was blowing up,” he recalls. The police “had some sort of big, long club and four guys hit the door with it, and knocked the whole door right down.” swat-team officers in riot gear were raiding his home. One of the officers placed Leon, Jr., in handcuffs and said, “Apologize to your father for what you’ve done.” Leon, Jr., was taken off to jail, where he remains, awaiting trial.

The police returned about a month after the raid. Owing to the allegations against Leon, Jr., the state was now seeking to take the Adamses’ home and to sell it at a biannual city auction, with the proceeds split between the district attorney’s office and the police department. All of this could occur even if Leon, Jr., was acquitted in criminal court; in fact, the process could be completed even before he stood trial.

Mary Adams was at a loss. She and her husband were accused of no crime. Instead, the civil case was titled Commonwealth of Pennsylvania v. The Real Property and Improvements Known as [their address]. For years, Mary had volunteered for the Philadelphia More Beautiful Committee, and as a block captain she always thought that civil forfeiture was reserved for crack houses and abandoned eyesores. Now her own carefully maintained residence was the target.

The Adamses had a lucky break on the morning of their eviction notice: when an officer observed Leon’s frail condition, he told them that they could stay in the house while the forfeiture proceedings advanced. This gave them some time to figure out how to fight. “We had no money,” Mary told me, so they couldn’t hire a lawyer. But they learned of a free “Civil Practice” clinic at the University of Pennsylvania Law School, run by Louis Rulli, where students help indigent homeowners challenge civil-forfeiture claims.
“It was an area of the law that was under the radar and very prone to abuse,” Rulli told me when we met at his clinic, in a wing of the law school with a separate entrance and an air of potted-plant competence reminiscent of a doctor’s office. Beside him sat Susanna Greenberg, a colleague, and Julia Simon-Mishel, who had worked on the Adamses’ case as a law student. Rulli noted that the system is designed to defeat anyone who isn’t an expert in navigating its intricacies. “These are affirmative defenses—you lose them if you don’t raise them,” he said. “Even lawyers don’t know about these defenses unless they’ve worked on forfeiture specifically.” The public records I reviewed support Rulli’s assertion that homes in Philadelphia are routinely seized for unproved minor drug crimes, often involving children or grandchildren who don’t own the home. “For real-estate forfeitures, it’s overwhelmingly African-Americans and Hispanics,” Rulli told me. “It has a very disparate race and class impact.” He went on to talk about Andy Reid, the former coach of the Philadelphia Eagles, whose two sons were convicted of drug crimes in 2007 while living at the family’s suburban mansion in Villanova. “Do you know what the headline read? It said, ‘The Home Was an ‘Emporium of Drugs.’’ An emporium of drugs!” The phrase, Rulli explained, came directly from a local judge. “And here’s the question: Do you think they seized it?” Beth Grossman, the chief of the city’s Public Nuisance Task Force, which includes the forfeiture unit, says she’s seen the statute used to transform drug-ridden communities that had few other means of recourse against dangerous local dealers. “Our mission is not to take houses and to auction them,” she told me. Although the city auctioneer reports that about a hundred properties are successfully seized and sold each year, Grossman says the city prefers to work out settlements that would allow families to stay in their homes. “Our mission comes from a place of public safety and providing a good quality of life for our law-abiding citizens in Philadelphia.” The Philadelphia D.A.’s office has declined to comment on the specifics of the Adamses’ case, but Tasha Jamerson, its spokesperson, told me, “It’s not us making decisions, willy-nilly. . . . It’s the law. We’re following the law.” Whether this should be the law—whether, in the absence of a judicial finding of guilt, the state should be able to take possession of your property—has been debated since before American independence. In the Colonial period, the English Crown issued “writs of assistance” that permitted customs officials to enter homes or vessels and seize whatever they deemed contraband. As the legal scholars Eric Blumenson and Eva Nilsen have noted, these writs were “among the key grievances that triggered the American Revolution.” The new nation’s Bill of Rights would expressly forbid “unreasonable searches and seizures” and promise that no one would be deprived of “life, liberty, or property, without due process.” Nonetheless, Congress
soon authorized the use of civil-forfeiture actions against pirates and smugglers. It was easier to prosecute a vessel and seize its cargo than to try to prosecute its owner, who might be an ocean away. In the ensuing decades, the practice fell into disuse and, aside from a few brief revivals, remained mostly dormant for the next two centuries.

Forfeiture in its modern form began with federal statutes enacted in the nineteen-seventies and aimed not at waitresses and janitors but at organized-crime bosses and drug lords. Law-enforcement officers were empowered to seize money and goods tied to the production of illegal drugs. Later amendments allowed the seizure of anything thought to have been purchased with tainted funds, whether or not it was connected to the commission of a crime. Even then, forfeiture remained an infrequent resort until 1984, when Congress passed the Comprehensive Crime Control Act. It established a special fund that turned over proceeds from forfeitures to the law-enforcement agencies responsible for them. Local police who provided federal assistance were rewarded with a large percentage of the proceeds, through a program called Equitable Sharing. Soon states were crafting their own forfeiture laws.

Revenue gains were staggering. At the Justice Department, proceeds from forfeiture soared from twenty-seven million dollars in 1985 to five hundred and fifty-six million in 1993. (Last year, the department took in nearly $4.2 billion in forfeitures, a record.) The strategy helped reconcile President Reagan's call for government action in fighting crime with his call to reduce public spending. In 1989, Attorney General Richard Thornburgh boasted, “It’s now possible for a drug dealer to serve time in a forfeiture-funded prison after being arrested by agents driving a forfeiture-provided automobile while working in a forfeiture-funded sting operation.”

There were high-profile success stories. The federal government seized a four-hundred-acre Montana ranch tied to the Colombian drug kingpin Pablo Escobar, and laid claim to the bank accounts of assorted Wall Street con men. But tales of abuse also emerged. In 1992, a California drug task force shot and killed a reclusive millionaire named Donald Scott during a raid of his Malibu ranch; by some accounts, police were searching for marijuana plants (none were found) as a pretext to seize Scott’s two-hundred-acre property. “Unfortunately, I think I can say that our civil-asset-forfeiture laws are being used in terribly unjust ways,” Henry Hyde, the Republican chairman of the House Judiciary Committee, declared in 1997, “and are depriving innocent citizens of their property with nothing that can be called due process.” Three years later, Congress passed the Civil Asset Forfeiture Reform Act (CAFRA), requiring that federal prosecutors prove “a substantial connection between the property and the offense,” and allowing people who can prove themselves “innocent owners” to keep their property.
But civil-forfeiture statutes continued to proliferate, and at the state and local level controls have often been lax. Many states, facing fiscal crises, have expanded the reach of their forfeiture statutes, and made it easier for law enforcement to use the revenue however they see fit. In some Texas counties, nearly forty per cent of police budgets comes from forfeiture. (Only one state, North Carolina, bans the practice, requiring a criminal conviction before a person’s property can be seized.) Often, it’s hard for people to fight back. They are too poor; their immigration status is in question; they just can’t sustain the logistical burden of taking on unyielding bureaucracies.

Victor Ramos Guzman, a Pentecostal Church secretary from El Salvador, who lives in the U.S. under temporary protected status, is typical in all these respects. A year and a half ago, he and his brother-in-law were driving along Interstate 95 near Emporia, Virginia, en route, documents show, to buy a parcel of land for their church. When a state trooper pulled them over for speeding, Guzman and his brother-in-law disclosed that they were carrying twenty-eight thousand five hundred dollars in parishioners’ donations. Although the trooper found no contraband, he seized the cash. By reporting the case to Immigration and Customs Enforcement (Guzman was in the country legally, but he spoke little English), the state police could gain up to eighty per cent of the seizure through the federal Equitable Sharing program.

“We could prove beyond a reasonable doubt that the money was church money from parishioners’ donations,” David Smith, who was a deputy chief of the Justice Department’s Asset Forfeiture Office during the Reagan Administration and now defends the policy’s targets pro bono, told me last January. Only after he intervened were the funds returned. “But these were people who didn’t have the means to fight back. They weren’t well-to-do. They didn’t know any senators or congressmen, they weren’t citizens. They had no voice.” For the people who hoped to take on the Tenaha operation, the challenge was to bring claims like these into public view.

David Guillory started his research by driving his cluttered red Volkswagen Jetta to the Shelby County courthouse, in Center, Texas, where he examined the ledgers that listed the past two years of the county’s legal cases. He wanted to see “any case styled ‘The State of Texas versus’ anything that sounds like a piece of property.” The clerk began hauling out one bulging accordion file after another.

“The eye-opening event was pulling those files,” Guillory told me. One of the first cases that caught his attention was titled State of Texas vs. One Gold Crucifix. The police had confiscated a simple gold cross that a woman wore around her neck after pulling her over for a minor traffic violation. No contraband was reported, no criminal charges were filed, and no traffic ticket was issued. That’s how it went in dozens more cases involving cash, cars, and jewelry. A number of files contained slips of paper of a sort he’d never seen before. These were roadside property
waivers, improvised by the district attorney, which threatened criminal charges unless drivers agreed to hand over valuables.

Guillory eventually found the deal threatening to take Jennifer Boatright and Ron Henderson’s children unless the couple signed away their money to Shelby County. “It’s like they were memorializing the fact that they were abdicating their responsibility to fight crime,” Guillory said. “If you believe children are in sufficient danger that they should be removed from their parents—don’t trade that for money!” Usually, police and prosecutors are careful about how they broker such exchanges. But Shelby County officials were so brazen about their swap-meet approach to law enforcement, he says, “they put it in the damn document!”

Patterns began to emerge. Nearly all the targets had been pulled over for routine traffic stops. Many drove rental cars and came from out of state. None appeared to have been issued tickets. And the targets were disproportionately black or Latino. A finding of discrimination could bring judicial scrutiny. “It was a highway-piracy operation,” Guillory said, and, he thought, material for a class-action lawsuit.

But that was a daunting prospect. “Class actions involving race discrimination are extremely hard to win,” Guillory said. “Most of them go down in flames.” What’s more, the Tenaha case wasn’t against a private concern. It involved, in Guillory’s analysis, “a government entity that enjoys the benefit of most doubts, and a D.A. who enjoyed the most gold-plated kind of immunity there is: absolute prosecutorial immunity.” That was why, he thinks, authorities in Tenaha had managed to keep their dirty work largely obscured from public view—“shitting in high cotton,” he calls it.

Still, Guillory liked the idea that the case could shed light on broader public-policy issues. At the University of Texas, in Austin, where Guillory attended college and law school during the nineteen-eighties, he had been eager to get involved in electoral politics; his roommate was Paul Begala, who became a prominent Democratic political consultant. Guillory worked where he felt his labors were needed, far from the public eye. But he was drawn to litigation that could help spark reform, even if the odds were not in his favor.

Guillory began exchanging notes with his weekly lunch buddy, a slender, scruffy-bearded fellow civil-rights lawyer named Tim Garrigan. Garrigan, who is taller, grayer, and less salty than Guillory, suspected that Tenaha’s roadside deals reflected a broader trend of “policing for profit.” Over Szechuan chicken, he agreed to join Guillory in bringing a lawsuit, and, on July 24, 2008, the two men filed a class action against Shelby County and Tenaha authorities, with James Morrow listed as the lead plaintiff.
Within a few weeks, the lawyers had received calls from other Tenaha forfeiture victims. In addition to Jennifer Boatright and Ron Henderson, the suit was joined by a handful of others—among them an African-American woman from Akron, Ohio, named Linda Dorman, who had forty-five hundred dollars taken from her and a passenger; and a young Mexican-American, Javier Flores, who turned over twenty-four hundred dollars. The suit accused the mayor of Tenaha and other town and Shelby County officials of operating “an illegal practice of stopping, detaining, searching, and often seizing property from citizens,” and doing so “not for any legitimate law enforcement purpose but to enrich their offices and perhaps themselves.” The practice was discriminatory, the suit alleged, and in violation of the Fourth and Fourteenth Amendments of the Constitution, “at least.”

Tenaha, population 1,170, is a sleepy stretch of East Texas that smells of its three main industries: cattle, timber, and poultry. The only sit-down restaurant for miles, the Whistle Stop, has a Texas Narcotics Officers’ Association sticker on the front door, along with a sign that reads “We Reserve the Right to Refuse Service to Anyone.” Inside, when a newcomer sits down to order lunch on a workday afternoon, locals crane their necks to get a better look. Next door is the town’s main tourist attraction, the Tenaha Antique Mall, where a cashier spends her days staring at a rusty “Barry Goldwater for President” sign and stacks of vintage Coca-Cola bottles; she sells her own tea cakes on the side, in small ziplock bags.

The town’s racial geography feels like a throwback, too. White residents live in homes that range from sturdy brick façades to ramshackle trailers; black residents tend to live in “the Quarters,” where the roads are a lumpy mess of silt and rocks, and some houses have limited access to the sewage system. For years, young people of both races have been emptying out of Tenaha.

“There’s not much for our children to do but leave,” Marie Crawford, a genteel former city councilwoman, told me recently, as we drove around town in her burgundy van. She has a silver-straight bob and wore a graceful maroon shawl. When we reached the stretch of U.S. 59 that runs into Main Street, we found ourselves trailing a truck stuffed with chickens, which shed tiny white feathers on Crawford’s windshield like a sudden snowfall. “I take it that’s abandoned?” I asked, pointing to a shack with splinterly boards for windows.

“People live there,” she said. “That’s what kills me.”

Tenaha’s mayor and city marshal were understandably receptive when, in the fall of 2006, Barry Washington, a former state trooper from Carthage, Texas, arrived and told them that his drug-interdiction skills could be put to good use along its section of Highway 59. As he later explained at a town-hall meeting, money from thugs could pay the town’s bills. Handsome and imposing in cattle-rancher boots, Washington was, at age fifty, among the most decorated officers in state
history. One of the first black troopers to rise to prominence, he had helped pioneer drug-interdiction programs along Texas highways in the nineteen-nineties, earning grip-and-grin photos with George W. Bush and other politicians, and a congressional tribute in 1996.

It wasn’t immediately obvious why a man so accomplished—a two-decade veteran of the Department of Public Safety—was interested in taking a sleepy job in a sleepy town. His explanation was simple. He’d been lying in bed one night in Carthage, soon after leaving his old job, when he looked up to see a light burst through his bedroom ceiling. “And it’s like I’m in a trance,” he later recalled. “And God tells me, ‘Go to Tenaha, Texas.’ And I get up the next day, and I laugh about it, until I find out that God may be serious, so I end up in Tenaha.”

The town was well placed for an interdiction program. Although U.S. 59 hardly seems like a highway when it goes through Tenaha (the speed limit changes from seventy to thirty-five), the route connects Laredo, on the U.S. border with Mexico, to Houston, and then stretches fifteen hundred miles to the Minnesota border with Canada. Each year, millions of pounds of drugs make their way north, and millions more flow back down in cash. Much of this goes to support Mexico’s brutal drug cartels—the sort of organized criminal networks known to decapitate innocents and dissolve rivals in vats of lye. At the Texas Department of Public Safety, Washington was among the first officers in America to use new techniques to sniff out cash, which resourceful smugglers were concealing inside dolls, bowling balls, piles of rotting fish, and all manner of cunningly hidden compartments.

In Tenaha, Washington quickly began bringing in drug money. According to a former colleague, he made heavy use of “pretextual traffic stops,” focusing on out-of-state rental cars. Early on, he caught a man driving a sleek motor home filled with five hundred pounds of pot. The district attorney confiscated the vehicle, and the town auctioned it off for twenty thousand dollars.

Locals still describe with awe a stop Washington made nine days before Christmas in 2006. He pulled over a blue Nissan driven by a droopy-faced, curly-haired woman with big brown eyes, for “following too closely” behind a large truck. “She talked slow,” Washington jotted in his police report, “and . . . batted her eyes very sleepy like.” She also seemed, in the face of interrogation, “very nervous.” Washington noticed that festive red-and-green Christmas packages sat stacked on the back seat. “Children’s toys,” the woman said. But, when the gifts were unwrapped, Washington found an early holiday present for the city: more than six hundred and twenty thousand dollars in cash.

Within six months, the program had amassed almost $1.3 million in seized profits, some of it taken from so-called “smurfs”—often well-dressed, friendly-looking people who carry money for cartels, depositing it at banks in small amounts to avoid detection. A profit-sharing agreement
was drawn up to split the proceeds among the district attorney’s office, the Tenaha marshal’s office, and the county constable.

But Marie Crawford, the councilwoman, had begun to notice a few things that didn’t sit right with her. “The lady with the Christmas packages, she was in jail for one night, and then they let her right out,” Crawford told me. It affronted her sense of justice that someone who appeared to be a major money launderer was swiftly released and never hit with criminal charges. Something similar happened with a Nashville man found to be transporting more than eighty-one thousand dollars and a large stash of cocaine in the trunk of his Chevrolet, and another mule hauling ninety-five thousand dollars.

“Hey, I’ve got kids and grandkids, I want drugs off the street,” Crawford said. “But all we were doing was taking their money and sending them on down the road.” At the same time, the new forfeiture corridor seemed also to ensnare people who had no involvement with the drug trade. After speaking to a local judge, Crawford learned that letters of complaint had been arriving from drivers across the country. She sent copies along to Tim Garrigan and David Guillory, whose class-action lawsuit was well on its way.

“Dear Honorable Mayor,” wrote an Arkansas man who described having his car torn apart on the roadside in a futile search for drugs. “I felt humiliated, helpless, and painful for the way I was treated.” He enclosed photographs showing his car’s ravaged interior. A man described how, on his way back from a grandchild’s preschool graduation in Louisiana, he “had been violated, stripped of my dignity before my daughter and grandchildren.” Another driver said that he was stopped so often on his monthly drive through Tenaha to visit a sick relative across state lines that he kept a tape recorder in the car, hoping to capture police misconduct.

The lawyers figured that such misconduct had already been recorded. In Tenaha, the police station and cars were outfitted with video-surveillance equipment. And Boatright, for one, said that on the night of her detention Washington told her that the whole thing was being captured on film. Garrigan had requested footage of traffic stops made by Washington and his partner, along with related video from the station, but got nowhere. Then, after the Tenaha lawsuit caught the attention of the national media, the Civil Rights Division of the U.S. Department of Justice launched its own criminal investigation into the alleged abuses. Several months later, in October, 2009, large stacks of optical disks were finally turned over. Garrigan and Guillory now had hundreds of hours of digital footage to sort through. Garrigan hired a colleague’s adult son to sit at a large oval wood-veneer table with a laptop and a supply of Starbucks, sorting through it all. (He’s still at it.)
Curiously, most of Barry Washington’s traffic stops were absent from the record. In those instances where Washington had turned on his dashboard camera, the video was often of such poor quality as to be “useless,” Garrigan says. There was hardly any footage of his clients, including Jennifer Boatright and Ron Henderson.

In James Morrow’s case, a sliver of video was identified from Constable Randy Whatley’s camera feed, which captured part of the man’s detention by the side of the road. Washington could be heard instructing Whatley, “Would you take your K-9? If he alerts on the vehicle, I’m gonna take his mama’s vehicle away from him, and I’m gonna take his money.”


“I’m gonna take his stuff from him,” Washington repeated.

The rest of the video was mostly muted, and a judge later deemed it “somewhat obscured by the placement of Washington’s car between the camera and Morrow’s car.”

Some useful footage turned up that involved one of their original plaintiffs, a soft-spoken man named Dale Agostini, who was born in Guyana and was the co-owner of an award-winning Caribbean restaurant in Washington, D.C., called Sweet Mango. In September, 2007, he and his fiancée had had their infant son taken from them hours after Barry Washington pulled them over for “traveling in left lane marked for passing only,” according to the police report. No evidence of drugs or other contraband was found, and neither parent had a criminal record. Even so, Washington seized a large sum of cash that Agostini, who has family in the area, said he’d brought with him to buy restaurant equipment at a local auction. Lynda Russell, the district attorney, then arrived at the scene, sending Agostini and his fiancée, a nursing student at the University of Maryland, to jail for the night.

In police surveillance footage, Agostini can be heard pleading with Russell, “Can I kiss my son goodbye?”

Afterward, Russell dryly recounted to a colleague, “I said no, kiss me.”

“I hope you won’t paint it like it’s all bad,” Simon Porter, a former East Texas narcotics officer based in Titus County, implored when we spoke. More than seventy per cent of seizures in Texas are “administrative” cases, which means that they are never contested by the owner—owing to guilt, Porter maintains, more than to the difficulties of fighting back. “When it’s done right, civil forfeiture is one of our most valuable tools,” he said.

The rise of civil forfeiture has, in some areas, proved of great value. It allows the government to extract swift penalties from white-collar criminals and offer restitution to victims of fraud; since 2012, the Department of Justice has turned over more than $1.5 billion in forfeited assets to four hundred thousand crime victims, often in cases of corporate criminality. Federal agents have
also used forfeiture to go after ruthless migrant smugglers, organized-crime tycoons, and endangered-species poachers, stripping them of their illicit gains. Global Witness, the anti-corruption group, recently cheered the Justice Department’s civil-forfeiture action targeting the son of Equatorial Guinea’s dictator, which sought his Malibu mansion, Gulfstream jet, and some two million dollars’ worth of Michael Jackson memorabilia, including a bejewelled white glove.

Yet only a small portion of state and local forfeiture cases target powerful entities. “There’s this myth that they’re cracking down on drug cartels and kingpins,” Lee McGrath, of the Institute for Justice, who recently co-wrote a paper on Georgia’s aggressive use of forfeiture, says. “In reality, it’s small amounts, where people aren’t entitled to a public defender, and can’t afford a lawyer, and the only rational response is to walk away from your property, because of the infeasibility of getting your money back.” In 2011, he reports, fifty-eight local, county, and statewide police forces in Georgia brought in $2.76 million in forfeitures; more than half the items taken were worth less than six hundred and fifty dollars. With minimal oversight, police can then spend nearly all those proceeds, often without reporting where the money has gone.

“When you allow the profit incentive, that’s when you start getting problems,” Porter said. “It’s like the difference between serving in the Army and working for Blackwater.” The Blackwater model wasn’t endemic just in Tenaha. In Oklahoma, a Caddo County district attorney hired a private company, Desert Snow L.L.C., to train a local drug-interdiction task force. Although the company’s contractors were not certified law officers, they reportedly interrogated drivers and took up to twenty-five per cent of the seized cash, even in cases where no contraband was present. Last month, after a county judge denounced the contractors’ role as “shocking,” the district attorney suspended the practice.

During my time in East Texas, a police officer told me that if I ventured beyond Shelby County I’d learn that Tenaha was far from an outlier in the region. When I looked through courthouse records and talked with local interdiction officers in nearby counties, I saw what he meant. In Hunt County, Texas, I found officers scoring personal bonuses of up to twenty-six thousand dollars a year, straight from the forfeiture fund. In Titus County, forfeiture pays the assistant district attorney’s entire salary. Farther south, in Johnson County, I came upon a sheriff’s office that had confiscated an out-of-state driver’s cash, in the absence of contraband, in exchange for a handwritten receipt that gave the traveller no information about who had just taken his money, why, or how he might get it back.

If the war on drugs was an immense boost to forfeiture programs, the post-9/11 era has also seen the practice—and the profits—reach into the domestic war on terror. One of the lesser-known provisions of the Patriot Act was a section overturning several of CAFRA’s protections for
property owners when they are the subject of terror investigations, however preliminary. Local jurisdictions followed suit. Shamoon Yousif, an Iraqi-American grocery-store owner in Maricopa County, Arizona, knows what this can mean, having had the contents of his life seized as “substitute assets” for shoplifting and related crimes initiated by his brother, after an investigation started by the F.B.I. Joint Terrorism Task Force.

A Coptic Christian who left Iraq at the age of nineteen, Shamoon Yousif thought he was living a classic American immigrant story: after years of saving, he managed to open a grocery store, in Mesa, Arizona, and then a second, in a rougher neighborhood. When his wife learned that she had metastatic breast cancer, he asked his brother Sami to take charge of the second store. According to investigators, his brother, who had a gambling habit, took to shelving goods purchased at a steep discount from “boosters,” mostly addicts who shoplifted liquor, cigarettes, and clothing like jeans and sweaters from big-box stores.

Early one morning in May, 2008, police charged into Shamoon’s house, and began the government seizure of most significant items the family owned—Shamoon’s home, his car, his two stores, his bank accounts, the jewelry of his recently deceased wife, his children’s cell phones, and more. The fact that the dirty money in Sami’s store was “co-mingling” with clean money from legitimate sales justified the charge of “money laundering.” What’s more, reliance on a steady group of boosters and Sami’s stashing of several bottles of liquor in the house elevated the case to “racketeering,” which opened up Shamoon’s home to civil forfeiture under the Arizona Racketeering Act. Because civil suits do not come with the right to a lawyer, Shamoon would have no money with which to defend himself.

Did he know what his brother was up to? “I thought it possible Shamoon Yousif was being deceived,” the lead officer on the case, Sarah Thrower, of the Phoenix Police Department’s Homeland Defense Bureau, conceded. But she and her colleagues concluded that, because Shamoon was a competent businessman who, as she wrote in a police report, “took all legal responsibility” for the income generated by both stores, he “knew or had reason to know” about his brother’s dealings.

Eventually, a recent law-school graduate named Jean-Jacques Cabou heard about the case, found the details galling, and offered his services. “Forfeiture cases like these are almost impossible to fight,” he told me earlier this year, after he’d devoted hundred of hours to the case. “It’s the Guantánamo Bay of the legal system.” As he sorted through Shamoon Yousif’s case records, Cabou noticed something odd. The investigation had drawn on resources from the Arizona Counter Terrorism Information Center—a so-called “fusion center” in Maricopa County meant to integrate mundane local crime data with federal intelligence streams, in search of clues.
about terrorism plots. Homeland Security Secretary Janet Napolitano once hailed the fusion-center initiative as “one of the centerpieces of our counterterrorism strategy.” It has since lost lustre. Last fall, a Senate report concluded that these centers have produced mostly “irrelevant, useless or inappropriate intelligence reporting.” A Senate aide involved in the report told me that investigations prompted by the local centers often veer toward prospects with lucrative cash-seizure potential.

This may be how a case that involved petty thefts of sweaters, jeans, and bottles of Jack Daniels gained the aura of a counterterrorism investigation. Shamoon Yousif, with Cabou’s help, finally reached a settlement with the state attorney general, which allowed him to keep his home and stores as a debtor to the state. Shamoon says, “Why’d we settle? Because I’ve got no money left. I owe thousands and thousands to my cousins, to my friends, to the bank.” Today, he works fourteen-hour days, and turns over the bulk of his monthly salary to a RICO fund. In recent years, Maricopa County’s fund has been censured for its controversial outlays. It sponsored an anti-immigrant radio host’s book tour promoting “Another Man’s Sombrero: A Conservative Broadcaster’s Undercover Journey Across the Mexican Border.” It also helped to support Christian evangelist programs like the “Missionettes,” which aims to “win girls to Jesus Christ . . . to teach them to obey everything Jesus commanded.”

About a year after the Tenaha suit was filed, its lawyers got a major break. On a quiet July afternoon in 2009, a woman entered the foyer of Garrigan’s one-story law office, which was situated beside a liquor store and a car wash touting “Good Looking Girls for a Good Cause.” She held an unmarked manila envelope in her hand and asked to speak with Garrigan. When he came out, moments later, the woman was gone, but she’d left behind the envelope.

Over the previous year, Garrigan—a vintage-motorcycle enthusiast who can be found wearing New Balance sneakers, Levi’s, and soft old T-shirts on days when he has no court appearances—had received a handful of letters from tipsters with pen names like A Concerned Citizen and A Pissed-Off Voter. “I am just a citizen who knows right from wrong,” one note began, accompanied by seventeen pages of documents about the forfeiture program. “People don’t have the money, or are afraid to fight [Lynda Russell] because they will be put in jail and lose their jobs,” another read. But Garrigan was particularly struck by the contents of the unmarked manila envelope. It included chain e-mails that Russell had forwarded. “Be proud to be white! It’s not a crime YET . . . but getting very close!” one read. A second joked, “Danger: you are entering a no Obama Zone. Mention his name and I’ll drop you where you stand!” More revelatory was a nine-page spreadsheet listing items funded by Tenaha’s roadside seizures. Among them were Halloween costumes, Doo Dah Parade decorations, “Have a Nice Day”
banners, credit-card late fees, poultry-festival supplies, a popcorn machine, and a thousand-dollar donation to a Baptist congregation that was said to be important to Lynda Russell’s reëlection. Barry Washington, as deputy city marshal, received a ten-thousand-dollar personal bonus from the fund. (His base salary was about thirty thousand dollars; Garrigan later confirmed reports that Washington had received a total of forty thousand dollars in bonuses.) This material could provide crucial background as the lawyers prepared to depose Washington.

What was happening in Texas was consistent with a larger pattern. States that place seized funds in a neutral account, like Maine, Missouri (where proceeds go to a public education fund), North Dakota, and Vermont, have generally avoided major forfeiture-abuse scandals. Problems seem to arise in states—such as Texas, Georgia, and Virginia—with few restrictions on how police can use the proceeds. Scandals, too, emerge from the federal Equitable Sharing program, which allows local police to skirt state restrictions on the use of funds. In Bal Harbour, Florida, an upscale seaside village of thirty-three-hundred residents, a small vice squad ran a forfeiture network that brought in nearly fifty million dollars in just three years. The squad travelled around the country, helped to arrange money-laundering stings in far-flung cities, then divided the cash with the federal agencies involved. Last year, the Department of Justice shut down the operation, ordering the village to return millions in cash. But much of it had already been spent: on luxury-car rentals and first-class plane tickets to pursue stings in New York, New Jersey, California, and elsewhere; on a hundred-thousand-dollar police boat; and on a twenty-one-thousand-dollar drug-prevention beach party.

Another case involves a monthly social event that had been hosted by the Contemporary Art Institute of Detroit. In the midst of festivities one evening in late May, 2008, forty-odd officers in black commando gear stormed the gallery and its rear patio, ordering the guests to the ground. Some in attendance thought that they were the victims of an armed robbery. One young woman who had fallen only to her knees told me that a masked figure screamed at her, “Bitch, you think you’re too pretty to get in the mud?” A boot from behind kicked her to the ground. The officers, including members of the Detroit Police Department’s vice squad and mobile tactical unit, placed the guests under arrest. According to police records, the gallery lacked proper city permits for after-hours dancing and drinking, and an old ordinance aimed at “blind pigs” (speakeasies) and other places of “illegal occupation” made it a crime to patronize such a place, knowingly or not.

After lining the guests on their knees before a “prisoner processing table” and searching them, the officers asked for everyone’s car keys. Then the raid team seized every vehicle it could find,
even venturing to the driveway of a young man’s friend nearly a mile away to retrieve his car. Forty-four cars were taken to government-contracted lots. Most of those detained had to pay more than a thousand dollars for the return of their cars; if payment wasn’t made promptly, the car would become city property. The proceeds were divided among the offices of the prosecutors, police, and towing companies. After the A.C.L.U. filed a suit against the city, a district court ruled that the raid was unconstitutional, and noted that it reflected “a widespread practice” by the police in the area. (The city is appealing the ruling.) Vice statutes have lent themselves to such forfeiture efforts; in previous years, an initiative targeted gay men for forfeiture, under Detroit’s “annoying persons” ordinance. Before local lawyers challenged such practices, known informally as “Bag a Fag,” undercover officers would arrest gay men who simply returned their glances or gestures, if the signals were deemed to have sexual connotations, and then, citing “nuisance abatement,” seize their vehicles. Detroit Police Department officials have said that raids like the one on the Contemporary Art Institute are aimed at improving “quality of life.” The raids certainly help address the department’s substantial budgetary shortfalls. Last year, Detroit, which has since filed for bankruptcy, cut the annual police budget by nearly a fifth. Today, “blind pig” raids around the city routinely result in the confiscation of dozens, sometimes hundreds, of cars. Because forfeiture actions tend to affect people who cannot easily fight back, even those who feel wronged seldom contest the seizures or seek public notice. “There’s no telling how many Tenahas there are,” Vanita Gupta, a deputy legal director of the American Civil Liberties Union, told me. Early on, she took an interest in the suit that Guillory and Garrigan were putting together, and her office joined in the effort. “It’s very hard to document,” she said, noting that many people targeted by the practice are too intimidated to talk. “These cases tend to stay in the dark.”

The deposition of Barry Washington was scheduled for May 3, 2010, at the Nacogdoches County Courthouse, a squat, red-roofed building with all the grandeur of a budget motel. Tim Garrigan would be handling it. In the grand-jury room, Washington was flanked by a team of defense lawyers whom Garrigan and Guillory had confronted dozens of times, often in cases involving prisoner abuse. The deposition was critical for the case, but Garrigan had no confidence that it would go well. The previous night, preparing in his office surrounded by large stacks of pretrial exhibits, he had felt encouraged by the evidence they had. But he and Guillory knew, from decades of suing police for alleged misconduct, that evidence could be hard to deploy. On the witness stand, Garrigan felt, law-enforcement officers tended to “look like choirboys, Boy Scouts.” He’d
compiled a basic outline of questions he wished to ask, but his main goal was to remain fluid, adaptive and attentive to Washington’s testimony.

Things started out on a friendly note. Washington, who wore his Tenaha deputy city marshal’s uniform—faded bluejeans, a khaki Western shirt, a silver belt buckle, and a glittering badge—spoke of his twenty-four years of service with the Department of Public Safety, and his long-term work as a mentor of high-school youth. When asked about the many awards he’d won as a state trooper, Washington said, “Do I have to name them all?” Soon, he was listing accolades; over the years, he’d received letters of praise from Senator Phil Gramm, Senator Kay Bailey Hutchison, Janet Reno, and others.

But, as the morning wound on, the deposition turned a corner. “God didn’t make me a piece of junk,” Washington said. “He made me to go out there and do my job.” He explained his interdiction strategy, which relied on pulling over out-of-state cars for minor traffic violations, then looking for indicators of drug trafficking.

“And what are these indicators?” Garrigan asked.

“Well, there could be several things,” Washington explained. “The No. 1 thing is you may have two guys stopped, and these two guys are from New York. They’re two Puerto Ricans. They’re driving a car that has a Baptist Church symbol on the back, says ‘First Baptist Church of New York.’ They’re travelling during the week, when most people are working and children are in school. They’ve borrowed this car from their aunt, and their aunt is back in New York.” Profile factors like these, Washington explained, could help justify the conclusion that the two men’s money was likely tainted by crime. But also, he said, “we go on smells, odors, fresh paint.” In many cases, he said he smelled pot. In other cases, things smelled too fresh and clean, perhaps because of the suspicious deployment of air fresheners.

Later, the discussion turned to specific traffic stops. Garrigan asked about Dale Agostini, the Guyanese restaurateur who wanted to kiss his infant son goodbye before being taken to jail for money laundering. Why did Washington think he was entitled to seize the Agostini family’s cash?

“It’s no more theirs than a man on the moon,” Washington said. “It belongs to an organization of people that are narcotics traffickers.”

“Do you have any evidence, any rational basis to tell us that this money belonged to an organization of narcotics traffickers?” Garrigan asked. “Or is that more speculation?”

“I don’t have any evidence today,” Washington said.

Garrigan asked about an iPod that was also taken from Agostini’s car. “What was your basis for taking that away from them?”
“Well, it’s in the car, and all those things can be looked at,” Washington explained. “Because if they’re using any of those items in the process of travelling to do something that’s illegal, then you can take all of those things. Even if it’s a pillow that they lay their head on.”

“Is there any limit?”

“No. President Reagan says there’s no limit. It’s time to get serious about this thing. And I think that’s how some of our laws are the way they are, is because it’s time to fight the war on drugs and say, ‘Let’s fight them,’ instead of just saying we’re going to do it.”

Garrigan was relieved. Washington, rather than hiding behind legalistic justifications, proudly outlined his vision of forfeiture: that its scope was boundless, that mere “indicators” were enough to trigger it, and that warfare was an apt analogy for the pursuit of cash, cars, and even iPods from drivers whom he deemed suspicious. If that were a fair characterization of Texas policy, a judge’s sympathy for the plaintiffs seemed likely. So did a public outcry for reform.

“Did you find any drugs?” Garrigan asked.

“No.”

“Is there any evidence that they were buying drugs, instead of looking at restaurants in Houston?”

“No, not yet.”

“Do you, for some reason, think people driving up and down 59 owe you an explanation for why they might have money?”

“Sure they do.”

After the deposition, Garrigan was elated. “If I could bottle up the feeling I had when I left, and use it for bad days?” he told me. “That would be great.”

Over the next year, legal proceedings taking place far from Shelby County were threatening the case. The Texas district judge presiding over the suit said that he wouldn’t certify the class of plaintiffs until the United States Supreme Court had announced its decision in the case of Wal-Mart v. Dukes, a class-action suit pressing claims of sex discrimination on behalf of the retail chain’s 1.5 million current and former female employees. Wal-Mart’s position was that the class of plaintiffs was impractically broad. In June, 2011, the Supreme Court agreed, tossing the class of plaintiffs out of court. Two months later, the Texas district judge issued a fifty-six-page ruling that certified the Tenaha plaintiffs after all. In light of the Wal-Mart decision, the judge would not allow the plaintiffs as a class to ask for money: compensatory or punitive damages were out. But the plaintiffs could at least seek “declaratory and injunctive relief”—a legal finding of fact in their favor, and a reform of the forfeiture program.
Garrigan remembers beginning to read the opinion, then jumping up in excitement, pacing around his big oval table, laughing, and reading more. “I couldn’t sit still. I had to read a paragraph, walk around with a crazy grin on my face, and then sit down and read another paragraph.” It wasn’t just that the judge had certified the plaintiffs; his description of the facts indicated that he would be receptive to their complaints.

Facing the prospect of a long, arduous trial, Tenaha and Shelby County officials agreed to settle, though they denied wrongdoing. Earlier this month, the settlement was examined for fairness by a district judge, and upheld. “What we’ve asked the court to approve is a deal that requires the defendants to basically clean up their act,” Guillory told me, and have “better training in place to insure people’s Fourth and Fourteenth Amendment rights.” Recently, I met with Guillory at his new office, at Lone Star Legal Aid, a nonprofit run out of an old clapboard house that used to be a bordello, and he took me through the settlement’s details. The town and the county have agreed to twenty-one policy changes, including using video and audio recordings to capture “all traffic stops,” allowing canine sniffs only “when a police officer has reasonable suspicion of criminal activity,” and training police in “compliance with racial profiling laws.”

Inspired in part by the class action, Texas legislators banned the use of roadside waivers and modestly restricted the use of forfeiture funds: no more poultry-festival supplies, unapproved bonuses, or popcorn machines. Still, neither the settlement nor the law reduces the formidable obstacles for owners who want their property returned, or changes the fact that law-enforcement budgets can depend upon forfeiture revenue. The victory was distinctly partial. “As soon as the news hoopla died down, so did the debate,” Guillory told me.

“What stands out to me is the nature of how pervasive and dependent police really are on civil-asset forfeiture—it’s their bread and butter—and, therefore, how difficult it is to engage in systemic reform,” Vanita Gupta, of the A.C.L.U., says.

As plaintiffs from around the country waited to learn whether the settlement was to be upheld, they travelled back to East Texas to offer depositions and make individual claims. Some returned simply to watch Barry Washington give his own account of what took place on Highway 59.

Earlier in the spring, Dale Agostini, the restaurant owner, flew in from D.C. to hear Washington being deposed in an action to decide whether he would enjoy immunity from individual lawsuits. “It was the most heart-wrenching thing,” he told me, of his travels back to East Texas. “I had to pay for a friend to fly down and drive me there. I just don’t want to be driving there alone.” James Morrow, the poultry-plant worker, drove over from Arkansas. “I feel kind of
proud,” Morrow told me. “After I got started, there wasn’t any stopping. It’s been long and tedious. But now they can’t go around doing that to people.”

Today, Barry Washington works as a safety supervisor for Shell Oil. He is building a chapel on his own time, and plans to launch a ministry camp for kids there. He seems to have no regrets about any of his roadside seizures. A friend and drug-interdiction colleague named Cleve Williams told me, “With everything that I know about Barry as a person, what he stands for, I don’t believe for a minute that he’s done anything wrong.” Although Washington declined to be interviewed at any length for this story, he did say that he “provided a great service to this nation,” and stressed the importance of taking drug trafficking seriously. “There’s a good side and a bad side, and the good side will always win,” he told me. “Jesus knows who’s done what, and what was fair and what was unfair. And I would never do anything to embarrass Him. And that’s it. That’s the end of the story.”

Lynda Russell, meanwhile, has consistently refused to testify, pleading the Fifth, and declined to be interviewed. Her faith in the power of forfeiture, too, appears unshaken. After the county and the state decided not to provide her with legal representation, she asked to use the county’s forfeiture fund to finance her own defense.

Earlier this summer, in Philadelphia, I joined Louis Rulli and Susanna Greenberg in the high-ceilinged corridor outside Courtroom 478 of City Hall, as they prepared to make their case for the Adamses’ home. Gradually, respondents filed in, almost all without lawyers: a mother fighting for her property, with two young girls playing hushed clapping games beside her; a teen-age boy trying to recover the cash taken from his car. When the assistant D.A. assigned to the Adams case arrived in court, he discovered he had the wrong set of folders; he’d confused their home with another one being forfeited on the same street. Rulli and Greenberg would have to return next month. “These cases often take years,” Rulli said, shrugging.

For Mary and Leon Adams, the lengthy process has taken a toll. “With this hanging over our head, it’s devastating,” Mary Adams had told me earlier. Her husband’s health has turned into something of a full-time job for her—she now prepares him dishes of carrots and spinach, instead of the soul food she used to make, and, in between court appointments and legal meetings, she brings him to the hospital for blood transfusions. The lawyers are hopeful that they will reach a resolution with prosecutors soon. Still, she took up selling Avon products door to door to help pay the bills and prepare for the worst-case scenario of being evicted while her husband is in the advanced stages of pancreatic cancer. She wasn’t going to sit around feeling sorry for herself, she told me. “I’m good to go,” she said. “I’m not six feet under.”
“I don’t even know what I’d do, being without a home in my condition,” Leon Adams said later, his voice a raw whisper. “It’s scary, just even thinking about it.”

In Houston, Jennifer Boatright still has anxious flashes of that night by the side of the road, and she can no longer drive the corridor without noticing that her stomach “does a flip.” I joined her one evening as she cleaned up after a Steak Night. She put foil-wrapped potatoes into a cooler beside a stack of glinting cook-off trophies while recounting the details of her evening in detention in Tenaha. She marvelling at the “banquet tables in the room filled with phones, Playstations, watches . . . stuff they stole from people like us,” and her voice tightened when she described the moment when her older son, Jonathan, feared he was going to be sent to foster care.

“For a long time, Jonathan had this mentality about cops: they’re not good, they’re all bad,” she said. “I don’t want him to have that perspective.” Sometime last year, she stopped showing up at events tied to the lawsuit—she didn’t want her kids to get the wrong idea about police, whom she considers heroes in every other context. Jonathan remains “terrified” when he sees police, so an officer friend comes over sometimes in uniform and drives Jonathan around in his squad car. She has also insisted that the family keep up the tradition of visiting wildflower trails—this year, Boatright took pictures of her younger son, Jacob, now seven, romping around in a field of bluebonnets.

But she’s not sure that the campaign is working. As I prepared for a return trip to Tenaha, Jacob, who’d followed us throughout the night, tapped me on the hip and handed me a drawing that he’d made with a black felt-tipped marker. It featured a ship helmed by two bandits, brandishing a skull-and-bones flag, a sword, and wide smiles, with two faceless captives aboard. “Pirates,” he said. ♦