

The Forward Eagle

Articles, Reviews & Notes

Of Mutual Interest

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Word of the Week

declination

dec·li·na·tion

/,deklə'nāSHən/

noun

noun: **declination**; plural noun:

declinations

1. Astronomy the angular distance of a point north or south of the celestial equator.

"the declination of Arcturus is 19 degrees north"

2. the angular deviation of a compass needle from true north (because the magnetic north pole and the geographic north pole do not coincide).

3. US formal refusal.

"in the face of this declination of the proposition"

Origin

late Middle English: from Latin

declinatio(n-), from the verb *declinare*

(Also see: **declension**).

Last Week's Word

apotropaic

/,apətrə'pāik/

adjective

adjective: **apotropaic**

1. supposedly having the power to avert evil influences or bad luck.

"apotropaic statues"

Origin

late 19th century: from Greek

apotropaios 'averting evil', from

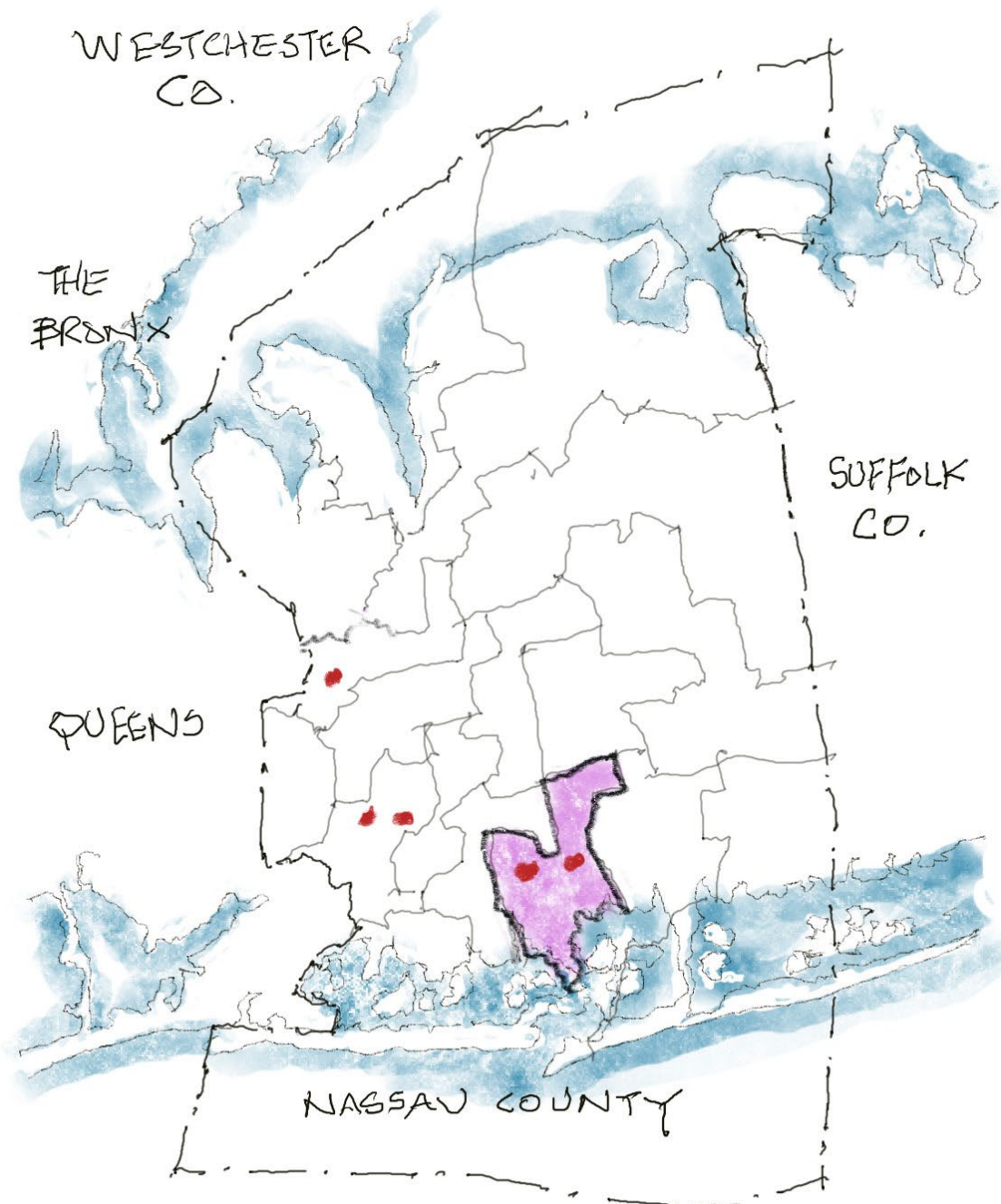
apotrepein 'turn away or from' + -ic.

In a highly uncertain and unpredictable world, certain quasi-religious practices allowed the faithful a sense of control, that made them feel less helplessly exposed to the dangers surrounding them.

Such risks and dangers that could be addressed through active means seemed less menacing.

Through magical apotropaic gestures, blessings, supplicator processions, and pilgrimages simple believers gave themselves a power over their own destiny that were largely denied by the official liturgy.

Lay people were assigned a passive role in divine worship. They had no idea what the priest in front of them was murmuring in Latin – they quite literally thought that *hoc est corpus meum* was "hocus-pocus."



Confidential' in name only: Merrick Garland's delicate decision to release the Hur report

In theory, the attorney general could have kept the report secret. In practice, he had only one option.

Attorney General Merrick Garland committed, in a statement last year, to publicize all special counsel reports to the greatest extent possible.

By Betsy Woodruff Swan, Kyle Cheney and Josh Gerstein
Politico
02/09/2024

The White House is livid over the Justice Department's release of a special counsel report that painted a devastating portrait of Joe Biden. But Attorney General Merrick Garland's decision to release it was a foregone conclusion — and anything short of publicizing the full report would have been worse.

Technically, the report from special counsel Robert Hur on Biden's mishandling of classified documents is considered confidential under DOJ rules. Hur even labeled it as such.

In practice, though, burying or censoring the report would have been untenable, former Justice Department leaders say.

They described a high-stakes calculus for both Garland and Hur informed by previous politically sensitive investigations: Special counsel reports have always been made public in recent years, and Garland would have been slammed by Republicans and the press if he tried to keep this one under wraps. Hur, meanwhile, clearly understood that political reality, so the harsh language he included was exactly what he expected the public to see.

The result on Thursday was a public 345-page document, bearing the Justice Department's imprimatur, that described the president as embarrassingly, and perhaps dangerously, forgetful. Hur's allies say he needed to include the details about Biden's mental state because such judgments are critical to decisions about whether to prosecute for these sorts of crimes.

"I just think it's a question of the compelling public interest at the time, and Garland having to bow to that," said former Attorney General Bill Barr, referring to the decision to release Hur's report. "Can you really draw the line and say, 'I'm not going to put this

out,' without having people even more suspicious? That's almost as bad as letting it out. At that point, your options are very limited."

In 2019, Barr's decision to release the largely unredacted report of special counsel Robert Mueller helped paint a damaging picture of Donald Trump's embrace of Russian interference in the 2016 election, despite Mueller's decision not to recommend criminal charges.

But before he released the Mueller report, Barr infuriated Trump's detractors by sharing his own analysis of its conclusions. Garland eschewed that tack. Instead, he simply released the full document, letting it stand on its own.

Still, releasing it at all was Garland's decision, noted Barr's former deputy, Rod Rosenstein, particularly because Hur recommended no charges against anyone involved. Rosenstein noted that prosecutors regularly write documents explaining their decisions not to bring charges. And those documents are typically kept secret.

"Rob Hur didn't issue a public report," Rosenstein said. "He wrote a confidential internal memo. Attorney General Garland made the decision to release it."

Many Justice Department veterans saw that outcome as inevitable, though. Garland had already committed, in a statement last year, to publicize all special counsel reports to the greatest extent possible. And Biden's White House opted not to assert executive privilege over any portion of Hur's report.

The report recommended against charging Biden, arguing that his forgetfulness — even about the dates of his vice presidency or the year of his son's death — would make it difficult to prove in court that he had criminal intent when he accumulated classified documents at his residence. Hur adorned that description with a cutting assessment of his own interview with Biden, saying the president came across as "a sympathetic, well-meaning elderly man with a poor memory."

Biden blasts special counsel for questioning his memory

Biden's attorneys lashed Hur — in a letter appended to the report — for including those references, and they contended that Hur exhibited bias against Biden for attributing his forgetfulness to age, while taking a more understanding tone toward other witnesses who forgot details from years-old events.

Biden himself complained about Hur's report Thursday evening for invoking

his son's death and whether Biden remembered it clearly. "How the hell dare he raise that?" the president said of Hur.

Other Justice Department veterans and Biden allies described the report as "gratuitous," particularly his remark that challenged Biden's memory of the timing of his son Beau's death.

"Mr. Hur seems to have gone beyond the limits of what he can write by adding what appear to be simply unnecessary comments about the president's age and memory, especially the gratuitously bold assertion about forgetting when his son passed," said Gene Rossi, a former federal prosecutor.

Jamie Gorelick, a deputy attorney general under President Bill Clinton, agreed.

"The language that Hur used, I thought, was remarkable and unfortunate," Gorelick said. "I think he could have listed his reasons for not recommending a charge or not charging without that kind of gratuitous slam."

Democrats on Capitol Hill largely rallied to Biden's defense too, accusing Hur of grandstanding and disrespecting Biden.

Some compared it to a 2016 episode when then-FBI Director James Comey announced a decision not to charge Hillary Clinton with mishandling classified information — only to hold a press conference at which he accused her of being irresponsible with national security secrets. Comey earned a scolding from a Justice Department watchdog for that move.

One of Comey's top allies and advisers from his FBI days acknowledged the parallels between Garland and Hur's decision and the former FBI director's, calling it part of a "new, perhaps regrettable, reality."

"Sad to say, we also regularly find ourselves presented with situations where the legitimacy of a prosecutor's decision not to charge a politician, police officer or other public figure turns on the explanation she gives," said Daniel Richman, now a professor at Columbia University. "The norm of never going beyond a simple 'no' will often not cut it, especially when a declination will usually be spun as a full exoneration or a whitewash, and the possibility of congressional hearings looms large."

While the DOJ regulations used to appoint special counsels call for their final reports to be confidential and Hur labeled his as such, in recent years it has become customary for attorneys general — facing political pressure — to vow to release them publicly to the extent the law allows.

Despite the caterwauling from the White House this week, the conclusion of Hur's probe was sure to draw a flurry of Freedom of Information Act requests and lawsuits from news organizations and Biden's political foes. House Republicans could also have subpoenaed the report and related records. The letter Biden's lawyers sent to Hur indicates transcripts exist of the prosecutor's interviews with Biden, so the memory lapses Hur cited may have become public whether Hur had colorfully characterized them or not.

Dems rally around Biden after 'gratuitous' special counsel report

Special counsels, by their nature, often operate on politically explosive terrain. They're typically appointed in high-stakes cases where Justice Department processes might be perceived as politically biased. That drives extraordinary public interest in their final reports. And without exception, special counsel reports of the last five years have become public with few limitations.

Barr drew a sharp contrast between Hur and Mueller, noting that Mueller's final report made no recommendation on whether or not Trump should be charged with obstruction of justice for trying to sideline the investigation altogether. In explaining his non-decision, Mueller cited the Justice Department's long-standing prohibition on prosecuting sitting presidents. He punted the decision to Barr, who concluded no charges would have been appropriate even if a president could be charged while in office.

Hur, however, took the opposite approach. In the first two sentences of his report, he said Biden shouldn't face charges even if DOJ policy allowed them.

Barr praised Hur's finality. And he said it necessitated Hur's description of Biden's mental state. In the report, Hur cited Biden's apparently faulty memory as a reason jurors might conclude he just forgot to return classified documents, rather than deliberately hoarding them.

"He didn't do what Mueller was properly criticized for, which was not reaching a decision and just throwing this stuff out," Barr said. "He reached a decision, and the mental state was an integral part of that."

And while some Justice Department veterans said the buck stops with Garland, others argued that the attorney general had no choice but to release the report Hur delivered. Hur and his team likely would have understood that their words would become public, even though the report was labeled "confidential."

"Mr. Hur's report had to be released unedited lest the attorney general were to be accused of protecting President Biden," Rossi said.

Gorelick said that under the circumstances it would have been "very hard not to" release Hur's report, but that the better policy is for such reports to remain secret.

"I would say any report should be confidential," she said. "You make a charging decision or not and that should be the end of it."

The debate over publishing the reports by independent prosecutors dates back to the 1980s, when critics of the independent counsel law then in effect complained that those prosecutors' reports could amount to character assassination.

"There's just a history of mischief," Gorelick said. "There's just too many ways in which what happened yesterday can happen."

By the 1990s, many liberals joined in the chorus of criticism of the law as Clinton's administration faced seven such investigations, including the Whitewater probe. Congress let the law expire in 1999, prompting the Justice Department to issue the regulations for special counsels that remain in effect today.

Among those who raised concerns about such reports was Brett Kavanaugh, who served as a prosecutor on Independent Counsel Kenneth Starr's staff and now sits on the Supreme Court. (Kavanaugh left open the idea, though, of a report to Congress about possible impeachable offenses.)

"As a general proposition, a public report is a mistake," Kavanaugh wrote in a 1998 law review article. "It violates the basic norm of secrecy in criminal investigations, it adds time and expense to the investigation, and it often is perceived as a political act. It also misconceives the goals of the criminal process."

An Old Guy's Defense of Our Old-Guy President



By Ed Kilgore, political columnist for *Intelligencer*
Feb. 9, 2024

Like Joe Biden, I got my dream job at a stage of life when most folks are planning or entering retirement. After writing hundreds of thousands of words for politicians and organizations without getting much credit for it, I

became a rather geriatric blogger and then a political writer for *New York Magazine* and blew right by the age at which I could have packed it all in. Best I can tell, I still produce more words — though perhaps not higher-quality words — than my whippersnapper colleagues. So I am naturally sympathetic to the president's desire to stay in the saddle as long as he can, and naturally hostile to partisan efforts to depict Biden as senile or incompetent, particularly when the beneficiary of undermining confidence in his abilities is Donald Trump.

And let's just get this right out on the table: Barring some unprecedented development, the 2024 presidential election choice will be between an 81-year-old Democrat and a 78-year-old Republican. In terms of grammar, syntax, logic, and recall of important events, the former is more cogent on his worst days than the latter appears to be on his best days. So anyone planning to support Trump is welcome to do so on policy or partisan-power grounds but should be ashamed to claim that they just cannot vote for Joe Biden because he's *too old*. Is Trump more "vigorous" than Biden, in terms of self-confidence and aggressiveness? Yes, but in the way that Attila the Hun was more "vigorous" than St. Francis of Assisi. It's also germane that while Biden is a pretty faithful representative of the mainstream views of his political party, Trump eccentrically defines the views of his political party, much as Attila defined the Hun *Weltanschauung*.

To put it another way, if a second-term President Biden becomes significantly afflicted by age or illness, his lapses are likely to be as mild-mannered as the man himself. I don't think you can say the same about a second-term President Trump, who already seems to suffer from the malady once maliciously called "Irish Alzheimer's" (or in some lore, "Appalachian Alzheimer's"), wherein the victim remembers nothing but his grudges.

There is, of course, a more general and entirely legitimate debate over how old our presidents and presidential candidates should be. I personally thought both Joe Biden and Bernie Sanders were "too old" to run in 2020, though this judgment was mostly about their electability rather than their capacity to do the job. The advent of septuagenarian and even octogenarian presidents is in part a reflection of longer life spans (at least for people who aren't too poor to receive decent nutrition and health care), as Alex Webb pointed out last year after Biden joked about being a contemporary of founder James Madison:

When Madison became the nation's fourth president in 1809, he was just 57. Bizarrely, however, Madison was by one measure considerably older than

Biden when he took the hot seat: compared with the life expectancy of his contemporaries.

Someone born in Colonial America in the 18th century had a life expectancy of just 28 — skewed heavily, of course, by the fact that so many people died in infancy. When Madison took office, he was already more than twice as old as most of those born the same year. He was, in relative terms, much older than Biden, who is just 15 years older than the average life expectancy of his year group.

Biden (and for that matter, Trump) may also seem especially old because he happened to assume the presidency after a run (again, excepting Trump) of relatively young chief executives: Bill Clinton, George W. Bush, and Barack Obama.

But the thing so often forgotten when we obsess about the age of our leaders is that there are qualities associated with what the AARP used to euphemistically call “modern maturity” that offset whatever is actually lost when an old goat “loses a step”: most obviously work experience, but also lived historical perspective, a wide range of useful role models and “best practices,” knowledge of personal limitations, and even fires of ego-driven ambition tamped down by accomplishment. I know I’m a better political writer for having observed multiple eras of American politics, dating back to the day in 1960 when I watched John F. Kennedy barnstorm through my small Georgia hometown. It should be obvious that Joe Biden learned something in his famously lengthy career in public office, as environmental activist (and himself a founder of an advocacy group for seniors concerned with climate change) Bill McKibben pointed out in the wake of the latest age scare over the president:

Obviously you lose a step physically as you age, but the presidency doesn’t require carrying sofas up the White House stairs. And science increasingly finds that aging brains make more connections, perhaps because they have more history to work with. ...

Biden was socialized in an era when government took on big causes, and you can see it reflected in his first-term commitment to rebuilding infrastructure on a grand scale, boosting a new sustainable energy economy with billions of dollars for solar panels and battery factories, dramatically increasing the number of people with healthcare, and standing up for gun control, voting rights and reproductive rights.

There are reasons, in other words, that most societies embrace gerontocracy to one extent or another.

Sure, there are, of course, limits to the value of experience. When Casey Stengel was managing the New York Mets at the end of his career, as the story goes, one of his players was asked what it was like to play for such a living legend. “Casey has forgotten more about baseball than I’ll ever know,” the player said. “But that’s the problem — he’s forgotten it.” His team’s showing proved the point.

At the moment, Biden’s Team America isn’t doing all that badly unless you choose to look at it through a partisan lens, or can’t cope with the traumas and disappointments of the recent past or the uncertainties we face in the immediate future. The president deals with many, many people in the course of an insanely busy day, and if he’s as around the bend as the nonexpert assessment by special counsel Robert Hur suggests, we’d almost certainly know it, unless you believe in a conspiracy of silence as vast as any in U.S. history. I know a lot of very smart, very young people who struggle with remembering dates and names; I’ve never been able to recognize faces other than those I encounter regularly. Sure, Joe Biden’s age and competence pose legitimate questions. But they should be answered with comprehensive, not anecdotal, evidence and by observers who are not followers of the wild man who will become president if Biden is put out on an ice floe by voters in November for being too old. Take it from this old guy: Sometimes the last gallon in the tank can get you to your destination.

A Bad Day for Biden

David A. Graham discusses the special-counsel investigation and last night’s press-conference slipup.

By Lora Kelley
February 9, 2024
The Atlantic Daily

This is from an edition of The Atlantic Daily, a newsletter that guides you through the biggest stories of the day, helps you discover new ideas, and recommends the best in culture. .

Yesterday was rough for President Joe Biden. A blistering special-counsel report cleared him of the threat of charges in his classified-documents case, in part because prosecutors expected that he’d present to a jury as a “sympathetic, well-meaning, elderly man with a poor memory.” Then Biden held a press conference about the report—and mixed up two world leaders. All of this is bringing to the fore an issue that Biden has tried to push aside: his age.

I spoke with my colleague David Graham, who covers politics, about

how last night’s slipup fits into Biden’s long history of gaffes, and how both the special-counsel investigation and the press conference could affect his campaign.

An Unavoidable Issue

Lora Kelley: Biden has a long history of gaffes. How did last night’s mix-up—in which he referred to Egyptian President Abdel Fattah al-Sisi as the president of Mexico—compare with his broader history of speaking in public?

David Graham: Confusing Sisi for Andrés Manuel López Obrador is the sort of gaffe that is classic Biden. In any other setting, people might have just rolled their eyes.

It was just so damaging last night because this press conference was called for Biden to show that his memory is good, that he is sharp, that the special counsel’s report was nonsense. It was really the one place where he didn’t want to make this kind of gaffe, and he did. So now that’s the headline from the event, not “Biden Comes Out Swinging.”

Both Donald Trump and Joe Biden have a history of mental slipups and confusions and incoherence. In both cases, it seems to be exacerbated by age. But I think it’s very hard—in both cases—for the public to really tell how much is about age and how much is just who they are.

Lora: This press conference followed the release of a special-counsel report that cleared Biden of the threat of charges in the classified-documents case. Could you walk me through why Biden was being investigated?

David: In 2022, the FBI found classified documents in Trump’s possession at Mar-a-Lago. After that, there was this string of discoveries of classified documents. Mike Pence had some; Joe Biden had some. Biden self-reported these documents and turned them over, and the Justice Department launched the special-counsel investigation.

It doesn’t seem comparable to the Trump case, where we have extensive alleged obstruction and a huge number of documents. But the DOJ wanted to show that they were not giving preferential treatment, so Attorney General Merrick Garland appointed a special prosecutor to look into Biden. And over months of investigation, what Special Counsel Robert Hur found is that Biden was sloppy with the way he handled these documents—he shouldn’t have had them, and they shouldn’t have been stored the way they were. But Hur recommended no charges against Biden, saying there was insufficient evidence to convict Biden of a willful act.

Lora: Robert Hur worked as a U.S. attorney in Maryland from 2018 to 2021—and was appointed to that role by Trump. To what extent was that fact relevant to this investigation?

David: That is basically why he was selected to investigate this case. Garland has been determined to restore the impression of the Justice Department as not subject to political interference. He seemed to figure that assigning a Trump appointee would demonstrate that the investigation was unbiased. It's a double-edged sword: That a Trump appointee gave a recommendation of no charges may, on the one hand, lend the outcome more credence. On the other hand, Biden allies are now saying that because Hur is a Trump appointee, the report is biased and political and totally out of line.

Lora: Even though the report recommended no charges, its characterization of Biden as an “elderly man with a poor memory” is pretty damning. Why do you think that description was included in the report?

David: One calculation the prosecutors have to make when they want to bring charges is whether they can get a conviction. In this case, what Hur's report is saying is: We could potentially bring charges in this case, but we think that a jury wouldn't convict him. And one reason the jury wouldn't convict him is that they would see him as a sympathetic defendant and, in particular, as a “well-meaning, elderly man with a poor memory.”

There is some legal relevance. I don't think it is out of place in the report, but it did strike me, reading the report, that they went really hard on it.

Lora: What has been the Biden camp's response to the report's findings?

David: In a letter attached to the report, Biden's attorneys take issue with some of the legal analysis, but what they really seethe about is the depiction of Biden. They say the report's characterization of Biden's memory lapses is not the same as its characterization of instances when witnesses in the case didn't recall things. And they suggest that it's inappropriate and biased and prejudicial.

Lora: What might all of this mean for Biden's campaign?

David: Democrats are freaking out right now. There are anonymous quotes floating around and stories of a Democrat saying that it's the worst day of Biden's presidency. I understand why: Biden's biggest liability in this election seems to be the impression among voters that he is too old, that he's lost a step, that he just doesn't have the vigor for the job. When the

conservative press or even voters talk about Biden's age, it's sort of atmospheric. But when it's in an official report like this, the mainstream press is going to cover it really effusively. That puts the issue of his age into the spotlight and makes it unavoidable for Biden, who has so far tried to push it to the side.

I have not seen this level of panic from Democrats so far in this election, even as Biden consistently trails in the polls. And part of that is just that age is perceived as his greatest weakness. It is a bad day for Biden, but I think it's really hard for anybody to calibrate just how bad it is when it is so fresh. Any confident predictions about the political importance of all this, 24 hours out, are not worth the pixels they're printed in.

Inside Biden's five-hour face-off with the special counsel

The president's attorneys felt the early October interviews went well, only to be stunned this week by Hur's disparagement of Biden's memory

By Matt Viser
February 10, 2024 at 3:07 p.m. EST

President Biden had just spoken with Israeli Prime Minister Benjamin Netanyahu the morning of Oct. 8, agonizing over how to rescue hostages taken by Hamas in its bloody attack the previous day, pledging American assistance, and weighing a volatile situation that threatened to spiral out of control in the Middle East.

Shortly after they hung up, the president's personal attorney, Bob Bauer, and White House counsel Ed Siskel arrived at the White House. The group walked down one flight of stairs to the Map Room, where Biden was to be interviewed by special counsel Robert K. Hur, who for nine months had been investigating Biden's handling of classified documents.

Those five hours and 10 minutes of interviews, unfolding over two days, would turn out to be momentous. But at the time, few foresaw how they would blow up four months later — not because of their content, but because Hur would repeatedly deride Biden's memory during their time together. In a long-awaited report issued this week, Hur declined to prosecute Biden over his handling of classified documents but cast doubt on his memory, threatening to upend Biden's pursuit of reelection by dwelling on perhaps his biggest political liability.

Hur's description of Biden's demeanor as that of a “well-meaning, elderly man

with a poor memory” would infuriate Biden's aides, who saw it as sharply at odds with what occurred as the president sat for voluntary questioning, according to two people familiar with the matter who spoke on the condition of anonymity to recount internal discussions. Hur cited the president's ostensible memory problems in concluding that he would have trouble convincing a jury that Biden had willfully mishandled classified documents.

In the view of Biden's team, the interviews proceeded in a routine, even dry, manner, as prosecutors asked Biden where he bought a particular file cabinet and how certain boxes were packed.

Biden himself was focused at the time on more immediate and world-shaking matters, having just made a round of phone calls to U.S. allies that would affect the roiling situation in the Middle East.

Biden and his attorneys even discussed postponing the interview, but they ultimately decided against it. They had already blocked off two days on the president's schedule and, with the investigation already dragging on much longer than anticipated, were eager to put it behind them. They never contemplated resisting Hur's request for the interview, figuring Biden had little to hide and would benefit from being transparent, according to members of his legal team.

Inside the White House, workers had converted a space on the first floor into a secure setting where classified information could be discussed. Long tables were brought into the Map Room, which takes its name from President Franklin D. Roosevelt's use of the space to consult maps and track the progress of World War II. It is also the room where, in 1998, President Bill Clinton testified to independent counsel Kenneth W. Starr about his role in the Monica Lewinsky scandal.

Biden and Hur sat across from each other, each with about four aides. Bottles of water sat on the table. Biden was flanked by Bauer to his right and Siskel to his left. Hur, who would be asking the questions, was accompanied by his deputy Marc Krickbaum, a former U.S. attorney for the Southern District of Iowa, and several FBI agents.

The session started roughly on time, a rarity for the perennially late Biden. Hur introduced himself, noted the presence of a tape recorder that would be recording the session, listed everyone in the room, and began matter-of-factly interrogating the president.

The topics were straightforward, according to the people familiar with

the matter and Hur's later report, tracking years-old movements of boxes full of documents, including those that were packed up as Biden finished his vice-presidential term. Hur asked how documents were packed and shipped, and by whom. Biden was asked when he purchased specific file cabinets and what he stored in them.

There were a few moments when one side or the other cracked a modest joke, with a mood more conversational than confrontational. But the subject matter, and the tone, was mostly dry and factual, according to the people.

In some cases, Hur or his assistants would ask Biden to confirm that the handwriting on certain documents was his own — including on a folder that contained “Afganastan,” a misspelling that prosecutors later said repeatedly showed up in Biden's writing dating back to the 1980s.

The president's team had spent significant time preparing Biden to discuss his role in handling the documents, as well as his views on the propriety of keeping notecards where he had jotted down classified information, assuming that was what Hur was interested in. They did not anticipate that the president's ability to recall dates or other details would figure into the questioning, let alone form such a devastating element of Hur's report.

“Christ, that goes back a way,” Biden said at one point, reviewing a folder that read “Pete Rouse,” a longtime Senate staffer who was later an aide to President Barack Obama.

Biden at times told Hur he had limited knowledge of how the documents ended up where they did. He was asked at one point how a binder labeled “Beau Iowa” ended up in a well-worn box in his garage that also contained sensitive government material. Beau Biden, the president's son, died of brain cancer in 2015.

“Somebody must've, packing this up, just picked up all the stuff and put it in a box, because I didn't,” he said, according to Hur's report.

Hur later recounted that Biden could not remember exactly what year his vice-presidential tenure began or ended, citing that as evidence his memory was “significantly limited.” The president's allies forcefully reject that characterization.

At some point, the discussion turned to the year when Beau died; Hur later reported that Biden could not recall the year with specificity. Biden has angrily denied not knowing when his son passed away, adding that it was not Hur's business to ask such a question in the first place.

It is unclear exactly how Beau Biden came up during the interview, but some classified documents were found intermingled with photos of Beau and condolence notes that were received after his death. Investigators also reviewed Biden's notebooks, some of which included “entries about purely personal subjects, such as the illness and death of his son, Beau,” they later reported. Beau also came up as they asked about his post vice-presidential pursuits, which included the Cancer Moonshot.

In addition, investigators explored the use of classified materials for Biden's book “Promise Me, Dad,” which covered the aftermath of Beau's death, though they concluded that no secret material made it into publication.

After several hours of questioning on Oct. 8, the two sides came to a stopping point and finished for the day. Later that afternoon, a live band could be heard from outside the White House as the president and first lady Jill Biden hosted a barbecue for staffers of the executive residence and their families.

The next day was Columbus Day, a Monday and a federal holiday. In the morning, Biden met with his senior national security advisers to continue discussing the situation in Israel. They were especially concerned about Iran and its proxies seizing advantage of the unstable situation and the possibility that the conflict could spread and engulf the broader Middle East.

One senior administration official involved in the Israel response, speaking on the condition of anonymity to discuss private discussions, said they had no idea that Biden had also been sitting for the special counsel interviews in the midst of the international crisis.

Biden planned that afternoon to speak with close allies of the United States, in hopes of sharing information and coming up with a joint position and strategy. But first, around midday, it was time to continue the meeting with the special counsel and his team. The two sides again filed into the Map Room, where the setup was the same as the day before.

One line of inquiry that afternoon involved a memo that Biden had sent to Obama in 2009 about Afghanistan — a document that Biden took from the White House and was later found in his garage, sitting in a damaged cardboard box near a dog crate, a broken, duct-taped lamp, and synthetic firewood. Biden had a copy of the memo, the special counsel later said, because he viewed it as a key piece of evidence showing that he was right to argue within the Obama administration for a drawdown of troops in Afghanistan, a recommendation Obama nonetheless rejected.

Biden told Hur that he had stayed up late on Thanksgiving, writing by hand the only memo that he ever sent solely to Obama and no one else in the government, Hur's report said.

“I was trying to change the president's mind, and I wanted to let him know I was ready to speak out ... and to really, quite frankly, save his ass,” Biden told the special counsel during the Oct. 9 interview.

He initially told Hur that he was not aware he had kept the memo after his vice presidency ended in January 2017. Asked a follow-up question, he responded, “I guess I wanted to hang on to it for posterity's sake. I mean, this was my position on Afghanistan. And it later became discussed It became discussed inside the foreign policy establishment that I was recommending it.”

Emerging from the interview, Biden and his team felt the sessions had mostly gone as expected. It never occurred to them that Hur's final report would provide scathing descriptions of Biden's ostensible memory lapses, making his conclusions politically explosive even as he concluded that no charges were merited against Biden for mishandling classified documents.

The shock of Biden's lawyers is evident in a letter they wrote in response to the report.

“At the outset of the interview, you recognized that the questions you planned to ask ‘relate to events that happened years ago,’ but nonetheless expressed your hope that the president would ‘put forth [his] best efforts and really try to get [his] best recollection in response to the questions we ask,’” Biden's attorneys wrote. “It is hardly fair to concede that the president would be asked about events years in the past, press him to give his ‘best’ recollections, and then fault him for his limited memory.”

All that, however, was in the future. For the moment, Biden's lawyers felt the interview had gone as well as could be expected.

And Biden had more urgent issues.

Immediately after the interview concluded, he walked to the Oval Office to meet with his national security team and call European counterparts. He also called Sen. Cory Booker (D-N.J.) who was in Israel, to check on him and see if there was anything the White House could provide.

That night, the White House was illuminated in blue and white, the colors of the Israeli flag, to express solidarity with an ally that had just lost more than 1,000 citizens to a terrorist attack and was about to launch a long,

deadly war. Biden, according to a person close to him, had retired to the residence that night to work on a speech he would deliver the next day.

Yasmeen Abutaleb, Perry Stein and Tyler Pager contributed to this report.

We spoke to older voters about Trump and Biden's age. We saw 3 recurring themes

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NPR

By Scott Detrow & Connor Donevan



Left to right: Rosalie Bablak, 86; David Reckless, 88; John Fuller, 81 at the Passavant Community Abundant Life Center in Zelienople, Pa. in September.

David Reckless didn't hesitate when asked about the main difference between being 80 and 88 years old.

"Energy."

"I used to be more or less the energy bunny," the 88-year-old said, looking down over a model train set in Zelienople, Pennsylvania. Now, not so much. "More naps in my day. That kind of thing."

The question of age is looming over the 2024 presidential election, because President Joe Biden, who will be 81 at the time of the election, is running for a second term. And his most likely opponent will be former President Donald Trump, who's 77.

If you measure both men's age from the day they first took office, that means Americans will likely choose between the country's oldest-ever president, and its second oldest.

"My personal opinion is that neither one should be running," Reckless said. "Things go downhill in a hurry sometimes, and I think both of them are in pretty good health right now, but two, three, four years down the road, I'd be concerned about that."

Politics doesn't usually come up during Reckless' model train club meetings at Lutheran Senior Life's Passavant Community. But poll after poll after poll shows that of the issues in this election, including Trump's multiple felony criminal charges, the candidate's ages — and Biden's in particular — are among the top of mind for many voters.

Biden's doctor has repeatedly given him a clean bill of health, but his occasional stumbles have made headlines.

And polls have repeatedly shown that they've left an impression. In just about every recent national survey from a major news outlet, a sizable majority of voters have raised concerns about Biden's ability to do the job in a second term.

No one is better positioned to assess the impacts of age on the candidates than the voters who've lived it themselves: seniors around the same age as Biden and Trump. NPR interviewed more than a dozen of them. And not just any group of seniors: seniors who live and cast ballots in western Pennsylvania, a region that's of key strategic and symbolic importance to both Biden and Trump's campaign.

The counties around Pittsburgh are home to white, working class communities that helped put Trump in office, and wealthy suburbs that swung the other way as Biden won the state in 2020.

Pittsburgh Democrat Nettie Henning, 70, says she'd like a younger candidate than Biden, but she doesn't believe the party has prepared a solid alternative. "[Biden] is our best chance at this point to save our democracy."

The conversations with people from a range of political backgrounds confirmed the general trends of the polls: most voters wished both Biden and Trump would step aside for a younger generation. Few, if any, expressed genuine excitement about the prospect of a rematch of the brutal 2020 campaign.

But they also revealed much more nuance. Many of the seniors felt that younger people don't fully appreciate or understand the aging process. Several thought Biden's physical and verbal stumbles were often overblown, even though most said they didn't personally have the energy to be president at their age.

The interviews showed three recurring themes in how older voters are approaching the election.

1. Voters saw the candidates' health in comparison to their own

The regulars in Stella Hopewell's line dancing class at the Vintage Center for Active Adults, in Pittsburgh's East Liberty neighborhood, are all seniors. But Hopewell said they've outlasted high school students in the past when they've held joint events. "We dance those young people into the ground," she said proudly at the end of a two-hour class.

Twice a week, the group powers through coordinated steps, dips, twirls and crossovers as funk, soul, and go-go blast through the speakers.

"The discipline, both mental and physical, is fabulous," said Cathie Huber, 80, a regular. "Absolutely fabulous."

"I feel at 80, I'm just as sharp as I ever was. I have physical liabilities, but that has nothing to do with the mental capabilities."

She supports Biden, said will vote for him in 2024, and thinks the coverage of his age is overblown.

"I think another term isn't going to hurt him a bit," Huber said. "A lot of the ladies out on the floor are past 80 and we keep going. This keeps us young."

Huber's fellow line dancer, Len Zapler, sees things differently. "My chief worry is, I'm losing it," the 85-year-old said. "And he's on the verge of losing it, I think. So I wouldn't want this guy out there running the show."

Zapler keeps active with line dancing, yoga and other physical activity, but has felt his reaction times and memory fade in recent years. He's been troubled by some of the coverage of Biden, particularly his stumbles in speeches.

Still, Biden often quips that voters should judge him against "the alternative, not the Almighty," and within that framing, Zapler offers a twist.

He's a Republican, and has been voting Republican on the ticket since 1960. "I didn't even vote for Kennedy," he joked. That extended through 2016 and 2020, when Zapler cast ballots for Trump. But he said he couldn't do it again in 2024.

"I think he's really gone off the rails," he said. "I'd be hard pressed to vote, but I think I'd vote for Biden, if I had to. But I hope he has a very stalwart and capable vice president. That's what I pray for."

2. Voters' perceptions of age broke down along partisan lines

Most Democratic seniors NPR spoke to weren't especially worried about Biden's health. "Biden is coping with his aging process very well," said Preston Shimer, 84, of Mt. Lebanon. "He's still coping with his stuttering problem, which impacts his verbal presentation. Well, he's had to do that for his entire life."

Shimer put more weight on Biden's record and cabinet than the way his gait has changed with age. "I don't care about his golf score," he said. "You're basically electing a team and therefore,

I think it's clear that I think that Biden has a far better team."

Looking at the same evidence, Rosalie Bablak, an 86-year-old Republican who lives in the Passavant Community, had concerns: "We have someone who sits in the Oval Office who's going to touch the button if we're going to have nuclear war. I would like someone who's more quickly thinking."

Bablak said younger people were more frightened of aging than they should be. "The passage of life is good and it's good being old," she said. "We have fun." But she said the wisdom of older politicians is better suited to advisory roles than elected office.

"I honestly wish we had younger candidates," she said.

3. Many older voters feel it's time for a new generation of politicians

Susan Hughes, 77, of Mt. Lebanon can't fathom why politicians want to continue to serve into their eighties. "I know my capacity, and I think I have pretty good capacity," she said. "And I wonder how in the world they could not want to retire."

Hughes is a Republican and said she favored the policies of the last administration — "the Trump-Pence administration," she emphasizes — but she was bothered by Trump's character. "It's just tearing apart the fabric of our culture, I think," she said. She voted for Biden in 2020.

When it comes to age, she has concerns not just about Biden and Trump, but also other older politicians like Senate Minority Leader Mitch McConnell, R-Ky. who has had public health issues in recent months. Hughes questioned the motive for staying in office. "Is this about power, or is it about service?"

Hughes wasn't the only voter who dreaded the possibility of a Trump-Biden rematch in 2024.

"Advice to both: don't run," said John Fuller, 71, of Marshall Township, a registered Democrat who describes himself as an independent voter. He voted for Biden but isn't sure who he'd choose between the two candidates this time around.

He has questions about Biden's health, but appreciated the sense of order Biden brought to government. "In Trump's administration, there was always consternation, always challenge," he said. "And he was on the news every day."

"It's not good for the country," said 71-year-old Ahmad Zaghab, an independent voter, on a break between chair yoga and an aquatic fitness class,

at the Passavant Community's Abundant Life Center.

But he said he feels an obligation to vote, and if he's faced with a choice between the two previous presidents next fall, he said, "I just close my eyes and do it."

Ahmad Zaghab follows instruction from Sally Thomas during an aqua fitness class at Passavant Community Abundant Life Center in Zelienople in September.

New York Democrats are worried about Tuesday's special election. They have good reason to be

By Gregory Krieg and Veronica Stracqualursi,
CNN
February 11, 2024



Nassau County Legislator Mazi Pilip, seen here with former New York Rep. Peter King, right, arrives to cast her ballot during early voting in Massapequa, New York, on February 9, 2024.

How bad were the 2022 midterm elections for Democrats in New York? One way to explain it: Republican George Santos' victory in the state's 3rd Congressional District might have been the highlight of their year.

Santos' troubles began in earnest six weeks after his surprising win, and after a year of scandal and outrage that sullied and undermined leading local Republicans, he was gone — one of only six members to have been bounced from the House and only the third since the Civil War — and the seat was open. Democrats would get another bite at the apple.

But as the special election to succeed the disgraced former congressman has made painfully clear to Democrats, Santos' victory was not a fluke or anomaly. What had been a safely blue suburban Long Island seat for most of the past three decades is, once again, shaping up to be a political battleground.

Days out now from Tuesday's expensive and fiercely contested matchup between Democrat Tom Suozzi, 61, a former House member and a staple of Nassau County politics since first being elected mayor of Glen Cove in 1993, against little-known

Mazi Pilip, a 44-year-old Ethiopian-born, Israeli American county legislator, the race is widely considered a toss-up. Suozzi's brand is still strong; he ran the county during some of its best economic times, before his first election to Congress in 2016. But Pilip, though her ideological bearings remain fuzzy and she has been at times hard to find on the campaign trail, has the prevailing political winds at her back — and the opportunity to both put a stamp on the GOP's restored primacy on Long Island and emerge as an up-and-coming national figure ahead of the fall's general election.

Ten or 15 years ago, the political dynamics currently roiling the New York suburbs might have seemed as far-fetched as Santos' claims to a career as a Broadway producer. (Less so 40 years ago, when Republicans ran roughshod here and Ronald Reagan alluded to Nassau County as a Republican's idea of heaven.) But cascading crises, from a home-building and affordability crisis to more recent panic over crime and immigration, have swung back the pendulum.

Nassau County in 2024 is sharply divided and — in a word — angry. It's a lot like other places across the country that could determine President Joe Biden's fate in his expected November rematch with former President Donald Trump.

"Long Island is running hot, and when people run hot, they run Republican," said Alyssa Cass, a Democratic strategist. "George Santos was not an accident. His election was the direct result of years and years of careful Republican recruitment, party building and outreach in Long Island."

Democrats on the brink, and Republicans on the rise

Though the district broke for Biden over Trump by 8 points in 2020, the signs of a Republican renaissance — and diminishing returns from a disjointed Democratic state party — were soon to come on display.

Senate Majority Leader Chuck Schumer lost the county while otherwise cruising to reelection in 2022. The year before, Democrat Laura Curran, the top official in Nassau County, was ousted by Republican Bruce Blakeman. GOP gains continued into 2023 — well after the Santos fiasco was in full flight — and Republicans are now close to dominant in local offices.

Tuesday's special election, though, is unique in a number of ways. Where New York Democrats garnered little national attention in 2022 — until their slew of losses in suburban seats across the state helped the GOP win control of the House — the party is full throttle behind Suozzi this time out. It also

helps that Brooklyn's Hakeem Jeffries is now the top House Democrat.

"Hakeem is a beast – for better or for worse," said one progressive Democratic operative, who spoke anonymously because of the delicate nature of intrastate politics. "I appreciate the fact that he's realized that, if you leave the race in the state party's hands, we're all going down."

New York state and Nassau County Democratic Chairman Jay Jacobs, who rejected calls to resign after the Santos debacle, praised Jeffries and his leadership team for their support – particularly when it's come to campaign cash – but also suggested that, back in 2022, the local party suffered as much for a lack of interest from national Democrats as their own missteps.

"Everybody's paying attention, where they really weren't and we were on our own the last time," Jacobs told CNN. "The county organization did its job last time. It's doing its job this time. No Democratic voter is going to tell you they didn't hear from the party."

Still, questions remain about the recent Democratic failures, most notable on the island, but also across the state.

"Historically, there has never really been a strong (Democratic) party infrastructure here because the state party was just the governor's thing," Curran told CNN. "He could boss it around and tell it what to do. So there's not a machine, there's not a real boots-on-the-ground operation."

It's been a different story this campaign. Grassroots progressive groups like Engage Long Island, which is part of the Indivisible network, have been feverishly knocking on doors – taking their case directly to like-minded neighbors. And Suozzi has massively out-raised Pilip, taking in \$4.5 million to her \$1.3 million, according to Federal Election Commission filings that cover the beginning of October through January 24 of this year.

Curran, a centrist ally of Suozzi, doesn't blame former Gov. Andrew Cuomo or Jacobs for the state party's failures – her ire is directed at leftist Democrats in New York City Hall and the state Legislature. But more liberal New York Democrats often point to the current problems as Cuomo's legacy. And even with Cuomo gone, Jacobs is now, again, a trusted ally of the governor, Democrat Kathy Hochul, who clinched a full term in 2022 – but only by a little more than 6 points. (Four years earlier, Cuomo had won reelection by 23 points, with about 60% of the vote.)

Suozzi, Curran and others said the special election might be Democrats' last best hope to stop Long Island's red

tide from surging further, noting Suozzi's name recognition and personal political brand – a straight-talking, go-everywhere moderate – in comparison with Pilip's aversion to gladhanding on the trail.

"Here's someone who has proven that he can fix the problem and wants to fix the problem. But is that what people are looking for right now, or are they just so mad at the Democrats that they're not listening?" Curran said of Suozzi and district voters. "Honestly, Tom is the one who can win this race – if a Democrat can win it."

Larry Levy, a former local journalist who is now the executive dean of the National Center for Suburban Studies at Hofstra University, offered the same mixed blessing to Suozzi and Nassau County Democrats.

"The outcome (of the race) will be a measure of how the Democratic brand can affect races all over the country," Levy said. "If Suozzi can't withstand the damage the Democratic Party has sustained over inflation, Israel and immigration, then I'm not sure who could."

In an interview with CNN, Nassau County GOP leader Joe Cairo agreed that Suozzi has a unique brand but said the former mayor, county executive and congressman's long record in office cuts both ways.

"Tom Suozzi on his signs, he's saying, 'Let's fix it.' Well, who broke it, Tom?" Cairo said. "You were in Congress."

Hot button issues such as the migrant influx, mixed in with the fight over abortion rights and a housing and cost-of-living crisis on Long Island, have driven a special election campaign that has seen the airwaves dominated by ads and mailboxes stuffed, almost daily, with campaign literature from both parties.

Though no single contest – much less an almost pop-up special election conducted under unusual circumstances – can claim to foretell what comes next in national politics, "Suozzi vs. Mazi" (it rhymes) comes awfully close. In a nod to the dim views of Democrats and Republicans in this swing district, neither Suozzi nor Pilip advertise their party affiliation on the thousands of lawn signs now staked out across the district. Pilip initially refused to say who she voted for in 2020, before eventually telling the New York Post over the weekend that she "proudly" cast her ballot for Trump. In sum, Nassau County looks a lot like the suburban areas around the country that are expected to play an outsize role in determining the 2024 presidential race.

"You'll hear from Democrats, if they lose, that this really isn't a bellwether

because Nassau County has been an outlier nationally," Levy said. But, he added, while nothing is certain, "the reality is that the issues are going to be the same, whether it's ... Montgomery and Bucks counties in Pennsylvania or Oakland County, Michigan."

What distinguishes Nassau County from some of those other traditional battlegrounds is its proximity to America's biggest city, where political moods tend to filter out into the suburbs and, in recent years, concerns over public safety and, more recently, a growing migrant housing crisis are dominating the headlines.

"We look west and we see what's happening in New York City, whether it is crime, migration, affordability issues. Even if it's not here in our backyards, because we live off of New York City, basically," said Mike Florio, a former top Suozzi staffer in Congress turned CEO of the Long Islanders Builders Institute. "What the Republicans are able to do is tie the issues you see in New York City and say, 'If you go with the Democrats who control New York City, you know, we can end up like that.'"

Some of the asylum-seeking migrants whose presence has scrambled local politics are currently living in a relief center near the Creedmoor Psychiatric Center in Queens Village, which sits inside the 3rd District's borders. During their Thursday night debate, Pilip – as she's done in commercials and mailers – claimed Suozzi, who represented the district from 2017 to 2023, and Biden were responsible for the mess. (The city's migrant surge started when Republican Gov. Greg Abbott of Texas began busing people north in 2022.)

"Tom Suozzi opened the border. Tom Suozzi funded the sanctuary city. Tom Suozzi kicked ICE from Nassau County," she said, before addressing Suozzi directly: "You have to own it."

For his part, Suozzi has sought to brush off the attacks as absurd. His fight with ICE, he said, came at the behest of a police chief whose officers clashed with ICE agents more than 15 years ago during his time as county executive. The broader thrust of similar attacks, he said early on in the debate, was not credible.

"For you to suggest I'm a member of 'the squad' is about as believable as you being a member of George Santos' volleyball team," Suozzi said to some laughter in the hall.

In fact, Suozzi did once express affinity for "squad" members – an informal coterie of House progressives – though not in the context Pilip and other Republicans have described. Suozzi made the remark in 2019, shortly after then-President Trump said Reps. Alexandria Ocasio-Cortez, Ilhan

Omar, Ayanna Pressley and Rashida Tlaib – all of whom are American citizens – should “go back” to their countries.

“I don’t agree with all the politics of the squad. I’m a Democrat. I don’t agree with a lot of their politics,” he said that summer. “But today, I want to be an honorary member of ‘the squad.’ Because I want to fight against this un-American, racist type of behavior.”

Suoizzi, too, has sought to lump in Pilip with more divisive characters, including Santos. On Thursday night, he called her “unprepared and unvetted” and then sought, during a tense and protracted exchange, to get her to explain contradictory positions on abortion and gun laws.

Pilip says “every woman should have that choice (on abortion) to make their decision” but also calls herself “pro-life.” She opposes both a national ban on abortion and the codification of *Roe v. Wade*, backing the Supreme Court’s *Dobbs* decision and saying that the issue should be decided at the state level. Pilip has also said “automatic weapons” should be banned – which they are – but does not support a new assault weapons ban, which would outlaw firearms such as the semi-automatic AR-15.

Suoizzi also zeroed in on Pilip’s rejection of the bipartisan border security deal, hatched in the Senate, as a cop-out to Trump, who denounced it.

“We finally have a chance to have a solution,” Suozzi said, “but we’re not going to do it because President Trump said it’ll help Biden?”

A voting rights battle in a New York City suburb may lead to a national fight

Voters of color in Nassau County, N.Y., a segregated suburb of New York City, are waging an unprecedented redistricting fight under a state voting rights act, an emerging tool for protecting voting rights at the local level.

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Tracy J. Lee for NPR/ WNYC
Hansi Lo Wang

NASSAU COUNTY, N.Y. — In 2020, Maria Jordan-Awalom marched across an invisible line in one of the most segregated regions of the country.

After the police murder of George Floyd, she and other demonstrators took to the streets for racial justice in this New York City suburb, just east of the borough of Queens on Long Island.

There were no barricades blocking the road into the next community over, but crossing from the predominantly Latino and Black village of Freeport into the predominantly white hamlet of Merrick, their peaceful protest was met with jeers.

"Go back to where you came from!" Jordan-Awalom remembers hearing from onlookers on the sidewalk.

"It hits different when you're an immigrant, obviously," says the president of Freeport's school board, who was born in El Salvador and first moved to this village on Long Island's south shore as a teenager. "But also knowing that [they] were just angry because we were Black and brown people, that's what hurt more. We're neighbors."

Almost four years later, neighbors from the two communities are sharing the same representative in county government. That's because, in early 2023, officials in the Republican-controlled Nassau County Legislature approved a redistricting plan that drew large swaths of Freeport and Merrick into the same voting district.

The new political map has left Jordan-Awalom wondering: "What similarities do we have with the community who is telling us, 'Go back to where you came from?'"

The law firm that created the map with the county's then-top Republican legislator pointed to the communities' fire departments providing emergency backup services for each other, plus a shared rail line and an "economic corridor" running along the same road where Jordan-Awalom marched.

Still, the map has perplexed many residents of color. In a county scarred by decades of housing discrimination, they say its voting districts split up their communities and ignore many of the lines that separate them from predominantly white areas.

A group of them, including Jordan-Awalom, and an organization called New York Communities for Change are now waging a legal battle against the map with stakes that go beyond the shores of Long Island.

On Wednesday, they filed a novel lawsuit, arguing that the Nassau County Legislature intentionally passed a redistricting plan that discriminates against Black, Latino and Asian American voters in order to give Republican candidates an advantage in elections. Their case could not only result in a different set of voting districts for a county of close to 1.4 million residents, but also create a pathway for voters of color elsewhere to lead a new kind of fight against racial discrimination in redistricting at the local level.

Maria Jordan-Awalom, a resident of Freeport, N.Y., says she is fighting for a new redistricting plan for the Nassau County Legislature that keeps her predominantly Latino and Black village united in one voting district. "I feel like if we're not represented as whole, the representative will go to that powerful white voice before they listen to our concerns," Jordan-Awalom says.

In Nassau County, voters of color and white voters tend to prefer different candidates. And the number of people identifying as white and not Hispanic has dropped more than 11% over the past decade, as Black, Latino and Asian American residents now make up more than a third of eligible voters. But on the current map for the county legislature, those voters of color make up the majority of eligible voters in only four out of 19 districts, or less than a quarter. The map's challengers argue there should be six such districts.

"The white voice always seems to overpower our voices. And I feel like if we're not represented as whole, the representative will go to that powerful white voice before they listen to our concerns," says Jordan-Awalom, who wants to keep her village united in one voting district. "We have had the same fight for so long, so obviously we're not being heard. And I think it has to change."

That change, she hopes, will come through an unprecedented way of directly challenging a local voting map under a state voting rights act — an emerging tool that advocates hope can help fortify the rights of voters of color as opponents continue to chip away at protections against racial discrimination under the federal Voting Rights Act of 1965.

Legal experts, however, warn that critics of state voting rights acts are eager to test the constitutionality of these state laws with the U.S. Supreme Court's conservative supermajority, and this New York case could spark an appeal that may ultimately lead to the undoing of these protections across the United States.

How New York's state voting rights act led to a new kind of redistricting lawsuit

In the decade since the U.S. Supreme Court struck down a key provision of the federal Voting Rights Act, a small but growing number of states — including Washington, Oregon, Virginia, New York and Connecticut — have followed the lead of the California Voting Rights Act of 2002 by putting in place additional legal protections against racial discrimination in voting. New York's John R. Lewis Voting Rights Act was signed into law in 2022.

The scope of each law is different, including how they apply to specific elections. While there have been many redistricting lawsuits under state voting rights acts over the past two decades, those cases have been challenges to elections in which multiple candidates are elected as at-large representatives of one voting district.

New York's state voting rights act is among those that allow a map of multiple voting districts, each with a single representative, to be challenged in court for diluting the collective power of voters of color. And the lawsuit against the Nassau County Legislature's map is breaking new legal ground in state courts, according to Ruth Greenwood, an expert on state voting rights acts, who directs Harvard Law School's Election Law Clinic.

"A lot of lawyers like to think that the U.S. Supreme Court is as fancy as it gets and you should try to do everything you can there," Greenwood says. "But the reality is that if you're trying to protect communities, you need to use the absolute best tools available to them. And in this case, the U.S. Supreme Court is not a friend to the Voting Rights Act. And so it makes sense to go through state voting rights acts."

To argue that a voting map dilutes the collective power of voters of color under the federal Voting Rights Act, challengers have to show in court that, in the words of a landmark Supreme Court ruling, "the minority group" can make up the majority of and fit inside a "majority-minority district" — a hurdle that can take a lot of time and redistricting experts to overcome. That's not the case with these state voting rights acts.

That difference allows these state laws to address racial discrimination in places where residential segregation may not be as extreme, says Perry Grossman, who helped develop New York's state voting rights act and is now the lead attorney for the Nassau County map's challengers.

"It's taking less taxpayer resources and less resources on the side of voters of color to root out that discrimination," says Grossman, who also directs the New York Civil Liberties Union's Voting Rights Project. "It also offers more opportunities for jurisdictions to remediate their schemes voluntarily, which we want to see. We want to see jurisdictions take that opportunity to do it themselves rather than get sued for it."

The challengers of Nassau County's map tried to avoid a lawsuit by sending a formal letter in December to county officials, as required by New York's state voting rights act. The letter claimed the current redistricting plan is not in line with the state law because its

boundaries impaired the ability of communities of color to elect their candidates of choice and influence election outcomes.

But the county legislature has refused to make any changes, keeping in place a map that was introduced late in the redistricting process by the top Republican legislator at the time, Richard Nicoletto, who rejected plans put forth by a bipartisan redistricting advisory commission.

The legislature passed that map in February 2023 on a party-line vote with 11 Republicans in favor and seven Democrats against it. The vote came after contentious public hearings, where Democratic county legislators had a hard time getting Nicoletto and an attorney from Troutman Pepper, the Atlanta-based law firm that put together Nicoletto's map, to elaborate on how they came up with the districts.

No districts in Nassau County needed to or could be "race-focused districts" in order to be in line with the federal Voting Rights Act, concluded Sean Trende, an elections analyst for RealClearPolitics who advised Nicoletto, according to a memo released by Troutman Pepper.

"We, therefore, did not consider race any further in redistricting because that would have been unconstitutional," attorney Misha Tseytlin, a partner at Troutman Pepper who previously served as Wisconsin's solicitor general, explained at one hearing.

Tseytlin later added that the firm thought it is important to read New York's John R. Lewis Voting Rights Act "consistent with the U.S. Supreme Court's precedent against racial gerrymandering."

"Any other conclusion that would read the John Lewis law as a requirement for infusing race into every redistricting decision, in the U.S. Supreme Court's interpretation of words, would render the John Lewis law unconstitutional, and we definitely don't want to do that," Tseytlin said.

Tseytlin, Trende and the legislature's Republican majority caucus, through a spokesperson, declined NPR's interview requests. But in an email statement, Mary Studdert, the caucus' spokesperson, said: "The adopted maps incorporated feedback from the public's testimony from over a dozen public hearings, while meeting all legal and constitutional standards, uniting communities of interest and ensuring equal representation for the residents of Nassau County."

"...they put that lid right back on top of us"

Lisa Ortiz, an Afro-Latina resident of southern Nassau County, however, is concerned that representation is not equal now that her home in the predominantly Black hamlet of Lakeview has been drawn into the same district as the predominantly white village of Malverne.

The change forced Lakeview out of a district with neighboring communities of color, and Ortiz, a registered Democrat who was previously represented by a Black Democrat, now has a county legislator who is a white Republican.

"When you think about Lakeview being grouped into a district that really has the power to silence our vote, it discourages people. Why should I go out and vote? My vote is not even going to count. That defeats the purpose of living in a democracy," says Ortiz, who is one of the redistricting plan's challengers in the lawsuit.

Lisa Ortiz, a resident of Lakeview, N.Y., stands under the new street sign for Acorn Way in the predominantly white village of Malverne, where many Black students from Lakeview attend schools. The street was previously named Lindner Place after a leader of the Ku Klux Klan in New York.

Troutman Pepper, the law firm that drew the county legislature's map, justified the change by citing the "strong community of interest" created by the two communities sharing the same school district.

But many Lakeview residents remember the struggle to get the district to fund school bussing for Black students in Lakeview after the district was ordered to desegregate. And until last year, the street in front of one of the district's elementary schools in Malverne was named after a leader of the Ku Klux Klan in New York, Paul Lindner, who was once also the namesake of the school.

Ortiz was relieved to see Lindner Place become Acorn Way at the unveiling of the new street sign last January, weeks before the Nassau County Legislature passed the new voting map.

"We were able to accomplish one thing with the street renaming, but then they put that lid right back on top of us," Ortiz says.

Why this redistricting fight could end up before the U.S. Supreme Court

Towards the northwest corner of Nassau County, Jerry Vattamala, an Indian American resident of the village of New Hyde Park, sees a similar tactic playing out through the current

redistricting plan. The county's Asian American population has grown over the past decade by around 60%, the highest rate among all racial and ethnic groups.

The map's lines cut through a growing Asian American community in an area known as Greater New Hyde Park, where thoroughfares are lined with gurdwaras, Hindu temples, bubble tea shops and Asian-owned grocery stores, plus annual events for Diwali and Lunar New Year are organized by town government officials.

"Anyone that lives in the area just by looking at it can see, 'Oh, look! They divided us into three different districts' — right in the heart of where most of the people live," says Vattamala, who is a member of New York Communities for Change, one of the map's challengers.

Because of where Asian American residents live in the county, it may be difficult to draw a viable voting district where Asian Americans make up the majority.

But Vattamala hopes to see a new map with what's known in the redistricting world as an "influence district," where there would be enough Asian American voters to have a significant influence on who is elected to the Nassau County Legislature, which has yet to have an elected legislator of Asian descent. Under the current map, two Democratic candidates who could have been the county's first Asian American legislators lost to Republicans last year in races for seats in Greater New Hyde Park.

"We're not asking for special treatment or to have any type of advantage," says Vattamala, an attorney who leads the Asian American Legal Defense and Education Fund's Democracy Program. "What we're demanding is an equal opportunity to elect a candidate of our choice, just like other communities enjoy, mainly the white community in Nassau County."

Jerry Vattamala attended a Lunar New Year event organized by officials from the town of North Hempstead, N.Y., in January. Vattamala says he hopes to see a new voting district with enough Asian American voters to have a significant influence on who is elected to the Nassau County Legislature, which has yet to have an elected legislator of Asian descent.

Still, Greenwood of Harvard's Election Law Clinic warns that critics of state voting rights may be preparing to challenge that position in court by arguing that what laws such as New York's require in redistricting amounts to racial gerrymandering.

"I think some people see that when you're trying to enfranchise people of

color, they see that as creating maybe a quota or some set-aside so that people of color have access to the political system," Greenwood says.

Greenwood has helped file friend-of-the-court briefs arguing against a Republican precinct committee officer in Washington's Franklin County who has asked the U.S. Supreme Court to take up a case about the constitutionality of Washington's state voting rights act.

In Mount Pleasant, N.Y., a suburb north of New York City, local officials recently argued in court that New York's law is unconstitutional, raising the possibility of a U.S. Supreme Court appeal of a lawsuit by a group of Hispanic voters, who are challenging the town board's at-large election system.

The case against the Nassau County Legislature's map may be headed for the high court, too.

"If this leads to the New York voting rights act getting struck down as unconstitutional, that won't only affect people in Nassau County," Greenwood says. "It'll affect everybody in New York and potentially everybody in all of the states that have state voting rights acts."

It's a possible scenario that Tseytlin, the Troutman Pepper attorney, hinted at multiple times last year during a public hearing about the county's map.

"This was just enacted," Tseytlin said about the John R. Lewis Voting Rights Act of New York. "This is the first cycle. Perhaps, there will be a test case here coming up."

What the Long Island special election tells us about the battle over the suburbs

The race between former Rep. Tom Suozzi and Mazi Melesa Pilip could provide clues for both parties on immigration and crime as they gear up for 2024.

The Long Island race between former Rep. Tom Suozzi (above) and Republican Mazi Melesa Pilip to replace former Rep. George Santos could offer clues about the mind-set of suburban voters across the country.

By Steven Shepard
02/10/2024

The nation's suburbs are moving toward Democrats. But not on Long Island.

Republicans have a three-year winning streak in the close-in suburbs east of New York City — places that rejected then-President Donald Trump in 2020 but have turned red amid concerns about crime and, more recently, immigration.

Next week's special election to replace ousted Rep. George Santos will test whether they can maintain their recent stranglehold on those New York suburbs. Former Democratic Rep. Tom Suozzi is running against Republican Mazi Melesa Pilip. Both independent and partisan polling shows the race is tight.

For Democrats, a win would — among other things — suggest a way to overcome ongoing Republican attacks over crime and immigration, which they concede are a major problem for their party's image.

"Voters in this particular district see headlines several times a week about migrants being bused into New York City," said former Rep. Steve Israel (D-N.Y.), who held the seat before retiring in 2016. "People on Long Island really do have the perception that migrants are flooding New York City, and the border isn't under control."

If Democrats are successful, it may be simply because they are building on nationwide trends among upscale suburban voters. New York's 3rd Congressional District isn't just suburban: It has some of the most affluent and educated voters in the country. It ranks 16th in median earnings, and 30th in the percentage of adults with college degrees.

That's what's made Republican wins there so confounding for Democrats, who hold nearly every other district with similar metrics on education and income.

New York's 3rd District — roughly three-quarters of which is in suburban Nassau County with the other quarter in the outer New York City borough of Queens — is one of the 11 districts Republicans won in the last election that ranks in the top 50 for adults with college degrees. And GOP candidates only won two of the top 20 districts in median earnings, New York's 3rd included, in 2022.

If Republicans can pull off a victory, it will offer a blueprint for a suburban comeback elsewhere.

New York GOP candidate running for Santos' seat casts ballot

That doesn't mean the result of next week's special election will be a perfect bellwether for November. That's because these particular suburbs may just be very different from others in the country. The district — and Long Island more broadly — has been racing toward Republicans at a time when Democrats are increasingly dominant in suburbs in other parts of the country.

In addition to Santos' victory, Republicans swept the other three House seats on Long Island, including a neighboring seat also based in Nassau County that voted for now-President Joe Biden by 13 points in 2020 but elected Republican Anthony D'Esposito to Congress in 2022.

Races for state and local offices on Long Island have followed a similar pattern. Then-Rep. Lee Zeldin won both Nassau and Suffolk counties by double digits in 2022, and the GOP now controls the county executive offices in both counties, flipping each seat in the past three years.

Some GOP strategists point to a pattern of improved Republican performance in blue states — with increasing dissatisfaction with Democratic control — since Trump left office. In addition to the Long Island seats Republicans flipped a couple of House seats in the 2022 midterms in places like California and New Jersey, even as they struggled to make inroads in swing states like Michigan and Pennsylvania.

The only better-educated and more affluent district than New York's 3rd that Republicans currently hold is also in a New York City suburb: the Northern New Jersey seat currently represented by Rep. Tom Kean Jr., who won narrowly in 2022.

“Our wins the last two cycles have come overwhelmingly in all sorts of blue states, and in the suburbs outside of big cities in those blue states,” said Dan Conston, the president of Congressional Leadership Fund, the top House GOP super PAC, which is set to spend \$4.3 million on advertising in the district, data from AdImpact show. That's a hefty sum, in large part because New York is the most expensive media market in the country.

Candidates clash, tempers flare. New York special election debate

By Emily Ngo
February 08, 2024

Close observers in both parties returned to the subjects of crime and immigration as the key issues in the New York race, and the campaign ad spending confirms that. Every ad Republicans have aired in the New York race has focused on immigration, according to AdImpact.

“It's part of the country where they're not even close to the Mexican border, and it's the number-one issue,” said John McLaughlin, a Republican pollster with extensive experience on Long Island. “They're really worried about crime, and they're saying it's about immigration.”

The Republican tactic is forcing Democrats to respond. Roughly half of all the ads from Suozzi's campaign have also touched on immigration. The ad he's run more frequently than any other begins with the line, “You've been hearing a lot of nonsense blaming Tom Suozzi for the migrant problem.”

Israel, Suozzi's predecessor in Congress and a former chair of House Democrats' campaign arm, isn't sure that directly answering the attacks on immigration is the wisest course of action.

“I always advise folks in politics: Never play on your opponent's turf. Don't cede them the message. Don't acknowledge the message. The Suozzi campaign has made their own tactical, strategic decision that they must message on that turf,” he said. “I'm very interested to see whether that decision was the correct one. And if it was, then it will play out in suburban congressional districts across America.”

Both parties may be spending a lot for a fleeting victory. Democrats in Albany are expected to redraw New York's congressional map before the November election. And Long Island, which is currently represented by three Republicans in addition to the vacant Santos seat, will be a top target.

“This is the most expensive rental of a district that I've ever seen, because it's going to change,” said Israel, citing the flurry of campaign advertising. “Democrats will focus on it in redistricting going into November.”

New York verdict against Trump not valid, J.D. Vance says

The Ohio Republican referred to the jurors coming from “extremely left-wing jurisdictions.”

When asked about claims that support for Donald Trump sanctions behavior like sexual assault and defamation, J.D. Vance said that the statement was unfair to victims.

By Katherine Long
POLITICO
02/04/2024

Describing the jurors as from “extremely left-wing jurisdictions,” Sen. J.D. Vance said Sunday the New York jury verdicts in the E. Jean Carroll defamation and sexual assault cases against President Donald Trump had no validity.

A former “Never Trumper,” Vance (R-Ohio) now fully backs the former president, who is originally from New York City. Trump was ordered to pay \$83.3 million in damages to advice columnist Carroll and is the center of a myriad of cases set to play out this year amid his 2024 campaign.

“This case, like so many legal cases against Donald Trump, they're trumped up — they're in extremely left-wing jurisdictions, or it's actually the Biden administration prosecuting his chief political rival,” Vance said to host George Stephanopoulos on ABC's “This Week.”

“George, if you look at all of these cases, the through line, two-fold. No. 1, they're funded by Donald Trump's political opponents, and the goal here is not to help us actually have a real conversation about how to advance the country forward. Their goal is to defeat Trump at the courts because these people know they can't defeat him at the ballot box,” he told Stephanopoulos.

Stephanopoulos pressed Vance as to whether he believed any verdicts by a group of average citizens in New York City could be fair. “Well, when the cases are funded by left-wing donors and when the case has absolute left-wing bias all over it, George, absolutely I think that we should call into question that particular conclusion,” he said.

The response mirrors that of the former president, who criticized the verdict in a post to his site Truth Social.

“Absolutely ridiculous! I fully disagree with both verdicts, and will be appealing this whole Biden Directed Witch Hunt focused on me and the Republican Party. Our Legal System is out of control, and being used as a Political Weapon. They have taken away all First Amendment Rights. THIS IS NOT AMERICA!” Trump wrote.

When asked about claims that support for Trump sanctions behavior like sexual assault and defamation, Vance said that the statement was unfair to victims.

“I think it's actually very unfair to the victims of sexual assault, to say that somehow their lives are being worse by electing Donald Trump for president, when what he's trying to do, I think, is restore prosperity,” Vance said.

It's the world's leading killer. Focus of the next breakthrough.

By Tom Frieden
WASHINGTON POST
February 7, 2024 at 6:45 a.m. EST

Frieden, director of the U.S. Centers for Disease Control and Prevention from 2009 to 2017, is president and chief executive of Resolve to Save Lives and senior fellow for global health at the Council on Foreign Relations.

In 2023, the weight-loss drug Wegovy and similar medications were a scientific and cultural — and profit-making — breakthrough. Allowing patients to shed weight without diet or exercise, they are a rare bright spot in efforts to reverse obesity. They also reduce heart disease.

But what if we had medications that cost 5,000 times less and are better at

preventing heart attacks and strokes? And what if only 1 in 5 people who need these medications get them?

That's the situation with drugs to treat high blood pressure — and it needs to change.

Hypertension, the “silent killer,” is the deadliest but most neglected and widespread pandemic of our time, killing more than 10 million people a year worldwide. More than a third of deaths from high blood pressure occur in adults younger than 70 years old and this proportion is even higher in low-income countries.

Yet less than one half of 1 percent of global health funds go to fighting hypertension.

Money matters. HIV prevention and treatment programs led by the President's Emergency Plan for AIDS Relief have prevented 25 million deaths. Childhood vaccines prevent millions of deaths every year. Bloomberg Philanthropies supports country action projected to prevent at least 35 million deaths by the end of this decade. Hypertension could be the next big global health win. But it urgently needs focus and funding.

Hypertension can be prevented and treated. Prevention includes reducing sodium and increasing potassium intake, for example, through use of potassium-enriched low-sodium salts. Low-sodium salt is more expensive than standard table salt and might require regulatory measures, promotion and subsidies, at least at first, to ensure wide adoption. For those who need treatment, there are safe, inexpensive generic drugs that can cost just pennies a day or less.

Better hypertension control can save millions of lives each year — more than any other adult health-care intervention. Effective treatment programs use a step-by-step guide for prescribing medication, ensure drug supply, use health-care teams including nurses, and make services free and convenient. These programs also track blood pressure control rates every month; simple digital systems help health-care workers improve patient care and increase control rates.

Every health leader — and any political leader concerned about health — should focus on a single number: The proportion of all people living with hypertension who are documented to have it under control. A global goal is to treat half of all those with hypertension effectively — i.e., reducing blood pressure to 140/90 or less. (For some people, a lower target such as 130/80 is appropriate.)

Today, that number is at most 1 in 5. In the United States, it's less than half. Only four countries — Canada, Costa

Rica, Iceland and South Korea — provide effective treatment to even half of those who need it.

Improving global hypertension control to 50 percent of all who have the condition would prevent 2 million deaths each year and 200 million strokes and heart attacks over the next 25 years. Doing so would also save billions of dollars in averted hospitalizations, disability and lost productivity.

Governments, multilateral agencies and private donors must mobilize progress. The U.S. Food and Drug Administration needs to set, monitor and enforce targets to reduce sodium in packaged food. Exhorting providers and patients to improve hypertension treatment has been tried and failed. I know — I proposed and led implementation of that approach as director of the Centers for Disease Control and Prevention. Instead, the Department of Health and Human Services's Centers for Medicare and Medicaid Services should establish powerful financial incentives to health-care systems for blood pressure control and disincentives when failure leads to avoidable heart attacks, strokes and kidney disease.

Globally, most lower-income countries still don't routinely treat hypertension, but progress is possible. Nearly 20 million people across 32 lower-income countries are now enrolled in effective hypertension treatment programs, which have more than doubled blood pressure control rates.

National governments will need to provide most of the funding. Medications can cost less than \$5 per year, but only countries that provide free medications conveniently to all patients are likely to achieve the lifelong adherence needed. Countries also need to strengthen primary health care — the most effective place for diagnosis and treatment.

The World Bank can lend funds to improve primary health care with a focus on specific outcomes including blood pressure control. The Global Fund to Fight AIDS, Tuberculosis and Malaria could facilitate procurement of low-cost, high-quality blood pressure medications and monitors. Donor funding will be essential to fill gaps and catalyze progress.

Improving hypertension diagnosis, treatment and monitoring strengthens primary health care, which will improve care of diabetes, lung disease and many other conditions. Doing so will also increase population resilience so we can better withstand health threats of all types, including the next pandemic.

Breakthrough drugs such as Wegovy are exciting, but the biggest health breakthrough of 2024 would be getting 100 million more people treated effectively for hypertension, the world's leading killer.

Before Taylor and Travis, there was Marilyn Monroe and Joe DiMaggio



By Frederic J. Frommer
February 6, 2024
Washington Post

There were no social media sites to chronicle their every move, no midgame television shots inside packed luxury suites, no cable news shows to chew over the potential political implications of their relationship. But nearly 75 years before the connection between pop music icon Taylor Swift and NFL star Travis Kelce became a public obsession, Americans were similarly infatuated with the growing romance of Marilyn Monroe and Joe DiMaggio.

Monroe, a movie star and international sex symbol, started dating DiMaggio in 1952, just after he retired as one of the most famous baseball players of all time. They would wed two years later in San Francisco. The marriage lasted just nine months, but the two provided something of a prototype for a booming bond between a mega-celebrity and a sports sensation.

“Times have changed, for sure, but the impact of a movie star and a sports star (Marilyn/Joe) and a music star and a sports star (Taylor/Travis) will always have the capacity to fascinate the public,” wrote Michelle Vogel, a film historian and author of “Marilyn Monroe: Her Films, Her Life,” in an email exchange. She noted that the Monroe-DiMaggio union was dubbed “The Marriage of the Century.”

Swift’s appearances at Kelce’s Kansas City Chiefs games this season supercharged interest in the team and their relationship, starting when she was shown on national television Sept. 24 at Kansas City’s Arrowhead Stadium during a game against the Chicago Bears. Although she is scheduled to perform at a concert in Tokyo the night before the Chiefs’ Super Bowl LVIII matchup with the San Francisco 49ers, her fans have calculated that she could make the game.

Unlike Swift, Monroe never got to see her significant other compete in a game that counted, but she did watch him play in an old-timers benefit game at Yankee Stadium in 1952, when he served as player-manager. It was DiMaggio’s first appearance in his No.

5 uniform since he retired; he grounded out and flied out in two at-bats.

“The introduction of DiMaggio, who retired only after last season, rocked the massive stadium,” The Washington Post wrote at the time. A few days later, Monroe told the Los Angeles Times that she had seen the game during her trip out East.

“I took time out for a side trip to New York and last Saturday saw Joe play for the first time,” she said. The Times described the actress as “happy” to watch him perform in person.

It’s hard to imagine an American couple who could have generated more interest in the early 1950s. DiMaggio, a center fielder known as the Yankee Clipper, remains a folk hero. His 56-game hitting streak in 1941 is one of the most hallowed records in sports, and he was the face of a New York Yankees dynasty that began with a World Series title in 1936, his rookie season. He was already a media sensation that year, with an appearance on the cover of Time magazine. In his 13-year career, DiMaggio won three MVP awards and played on an astounding nine World Series championship teams. (He missed three years of his prime to serve in World War II.)

The year DiMaggio began dating Monroe, Ernest Hemingway immortalized him in his novel “The Old Man and the Sea,” with the old man saying: “I would like to take the great DiMaggio fishing. They say his father was a fisherman. Maybe he was as poor as we are and would understand.” In the 1960s, Simon & Garfunkel highlighted him in their hit song “Mrs. Robinson”: “Where have you gone, Joe DiMaggio? A nation turns its lonely eyes to you.”

Monroe, the most famous actress in the world at her peak, also has long held a central place in American culture. Artist Andy Warhol created his classic silk-screened image of her in 1964, “Shot Sage Blue Marilyn,” which sold for more than \$195 million at Christie’s in 2022. The U.S. Postal Service put her on a first-class stamp in 1995, and it became the best-selling one of the year.

“What American male wouldn’t sell his soul to the devil to duplicate the exacta that Jolting Joe accomplished — play center field for the Yankees and marry the sexiest woman on the planet?” asked Larry Schwartz in an ESPN appreciation.

In other words, few celebrity-sports couples could match the impact of a DiMaggio-Monroe pairing.

‘It was a perfect match’

Monroe and DiMaggio were married in San Francisco in 1954.

The genesis of the DiMaggio-Monroe romance was a photo shoot she did with Philadelphia Athletics outfielder Gus Zernial, according to PBS’s “American Experience.”

“How come I never get to pose with beautiful girls like that?” DiMaggio joked with Zernial at an exhibition game after seeing the photos. Zernial connected DiMaggio to the press agent who set it up, which led to a date between DiMaggio and Monroe.

Maury Allen recounted in the book “Where Have You Gone, Joe DiMaggio?” that Monroe drove him home and, on the way, told DiMaggio, “I’m sorry I don’t know anything about baseball,” to which he replied: “That’s all right. I don’t know much about movies.”

They soon became the idealized couple — the 6-foot-2 dashing ex-ballplayer and the beautiful, glamorous movie star. DiMaggio’s teammate Jerry Coleman seemed to capture America’s take on the romance when he said: “I don’t think it was a surprise at all. The greatest woman in the world and the greatest guy in the world — it was a perfect match.”

Today, Swift, who was named Time’s person of the year for 2023, is arguably as renowned as Monroe. Kelce is a star in America’s most popular sport (as DiMaggio had been in his day, when baseball reigned), and last month he broke Jerry Rice’s NFL record for postseason catches. But he’s not the mythic figure that DiMaggio was.

These star couplings also began at different stages of life. Swift and Kelce are 34 and at the peak of their professions. At the beginning of their courtship, DiMaggio was 37 and had just finished his baseball career; Monroe was 25 and in her prime.

“Monroe was on the rise to stardom,” wrote Vogel, the biographer. “There was an age difference and a career difference. DiMaggio, on the way out. Monroe, on the way up.”

But both couples were the subject of breathless media coverage. In the 1950s, that was mostly in newspapers, which began speculating about a DiMaggio-Monroe marriage soon after they started dating.

“Marilyn Monroe won’t be able to marry Joe DiMaggio right away, even if she wants to,” Hollywood gossip columnist Sheilah Graham observed in August 1952. “Starting this week, Monroe plunges into 50 poster sittings and 40 fan-magazine layouts. Every paper and periodical in the country is clamoring for more of Marilyn.”

That same month, the Sporting News reported that Monroe had met members of DiMaggio's family in San Francisco. "But the blond beauty denied that she and Joe were contemplating marriage — at least in the immediate future," the paper reported.

There are similarly questions of a pending engagement between Swift and Kelce. But unlike today, when some on the political right have framed the Swift-Kelce romance as a conspiracy that will end up with her endorsing President Biden, nobody in 1952 thought the DiMaggio-Monroe pairing was a plot to help Democratic presidential candidate Adlai Stevenson. (Monroe did have left-wing politics.)

The coverage accelerated in January 1954, in the days leading up to the unannounced wedding. On Jan. 5, the Los Angeles Times reported that Monroe had been suspended by Twentieth Century Fox for failing to show up for work on her next movie, "Pink Tights." The reporter speculated on the reasons for her absence, suggesting, "It could be that she was having so much fun up north with Joe DiMaggio, the former Yankee baseball star, that she simply didn't feel like coming back to work."

The story cited a report from San Francisco that they planned to drive to Las Vegas to get married but quoted a close friend of DiMaggio's who said he doubted it would happen "just yet."

The next day, The Post ran a photo of the couple with an extended caption that read "Screen Actress Marilyn Monroe disappeared yesterday and rumors flew that she was off to marry her long-time friend, former baseball star Joe DiMaggio" and referenced a report that a Las Vegas hotel owner was making plans to host the wedding.

A tragic end

They wound up getting married at San Francisco City Hall on Jan. 14, with hundreds of reporters and photographers assembled outside because word of the wedding had leaked to the press. It was front-page news in papers across the country, including The Post, the New York Daily News, the Boston Globe and the Los Angeles Times.

"MARILYN WEDS JOE IN FRISCO," blared the Daily News headline above a

photo of the two stars smiling cheek-to-cheek after leaving City Hall captioned, "DiMaggio Signs With a New Manager."

"Marilyn Monroe and Joe DiMaggio were married today in what was supposed to have been a quiet ceremony, but wasn't," the Associated Press reported, noting that 500 people had jammed the City Hall corridors. "They wanted a quiet wedding with no fanfare. Yet by the time they were married the crowd was so thick" that DiMaggio and two of his friends "had to elbow a pathway for Marilyn to the elevator." It was the second marriage for both.

For their honeymoon, the couple went to Japan, where the frenzy continued.

"Thousands of howling, screaming Japanese stampeded through guards when the plane bearing DiMaggio and his movie star bride arrived here, February 1," the Sporting News reported in a story from Tokyo. "The blond actress stepped down the ramp, but DiMaggio, seeing the clamoring crowd, whisked her back inside the plane." Time later reported that Japanese crowds smashed doors, mobbed cars and fell in fish ponds to get a look at Monroe.

While on their honeymoon, Monroe agreed to a request from an American general to visit Korea to entertain troops stationed there. After she returned, she told DiMaggio: "It was so wonderful, Joe. You never heard such cheering," Gay Talese wrote in Esquire that DiMaggio replied, "Yes, I have." That was later seen as an early sign of his resentment of her status. After the famous scene of air blowing from a New York subway grate up her dress during filming of "The Seven Year Itch," DiMaggio, who was on set, walked away angrily.

"The sexy starlet that DiMaggio desired got him hooked, but once he got his prize, he wanted his wife to give up her career and be a stay-at-home mother to a brood of children," Vogel wrote. "Marilyn Monroe was not about to give up everything she had worked for to be Mrs. DiMaggio, the dutiful 1950s housewife."

They divorced in October 1954, with Monroe citing mental cruelty. More than 70 reporters, photographers and newsreel cameramen were at a Santa

Monica, Calif., courthouse to capture DiMaggio leaving in a car and a sobbing Monroe emerging 45 minutes later, when she whispered: "I'm sorry. I can't say anything. I'm so sorry."

"The bouncing beauty of the famed calendars had the look of a washed-out rag doll," the Los Angeles Times wrote in the typically sexist style of the era.

She later wed playwright Arthur Miller, but that marriage also ended in divorce. When she was nearing an emotional collapse, DiMaggio helped her recuperate in Florida in 1961; he was working as a batting coach at Yankees training camp.

But in 1962, at 36, Monroe died of an overdose of barbiturates at her home in Los Angeles. The Los Angeles Times reported that DiMaggio flew there from San Francisco as soon as he heard the news.

"His face was lined and he appeared deeply saddened when he alighted from a United Air Lines plane," the newspaper observed. DiMaggio took over the arrangements for her funeral and for the next two decades sent roses to her crypt in Los Angeles three times a week.

Nobody can predict how the Swift-Kelce relationship will play out. But it's a fair bet it won't turn on mid-20th-century attitudes about a woman's place.