

YOU ARE WHERE YOU SIT  
LESSONS IN COMPROMISE

A dissertation submitted to the Casperson School of Graduate Studies  
Drew University in partial fulfillment of  
the requirements for the degree,  
Doctor of Arts and Letters

Advisors: Ron J. Felber

Liana Piehler

Rodger T. Kraft

Drew University

Madison, New Jersey

(May 10, 2024)



## ABSTRACT

### YOU ARE WHERE YOU SIT: LESSONS IN COMPROMISE

Rodger T. Kraft  
Madison, New Jersey

We live in an uncompromising world that has become deeply divided, where many people have entrenched views. As we approach the 2024 Presidential election, the divisions in our nation have never been more evident. This is a creative dissertation about open-mindedness. It will discuss my theory concerning the basis for most people's belief system – *you are where you sit*. The premise of this concept is that most people's beliefs are based on multiple factors including, but not limited to, race, religion, education, cultural influences, family values, politics, and access to accurate information. The way an individual experiences these factors is unique and highly personal, often resulting in beliefs that are deeply rooted, but not necessarily immutable.

I leveraged the interdisciplinary training I received as part of this doctoral program to provide seven lessons that will assist the reader in reaching a compromise or reevaluating their own position on a controversial topic. These lessons are based on what I've observed in my personal life and business career that keep the door open to positive outcomes instead of confrontation. The seven lessons are *come in credible, be honest, seek a win-win outcome, be resourceful, live the other side, be open to compromise, and think beyond the present*. They offer the reader a set of skills that will help them diffuse untenable situations and, perhaps, reevaluate positions that they have taken on a particular subject. I share these lessons to help others to “look at the other side” of any argument. I don't want to change people's opinions; I want to change the way they get to them – with an informed viewpoint and an open mind.

## DEDICATION

This dissertation is dedicated to the open-minded, as supported by some of the fundamental principles in which I believe:

- There is always an opportunity for people to be open-minded and make informed decisions.
- Compromise is the most likely path to resolving the deep divisions in this country and the world.
- The world will have an epiphany regarding how we have mistreated our planet, and we will attain a new environmental equilibrium before it is too late.
- A lasting world peace is only possible if we resolve the differences between the “haves” and the “have nots.”

Regarding the differences that divide us, for inspiration I look to excerpts from the acceptance speech given by Wislawa Szymborska on December 7, 1996, when she received the Nobel Prize for Literature:

And so, though I deny poets their monopoly on inspiration, I still place them in a select group of Fortune’s darlings.

At this point, though, certain doubts might arise in my audience. All sorts of torturers, dictators, fanatics, and demagogues struggling for power with a few loudly shouted slogans also enjoy their jobs, and they, too, perform their duties with inventive fervor. Well, yes; but they “know,” and whatever they know is enough for them once and for all. They don’t want to find out about anything else, since that might diminish the force of their arguments. But any knowledge that doesn’t lead to new questions quickly dies out; it fails to maintain the temperature required for sustaining life. In the most extreme cases, cases well known from ancient and modern history, it even poses a lethal threat to society.<sup>1</sup>

And even in cases known to us today...

## TABLE OF CONTENTS

<b>Acknowledgements</b> .....	vi
<b>Foreword</b> .....	vii
<b>Introduction</b> .....	1
<i>Lesson #1: Come in Credible</i> .....	7
<i>Lesson #2: Be Honest</i> .....	24
<i>Lesson #3: Seek a Win-Win Outcome</i> .....	45
<i>Lesson #4: Be Resourceful</i> .....	71
<i>Lesson #5: Live the Other Side</i> .....	89
<i>Lesson #6: Be Open to Compromise</i> .....	110
<i>Lesson #7: Think Beyond the Present</i> .....	134
<b>Conclusion</b> .....	162
<b>My Doctoral Journey - A Critical Reflection</b> .....	171
<b>Notes</b> .....	200
<b>Bibliography</b> .....	218
<b>Vita</b> .....	248

## ACKNOWLEDGEMENTS

I want to acknowledge the following people for their assistance and support in completing this dissertation:

- Dr. Ron Felber, my writing mentor, professor, and lead advisor on this undertaking, for his knowledge, patience, guidance, and encouragement. I could not have completed this journey without his assistance.
- Dr. Liana Piehler, professor, and advisor on this project, for her knowledge, patience, and encouragement. She guided me through the scholarly writing process.
- Dr. Leslie Sprout, Arts & Letters Program Director, professor, and academic advisor, for her guidance and encouragement throughout my doctoral studies.
- Dr. Laura Winters, professor, and walking library, who facilitated an epiphany in my understanding of how the world works.
- Professor William Gordon, for assisting me in finding my voice.
- Mrs. Mary Pat (Maloney) Gannon, my Advanced Placement English teacher in high school almost fifty years ago, who inspired my love of literature.
- My wife, Judy, our children, and our friends, who supported and encouraged me throughout this process.

## FOREWORD

Every one of us sees the world through a unique perspective. The lens through which a person sees the world is formed by many factors including, but not limited to, race, religion, education, cultural influences, family values, politics, and access to accurate information. In other words, *you are where you sit*. Your decisions are heavily influenced by your viewpoint at any given moment in time. While your overall perspective may be unique in how you came to it, and your thoughts on any given topic shared by many people, they are not always “right” for everyone. So, on which point of view does the shimmering light of truth shine? Quite often, a viable solution lies in the middle.

This dissertation is about the art of compromise. According to the Merriam Webster dictionary it can have multiple meanings:

### **Com-pro-mise** (kämprə,mīz)

#### *noun*

- an agreement or a settlement of a dispute that is reached by each side making concessions: "an ability to listen to two sides in a dispute, and devise a compromise acceptable to both"

#### *verb*

- settle a dispute by mutual concession: "in the end we compromised and deferred the issue"
- accept standards that are lower than is desirable: " we were not prepared to compromise on safety"

To me, compromise is about getting to a practical solution, which invariably may result from concessions on one or both sides. A successful compromise has a “win-win” outcome. This dissertation is not a primer on how to negotiate or develop those skills.

This dissertation is about you getting to an answer that works. In it, I discuss seven lessons that will help you arrive at a sustainable solution to challenges you may face in business, politics, or even personal relationships. These lessons are explained using real life examples where challenges were met and other examples where they were not.

This dissertation is also about balance. I have worked diligently to provide a balanced view of the examples devoid of my own personal beliefs and biases. It's my hope that the seven lessons will encourage you to look at any situation with an informed view that may or may not alter a previously held belief because you've taken the time to see the situation understanding that *you are where you sit*.

## INTRODUCTION

In this age of social media, it's easy to get caught up in so-called "fake" news or follow someone who shares your viewpoint whether what they say is accurate or not. These days, it's easy to form an opinion based on media content, to take sides, and have one's opinions reinforced. It feels good to believe that you are right and there are others who agree with you. Mass and social media have made sharing of information all too simple. News that once took hours, days, even weeks to travel the world is now reported almost instantaneously. Unfortunately, what we have lost along the way is the importance of having the correct information, from an objective viewpoint, that we can use to form our own beliefs. It's no secret that mass media outlets often have an agenda and manipulate the news to reinforce their viewpoint. Official sounding websites or forums have literally been created to promote their perspectives. This is more evident than ever as we approach the 2024 Presidential election in the United States.

Social media has given everyone a voice. People who used to keep their opinions to themselves or a small group of trusted family and friends can now reach millions of people. This is especially true of the so-called "influencers," who have a specific message they are intent on delivering. If they gain a significant following, influencers can earn thousands, even millions, of dollars. Sometimes, it's innocent entertainment, sometimes it's not. Television and radio are full of pundits who espouse the wisdom of their politics. If they say it on mass media or the internet, it must be true, right? Now let's add the rise of religious and national fundamentalist groups to the mix. These groups want to return the United States to a more traditional alignment with their fundamental values. Others want to negate the past in favor of what they believe the future should look like. What

makes either of their values the right values? Didn't the January 6th attack on the U.S. Capitol demonstrate that extremist views can be taken too far; that ordinary citizens can be so steadfast in their opinions, that they could join in unthinkable acts of violence?

America is a great country that has done great things. Like any other country, we have long-standing traditions and take pride in our history. Americans are great at marketing. We have a pretty darn good story to tell. But maybe we've spun so great a story that we've fallen into the trap of believing our own hype. When I was a boy in the 1960s, we had Superman, who fought for "truth, justice, and the American way!" We have a long history of brave men and women who have served this country, been wounded, or have given their lives to defend it. We owe to them a great debt for preserving the freedom that we all too often take for granted. What is it though, that makes the American way the right way, the best way, or the only way?

Currently, we have a war in the Ukraine. It commenced in 2014 when Russia annexed the Crimean peninsula and escalated dramatically two years ago when Russia invaded Ukraine. The Ukrainians are our friends. Why? Mostly because they broke away from the former Union of Soviet Socialist Republics (USSR), became independent, and have adopted democracy. Russia today has fully cloaked itself in the values and politics of the former USSR. We, in the U.S., believe that their leader is a dictator hell-bent on reuniting the former Soviet Republics. After all, Russia is a communist country and our sworn enemy. So, if "the enemy of my enemy is my friend," as the CIA trope goes, the Ukrainians must be our friends. They share our values. I am not going to try to convince you otherwise.

But what if it wasn't all so diabolical? What if the Russians feared that their way of life was under a direct attack from the U.S. or its allies? There were rumors in Russia of the United States planning to use Ukraine, located adjacent to Russia, to house ballistic missiles and even a report that we were operating a biological weapons laboratory / factory there. Would that threat be enough for Russia to defend itself? Remember the Cuban Missile Crisis, when the Soviets attempted to base nuclear weapons 90 miles off the coast of Florida – with an Intercontinental Ballistic Missile (ICBM) range that could reach Boston, New York, Los Angeles and Washington, D.C.? Sounds eerily similar, but this time with the tables reversed.

What am I trying to tell you? I am trying to say that people often see their way as the only way. Who could disagree with truth and justice? Aren't the views of other people just as real to them as our views are to us? Who are we to say that we are always right, and they are always wrong? I grant you that an unprovoked attack on an innocent country is flat-out unjust. What is missing is that we don't always have accurate information or the context we need to form objective opinions. It's easier to fall back on our traditional view of the world, whether myth, fantasy, or the truth. When it comes to world politics, we depend on our government to collect the information to form the official position of the United States. All too often, before we are informed what that might be, we hear from the pundits with their own analysis of a given situation, pro or con, or even the government itself with its own geopolitical slant.

Every country has national pride. Their media promotes their values, especially in countries where the government controls the media. Do we believe news reports that come out of such countries? Do they have credibility with us? Let's turn that around. Do

we think that other countries believe everything that comes out of the United States? How is our global reputation these days? Does the United States have credibility abroad? Certainly, disavowing the true extent of the Covid-19 crisis and withdrawing from the World Health Organization in 2020 at a critical point in world history did not help our image. What did the world think when the U.S. pulled its troops out of Afghanistan on an expedited schedule in 2021, presaging the collapse of the government? Have we come to grips with climate change and global warming? Well, don't worry about that, most countries are largely ignoring all that, right?

In America today, we are grappling with a whole set of divisive issues including abortion, gun control, the environment, gender, diversity, economic disparity, and geopolitics. On August 24, 2022, President Biden announced a program to forgive student debt. This sat well with most of his political party, yet some of the more "Progressive" members believed the measures hadn't gone far enough. People who carry the burden of student debt were relieved, but what about those folks who already paid off their student debt? What about people who have never incurred student debt at all? The plan to forgive student debt has been challenged in the courts and been reformulated several times since it was first announced.

Recently, a friend asked me why he should have to pay off the student debt of others when he did not go to college himself? I asked him if his small business benefitted from the Personal Payroll Protection (PPP) loan program during the pandemic? It had. Did he have to repay those loans that helped to keep him in business if he met all the conditions? No, they were forgiven. "But that's different," he argued. "What makes it different?" I asked him. "Why should I have to pay off your business loans to keep you in

business?” I’m not going to go into the justification or denunciation of the government’s debt forgiveness programs. I’m not going to express any view because the point that I am trying to make is that the opinion *you* have is based on *your* situation in life, *your* beliefs, *your* religion, *your* tradition, *your* politics. Often, there are multiple sides to topics that are important to the world, our country, or our personal lives. In other words, *you are where you sit*.

The United States has changed. Its values often seem off-track, or even non-existent, or are they? What does truth, justice, and the American way mean today? Politics in this country are deeply divided. Religious fundamentalism is on the rise. Right- and left-wing extremist groups have ever-increasing influence. What is it that all these folks have in common? They want to preserve what they have (money, status, power) or flip the status quo to their advantage. Consider women’s reproductive rights. On one hand, people claim to be “pro-life.” On the other side, there are those who position abortion as a “woman’s right to choose.” Both sides use language to promote their perspective, as one might do in marketing a product. Recent polls show that most Americans believe that women should have the right to choose, and it’s a right that should be protected. But, what about “the rights of the unborn?” the other side asks. Isn’t it the moral obligation of society to protect the most defenseless among us?

It is my belief that the erosion of basic societal values is behind the entrenchment of the viewpoints that we are seeing today. And so, I’m proposing seven lessons that I’ve observed in my personal life and business career that keep the door open to positive results instead of confrontation. These lessons include *come in credible, be honest, seek a*

*win-win outcome, be resourceful, live the other side, be open to compromise, and think beyond the present.*

So, how do we get to the right answer? I don't know that there is always a "right" answer. What I have learned is a viable solution almost always lies in the middle. When you look back at some of the great controversies in history, they have been settled either by compromise or war. We need to stop letting the complex issues tear us apart as a nation and a global community. We must take a step back from the entrenched beliefs we hold and do an objective sanity check. This may result in us validating our beliefs or it may result in us changing or, at least modifying, the truths we hold dear.

This dissertation will discuss some historical situations and how they were resolved. I review the Cuban Missile Crisis, the Civil Rights Act, and the Tylenol Murders where the challenges were resolved successfully. I also examine issues that were dealt with unsuccessfully including the U.S.-Iraq War / Weapons of Mass Destruction, the National Football League's (NFL) handling of Protests by African American players, and the Futures Exchange (FTX) bankruptcy / Cryptocurrency crash. It is my belief that the events I selected have something to teach each of us. It is my hope that these lessons will help the reader to avoid intractable confrontations and, with some luck, help them to resolve conflicts that have already taken root in their life, while keeping in mind the seminal truth that I have learned, *you are where you sit!*

## CHAPTER ONE

### HOW DO I KNOW I CAN TRUST YOU?

#### *Lesson #1: Come in Credible*

“The way to a good reputation is to endeavor to be what you desire to appear.”<sup>1</sup>  
- Socrates

Credibility is a term that gets thrown around a lot these days. There are numerous credibility indexes that attempt to chart who is the most credible celebrity, businessman, or politician. According to Merriam-Webster.com its definition is “*the quality or power of inspiring belief*”<sup>2</sup> Notice it doesn’t mention the words truth or honesty. It is the ability to get people to believe you. That puts an interesting spin on things, doesn’t it? Many people today, in 2024, believe that what is being said by pundits, news organizations, and politicians is true or is the right view of a situation. I guess that means those people are credible. It should be noted, though, that the Thesaurus.com list of synonyms for credibility includes *integrity, trustworthiness, and authenticity*.<sup>3</sup>

What is the difference then between being credible and being honest? One is the power to persuade while the other is telling the truth. If I believe you, then you are credible, whether you are honest or not. Let’s look at a legal definition of credibility.

According to the freedictionary.com:

The major legal application of the term credibility relates to the testimony of a witness or party during a trial. The credibility of a witness or party is based upon the ability of a jury to trust or believe what he or she says and relates to the accuracy of his or her testimony as well as to its logic, truthfulness, and sincerity. Unless the testimony is contrary to other known facts or is extremely unlikely based on human experience, the test of credibility is purely subjective.<sup>4</sup>

In other words, *where you sit* can determine your gauge of someone else’s credibility.

Let's look at two fictional political candidates, **A** and **B**. **A** has been a successful businessman for many years. His company has provided jobs to the community and its employees are relatively happy. **A** has been active in community organizations and has been a generous donor to local and national causes. **A** is married and has three children. **A** is campaigning on an anti-crime platform because he / she fears for the ongoing safety of the communities in his/her state.

**B** is a career politician and is the incumbent. **B** has held the office for three terms, each time elected by a comfortable majority. **B** can claim responsibility for legislation that has lowered taxes for businesses and individuals and helped to increase property values. **B** is a strong believer in police reform and the rights of defendants. **B** is also married with three children.

Both candidates have campaigned hard and clearly articulated their messages. Are both these candidates credible? Which candidate is more credible? You may have the sense that one is better than the other because you agree with the hypothetical stance of one candidate versus the other. What if you were to learn that the candidate that you are likely to support had declared bankruptcy three times and had failed to pay the appropriate taxes for his family's child-care provider? Does that make the candidate less credible in terms of his/her intentions if elected / re-elected to office? For most people, the answer would be "yes."

How do you determine someone's credibility? One of the best ways is to look at a person's track record. In a sense, you are what you have done. What have they accomplished that is relevant? Have they been true to their word in the past? Have they done what they said they would do? Do you believe them when they speak and why? It's

hard to determine a person's moral fiber. Nowadays, especially considering the upcoming Presidential election, most people are trying to sway you to their viewpoint. Sometimes, that is aligned with a particular issue or a political party's platform, or maybe they are just trying to sell you something.

Let's say that you have your own business that you have been running for many years. You're getting older and you're thinking of what will happen when you retire or if you should be taken ill. You're concerned for your employees and your heirs. A businessman approaches you to buy the business. He is offering a fair price and has committed to you that he will retain your employees after the company is merged with his. Of course, you investigate his reputation and do a credit check. What if you discover the same facts as were introduced above about the politician? The potential buyer had declared bankruptcy three times and had failed to pay the appropriate taxes for his family's child-care provider. Even though he has told you he will do the right thing by your employees, can you trust him? Does he come in credible?

Why does credibility matter? Why is it important? The antithesis is that no one will believe what you say or will take it with a grain of salt because they sense ulterior motivation in the information you are providing. If you want to be successful at anything, even at being dishonest, you must be credible.

That is Lesson #1: *Come in credible*. If people distrust you, your chances of having a successful outcome at anything are diminished, whether it be an election, a business deal, or just building a relationship. In this chapter, I discuss Warren Buffett, a well-known businessman who has a reputation for honesty and plain speaking. He is highly credible and serves as a role model for this lesson. I also look at the concept of

conspiracy theories, focusing on Alex Jones, a relevant current day conspiracy theorist. Hopefully, you will be able to see the disadvantage of not being credible. You don't want to be viewed with skepticism even before you make whatever your pitch will be.

## **I. The Oracle of Omaha**

### **Warren Buffett**

Warren Buffett was born in Omaha, Nebraska in 1930. He is of average height and build and with thinning white hair looks like your grandfather now that he is in his nineties. He started working at a very young age and became interested in the stock market. When he was 29, he met Charlie Munger, a real estate lawyer and they became lifelong friends. Writing for *Finn.agency*, Raf Weverbergh and Kristien Vermoesen reported that, "Munger encouraged Buffett to adopt a long-term view of business opportunities, rather than the approach of bargain hunting Buffett had practiced early in his career. Munger factored in not only statistical analysis of balance sheet quantities and earnings, but soft factors like entrepreneurship, integrity, and reputation."<sup>5</sup> Munger became Buffett's business partner in 1978 and the two built Berkshire Hathaway into a huge holding company with assets approaching \$1.1 billion according to the company's December 2023 financial statements.

Buffett has been called the greatest investor of the 20th century. He is also referred to as the "Oracle of Omaha." He is a multi-billionaire and one of the richest people in the world. It's easy to be viewed with skepticism when you are that wealthy, yet Buffett is highly regarded for his reputation for doing the right thing. He considers reputation and integrity paramount, seeing them as having economic value. He referred to a lesson his father taught him about keeping an inner scorecard, "Some people get into a

position where they think all the time what the world is going to think of this or that, instead of what they themselves are going to think about it.”<sup>6</sup> He said, “Integrity is a reputational advantage that others will weigh in subsequent dealings.”<sup>7</sup> Buffett is the essence of *come in credible*. When he speaks, people listen.

In 1987, Buffett was chairman and Chief Executive Officer (CEO) of Berkshire Hathaway when the company invested \$700 million in Salomon, Inc., one of the world’s largest securities firms. According to Carol Loomis writing in *Fortune* magazine, “it was “the largest amount he’d ever invested in a single company.”<sup>8</sup> Simultaneously, Buffett was appointed as a director of Salomon. His investment came at a critical moment in Salomon’s history since it was amid a potential takeover by another investor, Ronald Perelman.

Salomon ran afoul of its regulators in 1991 when it manipulated U.S. Treasury auction regulations to purchase more than its allowed percentage of securities. The strategy behind this involved using customer accounts to bid for the securities and then taking the securities into Salomon’s own account without disclosing anything to the customers. The violations were disclosed to Salomon’s senior management in April 1991, but only came to light in August 1991, after the Federal Reserve Bank (“the Fed”), which oversees Treasury auctions, had sent a letter to Salomon’s management. It said that “Salomon’s bidding ‘irregularities’ called into question its ‘continuing business relationship’ with the Fed and pronounced the Fed ‘deeply troubled’ by the failure of Salomon’s management to make a timely disclosure.”<sup>9</sup>

Despite a decision in April by Salomon’s senior management that the regulators needed to be informed, they took no action, understanding that such an admission would

have significant adverse ramifications for the firm and, potentially, the entire U.S. economy. They also did not inform their Board of Directors. After the directors were informed of the violations in August, senior management continued to withhold the Fed's letter from them. Buffett subsequently saw this as an "atom bomb"<sup>10</sup> since the regulator might well have believed "that the directors had joined with management in spitting in its face."<sup>11</sup> Senior management's inaction, Buffett stated later was "inexplicable and inexcusable," and, according to Loomis, "pushed the crisis to its limits."<sup>12</sup>

The U.S. Treasury proposed to ban Salomon from future Treasury auctions, which would have put them out of business. This was dire news that meant a firm with approximately \$150 billion of assets would go bust! Miraculously, however, the Salomon collapse was avoided because of Warren Buffett's involvement with the firm. In August 1991, at the apex of the scandal, Buffett became the interim Chairman and CEO of Salomon. His appointment sent a positive signal to the Fed. Because of his credibility, Buffett was able to convince the Treasury of the adverse consequences of the proposed ban, which would have prevented Salomon from participating in Treasury auctions. Ultimately, the Treasury altered the ban to allow the firm to participate for its own account excluding participation in any auctions for customer accounts. This distinction was enough to allow Salomon to continue in business.

I was working for a large commercial bank that was one of Salomon's competitors in the U.S. Treasury markets when the Salomon crisis broke. It was all over the financial news. The Fed had sent a request to each of the other players in these markets, including my company, to submit data on their auction bidding practices. Each company went into an immediate fire drill to review bidding practices and compile data

to determine if they too had violated the rules as Salomon had done. I was on a task force led by the Legal Department with membership from various independent groups within the company as well as outside legal counsel. There was a very tight window to respond to the data request and, I can assure you, that the pressure was more than intense. No one at any of these companies wanted to have their reputations tarnished or pay a significant monetary penalty like what happened to Salomon!

In 1991, Buffett testified before the House Subcommittee on Telecommunications and Finance. First, he apologized for Salomon's illegal actions. In his opening remarks he discussed his benchmark for compliance with laws, rules, and regulations, Buffett stated:

After they first obey all rules, I then want employees to ask themselves whether they are willing to have any contemplated act appear the next day on the front page of their local paper, to be read by their spouses, children, and friends, with the reporting done by an informed and critical reporter. If they follow this test, they need not fear my other message to them: Lose money for the firm, and I will be understanding; lose a shred of reputation for the firm, and I will be ruthless.<sup>13</sup>

Salomon was fined \$290 million, an outcome mainly reflecting the extraordinary cooperation Buffett decreed should be given both regulators and the legal authorities in resolving the crisis.<sup>14</sup> Stephen Labaton of *The New York Times*, wrote:

Government officials said the settlement had vindicated the strategy of Warren E. Buffett, who took control of the company as its new chairman and chief executive in the midst of the scandal in August, ... [and quickly cooperated] with the authorities and purged the company of the remaining senior executives who had known of several instances of phony bidding but failed to make it public or disclose it to the Government.<sup>15</sup>

Buffett was able to step down as Chairman and CEO after the firm's crisis had ended in 1992. Salomon was purchased by Travelers Group for \$9 billion in 1997. Berkshire Hathaway's holdings of Salomon were worth \$1.7 billion. Did he sacrifice ten months of his life as Chairman of Salomon for a big payday? "In Buffett's opinion," writes Loomis, "the ban put Salomon, this company now being priced at \$9 billion, in

sure danger of having immediately to file for bankruptcy. Even more important, he believed on that day, as he does now, that the collapse of Salomon would have shaken the world's financial system to its core.”<sup>16</sup>

Warren Buffett diligently guards his reputation and that of his company. Buffett often says that “It takes 20 years to build a reputation and five minutes to ruin it. If you think about that, you’ll do things differently.” On identifying talent in potential employees, he remarked, “Look for three things in a person: Intelligence, Energy, and Integrity. If they don’t have the last one, don’t even bother with the first two. . . . Berkshire Hathaway has six simple rules for CEOs of the Berkshire Hathaway subsidiaries. The first two are about reputation: (1) guard Berkshire’s reputation; (2) report bad news early.”<sup>17</sup>

Remember the example above of the businessman who wanted to sell his business but wanted to protect his employees at the same time. In his February 2022 letter to Berkshire Hathaway shareholders, Buffett told the story of Paul Andrews, the founder and CEO of Tex-Tronics, Inc. He had similar concerns to those in the scenario used in the above example. Andrews reviewed his options for selling his company to a competitor or a financial firm and he had “no interest in handing his 35-year-old company over to a firm that would be focused on an exit strategy.”<sup>18</sup> Andrews sold the company to Berkshire Hathaway after one luncheon meeting with Buffett. As part of Berkshire Hathaway, it has grown and remains highly profitable. In 1995, RC Wiley, a home furnishings company, sold to Berkshire Hathaway for only \$175 million, despite having several other offers for more than \$200 million. Bottom line, RC Wiley gave up at least \$25 million to be part of Berkshire Hathaway based on its reputation.<sup>19</sup>

Here are some final thoughts on Warren Buffett taken from an interview with Bill Gates, who said:

Since we don't plan on spending much of what we have accumulated, we can make sure our wealth benefits society. In a sense, we're both working for charity. In any case, our heirs will only get a small portion of what we accumulate, because we both believe that passing on huge wealth to children isn't in their or society's interest. Warren likes to say that he wants to give his children enough money for them to do anything but not enough for them to do nothing.<sup>20</sup>

There is little doubt that Gates and Buffett are, in many ways, kindred spirits.

Clearly, Gates and Buffett share a belief in an important lesson, in business and in life it's important to *come in credible*.

## II. The King of Conspiracy

### Conspiracy Theories and Fake News

There is a great deal of discussion about conspiracy theories and fake news these days. According to Jaron Harambam and Stef Aupers, writing in the *European Journal of Cultural Studies*, "A Conspiracy theory is an explanation for an event or situation that invokes a conspiracy by sinister and powerful groups, often political in motivation, when other explanations are more probable."<sup>21</sup> To most people, the term has a negative connotation; it suggests that the appeal to a conspiracy is based on someone's bias. In other words, where you sit can pre-dispose you to buy into a conspiracy theory more readily. Where do all these conspiracy theories come from? Some are believable, others may be outlandish, but effective. In fact, studies have shown that belief in conspiracy theories breeds distrust of U.S. political systems, and even, hatred of government institutions.<sup>22</sup>

Conspiracy theories have been around since the beginning of history but have become more prevalent in this age of the internet and social media. Fake news is simply

as it sounds - news that has no basis in fact. There are pundits, websites, and even news organizations who report information disregarding accuracy or facts, often presenting it with a bias towards their own views. Although conspiracy theories and fake news are different, they overlap in their attempt to influence an audience.

### **Alex Jones**

Alex Jones is a name that has been in the media a lot over the past few years. He hosts a radio show and has a website, *Infowars*, where he shares fake news and promotes conspiracy theories. He puts forth various theories about the “New World Order,” which hypothesizes a secretly emerging totalitarian world government.<sup>23</sup> According to Tucker Higgins of CNBC.com, “One of Jones’ most notorious conspiracy theories is that the government is using chemicals in order to turn people gay, using a mysterious ‘gay bomb’ devised by the Pentagon.”<sup>24</sup>

Jones has been on the air for two decades, amassing an audience in the millions. His financial and brand empire is worth an estimated \$137 million, much of it derived from sales of books and DVDs, faux dietary supplements, “brain pills,” and a purported cure for COVID-19.<sup>25</sup>

Jones was born in 1974 in Dallas, Texas. As a teenager, he was heavily influenced by the book, *None Dare Call It Conspiracy*, by a John Birch Society conspiracy theorist, Gary Allen. The book alleged that America was controlled by global bankers rather than elected officials. Jones was further impacted by the events that took place in April 1973 at a standoff between the FBI and the members of the Branch Davidian cult near Waco, Texas, not far from his home. Jones was a senior in high school when the conflict ended in a conflagration and multiple fatalities. These events “only confirmed his belief in the

inexorable progress of unseen, malevolent forces,” according to the Southern Poverty Law Center.org. After the bombing of a federal building in Oklahoma City in April 1995, Jones blamed the federal government for causing it. Timothy McVeigh, who was convicted years later for the bombing, had intended it as a response to the federal involvement in the botched resolution of the Waco siege.<sup>26</sup>

Alex Jones has been dubbed “the most paranoid man in America” by *Rolling Stone*, the “king of conspiracy” by *CNN*, and “America’s leading conspiracy theorist” by *New York Magazine*. He has a long track record of promoting conspiracy theories. Theories debating whether the United States ever landed on the moon have existed for years, but Jones took it one step further, promulgating the idea that the moon landings were staged to portray the United States beating the Union of Soviet Socialist Republics (USSR) in the space race.

“Jones is notorious for epic rants about New World Order plans for world government, enforced eugenics, secret internment camps, militarized police and behind-the-scenes control by a global corporate cabal,”<sup>27</sup> according to the Southern Poverty Law Center.org (SPLC). But it doesn’t end there. SPLC reports that Jones has built the Infowars website on conspiracy theories tied to the United Nations and the Federal Emergency Management Agency (FEMA), but his most notable conspiracies revolve around national tragedies and terrorist attacks he labels as “false flag” operations; that is, events designed to disguise the perpetrator with the intent of blaming another party.

The tragedy that took place at the Sandy Hook Elementary School in December 2012 brought Jones further into the limelight, especially for people to whom he was not previously known. After he had killed his mother, the school shooting by a mentally

disturbed 20-year-old resulted in the deaths of six adults and 20 children at the Sandy Hook school. Jones attacked the grieving parents, accusing them of being *crisis actors* in a *false flag* operation, repeatedly calling the shooting a hoax, and falsely claiming the federal government was responsible for the attack. He further claimed that the shooting was staged, and that the deaths were fake. The parents of the shooting victims were victimized themselves as believers in Jones' disinformation undertook large-scale harassment campaigns against them that included stalking and threats.<sup>28</sup>

In 2018, Jones injected himself into yet another school shooting tragedy involving the Marjory Stoneman Douglas High School in Parkland, Florida that left 17 dead. Jones misidentified the shooter to his audience by sharing an image of a Massachusetts business owner who had nothing to do with the events in Parkland. As he had done before with other tragedies, Jones went after the survivors of the massacre, insinuating once again that they were crisis actors and part of a "deep state false flag operation."<sup>29</sup>

Jones and Infowars had been the target of complaints and lawsuits for years leading to numerous settlements and multiple retractions and apologies. But the lawsuits that followed the Parkland school shooting were the true reckoning for his misinformation campaigns. The first suit was brought in February 2018 by the misidentified business owner, later deceased, who claimed he had been defamed and had suffered emotional distress as a result.

In April 2018, two sets of parents whose children were killed in the Sandy Hook massacre filed separate lawsuits in Texas. These parents had suffered a wave of harassment. In one suit, a parent of a slain child said that Jones had accused him of "lying about holding the body of his dead son."<sup>30</sup> Near the end of the trial in Austin, Texas on

August 22, 2022, Jones testified under oath. “I unintentionally took part in things that did hurt these people’s feelings,’ said Jones, who also acknowledged raising conspiracy claims about other mass tragedies, from the Oklahoma City and Boston Marathon bombings to the mass shootings in Las Vegas and Parkland, Florida.”<sup>31</sup> These two lawsuits were resolved when the judge declared summary judgements in both cases because of the lack of cooperation by Jones and the Infowars team. In one case, the parents were awarded \$4 million in damages and another \$45 million in punitive damages. The damages for the other lawsuit were not decided as of the writing of this dissertation.

Finally, another lawsuit claiming Jones had defamed them, related to the Sandy Hook incident, was brought in Connecticut in May 2018 by several families and an FBI agent who responded to the crisis. During this trial Jones reversed course saying, “I’ve already said I’m sorry hundreds of times and I’m done saying I’m sorry.”<sup>32</sup> Jones faced possible charges for perjury and obstruction for his testimony during the Connecticut trial. He was confronted with evidence by the plaintiffs’ attorneys that came from two years’ worth of text messages from his cell phone that had been accidentally turned over by his defense attorneys. Despite his denying that he ever used emails, emails from his and Infowars’ account were used by the plaintiffs’ attorneys to rebut his testimony. Ever defiant, Jones said he believed Sandy Hook was a hoax when he spread his lies. He said, “I legitimately thought it might have been staged and I stand by that. I don’t apologize for it.”<sup>33</sup>

The Connecticut lawsuit concluded with the jury awarding the plaintiffs \$965 million in damages. Jones did not bother to attend the reading of the verdict. As he was

being ordered to pay nearly \$1 billion in damages to the families of the eight Sandy Hook victims and the F.B.I. agent he accused of being actors, he was still on the air. He scoffed live on his show: “Do these people actually think they’re getting any money?” Jones called the \$965 million judgement against him a joke. “He then tried to convince his audience to send him money.”<sup>34</sup> The judge in the case subsequently assessed Jones with an additional \$473 million in punitive damages.

Those two years’ worth of text messages from Jones’ cell phone that were used in the Connecticut trial became of interest later to the Select Committee of the House of Representatives investigating the January 6th attack on the Capitol. Jones had been at the Capitol on January 6th and was subpoenaed by the Subcommittee in November 2021. Jones testified before the Committee in January 2022, invoking his Fifth Amendment right over one hundred times.

### **III. Crazy Enough to Be True?**

#### **Sorting Through The Truth**

Why do people believe conspiracy theorists and consider their usually false and one-sided tales as truth? Well, in some cases the allegations turn out to be not so far-fetched. Let’s look at a couple of examples.

We live in a great democracy that often comes under threats. Sometimes those threats are real, as in the case of the bombing of Pearl Harbor, an event that drove the U.S. into World War II. However, conspiracy theories have abounded for years related to our government using false information as a basis for injecting the U.S. into a conflict with Cuba. Operation Northwoods was proposed by the Joint Chiefs of Staff in March 1962, three years after Fidel Castro had come to power in Cuba. The proposal called for

Central Intelligence Agency (CIA) operatives to both stage and commit acts of violent terrorism against American military and civilian targets, to establish justification for the U.S. to invade Cuba. Fortunately, the proposal was rejected by President John F. Kennedy. The conspiracy theorists in this case were vindicated in 2001 when the National Security Administration released the details of the Northwoods document online.<sup>35</sup>

Other conspiracy theories revolved around the events that led to Congress granting President Lyndon B. Johnson the authority to escalate U.S. involvement in what would become the Vietnam War. Inaccurate information was passed to Washington from a destroyer on duty in the Gulf of Tonkin off the Vietnamese coast. The U.S.S. Maddox had been attacked on August 2, 1964. A second attack, two days later, was initially reported but never happened. However, the fictional attack was used by the administration to ask Congress for extended war powers to retaliate for the supposed aggression by the North Vietnamese. Again, the conspiracy theorists in this case were vindicated. A study by Robert J. Hanyok, a National Security Administration historian, released in 2005 revealed the truth behind the incident. According to Hannah McKennett writing for Allthingsinteresting.com, “Additionally, he concluded that many pieces of evidence were carefully picked to distort the truth.”<sup>36</sup>

There are myriad conspiracy theories related to the U.S. government, many of which turn out to be true. Theories that FBI agents were infiltrating political groups in the 1960s under the code name COINTELPRO were proven to be true when eight anti-war activists broke into the FBI’s Baltimore field office in March 1971.<sup>37</sup> Theories that the U.S. military was studying the existence of unidentified flying objects (UFOs) were

refuted by the government for years. However, Pentagon officials later acknowledged the existence of the program in an article in *The New York Times* in December 2017.<sup>38</sup> The Advanced Aerospace Threat Identification Program was a \$22 million line item buried in a \$600 billion Defense Department budget, reported *The Times*. In fairness, sometimes conspiracy theories turn out to be true. If some of them are true, could many more be accurate?

So, what does this all mean? Is Alex Jones credible? If you don't follow Alex Jones or Infowars, you'll probably conclude he isn't after reading the previous section. Despite all the negative news reports and the adverse decisions in high-profile lawsuits, Alex Jones' radio show and the Infowars website continued to be in high demand. According to Semrush.com's website traffic analysis as of October 31, 2022, the number of visits increased in each of the three previous months (July – 11 million, August – 20.8 million, and September – 22.3 million).

Now, let's reflect on the beginning of this chapter. Being credible is the ability to be believed. Did the number of website visits increase because of people's curiosity given the results of the then recent trials? Or were more people following Jones? If the latter is true, then there were obviously people who found Alex Jones credible. But is this the kind of credibility you would want associated with your reputation?

Alex Jones is not unique. There are hundreds, if not thousands, of such conspiracy theorists espousing their viewpoints via mass and social media. Many of these so-called influencers are backed financially by people who share their views. One example was Mike Lindell, the inventor and owner of MyPillow. His attention was focused on the conspiracy theory that the 2020 Presidential election was stolen. Lindell has repeatedly

accused the companies that provided software for voting machines across the U.S. of rigging the election. He and others who made similar claims were sued by these companies for defamation. Yet, Lindell continued to have a massive following that agreed with his election fraud conspiracy theory, which he continued to promote. According to an article in *The New York Times*, “Mr. Lindell has spent as much as \$40 million on conferences, activist networks, a digital media platform, legal battles, and researchers that promote his theory of the case.”<sup>39</sup> Lindell can afford it as his annual revenue topped \$300 million in 2019.<sup>40</sup> Lindell’s “customers are ‘supporting a guy they believe shares their worldview,’ stated Benjamin Pratt, an advertising executive who focuses on conservative media.”<sup>41</sup> But why? Once again, we see that political views are inexorably linked to audience loyalty and product promotion. Is this the kind of credibility you want to have?

#### **IV. Is Credibility Really That Important?**

If you are seeking a compromise from another party, you need to do your homework to determine the other party’s credibility. If you are looking to broker a compromise, then you need to *come in credible*. If you are evaluating a position you have taken, you need to look at the sources that support it and determine their credibility. Compare Warren Buffett and Alex Jones / Mike Lindell. They are each successful and they are all influential. Each has a huge following, but you can judge for yourself who does or does not *come in credible*.

## CHAPTER TWO

### WOULD I LIE TO YOU?

#### *Lesson #2: Be Honest*

“Honesty is the best way to prevent a mistake from turning into a failure.”<sup>1</sup>

- James Altucher

Ben Franklin once said, “Honesty is the best policy.” What does *honesty* mean in our society today? There is constant pressure to be politically correct. People tread carefully so as not to upset anyone. Everyday conversation is filled with little white lies and / or exaggerations. Europeans note that Americans use greetings such as “How are you?” or “How’re ya doin’ today?” without really wanting to know the answer. Think about it. When you ask someone that question, are you really looking for an answer? When you are asked that question by someone else, do you just answer vaguely or in the affirmative so as not to get into a deeper discussion? Is that being honest? Or is it just being polite?

Consider the political climate in the U.S. today. As discussed in Chapter One, there is a huge contingent of election deniers. According to a FiveThirtyEight.com analysis, 60% of Americans had an election denier on the 2023 ballot.<sup>2</sup> That equates to approximately 100 million eligible voters having an opportunity to elect / re-elect an election denier based on the total number of registered voters as of 2022.<sup>3</sup> Yet, no one has delivered substantial evidence that election fraud occurred during the 2020 presidential election on a scale large enough to justify the claim that the election was stolen.<sup>4</sup> However, some politicians continue to assert this claim.

People seeking new jobs or political office sometimes “enhance” their resumes. An extreme example of this is Congressman George Santos, who has been indicted by a

federal grand jury related to a variety of schemes. His resume was replete with demonstrable falsehoods. Representatives in both political parties had justifiable suspicions about his true background, but, no one raised an inquiry and he was elected to Congress. Why weren't Santos' prevarications a red flag warning to others that he was not fit to hold office? Could it be that such blatant misrepresentations went unseen? Or, were they a red flag purposely ignored for fear of the predictable backlash from party leaders?

So, you see, honesty, in its purest form, requires *courage*. The courage to tell the truth when it's unpopular; even in the face of unjustified reprisals. No one said that doing the right thing would be easy!

In this chapter, I will review the actions taken by Johnson & Johnson in 1982 in response to the Tylenol murders. The immediate removal of all Tylenol products from stores nationwide cost Johnson & Johnson over \$100 million. The company's actions as well as their honest and timely communications enhanced their reputation as a valued consumer products company. Imagine the courage necessary to do the right thing in a time of crisis that was brought upon your company by external forces, not resulting from anything your company did wrong! Conversely, I will discuss management's duplicity under pressure leading to the recent bankruptcy of FTX and its resulting impact on the cryptocurrency markets. The difference in how these crises were handled will illustrate Lesson #2: *Be honest*.

## I. Courage in the Face of Disaster

### The Tylenol Murders

In late September 1982, seven people in Chicago died from ingesting cyanide-laced Extra-Strength Tylenol capsules that had been purchased over the counter in local stores. This event is one of the most infamous cases of product tampering in U.S. history. Although authorities had key suspects, no one has ever been charged with the murders. As such, no motive for the poisonings has ever been established. However, Tylenol's manufacturer received an extortion letter soon after the deaths were made public. The letter threatened more poisonings in additional cities unless Johnson & Johnson wired \$1 million to a designated bank account. Johnson & Johnson began working with the Chicago Police Department, the Federal Bureau of Investigation (FBI), and the Food and Drug Administration (FDA) almost immediately. The company turned over the extortion letter upon receipt and offered a \$100 thousand reward for information leading to the conviction of the person or persons responsible.

James Lewis was ultimately convicted of extortion for sending the letter but denied responsibility for the murders. He served 12 years in prison for the extortion. Although he was the primary suspect in the murder case, authorities had no physical evidence against him. Per Erica Ryan, et al. writing for NPR.org, "they actually could never place him in Chicago that week... it was a different time. We didn't leave a digital footprint everywhere we went ... And you could get on a plane under a different name."<sup>5</sup>

Halloween that year followed closely on the heels of the murders. Dave Roos wrote an article about the impact of the murders on the holiday. He reported that, "One of the most common over-the-counter pain relievers had been turned into a murder

weapon.”<sup>6</sup> No arrests had been made and people in Chicago still lived in fear. In his article, Roos referred to Bob Greene, a columnist for the *Chicago Tribune*, who wrote: “If you are a parent, and you have any sense, you will forbid your child from going out trick-or-treating this Halloween ... in this year of the Tylenol killer it would be especially foolish to let a boy or girl go door-to-door asking for food.”<sup>7</sup> The city of Chicago encouraged people to give out money or a small toy in lieu of candy in a leaflet of which over a million copies were distributed. The fear was palpable in Chicago, however, many neighborhoods across the country canceled Halloween trick-or-treating out of an abundance of caution. The stakes could not have been higher for Johnson & Johnson’s management team.

### **Johnson & Johnson’s Response**

Cyanide poisoning was quickly identified as the cause of the first reported deaths and traced to bottles of Extra-Strength Tylenol capsules. “It became apparent that as much as this was a broad-ranging murder investigation, it would also be a public health crisis,”<sup>8</sup> according to Heidi Samuelson writing for the *Chicago History Museum*. Dr. Edmund Donoghue was Chicago’s Deputy Chief Medical Examiner. At 9A.M. on September 30, 1982, two days after the first victims died, he announced the Tylenol murders in a TV news conference. “The announcement sent Tylenol – the country’s top-selling pain reliever – into a tailspin from which many predicted it would never recover. The fact that it did has become the subject of numerous books and college lectures, held up as a shining example of corporate ethics and crisis management,”<sup>9</sup> according to an article in the *Chicago Tribune*.

As soon as the announcement was made, Johnson & Johnson commenced its own investigation into what possibly could have happened. They immediately linked forces with the authorities, who were somewhat skeptical, at first, because Johnson & Johnson's responsibility in this matter had yet to be investigated. Was it a smart idea to let the manufacturer, who was potentially liable for faulty processes take part in the investigation? Early on, though, the authorities deduced the fact that the tainted capsules came from different lots manufactured in different locations likely eliminated Johnson & Johnson as being at fault and a partnership was formed.

As tainted bottles were recovered from the crime scenes, Johnson & Johnson immediately recalled 93,000 bottles associated with four of the murders and then another 171,000 bottles once a different lot was associated with another of the murders. Stacy St. Clair and Christy Gutowski wrote an article about the tragedy and subsequent triumph experienced by the manufacturer. In it, they said "The company also shut down the production of all Tylenol capsules while executives debated its packaging and marketing strategy internally."<sup>10</sup>

While the first six victims died within the first two days of the crisis, the seventh victim's body was not discovered until the third day. Chicago's mayor, Jane Byrne, held a midnight news conference where she announced a ban on the sale and distribution of all Tylenol products, not just the Extra-Strength capsules, in the city of Chicago. St. Clair and Gutowski wrote that Johnson & Johnson "could support pulling Extra-Strength capsules from the store shelves, but they opposed a full ban. Under Byrne's proposed order hospitals couldn't use Tylenol 3, the country's most prescribed analgesic."<sup>11</sup> The following day, Johnson & Johnson recalled all Tylenol capsules nationwide. This first

mass product recall in U.S. history involved some 31 million bottles and cost Johnson & Johnson approximately \$100 million.

The FDA inspected the facilities where the Tylenol capsules were produced and cleared Johnson & Johnson of any production process deficiencies on the same day the mass recall was announced. Having the FDA say it was not a product problem was a critical step to salvaging the brand in the long run. Along with the recall, the company “sent 450,000 notices to health professionals, hospitals, and customers saying they were taking it ‘all back, lock, stock and barrel,’”<sup>12</sup> according to St. Clair and Gutowski. Johnson & Johnson also offered to replace any capsules with the same product in tablet form, which was safer in that it was not so easily tainted. While these were all positive steps, Tylenol’s 37 percent market share dropped to as low as 7 percent in the months following the murders.

The key to the recovery of the Tylenol brand was the repackaging program that the company put in place after the murders. The company promoted its new tamper-evident packaging as “triple-sealed.” The box itself was sealed. The bottle inside the box had plastic wrapped around the cap that could not be removed without tearing. Finally, the mouth of the bottle had an aluminum foil seal that needed to be pierced to get to the product. If any of these seals were broken it was an indication of potential tampering. This packaging may seem common today, but prior to this relaunch, there was nothing to stop someone from gaining access to a product sitting on the shelves of a store, which is, in fact, what happened.

On October 31, 1982, Johnson & Johnson reintroduced Tylenol capsules in its new tamper-evident packaging. The company promoted it with deep price discounts and

heavy advertising. Company executives made the rounds on all the major talk shows. They promoted the company's credo of holding customer safety above company profits.

The "Tyleno Bill" was passed into law by Congress on October 13, 1983. The law made tampering with consumer products a federal crime and included penalties as much as life in prison. Congress would act again in February 1989, passing federal legislation requiring all over-the-counter medication to be sold in tamper-evident packaging.

Johnson & Johnson settled all litigation with the families of the seven victims of the Chicago murders on the eve of the trial in May 1991. The company admitted no guilt in the settlement which required non-disclosure of the compensation paid to the families.

St. Clair and Gutowski reported that, "Within a year of the murders, Tylenol regained its spot as the country's top pain reliever. Its market share was 30 percent by the fall of 1983."<sup>13</sup> Johnson & Johnson's annual report, which was released in early 1983, received high praise for its rectitude in addressing the entire scenario. "Observers of such things, such as Mark Applebaum, publisher of *The Corporate Shareholder* newsletter; give Johnson & Johnson high marks for dealing with the Tylenol poisonings so candidly,"<sup>14</sup> according to an article in *The New York Times*. Let's take a look at two other product recalls that were not handled as well as Johnson & Johnson did with Tylenol.

## **II. Truth or Consequences in the Automotive Industry**

### **The Ford Pinto**

Ford Motor Company introduced the Pinto in 1970 as a domestic alternative to the Volkswagen Beetle and various Japanese models in a growing sub-compact market. The car was rushed through the normal development and production cycle as Ford's entry into this market. This portion of the auto market was extremely price sensitive and the Pinto was priced affordably at under \$2 thousand. Mike Blake wrote an article about the

popularity of the Pinto on its fiftieth anniversary. He reported, “From concept to delivery, Pinto, ... took only 25 months – industry average was 43 months – and its production of three million vehicles in 10 years, far exceeded that of its American subcompact competition.”<sup>15</sup>

However, in the rush to get the car to market, Ford’s safety tests detected a design flaw. The gas tank was mounted in the rear of the car. It had thinner than standard walls because of cost constraints and there were four poorly placed bolts adjacent to the gas tank. Safety tests revealed that in a rear-end collision over 25 miles per hour, the bolts had a tendency to pierce the walls of the gas tank resulting in leakage. Sparks resulting from the crash could ignite the gas and have dire consequences. Ford considered this a minor design flaw and chose not to address it.

Commencing before the Pinto was released in 1970, Ford lobbied successfully for eight years to delay the passage and implementation of Federal Motor Vehicle Safety Standard 301. This regulation was intended to “protect drivers and passengers after a crash occurs”<sup>16</sup> by tightening standards for fuel system integrity in accidents. The cost to repair the defect was calculated between \$5.08 and \$11 per vehicle. While Ford had multiple solutions available to it, the company chose not to derail the introduction of the vehicle. Mark Dowie, author of the article, “Pinto Madness,” wrote “With the Pinto scheduled for production in August of 1970, and with \$200 million worth of tools in place, adoption of this standard would have created a minor financial disaster.”<sup>17</sup>

In 1972, a Pinto was involved in an accident that took the life of the driver and left a 13 year-old passenger with severe burns covering most of his body. A jury found Ford negligent and awarded the families \$125 million, which was later reduced to \$3.5

million by the judge. During the trial, a cost / benefit analysis was introduced that showed Ford put the cost of repairing the Pinto fleet as more expensive than settling any lawsuits that might arise from the accidents. It was clear that whoever prepared the analysis underestimated the likely casualties that could result from the design flaw. This implied that Ford valued profit over the safety of the public. Cost / benefit analyses were common in the industry. Dowie elaborated, “Ford was just the only company careless enough to let such an embarrassing calculation slip into public records.”<sup>18</sup>

Ford continued to be under pressure as additional accidents caused serious injuries. Ultimately, Ford faced approximately 120 lawsuits over rear-end accidents involving the Pinto. In one case, a public prosecutor in Indiana charged Ford with reckless homicide and criminal recklessness. “Although the charges were dropped, it was the first time ever that a company faced criminal charges in a product liability case,”<sup>19</sup> wrote Robert Sherefkin in an article for *Automotive News*.

Throughout its 10 year run, the Pinto was an immensely popular vehicle. Excluding the costs of settling so many lawsuits, the Pinto was extremely profitable for Ford. As lawsuits continued to pile up, burn and fire-related death statistics began to work against the vehicle and Ford. In his article, Blake reported, “Sensationalistic and inaccurate stories proliferated, and the public grew skeptical of Pinto.”<sup>20</sup> This was certainly not a shining example of truth, candor, or rectitude

### **Toyota Recalls**

Toyota Motor had a long-standing reputation for quality products. Reporting for CNN.com Chris Isidore wrote, “People don’t buy Toyotas for their good looks. They don’t buy it for the cash-back or financing offers. They buy them because they have a lot

of confidence in the quality and the safety of the vehicle,”<sup>21</sup> according to Eric Merkle, of Autoconomy.com. However, that all changed in the early 2000s when the company ran into significant quality issues. Numerous complaints related to unintended vehicle acceleration resulted in multiple recalls where Toyota insisted that the problems were tied to unsecured floor mats and / or sticking gas pedals rather than the electronic system or software. Toyota underestimated the seriousness of the problems and did not deal with the defects in a timely or effective manner. The company claimed to be focused on addressing the issues but consistently failed to provide an adequate explanation as to their cause. The company also delayed reporting problems to U.S. regulators and downplayed their significance.

Undoubtedly, Toyota was sensitive to the acceleration issue per Michael Connor writing for business-ethics.com. He reported, “When Audi encountered a safety issue similar to Toyota’s, Audi took the position that ‘it was the driver’s fault,’ according to David Cole, Director of the Center for Automotive Research, ... that reaction ultimately hurt Audi’s reputation.”<sup>22</sup>

Paul Ingrassia, a Pulitzer Prize winning former Detroit bureau chief for *The Wall Street Journal*, noted “that in 2005 Toyota recalled more cars than it sold.”<sup>23</sup> Between November 2009 and February 2010, the company recalled over 13 million vehicles for safety defects related to electric systems, software, and sticking accelerator problems. Production was halted intermittently at various plants throughout the U.S. during the recalls while the issues were investigated. Toyota faced financial consequences of the recalls and the plant shutdowns that were staggering, ultimately costing them \$2 billion.

The Knowledge at Wharton staff wrote about Toyota's quality problems, "In addition to its about-face on floor mats as the only source of the problem, the company was accused of insensitivity when it first announced it would ship replacement parts to assembly plants to restart halted production before making them available to dealers for existing customers. Toyota has now reversed that decision."<sup>24</sup>

Ultimately, Toyota was investigated by the U.S. Transportation Department and ordered to pay a \$16.4 million fine over a recall related to sticking gas pedals. The fine was the largest allowed by law. In announcing the fine, Ray LaHood, the Secretary of Transportation, noted that "Toyota had failed to promptly notify the government when it had similar problems with vehicles elsewhere in the world."<sup>25</sup> The Toyota recalls were also subjected to investigation by committees of both the U.S. Senate and the U.S. House of Representatives. Toyota was involved in multiple lawsuits related to acceleration problems and several class action lawsuits. In 2012, Toyota paid over \$1 billion to settle one of the class action lawsuits. As with Ford's reputation after the Pinto era, it took years for Toyota to rebuild its image as a quality automaker. Both Ford's and Toyota's handling of these situations pose a stark contrast to the approach used by Johnson & Johnson, whose actions are still being cited as a paradigm in crisis management.

### **III. The Rise and Fall of Cryptocurrency**

#### **Cryptocurrency**

Cryptocurrency is an emerging financial asset class. It has been embraced by some as the digital equivalent of gold. There are multiple cryptocurrencies, the most prominent being Bitcoin, which also has the highest market value. Cryptocurrencies like Bitcoin can be "mined" by computers solving complex problems designed by issuers.

Others can be purchased for cash. The currencies can also be traded for each other. There are exchanges, both centralized and decentralized, that hold the currencies. The industry's profile had been elevated by various champions, such as Sam Bankman-Fried and Changpeng Zhao, who raised significant investments from customers while making billions of dollars for themselves. These two men directed companies with a complex web of subsidiaries designed to obfuscate ownership. In general, the companies in the crypto industry do not have strong corporate governance and have weak or no risk management programs. They tend to be undercapitalized. They rely on banks to provide them with loans used to fund operations and pay salaries. Ultimately, cryptocurrencies rely on cash for entry into or withdrawal from the market. The bank loans provide liquidity to the crypto companies for this purpose.

The cryptocurrency markets are not regulated and investments are not protected by industry or government insurance like traditional financial instruments. Participation in cryptocurrency is limited for U.S. citizens except when it complies with securities regulations. Americans can hold and trade crypto currencies using margin accounts at registered broker/dealers. However, most of the players in the industry are not registered with U.S. regulators. They offer products and services on global internet-based platforms. In his testimony before the Senate Banking Committee in October 2023, Jamie Dimon, Chairman and CEO of JP Morgan Chase, was highly critical of the cryptocurrency industry. "I've always been deeply opposed to crypto, bitcoin, etcetera," he said in response to a question from Senator Elizabeth Warren, (D-MA), about the use of cryptocurrencies by terrorists, drug traffickers and rogue nations to finance their activities. "If I was the government, I'd close it down."<sup>26</sup>

Crypto investing is also subject to wash trades, which are prohibited in regulated financial markets. Participants sell and buy back the same crypto positions to inflate market volumes, increase prices, and generate losses for tax purposes. There are also a variety of risks associated with holding cryptocurrencies such as losing the digital key that unlocks access to them. Because the holdings are digital, they are subject to security concerns such as hackers and spammers.

As the cryptocurrency markets developed, they attracted interest from many investors. Perceived as the next big idea, investors rushed to obtain a limited supply of currencies. As demand grew, prices skyrocketed attracting more investors, including an increasing number who were unsophisticated. The price of the major currency, Bitcoin, rose by 70 percent. Investors wanted to get in on the fantastic returns.

However, many knowledgeable investors viewed cryptocurrencies as highly speculative investments. This view was reinforced when the cryptocurrency market imploded in May 2022. Commencing with Terraform Labs' Terra UST and Luna, a number of currencies became valueless and their sponsoring companies went into bankruptcy. "It's estimated that the Luna crash ended up tanking the price of Bitcoin and causing an estimated loss of \$300 billion in value across the entire cryptocurrency space,"<sup>27</sup> according to an article in *Forbes Magazine*. Two banks that funded the operating companies and provided liquidity to the crypto market collapsed in a chain reaction. The price of Bitcoin fell by 60 percent. Many investors lost their entire investment.

## **FTX / Sam Bankman-Fried Scandal**

Futures Exchange, better known as FTX, was founded in 2019 by Sam Bankman-Fried and Gary Wang. It operated as an exchange specializing in cryptocurrency. The company grew to be the third largest perpetual futures exchange by open interest and trading volumes. Bankman-Fried was the CEO of the company and Wang was the Chief Technology Officer. Bankman-Fried was the largest shareholder of the company, while Wang had the second largest number of shares. The two men first met at a summer math camp at Mount Holyoke College in Massachusetts. They also attended the Massachusetts Institute of Technology together.

FTX grew rapidly and Bankman-Fried became a champion of the cryptocurrency industry. His fortune grew exponentially as the price of cryptocurrency skyrocketed during the first year. Bankman-Fried basked in his public image, donating millions of dollars to charity and making large political donations. He was the lead decision maker at the company and appointed his friends and confidants to key roles. Once FTX collapsed, all of the senior officers were indicted. Several of those close friends quickly agreed to testify against Bankman-Fried in exchange for reduced sentences.

One of his key appointments was Caroline Ellison, his on again, off again girlfriend. They met at a small trading firm, Jane Street, in their first jobs after college. In 2021 Ellison assumed the role of CEO of Alameda, a hedge fund and wholly-owned subsidiary of FTX. Alameda was the biggest market-maker in cryptocurrency and provided billions of dollars in liquidity to the market. However, the speculative trading that was done at Alameda ultimately led to the downfall of FTX. Ellison admitted in her testimony at Bankman-Fried's trial that she was not competent to run a hedge fund.

Alameda took huge bets on cryptocurrency transactions and venture capital deals at the direction of Bankman-Fried that ultimately went bad.

According to an article in *The Wall Street Journal*, “Before its demise, FTX presented itself as more technologically sophisticated than rivals and attracted roughly \$2 billion from venture capitalists.”<sup>28</sup> But that didn’t convey the real story behind the mismanagement, incompetent operations, and lack of robust risk management at FTX. Wang testified that Bankman-Fried had him program special coding into the FTX software to give Alameda, a de facto FTX customer, special privileges providing advantages not available to other customers trading on the platform. These special settings “granted Alameda access to an unlimited line of credit without having to post collateral, pay interest on negative balances, or be subject to margin calls,”<sup>29</sup> according to testimony by Ellison at Bankman-Fried’s trial. Despite these advantages, Alameda’s trading activity resulted in large losses. Bankman-Fried used customer funds to shore up the losses at Alameda. Traditional financial firms are subject to strict rules to maintain neutrality between customers, have constraints on trading by related-party firms, and segregate customer funds from company assets.

Customer funds for FTX were often deposited into bank accounts controlled by Alameda. These were recorded on FTX’s balance sheet as funds owed to it by Alameda. Meanwhile, Alameda was using the funds to finance its own risk-taking. No one at either company was monitoring the growth of this account on the FTX balance sheet, and it ultimately grew to in excess of \$8 billion before management realized it had a significant problem in June 2022. Ellison estimated that Alameda used as much as \$14 billion of customer funds at one point.

Bankman-Fried directed that customer funds be used for political donations, venture capital investments, and the purchase of more than \$200 million of real estate in the Bahamas. He also used customer funds to buy back over \$1 billion worth of FTX shares from Binance, a partial owner of the company. Top employees were paid lavish salaries in addition to their equity holdings and several, including Bankman-Fried and Wang, took hundreds of millions of dollars in secret loans from the company at the expense of customer funds.

When Luna and Terra UST collapsed, cryptocurrency lenders recalled billions of dollars in loans from Alameda. Bankman-Fried directed Ellison to use FTX customer funds so Alameda could maintain its relationship with its lenders. The crash of these crypto currencies decimated the market, and in turn, Alameda's assets. Customers pulled billions from FTX as a result. FTX faced a cash crunch and halted withdrawals. Bankman-Fried made public the \$8 billion hole in the balance sheet. All the while, Bankman-Fried was trying to find a solution to save the firm from bankruptcy. With no options left, FTX filed for bankruptcy in November 2022. On December 12, 2022, Bankman-Fried was indicted on multiple counts of fraud and conspiracy. He was arrested in the Bahamas and extradited to the U.S.

“FTX’s failures are rooted in ’hubris, incompetence, and greed,’” according to a report by the new management of the company that outlined “scathing details about the lack of financial controls and record-keeping under Sam Bankman-Fried.”<sup>30</sup> On the witness stand in October 2023, Caroline Ellison “testified the FTX founder ordered her and others to commit criminally fraudulent acts that contributed to the collapse of the exchange.”<sup>31</sup> In his testimony, Gary Wang “told jurors that Bankman-Fried lied to

customers, assuring them that FTX was in stable financial shape when it wasn't [and that] Bankman-Fried knew for months that the hedge fund [Alameda] was amassing billions of dollars in losses."<sup>32</sup>

Bankman-Fried was found guilty at his trial in New York City in October 2023. He awaits sentencing, but faces a lengthy jail term, possibly even life in prison. The prosecutors have decided not to pursue a second trial on additional charges against him. Meanwhile, the new management of FTX has been working on recovering assets and returning funds to customers. Although over \$7 billion has been found, some \$800 million remains missing. In December 2023, the company proposed a plan to exit bankruptcy. It makes you start to think: maybe Benjamin Franklin was right, honesty is the best policy.

### **Binance / Changpeng Zhao Convictions**

Binance is the largest cryptocurrency exchange in the world. It is a global platform that acts as a centralized clearing mechanism for trades, matching sellers to buyers and maintaining customer positions and transaction records. It processes approximately two thirds of all crypto trades. Its owner and CEO is Changpeng Zhao, who is considered the richest man in the crypto industry. Given the footprint of Binance in the industry, Zhao was a prominent member of the crypto community. He was an influential champion with almost eight and a half million followers on X (formerly Twitter). Binance has many subsidiaries and affiliates established in a way to obscure Zhao's ownership.

Binance conducts most of its business on a global platform. As an unregulated exchange in the U.S., Binance was obligated to have stringent "Know Your Customer"

(KYC) practices to prevent U.S. citizens from trading and holding positions on the platform. KYC is one of the key processes integral to a strong Anti-Money Laundering Program. It has an affiliate, Binance US that offers limited products and services in the U.S.

Binance had a contract that gave it the option of buying FTX. After the collapse of FTX, Binance ripped up the contract, derailing one of the possible bailout strategies available to FTX. Binance had managed to continue in business despite the crypto collapse. After the fall of FTX, Binance held 60 percent of the cryptocurrency outstanding. However, it was under constant threat of enforcement actions by various U.S. regulators. Various U.S. authorities brought criminal charges against a number of crypto executives across the industry after the downfall of FTX. “After his own tweets helped set off the chain of events that led to the implosion of FTX last year, Mr. Zhao held himself up as the compliant face of the crypto industry,”<sup>33</sup> per a report in *The New York Times*.

On November 20, 2023, Binance and Changpeng Zhao pleaded guilty to ignoring U.S. Anti-Money Laundering laws. Binance was fined \$4.3 billion and Zhao \$50 million. Zhao, who resides in the United Arab Emirates, was ordered by a federal judge to remain in the U.S. until his sentencing, which had not occurred as of the writing. He was released on \$175 million bail and faces prison time. Zhao stepped down as CEO after the plea was announced.

Binance agreed to various conditions under the plea deal, reaching settlements with the Justice Department, the Treasury Department, and the Commodity Futures Trading Commission, which had been investigating the company for years. An article in

the Wall Street Journal about Binance's guilty plea noted that among the key takeaways from the plea deal, Binance needs to be able to identify U.S. citizens and "will have to keep Americans, once its main source of revenue, off the platform."<sup>34</sup> The lack of robust KYC practices was part of an effort by Binance management to avoid learning the true identities of its customers, in non-compliance with the U.S. Bank Secrecy Act, which requires a company to avoid doing business with criminals or those subject to economic sanctions. According to an article in *The New York Times*, "Customers from Iran, Cuba, and Syria – all of which face sanctions – were able to access the Binance platform, court papers said."<sup>35</sup>

At the press conference announcing the agreement, Attorney General Merrick Garland said, that Zhao and other executives "engaged in a deliberate and calculated effort to profit from the U.S. market without implementing the controls that are required by U.S. law."<sup>36</sup> Treasury Secretary Janet Yellen said, "Binance was allowing illicit actors to transact freely, supporting activities from child sexual abuse to illegal narcotics to terrorism."<sup>37</sup>

Per the settlement agreements, Binance must establish a robust Anti-Money Laundering program, including adequate KYC procedures and sanctions monitoring. According to an article *Binance Begins Again With U.S. Oversight. Will It Survive?*, the company "will have to file over 100 thousand [Suspicious Activity Reports] it had never handed over to authorities."<sup>38</sup> A Suspicious Activity Report is required to be filed with a government agency under U.S. law when a company identifies potential suspicious activity, such as money laundering or tax evasion. An Independent Monitor was appointed by the court to observe corrective actions that the company must put in place. Existing

and future Binance customers could be leery of a court appointed independent observer having access to the records of their positions and transactions, adversely impacting Binance's business.

An article in *The New York Times* on Binance's founder pleading guilty summarized separate actions undertaken by the primary U.S. securities regulator:

The Securities and Exchange Commission (S.E.C.) did not participate in the plea deal and related settlements with other government agencies. The agency has charged Binance separately for mishandling customer funds, in a manner similar to what happened at FTX. In the lawsuit, the S.E.C. said that the firm transferred billions of dollars of customer funds to a separate company, Merit Peak Limited, which was controlled by Mr. Zhao.<sup>39</sup>

#### **IV. It Takes *Courage* and *Integrity* to Stand Up in the Face of Adversity**

There was a resurgence in the price of cryptocurrency assets at the end of 2023. Some investors still consider crypto to be the currency of the future. Others remain convinced it is highly speculative. In an attempt to move crypto investing into the mainstream of regulated markets, the SEC approved the first U.S. listed exchange traded funds (ETFs – similar to mutual funds) to track Bitcoin on January 10, 2024. Many countries around the globe are restricting trading in cryptocurrencies while they grapple with new laws and regulations to protect investors. Unfortunately, the liquidity that was sucked out of the market by the Terra UST / Luna and FTX collapses has been difficult to restore. New restrictions on Binance further complicate the market for these assets.

Unlike the actions taken by Johnson & Johnson after the Tylenol murders, the chief executives of the cryptocurrency firms discussed in this dissertation chose to lie to customers and regulators in facing adverse conditions. Sam Bankman-Fried and Changpeng Zhao were champions for the cryptocurrency industry when it was new and experiencing astronomical returns. They became symbols of mismanagement and greed

who knowingly perpetrated crimes to perpetuate their images and build their personal wealth. Bankman-Fried ran what amounted to the second largest Ponzi scheme in history. Being a U.S. citizen who was tried and convicted in a New York City courtroom, he became the poster child for what can go wrong for investors when the investment activity is not regulated.

Bankman-Fried and Zhao lacked the integrity worthy of the positions they held in the investment community as opposed to steps taken by Johnson & Johnson's management in facing the Tylenol crisis. Integrity is the bedrock for such honesty. In turn, being honest in the face of adversity requires real courage.

While being honest is critical to a sustainable compromise, it doesn't mean that you have to show all of your cards during the negotiating process. Being honest with yourself is crucial when examining different sides of an issue or being open-minded when your views on the issue are deeply entrenched.

## CHAPTER THREE

### HOW CAN WE MAKE THIS WORK FOR ALL OF US?

#### *Lesson #3: Seek a Win-Win Outcome*

“Unless both sides win, no agreement can be permanent.”<sup>1</sup>

- Jimmy Carter

Many negotiations are difficult. One strategy that is key to a successful negotiation is finding a solution where both sides “win.” This isn’t as easy as it sounds. As President Carter suggested, when both sides win, the likelihood of a longer lasting outcome is improved. One example of this is Title IX of the Education Amendments of 1972, which offered a compromise to the failed attempt to amend the Constitution to grant women and men equal rights.

The Equal Rights Amendment (ERA) to the U.S. Constitution was first proposed in 1923. It provided an express prohibition of discrimination based on sex. Little progress was made on the bill until the 1970s when it was passed by both houses of Congress. It next moved to state legislatures for ratification before it would amend the Constitution. Thirty-eight states, a two-thirds majority, were needed to adopt it. Thirty-five ratified it before the deadline set by Congress expired. A new wave of opposition to ratification suddenly arose from women across the country (who claimed that its ratification would remove hard won protections already in place for women) rather than politicians, and the additional required states never ratified the Amendment.

During this period, it became clearer to some in Congress that passage and ratification of the ERA faced an uphill battle. In July 1970, an alternate strategy was launched to achieve at least partial legal protection based on sex. The resulting legislation, Title IX of the Education Amendments of 1972, was designed to address the

long-standing controversy of sexual discrimination in the education programs and extracurricular activities in the U.S. This applied to all matters of sexual discrimination including “recruitment, admissions, and counseling; financial assistance; athletics; sex-based harassment, which encompasses sexual assault and other forms of sexual violence; treatment of pregnant and parenting students; treatment of LGBTQ+ students; discipline [consequences for improper actions]; single-sex education; and employment.”<sup>2</sup> While public opponents of the ERA ultimately won out, there was greater public acceptance of Title IX protections

*Lesson #3: Seek a win-win outcome* is exemplified by the choice of lawmakers to introduce an alternative to the ERA, albeit providing partial protection of women’s rights, that would satisfy both sides of the debate. It provided the fundamental right of equal treatment, as well as opportunity, for female education employees and students. Writing for *USA Today*, Lindsay Schnell and Rachel Axon reported, “Initially introduced in hopes of getting more women into graduate schools, the law today is most commonly associated instead with athletics because of its seismic impact on women's sports.”<sup>3</sup> I will focus the discussion about Title IX on sports, with which it is often associated.

Conversely, I will discuss the state of gender education, which is currently a hot topic in the U.S. Every parent has a view on what and how their children should learn about sex education and gender identity. Some believe that it is important to educate children about alternative lifestyles, while others oppose it. Some believe that sexual and gender education should occur in the home; others believe formal programs are better suited for learning. Although supportive of formal programs, some believe that these topics should not be taught to students below a certain age. While still others believe that

there is no reason for discussion of such topics at school with children of any age. It is a classic example of *you are where you sit* and is a topic that is highly emotional.

### **I. Equal Rights for Women**

The Fourteenth Amendment to the U.S. Constitution was adopted in 1868 as one of the “Reconstruction Amendments” following the Civil War. It was intended to provide the same protections of citizenship to Black Americans as those enjoyed by Whites. It had several clauses that addressed citizenship, privileges or immunities, due process, and equal protection. However, it did not apply to unequal treatment based on sex. The ERA was an attempt to address that gap in the law. It was first introduced in 1923 following the adoption of the Nineteenth Amendment, which gave women the right to vote. The ERA was reintroduced in each Congressional term over the years. The chairman of the House Judiciary Committee, Emanuel Celler (D-NY), did not support equal rights for women and did not let it out of his committee between 1948 and 1970.

The 1960s were an active period for women’s rights advocates. By 1970, opinions on equal rights for women had softened in Congress, and there was an appetite to provide such protection under the law. The ERA was reintroduced to the House, and subsequently approved, in 1971. The Senate passed it in 1972. Most politicians and the President supported it. A period for ratification was established, terminating in 1979. By 1977, 35 state legislatures had ratified it. Then it ran into a brick wall.

Opposition to the ERA did not come from politicians. Middle-class women were largely supporters of the Amendment. As it marched towards ratification, it was working-class women who were most vocal. Phyllis Schlafly, an attorney, author, and conservative activist, opposed expanding women’s rights. She believed the ERA could

result in women being drafted by the military, or the loss of certain protections such as alimony or child custody rights or those established in labor law. She organized conservative women across the country to lobby their state legislatures not to ratify the Amendment. Five states rescinded their previous ratification. It was not clear that a state could reverse its decision on ratification, but without the addition of the necessary number of states, it all became academic. There have been a few waves of endorsement to try to move forward again with the ERA, but each time the effort lost momentum.

Representative Abner J. Mikva (D-IL) introduced The Women's Equality Act of 1970. A year later he resubmitted it for consideration as The Women's Equality Act of 1971. In a prescient act of statesmanship, Mikva recognized that progress on the passage and ratification of the ERA would be slow. He was interested in passing legislation that would accomplish the same goals but in dramatically less time than ratifying a constitutional amendment. A similar bill was introduced in the Senate by Senator Birch Bayh (D-IN). Eventually, these bills were intertwined with the Higher Education Act of 1971 resulting in the Education Amendments of 1972. Title IX was a key component of that legislation.

## **II. Coming Out of the Dark Ages**

### **Discrimination Before Title IX**

It is no secret that discrimination has been part of U.S. history since its birth as a nation. As time passed, people have become more aware that discrimination takes many forms and affects many people. Despite numerous changes to laws and regulations, and a general awakening in society, there is still a long way to go to attain equal treatment for

all. While laws were enacted to address many types of discrimination, they didn't always apply to education, or they excluded sex / gender from the protected categories.

According to Jeannie Suk Gersen, professor of law at Harvard Law School, "Women faced blatant educational inequality, such as exclusion from certain colleges and universities or from certain programs and spaces within those schools, higher admissions standards than men, more frequent tenure denials than men, and myriad other imposed disadvantages relative to men."<sup>4</sup>

The Civil Rights Act of 1964 was enacted to end discrimination based on race, color, religion, sex, or national origin as applied to employment and public accommodation. Title VI of the Act addressed discrimination in federally funded programs, but it didn't include sex as a protected category. Title VII of the Act addressed discrimination in employment but did not apply to education.

### **Title IX of the Educational Amendments of 1972**

Title IX of the Educational Amendments of 1972 addressed the gaps in the previous legislation by specifically identifying sex as a protected category. Title IX provided: "No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program operated by a recipient which receives ... Federal financial assistance."<sup>5</sup>

I believe that most people outside of academia do not know what Title IX is. According to "a poll conducted by Ipsos in April [2022], nearly 75 percent of students and 60 percent of parents say they know 'nothing at all' about Title IX."<sup>6</sup> Many who do, believe that it is related to equivalent funding for men's and women's sports. The primary

purpose of Title IX was to address sex-based discrimination. In a 2020 case, *Bostock v. Cook County*, the Supreme Court interpreted the protection originally provided under Title VII of the Civil Rights Act to include sexual orientation and gender identity.

It did not take long for Title IX to be used as a fulcrum in the funding of college sports. While the women of America accepted Title IX as an advancement in their rights, it was now time for the politicians to come back into the debate. The debate moved away from women's rights per se to sports.

There were legislative attempts to limit the scope or applicability of Title IX. The most well-known of which was the Tower Amendment. It was proposed by Congressman John Tower (R-TX) with the intention of exempting revenue generating sports from Title IX. This would have left money-making sports, such as football and men's basketball, outside the scope of the law. While the amendment did not pass, an amendment sponsored by Senator Jacob Javits (R-NY) was included in the legislation. No doubt a compromise, the adopted amendment mandated that Title IX "shall include with respect to intercollegiate athletic activities reasonable provisions considering the nature of particular sports."<sup>7</sup> This translated to spending doesn't have to be equivalent if there are different needs, leaving room for interpretation. For example, football teams require more uniform-related equipment (e.g., helmets and protective padding) than swimming teams, but both require adequate facilities. However, the debate over the Tower amendment led many people to believe that Title IX dealt with sports equity rather than sexual discrimination.

Title IX was not universally accepted by all affected institutions, particularly as it applied to sports programs. Many people believed that sports programs should be exempt

from Title IX. There were many challenges in the courts that affected its implementation. In 1976, the NCAA unsuccessfully challenged the legality of Title IX in a lawsuit. Many cases involved applicability based on the level of federal funding received. In a key case in 1984, *Grove City v. Bell*, the courts ruled that Title IX applied only to those schools receiving direct federal funding. This limited its scope as it exempted sports programs that took no aid from the government directly but accepted students who received grant money from federal programs. In 1988, the Civil Rights Restoration Act corrected that interpretation by extending Title IX to all programs of any educational institution that received any federal funding, whether directly or indirectly. In 1994, the Equity in Athletics Disclosure Act was enacted “requiring schools to report information about their athletic programs – such as sports sponsored, coaches, and funding – to the federal government.”<sup>8</sup>

### **Women’s Sports Before Title IX**

As mentioned, discrimination existed in this country from the beginning. Society stereotyped a woman’s role. A woman should find a husband who would support her, have children, and raise a family. Opportunities for women to attend or graduate from college were discouraged. The thought of a woman having a professional career was often dismissed. These stereotypes lasted well into the twentieth century. Only with the women’s rights advocacy of the 1960s did this bias begin to change.

Women also did not have a place in sports except in certain non-contact games. “In the early 1900s, female basketball players could not steal the ball, were divided into three sections on the court, and had to stay in assigned areas to avoid too much contact,”<sup>9</sup> according to Marcia Cramer writing for *The New York Times*. Genevieve Carlton wrote in

an article about Title IX's impact on sports, "In 1936, 70% of colleges hosted 'play days' where women competed against their classmates."<sup>10</sup> This biased thinking extended throughout the twentieth century.

As women began to establish themselves in individual sports, they faced resentment and pushback from men. In 1902, Madge Syers won a silver medal at the World Figure Skating Championships, defeating two men for the prize. In her article, Cramer elaborated, "The following year, the International Skating Union barred women from the competition, concluding, in part, that a judge may not score fairly if he were romantically involved with a female athlete, and that it was generally 'difficult to compare women with men.'"<sup>11</sup> A separate women's competition was initiated a few years later in 1906.

In 1931, Jackie Mitchell was a female 17-year-old pitcher for the Chattanooga Lookouts, an otherwise all-male minor league baseball team. After she struck out both Babe Ruth and Lou Gehrig in a game against the New York Yankees, Kennesaw Mountain Landis, the first baseball commissioner, voided her contract.<sup>12</sup> When Zhang Shang, a woman, won the gold medal in a 1992 Olympic shooting event beating out male competitors, the International Shooting Union ceased allowing women to compete in the event. It was reintroduced at the 2000 Olympics where the men and women competed in separate events. While it might not be fair for men and women to compete against each other in each sport, prohibiting it in every sport may limit the success of the possible outcomes. "Women's sport exists as a category because the dominance of men athletes was threatened by women competing," according to Sheree Bekker, who lectures on health and sports medicine at Bath University in England.<sup>13</sup>

### **III. Sports as the Focal Point**

Americans enjoy competitive sports and can be deeply emotionally invested in the success of the teams they favor. This may be based on one's hometown, one's school, one's children's school, or several other affiliations. Football and men's basketball have been fan favorites at both the high school and college levels for many years.

The National Collegiate Athletic Association (NCAA) is the organizing body for college sports. It sets the rules for each sport and advises member schools on strategic matters and rule interpretation. "The NCAA organizational structure is set up to align the NCAA's chief revenue-generating departments with basketball, and often specifically with men's basketball. The [Senior Vice President] of Basketball manages the NCAA's broadcast relationships, branding, and corporate sponsorship program for all NCAA sports,"<sup>14</sup> per a report from Kaplan, Hecker & Fink, LLP. Those programs are quite lucrative for the NCAA. So, it's no wonder that sports, particularly revenue-generating sports, should be the fulcrum for the debate on Title IX applicability.

"Title IX simply requires that schools allocate athletic participation opportunities in a nondiscriminatory way, which means that they have to provide women / girls with equal opportunities to play sports as men / boys,"<sup>15</sup> according to "Quick Facts About Title IX and Athletics." One of the prominent arguments against Title IX was that it was a quota system attempting to provide women with equal access and support in sports programs. Furthering the stereotype, this was considered a waste as women supposedly were not as interested in sports as men. According to The National Federation of State High School Associations' "High School Athletics Participation Survey," women's

participation in sports has increased dramatically since the introduction of Title IX. In the 1971-72 survey, the year before Title IX became law, fewer than 300 thousand women participated in high school sports, as compared to 3.7 million men. The 2022-3 survey reported over 3.3 million women participating in high school sports as compared to 4.5 million men.<sup>16</sup>

According to ESPN, there were approximately 30 thousand women participating in intercollegiate sports in 1971.<sup>17</sup> That number increased to 231 thousand according to the NCAA's 2022-23 "Sports Sponsorship and Participation Rates Report," as compared to 302 thousand men.<sup>18</sup> According to Christine Grant, athletics director emeritus at the University of Iowa, "People confuse a lack of interest with a lack of opportunity. They are very, very different. I don't know of an instance where women were given an opportunity, and nobody came."<sup>19</sup>

"Another concern was that requiring universities to create equal opportunities for women in sports would force them to eliminate male-dominated sports like football or cancel existing programs if universities failed to find enough interested, qualified female players for a women's team,"<sup>20</sup> wrote Erin Blakemore discussing "Title IX at 50." Title IX does not require that men's and women's sports programs be funded equally, only that they both must be funded to an acceptable extent.

The argument holds that men's sports teams have been eliminated to create the budget to fund the additional money spent on women's sports. Meanwhile, the number of teams has increased for both men's and women's sports over the past forty years according to the NCAA Participation Report. Men's teams numbered 6,843 in 1981-82 increasing to 9,365 in 2022-23.<sup>21</sup> Over the same period, though, women's teams

increased to 10,932 from 4,776,<sup>22</sup> reflecting both the impact of Title IX and the gender shift in college enrollment where females now are in the majority. According to enrollment statistics by gender at Statista.com, 58 percent of the students enrolled at the undergraduate level in 2022 were women. While schools may have cut men's teams in certain sports, the resulting spending cuts were not necessarily used to fund the women's programs. Per Marcia Greenberger at the National Women's Law Center, "The lessons of history are clear: Colleges and universities are cutting wrestling teams not because of Title IX, but because they prefer to pour money into football and basketball."<sup>23</sup>

#### **IV. Impact of Title IX**

Title IX was meant to address discrimination on the basis of sex in education. It is an evolving piece of legislation that needs to keep pace with changes in societal values. As such, it cast a wide umbrella over a variety of discriminatory practices. In recent years, these have included topics such as investigation and adjudication of sexual assaults, and the rights of pregnant and transgender students. The law has been amended to keep pace with these developments.

Title IX is considered a major factor in this country moving towards gender parity. Lauren Camera, in an article for *U.S. News & World Report*, reported that legal experts opined that Title IX has persevered "because it pertains to every facet of K-12 and higher education, it's always being tested by young people demanding better and removing the next barrier. And in that sense, it's a law that will always be setting up future generations of girls and women for even more success."<sup>24</sup> Per historian, Dr. Susan Ware, Ph.D., "one of the best characterizations I've heard about Title IX is that it's sort

of like the guillotine out in the courtyard.”<sup>25</sup> Dr. Ware is the author of *Title IX: A Brief History with Documents*.

According to Mariah Burton Nelson, a former Stanford basketball player and a national expert on women's athletics, "The implementation of Title IX has changed the way society views girls and women -- that's the part that often gets overlooked ... and they're changing the way men and boys see women.”<sup>26</sup> President Obama weighed in on Title IX in an Op-ed in June 2012, “The women who grew up with Title IX now pioneer scientific breakthroughs, run thriving businesses, govern states, and, yes, coach varsity teams. Because they do, today’s young women grow up hearing fewer voices that tell them ‘You can’t,’ and more voices that tell them ‘You can.’”<sup>27</sup>

Fatima Goss Graves, president, and CEO of the National Women’s Law Center, commented, “it’s nearly impossible to underestimate the importance that Title IX has had from our culture to our laws to our policies to our full economic security for women in this country.”<sup>28</sup> That impact can be seen in college enrollments where women hold the majority at 58 percent. One of the proposed benefits of Title IX at its introduction was to get more women into graduate schools. The impact has been dramatic. According to Lauren Camera’s article, “In 1972, women earned just 7 percent of all law degrees and 9 percent of all medical degrees. Today, they earn nearly half of all law and medical degrees. And women’s participation in career and technical education programs has risen as well – from virtually none in 1972 to nearly 30 percent.”<sup>29</sup>

## V. More Work to Be Done

“Title IX remains controversial because even as the ideal of equal opportunity and prohibiting sex discrimination are widely accepted as a general matter, what constitutes

discrimination on the basis of sex has been fiercely debated,”<sup>30</sup> according to Jeannie Suk Gersen. A 2022 report from the National Coalition for Women and Girls, “Title IX at 50,” discussed the improvements in battling sex discrimination in education. It also noted that disparities continue related to women receiving more than one million fewer opportunities than men to play sports in high school and college. “When they do have a chance to play sports, they often receive worse facilities, uniforms and equipment, lesser experienced coaches, fewer resources, and less publicity from their schools.”<sup>31</sup>

As women’s sports developed and attracted more talent, making them more interesting, men began to increasingly pursue coaching women’s teams. Schnell and Axon reported that, “At the beginning of Title IX, 90 percent of all women’s teams were coached by women.”<sup>32</sup> That number drastically declined over time. So, in the pursuit of gender equity, women were being displaced from roles in women’s sports. The percentage of women in these coaching positions has rebounded in recent years. However, the 2023 annual report by the University of Central Florida’s Institute for Diversity and Ethics in Sport (TIDES) gave schools a “C” for overall gender hiring practices. The report also said that during the 2021-22 school year, “for all three divisions combined, women filled 41.2 percent of head coaching positions and 50.3 percent of assistant coaching positions for women’s teams.”<sup>33</sup> Richard Lapchick, the TIDES director and report author, called the representation of women coaches in women’s sports “the most depressing statistic that we report every year.”<sup>34</sup>

The disparity in treatment between men’s and women’s programs was brought to the forefront during the 2021 NCAA basketball tournaments. The men’s tournament is referred to as “March Madness” and has a huge television following. The women’s

tournament cannot use the same billing. Genevieve Carlton reported, “While the men's teams had a full weight room, the women received one dumbbell rack and one stationary bike. While the men dined at a full buffet, women received prepackaged food. For athletes competing at a national tournament, these differences could easily affect their performance.”<sup>35</sup>

Women athletes highlighted the disparities and received plentiful media coverage. This resulted in the NCAA commissioning an independent law firm, Kaplan, Hecker & Fink, LLP to perform an independent “Gender Equity Review.” The report, released in October 2022, came “to the overall conclusion that the NCAA has neglected women’s sports.”<sup>36</sup>

While Goss Graves saw the progress that was achieved through Title IX, she also recognized how brittle that progress could be. “You cannot help but wonder how it is that the progress that we have feels so fragile and whether it’s the dismantling of *Roe v. Wade* and abortion access in this country or the full-throated attacks that are being levied culturally in statehouses against trans youth. ... Progress is always fragile and the thing I know is that we always have to work at it.”<sup>37</sup>

## **VI. Gender Education**

There was no formal training about sex when I was growing up. I learned about such things mostly from my friends. My parents never sat me down for “the talk.” I did take one semester of sex education when I was in high school, but sex and gender were synonymous in those days. Over time, society has differentiated these terms. According to the European Institute for Gender Equality, gender is a “Necessary part of curricula at all levels of the education system, which would enable both girls and boys, women and

men to understand how constructions of masculinities and femininities and models for assigning social roles – which shape our societies – influence their lives, relationships, life choices, career trajectories, etc.”<sup>38</sup>

That definition, however, lends itself to views that are tolerant of the LGBTQ+ community. It also reflects a lifestyle that conservative Christians are attempting to eradicate based on a traditional view of male and female roles and heterosexual relationships.

Gender education is a prime example of *you are where you sit* in action. Unfortunately, the related culture wars resulted in new laws and regulations in some states and school districts that limit the rights of already disadvantaged groups. Even within the broader spectrum of LGBTQ+, transgender people, particularly young adults, have been the focus of bias. Book bans have followed anti-LGBTQ+ campaigns by conservative Christian organizations. School curricula, such as history, may have different content and be taught differently depending on the school district or state in which a student lives. In other states, laws and regulations have provided more inclusive protection for the LGBTQ+ community.

### **What's All the Fuss About?**

The LGBTQ+ community has been fighting for equality for many years, arguing for recognition of their rights. They believe that gender identity is non-binary; it sits along a spectrum and is unique to each individual. The conservative Christian movement has been on the other side of that argument, pressing to maintain the status quo based on their faith beliefs. To them, gender is binary based on one's sexual organs at birth. In recent years, this battle has also become highly contentious. Politicians, who are now

more than ever anxious to be divisive, have politicized this contest of views to win elections. The resulting laws and regulations, layered on top of existing social mores, deny young adults access to information they need about sexual and reproductive health.

According to the World Health Organization, “Gender refers to the characteristics of women, men, girls and boys that are socially constructed. This includes norms, behaviours [*sic*] and roles associated with being a woman, man, girl or boy, as well as relationships with each other.”<sup>39</sup>

“Gender identity” is how we see ourselves in terms of gender. “Gender expression” is how we present our gender identity to everyone else. This includes how we dress, use makeup, or style our hair - our appearance. It can include how we want to be addressed in terms of names and / or pronouns. All of this may not match other people’s expectations of sex or gender but each of us has a right to self-expression. Laura Meckler writes in an article for *The Washington Post*, “Opponents argue that teaching about gender identity is driven by liberal ideology and is inappropriate for children, especially young children.”<sup>40</sup>

A JED Foundation article on “understanding Gender Identity,” notes that gender identity is different than sexual orientation. “Gender identity is about who you are, and sexual orientation is about attraction and who you might want to form relationships with.”<sup>41</sup>

A paper by the “Alliance Defending Freedom” entitled “How Gender Theory Undermines Reality,” expresses the conservative Christian view. It suggests that gender theory advocates are distorting the truth about gender and sexuality by claiming that people can be other than male or female. A person’s sex is something that a doctor

assigns at birth. The paper recognizes “heterosexual relations between a man and a woman as what is normal and right;”<sup>42</sup> a norm that gender theorists find oppressive.

According to the paper, “In other words, any taboos about sexual behavior must be called into question, and even labels like ‘gay / lesbian’ or ‘heterosexual / homosexual’ should be questioned because they invoke an image of a gender binary. In queer theory, all lines society has drawn around sex and gender should be questioned, if not erased altogether.”<sup>43</sup>

The paper explains how gender theory is having an adverse impact on women’s sports, women’s shelters, adoption / foster care, education and parental rights, health care, and free speech. “When culture refuses to acknowledge the fundamental truth that we are created male and female in the image of God, everyone loses. We cannot deny the most foundational realities of what it means to be human.”<sup>44</sup>

### **Transgender Rights**

Transgender people are often the subjects of ridicule and discrimination. According to the Guttmacher Institute, “They are often denied the right to be recognized as a gender different from that which they were assigned at birth.”<sup>45</sup> Politicians and anti-transgender advocates oversimplify science to advance their agenda. They state that biological sex is binary and immutable. They reduce gender to two choices based on one’s sexual organs at birth. Restrictions in schools may apply to multiple areas beyond the classroom such as precluding transgender women from playing in women’s sports or even determining which bathrooms they are allowed to use. “They are masking their political ideology as science to enshrine their exclusionary beliefs into law,”<sup>46</sup> according to Sun Simon(e) and Florence Ashley writing for *OpenMind Magazine*.

Polls often show clear majorities oppose discrimination against transgender Americans. However, a majority of Americans (65 percent) also say they believe in only two genders, while 34 percent say a range of genders is possible, according to a June 2023 survey by the nonpartisan PRRI polling firm.<sup>47</sup>

Rodrigo Heng-Lehtinen, executive director of the political arm of the National Center for Transgender Equality, said, “Self-interested candidates are going after transgender people to score political points. It’s normal to not understand what it means to be transgender at first, and extremist politicians are exploiting that for their own gain.”<sup>48</sup>

Despite the onslaught of legislation precluding LGBTQ+ rights, several states have taken the opposite approach. California corrected a misalignment between statutes that prevented young adults from obtaining mental health services on their own. This is an important benefit, especially for youth of color and LGBTQ+ youth, who often need help dealing with acceptance in their lives. Fourteen other states have been designated as sanctuary states for transgender families. In January 2024, an Iowa House subcommittee unanimously rejected a proposal to eliminate gender identity as a basic civil right in the state’s constitution.

## **VII. The Battleground**

While battles over what is appropriate content for school children rage on in state legislatures, the issue is at the forefront of school boards across the country. Local school board elections have become highly contentious. Progressives who see LGBTQ+ inclusive curricula and transgender inclusive school policies as a step forward are being pitted against conservatives who believe these are inappropriate or harmful for minors.

Some conservative activists and elected officials have begun to describe such content as “grooming,” resurfacing a decades-old moral panic. According to Sarah Schwartz in an article for edweek.org, the term “refers to the behavior of sexual predators, who develop inappropriately close relationships with child victims in order to isolate them and reduce the chance that they will report incidents.”<sup>49</sup> According to an “Education Week” report, developmental sociologists warn that equating LGBTQ+ discussions with sexual abuse is a dangerous proposition.

Pro-transgender supporters advocate for the gender transitioning of minors. This process places gender on a spectrum between male and female, that only the individual can determine. Stephanie Armour wrote in *The Wall Street Journal*, “The role of a clinician, according to this tenet, is to assess and affirm an individual’s expressed identity along that spectrum, provide therapeutic relief, and to intervene medically in some cases in which the identity differs from sex at birth.”<sup>50</sup>

Opponents disagree. Bans have been enacted to quell the rapid increase in gender-affirming care by medical and educational institutions. Conservatives say that children are too young to make such decisions and have equated related medical treatments with child abuse.

Once again both sides claim that there is science behind their arguments. Medical treatments such as the use of puberty blockers and hormones are supported by the American Academy of Pediatrics and the Endocrine Society. Conservatives cite developments in some European countries that are restricting medical interventions to clinical trials.

## **Politicians Enter the Battle**

Elections in recent years have become quite raucous. Campaigns are contentious and political advertising focuses on candidates attacking each other. The fodder for the attacks is any topic that is controversial. The more contested the topic, the more likely to be included in attack ads. As discussed in Chapter One, false news is used to advance an agenda. I doubt that anyone is fact-checking these ads before they are aired. Classroom appropriate content about gender education has proven to be just such a hot button for politicians to build campaigns around. Conservative politicians are often aligned with anti-LGBTQ+ sentiment and, increasingly, there are prohibitions on gender education in schools.

The push to exclude LGBTQ+ topics in books from school libraries, classrooms and curricula has been on the rise. This rationale is a dominant factor in the book banning that has accelerated over the past three years, and looks unlikely to stop. It is a debate about the rights of disadvantaged groups versus maintaining the status quo.

Restrictions on students' exposure to LGBTQ+ topics have increased dramatically in the last four years, with a focus on transgender youth. According to Aaron Ridings, director of public policy at the Gay, Lesbian and Straight Education Network, "These heavy-handed mandates around parental and family involvement are really unhelpful and increase the risk of LGBTQ+ young people being outed to families and parents who may not be affirming."<sup>51</sup>

Florida's Republican Governor, Ron DeSantis, has been a key opponent of in-school discussion of gender identity. He has been extremely vocal, passing numerous laws restricting rights of marginalized groups and reconstructing school curricula in

preparation for a bid to be the Republican Presidential nominee in 2024. While he has since withdrawn from the race, he has established Florida as a model for other conservative states.

Judy LoBianco, the supervisor of health and physical education for the Livingston, New Jersey public schools, said, “I have no problem with someone deciding for their own child, but when you get out there and start hijacking the narrative for everyone else’s kid, that’s dangerous.”<sup>52</sup>

According to polls by the Pew Research Center, the next generation of young Americans are approaching adulthood with a liberal set of attitudes and an open mind on social issues. Are the conservatives attempting to influence this generation in a different direction?

### **VIII. Reigning in the Curricula**

Hannah Willard, vice president of government affairs for Freedom for All Americans, said, “There are a lot of bills that seek to ban diversity, education, inclusion, and critical race theory that also seek to ban curriculum and conversations about sexual orientation and gender identity and different family structures,”<sup>53</sup>

According to the American Civil Liberties Union’s (ACLU) count, the number of bills focused on education or curricula restrictions is rising. The battles over curricula are aimed at adding restrictions to LGBTQ+ youth and limiting what can be taught in schools. The curricula policies in question address instruction on gender issues. Proponents say that they give parents a say in their children’s schools to protect them. LGBTQ+ advocates argue that restricting an inclusive education puts LGBTQ+ students

at risk, resulting in mental health issues or bullying and exposing them to being outed to their families who may not be supportive.

Despite all of the noise about the need to dramatically curtail inclusive curricula, a 2022 national poll by National Public Radio (NPR) and polling firm Ipsos observed that most parents (76 percent) were satisfied with what was being taught at their children's school, including controversial topics. "It really is a pretty vocal minority that is hyper-focused on parental rights and decisions around curriculum,"<sup>54</sup> observes Mallory Newall of Ipsos.

Increasingly, what is included in the curricula of a state's public schools is being dictated by state legislatures. Some states have standards that include the contributions of the LGBTQ+ community in history lessons. Other states omit the contributions of these people. Depending on where you live, your history lessons could be quite different.

A 2023 national survey by the National Education Association (NEA) reported on the divisive impact on communities caused by political attacks that target inclusive curricula. Half of the schools surveyed noted challenges to providing curricula that was inclusive of LGBTQ+ subject matter or addressed race or racism. A third reported attempts to ban books in the curricula or in the school's library. According to Melinda Mangin, a Rutgers University education professor, "When I'm talking to educators, they report a surprising amount of trepidation about tackling LGBTQ issues in their classrooms and schools."<sup>55</sup>

## “Don’t Say Gay”

Those who promote LGBTQ+ inclusive curricula say the lessons provide support for LGBTQ+ students and foster diversity in schools. Opponents contend that sexuality and gender should be discussed among families and don’t belong in the classroom.

Anya Kamanetz reported in an article for NPR.org, “Republican governors like Ron DeSantis in Florida and Glenn Youngkin in Virginia have helped make parents' rights into a major political talking point, and Republican-aligned groups like ‘No Left Turn In Education’ and ‘Parents Defending Education’ have continuously pushed these issues into the spotlight.”<sup>56</sup>

Florida passed a law in early 2022 entitled the “Parental Rights in Education Act.” It is otherwise referred to as the “Don’t Say Gay Act.” The law restricted teaching about sexual orientation and gender identity in public schools. Proponents of the law said its aim was to assert more parental control over children’s education and to bar inappropriate content from the classroom.

Governor Ron DeSantis has been vocal in his support of parents’ rights. He said, “Injecting these concepts about choosing your gender—that is just inappropriate for our schools. Schools need to be teaching kids to read and write.”<sup>57</sup> DeSantis has also denounced efforts to bring LGBTQ+ issues into schools as “woke indoctrination.” Regarding the LGBTQ+ practice of using different pronouns, he said, “Now this is something, they’re having third graders declare pronouns. We’re not doing the pronoun Olympics in Florida. It’s not happening here.”<sup>58</sup>

In addition to restricting the curricula, the law also includes mandatory parental notification. School districts cannot withhold information about a student’s mental,

emotional, or physical health, including gender identity, from parents. Under the law, parents can now sue school districts over alleged violations. Florida has become the conservative model for public education reform.

The ACLU was quick to criticize the new law, stating, "It was never about schoolchildren. It is about erasure of LGBTQ+ people, their families, and their existence in Florida public schools." Feedback from the White House quickly denounced the law as "hateful" and noted that the legislation "is not an isolated action as more Republican lawmakers take actions to regulate what students can or cannot read, what they can or cannot learn, and most troubling, who they can or cannot be."<sup>59</sup>

Those who support the law said it ensured that discussions about sex and gender were between parents, not teachers, and their children. Opponents said the law would censor discussion about lesbian, gay, bisexual, and transgender people, and subject LGBTQ+ children to harassment and isolation.

While some states are restricting LGBTQ+ inclusive curricula, several states now require that curricula include LGBTQ+ topics. They are embracing the concept as the number of transgender and gender nonbinary students grows. In her article in *The Washington Post*, Laura Meckler wrote, "The National Sex Education Standards, developed by experts and advocacy groups, name gender identity as one of seven essential topics, alongside puberty, consent, sexual orientation and other subjects."<sup>60</sup> The Department of Education recommends including gender identity in sex education programs. Resources and lesson plans to teach about gender identity are increasingly available.

Opponents of inclusive curricula label it as “ideological grooming.” James Lindsay, a conservative activist who has advised legislators on measures dealing with gender and race said, “Students are taught that their gender is ‘fluid’ and can be changed. ... Children do not always know exactly what is going on in the world and they need some strong boundaries to protect them.”<sup>61</sup>

## **IX. Conclusion**

I began this chapter by stating that the implementation of Title IX was a win-win proposition. It offered protection against sexual discrimination in education and related programs. Using one of the areas covered under Title IX’s wide umbrella, I discussed how the law promoted gender equity in high school and college sports programs.

Title IX has improved access to education for women and, in turn, enriched our society despite persistent resistance to it. Title IX is evolving legislation that needs to be tended to on an ongoing basis for it to continue to succeed. Some of the most recent challenges to it have come in the form of fair treatment for transgender people. No where is this more of a hot button than in sports, which always seems to be the proving ground for the benefits of Title IX.

In discussing gender education, the rights of all LGBTQ+ are up for debate, but transgender people are particularly vulnerable. Is the increase in LGBTQ+ inclusive curricula only meant to support students who have been identified as grappling with their gender identity? Or, is it also a reflection of changes in society where these subjects are decreasingly taboo?

There is a need for students to have access to information on diverse and controversial topics. Teaching about gender identity is a critical component of education

in a modern society. Yet, who should be involved in these discussions? Freedom of religion is a basic right provided by the U.S. Constitution. If parents believe that their children are being instructed in matters that conflict with their faith, don't they have a right to raise questions? But should one's beliefs prevent other's children from an inclusive education?

Parental rights are important but not absolute. Changing your gender from the one you were "assigned" at birth is a major step in a person's life. Are minors mature enough to make such life-changing decisions on their own? Should parents be left out of the know when a student is struggling with these issues? Have educators overstepped their bounds? Should parents and politicians be deciding what is appropriate curricula? Have parents overreached in their attempts to protect their children while neutralizing educators?

In my research, I reviewed the growing practice of banning books. Two education advocates suggested that parents who were unhappy with book selections could opt out of those assignments or classes rather than having the books removed. I don't know whether or not that is practical in the long run, but it sounds like an opportunity for compromise. Perhaps, similar alternatives are available as it relates to parental rights and curricula content.

Topics like LGBTQ+ rights illustrate the principle of *you are where you sit*. Politicians are using these hot buttons to advance their own careers and interests. Clearly, a compromise is needed for these controversial topics that divide so many communities. Otherwise, left unchecked, we will have an education system that is segregated by state.

## CHAPTER FOUR

### HOW DO WE GET OUT OF THIS MESS?

#### *Lesson #4: Be Resourceful*

“It’s not the lack of resources that causes failure, it’s the lack of resourcefulness that causes failure.”<sup>1</sup>

- Tony Robbins

In 1957, President Dwight D. Eisenhower made the statement, “Plans are worthless, but planning is everything.” He was reflecting on the concept that emergencies are unique, so that any particular response plan may not be applicable but going through the exercise of planning is invaluable. The discipline of planning teaches how to be resourceful because good planning requires the consideration of alternatives - in other words, how to find ways to overcome difficult situations. This is *Lesson #4: Be resourceful*.

I will examine the events that led up to the Cuban Missile Crisis in 1962 and how it was handled by the Kennedy administration to avoid a war with the Soviet Union. Kennedy struggled to make a strong statement publicly, while working back channels to find an outcome that would be a “win-win.” The crisis is said to have been the closest the U.S. ever came to nuclear war. The result of Kennedy’s resourcefulness brought the world back from the brink of nuclear holocaust by providing both sides a way to save face.

I will also review the claims made by the Bush administration after the September 11th attack that Iraq was in possession of weapons of mass destruction; a claim that was ultimately used as the basis for the U.S. invasion of Iraq. While some efforts at diplomacy were undertaken, they were mostly aimed at solidifying the support of allies for the U.S.’s plan of attack. Negotiations with Saddam Hussein were minimal. The

administration's belief was that an easily won war was the solution to the threat of terrorism and, perhaps, a way to settle an old score with Hussein, who had threatened to have former President George H.W. Bush assassinated. Were there other alternatives that could have been tapped to avoid direct confrontation? The U.S.-Iraq War lasted ten and a half years and further de-stabilized the Middle East. There were more than four and a half thousand U.S. soldiers killed during the war. Estimates project that between 12-20 percent of U.S. troops, or roughly 180 – 300 thousand, who served in Iraq suffer from post-traumatic stress disorder (PTSD) among other debilitating illnesses such as "Gulf War Syndrome." Meanwhile, the number of Iraqi casualties was estimated at greater than 150 thousand lives. The cost to the U.S. exceeded \$1.1 trillion in direct military expenditures without factoring in the broader cost to the U.S. economy, estimated as high as \$3 trillion. Was it worth it?

## **I. How Close Did We Come to Nuclear War?**

### **The Cuban Missile Crisis**

The events known as the Cuban Missile Crisis occurred from October 16, through November 20, 1962. It lasted 35 harrowing days during which the world was brought to the brink of nuclear war. It was an early contest of the Cold War that pitted two systems of government, capitalism, and communism, against each other. The crisis was the result of several historic events, missteps, and perceived negotiation advantages / disadvantages.

World War II had ended only seventeen years before. Americans were adjusting to a new era of peace and unparalleled domestic growth. John F. Kennedy was President of the United States. At the age of 43, he was the youngest person ever elected to hold

that office. His election had ushered in a new generation of politicians who had ambitious goals for the U.S., one of which was Kennedy's challenge to put a man on the moon by the end of the decade. After the Union of Soviet Socialist Republics (USSR) successfully launched the Sputnik satellite in 1957, this too became a contest between the U.S. and the Soviet Union, pitting capitalism against communism that became known as the "space race."

Along with the Allies, the USSR had participated on the winning side of World War II. Although, the USSR had worked to overthrow Germany, it also used the war as an opportunity to advance its own ambitions in Eastern Europe. When the war ended Germany was controlled by four countries. The U.S., England, and France controlled what would become West Germany, while the USSR occupied what would become East Germany. The situation was exemplified by the division of Berlin into four sectors at the end of the war. The USSR perceived that the Allies' occupation of three of the four sectors of Berlin was a threat to their establishment of a communist government in East Germany.

After World War II, the U.S. built a sizeable inventory of Intercontinental Ballistic Missiles (ICBMs) based on the growing fear that the communists would aggressively expand their influence around the world. These missiles were designed to carry a nuclear payload that could travel across the globe, with the USSR as a principal target. To deter the USSR from its expansionist plans, the U.S. placed missiles in Turkey and Italy. This positioned the U.S. with a first strike capability. Meanwhile, the USSR had built its inventory of ballistic missiles as well in the years following World War II. However, their missiles did not have the same range as those of the U.S. and the

technology supporting their use was not as accurate as that of the U.S. This so-called “missile gap” between the two countries gave the U.S. a decided advantage.

In the interim, communism was taking root elsewhere in the world. China had established itself as a communist power. Rebels in countries such as Vietnam and Cuba sought to establish communist governments. The Kennedy administration was watchful of these developments but had not expended a lot of energy to diffuse them. Kennedy approved the dispatch of U.S. military personnel as advisors, but no troops, to assist the Vietnamese government fending off the communist rebels who controlled the northern portion of their country, but the existential threat to the U.S. came from the establishment of a communist government with ties to the USSR in Cuba, a mere ninety miles from Florida.

Fidel Castro led a revolution in Cuba and ousted the U.S.-friendly Batista government, effectively seizing control of the country on January 1, 1959. The USSR was supportive of Cuba because it gave communism a foothold in the Western Hemisphere where other countries in Latin America had become enamored with communist philosophy. The USSR was also concerned that Cuba might drift towards China’s form of communism. Both were Marxist dictatorships, but they had different philosophies. For example, China embraced capitalism that was controlled by the government, the USSR did not.

The Kennedy administration worked diligently to oust Castro from power following the revolution. In October 1960, the U.S. imposed an embargo on Cuba, banning all exports except food and medicine, in retaliation for Castro’s nationalization of U.S.-owned businesses such as banks and oil refineries in Cuba without compensation.

The U.S. military and the Central Intelligence Agency (CIA) had proposed several scenarios to overthrow Castro including a full-scale invasion of Cuba.

On April 17, 1961, the U.S. covertly funded an operation called “The Bay of Pigs Invasion.” Approximately one thousand five hundred Cuban exiles landed on Cuba’s southwestern coast and attempted to retake control of the government. They were initially supported by the U.S. Air Force flying obsolete World War II bombers painted to look like Cuban air force planes that attacked Cuban airfields two days prior to the incursion. They largely missed their targets and did little damage to the Cuban air force.<sup>2</sup> While it was initially successful, the invasion force soon lost strategic direction and Kennedy withheld further air support after the international community became aware of U.S. involvement in the attacks.<sup>3</sup> The failure of the mission was an embarrassment for the Kennedy administration. Dwight D. Eisenhower told Kennedy, “the failure of the Bay of Pigs will embolden the Soviets to do something they would otherwise not do.”<sup>4</sup>

Meanwhile, the USSR observed that droves of East German citizens were defecting to the West through Berlin, a situation they could not condone. They had decided a plan in early 1961 to build a wall that would bisect Berlin. Aware of this potential scenario, Kennedy met Khrushchev in person on June 4, 1961, in Vienna. At the meeting, Khrushchev announced that the USSR would unilaterally enter a peace treaty with the government of East Germany, effectively negating the post-WWII agreements that divided control of Berlin among the four nations. He further delivered an ultimatum that the Allies vacate West Berlin by December 31, 1961. At the summit, Kennedy initially acquiesced to the division of Berlin, but reversed his decision when England and France insisted that they continue to have access and control over West Berlin. Andreas

Daum described in his book, *Kennedy in Berlin*, how the U.S. reshaped its “vital interests in its policy for Berlin”<sup>5</sup> and linked all of them only to the western part of the city: “the presence of Western troops in West Berlin; the security and viability of the western sectors; and Western access to them.”<sup>4</sup>

In a stunning act of aggression, the Soviets closed the border with West Berlin and began construction of the Berlin Wall on August 13, 1961. Khrushchev’s view was that Kennedy was weak and inexperienced based on his response during the Berlin Crisis. Regarding the deployment of missiles in Cuba, he told his son that Kennedy “would make a fuss, make more of a fuss, and then agree.”<sup>6</sup> Khrushchev greatly underestimated Kennedy’s resolve.

The Kennedy administration was not to be deterred in its attempts to remove Castro from power undertaking efforts such as those associated with Operation Mongoose, approved in November 1961, an extensive campaign of terrorist attacks against civilians and covert operations carried out by the CIA in Cuba.<sup>7</sup> Ongoing, unsuccessful attempts on Castro’s life became the order of the day.

Castro and Khrushchev met in July 1962. The Cuban dictator had appealed to the USSR for support in the form of anti-aircraft guns that could be used to defend the island nation against U.S. attacks. Instead, Khrushchev pressured Castro to accept the deployment of Soviet nuclear missiles to deter the threat of a US invasion. Graham Allison, the Director of Harvard University’s Belfer Center for Science and International Affairs, observed that the best strategic option available to Khrushchev was to relocate the USSR’s medium range ballistic missiles “to locations from which they could reach American targets.”<sup>8</sup>

Although the U.S. had superiority in the missile gap, the placement of intermediate range missiles so close to the U.S. leveled the playing field, providing Khrushchev the threat of mutually assured destruction. U.S. Air Force Colonel Alan J. Parrington wrote in the *Airpower Journal*, mutually assured destruction “is a doctrine of military strategy and national security policy which posits that a full-scale use of nuclear weapons by an attacker on a nuclear-armed defender with second-strike capabilities would cause the complete annihilation of both the attacker and the defender.”<sup>9</sup>

Additionally, missiles based in Cuba provided Khrushchev with leverage for transferring West Berlin to the USSR. Kennedy recognized that Berlin was strategically more important to the USSR than Cuba. According to Graham Allison, Kennedy stated, “The advantage is, from Khrushchev’s point of view, he takes a great chance but there are quite some rewards to it.”<sup>10</sup>

On October 15, 1962, Kennedy was shown aerial photographs proving that the Soviets were building missile installations in Cuba. Kennedy assembled his Executive Committee for National Security (ExCom) composed of the National Security Council and some of his closest advisers. The ExCom advised Kennedy to take immediate and meaningful action in the form of air strikes on the missile bases followed by an invasion of Cuba, which Kennedy resisted. According to Dr. Ron Felber writing in his book, *Presidential Lessons in Leadership*, “Kennedy’s resistance resulted from his desire to gain a full perspective of the situation before committing to irrevocable actions.”<sup>11</sup>

Kennedy knew that any such action could trigger a war with the USSR, which he wanted to avoid at all costs. An alternative course, a naval quarantine, was put in place on

October 22. The U.S. declared that it would not permit offensive weapons to be delivered to Cuba. The term “quarantine” was carefully chosen rather than blockade, which would have been considered an act of war. That night, Kennedy made his case to the American people on television. He discussed the quarantine to counter the threat of Soviet missiles in Cuba emphasizing their placement as “hemispheric threats, not limited to sections of the United States.”<sup>12</sup> The quarantine would remain in place until all the Soviet missiles were removed from Cuba and the Soviet bombers were withdrawn.

While Kennedy worked with the ExCom, the administration was also heavily leveraging the State Department and the United Nations (UN) to bring a swift conclusion to the crisis. Kennedy had learned from his father that you must work things from many different approaches, according to Dr. Felber, reflecting on the thoughts of Evan Thomas, U.S. Ambassador to the USSR. Felber wrote, “Bobby Kennedy ran his own back channel with George Bolshikov, a Soviet spy based in [Washington,] D.C. who was to deliver messages to the Kremlin.”<sup>13</sup>

Despite his unwillingness to pursue a course of action that would lead to war, Kennedy put U.S. forces around the world on high alert. On October 24, Felber continued, “the president’s patience was rewarded when John Scali, an ABC television State Department correspondent, stepped forward, claiming that Aleksandr Fomin, a high-ranking Soviet diplomat, had told him that Khrushchev was desperately looking for a way out of the crisis but needed to find a way for him and the Soviet government to save face.”<sup>14</sup> Messages were exchanged with the Soviets and a deal was reached.

Khrushchev agreed to the terms in an open letter he read on television on the evening of October 27. He announced that the Soviets would dismantle and remove their

missiles from Cuba, subject to verification by the UN. In exchange, the U.S. publicly declared that it had no intention to invade Cuba and within six months, secretly removed its missiles from Turkey. Both sides had avoided a nuclear Armageddon yet were able to demonstrate strategic solutions emerging from the crisis. Kennedy's resourcefulness brought a quick resolution to a tense situation and avoided decisions that would have had a long-term adverse impact.

## II. How Do You Stop a Madman?

### **U.S.-Iraq War / Weapons of Mass Destruction**

The threat of terrorism was brought home to U.S. citizens on September 11, 2001, with the first foreign attack on U.S. shores since Pearl Harbor drew the country into World War II. The attack was devastating and left 3,000 people dead in New York City while destroying several city blocks in its wake, with additional deaths and damage in Pennsylvania and at the Pentagon. All flights within U.S. and Canadian airspace were halted and did not resume until September 13, with significantly upgraded security measures in place. At 11:02 a.m. on the morning of the attacks, New York City Mayor Rudolph Giuliani held a press conference. He ordered the over one million people working or residing in lower Manhattan to evacuate. He instructed, "If you are south of Canal Street, get out. Walk slowly and carefully. If you can't figure what else to do, just walk north."<sup>15</sup>

I worked at a Wall Street firm whose headquarters were located across the street from the fallen World Trade Center. I was in the Princeton, New Jersey office that morning. We watched on a television in the conference room as events unfolded. Our colleagues in New York had to evacuate the headquarters building. All cell phone

communication was down but messaging via our Blackberry devices was still available. As our associates made their way north to try to exit Manhattan, they would send us messages about who was with them and contact information for a family member. We called those people to let them know that their loved ones were alive and making their way out of the city. There were many tears shed in the process. Bridges and tunnels into all of New York City, not just Manhattan, were closed – the city was in lockdown. I was unable to get home that night and slept in my car. I spoke to my family via Blackberry messages. I also received messages from colleagues all over the globe.

I remember travelling over a bridge to get to New Jersey four days after the attack and seeing the stream of smoke steadily drifting south from the still burning rubble that had been the Twin Towers. A few weeks later, I had to travel to London on business. I remember going through security, which was much more thorough, and seeing soldiers with sub-machine guns in the inspection area. I went right to the airport lounge and had a stiff drink. The plane was essentially empty. It was a harrowing experience.

As bodies were recovered over the following weeks, there were many funerals to attend, especially for first responders. I didn't lose anyone in my family, yet the events still bring me to the brink of tears. I remember President George W. Bush standing atop a pile of smoldering rubble amidst the ruins of the World Trade Center buildings. He had a bullhorn and began speaking to the crowd of first responders while he had his arm around an elderly firefighter. He heard calls from below that they couldn't hear him. "I can hear you!" he declared. "The rest of the world hears you! And the people – and the people who knocked these buildings down will hear all of us soon." The crowd reacted with loud, prolonged chants of "USA! USA!"<sup>16</sup>

On September 21, 2001, President Bush spoke to a joint session of Congress saying, “Whether we bring our enemies to justice or bring justice to our enemies, justice will be done.”<sup>17</sup> In his speech, he identified Al-Qaeda as the group responsible for the attacks and noted their association with other previous terror attacks on U.S. personnel and facilities. He then focused on Afghanistan as a haven to terrorists, specifically addressing the Taliban regime that controlled most of that country. Bush directed remarks at the Taliban saying, “The Taliban must act and act immediately. They will hand over the terrorists, or they will share in their fate.”<sup>18</sup> This whole affair was very personal to George W. Bush. He and his administration were hell-bent on avenging the September 11th attacks.

The U.S. government had intelligence on Al-Qaeda. In addition to being sheltered by the Taliban in Afghanistan, the group was known to have a large presence in Iraq under the protection of its dictator, Saddam Hussein. Iraq, under Hussein, had been linked to developing biological, chemical, and nuclear weapons, collectively known as weapons of mass destruction (WMD) since 1980 and had used biological and chemical weapons against Iranian troops during the Iran-Iraq War.

According to Mark Phythian, writing about the buildup of Hussein’s arsenal of WMD, “In 1980, the U.S. Defense Intelligence Agency filed a report stating that Iraq had been actively acquiring chemical weapons capacities for several years, which later proved to be accurate.”<sup>19</sup> The Iraqis first used chemical weapons against Iranian troops early in their war which commenced in September 1980. The use of chemical weapons against Iran continued throughout the war which lasted until August 20, 1988.<sup>20</sup> Time and time again, the UN raised objections to Iraq’s use of chemical weapons. The U.S. backed Iraq

during this war and was the sole member of the UN Security Council to oppose a March 1986 resolution to sanction Iraq. Unchecked, Iraq continued to build its arsenal of WMD.

With the Iran-Iraq War behind it, Iraq owed approximately \$14 billion to Kuwait which had financed Iraq's military efforts during the war. Unable to repay such a huge debt, Iraq invaded Kuwait in 1990. Iraq occupied Kuwait in just two days. The original puppet government it established was soon replaced when Iraq simply annexed Kuwait. There was a global uproar over the invasion. A 35-country military coalition led by the U.S. was established to liberate Kuwait. The Gulf War, also known to Americans as Operation Desert Storm, commenced in mid-January 1991, and swiftly concluded a month later. U.S. and coalition troops decimated Iraqi soldiers who retreated within Iraq's borders. Then President George H.W. Bush resisted military and political recommendations to continue the war, invade Iraq, and depose Saddam Hussein.

Estimates project that as many as 250 thousand U.S. troops suffer from "Gulf War Syndrome," a debilitating illness that includes chronic symptoms such as fatigue, muscle pain, cognitive problems, insomnia, rashes, and diarrhea. The condition has been linked to exposure to depleted uranium and sarin gas during deployment in Iraq. While most cases were reported by Gulf War veterans, the illness has also beleaguered veterans of the U.S.-Iraq War that followed.

The cease-fire that ended the Gulf War drew upon numerous UN resolutions prohibiting the manufacture, storage, and use of biological, chemical, and nuclear weapons by Iraq. However, there was never a treaty or armistice to officially end the war. Tensions between Iraq and both the U.S. and UN remained high for years. In accordance with UN Security Council Resolutions 686 (March 2, 1991) and 687 (April 3, 1991),

“The UN Special Commission on Iraq (UNSCOM) was created to carry out weapons inspections in Iraq, and the International Atomic Energy Agency (IAEA) was to verify the destruction of Iraq's nuclear program.” UNSCOM weapons inspections continued until 1998.

There is debate as to why the program was discontinued, but at its conclusion, UN Inspectors were reasonably confident that Iraq had been completely disarmed. The U.S. government held the view that the inspectors were ejected from the country by the Iraqi government. A few months later, the “Iraq Liberation Act” was passed by Congress and signed by President Bill Clinton on October 31, 1998. It was a Congressional statement that “It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq,” as codified in a note to the United States Code Section 2151. As a result, U.S. policy towards Iraq began to shift.

No inspections were allowed by the Iraqi government for the next four years. While plans for the removal of Saddam Hussein were proposed and discussed by the U.S. government, no significant action was taken. It was during this period, however, that the George W. Bush administration claimed that Hussein had rebuilt his WMD arsenal.

President Bush started laying the groundwork for the invasion of Iraq in late 2001. According to a report in *The Observer* on April 4, 2004, he “first asked Tony Blair to support the removal of Saddam Hussein from power during a private White House dinner nine days after the [September 11th] terror attacks.”<sup>21</sup>

Bush addressed the UN General Assembly in September 2002, a year after the September 11th attacks. He cited a questionable litany of complaints against the Iraqi government including non-compliance with UN resolutions on the production and use of

WMD, failure to comply with UN weapons inspections programs, harboring of Al-Qaeda terrorists, misuse of proceeds from the UN oil for food program to purchase weapons, and “extremely grave” human rights violations.

Congress passed the “Iraq Resolution” in October 2002. Officially, its title was the “Authorization for Use of Military Force Against Iraq Resolution of 2002.” It was a joint resolution that approved the use of U.S. armed forces to invade Iraq and depose Hussein. It laid out many factors justifying the use of force against Iraq. There were several amendments proposed to the bill that did not pass. They exemplified other courses of action available in lieu of military action by the U.S. These amendments called for things such as efforts to be pursued through the UN to resolve the matter peacefully, limiting the use of U.S. armed forces only to support military actions undertaken under the auspices of the UN Security Council, and the provision of an end date for the authority to use force, among others.

The next step was the passage of a UN Security Council Resolution rebuking Iraq, a draft of which was prepared by the U.S. and Britain. Working jointly, their representatives negotiated actively for several weeks with the other members of the UN Security Council on the wording of the resolution. The Security Council passed Resolution 1441 on November 8, 2002, with a vote of 15 - 0. The Resolution offered Saddam Hussein “a final opportunity to comply with its disarmament obligations” as set out in previous resolutions. It was intended to only to require that Iraq submit to inspections by the UN Monitoring, Verification, and Inspection Commission (UNMVIC) and the International Atomic Energy Agency (IAEA). The Resolution did not mention war and the members never intended that Hussein’s non-compliance would automatically

trigger a war. All believed that further non-compliance would bring the matter back to the Security Council for consideration as to next steps.

Iraq agreed to the Resolution five days later and allowed inspectors back into the country. In December 2002, Iraq filed a 12,000-page weapons declaration with the UN fulfilling its obligations under the Resolution. Iraq had filed numerous such reports during the previous term (1991-8) of UN weapons inspections, which were often incomplete or inaccurate. While inspections undertaken since the passage of Resolution 1441 had not identified any WMD, Iraq continued to have difficulty accounting for large quantities of chemical agents that were misplaced by the Iraqi government.

According to a report in *The Guardian* on February 3, 2006, “A memo of a two-hour meeting between [Bush and Blair] at the White House on January 31, 2003 — nearly two months before the invasion — reveals that Mr. Bush made it clear the U.S. intended to invade [Iraq] whether or not there was a second UN resolution and even if UN inspectors found no evidence of a banned Iraqi weapons programme [*sic*].”<sup>22</sup>

The Bush administration’s efforts to build a case for invading Iraq and deposing Hussein culminated in a speech delivered by Colin Powell, the U.S. Secretary of State, to the UN Security Council on February 5, 2003. Powell made the case that the regime made no effort to disarm, were concealing their efforts to produce additional WMD, and were harboring terrorist groups including Al-Qaeda.<sup>23</sup>

The U.S. and British position was that Iraq continued to defy the UN’s disarmament requirements and was in non-compliance with Resolution 1441. The next step should have been to return to the Security Council for further discussion. However, the U.S. and Britain were aware that French would veto any further resolution that

immediately called for war. Rather than return the matter to the Security Council, the U.S. and Britain decided to act. President Bush, speaking to the nation on the evening of March 17, 2003, issued an ultimatum to Saddam Hussein that he and his sons leave Iraq within 48 hours or face the consequences. The invasion, led by the U.S. began on the evening of March 19, 2003, with the support of only six nations who were members of the North Atlantic Treaty Organization (NATO). It had been a year and a half since the September 11th attacks.

Jeffrey R. Smith, in an article for NBC News, reported, “Ironically, after the invasion, evidence of Iraq possessing an arsenal of WMD was discounted by the CIA and other intelligence agencies, as were alleged links to Al-Qaeda.”<sup>24</sup> The Bush administration began to use different justifications for the war including Iraq’s poor record on human rights and the need to introduce democracy into the country.<sup>25</sup> A British Broadcasting Company (BBC) poll indicated that President Bush was globally unpopular for commencing a war without a UN resolution.<sup>26</sup> The survey was conducted in eleven countries around the world and had over 11,000 respondents. “The United Nations Secretary-General Kofi Annan has told the BBC the US-led invasion of Iraq was an illegal act that contravened the UN charter.”<sup>27</sup> Other polls around the world from prior to and post the invasion showed similar dissatisfaction with the U.S. military action.<sup>28</sup>

### **III. Could This War Have Been Avoided?**

#### **What else could have been done?**

There were several reports that Saddam Hussein made attempts to negotiate with the U.S. Starting in December 2002, he reached out through diplomatic channels to discuss the accusations about Iraq’s WMD and links to Al-Qaeda. There was no follow-

through by the U.S. government. Purportedly, Hosni Mubarak, President of Egypt also attempted to intercede on behalf of Hussein. The British Prime Minister, Tony Blair, who supported President Bush throughout the campaign against Hussein, discussed with the UN Security Council an ultimatum that was like that proposed by President Bush, except that it would have allowed Hussein to remain in power if he met certain conditions. Finally, there was a rumor that Hussein was willing to accept life in exile from Iraq if he could walk away with U.S. \$1 billion. None of these proposals were pursued. As a result, the U.S. expended more than a trillion dollars, lost 4,500 soldiers' lives, and left hundreds of thousands of others with ongoing, debilitating illnesses.

### **It's Never Too Late to Be Resourceful**

Clearly, President John F. Kennedy wanted to avoid a war with the Soviet Union. Khrushchev, as well as Kennedy, realized perhaps that the world was at a point of no return if they had advanced to a war. Khrushchev showed his resourcefulness in the lead-up to the crisis by positioning the U.S. in a place where Kennedy would have to give up something. Khrushchev underestimated Kennedy. The leader of the Soviets was able to have the threat of nuclear weapons removed from his doorstep, but he did not get his desired prize of West Berlin. Khrushchev also gets points for reaching out to Kennedy through back channels to open the door to a final negotiation.

Kennedy made mistakes in early confrontations with Khrushchev, but he learned quickly from those mistakes. He sought the advice of an elite group of advisers, yet it was his intelligence and patience as a leader that led him to a win-win solution that avoided the war that seemed the most likely outcome during the crisis. He was resourceful and pursued alternatives to find a peaceful resolution.

Was the Bush administration resourceful related to the war with Iraq? Some might argue that it was, but in a negative way. Many people have claimed the administration manipulated intelligence data and provided faulty evidence to justify the invasion. Perhaps the administration's sense of the inevitability of the need to rid the world of Saddam Hussein outweighed its seeking of non-violent alternatives. Was the Bush administration *being resourceful*?

You will need to be resourceful if you are looking to negotiate a compromise. Likewise, you will need to develop this skill to vet appropriately and objectively your own firmly held positions that you wish to reevaluate.

## CHAPTER FIVE

### WILL YOU FEEL MY PAIN?

#### *Lesson #5: Live the Other Side*

“You never really understand a person until you consider things from his point of view ... until you climb into his skin and walk around in it.”<sup>1</sup> Atticus Finch speaking to his daughter, Scout, in *To Kill A Mockingbird*

- Harper Lee

Empathy is a critical leadership skill. When you see a topic from another person’s perspective, it broadens your understanding of the underlying issue. This understanding doesn’t mean that you will automatically change your view. At a minimum, it gives you insight into what the other side is seeking to achieve. This insight can assist you in your negotiations and in achieving a win-win outcome. However, it is also possible that you will modify your position based on an increased understanding of the situation.

Civil rights have been, and continues to be, a topic that evokes huge emotion in this country. The Civil Rights Act of 1964 was a landmark civil rights and labor law that outlawed discrimination based on race, color, religion, sex, and national origin in the United States. It was proposed originally by President John F. Kennedy, but its passage was stalled in the Senate by a 60-day filibuster. President Johnson drove the bi-partisan passage of the bill after Kennedy was assassinated. Well-intentioned, the law did not initially provide the government with the ability to enforce its provisions. That changed over time as the government asserted its powers under different parts of the Constitution. While discrimination remains an issue in this country, the Civil Rights Act of 1964 had a significant and lasting impact that greatly improved the situation. This is *Lesson #5: Live the other side*. I will examine how the Johnson administration was able to drive this landmark legislation across the goal line.

The current state of racial discrimination was brought to the forefront in recent years with the Black Lives Matter movement. The National Football League (NFL) was drawn into the controversy in September 2016, when Colin Kaepernick knelt during the playing of the national anthem before a game. This was quickly repeated at other games by players of color. I will discuss how the NFL and its owners handled the protests against race inequality and police brutality in 2016 and the Black Lives Matter protests in 2020.

### **I. The Civil Rights Act of 1964**

The Civil Rights Act of 1964 was landmark legislation that outlawed discrimination “on the basis of race, color, religion, sex, and national origin.” It targeted discriminatory practices in voter registration and employment, as well as racial segregation of schools and public accommodation. The bill was first introduced at the request of President John F. Kennedy in response to increasingly violent incidents of police brutality at peaceful protests detesting discriminatory practices, primarily in the South.

### **A Circuitous Path**

When you look at civil rights legislation in this country, you must go back to the founding fathers. The Declaration of Independence informs us that “all men are created equal” and that they are endowed with “certain unalienable rights.” It is a magnificent document that has stood the test of time. Next, though, you must ask yourself who originally qualified as having these rights? In 1776, our newly born nation was one of white men, many of whom were slave owners. The rights of men didn’t extend to people

of color or women. The question of who is entitled to those unalienable rights still lingers.

You can fast forward through history. The Emancipation Proclamation freed the slaves in the Confederate states in 1863 during the bloody civil war that enveloped this nation over the ability of a man to hold another as his property. It was the Thirteenth Amendment to the U.S. Constitution, passed two years later, that abolished slavery in the United States. It was passed in Congress in January 1865 and fully ratified by December of that year.

Although there were many Civil Rights Acts that were passed in U.S. history, the first law of substance came in 1875. It was enacted to "protect all citizens in their civil and legal rights," providing for equal treatment in public accommodation and transportation and prohibiting exclusion from jury service. However, it was made largely unenforceable a few years later at the hands of the Supreme Court. Several civil rights cases were consolidated and heard by the court (*Civil Rights Cases 1883*) which ruled that Congress did not have the authority to prohibit discrimination in the private sector. This opened the door for segregationist behavior that would last through the 1960s.

The Nineteenth Amendment gave women the right to vote. It stated, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex." It was first introduced in Congress in 1878 and was rejected in the House or Senate or one of their committees 28 times before it finally passed in 1919 and was ratified in 1920. Meanwhile, women of color were typically excluded from the suffragette organizations that eventually galvanized its passage.

In 1954, the Supreme Court ruled in a landmark case, *Brown v. the Board of Education*, that school segregation was unconstitutional. This did not sit well with White Southern politicians. Senator Harry Byrd (D-Virginia) “created a coalition of nearly 100 Southern politicians who signed on to his ‘Southern Manifesto’ an agreement to resist the implementation of Brown.”<sup>2</sup> On February 25, 1956, he called for “‘Massive Resistance’ — a collection of laws passed in response to the Brown decision that aggressively tried to forestall and prevent school integration.”<sup>3</sup>

In response, President Dwight D. Eisenhower proposed civil rights legislation that would increase the rights of African Americans. Senator Lyndon B. Johnson was the Majority Leader of the U.S. Senate. Despite the unlikelihood of its approval, he engineered the passage of the Civil Rights Act of 1957. Southern Democrats would only support a weakened version of the originally submitted bill that had no bite. The original called for trials by a judge with no jury for anyone accused of non-compliance with the law. This was by design as no one expected normally white juries in the Southern states to convict any White person of violating the civil rights of people of color. The compromised bill, which included jury trials, passed, and was enacted into law.

### **The Marginalized Have their Say**

In 1960, Martin Luther King, Jr. was arrested during a protest in Atlanta. Both John and Robert Kennedy intervened with the judge in the case to ensure that King would be treated fairly and safely. This action won over King, Sr. who endorsed Kennedy for President in the 1960 election. Some 70 percent of African Americans in the U.S. voted for Kennedy, who won the election by a narrow margin.

When John F. Kennedy became president in 1961, African Americans faced significant discrimination in the United States. Throughout much of the South they were denied the right to vote, barred from public facilities, subjected to violence including lynching, and could not expect justice from the courts. In the North, Black Americans also faced discrimination in housing, employment, education, and many other areas.<sup>4</sup>

While Kennedy supported civil rights, Michael O'Donnell wrote in *The Atlantic*, that he “believed that strong civil rights legislation would be difficult if not impossible to pass, and that it could well jeopardize the rest of his legislative program.”<sup>5</sup> He also feared losing the support of the powerful Democratic bloc of Southern states.

Meanwhile, the level of organized protests by African Americans increased over the next few years. Unfortunately, the backlash became increasingly violent. The Kennedy administration had to send in various federal authorities to stabilize the aftermath. In 1961, African Americans protested segregated seating on public transportation across several Southern states. Attorney General Robert Kennedy had to send in four hundred federal marshals to protect the “Freedom Riders” after several violent events.

In 1962, President Kennedy used the Mississippi National Guard and federal troops to protect the sole African American who had registered for classes at the University of Mississippi. Two people died and dozens of others were injured protesting against the student's admission.

Hundreds of African Americans were savagely attacked and brutalized by police and firemen using attack dogs, clubs, and firehoses during a peaceful demonstration in Birmingham, Alabama on May 2, 1963. King, Jr. had referred to Birmingham as “the

most segregated city in America.” The President sent several thousand troops to Alabama as a result.

In June 1963, President Kennedy again sent troops to Alabama to protect African American students who had registered for classes at the University of Alabama. He spoke to the nation on television on June 11, 1963, to announce that he was sending a tough civil rights bill to Congress. Just hours after the announcement, Medgar Evers, director of the Mississippi National Association for the Advancement of Colored People (NAACP) was assassinated in his driveway.

On August 28, 1963, the “March on Washington for Jobs and Freedom” brought nearly a quarter million people to the Reflecting Pool in our capital. There they heard Dr. Martin Luther King, Jr. deliver his famous and often quoted speech, “I have a dream...” Less than a month later four African American schoolchildren died in an explosion at a Baptist church. This resulted in amendments to strengthen the bill that Kennedy had sent to the House of Representatives. The tougher the bill, the less likely it was to pass.

## **II. The Consummate Legislative Deal Maker**

Lyndon Johnson grew up on the family farm in South Texas. His father had difficulty meeting his financial obligations, and the family was never certain whether they would be able to keep their house. Eventually, Johnson went to Southwest Texas State Teachers College but had to pause his studies for financial reasons. He took a job teaching impoverished Mexican American children at the Welhausen School in a small town south of San Antonio and close to the U.S. – Mexico border. He would recall in a 1965 speech that these children often came to school hungry. In 1966, he said that this work offered him his “first lessons in the high price we pay for poverty and prejudice.”<sup>6</sup>

Zachary Clary, writing for *Smithsonian Magazine*,” reported “These two experiences—youthful economic instability and teaching at the Welhausen School—shaped Johnson’s worldview as he entered the political arena. . . . Once Johnson possessed power, he readily wielded it to alleviate the effects of poverty that he’d witnessed in his early life.”<sup>7</sup> His empathy skills derived from these early experiences as well as living through the Great Depression. “Whenever possible, he used his position to alleviate the suffering of all his constituents,”<sup>8</sup> according to Clary.

Johnson eventually became the Majority Leader in the Senate. “Johnson had been a consummate legislative deal maker before Kennedy chose him to balance the ticket as his vice-presidential running mate in 1960,”<sup>9</sup> wrote Kenneth Walsh in *U.S. News & World Report*. To achieve passage of the 1957 Act, Johnson needed votes to supplement those of Southern Democrats who were willing to support a weak civil rights bill. Liberals from the Northwest states wanted a new dam that would produce electricity that would be publicly provided. Johnson brokered a deal between the two groups where they would vote for each other’s bills.

George Reedy, a long-time assistant to Johnson, described the legacy of the 1957 Act. He said, the mistake is “to examine the 1957 bill solely on the basis of its merits. The more important reality is that it broke down the barriers to civil rights legislation and made possible more sweeping acts which followed later. . . . [T]he Senate is an on-going body, and its acts must be analyzed not just in terms of what they do but how they pave the way for doing other things.”<sup>10</sup> The 1957 Act focused primarily on voting rights. As did the Civil Rights Act of 1960, which Johnson also managed to passage. However, it was another voting rights law that was basically unenforceable.

Walsh also reported that, “Lyndon B. Johnson had a specific objective in mind that guided his presidency from the start—to out-do Franklin D. Roosevelt as the champion of everyday Americans.”<sup>11</sup> Clary further explained that after Johnson won the Presidential election in 1964, he said, “it never even occurred to me ... that I might have the chance to help the sons and daughters of those students [from the Welhausen School] and to help people like them all over this country. But now I do have that chance, and I’ll let you in on a secret: I mean to use it.”<sup>12</sup>

The lack of appetite for Kennedy’s civil rights legislation allowed it to languish in committee. In November 1963, Kennedy was assassinated. Shortly thereafter, President Johnson took up the mantle. In his first appearance as President before a joint session of Congress on November 27, 1963, he challenged the legislators by saying, “No memorial oration or eulogy could more eloquently honor President Kennedy’s memory than the earliest possible passage of the civil rights bill for which he fought for so long.”<sup>13</sup> Johnson was known for his expertise at managing legislation through the Senate, however, he was now in the executive branch of government. “As the former Senate majority leader, he knew his way around Capitol Hill like few other presidents before him—and none since,”<sup>14</sup> wrote Michael O’Donnell.

The bill was sent to the House Rules Committee where it was likely to die. Its chairman, Howard K. Smith (D-VA) had signed the “Southern Manifesto” in 1956 and was a staunch opponent of civil rights legislation. The only way for Johnson to get the bill out of the Committee was to get two thirds of the House to vote for a “discharge petition” that would send the bill to the full House for debate. Johnson worked behind the scenes with the publisher of *The Washington Post*, according to author Ted Gittinger, “to

enlist her editors in pressuring representatives to sign a discharge petition. ... Articles critical of Smith and those who were cooperating with him began to appear in the Post.”<sup>15</sup> Soon thereafter, Smith released the bill from the Committee rather than lose that power play and face humiliation.

In one last effort to weaken or kill the bill, Smith proposed an amendment that added sex as a criterion for discrimination. The amendment expanded the covered groups to women, another factor that would steepen an already uphill climb to passage. However, his action proved unsuccessful, as there was too much momentum behind the civil rights movement. While the broadening by Smith to include women initially shocked the Representatives, it did not dissuade them from ultimately passing the bill.

Similar issues challenged the bill in the Senate. The bill was certain to be stalled by a filibuster by Southern Democrats, as had occurred with the Acts of 1957 and 1960, until the bills were weakened. The filibuster was led by Richard Russell (D-GA), one of Johnson’s mentors. The only way to end the filibuster was to invoke the Senate “cloture rule,” which required support from two-thirds of the Senators. Johnson knew that he did not have the number of votes needed.

Once again, Johnson worked behind the scenes through proxies. He relied on Mike Mansfield (D-MO), who had succeeded Johnson as Senate Majority Leader, and Senator Hubert H. Humphrey (D-MN) who was the floor manager of the bill in the Senate. Johnson browbeat Humphrey into working with Minority Leader, Senator Everett Dirksen (R-IL) to get the bill passed. Gittinger elaborated, “Humphrey and Dirksen agreed on a key issue—the government would sue only in cases involving a ‘pattern or practice’ of discrimination in public accommodations or fair employment.”<sup>16</sup>

The filibuster ended on June 10, after Humphrey had assembled enough votes to end the debate. The Senate cloture rule had not been invoked in some 37 years and had never been used to stop the filibuster of civil rights legislation. The bill was passed by both Houses of Congress and signed into law by President Johnson on July 2, 1964.

Zachary Clary writing for “Smithsonian Magazine,” described Johnson’s civil rights record, “Johnson’s defense of Black Americans and other minority groups didn’t end with desegregated accommodations. He also signed the Voting Rights Act of 1965 and the Fair Housing Act of 1968, in addition to overseeing major reforms in education, health care, and immigration.”<sup>17</sup>

### **III. Impact**

This law was among many other efforts put forth by President Johnson that had a positive impact on America as part of his program “The Great Society.” According to the Whitehouse website, that “program became Johnson's agenda for Congress in January 1965: aid to education, attack on disease, Medicare, urban renewal, beautification, conservation, development of depressed regions, a wide-scale fight against poverty, control and prevention of crime and delinquency, and removal of obstacles to the right to vote.”<sup>18</sup> Johnson reflected in his memoir, *The Vantage Point: Perspectives of the Presidency 1963-1969*, that he was sometimes disappointed in his efforts; however, his successes celebrate the empathy skills he developed as a young man. He was willing to take on challenges facing the American people he loved when no one else would.

“Although years of toil, struggle, and bloodshed still lay ahead, the 1964 law dealt a major blow to the system of segregation,”<sup>19</sup> per Michael O’Donnell. Title VI, which barred discrimination in “any program or activity receiving Federal financial assistance,”

was the provision that ultimately broke down segregation in schools. The federal government effectively leveraged school funding cutoffs to achieve its desegregation goals.

Gary Orfield was a Distinguished Research Professor of Education, Law, Political Science, and Urban Planning at the University of California, Los Angeles. He wrote that these efforts by the government “accomplished more by the end of the Johnson administration than had a decade of litigation following the *Brown v. Board of Education* decision, giving the Civil Rights Act ‘more impact on American education than any of the Federal education laws of the twentieth century.’”<sup>20</sup>

The Civil Rights Act of 1964 became the model for anti-discrimination legislation affecting gender, disabilities, and age. It also led to the founding of the National Organization for Women (NOW) in 1966. While the law has been successful at advancing the rights of some disenfranchised groups, the battle for equality is still being fought by others. Despite the success of desegregation, discrimination remains deeply embedded in American culture. Some fifty years later, the cause took center stage in the National Football League (NFL).

#### **IV. The NFL’s Reaction to Player’s Social Protests**

At times, employees take a stand on an issue. Sometimes it is work related as with people / unions pursuing better work conditions, increased compensation, better benefits, or recognition. The recognition sought may be about the employees themselves, or it may be about broader social issues. The latter is the case that the NFL encountered in Colin Kaepernick in 2016. He took a stand to draw attention to racial inequality and police brutality against Black Americans. At that time, 70 percent of NFL players were Black.

His protest drew national condemnation because it broke with the social norm of respecting the country's flag and national anthem. Then the politicians got involved. As usual, they used the opportunity to be divisive as a means of rallying supporters around a cause. The NFL deemed all this adverse publicity as bad for business. League management refused to look beyond the issue of disrespecting the flag to understand the underlying issues being protested. Their initial reaction to the protest led to a multi-year standoff with Kaepernick and other players who supported him.

In 2020, the murder of George Floyd in police custody resulted in nationwide protests. The country was in a crisis as more people began to understand and object to the police brutality to which many Black Americans were subjected. This time, the NFL was able to put the issue facing the nation in context. As a result, the league's management had a more empathetic response to the issues underlying the protests. It reconsidered the position it had taken after the Kaepernick protests enabling the league to reconnect with players and contribute to social reform.

### **Colin Kaepernick Takes a Stand**

There were several Blacks who died as the result of police brutality in 2014 to 2016. "By 2016, America was reeling from the deaths of Eric Garner, Michael Brown, Laquan McDonald, Tamir Rice, Sandra Bland, Alton Sterling, and Philando Castile, among other Black Americans killed by police,"<sup>21</sup> wrote Alex Woodard and Clark Mindock for *The Independent*. Colin Kaepernick decided he'd had enough. He was the backup quarterback for the San Francisco Forty-Niners. As pre-season opened that August, Kaepernick sat on the bench during the playing of the national anthem. This went largely unnoticed for the first two games.

Commencing with the third game of pre-season on August 26, people took notice.

As reported in *The Washington Post*, by Cindy Boren,

After the game, he addressed his protest to members of the media for the first time, saying, “I am not going to stand up to show pride in a flag for a country that oppresses Black people and people of color. To me, this is bigger than football, and it would be selfish on my part to look the other way. There are bodies in the street and people getting paid leave and getting away with murder.”<sup>22</sup>

Kaepernick discussed the stand he was taking with other players including Nate Boyer, a former Green Beret. According to Boren, Boyer disclosed his conversation with Kaepernick in an interview, “Soldiers take a knee in front of a fallen brother’s grave, you know, to show respect. . . . We sort of came to a middle ground where he would take a knee alongside his teammates.”<sup>23</sup> Kaepernick wanted to avoid initial criticisms about him disrespecting veterans; so, he and his teammate, Eric Reid, took a knee for the final pre-season game on September 1st during the playing of the national anthem. It was a ritual he would follow for the entire season. Other players on many of other NFL teams joined in this silent protest that spoke volumes. “The act drew both praise and rebuke from fans, politicians, and the public at large—and unequivocal condemnation from NFL team owners and executives,”<sup>24</sup> per Katy Marquardt Hill, writing for the University of Colorado. Goodell would only say, “I don’t necessarily agree with what he’s doing,”<sup>25</sup> according to Boren’s article. The constant criticism of the protestors often cited them as disrespectful to the flag and American military service personnel.

That season wasn’t a very good one for the Forty-Niners who had only two wins and fourteen losses. Kaepernick opted out of his contract at the end of the season with the hope of signing with another team. Boren commented, “With a number of mediocre quarterbacks landing with other teams, suspicions grew that he was being blackballed by NFL owners, who presumably didn’t want the attention that signing him would bring.”<sup>26</sup>

Kaepernick never played in the NFL again. He filed a grievance against the league in 2017 and settled in 2019 for millions of dollars; both parties signed non-disclosure agreements.

### **First the Uproar, Then Enter the Politicians**

When Kaepernick began his protest, he knelt during the national anthem. This upset many people, who branded him as unpatriotic and disrespectful of the flag, and of the military veterans who had served to protect our country's freedom. He was breaking an institutionalized social convention. In a campaign interview in August 2016, candidate Donald Trump offered his opinion about Kaepernick's protest. He said, "I think it's a terrible thing. Maybe he should find a country that works better for him. Let him try, it won't happen."<sup>27</sup>

In September 2017, during a campaign rally in Alabama, President Trump said that NFL players should be fired for kneeling during the national anthem,

Wouldn't you love to see one of these NFL owners, when somebody disrespects our flag, to say, "Get that son of a b\*\*\*\* off the field right now, out, he's fired. He's fired." ... You know, some owner is going to do that. He's going to say, "That guy that disrespects our flag, he's fired." And that owner, they don't know it, [but] they'll be the most popular person in this country."<sup>28</sup>

Trump's remarks had the opposite effect to what he intended. More NFL teams had players protesting the weekend after his remarks. The protests spread to other professional sports like baseball and basketball. "Notably, New England Patriots quarterback Tom Brady called Mr. Trump's comments 'divisive' and locked arms with his teammates during his game following the president's remarks."<sup>29</sup>

Vice President Mike Pence, the former governor of Indiana, attended a home game between the Indianapolis Colts and the San Francisco Forty-Niners in October 2017. He left the stadium when players knelt in protest during the national anthem. Many

people felt that this was staged by Trump and Pence whose statements after the game only exacerbated the situation. The protestors grew in number, as did the volume of objections from the public. In *Sage Journals*, Adam Rugg wrote, “Quite simply, the protests were transformed, at least in the eyes of many critics, from a call for justice to an embrace of political division.”<sup>30</sup>

Trump carried out a divisive campaign around this issue for the next several years, taking on players, owners, and the league. Reporting for “ABC News,” Deena Zara wrote, “He brought up the issue during interviews, campaign rallies, national addresses and a consistent stream of animated tweets, attacking the league and providing commentary on everything from the NFL's latest negotiations with players over the kneeling policy, to criticizing Nike's ad campaign starring Kaepernick.”<sup>31</sup>

In the weeks after the death of George Floyd, New Orleans Saints quarterback Drew Brees expressed his initial thoughts on the protests in a June 2020 interview. He said, “I will never agree with anybody disrespecting the flag of the United States of America or our country.”<sup>32</sup> He subsequently apologized, saying “I made comments that were insensitive and missed the mark. ... They lacked awareness and any type of compassion or empathy.”<sup>33</sup> Brees followed this with an Instagram post, “I stand with the black community in the fight against systemic racial injustice and police brutality and support the creation of real policy change that will make a difference.”<sup>34</sup> Exemplifying what was going on in the minds of many players and observers, it took Brees four years to see through the veil of the flag and patriotism to the real issues underlying the protest.

President Trump, who had left the issue alone for months, couldn’t resist the opportunity to reengage. “I am a big fan of Drew Brees. I think he's truly one of the

greatest quarterbacks, but he should not have taken back his original stance on honoring our magnificent American Flag. OLD GLORY is to be revered, cherished, and flown high,' Trump responded, punctuating a tweet thread with 'NO KNEELING!'"<sup>35</sup>

Responding to President Trump, Brees again posted his thoughts on Instagram. "Through my ongoing conversations with friends, teammates, and leaders in the black community, I realize this is not an issue about the American flag. It has never been. We can no longer use the flag to turn people away or distract them from the real issues that face our black communities."<sup>36</sup>

### **The NFL Changed Its Tune – Or Did They?**

On May 22, 2018, NFL owners announced, "Inspire Change," a social justice partnership with the NFL players. To deflect criticism about the ongoing protests, the league would contribute \$89 million over seven years for "efforts and programs combating social inequality." Not everyone was pleased with the announcement. Eric Reid, who was the first player to join Kaepernick in protest said that the league was trying to buy an end to the protests. Derrick Morgan, who played for the Tennessee Titans, called the initiative "hush money that came with the message here, take this, shut up and stop talking about the issues."<sup>37</sup>

What is the adage, timing is everything? The day after the campaign was announced, a new national anthem policy was passed by the NFL owners. It mandated players and team personnel to "stand and show respect for the flag and the anthem." Non-compliance would be subject to fines and suspensions. The policy was put in place without discussion with the players. The players were understandably upset and frustrated. According to Adam Rugg, they had been "blindsided by a decision that

seemed to them to undermine and invalidate the very protests that spurred the partnership in the first place. ... the seemingly contradictory nature of these juxtaposing events still brings into question the ultimate aims and motivations of the league's approach to social justice."<sup>38</sup>

Before the season began that year, the Associated Press reported that the Miami Dolphins considered protesting during the anthem as "conduct detrimental to the team," punishable by up to a four-game suspension. The new anthem policy was quickly suspended.

Author Adam Rugg concluded on the Inspire Change campaign, "I argue that the launch of the campaign served to neutralize the broad political confrontation of Kaepernick and others' message by diluting it across a campaign steeped in the rhetoric of unification and positive outcomes."<sup>39</sup>

## **V. Black Lives Matter**

### **The Murder of George Floyd**

The death of George Floyd on May 25, 2020, at the hands of a Minneapolis police officer was captured on video and went viral on social media. There were calls for police reform and the catch phrase "Black Lives Matter" became a household term. Protests occurred across the country as well as in cities around the world. There was extensive media coverage and many public statements about supporting the need for improvements in race relations. Police officers and law enforcement officials sometimes knelt to join protests against the killings of unarmed black people.

Deena Zara reported, "The death of George Floyd has brought Kaepernick back into the national spotlight in a stark way, with advocates comparing the knee of the police

officer who kneeled on Floyd's neck to Kaepernick taking a knee to protest police brutality.”<sup>40</sup>

On June 4, 2020, a few NFL players participated in a video that was posted on the NFL's X (formerly known as Twitter) page. The players including Saquon Barkley, Odell Beckham, Jr., DeAndre Hopkins, Patrick Mahomes, Tyrann Mathieu, and Deshaun Watson delivered this message: "How many times do we need to ask you to listen to your players? What will it take? For one of us to be murdered by police brutality?"<sup>41</sup> On behalf of NFL players, the participants requested the NFL to make three specific statements.

Roger Goodell issued a statement the next day, June 5, 2020. Coincidentally, it was only hours after President Trump had posted his “No Kneeling” comment. Goodell answered the specific requests of the players, saying,

We, the National Football League, condemn racism and the systematic oppression of Black people. We, the National Football League, admit we were wrong for not listening to NFL players earlier and encourage all to speak out and peacefully protest. We, the National Football League, believe Black lives matter. I personally protest with you and want to be part of the much-needed change in this country.<sup>42</sup>

These were the three statements directly requested in the players' video. While the NFL owned up to its mistakes and displayed empathy for the plight of Black Americans, nowhere in the apology was Colin Kaepernick mentioned.

The NFL arranged to have “Lift Every Voice and Sing,” known as the Black national anthem, played ahead of the national anthem before every game on the opening weekend of the season. This was during the pandemic and only a few stadiums had fans present. The teams did not know how to react. Wanting to avoid further controversy, most of the teams remained in their locker rooms during the playing of both anthems. “Their absence appeared to dilute the pledge many players had made to use their

positions to raise awareness of racial injustice,”<sup>43</sup> wrote Ken Belson in *The New York Times*.

## **VI. Two Different Reactions**

When Kaepernick began his protest in 2016, he was criticized as being unpatriotic and disrespecting the flag as well as veterans. To offset such feedback, he adjusted his approach from sitting during the national anthem to kneeling, a known gesture of respect among military veterans. Despite stressing that their protests were not aimed at the military, the protesting players were condemned for their disrespect of the flag. They were not following the accepted social convention of standing during the national anthem, leaving the message to be translated into one of disrespect. This was a position consistently taken by team owners and league employees. They had not taken the time to listen or understand the concerns underlying the protests, resulting in a stalemate with the players.

While many players joined Kaepernick in his protest, most NFL players did not take part. In *The Sports Journal*, Ben Donohue wrote, “In effect, this made Kaepernick’s protest look like a single athlete trying to take a stand on an issue that was not viewed similarly by a large number of his fellow NFL players.”<sup>44</sup>

After the death of George Floyd, there was consistent outrage across the country. Mass protests against the shooting and killing of unarmed Black men filled the media headlines for months. There was a constant push and shove between those who supported Black Lives Matter and those opposed. The issues were clear, and they were front and center. “There were no conflicting issues regarding the national anthem or national pride to muddy the bigger picture,”<sup>45</sup> Donohue continued, “In 2020, league executives listened

to the message of the protests to guide their dialogue instead of allowing governmental interests or other polarizing figures to draw attention away from the significance of the protests.”<sup>46</sup>

### **The Aftermath**

As noted previously, Kaepernick never again played in the NFL. There were also adverse career consequences for other players who protested. A 2023 study by Leeds School of Business Assistant Professor, Ethan Poskanzer, found that

Players who kneeled were more likely to move to teams in which the team managers, personnel decision-makers, and owners were more supportive of the protest and sympathetic to the underlying social movement. Players who protested in a less-supportive team environment earned less money for the next five years than other players on more supportive teams.<sup>47</sup>

In June 2020, the NFL announced that it was expanding its Inspire Change initiative by providing up to \$250 million over ten years to the social justice program. The goal is to “combat systemic racism and support the battle against injustices faced by African Americans.”<sup>48</sup>

The following June, the NFL said that players were “strongly encouraged” to stand for the anthem and that the league planned no action against silent protests during the anthem. Brian McCarthy, the NFL’s spokesman, said, “We’ve never fined one player for kneeling. ... No player has ever been disciplined.”<sup>49</sup>

Commencing in September 2021, the NFL allowed players to display messages of social justice on their helmets. “It Takes All of Us” and “End Racism” were painted on the end zones of every field. “Critics of the NFL’s decision say that the league has no reason to inject social justice issues into football games and that it risks alienating fans,”<sup>50</sup> reported Michael Levenson in *The New York Times*.

## VII. Conclusion

Lesson #5 is to *Live the other side*. In pursuing his dream of creating “The Great Society,” Lyndon B. Johnson demonstrated his empathy for the poor and marginalized people of this country. He oversaw the enactment of the Civil Rights Act of 1964 despite its original bill being dead in committee when he assumed the presidency. While there will always be work to be done, that legislation was a turning point for civil rights in this country.

Colin Kaepernick’s protest began simply and escalated quickly into a national debate. The lack of empathy shown by NFL management, team owners, and fans resulted in a stalemate that would last for four years. Listening is a critical skill to understanding. Many people were not willing to listen to the true concerns of the players, racism and police brutality. They were easily directed away from the causes underlying the protest. Politicians jumped on the opportunity to paint the protests in terms of a lack of patriotism and disrespect for the American flag. One politician’s complete lack of empathy skills kept redirecting that conversation. The aftermath of the death of George Floyd brought new light on the subjects being protested by Kaepernick and his allies. It took the NFL four years and an event without the same distractions to hear the concerns of its players.

Having empathy doesn’t mean that you will change your opinion. It enables you to see the other side of an issue. If you can understand the concerns on the other side, you will be better positioned to achieve a compromise or, perhaps, to reevaluate your own viewpoint.

## CHAPTER SIX

### HOW CAN WE MAKE A DEAL?

#### *Lesson #6: Be Open to Compromise*

“If I can get 70 or 80 percent of what it is I’m trying to get ... I’ll take that and then continue to try to get the rest in the future.”<sup>1</sup>

- Ronald Reagan

These days, I find that people are often entrenched in their views. Unfortunately, our political leaders seem to pursue partisan positions that divide this country rather than working across the aisle to solve the issues that challenge us. You must be willing to compromise to achieve a win-win situation. That seems simple enough, but you need to be open-minded to not getting everything that you want out of a negotiation as well. This is *Lesson #6: Be open to compromise*.

The best way to examine this lesson is through two examples, one successful, the other unsuccessful. In 2021, Congress passed the Infrastructure Investment and Jobs Act. It was highly contested initially and seemed unlikely to be enacted. I will review the compromises that resulted in its passage with bipartisan support.

Antithetically, the two hundred- and forty-eight-day strike by the Writers Guild of America in 2023 resulted in the cancellation of television shows for the remainder of the year and delayed the restart of movies and ongoing television series into 2024. Both sides in this negotiation were unwilling to compromise.

#### **I. The Platform for Change**

Have you ever complained about the roads where you work or live? Have you heard news reports about bridges in desperate need of repair, or been delayed in heavy traffic because of work on an overpass, or encountered “supply chain delays” for

something you ordered that was sitting on a ship in a harbor waiting to unload? If you answered “no” to those questions, you would probably be an exception. While there has been periodic investment in this country’s infrastructure, there has been no sustained improvement program to keep ahead of the deterioration of roads, bridges, ports, tunnels, airports, railways, or mass transit across the country.

President Eisenhower realized during his tenure in the army that the country was lacking an adequate national road system. He proposed an interstate highway system and appointed a committee to devise a plan to address it. General Lucius D. Clay, who chaired the committee, said, “It was evident we needed better highways. We needed them for safety, to accommodate more automobiles. We needed them for defense purposes if that should ever be necessary. And we needed them for the economy. Not just as a public works measure, but for future growth.”<sup>2</sup> The Federal Highway Act of 1956 called for the creation of an interstate system that would be 90 percent funded by the federal government. America’s prosperity in the years that followed depended, in part, on Eisenhower’s foresight in creating such a system. Almost every President since has attempted to solve the problem of how to keep ahead of deteriorating infrastructure but failed.

### **The Build Back Better Plan**

The “Build Back America Plan” was laid out as President Biden’s agenda in 2020 and 2021. It was the largest nationwide public works investment since Franklin D. Roosevelt’s “New Deal.” It comprised three major pieces of legislation, the “American Rescue Plan,” the “American Jobs Plan,” and the “American Families Plan.” The scope of each of these was considered excessive by conservatives, but when combined

represented a slate of projects that addressed multiple issues important to a forward-looking society. Of course, such an ambitious agenda came with a healthy price tag. Before offsets, the “gross cost” was over \$5 trillion as first proposed.

The American Rescue Plan Act of 2021 was also known as the Covid Relief Act or the Covid Stimulus Plan. It was passed by Congress and signed into law on March 11. The cost at enactment was \$1.9 trillion. However, not all the funds allocated for this stimulus were used for that purpose. The American Jobs bill would subsequently reflect \$200 million of unused Covid funds as an offset to its cost.

The Covid pandemic stifled the economy. More people lost their jobs and benefits than in any period since the Great Depression. Industries like entertainment, travel, and restaurants suffered significant financial losses. The stimulus package provided relief in the form of direct payments to individuals who earned less than a minimum amount (\$80,000 for single taxpayers, \$120,000 for single parents, and \$160,000 for households). Other benefits included extending expanded unemployment payments, expansion of certain tax credits (child, child and parental care, and earned income), paid leave, and tax incentives for businesses. While the stimulus was a shot in the arm, many people remained unemployed. The Biden administration needed a plan to increase the number of available jobs.

The American Jobs Plan, unveiled by President Biden in March 2021, was aimed at increasing job opportunities, supporting labor unions, expanding labor protections, and addressing climate concerns. It was the precursor to the Infrastructure Investment and Jobs Act. The proposed cost was \$2.3 trillion: \$621 billion was to be spent on transportation improvements including \$117 billion for electric vehicle adoption, \$115

billion for highways and roads, \$85 billion on public transportation, \$80 billion on railways, \$25 billion for airports, and \$17 billion for inland waterways. There was another \$213 billion for building and retrofitting private homes and \$40 billion to improve public housing. Modernization of drinking water facilities was allocated \$111 billion with another \$45 billion to replace all the lead water pipes in the country. Another \$300 billion was included to revitalize manufacturing and secure U.S. supply chains, \$180 billion for research and development to create innovative solutions while creating jobs, and \$50 billion for advancing semiconductor technology. Finally, there was to be \$400 billion allocated to home- or community-based care for elders and people with disabilities. This was to be paid for by raising the corporate tax rate from 21% to 28%, increasing the global minimum tax rate from 13% to 21%, and eliminating subsidies for fossil fuel companies.

There was a range of reactions to the proposal. It was applauded for its focus on climate concerns. Labor unions like the AFL-CIO sang its praises. Conservatives said it was too costly, expanded government services too broadly, and would spur inflation. Senator Ted Cruz (R-TX) denounced the proposal as an attempt by the radical Left to “hijack Congress.” He said of the deal, “This \$2 trillion plan is really just the Green New Deal-lite masquerading as an infrastructure plan. President Biden is attempting to make good on his promise to transform America's blue-collar economy into a ‘green’ economy.”<sup>3</sup> Senator Bernie Sanders (D-VT) applauded the plan, but other Progressives in the Democratic party said it did not go far enough.

The American Families Plan dealt specifically with the “care economy.” At times, Progressives tied a vote on its passage to passing the Infrastructure Investment and Jobs

Act. The Families Plan set aside \$1 trillion for childcare, established free universal pre-kindergarten for children ages three and four, and provided government subsidized paid family and medical leave, health insurance subsidies, and free community college education for all. It also called for \$800 billion in tax credits, making its cost \$1.8 trillion, paid for in part by a Democratic plan to raise taxes on households earning \$400,000 or more per year. The bill would also boost funding for the Internal Revenue Service to generate revenue by improved tax enforcement. All of which drew sharp criticism from many people, especially Republicans. The net result would be an increase of \$300 billion to the country's deficit.

Biden had set in motion the most ambitious public works agenda since the Great Depression. Very few people thought the plan as first announced had a chance for passage. It was broad in scope and attempted to resolve more than upgrading highways and roads and creating jobs. It was a full-scale infrastructure rejuvenation package plus an array of social programs meant to support families and keep the U.S. competitive into the future. Yet, Progressive members of his own party like Senator Bernie Sanders and Representative Pramila Jayapal (D-WA) thought it didn't go far enough. According to *The Washington Post*, these modern Progressives wanted to enact national health care, more than double the minimum wage, cancel student debt, overhaul the immigration system, and add major new social and education programs.<sup>4</sup> Solving all these issues would have been very costly.

Meanwhile, Republicans and conservatives considered the plan an overreaching expansion of government. They objected to the huge cost, and the proposed tax increases, especially those on the wealthiest Americans. Representative Tom Emmer (R-MI)

declared it, “President Biden’s multi-trillion-dollar socialist wish list.”<sup>5</sup> Did President Biden load up his proposed agenda knowing that it would need to be severely cut back to pass? Did making it so expansive mean that the derivative result would also be beyond what most people thought was achievable?

## **II. Competing Interests and Efforts**

The Build Back Better agenda was proposed in stages. The American Rescue Plan Act was enacted in March 2021 to stimulate the economy adversely affected by the pandemic. President Biden proposed the \$2.3 trillion American Jobs Plan later that month. In April, Biden released the third piece of his economic strategy, the \$1.8 trillion American Families Plan.

Speaker of the House Nancy Pelosi (D-CA) supported Biden’s approach to pursuing the infrastructure and social improvements in two separate bills. Progressives in the House favored a bundled approach, leveraging the “reconciliation process,” an expedited process for considering bills and precluding filibusters in the Senate. They believed this would reduce the need for compromise with Senate Republicans. Despite this, Democratic leaders decided to pursue a bipartisan bill for physical infrastructure instead. According to Lindsey MacPherson, a contributor to RollCall.com, “This would prove a fateful decision that may have ultimately limited how much of Biden’s economic agenda Democrats would later pass.”<sup>6</sup> The legislation addressing “human infrastructure, known as the “Build Back Better Act,” would be dealt with using the reconciliation process. In the months that followed, numerous alternative bills and proposals were made by both sides in the Senate and the House leading to a final bill.

### **Efforts in the Senate**

Commencing in March, the Senate had been working on a bipartisan infrastructure bill. Separately, Republican Senators countered with a \$568 billion infrastructure-focused alternative to the American Jobs Act which Biden rejected. In May, another Republican plan for \$928 billion was put forth that was again rejected by Biden.

In June, the administration shifted its focus to the group of bipartisan Senators working on the compromise infrastructure bill. It covered roads, bridges, railways, water, sewage, broadband, and electric vehicles. After the President met with the bipartisan group on June 24, they announced a compromise infrastructure bill with a cost of \$1.2 trillion over eight years versus the original American Jobs Act proposal of \$2.3 trillion over ten years.

Discussions were still underway in the House on the reconciliation bill that addressed human infrastructure. The cost of that bill was \$3.5 trillion. However, the Progressives in the Senate wanted to fund more efforts. In June, Senator Bernie Sanders proposed a \$6 trillion package that would add \$3 trillion to the deficit over ten years, expanding Medicare to include dental, hearing, and vision coverage while lowering the minimum age of eligibility from 65 to 60.

Senator Joe Manchin (D-WV), part of the group that worked on the bipartisan infrastructure bill, said that he needed more information on how the separate \$3.5 trillion reconciliation bill would be paid for before he would support it. Later in the month, Senator Krysten Sinema (D-AZ) raised her own concerns about the cost.

At the time, the Senate comprised 50 Democrats and 50 Republicans. With the Republicans certain to vote in unison against the reconciliation bill, and the chance of two centrist Democrats not supporting it, the reconciliation bill would not pass in the Senate. However, the bipartisan infrastructure bill advanced to the full Senate for debate. Known as the Infrastructure Investment and Jobs Act, the bill passed in the Senate on August 10 by a vote of 69-30.

In September, it became public that Manchin had told the Senate Majority Leader Chuck Schumer (D-NY) in July that he would not support any reconciliation bill for human infrastructure with a cost of more than \$1.5 trillion. This was based on the amount of tax increases he thought Congress could pass without putting the U.S. at a global disadvantage.<sup>7</sup> He later revised his tolerance threshold to \$1.75 trillion, but ultimately, did not support the Build Back Better bill and it was defeated in the Senate. Still, Manchin continued to negotiate with Senator Chuck Schumer, and his support of the “Inflation Reduction Act of 2022” enabled its passage. This newly formulated legislation incorporated some of the key elements of the Build Back Better Act, such as climate change, health care, and tax reform.

### **Efforts in the House**

As July approached, the House was working on a budget reconciliation bill for human infrastructure, which became the Build Back Better Act. Later that month, Democratic party leaders and the White House reached agreement on a proposal that cost \$3.5 trillion. The Senate had passed the Infrastructure Investment and Jobs Act, its bipartisan infrastructure bill, in August. Some moderate Democrats in the House wanted to take advantage of the momentum in the Senate. They were not willing to vote on the

Build Back Better bill until after there was a vote on the bipartisan infrastructure bill in the House. Progressives, led by Representative Pramila Jayapal, wanted to defer the vote on the infrastructure bill as leverage to pass a more expensive Build Back Better bill for human infrastructure. The Progressives also feared that Moderates who backed the infrastructure bill might abandon the Build Back Better bill if the votes were not linked. This delayed the House vote on both bills.

There was broad support in the House to pass the bipartisan infrastructure bill. This stand, by a core group of Progressives, collectively known as “the Squad,” irked many Representatives. After leaders announced the delay on the bipartisan infrastructure bill vote, Representative Cindy Axne (D-IA) said, “All-at-once or nothing is no way to govern.”<sup>8</sup> Senator Manchin, a moderate holdout on the Build Back Better Act, announced he needed more time to review that package and warned, “holding the bipartisan infrastructure bill hostage is not going to work in getting my support for the reconciliation bill.”<sup>9</sup>

As discussions proceeded, the President informed House Democrats in October that the cost of the Build Back Better bill had to be reduced to \$2 trillion. Biden also advised them not to vote on the bipartisan infrastructure bill until they had a revised reconciliation proposal for the Build Back Better bill. Senator Sinema had separately expressed an objection to any increase in individual or corporate taxes to the President and party leaders. This meant that any proposal would need to have a different means of funding. Biden held weeks of discussions with Senators Manchin and Sinema to arrive at a solution that they would be willing to support. Instead of raising corporate and individual tax rates, the bill would be funded by a introducing a global minimum

corporate tax rate of 15%, and imposing surcharges on corporate “book value” and wealthy individuals.

At the end of October, House Democrats received a revised \$1.75 trillion reconciliation framework that would get the full 50 Democratic votes in the Senate. The Progressives were still threatening not to support the bipartisan infrastructure bill if the two bills were not voted on together. President Biden intervened once again, offering Progressives and Moderates a deal. “In exchange for progressive votes for the infrastructure package, moderates would pledge to vote for the spending bill [Build Back Better], so long as the Congressional Budget Office — which will lay out how much the measure adds to spending and the deficit — finds the measure’s fiscal impact is as projected.”<sup>10</sup>

On November 5, the Infrastructure Investment and Jobs Act passed the House by a vote of 228-206. The six Progressive members of “the Squad” voted against the measure because it was decoupled from the Build Back Better vote. Thirteen Republicans joined the remaining Democrats in approving the measure. President Biden signed the Infrastructure Investment and Jobs Act into law on November 15.

With offsetting adjustments to taxes and other government revenue streams, the Congressional Budget Office estimated that the Build Back Better Act would add \$158 billion to the country’s deficit over its ten-year proposed span.<sup>11</sup> On November 19, the House passed a \$2.2 trillion Build Back Better bill, but it was unlikely to pass in the Senate because of Manchin’s continued objections to its price tag. Negotiations continued.

### **III. The Infrastructure Investment and Jobs Act**

On November 15, the final version of the bill was enacted into law at a cost of \$1.2 trillion as opposed to the American Jobs Act's \$2.3 trillion proposed cost. The law addressed all the major physical infrastructure components of the original proposal but funded them to a lesser degree. \$110 billion was allocated for roads and bridges; \$66 billion for passenger and freight rail improvements; \$65 billion for broadband development; \$39 billion to modernize public transit; \$11 billion for transportation safety programs, and \$7.5 billion to build a national network of electric vehicle charging stations. The areas that were reduced in the final version included roads, bridges, railways, public transit, electric vehicles, broadband, and power and water infrastructure. The areas that were eliminated in the law were innovation, buildings, in-home care, and clean energy tax credits.

### **IV. Working Both Sides**

President Biden proposed the largest public works agenda since the Great Depression in response to the post-pandemic economy. His chances of getting his agenda approved as proposed were miniscule with the Senate being evenly divided between Democrats and Republicans and having only a slight majority in the House. His proposals faced staunch opposition from Republicans along party lines. They believed the cost was too high, the proposals expanded the role of government too broadly, and additional taxes would suppress growth. There was also pushback from the Progressives who wanted greatly expanded social services and tried to cure all past ills in one piece of legislation. Finally, it was challenged by two centrist Democratic Senators who also thought the cost was not justified. When the Infrastructure Investment and Jobs Act was passed in the

Senate, Emily Cochrane, writing in *The New York Times* said, “Its success, painstakingly negotiated largely by a group of Republican and Democratic senators in consultation with White House officials, is a vindication of Mr. Biden’s belief that a bipartisan compromise was possible on a priority that has long been shared by both parties — even at a moment of deep political division.”<sup>12</sup>

Biden, who spent most of his political career in the Senate, was able to negotiate with each of the factions challenging his proposal on infrastructure improvement. He demonstrated that it was possible to reach across the aisle and deliver bipartisan support for legislation that would improve America’s infrastructure and position the country for the future. He was willing to compromise to get a good portion of what he sought. Key to achieving compromise is understanding that you will not get everything you want, especially when you are negotiating in a highly partisan and deeply divided environment.

Next, I’ll discuss a recent labor dispute where one side chose not to compromise only to prolong a costly strike by television and movie writers.

#### **V. Hollywood Goes on Strike**

I worked in financial services my whole career. It was rewarding and challenging, but it was often a daily grind. Working in television or movies has always seemed dreamlike to me. My stereotypes of the lives of actors, directors, writers, and supporting groups like film crews all come from television shows and movies. I was aware of the offsetting reality of hundreds, if not thousands, of out of work actors waiting tables while awaiting the big break that would launch their careers. On the other hand, I found it difficult to visualize starving writers waiting for their shot.

When you hear about the money that some actors earn, it's sometimes hard to imagine that "Hollywood" is an industry of haves and have nots. There are shows that are very successful and run for multiple seasons, as well as blockbuster movies. Some actors get paid enormous salaries and get residuals. That is, they get a payment every time a show or movie is rerun. Many writers earn residuals for their work as well. Shows that debut and get cancelled quickly and movies that bomb at the box office have casts, writers, and crews just like successful efforts. The folks working on those projects don't make out nearly as well. Still, it was hard for me to empathize with the Writers Guild of America when they first went on strike. I only knew that if it was a protracted affair, my favorite television shows would be running repeats for a long time.

This part of Lesson #6: *Be open to compromise*, is a tale of two strikes in Hollywood. The Writers Guild of America (WGA) struck first in May and was supported by the actor's union, the Screen Actors Guild – American Federation of Television and Radio Artists (SAG-AFTRA), who went on strike two months later. The Alliance of Motion Picture and Television Producers (AMPTP) was on the other side of both labor disputes.

Together, the strikes resulted in the longest disruption to the American film and television industries since the pandemic. Wendy Lee and Meg James, writing for "The Los Angeles Times" noted, "The dual Hollywood strikes, not seen since 1960, decimated the entertainment industry, further shuttering productions and financially clobbering related businesses, including talent agencies, casting firms, caterers, and prop houses."<sup>13</sup> Once settled, the dispute resulted in the loss of forty-five thousand jobs and cost the

economy of Southern California an estimated \$6.5 billion.<sup>14</sup> I will concentrate on the writers' strike, with the actors' strike playing a supporting role.

### **What Changed?**

“Cord-cutting” and declining ratings eroded the revenues of traditional cable television companies at a time when these companies were spending massively to launch streaming services to compete with Netflix, resulting in the loss of billions of dollars.<sup>15</sup>

Consumer preferences were changing. In the past, people watched television shows according to a schedule prescribed by the networks. If they missed a show, they had to wait for the repeat to be aired. Then came the age of video cassette recording, followed by digital video recording. Today, people want more content at a lower cost. They want it available as their own schedule dictates, and accessible from anywhere on a selection of multiple devices.

As the industry moved to streaming, providers attempted to build their subscriber bases with extensive content. However, the viability of this model depended on the ability of the providers to continue to grow their number of subscribers. “Streaming may have created more jobs in the short term, but it has eroded the residuals that once formed the bedrock of a writer’s income,”<sup>16</sup> according to the authors of “A Brief History of Hollywood Writers’ Strikes,” Alison Foreman and Christian Zilko. They elaborated, “Screenwriters are working more, earning less, and being asked to come to terms with the idea that their work can be removed from streaming circulation at any moment — and for any reason.”<sup>17</sup>

Kate Fortmueller is an assistant professor of entertainment and media studies at the University of Georgia. In an interview on National Public Radio, she said, “Writers

and production companies are grappling with how to reconcile drastically different ideas of how the media business should handle streaming platforms.”<sup>18</sup> Additionally, the changing business model has attracted new players such as Amazon, Apple, and Netflix.

## **VI. The Players**

### **Writers Guild of America**

Originally formed as the Screenwriters Guild of America, the union evolved into two groups, the Writers Guild of America – East (WGA-E) and the Writers Guild of America – West (WGA-W), representing almost 12,000 writers across the country. WGA-E is headquartered in New York City, while WGA-W is based in Los Angeles. The Writers Guild of America (WGA) jointly negotiates industry-wide agreements on behalf of the two unions and is affiliated with the American Federation of Labor and the Congress of Industrialized Organizations, better known as the AFL-CIO, and the Teamsters union.

Calling for a strike is not new for the WGA and its predecessor, having employed the tactic eight times since 1933. The contract negotiations in dispute typically involved compensation, residuals, and new technologies that are usually unaccounted for in previous labor agreements. “Many of the strikes were tied to emerging technologies that threatened to fundamentally alter the way Hollywood distributes entertainment,” wrote Foreman and Zilko, “and were ultimately resolved once the guild felt that writers had been assured an appropriately sized slice of the new pie.”<sup>19</sup>

In 1952, the agreement resulting from the strike introduced the concept of residuals. In 1960, the WGA gained residuals for films relaunched on television. 1973’s strike brought compensation for the home video market, while residuals for cable

television productions came in 1981. Larger residuals for syndicated television shows in 1988 resulted from the longest WGA strike in history, which lasted twenty-two weeks. Revenue for internet content followed in 2000. 2007-8's strike lasted for one hundred days. Gains included content made for new media and residuals for reuse on new media platforms, including digital downloads and use on ad-supported internet services. The writers sensed that direct-to-streaming content would eventually be produced and demanded union rules on what was then referred to as "new media."<sup>20</sup>

The WGA strike in 2023 was also in response to new technologies, streaming of content and the use of artificial intelligence. According to Lee and James, WGA members claimed that "Shorter seasons for streaming shows and fewer writers being hired have cut into guild members' pay and job stability, making it harder to earn a sustainable living in the expensive media hubs of Los Angeles and New York."<sup>21</sup> Commencing on May 2, the strike lasted one hundred and forty-eight days, tying the 1960 strike as the second longest, only behind the one hundred and fifty-three day strike in 1988.

The WGA instructed its members as follows, "writers cannot do any writing, revising, pitching, or discussing future projects with companies that are members of the AMPTP."<sup>22</sup> During the strike, the WGA and the writers used social media effectively to keep members informed, court public sentiment, and organize picketing at filming locations in multiple cities. Striking writers organized into teams to picket at productions that tried to keep shooting completed scripts after the WGA went pencils down.<sup>23</sup> They also picketed major studios, effectively shutting down television and movie production.<sup>24</sup>

### **Alliance of Motion Picture and Television Producers**

The Alliance of Motion Picture Producers was founded in 1924. It merged with the Alliance of Television Film Producers in 1964 creating the Alliance of Motion Picture and Television Producers (AMPTP). It merged again in 1966 with the Society of Independent Producers. Speaking with one voice, the group negotiates fifty-eight different contracts with labor organizations and associations on behalf of hundreds of production companies.

The AMPTP was led by a group of eight “class A” members, Amazon, Apple, Disney, NBCUniversal, Netflix, Paramount Global, Sony Pictures, and Warner Bros.Discovery. These companies had well-known CEOs, who are not necessarily popular. Writing for “Vanity Fair,” Natalie Jarvey and Joy Press related, “Writers and actors were looking for a villain and found one in newly minted Warner Bros.Discovery CEO David Zaslav, who was booed while giving a commencement speech and faced backlash when he hosted a lavish mid-strike party in Cannes.”<sup>25</sup> Robert A. Iger, who led Disney, publicly pushed back against the striking workers, calling the WGA’s demands “not realistic.”

Carol Lombardini was the president of AMPTP, and responsible for negotiating all fifty-eight of Hollywood’s union agreements. In some sense, she was caught in the middle. Jeff Ruthizer, author of the book *Labor Pains*, described the difficulties of her position. “The studio alliance’s [AMPTP] relatively recent additions of Apple, Netflix, and Amazon have made its priorities more varied and unwieldy than in the past. The unions have grown more aggressive. And bargaining issues — the rise of artificial

intelligence, for instance, and its potential to disrupt the creative process — have become more complex.”<sup>26</sup>

Deadline is a website that covers the latest news in the entertainment industry. On July 11, 2023, Deadline reported that the AMPTP’s plan was to allow WGA members “to continue to strike for the foreseeable future.”<sup>27</sup> AMPTP had requested to go to mediation with the separately striking SAG-AFTRA negotiating committee the same day. The Deadline report further alleged that the studios had “no intention of returning to negotiations with the WGA anytime soon.”<sup>28</sup> Deadline noted several confidential sources for its report. One source, cited as an “industry veteran intimate with the [point of view] of studio CEOs,” told Deadline, “I think we’re in for a long strike, and they’re going to let it bleed out.”<sup>29</sup> Another studio executive told Deadline, “The endgame is to allow things to drag on until union members start losing their apartments and losing their houses. ... Per the report, several sources told the outlet the AMPTP expected the strike to continue through the fall. One referred to the tactic as a ‘cruel but necessary evil.’”<sup>30</sup>

After an August 11 meeting between the AMPTP and the WGA negotiating committee, the WGA sent a note to its members saying the AMPTP was willing to potentially make concessions in topics such as artificial intelligence but would not negotiate on other issues like success-based residual payments from streaming services. The negotiating committee pledged not to return to negotiations until studios were willing to engage on all proposals.

On August 22, the WGA negotiating committee held a meeting with the CEOs of the four of the class A members of the AMPTP. In attendance were Robert Iger (Disney), Donna Langley (NBCUniversal Chief Content Officer), Ted Sarandos (Netflix), and

David Zaslav (Warner Bros. Discovery). The representatives for the writers said they were lectured and browbeaten by the executives and pressured to accept an August 11 proposal from the AMPTP without recourse.<sup>31</sup> Predictably, the talks broke down after the meeting.

## **VII. The Stakes**

Over the decade prior to the strike, content production grew rapidly as media companies invested billions in streaming services. Writers complained their compensation was at a standstill. One of the focal points in the 2023 labor dispute was the residuals from streaming media. Streaming had changed everything. Writing for “Parade” magazine, Matthew Huff explained, “Writers could have shows that millions of people watch for decades and decades without them ever seeing a dime for their work outside of the initial payment.”<sup>32</sup> Beyond that, writers wanted access to streaming data to ensure proper accounting for streaming residuals that might be agreed. The studios were reticent to provide this data. Was it because of confidentiality, WGA leadership wondered, or because they were not willing to pay what the data would show the studios might owe?

The prior collective bargaining agreement that covered the work done by WGA writers resulted from the 2020 negotiations that were held during the pandemic. It established a minimum wage for television and film writers, but only applied to those who wrote for broadcast television shows and not for streaming television. The WGA claimed that this had a significant adverse impact on the writers’ average income. The AMPTP refused to meet WGA proposals on this matter.

Another contested topic was the WGA demand for "mandatory staffing" and "duration of employment" terms to be added to their contract. The AMPTP viewed this as a requirement that all shows would be staffed with a minimum number of writers for a minimum amount of time, whether they were needed. Other benefit improvements proposed by the WGA included that each member of a writing team would receive their own pension and health care funds. Again, the AMPTP rejected the proposals out of hand.

One area where the AMPTP expressed willingness to compromise was the use of artificial intelligence. The WGA feared that tools like ChatGPT could ultimately be used to replace writers. They wanted such tools to be used only to help with research or facilitate script ideas.

### **The Negotiations**

On March 14, 2013, the WGA published a memo to its members entitled "Writers Are Not Keeping Up," which declared, "Driven in large part by the shift to streaming, writers are finding their work devalued in every part of the business. While company profits have remained high and spending on content has grown, writers are falling behind."<sup>33</sup>

Meanwhile, the studios, via the AMPTP, argued that 2023 was not an ideal time for a major change in how writers are paid. They expressed the following logic as a basis for their concerns:

The advertising market is grim, and cable and broadcast networks, which had been highly profitable for decades, are hemorrhaging viewers. Wall Street has soured on media companies since Netflix lost subscribers for the first time in a decade last year. That has forced studio executives to quickly find a way to turn their money-losing streaming services into profitable entities.<sup>34</sup>

As the weeks of the strike progressed, the discussions went poorly. As mentioned previously, the studios / AMPTP were not negotiating in good faith. They believed that they would be able to outlast the hardships facing the striking writers. The WGA, however, held firm to demands related to staffing minimums and streaming viewership transparency, among others, even though food insecurity affecting industry workers was increasing and some were facing eviction.<sup>35</sup>

On August 11, the AMPTP put forth its first attempt to address the WGA's demands for a viewership residual and a minimum staffing guarantee. "The WGA maintained that the offer was riddled with loopholes and exceptions that made many of its provisions meaningless."<sup>36</sup> To appeal to the broader rank and file of the WGA, frustrated studio leaders told Ms. Lombardini to release the details of their sweetened proposal to the news media. WGA issued its own statement saying, "it was undeterred by this latest tactic."

The leaders of the major studios and streamers eventually took over the negotiations on behalf of the AMPTP. They met with the WGA for five straight days at the end of September to hammer out a deal. The two sides reached a tentative agreement on September 24 and the WGA suspended the strike on September 27. 99 percent of WGA members ratified the contract on October 9. The WGA negotiating committee pointed to "meaningful gains and protections for writers in every sector of the membership."<sup>37</sup>

### **VIII. Winners and Losers**

The WGA came out a big winner. Like President Biden's infrastructure proposal, the WGA's initial demands seemed unlikely to be achieved. In the end, the WGA was

able to obtain improved compensation, streaming residuals, minimum staffing levels, and employment term commitments. New regulations on the use of artificial intelligence were included in the agreement. The evolving technology cannot be used to write or rewrite scripts or screenplays and studios cannot force a writer to use such technology in their work. There were also improvements for film screenwriters, including guaranteed pay timelines, protections against unpaid edits, and bonuses for successful streaming films. In their article in *Vanity Fair*, Joy and Press explained, “Even if they didn’t get everything they fought for, the WGA estimated that the deal was worth nearly three times the studios’ original offer.”<sup>38</sup>

Some suggest that the AMPTP also came out of the negotiations with a win, but it’s hard to see how. The CEOs of the class A members of the AMPTP didn’t have the best public images before the WGA commenced its strike. The high-handed attitude that they demonstrated through most of the negotiations, as well as the coverage of them in the media, did nothing to improve those images. After initially insisting that they would not yield to the WGA’s demands, they capitulated on almost all of them. Jarvey and Press reported, “While they may have saved some money at first, they also lost hundreds of millions after productions shut down. Warner Bros.Discovery, for example, has already said its annual earnings will fall short by between \$300 million and \$500 million.”<sup>39</sup>

The WGA strike demonstrated the important contributions of the writing community. It also showed how dependent each part of the industry was on one another. That included the actors, writers, directors, film crews, musicians, food services, logistics, among a sea of others. When productions shut down, everyone was affected. This had a knock-on impact on the people who worked in the surrounding communities,

be it restaurants, grocery stores, car washes, amid myriad others. The studios were trying to save money for their investors, but the impact on California's economy was devastating.

Finally, the consumers lost out on months of viewing shows that they followed and movies that were delayed. Although the WGA strike ended in September, and the actors' strike ended in November, it took months, well into 2024, for the industry to get shows and movies out of production and in front of viewers.

## **IX. Conclusion**

The WGA was willing to compromise on some of its demands but stood firm on its top priorities. The AMPTP was unwilling to compromise for the first several months of the strike, believing they could outlast the WGA's efforts. This unwillingness of both groups to compromise from the outset resulted in a protracted strike. It was the second longest work stoppage resulting from a writers' strike in the industry's history. The shutdown of production affected all participants in the industry, not just those on strike. The economies of Southern California and other production-heavy areas of the country lost over \$6 billion.

Contrast this against the Infrastructure Investment and Jobs Act that was enacted in 2021. President Biden, worked closely with a bipartisan group of Senators to develop a compromise that was passed by both houses of Congress. The willingness of both sides to compromise delivered a law that will improve multiple aspects of the country's infrastructure, invest in developing areas like broadband and a nationwide network of electric vehicle chargers, and create a significant number of jobs. It also delivered on a

desire of almost every President since Eisenhower to address the country's deteriorating infrastructure.

There is nothing wrong with the tactic of standing firm and holding out to achieve your demands. However, if you are going to take such an approach, make sure you understand the potential consequences beyond achieving your demands. Project the impact that not coming to an agreement quickly may have on both sides and any interconnected parties subject to a knock-on impact. An inability to reach an agreement may ultimately force you into a settlement that costs much more than a good faith compromise would have.

## CHAPTER SEVEN

### HOW DO WE MAKE THIS A BETTER WORLD?

#### *Lesson #7: Think Beyond the Present*

“We do not inherit the earth from our ancestors, we borrow it from our children.”<sup>1</sup>

- Native American Saying

In the first part of the chapter, I will discuss how safe drinking water legislation has benefitted this country and the battle to sustain that success despite myriad challenges. Are we willing to make compromises on current growth and prosperity to offset the loss of natural resources in the future? In the second half, I will examine the pros and cons of the impact of electric vehicles on the environment. Will they help to save our future or simply add to our environmental dilemmas?

Global warming and the environment are hot topics that will be with us for some time. Many people believe that we are systematically destroying the environment. Others believe that the problem is either being blown out of proportion or doesn't really exist, while still others choose to ignore the situation completely. Protecting the environment has been a part of American culture dating back to the days of Teddy Roosevelt, who created the National Park system to preserve America's natural wonders for future generations. This is Lesson #7: *Think beyond the present*.

A more recent example of this lesson is the federal legislation, under the stewardship of the Environmental Protection Agency (EPA), to safeguard the quality of the supply of drinking water in the U.S. as put forward in the Safe Drinking Water Act of 1974 and subsequent incremental improvements that demonstrate its lasting impact.

Sometimes, we find solutions to problems or innovations to products that seem to make our lives better but end up causing complications in the long run. This is especially true as it relates to the environment. While the legislation has provided safe drinking water to most Americans, complicated rules, fragmented enforcement, and costly treatment techniques have resulted in several unsafe drinking water crises across the country. As the effects of climate change continue to reveal themselves, sources of water are beginning to dry up. Groundwater, once assumed to be in infinite supply in this country, is now proving to be a finite resource.

Assumedly, the push for electric vehicles by the auto industry is to save the environment by cutting carbon emissions through the reduced use of fossil fuels. But will it really? Like everything else, there are at least two sides to whether converting to electric vehicles will save the planet.

New laws have been enacted in various states to prohibit the sale of gas-powered vehicles in upcoming years. Electric vehicles are powered by large batteries that require various rare minerals, such as gold, silver, nickel, cobalt, and lithium, among others. The mining of these metals is an ecological disaster. Another concern is that in ten years and beyond, there may be hundreds of thousands of these batteries that have passed their useful life and there is currently no known way of recycling them. Should the proponents of electric cars have taken a longer view to the potential impact of their inventions?

#### **I. Environmental Advocacy of the 1970s**

The 1960s was a period of turmoil in this country related to an unpopular war in Vietnam, civil rights contests, women's rights advocacy, and an emerging drug culture. It was also a time of great self-discovery. One of the areas that came into focus during this

period was America's pollution crisis. Industrial companies were pouring pollutants into the air and dumping tons of harmful chemicals and waste into rivers and lakes. They also buried toxic industrial waste that would later seep into the groundwater. Smog was enveloping major cities and began to be cited as a cause of death in some instances. In 1969, the Cuyahoga River in Ohio regularly caught on fire and drew national media coverage as well as public outrage. The evidence of our misuse of the environment was increasingly visible. In 1968, *Time Magazine* referred to it as "the relentless degradations of a once virgin continent."<sup>2</sup> It was an issue in the 1968 Presidential election and drew the attention of Congress.

The "Environmental Policy Act of 1969" would eventually result in the creation of the Environmental Protection Agency (EPA). It also ushered in an era of major legislation to address the crisis. President Richard M. Nixon advocated for the environment saying in 1970, "A major goal for the next ten years for this country must be to restore the cleanliness of the air, the water, the broader problem of population congestion, transport and the like."<sup>3</sup> The "Clean Air Act" was enacted in 1970. Two years later, the "Federal Water Pollution Control Act Amendments of 1972," also known as the "Clean Water Act" (CWA), essentially rewrote the original law that was passed in 1948. The Safe Drinking Water Act was signed into law by President Gerald R. Ford in 1974.

### **The Clean Water Act**

"Before the passage of the Clean Water Act, large numbers of our nation's lakes, rivers, and streams, were polluted with raw sewage, industrial chemicals, and dangerous metals,"<sup>4</sup> according to the U.S. General Accounting Office (GAO). This legislation was established to "restore and maintain" the nation's waterways. It set a national approach

and standards. It is administered by the EPA but assigned enforcement largely to state agencies. It covers surface water, such as lakes, rivers, streams, and other bodies of water, but does not address groundwater.

The act addressed water pollution by creating a permit system for regulating the "point sources" of pollution such as agricultural and industrial facilities, and municipal sewage treatment plants. It also provided federal financing for pollution control improvements. Run-off is a major "non-point source" of pollution to these waters that goes unregulated. The GAO explains that run-off "carries sediment, oil, bacteria, toxins, and other pollutants from farms, yards, and paved areas into nearby waters. Such pollution can harm fish and other aquatic life, lead to the development of harmful algal blooms, and contribute to ocean acidification in coastal waters."<sup>5</sup>

Protection of surface waters is important to ensure the health and safety of citizens who use the waters for commerce and leisure activities or are otherwise exposed to them. These waters also serve as a source of drinking water in parts of the U.S.

### **The Safe Drinking Water Act**

"A study conducted by the Public Health Service in 1970 discovered that 41 percent of the nine hundred and sixty-nine public water systems investigated had been delivering inferior or potentially dangerous water to citizens,"<sup>6</sup> Katherine Gallagher wrote in an article about drinking water legislation. This resulted in a revised strategy to ensure safe drinking water. The Safe Drinking Water Act (SDWA) is the primary regulation of drinking water in the U.S. It applies to every public water system in the country, as well as the sources for the water including lakes, rivers, reservoirs, groundwater, and wells. It does not apply to bottled water which is regulated by the Food and Drug Administration.

As of 2023, there were over 170 thousand public water systems in the U.S.

Approximately 15 percent of Americans get their water from private wells which are also not governed by the law.

Enforcement is overseen by the EPA in coordination with state and local officials. As part of its responsibilities, the EPA established National Primary Drinking Water Regulations (NPDWR) for contaminants that may cause an adverse health effect. Contamination is classified into four categories, physical, chemical, biological, or radiological. The EPA maintains a list of contaminants, ninety-four items in 2023, versus twenty-five items in 1975, for which suppliers must provide testing and treatment. In 2023, the EPA proposed adding six per- and polyfluoroalkyl substances (PFAS) to the NPDWR. PFAS, better known as “forever chemicals,” have become a recent national health concern because they don’t break down in the environment and can accumulate in our bodies. The final EPA rule awaits inter-agency review.

The SDWA originally focused on water treatment, while subsequent amendments looked to protect water from its source through distribution. The SDWA prohibits any underground injection that endangers drinking water sources. The EPA regulates injection wells used for industrial waste, oil and gas, mining, and hazardous waste. (There is an exclusion for hydraulic fracturing, otherwise referred to as “fracking,” an industrial process for recovering oil and gas.) The 1986 amendments required the EPA to establish standards limiting the amount of lead in public water systems.

There is some overlap between the CWA and the SDWA, but they serve different purposes. The CWA focuses on keeping waterways fishable and swimmable, while SDWA’s goal is protecting sources for drinking water. Both laws deal with the

identification and removal / treatment of pollutants / contaminants. EPA revisions to regulations like its Lead and Copper Rule, may require public water systems to use certain approaches or treatments that also have an impact on entities, such as municipal clean water utilities or municipal sewage treatment plants, that must comply with CWA. Approaches and treatments for PFAS have different applications under CWA and SDWA as well.

## II. Impact of SDWA

It is probably safe to say that most Americans take clean drinking water for granted. It's something that has been built into our culture. Remember that 1970 study where 41 percent of the public water systems sampled were not delivering clean drinking water? The Our World in Data website tracks progress against the United Nations' seventeen Sustainability Goals, one of which is clean water and sanitation. The Sustainable Development Goals Tracker shows that "the share of the U.S. population using safely managed drinking water increased from 95.25 percent in 2005 (when first tracked) to 97.33 percent in 2020."<sup>7</sup> That's great news for most Americans. Despite the success of the SDWA, many people are skeptical of the quality of their drinking water. As a result, the water filtration market has grown into an almost \$11 billion business that is expected to grow by 10.5 percent by 2030, according to CNBC.<sup>8</sup>

The 97.33 percent statistic is impressive, but it only applies to people who rely on public water supply. What about the rest of the population? Nearly 15 percent of Americans, or about 45 million people, get their water from private wells that are not regulated by the EPA or state agencies. Many private well users are probably not having them tested each year, nor rehabilitating contaminants contained in the water. Also, not

all public water supply operations are created equal. Robert P. Sowby, writing about the 50<sup>th</sup> anniversary of the SDWA's enactment, explained, "The challenges are especially pronounced for small, rural water systems that are understaffed and underfunded relative to their larger, urban counterparts."<sup>9</sup> This became evident in cities like Flint, Michigan and Jackson, Mississippi.

In April 2014, facing an economic crisis, the city of Flint changed its water supply. It had been using the Detroit Water and Sewerage Department, which draws its water from Lake Huron. Flint chose instead to draw its drinking water from the Flint River because it was a cheaper source. Soon after, residents began complaining about the foul taste and smell of water coming out of their taps. This quickly degenerated into rashes, hair loss, and more serious health issues. Officials did not apply corrosion inhibitors to the water, and lead from the pipes delivering the water to households began to leach into the water.

The situation grew worse, and in December 2015 the mayor of Flint declared a state of emergency. This was quickly followed by an emergency declaration by Michigan's governor and by President Barrack Obama, who authorized \$5 million in federal aid. It took until December 2016 to bring Flint's drinking water into compliance with the SDWA's minimum standards. The governor of Michigan along with several city officials were charged with multiple felonies and misdemeanors for their roles in the crisis. No one was convicted of any serious crime. However, the residents of Flint had to live with bottled water for all of aspects of their lives (e.g., drinking, bathing, cooking, cleaning, etc.) for several years.

A similar scenario played out in Jackson, Mississippi. Financial strains had allowed the city's water treatment facility and water delivery infrastructure to deteriorate over time. A major storm in February 2022 caused the Pearl River to flood Jackson and knocked out the water treatment plant. From 2018 to 2023, Jackson residents received over three hundred "boil water" notices and suffered over seven thousand three hundred water main breaks. Homes not under boil water notices continued to have discolored and contaminated water that contained high levels of lead. As of 2024, Jackson continued to rehabilitate its water delivery infrastructure with funding from the federal and state governments, including allocations from the Infrastructure Investment and Jobs Act of 2021.

### **III. Looming Crisis**

#### **Public Water Supply Infrastructure**

While there were the occasional crises related to unsafe drinking water, having safe drinking water for 97.33 percent of the population is a pretty good track record. Unless, of course, you happen to be part of the other 2.67 percent, roughly 9 million people. According to the "Environmental Performance Index," the U.S. ranks only 26th in terms of "sanitation and drinking water" versus other countries.<sup>10</sup>

Per CNBC, a water main breaks somewhere in the U.S. every two minutes. Water main breaks present opportunities to introduce contaminants into an otherwise sanitary water delivery system. This speaks to the deterioration of the U.S. public water supply infrastructure. According to a CNBC video, estimates to completely revamp that infrastructure, including removing all the lead pipes across the nation, are as high as \$1 trillion over the next twenty-five years, not including the estimated \$47 billion initial

investment and \$700 million annual spend to address PFAS contamination.<sup>11</sup> Congress occasionally throws money at the problem as we saw in Chapter Six's discussion of the Infrastructure Investment and Jobs Act. But it is never enough to stay ahead of the problem. Are we compromising our future to save money in the short term?

Elsewhere, in states like California, Texas, and Utah, roads are buckling, foundations are cracking, and fissures in the earth are breaking open because of excessive pumping of groundwater. States such as Alabama, Florida, Kentucky, Missouri, Pennsylvania, Tennessee, and Texas are more likely to have problems with sinkholes because of their soil composition. Overpumping of groundwater has exacerbated the problem.

### **Groundwater**

Groundwater is one of the largest sources of drinking water in the U.S. It has always been thought to be an infinite resource. Massive amounts of water are drawn from the ground by industries, farms, and municipalities. While the EPA regulates injections of contaminants into the ground, there aren't many regulations that cover extracting water from the earth. Where attempts have been made to limit this activity, they have been challenged in courts and legislatures.

*The New York Times* performed a study of groundwater levels by examining almost eighty-six thousand monitoring wells across the country. The study revealed that almost "half of those sites have declined significantly over the past 40 years. ... Many of the aquifers that supply 90 percent of the nation's water systems, and which have transformed vast stretches of America into some of the world's most bountiful farmland,

are being severely depleted. These declines are threatening irreversible harm to the American economy and society.”<sup>12</sup>

Environmentalists have identified that groundwater is a finite resource. They warn that pumping water out of the ground at such high volumes, coupled with climate change, poses a significant environmental risk for the future. Per *The New York Times* reporter, Christopher Flavelle, “As the planet warms, demand for water is increasing. At the same time, increased evaporation, as well as decreased precipitation in some places, means that less water is refilling the aquifers, accelerating their decline.”<sup>13</sup> There are many players on the other side of that equation.

The agriculture industry faces a dramatic challenge. Farmers used to an endless supply of water are pushing back against proposed restrictions. An article in *The New York Times* discussed how quickly America was using up its water supply. The article reported, “Groundwater loss is hurting breadbasket states like Kansas, where the major aquifer beneath 2.6 million acres of land can no longer support industrial-scale agriculture. Corn yields have plummeted. If that decline were to spread, it could threaten America’s status as a food superpower.”<sup>14</sup> Unfortunately, America’s success at being a world-leading grain producer has come at the expense of water that had taken thousands of years to accumulate beneath the earth’s surface.

The gold mining industry has a large presence in Nevada and holds sway with many elected officials there. Last year, one mine pumped out 3.4 billion gallons of water to keep pits and mine shafts dry, and to process ore. Groundwater levels are falling by hundreds of feet around the mines. Nevada is amid a growing water supply problem. The legislature has considered limitations on extracting water, but none have passed. This is

not surprising given that the livelihood of many Nevadans is dependent on the mining industry.

Then there is the real estate industry. It is also a powerful economic bloc, and there is increasing demand for housing across the country. Housing development faces new challenges as regional water supplies diminish. The demand for new housing is booming in Montana, with the median home price doubling since 2015. Climate change is taking its toll as well. Since 1950, the average temperature rose 2.7 degrees Fahrenheit. Lower snowfalls result in less water. In some areas, there is not enough water to sustain existing housing, yet local governments continue to approve permits for new subdivisions to meet the demand.<sup>15</sup> Imposing stricter groundwater rules would drive up the cost for the builders. In his article, Christopher Flavelle quoted Guy Alsentzer, executive director of the Bozeman, Montana non-profit organization, Upper Missouri Waterkeeper, who said, “There’s a lot of money coming into Montana that’s focused on residential development right now. And money talks.”<sup>16</sup>

Conversely, Phoenix, Arizona, one of America’s fastest growing cities, has recognized the severity of the water crisis. The state of Arizona stopped new housing development in certain areas of the city because the water supply won’t meet the pending demand. The impact is also being felt by landowners. Imagine what a significant regional water restriction would do to existing home / land prices. Would you buy a property that had the threat of running out of water to sustain it in the next few years?

Finally, there is the bottled water industry. According to Statista.com, the U.S. is the world’s largest consumer of bottled water. Sales totaled almost 16 billion gallons in 2022. That equates to a value of approximately \$250 per U.S. household. One of the

biggest players in this market is Blue Triton. They own and operate several brands including Poland Spring, whose water comes from Maine. The original source, Poland Spring, no longer supplies water for the product; however, water is pumped from several other locations around the state. It is a key industry in Maine and provides many jobs.

In 2016-17 and 2020-22, Maine experienced significant drought. It was also losing water sources as climate change increased the temperature and reduced the snowpack. Wet years that followed the droughts did not supply enough water to replenish the groundwater. This caused Natalie DiPentino, who lives near Lincoln - one of the sources for Poland Spring water - to wonder if pumping by Poland Spring caused her well to run dry along with those of several neighbors during a drought in 2017. Nearby stores ran out of bottled water due to the crisis, and her family had to haul buckets of river water to flush the toilet.<sup>17</sup>

Despite industry sources who claim that ample groundwater remains in Maine, and water pumped for bottling is only a small percentage of its use, concern about the supply of water has grown over the past few years. In 2023, a bill to impose limits on water usage was in the works in the state legislature. It passed in committee but was killed before it got to the full legislature after a lobbyist for Poland Spring circulated an amendment that voided the entire bill. The bill sought to place a seven-year limit on freshwater pumping contracts with companies that ship water out of the state. It also required local approval for any such deals. The bill interfered with the Poland Spring's efforts to lock in contracts with terms up to forty-five years, while paying as little as \$15 thousand a month for millions of gallons of water.

Blue Triton pumps and bottles water in several states, such as California and Colorado, among others, each facing their own water crisis. The company actively fights any legislation that would limit the pumping of water in any way. It continues to pursue long-term contracts as well.

#### **IV. Potential Solutions**

It's not clear that everyone understands the looming crisis surrounding the nation's water supply. The double whammy of deteriorating water supply infrastructure and the unbridled extraction of groundwater could lead to a significant environmental crisis. The infrastructure issue is being dealt with piecemeal through funding efforts like the Infrastructure Investment and Jobs Act, but legislative efforts like it seems inadequate. In the end, it's a question of pay me now versus pay me later, but at what cost? Still, the price of action may be steeper than can be imagined in both dollars and environmental impact.

One potential solution to increase the supply of water around the world is a technique called desalination - used to take the salt out of water. Given the years of drought across the western U.S., desalination of water from the Pacific Ocean might seem like a saving proposition. A 2021 study backed by the European Commission stated, "Desalination can be a sustainable way to replenish our water cycle."<sup>18</sup> It has been used to some extent in countries with limited access to water. Persian Gulf countries have successfully used the technique on a large scale, providing "cleaned-up" liquid to their citizens. However, "the process is energy-intensive, costly and complicated to manage in an earth-friendly way,"<sup>19</sup> according to Michael Birnbaum writing in *The Washington*

*Post.* With its high energy, economic, and environmental costs, even proponents consider it as a last resort after water conservation.

There are at least two solutions that I found in my research to address the depletion of groundwater. One is to develop legislation / regulations limiting pumping. The other is to impose taxes or usage fees. Upmanu Lall is the director of the Columbia Water Center at Columbia University. He believes that “the federal government should set minimum requirements for groundwater conservation, then step in when states fail to enforce those requirements, much like the Environmental Protection Agency’s approach to drinking water quality.”<sup>20</sup>

The model for fee-based usage may already be on display in the Pajarro Valley in California. The valley has thirty thousand acres of farmland that generate over \$1 billion in revenue each year. The farmers there faced a water shortage crisis forty years ago. They instituted a tax on the use of water in the valley, which is still in place today. *The New York Times* highlighted the Pajarro Valley as a model in an article written by Coral Davenport. She reported, “New research on the program revealed a direct connection between paying for the groundwater and conserving it: A 20 percent increase in the price of groundwater has resulted in a 20 percent decrease in the extraction of groundwater.”<sup>21</sup>

Experts from across the globe visit the valley to understand how the tax works and observe its positive results. The model demonstrates that the extra cost is usually built into the price charged to consumers. It also illustrates that the production of water intensive commodity crops like alfalfa, corn, and soybeans become much less economically attractive in regions where water is no longer plentiful, and a usage fee is applied.

According to Louis Preonas, an agricultural economist at the University of Maryland, “There’s a big public-policy argument for pricing groundwater. But if you were to try something like this across the country, it would mean farmers would shift away from growing crops like corn or leave agriculture altogether. Any way you cut it; it would likely raise food prices. But the alternative is running out of water.”<sup>22</sup>

No one likes to be told that access to something they understood to be infinitely available will be limited in the future. New taxes or fees won’t be an easy sell. They will either cut into profits or, more likely, raise prices to consumers. Education on this matter needs to be significantly increased to alert people of the potential impact. Only then will people have the information they need to evaluate each of the potential compromises. Compromises that won’t be easy for anyone. As Natalie DiPentino, the woman from Lincoln, Maine, said, “You don’t know how badly you need water until you don’t have it in your house.”<sup>23</sup>

Nevertheless, The SDWA and related legislation stand tall as examples of *thinking beyond the present*. Bipartisan efforts in the 93rd Congress developed and passed the SDWA that benefitted all future generations. A new generation of leaders needs to step up so that the progress that was made isn’t squandered.

#### V. **Will Electric Vehicles Solve The Carbon Emission Crisis?**

Global warming has been a hot topic in the U.S. since the beginning of the 2000 Presidential election cycle. Former Vice President Al Gore was an early advocate for the government taking steps to mitigate the impacts of this phenomenon, but he lost the election. Most people were skeptical. Other priorities arose quickly, such as the September 11th terror attacks, that diverted the government’s attention.

In the past few years, the effects of climate change have become more visible. Some of it paradoxical, like more warmer days in the summer, but many more frigid arctic blasts in the winter, and more torrential rain and flooding followed by prolonged droughts in the same areas. While the number of hurricanes each year has remained relatively flat, they have grown in intensity. According to Rebecca Hersher, writing for NPR.org, research shows that “coastal communities are experiencing dangerous storms more frequently, even though the total number of storms doesn't appear to be changing.”<sup>24</sup> Atlantic hurricanes over the last 30 years are more powerful, intensify faster, and linger longer after landfall. Coastal cities are increasingly threatened by rising sea levels. Over the past 50 years, the number of tornadoes occurring annually in the U.S. has doubled. The intensity of wildfires is increasing as the summer wildfire season lasts forty to eighty days longer on average versus thirty years ago.

Scientists told us that the earth was warming too fast. They said the point of no return would come when temperatures rose 2.0 degrees Celsius above pre-industrial levels. In an article for *The New York Times*, Brad Plumer reported, “Past that level, the dangers from intense flooding, wildfires, drought, heat waves and species extinction could become unmanageable.”<sup>25</sup> Some regions will be too hot to live in, others won't have enough water, while still others will be under water or threatened by constant, significant weather events. Scientists and environmentalists urged action!

In 2015, 196 nations signed the “Paris Climate Accord” at the United Nations (UN) Climate Change Conference. The agreement covered climate change mitigation, adaptation, and finance. It sought to limit the effects of climate change by keeping the earth's temperature increase to 1.5 degrees Celsius above pre-industrial levels. Some

actions have been taken across the globe and the rate of carbon emissions has slowed. However, the earth's temperature has already risen 1.2 degrees Celsius. Scientists warn us that we are not doing enough. As time elapses, we will have to do increasingly more in a shorter timeframe to achieve climate goals.

One of the main contributors to the warming of the planet is the burning of fossil fuels like oil, gas, and coal. Included in that are the tailpipe emissions from vehicles that are powered by internal combustion engines (ICE), which primarily run on gasoline. Environmentalists advocate significant reductions in the use of fossil fuels and suggest replacing ICE vehicles with battery-powered electric vehicles (EVs). This will go a long way to reduce our "carbon footprint," they assert, and save the planet. They see a future where everything, not only our vehicles, is powered by electricity. That is, electricity from green sources such as hydropower, wind, and solar, phasing out fossil fuels over time.

The debate about electrification versus fossil fuels has heated up, no pun intended. The subsidiary debate about ICE powered vehicles versus EVs is a perfect example of *you are where you sit*. U.S. carmakers fell into the strategy trap of "all versus nothing at all." Rather than attacking this problem in stages, some states enacted legislation to force all new models to be electric by a short-term deadline. At the federal government's urging, automakers General Motors, Ford, and Stellantis committed to converting all their production to electric vehicles by a specified date. The government offered tax incentives to purchasers to spur demand. Neither the government nor the automakers understood that the underlying debate over EVs remained unresolved and had to back away from their initial target dates. Lesson #7: *Think beyond the present*, is exemplified by the

compromises that will have to be made in the coming years to solve the climate crisis, starting with ICE vehicle versus EVs.

### **Should I Get an Electric Vehicle?**

There is a good deal of pressure to go electric. Where people “sit” on environmental issues, their transportation preferences, and their appetite, or lack thereof, to adapt to new technology play a key role in their conclusion. There is also a great deal of information on either side of this debate that can be confusing. People associated with the fossil fuel industry, or those who live in a region dependent on it, pitch one side of the argument. That is, why EVs are bad for the environment. While automakers want to sell EVs because they are more profitable, autoworkers are against them because their manufacture requires fewer jobs. We know where environmental advocates stand.

Let’s get rid of some of the noise. Many people want to do their part to save the environment and have already leased or bought an EV. Others might be interested but they have reservations including price, range on a single charge, length of charging time, availability of charging stations, and the ability of the electric grid to support the conversion to EVs, among others. People on the other side, believe that EVs may have more of a negative impact on the environment than ICE vehicles. Many people don’t know what to believe and want to wait to see how things develop before they dip their toe into the water.

Whether you are interested in getting an EV or not, some of the reservations, like price, range, charging time, and adequate number of charging stations are not relevant to this discussion. Those are pertinent to your decision to EV or not to EV, but we will

spend the rest of this chapter discussing the impact of ICE vehicles and EVs on the environment.

## **VI. Greenhouse Gas Emissions**

According to the Environmental Protection Agency (EPA), burning fossil fuels for electricity, heat, and transportation is the largest source of greenhouse gas emissions in the U.S. In 2021, transportation was the sector that contributed the most greenhouse gas emissions at 28 percent, followed by the generation of electricity at 25 percent. Together these two industries contributed almost half of the country's greenhouse gas emissions.<sup>26</sup>

Within the transportation sector, emissions primarily came from burning fossil fuel for our cars, trucks, ships, trains, and planes. More than 94 percent of the fuel used was petroleum-based, primarily gasoline and diesel. In 2021, 60 percent of the generation of electricity came from burning fossil fuels, mostly coal and natural gas.<sup>27</sup> Passenger cars, trucks, sport utility vehicles, pickup trucks, and minivans were the primary source of greenhouse gas emissions in this sector.

Using coal for electricity generation is more carbon-intensive than other fossil fuels. While coal contributed 59 percent of the emissions for the sector, it only generated 23 percent of the electricity. Natural gas was used to generate 37 percent. The remaining 40 percent was generated equally from nuclear and renewable sources such as hydropower, wind and solar.<sup>28</sup>

### **Look Beyond the Tailpipe Emissions**

EVs don't produce tailpipe emissions. That makes them better for the environment than ICE vehicles. That's true if your analysis ends there. If you want to

peel the onion, you need to look at other factors. According to Car Buzz contributor Gerard Horn, EVs must be charged from green electric sources, such as solar, wind, or hydropower, to have a smaller carbon footprint than ICE vehicles. Most sources of electricity in the U.S. come from the burning of fossil fuels. Horn elaborated, “An electric car uses regular tires, and tires are a big polluter, especially for heavy cars that wear out their rubber more quickly.”<sup>29</sup> In general, EVs are heavier than ICE vehicles because of the weight of the electric batteries.

Horn also points out that the manufacture of electric vehicles is much more carbon intensive than for ICE vehicles. Horn wrote, “Manufacturers are using more renewable energy sources when producing cars, but several studies have shown that the EV production process emits more greenhouse gas than an equivalent ICE car.”<sup>30</sup> Horn also referred to the environmental damage caused by the mining of rare minerals, such as cobalt, nickel, and lithium, used in the production of batteries and charging stations. Another argument used against EVs is that the batteries can’t be recycled. While 90 percent of the batteries that go into ICE vehicles are recycled every year, only 5 percent of EV batteries are recycled.

Until you alter the source of the electricity, find greener ways to produce rare minerals, and develop new technology to recycle EV batteries, the question will remain, are EVs receiving too much credit for providing environmental improvement?

### **Rare Minerals**

According to Corby Anderson, director of the Kroll Institute for Extractive Metallurgy at the Colorado School of Mines, “Simply put, EV’s require more mining and processing.”<sup>31</sup> The International Energy Agency informs us that an electric car needs six

times the mineral inputs of an ICE vehicle, and it estimates that the demand for lithium will grow 30 times by 2040.<sup>32</sup> These rare minerals include nickel, cobalt, copper, and lithium, among others. Their mining, manufacture, and disposal adversely impact the environment.

- **Nickel:** The primary source of nickel is the Indonesian rainforests. A method referred to as horizontal surface mining is used to extract the mineral. The environment is degraded by deforestation and topsoil removal.
- **Cobalt:** 70% of the world's cobalt comes from the Democratic Republic of the Congo. The extraction process raises not only environmental concerns but human rights issues as well. According to Amnesty International, more than 40 thousand of the 255 thousand current workers are children, some are as young as six-years-old.
- **Copper:** Chile is rich in natural resources. It provides a significant percentage of the world's copper supply from open-pit strip mines in Chile. Groundwater, topsoil, vegetation, and wildlife habitats are all adversely affected by this type of mining.
- **Lithium:** More than half of the world's lithium supply comes from Chile, Bolivia, and Argentina, known as the "Lithium Triangle." The manufacturing processes, including the solvent and mining waste, presents significant environmental and health hazards.

If you've read an article on the use of lithium in EVs, especially one on social media, you are probably familiar with pictures of brine pools used to gather this rare

mineral. These large, unsightly environmental disruptions have become the poster child for the anti-EV movement.

According to the Institute for Energy Research, lithium is mined from salt flats in arid areas. Water is pumped into the ground to bring briny water to the surface. It is stored in large, open-air pools that lay on the salt flats. 500 thousand gallons of water are used to produce each ton of refined lithium. The lithium is separated from other minerals through evaporation which can take as long as eighteen months. This is the cheapest and most common production method. The soil becomes contaminated, and more groundwater is used than can be replaced by nature in these arid regions.

According to Dave Nichols, writing about the environmental impact, “Mining companies in Chile’s Salar de Atacama, one of the driest places on earth use 65 percent of the region’s water. ... The process of lithium mining uses toxic chemicals which can contaminate streams, crops, and wildlife, adding to the decline of endangered species such as flamingos.”<sup>33</sup>

Only 9 percent of lithium produced in the year 2000 was used for EV batteries, according to IHS Markit, a global diversified provider of critical information, analytics, and solutions. Nichols elaborated, “By 2020, this share rose to 66 percent and will reach over 90 percent by 2030.”<sup>34</sup>

## **VII. Cradle-to-grave Emissions**

The total emissions across a vehicle’s lifetime are called life cycle or cradle-to-grave emissions. Sergey Paltsev is the deputy director of the Massachusetts Institute of Technology’s Joint Program on the Science and Policy of Global Change, and a lead investigator on a 2019 study. He said, “Typically, EV manufacturing (including batteries)

produces about 50 percent more emissions than manufacturing of the comparable ICE vehicles.”<sup>35</sup>

The International Council on Clean Transportation is a research group that aims to improve transportation energy efficiency. They performed a study in 2021 that “found that the lifetime emissions of an average medium-size electric car were lower compared with a gasoline-powered car by 66%–69% in Europe, 60%–68% in the United States, 37%–45% in China, and 19%–34% in India.”<sup>36</sup>

The U.S. Department of Energy’s Argonne National Laboratory conducted a similar study in 2023 that analyzed cradle-to-grave greenhouse gas emissions and economic costs of EVs and ICE vehicles. Jarod C. Kelly, a principal energy system analyst at the lab, who co-authored the study, said, it “found that under current conditions it would take an electric car nineteen thousand five hundred miles, or less than two years of typical driving in the U.S., to pay back the increased emissions of the manufacturing process and break even with a comparable gasoline car.”<sup>37</sup>

The fact that EVs use more rare minerals that require mining does not equate to them being worse for the environment because it ignores the environmental costs of fossil fuel extraction, according to David Manley. He is the lead economic analyst at the Natural Resource Governance Institute, a nonprofit that works with several countries on managing natural resources and sustainable development.<sup>38</sup>

Manley also referenced the Massachusetts Institute of Technology’s (MIT) Climate Portal, which reports that “it’s difficult to directly compare the environmental harms that exist for both EVs and conventional vehicles. ... The extraction and transport

of fossil fuels has to be done constantly to fuel a [an ICE vehicle], while the extraction of metals for an EV is done once.”<sup>39</sup>

These, among other studies, show that EVs contribute fewer greenhouse gas emissions than ICE vehicles over their entire life cycle because the emissions associated with their operation are that much lower. Hannah Ritchie is the deputy editor and lead researcher at Our World in Data. Based on data from MIT’s CarbonCounter.com, she estimated in 2023 that “the average driver in the U.S. could reduce emissions by half by switching to an EV.”<sup>40</sup>

### **Fossil Fuel Usage Still Has a Long Tail**

After the Paris Climate Accord, many companies across a variety of industries, committed to a low-carbon or carbon-free footprint. This included the major oil companies. Gas prices have increased since the commencement of the war in the Ukraine, and the oil companies have reaped huge profits over the past few years. They have also backed off their efforts to reduce their carbon emissions.

In late 2023, Exxon Mobil made its largest acquisition in twenty-five years, buying a fracking company, Pioneer Natural Resources. Fracking is an industrial process for recovering oil and gas from the earth that uses large amounts of water pumped into the ground. Exxon Mobil paid \$60 billion for the acquisition. It seems unlikely that the company would spend such an amount to acquire additional sources of fossil fuels if they believed that usage of those resources was going to end anytime soon. The U.S. is now the world’s largest crude oil producer, according to an article in David Gelles wrote for *The New York Times*.<sup>41</sup>

In that article, *Coming Soon: More Coal, Oil and Gas on the Way*. Gelles also reported, “While wind turbines and solar panels are proliferating faster than many people realize, fossil fuel extraction is also expanding around the globe. Hundreds of new oil and gas projects have been approved in the past year.”<sup>42</sup> Even if we shift away from the use of fossil fuels to produce energy and power our vehicles, all the big oil companies have petrochemical subsidiaries whose products are all derived from oil and gas. The demand for petrochemicals, including plastic, is an entirely separate environmental debate. However, that demand looks unlikely to subside anytime soon. Gelles elaborated, that the International Energy Agency has reported for years that fossil fuels represented about 80 percent of energy consumption, it predicts that it will remain above 50% in twenty years.<sup>43</sup>

The UN issued a report in advance of its November 2023 climate summit in Dubai. The report looked at 20 major fossil fuel producing countries noting a dramatic shortfall between their Paris Climate Accord commitments and their actual production plans. António Guterres, the UN Secretary General, said of the report, “Fossil fuel emissions are already causing climate chaos, which is devastating lives and livelihoods, [yet] governments are literally doubling down on fossil fuel production.”<sup>44</sup>

Hiroko Tabuchi, author of an article in *The New York Times*, reports that the U.S. will drill for more oil and gas by 2030 than at any point in its history, as will Russia and Saudi Arabia, according to current projections. She states, “They’re among the world’s fossil fuel giants that, together, are on course this decade to produce twice the amount of fossil fuels than a critical global warming threshold allows.”<sup>45</sup>

## Technology

As countries push to achieve their climate goals, there are economic incentives to making the related processes more efficient. A wide array of new mining techniques and advances in technology is being developed. The first commercial plant in the U.S. to pull carbon directly from the air came online in November 2023. According to an article in *The New York Times*, authors David Gelles and Manuela Andreoni state, “The technique, called direct air capture, could be crucial for fighting climate change if it succeeds at a larger scale.”<sup>46</sup>

“Green lithium mining” that uses naturally occurring, renewable geothermal energy to power lithium extraction is being used by two companies, one in the United Kingdom and the other in Australia.<sup>47</sup> A new green approach will be used to extract lithium from the Great Salt Lake. Construction for the project by Lilac Solutions is expected to begin in Summer 2024. Scott Patterson, writing in *The Wall Street Journal*, reported that, at its peak, the project will suck “80,000 gallons of water a minute to harvest the mineral. The new process is environmentally friendly versus the use of solvents and brine pools. The water will then be reinjected back into the lake. Lilac plans to eventually produce up to 20,000 tons of battery-grade lithium a year.”<sup>48</sup>

Billions of dollars were earmarked in the Infrastructure Investment and Jobs Act of 2021 to strengthen the U.S. battery supply chain and reduce reliance on China, which dominates the global production of battery minerals.<sup>49</sup>

Recycling used EV batteries is becoming increasingly important and the technology is moving forward at lightning speed. According to Dave Nichols, writing about recycling EV batteries for GreenCars.com, “New lithium-ion recycling facilities

are sprouting up around the country. They are making battery recycling environmentally friendly and extremely profitable.”<sup>50</sup>

Battery technology is rapidly advancing as well. Several companies are developing new solid-state batteries that deliver extended range. Writing for TopSpeed.com, James O’Neil reports, that “Toyota claims its solid-state batteries will allow its EVs to get up to 745 miles per charge. ... [and] can charge in 10 minutes or less.”<sup>51</sup> Toyota’s target date for commercial production of the solid-state batteries is 2027. The range exceeds any ICE vehicles and makes recharging as quick as filling your gas tank! Solid-state batteries are better for the environment because they use solid materials as opposed to the organic solvents used in traditional lithium-ion batteries. As this technology rapidly advances, the use of EVs will become easier, cheaper, and more environmentally friendly. The question is whether the technology will be delivered soon enough and with scale to meet climate goals and avert disaster?

### **VIII. Conclusion**

The Safe Water Drinking Act helped the U.S. to significantly raise the percentage of its population with access to clean drinking water and put the axiom of *think beyond the present* on full display. Will it and other legislative actions be enough? The future will tell.

Meanwhile, greenhouse gas emissions continue to heat the planet. It will only take another 0.3 degrees Celsius of warming to reach the desired limit agreed to in the 2015 Paris Climate Accord. That puts the planet on track to reach a critical environmental tipping point in the not-too-distant future.

Among ICE vehicles, the largest contributors of greenhouse gas emissions were light-duty trucks, such as SUVs, pickup trucks, minivans, and passenger cars. According to Catalina Jaramillo, writing for FactCheck.org, “These emissions will need to be nearly eliminated to achieve the ambitious climate target of net-zero greenhouse gas emissions by 2050, set by [the Biden] administration.”<sup>52</sup> The transition to EVs in the U.S. is lagging commitments made by automakers. A paucity in consumer demand has slowed the pace, extending the emission of greenhouse gases and the demand for fossil fuels continues to expand. Had the lesson of *think beyond the present* been applied, it would, undoubtedly, have led to a sequenced plan of government action that was more focused, more measured, and ultimately, more effective.

Lesson #7: *think beyond the present*, teaches us that we need to consider about the long-term effects of our actions and our compromises. Something that we agree to, may not be the solution we think it will be, even if it seems to solve the problem today. Likewise, delaying a compromise today may leave no room for negotiation in the future or force us into actions that could have been avoided!

## CHAPTER EIGHT

### CONCLUSION

We've covered a lot of ground in this dissertation. I began with the premise that the erosion of basic societal values is behind the entrenchment of the viewpoints that we are seeing today. The opinion *you* have is based on *your* situation in life, *your* beliefs, *your* religion, *your* tradition, *your* politics. Often, there are multiple sides to topics that are important to the world, our country, or our personal lives. In other words, *you are where you sit*.

I discussed “fake” news and how it's easy to form an opinion based on mass and social media content, to take sides, and have one's opinions reinforced. There are many influences out there. The rise of religious and national fundamentalist groups widened the already broad divide in American's views. Mass and social media exacerbated the divisiveness. Influencers want you to see it their way. They want to sell you a product, sway your viewpoint, preserve what they have (money, status, power), or flip the status quo to their advantage.

People often see their way as the only way. What is missing is that we don't always have accurate information or the context we need to form objective opinions. It's easier to fall back on our traditional view of the world, whether myth, fantasy, or the truth. The seven lessons I've included in this dissertation are meant to help the reader achieve a compromise or evaluate a deeply entrenched viewpoint, even if it's their own. The lessons are *come in credible, be honest, seek a win-win outcome, be resourceful, live the other side, be open to compromise, and think beyond the present*.

## I. The Lessons

In Chapter One, I looked at the credibility of two well-known public figures, Warren Buffet and Alex Jones. The former is an example of someone considered highly credible across America. The latter has millions of followers on social media, but litigation decisions that he has lost demonstrate his lack of credibility. If you are looking for a compromise, make sure to determine the other party's credibility. If you are looking to broker a compromise, then you need to apply Lesson #1: *come in credible*. If you are evaluating a position you have taken, you need to look at the sources that support it and determine their credibility.

I reviewed the actions taken by Johnson & Johnson after the 1982 Tylenol murders versus those taken by the chief executives of two of the major cryptocurrency firms. Unlike the honest and open communications of Johnson & Johnson, the latter pair chose to lie to customers and regulators when facing adverse conditions. In light of these examples, I discussed how integrity is the bedrock for Lesson #2: *be honest*, and how being honest in the face of adversity requires real courage. Being honest with yourself is crucial when examining different sides of an issue or being open-minded when your views on an issue are deeply entrenched.

Title IX exemplified Lesson #3: *seek a win-win outcome*. The legislation has improved access to education for women and, in turn, enriched our society despite ongoing resistance to it. Teaching about gender identity is a critical component of education in a modern society. Yet, who should be involved in those discussions? Many states are enacting legislation on either side of the debate. Will it lead to inconsistency of

the education students receive depending on where they live? A win-win outcome is desperately needed in this current hot topic.

Lesson #4 is *be resourceful*. I recapped the chess game played between Kennedy and Khrushchev in 1962. Kennedy was resourceful and pursued alternatives to find a peaceful resolution. Meanwhile, years later, the Bush Administration did not pursue alternative courses to find a peaceful solution to what would become the U.S-Iraq war. You will need to be resourceful if you are looking to negotiate a compromise. Likewise, you will need to develop this skill to appropriately and objectively vet your own positions that you hold firmly but wish to reevaluate.

President Lyndon B. Johnson demonstrated his empathy for the poor and marginalized people of this country. He oversaw the enactment of the Civil Rights Act of 1964, a turning point for civil rights in this country, among other related legislation. Colin Kaepernick wanted to silently protest racism and police brutality. It escalated quickly into a national debate. The lack of empathy shown by NFL management, team owners, and fans resulted in a stalemate. It took the NFL four years and an event without the same distractions to hear the concerns of their players. These examples illustrate successful and unsuccessful results of using Lesson #5: *live the other side*.

Listening is a critical skill to understanding. Having empathy doesn't mean that you will change your opinion. It enables you to see the other side of an issue. If you can understand the concerns on the other side, you will be better positioned to achieve a compromise or, perhaps, to reevaluate your own viewpoint.

In Chapter Six, I explored two complex negotiations. The Infrastructure Investment and Jobs Act of 2021 was the result of a bipartisan effort to enact legislation

integral to the future of this country. Antithetically, the unwillingness of both sides to compromise from the outset resulted in a protracted strike by the Writers Guild of America in 2023. The examples demonstrate the positive and negative outcomes of applying or not applying Lesson #6: *be open to compromise*. If you are going to stand firm and hold out to achieve your demands, make sure you understand the potential consequences. An inability to reach an agreement may ultimately force you into a settlement that costs much more than a good faith compromise would have.

For the final lesson, I discussed the positive results of enacting the Safe Drinking Water Act that has had an impact for endless future generations. Certainly, it demonstrated that the legislators were using Lesson #7: *think beyond the present*. Hopefully, a new generation of leaders will take up the mantle to preserve our country's supply of safe drinking water. Alternatively, with greenhouse gas emissions continuing to heat the planet, the earth is on track to reach a critical environmental tipping point in the not-too-distant future. Electric vehicles were projected as a major solution. The federal government and U.S. automakers failed to understand that most consumers had not bought in based on myriad factors looking into the future. Their initial push to meet climate goals did not provide a sequenced and measured approach to resolving the climate issues.

This lesson teaches us that we need to consider the long-term effects of our actions and our compromises. Something that we agree to, may not be the solution we think it will be, even if it seems to solve the problem today. Likewise, delaying a compromise today may leave no room for negotiation in the future or force us into actions that could have been avoided!

## II. Appeasement

Reflecting on the seven lessons in compromise, I see there is one topic that I did not address. Are there any situations where a compromise should be avoided or simply be off-limits? The first things that come to mind for me is that you should never compromise your values or your reputation. What you hold truly dear in your heart and mind, should never be subject to compromise. However, *you are where you sit* informs me that some entrenched views are often based on factors other than accurate information.

If you face a situation that questions your beliefs, you need to validate that your position is based on facts and considers the information on the other side of the issue. This is particularly difficult when one's faith is brought into question as religious dogma can have a dramatic influence on one's beliefs. I advise you to use the seven lessons to validate your viewpoint. It may be that the information you gain by applying the lessons will bring you new insight to the issue under debate.

You should never compromise with criminals, particularly those who commit crimes against humanity. Prior to World War II, British Prime Minister Neville Chamberlain pursued a policy of appeasement with Adolf Hitler and Germany. With the memory of World War I fresh in everyone's mind, European governments wanted to preserve the peace and forestall any additional conflicts. The logic held that by agreeing to Germany annexing the Sudetenland, and by extension, Czechoslovakia, Hitler would not pursue any further aggression. However, Hitler had a larger agenda. Germany's aggression was unopposed under the appeasement approach until it invaded Poland in 1939, marking the beginning of World War II.

Looking to recent history, Vladimir Putin, the President of Russia, has been an aggressor. Russia annexed the Crimean peninsula from the Ukraine in 2014. Ukraine was transitioning between Presidents at the time and offered little to no resistance. No other world power stepped in to object. Eight short years later, Russia invaded the Ukraine commencing a war that continues to rage. Countries across the globe objected and imposed heavy sanctions on Russia. They have also supplied Ukraine with weaponry, munitions, and money. The war has not gone as Russia supposed, almost becoming a war of attrition. No one wants a war with Russia, but the countries that came to Ukraine's assistance with sanctions and aid must be ready to act should Russia decide on further acts of aggression.

The world also awaits whether the UN or any country will intervene in the Israel-Hamas Conflict. Prime Minister Benjamin Netanyahu refuses to cease Israel's military action in Gaza, that is in retaliation for the October 7th Hamas terror attack in Israel. According to an article by the *Associated Press*, Netanyahu's refusal to compromise is appeasing the hardline conservatives in his political party who enable him to remain in power.<sup>1</sup>

Appeasement as a strategy is not limited to geopolitical aggression. *The New York Times* ran a story in October 2023 about the multi-year relationship between Addidas and Kanye West. The article, "Kanye and Addidas: Money, Misconduct, and the Price of Appeasement," described how Addidas acceded to the demands of its celebrity sponsor over the course of their ten-year relationship. One that brought billions of dollars in revenue to Addidas and rebooted its brand. The article discussed how Addidas tolerated West's problematic behavior which included Hitler-worship, antisemitism, holocaust

denial, anti-Black Lives Matter sentiments, and pornographic voyeurism,<sup>2</sup> to continue to participate in a highly profitable venture. Addidas ultimately ended the relationship after West's comments on social media drew considerable public outrage.

Appeasement may seem like a compromise, but it is not. It may buy you time, but it doesn't solve the problem, and only delays the inevitable. In the long run, you still must come to terms with the other side. That applies to geopolitics, business, and personal interactions. Compromise is a means to an end. If you can't justify the end state, then you shouldn't compromise.

### **III. Other Things I learned Along the Way**

I have learned a tremendous amount from my doctoral education. An important lesson was that fake news is not new, it has existed throughout history. More importantly, the conquerors, winners, or those in power get to write that history. Perhaps well intentioned, it conveys their view of the world, from *where they sit*. This means that the history lessons we are taught in school are usually incomplete because they don't reflect the contributions or views of all participants. The control over information is also used malevolently to exert influence. The lessons about *coming in credible, being honest, and living the other side* address these flaws.

My respect for many politicians has declined over the years. Some of the examples used in explaining the lessons of compromise were or are hot topics in our society. Another lesson I learned during this journey is that politicians are increasingly using these hot buttons to advance their own careers and interests leading to deep divisions of entrenched views in this country. The politicians have capitalized on divisiveness, disregarding the cost to the American people.

Conservative hardliners and extreme Progressives on either side of the aisle disrupt the functioning of our democratic government to press for their demands. A recent example of this was the ousting of the Republican Speaker of the House in October 2023 led by members of his own party. “The Freedom Caucus,” a small group of untra-conservative Representatives, drove the effort to remove Speaker Kevin McCarthy because he had participated in a bipartisan effort to avoid a government shutdown. Clearly, none of these elected officials used the lessons in compromise contained in this dissertation. We saw the same intra-party disfunction in Chapter Six’s discussion. “The Squad” of Progressive Representatives came close to derailing the Biden Administration’s efforts to achieve a bipartisan compromise in enacting the Infrastructure Investment and Jobs Act.

President Biden recently reflected on that bipartisan effort saying, “I didn’t get everything I wanted in that compromise bipartisan bill, but neither did anybody else. Compromise is part of the process. That’s how democracy works.”<sup>3</sup> This is reflective of Lesson #6: *be open to compromise*.

So, how do we get to the right answer? As I explained in the Introduction, I don’t know that there is always a “right” answer; however, a viable solution almost always lies in the middle. I tried to keep my personal opinions to a minimum throughout this dissertation. Nevertheless, I strongly believe that compromise is usually the best route to a solution. Hopefully, the lessons contained in this dissertation will enable the reader to achieve compromises and avoid intractable confrontations.

Don’t let entrenched viewpoints trap you into a decision you may regret later, even if they align neatly with your own beliefs or thinking. Keep in mind that

instinctively *you are where you sit*. Using these lessons and thoughtful consideration of accurate, objective information, you may confirm *where you sit*, or it may cause you to modify your position. ***My intention is not to change your viewpoint; I want to change how you get there!***

## CHAPTER NINE

### MY DOCTORAL JOURNEY - A CRITICAL REFLECTION

I am not a scholar! Perhaps, that is not the best way to commence a critical reflection on a doctoral dissertation. Still, I don't consider myself a scholar. It is hard for me to associate that lofty term with who I am. I am just an average person. I had the privilege of working alongside some of the smartest, most talented people in finance during my professional career. At Drew, I have been exposed to some amazing people, both professors and students. I identify some of those professors as scholars and will even yield the description to many of my fellow students. So, I have benchmarks to measure against. As for me, I love learning. I don't need to put a label on it. I have learned so much thanks to the richness of the subjects I have studied, the professors, and my student colleagues.

#### **I. The Journey Begins**

I finished college in three years and graduated from Fordham University's Gabelli School of Business at the age of twenty. I commuted to school and lived at home. My degree in accounting enabled me to get a job right out of school. The best word to describe me was "green." I had no experience of the world, but I was open to learning and eager to do so. I worked in business for forty years. A two-hour commute added to the long hours I worked each day. Through it all, I learned many aspects of banking and finance. I was able to travel to places around the globe I probably would never have gone to on my own. I was proud of all that I had accomplished professionally.

My wife retired after her long career in finance in December 2017. After forty long years, I was tired. I retired in early 2018. I earned it. My wife and I sold our house

and moved out of New York City, where I had lived most of my life, to a lake house in northwestern New Jersey. It was fun at first. I “puttered” around the house, played golf occasionally, but mostly I just goofed off. I was able to read for pleasure again! My wife needed to stay more active than the lifestyle I was living. She joined some condominium boards and began teaching accounting and business at the local community college. I was left to myself to fill the time.

I was watching a lot of television at that point. I couldn’t just sit around each day. I always thought that I would teach or write when I retired. After watching the effort my wife was putting in on multiple courses, I crossed teaching business off my list. Around the same time, my oldest brother’s mental health started to decline. He was slipping into dementia. Unfortunately, I’d seen such a downturn play out before, first with my father and then my mother-in-law. I call it the slow descent into darkness. It is a protracted deterioration until one day, the person falls off a cliff. Then, their world shrinks away until there are only brief moments of lucidity.

I don’t believe my father and mother-in-law were aware of what was happening to them. My brother, on the other hand, was aware of the challenges he encountered. At first, his memory was failing. After a while, he began to get lost, even disappearing for a day or two and would need to be rescued and brought home. As he often did, I lose my words sometimes. Doctors tell us it’s a natural phenomenon with aging. However, I was not going to submit to that progressive decline if I could help it. What could I do to keep my mind sharp and active?

I began to research doctoral studies. I knew Drew University because it was there that my two daughters earned their undergraduate degrees. The website showed that a

concentration in Irish Studies was available. Well, that was my heritage on my mother's side of the family! My grandparents were "right off the boat" as they say. Unfortunately, as my excitement around that concentration grew, I learned that it was no longer being offered. I loved history. After discussing my options with an admissions counselor, I learned that I could choose History as my concentration, focusing my course selection on Irish studies courses that were still offered. I applied and was lucky enough to be admitted to the Arts & Letters program.

## II. Navigating Courses

One of the things that attracted me to Drew was that the Arts & Letters program offered many of its courses online or in hybrid format. The university was under COVID protection measures in 2020-21 and had migrated most courses to an online format. It came to be how many, if not most, courses would be offered prospectively. This was important to me because my wife takes a break from teaching every spring semester and we spend a few months at our condo in Florida. I thought I would attend classes in person during the remaining semesters. As it turned out, I only took one course in person.

In my first semester at the Caspersen Graduate School, I took two courses. The first was a required course, "Liberal Studies: What They Are, What They Do." It was a tour of the six concentrations available in the program, with two weeks spent on each. The course was moderated by the Arts & Letters program director, Dr. Leslie Sprout. Each two-week segment was led by a different professor. I was introduced to the "interdisciplinary" concept. As my journey progressed, I would learn that it was more than an academic buzzword. I learned about art, poetry, religious studies, and graphic literature. (No Irish Studies!) The course provided a great overview of the concentrations

and introductions to some professors whose classes I would take later in my journey. I was able to eliminate some concentrations, thus narrowing down my options, but I remained undecided among history, writing, and literature.

That semester, I also took my first literature course, “The Psychological Thriller: Gender, Social Class, Historical Context.” I thoroughly enjoyed this class. Each week we read a different book and wrote a brief paper. Each person in the class read their paper aloud, and we commented on each other’s thoughts and perspectives. I appreciated the format and relished the discussions. I quickly gained an immense respect for the professor, Dr. Ron Felber. We read an assortment of amazing books, some of which I had read before or had seen the related movie. They included, *The Exorcist*, *The Boys from Brazil*, *Strangers on a Train*, and *Marathon Man*. I learned to read them from a different perspective, much more analytical. There were things to observe, like structure, motifs, timing, and literary devices. That was the beginning of the end of reading just for pleasure!

In the spring 2022, I again registered for two courses. Dr. Felber taught “Voices of the Lost Generation.” I selected this course because of the proposed reading list. Again, I was able to revisit several books that I read and loved previously, but with that analytical eye. Those included, *All Quiet on the Western Front*, *The Great Gatsby*, *A Farewell to Arms*, and *The Sun Also Rises*. I was introduced to new works, *A Room of One’s Own*, *The Stranger*, and *The Hollow Men*. It was the same class process, and I was joined by some of my classmates from Psychological Thrillers. The discussions were open and honest as Dr. Felber led us through a completely different genre. We contrasted it with the psychological thriller genre. My understanding of the underbelly of literature

was growing. I loved it, but I realized how much work was necessary to write literature. I was not convinced that writing was the concentration for me.

I also took “Fiction Workshop” with Professor Bill Gordon that spring. Another genre, this time from a completely different angle, and it fell within the Writing concentration. Rather than reporting on books we had read, we were analyzing various excerpts and short stories by renowned authors in class discussions and creating fiction. One short story stands out to me more than the others, “Brokeback Mountain,” by Annie Proulx. I had seen the movie, but not realized it was based on a short story. Reading her work, I was mesmerized. I reveled in how she set the stage and delivered the story. The movie was over two hours long and won three Academy Awards. Proulx told the story in just fifteen intense pages. Wow! If only I could write like that.

I developed two distinct story lines in that class that I revisited from time to time. The first was a story based on incidents involving my brother as we began to unravel his declining mental capacity. The other was about a young man named “Stevie,” who was developmentally challenged. In both cases, I was proud of my early efforts. I quickly learned how stinging honest feedback can be, but also how important it was. Most important was what I took away. It was Professor Gordon who helped me find my voice. My Irish grandmother would say I “was betwixt and between” choosing literary studies or writing as my concentration. I was leaning toward fiction as a genre for my dissertation if I chose the latter.

I was having such a good experience that I decided to take two courses in the first summer session of 2022. This was hard work because each class met twice per week. We covered the same work that is normally accomplished in a fourteen-week term in just

seven weeks. Dr. Felber had another literature offering, “A View from Afar: Non-American Writers in a Post-Modern World.” How could I resist? I was introduced to a whole slate of authors who I had never read before, Albert Camus, Fyodor Dostoyevsky, Graham Greene, and Vladimir Nabokov, among others. My least favorite work was *The Trial* by Franz Kafka; I could make no sense out of it. Well, sometimes learning what not to do is as important as learning what to do! At this point, I was addicted to Dr. Felber’s classes. So were several of my classmates and we were a close-knit group.

The other class I took that semester was “Creative Writing” with Dr. Laura Winters. I had some experience with her during a two-week segment in the required intro to Liberal Arts course. She is a walking library and an example of what it means to have an interdisciplinary mindset. A part of the class revolved around poetry. I learned that poetry is what you make it. It doesn’t have to be the stodgy old, exhaustive poetry that I was forced to read in high school. I tried my hand at it and found I enjoyed it immensely. The class taught me to think critically about form, style, content, language, metaphor, and imagery. It helped me to apply the poetry I was reading to the context of the world. One poem that struck a particular chord with me was “The Voice You Hear When You Read Silently” by Thomas Lux. Once I understood the metaphor of the barn, I was hooked. I contemplated poetry as the genre I might use for my dissertation.

I registered for the fall semester during the spring term. Dr. Felber offered a course, “Beyond Words: Fiction and Non-Fiction Concept to Written Form.” It’s selling point was that Dr. Felber would help students who already had a basic premise for a story to convert it into the first few chapters of a potential dissertation. I was just finishing up “Fiction Workshop.” I was leaning toward a fiction-based dissertation, and I had “Stevie”

in the back of my mind. This would let me jump start my dissertation effort. The course was canceled during the summer for lack of registrants. I mentioned my disappointment to Dr. Felber, and he offered to deliver the same results for me in a “Doctoral Tutorial.” Dr. Sprout, who was my academic advisor in addition to being the program director, approved. I will come back to the Tutorial again later in this chapter.

For some strange reason, that semester I decided to take three courses. In addition to the tutorial, I registered for a fine arts class, “Jim Henson & The Muppets,” and “Memoir Workshop.” The former was taught by Dr. William Tooma. I needed to take a class or two outside of literature and writing and it seemed like an interesting topic. The format for the class was very visual – in each class we watched a different work of Jim Henson. It was a small class and the only one I attended in person. Dr. Tooma is another walking library, but one that is filled as much with movies, videos, and television as it is with books.

The class analyzed and critiqued each viewing, and a paper was due each week. I gained insight into the genius of Jim Henson. I was able to place many of the social and educational concepts at the heart of his genius into the context of the period. I also learned Dr. Tooma’s very structured approach to how critical analysis papers should be presented. It proved extremely helpful in other classes and in doing the research for my dissertation.

“Memoir Workshop” introduced me to a new genre. With Professor Bill Gordon as the facilitator, we followed the same format of reading and critiquing select short stories and excerpts as in Fiction Workshop. We wrote memoir pieces for presentation and discussion in class. The selection of my voice was reinforced during this course. I

also had a chance to revisit the storylines of my brother and “Stevie” from a memoir perspective. I had no immediate plans for a memoir, but I knew then that writing would be my concentration.

Despite carrying three classes that fall, I survived. I needed something different for the spring 2023 semester. I decided to submerge myself in poetry, my new love, to test the waters. I registered for Dr. Winter’s “Poetry and Spirituality” class and “Poetry Workshop” with Professor Robert Carnevale. I enjoyed my time in both these classes and together with the Fiction and Memoir Workshops, I met the requirements for the Writing concentration.

Poetry Workshop offered me content from poets I had never read before and a diverse group of classmates. I was repeatedly amazed at their creativity. My poetry is often spontaneous. I get an idea and I go with it. It is sometimes reflective, and occasionally deep. But, with Ogden Nash being a favorite poet of mine, I like to have fun with poetry as well. My playful poems are not of the ilk of serious poets who require lofty metaphors and deeply embedded messages. At least, I wrote more poetry than I would have thought I had in me, making the workshop enjoyable and interesting.

After taking Creative Writing with Dr. Winters, I looked for another opportunity to work with her. Poetry and Spirituality was recommended to me by numerous students. Dr. Tooma said it was one of the best classes he took when he studied for his doctorate at Drew. I was not disappointed.

This class started with an anthology by Padraig O Tuama, *Poetry Unbound 50 Poems to Open Your World*. It delivered as promised. There were several poems in the book that spoke to the plight of indigenous peoples. This work was followed by the

poetry of Joy Harjo who provided a vivid insight into the “Native Nations” of the U.S. I had an epiphany that caused a sea change in my thinking and how I view the world. It had to do with fake news not being a new concept and history being written by the conquerors. I will elaborate on my transformation later in this chapter. As if that was not enough, Dr. Winters added poets like Mary Oliver, Gregory Orr, Ross Gay, and Wislawa Szymborska to the mix. I was overwhelmed, at times, by the insights they provided.

I first encountered Dr. Liana Piehler in the intro to Liberal Arts class. Her segment addressed Fine Arts and Media. She was teaching a course in the first summer session of 2023 entitled, “Mindful and Expressive Responses to the Natural World” and I registered for it. I found my third infinite walking library, who was also a stalwart interdisciplinarian. We read and discussed works of poets I knew from previous classes such as Ross Gay and Joy Harjo but added others to the mix like Henry Beston and Annie Dillard. I enjoyed all their work, but my favorite topic was haiku poetry. I immediately fell in love with this sub-genre. Each haiku’s brief wording can have such deep meaning. It was a great class that packed a lot into seven weeks. After completing this course, I met the requirements for a concentration in Literary Studies, enabling me to declare a double concentration.

I had one last elective to take and was experiencing withdrawal from Dr. Felber! He offered a class in the second summer session on “Noir Fiction and Contemporary Male / Female Gender Identities.” It sounded interesting and was an introduction to yet another fiction sub-genre. We read and discussed several interesting books, such as *The Postman Always Rings Twice*, *The Big Sleep*, *The Talented Mr. Ripley*, and *The Killer Inside Me*. We analyzed the depiction of men and women in this classic hardboiled brand

of literature. The diverse viewpoints of my classmates made the discussions even more interesting. This course provided me with yet another opportunity to see something from a viewpoint other than my own.

I took my final class in the Arts & Letters program in the fall of 2023, “The Joy of Scholarly Writing.” Dr. Piehler led us through both the procedural path to a dissertation and the conceptual path of scholarly writing. I came to understand what that entailed with her assistance. My Dissertation and Creative Dissertation Proposals, as well as my Prospectus, were all approved during the term, allowing me to next focus on my dissertation. Drs. Felber and Piehler agreed to be the Readers for my dissertation.

Throughout my studies, I was exposed to literature and authors I would never had read on my own. I participated in discussions that brought diverse, interdisciplinary views to bear. All of this improved my understanding of the world and contributed to the development of my dissertation.

### **III. A Recurring Theme**

A theme recurred in many class discussions I participated in over the course of my studies. It was based on a principle that I learned in business many years before, *you are where you sit*. This belief is at the heart of my dissertation and amply explained therein. It evolved from senior management discussions at a major bank. I worked with some of the most intelligent people I have ever met at that institution. They demonstrated great creativity in developing new products and solving problems, but they were often terrible at practical implementation. When a key decision needed to be made, I could almost always tell which way each of them would lean, based on their responsibilities or

their vested interests. Understanding other people's views was always an asset of mine, based on the active listening and strong empathy skills I developed early in my career.

I was able to apply *you are where you sit* repeatedly in class discussions. Many times, it led me to propose to my classmates that there were other views besides those we were collectively considering. For example, we tended to discuss topics from an American bias. It's what we knew, where we sat. However, that perspective is not universal. Likewise, men's and women's views often provide different interpretations of the same facts.

I want to go back to the Doctoral Tutorial. That class was invaluable to me because I received one-on-one, personalized coaching from Dr. Felber. I presented him with a story line for "Stevie." I had a brief overview and a PowerPoint presentation of the story line with character descriptions. After several attempts to explain the story to Dr. Felber, he told me I wasn't ready to write that story. So, we discussed alternative topics for my dissertation. He told me to write what I knew. He had seen me in enough classes to remember the recurring theme that I often raised in discussions. That was the seed that started me on the path to my dissertation topic.

#### **IV. Methodology**

As approved by my Readers, I chose to pursue a creative dissertation because I wanted to be able to write conversationally, the voice with which I am most comfortable. That decision resulted in the requirement to provide this critical reflection. However, I chose what Dr. Piehler referred to as a hybrid approach for the presentation of my dissertation. Despite being a creative work, each chapter cites numerous sources and so

resembles a more traditional dissertation. I used an abundance of quotes because I wanted to present the opinions of people on both sides of each topic.

I planned to use the Modern Language Association format and rules, but late in the process I revised that decision, after consulting Dr. Piehler, because the Chicago Manual of Style format better suited my hybrid presentation. I included both a Notes and a Bibliography section at the end of the dissertation, each catalogued by chapter.

My dissertation is focused on compromise, but it is not a discussion of negotiating skills. Rather, it provides seven lessons that I believe will help the reader to achieve a compromise. These lessons can also be used to reevaluate a position that the reader has taken on a given topic. That viewpoint may or may not be entrenched. Either way, applying one or more of the seven lessons could provide the reader with new insight, supporting their opinion or causing them to modify it. Keeping in mind that generally, *you are where you sit*, these lessons may help the reader to confirm their seat or change places!

Each lesson is supported by two examples of its application, one successful and one unsuccessful. This methodology provides the reader with real life examples of how each lesson was used to achieve a compromise solution to a problem, or conversely, how not applying the lesson resulted in an unresolved situation.

## **V. Research**

I took a bifurcated approach to the research for this dissertation, separating the critical reflection as a final chapter after the conclusion of the dissertation. There were two primary inputs to the dissertation: first, the lessons derived from my personal and

business experience, and second, the research associated with the examples that support the lessons.

As each day began, I scoured the online news reports from multiple sources for articles relevant to this dissertation. I followed leads referenced in the articles I had sourced to find other materials as well as book recommendations. The daily review of news kept me current on information in chapters I had completed and provided new details on developing stories, such as the FTX trial and its continued impact on the Cryptocurrency industry, as well as environmental issues. I also researched specific topics related to the lesson examples as I commenced working on each chapter. Throughout the drafting process, I identified questions or subjects that required more research paying particular attention to how topics / examples may have been in conversation with one another. The examples supporting each lesson provided an opportunity to look across multiple disciplines. The research for the dissertation was conducted primarily online using search engines and leveraging tools / services provided through the Drew University Library.

As part of the critical reflection, I compared a variety of works pertaining to “compromise,” looking for common themes / aspects while identifying gaps in existing literature. This research was based on a sample of books and articles specific to the topic, with the results summarized in the “Literary Review” section of this chapter.

## **VI. Interdisciplinary Results**

Earlier in this chapter I mentioned the importance of interdisciplinary thinking in the scholarly process. It is a cornerstone of the Arts & Letters program. The broad array

of topics covered in this dissertation demonstrate how I applied interdisciplinary analysis in developing and proving my premise.

Lesson #1 was *come in credible*. The chapter began by analyzing the definition of credibility and introduced the theory of *you are where you sit*. I discussed fake news and the influence of mass and social media on people's opinions. Most importantly, I highlighted that many of the decisions we make today, and the entrenched views people hold, are simply based on inaccurate information.

Using the examples, I then examined ethical conduct as a measure of credibility, contrasting a man with an impeccable reputation for straight shooting with a self-designated conspiracy theorist. The latter sows his theories on his website and podcasts to gain followers to whom he can peddle miscellaneous products. With this contrast, however, I influenced the reader's thinking by associating conspiracy theories with an unsuccessful outcome. So, I needed to demonstrate how some conspiracy theories that were highly contested turned out to be true. You can't just discount such a person's views because of a label. However, my argument supported that the conspiracy theorist established himself as a man with questionable ethics, hurting many people with his lies about several massacres / school shootings not being real. I provided a second example of similar behavior with a conspiracy theorist who still contends that the 2020 election was stolen. Today, he is suffering the fruits of the rumors he continues to spread in facing multiple litigations.

The chapter looked at ethical behavior across business and public life, the misuse of mass and social media, and the provision of false information. These are disciplines the reader needs to consider in applying this lesson.

For Lesson #2: *be honest*, I expanded the discussion to corporate ethics. The success story highlighted Johnson & Johnson's response to the 1982 Tylenol murders in Chicago, an event that made many Americans skeptical of product safety. While the company pulled the product in question off the shelves of stores nationwide costing them millions of dollars in profits, the action enshrined its reputation as an ethical consumer products manufacturer. The triple tamper evident solution to packaging set the standard for product safety that remains in place today.

Conversely, the unsuccessful example looked at the impact of unethical behavior by Chief Executive Officers of two of the largest cryptocurrency firms. Taking advantage of an unregulated financial product, they mismanaged company and customer assets and broke numerous laws. In one case, it resulted in the company's collapse and the loss of billions of dollars of customer's money. It was billed as the second largest Ponzi scheme in history.

The chapter looked at both a historical event from forty years ago, as well as a current developing story. It covered history, corporate ethics, finance, financial regulation, criminal behavior, mismanagement, and the sociological ramifications of the successful and unsuccessful examples.

In Chapter Three, I examined Lesson #3: *seek a win-win outcome*. The examples ventured onto the topic of sexual discrimination and into the world of education. The successful example presented the fifty-year history of Title IX of the Education Amendments of 1972. The legislation was designed to fill in gaps in previous legislation to ensure that discrimination "on the basis of sex" was outlawed in the U.S. It showed its most visible impact in college athletics, where the stereotype of sports being for men was

difficult to change. However, Title IX proved to be an immensely positive step forward in the education and development of women in this country.

The unsuccessful example for this lesson was another current hot topic, gender education. Here, entrenched views on both sides of the argument continue to battle over school policies and curricula content. The more progressive viewpoint is looking to expand education to include the history and contributions of disadvantaged groups like the LGBTQ+ community. Conservatives are trying to limit gender education in the schools to keep it aligned with their moral codes that don't recognize LGBTQ+ rights.

This chapter covered history, education, women's and LGBTQ+ rights, and politics. It also discussed college sports as a positive influence in helping students develop as well as it being a revenue generating business for the schools.

War and global confrontation informed the next chapter. Lesson #4: *be resourceful*, is presented through the review of two historical events. The successful, peaceful resolution of the Cuban Missile Crisis in 1962 brought the world back from the brink of nuclear war. President John F. Kennedy was resourceful in using back channels to negotiate a compromise that prevented a nuclear war. The unsuccessful example discussed the Bush Administration's urgency in retaliating against Iraq for the September 11, 2001 terror attacks. Their efforts had one goal in mind, and they were not resourceful in seeking alternative paths to a peaceful solution. The war that ensued was devastatingly costly in both human and economic terms for both sides of the conflict.

The discussion of this lesson looked at history, geopolitics, motivation, and the societal impact of both the threat of war and the waging of war.

Lesson #5 was *live the other side*. Without empathy, you cannot fully understand the other side of an issue or a negotiation. Listening skills are also critical to gaining a complete picture. Having empathy doesn't mean you agree with the view on the other side, but it may inform you of the motivation behind the opposing position. For the successful example, the passage of the Civil Rights Act of 1964 under the tutelage of President Lyndon B. Johnson was presented. It did not immediately resolve discrimination based on race, ethnicity, or country of origin, but it represented a turning point for the advancement of civil rights in this country. Johnson's empathy skills allowed him to see the need to pass this landmark legislation that would change the course of history.

Using a more recent example for the unsuccessful application of the lesson, I looked at how the National Football League (NFL) reacted to protests by African American players against racism and police brutality. Politicians got involved early and made the story about patriotism and disrespect for the flag. The NFL got caught up in the rhetoric and failed to grasp the issues underlying the protests. It took the NFL four years and the national campaign for Black Lives Matter for the league to recognize the real issues at hand.

This chapter covered civil rights, empathy, listening, psychology, politics, mass marketing, and how the influence of social media can be used to position an argument.

Chapter Six taught the lesson of *be open to compromise*. By looking at two recent negotiations, I illustrated how willingness to compromise or not can result in meaningful solutions or protracted negotiations. The Infrastructure Investment and Jobs Act of 2021 was passed by a bipartisan effort in the U.S. Congress. Neither the Democrats nor the

Republicans got everything they wanted but they were willing to compromise to achieve a partial solution.

The 2023 strike by the Writers Guild of America (WGA) against the Alliance of Motion Picture and Television Producers (AMPTP) was a protracted labor negotiation that cost the economy of Southern California more than \$5 billion. It cost the striking writers and related unions that supported them their livelihood and put them at personal risk. The WGA took a stand on certain issues and ultimately got most of what they wanted. From the onset of the strike, their unwillingness to compromise was matched by the half-hearted efforts of the AMPTP who believed they could outlast the writers.

The discussion of this lesson covered entertainment, workers' rights, emerging technologies, finance, strategy, and resistance mentality.

Finally, I examined how we have dealt with the environment and the approaches to the challenges that lie ahead. Lesson #7: *think beyond the present*, looked at how solutions, even those inspired by compromise, may prove beneficial only in the short-term if this lesson is misapplied. The first example explained how the Safe Drinking Water Act, passed in 1972, provided safe, clean drinking water for generations. While it was hugely successful in its benefits, water related crises loom on the horizon in the form of deteriorating public water supply infrastructure and unbridled use of a finite supply of groundwater. Environmental champions need to look forward so that we don't squander the gains of the past fifty years.

In the rush to meet environmental goals by transitioning to electric vehicles, the government and U.S. automakers failed to establish an achievable plan and timetable. They did not recognize that the underlying debate of gas powered versus electric vehicles

had not been settled for the American consumer. A great deal of often confusing information continues to be pitched by people and organizations on both sides of the argument.

This chapter looked deeply at the long-lasting impact of our environmental decisions. It covered politics, industry, technological innovation, finance, business, legislative reform, and government.

The interrelationship of many disciplines was demonstrated across the topics and supporting examples. Providing the readers with the benefit of “looking across” disciplines was key to enhancing their understanding of the lessons.

## **VII. Literary Review of Other Works on Compromise**

A national bestseller entitled *The 7 Habits of Highly Effective People* was popular in the 1990’s. It had a profound impact on me, and I incorporated many of the lessons from the book into how I conduct my life. Two of these habits stand out as particularly relevant to this dissertation, “Think Win/Win” and “Seek First to Understand and Then to Be Understood.” These habits tie directly to two of the lessons in this dissertation. The author of the book, Stephen R. Covey, described the first as follows, “Win/win means that agreements or solutions are mutually beneficial, mutually satisfying. Win/win sees life as a cooperative, not a competitive arena.”<sup>1</sup> A chapter of this dissertation presents the lesson *seek a win-win outcome*. The examples included in that chapter discuss the impact of Title IX legislation on the National Collegiate Athletic Association and the state of gender education in this country. A win-win approach will be needed to resolve the high tensions that surround that latter topic.

“Seek first to understand” is about “empathetic communication.” Covey notes that seeking to understand first, was “the single most important principle [he] learned in the field of interpersonal relations.”<sup>2</sup> Empathetic communication calls for active listening, a common theme across the literature about compromise. It is an integral part of the chapter of the dissertation that presents the lesson *live the other side*.

During my studies at Drew, I have been exposed to a broad array of literature. One “aha” moment came to me in the “Poetry and Spirituality” course. While reading Pádraig O Tuama’s anthology, *Poetry Unbound*, I realized that history is written by the conquerors or those in power, and that fake news is not new! I took many lessons from the poems in that book, but the most striking themes related to history and how it was written, its content, spin, dishonesty, rejection, people not fitting in and being culturally ashamed, and at the heart of much of it, misuse, or abuse of language.

For the first time, I began to understand the disenfranchisement of indigenous people and the profound impact history has had on them. I have a new understanding that history is written by the conquerors and spun to reflect their views. All this correlates with *you are where you sit*. While I had already addressed specifically social media and fake news in my draft dissertation, I had not considered the age-old tradition of putting a spin on news. Fake news is not a recent phenomenon. Like millions of Americans, the history that I was taught in grammar school was largely written by White Christians. It’s what I learned as a young child. I always accepted it as truth and never questioned it. It was history – how could it not be true? What I never asked was history according to who?

Armed with this astonishing new knowledge and newfound appreciation for the plight of indigenous people and people of color, I moved onto the next assigned reading in that course, *Catching the Light* by Joy Harjo. The poet conveyed adeptly the struggles of indigenous Americans in a way that left me with new empathy for their current circumstances. For me, it was a drill down, a magnification of some of the themes raised in O Tuama's book that reinforced my concerns about the impact that the incomplete history we were taught has had on influencing the rigid viewpoints that many people hold today. These views are at the heart of *you are where you sit*. They are often divisive and should cause our leaders grave concerns about the future of this country.

I researched literature that focused on "compromise" and found a wide variety of articles and books. "Compromise" is an article that was published in the Cambridge Core Journal of Philosophy in 1989. The article discussed compromise as an alternative to adjudication or mediation. It noted that compromises must involve mutual concessions, a theme that became apparent throughout the reviews that follow. The author, J.P. Day, noted that "Compromise is better than adjudication precisely because it is voluntary. For the same reason, it is also more likely to be durable and so successful."<sup>3</sup> If a compromise has a win-win outcome, these two thoughts, sacrifice, and durability, align nicely with the lessons in the dissertation.

The areas of marriage, romantic relationships, and family conflict are top subject matters for compromise. I chose three books on these topics because of their popularity. I decided not to include two of those because they shed little new light on the literature of compromise. The third book is entitled, *It's All About ... Family Conflict – The Art of Compromise: Negotiating Conflict in Family Settings*, by Christine Salvo. This book

presented itself as “a comprehensive guide that equips individuals dealing with conflicts in family dynamics with practical and effective strategies for managing and resolving conflicts.”<sup>4</sup> In this way, it seemed to align with the how-to guide presented in this dissertation. However, it focused more on conflict resolution techniques such as identifying common ground and setting realistic goals than compromise.

It discussed common causes of family conflict and acknowledged that finding common ground involves making concessions and trade-offs to reach a mutually acceptable outcome. The author described compromise as finding a solution that is acceptable to both parties but gives no further guidance. It described the benefits of compromise and the steps in the negotiation process, one of which is to practice empathy. It emphasized the importance of active listening. It is in conversation with the dissertation in acknowledging that compromise requires concessions and the importance of active listening / practicing empathetic communication, as discussed by Stephen R. Covey.

Another bountiful subject area for compromise literature is governing / politics. I chose two books from this area to compare. In *The Spirit of Compromise*, the authors discuss two competing cycles: the compromising mindset needed to govern, and the uncompromising mindset used in campaigning. As examples for their discussion, they chose to contrast the passage of two pieces of historic legislation, the Tax Reform Act of 1986 and the Patient Protection and Affordable Care Act of 2010. The major themes that this book has in common with other compromise literature are sacrifice as a key component of compromise, searching for common ground as an alternative, and having a win-win attitude.

The authors listed sacrifice as a critical component of “classic compromise.” They wrote, “The success of the more common, classic compromise depends on the willingness of all sides to sacrifice something to achieve a common good that improves the status quo when common ground does not exist or cannot be found.”<sup>5</sup> They argued that “Legislators and pundits make particular compromise even harder by harboring the misconception that the only kind of compromise worth having is one that puts aside all differences and finds common ground.”<sup>6</sup> The influence of that polarization on society is to turn people off to compromise as an alternative, and aligns with the concept of entrenched beliefs in the dissertation. The authors also commented that “Major policies enacted by one party, without some attention to the interests of the opposition, are unsustainable over time.”<sup>7</sup> As discussed previously, a compromise must be win-win.

The second book I chose related to politics and governing was *On Compromise*. The author, Rachel Greenwald Smith, took a hard look at compromise in the United States. She wrote, “Liberalism is a theory of political organization that values individual freedom, tolerance, incremental rather than revolutionary change, and the rational exchange of ideas.”<sup>8</sup> Liberalism should not be confused with being a liberal, but I found it hard to separate the two philosophies. She endorsed liberalism over fascism or socialism. She warned that capitalism produces “structures that guarantee disparities on every level of society, from basic health services, to employment, to wages, to education, to housing.”<sup>9</sup>

The book presented compromise as a means rather than an end and included sacrifice as a key component. The author noted that the tendency toward compromise has been diminished in “the culture of compromise.” In the end, the author refuted

compromise as an answer to our deepest societal issues, suggesting that people need to change their thinking and get used to not getting what they want. She looked to the pandemic as an event that could dramatically disrupt the balance, stating “When I imagine a world beyond compromise, I imagine one in which the resources that are now being hoarded by the few will be available to the many.”<sup>10</sup> This book placed sacrifice over compromise.

The final book that I reviewed was *The Absurdity of Compromise*. I chose it because the author, Donald Grady II, presents a viewpoint opposed to compromise. He describes a model of three levels of interactions, Confrontation (I), Compromise (II), and Empathetic Understanding (III). He sees compromise as a “measure of mediocrity,” and “an avoidance behavior.”<sup>11</sup> Rather than compromising, his solution, “Interacting on the Third Level ... is an eminently viable way to ensure responsive, responsible, and mutually satisfying results.”<sup>12</sup>

While the book is against compromise, there are two key takeaways that are in conversation with the dissertation. The author provides an approach to empathetic understanding in lieu of compromise. He describes a key component, active listening, as “the act of intently focusing on what a person is saying to acquire an empathetic understanding of their reasoning without prejudice of position.”<sup>13</sup> Having empathy and displaying active listening synch with the dissertation chapter on the lesson, *live the other side*. Finally, the author endorses the theory underlying the dissertation. He states, “It’s important to continuously evaluate your thinking and, when faced with better information, to modify your position ... When presented with information that no longer supports your position you should alter your thinking.”<sup>14</sup>

This literary review was an important exercise. It confirmed certain aspects of compromise addressed in the dissertation, namely the integral sacrifice, the importance of active listening and gaining an empathetic understanding of the other views, and the need to bring a win-win solution to bear. Two of the books took positions against compromise as a solution but had commonalities with the other books and this dissertation, which was reassuring.

### **VIII. Significance**

As one can imagine, the literature on compromise is abundant. My research found multiple books and articles that dealt with compromise as it related to specific topics such as relationships, conflict resolution, marriage, psychology, education, politics, government, religion, discrimination, and business. Some focused on specific historical events, such as compromises on slavery, road building in Brazil, or solutions to crises like the Israeli – Palestinian conflict. In many cases, the author(s) took an approach like the one I did. They presented aspects of compromise or negotiation tactics that were used to reach the compromise associated with a specific historical event or proposed a solution to a specific ongoing conflict.

I consider this dissertation to be a *how to guide* for evaluating one's opinions or positioning oneself to be open to compromise. As discussed in the Literary Review section, I was able to find aspects that the works I reviewed had in common with this dissertation. However, I was unable to find any comparable works that would help the reader understand the lessons integral to achieving compromise or reevaluating their own thinking on a given topic. This dissertation is unique in that it lays out seven lessons for the reader to follow as a basis for achieving compromise, with others or with their own

beliefs. It is also different from other works on the subject in that it tackles fourteen different historical events / people as examples that illustrate the lessons. The breadth of coverage of those examples also demonstrates the interdisciplinary support for compromise, be it personal or corporate ethics, politics, public policy, corporate governance, education, diversity, gender discrimination, or the environment.

#### **IX. What I Learned Along the Way**

Earlier in this chapter I discussed the epiphany I had in the Poetry and Spirituality class. It related to the realization that conquerors or people in power write history. The history I was taught was written by White Christians. It doesn't include the efforts, achievements, or accomplishments of many people from disadvantaged groups such as people of color, Native Nations (indigenous peoples), and the LGBTQ+ community. Even the role of women had been kept to a minimum until recently. These thoughts called on my empathy skills and reinforced in me the need for tolerance and understanding.

There is a poem by Christiam Wiman entitled, "All My Friends Are Finding New Beliefs." It is included in Pdraig O Tuama's anthology, *Poetry Unbound 50 Poems to Open Your World* that I read in Poetry and Spirituality. The poet described how the beliefs of his lifetime friends changed as they grew older. In some cases, it was to accommodate their current whims or desires. Wiman found it "harder and harder to keep track" of those changes. I found just the opposite. My closest friends are hanging on to their beliefs. As they age, they are becoming increasingly conservative and less and less tolerant. They want to preserve the status quo and they question any further expansion of rights to disadvantaged groups. Rather, it is my beliefs that are changing. My doctoral

studies have enabled me to see the world through a new perspective. I endorse compromise and look for it to help us move away from the entrenched views that have so deeply divided this country.

In Gregory Orr's book, *Poetry As Survival*, he allocated an entire chapter to the "Convulsive Transformation of the Overculture."<sup>15</sup> According to Orr, "Overculture refers to the ideological and institutional formations and attitudes that support a given society or culture – established religions and political, social, and economic structures, as well as the values that validate them or emerge from them."<sup>16</sup> The Overculture imposes an ordering principle on all aspects of society that doesn't allow for subjectivity. The Overculture's ordering process in turn has created extreme states of disorder for those people whose perspective doesn't align with the views of those in power. And there it is *those in power*.

I've discussed my disdain for the politicians who leverage current hot topics to increase tensions and further divide this country. Many of them are now in positions of power. They represent the new Overculture. They are enacting laws that reverse gains in personal liberty in the name of conservative Christian values. Examples include recently enacted Florida laws like the "Stop Wrongs to Our Kids Act" and the "Parental Rights in Education Act." These are better known as "Stop the Woke" and "Don't Say Gay" laws. The former prohibits teaching critical race theory in grades K-12. That principle, usually taught at the college level, argues that the legacy of white supremacy, racism, and prejudice is entrenched in U.S. laws and institutions. The latter prohibits discussion of LGBTQ+ topics at the same grade levels. I am not endorsing or condemning these laws. I only question whether the motivation behind them is based on true beliefs, or political

ploy to gain votes. Either way, many politicians are catalysts that perpetuate the deeply entrenched views in this country.

Chapter 7 of the dissertation covered some key environmental topics. I focused on the progress made in providing safe drinking water in this country. I also mentioned a looming crisis with regard to the deterioration of our public water supply systems and the depletion of groundwater due to a combination of climate change and overpumping by industry and agriculture. Before I undertook the research, I was unaware of these problems. I learned that there is a need to raise public awareness. We must begin to take steps to prevent our the reversal of progress that has been made and the decimation of yet another natural resource. Meanwhile, more must be done in a shorter period to prevent a cataclysmic climate event caused by the emission of greenhouse gases.

## **X. Conclusion**

I learned many things during my doctoral studies. I was exposed to new genres, authors, and poets. I read works that I would never have found on my own. I came to understand structure, form, style, timing, and literary devices. I had a chance to create fiction, poetry, and memoir. I found a voice in which I prefer to write. I came to fully understand the meaning and importance of interdisciplinary thinking.

I learned new ways to do research and new tools to use. The research on the topics and the related examples was empowering. I continuously find myself with a new sense of knowledge in discussions with friends. I learned to stay on topic and how easy it is to fall victim to scope creep or to “go down a rabbit hole” while researching and writing.

I had the honor and pleasure of working with brilliant professors and student colleagues. The diverse views that they presented opened my eyes and provided me with new insights. I made friendships that I hope will last beyond graduation.

As for my opening statement in this critical reflection, I still don't believe that I am a scholar. That said, I believe that the creative dissertation that I produced is scholarly work as explained in this final chapter.

Thank you to my Readers and all of the people who supported my efforts. It has been a hell of a journey. Now I begin a new journey leveraging all that I have learned in the Arts & Letters Program!

## NOTES

### Dedication

1. Wislawa Szymborska, *Poems New and Collected 1957 – 1997* (New York, NY: Harcourt Brace & Company, 1998), xvi.

### Chapter One

1. Forbes.com, “The way to gain a good reputation is to endeavor to be what you desire to appear,” Socrates - Forbes Quotes, Accessed March 12, 2024,

<http://www.forbes.com/thoughts/>.

2. merriam-webster.com, “Merriam Webster Dictionary,” Accessed November 22, 2023, <https://www.merriam-webster.com/dictionary/credibility>.

3. Thesaurus.com, “Thesaurus.Com,” January 10, 2024,

<https://www.thesaurus.com/browse/credibility>.

4. thefreedictionary.com, “Free Dictionary,” Accessed November 22, 2023,

<https://www.thefreedictionary.com/credibility>.

5. Raf Weverbergh and Kristien Vermoesen, “Warren Buffett on Reputation: The Economic Value of Values, Integrity and Corporate Culture,” finn.agency, Accessed November 22, 2023, <https://www.finn.agency/warren-buffett-reputation-berkshire-hathaway/#:~:text=this%20blog%3A%20reputation.-,1..of%20credit%20at%20the%20bank>.

6. Tom Popomaronis, “Billionaire Warren Buffett Has a ‘Simple’ Test for Making Tough Decisions - Here’s How It Works,” CNBC, May 11, 2019, <https://www.cnbc.com/2019/05/10/billionaire-warren-buffett-use-this-simple-test-when-making-tough-decisions.html>.

7. Weverbergh and Vermoesen, “Buffet on Reputation.”

8. Carol J. Loomis, “Warren Buffett’s Wild Ride at Salomon,” *Fortune Magazine*, October 27, 1997. <https://fortune.com/1997/10/27/warren-buffett-salomon/>.

9. Loomis, “Buffett’s Wild Ride.”

10. Loomis, “Buffett’s Wild Ride.”

11. Loomis, “Buffett’s Wild Ride.”

12. Loomis, “Buffett’s Wild Ride.”

13. The Wall Street Journal, “Buffett’s 1991 Salomon Testimony,” May 1, 2010,

<https://www.wsj.com/articles/BL-MB-21380>.

14. Loomis, “Buffett’s Wild Ride.”

15. Stephen Labaton, “Salomon to Pay Phony-Bid Fine of \$290 Million,” *The New York Times*, May 21, 1992, <https://www.nytimes.com/1992/05/21/business/salomon-to-pay-phony-bid-fine-of-290-million.html>.

16. Loomis, “Buffett’s Wild Ride.”

17. Weverbergh and Vermoesen, “Buffet on Reputation.”

18. Warren Buffett, “Berkshire Hathaway Letter to Shareholders,” February 2022.

19. Weverbergh and Vermoesen, “Buffet on Reputation.”

20. Bill Gates, “What I Learned from Warren Buffett,” *Harvard Business Review*, 1996, <https://hbr.org/1996/01/what-i-learned-from-warren-buffett11>.

21. Jason Harambaum and Stef Aupers, “From the Unbelievable to the Undeniable: Epistemological Pluralism, or How Conspiracy Theorists Legitimate Their Extraordinary Truth Claims,” *European Journal of Cultural Studies* 24, no. 4 (August 2021), <https://journals.sagepub.com/doi/full/10.1177/1367549419886045>.
22. Scott Radnitz, “Citizen Cynics: How People Talk and Think About Conspiracy,” *Oxford Academic* June 2021 (May 17, 2022): 154.
23. Southern Poverty Law Center, “Alex Jones,” Accessed November 22, 2023, <https://www.splcenter.org/fighting-hate/extremist-files/individual/alex-jones>.
24. Tucker Higgins, “Alex Jones’ 5 Most Disturbing and Ridiculous Conspiracy Theories,” CNBC, September 14, 2018, <https://www.cnbc.com/2018/09/14/alex-jones-5-most-disturbing-ridiculous-conspiracy-theories.html>.
25. Southern Poverty Law Center, “Alex Jones.”
26. Justin Ling, “How a Crazy Plan to Rebuild Waco Compound Gave Us Alex Jones,” *dailybeast.com*, November 29, 2021, <https://www.thedailybeast.com/how-a-crazy-plan-to-rebuild-waco-compound-gave-us-alex-jones>.
27. Southern Poverty Law Center, “Alex Jones.”
28. Southern Poverty Law Center, “Alex Jones.”
29. Southern Poverty Law Center, “Alex Jones.”
30. Southern Poverty Law Center, “Alex Jones.”
31. Jim Vertuno, “Alex Jones Concedes Sandy Hook Was ‘100% Real,’” Associated Press, August 3, 2022, <https://apnews.com/article/health-us-news-shootings-texas-lawsuits-d029d6736d2ce6755c9e89e7cf9f27af>.
32. Safia Samee Ali, “In Angry Outburst, Infowars Host Alex Jones Says ‘He’s Done Being Sorry,’” NBC News, September 22, 2022, <https://www.nbcnews.com/news/us-news/infowars-host-alex-jones-says-s-done-sorry-stand-second-defamation-tri-rcna49031>.
33. Ali, “Angry Outburst.”
34. Tiffany Hsu, “Do These People Think They’re Actually Getting Any Money?” *The New York Times*, October 12, 2022, <https://www.nytimes.com/2022/10/12/us/politics/alex-jones-denounces-verdict.html>.
35. Aden McClune, “Operation Northwoods,” *Euronews*, Accessed November 22, 2023, <https://libertywingspan.com/50496/uncategorized/operation-northwoods/>.
36. Hannah McKennett, “The Gulf of Tonkin Incident: The Lie That Sparked the Viet Nam War,” *All That’s Interesting*, September 10, 2019, <https://allthatsinteresting.com/gulf-of-tonkin>.
37. Margaret Kimberly, “The Burglary and COINTELPRO: How Citizen Action Exposed FBI’s Covert, Illegal Program to Crush Dissent,” *globalresearch.ca*, September 15, 2014, <https://www.globalresearch.ca/the-burglary-and-cointelpro-how-citizen-action-exposed-fbis-covert-illegal-program-to-crush-dissent/5364987>.
38. Helene Cooper, Ralph Blumenthal, and Leslie Kean, “Glowing Auras and ‘Black Money’: The Pentagon’s Mysterious U.F.O. Program,” *The New York Times*, December 16, 2017, <https://www.nytimes.com/2017/12/16/us/politics/pentagon-program-ufo-harry-reid.html>.
39. Alexandra Berzon, Charles Houmans, and Ben Bensinger, “How Mike Lindell’s Pillow Business Propels the Election Denial Movement,” *The New York Times*, October

27, 2022, <https://www.nytimes.com/2022/10/27/us/politics/lindell-mypillow-trump-election-deniers.html>.

40. Berzon, Houmans, and Bensinger, “Mike Lindell.”

41. Berzon, Houmans, and Bensinger, “Mike Lindell.”

## Chapter Two

1. BYJUS.com, “Speech on Honesty,” Accessed March 12, 2024, <https://byjus.com/english/speech-on-honesty/>.
2. FiveThirtyEight Staff, “60 Percent Of Americans Will Have An Election Denier On The Ballot This Fall | FiveThirtyEight,” Accessed November 8, 2023, <https://projects.fivethirtyeight.com/republicans-trump-election-fraud/>.
3. Statista, “Number of Registered Voters U.S. 2022,” Accessed November 8, 2023, <https://www.statista.com/statistics/273743/number-of-registered-voters-in-the-united-states/>.
4. Chris Cillizza, “Here’s Even \*more\* Evidence That Widespread Election Fraud Isn’t a Thing | CNN Politics,” CNN, February 2, 2022, <https://www.cnn.com/2022/02/02/politics/voter-election-fraud-trump/index.html>.
5. Erika Ryan, Courtney Dorning, and Mary Louise Kelly, “Main Suspect in the 1982 Chicago Tylenol Murders Dies,” *NPR*, July 11, 2023, sec. National, <https://www.npr.org/2023/07/11/1187077380/main-suspect-in-the-1982-chicago-tylenol-murders-dies>.
6. Dave Roos, “How the 1982 Tylenol Poisonings Nearly Canceled Halloween,” *HISTORY*, September 12, 2023, <https://www.history.com/news/extra-strength-tylenol-poisonings-1982>.
7. Roos, “Tylenol Poisonings.”
8. Heidi Samuelson, “The Chicago Tylenol Murders,” *Chicago History Museum* (blog), September 28, 2022, <http://www.chicagohistory.org/tylenol-murders/>.
9. Stacy St. Clair and Christy Gutowski, “Tragedy, Then Triumph: How Johnson & Johnson Made Sure Tylenol Survived the Tylenol Murders,” *Chicago Tribune*, October 27, 2022, <https://www.chicagotribune.com/investigations/ct-tylenol-murders-johnson-johnson-crisis-20221027-xvnlcglna5b5ti3i3ot57x4a5e-htmlstory.html>.
10. St. Clair and Gutowski, “Tragedy, then triumph.”
11. St. Clair and Gutowski, “Tragedy, then triumph.”
12. St. Clair and Gutowski, “Tragedy, then triumph.”
13. St. Clair and Gutowski, “Tragedy, then triumph.”
14. *The New York Times*, “ANNUAL REPORTS: MORE CANDOR,” April 30, 1983, sec. Business, <https://www.nytimes.com/1983/04/30/business/annual-reports-more-candor.html>.
15. Mike Blake, “Ford Pinto 50 Years Later: Love It or Hate It, the Subcompact Was Popular and Made an Impact,” *Carlisle Events*, Accessed October 26, 2023, <https://www.carlisleevents.com/media/news-articles/2021/01/12/AAC2021FordPinto>.

16. Mark Dowie, "Pinto Madness," *Mother Jones* (blog), Accessed October 26, 2023, <https://www.motherjones.com/politics/1977/09/pinto-madness/>.
17. Dowie, "Pinto Madness."
18. Dowie, "Pinto Madness."
19. Sherefkin, Robert, "Lee Iacocca's Pinto: A Fiery Failure," *Automotive News*, June 16, 2003.
20. Blake, "Pinto 50 Years Later."
21. Chris Isidore, "Toyota Recalls Put Serious Dent in Its Prized Reputation - Jan. 27, 2010," Accessed October 27, 2023, [https://money.cnn.com/2010/01/27/news/companies/toyota\\_sales\\_halt/index.htm](https://money.cnn.com/2010/01/27/news/companies/toyota_sales_halt/index.htm).
22. Michael Connor, "Toyota Recall: Five Critical Lessons," *Business Ethics* (blog), February 1, 2010, <https://business-ethics.com/2010/01/31/2123-toyota-recall-five-critical-lessons/>.
23. Connor, "Toyota Recall."
24. Knowledge at Wharton, "Quality on the Line: The Fallout from Toyota's Recall," *Knowledge at Wharton* (blog), Accessed October 27, 2023, <https://knowledge.wharton.upenn.edu/article/quality-on-the-line-the-fallout-from-toyotas-recall/>.
25. Micheline Maynard, "Toyota Pays Its \$16.4 Million Fine Over Pedals," *The New York Times*, May 18, 2010, sec. Business, <https://www.nytimes.com/2010/05/19/business/19toyota.html>.
26. Alain Sherter, "Jamie Dimon on the Cryptocurrency Industry: 'I'd Close It down' - CBS News," December 6, 2023, <https://www.cbsnews.com/news/bitcoin-cryptocurrency-jamie-dimon-jamie-dimon-elizabeth-warren/>.
27. Q.ai - Powering a Personal Wealth Movement, "What Really Happened To LUNA Crypto?" *Forbes*. Accessed December 26, 2023, <https://www.forbes.com/sites/qai/2022/09/20/what-really-happened-to-luna-crypto/>.
28. Caitlin Ostroff and Vicky Ge Huang, "At FTX, Multimillion-Dollar Expenses Were Approved by Emoji – WSJ," Accessed October 1, 2023, <https://www.wsj.com/articles/at-ftx-multimillion-dollar-expenses-were-approved-by-emoji-fb91bb3a?mod=djemwhatsnews>.
29. Corrinne Ramey and James Fanelli, "Caroline Ellison Apologizes for Misconduct in FTX Collapse – WSJ," Accessed October 1, 2023, <https://www.wsj.com/articles/caroline-ellison-apologized-for-misconduct-in-ftx-collapse-11671818789>.
30. Ostroff and Ge Huang, "Multimillion-Dollar Expenses."
31. James Fanelli, and Vicky Ge Huang, "Caroline Ellison Says Bankman-Fried Steered FTX Deception – WSJ," Accessed October 23, 2023, <https://www.wsj.com/finance/regulation/caroline-ellison-lays-blame-on-bankman-fried-for-ftx-fraud-failure-8a2bb2dd>.

32. Fanelli and Ge Huang, “Bankman-Fried Steered FTX Deception.”
33. David Yaffe-Bellany, Emily Flitter, Matthew Goldstein, and Glenn Thrush, “Binance Founder Changpeng Zhao Pleads Guilty to Money Laundering Violations - The New York Times,” Accessed November 28, 2023, <https://www.nytimes.com/2023/11/21/technology/binance-changpeng-zhao-pleads-guilty.html?smid=nytcore-ios-share&referringSource=articleShare>.
34. Patricia Kowsmann, Caitlin Ostroff, and Angus Berwick, “Binance Begins Again With U.S. Oversight. Will It Survive? – WSJ,” Accessed November 29, 2023, <https://www.wsj.com/finance/currencies/binance-begins-again-with-u-s-oversight-will-it-survive-fad7b07a>.
35. Yaffe-Bellany, et al. “Binance Founder.”
36. Yaffe-Bellany, et al. “Binance Founder.”
37. Yaffe-Bellany, et al. “Binance Founder.”
38. Kowsmann, Ostroff, and Berwick, “Binance Begins Again.”
39. Yaffe-Bellany, et al. “Binance Founder.”

### Chapter Three

1. GLOBIS Unlimited, “Win-Win Situations,” Accessed March 12, 2024, <https://globisunlimited.com/jp/course/win-win-situations/>.
2. Office for Civil Rights, “Title IX and Sex Discrimination,” Policy Guidance, US Department of Education (ED), August 20, 2021, [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html).
3. Lindsay Schnell and Rachel Axon, “Title IX Aimed to Get Women into Grad Schools. Over 50 Years, It Shaped Their Role in Sports,” June 13, 2022, <https://tangent.usatoday.com/in-depth/sports/2022/06/13/historical-impact-title-ix-50th-anniversary/7501591001/>.
4. Alvin Powell, “How Title IX Transformed Colleges, Universities over Past 50 Years,” Harvard Gazette, June 23, 2022, <https://news.harvard.edu/gazette/story/2022/06/how-title-ix-transformed-colleges-universities-over-past-50-years/>.
5. Office of Civil Rights (OCR), “Title IX of the Education Amendments of 1972,” Text, October 17, 2019, <https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/title-ix-education-amendments/index.html>.
6. Schnell and Axon, “Women Into Grad Schools.”
7. Office for Civil Rights, “Title IX 1979 Policy Interpretation on Intercollegiate Athletics,” Policy Guidance; Federal Register Notices, US Department of Education (ED), January 23, 2023, <https://www2.ed.gov/about/offices/list/ocr/docs/t9interp.html>.
8. Schnell and Axon, “Women Into Grad Schools.”
9. Maria Cramer, “How Women’s Sports Teams Got Their Start,” *The New York Times*, April 28, 2022, sec. Sports, <https://www.nytimes.com/2022/04/28/sports/title-ix-anniversary-womens-sports.html>.

10. Genevieve Carlton, “How Title IX Impacts Women’s Equality in College Athletics | BestColleges,” Accessed January 8, 2024, <https://www.bestcolleges.com/news/2021/08/24/how-title-ix-impacts-womens-equality-in-college-athletics/>.
11. Cramer, “Women’s Sports.”
12. Cramer, “Women’s Sports.”
13. Cramer, “Women’s Sports.”
14. Kaplan, Hecker & Fink, LLP, “NCAA External Gender Equity Report,” NCAA Gender Review. Accessed January 17, 2024, <https://ncaagenderequityreview.com/>.
15. National Women’s Law Center, “Quick Facts About Title IX and Athletics,” Accessed January 8, 2024, <https://nwlc.org/resource/quick-facts-about-title-ix-and-athletics/>.
16. The National Federation of State High School Athletic Associations, “High School Athletics Participation Survey 2022-23 School Year,” September 21, 2023, [https://www.nfhs.org/media/7212351/2022-23\\_participation\\_survey.pdf](https://www.nfhs.org/media/7212351/2022-23_participation_survey.pdf).
17. Greg Garber, “ESPN.Com: GEN - Title IX Turns 30, and the Debate Goes On” Accessed January 17, 2024, <https://www.espn.com/gen/womenandsports/020619title9.html>.
18. NCAA.org, “2022-23 NCAA Sports Sponsorship and Participation Rates Report (1956-57 through 2022-23),” September 29, 2023, [https://ncaaorg.s3.amazonaws.com/research/sportpart/2023RES\\_SportsSponsorshipParticipationRatesReport.pdf](https://ncaaorg.s3.amazonaws.com/research/sportpart/2023RES_SportsSponsorshipParticipationRatesReport.pdf).
19. Garber, “Title IX Turns 30.”
20. Erin Blakemore, “Title IX at 50: How the U.S. Law Transformed Education for Women,” History, June 22, 2022, <https://www.nationalgeographic.com/history/article/the-history-and-legacy-of-title-ix>.
21. NCAA.org, “Sports Sponsorship and Participation Report.”
22. NCAA.org, “Sports Sponsorship and Participation Report.”
23. Garber, “Title IX Turns 30”
24. Lauren Camera, “Title IX Marks 50 Years of Gains and Goals for Gender Equity in Education,” Accessed January 8, 2024, <https://www.usnews.com/news/education-news/articles/2022-06-22/title-ix-marks-50-years-of-gains-and-goals-for-gender-equity-in-education>.
25. Powell, “Title IX Transformed Colleges.”
26. Garber, “Title IX Turns 30.”
27. Barack Obama, “Op-Ed by President Obama: President Obama Reflects on the Impact of Title IX,” June 23, 2012, <https://obamawhitehouse.archives.gov/the-press-office/2012/06/23/op-ed-president-obama-president-obama-reflects-impact-title-ix>.
28. Camera, “50 Years of Gains.”
29. Camera, “50 Years of Gains.”
30. Powell, “Title IX Transformed Colleges.”
31. Camera, “50 Years of Gains.”

32. Schnell and Axon, “Women Into Grad Schools.”
33. Steve Megargee, “Study: Most Women’s NCAA Teams Are Still Coached by Men,” March 22, 2023, <https://apnews.com/article/diversity-ncaa-coaches-30958ab74d4b61efc0d54eee361dafef>.
34. Megargee, “Coached by Men.”
35. Carlton, “Women’s Equality.”
36. Schnell and Axon, “Women Into Grad Schools.”
37. Camera, “50 Years of Gains.”
38. “Gender Education | European Institute for Gender Equality,” November 29, 2023, [https://eige.europa.eu/publications-resources/thesaurus/terms/1327?language\\_content\\_entity=en](https://eige.europa.eu/publications-resources/thesaurus/terms/1327?language_content_entity=en).
39. Neal Hardin, “How Gender Theory Undermines Reality,” Alliance Defending Freedom. Alliance Defending Freedom, April 24, 2023, <https://adflegal.org/article/how-gender-theory-undermines-reality>.
40. Laura Meckler, “Gender Identity Lessons, Banned in Some Schools, Are Rising in Others,” *Washington Post*, June 3, 2022, <https://www.washingtonpost.com/education/2022/06/03/schools-gender-identity-transgender-lessons/>.
41. The Jed Foundation, “Understanding Gender Identity | JED,” Accessed January 23, 2024, <https://jedfoundation.org/resource/understanding-gender-identity/>.
42. Hardin, “Gender Theory.”
43. Hardin, “Gender Theory.”
44. Hardin, “Gender Theory.”
45. “A Definition of Comprehensive Sexuality Education,” Guttmacher Institute. Accessed January 24, 2024, [https://www.guttmacher.org/sites/default/files/report\\_downloads/demystifying-data-handouts\\_0.pdf](https://www.guttmacher.org/sites/default/files/report_downloads/demystifying-data-handouts_0.pdf).
46. Simon(e) D. Sun and Florence Ashley, “Anti-Trans Myths,” *OpenMind Magazine*, Accessed January 23, 2024, <https://www.openmindmag.org/articles/anti-trans-myths>.
47. Stephanie Armour and Jathon Sapsford, “Transgender America Fights Back,” *Wall Street Journal*, July 30, 2023, sec. US, <https://www.wsj.com/articles/transgender-america-fights-back-a2c841f0>.
48. “Governor Signs AB 665 into Law, Increasing Mental Health Care Access for Low-Income Youth | National Center for Youth Law,” Accessed January 29, 2024, <https://youthlaw.org/news/governor-signs-ab-665-law-increasing-mental-health-care-access-low-income-youth#:~:text=Thanks%20to%20California%20Gov.,the%20state's%20Medi%2DCal%20program>.
49. Sarah Schwartz, “The Sex Ed. Battleground Heats Up (Again). Here’s What’s Actually in New Standards,” Accessed January 23, 2024,

<https://www.edweek.org/teaching-learning/the-sex-ed-battleground-heats-up-again-heres-whats-actually-in-new-standards/2022/08>.

50. Armor and Sapsford, “Transgender America.”
51. Orion Rummmler, “More States Want to Restrict How LGBTQ+ People, Issues Are Discussed in Schools,” The 19th, February 9, 2022, <https://19thnews.org/2022/02/state-legislature-lgbtq-school-curriculum-ban/>.
52. Schwartz, “Sex Ed. Battleground.”
53. Rummmler, “More States.”
54. Anya Kamanetz, “Most Parents Don’t Disapprove of What Schools Are Teaching, Poll Finds : NPR,” Accessed January 23, 2024, <https://www.npr.org/2022/04/29/1094782769/parent-poll-school-culture-wars>.
55. Dana DiFilippo, “Parental Notification Policy Shines Light on Fight over Gender, LGBTQ Issues in Schools,” *New Jersey Monitor* (blog), May 26, 2023, <https://newjerseymonitor.com/2023/05/26/parental-notification-policy-shines-light-on-fight-over-gender-lgbtq-issues-in-schools/>.
56. Kamanetz, “Most Parents.”
57. Arian Campo-Flores, “Florida Moves to Restrict Teaching About Sexual Orientation – WSJ,” Accessed January 23, 2024, <https://www.wsj.com/articles/florida-moves-to-restrict-teaching-about-sexual-orientation-11645794000>.
58. Jo Yurcaba, “Over 30 New LGBTQ Education Laws Are in Effect as Students Go Back to School,” NBC News, August 30, 2023, <https://www.nbcnews.com/nbc-out/out-politics-and-policy/30-new-lgbtq-education-laws-are-effect-students-go-back-school-rcna101897>.
59. Rummmler, “More States.”
60. Meckler, “Gender Identity.”
61. Meckler, “Gender Identity.”

## Chapter Four

1. “It’s Not the Lack of Resources, It’s Your Lack of Resourcefulness That Stops You. | Philosiblog,” July 11, 1960, <https://philosiblog.com/2012/10/12/its-not-the-lack-of-resources-its-your-lack-of-resourcefulness-that-stops-you/>.
2. The John F. Kennedy Presidential Library and Museum, “The Bay of Pigs,” Accessed November 22, 2023, <https://www.jfklibrary.org/learn/about-jfk/jfk-in-history/the-bay-of-pigs>.
3. Michael Voss, “Bay of Pigs: The ‘Perfect Failure’ of Cuba Invasion,” BBC News, April 14, 2011, <https://www.bbc.com/news/world-latin-america-13066561>.
4. Kenneth Michael Absher, “Mind Sets and Missiles: A First Hand Account of the Cuban Missile Crisis.” United States Army War College Press, August 27, 2009. <https://press.armywarcollege.edu/monographs/352>.
5. Andreas W. Daum, *Kennedy in Berlin* (New York, NY: Cambridge University Press, 2007), 26-7.
6. Frederick Kempe, *Berlin 1961: Kennedy, Khrushchev, and the Most Dangerous Place on Earth* (New York, NY: Penguin Books, 2012), 194.

7. Jorge I. Dominguez, "The @#%& Missile Crisis: (Or What Was 'Cuban' About U.S. Decisions During the Cuban Missile Crisis." *Oxford University Press Diplomatic History* 24, no. 2 (Spring 2000): 311-12.
8. Graham T. Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis*. 2nd ed. (New York: Longman, 1999), 94-5.
9. Col. Alan J. Parrington, "Mutually Assured Destruction Revisited, Strategic Doctrine in Question," *Air and Space Power Journal*, Winter 1997, <https://apps.dtic.mil/sti/pdfs/ADA529841.pdf>.
10. Allison and Zelikow, "Essence of Decision," 105.
11. Ron Felber, *Presidential Lessons in Leadership* (New York, NY: The Rowman & Littlefield Publishing Group, 2011), 175.
12. Felber, "Presidential Lessons," 183.
13. Felber, "Presidential Lessons," 160-1.
14. Felber, "Presidential Lessons," 188-9.
15. Alan J. DeBlasio, "Effects of Catastrophic Events on Transportation System Management and Operations: New York City - September 11," Bureau of Transportation Statistics, April 21, 2002, <https://rosap.ntl.bts.gov/view/dot/4339>.
16. Kenneth T. Walsh, "George W. Bush's 'Bullhorn' Moment," U.S. News & World Report, April 21, 2013, <https://www.usnews.com/news/blogs/ken-walshs-washington/2013/04/25/george-w-bushs-bullhorn-moment>.
17. George W. Bush, "History's Unmarked Grave of Discarded Lives," genius.com, September 21, 2001, <https://genius.com/George-w-bush-post-9-11-speech-to-congress-annotated>.
18. Bush, "History's Unmarked Grave."
19. Mark Phythian, *Arming Iraq: How the U.S. and Britain Secretly Built Saddam's War Machine* (Boston, MA: Northeastern University Press, 1996), 73-4.
20. American Federation of Scientists. "Chemical Weapons Program History - Iraq Special Weapons Facilities," February 28, 2008, <https://nuke.fas.org/guide/iraq/cw/program.htm>.
21. Faiz Shakir, "Bush Insists 'I Didn't Want War,'" Think Progress, March 21, 2006, <https://archive.thinkprogress.org/bush-insists-i-didnt-want-war-overwhelming-evidence-suggests-otherwise-ec67e5c9a001/>.
22. Shakir, "Bush Insists."
23. Colin Powell, "Speech to the UN Security Council," washingtonpost.com, February 5, 2003, [https://www.washingtonpost.com/wp-srv/nation/transcripts/powelltext\\_020503.html](https://www.washingtonpost.com/wp-srv/nation/transcripts/powelltext_020503.html).
24. Jeffrey R. Smith, "Hussein's Prewar Ties to Al-Qaeda Discounted," NBC News, April 5, 2007, <https://www.nbcnews.com/id/wbna17970427>.
25. Marc Sandalow, "Record Shows Bush Shifting on Iraq War/ President's Rationale Continues to Evolve," The San Francisco Chronicle, September 29, 2004, <https://www.sfgate.com/politics/article/NEWS-ANALYSIS-Record-shows-Bush-shifting-on-2690938.php>.
26. China Daily, "World Opposed to Bush and Iraq War, BBC Poll Says," June 17, 2003, [https://www.chinadaily.com.cn/en/doc/2003-06/17/content\\_239422.htm](https://www.chinadaily.com.cn/en/doc/2003-06/17/content_239422.htm).
27. BBC News, "Iraq War Illegal, Says Annan," September 16, 2004, [http://news.bbc.co.uk/2/hi/middle\\_east/3661134.stm](http://news.bbc.co.uk/2/hi/middle_east/3661134.stm).

28. J. Sean Curtin, “Japanese Anti-War Sentiment on Iraq in Accord with Global Opinion,” Japanese Institute of Global Communication, February 24, 2003, [http://www.glocom.org/special\\_topics/social\\_trends/20030224\\_trends\\_s28/index.html](http://www.glocom.org/special_topics/social_trends/20030224_trends_s28/index.html).

## Chapter Five

1. Harpe Lee, *To Kill a Mockingbird* (New York, New York: HarperCollins Publishers, 1960), 30.
2. Legal Defense Fund, “The Southern Manifesto and ‘Massive Resistance’ to Brown,” Accessed February 6, 2024, <https://www.naacpldf.org/brown-vs-board/southern-manifesto-massive-resistance-brown/>.
3. Legal Defense Fund, “The Southern Manifesto.
4. “The Modern Civil Rights Movement and the Kennedy Administration | JFK Library,” Accessed February 5, 2024, <https://www.jfklibrary.org/learn/about-jfk/jfk-in-history/civil-rights-movement>.
5. Michael O’Donnell, “How LBJ Saved the Civil Rights Act,” *The Atlantic*, March 20, 2014, <https://www.theatlantic.com/magazine/archive/2014/04/what-the-hells-the-presidency-for/358630/>.
6. Zachary Clary, “When Lyndon B. Johnson Chose the Middle Ground on Civil Rights—and Disappointed Everyone | History | Smithsonian Magazine,” Accessed February 5, 2024, <https://www.smithsonianmag.com/history/to-fight-for-civil-rights-lyndon-b-johnson-settled-for-the-middle-ground-180981482/>.
7. Clary, “Middle Ground.”
8. Clary, “Middle Ground.”
9. Kenneth T. Walsh, “The First 100 Days: Lyndon Johnson Fulfilled Kennedy’s Legacy,” Accessed February 5, 2024, <https://www.usnews.com/news/history/articles/2009/03/05/the-first-100-days-lyndon-johnson-fulfilled-kennedys-legacy>.
10. Ted Gittinger and Allen Fisher, “LBJ Champions the Civil Rights Act of 1964 | National Archives,” Accessed February 5, 2024, <https://www.archives.gov/publications/prologue/2004/summer/civil-rights-act>.
11. Walsh, “First 100 Days.”
12. Clary, “Middle Ground.”
13. Gittinger and Fisher, “LBJ Champions.”
14. O’Donnell, “LBJ Saved the Civil Rights Act.”
15. Gittinger and Fisher, “LBJ Champions.”
16. Gittinger and Fisher, “LBJ Champions.”
17. Clary, “Middle Ground.”
18. whitehouse.gov, “Lyndon B. Johnson,” December 30, 2014, <https://obamawhitehouse.archives.gov/1600/presidents/lyndonbjohnson>.
19. O’Donnell, “LBJ Saved the Civil Rights Act.”
20. Gittinger and Fisher, “LBJ Champions.”

21. Alex Woodward, and Clark Mindock, “Taking a Knee: Why Are NFL Players Protesting and When Did They Start to Kneel? | The Independent | The Independent,” Accessed February 5, 2024, <https://www.independent.co.uk/sport/nfl/taking-a-knee-national-anthem-nfl-trump-why-meaning-origins-racism-us-colin-kaepernick-a8521741.html>.
22. Cindy Boren, “A Timeline of Colin Kaepernick’s Protests against Police Brutality, Four Years after They Began,” *Washington Post*, August 26, 2020, <https://www.washingtonpost.com/sports/2020/06/01/colin-kaepernick-kneeling-history/>.
23. Boren, “Timeline.”
24. Katy Marquardt Hill, “The NFL’s ‘Take a Knee’ Movement and Its Impact on Workplace Protest | CU Boulder Today | University of Colorado Boulder” Accessed February 5, 2024, <https://www.colorado.edu/today/2023/09/14/nfls-take-knee-movement-and-its-impact-workplace-protest>.
25. Boren, “Timeline.”
26. Boren, “Timeline.”
27. Ben Donohue, “How the NFL Responded to the Colin Kaepernick Protests in 2016-2017 and How the League Responded to Athlete Protests During the Black Lives Matter Movement of 2020: A Sport Study, Social Phenomenological Approach – The Sport Journal,” Accessed February 5, 2024, <https://thesportjournal.org/article/how-the-nfl-responded-to-the-colin-kaepernick-protests-in-2016-2017-and-how-the-league-responded-to-athlete-protests-during-the-black-lives-matter-movement-of-2020-a-sport-study-social-phenomenologi/>.
28. Woodward and Mindock, “Taking a Knee.”
29. Woodward and Mindock, “Taking a Knee.”
30. Adam Rugg, “Incorporating the Protests: The NFL, Social Justice, and the Constrained Activism of the ‘Inspire Change’ Campaign,” *Communication & Sport* 8, no. 4–5 (August 1, 2020): 611–28, <https://doi.org/10.1177/2167479519896325>.
31. Deena Zaru, “NFL Apologizes for ‘not Listening’ to Players about Racism as Colin Kaepernick Remains Unsigned,” ABC News, Accessed February 5, 2024, <https://abcnews.go.com/US/nfl-apologizes-listening-players-racism-colin-kaepernick-remains/story?id=71122596>.
32. Michael Rosenberg, “Drew Brees Still Hasn’t Learned,” June 4, 2020, <https://www.si.com/nfl/2020/06/04/drew-brees-american-flag-kneeling-comments-colin-kaepernick>.
33. Rosenberg, “Drew Brees.”
34. Zaru, “NFL Apologizes.”
35. Zaru, “NFL Apologizes.”
36. Zaru, “NFL Apologizes.”
37. Rugg, “Incorporating the Protests.”
38. Rugg, “Incorporating the Protests.”
39. Rugg, “Incorporating the Protests.”
40. Zaru, “NFL Apologizes.”

41. Zaru, "NFL Apologizes."
42. Zaru, "NFL Apologizes."
43. Ken Belson, "Several N.F.L. Players Protest Racism and Hate as Season Begins - The New York Times," Accessed February 5, 2024, <https://www.nytimes.com/2020/09/13/sports/football/nfl-protests.html>.
44. Donohue, "NFL Responded."
45. Donohue, "NFL Responded."
46. Donohue, "NFL Responded."
47. Hill, "NFL's Take a Knee Moment."
48. Judy Battista, "NFL Commits \$250M over 10-Year Period to Combat Systemic Racism," NFL.com, Accessed February 5, 2024, <https://www.nfl.com/news/nfl-commits-250m-over-10-year-period-to-combat-systemic-racism>.
49. Michael Levenson, "N.F.L. Will Allow Six Social Justice Messages on Players' Helmets," *The New York Times*, September 5, 2021, sec. Sports, <https://www.nytimes.com/2021/09/05/sports/nfl-social-justice.html>.
50. Levenson, "Six Social Justice Messages."

## Chapter Six

1. Ford O'Connell, "The Reagan-Christie Model: Column," USA Today, November 3, 2013, <https://www.usatoday.com/story/opinion/2013/11/03/conservative-moderate-republicans-reagan-christie-column/3353023/>.
2. Jean Edward Smith, *Eisenhower in War and Peace*. (London, United Kingdom: Random House, 2013), 652-53.
3. Senator Ted Cruz, "Sen. Cruz: Biden's Infrastructure Plan and Tax Hike Puts American Jobs Last | U.S. Senator Ted Cruz of Texas," March 31, 2021, <https://www.cruz.senate.gov/newsroom/press-releases/sen-cruz-biden-and-146s-infrastructure-plan-and-tax-hike-puts-american-jobs-last>.
4. Jeff Stein, "The Left Dreamed of Remaking America. Now, It Stares into the Abyss as Biden's Plans Wither," *Washington Post*, January 17, 2022, <https://www.washingtonpost.com/us-policy/2022/01/17/liberal-promises-biden-midterm/>.
5. Edward-Isaac Dove and Sarah Fortinsky, "Republicans Repeatedly Criticized Biden's Infrastructure Program. Then They Asked for Money. | CNN Politics," CNN, October 7, 2022, <https://www.cnn.com/2022/10/07/politics/infrastructure-spending-republican-critics/index.html>.
6. Lindsey McPherson, "How 'Build Back Better' Started, and How It's Going: A Timeline," Roll Call, July 21, 2022, <https://rollcall.com/2022/07/21/how-build-back-better-started-and-how-its-going-a-timeline/>.
7. McPherson, "Build Back Better."
8. Luke Broadwater, "Progressive Democrats Celebrate Delaying the Vote on the Infrastructure Bill," *The New York Times*, October 1, 2021, sec. U.S. <https://www.nytimes.com/2021/10/01/us/politics/infrastructure-bill-delay-progressive-democrats.html>.

9. Joe Walsh, “House Passes Bipartisan Infrastructure Bill After Days Of Wrangling — But Democrats’ Social Spending Bill Is Delayed,” *Forbes*, Accessed February 13, 2024, <https://www.forbes.com/sites/joewalsh/2021/11/05/house-passes-bipartisan-infrastructure-bill-after-days-of-wrangling---but-democrats-social-spending-bill-is-delayed/>.
10. Li Zhou, “House Progressives and Moderates United to Pass a Massive Infrastructure Deal,” *Vox*, November 5, 2021, <https://www.vox.com/2021/11/5/22766086/infrastructure-biden-house-democrats-vote-pass-bbb-spending-bill>.
11. “Full Estimates of the House Build Back Better Act-2021-11-18,” November 18, 2021, <https://www.crfb.org/blogs/full-estimates-house-build-back-better-act>.
12. Emily Cochrane, “Senate Passes \$1 Trillion Infrastructure Bill, Handing Biden a Bipartisan Win,” *The New York Times*, August 10, 2021, sec. U.S. <https://www.nytimes.com/2021/08/10/us/politics/infrastructure-bill-passes.html>.
13. Wendy Lee and Meg James, “WGA, Hollywood Studios Reach a Tentative Deal to End Writers’ Strike - Los Angeles Times,” Accessed February 11, 2024, <https://www.latimes.com/entertainment-arts/business/story/2023-09-24/writers-strike-over-wga-studios-reach-deal-actors>.
14. Dominic Patten and Anthony D’Alessandro, “SAG-AFTRA & Studios Set More Contract Talks For Friday; ‘Cautious Optimism’ Motto Of The Day,” *Deadline* (blog), October 26, 2023, <https://deadline.com/2023/10/actors-strike-talks-friday-optimism-1235584425/>.
15. Lee and James, “WGA, Hollywood Studios.”
16. Alison Foreman and Christian Zilko, “A Brief History of Hollywood Writers’ Strikes,” *IndieWire* (blog), June 30, 2023, <https://www.indiewire.com/gallery/writers-guild-strikes-hollywood-history-wga/>.
17. Foreman and Zilko, “Brief History.”
18. Bill Chappell, “From Mini Rooms to Streaming, Things Have Changed since the Last Big Writers Strike,” *NPR*, May 3, 2023, sec. Media, <https://www.npr.org/2023/05/03/1173439467/writers-guild-strike-2023-comparison-2007>.
19. Foreman and Zilko, “Brief History.”
20. Foreman and Zilko, “Brief History.”
21. Lee and James, “WGA, Hollywood Studios.”
22. Katie Kilkenny and Christy Pina, “WGA Potential Strike: Union Issues Member Rules – The Hollywood Reporter,” Accessed February 18, 2024, <https://www.hollywoodreporter.com/business/business-news/writers-guild-issues-rules-potential-strike-1235402387/>.
23. Cynthia Littleton, Kate Aurthur, Matt Donnelly, and Gene Maddaus, “Deal! WGA, AMPTP Reach Historic Contract Agreement to End 146-Day Writers Strike: ‘This

- Deal Is Exceptional,” *Variety* (blog), September 25, 2023, <https://variety.com/2023/biz/news/writers-strike-ends-wga-amptp-deal-2-1235733452/>.
24. Lee and James, “WGA, Hollywood Studios.”
  25. Natalie Jarvey and Joy Press, “Labor Pains and Gains: The Winners and Losers of the Hollywood Strikes,” *Vanity Fair*, October 3, 2023, <https://www.vanityfair.com/hollywood/2023/10/writers-strike-winners-and-losers>.
  26. Brooks Barnes and John Koblin, “As Obscure as an Extra, She Has a Lead Role in Hollywood’s Labor Fight,” *The New York Times*, August 27, 2023, sec. Business, <https://www.nytimes.com/2023/08/27/business/hollywood-strike-studios-lombardini.html>.
  27. Zoe Phillips, “SAG-AFTRA and WGA Strikes: All the Major Dates to Know | Entertainment Tonight,” Accessed February 11, 2024, <https://www.etonline.com/sag-and-wga-strikes-all-the-major-dates-to-know-207915>.
  28. Phillips, “Major Dates.”
  29. Phillips, “Major Dates.”
  30. Phillips, “Major Dates.”
  31. Lee and James, “WGA, Hollywood Studios.”
  32. Matthew Huff, “The 2023 Writers’ Strike Nears an End,” *Parade*, September 25, 2023, <https://parade.com/entertainment/2023-wga-writers-strike>.
  33. Writers Guild of America, “Writers Are Not Keeping Up,” Accessed February 18, 2024, <https://www.wgacontract2023.org/updates/bulletins/writers-are-not-keeping-up>.
  34. John Koblin and Brooks Barnes, “2023 Writers Guild of America Strike: What You Need to Know - The New York Times,” Accessed February 11, 2024, <https://www.nytimes.com/article/wga-writers-strike-hollywood.html>.
  35. Kilkenny and Pina, “Member Rules.”
  36. Littlejohn, et al. “Deal!”
  37. Katie Kilkenny and Lesley Goldberg, “Writers Guild Ratifies 2023 Strike-Ending Contract With Studios – The Hollywood Reporter,” Accessed February 11, 2024, <https://www.hollywoodreporter.com/business/business-news/writers-guild-ratifies-strike-ending-contract-with-studios-1235606524/>.
  38. Jarvey and Press, “Labor Pains.”
  39. Jarvey and Press, “Labor Pains.”

## Chapter Seven

1. Anonymous, Native American Saying.
2. Lily Rothman, “Here’s Why the Environmental Protection Agency Was Created,” *TIME*, March 22, 2017, <https://time.com/4696104/environmental-protection-agency-1970-history/>.
3. Rothman, “Here’s Why.”
4. U.S. Government Accounting Office, “50 Years After the Clean Water Act—Gauging Progress | U.S. GAO,” March 22, 2022, <https://www.gao.gov/blog/50-years-after-clean-water-act-gauging-progress>.

5. U.S. Government Accounting Office, “50 Years After.”
6. Katherine Gallagher, “The Safe Drinking Water Act (SDWA): Summary and Impact,” Treehugger, Accessed February 20, 2024, <https://www.treehugger.com/safe-drinking-water-act-sdwa-5116969>.
7. Robert B. Sowby, “The Safe Drinking Water Act at 50: A Policy Model for Grand Challenges - Sowby - 2023 - Water Resources Research - Wiley Online Library,” Accessed February 20, 2024, <https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2023WR035172>.
8. Lindsey Jacobson, Mark Licea, Andrea Miller, and Jason Reginato, “How Safe Is Tap Water in the U.S.?” Accessed February 21, 2024, <https://www.cnbc.com/video/2023/11/30/us-tap-water-is-safe-but-could-be-filtered-to-remove-pfas-lead.html>.
9. Sowby, “Safe Drinking Water Act at 50.”
10. M. J. Wolf, J. W. Emerson, D. C. Esty, A. de Sherbinin, and Z. A. Wendling, “Sanitation & Drinking Water | Environmental Performance Index,” Environmental Performance Index, Accessed February 23, 2024, <https://epi.yale.edu/epi-results/2020/component/h2o>.
11. Jacobson, et al. “Tap Water.”
12. Mira Rojanasakul, Christopher Flavelle, Blacki Migliozi, and Eli Murray, “America Is Using Up Its Groundwater Like There’s No Tomorrow,” *The New York Times*, August 28, 2023, sec. Climate, <https://www.nytimes.com/interactive/2023/08/28/climate/groundwater-drying-climate-change.html>.
13. Christopher Flavelle, “As Groundwater Levels Fall in the U.S., Powerful Players Block Change - The New York Times,” Accessed November 28, 2023, <https://www.nytimes.com/interactive/2023/11/24/climate/groundwater-levels.html?smid=nytcore-ios-share&referringSource=articleShare>.
14. Rojanasakul, et al. “Using Up.”
15. Flavelle, “Groundwater Levels.”
16. Flavelle, “Groundwater Levels.”
17. Hiroko Tabuchi, “Inside Poland Spring’s Hidden Attack on Water Rules It Didn’t Like,” *The New York Times*, October 24, 2023, sec. Climate, <https://www.nytimes.com/interactive/2023/10/24/climate/maine-water-laws-blue-triton-poland-spring.html>.
18. Michael Birnbaum, “Desalination Can Make Saltwater Drinkable — but It Won’t Solve the U.S. Water Crisis,” *Washington Post*, August 23, 2022, <https://www.washingtonpost.com/climate-solutions/2021/09/28/desalination-saltwater-drought-water-crisis/>.
19. Birnbaum, “Desalination.”
20. Flavelle, “Groundwater Levels.”

21. Coral Davenport, “Biden Administration Is Said to Slow Early Stage of Shift to Electric Cars,” *The New York Times*, February 17, 2024, sec. Climate, <https://www.nytimes.com/2024/02/17/climate/biden-epa-auto-emissions.html>.
22. Davenport, “Biden Administration.”
23. Tabuchi, “Poland Spring’s Hidden Attack.”
24. Rebecca Hersher, “Why Hurricanes Feel like They’re Getting More Frequent,” *NPR*, February 27, 2023, sec. Climate, <https://www.npr.org/2023/02/27/1158969044/why-hurricanes-feel-like-theyre-getting-more-frequent>.
25. Brad Plumer, “Climate Report Card Says Countries Are Trying, but Urgently Need Improvement,” *The New York Times*, September 8, 2023, sec. Climate, <https://www.nytimes.com/2023/09/08/climate/paris-agreement-stocktake.html>.
26. US EPA, OAR, “Sources of Greenhouse Gas Emissions,” Overviews and Factsheets, December 29, 2015, <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions>.
27. US EPA, OAR, “Greenhouse Gas Emissions.”
28. US EPA, OAR, “Greenhouse Gas Emissions.”
29. Gerard Horn, “10 Reasons Why Electric Cars Still Suck | CarBuzz,” Accessed February 28, 2024, <https://carbuzz.com/features/10-reasons-why-electric-cars-still-suck>.
30. Horn, “10 Reasons.”
31. Catalina Jaramillo, “Electric Vehicles Contribute Fewer Emissions Than Gasoline-Powered Cars Over Their Lifetimes” *FactCheck.Org* (blog), February 7, 2024, <https://www.factcheck.org/2024/02/electric-vehicles-contribute-fewer-emissions-than-gasoline-powered-cars-over-their-lifetimes/>.
32. Pablo Valerio, “Is There Enough Lithium for Massive EV Adoption?” *EPS News* (blog), July 11, 2023, <https://epsnews.com/2023/07/11/is-there-enough-lithium-for-massive-ev-adoption/>.
33. Dave Nichols, “Environmental Impact of EV Batteries | GreenCars,” Accessed February 24, 2024, <https://www.greencars.com/greencars-101/environmental-impact-of-ev-batteries>.
34. Nichols, “Environmental Impact.”
35. Jaramillo, “Electric Vehicles.”
36. Jaramillo, “Electric Vehicles.”
37. Jaramillo, “Electric Vehicles.”
38. Jaramillo, “Electric Vehicles.”
39. Jaramillo, “Electric Vehicles.”
40. Jaramillo, “Electric Vehicles.”
41. David Gelles, “Climate Forward: Fossil Fuels Aren’t Going Anywhere,” *NYTimes.com*, October 12, 2023, <https://www.nytimes.com/section/climate>.
42. Gelles, “Fossil Fuels.”
43. Gelles, “Fossil Fuels.”

44. Tabuchi, Hiroko, “Fossil Fuel Use Increasing, Not Decreasing, as Key Target Looms - The New York Times,” Accessed February 28, 2024, [https://www.nytimes.com/2023/11/08/climate/fossil-fuels-expanding.html?te=1&nl=climate-forward&emc=edit\\_clim\\_20231109](https://www.nytimes.com/2023/11/08/climate/fossil-fuels-expanding.html?te=1&nl=climate-forward&emc=edit_clim_20231109).
45. Tabuchi, “Fossil Fuel Use.”
46. David Gelles and Manuela Andreoni, “Climate: Coming Soon: More Coal, Oil and Gas on the Way,” NYTimes.com, November 9, 2023. <https://www.nytimes.com/section/climate>.
47. Nichols, “Environmental Impact.”
48. Scott Patterson, “Biden’s Electric-Vehicle Push Hits a Speed Bump – WSJ,” Accessed November 28, 2023, <https://www.wsj.com/finance/commodities-futures/bidens-electric-vehicle-push-hits-a-speed-bump-1f3bc431?mod=djem10point>.
49. Patterson, “Electric Vehicle Push.”
50. Dave Nichols, “Recycling EV Batteries | GreenCars,” Accessed February 26, 2024, <https://www.greencars.com/greencars-101/recycling-ev-batteries>.
51. James O’Neil, “Toyota’s 745-Mile Solid-State Battery Breakthrough, Explained,” Accessed November 29, 2023, <https://www.topspeed.com/toyotas-745-mile-solid-state-battery-breakthrough-explained/>.
52. Jaramillo, “Electric Vehicles.”

## Chapter Eight

1. Julia Frankel and Samy Magdy, “Israel’s Netanyahu Rejects Any Palestinian Sovereignty in Post-War Gaza, Rebuffing Biden,” January 20, 2024, <https://news.yahoo.com/hostage-families-protest-outside-netanyahus-110419922.html>.
2. Megan Twohey, “Kanye and Adidas: Money, Misconduct and the Price of Appeasement,” *The New York Times*, October 27, 2023, sec. Business, <https://www.nytimes.com/2023/10/27/business/kanye-west-adidas-yeozy.html>.
3. Shane Goldmacher, “How the Biden-Trump Border Visits Revealed a Deeper Divide,” *The New York Times*, March 1, 2024, sec. U.S. <https://www.nytimes.com/2024/02/29/us/politics/trump-biden-border-analysis.html>.

## Chapter Nine (Critical Reflection)

1. Stephen Covey, *The 7 Habits of Highly Effective People Powerful Lessons in Personal Change* (New York, New York: Simon & Schuster, 1990), 207.
2. Covey, *Highly Effective People*, 237.
3. J. P. Day, “Compromise.” *Cambridge Core*, Philosophy, 64, no. 250 (n.d.): 476.
4. Christine Salvo, *It’s All About ... Family Conflict The Art of Compromise: Negotiating Conflict in Family Settings* (Middletown, DE: n.d.), 9.
5. Amy Gutmann and Dennis Thompson, *The Spirit of Compromise Why Governing Demands It and Campaigning Undermines It* (Princeton, NJ: Princeton University Press, 2014), 207.
6. Gutmann and Thompson, *Spirit of Comprmise*, xiii.

7. Gutmann and Thompson, *Spirit of Compromise*, xix.
8. Rachel Smith, *On Compromise* (Minneapolis, MN: Graywolf Press, 2021), 13.
9. Smith, *On Compromise*, 15.
10. Smith, *On Compromise*, 19.
11. Donald Grady II, *The Absurdity of Compromise The Art of Resolving Conflict so Everyone Wins* (Denver, CO: Hugo House Publishers, 2019), 126.
12. Grady II, *Absurdity of Compromise*, 132.
13. Grady II, *Absurdity of Compromise*, 34.
14. See note 13 above.
15. Gregory Orr, *Poetry as Survival. The Life of Poetry: Poets on Their Art and Craft* (Athens, GA: University of Georgia Press, 2002), 133-40.
16. Orr, *Poetry as Survival*, 133.

## BIBLIOGRAPHY

### Dedication

Szyborska, Wislawa. *Poems New and Collected 1957 - 1997*. New York, NY: Harcourt Brace & Company, 1998.

### Chapter One

Ali, Safia Samee. "In Angry Outburst, Infowars Host Alex Jones Says 'He's Done Being Sorry.'" NBC News, September 22, 2022. <https://www.nbcnews.com/news/us-news/infowars-host-alex-jones-says-s-done-sorry-stand-second-defamation-tri-rcna49031>.

Berzon, Alexandra, Charles Houmans, and Ben Bensinger. "How Mike Lindell's Pillow Business Propels the Election Denial Movement." *The New York Times*, October 27, 2022. <https://www.nytimes.com/2022/10/27/us/politics/lindell-mypillow-trump-election-deniers.html>.

Buffett, Warren. "Berkshire Hathaway Letter to Shareholders," February 2022.

Byford, Jovan. *Conspiracy Theories: A Critical Introduction*. London, United Kingdom: Hindsmills, Basingstoke, Hampshire, 2011.

Cooper, Helene, Ralph Blumenthal, and Leslienytimes.com Kean. "Glowing Auras and 'Black Money:' The Pentagon's Mysterious U.F.O. Program." *The New York Times*, December 16, 2017. <https://www.nytimes.com/2017/12/16/us/politics/pentagon-program-uf0-harry-reid.html>.

Forbes.com. "The Way to Gain a Good Reputation Is to Endeavor to Be What You Desire to Appear. Socrates - Forbes Quotes." Accessed March 12, 2024. <http://www.forbes.com/thoughts/>.

Gates, Bill. "What I Learned from Warren Buffett." *Harvard Business Review*, 1996. <https://hbr.org/1996/01/what-i-learned-from-warren-buffett11>.

Goldberg, Robert Alan. *Enemies Within: The Culture of Conspiracy in Modern America*. New Haven, CT: Yale University Press, 2001.

Harambaum, Jason, and Stef Aupers. "From the Unbelievable to the Undeniable: Epistemological Pluralism, or How Conspiracy Theorists Legitimate Their Extraordinary Truth Claims." *European Journal of Cultural Studies* 24, no. 4 (August 2021). <https://journals.sagepub.com/doi/full/10.1177/1367549419886045>.

Higgins, Tucker. "Alex Jones' 5 Most Disturbing and Ridiculous Conspiracy Theories." CNBC, September 14, 2018. <https://www.cnbc.com/2018/09/14/alex-jones-5-most-disturbing-ridiculous-conspiracy-theories.html>.

- Hsu, Tiffany. “Do These People Think They’re Actually Getting Any Money?” *The New York Times*, October 12, 2022. <https://www.nytimes.com/2022/10/12/us/politics/alex-jones-denounces-verdict.html>.
- Kimberly, Margaret. “The Burglary and COINTELPRO: How Citizen Action Exposed FBI’s Covert, Illegal Program to Crush Dissent.” *globalresearch.ca*, September 15, 2014. <https://www.globalresearch.ca/the-burglary-and-cointelpro-how-citizen-action-exposed-fbis-covert-illegal-program-to-crush-dissent/5364987>.
- Labaton, Stephen. “Salomon to Pay Phony-Bid Fine of \$290 Million.” *The New York Times*, May 21, 1992. <https://www.nytimes.com/1992/05/21/business/salomon-to-pay-phony-bid-fine-of-290-million.html>.
- Ling, Justin. “How a Crazy Plan to Rebuild Waco Compound Gave Us Alex Jones.” *dailybeast.com*, November 29, 2021. <https://www.thedailybeast.com/how-a-crazy-plan-to-rebuild-waco-compound-gave-us-alex-jones>.
- Loomis, Carol J. “Warren Buffett’s Wild Ride at Salomon.” *Fortune Magazine*, October 27, 1997. <https://fortune.com/1997/10/27/warren-buffett-salomon/>.
- McClune, Aden. “Operation Northwoods.” *Euronews*. Accessed November 22, 2023. <https://libertywingspan.com/50496/uncategorized/operation-northwoods/>.
- McKennett, Hannah. “The Gulf of Tonkin Incident: The Lie That Sparked the Viet Nam War.” *All That’s Interesting*, September 10, 2019. <https://allthatsinteresting.com/gulf-of-tonkin>.
- merriam-webster.com. “Merriam Webster Dictionary.” Accessed November 22, 2023. <https://www.merriam-webster.com/dictionary/credibility>.
- Popomaronis, Tom. “Billionaire Warren Buffett Has a ‘Simple’ Test for Making Tough Decisions - Here’s How It Works.” *CNBC*, May 11, 2019. <https://www.cnn.com/2019/05/10/billionaire-warren-buffett-use-this-simple-test-when-making-tough-decisions.html>.
- Radnitz, Scott. “Citizen Cynics: How People Talk and Think About Conspiracy.” *Oxford Academic* June 2021 (May 17, 2022): 153–72.
- Sánchez-Vallejo, María Antonia. “Alex Jones, the radio personality who built an empire on conspiracy theories.” *EL PAÍS English*, October 17, 2022. <https://english.elpais.com/usa/2022-10-17/alex-jones-the-radio-personality-who-built-an-empire-on-conspiracy-theories.html>.
- Southern Poverty Law Center. “Alex Jones.” Accessed November 22, 2023. <https://www.splcenter.org/fighting-hate/extremist-files/individual/alex-jones>.
- The Wall Street Journal. “Buffett’s 1991 Salomon Testimony,” May 1, 2010. <https://www.wsj.com/articles/BL-MB-21380>.

thefreedictionary.com. "Free Dictionary." Accessed November 22, 2023.

<https://www.thefreedictionary.com/credibility>.

Thesaurus.com. "Thesaurus.Com," January 10, 2024.

<https://www.thesaurus.com/browse/credibility>.

Vertuno, Jim. "Alex Jones Concedes Sandy Hook Was '100% Real.'" Associated Press, August 3, 2022. <https://apnews.com/article/health-us-news-shootings-texas-lawsuits-d029d6736d2ce6755c9e89e7cf9f27af>.

Weverbergh, Raf, and Kristien Vermoesen. "Warren Buffett on Reputation: The Economic Value of Values, Integrity and Corporate Culture." finn.agency. Accessed November 22, 2023. <https://www.finn.agency/warren-buffett-reputation-berkshire-hathaway/#:~:text=this%20blog%3A%20reputation-.1.,of%20credit%20at%20the%20bank>.

Zaitchik, Alexander. "Meet Alex Jones." Rolling Stone Magazine, March 2, 2011.

<https://www.rollingstone.com/culture/culture-news/meet-alex-jones-175845/>.

## Chapter Two

Barrabi, Thomas. "Wild FTX Spending Included All-Expense Trips and Free Massages."

Accessed October 1, 2023. <https://nypost.com/2022/11/30/wild-ftx-spending-included-all-expense-trips-and-free-massages/>.

Benoit, David. "Silvergate Raced to Cover \$8.1 Billion in Withdrawals During Crypto Meltdown - WSJ." Accessed October 1, 2023. <https://www.wsj.com/articles/silvergate-raced-to-cover-8-1-billion-in-withdrawals-during-crypto-meltdown-11672895207>.

Blake, Mike. "Ford Pinto 50 Years Later: Love It or Hate It, the Subcompact Was Popular and Made an Impact." Carlisle Events. Accessed October 26, 2023.

<https://www.carlisleevents.com/media/news-articles/2021/01/12/AAC2021FordPinto>.

Brown, Eliot, Caitlin Ostroff, and Jin Berber. "FTX's Sam Bankman-Fried Cashed Out \$300 Million During Funding Spree - WSJ." Accessed October 1, 2023.

<https://www.wsj.com/articles/ftxs-sam-bankman-fried-cashed-out-300-million-during-funding-spree-11668799774?mod=djemwhatsnews>.

BYJUS. "Speech on Honesty." Accessed March 12, 2024. <https://byjus.com/english/speech-on-honesty/>.

Capoot, Ashley. "Coinbase Shares Tumble as Bitcoin Slide Continues, Investors Fear Contagion from FTX Collapse." CNBC, November 21, 2022.

<https://www.cnbc.com/2022/11/21/coinbase-shares-drop-as-bitcoin-slides-ftx-related-concerns-mount.html>.

- Chicago Tribune Staff. "Unsealed: The Tylenol Murders." Tylenol Murders 40th Anniversary. Accessed October 19, 2023. <https://chicagotylenolmurders.com/>.
- Choi, Candice, and Ben Eisen. "Collapse of SVB, Signature Bank Tests the FDIC's Executive Reserve Corps - WSJ." Accessed October 1, 2023. <https://www.wsj.com/articles/collapse-of-svb-signature-bank-tests-the-fdics-executive-reserve-corps-d2fc1eb6>.
- Cillizza, Chris. "Here's Even \*more\* Evidence That Widespread Election Fraud Isn't a Thing | CNN Politics." CNN, February 2, 2022. <https://www.cnn.com/2022/02/02/politics/voter-election-fraud-trump/index.html>.
- Cohen, Luc. "Analysis: Bankman-Fried's Bid to Shift Blame Complicated by New Charges | Reuters." Accessed October 1, 2023. <https://www.reuters.com/legal/bankman-frieds-bid-shift-blame-complicated-by-new-charges-2023-03-08/>.
- Connor, Michael. "Toyota Recall: Five Critical Lessons." *Business Ethics* (blog), February 1, 2010. <https://business-ethics.com/2010/01/31/2123-toyota-recall-five-critical-lessons/>.
- DeVon, Cheyenne. "Bitcoin Lost over 60% of Its Value in 2022—Here's How Much 6 Other Popular Cryptocurrencies Lost." CNBC, December 23, 2022. <https://www.cnbc.com/2022/12/23/bitcoin-lost-over-60-percent-of-its-value-in-2022.html>.
- Dowie, Mark. "Pinto Madness." *Mother Jones* (blog). Accessed October 26, 2023. <https://www.motherjones.com/politics/1977/09/pinto-madness/>.
- Dumas. "Sam Bankman-Fried Found Guilty on Fraud Charges." Accessed November 17, 2023. <https://www.foxbusiness.com/markets/sam-bankman-fried-guilty-fraud-charges>.
- Ensign, Rachel Louise, and David Benoit. "Banks Are Breaking Up With Crypto During Regulatory Crackdown - WSJ." Accessed October 1, 2023. <https://www.wsj.com/articles/banks-are-breaking-up-with-crypto-during-regulatory-crackdown-22de1832>.
- Fanelli, James, and Vicky Ge Huang. "Caroline Ellison Says Bankman-Fried Steered FTX Deception - WSJ." Accessed October 23, 2023. <https://www.wsj.com/finance/regulation/caroline-ellison-lays-blame-on-bankman-fried-for-ftx-fraud-failure-8a2bb2dd>.
- Fanelli, James, and Corrinne Ramey. "Sam Bankman-Fried Found Guilty of All Seven Counts in Fraud Trial - WSJ." Accessed December 5, 2023.

<https://www.wsj.com/finance/currencies/verdict-sam-bankman-fried-trial-ftx-guilty-4a54dbfe>.

FiveThirtyEight Staff. “60 Percent Of Americans Will Have An Election Denier On The Ballot This Fall | FiveThirtyEight.” Accessed November 8, 2023.

<https://projects.fivethirtyeight.com/republicans-trump-election-fraud/>.

Godbole, Omkar. “Bitcoin Is Up 70% a Year After FTX Debacle, but ‘Alameda Gap’ in Liquidity Persists,” November 3, 2023.

<https://www.coindesk.com/markets/2023/11/03/bitcoin-is-up-70-a-year-after-ftx-debacle-but-alameda-gap-in-liquidity-persists/>.

Goldstein, Matthew, and Benjamin Weiser. “Caroline Ellison Says She Is ‘Truly Sorry’ for Her Role in FTX Collapse - The New York Times.” Accessed October 1, 2023.

<https://www.nytimes.com/2022/12/23/business/caroline-ellison-ftx-alameda-research.html?smid=nytcore-ios-share&referringSource=articleShare>.

Goldstein, Matthew, and David Yaffe-Bellany. “In Hunt for FTX Assets, Lawyers Locate Billions in Cash and Crypto - The New York Times.” Accessed October 1, 2023.

<https://www.nytimes.com/2023/01/17/business/ftx-assets.html>.

Gutowski, Christy, Stacy St. Clair, Marianne Mather, and Kori Rumore. “The Tylenol Murders: Timeline of Events.” Chicago Tribune, October 27, 2022.

<https://www.chicagotribune.com/investigations/ct-tylenol-murders-timeline-20221027-aqtsts4y7zd2hbcufzhlvfdwui-list.html>.

Helms, Kevin. “Billionaire Mark Cuban Warns of Next Crypto Implosion Coming From Wash Trades – Featured Bitcoin News.” Bitcoin News, January 8, 2023.

<https://news.bitcoin.com/billionaire-mark-cuban-warns-of-next-crypto-implosion-coming-from-wash-trades/>.

Isidore, Chris. “Toyota Recalls Put Serious Dent in Its Prized Reputation - Jan. 27, 2010.” Accessed October 27, 2023.

[https://money.cnn.com/2010/01/27/news/companies/toyota\\_sales\\_halt/index.htm](https://money.cnn.com/2010/01/27/news/companies/toyota_sales_halt/index.htm).

Katsenelson, Vitaliy. “Opinion: SBF and FTX Peddled a Crypto Fraud That Makes Scammer Bernie Madoff Look like an Amateur - MarketWatch.” Accessed October 1, 2023.

<https://www.marketwatch.com/story/sbf-and-ftx-peddled-a-crypto-fraud-that-makes-scammer-bernie-madoff-look-like-an-amateur-11673085722>.

Knowledge at Wharton. “Quality on the Line: The Fallout from Toyota’s Recall.” *Knowledge at Wharton* (blog). Accessed October 27, 2023.

<https://knowledge.wharton.upenn.edu/article/quality-on-the-line-the-fallout-from-toyotas-recall/>.

Kowsmann, Patricia, Angus Berwick, Caitlin Ostroff, and Dave Michaels. “Inside Binance’s Guilty Plea and the Biggest Fine in Crypto History - WSJ.” Accessed November 28, 2023. <https://www.wsj.com/finance/inside-binances-guilty-plea-and-the-biggest-fine-in-crypto-history-e959fca0?mod=djemwhatsnews>.

Kowsmann, Patricia, and Caitlin Ostroff. “Crypto Giant Binance Offers Little Transparency After FTX Collapse - WSJ.” Accessed October 1, 2023. <https://www.wsj.com/articles/crypto-giant-binance-offers-little-transparency-after-ftx-collapse-11671624657>.

———. “Some Binance.US Crypto Trading Was a Mirage, the SEC Alleges - WSJ.” Accessed October 1, 2023. <https://www.wsj.com/articles/some-binance-us-crypto-trading-was-a-mirage-the-sec-alleges-55a6e321?mod=djem10point>.

Kowsmann, Patricia, Caitlin Ostroff, and Angus Berwick. “Binance Begins Again With U.S. Oversight. Will It Survive? - WSJ.” Accessed November 29, 2023. <https://www.wsj.com/finance/currencies/binance-begins-again-with-u-s-oversight-will-it-survive-fad7b07a>.

———. “Binance, the World’s Biggest Crypto Firm, Is Melting Down - WSJ.” Accessed October 1, 2023. [https://www.wsj.com/finance/currencies/the-worlds-biggest-crypto-firm-is-melting-down-338b8e17?st=zeysoaquyinf5f6&reflink=article\\_email\\_share](https://www.wsj.com/finance/currencies/the-worlds-biggest-crypto-firm-is-melting-down-338b8e17?st=zeysoaquyinf5f6&reflink=article_email_share).

Lopatto, Elizabeth. “In the End, the FTX Trial Was about the Friends Screwed along the Way.” *The Verge*, October 26, 2023. <https://www.theverge.com/2023/10/26/23931777/ftx-sam-bankman-fried-prosecution-case-friends-family>.

Markel, Dr. Howard. “How the Tylenol Murders of 1982 Changed the Way We Consume Medication.” PBS NewsHour, September 29, 2014. <https://www.pbs.org/newshour/health/tylenol-murders-1982>.

Maynard, Micheline. “Toyota Pays Its \$16.4 Million Fine Over Pedals.” *The New York Times*, May 18, 2010, sec. Business. <https://www.nytimes.com/2010/05/19/business/19toyota.html>.

McCabe, Caitlin, and Rachel Louise Ensign. “FTX Crypto Customers Worry They Will Never See Their Money Again - WSJ.” Accessed October 1, 2023. <https://www.wsj.com/articles/ftx-crypto-customers-worry-they-will-never-see-their-money-again-11668976779>.

- Melinek, Jacquelyn. “Alameda Research Allegedly Paid Chinese Officials around \$150M to Regain \$1B Worth of Exchange Accounts,” October 11, 2023. <https://autos.yahoo.com/alameda-research-allegedly-paid-chinese-171430618.html>.
- Michaels, Dave. “Crypto Is Still the Wild West Almost a Year After FTX Collapse - WSJ.” Accessed October 23, 2023. <https://www.wsj.com/finance/currencies/whats-changed-for-crypto-after-ftx-not-much-17daba37?mod=djem10point>.
- Moreno, J. Edward, and Matthew Goldstein. “Close Confidants of Sam Bankman-Fried Have Testified at His Trial.” *The New York Times*, October 26, 2023, sec. Business. <https://www.nytimes.com/2023/10/26/business/sam-bankman-fried-witness-highlights.html>.
- Osipovich, Alexander. “Can Someone Lose Track of Billions of Dollars? Sam Bankman-Fried’s Jury Will Decide.” WSJ. Accessed October 23, 2023. <https://www.wsj.com/finance/can-someone-lose-track-of-billions-of-dollars-sam-bankman-frieds-jury-will-decide-1f3ac81>.
- . “FTX Founder Sam Bankman-Fried Says He Can’t Account for Billions Sent to Alameda - WSJ.” Accessed October 1, 2023. <https://www.wsj.com/articles/ftx-founder-sam-bankman-fried-says-he-cant-account-for-billions-sent-to-alameda-11670107659>.
- Ostroff, Caitlin, and Vicky Ge Huang. “At FTX, Multimillion-Dollar Expenses Were Approved by Emoji - WSJ.” Accessed October 1, 2023. <https://www.wsj.com/articles/at-ftx-multimillion-dollar-expenses-were-approved-by-emoji-fb91bb3a?mod=djemwhatsnews>.
- Ostroff, Caitlin, and Patricia Kowsmann. “Texts From Crypto Giant Binance Reveal Plan to Elude U.S. Authorities - WSJ.” Accessed October 1, 2023. <https://www.wsj.com/articles/texts-from-crypto-giant-binance-reveal-plan-to-elude-u-s-authorities-3a17ddeb>.
- Peterson-Withorn, Chase. “Exclusive: Sam Bankman-Fried Knew Plenty About His Alameda Research Hedge Fund—And Sent Details To Forbes Just Months Ago.” Accessed October 1, 2023. <https://www.forbes.com/sites/chasewithorn/2022/12/02/exclusive-sam-bankman-fried-knew-plenty-about-his-alameda-research-hedge-fundand-sent-details-to-forbes-just-months-ago/?sh=695b4f7b303d>.
- Q.ai - Powering a Personal Wealth Movement. “What Really Happened To LUNA Crypto?” Forbes. Accessed December 26, 2023. <https://www.forbes.com/sites/qai/2022/09/20/what-really-happened-to-luna-crypto/>.

Ramey, Corrinne, and James Fanelli. "Caroline Ellison Apologizes for Misconduct in FTX Collapse - WSJ." Accessed October 1, 2023. <https://www.wsj.com/articles/caroline-ellison-apologized-for-misconduct-in-ftx-collapse-11671818789>.

———. "Sam Bankman-Fried Trial: Top Deputy, Ex-Girlfriend Caroline Ellison Star Witness - WSJ." Accessed October 1, 2023. <https://www.wsj.com/finance/currencies/sam-bankman-fried-caroline-ellison-ftx-1f3cb161?mod=djem10point>.

Ramey, Corrinne, and Dave Michaels. "Caroline Ellison, Associate of FTX Founder Sam Bankman-Fried, Pleads Guilty to Criminal Charges - WSJ." Accessed October 1, 2023. <https://www.wsj.com/articles/two-associates-of-ftx-founder-sam-bankman-fried-plead-guilty-to-criminal-charges-prosecutors-say-11671676292>.

Reed, Ted. "Toyota: We Grew Too Fast." *TheStreet*, February 23, 2010. <https://www.thestreet.com/investing/stocks/toyota-we-grew-too-fast-10687620>.

Reuters. "FTX Attorney Says \$7.3B in Assets Recovered: 'Dumpster Fire Is Out.'" Accessed October 1, 2023. <https://nypost.com/2023/04/12/ftx-has-recovered-7-3-billion-in-assets-attorney-says/>.

Reynolds, Sam. "Post-FTX, Bitcoin Is Ready for Its Next Chapter." Accessed November 7, 2023. <https://www.coindesk.com/consensus-magazine/2023/11/06/post-ftx-bitcoin-is-ready-for-its-next-chapter/>.

Rooney, Kate. "Sam Bankman-Fried Tries to Broker FTX Bailout from His Home in the Bahamas, despite Being Booted from the Crypto Company." *CNBC*, November 21, 2022. <https://www.cnn.com/2022/11/21/sam-bankman-fried-tries-to-broker-ftx-bailout-from-his-bahamas-home.html>.

Roos, Dave. "How the 1982 Tylenol Poisonings Nearly Canceled Halloween." *HISTORY*, September 12, 2023. <https://www.history.com/news/extra-strength-tylenol-poisonings-1982>.

Rosen, Phil. "Crypto Market Manipulation Lurks across the Industry in Wash Trading." *Business Insider*. Accessed October 1, 2023. <https://www.businessinsider.com/crypto-market-manipulation-fraud-ftx-nber-economics-fed-bankman-fried-2023-1>.

Ryan, Erika, Courtney Dorning, and Mary Louise Kelly. "Main Suspect in the 1982 Chicago Tylenol Murders Dies." *NPR*, July 11, 2023, sec. National. <https://www.npr.org/2023/07/11/1187077380/main-suspect-in-the-1982-chicago-tylenol-murders-dies>.

Saeedy, Alexander, and Danny Dougherty. "Here's How FTX Executives Secretly Spent \$8 Billion in Customer Money - WSJ." Accessed October 10, 2023.

<https://www.wsj.com/finance/regulation/sbf-trial-ftx-customer-money-missing-6ba13914?mod=djemwhatsnews>.

Samuelson, Heidi. "The Chicago Tylenol Murders." *Chicago History Museum* (blog), September 28, 2022. <http://www.chicagohistory.org/tylenol-murders/>.

Schiller, Ben. "How SBF Killed Crypto." *UnHerd*, November 20, 2023.

<https://unherd.com/2023/11/how-sbf-killed-crypto/>.

Sherefkin, Robert. "Lee Iacocca's Pinto: A Fiery Failure." *Automotive News*, June 16, 2003.

Sherter, Alain. "Jamie Dimon on the Cryptocurrency Industry: 'I'd Close It down' - CBS News," December 6, 2023. <https://www.cbsnews.com/news/bitcoin-cryptocurrency-jamie-dimon-jamie-dimon-elizabeth-warren/>.

Shifflett, Shane, Rob Barry, and Coulter Jones. "FTX Effort to Save Itself Failed on Questionable Assets - WSJ." Accessed October 1, 2023.

<https://www.wsj.com/articles/ftx-effort-to-save-itself-failed-on-questionable-assets-11670245668>.

St. Clair, Stacy, and Christy Gutowski. "The Tylenol Murders: How Johnson & Johnson Saved the Brand." *Chicago Tribune*, October 27, 2022.

<https://www.chicagotribune.com/investigations/ct-tylenol-murders-johnson-johnson-crisis-20221027-xvnlcglna5b5ti3i3ot57x4a5e-htmlstory.html>.

———. "Tragedy, Then Triumph: How Johnson & Johnson Made Sure Tylenol Survived the Tylenol Murders." *Chicago Tribune*, October 27, 2022.

<https://www.chicagotribune.com/investigations/ct-tylenol-murders-johnson-johnson-crisis-20221027-xvnlcglna5b5ti3i3ot57x4a5e-htmlstory.html>.

Statista. "Number of Registered Voters U.S. 2022." Accessed November 8, 2023.

<https://www.statista.com/statistics/273743/number-of-registered-voters-in-the-united-states/>.

Streitfeld, David. "Sam Bankman-Fried's Wild Rise and Abrupt Crash." *The New York Times*, November 3, 2023, sec. Technology.

<https://www.nytimes.com/2023/11/02/technology/sam-bankman-fried-rise-crash.html>.

Taylor, Chloe. "Caroline Ellison Paid Herself \$22.5m as FTX Verged on Collapse: Lawsuit | Fortune," July 21, 2023. <https://fortune.com/2023/07/21/caroline-ellison-ftx-missing-millions-lawsuit-26-million-bonus-fraud-alameda-research-sbf/>.

*The New York Times*. “ANNUAL REPORTS: MORE CANDOR.” April 30, 1983, sec. Business. <https://www.nytimes.com/1983/04/30/business/annual-reports-more-candor.html>.

Weiss, Ben. “Prosecutors Say a Private Message from Sam Bankman-Fried Shows Criminal Intent. SBF Says He Was Just Trying to Comfort a Friend in Distress.” Yahoo Finance, October 30, 2023. <https://finance.yahoo.com/news/prosecutors-private-message-sam-bankman-164736817.html>.

Wright, Turner. “FTX Liquidators Report Exchange Held \$2.4M ‘Fleet of Vehicles’ in the Bahamas.” Cointelegraph, February 10, 2023. <https://cointelegraph.com/news/ftx-liquidators-report-exchange-held-2-4m-fleet-of-vehicles-in-the-bahamas>.

Yaffe-Bellany, David. “FTX Executives Expressed Concern Over Use of Customer Funds, Documents Show - The New York Times.” Accessed October 1, 2023. <https://www.nytimes.com/2023/01/17/business/ftx-sam-bankman-fried-documents.html?smid=nytcore-ios-share&referringSource=articleShare>.

———. “Regulators Approve New Type of Bitcoin Fund, in Boon for Crypto Industry.” *The New York Times*, January 10, 2024, sec. Technology. <https://www.nytimes.com/2024/01/10/technology/sec-bitcoin-approval-exchange-traded-funds.html>.

Yaffe-Bellany, David, Emily Flitter, Matthew Goldstein, and Glenn Thrush. “Binance Founder Changpeng Zhao Pleads Guilty to Money Laundering Violations - The New York Times.” Accessed November 28, 2023. <https://www.nytimes.com/2023/11/21/technology/binance-changpeng-zhao-pleads-guilty.html?smid=nytcore-ios-share&referringSource=articleShare>.

Yaffe-Bellany, David, Matthew Goldstein, and J. Edward Moreno. “Caroline Ellison Testifies Against Sam Bankman-Fried, Blaming Him for Crimes - The New York Times.” Accessed October 10, 2023. <https://www.nytimes.com/2023/10/10/technology/caroline-ellison-sam-bankman-fried-trial.html?smid=nytcore-ios-share&referringSource=articleShare>.

### Chapter Three

“A Definition of Comprehensive Sexuality Education.” Guttmacher Institute. Accessed January 24, 2024. [https://www.guttmacher.org/sites/default/files/report\\_downloads/demystifying-data-handouts\\_0.pdf](https://www.guttmacher.org/sites/default/files/report_downloads/demystifying-data-handouts_0.pdf).

- Armour, Stephanie, and Jathon Sapsford. "Transgender America Fights Back." *Wall Street Journal*, July 30, 2023, sec. US. <https://www.wsj.com/articles/transgender-america-fights-back-a2c841f0>.
- Back, Christine J. "The Civil Rights Act of 1964: Eleven Titles at a Glance," n.d.
- Baker, Katie J. M. "When Students Change Gender Identity, and Parents Don't Know." *The New York Times*, January 22, 2023, sec. U.S. <https://www.nytimes.com/2023/01/22/us/gender-identity-students-parents.html>.
- Binkley, Collin. "Biden Admin Extends Title IX Protections to Transgender Students." PBS NewsHour, June 16, 2021. <https://www.pbs.org/newshour/education/biden-admin-extends-title-ix-protections-to-transgender-students>.
- Blakemore, Erin. "Title IX at 50: How the U.S. Law Transformed Education for Women." *History*, June 22, 2022. <https://www.nationalgeographic.com/history/article/the-history-and-legacy-of-title-ix>.
- Calvert, Scott. "Theories on Race, Gender and Sexuality Are Pivotal Issues in U.S. School Board Elections - WSJ." Accessed January 23, 2024. <https://www.wsj.com/articles/theories-on-race-gender-and-sexuality-are-pivotal-issues-in-u-s-school-board-elections-11667620984>.
- Camera, Lauren. "Title IX Marks 50 Years of Gains and Goals for Gender Equity in Education." Accessed January 8, 2024. <https://www.usnews.com/news/education-news/articles/2022-06-22/title-ix-marks-50-years-of-gains-and-goals-for-gender-equity-in-education>.
- Campo-Flores, Arian. "Florida Moves to Restrict Teaching About Sexual Orientation - WSJ." Accessed January 23, 2024. <https://www.wsj.com/articles/florida-moves-to-restrict-teaching-about-sexual-orientation-11645794000>.
- Carlton, Genevieve. "How Title IX Impacts Women's Equality in College Athletics | BestColleges." Accessed January 8, 2024. <https://www.bestcolleges.com/news/2021/08/24/how-title-ix-impacts-womens-equality-in-college-athletics/>.
- Chapman, Ben. "More States Weigh How to Add LGBT History to Classroom Lessons - WSJ." Accessed January 23, 2024. <https://www.wsj.com/articles/more-states-weigh-how-to-address-lgbt-history-in-public-classrooms-9c229a5f>.
- Collins, Michael. "Turning Back the Clock: Will Fights over Curriculum Usher in New Era of Segregated Schools?" October 20, 2022. <https://tangent.usatoday.com/in->

[depth/news/politics/2022/10/20/fight-over-race-gender-curriculum-may-mean-educational-segregation/8076520001/](https://www.nytimes.com/2022/10/20/fight-over-race-gender-curriculum-may-mean-educational-segregation/8076520001/).

Cramer, Maria. “How Women’s Sports Teams Got Their Start.” *The New York Times*, April 28, 2022, sec. Sports. <https://www.nytimes.com/2022/04/28/sports/title-ix-anniversary-womens-sports.html>.

DiFilippo, Dana. “Parental Notification Policy Shines Light on Fight over Gender, LGBTQ Issues in Schools.” *New Jersey Monitor* (blog), May 26, 2023. <https://newjerseymonitor.com/2023/05/26/parental-notification-policy-shines-light-on-fight-over-gender-lgbtq-issues-in-schools/>.

Eilperin, Juliet. “New Drive Afoot to Pass Equal Rights Amendment.” Accessed February 12, 2024. <http://www.washingtonpost.com/wp-dyn/content/article/2007/03/27/AR2007032702357.html>.

Garber, Greg. “ESPN.Com: GEN - Title IX Turns 30, and the Debate Goes On.” Accessed January 17, 2024. <https://www.espn.com/gen/womenandsports/020619title9.html>.

“Gender Education | European Institute for Gender Equality,” November 29, 2023. [https://eige.europa.eu/publications-resources/thesaurus/terms/1327?language\\_content\\_entity=en](https://eige.europa.eu/publications-resources/thesaurus/terms/1327?language_content_entity=en).

“Gender Transformative Education | UNICEF,” December 13, 2021. <https://www.unicef.org/reports/gender-transformative-education>.

GLOBIS Unlimited. “Win-Win Situations.” Accessed March 12, 2024. <https://globisunlimited.com/jp/course/win-win-situations/>.

Glueck, Katie, and Patricia Mazzei. “Red States Push L.G.B.T.Q. Restrictions as Education Battles Intensify.” *The New York Times*, April 12, 2022, sec. U.S. <https://www.nytimes.com/2022/04/12/us/politics/transgender-laws-us.html>.

“Governor Signs AB 665 into Law, Increasing Mental Health Care Access for Low-Income Youth | National Center for Youth Law.” Accessed January 29, 2024. <https://youthlaw.org/news/governor-signs-ab-665-law-increasing-mental-health-care-access-low-income-youth#:~:text=Thanks%20to%20California%20Gov.,the%20state's%20Medi%2DCal%20program>.

Hardin, Neal. “How Gender Theory Undermines Reality.” Alliance Defending Freedom. Alliance Defending Freedom, April 24, 2023. <https://adflegal.org/article/how-gender-theory-undermines-reality>.

- Jones, Carolyn, and Alexei Koseff. "As Culture Wars Escalate, California Officials Push Back on Conservative School Board Policies." *CalMatters*, August 29, 2023, sec. K-12 Education. <http://calmatters.org/education/k-12-education/2023/08/culture-wars/>.
- Justia. "Synopsis of Purpose of Title IX, Legislative History, and Regulations — Title IX Legal Manual," April 25, 2018. <https://www.justia.com/education/docs/title-ix-legal-manual/synopsis-of-purpose-of-title-ix/>.
- Kamanetz, Anya. "Most Parents Don't Disapprove of What Schools Are Teaching, Poll Finds : NPR." Accessed January 23, 2024. <https://www.npr.org/2022/04/29/1094782769/parent-poll-school-culture-wars>.
- Kaplan, Hecker & Fink, LLP. "NCAA External Gender Equity Report." NCAA Gender Review. Accessed January 17, 2024. <https://ncaagenderequityreview.com/>.
- Mallory, Christy, and Elana Redfield. "THE IMPACT OF 2023 LEGISLATION ON TRANSGENDER YOUTH," n.d.
- . "Trans Litigation Summary," n.d.
- Mandler, C. "Teaching about Sexuality and Gender Identity Is Now Banned in Florida Public Schools - CBS News," April 20, 2023. <https://www.cbsnews.com/news/florida-public-schools-ban-teach-gender-identity-sexuality/>.
- Meckler, Laura. "Gender Identity Lessons, Banned in Some Schools, Are Rising in Others." *Washington Post*, June 3, 2022. <https://www.washingtonpost.com/education/2022/06/03/schools-gender-identity-transgender-lessons/>.
- Megargee, Steve. "Study: Most Women's NCAA Teams Are Still Coached by Men," March 22, 2023. <https://apnews.com/article/diversity-ncaa-coaches-30958ab74d4b61efc0d54eee361dafef>.
- Mervosh, Sarah, Remy Tumin, and Ava Sasani. "Biden Plan Allows Limits on Trans Athletes' Participation in School Sports." *The New York Times*, April 6, 2023, sec. U.S. <https://www.nytimes.com/2023/04/06/us/transgender-athletes-title-ix-biden-administration.html>.
- National Women's Law Center. "Quick Facts About Title IX and Athletics." Accessed January 8, 2024. <https://nwlc.org/resource/quick-facts-about-title-ix-and-athletics/>.
- NCAA.org. "2022-23 NCAA Sports Sponsorship and Participation Rates Report (1956-57 through 2022-23)," September 29, 2023.

[https://ncaaorg.s3.amazonaws.com/research/sportpart/2023RES\\_SportsSponsorshipParticipationRatesReport.pdf](https://ncaaorg.s3.amazonaws.com/research/sportpart/2023RES_SportsSponsorshipParticipationRatesReport.pdf).

Obama, Barack. “Op-Ed by President Obama: President Obama Reflects on the Impact of Title IX,” June 23, 2012. <https://obamawhitehouse.archives.gov/the-press-office/2012/06/23/op-ed-president-obama-president-obama-reflects-impact-title-ix>.

Office for Civil Rights. “Title IX 1979 Policy Interpretation on Intercollegiate Athletics.” Policy Guidance; Federal Register Notices. US Department of Education (ED), January 23, 2023. <https://www2.ed.gov/about/offices/list/ocr/docs/t9interp.html>.

———. “Title IX and Sex Discrimination.” Policy Guidance. US Department of Education (ED), August 20, 2021. [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html).

———. “Title IX of the Education Amendments of 1972.” Text, October 17, 2019. <https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/title-ix-education-amendments/index.html>.

Oliphant, James. “ABCs Not LGBTs: Battles over Race, Gender Inflammate Texas School Board Vote.” *Reuters*, October 24, 2022, sec. United States. <https://www.reuters.com/world/us/abcs-not-lgbts-battles-over-race-gender-inflammate-texas-school-board-vote-2022-10-22/>.

Osborne, Beth. “Research Guides: Title IX of the Education Amendments of 1972: Resources from the Law Library: Legislative Path to Title IX.” Research guide. Accessed February 8, 2024. <https://guides.loc.gov/title-IX-law-library-resources/legislative-path>.

Powell, Alvin. “How Title IX Transformed Colleges, Universities over Past 50 Years.” *Harvard Gazette*, June 23, 2022. <https://news.harvard.edu/gazette/story/2022/06/how-title-ix-transformed-colleges-universities-over-past-50-years/>.

PRRI Staff. “The Politics of Gender, Pronouns, and Public Education | PRRI.” *PRRI | At the Intersection of Religion, Values, and Public Life*. (blog), June 8, 2023. <https://www.pri.org/research/the-politics-of-gender-pronouns-and-public-education/>.

Randazzo, Sara. “Should Schools Tell Parents When Kids Say They’re Transgender? - WSJ.” Accessed January 23, 2024. <https://www.wsj.com/us-news/education/california-school-districts-transgender-students-38acd6b0>.

Raymond, Nate. “Parents Cannot Challenge School Gender Identity Policy, US Court Rules.” *Reuters*, August 14, 2023, sec. Government. <https://www.reuters.com/legal/government/parents-cannot-challenge-school-gender-identity-policy-us-court-rules-2023-08-14/>.

- Richards, Ph.D., Jay W. “The Battle Over Parents’ Rights in Education Is Just Getting Started.” The Heritage Foundation. Accessed January 23, 2024. <https://www.heritage.org/education/commentary/the-battle-over-parents-rights-education-just-getting-started>.
- Richardson, Valerie. “Parents’ Rights Battles Go Back to School as Democrats Push Back on Gender Notification - Washington Times.” Accessed January 23, 2024. <https://www.washingtontimes.com/news/2023/aug/24/parents-rights-battles-go-back-school-democrats-pu/>.
- Ritvo, Hannah. “Wisconsin and the National Battle over Access to Gender-Affirming Care for Children.” PBS Wisconsin. Accessed January 23, 2024. <https://pbswisconsin.org/news-item/wisconsin-and-the-national-battle-over-access-to-gender-affirming-care-for-children/>.
- Rummler, Orion. “More States Want to Restrict How LGBTQ+ People, Issues Are Discussed in Schools.” The 19th, February 9, 2022. <https://19thnews.org/2022/02/state-legislature-lgbtq-school-curriculum-ban/>.
- Schnell, Lindsay, and Rachel Axon. “Title IX Aimed to Get Women into Grad Schools. Over 50 Years, It Shaped Their Role in Sports.” June 13, 2022. <https://tangent.usatoday.com/in-depth/sports/2022/06/13/historical-impact-title-ix-50th-anniversary/7501591001/>.
- Schwartz, Sarah. “The Sex Ed. Battleground Heats Up (Again). Here’s What’s Actually in New Standards.” Accessed January 23, 2024. <https://www.edweek.org/teaching-learning/the-sex-ed-battleground-heats-up-again-heres-whats-actually-in-new-standards/2022/08>.
- Smith, Katie. “Schools Embroiled in Legal Battles over Gender Identity Policies.” *NewsNation* (blog), October 12, 2023. <https://www.newsnationnow.com/lgbtq/schools-legal-battles-gender-identity-policies/>.
- sportanddev. “How Title IX Changed the Landscape of Sports.” Accessed January 8, 2024. <https://www.sportanddev.org/latest/news/how-title-ix-changed-landscape-sports>.
- Sun, Simon(e) D., and Florence Ashley. “Anti-Trans Myths.” *OpenMind Magazine*. Accessed January 23, 2024. <https://www.openmindmag.org/articles/anti-trans-myths>.
- The Jed Foundation. “Understanding Gender Identity | JED.” Accessed January 23, 2024. <https://jedfoundation.org/resource/understanding-gender-identity/>.

The National Federation of State High School Athletic Associations. “High School Athletics Participation Survey 2022-23 School Year,” September 21, 2023.

[https://www.nfhs.org/media/7212351/2022-23\\_participation\\_survey.pdf](https://www.nfhs.org/media/7212351/2022-23_participation_survey.pdf).

“Title IX: Falling Short at 50,” May 26, 2022. <https://tangent.usatoday.com/in-depth/news/investigations/2022/05/26/title-ix-falling-short-50-exposes-how-colleges-still-fail-women/9722521002/>.

Tumin, Remy. “Title IX and the New Rule on Transgender Athletes Explained.” *The New York Times*, April 7, 2023, sec. Sports. <https://www.nytimes.com/article/title-ix-transgender-athletes-school-sports.html>.

Walker, Sandra Y. “Understanding Title IX: Implications for Higher Education.” *Teaching and Learning in Nursing* 15, no. 4 (October 2020): 284–85.

<https://doi.org/10.1016/j.teln.2020.06.004>.

Walker, Tim. “The Culture War’s Impact on Public Schools | NEA.” Accessed January 23, 2024. <https://www.nea.org/nea-today/all-news-articles/culture-wars-impact-public-schools>.

Yurcaba, Jo. “Over 30 New LGBTQ Education Laws Are in Effect as Students Go Back to School.” NBC News, August 30, 2023. <https://www.nbcnews.com/nbc-out/out-politics-and-policy/30-new-lgbtq-education-laws-are-effect-students-go-back-school-rcna101897>.

#### **Chapter Four**

Absher, Kenneth Michael. “Mind Sets and Missiles: A First Hand Account of the Cuban Missile Crisis.” United States Army War College Press, August 27, 2009.

<https://press.armywarcollege.edu/monographs/352>.

Allison, Graham T. and Philip Zelikow. *Essence of Decision: Explaining the Cuban Missile Crisis*. 2nd ed. New York: Longman, 1999.

American Federation of Scientists. “Chemical Weapons Program History - Iraq Special Weapons Facilities,” February 28, 2008. <https://nuke.fas.org/guide/iraq/cw/program.htm>.

BBC News. “Iraq War Illegal, Says Annan,” September 16, 2004.

[http://news.bbc.co.uk/2/hi/middle\\_east/3661134.stm](http://news.bbc.co.uk/2/hi/middle_east/3661134.stm).

Bush, George W. “History’s Unmarked Grave of Discarded Lives.” genius.com, September 21, 2001. <https://genius.com/George-w-bush-post-9-11-speech-to-congress-annotated>.

China Daily. “World Opposed to Bush and Iraq War, BBC Poll Says,” June 17, 2003.

[https://www.chinadaily.com.cn/en/doc/2003-06/17/content\\_239422.htm](https://www.chinadaily.com.cn/en/doc/2003-06/17/content_239422.htm).

- Curtin, J. Sean. "Japanese Anti-War Sentiment on Iraq in Accord with Global Opinion." Japanese Institute of Global Communication, February 24, 2003. [http://www.glocom.org/special\\_topics/social\\_trends/20030224\\_trends\\_s28/index.html](http://www.glocom.org/special_topics/social_trends/20030224_trends_s28/index.html).
- Daum, Andreas W. *Kennedy in Berlin*. New York, NY: Cambridge University Press, 2007.
- DeBlasio, Alan J. "Effects of Catastrophic Events on Transportation System Management and Operations: New York City - September 11." Bureau of Transportation Statistics, April 21, 2002. <https://rosap.nhtl.bts.gov/view/dot/4339>.
- Dominguez, Jorge I. "The @#\$%& Missile Crisis: (Or What Was 'Cuban' About U.S. Decisions During the Cuban Missile Crisis." *Oxford University Press Diplomatic History* 24, no. 2 (Spring 2000): 305–15.
- Felber, Ron. *Presidential Lessons in Leadership*. New York, NY: The Rowman & Littlefield Publishing Group, 2011.
- "It's Not the Lack of Resources, It's Your Lack of Resourcefulness That Stops You. | Philosiblog," July 11, 1960. <https://philosiblog.com/2012/10/12/its-not-the-lack-of-resources-its-your-lack-of-resourcefulness-that-stops-you/>.
- Kempe, Frederick. *Berlin 1961: Kennedy, Khrushchev, and the Most Dangerous Place on Earth*. New York, NY: Penguin Books, 2012.
- Parrington, Col. Alan J. "Mutually Assured Destruction Revisited, Strategic Doctrine in Question." *Air and Space Power Journal*, Winter 1997. <https://apps.dtic.mil/sti/pdfs/ADA529841.pdf>.
- Phythian, Mark. *Arming Iraq: How the U.S. and Britain Secretly Built Saddam's War Machine*. Boston, MA: Northeastern University Press, 1996.
- Powell, Colin. "Speech to the UN Security Council." *washingtonpost.com*, February 5, 2003. [https://www.washingtonpost.com/wp-srv/nation/transcripts/powelltext\\_020503.html](https://www.washingtonpost.com/wp-srv/nation/transcripts/powelltext_020503.html).
- Sandalow, Marc. "Record Shows Bush Shifting on Iraq War/ President's Rationale Continues to Evolve." *The San Francisco Chronicle*, September 29, 2004. <https://www.sfgate.com/politics/article/NEWS-ANALYSIS-Record-shows-Bush-shifting-on-2690938.php>.
- Shakir, Faiz. "Bush Insists 'I Didn't Want War.'" *Think Progress*, March 21, 2006. <https://archive.thinkprogress.org/bush-insists-i-didnt-want-war-overwhelming-evidence-suggests-otherwise-ec67e5c9a001/>.
- Smith, R. Jeffrey. "Hussein's Prewar Ties to Al-Qaeda Discounted." *NBC News*, April 5, 2007. <https://www.nbcnews.com/id/wbna17970427>.

The John F. Kennedy Presidential Library and Museum. “The Bay of Pigs.” Accessed November 22, 2023. <https://www.jfklibrary.org/learn/about-jfk/jfk-in-history/the-bay-of-pigs>.

Voss, Michael. “Bay of Pigs: The ‘Perfect Failure’ of Cuba Invasion.” BBC News, April 14, 2011. <https://www.bbc.com/news/world-latin-america-13066561>.

Walsh, Kenneth T. “George W. Bush’s ‘Bullhorn’ Moment.” U.S. News & World Report, April 21, 2013. <https://www.usnews.com/news/blogs/ken-walshs-washington/2013/04/25/george-w-bushs-bullhorn-moment>.

## Chapter Five

Battista, Judy. “NFL Commits \$250M over 10-Year Period to Combat Systemic Racism.” NFL.com. Accessed February 5, 2024. <https://www.nfl.com/news/nfl-commits-250m-over-10-year-period-to-combat-systemic-racism>.

Belson, Ken. “Several N.F.L. Players Protest Racism and Hate as Season Begins - The New York Times.” Accessed February 5, 2024. <https://www.nytimes.com/2020/09/13/sports/football/nfl-protests.html>.

Boren, Cindy. “A Timeline of Colin Kaepernick’s Protests against Police Brutality, Four Years after They Began.” *Washington Post*, August 26, 2020. <https://www.washingtonpost.com/sports/2020/06/01/colin-kaepernick-kneeling-history/>.

Brito, Christopher. “NFL Players Call on League to Support Black Lives Matter and Condemn Racism - CBS News.” Accessed February 5, 2024. <https://www.cbsnews.com/news/nfl-players-call-on-league-to-condemn-racism/>.

Chung, Gabrielle. “NFL to Play Black National Anthem Before ‘The Star-Spangled Banner’ During All Week 1 Games: Report.” *Peplemag*. Accessed February 5, 2024. <https://people.com/sports/nfl-to-play-black-national-anthem-before-star-spangled-banner-during-week-1-games-report/>.

Clary, Zachary. “When Lyndon B. Johnson Chose the Middle Ground on Civil Rights—and Disappointed Everyone | History | Smithsonian Magazine.” Accessed February 5, 2024. <https://www.smithsonianmag.com/history/to-fight-for-civil-rights-lyndon-b-johnson-settled-for-the-middle-ground-180981482/>.

Donohue, Ben. “How the NFL Responded to the Colin Kaepernick Protests in 2016-2017 and How the League Responded to Athlete Protests During the Black Lives Matter Movement of 2020: A Sport Study, Social Phenomenological Approach – The Sport Journal.” Accessed February 5, 2024. <https://thesportjournal.org/article/how-the-nfl-responded-to-the-colin-kaepernick-protests-in-2016-2017-and-how-the-league->

[responded-to-athlete-protests-during-the-black-lives-matter-movement-of-2020-a-sport-study-social-phenomenologi/](#).

Elassar, Alaa. "NFL Sunday: Here's How Teams Highlighted Racial Inequality in the US | CNN." Accessed February 5, 2024. <https://www.cnn.com/2020/09/13/us/nfl-sunday-games-racial-inequality-trnd/index.html>.

Gittinger, Ted, and Allen Fisher. "LBJ Champions the Civil Rights Act of 1964 | National Archives." Accessed February 5, 2024. <https://www.archives.gov/publications/prologue/2004/summer/civil-rights-act>.

Harper, Mark. "Fact Check: NFL Has No Plan to Fly Black Lives Matter Flag at This Season's Games." USA TODAY. Accessed February 5, 2024. <https://www.usatoday.com/story/news/factcheck/2020/07/25/fact-check-black-lives-matter-flag-not-fly-nfl-games/5458531002/>.

Hill, Katy Marquardt. "The NFL's 'Take a Knee' Movement and Its Impact on Workplace Protest | CU Boulder Today | University of Colorado Boulder." Accessed February 5, 2024. <https://www.colorado.edu/today/2023/09/14/nfls-take-knee-movement-and-its-impact-workplace-protest>.

Lee, Harper. *To Kill a Mockingbird*. New York, New York: HarperCollins Publishers, 1960.

Leffler, Warren K. "The Civil Rights Act of 1964: A Long Struggle for Freedom Epilogue | Exhibitions - Library of Congress," October 10, 2014. <https://www.loc.gov/exhibits/civil-rights-act/epilogue.html>.

Legal Defense Fund. "The Southern Manifesto and 'Massive Resistance' to Brown." Accessed February 6, 2024. <https://www.naacpldf.org/brown-vs-board/southern-manifesto-massive-resistance-brown/>.

Levenson, Michael. "N.F.L. Will Allow Six Social Justice Messages on Players' Helmets." *The New York Times*, September 5, 2021, sec. Sports. <https://www.nytimes.com/2021/09/05/sports/nfl-social-justice.html>.

Murphy, Mary Jo. "Phone Call Into History - The New York Times." Accessed February 5, 2024. <https://www.nytimes.com/2008/01/27/weekinreview/27tapes.html>.

O'Donnell, Michael. "How LBJ Saved the Civil Rights Act." *The Atlantic*, March 20, 2014. <https://www.theatlantic.com/magazine/archive/2014/04/what-the-hells-the-presidency-for/358630/>.

- Rosenberg, Michael. “Drew Brees Still Hasn’t Learned,” June 4, 2020.  
<https://www.si.com/nfl/2020/06/04/drew-brees-american-flag-kneeling-comments-colin-kaepernick>.
- Rugg, Adam. “Incorporating the Protests: The NFL, Social Justice, and the Constrained Activism of the ‘Inspire Change’ Campaign.” *Communication & Sport* 8, no. 4–5 (August 1, 2020): 611–28. <https://doi.org/10.1177/2167479519896325>.
- Tennery, Amy. “‘We Were Wrong’: NFL Commissioner Regrets Stance on Player Protests, Condemns Racism | Reuters.” Accessed February 5, 2024.  
<https://www.reuters.com/article/idUSKBN23D04D/>.
- “The Modern Civil Rights Movement and the Kennedy Administration | JFK Library.” Accessed February 5, 2024. <https://www.jfklibrary.org/learn/about-jfk/jfk-in-history/civil-rights-movement>.
- Walsh, Kenneth T. “The First 100 Days: Lyndon Johnson Fulfilled Kennedy’s Legacy.” Accessed February 5, 2024.  
<https://www.usnews.com/news/history/articles/2009/03/05/the-first-100-days-lyndon-johnson-fulfilled-kennedys-legacy>.
- whitehouse.gov. “Lyndon B. Johnson,” December 30, 2014.  
<https://obamawhitehouse.archives.gov/1600/presidents/lyndonbjohnson>.
- Woodward, Alex, and Clark Mindock. “Taking a Knee: Why Are NFL Players Protesting and When Did They Start to Kneel? | The Independent | The Independent.” Accessed February 5, 2024. <https://www.independent.co.uk/sport/nfl/taking-a-knee-national-anthem-nfl-trump-why-meaning-origins-racism-us-colin-kaepernick-a8521741.html>.
- Zaru, Deena. “NFL Apologizes for ‘not Listening’ to Players about Racism as Colin Kaepernick Remains Unsigned.” ABC News. Accessed February 5, 2024.  
<https://abcnews.go.com/US/nfl-apologizes-listening-players-racism-colin-kaepernick-remains/story?id=71122596>.

## Chapter Six

- Alliance of Motion Picture and Television Producers. “AMPTP Negotiations as of May 4, 2023.” Accessed February 17, 2024.  
<https://www.documentcloud.org/documents/23798156-amptp-5-4>.
- Barnes, Brooks, and John Koblin. “As Obscure as an Extra, She Has a Lead Role in Hollywood’s Labor Fight.” *The New York Times*, August 27, 2023, sec. Business.  
<https://www.nytimes.com/2023/08/27/business/hollywood-strike-studios-lombardini.html>.

- Beard, Rachel A. “What the Hell Happened: How the Writer’s Guild Strike Changed Hollywood | Arts | The Harvard Crimson,” October 3, 2023. <https://www.thecrimson.com/article/2023/10/3/wga-writers-strike-union-AI-rights-artificial-intelligence/>.
- Bhatia, Aatish, and Quoc Trung Bui. “The Infrastructure Plan: What’s In and What’s Out.” *The New York Times*, July 28, 2021, sec. The Upshot. <https://www.nytimes.com/interactive/2021/07/28/upshot/infrastructure-breakdown.html>.
- “BIPARTISAN INFRASTRUCTURE LAW - U.S. Senate Committee on Environment and Public Works.” Accessed February 11, 2024. <https://www.epw.senate.gov/public/index.cfm/bipartisan-infrastructure-law>.
- Broadwater, Luke. “Progressive Democrats Celebrate Delaying the Vote on the Infrastructure Bill.” *The New York Times*, October 1, 2021, sec. U.S. <https://www.nytimes.com/2021/10/01/us/politics/infrastructure-bill-delay-progressive-democrats.html>.
- Chappell, Bill. “From Mini Rooms to Streaming, Things Have Changed since the Last Big Writers Strike.” *NPR*, May 3, 2023, sec. Media. <https://www.npr.org/2023/05/03/1173439467/writers-guild-strike-2023-comparison-2007>.
- Cochrane, Emily. “Senate Passes \$1 Trillion Infrastructure Bill, Handing Biden a Bipartisan Win.” *The New York Times*, August 10, 2021, sec. U.S. <https://www.nytimes.com/2021/08/10/us/politics/infrastructure-bill-passes.html>.
- Cruz, Senator Ted. “Sen. Cruz: Biden’s Infrastructure Plan and Tax Hike Puts American Jobs Last | U.S. Senator Ted Cruz of Texas,” March 31, 2021. <https://www.cruz.senate.gov/newsroom/press-releases/sen-cruz-biden-and-146s-infrastructure-plan-and-tax-hike-puts-american-jobs-last>.
- Dovere, Edward-Isaac, and Sarah Fortinsky. “Republicans Repeatedly Criticized Biden’s Infrastructure Program. Then They Asked for Money. | CNN Politics.” *CNN*, October 7, 2022. <https://www.cnn.com/2022/10/07/politics/infrastructure-spending-republican-critics/index.html>.
- Foreman, Alison, and Christian Zilko. “A Brief History of Hollywood Writers’ Strikes.” *IndieWire* (blog), June 30, 2023. <https://www.indiewire.com/gallery/writers-guild-strikes-hollywood-history-wga/>.
- Frank, Jason P. “Actors and Writers Strike 2023, Explained: SAG Strike Ended!” Accessed February 11, 2024. <https://www.vulture.com/article/wga-strike-2023.html>.

“Full Estimates of the House Build Back Better Act-2021-11-18,” November 18, 2021.  
<https://www.crfb.org/blogs/full-estimates-house-build-back-better-act>.

Howland, Ethan. “Biden Signs \$1.2 Trillion Infrastructure Bill with Funding for EVs, Transmission, Hydrogen.” Utility Dive. Accessed February 11, 2024.  
<https://www.utilitydive.com/news/congress-approves-infrastructure-bill-funding-transmission-hydrogen-ev/609649/>.

Huff, Matthew. “The 2023 Writers’ Strike Nears an End.” Parade, September 25, 2023.  
<https://parade.com/entertainment/2023-wga-writers-strike>.

Jarvey, Natalie, and Joy Press. “Labor Pains and Gains: The Winners and Losers of the Hollywood Strikes.” Vanity Fair, October 3, 2023.  
<https://www.vanityfair.com/hollywood/2023/10/writers-strike-winners-and-losers>.

Kilkenny, Katie, and Lesley Goldberg. “Writers Guild Ratifies 2023 Strike-Ending Contract With Studios – The Hollywood Reporter.” Accessed February 11, 2024.  
<https://www.hollywoodreporter.com/business/business-news/writers-guild-ratifies-strike-ending-contract-with-studios-1235606524/>.

Kilkenny, Katie, and Christy Pina. “WGA Potential Strike: Union Issues Member Rules – The Hollywood Reporter.” Accessed February 18, 2024.  
<https://www.hollywoodreporter.com/business/business-news/writers-guild-issues-rules-potential-strike-1235402387/>.

Koblin, John, and Brooks Barnes. “2023 Writers Guild of America Strike: What You Need to Know - The New York Times.” Accessed February 11, 2024.  
<https://www.nytimes.com/article/wga-writers-strike-hollywood.html>.

Lee, Wendy, and Meg James. “WGA, Hollywood Studios Reach a Tentative Deal to End Writers’ Strike - Los Angeles Times.” Accessed February 11, 2024.  
<https://www.latimes.com/entertainment-arts/business/story/2023-09-24/writers-strike-over-wga-studios-reach-deal-actors>.

Lerman, David. “Sinema Deals Blow to Democrats’ Budget Reconciliation Target.” Roll Call, July 28, 2021. <https://rollcall.com/2021/07/28/sinema-deals-blow-to-democrats-budget-reconciliation-target/>.

Littleton, Cynthia, Kate Aurthur, Matt Donnelly, and Gene Maddaus. “Deal! WGA, AMPTP Reach Historic Contract Agreement to End 146-Day Writers Strike: ‘This Deal Is Exceptional.’” *Variety* (blog), September 25, 2023.  
<https://variety.com/2023/biz/news/writers-strike-ends-wga-amptp-deal-2-1235733452/>.

- Lobosco, Katie, and Tami Luhby. "Here's What's in the Bipartisan Infrastructure Package | CNN Politics." CNN, July 28, 2021. <https://www.cnn.com/2021/07/28/politics/infrastructure-bill-explained/index.html>.
- McPherson, Lindsey. "How 'Build Back Better' Started, and How It's Going: A Timeline." Roll Call, July 21, 2022. <https://rollcall.com/2022/07/21/how-build-back-better-started-and-how-its-going-a-timeline/>.
- Naylor, Brian, and Deirdre Walsh. "Biden Signs the \$1 Trillion Bipartisan Infrastructure Bill into Law." NPR, November 15, 2021, sec. Politics. <https://www.npr.org/2021/11/15/1055841358/biden-signs-1t-bipartisan-infrastructure-bill-into-law>.
- O'Connell, Ford. "The Reagan-Christie Model: Column." USA TODAY. November 3, 2013. <https://www.usatoday.com/story/opinion/2013/11/03/conservative-moderate-republicans-reagan-christie-column/3353023/>.
- Patten, Dominic, and Anthony D'Alessandro. "SAG-AFTRA & Studios Set More Contract Talks For Friday; 'Cautious Optimism' Motto Of The Day." *Deadline* (blog), October 26, 2023. <https://deadline.com/2023/10/actors-strike-talks-friday-optimism-1235584425/>.
- Phillips, Zoe. "SAG-AFTRA and WGA Strikes: All the Major Dates to Know | Entertainment Tonight." Accessed February 11, 2024. <https://www.etonline.com/sag-and-wga-strikes-all-the-major-dates-to-know-207915>.
- Ponciano, Jonathan. "Everything In The \$1.2 Trillion Infrastructure Bill: New Roads, Electric School Buses And More." Forbes. Accessed February 11, 2024. <https://www.forbes.com/sites/jonathanponciano/2021/11/15/everything-in-the-12-trillion-infrastructure-bill-biden-just-signed-new-roads-electric-school-buses-and-more/>.
- Pramuk, Jacob. "Biden Signs \$1 Trillion Bipartisan Infrastructure Bill into Law, Unlocking Funds for Transportation, Broadband, Utilities." CNBC, November 15, 2021. <https://www.cnbc.com/2021/11/15/biden-signing-1-trillion-bipartisan-infrastructure-bill-into-law.html>.
- Probasco, Jim. "Infrastructure Negotiations in 2021: How They Unfolded and Results." Investopedia. Accessed February 11, 2024. <https://www.investopedia.com/here-s-what-s-in-the-usd1-trillion-infrastructure-bill-passed-by-the-senate-5196817>.
- Restuccia, Andrew, and Eliza Collins. "Biden Signs \$1 Trillion Infrastructure Bill Into Law." *Wall Street Journal*, November 15, 2021, sec. Politics. <https://www.wsj.com/articles/biden-infrastructure-bill-signing-11636997814>.

Smith, Jean Edward. *Eisenhower in War and Peace*. London, United Kingdom: Random House, 2013.

Stein, Jeff. “The Left Dreamed of Remaking America. Now, It Stares into the Abyss as Biden’s Plans Wither.” *Washington Post*, January 17, 2022.  
<https://www.washingtonpost.com/us-policy/2022/01/17/liberal-promises-biden-midterm/>.

The White House. “Fact Sheet: The Bipartisan Infrastructure Deal.” The White House, November 6, 2021. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/06/fact-sheet-the-bipartisan-infrastructure-deal/>.

Tomer, Adie. “At Its Two-Year Anniversary, the Bipartisan Infrastructure Law Continues to Rebuild All of America | Brookings.” Accessed February 11, 2024.  
<https://www.brookings.edu/articles/at-its-two-year-anniversary-the-bipartisan-infrastructure-law-continues-to-rebuild-all-of-america/>.

Walsh, Joe. “House Passes Bipartisan Infrastructure Bill After Days Of Wrangling — But Democrats’ Social Spending Bill Is Delayed.” *Forbes*. Accessed February 13, 2024.  
<https://www.forbes.com/sites/joewalsh/2021/11/05/house-passes-bipartisan-infrastructure-bill-after-days-of-wrangling---but-democrats-social-spending-bill-is-delayed/>.

“What’s in President Biden’s American Families Plan?-2021-04-28,” April 28, 2021.  
<https://www.crfb.org/blogs/whats-president-bidens-american-families-plan>.

Wilkinson, Alissa, and Emily Stewart. “The Hollywood Writers’ Strike Is over — and They Won Big.” *Vox*, September 24, 2023.  
<https://www.vox.com/culture/2023/9/24/23888673/wga-strike-end-sag-aftra-contract>.

Wise, Alana. “White House Proposes \$1.8 Trillion Plan For Children And Families.” *NPR*, April 28, 2021, sec. Politics. <https://www.npr.org/2021/04/28/991357190/white-house-proposes-massive-spending-on-children-and-families>.

Writers Guild of America. “WGA Negotiations -- Status as of May 1, 2023,” n.d.

———. “What We Won.” Accessed February 17, 2024.  
<https://www.wgacontract2023.org/the-campaign/what-we-won>.

———. “Writers Are Not Keeping Up.” Accessed February 18, 2024.  
<https://www.wgacontract2023.org/updates/bulletins/writers-are-not-keeping-up>.

Writers Guild of America West. “A History of WGA Contract Negotiations and Gains.” Accessed February 11, 2024. <https://www.wga.org/the-guild/about-us/history/a-history-of-wga-contract-negotiations-and-gains>.

Zhou, Li. “House Progressives and Moderates United to Pass a Massive Infrastructure Deal.” Vox, November 5, 2021. <https://www.vox.com/2021/11/5/22766086/infrastructure-biden-house-democrats-vote-pass-bbb-spending-bill>.

## Chapter Seven

Birnbaum, Michael. “Desalination Can Make Saltwater Drinkable — but It Won’t Solve the U.S. Water Crisis.” *Washington Post*, August 23, 2022. <https://www.washingtonpost.com/climate-solutions/2021/09/28/desalination-saltwater-drought-water-crisis/>.

Colias, Mike, Nora Eckert, and Sean McLain. “The Six Months That Short-Circuited the Electric-Vehicle Revolution.” Accessed February 17, 2024. <https://www.wsj.com/business/autos/ev-electric-vehicle-slowdown-ford-gm-tesla-b20a748e?st=10755wnfbayfcj7>.

Daroqui, Adriana. “Electric Cars and Lithium Extraction Threaten to Drive Even More Climate Harm.” Truthout, May 23, 2022. <https://truthout.org/articles/electric-cars-and-lithium-extraction-threaten-to-drive-even-more-climate-harm/>.

Davenport, Coral. “Biden Administration Is Said to Slow Early Stage of Shift to Electric Cars.” *The New York Times*, February 17, 2024, sec. Climate. <https://www.nytimes.com/2024/02/17/climate/biden-epa-auto-emissions.html>.

———. “Strawberry Case Study: What If Farmers Had to Pay for Water?” *The New York Times*, December 29, 2023, sec. Climate. <https://www.nytimes.com/interactive/2023/12/29/climate/california-farmers-water-tax.html>.

DeSimone, Leslie. “Domestic (Private) Supply Wells | U.S. Geological Survey.” Accessed February 21, 2024. <https://www.usgs.gov/mission-areas/water-resources/science/domestic-private-supply-wells#:~:text=More%20than%2043%20million%20people,most%20cases%2C%20by%20state%20laws>.

Flavelle, Christopher. “As Groundwater Levels Fall in the U.S., Powerful Players Block Change - The New York Times.” Accessed November 28, 2023. <https://www.nytimes.com/interactive/2023/11/24/climate/groundwater-levels.html?smid=nytcore-ios-share&referringSource=articleShare>.

- Frazin, Rachel. "Harris to Tout \$5.8B in Water Infrastructure Funding in Pennsylvania." Text, February 20, 2024. <https://thehill.com/policy/energy-environment/4477402-harris-water-infrastructure-funding-pennsylvania-epa/>.
- Gallagher, Katherine. "The Safe Drinking Water Act (SDWA): Summary and Impact." Treehugger. Accessed February 20, 2024. <https://www.treehugger.com/safe-drinking-water-act-sdwa-5116969>.
- Gelles, David. "Climate Forward: Fossil Fuels Aren't Going Anywhere." NYTimes.com, October 12, 2023. <https://www.nytimes.com/section/climate>.
- Gelles, David, and Manuela Andreoni. "Climate: Coming Soon: More Coal, Oil and Gas on the Way." NYTimes.com, November 9, 2023. <https://www.nytimes.com/section/climate>.
- Gramling, Carolyn. "Hurricanes Are Getting More Dangerous, but May Not Be More Frequent | Science News," July 13, 2021. <https://www.sciencenews.org/article/hurricanes-frequency-danger-climate-change-atlantic>.
- Hersher, Rebecca. "Why Hurricanes Feel like They're Getting More Frequent." NPR, February 27, 2023, sec. Climate. <https://www.npr.org/2023/02/27/1158969044/why-hurricanes-feel-like-theyre-getting-more-frequent>.
- Horn, Gerard. "10 Reasons Why Electric Cars Still Suck | CarBuzz." Accessed February 28, 2024. <https://carbuzz.com/features/10-reasons-why-electric-cars-still-suck>.
- Jacobson, Lindsey, Mark Licea, Andrea Miller, and Jason Reginato. "How Safe Is Tap Water in the U.S.?" Accessed February 21, 2024. <https://www.cnbc.com/video/2023/11/30/us-tap-water-is-safe-but-could-be-filtered-to-remove-pfas-lead.html>.
- Jaramillo, Catalina. "Electric Vehicles Contribute Fewer Emissions Than Gasoline-Powered Cars Over Their Lifetimes." *FactCheck.Org* (blog), February 7, 2024. <https://www.factcheck.org/2024/02/electric-vehicles-contribute-fewer-emissions-than-gasoline-powered-cars-over-their-lifetimes/>.
- Kazmer, Rich. "Researchers Make Game-Changing Discovery after Pulverizing EV Batteries: 'Extended the Lifespan by 30%.'" Yahoo Finance, November 4, 2023. <https://finance.yahoo.com/news/researchers-game-changing-discovery-pulverizing-210000737.html>.
- Ley, Tony. "Millions of Rural Americans Rely on Private Wells. Few Regularly Test the Water," October 24, 2023. <https://health.wusf.usf.edu/health-news-florida/2023-10-24/millions-of-rural-americans-rely-on-private-wells-few-regularly-test-the-water>.

- Mancini, Jannine. "New Battery Crushes Tesla's Tech, Unveils A Solid-State Marvel With 300% Higher Energy Density, 15-Minute Ultra-Fast Charge," November 28, 2023. <https://finance.yahoo.com/news/battery-crushes-teslas-tech-unveils-160816090.html>.
- Morales, Martin. "10 Reasons Why Electric Cars Aren't As Eco Friendly As You Think." Accessed February 24, 2024. <https://www.topspeed.com/why-electric-cars-arent-as-eco-friendly-as-you-think/>.
- National Association of Clean Water Agencies. "Clean Water Act - Safe Drinking Water Act Intersection." Accessed February 20, 2024. <https://www.nacwa.org/advocacy-analysis/campaigns/cwa-sdwa-intersection>.
- Nayar, Jaya. "Not So 'Green' Technology: The Complicated Legacy of Rare Earth Mining." Harvard International Review, August 12, 2021. <https://hir.harvard.edu/not-so-green-technology-the-complicated-legacy-of-rare-earth-mining/>.
- Neil, Dan. "You've Formed Your Opinion on EVs. Now Let Me Change It." Accessed January 22, 2024. <https://www.wsj.com/lifestyle/cars/youve-formed-your-opinion-on-evs-now-let-me-change-it-6c6fd1c1>.
- Nichols, Dave. "Environmental Impact of EV Batteries | GreenCars." Accessed February 24, 2024. <https://www.greencars.com/greencars-101/environmental-impact-of-ev-batteries>.
- . "Recycling EV Batteries | GreenCars." Accessed February 26, 2024. <https://www.greencars.com/greencars-101/recycling-ev-batteries>.
- O'Neil, James. "Toyota's 745-Mile Solid-State Battery Breakthrough, Explained." Accessed November 29, 2023. <https://www.topspeed.com/toyotas-745-mile-solid-state-battery-breakthrough-explained/>.
- Patterson, Scott. "Biden's Electric-Vehicle Push Hits a Speed Bump - WSJ." Accessed November 28, 2023. <https://www.wsj.com/finance/commodities-futures/bidens-electric-vehicle-push-hits-a-speed-bump-1f3bc431?mod=djem10point>.
- . "The Great Salt Lake Is Full of Lithium. A Startup Wants to Harvest It.," February 12, 2024. <https://www.wsj.com/science/environment/great-salt-lake-lithium-startup-lilac-d84c9f76>.
- Perkins, Sid. "Extreme Tornado Outbreaks Are Getting Worse, but Why?" Accessed March 3, 2024. <https://www.science.org/content/article/extreme-tornado-outbreaks-are-getting-worse-why>.

- Plumer, Brad. "Climate Report Card Says Countries Are Trying, but Urgently Need Improvement." *The New York Times*, September 8, 2023, sec. Climate. <https://www.nytimes.com/2023/09/08/climate/paris-agreement-stocktake.html>.
- . "In a U.S. First, a Commercial Plant Starts Pulling Carbon From the Air." *The New York Times*, November 9, 2023, sec. Climate. <https://www.nytimes.com/2023/11/09/climate/direct-air-capture-carbon.html>.
- Prichard, Susan J. "Why Are Wildfires Getting Worse? These Scientists Explain." World Economic Forum, August 6, 2021. <https://www.weforum.org/agenda/2021/08/wildfires-united-states-cause-science/>.
- Ray, Ilon. "10 Reasons Why Electric Cars Are Bad (2024)," August 4, 2023. <https://bestelectriccars.com/10-reasons-why-electric-cars-are-bad/>.
- Rojanasakul, Mira, Christopher Flavelle, Blacki Migliozi, and Eli Murray. "America Is Using Up Its Groundwater Like There's No Tomorrow." *The New York Times*, August 28, 2023, sec. Climate. <https://www.nytimes.com/interactive/2023/08/28/climate/groundwater-drying-climate-change.html>.
- Rothman, Lily. "Here's Why the Environmental Protection Agency Was Created." TIME, March 22, 2017. <https://time.com/4696104/environmental-protection-agency-1970-history/>.
- Searcey, Dionne, and Delger Erdenesanaa. "A Tangle of Rules to Protect America's Water Is Falling Short - The New York Times." Accessed February 20, 2024. <https://www.nytimes.com/interactive/2023/11/02/climate/us-groundwater-depletion-rules.html>.
- Sowby, Robert B. "The Safe Drinking Water Act at 50: A Policy Model for Grand Challenges - Sowby - 2023 - Water Resources Research - Wiley Online Library." Accessed February 20, 2024. <https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2023WR035172>.
- Tabuchi, Hiroko. "Fossil Fuel Use Increasing, Not Decreasing, as Key Target Looms - The New York Times." Accessed February 28, 2024. [https://www.nytimes.com/2023/11/08/climate/fossil-fuels-expanding.html?te=1&nl=climate-forward&emc=edit\\_clim\\_20231109](https://www.nytimes.com/2023/11/08/climate/fossil-fuels-expanding.html?te=1&nl=climate-forward&emc=edit_clim_20231109).
- . "Inside Poland Spring's Hidden Attack on Water Rules It Didn't Like." *The New York Times*, October 24, 2023, sec. Climate. <https://www.nytimes.com/interactive/2023/10/24/climate/maine-water-laws-blue-triton-poland-spring.html>.

U.S. Environmental Protection Agency. “Summary of the Safe Drinking Water Act | US EPA.” Accessed February 20, 2024. <https://www.epa.gov/laws-regulations/summary-safe-drinking-water-act>.

———. “Understanding the Safe Drinking Water Act,” n.d.

US EPA, OAR. “Sources of Greenhouse Gas Emissions.” Overviews and Factsheets, December 29, 2015. <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions>.

U.S. Government Accounting Office. “50 Years After the Clean Water Act—Gauging Progress | U.S. GAO,” March 22, 2022. <https://www.gao.gov/blog/50-years-after-clean-water-act-gauging-progress>.

Valerio, Pablo. “Is There Enough Lithium for Massive EV Adoption?” *EPS News* (blog), July 11, 2023. <https://epsnews.com/2023/07/11/is-there-enough-lithium-for-massive-ev-adoption/>.

Weinmeyer, Richard, Annalise Norling, Margaret Kawarski, and Estelle Higgins. “The Safe Drinking Water Act of 1974 and Its Role in Providing Access to Safe Drinking Water in the United States.” *AMA Journal of Ethics* 19, no. 10 (October 1, 2017): 1018–26. <https://doi.org/10.1001/journalofethics.2017.19.10.hlaw1-1710>.

Wolf, M. J., J. W. Emerson, D. C. Esty, A. de Sherbinin, and Z. A. Wendling. “Sanitation & Drinking Water | Environmental Performance Index.” Environmental Performance Index. Accessed February 23, 2024. <https://epi.yale.edu/epi-results/2020/component/h2o>.

## Chapter Eight

Frankel, Julia, and Samy Magdy. “Israel’s Netanyahu Rejects Any Palestinian Sovereignty in Post-War Gaza, Rebuffing Biden,” January 20, 2024. <https://news.yahoo.com/hostage-families-protest-outside-netanyahus-110419922.html>.

Goldmacher, Shane. “How the Biden-Trump Border Visits Revealed a Deeper Divide.” *The New York Times*, March 1, 2024, sec. U.S. <https://www.nytimes.com/2024/02/29/us/politics/trump-biden-border-analysis.html>.

Twohey, Megan. “Kanye and Adidas: Money, Misconduct and the Price of Appeasement.” *The New York Times*, October 27, 2023, sec. Business. <https://www.nytimes.com/2023/10/27/business/kanye-west-adidas-yeezy.html>.

## Chapter Nine (Critical Reflection)

Covey, Stephen. *The 7 Habits of Highly Effective People Powerful Lessons in Personal Change*. New York, New York: Simon & Schuster, 1990.

- Day, J. P. "Compromise." *Cambridge Core*, Philosophy, 64, no. 250 (n.d.): 471–85.
- Grady II, Donald. *The Absurdity of Compromise The Art of Resolving Conflict so Everyone Wins*. Denver, Colorado: Hugo House Publishers, 2019.
- Guntmann, Amy, and Thompson, Dennis. *The Spirit of Compromise Why Governing Demands It and Campaigning Undermines It*. Princeton, New Jersey: Princeton University Press, 2014.
- Harjo, Joy. *Catching the Light*. New Haven, Connecticut: Yale University Press, 2022.
- O Tuama, Padraig. *Poetry Unbound 50 Poems to Open Your World*. New York, New York: W. W. Norton & Company, Inc., 2023.
- Orr, Gregory. *Poetry as Survival*. The Life of Poetry : Poets on Their Art and Craft. Athens, Ga.: University of Georgia Press, 2002.
- Salvo, Christine. *It's All About ... Family Conflict The Art of Compromise: Negotiating Conflict in Family Settings*. Middletown, Delaware, n.d.
- Smith, Rachel. *On Compromise*. Minneapolis, Minnesota: Graywolf Press, 2021.

## VITA

Full name: Rodger Thomas Kraft

Place and date of birth: Queens, New York

Parents' Names: Harold J. and Claire C. Kraft

Educational Institutions:

School	Place	Degree	Date
Secondary: Archbishop Molloy High School	Jamaica, New York		5/1975
Collegiate: Fordham University Gabelli School of Business	Bronx, New York	BS Accounting	5/1978
Graduate: New York University Stern Graduate School of Business	New York, New York	MBA Finance	5/1988
Graduate: Graduate: Drew University Casperson School of Graduate Studies	Madison, New Jersey	DLitt Writing Arts/Letters and Literary Studies	5/2024