

# *Philosophy Ripped From The Headlines!*



**Issue #4, December 2017**  
**Compiled & Edited by *Philosophy Without Borders***

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# 1. “What Did Bernie Sanders Learn in His Weekend in Canada?”

By Margaret Sanger-Katz

The New York Times 2 NOVEMBER 2017

URL = <https://www.nytimes.com/2017/11/02/upshot/bernie-sanders-went-to-canada-and-learned-a-few-things.html>



Credit Aaron Vincent Elkaim for The New York Times

TORONTO — As he tells it, Senator Bernie Sanders of Vermont fell in love with the Canadian health system 20 years ago when he brought a busload of his constituents across the border to buy cheaper prescription drugs. Now he wants to make Americans fall in love with his proposal to make the United States system a lot more like Canada’s.

That’s one reason he took the equivalent of a busload of staffers, American health care providers and journalists to Toronto last weekend, in a two-day trip that was part immersion, part publicity tour. Canadian government officials and hospital executives showed him high-tech care, compassionate providers and satisfied patients, all as videographers recorded.

He ended the trip with a speech at the University of Toronto titled, “What the U.S. Can Learn From Canadian Health Care.”

But our question is this: What did Bernie Sanders learn from his weekend in Canada?



Credit Aaron Vincent Elkaim for The New York Times

### **Lesson 1: He’s a ‘rock star’**

Mr. Sanders — after wedging himself into Row 21 and taking extensive notes on a legal pad during the flight — had barely gotten off the plane in Toronto when an airport security guard chased him down the hallway, telling him, “You’re like a hero to me.”

A team of cardiac nurses at Toronto General Hospital asked to take pictures after he toured their unit. At a full 1,600-seat university auditorium on Sunday, he received repeated and sustained standing ovations. College students waited for hours to get into the auditorium and see him speak.

Mr. Sanders, who drew huge crowds as a presidential candidate in the United States last year, learned firsthand that he is also a household name in Toronto. His policy vision, decidedly from the left in the United States, matches mainstream Canadian views.

“You received the welcome here that is normally reserved for celebrity rock stars,” said Greg Marchildon, the director of the North American Observatory on Health Systems and Policies at the University of Toronto.

Ed Broadbent, the chairman of the progressive Broadbent Institute, called Mr. Sanders the most important social democrat in North America — even though Mr. Sanders is not a Canadian social democrat, and is not even a particularly powerful member of the Senate.



Credit Aaron Vincent Elkaim for The New York Times

## **Lesson 2: Doctors like the system as much as patients do**

Many developed countries have achieved universal health coverage, but Canada is relatively distinct in its insistence that individuals should not have to pay any money at the point of care. When Canadians go to the doctor or hospital, they just show their Canadian “Medicare” card.

At Women’s College Hospital, executives showed Mr. Sanders an empty billing window. The hospital, they told him, has one employee who manages bills. “For the entire hospital?” Mr. Sanders said, in mock disbelief.

Several patients told him about the comfort that comes from not having to pay for their care directly. And doctors, too, said they felt more comfortable recommending their patients get an operation or see a specialist than they might if those treatments weren’t free.



“I didn’t have to fill out any forms; I didn’t have to worry about how I was going to pay for the simple job of staying alive,” said Lilac Chow, a kidney transplant patient at Toronto General Hospital, who had been brought in to share her experience with the senator.

Whenever Mr. Sanders was asked what he learned about the Canadian system, the value of free care came up.

“What I think stuck out to me was from both the patients and the physicians, the importance of not having to worry about money in terms of the doctor-patient relationship,” he said in an interview after his trip on Tuesday.

His Medicare-for-All bill includes free care as a central feature. If the legislation became law, no American would pay directly for a doctor, dentist or hospital visit, and co-payments for prescription drugs would be limited. (Taxpayers would, of course, finance the system.)



Credit Aaron Vincent Elkaim for The New York Times

### **Lesson 3: Sometimes, you have to wait**

At a round-table discussion at Women’s College Hospital, the chief of surgery noted that Canadian patients can’t always get all the care they want right away. “Wait times, you could argue are a problem for certain procedures,” said Dr. David Urbach, before discussing the ways the province and hospital were working to shorten the lines. Mr. Sanders quickly turned to the

glass-half-full interpretation. “What you are arguing — correct me if I’m wrong — is that waiting times are not a problem, and it’s an issue you are dealing with,” he said.

In Canada, where government finances health insurance and the private sector delivers a lot of the care, patients with life-threatening emergencies are treated right away. But patients with cataracts or arthritis often have to wait for operations the Canadian system considers elective. A governmental review of the Ontario system [recently found](#) that wait times were getting worse in some cases, like knee replacements.

The Canadian system puts hospitals on a budget and limits the number of specialists it trains, both factors that can lead to lines for complex care that’s not life-threatening. The system also limits access to services, like M.R.I. scans, that are much more abundant south of the border.

On his weekend tour, Mr. Sanders didn’t see the places where patients might wait. Hospital executives instead showed him a refugee primary care clinic, a neonatal intensive care unit and a cardiac surgery unit.

But he points out that many Americans who are uninsured — or who have limited savings and insurance with high deductibles — may wait even longer than Canadians for elective, or even urgent, care.

“If you’re very, very rich, you’ll get the highest-quality care immediately in the United States,” Mr. Sanders said, in the interview. “If you’re working class, if you’re middle class, it is a very, very different story.”



The Commonwealth Fund, a health research group, ranked the United States health system at the bottom of its most recent [11-country rankings](#), published in July. But Canada did only a little better, at No. 9. Of all the measures in the study, Canada ranked the [worst on the “timeliness”](#) of care. (A team of Upshot experts eliminated Canada in the first round in an eight-country [virtual bracket tournament](#) of international health system performance.)

Any single-payer system will need to grapple with how much it should spend over all, and where it will save money. Mr. Sanders’s Medicare-for-All bill currently [includes few details](#) about how

the government would set budgets and allocate resources once all Americans were brought into the government system.



Credit Christopher Katsarov/The Canadian Press, via Associated Press

#### **Lesson 4: Even Canada’s system has holes**

Mr. Sanders wants to bring big, sweeping change to the American health care system. Unlike the Affordable Care Act, which filled in holes in an existing system, his Medicare-for-All plan would take away the health coverage that most Americans hold now, replacing it with a single, very generous government system. It would do away with the premiums, deductibles and co-payments that individuals and businesses pay for health care, and instead impose large tax increases.

That is not the kind of change [that would be politically trivial](#). In his speech, he noted that the creation of a single-payer system in Canada and Britain followed grass-roots movements, and political landslides by the parties that favored the change. “Real change always happens from the bottom up,” he said, to big applause. “You’ve got to struggle for it. You’ve got to fight for it. You’ve got to take it. And that is the history of all real change in this world.”

Yet even in Canada, he learned, changes to the health care system have been difficult. The Canadian system, with insurance run at the province level, covers doctors and hospitals. But decades after the 1984 Canada Health Act, many Canadians pay for supplemental private insurance through their jobs for prescription drugs, dentistry and optometry — despite a growing recognition that medications are essential to care.

“Any one of us around the table is just a job loss away from having access to prescription medications, and that’s a problem,” said Danielle Martin, a vice president at Women’s College Hospital and policy researcher, who helped organize the trip, at a round-table discussion.

“I’m on my own going to the dentist,” said Naomi Duguid, a patient, sitting across the table. “It’s the only time I get to experience what it must be like to be an uninsured American.”



Ontario has recently started a program that will provide coverage for medications to residents under 25. And there is a patchwork of drug coverage programs for older people, the poor and those who get insurance from work. But even in Canada, it's tough to find the resources to expand coverage.

“We have to find the money to fund the program up front,” said Kathleen Wynne, the premier of Ontario, who helped establish the youth drug coverage program.



Mr. Sanders visited Frederick Brownridge, who recently had a double bypass, at Toronto General Hospital. Credit Aaron Vincent Elkaim for The New York Times

### **Lesson 5: Canadians seem to value fairness more than Americans do**

Equity. Fairness. Throughout the weekend, Mr. Sanders kept asking Canadians what they thought about the higher taxes they'd paid to finance their system. Every one among the patients and doctors selected to meet him said the trade-off was worth it because it made the system fair.

“I think it's a really fair way to do it,” said Frederick Brownridge, 67, of Etobicoke, Ontario, as he sat by the window in his Toronto General Hospital room, with IV lines in his arms. Mr. Brownridge had had two heart valves repaired and a double bypass three days earlier. “It also means if you're in a lower economic status or higher economic status, you'll get the treatment you need.”

On Tuesday, Mr. Sanders said the uniformity of this message really stuck out to him: “There really is, I think, a deep-seated belief in Canada that health care is a right, and whether you’re rich or whether you’re poor or whether you’re middle class, you are entitled to health care.”

In the United States, though, Republicans control the presidency and the Congress, and many candidates last year ran on a promise to roll back government support for health care coverage.

Several recent [public opinion surveys](#) show majority support for a government guarantee of health coverage, but support declines substantially when pollsters mention that government coverage would mean higher taxes.

Mr. Sanders said he knows his bill isn’t going to become law anytime soon, but he thinks discussing the idea will help make its underlying values more broadly acceptable.

“When you talk about health care, you’re not just talking about health care,” he said in his Toronto speech. “You’re talking about values, because how a society deals with health care is more than medicine. It’s more than technology. It is about the values that those societies hold dear.”

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### **ONE Follow-Up:**

Is the following argument sound? If so, why? If not, why not?

1. The Canadian “single-payer” (i.e., universal, publicly-funded) health care system conforms well to universal moral values, even if it has some minor technical flaws.
2. The USA believes itself to be an exceptional nation.
3. Therefore, the USA is rationally and morally justified in refusing to implement a single-payer healthcare system on the grounds that it is not sufficiently similar to Canada.

**ONE Link:** “Comparison of the Healthcare Systems in Canada and the United States”:

[https://en.wikipedia.org/wiki/Comparison\\_of\\_the\\_healthcare\\_systems\\_in\\_Canada\\_and\\_the\\_United\\_States](https://en.wikipedia.org/wiki/Comparison_of_the_healthcare_systems_in_Canada_and_the_United_States)

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## 2. “What Explains U.S. Mass Shootings? International Comparisons Suggest an Answer”

By Max Fisher and Josh Keller

The New York Times 7 November 2017

URL = <https://www.nytimes.com/2017/11/07/world/americas/mass-shootings-us-international.html>

When the world looks at the United States, it sees a land of exceptions: a time-tested if noisy democracy, a crusader in foreign policy, an exporter of beloved music and film.

But there is one quirk that consistently puzzles America’s fans and critics alike. Why, they ask, does it experience so many mass shootings?

Perhaps, some speculate, it is because American society is unusually violent. Or its racial divisions have frayed the bonds of society. Or its citizens lack proper mental care under a health care system that draws frequent derision abroad.

These explanations share one thing in common: Though seemingly sensible, all have been debunked by research on shootings elsewhere in the world. Instead, an ever-growing body of research consistently reaches the same conclusion.

The only variable that can explain the high rate of mass shootings in America is its astronomical number of guns.



Outside the First Baptist Church of Sutherland Springs, Tex., after a mass shooting on Sunday. Credit Callie Richmond for The New York Times

## A Look at the Numbers

The top-line numbers suggest a correlation that, on further investigation, grows only clearer.

Americans make up about 4.4 percent of the global population but own 42 percent of the world's guns. From 1966 to 2012, 31 percent of the gunmen in mass shootings worldwide were American, according to a 2015 study by [Adam Lankford](#), a professor at the University of Alabama.

Adjusted for population, only Yemen has a higher rate of mass shootings among countries with more than 10 million people — a distinction Mr. Lankford urged to avoid outliers. Yemen has the world's second-highest rate of gun ownership after the United States.

Worldwide, Mr. Lankford found, a country's rate of gun ownership correlated with the odds it would experience a mass shooting. This relationship held even when he excluded the United States, indicating that it could not be explained by some other factor particular to his home country. And it held when he controlled for homicide rates, suggesting that mass shootings were better explained by a society's access to guns than by its baseline level of violence.

## Factors That Don't Correlate

If [mental health](#) made the difference, then data would show that Americans have more mental health problems than do people in other countries with fewer mass shootings. But the mental health care [spending rate](#) in the United States, the number of mental health professionals per capita and the rate of severe [mental disorders](#) are all in line with those of other wealthy countries.

A 2015 study [estimated](#) that only 4 percent of American gun deaths could be attributed to mental health issues. And Mr. Lankford, in an email, said countries with high suicide rates tended to have low rates of mass shootings — the opposite of what you would expect if mental health problems correlated with mass shootings.

Whether a population plays more or fewer video games also appears to [have no impact](#). Americans are no more likely to play video games than people in any other developed country.

Racial diversity or other factors associated with social cohesion also show little correlation with gun deaths. Among European countries, there is little association between immigration or other diversity metrics and the rates of gun murders or mass shootings.

## A Violent Country

America's gun homicide rate was 33 per million people in 2009, far exceeding the average among developed countries. In Canada and Britain, it was 5 per million and 0.7 per million, respectively, which also corresponds with differences in gun ownership.

Americans sometimes see this as an expression of deeper problems with crime, a notion ingrained, in part, by a series of films portraying urban gang violence in the early 1990s. But the



United States is not actually more prone to crime than other developed countries, according to a [landmark 1999 study](#) by Franklin E. Zimring and Gordon Hawkins of the University of California, Berkeley.

Rather, they found, in data that has since been [repeatedly confirmed](#), that American crime is simply more lethal. A New Yorker is just as likely to be robbed as a Londoner, for instance, but the New Yorker is 54 times more likely to be killed in the process.

They concluded that the discrepancy, like so many other anomalies of American violence, came down to guns.

More gun ownership corresponds with more gun murders across virtually every axis: among [developed countries](#), among [American states](#), among [American towns and cities](#) and when [controlling](#) for crime rates. And gun control legislation tends to reduce gun murders, according to a [recent analysis](#) of 130 studies from 10 countries.

This suggests that the guns themselves cause the violence.



An investigator among thousands of personal items left behind after a gunman opened fire in Las Vegas last month. Credit John Locher/Associated Press

### **Comparisons in Other Societies**

Skeptics of gun control sometimes point to a [2016 study](#). From 2000 and 2014, it found, the United States [death rate](#) by mass shooting was 1.5 per one million people. The rate was 1.7 in Switzerland and 3.4 in Finland, suggesting American mass shootings were not actually so common.



But the same study found that the United States had 133 mass shootings. Finland had only two, which killed 18 people, and Switzerland had one, which killed 14. In short, isolated incidents. So while mass shootings can happen anywhere, they are only a matter of routine in the United States.

As with any crime, the underlying risk is impossible to fully erase. Any individual can snap or become entranced by a violent ideology. What is different is the likelihood that this will lead to mass murder.

In China, about a dozen seemingly random attacks on schoolchildren killed 25 people between 2010 and 2012. Most used knives; none used a gun.

By contrast, in this same window, the United States experienced five of its deadliest mass shootings, which killed 78 people. Scaled by population, the American attacks were 12 times as deadly.

### **Beyond the Statistics**

In 2013, American gun-related deaths included 21,175 suicides, 11,208 homicides and 505 deaths caused by an accidental discharge. That same year in Japan, a country with one-third America's population, guns were involved in only 13 deaths.

This means an American is about 300 times more likely to die by gun homicide or accident than a Japanese person. America's gun ownership rate is 150 times as high as Japan's. That gap between 150 and 300 shows that gun ownership statistics alone do not explain what makes America different.

The United States also has some of the weakest controls over who may buy a gun and what sorts of guns may be owned.

Switzerland has the second-highest gun ownership rate of any developed country, about half that of the United States. Its gun homicide rate in 2004 was 7.7 per million people — unusually high, in keeping with the relationship between gun ownership and murders, but still a fraction of the rate in the United States.

Swiss gun laws are more stringent, setting a higher bar for securing and keeping a license, for selling guns and for the types of guns that can be owned. Such laws reflect more than just tighter restrictions. They imply a different way of thinking about guns, as something that citizens must affirmatively earn the right to own.



A vigil after the Las Vegas attack. Credit Hilary Swift for The New York Times

### **The Difference Is Culture**

The United States is one of only three countries, along with Mexico and Guatemala, that begin with the opposite assumption: that people have an inherent right to own guns.

The main reason American regulation of gun ownership is so weak may be the fact that the trade-offs are simply given a different weight in the United States than they are anywhere else.

After Britain had a mass shooting in 1987, the country instituted strict gun control laws. So did Australia after a 1996 shooting. But the United States has repeatedly faced the same calculus and determined that relatively unregulated gun ownership is worth the cost to society.

That choice, more than any statistic or regulation, is what most sets the United States apart.

“In retrospect Sandy Hook marked the end of the US gun control debate,” Dan Hodges, a British journalist, wrote in [a post on Twitter](#) two years ago, referring to the 2012 attack that killed 20 young students at an elementary school in Connecticut. “Once America decided killing children was bearable, it was over.”

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**ONE Follow-Up:**

Is the following argument sound? If so, why? If not, why not?

1. Statistical evidence shows that there is a very high positive correlation between the outstandingly large number of mass shootings in the USA and the outstandingly large number of guns owned and used in the USA.
2. The legal right to own and use guns is enshrined in the Second Amendment to the US Constitution.
3. The USA believes itself to be an exceptional nation.
4. Therefore, the USA is rationally and morally justified in refusing to repeal the Second Amendment and ban, or at least radically restrict, the ownership and use of guns.

**ONE Link:** “America’s Passion for Guns: Ownership and Violence By the Numbers”: <https://www.theguardian.com/us-news/2017/oct/02/us-gun-control-ownership-violence-statistics>

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### 3. “Why the U.S. Needs a Federal Jobs Program, Not Payouts”

By ROBERT E. RUBIN

The New York Times 8 NOVEMBER 2017



Credit Emily Berl for The New York Times

Last winter, a Detroit woman seeking financial stability walked into a local job-readiness center, supported by a national community development nonprofit called [LISC](#). She enrolled in an eight-week job-preparedness program that taught her the skills needed to land an apprenticeship in the building trades. Seven months, four certifications and a union card later, the woman, Tiffany, is working full-time — with benefits — as a millwright apprentice, installing and repairing factory machinery. She finds the work fulfilling and is up for a raise in a few months.

The need to help people like Tiffany, who did not want her last name used, will grow only more acute: Job dislocation and wage pressure caused by rapid technological development and globalization are likely to persist for a long time. These forces can contribute powerfully to productivity and growth, but they have worsened problems in our economy, from stagnant wages to the lack of opportunities for those with less education.

Too many people lack access to entry-level jobs with good wages, especially in industries like manufacturing, where activity is actually near a high. The reason is that technology has enabled this work to be done by far fewer employees — or it’s not being done at all, because workers don’t have the specialized skills certain jobs demand.

That's where a robust federal jobs program could help. Millions of Americans could work in high-need areas rebuilding and repairing crumbling roads and bridges or taking care of the elderly. The jobs should pay a living wage (even during the training phase), come with good benefits and be widely available, including to the formerly incarcerated. The program could include both public jobs and subsidized private employment, either temporary or longer-term. The jobs would provide credentials and hard and soft skills through on-the-job training, which could then facilitate a transition into unsubsidized private-sector employment. We should also invest in more vocational training and apprenticeships, like the one Tiffany landed.

Though public jobs programs are associated with Democrats, Kevin Hassett, chairman of the Trump administration's Council of Economic Advisers, recently [backed the idea](#), creating the possibility of bipartisan support.

Public employment should be viewed not as a social program but as a public investment with a high rate of return. The return is increased economic output, coupled with the development of human capital — which increases productivity and the size of the effective labor force — in a population and economy that badly need it. That human capital, in turn, could catalyze more business investment and activity in low-income neighborhoods, which would further promote economic growth.

But instead of embracing a large-scale federal jobs program, some people — especially [in Silicon Valley](#) — have rallied behind a different policy response to job and wage pressures created by artificial intelligence, robotics and other forces: the universal basic income. The basic income would provide a sizable government payment, meant to support a minimum standard of living, to every American regardless of economic status. Instead of helping Tiffany find work as a millwright, the government would just write her a check.

The universal basic income wouldn't help people upgrade skills and be more successful in the labor market, or generate useful economic output, or give them the sense of purpose and dignity that comes from work. Public employment, however, would provide these social and economic benefits — and a paycheck.

People like Tiffany want to be productive members of the work force and have opportunities for advancement. The basic income is defeatist — the solution to our jobs problem is not to give up on equipping workers with the skills they need for a changing economy. Instead, a federal jobs program would provide people with work that is both personally meaningful and economically beneficial.

And there's also the issue of the basic income's huge cost. The poverty expert Robert Greenstein has shown that the universal basic income would carry [an annual cost in the trillions of dollars](#). Given our country's fiscal conditions, the jobs program should be paid for — and not with fanciful growth claims some use to justify tax cuts. I'm convinced that a program of this nature would have multiple beneficial effects for our economy that would far outweigh its cost, including strengthening our tattered social fabric.



If we don't put in place a constructive response to wage and job pressures, we could face ever-greater difficulty attracting public support for sound economic policy. While we pursue public employment, we must also help those who can't work because of health or family circumstances, by, for example, extending the child-tax credit to the poorest children. And we should protect other programs that support low-income people or prepare them for the work force, such as Medicaid, food stamps, job training, child care and the earned-income tax credit.

The federal jobs program I've described doesn't have the intuitive simplicity of the universal basic income. But it serves critical purposes that the basic income doesn't and should be an integral part of a broad-based agenda to address rapidly changing economic conditions. Adopting a federal jobs program could enhance our work force and increase our nation's output while providing people with the self-worth and economic opportunity that work can provide.

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### **ONE Follow-Up:**

Is the following argument sound? If so, why? If not, why not?

1. The simultaneous implementation in the USA of (i) a generous and intelligently-designed universal basic income (UBI) system and also (ii) a federal program for meaningful, publicly-beneficial jobs with high minimum wages and a 15-hour workweek, that could be held concurrently with receiving a UBI, are mutually compatible with one other, provided that a fair and progressive taxation system is also implemented.
2. The USA believes itself to be an exceptional nation.
4. Therefore, the USA is rationally and morally justified in refusing to implement a generous and intelligently-designed universal basic income system and also a federal program for meaningful, publicly-beneficial jobs with high minimum wages and a 15-hour workweek, that could be held concurrently with receiving a UBI, provided that a fair and progressive taxation system is also implemented, on the grounds that these are mutually inconsistent and too expensive.

**ONE Link:** "Liberation From Fear in The Age of Trump 2: The Job Dilemma":  
<https://medium.com/@bobhannahbob1/liberation-from-fear-in-the-age-of-trump-2-the-job-dilemma-b6282d0d8758>

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## 4. “Top US Universities Use Offshore Funds to Grow Their Huge Endowments”

By Ed Pilkington

The Guardian 8 NOVEMBER 2017

URL = <https://www.theguardian.com/news/2017/nov/08/us-universities-offshore-funds-endowments-fossil-fuels-paradise-papers>



Northeastern is one of 12 US universities to invest in a hedge fund involved in oil and gas. Photograph: Paul Marotta/Getty Images

More than 100 US universities and colleges have interests offshore where they pay little or no tax and seek to grow their already phenomenal riches away from public scrutiny, the [Paradise Papers](#) reveal.

With combined endowments of more than \$500bn (£378bn), the leaked documents show universities have become big players in offshore games. In contrast to the stated mission of open discourse espoused by many prestigious seats of higher education, investments are frequently held in secret entities that help them minimize their contribution to the public purse.

Most contentiously, some of the offshore funds are invested in carbon-polluting industries, despite leading [US universities](#) playing a key role in the fight against climate change.

In total, 104 US universities and colleges are named in data from the law firm Appleby. They include Ivy League institutions such as Princeton, as well as some of America's best-known state schools such as Rutgers in New Jersey and Ohio State.

Four of the [top 10 schools by endowment](#) are in the files: Columbia, Princeton, Stanford and the University of Pennsylvania. Between them, they have reserves of \$73.7bn.

Appleby's files list 45 offshore concerns, including private equity and hedge funds mainly in Bermuda and the Cayman Islands, as recipients.

Typical of the entries is Northeastern University in [Boston](#), which prides itself on being at the forefront of sustainability. In April, it invited Elizabeth Warren, the Democratic senator from Massachusetts, to open its \$225m Interdisciplinary Science and Engineering Complex (ISEC).

The building has sun-shading aluminium fins that lead into a bright six-storey atrium dominated by a white spiral staircase.

Northeastern describes ISEC as a "research village" where students can build a humanoid robot named Valkyrie with the help of Nasa, develop cybersecurity tools to protect data and use infrared rays to destroy cancer cells.



The Interdisciplinary Science and Engineering Complex at Northeastern University in Boston. Photograph: Rick Friedman for the Guardian

But despite the complex's ideals and goals, which include seeking solutions to rising sea levels and pollution, Northeastern is one of 12 prominent US universities and colleges named in the

Paradise Papers as investors in EnCap Energy Capital Fund IX-C, a hedge fund based in the Cayman Islands.

The fund acts as a feeder to a subsidiary based in Houston, Texas, of EnCap Investments, one of the world's largest private equity companies, which describes itself as the "leading provider of venture capital to independent oil and gas companies".

Since 1988, the company has pumped almost \$20bn into oil and shale gas exploration and production, with investments in Utica shale in Ohio and Pennsylvania, oil in the [Permian Basin](#) of Texas, and Haynesville and Bossier shale in western Louisiana.

Academic institutions that have put money into EnCap include state schools such as Alabama, Rutgers and Washington State (WSU), and private institutions such as Syracuse University and Reed College.

Northeastern's secret investment in an aggressive financial backer of carbon-emitting industries came as a surprise to members of DivestNU, a [coalition of student groups](#) campaigning for a fossil-fuel-free campus.

James DeCunzo, 19, a DivestNU organizer, said: "The university's motto is 'light, truth and virtue'."

"Now we learn that the leadership team has been operating in darkness, violating their own green principles by investing in oil and gas, and going offshore to pay less tax."

DivestNU has spent the past four years trying to persuade the university to reveal information about its fossil fuel investments, with little success. In July 2016, [Northeastern's senior leadership team announced](#) that it would invest \$25m of its endowment in clean energy and renewables, boasting that the institution was a "leader in sustainability practices".

But in the same breath the administration, whose vice-chair of the board of trustees, Ed Galante, is a former senior vice-president of [ExxonMobil](#), declared that it was opposed to divestment. "We have deliberately chosen to invest, not divest," it said.

The students of DivestNU see Northeastern's investment in EnCap's offshore hedge fund as confirmation of a critical flaw in its approach. DeCunzo said: "Northeastern has an opportunity to be a leader in how it uses its endowment for impactful, socially responsible investments. But the way things are now, the values of our investments are out of alignment with the values of our teaching."





James DeCunzo, a third-year student at Northeastern University and campaigner against fossil fuels. Photograph: Rick Friedman for the Guardian

As of June 2016, [Northeastern's endowment was \\$702m](#), about average for a major US school. The Guardian asked the university to disclose how much of this reserve was invested offshore, but it declined to do so, saying only that the investments were “limited”.

In a statement, the university said all of its investments were “managed to maximize the opportunities for furthering our educational and research mission. It is important that we diversify our portfolio to maximize the return on these investments within the strict guidelines of the law”.

It is impossible to say how many tax havens Northeastern uses or how much it invests in the Cayman Islands offshoot of EnCap. However, given that many hedge funds are based offshore it is likely that some of the \$320m it has invested in private equity, hedge funds and alternative investments is held in tax havens.

At the University of Pittsburgh, another investor in EnCap in the Cayman Islands, students have learned that about one-third of its \$3.5bn endowment is directly invested, of which \$26m has gone into fossil fuel industries.

Anaïs Peterson of the Fossil Free Pitt Coalition said: “We are concerned about the lack of transparency, as two-thirds of the endowment is just a mystery to us.”

“We are suspicious about where that huge segment of the endowment is going.”



Universities' collective move offshore has been propelled by huge recent growth in their endowments, with the [latest figures from Nacubo](#), the association of academic business officers, showing that the leading 805 schools in the US amassed an eye-watering \$515bn in 2016.

As reserves have swelled, cash has increasingly been directed towards “alternative strategies” such as hedge funds, venture capital and private equity, many of which exist offshore. These [made up 52% in 2016](#) – equivalent to about \$268bn – up from 20% in 2002.

Tax experts believe the amount invested offshore is substantial given the tax advantages of putting alternative investments in tax-exempt jurisdictions such as Bermuda. A [study by Norman Silber and John Wei](#) of Yale estimates that offshore sums may be greater than \$100bn.



Boats moored in Hamilton Harbour in Bermuda. Photograph: Alamy

Silber, a senior research scholar at Yale, said: “The riskiness of investments is no longer required to be transparent. This is a problem for the public, but it’s also a problem for boards of directors, as even they are being kept in the dark.”

Under the current US tax structure, schools have an incentive to move offshore because it allows them legally to avoid paying federal tax on hedge fund and private equity investments.

Universities increasingly seek to shield themselves from the tax on unrelated business income by funneling their endowment money through so-called “blocker corporations”, which pay no tax if they are set up offshore.

There are several offshore blocker corporations with university partners named in the Paradise Papers. Among them is EnCap Energy Capital Fund IX-C, which is mentioned in Appleby's files as "treated as a corporation for US income tax purposes – blocker corporation".

Other blockers to be found among the millions of documents in the Paradise Papers include H&F Investors Blocker in Bermuda. Until it was dissolved in 2011, it had Columbia, Dartmouth, Johns Hopkins, Stanford and the University of Southern California (USC) among its partners.

In the Cayman Islands, Genstar Capital Partners V HV, a subsidiary of a [company specializing in buyouts](#), services Colgate University, Dartmouth, Stanford and Gothic Corporation, which provides financial support to Duke University in Durham, North Carolina.

The Guardian contacted all the universities and colleges named in this piece. Other than Northeastern, only four responded. None of the four – Dartmouth, Stanford, USC and WSU – would disclose how much money they had offshore.

Dartmouth said it invested in offshore funds at the choice of investment managers, but did not avoid taxes. The college reports all taxable income and pays the same US taxes as if the funds were held domestically, it said.

Stanford said that as a charitable institution, its income from the endowment was essential to support research and provide financial assistance to students unable to afford its fees. As for the offshore portion, "Stanford looks to minimize its tax burden within the limits set by law", it said.

USC said the now inactive Bermuda blocker it invested in was "not an opaque investment" and insisted it included all its investments in university tax filings. WSU pointed out that its endowment was managed by a legally separate foundation independently responsible for all investment decisions.

The proliferation of offshore endowment investments that pay minimal or no tax on their returns presents students at many of the leading US schools with a dilemma. On the one hand, they know they personally benefit from the profits that flow on to their campuses, but on the other, they have serious ethical qualms.

Alissa Zimmer, 22, one of the founding members of DivestNU, receives about \$40,000 a year in subsidies to her tuition fees, spent four months largely tuition-fee-free on a study program in Rio de Janeiro, and has access to state-of-the-art facilities such as ISEC.

When challenged by other students as to why she is protesting over Northeastern's policy while accepting financial aid, Zimmer said she replies: "Sure, I'm benefiting from Northeastern and its wealth, but that's not a reason to stay quiet.

"It's a reason to speak out, to improve the university for those who come after me."

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**ONE Follow-Up:**

Is the following argument sound? If so, why? If not, why not?

1. The twofold purpose of higher education is (i) through research, the pursuit of knowledge, the arts, and learning for their own sakes, with full freedom of thought and expression, and (ii) through teaching, the cultivation of intellectual and moral virtues in students, especially including the capacities to think critically and act autonomously (aka “enlightenment”).
2. Therefore, wealthy institutions of higher education should have large investment portfolios that are “managed to maximize the opportunities for furthering [their] educational and research mission,” and in so doing “[i]t is important that they diversify [their] portfolio to maximize the return on these investments within the strict guidelines of the law,” by heavily investing in offshore tax shelters.

**ONE Link:** “Endowments Boom as Colleges Bury Earnings Overseas”:  
[https://www.nytimes.com/2017/11/08/world/universities-offshore-investments.html?\\_r=0](https://www.nytimes.com/2017/11/08/world/universities-offshore-investments.html?_r=0)

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## 5. “Chimps Tailor Alarms to What Other Chimps Know”

By James Gorman

The New York Times 15 NOVEMBER 2017

URL = <https://www.nytimes.com/2017/11/15/science/chimpanzees-communication-language.html>

One of the biggest problems in studying animal communication is figuring out whether the animals know what they are doing. A bird may screech and another bird may understand that the screech is a response to danger. But that doesn't prove the screecher intended to warn others. It might have been a predictable but involuntary response to something scary, like a scream at a horror movie.

So scientists spend a lot of time testing animals in ingenious ways to figure out what might be going on. Three scientists testing wild chimpanzees in Uganda reported Wednesday in the journal [Science Advances](#) that chimpanzees can do something that previously had only been known in human beings. They change the way they are communicating to take into account what their audience knows.

Humans do this all the time. To a fellow baseball fan you might say, “So, there's a runner on third, one out, bottom of the ninth, and McAfee hits a sac fly.” To someone from another planet, you might say, “There was a really exciting moment in a sporting event I was attending last night.” Or you might just forget it.

Catherine Crockford and Roman M. Wittig of the Max Planck Institute for Evolutionary Anthropology in Leipzig, Germany, and Klaus Zuberbühler of the University of St. Andrews in Scotland were studying wild chimpanzees in Uganda, so the subject of their communication was snakes, not baseball. When a chimp saw a realistic model of a snake, the animal would make more sounds — called hoos — and make a greater effort to show where the snake was if it seemed that other chimps in the area were unaware of the danger. If it seemed other chimps already knew about the snake, it would make fewer calls and stay a shorter time at the danger.

To run the experiment, the researchers put a model snake on a path chimpanzees used. When a chimp came along, before it reached the snake, they would play two different chimp calls — either a “rest hoo” or several “alert hoos.” The rest hoo would be made by a chimp that was resting, not aware of any danger. The alert hoos would indicate the chimp who made it had seen something dangerous, like a snake. So the chimp on the trail would know either that its neighbors were clueless or aware of danger.

Shortly after the researchers played the calls, the chimp on the trail would encounter the realistic model of a snake. After hearing alert hoos, chimps that encountered the snake made their own alert hoo, like a driver on Waze alerting others of a problem on the road. But chimps that thought



their fellows were unaware of the road hazard made more alert hoo calls. They also stayed longer to look back and forth from the snake to where they thought their companions were. That's the way chimps try to show their friends where a danger is.

The significance of the finding, Dr. Crockford said, is that it challenges the view that only humans keep track of what others know and change their communication to match. "This experiment shows they are monitoring their audience," she said of the chimps.

And it adds to the debate over the evolution of language, a discussion that is spread over different fields — biology, philosophy and linguistics. One argument is that the appearance of human language is something so different that it marks a clear break with what went before. The other is that language, like other behaviors, has precursors and can be seen to have evolved from earlier kinds of communication. By showing that chimps do something that only humans were thought to do, the results, she said, "make it harder to rule out continuity."

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### **ONE Follow-Up:**

If chimpanzees are able to communicate by understanding the beliefs and intentions of other members of their own species, then are they, like healthy, normal human animals, rational animals, and therefore non-human persons? If so, why? But if not, why not?

**ONE Link:** "Chimps May Be Capable of Comprehending the Minds of Others":  
<https://www.scientificamerican.com/article/chimps-may-be-capable-of-comprehending-the-minds-of-others/>

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## 6. “This is Manus Island”

By Damian Cave

The New York Times 18 NOVEMBER 2017

URL = <https://www.nytimes.com/interactive/2017/11/18/world/australia/manus-island-australia-detainees.html>

The men packing the boat with rice, cigarettes and medicine had fled war and persecution in their home countries.

Now, at 1 a.m., off the coast of a remote island in Papua New Guinea, they were speeding back to the detention camp they hated.

Why, I asked, would they return to the prisonlike “refugee processing center” where they had been trapped for nearly five years?

“We have brothers to feed,” said Behnam Satah, 31, a Kurdish asylum seeker, as we cruised over moon-silvered waves on a hot November night. “We have brothers who need help.”



Secret supply runs maintain the camp’s solidarity.



Power, food and water were cut off weeks ago.



The asylum seekers have been trapped for years.



Some holdouts struggle with anxiety and depression.

More than 1,300 asylum seekers [have been dumped on Manus Island](#) since the end of 2012 as part of Australia's contentious policy to keep migrants from reaching its shores. They were all but forgotten until last month when [Australia's attempt to shut down the center](#) and move the men to facilities near the island's main town of Lorengau hit resistance.

Hundreds of the men refused to leave.

Many said they were afraid to move closer to town, where some had been attacked and robbed by local residents. But it was more than that. With the attention of the world finally on them, the camp's detainees had turned their prison into a protest, braving a lack of water, electricity and food to try to jog loose a little compassion from the world.

They had already suffered and understood danger. Fleeing more than a dozen countries, they had risked their lives with human traffickers on ramshackle boats leaving Indonesia. And ever since the compound started filling up in 2013, it has been plagued by illness, suicide and complaints of mistreatment.

But now, by staying there and sneaking in and out by boat, they were risking arrest in a desperate search for self-determination, and to intensify scrutiny of Australia's migration policy and methods.

And that scrutiny has come.



Veteran United Nations officials said this month they had never seen a wealthy democracy go to such extremes to punish asylum seekers and push them away.

Papua New Guinea officials and local leaders, enraged at how the camp's closure was handled, have demanded to know why Australia is not doing more to help the men.

Instead, Australia is cutting services — reducing caseworkers and no longer providing medication, officials said, even though approximately 8 in 10 of the men suffer from anxiety disorders, depression and other issues largely caused by detention, according to a 2016 [independent study](#).

“It’s a very drastic reduction,” said Catherine Stubberfield, a spokeswoman for the United Nations refugee agency, who recently visited Manus.

Australia’s Department of Immigration and Border Protection did not answer questions about the service cuts. In a statement, it said general health care was still available and “alternative accommodation sites” were “operational” and “suitable.”

Prime Minister Malcolm Turnbull has also doubled down on Australia’s hard-line approach, arguing that offshore detention has been a successful deterrent against illegal trafficking.

But in Papua New Guinea, deterrence increasingly looks like an incentive for cruelty. Officials, Manus residents and outside experts all argue that Australia has a responsibility to those it placed here, to international law, and to its closest neighbor.

“They’ve put the burden on a former colony which does not have the resources for many of the things its own people want, like health care and a social safety net,” said Paige West, a Columbia University anthropologist who has done extensive fieldwork on Manus. “This is a problem created by Australia’s failure to comply with its human rights obligations.”



The camp is a half-hour boat ride from town.



Relations with refugees have been uneasy.



Jobs on Manus are scarce. Rents are rising.



Just south of the equator, the heat is relentless.

The detention center, a warren of barracks and tents, sprawls across a naval base used by American troops in 1944 during World War II. The Papua New Guinea Supreme Court ruled in 2016 that the camp was illegal, calling it a violation of “personal liberty.” The governments of Australia and Papua New Guinea agreed in April to close the site by Oct. 31.

But finding alternatives has been a struggle.

Some of the men at the camp — all of whom were caught at trying to reach Australia by boat — have been granted refugee status and are hoping for relocation to the United States, under a deal brokered by President Obama and [initially opposed by President Trump](#).

But nearly 200 of the 843 men still stuck on Manus (women and children were sent to the island of Nauru) have not had their asylum claims fully processed, or their claims have been rejected, leaving them effectively stuck on the island.

For now, all of the detainees are expected to move to three smaller facilities, near Lorengau, a few miles from the camp.

Lorengau is not a big place. It is a close-knit rural town with a few thousand people, a single supermarket, a rusty playground and electricity that comes and goes.

The new detention facilities are set apart from main roads and are closely guarded — we were turned away when a photographer and I tried to visit. But detainees can come and go. And photos, taken by the men, show that none of the facilities were fully operational more than a week after the move was supposed to happen.

At one of the new facilities, West Lorengau Haus, the electricity and water had not been turned on when representatives of the United Nations refugee agency visited days after the main camp had officially closed.

“It’s still a construction site — you can’t just move refugees into that space,” said Ms. Stubberfield, the spokeswoman.

The two other sites also had problems: One had intermittent running water, and the other, the East Lorengau Transit Center, lacked caseworkers.

Kepo Pomat, who owns the land that facility occupies, said he had issued the authorities an ultimatum: If his company did not receive the caseworker employment contracts, he would kick the refugees off his property.

Part of the problem is that the governments of Australia and Papua New Guinea are at odds over who is responsible for the men. Australia says Papua New Guinea is in charge of providing for them. Papua New Guinea says it is willing to house the refugees, but it is Australia’s responsibility to pay for them and pursue ways for them to leave.

“We’ve been urging that the Australians keep up their responsibility,” said Duncan Joseph, a community leader and the island’s Red Cross representative. “The fact that they’ve withdrawn and drastically scaled back services doesn’t change that for us, morally and legally, they are responsible for these men.”

Many of the detainees who have moved to the new sites reported crowded dormitories and delays with getting food. Some did not receive the weekly stipend of \$30 for medicine and incidentals they were promised upon arrival.

Mohyadin Omar, 27, a lawyer with a soft demeanor who fled Somalia in 2013, said the move to the transit center had made him consider returning to Mogadishu. He is a certified refugee who lost his entire family to war. He fears he will be killed back home, but he may go anyway.

“I’m tortured four years here,” he said. “I’m done.”





Behrouz Boochani writes about the camp's struggles.



But others suffer silently.



Morteza Arefifar recently tried to commit suicide.



Joinul Islam was attacked with a machete.

Back inside the main detention camp, conditions deteriorated quickly after the Australians officially left on Oct. 31, cutting off the electricity and water before departing.

In the equatorial heat, the men who were sick got sicker. Asthmatics needed inhalers. Diabetics needed insulin.

Mr. Satah, the leader of the supply operation, seemed relieved when our boat pushed ashore. The navy guards and police meant to keep everything out of the camp either did not see us or chose not to intervene. Mr. Satah, a fast-talking former English teacher, smiled he led a dozen men carrying food and medicine toward a container inside the compound.

“O.K. Brothers, thank you very much — love you, love you,” he said, echoing their expressions of appreciation.

Though it was after 2 a.m., many of the men were eager to guide me through the camp, where most had lived for more than four years, in many cases without ever leaving.

They showed off the well they had dug for water, and the protest signs they posted on Twitter using cracked cellphones, cherished like fine crystal.

Some of the men who stayed at the camp appeared mentally stronger than those who had relocated.

They made clear they want to be resettled in a third country, neither Australia nor Papua New Guinea. In the meantime, they were surviving. They were defying the authorities. Thanks in part to money from supportive Australians and local boat pilots risking arrest, they had cigarettes, a stash of booze, and a measure of what they have most craved: agency and autonomy.

“There are many things that brought us to the point where we’ve said we will never go,” Mr. Satah said when he was still in Lorengau gathering supplies. “But remember, we didn’t come here by choice.”

Behrouz Boochani, another Iranian Kurd who has become well-known for writing from the camp, put it more simply in a [resistance manifesto](#): “All the conversations are driven by one thing, and one thing only, and that is freedom,” he wrote. “Only freedom.”

Why then have more of the men not tried to pursue a future in Papua New Guinea? After I spent time in Lorengau, it became clear: Even for those who have made a life in Manus, there are real challenges.

Mustafizah Rahman, 25, an asylum seeker from Bangladesh, married a local woman and opened a shop in a red shipping container near the main Lorengau market.

There, he said, he is pursuing his dream “to become a multimillionaire.”

The island's residents consider him a model of integration. But Mr. Rahman, whose wife is eight months pregnant, remains stateless, he said, without formal residency in Papua New Guinea.

Lorengau has become increasingly crowded with climate change refugees who have moved there from more remote islands, and Mr. Rahman said he was barely getting by after paying for rising rent and food costs.

“Not everyone can do this,” Mr. Rahman said, between customers. “We’re really not accepted in this country. If they bring everyone to town, many people will die.”



Photos in camp point to the past.



Graffiti shows the pain of detention.





And the dead are memorialized.



Another challenge: missing family.

The fear of violence is shared by many of the asylum seekers, who have been targets of attacks in Manus and in other parts of Papua New Guinea, as they have been in other countries. A recent [Human Rights Watch report](#) documented a series of cellphones thefts and attacks, some involving machetes.

Kakau Karani, Lorengau's acting mayor, said that the risks were exaggerated and that in fact, many residents had provided the men with food, lodging and work.

Around 10 children have been born to asylum seekers and local women, the mayor said, adding, "If we weren't friendly, we would not be making babies here."

Other residents worry that the men are preying on local women.

Ultimately, both the asylum seekers and the local residents are a mix of potential and risks.

Some of the detainees are resilient and have learned new languages. Others survive with sleeping pills or drink too much — as do some local men.

Australia says offshore detention has reduced trafficking and deaths at sea. Mr. Turnbull has [rejected an offer](#) from New Zealand to take 150 of the refugees, arguing it would encourage traffickers.

But for Manus, the effects are evolving and still being tallied. Six detainees have died here. A small number have reached Australia for medical treatment. Hundreds have left, after agreeing to deportation. And 54 refugees from Manus and Nauru have made it to the United States.

When might more follow?

Yassir Hussein, one of the camp's leaders, said he often contemplated ideals like liberty and justice — and what they mean for migration's winners and losers.

"We are happy for the lucky ones," he said. "But why are they lucky? Why are we not lucky?"



## 7. “Sale of Migrants as Slaves in Libya Causes Outrage in Africa and Paris”

By Nour Youssef

The New York Times 19 NOVEMBER 2017

URL = <https://www.nytimes.com/2017/11/19/world/africa/libya-migrants-slavery.html>



Demonstrators held a rally against slavery in Libya on the Champs-Élysées in Paris on Saturday. Credit Zakaria Abdelkafi/Agence France-Presse — Getty Images

CAIRO — A [CNN report](#) about the sale of African migrants as slaves in the North African nation of Libya has incited outrage in recent days, prompting a protest in central Paris, condemnation by the African Union and an official investigation.

Hundreds of protesters, mostly young black people, [demonstrated](#) in front of the Libyan Embassy in central Paris on Saturday — with some carrying a sign that said, “Put an end to the slavery and concentration camps in Libya,” and chanting, “Free our brothers!” — three days after CNN aired footage of migrants being auctioned off in the Libyan capital, Tripoli.

“We have to mobilize — we can’t let this kind of thing happen,” one of the protesters told the television station France 24. “Did we really need to see such shocking pictures before taking a stand? I don’t think so.”

French police officers fired tear gas to disperse the [rally](#), which had turned violent.

Moussa Faki Mahamat, the chairman of the [African Union Commission](#) and the foreign minister of Chad, issued a [statement](#) after the rally, calling the auctions “despicable.” He urged the [African Commission on Human and Peoples’ Rights](#) to assist the Libyan authorities with the investigation that they opened in response to CNN’s report.

The Guardian [reported in April](#) that West African migrants were being sold in modern-day slave markets in Libya, based on information from the International Organization for Migration, a United Nations agency. And Reuters [reported on the issue](#) in May.

The International Organization for Migration estimates that there are [700,000 to one million migrants](#) in Libya, and [more than 2,000](#) have died at sea this year.

Most of the migrants in Libya are fleeing armed conflict, persecution or severe economic hardship in sub-Saharan Africa. Their journey usually begins with a deadly trek through vast deserts to Libya and then involves either braving the Mediterranean Sea on rickety boats headed to Europe or [struggling to survive](#) in one of the overcrowded detention centers run by smugglers on the Libyan coastline.

Forced labor, sexual abuse and torture are widespread in these camps, [according to the United Nations](#).

Since the Arab Spring uprising of 2011 ended the brutal rule of Col. Muammar el-Qaddafi, Libya’s coast has become a hub for human trafficking and smuggling. That has fueled the illegal migration crisis that Europe has been [scrambling to contain](#) since 2014.

Libya, which slid into chaos and civil war after the revolt, is now divided among three main factions: a feeble but internationally backed government in Tripoli; an ultraconservative Islamist government, also in Tripoli; and an anti-Islamist government in the east.

The reactions on Saturday highlight one of the many challenges facing the internationally recognized authorities in Libya, which are still struggling to restore order, win popular support and restore basic services like water and electricity.

The CNN report, published on Wednesday, detailed the horrors that African migrants experience while trying to reach Europe in search of a better life. It included video footage of a slave auction last month outside Tripoli, where about a dozen migrants were sold as slaves in a matter of minutes. That auction was one of many, CNN said.

The network attributed the recent emergence of slave markets in Libya to the sharp [fall in migrant arrivals](#) in Europe over the summer. The [Italian](#) government reportedly began paying the



warlords controlling Libya's coast to curb the flow of migrants earlier this year. In August alone, the arrivals of migrants in Italy fell 85 percent.

This drop, CNN said, appears to have created a backlog of customers for Libya's smugglers, who have responded by auctioning off migrants for as little as \$400.

In his statement, Mr. Mahamat, of the African Union Commission, announced that the union would hold talks with Libya and other stakeholders in the region to find "practical steps" that would "address the plight of the African migrants in Libya."

He vowed that the union would "spare no effort to help bring these acts to an end."

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## 8. “Judge Blocks Trump Administration From Punishing ‘Sanctuary Cities’”

By Camila Domonoske

National Public Radio 21 NOVEMBER 2017

URL = <https://www.npr.org/sections/thetwo-way/2017/11/21/565678707/enter-title?sc=tw>



Protesters stand arm-in-arm as they block an entrance to the U.S. Immigration and Customs Enforcement office in San Francisco, Calif., on May 1. San Francisco sued the Trump administration over its threats to cut grant money to cities that don't fully cooperate with federal immigration authorities. Justin Sullivan/Getty Images

The Trump administration cannot withhold federal money to punish local governments for their noncompliance with immigration authorities, according to a ruling by a federal judge in California.

In an order announced Monday, Judge William Orrick permanently blocked the policy, issued as one of President Trump's earliest executive orders, ruling it was "unduly coercive" and violated the separation of powers.

"The defunding provision instructs the Attorney General and the Secretary to do something that only Congress has the authority to do – place new conditions on federal funds," he wrote.

The judge had previously issued a temporary injunction blocking the policy, as did [a judge in Chicago](#). "This order plows no new ground," Orrick wrote — although this injunction, unlike the previous ones, is permanent.



In the controversial executive order, signed in January, Trump sought to deny federal funds to so-called "sanctuary cities." Those are jurisdictions that refuse to share some information with federal immigration officials, as a way to partially protect some people who are in the country illegally.

Trump's order said such jurisdictions "are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes." In response, multiple jurisdictions sued the Justice Department, including the city of San Francisco and the county of Santa Clara.

The city and county alleged that the executive order was overbroad, unconstitutionally coercive and "void for vagueness."

The federal government maintained that a follow-up memo from the attorney general clarified the policy and limited its scope. In that memo, Jeff Sessions wrote that the executive order *only* applies to grants administered by the departments of Justice and Homeland Security, not all grants, and can't be applied in any way that would violate constitutional authority.

Judge William Orrick ruled against the federal government, writing that the executive order was "unconstitutionally broad" in its effect and evidently coercive. He noted that Trump has called the executive order a "weapon" to wield against cities.



And he rejected the idea that the attorney general's memo made the executive order constitutional.

Orrick called the memo an "illusory promise," a non-binding document with an "implausible interpretation" of the order, which "does not change the plain meaning" of Trump's words. Because the order "is unconstitutional on its face," the judge said, a nationwide injunction is "appropriate."

Department of Justice spokesman Devin O'Malley responded in a statement, saying, "The District Court exceeded its authority today when it barred the President from instructing his cabinet members to enforce existing law. The Justice Department will vindicate the President's lawful authority to direct the executive branch."

In August, Ryan Lucas [reported for NPR](#) on some of the "sanctuary city" policies and federal grants at the heart of this dispute:

"The sticking point over the local law enforcement grants centers on two new conditions the Justice Department has placed on the program: It wants jurisdictions to give federal immigration authorities access to their jails and to provide at least 48 hours' notice before releasing an undocumented immigrant in custody.

"Some localities refuse to do so. They say they have policies in place that prohibit them from handing over immigrants to federal immigration officials without a warrant from a judge. They

also say the DOJ's new conditions would make members of immigrant communities less willing to come forward and cooperate with local law enforcement for fear of being deported.

"Local officials use the grants for a range of things, from hiring more police officers to buying new police cars, computers and even bulletproof vests. Some communities use the money to fund public safety programs to help, for example, at-risk youth or to combat drug use."

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ONE follow-up:

Is the following argument sound? If so, why? If not, why not?

1. Individual nation-states have the right to protect their own borders and their own sovereign territories, using violence, the threat of violence, or other forms of coercion.
2. The incarceration of criminals is a form of legal slavery for the protection of nation-states and their law-abiding citizens.
3. Illegal immigrants and other illegal refugees (e.g., internally displaced people who violate laws) are criminals.
4. Therefore, individual nation-states have the right to incarcerate and legally enslave illegal immigrants and other illegal refugees.

ONE link: "Manus Detention Centre Cleared of All Refugees and Asylum Seekers": <https://www.theguardian.com/australia-news/2017/nov/24/manus-detention-centre-cleared-of-all-refugees-and-asylum-seekers>

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