



From Ballots to Borders: Public Trust and Political Power

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Edited By

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Letter from the Editor

Makenzie Cossette

April 16, 2025

Dear Readers,

As Editor-in-Chief of the University of Connecticut's Undergraduate Political Review, it's an honor to share with you the release of our twentieth edition. Each semester, our goal is to encourage UConn undergraduates to explore complex contemporary political issues that shape our world.

This edition features articles written entirely by undergraduate students, all of which underwent a rigorous, peer-reviewed drafting process led by our student-run editorial board. While some of our past publications have centered around specific themes, we left this edition open-ended. The writing spans topics such as foreign election interference, gentrification, reproductive rights, and the future of nuclear energy. In light of this, we've titled the twentieth edition of the Undergraduate Political Review, *From Ballots to Borders: Public Trust and Political Power*.

This particular publication is especially important to us, since we are celebrating 10 years of UPR! This edition wouldn't have been possible without the contributions of so many. I want to extend my gratitude to our editors and writers for their dedication and hard work this semester. Their commitment made this thoughtful and high-quality edition a reality. I also want to thank Dr. Perkoski, Dr. Oksan Bayulgen, and the University of Connecticut's Political Science Department for their ongoing support.

Lastly, I encourage any UConn student interested in writing for us to get involved. We welcome new contributors every semester. For more information, feel free to email us at uconnpoliticalreview@gmail.com.

Thank you for reading, and I hope you enjoy this edition!

Sincerely, Makenzie Cossette, Editor-in-Chief

Battle for the Ballot: How Foreign State Actors Weaponize Social Media to Erode Trust in US Presidential Elections

Kate Czajkowski

Introduction

Despite unrivaled defense investments, the United States has continually failed to identify, prevent, and combat its most existential security threat: foreign disinformation campaigns aimed at eroding trust in US presidential elections. Disinformation —defined as false information deliberately spread to influence public opinion¹— has become increasingly weaponized by foreign state actors who seek to undermine confidence in US presidential elections.² Through the creation and proliferation of fake social media accounts and posts, foreign state actors have successfully exploited social media as a medium for generating and spreading disinformation that directly and indirectly influences voters.³ As their tactics become more sophisticated, combating online disinformation and ensuring free and fair elections will require a strategy that involves the combined efforts of the US government, the private sector, and non-governmental organizations.

Background

Foreign disinformation campaigns have long been used to manipulate public perception and undermine trust in US institutions. In the 1980s, the Soviet Union launched a disinformation campaign that spread the theory that the US government created the HIV/AIDS virus as a biological weapon. According to military historians, the campaign began in 1983 when a Soviet-backed Indian newspaper published an exposé allegedly written by a scientist who worked on the project. After the article was published, US embassies across the world started to report newspaper articles that accused the US government of engineering HIV/AIDS as a biological weapon. By the time the disinformation campaign ended in the late eighties, it had severely damaged trust in the US as a diplomatic partner, undermined US credibility as a provider of

¹ Merriam-Webster.com Dictionary. “Disinformation.” Merriam-Webster.com Dictionary. <https://www.merriam-webster.com/dictionary/disinformation>

² Cohen, Beauchamp-Mustafaga, Cheravitch, et al. “Combating Foreign Disinformation on Social Media.” July 19, 2021. The Rand Corporation. https://www.rand.org/pubs/research_reports/RR4373z1.html

³ Bozkurt, Townes, Li. “Election Interference: How Tech, Race, and Disinformation Can Influence the U.S Election.” October 31, 2024. Oxford Internet Institute. <https://www.oii.ox.ac.uk/news-events/election-interference-how-tech-race-and-disinformation-can-influence-the-us-elections/>

public health services in developing nations, and forced the US to recognize the tangible threat posed by disinformation.⁴

Tools of Warfare

Social media has expanded the scope and impact of foreign disinformation campaigns. Unlike traditional media, which is subject to editorial oversight and fact-checking, social media allows anyone—including foreign actors—to rapidly disseminate disinformation to millions of users with little to no accountability.⁵ Since the algorithm-driven nature of these platforms prioritizes engagement, sensational and emotionally-charged disinformation is able to travel around the internet at dizzying speeds.⁶ The anonymity that social media offers also makes the presence of hostile foreign actors difficult to detect. As social media increasingly supplants traditional news outlets, foreign disinformation hidden behind the guise of domestic political reporting and discourse can influence public perceptions and political opinions.⁷

Foreign state actors are increasingly relying on a range of digital tools to exploit this online landscape. Today, the most common disinformation tools used by foreign state actors on social media are bots, generative artificial intelligence (GAI), and micro-targeting.

Bots are automated programs that perform repetitive tasks. They are often used to collect data and respond to online customer service inquiries. In disinformation campaigns, they are used to create social media accounts, posts, and comments that push specific narratives. Bots are effective disinformation tools because they can spread content at scale and create the illusion of widespread support for an idea.⁸ A recent investigation by Auburn University uncovered a network of at least 686 bot accounts on X that collectively generated over 130,000 posts within six months. The content of these posts ranged from topics like the US presidential election to the World Health Organization’s Pandemic Preparedness Treaty.⁹

⁴ Poster, Alexander. “The Russian ‘Fake News’ Campaign that Damaged the United States — in the 1980s.” March 12, 2018. The Washington Post. <https://www.washingtonpost.com/news/made-by-history/wp/2018/03/12/the-russian-fake-news-campaign-that-damaged-the-united-states-in-the-1980s/>

⁵ West, Darrell M. “How Disinformation Defined the 2024 Election Narrative.” November 7th, 2024. Brookings. <https://www.brookings.edu/articles/how-disinformation-defined-the-2024-election-narrative/>

⁶ Madrid, Pamela. “USC Study Reveals the Key Reason Why Fake News Spreads on Social Media.” January 17, 2023. University of Southern Carolina. <https://today.usc.edu/usc-study-reveals-the-key-reason-why-fake-news-spreads-on-social-media/>

⁷ St. Aubin, Christopher. “Social Media and News Fact Sheet.” Sember 17, 2023. Pew Research Center. <https://www.pewresearch.org/journalism/fact-sheet/social-media-and-news-fact-sheet/>

⁸ BBC Bitesize. “What are ‘Bots’ and How Can They Spread Fake News?” August 20, 2020. BBC. <https://www.bbc.co.uk/bitesize/articles/zjhg47h>

⁹ Linvill, Darren. Warren, Patrick. “Digital Yard Signs: Analysis of an AI Bot Political Influence Campaign on X.” September 30th, 2024. Clemson University. https://open.clemson.edu/mfh_reports/7/

GAI is a type of artificial intelligence that generates original data. Unlike AI, which simply analyzes data or makes predictions based on patterns, GAI creates new and original content such as text, images, audio, and video. GAI is an effective disinformation tool because it can create realistic content that makes disinformation more impactful and difficult to detect.¹⁰ In January 2024, for example, voters in New Hampshire received robocalls from then-Democratic presidential nominee ‘Joe Biden’ falsely telling them that if they cast a ballot in that state’s primary they would be ineligible to vote in the general election. An independent political consultant later admitted to creating the robocall with AI, which according to AP News, may be the first known attempt to use the technology to interfere with a US election.¹¹

Micro-targeting is a messaging strategy that delivers tailored messages to individuals based on their personal data and online behavior. In disinformation campaigns, micro-targeting is used to deliver highly personalized messaging to specific groups or users. Micro-targeting is an effective disinformation tool because it can deepen societal divisions and sway political opinions by targeting specific groups with content that aligns with their existing beliefs or biases.¹² Cambridge Analytica, the infamous data analytics firm that worked on Donald Trump’s 2016 presidential campaign, provoked significant controversy after they were accused of manipulating voters by intentionally manufacturing pro-Trump echo chambers on social media.¹³ Their efforts, though domestic, demonstrate the power of micro-targeting in elections.

Disinformation and US Elections

Foreign state actors such as Russia, China, and Iran are using social media as a weapon to influence US presidential elections. After the 2016 US presidential election, US Department of Justice Special Counsel Robert Mueller found that Russian interference had been “sweeping and systematic.”¹⁴ According to his report, Russia’s disinformation campaign utilized social media as a form of “information warfare” that “favored” Republican Donald Trump over Democrat Hillary Clinton.¹⁵ Their calculated social media campaign was supported by a ‘bot army’ that

¹⁰ DW Akademie. “Generative AI is the Ultimate Disinformation Amplifier.” March 26, 2024. DW. <https://akademie.dw.com/en/generative-ai-is-the-ultimate-disinformation-amplifier/a-68593890>

¹¹ Ramer, Holly. “Political Consultant Behind Fake Biden Robocalls Says He Was Trying to Highlight a Need for AI Rules.” February 26, 2024. AP News. <https://apnews.com/article/ai-robocall-biden-new-hampshire-primary-2024-f94aa2d7f835ccc3cc254a90cd481a99>

¹² Greg Lindsay, Jason C. Brown, Brian David Johnson, Christopher Owens, Andrew Hall, J.H. Carrott. “MICROTARGETING UNMASKED: Safeguarding Law Enforcement, the Military, and the Nation in the Era of Personalized Threats”. October 31, 2023. Arizona State University. <https://hdl.handle.net/20.500.14216/662.2>

¹³ Jakee, Keith. Fink, Demi. “Microtargeting Voters in the 2016 US Election: Was Cambridge Analytica Really Different?” May 30th, 2024. SSRN. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4843786

¹⁴ Mueller, Robert S. “The Mueller Report: The Final Report of the Special Counsel Into Donald Trump, Russia, and Collusion.” March 7, 2019. US Department of Justice. [https://www.justice.gov/archives/sco/file/1373816/dl?inline=](https://www.justice.gov/archives/sco/file/1373816/dl?inline=1)

¹⁵ Mueller, Robert S. “The Mueller Report: The Final Report of the Special Counsel Into Donald Trump, Russia, and Collusion.”

pushed pro-Trump propaganda on platforms such as Facebook, Instagram, and Twitter.¹⁶ Facebook estimated that Russian-backed disinformation efforts on their platform reached as many as 126 million users¹⁷— a number larger than the population of Japan.

During the 2020 US presidential election, a now-declassified National Intelligence Council Community Assessment found that Iran executed a disinformation campaign aimed at undermining the re-electability of former President Donald Trump who has voiced a hawkish stance towards Tehran.¹⁸ According to the report, Iran had created bots that targeted the US since early 2020 and published over 1,000 pieces of online content aimed at influencing voters. These posts were part of an organized governmental disinformation campaign likely authorized by Supreme Leader Ali Khamenei himself.¹⁹

Before the 2024 US presidential election, a now-declassified Annual Assessment of the US Intelligence Community concluded that China was moving toward a strategy of active involvement in US elections. According to the report, China's goal was to promote pro-Chinese narratives and counter policies that threaten China's interests.²⁰ The reasons for this shift are not clear— some experts suggest that China believes a second Trump presidency would best serve their interests or that China's ultimate objective is to weaken American democracy.²¹

Despite early successes, foreign states are not merely interfering in US elections for short-term gains— they are waging a strategic campaign to undermine American democracy and bolster their own global influence. For example, democratic nations, particularly the US, often pressure authoritarian regimes on issues like human rights, freedom of the press, and military aggression. By destabilizing these democracies through disinformation, these regimes hope to create internal crises that distract them from foreign affairs or reduce their moral authority on the global stage. In addition, authoritarian states like Russia, Iran, and China are deeply invested in maintaining internal control. By discrediting democracy abroad —especially in high-profile cases like US elections— they can argue that democratic systems are chaotic, corrupt, and

¹⁶ Shane, Scott. "The Fake Americans Russia Created to Influence the Election." September 17, 2017. The New York Times. <https://www.nytimes.com/2017/09/07/us/politics/russia-facebook-twitter-election.html>

¹⁷ Mueller, Robert S. "The Mueller Report: The Final Report of the Special Counsel Into Donald Trump, Russia, and Collusion."

¹⁸ US National Intelligence Council. "Foreign Threats to the 2020 US Federal Elections." March 15, 2021. US Director of National Intelligence. <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf>

¹⁹ US National Intelligence Council. "Foreign Threats to the 2020 US Federal Elections."

²⁰ Office of the Director of National Intelligence. "Annual Threat Assessment of the US Intelligence Community." February 5, 2024. Office of the Director of National Intelligence. <https://www.dni.gov/files/ODNI/documents/assessments/ATA-2024-Unclassified-Report.pdf>

²¹ James, Lindsey M., "Election 2024: China's Efforts to Interfere in the U.S. Presidential Election." April 5, 2024. Council on Foreign Relations. <https://www.cfr.org/blog/election-2024-chinas-efforts-interfere-us-presidential-election>

ineffective. This helps them justify their own authoritarian practices to domestic audiences and suppress calls for reform and liberalization. Foreign states also interfere in US elections by supporting or opposing specific candidates whose policies align or conflict with their objectives. By seeking to influence the outcome of American elections and install preferred candidates in office, these actors aim to shape US foreign and domestic policy in ways that serve their geopolitical, economic, and security goals.

Impacts

Foreign disinformation campaigns threaten American sovereignty and security by undermining trust in US presidential elections. In 2022, one year after the disinformation-fueled January 6th attack on the US Capitol, a NPR survey found that more than 64 percent of Americans agreed that American democracy was in crisis and at risk of failing. This belief was shared between Democrats (68 percent), Republicans (79 percent), and Independents (67 percent).²² The popularity of this belief is due in part to the rise of social media and the spreading of disinformation. Only 34 percent of US adults think social media has been good for democracy, while 64 percent say it has had a bad impact.²³ According to the Bipartisan Policy Center, 72 percent of Americans are concerned about the spread of misleading or false information.²⁴

These statistics have frightening implications for US democracy. When belief in the truth erodes, it becomes harder to reach consensus, hold fair elections, and engage in productive political debate. To confront these threats and rebuild trust in democratic institutions, policymakers must pursue solutions that address both the spread of disinformation and the vulnerabilities it exploits. The stakes couldn't be higher—a recent poll conducted by Harvard's Institute of Politics found that nearly two-thirds of young Americans between the ages of 18 and 29 have more fear than hope about the future of democracy in America.²⁵

Policy Suggestions

Combating foreign online disinformation campaigns and ensuring free and fair elections

²² Newall, Mallory. Jackson, Chris. Diamond, James, "Seven in Ten Americans Say the Country is in Crisis, at Risk of Failing." January 3rd, 2022. NPR/Ipsos. <https://www.ipsos.com/en-us/seven-ten-americans-say-country-crisis-risk-failing>

²³ Wike, Richard. Silver, Laura. Fetterolf, Janelle. Huang, Christine. Austin, Sarah. Clancy, Laura. Gubbala, Sneha. "Social Media Seen as Mostly Good for Democracy Across Many Nations, But U.S. is a Major Outlier." December 6, 2022. Pew Research Center. <https://www.pewresearch.org/global/2022/12/06/social-media-seen-as-mostly-good-for-democracy-across-many-nations-but-u-s-is-a-major-outlier/>

²⁴ Caudel-Faegan, Michael. "How to Restore Trust in Elections." October 17, 2024. Pew Research Center. <https://www.pewtrusts.org/en/trend/archive/fall-2024/how-to-restore-trust-in-elections>

²⁵ Harvard Institute of Politics. "Institute of Politics Spring 2018 Youth Poll." June 18th, 2018. Harvard Kennedy School. <https://web.archive.org/web/20210730191602/https://iop.harvard.edu/spring-2018-poll>

will require a strategy that involves the combined efforts of the US government, private sector, and NGOs. While there is no ‘silver bullet’ to stopping foreign disinformation campaigns, there are ways to mitigate its impacts.

The US government can combat foreign disinformation campaigns and their effects by investing in digital literacy initiatives, strengthening partnerships with private social media companies, and increasing the capabilities of the Cybersecurity and Infrastructure Security Agency (CISA). The US should invest in digital literacy initiatives to ensure that Americans are properly equipped with the skills to identify and reject disinformation. The US should also strengthen partnerships with private social media companies to promote greater investment in content moderation. Lastly, the US should increase the capabilities of CISA to better detect and combat foreign disinformation campaigns. These strategies will increase America’s early detection capabilities and reduce the threat of foreign disinformation campaigns in future election cycles.

The private sector can combat foreign disinformation campaigns by strengthening partnerships with the US government and investing in content moderation tools and resources. The private sector should also strengthen partnerships with the US government to support information-sharing about emerging threats and coordinate responses to large-scale disinformation campaigns. Finally, the private sector should invest in content moderation tools and resources to ensure platforms are equipped to detect and remove harmful content while preserving free expression. These strategies will directly aid in the effort to combat foreign disinformation while creating an environment where users feel more confident about their safety.

Non-profit organizations can combat foreign disinformation campaigns by conducting independent research on disinformation campaigns and supporting fact-checking initiatives. Non-profit organizations should also conduct independent research on disinformation campaigns to hold the government and private sector accountable for inaction and track evolving threats to US democracy. In addition, non-profit organizations should support fact-checking initiatives to ensure that inaccurate information is not able to influence voters. These strategies will strengthen public trust in democratic institutions and create greater transparency around the sources and spread of disinformation.

Ultimately, the US government, private sector, and non-governmental organizations must act separately and collectively to effectively mitigate the effects of disinformation. Without swift and coordinated action, disinformation will continue to erode trust in US democratic institutions.

Conclusion

The United States must act quickly to better identify and combat foreign disinformation

campaigns with the aim of eroding trust in US presidential elections. Disinformation is not merely a domestic threat— it is a national security threat that has the power to reshape our geopolitical landscape forever. Moving forward, the US government, private sector, and non-profit organizations must adopt strategies to combat the spread of state-sponsored disinformation campaigns. The stakes have never been higher— in today's information war, democracy is at stake.

Is Delaware's Dominance over the Corporate Sphere in Danger?

Clyde D'Souza

Introduction

On Tuesday, March 25, 2025, following nearly two hours of strenuous debate, representatives in the Delaware House of Representatives approved Senate Bill 21. The bill, signed by Governor Matt Meyer shortly after, was aimed at modifying the standing Delaware General Corporation Law. Lacking a particularly incendiary title, and receiving bipartisan support in a vote of 32-7, it is easy to sweep this bill under the rug as another piece of mundane legislation in a tiny state.²⁶ However, this bill has rocked the precedential pillars of American corporate law, and besides stirring up immense controversy, has brought the economic future of Delaware into question.

Delaware as the Incorporation Capital of the United States

To truly understand the significance of the bill's changes it is critical to understand the magnitude of Delaware's corporate hub. Despite being the second smallest state in the United States by land area, behind only Rhode Island, politicians and scholars alike have dubbed Delaware the "Incorporation Capital of the United States." As a direct result of the distinctly business-friendly laws that constitute its body of corporate regulations, large businesses have flocked to Delaware to become incorporated and establish a domicile – a principal and permanent headquarters – for over a century. The statistics speak for themselves: in 2023, about 67.6 percent of Fortune 500 companies were incorporated in Delaware and approximately 80 percent of US IPOs (a process in which a previously private company goes public) were registered in Delaware.²⁷ From the state's perspective, the fees raked in from corporate licensure accounted for 12.1 percent of the state and local general revenue in 2021, a figure that stands in stark contrast to the national average of approximately 0.2 percent.²⁸ Given the current state of affairs, it is clear that Delaware needs its corporations, and corporations need Delaware.

²⁶ Delaware Public Media | By Sarah Petrowich. "Delaware House Passes Corporate Law Overhaul after Rejecting Five Proposed Changes, Gov. Meyer Signs It." Delaware First Media, March 26, 2025. <https://www.delawarepublic.org/politics-government/2025-03-25/delaware-house-passes-corporate-law-overhaul-after-rejecting-five-proposed-changes>.

²⁷ "Annual Report Statistics." Division of Corporations - State of Delaware, July 31, 2024. <https://corp.delaware.gov/stats/>.

²⁸ Delaware | Urban Institute. Accessed April 14, 2025. <https://www.urban.org/policy-centers/cross-center-initiatives/state-and-local-finance-initiative/projects/state-fiscal-briefs/delaware>.

The symbiotic relationship between corporation and state is not a mere coincidence or artifact of tradition. The relationship can be separated into three categories: a business-friendly environment, a robust body of corporate law, and a unique court system.

The state's pro-business environment begins with its tax system. Not only are there no sales, personal property, or inventory taxes, but companies that choose to incorporate in state and operate outside its borders do not incur any state income tax. This incentivizes companies pre-determined to do business in other states or regions that may be entirely divorced from Delaware to incorporate in Delaware and conduct business as planned. Further, the unique stringency of the state's corporate privacy regulations – or lack thereof – render its borders an appealing home for new corporations. The state enables heightened confidentiality in business filings by enabling a company to be filed without enumerating the owners' names, which in turn safeguards their identities and personal information at large.²⁹ Even annual reports need only include surface level information about the corporation, largely surrounding the names and addresses of key company officials for purposes of accountability.

The Court of Chancery and Corporate Case Law

A more overlooked incentive laid before newly incorporated corporations is the existing panoply of corporate law, and the unique element of the state's court system: the Delaware Court of Chancery.

The law can be broadly separated into statutory law and common law. The former comprises those bills that have been passed by state legislatures, while the latter consists of the aggregate of prior cases that have given rise to enduring legal principles. It is this common law, or case law that gives guidance to the many significant legal and transactional decisions that corporations have to make. Due to Delaware's long history with corporations, and a special court known as the Court of Chancery, a plethora of transactional law questions have already been litigated in court. As a result, when a senior executive is compelled to make a complicated decision that may have significant legal or financial ramifications, they can turn to this dense body of cases and precedents to predict the outcome and potential liabilities.

But why is this library of prior decisions unique to Delaware? It is due to both the quality and quantity of legal precedent in the sphere of corporate litigation that is so thorough in Delaware. In turn, this expansiveness is in no small part due to the Court of Chancery, a court unique to the state. Bankruptcy courts throughout the United States and Delaware's Court of

²⁹ "Harvard Business Services, Inc." Harvard Business Services, Inc. Accessed April 13, 2025. <https://www.delawareinc.com/before-forming-your-company/benefits-of-incorporating-in-delaware/>.

Chancery all fall under a class of courts known as courts of equity. Originally, these courts were distinct from traditional courts of common law – e.g. those that try criminal or civil cases – as they were intended to afford plaintiffs remedies other than monetary damages.³⁰ These could include injunctions, specific performance, subrogation, and more. Historically, in England, these courts existed separately from common law courts, in order to fill in the gaps in justice by granting relief exclusively to plaintiffs that were not entitled to a solution in common law courts.³¹ In essence, they heard issues of equity, not law. Surviving courts of equity in the United States, however, are the remaining tissue from our bloody separation from England, and today, the distinction between these courts have been largely dissolved. After the promulgation of the Federal Rules of Civil Procedure, which enabled common law courts to rule on issues of both law and equity, courts such as the Court of Chancery and bankruptcy courts are the few remaining that are largely restricted to equity matters.

Though Delaware's Court of Chancery has jurisdiction in all equity related disputes, the court often hears issues in a few interrelated realms. These include disputes arising from land ownership, corporate and internal governance matters, real estate disputes, as well as trusts the fiduciary matters they entail. Even more importantly, the court presides over commercial and contractual controversies as well as cases brought by the General Assembly. This jurisdiction relates to corporate entities in that when its directors and shareholders have a conflict of interest, the case may be heard by the Court of Chancery.³²

Former Chief Justice of the US Supreme Court William Rehnquist summarized the efficiency of this system, noting that because the Court of Chancery does not hear criminal or tort matters – which tend to slow down and occupy traditional courts – it has, “...handed down thousands of opinions interpreting virtually every provision of Delaware’s corporate law statute.”³³ As a result of the catalog of judicial opinions, Rehnquist has asserted that, “...most Delaware corporations do not find themselves in litigation. The process of decision in the litigated cases has so refined the law, that business planners may usually order their affairs to avoid lawsuits.”³⁴ The instruction provided by established precedent can save time, money, and prevent uncertainty in critical decision making, rendering it an indispensable resource for corporations.

³⁰ “Court of Equity.” Legal Information Institute. Accessed April 13, 2025.
https://www.law.cornell.edu/wex/court_of_equity.

³¹ Waddams, Stephen. “Equity in English Law.” Elgar Online: The online content platform for Edward Elgar Publishing, December 28, 2023.<https://www.elgaronline.com/display/book/9781839105609/b-9781839105609.equity.english.law.xml>.

³² “Court Records.” Delaware Court Records | DelawareCourtRecords.us. Accessed April 13, 2025.
<https://delawarecourtreports.us/chancery-court/>.

³³ “Delaware.” Corpfiles. Accessed April 14, 2025.https://corpfiles.delaware.gov/pdfs/whycorporations_english.pdf.

³⁴ “Delaware.” Corpfiles. Accessed April 14, 2025.https://corpfiles.delaware.gov/pdfs/whycorporations_english.pdf.

S.B. 21: “The Billionaire's Bill”

The primary impetus for the bill’s proposal lies in the questioning of Delaware’s dominance in the corporate incorporation industry. Though the state has been historically without parallel in this area, its superiority was recently threatened when Elon Musk urged companies to “DExit” the state and reincorporate in states such as Nevada, Indiana and Texas.³⁵ Musk’s recommendation followed the Court of Chancery’s choice to deny him a multibillion-dollar pay package from Tesla. After Musk’s, there had even been rumors that Meta was considering a migration to Texas, and Dropbox, a transition to Nevada.³⁶ As a result of Musk’s influence, and concern that his calls for action would take hold among leaders in Delaware’s corporate sphere, legislators in the state decided to respond to keep their grip on companies and discourage them from searching for better corporate environments.

At the broadest level, S.B. 21 seeks to stop corporate withdrawal by modifying the balance of power in the realm of corporate governance and shifting power in the direction of the business’ directors. Key provisions of the bill clarify a pathway for corporate boards to apply safe harbor procedures – used to protect the directors of a company from personal liability that may result from their good faith operation of a company – and lowers the bar for key stockholders to conduct conflicted transactions – those that raise issues of a conflict of interest.³⁷

Proponents of the bill claim that it essentially codifies time-honored practices in the state by adding a layer of stability to legal proceedings in the future where they may not already have been solidified in precedent. Others hold that the bill’s improvements were meant to address pleas from major business leaders.

Though the bill eventually received bipartisan support, as leaders from both sides of the aisle were concerned about the possible corporate outflow, it originally received heavy criticism. Consumer rights activists, corporate governance professionals, and even legal scholars have attacked the bill by arguing that it damages the delicate balance inherent to corporate governance by expanding the power held by corporate boards and other insiders over that of ordinary shareholders. In turn, the readjustment lopsidedly promotes the interests of billionaires while detracting from that of typical investors. According Dr. Brian Quinn, a professor at Boston College Law School, regarding the protections afforded to smaller stockholders, the bill “doesn't

³⁵ Klein, Michael Watson & Joeri, and Joeri Klein. “Understanding Delaware’s Senate Bill 21 and the Growing Opposition.” *deminor*. Accessed April 13, 2025. <https://www.deminor.com/en/news-insights/understanding-delawares-senate-bill-21-and-the-growing-opposition/>.

³⁶ Delaware Public Media | By Sarah Petrowich. “Delaware Lawmakers Propose Corporate Law Changes amid Ongoing Departure Threats and Musk Litigation.” *Delaware First Media*, February 18, 2025. <https://www.delawarepublic.org/politics-government/2025-02-18/del-lawmakers-propose-corporate-law-changes-amid-ongoing-departure-threats-and-musk-litigation>.

³⁷ “Delaware Passes Senate Bill 21, Altering the Balance between Shareholders and Corporations.” *JD Supra*. Accessed April 13, 2025. <https://www.jdsupra.com/legalnews/delaware-passes-senate-bill-21-altering-6667068/>.

quite take them away, but it really lowers the guardrails and makes it really unclear for public stockholders whether they have anyone on their side when it comes to these kinds of transactions.”³⁸ For example, the bill creates safe harbor routes for corporate directors to shield themselves from certain liabilities that may arise from their position. This has hurt smaller investors by creating the fear that the lawsuits they may raise will be preempted.

Finally, there is a possibility that the bill may act contrary to one of the key incentives that Delaware proffers to prospective corporations. It is not unheard of for major bills passed in Delaware to supplant a few key precedents. However, in an interview with June Grasso of the Bloomberg Law Podcast, professor Harold Krent of the Chicago-Kent College of Law maintained that, “these changes do not [...] just pick off one or two Delaware precedents. [...] It's easily into the 30s if not the 40s...”³⁹ As a result, the bill could easily damage the prized body of settled corporate case law, that often incentivizes those interested in incorporation, and impact stockholder litigation by opening up patched holes.

The Flux of Corporate Finance in Delaware

Unfortunately, it is not clear whether concerns of a corporate mass withdrawal are truly warranted as of yet. Though there has been increased migration to states such as Texas and Indiana, many have cited conservative policies including lighter tax burdens, as motivating factors; the movement of households and families hoping to establish a domicile in these states may indicate that political, rather than solely business factors are at fault. At the end of the day, Delaware’s economy is widely considered to be stable: the 7.31 percent increase in total general fund revenue growth, and 298,165 new businesses formed in 2023 alone spell out steady growth rather than impending doom for the small state.⁴⁰ Time alone will tell whether the effects of S.B.21 promote Delaware’s status as the nation’s incorporation capital or result in its quietus.

³⁸ Delaware Public Media | By Sarah Petrowich. “Delaware Lawmakers Propose Corporate Law Changes amid Ongoing Departure Threats and Musk Litigation.” Delaware First Media, February 18, 2025. <https://www.delawarepublic.org/politics-government/2025-02-18/del-lawmakers-propose-corporate-law-changes-amid-ongoing-departure-threats-and-musk-litigation>.

³⁹ Grasso, June. “Scotus Doesn’t Decide & New Delaware Law.” Spotify, February 25, 2025. <https://open.spotify.com/episode/0zJZm4bjrbIsihTPckXzBs?si=d65e57cbbd254f08>.

⁴⁰ “Annual Report Statistics.” Division of Corporations - State of Delaware, July 31, 2024. <https://corp.delaware.gov/stats/>.

The Tourist Curse: Government Policies and the Dual Nature of Tourism

Jack Jenkins

Introduction

Since the advent of modern mass transportation in the 20th century, the global tourism industry has become a significant economic and cultural catalyst for local and national economies. As of 2023, 1.3 billion individuals travel internationally per year, 100 million people are employed in the tourism industry, and tourism accounts for 10 percent of the world's GDP.⁴¹ Countries stand to benefit from being tourist-friendly, not only for the ability to share their unique cultures but also for boosting their local economies and political reputations. However, tourism is not purely positive for recipient nations; instead, tensions between local residents and governments have risen in recent years due to overcrowding, infrastructure, and pollution. This concept is connected to the "tourist curse" phenomenon, which highlights the unintended negative consequences that tourism can have on residents and their communities. This paper examines the overall effects of tourism that contribute to the tourist curse, local public opinions, and the government policies implemented to address tourist-related challenges.

The Multifaceted Effects of Tourism

Tourism provides valuable opportunities for emerging markets and developing countries. It serves as a key factor for governments to maintain strong ties with other nations and allows foreign citizens to have a substantial impact on both the domestic economy and international reputation of host countries. Tourism also pushes for conservation of natural environments like national parks and historic infrastructure of host countries like the Colosseum in Rome, Italy. Citizens' attitudes towards tourism are heavily influenced by how much they can benefit from the earning potential arising from tourism.⁴² Local citizens are also likely to receive additional benefits from tourism because travelers support sectors such as retail, recreation, and entertainment. Tourism can be a powerful engine for economic development, cultural exchange, and environmental preservation, offering endless opportunities that favor both individuals and nations.

⁴¹ Statista Research Department and Oct 4, "International Tourist Arrivals Worldwide 1950-2023," Statista, October 4, 2024, <https://www.statista.com/statistics/209334/total-number-of-international-tourist-arrivals/#:~:text=After%20declining%20with%20the%20onset,totaling%201.3%20billion%20in%202023>

⁴² "Tourism." Federal Ministry for Economic Cooperation and Development. Accessed March 23, 2025. <https://www.bmz.de/en/issues/tourism>.

Despite these advantages, the tourist curse reveals the potential drawbacks of excess tourism. With more and more people traveling to tourist hotspots, overcrowding and general disturbances have plagued local residents. Most citizens understand how important the tourism industry is to their economy, yet the consequences negate the rewards if the result is a diminished quality of life. Often, governments become overly dependent on the tourism industry and structure local economies in a way to meet the needs of visitors, rather than residents.⁴³

Under ideal circumstances, governments must be responsive to the needs of residents and tourists while creating a healthy environment for their coexistence, ultimately fostering sustainable economic growth and prosperity. In reality, government officials often prioritize short-term economic gains to satisfy their constituents, neglecting sustainable economic growth and failing to reinvest tourism income into transportation networks, healthcare facilities, and educational institutions. This method would allow residents to receive a longer-term benefit from tourism while also improving tourists' experiences.⁴⁴ These issues embody the core of the tourist curse, unintentionally leaving consequences that disrupt local life — damaging homes, amplifying noise from overcrowded streets, increasing amounts of litter, and contributing to air pollution from a never-ending stream of planes and cars.⁴⁵ Myopic governments that ignore the needs of their residents fail to transition to a greener, economically sustainable system due to the costs involved and reluctance to implement laws that would transform the established prior structure over decades.

Reducing the economic dependence on long-established tourist industries can prove detrimental to local industries where tourist activity represents the lifeblood of economic opportunities. Tourism fuels a variety of sectors across the economy, from bustling airlines and intriguing museums to flavorful restaurants and lively retail stores, creating a ripple effect that benefits countless sectors of society. It also creates employment opportunities, bolsters infrastructure growth, and encourages intercultural communication and understanding.⁴⁶ However, inequality in tourist economies can become a major problem as residents in lesser-visited areas experience far less of the perks than those living in more tourism-productive areas. This discrepancy between lesser-visited areas and tourist hotspots undoubtedly increases wealth

⁴³ Page, Erika. "Barcelona Is Being Swamped by Tourism. Locals Are Not Taking It Lying Down." *The Christian Science Monitor*, August 21, 2024. <https://www.csmonitor.com/World/Europe/2024/0821/mallorca-tourismhttps://www.csmonitor.com/World/Europe/2024/0821/mallorca-tourism-protests-barcelona-housing-crisis-rentalsprotests-barcelona-housing-crisis-rentals>.

⁴⁴ Ekstrom, Stephen. "How Does Tourism Benefit Local Communities?" *The Tourism Academy*, January 23, 2025. <https://blog.learntourism.org/how-does-tourism-benefit-local-communities>.

⁴⁵ "Positive & Negative Impacts of Tourism." *Bunnik Tours*. Accessed November 17, 2024. <https://www.bunniktours.com.au/sustainable-tourism/impacts>.

⁴⁶ Yehia, Yasmine. "The Importance of Tourism on Economies and Businesses." *globalEDGE Blog: The Importance of Tourism on Economies and Businesses* >> *globalEDGE: Your source for Global Business Knowledge*, March 26, 2019. <https://globaledge.msu.edu/blog/post/55748/the-importance-of-tourism-on-economies-a#:~:text=Tourism%20boosts%20the%20revenue%20of,exchange%20between%20foreigners%20and%20citizens>.

inequality, leading to a wider wealth gap and largely benefiting urban areas who see the bulk of tourism.⁴⁷

Tourism Troubles in the European Union

The public sentiment for tourism in Europe has proven to be mostly positive in the past. Tourists have been able to experience all the history, world-renowned cuisine, and natural beauty that the continent has to offer. However, unrest has begun to boil in some top tourist destinations, provoking actions by residents in response to their governments' lack of policies to protect their interests and quality of life. Tanja Mihalič and Kir Kuščer, researchers from the University of Ljubljana in Slovenia, explained the detrimental impact of overtourism on the quality of life for local residents. Specifically, increased traffic, loss of culture, and strains on infrastructure are all attributed by locals to overtourism.⁴⁸ When overtourism results in cultural erosion (i.e., commodifying local culture into products that are packaged and sold to visitors), residents may become resentful towards tourists.⁴⁹ Government officials must understand the importance of keeping residents content while instilling a positive attitude towards tourism to enhance the experience of the tourist. Openly hostile residents are likely to make the tourist experience worse, and the likelihood of revisits or recommendations to friends would be quite low.

Increased tourism puts pressure on public infrastructure, straining transportation, utilities, and public services. At the same time, it can create economic dependency on tourism, which may lead to poor working conditions for many workers in the industry. In October 2024, Greek tourism workers protested long working hours for low wages and difficulty in finding colleagues to cover shifts.⁵⁰ The combination of the strain on workers and low wages has burdened public services like water and waste management because of the increased demand for access to water and creation of more waste from tourist influxes, which can overwhelm local systems. 25 percent to 30 percent of the Greek economy relies on tourism, highlighting how the tourist curse can turn

⁴⁷ Dejaegher, Ryan. "Analyzing the Impact Tourism Makes on an Economy." School of Sport, Tourism and Hospitality Management, May 26, 2023. <https://sthm.temple.edu/2023/05/26/analyzing-the-impact-tourism-makes-on-an-economy/>.

⁴⁸ Garcia-Buedes, Esther, Maria Antonia Sa Garcia-Sastre, and Margarita Alemany-Hormaeche. "Effects of Overtourism, Local Government, and Tourist Behavior on Residents' Perceptions in Alcúdia (Majorca, Spain)." *Journal of Outdoor Recreation and Tourism*, April 7, 2022. <https://www.sciencedirect.com/science/article/pii/S2213078022000147#:~:text=In%20the%20context%20of%20rapid,tourism%20in%20the%20high%20season.>

⁴⁹ Alamineh, Gubaye Assaye. "The Negative Cultural Impact of Tourism and Its Implication on Sustainable Development in Amhara Regional State." *Taylor & Francis Online*, June 17, 2023. <https://www.tandfonline.com/doi/full/10.1080/14797585.2023.2194551>.

⁵⁰ Touchtidou, Symela, and Ruth Wright. "Overtourism Protests Come to Greece as Workers Demand Better Pay." *euronews*, October 21, 2024. <https://www.euronews.com/travel/2024/10/21/tourists-in-greece-targeted-by-protesters-demanding-better-wages-and-fair-working->

a major economic asset into a liability, as its negative impacts on tourist-related jobs create detrimental conditions for the working class.

Venice, like many other tourist hotspots, is also struggling to preserve its infrastructure, with historic sites and public spaces suffering damage from the excessive flow of visitors. Over 8,000 properties in Venice are listed on Airbnb, while there are only 50,000 full-time residents, indicating that an inflated number of the overall individuals in the city are there for a short period of time. Importantly, Venice is not designed for a mass of people because it is physically unable to host a massive tourism industry given that it is comprised of a limited amount of land. Although residents of Venice have demanded changes to local policies about tourism, such changes cannot be expected to occur given that tourism is such a large part of the local economy. This has sparked a challenge for the local government to balance the needs of residents while remaining friendly and accommodating.⁵¹

Furthermore, residents of Barcelona, which hosted almost 26 million visitors in 2023, have experienced increased pressure on public services and increased prices. The impact of the tourist curse has significantly altered the city's landscape, leading to the erosion of traditional Spanish culture and architecture, replaced by an influx of souvenir shops and noisy bars. In response to the perceived loss of the city's identity, residents retaliated by shooting water guns at sightseers. In July, almost 3,000 protestors marched in the streets of Barcelona with signs that said, "Tourists go home" and "Barcelona is not for sale."⁵² These demonstrations were intended to attract the Spanish government's attention to how its unsatisfactory political decisions related to tourism affect the living costs and quality of life of the residents of Barcelona. These public displays prompted Barcelona's mayor to increase the nightly tourist tax to four euros, restrict the number of cruise ship passengers and ban apartment rentals for tourists by 2028. However, the triumph is yet to be seen and it is debated if these policies have been executed as they were intended.⁵³

Government Policies Interaction with Tourism

The push and pull of tourism policies significantly determines the number of tourists visiting a country, consequently affecting economic behavior, management of tourist flows, and community welfare. One reason why Canada is ranked as one of the highest visited countries in the world is because of its strict gun laws, political stability, and easy visa-free policies, making

⁵¹ Buckley, Julia. "How It All Went Wrong for Tourism." CNN, August 24, 2024. <https://www.cnn.com/travel/tourism-why-it-went-wrong/index.html>.

⁵² Staff, Al Jazeera. "'Tourists Go Home': Why Barcelona Residents Sprayed Water on Visitors." Al Jazeera, July 10, 2024. <https://www.aljazeera.com/news/2024/7/9/why-are-barcelona-residents-protesting-against-tourists>.

⁵³ Yoga, Eugene. "How Can Barcelona Tackle Its Tourism Dilemma?" Geographical, August 28, 2024. <https://geographical.co.uk/news/how-can-barcelona-tackle-its-tourism-dilemma>.

it safe and easy to get around, in addition to its beautiful sights.⁵⁴ On the other hand, Turkmenistan has a high potential for tourism development with its idyllic coastline on the Caspian Sea and its great historical importance along the Silk Road. Yet, Turkmenistan's government makes visiting quite difficult with strict visa policies that require a letter of invitation from a sponsor.⁵⁵ These contrasting cases of Canada and Turkmenistan underscore the powerful role that government policies play in shaping a nation's appeal to tourists and the subsequent economic and social outcomes.

Another important policy consideration is the impact of tourism on housing, and its effects on residents in the long term. Many locals who reside in a tourist hotspot are forced to move or pay extremely high rent prices because of landlords purchasing property to rent to tourists. Housing prices are often driven up by short-term rentals like Airbnb, creating panic among residents to find homes and increasing the need for more residential buildings.⁵⁶ Roughly 25 percent of Airbnb hosts in America control nearly two-thirds of the properties listed on the platform. This highlights how Airbnb's concentrated presence contributes to the lack of availability of housing for residents to buy.⁵⁷

In response, in late 2022 and early 2023, the Office of Special Enforcement approved Local Law 18, which bans short-term rentals in New York City, to address housing shortages, community disruption, and safety.⁵⁸ This law was intended to benefit residents with long-term living arrangements, decreasing the number of tourists, and increasing affordable housing. However, it has caused turmoil with certain hotel companies and Airbnb hosts which preferred that New York “enacted fair and balanced short-term rental rules,” rather than harming the

⁵⁴ “How Canada Is Surging the Tourism Industry with Visa-Free Entry Policy for 68 Countries Including Schengen Countries along with USA and United Kingdom?” Travel And Tour World, June 12, 2024. [https://www.travelandtourworld.com/news/article/how-canada-is-surging-the-tourism-industry-with-visa-free-entry-policy-for-68-countries-including-schengen-countries-along-with-usa-and-united-kingdom/kingdom/#:~:text=Canada%20is%20experiencing%20a%20remarkable,by%20easy%20visa%2Dfree%20policies](https://www.travelandtourworld.com/news/article/how-canada-is-surging-the-tourism-industry-with-visa-free-entry-policy-for-68-countries-including-schengen-countries-along-with-usa-and-united-kingdom/free-entry-policy-for-68-countries-including-schengen-countries-along-with-usa-and-united-kingdom/kingdom/#:~:text=Canada%20is%20experiencing%20a%20remarkable,by%20easy%20visa%2Dfree%20policies).

⁵⁵ Sto, Andy. “8 Most Difficult Countries to Visit (& Why You Should).” Andy Sto, June 9, 2024. <https://andysto.com/most-difficult-countries-to-visit/>.

⁵⁶ Masquelier-Page, Alice. “Too Many People, Not Enough Management: A Look at the Chaos of ‘overtourism’ in the Summer of 2024.” The Associated Press, August 20, 2024. <https://www.ap.org/news-highlights/spotlights/2024/too-many-people-not-enough-management-a-look-at-the-chaos-of-overtourism-in-the-summer-of-2024/>.

⁵⁷ Joerndt, Tatum. “The Role of Airbnbs in America’s Housing Crisis: Published by Lincoln Memorial University Law Review.” Lincoln Memorial University Law Review. Accessed April 5, 2025. <https://lmulawreview.scholasticahq.com/post/2332-the-role-of-airbnbs-in-america-s-housing-crisis>.

⁵⁸ Community, Company. “An Update about Our Community in New York City.” Airbnb Newsroom, June 1, 2023. <https://news.airbnb.com/an-update-about-our-community-in-new-york-city/>.

hospitality and tourism industries. Unfortunately, the law did not extend short-term rentals as much as the city had hoped and rental prices are even higher than they were before Local Law 18 came into effect.⁵⁹ Despite its well-intentioned goals to address housing issues and reduce the impact of tourism, Local Law 18 ultimately failed to achieve its objectives, worsening rental prices and creating tension within the hospitality industry.

Beyond addressing housing shortages through rental regulations, governments have also implemented policies aimed at curbing specific problematic tourist behaviors. Some tourists' actions have violated local laws or even deprived citizens of opportunities because of past offenses committed by tourists. In response, governments have proposed policies to ensure tourist respectfulness, such as the Dutch government, which proposed a campaign to limit non-resident bachelor and bachelorette parties, reduce the number of river cruises, and ban cannabis smoking on the streets to reduce harmful behavior caused by rowdy tourists.⁶⁰ Likewise, Bali proposed a ban on tourists hiking in Bali's Mount Batur and other mountains prompted by obscene acts by visitors, and the Indonesian government planned to deport these tourists who bring trouble to Indonesia.⁶¹ While these policies may not fully eliminate the negative impact of tourism on local residents, they represent a positive step toward ensuring safe and healthy conditions for both residents and visitors.

Positive policies can encourage a more sustainable and equitable tourism industry. For instance, in response to overtourism, the Japanese government initiated a paid reservation system for visitors to Mount Fuji to limit the number of climbers to a 4,000-person daily cap which has limited overcrowding from five million in 2019 to less than two million in 2024.⁶² Another example comes from the Danish government, which implemented a reward system for good behavior to encourage wanted attitudes from tourists, such as respecting the environment by collecting trash and using public transportation.⁶³ In return for fulfilling these responsibilities, tourists could be rewarded with free admission to prestigious museums, free lunches, and even free one-hour boat cruises. Proactive policies like these help to cultivate environmental awareness and responsibility, promoting sustainable tourism and enriching the tourist experience.

⁵⁹ Radich, Miquelle. "One Year Later: The Impact of New York City's Local Law 18." Lodgify, September 13, 2024. <https://www.lodgify.com/blog/local-law-18-one-year-report/#:~:text=It's%20been%20nearly%20one%20year,for%20fewer%20than%2030%20days>.

⁶⁰ Leonardo, Emily McGarvey & William. "Amsterdam Bans Cruise Ships to Limit Visitors and Curb Pollution." BBC News, July 21, 2023. <https://www.bbc.com/news/world-europe-66264226>.

⁶¹ Connell, Ronan. "Tired of Disrespectful Tourists, Bali Imposes Hiking Bans." National Geographic Travel, June 23, 2023. <https://www.nationalgeographic.com/travel/article/new-bali-tourist-laws>.

⁶² Guzman, Chad de. "Japan's Mount Fuji Introduces Paid Reservations for Climbers." Time, May 15, 2024. <https://time.com/6978250/mount-fuji-yoshida-trail-reservation-fee-overtourism/>.

⁶³ Kuta, Sarah. "Copenhagen Is Rewarding Tourists for Good Behavior | Smithsonian." Smithsonian Magazine. Accessed March 23, 2025. <https://www.smithsonianmag.com/smart-news/copenhagen-is-rewarding-tourists-for-good-behavior-180984702/>.

Conclusion

Tourism is a cornerstone of many economies and without it, millions of people would face economic hardship, as was evident during COVID-19. This creates a dilemma for governments to define their role in growing their tourism industry while also meeting residents' expectations for quality of life, giving rise to the concept of the tourist curse. If countries cannot strike this important balance, the results could have long-term, negative effects that could have been avoided by establishing proactive policies towards tourism. Governments must balance protecting their citizens with fostering a welcoming and safe environment for tourists to experience their culture and landscape, ensuring a healthy and sustainable relationship between visitors and local residents.

Taking a Jab at Science: How the Anti-Vax Movement became a Modern Political Force

Marko Katra

Measles, a disease that causes fevers, coughing, and characteristic red rashes – often in young children, was declared eliminated from the United States in 2000.⁶⁴ However, 25 years later, an outbreak in Texas has infected more than 500 people and caused the death of two unvaccinated children. How has a disease that was once declared eliminated suddenly come back? The answer may lie in the statistics: 97.96 percent of those infected were either unvaccinated or had unknown vaccination status for the MMR (measles, mumps, and rubella) vaccine.⁶⁵ ⁶⁶ This recent rise in the number of unvaccinated people has experts scrambling to find an answer, although many are already pointing to a dangerous culprit: the rise of anti-vaccination movements as a serious political force.⁶⁷

A History of Anti-Vaccination Movements

In the early 1800s, Edward Jenner, an English physician and scientist, discovered that exposing people to the cowpox virus enabled them to build up resistance to the much deadlier smallpox virus. This process, known as inoculation, first involves scoring a person's flesh with pus containing cowpox. This procedure then triggers their immune system to combat the disease and build up resistance to not just cowpox, but smallpox as well. However, despite its effectiveness, the method was immediately met with criticism, ranging from religious to scientific skepticism.⁶⁸

Following a bad outbreak of smallpox in the late 1800s, local and state governments around the US began mandating the smallpox vaccine. Groups like the Anti-Vaccination Society

⁶⁴ Mayo Clinic Staff “Measles.” Mayo Clinic. March 1, 2025 <https://www.mayoclinic.org/diseases-conditions/measles/symptoms-causes/syc-20374857>.

⁶⁵ Texas Department of State Health Services Staff “Measles Outbreak – April 11, 2025.” Measles Outbreak – April 11, 2025 | Texas DSHS. <https://www.dshs.texas.gov/news-alerts/measles-outbreak-2025>.

⁶⁶ CBS News Staff “Vaccine Critic RFK Jr. Backs Measles Vaccine amid Deadly Texas Outbreak.” CBS News, March 3, 2025. <https://www.cbsnews.com/news/rfk-jr-measles-vaccine-deadly-texas-outbreak/#>.

⁶⁷ Elizabeth Williams and Jennifer Kates. “Childhood Vaccination Rates Continue to Decline as Trump Heads for a Second Term.” KFF, November 18, 2024. <https://www.kff.org/policy-watch/childhood-vaccination-rates-continue-to-decline-as-trump-heads-for-a-second-term/>.

⁶⁸ The College of Physicians of Philadelphia “History of Anti-Vaccination Movements.” History of Vaccines RSS. <https://historyofvaccines.org/vaccines-101/misconceptions-about-vaccines/history-anti-vaccination-movements/#Source-6>.

of America (formed in 1879) immediately countered these efforts, waging countless court battles to try and remove the mandates.⁶⁹ This controversy culminated in the landmark case *Jacobson v. Massachusetts* (1905), in which the Supreme court found that states were allowed to enact compulsory vaccination laws as it was under the discretion of the legislature to determine the guidelines for public health.⁷⁰

However it wasn't just the public that sparked anti-vaccination movements – doctors also played a role. In 1998 British physician Andrew Wakefield published a now-infamous study in which he alleged that the MMR vaccine was not properly tested and that it had the potential to cause autism in children. Wakefield was found to have had a conflict of interest when preparing this study—he was paid by a law board to find evidence that there was something wrong with the vaccine. Despite being stripped of his medical license in the UK and multiple studies that have since found no link between the MMR vaccine and autism, many anti-vaccine activists still purport this misinformation as fact in their arguments.⁷¹

The Impact of Covid-19

Despite controversies throughout the years, vaccine skepticism has historically limited itself to that of a fringe movement. However, in recent years, the COVID-19 pandemic and subsequent development of the COVID-19 vaccine has caused the anti-vaccination movement to become mainstream. As observed by Dr. Dave Gorski, a Michigan based oncologist who tracks anti-vaccination movements, “Covid vaccines have been the foot in the door for the more general anti-vaccine movement. And unfortunately, that door is open pretty wide now.”⁷²

That “open door” has manifested itself in the money raised by anti-vaccine nonprofits, with the organizations Informed Consent Action Network and Children's Health Defense (formerly chaired by current Secretary of Health and Human Services Robert F Kennedy Jr) doubling their revenue in 2021 from the start of the pandemic to over \$10 million each.⁷³

⁶⁹ The College of Physicians of Philadelphia “History of Anti-Vaccination Movements.” History of Vaccines RSS.

⁷⁰ *Jacobson v. Massachusetts*, Justia Law (U.S. Supreme Court 1905).

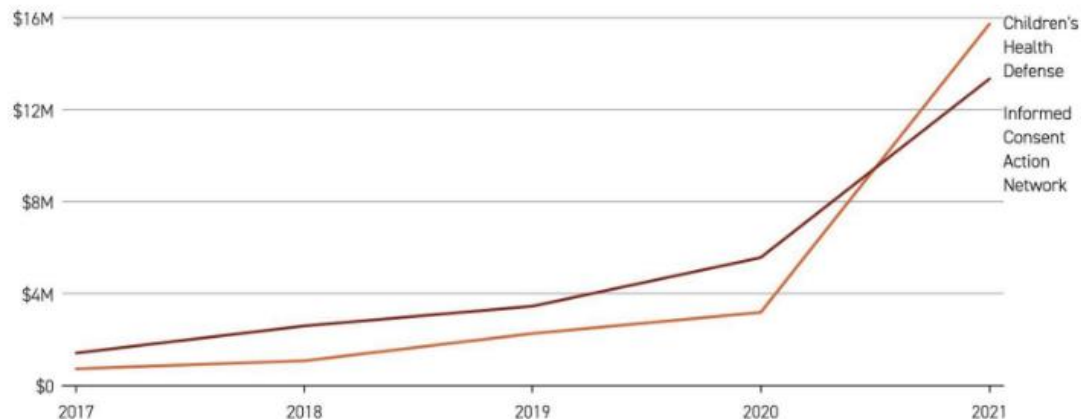
⁷¹ The College of Physicians of Philadelphia “History of Anti-Vaccination Movements.” History of Vaccines RSS.

⁷² Piper, Jessica. “Politico pro: Anti-Vaxxers Are Now a Modern Political Force.” Politico, September 24, 2023. <https://subscriber.politicopro.com/article/2023/09/anti-vaxxers-political-power-00116527>.

⁷³ Piper, Jessica. “Politico pro: Anti-Vaxxers Are Now a Modern Political Force.”

Anti-vaccine nonprofits saw revenues spike during the Covid-19 pandemic

Total revenues for Children's Health Defense and the Informed Consent Action Network from 2017-2021



Source: POLITICO analysis of nonprofit tax filings
Jessica Piper/POLITICO

Figure 1 - Graph of Anti-vaccine Nonprofit Revenues during COVID-19 Pandemic

Although skepticism over vaccine safety still makes up part of the messaging of anti-vaccination groups, there has been a noticeable shift towards ideas of liberty, parental rights, and medical freedom. This transition has been helpful with recruiting more moderate conservatives and libertarians because they are typically more concerned with government overreach and individual freedoms than they are with the actual scientific safety or effectiveness of vaccines.⁷⁴

Furthermore, the ease of spreading anti-vaccination rhetoric has also been heightened thanks to social media, with influencers utilizing sensationalism and outrage as tools to not only grow their own image, but the image of the anti-vaccination movement as well.⁷⁵ With younger generations becoming increasingly reliant on social media, this problem of misinformation will only continue to become exacerbated, with a UK survey finding that 48 percent of kids aged 8-17 see misleading content every day, and that 1 in 10 see it more than six times a day.⁷⁶

Effects on Public Perception

⁷⁴ Carpiano, Richard M, Timothy Callaghan, Renee DiResta, Noel T Brewer, Chelsea Clinton, Alison P Galvani, Rekha Lakshmanan, et al. "Confronting the Evolution and Expansion of Anti-Vaccine Activism in the USA in the COVID-19 ERA." *Lancet* (London, England), March 18, 2023. <https://pmc.ncbi.nlm.nih.gov/articles/PMC9981160/>.

⁷⁵ Carpiano, Richard M, Timothy Callaghan, Renee DiResta, Noel T Brewer, Chelsea Clinton, Alison P Galvani, Rekha Lakshmanan, et al. "Confronting the Evolution and Expansion of Anti-Vaccine Activism in the USA in the COVID-19 ERA."

⁷⁶ Cawthorne, Becca. "Separating Fact from Fiction: Half of Young People Encounter Misleading Content Online on a Daily Basis." UK Safer Internet Centre, February 8, 2021. <https://saferinternet.org.uk/blog/safer-internet-day-press-release-2021>.

Since the COVID-19 pandemic, there has been a notable shift in attitudes towards vaccines, particularly along partisan lines, with Republicans viewing vaccines as less important and more dangerous after the start of the covid pandemic. In a Gallup poll conducted in 2024, it was found that only 26 percent of Republicans/Republican leaners thought that it was extremely important for parents to vaccinate their children, down from nearly 60 percent in 2000. This is in stark contrast to the 63 percent of Democrats/Democrat-leaners who think childhood vaccinations are extremely important.⁷⁷

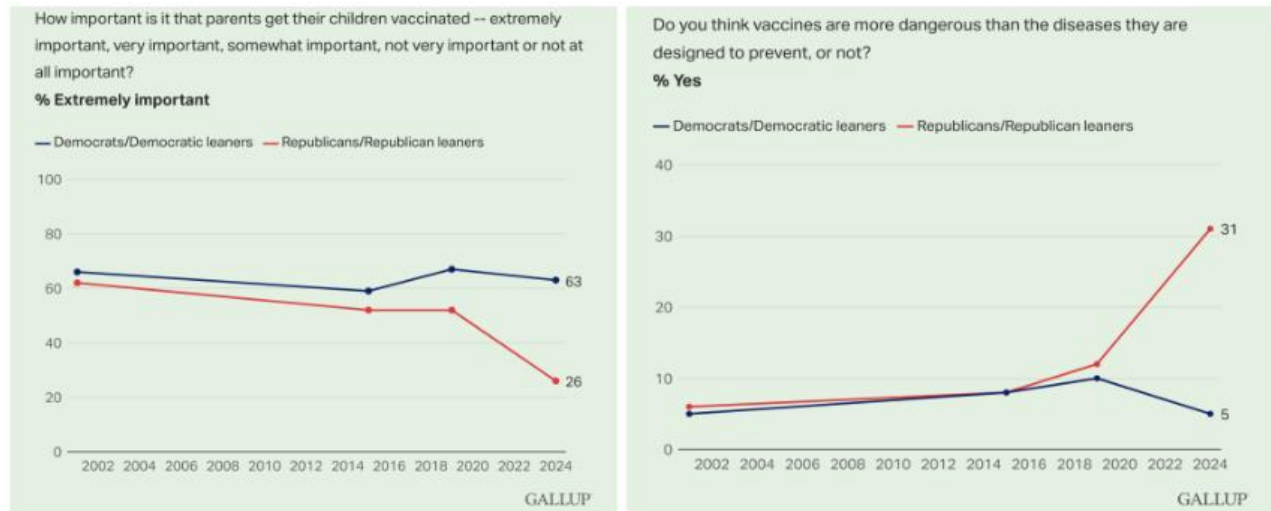


Figure 2 - Graphs of Public Opinion Regarding Children's Vaccinations

With regards to vaccine safety, there was also a large partisan split, with some 31 percent of Republicans/Republican-leaners believing that vaccines are more dangerous than the diseases that they are designed to prevent compared to just 5 percent of Democrats/Democrat leaners.⁷⁸

But why the dramatic split between Democrats and Republicans? In a study conducted by Michał Wróblewski and Andrzej Meler, researchers from the Nicolaus Copernicus University's Institute of Sociology, it was concluded that political polarization could play a key part in shaping vaccine attitudes. They found that the greater the difference between supporters and opponents of government actions, the less positive the attitudes towards vaccination were. This was the result of increases in factors such as policy distortion, polarized political trust, and an erosion of expert trust, which mainly stemmed from the observation that people tended to view health institutions as being extensions of the overall government, meaning that the approval of

⁷⁷ Jones, Jeffrey M. "Far Fewer in U.S. Regard Childhood Vaccinations as Important." Gallup.com, February 26, 2025. <https://news.gallup.com/poll/648308/far-fewer-regard-childhood-vaccinations-important.aspx>.

⁷⁸ Jones, Jeffrey M. "Far Fewer in U.S. Regard Childhood Vaccinations as Important."

those institutions (and their views) was greatly tied to their views of the government at large.⁷⁹

The Potential Impact of RFK Jr

The current US Secretary of Health and Human Services, Robert F Kennedy Jr, is a known vaccine skeptic. He has repeatedly falsely linked vaccines to childhood autism, claimed that childhood vaccines haven't been properly tested, and that Covid-19 was "targeted to attack Caucasians and Black people."⁸⁰

Since coming into office, the new administration has fired hundreds of employees from the US Centers for Disease Control and Prevention (CDC), the arm of the US government tasked with vaccine policy and prevention, and has postponed meetings of its vaccine advisors. Furthermore, Kennedy has stated that he will be leading investigations into the current childhood vaccination schedule as well as the link between vaccines and autism—a link that has already been disproven multiple times.⁸¹

However, as of recently, Kennedy has been vocal in asserting that he is not anti-vax, but rather more concerned about individuals' rights to choose to be vaccinated. In response to the Texas measles outbreak, he wrote that "vaccines not only protect individual children from measles, but also contribute to community immunity, protecting those who are unable to be vaccinated due to medical reasons," while also reinforcing that the decision to get vaccinated was a personal one.⁸²

Despite this, his messaging remains mixed. Kennedy has suggested cod liver oil and vitamin A as alternatives to combatting measles, the latter of which is fatal to children in high doses.⁸³ As a result, many remain unconvinced that Kennedy's rhetoric won't have an effect on vaccination rates, with some, like researcher Y Tony Yang of the George Washington University's Center for Health Policy and Media Engagement, noting that Kennedy's tenure could parallel that of Florida's Surgeon General Joseph Ladapo. Under Ladapo, also a vaccine skeptic, Florida's childhood vaccination rates have fallen dramatically. This has resulted in increased outbreaks, including that of a measles outbreak in Broward County which mostly affected unvaccinated kids. Yang suggested that given Kennedy's track record, a similar trend

⁷⁹ Wróblewski, Michał, and Andrzej Meler. "Political Polarization May Affect Attitudes towards Vaccination. an Analysis Based on the European Social Survey Data from 23 Countries." *European Journal of Public Health* 34, no. 2 (January 26, 2024): 375–79. <https://doi.org/10.1093/eurpub/ckae002>.

⁸⁰ Czopek, Madison. "RFK Jr.'s Campaign of Conspiracy Theories Is PolitiFact's 2023 Lie of the Year." *KFF Health News*, 2024. <https://kffhealthnews.org/news/article/rfk-kennedy-politifact-lie-of-year-2023-autism-vaccines/>.

⁸¹ Ledford, Heidi. "Will RFK JR's Vaccine Agenda Make America Contagious Again?" *Nature News*, March 13, 2025. <https://www.nature.com/articles/d41586-025-00709-9>.

⁸² CBS News Staff "Vaccine Critic RFK Jr. Backs Measles Vaccine amid Deadly Texas Outbreak." *CBS News*

⁸³ Ledford, Heidi. "Will RFK JR's Vaccine Agenda Make America Contagious Again?" *Nature News*

could happen across the entirety of the US, weakening not just vaccination rates, but also trust in public health policy.⁸⁴

Conclusion

It is clear that the anti-vaccination movement has grown tremendously since the start of the Covid 19 Pandemic, from that of a fringe movement to a serious political force concerning itself with individual liberties as well as scientific skepticism. As the divide between Republicans and Democrats continues to grow, it is important that we remind ourselves that the issue of vaccination is not partisan, but one of collective public health, affecting all of us equally. It is essential that we do not heed to the cries of sensationalism, and instead inform our decisions based on reputable, scientific sources, which have the interests of human health, not headlines, on their minds.

⁸⁴ Yang, Y Tony. “The Perils of RFK Junior’s Anti-Vaccine Leadership For ...” The Lancet

Twilight Zone of Power: Trumps Challenge to Checks & Balances

Anagha Khisti

Introduction

After the failure of the Articles of Confederation, the framers of the Constitution created three separate branches: the executive, legislative, and judicial branches. All branches were intended to check each other, preventing the formation of a unitary or confederate system of government. Though the judicial and legislative branches hold an extensive amount of power, the executive has historically been the most powerful branch of government due to its inherent powers. The question of how much power the executive can amass by taking advantage of these unenumerated powers is best emulated by Trump's 2025 president's overtake on congressional oversight, judicial discretion, and public influence.

Constitutional Indeterminacy

The “constitutional indeterminacy”⁸⁵ of what powers are inherently granted to the president creates a gray area that increases the power of the executive branch. Article II Section Three states, “[the president has the duty] to take care that the laws be faithfully executed”.⁸⁶ William P. Marshall, a distinguished professor of law at the University of North Carolina, suggests that over time this provision of the Constitution has allowed the president to utilize inherent powers to complicate what it means to do something “faithful”.⁸⁷ For example, the Supreme Court case, *Youngstown Sheet & Tube Co. v. Sawyer* (1952), demonstrates how a president can attempt to surpass legislative/judicial authority through its inherent powers.⁸⁸ In this case, President Harry Truman wanted to seize Steel Mills on private property and acted on his inherent powers by issuing Executive Order 10340 to attain these steel mills in secrecy while steelworkers went on strike. Justice Jackson referred to the president's controversial enactment

⁸⁵ MARSHALL, WILLIAM P. “ELEVEN REASONS WHY PRESIDENTIAL POWER INEVITABLY EXPANDS AND WHY IT MATTERS.” <https://www.bu.edu/law/journals-archive/bulr/documents/marshall.pdf>. Accessed 22 December 2023.

⁸⁶ “Overview of Take Care Clause | Constitution Annotated | Congress.gov | Library of Congress.” n.d. Constitution Annotated. Accessed April 9, 2025. https://constitution.congress.gov/browse/essay/artII-S3-3-1/ALDE_00001160/.

⁸⁷ Schlesinger, Arthur “The Imperial Presidency” *The Lanahan Readings in the American Polity* Sixth Edition edited by Ann G. Serow and Everett C. Ladd, 2016, pp.200-208.

⁸⁸ *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952).” Justia US Supreme Court Center, <https://supreme.justia.com/cases/federal/us/343/579/>. Accessed 22 December 2023.

of executive powers through the inactivity of Congress as the “twilight zone of power”⁸⁹ and ruled that Truman’s executive order to seize the mills was unconstitutional. However, the court case exemplified how the president can create an abuse of power due to the ambiguity of what inherent powers are constitutional, ultimately expanding the power of the executive branch.

Violation of the Impoundment Act & Congressional Oversight

Trump has taken full advantage of this “twilight zone of power” by overpowering congressional oversight in a radical attempt to cut down on government spending. Trump's executive order to create the Department of Government Efficiency, a temporary program dedicated to addressing funding cuts, resulted in the downsizing of federal employment, shut down of executive agencies, and expanded the government's role in overpowering independent agencies.⁹⁰ DOGE has a list on their website of all the programs they’ve cut known as the DOGE “wall of receipts,” and how much money the government has saved from it.⁹¹ Such programs involve ones that Trump and the conservative party have an inherent disdain for such as those that fund foreign aid, DEI programs, and climate change initiatives. Though intended to save the government from debt, a reporter raised an important question to Trump's press secretary: “Are all the things you mentioned [the wall of receipts] fraud or are they waste or are they just contrary to the president's policies?”⁹²

Trump’s cherry-picking of which programs to cut or withhold funding from, is a direct violation of Congress’s Impoundment Act. The Impoundment Control Act of 1974, forbids future impoundments made by the executive.⁹³ To enforce executive orders, Trump attempts to ignore this act by exercising his inherent powers.⁹⁴ Trump doesn’t attempt to curve around Congress to achieve his goals but rather his team’s new slogan “impound, baby impound” makes his violation of the Act and Congress’s “power of the purse” (spend money for the national government) intentional.⁹⁵ Most notably, his executive order attempting to shut down the United

⁸⁹ *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952).” Justia US Supreme Court Center, <https://supreme.justia.com/cases/federal/us/343/579/>. Accessed 22 December 2023.

⁹⁰ “Establishing And Implementing The President's "Department Of Government Efficiency."” 2025. The White House. <https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>.

⁹¹ “Department of Government Efficiency.” n.d. DOGE: Department of Government Efficiency. Accessed April 8, 2025. <https://doge.gov/savings>.

⁹² Tyler, Brian. 2025. “Karoline Leavitt Unveils DOGE Spending Cut Receipts During Press Briefing: ‘Another DEI Contract.’” YouTube. https://www.youtube.com/watch?v=9fr7XjK_57o.

⁹³ “Trump Impoundment EOs Fact Sheet.” n.d. Senate Appropriations. Accessed April 8, 2025.

⁹⁴ “Trump Impoundment EOs Fact Sheet.” n.d. Senate Appropriations. Accessed April 8, 2025. https://www.appropriations.senate.gov/imo/media/doc/trump_impoundment_eos_fact_sheet.pdf.

⁹⁵ “Trump Impoundment EOs Fact Sheet.” n.d. Senate Appropriations. Accessed April 8, 2025. https://www.appropriations.senate.gov/imo/media/doc/trump_impoundment_eos_fact_sheet.pdf.

States Agency for International Development (USAID) initiated great controversy.⁹⁶ Trump fired the inspector general of the USAID Paul Martin, after he released a report criticizing Trump's funding freeze on USAID adding fuel to fire.⁹⁷ Trump did not have the authority to freeze funding as Congress appropriated such funds, nor did he have the authority to shut down USAID since Congress created it so it can only be shut down through the consent of Congress.⁹⁸ It's not just the USAID but many of his executive orders such as "unleashing American energy" calling for the termination of the Green Deal, forces agencies to pause disbursements of funds reinforcing his impulse to challenge Congress further violating the Impoundment Act.⁹⁹

Nevertheless, his firing of Martin, who has been an inspector for over a decade serving multiple presidencies, raises the issue of who is running the government. Before DOGE, inspector generals served as "watchdogs" for the government and were in charge of identifying fraud within the administration.¹⁰⁰ However, under Trump's second term, 17 inspector generals have been fired¹⁰¹ and "replaced" by the DOGE team, composed of politically inexperienced young engineers or business owners who have formerly worked in Elon Musk's companies.¹⁰² As Mark Lee Greenblatt, former inspector general of the Department of Interior puts it, it seems as if the government has been replaced with "lap dogs" rather than "watchdogs."¹⁰³ Not only has Trump actively challenged the constitution to pursue his own goals, but in creating a team that only caters to his views, he replaces independent oversight with political loyalty, undermining checks and balances. Trump goes even further in attempting to diminish the role of independent oversight by controlling independent agencies. Historically, the Interstate Commerce Commission (ICC) has been the "prototype" for independent agencies created to have a knowledgeable group of people oversee a specialized issue, without the president's control to

⁹⁶ KNICKMEYER, ELLEN. 2025. "Trump overstepped his constitutional authority in freezing Congress' funding for USAID, judge says." AP News. <https://apnews.com/article/usaaid-trump-foreign-aid-rubio-judge-ali-60ef55de60a36c61eb563b5982298385>.

⁹⁷ Toosi, Nahal. 2025. "Trump fires USAID's inspector general after report critical of funding freeze." Politico. <https://www.politico.com/news/2025/02/11/trump-fires-usaid-inspector-general-00203717>.

⁹⁸ KNICKMEYER, ELLEN. 2025. "Trump overstepped his constitutional authority in freezing Congress' funding for USAID, judge says." AP News. <https://apnews.com/article/usaaid-trump-foreign-aid-rubio-judge-ali-60ef55de60a36c61eb563b5982298385>.

⁹⁹ "Trump Impoundment EOs Fact Sheet." n.d. Senate Appropriations. Accessed April 8, 2025. https://www.appropriations.senate.gov/imo/media/doc/trump_impoundment_eos_fact_sheet.pdf.

¹⁰⁰ "They Were the Original DOGE. Then Trump Fired Them. | NYT Opinion." 2025. YouTube. <https://www.youtube.com/watch?v=GupyEudjdNw>.

¹⁰¹ "Trump fires more than a dozen independent inspectors general." 2025. AP News. <https://apnews.com/article/trump-inspectors-general-fired-congress-unlawful-4e8bc57e132c3f9a7f1c2a3754359993>.

¹⁰² Bond, Shannon, Stephen Fowler, and Bobby Allyn. 2025. "Who is part of Elon Musk's DOGE, and what are they doing?" NPR. <https://www.npr.org/2025/02/07/nx-s1-5288988/doge-elon-musk-staff-trump>.

¹⁰³ "They Were the Original DOGE. Then Trump Fired Them. | NYT Opinion." 2025. YouTube. <https://www.youtube.com/watch?v=GupyEudjdNw>.

avoid presidential bias.¹⁰⁴ Though the role of independent agencies has not been specified in the Constitution, Roosevelt signed a law giving the ICC the power to create and enact its own laws, setting a 90-year precedent for strengthening the independent nature of independent agencies.¹⁰⁵ Since independent agencies are created by Congress, they can only be removed by Congress, and leaders have “for-cause removal protection.”¹⁰⁶ Trump's threat over regulatory agencies by firing the chairs of the National Labor Relations Board and the Equal Employment Opportunity Commission without proper cause has already violated the rights of independent agencies.¹⁰⁷ Suppose the executive's power continues to expand in this realm. In that case, Trump has the power to control one of the most powerful, independent, and essential agencies to remain politically objective- the Federal Reserve. Trump had unsuccessfully tried firing the head of the Reserve Joe Powell after he refused Trump's request to lower interest rates.¹⁰⁸ If Trump continues to try to control the Federal Reserve, it could be dangerous as he could manipulate interest rates in favor of his election cycles to “juice up” the economy temporarily, leading to a potential “runaway inflation” which would have a long-term detrimental effect on the economy.¹⁰⁹

Since the Constitution doesn't define how much autonomy independent agencies should have, this allows proponents of the “deep state” to expand the president's power. Conservative proponents of increasing regulation of independent agencies believe that these agencies aren't democratic in the first place.¹¹⁰ For example, conservative Stephen Miran, Trump's nominee for chair of the Council of Economic Advisers, proposes a plan to ensure the president has greater authority over the Federal Reserve and believes that independent agencies should be regulated to

¹⁰⁴ Rosalsky, Greg. 2025. “Trump is asserting extraordinary power over independent agencies. Is the Fed next?” NPR. <https://www.npr.org/sections/planet-money/2025/03/04/g-s1-51515/trump-asserting-extraordinary-power-over-independent-agencies-is-the-fed-next>.

¹⁰⁵ Rosalsky, Greg. 2025. “Trump is asserting extraordinary power over independent agencies. Is the Fed next?” NPR. <https://www.npr.org/sections/planet-money/2025/03/04/g-s1-51515/trump-asserting-extraordinary-power-over-independent-agencies-is-the-fed-next>.

¹⁰⁶ Manners, Jane, and Lev Menand. n.d. “THE THREE PERMISSIONS: PRESIDENTIAL REMOVAL AND THE STATUTORY LIMITS OF AGENCY INDEPENDENCE - Columbia Law Review.” Columbia Law Review -. Accessed April 14, 2025. <https://www.columbialawreview.org/content/the-three-permissionspresidential-removal-and-the-statutory-limits-of-agency-independence/>.

¹⁰⁷ Rosalsky, Greg. 2025. “Trump is asserting extraordinary power over independent agencies. Is the Fed next?” NPR. <https://www.npr.org/sections/planet-money/2025/03/04/g-s1-51515/trump-asserting-extraordinary-power-over-independent-agencies-is-the-fed-next>.

¹⁰⁸ Rosalsky, Greg. 2025. “Trump is asserting extraordinary power over independent agencies. Is the Fed next?” NPR. <https://www.npr.org/sections/planet-money/2025/03/04/g-s1-51515/trump-asserting-extraordinary-power-over-independent-agencies-is-the-fed-next>.

¹⁰⁹ Rosalsky, Greg. 2025. “Trump is asserting extraordinary power over independent agencies. Is the Fed next?” NPR. <https://www.npr.org/sections/planet-money/2025/03/04/g-s1-51515/trump-asserting-extraordinary-power-over-independent-agencies-is-the-fed-next>.

¹¹⁰ Rosalsky, Greg. 2025. “Trump is asserting extraordinary power over independent agencies. Is the Fed next?” NPR. <https://www.npr.org/sections/planet-money/2025/03/04/g-s1-51515/trump-asserting-extraordinary-power-over-independent-agencies-is-the-fed-next>.

ensure political accountability.¹¹¹ However, he undermines the essential need for regulatory agencies to be independent in the first place, especially the Federal Reserve, to keep politics out of monetary policy, and more issues that concern their specialization.¹¹²

The actions Trump's team has taken demonstrate a deep misinterpretation of what bureaucracy, executive, and independent agencies were created for. In an exclusive interview on Fox News, Musk stated: "The President is elected by the will of the people. If the bureaucracy is fighting the will of the people, and preventing the president from implementing what the people want then what we live in is a bureaucracy, not a democracy."¹¹³ Musk draws a wrongful correlation in suggesting that what the president wants is what the people want, ironically contradicting himself in assuming that bureaucracies are created to serve the government. In reality, they're not merely extensions of the government but were created by Congress to specifically check the executive, ultimately preserving democracy.¹¹⁴ The misunderstanding in Trump's team of the functions of bureaucracies and executive agencies is clearly emphasized by their attempts to bypass congressional oversight and the Impoundment Act. Musk exemplifies the paradox in Trump's campaign of creating a more democratic government by exposing and minimizing fraudulent behavior but through entirely undemocratic means.¹¹⁵

Influence of Unconstitutional Executive Orders on Public

Moreover, Trump's utilization of inherent power doesn't just affect government agencies but directly influences the democratic nature of the public as well. Trump has taken full advantage of his inherent powers by issuing over 70 executive orders in his second term, the most in a president's first 100 days in 40 years.¹¹⁶ One of the biggest reasons executive orders amass so much power is that they can vastly change society's culture. Historically, one of the most powerful was Executive Order 1126, signed by Lyndon B. Johnson, to promote diversity and inclusivity in institutions, businesses, and culture. This order set a precedent for and

¹¹¹ Rosalsky, Greg. 2025. "Trump is asserting extraordinary power over independent agencies. Is the Fed next?" NPR. <https://www.npr.org/sections/planet-money/2025/03/04/g-s1-51515/trump-asserting-extraordinary-power-over-independent-agencies-is-the-fed-next>.

¹¹² Rosalsky, Greg. 2025. "Trump is asserting extraordinary power over independent agencies. Is the Fed next?" NPR. <https://www.npr.org/sections/planet-money/2025/03/04/g-s1-51515/trump-asserting-extraordinary-power-over-independent-agencies-is-the-fed-next>.

¹¹³ Trump, Donald J. 2025. "Trump, Musk pull curtain back behind relationship, media's divide and conquer mission." YouTube. <https://www.youtube.com/watch?v=hMbcMO5JgEo>.

¹¹⁴ Rosalsky, Greg. 2025. "Trump is asserting extraordinary power over independent agencies. Is the Fed next?" NPR. <https://www.npr.org/sections/planet-money/2025/03/04/g-s1-51515/trump-asserting-extraordinary-power-over-independent-agencies-is-the-fed-next>.

¹¹⁵ Rosalsky, Greg. 2025. "Trump is asserting extraordinary power over independent agencies. Is the Fed next?" NPR. <https://www.npr.org/sections/planet-money/2025/03/04/g-s1-51515/trump-asserting-extraordinary-power-over-independent-agencies-is-the-fed-next>.

¹¹⁶ "Trump executive orders list: What he's written so far during his second term." 2025. NBC News. <https://www.nbcnews.com/data-graphics/tracking-trumps-executive-orders-rcna189571>.

enforced future anti-discrimination laws making huge strides in dismantling racist ideologies. This order implemented by groups such as the “Employment Opportunities Commission, the Department of Labor & its congressional allies,” made it hard for this order to be challenged by any court or Congress.¹¹⁷ Thus, the executive's ability to enact policies that get adopted by important groups/individuals in society, allows the executive branch to overpower the judicial and legislative branches. In this scenario, such an executive order was necessary for creating significant change in ending discriminatory practices. However, executive orders can also be used to target marginalized communities such as the LGBTQIA+ community.¹¹⁸

This can be seen in Trump's order demanding that there be two sexes, and ending birthright citizenship, although all facing challenges from Congress and the judiciary have the potential to change or enhance society's views on LGBTQIA+ rights, and immigration rights. Trump's order on creating “two sexes” formerly known as “Defending Women From Gender Ideology Extremism And Restoring Biological Truth to the Federal Government” calls for the freezing of federal funds dedicated to gender-affirming surgery for people under the age of 21.¹¹⁹

Additionally, Trump has already ordered federal employees to remove the x on passports which could hinder transgender people who identify with this “x mark” ability to travel, and some Republican lawmakers have already started drafting bills at the state level claiming that there are only two biological sexes. The American Civil Liberties Union recently won a lawsuit filed against this order.¹²⁰ However, Republican lawmakers have actively implemented change before receiving consent from the other branches.

Moreover, Trump's executive order on birthright citizenship, directly challenges the Constitution, possessing the potential to completely change legal and social perceptions of immigration rules and rights.¹²¹ The constitution specifically states, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United

¹¹⁷ Mayer, Kenneth "With the Stroke of a Pen" The Lanahan Readings in the American Polity Sixth Edition edited by Ann G. Serow and Everett C. Ladd, 2016, pp.237-245.

¹¹⁸ “ACLU Applauds Supreme Court Decision Upholding Congressional Control of Federal Funding | American Civil Liberties Union.” 2025. ACLU.

¹¹⁹ “Defending Women From Gender Ideology Extremism And Restoring Biological Truth To The Federal Government.” 2025. The White House. <http://whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>.

¹²⁰ “ACLU Applauds Supreme Court Decision Upholding Congressional Control of Federal Funding | American Civil Liberties Union.” 2025. ACLU. <https://www.aclu.org/press-releases/aclu-applauds-supreme-court-decision-upholding-congressional-control-of-federal-funding>.

¹²¹ “Protecting The Meaning And Value Of American Citizenship.” 2025. The White House. <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship/>.

States and of the State wherein they reside.”¹²² Trump’s administration argues that the 14th Amendment has “never been interpreted to extend citizenship universally to everyone born within the United States.”¹²³ Until now, the definition of persons “born or naturalized” has been assumed that any person born in the United States can become a citizen, and this has not been challenged.¹²⁴ Though this order cannot be passed without the approval of the judicial branch, such an act has the potential to challenge a constitutional right that has been interpreted to extend to foreign citizens since the creation of the Constitution itself and creates anti-immigrant rhetoric that could completely reshape the rights of immigrant communities.¹²⁵

Such rhetoric has already been exemplified through Trump’s unusual enactment of the “Alien Enemies Act” in which he has exercised his inherent power to justify deporting a group of immigrants he accused of being in the “Tren de Aragua” to El Salvadorian prison Centro de Confinamiento del Terrorismo (CECOT) without due process.¹²⁶ Before being deported immigrants-including illegal immigrants, are allowed due process, however, this act allows for the absence of due process as it’s only been meant to be used to deport enemies during wartime.¹²⁷ This act was last used during the War of 1812, World War I, and World War II, and had been used to justify one of America’s most shameful incidents in history- Japanese internments in World War II which the president, Congress, and courts have since apologized for.¹²⁸ Trump’s deportation process was originally blocked by US District Judge James Boasberg on March 15, 2025, who noted that even when the Alien Enemies Act was used during wartime in WWII, immigrants “were at least given their day in court.”¹²⁹ The Supreme Court agrees stating that even when enacting this act immigrants are guaranteed due process beforehand, and are open to different interpretations of the act.¹³⁰ However, Boasberg’s block has been

¹²² “Citizenship Clause Doctrine | Constitution Annotated | Congress.gov | Library of Congress.” n.d. Constitution Annotated. Accessed April 8, 2025. https://constitution.congress.gov/browse/essay/amdt14-S1-12/ALDE_00000812/.

¹²³ “Protecting The Meaning And Value Of American Citizenship.” 2025. The White House. <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship/>.

¹²⁴ “Birthright Citizenship in the United States.” 2025. American Immigration Council. <https://www.americanimmigrationcouncil.org/research/birthright-citizenship-united-states>.

¹²⁵ “Birthright Citizenship in the United States.” 2025. American Immigration Council. <https://www.americanimmigrationcouncil.org/research/birthright-citizenship-united-states>.

¹²⁶ Ebright, Katherine Y. 2024. “The Alien Enemies Act, Explained.” Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/alien-enemies-act-explained>.

¹²⁷ SULLIVAN, TIM, and MARK SHERMAN. n.d. “The Alien Enemies Act: What to know about a 1798 law that Trump has invoked for deportations.” AP News. Accessed April 9, 2025. <https://apnews.com/article/alien-enemies-trump-immigration-deportations-21a62ede23b8c493b60d00a9c125722f>.

¹²⁸ Ebright, Katherine Y. 2024. “The Alien Enemies Act, Explained.” Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/alien-enemies-act-explained>.

¹²⁹ Totenberg, Nina, and Christina Gatti. 2025. “Supreme Court backs Trump in controversial deportations case.” NPR. <https://www.npr.org/2025/04/07/nx-s1-5345601/supreme-court-alien-enemies-act>.

¹³⁰ French, David. 2025. “Opinion | The Supreme Court Ruled. Trump and the A.C.L.U. Both Claimed Victory. Huh?” The New York Times. <https://www.nytimes.com/2025/04/13/opinion/trump-deportations-supreme-court.html>.

overridden by the predominantly conservative Supreme Court today, setting a dangerous precedent for immigrants' rights to due process.¹³¹

In fact, this act has already affected immigrants such as Kilmar Abrego Garcia. Having been mistaken for a Ms-13 (El Salvadorian) gang member, Garcia was illegally deported on March 12, 2019, to the CECOT under the Alien Enemies Act without due process.¹³² Garcia came to the US illegally but was granted protection after a judge deemed it unsafe for him to return to El Salvador in fear of being extorted by Barrio 18 (a gang in El Salvador).¹³³ No evidence was found that he was affiliated with any gangs or was accused of committing any crimes in the US or El Salvador.¹³⁴ As of April 10, 2025, SCOTUS has ordered the Trump administration to bring Garcia back to the US.¹³⁵ The administration's actions also demonstrate a potential violation of Congress's passage of the Leahy Law which prohibits the US government from using funds for foreign security forces that have been credibly found to be involved in human rights violations.¹³⁶

The Trump administration has given El Salvador \$6 million in aid annually to imprison deportees from the US, while the CECOT, has been found guilty of many human rights violations according to the US Department of States.¹³⁷ ¹³⁸ Garcia's lawyer's state "His deportation was not just an administrative error—it was a constitutional failure".¹³⁹ Both the president of El Salvador and the Trump administration refuse to return Garcia, neglecting to see

¹³¹ Totenberg, Nina, and Christina Gatti. 2025. "Supreme Court backs Trump in controversial deportations

¹³² Knuton, Jacob. 2025. "https://www.democracymarket.com/news-alerts/trump-abrego-garcia-maryland-return-el-salvador-prison/." News Litigation Trump Accountability Despite SCOTUS Ruling, Trump Admin Refuses to Return Man It Wrongly Sent to Salvadoran Prison.https://www.democracymarket.com/news-alerts/trump-abrego-garcia-maryland-return-el-salvador-prison/.

¹³³ FINLEY, BEN. 2025. "Who is Kilmar Abrego Garcia, the man ICE mistakenly deported to an El Salvador prison?" AP News. https://apnews.com/article/who-is-abrego-garcia-e1b2af6528f915a1f0ec60f9a1c73cdd.

¹³⁴ FINLEY, BEN. 2025. "Who is Kilmar Abrego Garcia, the man ICE mistakenly deported to an El Salvador prison?" AP News. https://apnews.com/article/who-is-abrego-garcia-e1b2af6528f915a1f0ec60f9a1c73cdd.

¹³⁵ "KRISTI NOEM, SECRETARY, DEPARTMENT OF HOMELAND SECURITY, ET AL. V. KILMAR ARMANDO ABREGO GARCIA, ET AL." SUPREME COURT OF THE UNITED STATES, April 10, 2025. https://www.supremecourt.gov/opinions/24pdf/24a949_lkhn.pdf.

¹³⁶ Figueroa, Ariana. 2025. "U.S. human rights law likely violated in \$6M payment for El Salvador prison, experts say." News From the States. https://www.newsfromthestates.com/article/us-human-rights-law-likely-violated-6m-payment-el-salvador-prison-experts-say.

¹³⁷ Figueroa, Ariana. 2025. "U.S. human rights law likely violated in \$6M payment for El Salvador prison, experts say." News From the States. https://www.newsfromthestates.com/article/us-human-rights-law-likely-violated-6m-payment-el-salvador-prison-experts-say.

¹³⁸ "2022 Country Reports on Human Rights Practices: El Salvador." n.d. State Department. Accessed April 14, 2025. https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/el-salvador/.

¹³⁹ "President of El Salvador Says He Won't Return Mistakenly Deported Man to U.S." NBCNews.com, April 14, 2025. https://www.nbcnews.com/politics/trump-administration/president-el-salvador-wont-return-deported-man-kilmar-abrego-garcia-rcna201136.

Garcia has been imprisoned through unlawful means.¹⁴⁰

In the absence of a more concise decision from SCOTUS on how the Alien Enemies Act should be implemented, the vague inherent powers delegated to the president's ability to define "wartime" as per his discretion or how it should be "faithfully executed" demonstrates the executives overtaking of the role of judicial discretion, and ignorance of laws implemented by congress suppressing democratic order. The usage of the law alongside his execution of executive orders affecting minorities, climate change activists, humanitarians, and former federal officers, emphasizes the president's overwhelming influence on the public.

Conclusion

Trump's presidency can be summarized in Donald F. Kettl's, former dean of the University of Maryland's School of Public Policy words as: "simply an attempt to redefine the president's powers under the Constitution".¹⁴¹ Executive power has grown and will continue to grow without restrictions placed on their ability to act on unenumerated powers. As a result of this "twilight zone of power," conservatives, liberals, and strict and loose constitutionalists have argued what the Constitution intends, fueling the debate of whether the growing power of the executive is necessary or justified. Though a fascinating discussion, there lies an objective fact in which all parties can agree that the founding fathers- especially Alexander Hamilton intended to create a system of checks and balances to avoid tyranny: "Where the purse is lodged in one branch, and the sword in another, there can be no danger."¹⁴² Until the judicial and legislative branches make greater strides in checking the power of the executive, Americans will continue to suffer from a lack of democracy at the hands of presidential abuse.

¹⁴⁰ "President of El Salvador Says He Won't Return Mistakenly Deported Man to U.S." NBCNews.com, April 14, 2025. <https://www.nbcnews.com/politics/trump-administration/president-el-salvador-wont-return-deported-man-kilmar-abrego-garcia-rcna201136>.

¹⁴¹ McManus, Doyle. 2025. "Column: Trump is creating an imperial presidency — and he's doing it by decree." Los Angeles Times. <https://www.latimes.com/world-nation/story/2025-02-03/column-trump-is-creating-an-imperial-presidency-and-hes-doing-it-by-decree>.

¹⁴² Bazelon, Emily. 2025. "Can He Do That?" The New York Times. <https://www.nytimes.com/2025/02/13/briefing/can-he-do-that.html>.

Cultural and Physical Displacement: The Impact of Gentrification of Korean American Immigrant Communities

Yaeyoung Min

Introduction

Gentrification acts as a ‘double-edged sword’ within many ethnic-immigrant communities, particularly among Korean Americans. While gentrification can bring urban renewal and economic growth, it often results in two major consequences: physical displacement and cultural-emotional displacement.¹⁴³ According to the Pew Research Center, 57 percent of Korean Americans are immigrants, with 28 percent residing in certain counties in California, New Jersey, and New York.¹⁴⁴ This paper focuses on the complex paradox of gentrification within Korean American immigrant communities especially focusing on Los Angeles’ Koreatown. Korean American immigrants face both physical and cultural erasure through gentrification. Paradoxically, we also see Korean American participating in gentrification themselves. By advocating for policy solutions and intergenerational activism, we can aim to preserve cultural identity and minimize displacement.

Contextualizing Gentrification: Displacement and Cultural Erasure in Immigrant Communities

Gentrification is a complex and often contradictory process marked by the influx of higher-income individuals and businesses into economically marginalized neighborhoods.¹⁴⁵ It primarily targets the elderly population who are often part of culturally rich communities. Often, there are large misconceptions that gentrification is seen as solely positive urban development. However, this fails to capture the fact that gentrification not only leads to the erasure of the cultural identities of neighborhoods (also known as cultural displacement) targeted by gentrification, but it also leads to physical transformations (physical displacement). The cumulative effect reshapes the social fabric of ethnic minority immigrant communities across the US, including that of Korean Americans.

¹⁴³ Tran, L. D., Rice, T. H., Ong, P. M., Banerjee, S., Liou, J., & Ponce, N. A. (2020, June). *Impact of Gentrification on Adult Mental Health*. Health Services Research. <https://pmc.ncbi.nlm.nih.gov/articles/PMC7240775/>

¹⁴⁴ Greenwood, S. (2024, August 6). *Korean Americans: A Survey Data Snapshot*. Pew Research Center. <https://www.pewresearch.org/2024/08/06/korean-americans-a-survey-data-snapshot/>

¹⁴⁵ Richardson, J., Mitchell, B., & Franco, J. (2019, March 19). *Shifting Neighborhoods: Gentrification and Cultural Displacement in American Cities*. National Community Reinvestment Coalition. <https://ncrc.org/gentrification/>

According to the Urban Displacement Project from the University of California, Berkeley, and the University of Toronto, understanding gentrification requires attention to three key factors.¹⁴⁶ First, historic conditions —such as redlining and urban renewal— laid the groundwork for present-day displacement by systematically disinvesting from communities of color. Second, the cycle of divestment and reinvestment drives gentrification, as developers and new residents are drawn to affordable neighborhoods that are often located near economic centers. Finally, the outcome of this process is both cultural and physical displacement, contributing to the gradual erasure of established communities and their collective memory.

Impacts of Cultural-Emotional Displacement on Korean American Immigrants

Cultural erasure, driven by cultural-emotional displacement, is evident in the post-gentrification state of Korean American immigrant communities. Cultural erasure involves the weakening of a distinctive cultural identity through forced assimilation, often as a tactic of oppression.¹⁴⁷ Cultural erasure, or community displacement, has profound impacts on mental health.¹⁴⁸ This is because it not only leads to physical displacement, but also to cultural-emotional displacement.

Mental health challenges faced by Korean Americans are often stemmed from low self-esteem and the “avoidance of confrontation.” This tendency is known as *hwabung* in Korean culture.¹⁴⁹ *Hwabung* is commonly seen through many Korean American immigrants, especially in elders, as it embodies symptoms of “repression of anger, disappointment, and unfulfilled dreams of an individual.” In other words, *hwabung* represents the barriers to the American Dream.¹⁵⁰ The perpetuation of American cultural norms erases ethnic values, amplifying mental health issues seen in Korean American immigrants.¹⁵¹

Physical displacement — like the eradication of prominent locations to Korean American immigrants due to gentrification — carries emotional consequences. The pressure of assimilating

¹⁴⁶ Chapple, K., Thomas, T., & Zuk, M. (2021). Urban Displacement Project. Berkeley, CA: Urban Displacement Project. <https://www.urbandisplacement.org/about/what-are-gentrification-and-displacement/>

¹⁴⁷ The Cultural Landscape Foundation. (2021). *Erasure*. Race and Space.

<https://www.tclf.org/sites/default/files/microsites/landslide2021/themes/theme-2.html>

¹⁴⁸ Community Displacement and Its Influence on Mental Health. Mental Health America. (2025, January 8). <https://mhanational.org/resources/community-displacement-and-its-influence-on-mental-health/>

¹⁴⁹ Pang, K. Y. C. (1990). *Hwabung*: The Construction of a Korean Popular Illness Among Korean Elderly Immigrant Women in the United States. *Culture, Medicine, and Psychiatry*, 14, 495–512.

¹⁵⁰ Bernstein, K. S. (2007). Mental Health Issues Among Urban Korean American Immigrants. *Journal of Transcultural Nursing*, 18, 175–18

¹⁵¹ Au, A. (2017). Low Mental Health Treatment Participation and Confucianist Familial Norms Among East Asian Immigrants: A Critical Review. *International Journal of Mental Health*, 46(1), 1–17. <https://doi.org/10.1080/00207411.2016.1264036>

into one culture (known as acculturation stress) has increased feelings of isolation and anxiety.¹⁵² Identity conflicts caused by cultural-emotional displacement exacerbates mental health conflicts seen in Korean American immigrants.

Impacts of Physical Displacement on Korean American Immigrants

According to the Asian Development Bank, “Physical displacement is the relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.”¹⁵³ In the context of Korean American immigrants, physical displacement often means the loss of culturally significant places to its ethnic community. This includes closing Korean markets, churches, and community hubs, all of which have historically encouraged the preservation of cultural familiarity. When physical displacement occurs, it makes it much more difficult for Korean Americans to create a strong cultural identity.

Korean American Gentrification at Los Angeles’ Koreatown, California

Korean American immigration, and the gentrification of their communities, occurred in diasporic waves reflecting the historical economic changes in South Korea and in the United States.¹⁵⁴ It is important to understand many Korean American immigrants came to the US for a myriad of factors. This includes the spread of Christian missionary influence in East Asia, political tensions between Korea and its neighboring countries, and the notion of the “American Dream.” After the Chinese Exclusion Act was passed in 1882, the United States also aimed to bring in Korean immigrants as an alternative to Chinese laborers.

Over the next century, primarily between 1972 and 1982, Korean immigration rates soared.¹⁵⁵ By the 1970s, Korean immigrants comprised 63 percent of Koreans in the United States in Los Angeles and Orange County in California.

There is a clear case of physical displacement in Los Angeles’ Koreatown. Corporations have promised a “new look into Los Angeles,” not understanding that taking local businesses

¹⁵² Together with Mental Health. (2024, July 25). *Korean American Mental Health*. <https://www.togethermentalhealth.com/blogs/korean-american-mental-health>

¹⁵³ Asian Development Bank. (2009, June). Safeguard Policy Statement. <https://www.adb.org/sites/default/files/institutional-document/32056/safeguard-policy-statement-june2009.pdf>

¹⁵⁴ Choe, Becca. (2023, December 17) "Korean American: Korean Diasporic Movements in Los Angeles Throughout the 20th and 21st Century". 2024 Claremont Colleges Library Undergraduate Research Award. https://scholarship.claremont.edu/cclura_2024/4

¹⁵⁵ Park, K. (1990). Immigrant Entrepreneurs: Koreans in Los Angeles, 1965–1982. *The Journal of Asian Studies*, 49(1), 176–177. <https://doi.org/10.2307/2058495>

away leaves Korean American immigrants with nowhere to go.¹⁵⁶ This shift in urban renewal hurts Korean American immigrants who are not able to easily establish social networks due to their limited language barrier and the continuous erasure of Korean American cultural norms. The gentrification of Koreatown exhibits the social fabric of Korean American immigrant experience.

Immigrants as Gentrifiers: A Paradox

Gentrification has often been known to harm immigrants, as newer businesses displace immigrants out of their homes. However, it could be the case that immigrants themselves become agents of gentrification themselves. Many Korean American immigrants, especially in Los Angeles' Koreatown, become "agents of change themselves," acknowledging that the social fabric of places such as Los Angeles' Koreatown will constantly be changing, affected by the multicultural influences of other ethnic communities as well.¹⁵⁷

There is a striking paradox: many immigrant gentrifiers aim to revitalize the neighborhood through economic development but simultaneously harm low-income individuals by engaging in gentrification that is causing increased housing competition. This shows that the consequences of physical and cultural displacement can be indirectly caused by Korean American immigrants themselves.

Policy Solutions and Intergenerational Activism

The dual identity of Korean American immigrants, as both gentrifiers and victims of gentrification, suggests the possibility of economic revitalization while preserving Korean American culture.¹⁵⁸ To mitigate the harms of gentrification, targeted policy solutions are essential. This is especially true within the senior elderly Korean population are affected the greatest by physical displacement. The solutions may include rent stabilization policies tailored to immigrant communities.¹⁵⁹ Furthermore, expanding on financial resources for housing subsidies for immigrants is also an effective solution.

¹⁵⁶ Martinez, J. (2021, January 9). *Koreatown: And The Impact of Cultural Displacement*. La Gente Newsmagazine. <https://lagente.org/koreatown-and-the-impact-of-cultural-displacement/>

¹⁵⁷ DeVerteuil, G., Yun, O., & Choi, C. (2017). Between the Cosmopolitan and the Parochial: The Immigrant Gentrifier in Koreatown, Los Angeles. *Social & Cultural Geography*, 20(1), 64–86. <https://doi.org/10.1080/14649365.2017.1347955>

¹⁵⁸ *Gentrification and Neighborhood Revitalization: What's the Difference?* National Low Income Housing Coalition. (2019, April 5). <https://nlihc.org/resource/gentrification-and-neighborhood-revitalization-whats-difference>

¹⁵⁹ Smith, R. F. (2023, August 8). *Gentrification Pros and Cons: A Double-Edged Sword*. Robert F. Smith. <https://robertsmith.com/blog/gentrification-pros-and-cons/#16-pros-of-gentrification>

Lastly, the role of intergenerational activism is important because youth-led grassroots movements challenge displacement and preserve cultural heritage. Fostering intergenerational collective activism primarily from youth-led advocacy can protect cultural heritage and prove that urbanization does not have to be traded for cultural erasure. By bridging these generational divides, Korean American communities can resist displacement while embracing urban change and modern economic development efforts.

Conclusion

The gentrification in Korean American immigrant communities, presents a multifaceted paradox: one in which immigrants are both affected by and contributors to neighborhood change. While gentrification can bring about economic revitalization, it often does so at the cost of cultural identity and social cohesion. For Korean American immigrants, especially the elderly and low-income, physical, and cultural displacement can result in acculturation stress, mental health challenges, and the weakening of long-standing support networks. However, through targeted policies such as rent control, affordable housing initiatives, and financial support, along with youth-led intergenerational activism, the community can push back against cultural erasure and promote inclusive development that honors their heritage.

The American Nuclear Renaissance: A Mirage or A Messiah?

Carter Morton

In 2024, US support for increasing nuclear energy usage clocked in at 56 percent, up from 43 percent in 2020.¹⁶⁰ This growing enthusiasm aligns with the appointment of Chris Wright, an outspoken advocate for nuclear energy, as Secretary of Energy under President Donald Trump. Ultimately, the question remains, is nuclear power a transformative solution to US energy demand, or is it an inflated, costly gamble in the era of green transition? This paper examines the current state of the US nuclear industry, evaluating its economic and geopolitical challenges, its cost-benefit analysis compared to renewables and what can be done to ensure a sustainable and secure nuclear future.

US Nuclear Environment

As of 2023, the United States leads the world in nuclear energy production, nearly doubling the output of its closest competitor, China.¹⁶¹ As of 2024, 94 operating nuclear reactors are in operation nationwide.¹⁶² US nuclear support has been further emboldened by energy consumption returning to pre-COVID levels and the spike in energy demand generated by the massive energy consumption by artificial intelligence for computation and data storage, such as the reopening of Pennsylvania's Three Mile Island nuclear plant by Microsoft to power its data centers, despite the plant's notoriety for its 1979 partial meltdown.¹⁶³ US Secretary of Energy Chris Wright has declared a new era of "American nuclear renaissance," pledging to prioritize commercial expansion and advanced research, including investment in fusion technology.¹⁶⁴

¹⁶⁰ Rebecca Leppert, "Majority of Americans Support More Nuclear Power in the Country," Pew Research Center, August 5, 2024, <https://www.pewresearch.org/short-reads/2024/08/05/majority-of-americans-support-more-nuclear-power-in-the-country/>.

¹⁶¹ Nuclear Energy Institute, "Top 15 Nuclear Generating Countries," Nuclear Energy Institute, June 2021, www.nei.org/resources/statistics/top-15-nuclear-generating-countries.

¹⁶² U.S. Energy Information Administration, 2025. "Nuclear Energy Overview," U.S. Energy Information Administration, March 2025, https://www.eia.gov/totalenergy/data/monthly/pdf/sec8_3.pdf.

¹⁶³ U.S. Energy Information Administration, "U.S. Energy Facts Explained," U.S. Energy Information Administration, July 15, 2024, <https://www.eia.gov/energyexplained/us-energy-facts/>; Casey Crownhart, "Why Microsoft Made a Deal to Help Restart Three Mile Island," MIT Technology Review, September 26, 2024, <https://www.technologyreview.com/2024/09/26/1104516/three-mile-island-microsoft/>.

¹⁶⁴ U.S. Department of Energy, "Secretary Wright Acts to 'Unleash Golden Era of American Energy Dominance,'" U.S. Department of Energy, 2025, <https://www.energy.gov/articles/secretary-wright-acts-unleash-golden-era-american-energy-dominance>.

Nuclear Support

In an era marked by partisan gridlock, which Democrats and Republicans struggle to agree on even the naming of post offices, nuclear energy stands as a uniting force.¹⁶⁵ Nuclear energy has uniquely bipartisan support, with 49 percent of Democrats and 67 percent of Republicans in favor nuclear expansion in a 2024 Pew Research Survey, outstripping energy sources like coal and wind turbines in across-the-aisle endorsement.¹⁶⁶ Nuclear has even overcame the Nimbyist (Not in my backyard) movement that other non-traditional sources of energy have struggled to overcome, with 91 percent of residents living near modern nuclear plants supporting them, laying the specters of Chernobyl and Fukushima to rest.¹⁶⁷

Despite historically strong support for US nuclear energy and its expansion in principle, Secretary Wright's nuclear campaign will face its most difficult hurdle in the tall order of securing sufficient funding. With a looming recession and per capita government debt exceeding GDP, fiscal conservatives in Congress may resist the high costs of nuclear expansion.¹⁶⁸ Public-private partnerships, like the one supporting the Natrium Small Modular Reactor (SMR) in Wyoming,¹⁶⁹ will be essential to reducing the financial burden on the federal government.

The Uranium Dilemma

The primary impediment to current long-term US nuclear prospects is American uranium supply's dependence on foreign sources such as Russia, Uzbekistan and Kazakhstan.¹⁷⁰ Despite Moscow's 2022 invasion of Ukraine, the US, among other Western nations, have continued to import Russian enriched uranium. Both sides have technically mutually banned the flow of uranium from Russia to the US, but neither state seems keen to cease this trade and have delayed

¹⁶⁵ Facing History & Ourselves, "Political Polarization in the United States | Facing History and Ourselves," Facing History & Ourselves, October 22, 2019, <https://www.facinghistory.org/resource-library/political-polarization-united-states>; Cristina Marcos, "Republicans Block Bill to Name Post Office after Former Progressive Rep. Woolsey," The Hill, February 9, 2022, <https://thehill.com/homenews/house/593543-house-fails-to-pass-bill-naming-post-office-after-former-progressive-rep/>.

¹⁶⁶ Rebecca Leppert, "Majority of Americans Support More Nuclear Power in the Country," Pew Research Center, August 5, 2024, <https://www.pewresearch.org/short-reads/2024/08/05/majority-of-americans-support-more-nuclear-power-in-the-country/>.

¹⁶⁷ Ann Bisconti, "Reverse NIMBY: Nuclear Power Plant Neighbors Say 'Yes,'" Bisconti Research, Inc, June 2022, <https://www.bisconti.com/blog/9th-national-survey-of-nuclear-power-plant-neighbors>.

¹⁶⁸ Bruce Kasman, "What Is the Probability of a Recession? | J.P. Morgan Research," J.P. Morgan, August 15, 2024, <https://www.jpmorgan.com/insights/global-research/economy/recession-probability>; World Bank, "GDP per Capita (Current US\$) | Data," World Bank, 2023, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=US>.

¹⁶⁹ Mary B. Powers, "First US Advanced Reactor at Scale Seeks Federal Construction Permit," Engineering News-Record, April 2, 2024, <https://www.enr.com/articles/58402-first-us-advanced-reactor-at-scale-seeks-federal-construction-permit>.

¹⁷⁰ U.S. Energy Information Administration, "U.S. Nuclear Generators Import Nearly All the Uranium Concentrate They Use - U.S. Energy Information Administration (EIA)," U.S. Energy Information Administration, 2025, <https://www.eia.gov/todayinenergy/detail.php?id=64444>.

this termination through the use of export ban waivers.¹⁷¹ Russo-American trade has also remained untouched by President Trump's recent tariff measures, ensuring the unimpeded flow of uranium across the Atlantic.¹⁷²

The precarious position of US uranium supply chains is exacerbated by President Donald Trump's economic belligerence towards Canada, one of the two uranium suppliers of the US nuclear industry allied with Washington, along with Australia. While bulls of the nuclear industry may push for a return to US uranium reliance, mineral experts would likely point to the comparative spent nature of US uranium reserves which currently hover around one percent of global reserves.¹⁷³ This US shortfall in its uranium supply may be influencing President Trump's aggressive rhetoric towards Greenland, given its significant uranium reserves, as well as the recent overturned uranium mining ban, another factor that makes US uranium self-sufficiency untenable due to the practice's harmful environmental effects.¹⁷⁴

Even if Washington can overcome the problem of procuring enriched uranium, obtaining the raw materials is not the only tricky part. Refining capabilities, or enrichment capacity is also an area where the US lags behind competitors with Moscow's Rosatom and Beijing's China National Nuclear Corporation (CNNC) soundly outstripping US enrichment bandwidth, despite the US's role in Urenco, a British-Dutch-German nuclear consortium that maintains an enrichment site in New Mexico as well as European locations.¹⁷⁵

Nuclear Costs

Another barrier to a nuclear revival is the immense cost, not just of construction, but of refurbishment and waste management, along with the aforementioned high startup costs and uranium sourcing issues. Refurbishing decommissioned reactors, while cheaper than building

¹⁷¹ Dmitry Gorchakov, "Enriched Uranium Fuels Russia's War Machine. But the U.S. Still Imports It," *The Moscow Times*, March 13, 2025, <https://www.themoscowtimes.com/2025/03/13/enriched-uranium-fuels-russias-war-machine-but-the-us-still-imports-it-a88274>.

¹⁷² Jim Geraghty, "Under the Trump Team's Formula, Russia Should Have 77 Percent Tariffs, but Instead It's Only 35 Percent," *National Review*, April 7, 2025, <https://www.nationalreview.com/corner/under-the-trump-teams-formula-russia-should-have-77-percent-tariffs-but-instead-its-only-35-percent/>.

¹⁷³ World Nuclear Association, 2024, "Uranium Supplies: Supply of Uranium - World Nuclear Association," World Nuclear Association, August 23, 2024, <https://world-nuclear.org/information-library/nuclear-fuel-cycle/uranium-resources/supply-of-uranium>.

¹⁷⁴ Kristine Thrane and Keulen Nynke, "Geological Survey of Denmark and Greenland Danish Ministry of Climate, Energy and Building Uranium Potential in Greenland," <https://www-pub.iaea.org/iaea-meetings/cn216pn/Tuesday/Session2/023-Thrane.pdf>; Jacob Gronholt-Pedersen, "Uranium Ban Repeal in Greenland Could Revive Massive Rare Earth Project, Licence Holder Says," *Reuters*, February 11, 2025, <https://www.reuters.com/markets/commodities/uranium-ban-repeal-greenland-could-revive-massive-rare-earth-project-licence-2025-02-11/>.

¹⁷⁵ World Nuclear Association, "Uranium Enrichment | Enrichment of Uranium - World Nuclear Association," World Nuclear Association, October 11, 2022, <https://world-nuclear.org/information-library/nuclear-fuel-cycle/conversion-enrichment-and-fabrication/uranium-enrichment>.

new ones, it still hovers around 25-50 percent of the expenses of a new plant's construction.¹⁷⁶ This making America's 39 decommissioned reactors as of 2021 a boon as well as a burden, depending on the feasibility and execution of the refurbishment process for each plant.

Nuclear waste is perhaps the clearest drawback of nuclear fission and drives the need for research and development into nuclear fusion technologies. Nuclear waste leakage has severe costs due to the toxicity of the waste to the surrounding environment and local populations, with the cleanup costs at the Hanford former nuclear site in Washington alone are expected to have a cost of roughly \$470 billion USD.¹⁷⁷ Additionally, the long-term storage of nuclear waste presents logistical and political challenges, as few communities are willing to host disposal sites due to safety concerns. Furthermore, the complexity of handling radioactive materials necessitates strict regulatory oversight, which can further delay project timelines and increase operational expenses. No clear economic solution has emerged with prescriptions ranging from launching waste in space to burying it in the ground. Without major innovation in nuclear waste management, fission will remain a long-term environmental and economic liability. Fusion, while promising, is not yet ready to serve as a widespread alternative.

Policy Recommendations

While the obstacles to Secretary Wright's nuclear agenda are substantial, there are pragmatic steps the US can take to realize a safer, more effective nuclear:

- 1. Invest in US Nuclear Infrastructure:** Allocate of at least \$15 billion in discretionary funds for the FY 2025 by the US Department of Energy (only 30 percent of the existing budget request) to refurbish decommissioned reactors as well as invest in small modular reactor projects rather than new nuclear projects in order to cut costs while expanding US nuclear capabilities.
- 2. Utilize nuclear allies:** Partnerships with nuclear nations like France, South Korea, Canada and Japan could allow for burden sharing in the pursuit of commercial nuclear fusion and create economies of scale by integrating supply chains for nuclear reactor materials and research on how to overcome challenges like contamination prevention and water conservation.
- 3. Diversify uranium supply chains:** Repair diplomatic tensions with Canada and deepen resource-based alliances with both Canada and Australia. The US should also look to

¹⁷⁶ International Atomic Energy Agency, "Cost Drivers for the Assessment of Nuclear Power Plant Life Extension," https://www-pub.iaea.org/MTCD/Publications/PDF/te_1309_web.pdf.

¹⁷⁷ World Nuclear Association, "Radioactive Waste – Myths and Realities - World Nuclear Association," World Nuclear Association, <https://world-nuclear.org/information-library/nuclear-fuel-cycle/nuclear-waste/radioactive-wastes-myths-and-realities>.; Office of U. S. Government Accountability, "Hanford Cleanup: Alternative Approaches Could Save Tens of Billions of Dollars | U.S. GAO," Office of U. S. Government Accountability, September 28, 2023, <https://www.gao.gov/products/gao-23-106880>.

utilize aid to nations rich in uranium resources such as Niger and Namibia in order to expand its uranium supply chain although it may face difficulty due to foreign ownership of uranium mines.¹⁷⁸

4. **Invest in R&D into new methods of nuclear waste cleanup:** Allocate an additional \$7 billion USD (only 14 percent of the existing DOE 2025 budget request) strictly for research and development of new methods of nuclear waste cleanup. This funding should be distinct from current cleanup efforts and focus on long-term solutions that prevent future environmental harm.

Conclusion

Nuclear energy can be the solution that US energy needs to make it more environmentally friendly without significant cost over the long-term financially and politically. However, such a future necessitates a firm commitment to nuclear energy that may be difficult without more stability in the Oval Office, given the pattern since 2016 of flip-flopping administrations that repeal and reappropriate the projects of their predecessors. Without the rectification of US polarization, nuclear energy will remain a money pit due to the many unsolved aspects of nuclear fission. American nuclear expansion will also require significant investment in STEM education across the country as well as partnerships with national labs and universities. Stronger commitments to US global nuclear leadership could counterbalance Chinese and Russian dominance of the sector, making American nuclear commitments a bulwark against autocracy and a strategic imperative in the geopolitical arena.

¹⁷⁸ Observatory of Economic Complexity, “Uranium Ores and Concentrates | OEC,” The Observatory of Economic Complexity, 2025, <https://oec.world/en/profile/hs/uranium-ores-and-concentrates>.; Chinese Atomic Energy Authority, “Chinese-Invested Husab Uranium Mine Kicks off Construction in Namibia,” Chinese Atomic Energy Authority, 2017, <https://www.caea.gov.cn/english/n6759361/n6759363/c6793279/content.html>.

Checks and Balances at Risk: The Dangers of Political Influence in the DOJ

Dhruv Nimmagadda

Checks and Balances

In a democratic system, the principle of checks and balances is foundational, ensuring that no single branch of government becomes too powerful. This framework is designed to hold our governmental institutions accountable and safeguard the rights of our citizens. The Department of Justice (DOJ), while a part of the executive branch, is tasked with functioning as an independent entity, making prosecutorial decisions—when prosecutors within the DOJ make decisions to pursue cases as they see fit—based on legal precedents and evidence.¹⁷⁹ However, recent events, particularly the dismissal of an indictment—a formal accusation of a crime—against New York City Mayor Eric Adams by Acting Deputy Attorney General Emil Bove, have raised significant concerns among the public about the extent of political interference from President Trump’s new administration within the DOJ. "Thursday Afternoon Massacre", a term dubbed by several former and current officials who spoke to ABC News,¹⁸⁰ has been used to describe this event, drawing troubling comparisons to a historical instance where political interference undermined the integrity of the DOJ. This incident highlights the growing risks of political influence within the DOJ, threatening the public’s expectation of a fair legal proceeding and the impartiality of the legal system. As a result, the dismissal of Mayor Adams' indictment serves as a critical moment to examine how such actions could potentially jeopardize the way in which the rule of law serves as a check on the executive branch’s power. The nature of the dismissal has the potential to damage the public’s trust in the DOJ’s ability to operate freely from the executive branch’s political interests.

Charges Against Adams

In September 2024, allegations of corruption, conspiracy, wire fraud, solicitation of illegal campaign contributions and bribery were brought forward by the DOJ against New York City Mayor Eric Adams. He became part of a sweeping corruption investigation, following claims that Adams’ 2021 mayoral campaign engaged in quid-pro-quo arrangements with the

¹⁷⁹ United States Government Manual. Washington, DC: Department of Justice, 2021. <https://www.usgovernmentmanual.gov/Agency?EntityId=8iPvf/KZKuk=&ParentEId=+klubNxgV0o=&ETyp e=jY3M4CTKVHY=>.

¹⁸⁰ Danielle Sassoon, "Acting US Attorney for Southern District of New York Resigns amid DOJ Directive to Drop Eric Adams Charges," ABC7 New York, February 13, 2025, <https://abc7ny.com/post/danielle-sassoon-acting-us-attorney-southern-district-new-york-resigns-amid-doj-directive-drop-eric-adams-charges/15902778/>.

Turkish government. The investigation and indictment, led by US Attorney for the Southern District of New York, Damien Williams, was the first against a sitting mayor in New York City history.¹⁸¹

The indictment alleged that Mayor Adams abused his position as the city's highest elected official by accepting free travel on Turkish Airlines and luxury hotel stays totaling about \$100,000. It also alleged Adams' acceptance of illegal campaign donations to his 2021 mayoral campaign, which were disguised as transactions by third-party donors and shell corporations. Mayor Adams allegedly benefited from other perks and such from the Turkish government. This was all done in exchange for the Turkish government's hopes that Mayor Adams would utilize his influence, once elected as mayor, to open the Turkish consulate in Manhattan, notwithstanding the fact that the building wasn't going to pass fire and safety regulations.¹⁸² Essentially, as Attorney Williams puts it, "... Adams put the interests of his benefactors, including a foreign official, above those of his constituents."¹⁸³ Adams pleaded not guilty to the indictment. He claimed that the case had been brought forward against him by President Biden's administration after he critiqued their handling of the immigration crisis rising in New York City. The prosecution responded that the investigation into him had started long before.¹⁸⁴

The Southern District of New York's prosecution team built a strong case against Adams, supported by a trove of documentation including bank records, internal campaign emails, and encrypted messages that appeared to show a coordinated effort by the Turkish government to trade financial backing for political access and favors. The investigation gained further momentum through testimonies from whistleblowers within Adams' campaign and the broader political apparatus. These insiders provided detailed accounts of behind-the-scenes meetings between Adams' campaign officials and Turkish representatives, where the expectation of Adams reciprocating political favors was openly discussed. Some whistleblowers even claimed they were instructed to obscure the origins of certain donations, while others described a culture of secrecy surrounding the campaign's dealings with Turkish entities. In fact, Erden Arkan, a businessman of Turkish descent and a named co-conspirator in Adams' indictment, reportedly

¹⁸¹ Michael Rothfeld, "Here Are the Charges Against Eric Adams," New York Times, February 10, 2025, <https://www.nytimes.com/2025/02/10/nyregion/eric-adams-charges.html>.

¹⁸² Joe Anuta, "Adams Indictment Focuses on Connections to Turkey," Politico, September 26, 2024, <https://www.politico.com/news/2024/09/26/adams-indictment-focuses-on-connections-to-turkey-00181186>

¹⁸³ "New York City Mayor Eric Adams Charged with Bribery and Campaign Finance Offenses," U.S. Department of Justice, February 10, 2025, <https://www.justice.gov/usao-sdny/pr/new-york-city-mayor-eric-adams-charged-bribery-and-campaign-finance-offenses>.

¹⁸⁴ Michael Rothfeld, "Here Are the Charges Against Eric Adams," New York Times, February 10, 2025, <https://www.nytimes.com/2025/02/10/nyregion/eric-adams-charges.html>.

informed federal authorities of his intention to plead guilty to charges linked to organizing illegal straw donations during the mayor's 2021 campaign.¹⁸⁵ Prosecutors also obtained messages that showed direct communication between high-ranking campaign staff and Turkish intermediaries. These messages discussed specific policy proposals and political actions that would benefit Turkish business interests in New York. It was widely regarded as one of the most substantial corruption indictments in recent history, with the breadth of rigorous evidence. The strength of the case, coupled with the prominence of the accused, led many to believe that Adams would face a protracted legal battle with potentially career-ending consequences.

Emil Bove's Letter

This all changed however, when in early February, the DOJ directed federal prosecutors in New York to drop all corruption charges against Mayor Adams on the basis that the case was impeding his ability to carry out and aid President Trump's new administration in cracking down on illegal immigration. When a new administration takes office, the DOJ undergoes significant shifts in priorities, enforcement focus, and institutional structure. Acting Deputy Attorney General Emil Bove, written in a memo seen by Reuters, claimed that this decision wasn't due to the merits of the case, but rather that the September 2024 indictment "has unduly restricted Mayor Adams' ability to devote full attention and resources to... illegal immigration and violent crime."¹⁸⁶

The sudden dismissal of the indictment against Mayor Adams by Acting Deputy Attorney General Emil Bove ignited a firestorm of controversy, raising grave concerns about political interference in the justice system. The official rationale—insufficient evidence—directly contradicts earlier assessments that deemed the case strong, leading many to question whether the decision was truly based on legal merit. Reports suggest a far more troubling motive: a backroom deal to secure Mayor Adams' support for the Trump administration's immigration policies. If true, this would represent an extraordinary abuse of power, where prosecutorial discretion—the prosecution's power to decide whether to bring and file charges at any level—is not guided by the pursuit of justice but by political expediency. The very notion that federal charges could be leveraged as bargaining chips has sent shockwaves through the legal and political communities, with critics warning that such actions threaten the foundational principle

¹⁸⁵ "New Testimony Emerges in Mayor Adams' Corruption Probe Amid Claims of Federal Leak," PublicLawLibrary.org, December 2024, https://publiclawlibrary.org/new-testimony-emerges-in-mayor-adams-corruption-probe-amid-claims-of-federal-leak/?utm_source=chatgpt.com.

¹⁸⁶ Sarah N. Lynch, Luc Cohen, and Jack Queen, "Justice Department Orders New York Mayor Eric Adams Charges to Be Withdrawn," Reuters, February 11, 2025, <https://www.reuters.com/legal/justice-department-seeks-dismissal-charges-against-new-york-mayor-ny-ti-mes-says-2025-02-10/>.

that no one is above the law.¹⁸⁷

The fallout has been swift and dramatic. Manhattan's Acting US Attorney Danielle Sassoon and several high-ranking prosecutors resigned in protest, their departures serving as a stark rebuke of what they see as a blatant corruption of the legal system. In a scathing resignation letter, Sassoon stated "Adams's attorneys repeatedly urged what amounted to a quid pro quo, indicating that Adams would be able to assist with the Trump administration's immigration enforcement priorities only if the indictment were dismissed", and also claimed that the directive to drop charges by Bove would be inconsistent with her duty to prosecute federal crimes without fear or favor.¹⁸⁸ Their resignations have only fueled public outrage, intensifying fears that the DOJ is being weaponized to serve partisan interests rather than uphold the rule of law. Former Justice Department veterans were stunned at the developments, with one former official posing the question "What kind of political appointees would go work for this Justice Department?"¹⁸⁹ The incident has deepened existing concerns about executive overreach and raised urgent questions about whether the justice system can still function free from political influence.

Existing Legal Precedent

The dismissal of an indictment falls under Rule 48(a) of the Federal Rules of Criminal Procedure, which generally aims to prevent dismissals that are improperly motivated, whether it be corruption or political interference. Rule 48(a) provides a legal basis for how the DOJ was able to justify dropping the charges against Adams. While courts generally grant such prosecutorial requests, judicial oversight is a necessary measure to prevent abuses of prosecutorial discretion, therefore ensuring that dismissals are not used to relieve individuals from accountability or to serve certain political interests, such as in Adams' case.¹⁹⁰ Over time, courts have addressed the boundaries of prosecutorial discretion through key rulings that emphasize the importance of due process in the justice system —specifically through dismissals of indictments void of political inference and intervention.

One such case is *United States v. Worthy* (2014), where the First Circuit Court addressed the government's violation of the Speedy Trial Act, a federal law that sets time limits for various

¹⁸⁷ Jesse Zanger, "New York Leaders React to Indictment of Mayor Eric Adams," CBS News, September 26, 2024, <https://www.cbsnews.com/newyork/live-updates/new-york-city-mayor-eric-adams-indicted-reaction/>.

¹⁸⁸ Klepper, David. "Who is Danielle Sassoon, the US Attorney Who Resigned Rather Than Drop Charges Against Eric Adams?" AP News, March 23, 2025. <https://apnews.com/article/danielle-sassoon-resignation-letter-bio-eric-adams-a20ac0413ff3d426715c327863cc4f42>.

¹⁸⁹ Johnson, Carrie. "Eric Adams Case Roils the Justice Department." NPR, February 14, 2025. <https://www.npr.org/2025/02/14/nx-s1-5298040/justice-department-eric-adams-fallout>.

¹⁹⁰ Legal Information Institute. "Rule 48. Dismissal." Federal Rules of Criminal Procedure. Cornell Law School. Last modified December 1, 2002. https://www.law.cornell.edu/rules/frcrmp/rule_48.

stages of criminal prosecution to ensure defendants aren't held indefinitely without trial, as well as clarifying the defendant's Sixth Amendment protections in this case. The defendant, Hasan Worthy was indicted on federal drug charges in 2010, but the government failed to bring him to trial in a timely manner, leading to concerns about the government violating his Sixth Amendment right to a speedy trial. After years of delays—many of which resulted from the prosecution's mismanagement of evidence and procedural errors—the court eventually dismissed the case without prejudice, meaning that charges were dropped but the plaintiff or prosecutor could refile the case or charges at a later time without any legal obstacles.¹⁹¹ This led to an eventual re-indictment and conviction of Worthy for twenty-five years.¹⁹² The court justified its decision to allow prosecutors to retry Worthy's case by citing the severity of Worthy's drug charges, along with finding no evidence that the government acted in bad faith or that Worthy suffered trial-specific evidence—challenges from the unique nature, presentation, or handling of evidence during a trial.¹⁹³ The ruling reaffirms the idea that dismissals in criminal cases hinge on a balance of statutory laws, constitutional rights, and the interests of the court system. Courts must weigh and navigate the delicate balance between the seriousness of the offense against procedural violations and potential prejudice to the defendant.

Another case of this nature is *State of Tennessee v. Donald L. Culbreath and Genna McCallie* (2000), which addressed issues regarding prosecutorial conflicts of interest and due process violations. The defendants, Donald Culbreath and Genna McCallie, were indicted on charges relating to prostitution and obscenity. The standing District Attorney General appointed private attorney Larry Parrish to assist in the prosecution of obscenity cases. However, it came to light that Parrish received compensation of over \$100,000 from a special interest group, Citizens for Community Values, demonstrating a clear conflict of interest.¹⁹⁴ The Tennessee Supreme Court upheld the trial court's decision to remove the prosecution in the case, finding that an inherent conflict of interest violated the defendants' due process rights.¹⁹⁵ The court determined that a fair trial was impossible under such conditions and dismissed the indictment. The case established a significant precedent regarding prosecutorial ethics and standards, as well as the consequences of allowing private interests to interfere with public prosecutions.

¹⁹¹ "Dismissal without Prejudice." Legal Information Institute, Legal Information Institute, www.law.cornell.edu/wex/dismissal_without_prejudice. Accessed 24 Mar. 2025.

¹⁹² "UNITED STATES v. WORTHY (2014)." FindLaw, caselaw.findlaw.com/court/us-1st-circuit/1683192.html. Accessed 24 Mar. 2025.

¹⁹³ "UNITED STATES v. WORTHY (2014)." FindLaw, caselaw.findlaw.com/court/us-1st-circuit/1683192.html. Accessed 24 Mar. 2025.

¹⁹⁴ Desk, Casemine Editor's. "Conflict of Interest and Due Process in Prosecution: Insights from *State of Tennessee v. Donald L. Culbreath and Genna McCallie*." <https://www.casemine.com>, Casemine, 16 Oct. 2024, www.casemine.com/commentary/us/conflict-of-interest-and-due-process-in-prosecution:-insights-from-state-of-tennessee-v.-donald-l.-culbreath-and-genna-mccallie/view.

¹⁹⁵ "State vs. Culbreath, et Al." Justia Law, law.justia.com/cases/tennessee/supreme-court/2000/w1999-01553-sc-r11-cd.html. Accessed 24 Mar. 2025.

Cases like *Worthy* and *Culbreath* serve as precedents for when dismissal is warranted, and history has also shown that dismissals can raise significant concerns when perceived as being politically motivated. These precedents affirm that while Rule 48(a) allows for prosecutorial discretion in dismissing cases, the legitimacy of such decisions hinges on transparency and adherence to legal principles rather than political considerations. In this nature, the dismissal of the corruption charges against Mayor Eric Adams appears to break withstanding precedent, due to its highly politicized nature. The Trump Administration’s “border czar” Tom Homan, appearing alongside Adams on Fox and Friends, stated that “if he doesn’t come through, I’ll be back in New York City, and won’t be sitting on the couch, I’ll be in his office, up his butt, saying ‘Where the hell is the agreement we came to?’”¹⁹⁶ This statement has been interpreted by critics as an obvious spelling out of the quid pro quo—Adams’ charges dropped in exchange for helping with the illegal immigration crackdown. In addition, the motion for dismissal was so unconventional that a progressive District Judge, Dale Ho, tasked with evaluating the Justice Department’s request to drop Adam’s case, appointed a conservative lawyer, Paul Clement, to present the government’s arguments on the motion to dismiss. This demonstrates the bizarre nature of this dismissal, specifically the paradoxical alliance between a progressive judge and a conservative lawyer to check the executive branch’s interference with the DOJ.

Historical Parallel

There is even more reason to believe that Adam’s case was dropped as a result of the executive branch’s political interference in the DOJ because the incident has been coined the “Thursday Afternoon Massacre”, holding significant resemblance to the “Saturday Night Massacre.” In the midst of the 1973 Watergate scandal—when President Richard Nixon authorized illegal espionage against political opponents, orchestrated a criminal cover-up by obstructing investigations, bribing witnesses, and abusing executive power—Special Prosecutor Archibald Cox was appointed to investigate the matter and was given broad powers to subpoena documents and bring individuals to court in the name of ensuring justice.¹⁹⁷ It was revealed that President Nixon had a taping system in his offices to spy on his political opponents. Finding and analyzing these tapes was crucial to the investigation, which led Cox to subpoena nine of them. However, Nixon refused to comply, citing executive privilege. Nixon offered Cox a compromise, where Senator John Stennis would independently review tapes and present his findings to Cox’s office. In a press conference the next day, Cox rejected this offer outright.

Proceeding this press conference, the events of the “Saturday Night Massacre”, a term

¹⁹⁶ James D. Zirin, opinion contributor. “The Eric Adams Case May End in a Corrupt Miscarriage of Justice.” *The Hill*, The Hill, 17 Mar. 2025, thehill.com/opinion/criminal-justice/5197902-eric-adams-receives-a-corrupt-miscarriage-of-justice/.

¹⁹⁷ EBSCO Research Starters, “Saturday Night Massacre,” EBSCOhost, accessed March 25, 2025, <https://www.ebsco.com/research-starters/history/saturday-night-massacre>.

coined by journalist William Safire, transpired.¹⁹⁸ Nixon decided to fire Special Prosecutor Cox as a direct result of him rejecting the offer. Both Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus resigned in response to these orders. In his resignation letter, Richardson stated, "While I fully respect the reasons that have led you to conclude that the Special Prosecutor must be discharged, I trust that you understand that I could not in the light of these firm and repeated commitments carry out your direction that this be done. In the circumstances, therefore, I feel that I have no choice but to resign."¹⁹⁹ The White House announced the events at 8:30 pm that night, shocking the entire nation and leading to public outrage regarding what they perceived as Nixon's abhorrent abuse of power.²⁰⁰ NBC anchor John Chancellor described the event as "what may be the most serious Constitutional crisis" in American history.²⁰¹ A culmination of these events and a lack of support within Congress eventually led to Nixon's decision to resign from office in 1974.

Both the Thursday Afternoon and Saturday Night massacres share striking similarities, as in both cases prosecutors resigned to protest what they believed to be political interference within the justice system. Rather than carry out orders they deemed unethical and the antithesis of what they stood for, they chose to resign. These events cause tensions and form public perceptions of political interference in a department, like the DOJ's, that should operate within an independent capacity. These tensions jeopardize the legal system's integrity, which for the sake of checks and balances, should never be compromised.

Aftermath

Following Clement's arguments, Judge Dale Ho dismissed charges against New York City Mayor Eric Adams with prejudice—barring future prosecution. Ho rejected the DOJ's claims that the indictment lacked merit or constituted interference in Adam's election, emphasizing that prosecutors had followed proper guidelines and found "no evidence" of improper motives when indicting Adams.²⁰² He also rejected the administration's request to

¹⁹⁸ Roxanne Roberts, "How a Washington Post Humorist Became Connected to the Saturday Night Massacre," *The Washington Post*, May 12, 2017, accessed March 25, 2025, <https://www.washingtonpost.com/news/retropolis/wp/2017/05/12/how-a-washington-post-humorist-became-connected-to-the-saturday-night-massacre/>.

¹⁹⁹ Richard Nixon, "Letter Accepting the Resignation of Elliot L. Richardson as Attorney General," October 20, 1973, The American Presidency Project, <https://www.presidency.ucsb.edu/documents/letter-accepting-the-resignation-elliott-l-richardson-attorney-general>.

²⁰⁰ Political Dictionary, "Saturday Night Massacre," accessed March 25, 2025, <https://politicaldictionary.com/words/saturday-night-massacre/>.

²⁰¹ Tom Emery, "Saturday Night Massacre was landmark of Watergate," *Tri-County News*, October 18, 2023, accessed March 25, 2025, <https://www.tricountynews.com/articles/saturday-night-massacre-was-landmark-of-watergate/>.

²⁰² "Excerpts From the Judge's Order Dropping Charges Against Eric Adams." *The New York Times*, April 2, 2025. <https://www.nytimes.com/2025/04/02/nyregion/adams-ho-justice-order-quotes.html>.

dismiss without prejudice, which would have allowed reviving charges, calling it a "Sword of Damocles ", or imminent peril, hanging over Adams' head.²⁰³ Clement argued that dismissing without prejudice risked enabling more politically motivated prosecutions in the future. This prompted him to urge for a permanent dismissal to prevent the DOJ from leveraging the case to influence Adams' policy decisions. Though it is clear that Ho did not endorse that claim directly, the court's denial of granting the DOJ flexibility signaled concern about the appearance of political influence. While Clement's stance aligned with Adams' interests, it sidestepped scrutiny of the alleged quid pro quo between Adams' cooperation on immigration and the case's dismissal.²⁰⁴ Ho ultimately sided against the DOJ's procedural overreach, prioritizing judicial oversight over potential executive branch manipulation of Adams—a decision that makes it evident to the public the DOJ's attempt to hold this case over Adams was evident politicization of the institution. This diminishes public trust in the DOJ, as it taints the idea of justice with selectivity and partisan agendas.

The politicization of the DOJ in this case underscores systemic threats to democratic accountability. When prosecutorial power becomes a bargaining chip for policy concessions or a tool to shield allies, public trust in the government starts to erode. Judge Ho's criticism of the DOJ's conduct, coupled with the resignations of career prosecutors unwilling to comply, highlights the urgent need for statutory safeguards against political interference. Without some sort of reform to create barriers between the DOJ and partisan agendas, the risk of political interference within the justice system will persist and sidestep the principle that no individual or administration is above the law.

²⁰³ Anderson, Renee. "Read Judge Dale Ho's Ruling to Dismiss NYC Mayor Eric Adams' Corruption Case." CBS News, CBS Interactive, 2 Apr. 2025, www.cbsnews.com/newyork/news/nyc-mayor-eric-adams-case-dismissed-judge-dale-ho/.

²⁰⁴ "Paul Clement Just Made the Eric Adams–Trump Quid Pro Quo Mess Worse." Slate, March 11, 2025. <https://slate.com/news-and-politics/2025/03/paul-clement-eric-adams-trump-quid-pro-quo-nyc.html>.

The Water Wars of the Future: From the Sahel and Beyond

Alessandro Portolano

The threat of climate change is set to reshape the global resource landscape. Water security is chief among climate change concerns, since it intersects with national security, human health, and economic development. Some geopolitical analysts have taken to calling water “the oil of the 21st century,”²⁰⁵ with all the strategic and economic significance that this comparison connotes. Climate change-driven rainfall declines reduce food production and intensify competition over dwindling water supplies, exacerbating social, economic, and political tensions.²⁰⁶ Water scarcity—when available resources cannot meet human and ecosystem needs—fuels conflicts over control and access, sometimes leading to violence or deliberate manipulation of hydro resources.²⁰⁷ National and international bodies must prioritize water governance to avert resource conflicts by implementing legal frameworks for managing them sustainably. This analysis examines how climate change acts as a conflict amplifier, with a particular focus on the developing world. It explores these dynamics through a case study of the Sahel, evaluates both local and international responses to climate-related tensions, and argues for the integration of environmental security into broader frameworks for conflict prevention.

While the link between climate change and conflict is well-researched, definitive conclusions remain uncertain. While many efforts explore correlations between rising temperatures, shifting rainfall patterns, and conflict prevalence, their conclusions remain inconclusive. When correlations do emerge, they are frequently assumed rather than rigorously tested through empirical analysis.²⁰⁸ Conflict arises from a complex interplay of material and non-material factors. Therefore, it is useful to conceptualize climate change and extreme weather as risk amplifiers for conflict, rather than its definite cause. Persistent or catastrophic environmental stress may spell ruin in certain situations, though definitely linking climate change to conflict remains problematic. Importantly, climate change disproportionately impacts developing nations, where weak institutions fall short of regulating resource use and enforcing property rights. These conditions magnify the impact of resource scarcity, resulting in declining

²⁰⁵ Buckingham, Rick. “Water Will Become the Oil of the 21st Century.” IATP, September 2, 2008. <https://www.iatp.org/news/water-will-become-the-oil-of-the-21st-century>.

²⁰⁶ Schilling, J., Saulich, C., & Engwicht, N. (2018). A local to global perspective on resource governance and Conflict. *Conflict, Security & Development*, 18(6), 433–461. <https://doi.org/10.1080/14678802.2018.1532641>

²⁰⁷ Nkiaka, E., Bryant, R. G., & Kom, Z. (2024). Understanding links between water scarcity and violent conflicts in the Sahel and Lake Chad Basin using the water footprint concept. *Earth’s Future*, 12(2). <https://doi.org/10.1029/2023ef004013>

²⁰⁸ Schilling, J., Saulich, C., & Engwicht, N. (2018). A local to global perspective on resource governance and Conflict. *Conflict, Security & Development*, 18(6), 433–461. <https://doi.org/10.1080/14678802.2018.1532641>

economic opportunities and rising social unrest.²⁰⁹ Climate change and resource scarcity function like seismic tremors—while well-constructed institutions can absorb the shock, fragile structures are more likely to collapse under the same strain. The limited adaptability of developing states exacerbates the prospect of scarcity-related conflict, with the IPCC Sixth Assessment Report predicting that high population density, low socioeconomic development, and high dependence on agriculture amplifies the impact of resource scarcity.²¹⁰ The legacy of colonialism continues to cast a long shadow over the resource governance and political legitimacy of developing states. Long-standing ethnic divisions may align with competing water use demands, complicating efforts at resolution. This is exemplified by Sudan’s nomadic–sedentary split, which echoes the broader “Arab”–“non-Arab” divide.²¹¹ Likewise, interpreting inherited treaty obligations governing resources remains a challenge for newly independent states. Despite the 1978 UN Convention on Succession of States in Respect of Treaties attempting to mend these disputes, differing interpretations of treaty succession continue to complicate water governance agreements between former colonies.²¹² Nonetheless, the future of human security will be shaped by climate change, with certain estimates projecting that by 2070, up to three billion people may experience a mean annual temperature exceeding 29°C (84°F).²¹³ Struggles to adapt production activities to these extreme conditions will likely define the next century.

Case Study: The Sahel

Water scarcity in the Sahel—a semi-arid transitional region that spans from Senegal to Eritrea, separating the Sahara Desert and the savannas of Sub-Saharan Africa, represents an existential crisis in an area historically plagued by weak governance and economic struggles.²¹⁴

²⁰⁹ de Coning, C., Busby, J., Eklöw, K., Hegazi, F., Krampe, F., Lanteigne, M., Michel, D., Pattison, C., Ray, C., Smith, E., Cobar, J. F. A., Galaz, V., Lako, J., Norström, A., Queiroz, C., Alfaro, E. S., & Schwartzstein, P. (2022). SECURITY RISKS OF ENVIRONMENTAL CRISES. In SECURITY RISKS OF ENVIRONMENTAL CRISES: Environment of Peace Part 2 (pp. 1–44). Stockholm International Peace Research Institute.

<http://www.jstor.org/stable/resrep47034.4>

²¹⁰ de Coning, C., Busby, J., Eklöw, K., Hegazi, F., Krampe, F., Lanteigne, M., Michel, D., Pattison, C., Ray, C., Smith, E., Cobar, J. F. A., Galaz, V., Lako, J., Norström, A., Queiroz, C., Alfaro, E. S., & Schwartzstein, P. (2022). SECURITY RISKS OF ENVIRONMENTAL CRISES. In SECURITY RISKS OF ENVIRONMENTAL CRISES: Environment of Peace Part 2 (pp. 1–44). Stockholm International Peace Research Institute.

<http://www.jstor.org/stable/resrep47034.4>

²¹¹ Foong, A., Pohl, B., & Ruttinger, L. (2020). (issue brief). Climate-Security Risk Brief: Sudan. Berlin, Germany: Adelphi Research. <https://climate-diplomacy.org/magazine/conflict/climate-fragility-risk-brief-sudan>.

²¹² Caruso, Francesca. “Ethiopia’s Grand Renaissance Dam.: The Law, History, Politics and Geopolitics behind Africa’s Largest Hydropower Project.” Istituto Affari Internazionali (IAI), 2022.

<http://www.jstor.org/stable/resrep45729>.

²¹³ de Coning, C., Busby, J., Eklöw, K., Hegazi, F., Krampe, F., Lanteigne, M., Michel, D., Pattison, C., Ray, C., Smith, E., Cobar, J. F. A., Galaz, V., Lako, J., Norström, A., Queiroz, C., Alfaro, E. S., & Schwartzstein, P. (2022). SECURITY RISKS OF ENVIRONMENTAL CRISES. In SECURITY RISKS OF ENVIRONMENTAL CRISES: Environment of Peace Part 2 (pp. 1–44). Stockholm International Peace Research Institute.

<http://www.jstor.org/stable/resrep47034.4>.

²¹⁴ Council on Foreign Relations. (2024, February 14). Violent extremism in the sahel | global conflict tracker. Council on Foreign Relations. <https://www.cfr.org/global-conflict-tracker/conflict/violent-extremism-sahel>

Mutually beneficial interactions between pastoralists and farmers in the Sahel have spanned for millennia. Today, over 20 million people in the Sahel engage in nomadic and pastoralist lifestyles.²¹⁵ By seasonally migrating across national borders with their cattle— that represents 70-90 percent of the region's livestock— pastoral activities amount to 25 percent of the GDP of Sahelian nations.²¹⁶ The region's demographic boom has intensified pressures on food security, with the Sahelian population currently consisting of 400 million people and is projected to surpass 500 million by 2050, further straining already limited resources.²¹⁷ Concurrently, Sahelian agriculture has expanded considerably to meet these new demands, with the region's agricultural land expanding by a factor of 2.5 between 1961 and 2009— disrupting ancient transhumant routes in the process.²¹⁸ Pastoralist communities now face blocked livestock corridors and restricted access to water points, forcing their herds into concentrated areas— conditions that facilitate the spread of disease.²¹⁹ Meanwhile, farmers often perceive pastoralists as a nuisance or even a threat, as roaming cattle can damage cropland through overgrazing.²²⁰ Under these stressed conditions, populations have occasionally resorted to violence. Across the Sahel, pastoralist-farmer clashes have resulted in over 15,000 deaths since 2010.²²¹ With these dynamics set to amplify in the near future, this human toll is expected to increase alongside population growth and desertification.

A flashpoint in these relations occurs along the Lake Chad Basin, which has historically been one of the continent's foremost sources of freshwater. The lake touches Niger, Nigeria and Chad, but its basin extends to Algeria, Central African Republic and Sudan, providing irrigation

²¹⁵ Davis, M. (2022, January 18). Pastoralism, farming and a changing climate in the sahel region. SEI. <https://www.sei.org/featured/pastoralism-farming-climate-in-sahel/>.

²¹⁶ de Coning, C., Busby, J., Eklöw, K., Hegazi, F., Krampe, F., Lanteigne, M., Michel, D., Pattison, C., Ray, C., Smith, E., Cobar, J. F. A., Galaz, V., Lako, J., Norström, A., Queiroz, C., Alfaro, E. S., & Schwartzstein, P. (2022). SECURITY RISKS OF ENVIRONMENTAL CRISES. In SECURITY RISKS OF ENVIRONMENTAL CRISES: Environment of Peace Part 2 (pp. 1–44). Stockholm International Peace Research Institute. <http://www.jstor.org/stable/resrep47034.4>

²¹⁷ “Sahel.” International Fund for Agricultural Development, n.d. <https://www.ifad.org/en/west-and-central-africa/sahel>.

²¹⁸ Marega, O., & Mering, C. (2019). Sahelian agro-pastoralists in the face of social and environmental changes: New issues, new risks, new transhumance axe. *L'Espace Géographique*, 47(3), 235–260.

²¹⁹ de Coning, C., Busby, J., Eklöw, K., Hegazi, F., Krampe, F., Lanteigne, M., Michel, D., Pattison, C., Ray, C., Smith, E., Cobar, J. F. A., Galaz, V., Lako, J., Norström, A., Queiroz, C., Alfaro, E. S., & Schwartzstein, P. (2022). SECURITY RISKS OF ENVIRONMENTAL CRISES. In SECURITY RISKS OF ENVIRONMENTAL CRISES: Environment of Peace Part 2 (pp. 1–44). Stockholm International Peace Research Institute. <http://www.jstor.org/stable/resrep47034.4>

²²⁰ Davis, M. (2022, January 18). Pastoralism, farming and a changing climate in the Sahel region. SEI. <https://www.sei.org/featured/pastoralism-farming-climate-in-sahel/>.

²²¹ Davis, M. (2022, January 18). Pastoralism, farming and a changing climate in the Sahel region. SEI. <https://www.sei.org/featured/pastoralism-farming-climate-in-sahel/>.

and use to 30 million people.²²² However, since the 1960s, the lake has lost approximately 90 percent of its surface area, with experts blaming overuse, climate variability, and population growth as key drivers.²²³ Crucially, the depletion of springs and streams jeopardize the livelihood of pastoralists who rely on these resources to raise their animals. Sahelian nations are no stranger to climate-induced economic misery, with a devastating 2010 drought in Niger resulting in the loss of over 4.8 million cattle, representing an economic blow totaling over 700 million.²²⁴ Amid this backdrop, the diminishing hydro resources of Lake Chad have granted political capital and strategic advantage to armed groups such as Boko Haram. Dubbed the “Nigerian Taliban,” this group preys on peripheral regions with endemic corruption and minimal strategic importance to central governments.²²⁵

These economically and environmentally stressed communities then become targets for Boko Haram’s terror campaign—between 2009 and 2018 alone, violent incidents within a 100-mile radius of Lake Chad resulted in 15,000 deaths. 152 instances of violent conflict occurred in areas that were underwater in 1973, illustrating the linkage between the lake’s shrinkage and violence.²²⁶ At the same time, resource

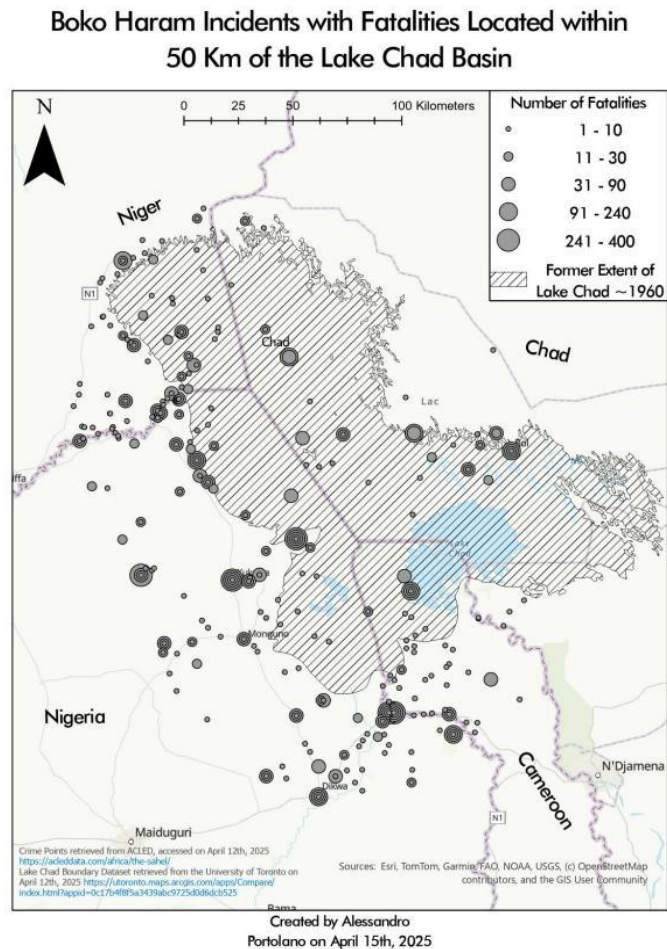


Figure 3 - Map of Boko Haram Incidents with Fatalities Located within 50 Km of the Lake Chad Basin

²²² Griffin, Thomas E. “Changing Hydrography, Violent Extremism, and Climate-Conflict Intersection.” Marine Corps University, July 27, 2020. <https://www.usmcu.edu/Outreach/Marine-Corps-University-Press/Expeditions-with-MCUP-digital-journal/Lake-Chad/>.

²²³ Griffin, Thomas E. “Changing Hydrography, Violent Extremism, and Climate-Conflict Intersection.” Marine Corps University, July 27, 2020. <https://www.usmcu.edu/Outreach/Marine-Corps-University-Press/Expeditions-with-MCUP-digital-journal/Lake-Chad/>.

²²⁴ Davis, M. (2022, January 18). Pastoralism, farming and a changing climate in the Sahel region. SEI. <https://www.sei.org/featured/pastoralism-farming-climate-in-sahel/>.

²²⁵ Davis, M. (2022, January 18). Pastoralism, farming and a changing climate in the Sahel region. SEI. <https://www.sei.org/featured/pastoralism-farming-climate-in-sahel/>.

²²⁶ Griffin, Thomas E. “Changing Hydrography, Violent Extremism, and Climate-Conflict Intersection.” Marine Corps University, July 27, 2020. <https://www.usmcu.edu/Outreach/Marine-Corps-University-Press/Expeditions-with-MCUP-digital-journal/Lake-Chad/>.

degradation and Islamist violence has pushed pastoralist communities further south, directly into the crosshairs of sedentary populations.²²⁷

While state policies play a crucial role in militating against climate-induced conflict, environmental challenges cannot be resolved through reactive or superficial measures. Effective responses require a long-term policy framework that accounts for complex material conditions and systemic risks. Governance that prioritizes short-term outcomes risks overlooking issues whose consequences unfold over extended timelines, undermining sustainable conflict prevention strategies. Local level measures in regions dealing with similar problems have enjoyed differing levels of success. In northern Kenya, wells operate under the traditional “Dehda” rule, where they are privately owned but accessible to all pastoralists, with elders mediating disputes when they arise.²²⁸ Likewise, Botswana’s government has taken proactive steps to address extreme weather by integrating drought relief into the national budget, stepping away from viewing these occurrences as extraordinary circumstances but rather tangible realities.²²⁹ These solutions are not without challenges as poor land ownership documentation in the Sahel renders binding agreements almost impossible. Makeshift solutions such as managing shared fields and demarcating field boundaries are complicated when landowners try to reclaim their land from users who “assume that they acquired some kind of ownership rights over the borrowed land.”²³⁰ Likewise, heavy-handed policies in the Benue State, in south central Nigeria, exacerbated tensions between nomadic and sedentary populations by making the former feel targeted and marginalized—provoking violence.²³¹ Formal resolution methods exist, such as legal agreements compensating for overgrazing damages. Whereas, informal solutions, like village-level herder agreements on livestock passages, have also filled this void in certain situations.²³² Fostering local dispute resolution and minimizing conditions of instability are the first step in addressing these volatile conditions.

International Agreements

Water wars are no dystopian fantasy, but a looming reality. The situation in the Sahel foreshadows international conflicts boasting far greater destructive potential. More than 250 river

²²⁷ von Soest, C. (2020). A Heated Debate: Climate Change and Conflict in Africa. German Institute of Global and Area Studies (GIGA). <http://www.jstor.org/stable/resrep24787>.

²²⁸ von Soest, C. (2020). A Heated Debate: Climate Change and Conflict in Africa. German Institute of Global and Area Studies (GIGA). <http://www.jstor.org/stable/resrep24787>.

²²⁹ von Soest, C. (2020). A Heated Debate: Climate Change and Conflict in Africa. German Institute of Global and Area Studies (GIGA). <http://www.jstor.org/stable/resrep24787>.

²³⁰ Hegazi, Farah, Florian Krampe, and Elizabeth Smith. *Climate-related security risks and peacebuilding in Mali*. Stockholm International Peace Research Institute, 2021.

²³¹ von Soest, C. (2020). A Heated Debate: Climate Change and Conflict in Africa. German Institute of Global and Area Studies (GIGA). <http://www.jstor.org/stable/resrep24787>.

²³² von Soest, C. (2020). A Heated Debate: Climate Change and Conflict in Africa. German Institute of Global and Area Studies (GIGA). <http://www.jstor.org/stable/resrep24787>.

basins cross national borders, necessitating nations to balance their water demands with their neighbors.²³³ There is no universally binding legal framework for transboundary water governance. Though there have been some attempts to create an international standard in this area, these multilateral initiatives have fallen markedly short.²³⁴ For instance, the 1992 UN Economic Commission on the Protection and Use of Transboundary Watercourses and International Lakes, initially a regional framework, was later opened for global signatories, signaling a shift toward broader cooperation. Yet, it is worth noting that signatories were predominantly downstream states, highlighting the privileged position of source nations. Sovereignty remains central to these discussions, as it does for nearly all international agreements, often limiting their scope and enforceability. The tricky balance between sovereignty and equal access was highlighted by the 1997 UN Watercourses Convention, which acknowledged the needs and rights of downstream states.²³⁵ Tensions are especially acute in regions where water governance intersects with entrenched geopolitical disputes—for example, along the Indus River, where longstanding hostilities between Pakistan and India are further inflamed by disagreements over water allocation.²³⁶ Though high-minded intentions to secure universal transboundary water governance have failed, they exemplify that there is at least some political will in these matters. While some may see flashpoints, the universal imperative for water security can serve as a jumping-off call to institutionalize cooperation on environmental issues.

Importantly, traditional national security conceptions—focusing on territorial and political integrity—fall short of addressing environmental concerns. Climate change-induced extreme weather and resource degradation represent critical dimensions of national security that will be imperative to address this century. Since security threats are subjective to the political communities identifying them, it becomes crucial for environmental security to enter national security paradigms. When an issue becomes linked to security, states may feel compelled and justified to implement extraordinary measures to address them.²³⁷ As the intersection of climate change and conflict becomes more relevant, governments, international organizations, and NGOs must prioritize effective resource governance to ensure environmental security and political stability. In an era of deglobalization and minilateralism, the shared necessity of freshwater can serve as a catalyst for cooperation. Amid the geopolitical and socioeconomic challenges posed

²³³ Gupta, J. (2016). The Watercourses Convention, Hydro-hegemony and Transboundary Water Issues. *The International Spectator*, 51(3), 118–131. <https://doi.org/10.1080/03932729.2016.1198558>

²³⁴ Gupta, J. (2016). The Watercourses Convention, Hydro-hegemony and Transboundary Water Issues. *The International Spectator*, 51(3), 118–131. <https://doi.org/10.1080/03932729.2016.1198558>

²³⁵ Gupta, J. (2016). The Watercourses Convention, Hydro-hegemony and Transboundary Water Issues. *The International Spectator*, 51(3), 118–131. <https://doi.org/10.1080/03932729.2016.1198558>

²³⁶ Klare, M. T. (2020). Climate Change, Water Scarcity, and the Potential for Interstate Conflict in South Asia. *Journal of Strategic Security*, 13(4), 109–122. <https://www.jstor.org/stable/26965521>

²³⁷ Trombetta, M. J. (2023). Environmental Security in the Anthropocene. In A. Warren (Ed.), *Global Security in an Age of Crisis* (pp. 220–243). Edinburgh University Press. <http://www.jstor.org/stable/10.3366/j.ctv32vqn3h.15>

by climate change, water governance has the potential to set the precedent for humanity's ability to shape a future defined not by conflict, but by unity. The fundamental need for water can transform these risks into opportunities for a more cooperative global order.

Brazil's Fight Against Child Labor: Legal Reforms and Persistent Challenges

Olivia Ray

Introduction

For centuries across the globe, children have been forced into labor under exploitative conditions, robbing them of their childhood. The physical, cognitive, and emotional growth that occurs during these formative years serves as a bedrock upon which all subsequent stages of life are built. Although global awareness of these injustices has grown, child labor remains a persistently pressing human rights challenge, disproportionately impacting vulnerable communities.

Brazil exemplifies this struggle. It is the largest economy in Latin America and home to a wealth of resources, but Brazil continues to combat issues surrounding child labor. In June of 1999, the International Labor Convention (ILO) adopted Convention No. 182, which aimed to effectively eliminate the worst forms of child labor, which include but are not limited to: slavery, trafficking, and debt bondage.²³⁸ While Child labor has long plagued Brazil's social and economic development, the implementation of ILO Convention No. 182 has driven major legal and policy reforms, highlighting both the progress made and the structural challenges that still hinder complete protection of children's rights in the country.

The Root of the Problem

Brazil has deep historical roots in child labor that have coursed through economic development and social structures.²³⁹ For centuries, Brazil's economy depended heavily on agriculture, and children were often used as laborers in the cultivation of crops. Children were also employed in various other sectors such as mining, domestic service, and other early industrial activities. These labor environments were frequently hazardous and posed serious risks to children's physical and mental well-being.

Despite being a nation that is rich in natural resources, Brazil continues to face significant economic disparities. A substantial portion of its population struggles with poverty, especially in rural regions and marginalized urban areas. In 2021, approximately 20.1 percent of the Brazilian

²³⁸ International Labour Organization, "Worst Forms of Child Labour Convention, 1999 (No. 182)," June 17, 1999..

²³⁹ International Labour Organization, "Worst Forms of Child Labour Convention, 1999 (No. 182)," June 17, 1999..

population resided below the Upper Middle Income Class Poverty Line.²⁴⁰ In these types of scenarios and contexts, many families rely on the income generated by their children to make ends meet, inherently perpetuating a symbiotic relationship between poverty and reliance on child labor. This cycle is a primary enabler of child labor and hinders efforts to eradicate such malpractices.

Although issues such as corruption and poverty present serious obstacles to progress, there have been efforts made by the Brazilian government to address the severity of child labor. Prior to the ratification of UN Convention No. 182, Brazil had certainly made an effort to address and improve exploitative child labor through several international instruments. For instance, in 1990, the country ratified the Convention on the Rights of the Child (CRC), which was then woven into national law.²⁴¹ Essentially, the CRC's primary intent was to establish a legally binding international framework that would safeguard children's rights globally.²⁴² This implies that all countries that ratify this convention are legally obligated to ensure that all the stipulated rights are respectfully established. While it is evident Brazil has made strides in enforcing legislative initiatives in the fight against child labor, there are significant gaps that still remain in effective implementation.

Addressing Children's Rights in Brazil

In order to foster change, it is essential to first examine the fundamental rights a child possesses. As per the Brazilian Constitution, which was established in 1824, all children are entitled to a free primary education, a basic right accessible to all citizens in Brazil.²⁴³ However, even though elementary education is free in the country, it has not prevented illiteracy or child labor, as many children are forced to work to generate income for their families. In addition, the unregistered births have been a point of concern in the nation, as many children are not in possession of official documentation. Regardless, the country has taken positive measures to ensure all children have the right to realize their identity through the National Mobilisation for Birth Certificates initiative, which has contributed to lowering the national average of unregistered births by over 50 percent.²⁴⁴ The success of this policy sheds light on the need to legally guarantee rights vital to protecting children and addresses the systemic issues that prevent their effective implementation.

²⁴⁰ Gabriel Lara Ibarra, "Poverty & Equity Brief Brazil Latin America & the Caribbean April 2023," report, Poverty & Equity Brief (World Bank, 2023), https://databankfiles.worldbank.org/public/ddpext_download/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/current/Global_POVEQ_BRA.pdf.

²⁴¹ "Children of Brazil - Humanium," Humanium, July 18, 2022, <https://www.humanium.org/en/brazil/>.

²⁴² Office of the United Nations High Commissioner for Human Rights, "Convention on the Rights of the Child," United Nations, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

²⁴³ "Children of Brazil - Humanium," Humanium, July 18, 2022, https://www.humanium.org/en/brazil/#_ftn1.

²⁴⁴ "Children of Brazil - Humanium," Humanium, July 18, 2022, https://www.humanium.org/en/brazil/#_ftn1.

Ratification of the ILO Convention No. 182 and Its Aftermath

On February 2nd, 2000, Brazil formally ratified the ILO Convention No. 182 into its legal framework, which involved a series of steps demonstrating a serious commitment to its principles.²⁴⁵ The ratification process included the need for reconciliation of its existing laws with the Convention's requirements, such as the prohibition of hazardous work for those under the age of 18 and all work for those under 16, with the exception of apprenticeships.²⁴⁶ In order to weave in these new reforms, in 2008, President Lula signed Decree No. 6481/08 establishing a new list of hazardous occupations in Brazil, integrating the legal structure set into place by the ILO Convention No. 182.²⁴⁷ While enacting these legislative reforms has certainly brought more public awareness to the dangers of child labor, the reality of it all remains quite complicated. According to data from 2022, "1.9 million teenagers aged between 5 and 17 years were in a situation of child labor in Brazil," representing almost 4.9 percent of the population in that age range.²⁴⁸ In fact, between the years 2019 and 2022, the number of children and teenagers engaging in child labor increased by 7.0 percent.²⁴⁹ Not to mention, the COVID-19 pandemic back in 2020 only exacerbated social programs aimed at restricting child labor and created further setbacks in the struggle against this pervasive issue.

The ratification of Convention No. 182 sparked several initiatives that followed soon after in order to align national legislation with ILO standards. Notably, the Bolsa Família program is a government proposal that incentivizes families to keep their children in the school system and to get vaccinated rather than join the workforce, by offering low-income households cash transfers.²⁵⁰ The program aimed to break the toxic cycle of poverty by making the income

²⁴⁵ "Children of Brazil - Humanium," Humanium, July 18, 2022, https://www.humanium.org/en/brazil/#_ftn1.

²⁴⁶ Henrique Napoleão Alves et al., Human Rights and the Worst Forms of Child Labor in Brazil: Input to the United Nations Special Rapporteur on Contemporary Forms of Slavery (Facts and Norms Institute | UFMG Slave Labor and Human Trafficking Clinic, March 2025), <https://www.ohchr.org/sites/default/files/documents/issues/slavery/sr/cfis/worstforms/subm-worst-forms-child-aca-facts-norms-institute-ufmg-inic.PDF>.

²⁴⁷ Furio C. Rosati et al., "Understanding the Brazilian Success in Reducing Child Labour: Empirical Evidence and Policy Lessons," 2011, https://www.dol.gov/sites/dolgov/files/ILAB/research_file_attachment/Brazil_success_reducing_child_labour20120924_155519.pdf.

²⁴⁸ "Child Labor Increased in Brazil Between 2019 and 2022 | News Agency," Agência De Notícias - IBGE, December 26, 2023, <https://agenciadenoticias.ibge.gov.br/en/agencia-news/2184-news-agency/news/38703-child-labor-increased-in-brazil-between-2019-and-2022#:~:text=Highlights,though%20it%20grew%20in%202022>.

²⁴⁹ "Child Labor Increased in Brazil Between 2019 and 2022 | News Agency," Agência De Notícias - IBGE, December 26, 2023, <https://agenciadenoticias.ibge.gov.br/en/agencia-news/2184-news-agency/news/38703-child-labor-increased-in-brazil-between-2019-and-2022#:~:text=Highlights,though%20it%20grew%20in%202022>.

²⁵⁰ Centre for Public Impact, "Bolsa Família in Brazil - Centre for Public Impact," September 17, 2024, <https://centreforpublicimpact.org/public-impact-fundamentals/bolsa-familia-in-brazil/#:~:text=Reduce%20poverty%20and%20inequality%20by,to%20invest%20in%20human%20capital>.

transfers conditional.²⁵¹ The families will only receive their money if they adhere to the core responsibilities elicited by the program. This initiative has been one of great success; as of 2024, over 20.8 million families received support, and new measures have been implemented expanding the program to vulnerable populations such as women, children, and indigenous persons.²⁵²

Additionally, it is vital to consider that the Brazilian government achieved a degree of progress in combating the “worst forms of child labor” by updating the national “Dirty List”. At its core, the “Dirty List” is a compilation of data maintained by the Ministry of Labor and Employment concerning employers identified as engaging in slave labor practices, including the exploitation of children. In 2023, 336 employers were added to the list. Figure 1 below displays a general overview of the agricultural products and goods that involve child labor.²⁵³

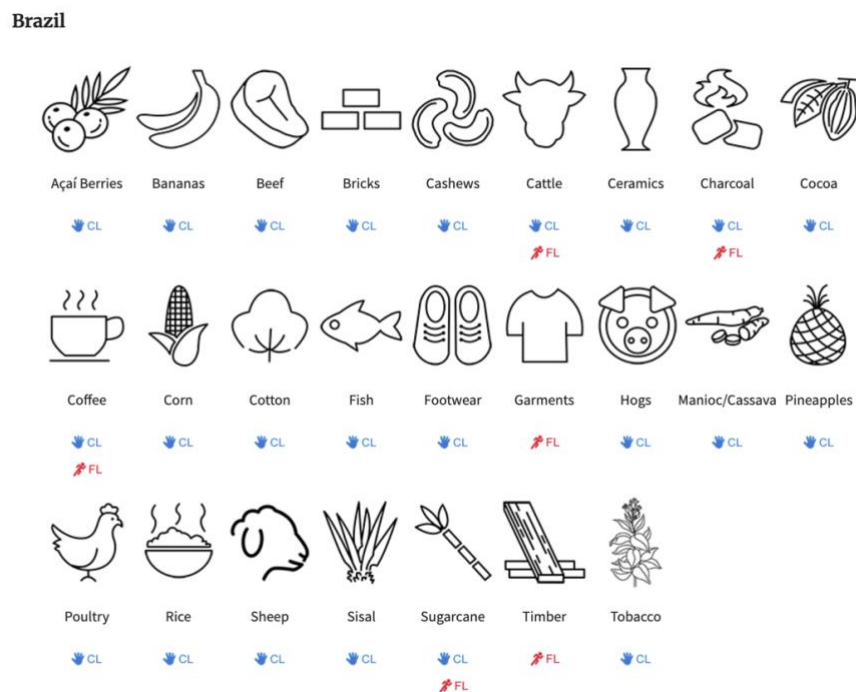


Figure 4 - Overview of Child Labor by Agricultural Products

²⁵¹ Centre for Public Impact, “Bolsa Família in Brazil - Centre for Public Impact,” September 17, 2024, <https://centreforpublicimpact.org/public-impact-fundamentals/bolsa-familia-in-brazil/#:~:text=Reduce%20poverty%20and%20inequality%20by,to%20invest%20in%20human%20capital>.

²⁵² “‘Me Conta, Brasil’ Shows How the Bolsa Família Contributes to Hunger and Poverty Eradication,” Secretaria De Comunicação Social, January 21, 2025, <https://www.gov.br/secom/en/latest-news/2025/01/201cme-conta-brasil201d-shows-how-the-bolsa-familia-contributes-to-hunger-and-poverty-eradication>.

²⁵³ Furio C. Rosati et al., “Understanding the Brazilian Success in Reducing Child Labour: Empirical Evidence and Policy Lessons,” 2011, https://www.dol.gov/sites/dolgov/files/ILAB/research_file_attachment/Brazil_success_reducing_child_labour20120924_155519.pdf.

Branching Out: The Role NGOs Play in Eradicating Brazil's Child Labor

Beyond just the means of legislative reform, non-governmental organizations (NGO's) have played a crucial role in combating child labor in Brazil. In a country where economic hardships and systemic inequalities often steer families to be reliant on their child's income, the multifaceted approach NGOs employ is crucial to breaking the cycle of child labor. Through advocacy, education, and community support, organizations such as UNICEF and local NGOs strive to promote the dangers of child labor and hopefully even extract some of these children from perilous situations.

Access to quality education is critical to UNICEF's approach to tackling child labor. In 2019, UNICEF demonstrated its commitment through a variety of initiatives targeted towards improving learning amongst youths. Through their School Active Strategy (SAS), they were able to identify more than 180,000 children who were out of school. In places such as Rio de Janeiro, with the help of local partnerships like the NGO Cidade Escola Aprendiz, and financial support from the Ministry of Education, this strategy enabled large numbers of children to be re-enrolled in the public school system.²⁵⁴

Acknowledging that mere enrollment in school systems is meaningless without quality education, UNICEF also phased in the Successful School Pathways strategy to enhance the quality and inclusiveness of the curriculum, specifically concentrating on addressing issues of race, gender, and disabilities.²⁵⁵ Remote assistance for more than 5,000 municipal experts has been received as a means to foster inclusive curricula for the most vulnerable of children and adolescents. These diverse and targeted educational interventions by UNICEF, ranging from direct outreach to capacity building and curriculum reform, illustrate a comprehensive understanding that dismantling child labor requires not only getting children out of work and into school but also ensuring they have access to meaningful educational opportunities that will allow them to learn and grow into self-sufficient adults.

Conflicts and Ongoing Challenges

Although considerable progress has been achieved in the fight against child labor in Brazil, it is important to comprehend that serious progress is never linear; multiple ongoing challenges hinder the complete eradication of this issue. Economic disparity remains a fundamental barrier to the battle against child labor. The economic strain that many families encounter creates an environment where families feel compelled to rely on their children's

²⁵⁴ UNICEF Brazil, Country Office Annual Report 2019 (Brasilia: UNICEF Brazil, 2019), <https://www.unicef.org/media/90476/file/Brazil-2019-COAR.pdf>

²⁵⁵ UNICEF Brazil, Country Office Annual Report 2019 (Brasilia: UNICEF Brazil, 2019), <https://www.unicef.org/media/90476/file/Brazil-2019-COAR.pdf>

contributions in order to survive. It is worth recognizing that because field workers are often compensated according to their output rather than on an hourly basis, parents are tempted to make their children work with them.²⁵⁶ Another significant challenge arises from cultural perceptions surrounding child labor. In the northern impoverished areas of Brazil, the adults today have been situated with a system that has expected them to work before as early as eight years old. Therefore, due to its familiar nature, many of these Brazilians fail to see child labor as a serious threat. In these cases, the threat of child labor becomes trapped in a generational cycle.²⁵⁷ Additionally, the interconnected issues of sexual exploitation, trafficking, and violence against children pose grave challenges specific to Brazil. The deeply rooted socio-economic factors driving child labor in the country require steady focus and concerted efforts by all stakeholders involved in order for progress to be continuous.

Conclusion

Ultimately, Brazil has demonstrated a commitment to battling child labor through legal and social reforms, yet significant challenges persist. While the ratification of international conventions and national initiatives has marked meaningful progress, issues such as entrenched poverty, cultural norms, and systemic inequality continue to undermine these advancements. It is certainly not an issue that can be resolved over a day, a month, or even several years. It is one that requires sustained focus from legislative reforms reinforced by the government, continued help from NGOs, and an open mind from civil society to work towards breaking the cycle of poverty and labor dependency. By fostering these objectives, Brazil can work towards ensuring that the very people who will be shaping the nation's future are able to receive a proper and untainted childhood free from exploitation.

²⁵⁶ Sonja Salzburger, "Made in Brazil : Confronting Child Labor – Centre Tricontinental," Centre Tricontinental, December 27, 2013, <https://www.cetri.be/Made-in-Brazil-Confronting-Child?lang=fr#nb11>.

²⁵⁷ Sonja Salzburger, "Made in Brazil : Confronting Child Labor – Centre Tricontinental," Centre Tricontinental, December 27, 2013, <https://www.cetri.be/Made-in-Brazil-Confronting-Child?lang=fr#nb11>.

Can Abortion Rights Be Saved By The First Amendment?

Yana Tartakovskiy

What Is the First Amendment?

Dobbs v. Jackson Women's Health ended the era of reproductive autonomy being protected under the 14th Amendment, substantive due process. However, *Dobbs* opened the door for other federal constitutional provisions to protect this right, specifically the 1st Amendment. The Free Exercise Clause of the 1st Amendment prevents the government from hindering a right to freely exercise religion, and the Establishment Clause bars the government from enforcing any religion on American citizens. Cases like *Engle v. Vitale* (1962) and *School District of Abington v. Schempp* (1963) had previously allowed the Court to strike down laws imposed on students in the form of mandated school prayer. In *Engle*, a New York state law authorized a voluntary, non-denominational prayer to be recited at the start of each school day. A group of parents, two Jewish, one atheist and one Unitarian church member sued the school. The Supreme Court found that even though the prayer was voluntary and not tied to any religion, there was indirect coercion of religious minorities. In *Schempp*, there was the same law enforced in Pennsylvania, and it was the Lord's Prayer being recited. The Court, using *Engle*, found that this law was also unconstitutional.

Connecting Abortions to Religion

Abortion has historically been intertwined with religious beliefs. The *Dobbs* decision led to abortion bans, with some states leaving no exceptions for those seeking one in the case of the mother's life being endangered. However, some religious faiths that believe in the right to an abortion under those circumstances. For thousands of years, Judaism has prompted the religious obligation of getting an abortion when the mother's life is in danger. These beliefs stem from lines in the Torah, one of the earliest Jewish texts. "When men fight, and one of them pushes a pregnant woman and a miscarriage results, but no other damage ensues, the one responsible shall be fined."²⁵⁸ This line has been interpreted to mean that a fetus is not human life because in Judaism it is accepted that a fetus is part of a mother's body. This has also been supported by the Talmud, another central religious text for Jews written over 1,400 years ago. Contrary to current abortion bans and some Christian beliefs, Reformed Judaism, which many American Jews practice today, views life as beginning at birth, rather than at conception. Because of this belief, the existing life of a pregnant person takes precedence over the potential life of the fetus.²⁵⁹ State

²⁵⁸ David A. Carrillo, Allison G. Macbeth, and Daniel Bogard, *The Free Exercise Right To Life*, 104 Boston U. L. Rev. Online 19 (2024).

²⁵⁹ David A. Carrillo, Allison G. Macbeth, and Daniel Bogard, *The Free Exercise Right To Life*, 104 Boston U. L. Rev. Online 19 (2024).

abortion bans violate the free exercise rights of Reformed Jews and other religious minorities who have similar beliefs because the involvement of the government burdens this practice. The concept of life originating at conception imposes other religious minorities to hold those same views and can be viewed as an endorsement of Christian values in State law.

The Establishment Clause

The Establishment Clause states that “Congress shall make no law respecting an establishment of religion.”²⁶⁰ This means that the government cannot establish a religion or force nonbelievers to observe a favored religion by enacting religious tenets into law.²⁶¹ Through various Supreme Court cases, the government has shown favoritism of Christianity over other minority religions in the way of showcasing religious symbols or leading Christian prayers. For example, in *Van Orden v. Perry* (2005), the Supreme Court ruled that it was suitable for a park surrounding the Texas capitol building in Austin to have a six-foot-high monument displaying text from the Ten Commandments. The Supreme Court ruled that this was not an establishment or endorsement of Christianity, but recognized that Christian symbols, like the Ten Commandments, had a historical significance and tie to the government.²⁶² In *Town of Greece v. Galloway* (2014), the Supreme Court ruled it was constitutional for a town council to hold a prayer by having clergy members come and recite mostly Christian prayers. The Court held that not only did this not endorse Christianity, but that the town did not have to look for other clergy members of other religions to perform these prayers. The town only had to adhere to a policy of nondiscrimination and be open to allowing clergy members of other religions in leading prayers if the clergy members approached town officials first.²⁶³ In *Employment Division of Oregon v. Smith*, two members of the Native American Church were fired from their jobs because they ingested peyote, a drug, as part of a religious ceremony. Oregon had a law that made peyote ingestion illegal and had no exception for religious use. The two members filed for unemployment benefits and they were denied these benefits because their dismissal was seen as work-related misconduct. The Supreme Court balanced the state’s justification for withholding the benefits, which was to preserve the financial integrity of the worker’s compensation fund, with the burden imposed on the two members’ exercise of religion. The Court found that the state’s interest outweighed Smith’s.²⁶⁴

These laws inherently have secular motivation, so it’s difficult to exemplify a standard where religious theology does not motivate politics as it relates to the Establishment Clause.

²⁶⁰ U.S. Const. amend. I

²⁶¹ Caroline Mala Corbin, *Religious Clause Challenges to Early Abortion Bans*, 104 Boston U. L. Rev. Online 37 (2024).

²⁶² *Van Orden v. Perry*, 545 U.S. 677 (2004)

²⁶³ *Town of Greece v. Galloway*, 572 U.S. 565 (2014)

²⁶⁴ *Employment Division v. Smith*, 494 U.S. 872 (1990)

Bans on early term abortions codify, to an extent, some Christian's religious beliefs that life begins at conception. Legally enforcing this belief through legislation would affect followers of minority religions and it would not have a secular motive, therefore violating the Establishment Clause. In *EMW Women's Surgical Center v. Cameron* (2022), a Kentucky state court judge ruled that Kentucky's abortion ban "assumed that life begins at conception" and that it was a "distinct Christian and Catholic belief." The Attorney General of Kentucky appealed the state court decision, and the appeal was successful. The plaintiffs in the case were the providers of the patients seeking abortions and not the patients themselves. The Kentucky Court of Appeals found that the provider-plaintiffs were not the proper parties to assert their patients' constitutional rights.²⁶⁵

The Free Exercise Clause

The Free Exercise Clause states that "Congress shall make no law prohibiting the free exercise of religion."²⁶⁶ In recent Supreme Court cases, there have been more successful challenges of pregnant women claiming that an abortion ban would undermine their ability to follow their religious beliefs. In these cases, abortion bans don't get outlawed but rather require them to have exemptions because these are "as-applied" challenges. An "as-applied" challenge is one where a person contends that a law is invalid in a particular instance and is not being applied constitutionally within that context. This would be the case for any pregnant mother who challenges an abortion ban if her religious beliefs encourage her to get an abortion under specific religious circumstances.²⁶⁷ This "as-applied" challenge would be against a state's Religious Freedom Restoration Act (RFRA).²⁶⁸ On the state level, RFRA authorizes courts to exempt a person from any law that imposes a substantial burden on their sincere religious beliefs or actions, unless the government can show that the law is the "least restrictive means" of furthering a "compelling governmental interest."²⁶⁹

In order for a Free Exercise claim under RFRA to require an exemption, the abortion ban being challenged: 1) cannot be neutral or generally applicable, 2) must impose a substantial burden on a sincere religious belief, and 3) must fail strict scrutiny.²⁷⁰ In almost all cases, no abortion ban is neutral or generally applicable.

²⁶⁵ *EMW Women's Surgical Center v. Cameron*, No. 22-CI-003225, at *15 (Ky. Cir. Ct. July 22, 2022) https://www.aclu-ky.org/sites/default/files/22ci3225-order_12.pdf.

²⁶⁶ U.S. Const. amend. I

²⁶⁷ Mark L. Rienzi & Stephanie H. Barclay, *Constitutional Anomalies or As-Applied Challenges? A Defense of Religious Exemptions*, 59 B.C. L. Rev. 1595 (2018).

²⁶⁸ Ari Berman, *The Religious Exception to Abortion Bans*, 76 Stan. L. Rev. 1129 (2024).

²⁶⁹ *Interpretation: The Free Exercise Clause*, National Constitution Center.

²⁷⁰ Caroline Mala Corbin, *Religious Clause Challenges to Early Abortion Bans*, 104 Boston U. L. Rev. Online 37 (2024).

A law is not neutral or generally applicable when it treats any comparable secular activity more favorably than religious exercise. Abortion bans today do not have exceptions that align with those who follow religious faiths that prioritize a mother's life over a fetus. Instead, some abortion bans have secular exceptions, including exceptions for rape, incest, or a life-threatening pregnancy. Having secular exceptions but no religious ones would therefore constitute such laws as neither neutral nor generally applicable in the eyes of the Court.

As for imposing a substantial burden, the Court has found previously that if a law requires a religious observer to facilitate someone else's actions that strays from that person's religious beliefs, it is substantially burdensome. In *Individual Members of the Medical Licensing Board of Indiana v. Anonymous Plaintiff I*, an Indiana lower court found that Indiana's near-total abortion ban burdened the plaintiff's religious exercise, specifically referencing the plaintiffs' Jewish beliefs and motivations for abortion that emphasizes saving the mother's life when her pregnancy endangers her own life.

When facing the strict scrutiny test, it is almost impossible for a government to satisfy. To pass this test, the government must show that it has compelling interest and that the law they are passing is furthering this interest in the least restrictive way possible. A compelling interest is the legal standard used by the Court when applying strict scrutiny to a law. If a state restricts one's fundamental rights, under this standard, they need a compelling interest to infringe on such a right. An example of how an abortion ban would fail this test is when in *Individual Members of the Medical Licensing Board of Indiana*, The Indiana Supreme Court found no compelling state interest and ruled that the abortion ban was not the least restrictive means of furthering the interest, even if there was one.²⁷¹ The question to pose to the government that passes an abortion ban with only secular exemptions or no exemptions at all is whether or not the government has a compelling interest in refusing to grant a religious exemption.

Religious Exemptions Set During the COVID-19 Pandemic

While the courts may be apprehensive to hearing arguments that claim abortion bans establish a religion, there is evidence that courts are open to hearing free exercise claims, per *Individual Members of the Medical Licensing Board of Indiana v. Anonymous Plaintiff I*. The Court has also been very open to issuing religious exemptions to laws that have secular exemptions. This idea that a law needs issue a religious exemption if it issues a secular one is termed as the "most-favored nation doctrine." The doctrine prompts a test that the Court has recently relied on to allow religious exemptions; it first asks the state whether the law grants a secular exemption, which is used to determine if the law is generally applicable, and then the

²⁷¹ *Individual Members of the Medical Licensing Board of Indiana, et al. v. Anonymous Plaintiff I, et al.*, No. 22A-PL-02938 (Ind. Sup. Ct. Dec. 10, 2024)

Court will apply the strict scrutiny standard to the law. The strict scrutiny standard is the highest and hardest standard for a government to meet in the eyes of the Court. Cases arising throughout the COVID-19 pandemic had the Court apply the most-favored nation doctrine for the first time to expand religious exemptions. This exemptions favored organizations seeking to challenge a state's mandate on how many people could gather inside. In *Roman Catholic Diocese of Brooklyn v. Cuomo* (2020), the Court said that the capacity limits imposed by the Governor of New York on churches and synagogues were more restrictive than those on comparable secular organizations, which ran afoul of the Free Exercise Clause, and allowed places of worship to seek an exemption to the order. In *Tandon v. Newsom* (2020), a California order was challenged that limited indoor gatherings to members of three households, but did provide exemptions for gatherings at certain businesses and houses of worship, like churches and synagogues. The plaintiffs in the case argued successfully that the Free Exercise Clause required the order to also exempt any indoor at-home gatherings for religious studies, prayer, and worship, which the Court upheld using the *Roman Catholic Diocese of Brooklyn* decision.²⁷²

What Will the Supreme Court Say?

These precedents will give way to more claims like those coming from the *Individual Members of the Medical Licensing Board of Indiana*. It is hard to foresee when these cases will end up on the Supreme Court's docket, and whether or not other state actors, such as the executive branch, will take a firm stance to support this new constitutional pathway in recognizing a woman's right to an abortion in certain cases. However, with the number of precedents set across lower-level circuit and district courts, using religious exemptions given throughout the COVID-19 pandemic to apply to plaintiffs seeking abortion relief in the form of the same religious exemption, it's only a matter of time before the Supreme Court sets a new precedent in this post-Roe era.

²⁷² *Pandora's Box of Religious Exemptions*. 136. Harv. L. Rev. 1178 (2023). <https://harvardlawreview.org/print/vol-136/pandoras-box-of-religious-exemptions/>

It's More than Minerals: Peacebuilding between M23 and DR Congo

Jack Wright

Given the Democratic Republic of the Congo's status as the world's richest country in terms of mineral wealth²⁷³, it may not be far-fetched to view rebel group M23's insurgency in the mineral-rich North and South Kivu regions of DR Congo through an economic lens. However, the reality of the conflict is rooted in decades of ethnic struggles and one of the most multipolar foreign affairs cases of the 21st century. With around 5.6 million people internally displaced,²⁷⁴ thousands killed, and reports of vast human rights breaches by M23,²⁷⁵ the conflict has recently grasped international headlines as one of the world's largest humanitarian crises. As M23 begins to control more and more territory with each passing month, the prospect of a long-term peace agreement that limits M23's power in DR Congo seems to be fading.²⁷⁶

The conflict between DR Congo and M23 stems from the remnants of the Rwandan Genocide, which was perpetrated by ethnic Hutus against ethnic Tutsis and the subsequent Congolese Wars in the latter stages of the 1990s. Despite having the majority of their population killed during the Rwandan Genocide, the ethnic Tutsi population was able to gain power in Rwanda. The Hutu perpetrators and around two million Hutu refugees then fled to the Democratic Republic of the Congo. Some of these perpetrators formed their own militias within the DR Congo.²⁷⁷ These groups were seen as a threat to the Tutsi-led Rwandan government, inevitably leading to the invasion by Rwanda, and other countries such as Uganda and Angola, into the DR Congo to eliminate these newly formed Hutu militias in DR Congo. The formation of M23 in 2012 was the byproduct of the broken March 23rd peace agreements between the DR Congo and the National Congress for the Defense of People, a former paramilitary rebel group which disbanded as a result of the March 23rd agreement.²⁷⁸ United Nations reports found that Rwanda funds M23, which has ultimately caused the conflict to spill into the international sphere, as opposed to remaining within the Congolese borders. Rwanda has vast political goals of its own and has been using M23 as another arm of its military diplomacy mission throughout the continent of Africa. M23's stated objectives are to protect the Tutsi populations from the

²⁷³ "What Is the EBA?" Monitoring Missions and Priorities in Democratic Republic of Congo. Accessed April 9, 2025.

²⁷⁴ "Democratic Republic of the Congo." Global Focus, February 28, 2025.

²⁷⁵ "DR Congo: Killings, Rapes by Rwanda-Backed M23 Rebels." Human Rights Watch, August 29, 2023.

²⁷⁶ Patrick Hajayandi Research Affiliate. "DRC Conflict: Talks Have Failed to Bring Peace. Is It Time to Try Sanctions?" The Conversation, February 7, 2025.

²⁷⁷ "Assessment for Hutus in the Dem. Rep. of the Congo." Minorities at Risk.

²⁷⁸ Muia, Wycliffe. "DR Congo and Rwanda Call for Ceasefire in Conflict with M23 Rebels." BBC News, March 19, 2025.

Democratic Forces for the Liberation of Rwanda, a Rwandan Hutu rebel group, as well as multiple Congolese-backed Mai Mai militias. However, the actions of M23, which include mass rapes, forced displacements, as well as control over significant portions of land in the North Kivu region, and the existence of Rwanda's own backing of the group as a major factor highlight different motives for the continuation of conflict rather than the sole protection of the Tutsi population.

M23 has regularly been labeled as an organization that seeks economic control as its primary motive. This is an understandable label considering DR Congo's wealth and the economic opportunity that its copper and cobalt mines may provide to M23, and subsequently the Rwandan government. However, M23's extensive ties to the Rwandan government highlight that the organization is as much a political and military one as opposed to just an economic one, and has goals to overthrow the Congolese capital of Kinshasa.²⁷⁹ In the last few years, Rwanda has established itself as Europe's darling in Sub-Saharan Africa. This is primarily through Rwanda's contribution to UN Peacekeepers, which is the third largest contributor worldwide.²⁸⁰ Similarly, Rwandan peacekeepers have been involved in fourteen conflicts worldwide as of 2020, including offering significant support in the ongoing fights against insurgents in the Central African Republic and Mozambique, highlighting their extensive reach throughout all regions of Africa. Additionally, Rwanda has attempted to encourage tourism and strengthen the Rwandan image to the Western world through extensive Visit Rwanda campaigns. Such campaigns include major sponsorships for global football giants Arsenal Football Club, Bayern Munich, and Paris Saint-Germain. Such promotions not only support major businesses in Europe but also highlight Rwanda as a safe and prosperous place to visit, something that sets them apart from the rest of sub-Saharan Africa in European eyes. In tandem with its peacekeeping forces, Rwanda also uses M23 to extend its influence on the African continent, where its forces have replaced local customary authorities in the eastern provinces of the DR Congo. As a result of ineffective federal governing, the distribution of land rests on local governments.²⁸¹ Not only does M23 control over local authorities guarantee a haven for native Tutsis, thus aligning with M23's stated goals, but it also allows key mining areas in the North Kivu region to be controlled by M23. This control provides key opportunities for both M23 and Rwanda to grow economically through the extraction of rare earth minerals that are exported in abundance. This economic control also increases the ability of M23 to push deeper into the DR Congo and control even more land, as has been seen recently with the recent capture of Bukavu, amongst other areas in the South Kivu region.²⁸² The persistent offenses and stability of the Rwandan-backed

²⁷⁹ Kristof Titeca, Professor in International Development. "M23 Rebels Are Marching across Eastern DRC: The Interests Driving Players in the Conflict." *The Conversation*, February 15, 2025.

²⁸⁰ "Rwanda's Remarkable Contribution to Peace in the Car Recognized Peacekeeping." United Nations. Accessed April 9, 2025.

²⁸¹ "The M23 'Version 2' - Local Stakes, Motivations, Perceptions, and Impacts." IPIS, February 27, 2025.

²⁸² "Rwanda-Backed M23 Rebels Capture Eastern DRC's Second-Largest City." *The Guardian*, February 17, 2025.

M23 movement signify a negative shift in the potential for peace talks, as M23 will unlikely be willing to make any concessions with the Congolese government during a spell of tremendous momentum.

Accompanying the extension of M23 influence in the easternmost part of DRC are grave human rights violations. The mass amounts of forced displacement committed by M23 is one of the key factors in why the situation in DR Congo is one of the most severe humanitarian crises on Earth. A notable instance of forced displacement by M23 was in the aftermath of M23's capture of Goma, the most populous city in the Eastern DR Congo. Goma is also home to various camps that help those who have already been displaced in the past. As part of their offensive, M23 rebels told those living in Goma that they had 72 hours to evacuate their camps.²⁸³ By forcibly displacing these people, M23 committed a war crime, as International humanitarian law prohibits forced displacement unless it is absolutely necessary to the military goals of the perpetrator.²⁸⁴ Many of the people living in camps that have subsequently been taken over have been forced to return to their original homes, which are uninhabitable due to destroyed crop fields, homes and dismantled healthcare systems. In addition to most of the infrastructure being destroyed, M23 maintains control over such areas, with the group remaining active militarily in these areas through the presence of armed men. Between March and May of 2023, Human Rights Watch documented 8 unlawful killings and 14 cases of rape, as well as receiving credible reports of many more such incidents. In addition, UN Rights Chief Volker Turk claims that nearly 3,000 people had been confirmed killed and 2,880 have been injured since M23 entered Goma on January 26, and that the final death toll was likely much higher.²⁸⁵ In March 2025, M23 attacked hospitals and kidnapped over 130 patients who were receiving treatment at CBCA Ndosho Hospital and Heal Africa Hospital in Goma.²⁸⁶ These actions prompted the United Nations Human Rights Office of the High Commissioner to make a statement condemning the action, and urging M23 to abide by the Geneva Conventions, which requires that the wounded and sick must be able to receive the medical care they need during times of conflict. In committing these atrocities, M23 is undermining its supposed goal of providing a haven for the Tutsi population in the Eastern DR Congo. M23's stray from its original intentions has ultimately landed both the group itself and Rwanda in hot water with the broader international community. Major actors, such as the United States, United Kingdom, and Canada all placed their own form of sanction on Rwanda²⁸⁷ due to the continued human rights violations that have occurred during the M23 military offensive into the North and South Kivu regions. The actions

²⁸³ "DR Congo: Civilians at Risk as M23 Approaches Goma." Human Rights Watch, January 24, 2025.

²⁸⁴ "The Act of Displacement." *IHL*, ICRC, ihl-databases.icrc.org/en/customary-ihl/v1/rule129. Accessed 14 Apr. 2025.

²⁸⁵ "UN High Commissioner for Human Rights Volker Türk on Escalating Violence in DRC." UN Geneva - Multimedia Newsroom, February 7, 2025.

²⁸⁶ "UN: M23 Rebels Abduct over 130 from Hospitals in Eastern DR Congo." *euronews*. Accessed April 9, 2025.

²⁸⁷ Muia, Wycliffe. "DR Congo Conflict: Rwanda Calls US Sanctions 'Unjustified.'" *BBC News*, February 21, 2025.

of M23 risk tarnishing the West's view on Rwanda, which could ultimately prove catastrophic to their military goals in the DR Congo, as well as economically through their various partnerships with Western states. In past conflicts between DR Congo and M23, like the one in 2012, international pressure on Rwanda proved effective in ending the conflict.²⁸⁸ One such example of this international pressure was a \$240 million aid cut to Rwanda by a variety of donors. Today, Rwanda may consider pulling the plug on M23 support as a result of these actions, an act that may encourage DR Congo's President Felix Tshisekedi to enter negotiation talks with Rwanda. The potential for this as a genuine peacemaking solution has been shown in the recent withdrawal of M23 rebels from the town of Walikale following sanctions by the European Union on M23's leadership.²⁸⁹ However, peacemaking complications still exist due to Rwanda's continuous denial in supporting M23 whilst also participating in negotiations regarding the group. Because of this back-and-forth nature, the international community has found it difficult to know exactly who should be held responsible for the vast human rights abuses that have been committed in the region.

From the Congolese perspective, much of the federal power is centralized under President Felix Tshisekedi. As President, he has undertaken a brash and prideful manner of approaching the conflict with M23, repeatedly claiming that he will not allow the Democratic Republic of the Congo to be "humiliated or crushed," and has threatened war with Rwanda.²⁹⁰ Tshisekedi has also accused M23 and Rwanda of plundering DR Congo's natural resources, whilst accusing Rwandan President Paul Kagame of being a "warlord" and claiming that "The only language Kagame understands is force...Diplomacy is not in his DNA."²⁹¹ President Kagame repeatedly denies the claims that Rwanda is aiding M23, despite various United Nations Security Council reports that state the opposite. As a result of this denial, President Tshisekedi was urged to "engage with all parties that have grievances"²⁹² (namely M23), by attendees of the Extra Ordinary Summit, which included senior East African officials.

Previous attempts at peace talks have remained ineffective due to communication issues between the state actors involved and the broader peacemaking community. One example of this is the Nairobi Process, in which the East African Community Regional Force was deployed to the Eastern DR Congo in order to pursue peacemaking goals. However, the mission was

²⁸⁸ "Goma: Understanding the M23 and RDF Attack." Ebuteli, April 7, 2025.

²⁸⁹ Congo M23 rebels say they will withdraw from seized town to support peace push | reuters. Accessed April 9, 2025.

²⁹⁰ Princewill, Nimi. "DR Congo's President Says Country Won't Be Humiliated after Rebels Claim Takeover." CNN, January 30, 2025.

²⁹¹ New York Times. "What Congo's President Thinks of Rwanda: A 'Mania to Be the Apex Predator.'" DNYuz, February 22, 2025.

²⁹² *Communiqué of the 24th EXTRA-ORDINARY Summit of the East African Community Heads of State*, www.eac.int/communique/3291-communiqu%C3%A9-of-the-24th-extra-ordinary-summit-of-the-east-african-community-heads-of-state. Accessed 14 Apr. 2025.

ultimately cut short due to inconsistencies between the force's actual goals and the DR Congo's view on what the force should have done. DR Congo expected military confrontation between the Regional Force and M23 forces, something that did not occur. Instead, the Regional Force focused on overseeing political agreements being put into place. Difficulties also arose among the East African Community given that DR Congo and Rwanda are both vocal members of the community. Within the East African Community, there is a perception that Rwanda is wrongly supporting M23, despite Rwanda's strong claims that Congolese Tutsis are being persecuted. However, the international community seem just as exasperated with President Tshisekedi's behavior and the fact that he has proven difficult to work with.²⁹³ For example, Tshisekedi's criticism of MONUSCO, a United Nations peacekeeping force that has helped the government fight against M23 for two decades, and subsequent call for the withdrawal of this force from the region in 2023 further alienated members of the international community from the Congolese cause.²⁹⁴

The conflict between M23 and DR Congo continues to be a multifaceted issue of the 21st century, impacting millions of people. M23's close ties to Rwanda and the history of Rwanda's own genocide in 1994 highlight that the ongoing insurgency is grounded in ethnic-based conflict, as opposed to being a conflict centered on maintaining control of critical copper and cobalt mines. However, this has also caused significant tensions in peacemaking, as questions remain over who is truly responsible for the mass war crimes that have been committed in the Eastern DR Congo. Internal conflicts within DR Congo and external conflicts relating to Rwanda and the international community have created a situation where peacemaking solutions remain hard to achieve and implement effectively.

²⁹³ Titeca, Kristof, Judith Verweijen, Bernard Siman, Erik Kennes, Koen Vlassenroot, and Nina Wilén. "A Boomerang or a Turning Point for the EU in Central Africa?" Egmont Institute. Accessed April 9, 2025. <https://www.egmontinstitute.be/a-boomerang-or-a-turning-point-for-the-eu-in-central-africa/>.

²⁹⁴ "All UN Peacekeepers to Leave DR Congo by End of 2024." *Al Jazeera*, Al Jazeera, 17 Jan. 2024, www.aljazeera.com/news/2024/1/13/un-says-all-peacekeepers-will-leave-dr-congo-by-end-of-2024.