

# The New York Times

INTERNATIONAL EDITION

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## MIDTERM CLIMATE REPORT: PARTLY CLOUDY

Decidedly mixed messages on climate change in particular and environmental issues in general emerge from the election.

The latest report from the Intergovernmental Panel on Climate Change made it clear that averting the worst consequences of climate changes (lesser consequences are by now all around us) will mean quickly cutting back on the use of fossil fuels that cause global warming.

Big Oil didn't get the memo.

Faced with what they saw as an existential threat to their businesses, BP, Valero, Phillips 66, the Koch brothers and other members of the fossil fuel fraternity dumped more than \$30 million into Washington State to crush a ballot initiative that would have imposed the first taxes in the nation on carbon emissions. Backers of the proposal hoped it would serve as a template for similar action elsewhere and perhaps for the country as a whole. But the theoretical elegance of a carbon tax, which most economists and scientists believe is the surest way to control emissions on a broad scale, was no match even in reliably Democratic Washington for relentless fearmongering about job losses, higher electricity bills and more expensive gasoline.

The defeat in Washington was the most disappointing setback for climate activists in the midterm elections on Tuesday, a day of decidedly mixed messages on climate change in particular and environmental issues more broadly.

On the negative side of the ledger, the firewall in the Republican-majority Senate against any action at all on climate was fortified by assured Republican pickups in North Dakota, Indiana and Missouri. One new senator, Representative Kevin Cramer, who defeated Heidi Heitkamp in North Dakota, served as an energy adviser in the 2016 Trump campaign and was an architect of the president's energy agenda, which consists mainly of drilling oil and gas wells on just about every square inch of available federal land, onshore and off. If Rick Scott, the Republican Florida governor, maintains his narrow lead over Senator Bill Nelson, a Democrat, it will be another major loss for the environment. Governor Scott's administration for a time barred the use of the term "climate change" in official documents, and the governor was so inattentive to Florida's many climate-related risks, including sea level rise and flooding, that he was sued by a group of young people for ignoring the issue.

The news was far better in the House of Representatives, which flipped to the Democrats, and even better in the statehouses, where one climate activist after another supplanted Republicans who didn't much care. The House Science Committee is set to be led by Eddie Bernice Johnson of Texas, who actually cares about science, instead of the antediluvian Lamar Smith, another Texan, who used his chairmanship to harass climate scientists and beat the drum for oil-and-gas interests. The likely next chairman of the House Natural Resources Committee, Arizona's Raul Grijalva, is the polar opposite of Utah's Rob Bishop, the chairman and one of President Trump's main allies in the effort to rescind national monument designations as well as to open up public lands for extractive industries. New Jersey's Frank Pallone, expected to take charge of the House Energy and Commerce Committee, is far more concerned about climate change than any of the Republicans now on the panel.

In governors' races, Democratic candidates who worry about climate change did splendidly from Maine to New Mexico, replacing Republicans who were generally pro-fossil fuel. Several of Tuesday's winners have committed to a goal of 100 percent renewable energy in their states, including the newcomer Jared Polis in Colorado and the incumbent Kate Brown in Oregon. Several other newcomers — Gretchen Whitmer in Michigan, J.B. Pritzker in Illinois, Steve Sisolak in Nevada and Janet Mills in Maine — have promised to invest heavily in wind and solar power.

It is in people like these that the environmental community is now investing its hopes for near-term success, in part because governors with legislative majorities (Andrew Cuomo, take note) not only have a mandate to set ambitious targets for wind and solar power but also the wherewithal to persuade utilities to help meet those goals. And the impact could be considerable, especially if the states where Democrats picked up governorships commit themselves to the 26 percent to 28 percent reduction in greenhouse gases promised by President Barack Obama at the 2015 Paris summit on climate change.

Nobody thought the midterm elections were going to save the climate. And they didn't. What they did do was give the Democrats a chance to effect change on the state level — as well as the obligation and the power to hold the administration to account.

## The newest Jim Crow



Michelle Alexander

In the midterms, Michigan became the first state in the Midwest to legalize marijuana, Florida restored the vote to over 1.4 million people with felony convictions, and Louisiana passed a constitutional amendment requiring unanimous jury verdicts in felony trials. These are the latest examples of the astonishing progress that has been made in the last several years on a wide range of criminal justice issues. Since 2010, when I published "The New Jim Crow" — which argued that a system of legal discrimination and segregation had been born again in this country because of the war on drugs and mass incarceration — there have been significant changes to drug policy, sentencing and re-entry, including "ban the box" initiatives aimed at eliminating barriers to employment for formerly incarcerated people.

This progress is unquestionably good news, but there are warning signs blinking brightly. Many of the current reform efforts contain the seeds of the next generation of racial and social control, a system of "e-carceration" that may prove more dangerous and more difficult to challenge than the one we hope to leave behind.

Bail reform is a case in point. Thanks in part to new laws and policies — as well as actions like the mass bailout of inmates in New York City jails that's underway — the unconscionable practice of cash bail is finally coming to an end. In August, California became the first state to decide to get rid of its cash bail system; last year, New Jersey virtually eliminated the use of money bonds.

But what's taking the place of cash bail may prove even worse in the long run. In California, a presumption of detention will effectively replace eligibility for immediate release when the new law takes effect in October 2019. And increasingly, computer algorithms are helping to determine who should be caged and who should be set "free." Freedom — even when it's granted, it turns out — isn't really free.

Under new policies in California, New Jersey, New York and beyond, "risk assessment" algorithms recommend to judges whether a person who's been arrested should be released. These advanced mathematical models — or "weapons of math destruction" as data scientist Cathy O'Neil calls them — appear colorblind on the surface but they are based on factors that are not only highly correlated with race and class, but are also significantly influenced by pervasive bias in the criminal justice system.

As O'Neil explains, "It's tempting to believe that computers will be neutral and objective, but algorithms are nothing more than opinions embedded in mathematics."

Challenging these biased algorithms may be more difficult than challenging discrimination by the police, prosecutors and judges. Many algorithms are fiercely guarded corporate secrets. Those that are transparent — you can actually read the code — lack a public audit so it's impossible to know how much more often they fail for people of color.

Even if you're lucky enough to be set "free" from a brick-and-mortar jail thanks to a computer algorithm, an



ILLUSTRATION BY YOSHI SODEKKA. PHOTOGRAPHS BY JUANMONINO AND SENSORS/POTJE - VIA GETTY IMAGES

expensive monitoring device likely will be shackled to your ankle — a GPS tracking device provided by a private company that may charge you around \$300 per month, an involuntary leasing fee. Your permitted zones of movement may make it difficult or impossible to get or keep a job, attend school, care for your kids or visit family members. You're effectively sentenced to an open-air digital prison, one that may not extend beyond your house, your block or your neighborhood. One false step (or one malfunction of the GPS tracking device) will bring cops to your front door, your workplace, or wherever they

find you and snatch you right back to jail.

Who benefits from this? Private corporations. According to a report released last month by the Center for Media Justice, four large corporations —

including the GEO Group, one of the largest private prison companies — have most of the private contracts to provide electronic monitoring for people on parole in some 30 states, giving them a combined annual revenue of more than \$200 million just for e-monitoring. Companies that earned millions on contracts to run or serve prisons have, in an era of prison restructuring, begun to shift their business model to add electronic surveillance and monitoring of the same population. Even if old-fashioned prisons fade away, the profit margins of these companies will widen so long as growing numbers of people find themselves subject to perpetual criminalization, surveillance, monitoring and control.

Who loses? Nearly everyone. A recent analysis by a Brookings Institution

fellow found that "efforts to reduce recidivism through intensive supervision are not working." Reducing the requirements and burdens of community supervision, so that people can more easily hold jobs, care for children and escape the stigma of criminality "would be a good first step toward breaking the vicious incarceration cycle," the report said.

Many reformers rightly point out that an ankle bracelet is preferable to a prison cell. Yet I find it difficult to call this progress. As I see it, digital prisons are to mass incarceration what Jim Crow was to slavery.

If you asked slaves if they would rather live with their families and raise their own children, albeit subject to "whites only signs," legal discrimination and Jim Crow segregation, they'd almost certainly say: I'll take Jim Crow. By the same token, if you ask prisoners whether they'd rather live with their families and raise their children, albeit with nearly constant digital surveillance and monitoring, they'd almost certainly say: I'll take the electronic monitor. I would too. But hopefully we can now see that Jim Crow was a less restrictive form of racial and social control, not a real alternative to racial caste systems. Similarly, if the goal is to end mass incarceration and mass criminalization, digital prisons are not an answer. They're just another way of posing the question.

Some insist that e-carceration is "a step in the right direction." But where are we going with this? A growing number of scholars and activists predict that "e-gentrification" is where we're headed as entire communities become trapped in digital prisons that keep them locked out of neighborhoods where jobs and opportunity can be found.

If that scenario sounds far-fetched, keep in mind that mass incarceration itself was unimaginable just 40 years

ago and that it was born partly out of well-intentioned reforms — chief among them mandatory sentencing laws that liberal proponents predicted would reduce racial disparities in sentencing. While those laws may have looked good on paper, they were passed within a political climate that was overwhelmingly hostile and punitive toward poor people and people of color, resulting in a prison-building boom, an increase in racial and class disparities in sentencing, and a quintupling of the incarcerated population.

Fortunately, a growing number of advocates are organizing to ensure that important reforms, such as ending cash bail, are not replaced with systems that view poor people and people of color as little more than commodities to be bought, sold, evaluated and managed for profit. In July, more than 100 civil rights, faith, labor, legal and data science groups released a shared statement of concerns regarding the use of pretrial risk assessment instruments; numerous bail reform groups, such as Chicago Community Bond Fund, actively oppose the expansion of e-carceration.

If our goal is *not* a better system of mass criminalization, but instead the creation of safe, caring, thriving communities, then we ought to be heavily investing in quality schools, job creation, drug treatment and mental health care in the least advantaged communities rather than pouring billions into their high-tech management and control. Fifty years ago, the Rev. Dr. Martin Luther King Jr. warned that "when machines and computers, profit motives and property rights are considered more important than people, the giant triplets of racism, extreme materialism and militarism are incapable of being conquered." We failed to heed his warning back then. Will we make a different choice today?

## Where to cry in an open office

Ji Ji Lee

Your company designed an open office space to break barriers and encourage interaction, but that makes it much harder to sob over a spreadsheet. Here are the best places to cry without your co-workers interrupting you.

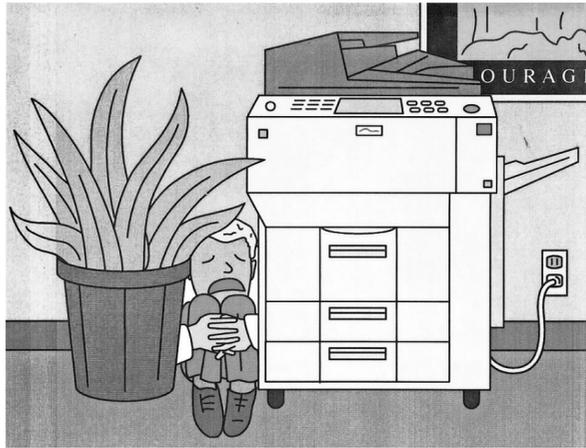
**AT YOUR DESK WITH YOUR HEADPHONES ON:** The trick is to release your tears one at a time. Tears are a dead giveaway that you're doing crying stuff and not work stuff.

**AT RAVI'S STANDING DESK:** The dry cleaning he's always hanging on it will provide partial coverage. Plus, crying at a sit/stand desk is so much better for your posture.

**BY THE WATER COOLER:** Boost collaboration with your co-workers by taking turns to openly weep. They might hesitate at first, but remind them it's easier to cry in person than via email.

**BEHIND YOUR SUCCULENT:** Sure, the company removed all the walls but at least it added Instagram-worthy décor. The company will be thrilled that you're getting so choked up over its long-term investment in plants.

**BEHIND GARY, THE COLLEGE INTERN:** Your crying will be obscured by Gary's long lectures on the egalitarian benefits of an



GEORGE WYLESOL

open office and how he took a class on labor and productivity, so he gets it.

**AT THE PRINTER:** The hum of the printer will muffle any sobs as well as your co-worker's loud and explicit conversation about her cosmetic skin graft.

**IN FRONT OF THE WHITEBOARD:** Brainstorm ideas for your company's product

launch while also doing a mind map of the emotions you plan to release in Q4.

**INTO YOUR POKE BOWL:** Pretend you're crying about the appropriation of Hawaiian food culture and not the disintegration of autonomy in the workplace.

**AT THE TEAM MEETING:** This is fine as long as you don't do that crying-spasm

thing. Feel a spasm coming on? Just hold your breath like you'd hold in a hiccup. Do this for as long as you can. Your team won't know you're crying because you'll be unconscious.

**IN THE ELEVATOR:** A temporary refuge before the company halts elevator service to encourage employees to take the stairs and/or never leave the office.

**BY THE SNACK WALL:** All the low-cal yet high-energy snacks will fuel you for the next eight hours of crying.

**BY YOUR C.E.O.'S WORK STATION:** Flatten hierarchies by sobbing in front of your company leader. Open offices were made to foster communication, so introduce yourself and say, "Hi, I'll never make as much money as you!"

**THE CENTER OF THE OFFICE:** The company doesn't believe in walls, so why build one around your emotions? Let it go and play the "Frozen" soundtrack while you're at it.

Do a cartwheel that turns into a split and then cry onto Colleen's emotional support dog. You have the space for it! After all, the company wanted to increase productivity and you've never been more efficient with your crying in your life.

**THE RESTROOM:** This is where everyone goes to cry. Anticipate long lines.

Ji Ji Lee is a comedian and writer in New York.