Does Public Policy Still Matter?

“What will distinguish the students of public policy from the rest is, therefore, the ability to come up with the most creative solutions for the biggest challenges.”
“IT WAS THE BEST OF TIMES, IT WAS THE WORST OF TIMES, IT WAS THE AGE OF WISDOM, IT WAS THE AGE OF FOOLISHNESS, IT WAS THE EPOCH OF BELIEF, IT WAS THE EPOCH OF INCREDULITY, IT WAS THE SEASON OF LIGHT, IT WAS THE SEASON OF DARKNESS, IT WAS THE SPRING OF HOPE, IT WAS THE WINTER OF DESPAIR, WE HAD EVERYTHING BEFORE US, WE HAD NOTHING BEFORE US, WE WERE ALL GOING DIRECT TO HEAVEN, WE WERE ALL GOING DIRECT THE OTHER WAY—IN SHORT, THE PERIOD WAS SO FAR LIKE THE PRESENT PERIOD, THAT SOME OF ITS NOISIEST AUTHORITIES INSISTED ON ITS BEING RECEIVED, FOR GOOD OR FOR EVIL, IN THE SUPERLATIVE DEGREE OF COMPARISON ONLY.”

DEAR READER,
The opening lines of the novel A Tale of Two Cities by Charles Dicken evokes the eerie zeitgeist of the present as well. Much like the French Revolution that had changed the course of modern history, the digital revolution has disrupted the modern human life at unprecedented scale and speed. Moreover, there continue to be those ‘noisiest authorities’ who insist on describing current events in the superlative degree of comparison only.

Public policy can seem frustratingly slow, ineffective, and even irrelevant in the face of disruptions in 2018. Many were hopeful that wider availability of information would lead to enlightenment, but in reality, it has become harder to discern the truth. Many had predicted that warfare would become obsolete, but it has simply transitioned from conquering territories with ammunitions to conquering minds with clickbait. Whenever policymakers start addressing a problem, a new one seems to arise immediately.

Does public policy still matter in the cyber age, then? Plato may have answered the question 2500 years ago when he perspicaciously used the word “cybernetics” to denote “governance.” Public policy is at the core of governance in the ongoing digital revolution. Public policy is both an art and a science that adapts to precarious human nature but consistently delivers a common good. Public policy requires both pragmatism and idealism since it has to solve the pressing issues of today while striving at the same time for a better tomorrow. What will distinguish the students of public policy from the rest is, therefore, the ability to come up with the most creative solutions for the biggest challenges.

The Columbia Public Policy Review’s 2018 Print Edition showcases the creative insights of students, faculty, and outside experts in addressing the most urgent public policy issues of our time, including digital revolution, nuclear weapons, artificial intelligence, gender rights, education, trade, international law, housing, cybersecurity, rogue regimes, and so forth. They all illustrate that we are now living in the age of not decline but rather reinvention of public policy.

We hope you will enjoy the exemplary works by current and future leaders.

Sincerely,
The 2018 Columbia Public Policy Board
EXPERTS’ CORNER

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Mayor Michael A. Nutter is the David N. Dinkins Professor of Professional Practice in Urban and Public Affairs. He completed his second term as Mayor of Philadelphia in January 2016, and very recently published a political memoir titled Mayor: The Best Job in Politics.

In a recent conversation with the Columbia Public Policy Review, the mayor reflected on some of the battles he faced during his public service in Philadelphia, the leadership lessons that he learned, his thoughts about our current political environment and his firm belief that now is the time for effective public servants, perhaps more than ever before.

Note: This interview was conducted on April 18th, 2018 and has been lightly condensed for clarity.

There’s a section in your book where you talked about one of your mentors - Councilman John Anderson. You wrote about the influence he had on you, in terms of your views on right and wrong, justice, how to stand up for people. You said that he was “impatient about progress - he cared passionately about justice - and people looked at him to lead.” Is there a specific moment that comes to mind with him that made you realize, “Wow, he’s actually influencing the lives of others and people are looking to him to help improve their lives?”

A couple quick things that come to mind. He was a great champion for the arts. Art and culture. He spoke about that industry, that sector, that part of the economy. He wasn’t saying, ‘Look at that Monet,’ it was more about the promotion of arts and culture as a part of our day-to-day lives, as a job creator, as beauty and humanity. And he could just speak about it in a way that drew people in, that got funding and support, and he took it on as serious.

Town Watch. Town Watch, I think was a relatively new idea in the early 1980s, part of a public safety strategy and he fought very strongly for getting funding for Town Watch because it was --

Sorry. What is Town Watch?

Oh. Town Watch is like an organized group of people on a block. Let’s say you had 10 people, you might design a schedule where two people walk the neighborhood for an hour or two every day. You got the 7:30 to 8:30 shift. Another group, 8:30 to 10. You live in a particular area, and you’re just watching what’s going on in your community. You’re not police, you’re not supposed to intervene. John was not only responsible for helping them get funding, but some of the early rudimentary even Walkie-talkies so people could communicate and felt that that was something very important.
So it’s not always the big grandiose things. Some people in politics just want to build monuments of themselves or -.

**Have parades for themselves?**
-- This is on the ground, fundamental, nitty-gritty stuff. Here’s a grant for $500, or whatever it was, which I’m sure was big money back then. But you told people that you believed in them. You gave them a sense of hope, you empowered them to do things for themselves. Again, I could see when he showed up at these events that people were demonstrably appreciative. They would express what a difference it made to have someone who came and listened and then followed up. I’m 25, 26 years old, and seeing all this playing out before my eyes - it was amazing.

It reminds me of that Friedman article that you assigned [in his City Policy and Federalism class], the one that compared 9/11 with 11/9 [when the Berlin wall fell] and how leaders can either appeal to people’s better angels or their worst impulses. It sounds like he was very much in the former.

In the book, you also talked about, after working for the Councilman, in your four terms in the City Council, and some of the failures and successes during each of those terms. In 1993, there was a domestic partnership bill that would have given equal benefits to same-sex partners of city employees that you weren’t quite supportive of at the start, and it failed. And then you became a big champion of it in 1997, and not only pushed it across the finish line but also initiated the 3 bills to do that. What changed in your own personal thought process with that bill? Did you meet city employees that were having issues? It wasn’t even that. In ’93, it wasn’t that I was opposed. I wasn’t; I was supportive, but I could have done more.

What happened was that I got caught in a dilemma. In a 17-member city council, you need 9 members to pass a bill. I had put forward a bill to create a civilian police review commission, which I had a decent amount of support for, including the City Council President, which was very helpful. The Mayor wasn’t supportive. You need 9 votes to pass a bill, and 12 to override a veto, so I knew I needed to get to 12.

A colleague, Councilman Ortiz, put forward his domestic partnership bill, which the City Council President hated and was unalterably opposed to. The Mayor was for it. I had a personal dilemma in trying to navigate – I wanted to keep the Council President’s support for my bill, but if I get actively involved with this bill he hated -- he might pull his support. So he was a big supporter and would help garner additional support for my piece of legislation, which I thought was important. I knew Councilman Ortiz’ bill was important, but did not have as much support, and if I tried to do both at the same time, both would fail.

So, as I said, I never did anything to hurt or undermine Councilman Ortiz’ bill. If I had more experience, if I was more confident, if I had more seniority (this was my first and second years in office), I would have figured out how to navigate that dilemma or I would not have paid as much attention to the potential outcome. It was a rookie mistake. My bill ended up passing, the Mayor vetoed it, and we overrode that veto.

Even in that victory, I knew that I had not been my best self on the other piece of legislation. I decided at that time, in that moment, I had something I needed to fix and that I had to dedicate myself to it. It wasn’t as if, it was a when. So in ’97, I introduced the legislation. The Council President was still opposed, and really mad at me for bringing it back up. But I had to atone - I had to make right - something that I considered a personal failure. I spent the next year battling with him, and we got it passed in ’98.

I think some of the themes from that story - the pragmatism to know that you could get one win but not both, the patience to wait out it, the ability to compromise - I think those are themes that are useful to students to hear. We’re heading into this dangerous “it’s either my way or the highway” politics, so that’s valuable to see.

I knew what I needed to do. I was gaining a certain level of respect in the Council five years in, I had done some other things, I had curried favor with colleagues on some of their stuff. In a legislative body, there is some give and take: there is some ‘Oh, I was for your bill, you should be for mine!’ The things people claim that they don’t like, but it’s the reality. So it was a big personal test, but I was determined. That fight in particular started to shape the narrative around who I was becoming as an elected official, and it started to define my style.

There was another aspect of that episode that I found interesting. In the book, you were talking about how by championing those types of changes, government can nudge businesses to change their behavior as well. During your time as Mayor, what were some issues that you nudged the business community on?

Paid family leave. A Councilman who I had worked with in City Council, he was very focused on that issue. This was during the course of the Recession, when people were hurting from a number of different angles.

In that case, I wasn’t against the issue, but I thought it was one about timing. We were raising taxes, we were changing regulations, we were cutting back on services, and we needed our business community to stay strong for the other things we needed to do. They put the bill forward, passed it, and unfortunately, I vetoed. A couple years later, they came back with another bill, passed it, and I vetoed. At that point, I said, ‘OK. We’re in a little better shape now than we were before.’ It was highly controversial, there were many levels to it, and we looked at other cities and what models they were using, and then we tried to craft something that worked for us.

So I told the Councilman, ‘We probably won’t reach agreement on this one right now because of technical components of the bill, and the timing. But this is the promise I’ll make you. If you pass this bill now, there’s a fair high chance I’ll probably veto it.’ I didn’t say this part to him, but I knew he didn’t have 12 [to override the veto]. I told him, ‘I’ll veto it, and I know it’ll be upsetting to you, but my commitment to you is, once that part is over, I’ll create a task force on paid medical leave. Well have activists, businesses, people, scholars. You’ll have input.’ Because it was the right issue, but it’s the wrong time. I did want to reach resolution on this issue.

And then I told the business community, we will have paid family leave in Philadelphia. I’ve now vetoed this bill twice. If we’re going to be a city of the future, if we’re going to be a progressive city, these are the issues that we’ll...
have to deal with. So you need to get prepared - and you should get involved with this process - for me to sign this legislation at some point in time. As we say back at home, you're either at the table or you're on the menu. You decide.

At the end, we had a task force, a bill got put forward, and I think neither of us were particularly happy - but sometimes I think that's the best outcome, when everybody doesn't get what they want but they got something - and I signed the bill.

And so it gave you the time to create the political environment, to get both stakeholders on board to eventually pass that.

And again, it goes back to the domestic partnerships - it goes back to what I say to my students - you have to see the long game. Public opinion does shift over time, if you give people the time to adjust themselves. I did the cigarette ban.

Six years? Eight years? It took a while.

Six years, 2000 to 2006. Part of the reason we were successful was because public opinion had started shifting. We had smoke-free in New York, in New Jersey. I think in Maryland or in Delaware, but at some point we were virtually surrounded by smoke-free states. And I said, what's the big deal? The bars and restaurants won't fall into the Delaware River.

So, sometimes, big important efforts: a) usually don't get done at one time, b) always took longer than we'd like, and c) the end result is never as bad as the opposition says it'll be, and it's often not as nirvana as the proponents would say. It's usually somewhere in between. It's usually a question of timing. I think cities are living, breathing entities. They have rhythms. They get excited - you know, the Eagles win the Superbowl - and you have to be able to read some of that. You have to be a leader, you have to be motivated to do something even if it wasn't your idea. You have to hear other people's ideas. You have to try to bring people along to your ideas, and paint a picture, and create a vision of what could be.

That's what leadership is about.

It seems like it requires humility on the part of the leader too, to listen to the ideas of others and listen to their team. You consistently reinforce that idea of teamwork in the book. On that theme of teamwork, you talked about how during your first campaign for Mayor, you made fighting corruption one of the themes that you were passionate about. You even created the Chief Integrity Officer position, and put her office near yours to communicate that message about change.

I've been thinking a lot this week about ethical leadership, as Director Comey has made the rounds with his new book. A quote from the book is, "President Trump is untethered to truth and institutional values. His leadership is transactional, ego driven and about personal loyalty." During the policy-dialogue trip a couple weeks ago, we talked to some folks that didn't mind that side of the President. They talked about how his leadership style might be faulty, but at least he's getting the things he said he'd get done, done for them.

Can you talk about why we should care about this? Why does a leadership style that revolves around the individual, and not the team, make a difference in people's lives?

That's just a complete rejection of the idea that running a government or being a leader is not about you. I came into government and was taught more from a servant-leadership standpoint, that you take an oath of office to not only uphold the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania, and the Philadelphia Charter, and that you remember that the last line, that you will "discharge the duties of the office with fidelity." Because you are a public servant.

It's not for personal gain. It can't be all about you. That does not inspire people, which is why "team" matters. When we had 20 inches of snow out there, I was not driving that truck. We had people out there working 16-hour shifts in some of the worst conditions. And you know, some will say,

I CAN THINK OF A BETTER TIME TO BE INVOLVED IN DEMOCRACY AND BE INVOLVED IN GOVERNMENT THAN RIGHT NOW.

Putting these two words together almost feels offensive, but that's almost a chaos theory of - the place is just going to run. We might be on top of some things, and we might not - I mean, it's got to be so demoralizing.

And I think we're seeing that reflected with the high rate of turnover. Last question - this is going to go up on our website, where incoming students will see your advice.

Hopefully this answer won't be a deterrent, then.

I sure hope not. To someone that's on the fence about coming to policy school at a place like Columbia, I think our current era of alternative facts and scandals and fake news, what would you say to them? Do you think there's still a space for fact-based policymaking?

Absolutely. This country won't be defined by one person in the White House, or the President, or the reason that I say that is because he has to consistently say things to reinforce the message, lest some people either forget or drift over to the fact-based world.

The second reason is that our systems are really designed, in a variety of ways, to have some level of a circuit breaker and really prevent us from doing something crazy. Or, if the person in the office does do something crazy, there's systems in place to deal with that. I just think that we're in a volatile world environment, as we see with Brexit, and stuff going on in France and Germany and a variety of places, and it's something that is moving around. It's moving around the world. Everybody is getting their day in the sun.

What we need to do is stay focused, and help people understand that facts do matter. They're out there - you might have to do a little digging - but they are available. I can think of a better time to be involved in democracy and be involved in government than right now.
The Problem with Using Employees as Lobbyists

BY ALEXANDER HERTEL-FERNANDEZ

Imagine your bosses tell you that a proposed law would be good for your company. They then push you to contact your member of Congress to lobby for the bill and support the politicians who end up voting for it. That could have happened to you—as it did to so many others—during the push to pass big tax cuts this past December. US companies large and small used town halls, emails, and calls to prod workers into telling their legislators that workers supported the tax overhaul.

For a new book, Politics at Work: How Companies Turn Their Workers into Lobbyists, I surveyed workers and managers and interviewed dozens of top executives to show how these political calls to action have become a common practice for American companies. One in four American employees said in a nationally representative survey I commissioned in 2015 that they have received political messages or requests from their top managers and supervisors.

The United States is essentially the only developed democracy where employers can require participation in politics as part of employees’ day-to-day jobs—and where managers can reward or punish private sector workers for their political views and actions. This is a problem. Encouraging employees to be civically engaged is one thing, but political requests from bosses can veer toward coercion—regardless of whether bosses intend it. Workplace political recruitment also builds corporate power at a time when businesses already have an outsized voice in national, state, and local politics.

WHY EMPLOYERS ARE INCREASINGLY TALKING POLITICS WITH THEIR WORKERS

Of course, not all employers lean on their workers as heavily as others. Some employers merely remind their workers to register and turn out to vote (like Starbucks and Marriott). But in other cases, employers try to change how workers think about politics. The Midwest home improvement chain Menards, for instance, encouraged its 40,000 employees to take an at-home civics course that argues against government regulation and taxes. Other employers endorse political candidates and causes. The casino giant Wynn Resorts has distributed voter guides to employees that encourage workers to cast ballots for Wynn-endorsed politicians.

And some businesses go even further. In one striking example, workers at Murray Energy were required to attend a rally (without pay) for 2012 presidential nominee Mitt Romney. Murray has a long record of pressuring workers to contribute to company-favored politicians, including, most recently, Donald Trump.

Politicians take employer mobilization seriously. It shows that a well-organized bloc of voters in their districts care about an issue and carries a lot of weight as lawmakers think about reelection campaigns. “Members of Congress want to hear from their constituents, the people they represent,” one company’s VP of public policy explained to the Wall Street Journal about employee outreach efforts. As one of my corporate interviewees put it to me, recruiting employees to write to Congress “creates a heightened sense of importance of an issue” and permits their lobbyists to bring up those contacts in meetings in Congress. The lobbyists might say, “We have 3,500 workers in your district, and this is an important issue for them.” And if workers sent enough correspondence to Congress, it might even be the elected officials who asked the company’s lobbyists about the issue. One example of the concrete success of employee mobilization: Murray Energy’s “wish list” is now President Trump’s “to-do list” on coal policy, according to reporting from the New York Times.

WHY UNCHECKED EMPLOYER POLITICAL RECRUITMENT IS PROBLEMATIC

Employer political mobilization of workers is clearly good for corporate bottom lines. But its effects on American democracy are more concerning. For one thing, my research finds that the workers who are most likely to respond to employer requests tend to be those who carry a lot of weight as lawmakers think about reelection campaigns. “Members of Congress want to hear from their constituents, the people they represent,” one company’s VP of public policy explained to the Wall Street Journal about employee outreach efforts. As one of my corporate interviewees put it to me, recruiting employees to write to Congress “creates a heightened sense of importance of an issue” and permits their lobbyists to bring up those contacts in meetings in Congress. The lobbyists might
who worry that their bosses might retaliate against them if they don’t comply. “There’s a lot of coercion,” lamented one employee at Murray Energy to a New Republic reporter. “I just wanted to work, but you feel this constant pressure that, if you don’t contribute, your job’s at stake. You’re compelled to do this whether you want to or not.”

The Murray employee’s concern is understandable. Many American private sector workers can have their hours or wages changed — or can even be fired — without cause, as long as it is not for reasons related to race, gender, or other legally protected categories. Contrary to popular belief, there is no First Amendment right to free speech in the private sector.

Public sector workers, on the other hand, do enjoy comprehensive political protections in the workplace. For one thing, public sector workers are employed by the government, so the First Amendment applies to them. In addition, many public sector workers are also protected from coercion by strict limits on permissible political activities in government agencies. An important Supreme Court decision in 2016 further extended these protections for public employees in election campaigns, with Justice Stephen Breyer arguing that “the Constitution prohibits a government employer from discharging or demoting an employee because the employee supports a particular political candidate.”

Private sector workers deserve similar protections.

Loss of private sector workers’ right to free political speech and action is not the only issue with unchecked employer mobilization. At a time when people on the left and right think that big companies have too much clout, employer mobilization also bolsters corporate political power. The majority of Republicans and Democrats in recent polling report that too much power is concentrated in large companies. Allowing employers to recruit their workers into politics unchecked threatens to skew politics further toward big business.

NEW WORKPLACE POLITICAL PROTECTIONS ARE NEEDED

What can be done? Congress can add political views to the list of classes protected by the Civil Rights Act, like race and gender. That would bar employers from treating workers differently based on their political views or actions — a protection that workers in nearly all other advanced democracies enjoy. Polling I have done suggests that large majorities from both parties — perhaps some three-quarters of American adults — would support this change.

If Congress does not act, however, there is still much more others can do. States can pass legislation protecting workers from political pressure on the job. Several states, like California, already have such laws on their books, although, as I show in my book, it is unclear whether workers are aware of them and whether managers pay attention to them when crafting political requests. Any new state reforms thus ought to ensure that the laws actually change employer practices.

Barring federal or state action, investors and consumers can push businesses to commit to codes of conduct for politics in the workplace. Many investors already take into account the social and environmental records of businesses when making investment decisions, prioritizing firms that have more socially responsible practices. Investors could similarly avoid companies that do not set clear boundaries on their political messages to workers. Consumer advocacy groups could also help politically conscious Americans reward companies that abide by codes of conduct and boycott those firms that do not.

The United States has long prided itself on a vibrant free speech tradition. But we lack free speech protections in one of the places that most affect our lives: our jobs. Americans shouldn’t have to give up their First Amendment rights when they come into work every day. Political voice — and pressure — at work should be a concern for anyone who cares about our democracy, both at the ballot box and in the workplace.

SPECIAL REPORT

Let’s Use Housing Policy to Bolster Social Impact and Community-led Development

BY DANIEL WU AND CHRISTOPHER CHOU

SUMMARY

According to research on housing development failures and social science, residents often reject development not only because of concerns over congestion and neighborhood character, but also, most significantly, because of outrage over the profits developers will make from development. As a result, state, local, and federal policy-makers should incubate and incentivize what are currently in short supply: social impact and community-led developers. To deal with the secondary effects of increased development activity, this proposal will also increase access to the planning process and protect existing renters as well as owners.

Elizabeth Warren’s new housing bill signals an exciting time for proponents of fair housing. It recognizes that the lack of affordable housing stems not only from land use policies, but also from the lack of capital and weak enforcement against discriminatory institutions. Furthermore, her bill wrestles with the way zoning has been used as a tool throughout history to exclude minorities and low-income families. Minimum lot and building size requirements, for instance, drive up, unsurprisingly, the minimum cost of housing in neighborhoods.

Despite its many strengths, Warren’s bill does not address a critical aspect of housing development: development is owned and produced by a wealthy few. Because it is so expensive, complicated, and highly-regulated, these few have had a say in what our city should look like and whom it should serve. By ignoring this issue, the bill fails to tap into what we argue is an important but underutilized resource: the power of local residents of communities and social impact developers to create housing.

In this article, we offer a proposal that promotes the autonomy and the entrepreneurial spirit of existing communities and diversification of who gets to build housing. The proposal also addresses the secondary effects. In order to deal with the higher volume of development caused by this policy and to mitigate the favoritism of real estate’s “old boy’s” network, this policy will
goals by the developer.

These findings are consistent with rhetoric that have stymied NYC’s recent efforts to build more housing through its mandatory inclusionary housing program. In NYC, for instance, a recent project led by for-profit developer Washington Square Partners that claimed a remarkable 50% affordable units failed to pass. Residents opposed it, fearing the size of the development, ensuing gentrification, and disgust against wealth disparity. As one resident wrote in the comments, “housing rights of working class people in NYC has gone down the toilet in only a few years mainly due to Developer’s GREED AND PROFIT!” At the center of these comments are a concern about distributive justice - disgust against state resources benefiting those who are already in power and privilege.

2. PRIORITIZE SOCIAL-ImpACT AND COMMUNITY-LED DEVELOPMENT

To address these concerns about who gets to benefit from new housing development, governments should adopt incentives and programs to bolster social impact and community-led developers while mitigating any potential harm to local communities. These incentives include the prioritization of regulatory benefits over for-profit development (for instance, relaxed zoning requirements and by-right zoning for small-scale development) and financial benefits (for instance, public land grants). Please see the Appendix for a more detailed listing of incentives.*

Specifically, we developers must keep three following goals firmly in mind: (1) affordability (for instance, primarily serving residents who do not make more than 120% of area median income), (2) efficiency (for instance, innovative construction, acquisition, and financing techniques), and (3) community benefits (for instance, forming partnerships with important local leaders and using data to drive development priorities).

Below are two hypothetical examples of the types of social impact/community-driven development that this proposal will encourage. The first is large-scale community-led development, learning from efforts in Germany and the United Kingdom. Such efforts encourage multiple residents band together and become a nonprofit developer, cutting out the need to return outsized profits to investors. The second is small-scale community-led development, inspired by efforts in Portland, Oregon. Here, individual property owners build more on their existing lots. The third, while not illustrated here, is social impact development. Existing nonprofit community development corporations, housing cooperatives, and public benefit corporations - all of which embed social responsibility in their legal charters - are the primary actors here.

Example 1: Large-scale community-led development

Let’s say a group of 50 residents come together, who come from a mix of incomes, 80% of which make no more than 120% of area median income. They live in a suburban and rapidly growing community that has experienced double-digit job growth due to the growth of the tech sector in a nearby city.

They form a baugruppen, a model of nonprofit community-led development popular in Germany and Austria. The residents pool money together and raise funds from both traditional sources and a community crowdfunding campaign targeted to neighboring homeowners. This community-led model cuts out developers entirely, alleviating concerns about “developer greed and profit.” Their motivation is to find an affordable place to live due to rising purchase prices. 

The residents buy land and work together and become a nonprofit developer, the city provides a slew of financial and regulatory benefits. Given that land costs alone can reach up to 20% of new development costs, the city drastically reduced their acquisition costs by giving a land grant to the nonprofit baugruppen instead of a purely for-profit development. Regulatory costs can take up to 30% of total costs, which is mitigated through expedited review and technical support.

An architect suggested two designs. The first was based on one large-scale community-led baugruppen in Vienna. The other was a medium-height “pocket neighborhood.” A pocket neighborhood is a grouping of smaller lots. The city drastically reduced their acquisition costs by giving a land grant to the nonprofit baugruppen instead of a purely for-profit development. The city drastically reduced their acquisition costs by giving a land grant to the nonprofit baugruppen instead of a purely for-profit development.

After using a tool like CoUrbanize to gather data systematically on key community needs, they identify that the community’s top wishes are (1) more green space for local children to play and (2) opportunities for local entrepreneurs. They also survey the architectural design of the local neighborhoods to ensure the design of their pocket development fits into the character as much as possible. Finally, they partner with the local church, mosque, and YMCA to ensure that they get buy-in from key community leaders throughout their process.

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Viennese Baugruppen
By taking advantage of upzoning and relaxed zoning rules, the baugruppen’s costs per person decrease because they can house more people per lot. They follow “affordability by design” principles, maximizing the use of space through furniture, smart design, and pre-fab construction. By building smaller, yet more plentiful units, they house more people per lot with minimal sacrifice to livability while drastically reducing per unit costs.

To deal with concerns about parking and traffic, they initiate several programs since they are not near an established public transit route. They contribute to a local fund for a bus-, carpool-, and bicycle-only lane in that area. To further incentivize this development, the city prioritizes their neighborhood for new construction for those lanes. The city also provides more frequent bus stops in their area to the nearest subway line; such efforts have made even low-density suburbs like York Mills increase ridership levels that rival most stations in Manhattan.

The baugruppen also partners with transit providers to reduce the need for parking. By working with the car-sharing operator Getaround, one developer, they learned, saved itself from building 77 spots of parking. They partnered with Via for on-demand car-sharing, Lime for bike-sharing, and Dollaride for frequent and affordable access to high-demand, long-distance routes. To further reduce car ownership, they proposed to the city an autonomous car-sharing pilot, learning from one government’s use of his system for school buses in Babcock Ranch, Florida. These efforts reduce the residents’ reliance on automobiles dramatically and catalyze much-needed investments in public transit.

Finally, their homes remain affordable for the long-term. First reason is that the second design better fits into the character of the neighborhood and was still within their budget.

The second design also responds to the key findings from their survey. First, they provide new green space that others in the neighborhood can use. Second, part of their space is open as a farmer’s market every weekend, attracting entrepreneurs who own food trucks, carts, and craft-sellers. Their development, as a result, created more trust between its residents, who saw each other more frequently as the farmer’s market became one of the top attractions of the community.

Example use of smart furniture to maximize space. Ori’s robotic furniture embeds storage, desk, and a bed to save space. It can also be moved to create more living room or bedroom space based on need.
Example 2: Small-scale community-led development

Let’s say an elderly couple has a large house and unused backyard in a rapidly-growing suburban community with a fantastic school district. They are nearing retirement and are looking for extra sources of income. Looking at their large backyard and their large and mostly empty home, they wish to monetize their extra space. The couple consults an architect to build a small backyard structure to create 2 units and rehabilitate their older home so that it can also become 2 units. In other words, they hope to turn their single family home into a fourplex. They desire to rent out 3 units and live in one of the backyard units.

Given that they are rehabilitating their structure on a plot much smaller than that of the baugruppen, they are able to obtain by-right zoning and bypass most of the community benefit requirements. This drastically reduces their regulatory costs. This proposal creates such an exception for small-scale development to reinforce individual property rights, empower local residents who may otherwise oppose new development, and reduce the barriers for them to develop as they are likely to have less capacity than a larger baugruppen.

Furthermore, affordability, efficiency, and community benefit goals are still promoted. Regarding affordability, the elderly couple still has to provide at least 1 affordable unit within 120% AMI and sell the land under the affordable unit to a community land trust to ensure long-term affordability. The couple is also required to use techniques that encourage efficiency and use a facade design that matches the design character of their neighborhood. Their new rehabilitated structure looks the same from the outside, except it has two entrances. For the backyard unit (or accessory dwelling unit, or “ADU”), they draft a design similar to the above. Just as in the first example, the couple uses a host of techniques to reduce the cost of housing: prefab construction, green design, and affordability by design.

As they get older and feel less safe about driving, the couple also realizes the necessity of public transit to stay engaged in their community and reduce congestion. As a result, even though it is a requirement, the couple happily contributes money into a community land trust owns the ground lease. Limited equity cooperatives restrict the resale value of a share to a percentage increase, so that purchasing a share - and thus moving into the cooperative - remains affordable for the long-term. Yet, as NYC saw with its loss of many Mitchell-Lama limited-equity cooperatives, residents may band together to remove resale restrictions and unfairly capture the value of the property in hot real estate markets. To prevent such scenarios, the ground lease of these cooperatives can be sold or gifted to nonprofit community land trusts. These trusts rent these cooperatives on the condition of affordability and prevent the temptations of unfair value capture. Second, they use green design techniques to ensure energy costs remain low for the long-term. Double-pane windows and envelope insulation are used so that houses remain naturally warm in the winter and cool in the summer. Each roof has installed highly-efficient solar.

In the end, the residents were happy with their new community. They developed new friends. They helped each other with childcare and cooking, for instance. And their weekly dinners were a source of fun and community-building, helping each other through hard times. They wrote up their lessons in a case study, providing detailed information from how much their vendors cost to copies of the vendor contracts they used. This information became a useful resource for future community-led developers to use for new projects. To facilitate this type of development, a whole host of new startups and tech companies arose with venture capital financing, fueling further job growth and productivity.
fund for new public transit options, such as bus, carpool, and bike lanes and the city also invests in more frequent and longer bus service to major neighborhood areas and rail lines. Finally, while they had the capital to build their own housing, they also discovered a different option: simply renting out the extra backyard space. A renter could simply rent the space and then purchase a prefabricated house to place in this space. In other words, the renter could cover their own construction and maintenance costs. In return, this renter would have only paid space rent, which is significantly cheaper.

In the end, as the couple transitions into retirement, their extra units have greatly bolstered their quality of life. Much like the baugruppen, they also write up their lessons and share them with other small-scale developers to learn from. Most importantly, they felt empowered. They were able to creatively use and monetize their existing space. In other words, they became entrepreneurs and were proud of what they built and their ability to contribute to the community.

3. INCREASE ACCESS TO THE PLANNING PROCESS

In 2018, the United States suffered one of the highest increases globally in their citizens’ distrust of their government. In contrast, Scandinavian countries, like Sweden, benefited from large gains in trust. Societies with higher trust in government fare better. High-trust jurisdictions like Sweden, are able to invest more into public services and recruit higher-quality people to join the civil service. When citizens see their institutions as being fair and competent, they become entrepreneurs and are empowered. They were able to creatively use and monetize their existing space. In other words, they became entrepreneurs and were proud of what they built and their ability to contribute to the community.

Yet proposing a one-size-fits-all solution among local planning departments is dangerous. Each organization has a set of politics, histories, and environmental pressures that may decapitate the usefulness of any specific policy proposal. Indeed, as we saw from Senator Weiner’s failed housing bill in CA, local governments opposed it en masse because of their concern about “one-size-fits-all” solutions that trample over local context.

To address this concern, this proposal empowers local governments to govern better. Undeniably, this proposal would limit local control to some degree - by providing “by-right” zoning for social impact and community-led development on small plots. Yet it could also provide unprecedented engagement of local citizens to engage with planning departments and promote operational innovation.

So instead of suggesting a one-size-fits-all solution, we propose policymakers provide incentives for local government innovation in local government. As an R&D lab, this policy can provide initial seed grants - taking a page from HUD's 701 grants - to authorities that improve competence and fairness in several key planning processes: permitting, hiring talent, procurement, IT infrastructure, auditing, and construction. The permitting process - which can cost up to $45,000 for a 2,000 square foot home in Portland, OR - is ripe for an upgrade.

In addition to funding, the proposal creates empirically-validated tools that can spur further adoption. Grantees must measure improvements based on standardized metrics and compare their outcomes against a statistically-validated matched-case control group. Grantees will publish results, distill their lessons, and share datasets. The most effective solutions can be scaled and funded further.

These grants, for instance, may fund agencies that adopt these new technologies. One example is Camino.ai, which functions as a “Turbotax” for real estate permits - guiding both big and small developers through the entire process of getting a permit. Others include SeamlessDocs, which helps governments transfer to paperless and electronic data systems, and coUrbanize, which obtains data systematically from residents affected by future development. In the realm of transit, governments can experiment with bus rapid transit with bus-only lanes, which has been shown to be more cost-effective than building light rail in many cases. Governments can also partner with shared transit solutions like Getaround, Lyft Line, and Via (see their partnership with the Los Angeles Metropolitan Transit Authority) to promote carpooling and the reduction of automobiles on the road.

4. PROTECT RENTERS AFFECTED BY NEW DEVELOPMENT

As we saw from Senator Weiner’s 2018 CA bill to upzone areas around transit corridors, advocacy organizations are extremely concerned about protecting existing low-income renters. And for good reason - upzoning a particular area has been linked to increased local speculation, even if new supply may ease prices citywide. Many link the failure of Weiner’s housing bill to its disconnect from established fair housing and anti-displacement movements, which initially opposed the bill.

The proposal here, however, is quite different than the CA bill. In Weiner’s bill, any developer could build up to 5-story apartments next to mass transit stops in the state. Absent from Weiner’s bill, from the start, was a focus on affordability and fair housing, which is strongly present in the initial draft of this proposal. This proposal, for instance, prioritizes developments with at least 80% affordable units. Furthermore, this proposal benefits social impact and community-led development, excluding the large swath of professional for-profit developers that would have benefit from Weiner’s upzoning policy.

Regardless of these critical differences, protections must exist for residents who are being displaced. Informed by the amendments Senator Weiner made to his housing bill due to initial opposition from the left, these policies might include:

• Incentives for existing homeowners to adopt equity protection policies. These protect homeowners from drops in their home values, which many homeowners are concerned about when they see new development happening in their neighborhood.

• Protection of rent-controlled housing. But these rent-controlled units may then be audited to ensure that only those who meet income limits live there.

• Protection of local residents from displacement through a statutory “right to remain” guarantee.

• Researching whether to remove barriers that prevent low-income recipients of social welfare programs from sharing housing.

These policies can mitigate any potential harm to existing renters and homeowners. Furthermore, inclusion of these policies is symbolically important - existing tenants must and should be protected.

CONCLUSION: TOWARD MINIMUM VIABLE REGULATION

It may be worth reducing the scope of this policy to a much smaller and randomized set of opportunity-rich neighborhoods. By limiting the scope, we can develop “minimum viable regulation” to test the impact of this policy and refine it before unleashing it on the general public. Ultimately, for far too long, housing has been created and owned by a few, particularly those who use it as a means of profit generation for the very wealthy. Let’s change that.

For the full version of the article with index, please visit the official CPPR website.
Good Policy Makes Good Politics

BY AMIR KHOUZAM

Imagine for a second that you are in a bookstore, perusing the magazine section, and your eyes come to rest on the latest issue of Progressive Farmer. Splayed across the front cover, over a bleak photograph of a barren field, in big bold font is the title: Why Farm? Does Agriculture Still Matter?

If you saw this, and you were of the type that cared about farming, you’d be alarmed and confused. You would assume that the farming industry had suffered some great crisis of faith, something more than the occasional bad harvest that was forcing it to question its very legitimacy. You would be rightly concerned.

And indeed, we in the policy realm are rightly concerned. The harvest has been worse than bad, times are hard, and it is cause for worry that a publication titled the Columbia Public Policy Review feels compelled to ask whether policy still matters.

The question is more than appropriate. In what were once called the ‘established democracies,’ the last several years have seen populist and demagogic leaders and movements successfully dismiss policy-centric public discourse. Emotive appeals to symbolism have become the currency of electoral politics. “Build the wall” is not, obviously, a policy, nor is “lock her up.” “Brexit” isn’t even a real word, let alone a policy, nor is “lock her up.”

In what were once called the ‘established democracies,’ the last several years have seen populist and demagogic leaders and movements successfully dismiss policy-centric public discourse. Emotive appeals to symbolism have become the currency of electoral politics. “Build the wall” is not, obviously, a policy, nor is “lock her up.” “Brexit” isn’t even a real word, let alone a policy, nor is “lock her up.”

Somehow the term suggests that there is a functionalism when we talk about policy. Somewhere the term suggests that there is a method to these choices; that good policy is both a means and an end, a way of shaping choices and an expression of hope in what those choices will yield. Public policy is the activity we engage in when we place in the service of the public.

In this understanding, engaging in policy is visionary and idealistic, the practical expression of the belief that we can deploy systems of inhuman scale in the service of human goals.

Unlike politics, its distant cousin, the beauty and measure of policy is in its depth and complexity rather than its aesthetic. This level of sophistication allows good policymaking to sometimes act as a bulwark against bad politics.

We see this across the United States today, where policymakers at the state and municipal level have helped compensate significantly for the Trump administration’s withdrawal from the Paris Agreement at the federal level.

Policies adopted by 62 cities across the United States, including New York, Chicago, and Atlanta are on track to reduce American carbon emissions by 328 million tonnes per year by 2050. The efforts of policymakers in lower levels of government might cumulatively be enough to stave off the catastrophic consequences that would otherwise accompany the political indifference expressed by the federal administration.

There are other examples of such dissonance between policy and politics. Even as the rhetoric around gun violence and police-community relations has taken a major step backwards in the U.S., consultations are being held in cities and towns across the country to create local policies that build trust and break down stereotypes.

One such program has seen the Atlanta Police Department encourage its officers to purchase property in inner-city neighborhoods to encourage interactions between police without in uniform and communities, and to deepen familiarity from a community and police perspective.

Despite the newfound political support for traditional American manufacturing industries, small towns everywhere are embracing smart policies that harness new technologies in support of fresh industries and improved quality of life.

“Small Towns Can be Smart Cities Too” is the headline from the Smart Cities Council, which highlights the steps Seat Pleasant, Maryland has taken to incorporate IBM’s Internet of Things (IoT) software into its city planning suite. The software will allow residents to request and track city services online, while making the municipality’s operations more affordable and efficient.

And yet, this is still not enough.
“Hunker down and wait” cannot be all that policymaking has to offer. Fortunately, good policy can be more than just a fortress. It can and should be an incubator for societal outcomes that will in turn add up to better politics.

This policy effect is most dramatically illustrated by examples of its absence. In the spring of 2011, in Cairo, young people turned out to protest the cruelty of their government and the structures of their society. Over the course of eighteen days, a groundswell of civic boldness fostered a space for art, culture, and political experimentation. There was real power there, enough to topple a 30-year old authoritarian regime, and to sustain a presence in the streets of the capital for nearly a month.

Mubarak’s Egypt was ill-equipped to foster or support civic engagement at such scale. In the absence of institutional capacity and outlets for organized policy experimentation, the Egyptian revolution was hijacked by existing disciplined and structured forces. The chaos of the years that have followed it is beyond the scope of this paper. Suffice it to say that today Egyptian activists and civil society actors have more severe repression than even during Mubarak’s later years.

What might have happened had smart, empathetic, and enthusiastic policymakers been empowered to constructively guide the energy of Tahrir? There are people seeking to build peace capacity and in even more extreme situations. The admitted modest global efforts that the Paris Agreement harnessed were about mitigating global temperatures rises by the end of this century.

Unlike politics, policy is about tomorrow. We do ourselves a disservice if we allow today’s cynicism to prevent us from investing in the future.

However, as much as good and smart policy is a defence against demagoguery and an investment in future innovation, it is as deeply vulnerable. If public policy can be harnessed to produce positive future outcomes, there is nothing to prevent it from being equally serviceable to dangerous and regressive visions of tomorrow. This danger is very real: all it takes is apathy on the part of thoughtful people.

If we disengage, we can be sure that someone else will step in. Apathy, then, is not an option. The answer to why we must bother is that, if we don’t, we risk giving up a powerful tool for future change. We risk surrendering the politics of the future to the same vanity and shallowness that has so pervasively infected the politics of today.

You reap what you sow. Ancient yet sage advice, certainly for readers of Progressive Farmer, and of these pages as well.

UNLIKE POLITICS, POLICY IS ABOUT TOMORROW. WE DO OURSELVES A DISSERVICE IF WE ALLOW TODAY’S CYNICISM TO PREVENT US FROM INVESTING IN THE FUTURE.

Artificial Intelligence and the New Nuclear Age

BY JEENHO HAHM

T

he second nuclear age has already begun. The global nuclear environment in 2018 is characterized by nine powers with different capabilities, intent, and relations to one another, as opposed to the Cold War’s mainly bipolar framework. Nuclear weapons technology is increasingly accessible, and has enabled rogue regimes like North Korea to become a major geopolitical player. International nonproliferation mechanisms have been struggling to produce a permanent agreement in the past decade. Another paradigm shift is the advancement in precision strike and sensor technologies, which are “eroding the foundation of nuclear deterrence”. Traditionally, the difficulty of accurately targeting the enemy’s nuclear arsenal had allowed threats of retaliation to be credible on both sides of the strategic competition. This also came to be known as “mutually assured destruction”. However, heightened vulnerability to detection and precision strikes has led to heightened mutual anxiety and temptation for preemptive strike, while the nuclear weapons themselves remain destructive.

Nuclear powers have already begun a sweeping update of their aging arsenal. In the US, the Obama administration began replacing all three legs of the nuclear triad with new land-based missiles, strategic bombers, and ballistic missile submarines. The nuclear modernization is projected to cost around a total of $1.2 trillion by year 2046, accounting for about 6.4 percent of total defense budget. The Trump administration is continuing the plan and adding new types of weapons capabilities, including low-yield missiles. The

bipartisan commitment reinforces the notion that nuclear deterrence will continue to be the “foundation” of U.S. defenses. Russia has initiated even a more robust nuclear modernization program. One example is the new autonomous underwater vehicle (AUV) known as Ocean Multipurpose System Status-6, which would be launched from submarines, autonomously circumvent antiship defenses, and strike on the U.S. coastline with its nuclear warhead. Russia, China, and the US are testing hypersonic glide vehicle that could travel at five times the speed of sound and render current defense systems useless. Although no one has explicitly acknowledged the intention to mount nuclear warhead on hypersonic weapons, it is a growing possibility.

**ARTIFICIAL INTELLIGENCE AND NUCLEAR STABILITY**

The second nuclear age is also likely to coincide with the rapid advancement and ubiquity of AI technology. Artificial intelligence has long been defined as the “science of making machines do things that would require intelligence if done by men.” There are three types of manners in which AIs operate differently from previous human inventions. First, AI algorithms are designed to make decisions using real-time data, as opposed to mechanical or predetermined responses. Second, machine learning takes data and looks for underlying trends and useful patterns on its own. Third, AI can learn and adapt on its own while making decisions.

The global competition for AI superiority has begun, and military developments are outpacing civilian applications. China has declared its national plan to be the global leader of AI by 2030 with the industry worth almost $150 billion. China’s military is preparing for “intelligentized warfare” in the future. Russian president Vladimir Putin declared that whoever becomes the leader in AI will become the “ruler of the world.” In the U.S., the funding for AI research by the private sector and academia “dwarts” that of the government, but its military has created a new Algorithmic Warfare Cross-Functional Team (AWCFT). Such trend has led to concerns that “competition for AI superiority at national level will be the “most likely cause of [World War 3].”

Experts’ opinions on AI’s impact on nuclear stability are divided into three broad categories. The first category is “Complacents,” who believe that AI technology would never reach the level of sophistication to handle the challenges of nuclear war, and therefore, AI’s impact is negligible. The second category is “Alarmists” who believe that AI must never be allowed into nuclear decisionmaking because of its unpredictable trajectory of self-improvement. The last category is “Subversionists” who believe that the impact will be mainly driven by “an adversary’s ability to alter, mislead, divert, or otherwise trick the AI.”

AI could be used for tracking mobile missile launchers by accumulating data and detect underlying patterns, or as a “decision support system” assisting humans on complex matters of planning, training, response, and crisis management. In many cases, AI could upset the “foundations of nuclear stability and undermine deterrence by the year 2040.” The breakthroughs could increase the pressure to “use [AI] before it is technologically mature”, subvert adversary’s AI, or launch the first strike based on the “perception” of adversary’s advanced AI capabilities. On the other hand, there is also a possibility that AI’s ability to produce more reliable information and foster transparency could reduce distrust as well as risk of nuclear war.

The rise of AI also reveals another urgent global issue: cybersecurity. Nuclear weapons were developed before the digital revolution, but now face new cyber risks in command and control communications, data relay between platforms, the supply chain, and many other supporting structures. Although AI can help defend networks, adversaries can attempt to “subvert” AI capabilities by replacing data with erroneous sample or false precedent and by more subtly manipulate inputs after AI is fully trained. This means that cybersecurity would become even more critical in ensuring that no system error or manipulation would lead to global catastrophe.

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AI must be treated like a drug that could prove to be vital at certain times, but still need to be used in moderation.

RECOMMENDATIONS

Studies have concluded that the U.S. must focus on preserving AI technological leadership while avoiding catastrophic risks at all times. Here are three additional recommendations for achieving the objectives.

First, the U.S. Strategic Command (STRATCOM) must create a new division dedicated to studying and managing the role of AI in its nuclear command and control mission. This includes space operations, global strike, global missile defense, and general command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR). STRATCOM must work with partners to synergize its legacy technologies with burgeoning AI in order to “deter strategic attacks and employ forces, as directed, to guarantee the security of our nation and our allies.”

Second, the Pentagon needs to create an AI strategy and doctrine to clarify how much decision-making authority is allowed for AI, and which type of systems AI can be integrated into. Humans must retain most of decision-making authority, but under extreme circumstances such as shooting down multiple incoming missiles or pinpointing circumstances such as shooting down international cooperation, which have been proven to be more strategically viable than maximum lethality in the past, may prove to be even more imperative in the future.

The ongoing transformations are reminiscent of the advent of the nuclear age. Following World War II, global power balance was radically restructured, and the new type of military technology with the unprecedented amount of potential sparked a period of uncertainty. Today, there is no consensus on what the potential impact of AI would be on nuclear stability. AI could provide solutions to the issues of objectivity and productivity, or it could destabilize humanity if it is left to prioritize efficiency and expediency over ethics and wider socio-political implications. AI must be treated like a drug that could prove to be vital at certain times, but still need to be used in moderation.

Perhaps, the most important lesson that could come out of the new nuclear age experience is that, enhanced decision-making and international cooperation, which have been so vulnerable, yet one aspect of trade doctrine must acknowledge the value of AI while simultaneously curbing the military’s overreliance on the technology. Lastly, the U.S. must take the lead in establishing international laws and norms on the military usage of AI. Instead of drafting up new laws, governments could augment current WMD nonproliferation treaties to prevent AI technology from falling into the wrong hands. Since much of advancement in AI technology is spearheaded by the private sector, governments must weigh economic costs and benefits. The U.S. must work closely with its allies to establish a united front on AI, and reach an arms control agreement on AI with its near peer competitors.

TRADE POLICY HAS NEVER BEEN SO VULNERABLE, YET ONE ASPECT OF TRADE HOLDS PROMISE FOR THE FUTURE - THE SURGE OF CROSS-BORDER ACTIVITY IN THE DIGITAL WORLD

International trade is facing a crisis of confidence in these globally fraught times. For decades until the financial crisis in 2008, trade in goods and services grew at twice the rate of the global economy, but 2018 is expected to be the seventh year in a row in which trade has failed to grow at its historic rate. Trade has traditionally been viewed as a driver of development, but conceptions of inequitable globalization that have fuelled protectionism across the globe have weakened trade as a means of implementation for economic growth. The United States has imposed $250 billion trade measures through three tariff rounds on Chinese products in 2018 to stop the “unfair transfer of American technology and intellectual property to China.” It has also imposed levies on imports of steel and aluminium from Canada, European Union and Mexico. All of these countries have retaliated, sparking fears of a global trade war that could destabilize some of the economic expansion since 2016. Trade policy has never been so vulnerable, yet one aspect of trade holds promise for the future - the surge of cross-border activity in the digital world.

The U.S. International Trade Commission (USITC) defines digital trade as the delivery of goods and services or commerce in products and services online by firms in any industry sector. In 2018, global e-commerce was worth $28 trillion, increasing by 44 percent since 2013. Small and large firms alike are leveraging cloud computing, machine learning, data-driven algorithms and the internet of things to drive productivity and efficiency in the global economy. As economies become increasingly digitized, goods, services, finance and information can traverse borders and boundaries more frequently and more easily than ever before. Small businesses that lacked access to a large customer base due to geography and capacity constraints have the option to trade goods on digital platforms like Alibaba and Amazon, giving them the
Individuals benefit from the increased access to digital trade as well. In 2017, an estimated 1.66 billion people worldwide purchased goods online, contributing to global e-retail sales of US$ 2.3 trillion. Growth in the sales is expected to double by 2021. The buyers are not only in western countries, but also in Asia-Pacific. In 2016, e-retail sales accounted for 12.1 per cent of total retail.

Despite the potential of digital trade to unlock revenue generation, productivity, efficiency, and inclusivity for businesses and individuals, many governments have responded to the positive trends in cross-border digital flows by seeking to control them and place restrictions on data leaving their borders, although transnational data transaction underpins digital trade. There are a growing number of laws and rules to block the flow of data and digital goods and services across borders, which restrict the ability of firms to make maximum profit out of their digital businesses. A number of laws that exist currently seek to address legitimate policy goals, like the General Data Protection Rule (GDPR), which protects the data and privacy for all individuals in the European Union (EU). However, many of the laws are protectionist and counter-productive in nature. The digitization of the trade realm poses difficult governance challenges both domestically and internationally. Governance frameworks, trade agreements, and the rules governing the flow of cross-border activity will need to evolve to harness the full potential of global digital economy.

The World Trade Organization (WTO) has been the traditional custodian of the multilateral trading system, but it has failed to adequately cover the rules governing digital trade especially as multilateralism is challenged in the face of increasing bilateralism. A few agreements like the Trans-Pacific Partnership (TPP) and the US-Korea Free Trade Agreement (KORUS) contain certain rules around transactions involving data exchanges, but these are not necessarily replicable to other transactions involving cross-border flows. There are a number of reasons contributing to difficulties in framing rules of the digital economy.

Firstly, there does not seem to be a consensus around whether current trade frameworks (multilateral, bilateral and others) are adequate to govern digital transactions. There is also a definitional challenge to digital trade. Should the rules apply to all e-commerce transactions, encompass the digital economy, or any type of transaction involving data?

Secondly, uniform trade governance and trade investment frameworks to direct rules will be difficult to attain because of heterogeneity. Traditional trade agreements and their frameworks have been determined on the basis of mercantilist dynamics of negotiations with an exchange of concessions, mostly to try to manage spillovers caused by domestic politics. These agreements are negotiated between countries that are heterogeneous in terms of their capabilities to absorb uptake of technologies, so they will have different strategic incentives for digital trade policy.

Lastly, countries may not have the capacity to organize the governing frameworks to upgrade their business models and value chains or to leverage the opportunities from a macroeconomic perspective. This challenge is exacerbated by the rapid change in costs of technology, barriers related to frictions in digital environments, and regulatory concerns including privacy, intellectual property rights and access restrictions. An ideal framework would be established though a cross-sector partnership of policymakers, digital businesses, and regulatory bodies that will create an environment to fully unlock the potential of digitization while mitigating the negative consequences that accompany the digital realm.

The trading system has come under fire in the last few years, and especially in 2018. Digital trade presents an unbounded frontier through which economic activity can be stimulated and trade of goods and services across borders can be resuscitated. The next decade will determine whether we can use the opportunity to either refine current global trade policies, or revamp the policies in order to make them more relevant to the state of the field of digital trade. The question for the international trade governance system to answer is which activities will be unleashed and which ones restricted and how this will serve the power dynamics of the existing rules framework today. Digital trade can be fully harnessed if the rules surrounding it are determined by a bottom-up, consensus-building processes, and re-establishment of trust in the system to uphold the values that traditional trade rules have sought to uphold, which is to promote a fair, open, transparent, and inclusive trading system.

You’re Killing Us on China, Mr. President
BY JASNEET HORA

On January 8th, 2018, the student delegation from Columbia’s School of International and Public Affairs (SIPA) met with officials from the China Institute of International Studies (CIIS), the in-house think tank for China’s Ministry of Foreign Affairs. We discussed their famous “One Belt One Road Initiative” (B&R), which is Chinese President Xi Jinping’s flagship infrastructure project that includes over 60 countries spanning across Asia, Africa, Latin America and Europe.

During a May 2017 conference, President Xi championed this initiative as a way to “uphold and grow an open world economy.” He all but invited the United States to join, saying that “all countries, from either Asia, Europe, Africa or the Americas, [should] be international cooperation partners of the Belt and Road Initiative.”

Our hosts at CIIS elaborated on the opportunity that this initiative posed by describing the benefits that other nations have already acquired, especially the $14.5 billion in direct Chinese investment that had led to 180,000 jobs created in those countries. In terms of benefits to China, they merely described how the initiative offered China “a precious opportunity to learn how to behave on the world stage.”

Yet, this Chinese coyness doesn’t quite match up with the rhetoric behind closed doors. In leaked remarks from a January 2017 Communist Party meeting, a top general and strategist for the party leadership, Major General Jin Yinan, described America’s recent withdrawal from the world stage as an opening for China: “We are quiet about it. We repeatedly state that ‘Trump harms China.’ We want to keep it that way … [but] as the U.S. retreats globally, China shows up.”

In fact, the FY 2018 budget released by the Trump Administration proposed a 37% reduction in foreign aid and development, containing scant mention of investing in Asian countries and all but ceding leadership in the continent to China.

China has already begun to take advantage of this opportunity. Faced by sluggish economic growth and falling exports, China has become too-dependent on government investments in recent years, and seeks to shift from an export-driven growth model to a consumer-driven one. China’s economic growth has been steadily slowing in recent years, from 10.3% in 2010 to 6.8% in 2017, while China’s debt has grown to 250% of its GDP, prompting a downgrade of its sovereign debt rating from Moody’s. Through the B&R initiative, the country is able to export their top-of-the-line construction and engineering expertise into new markets, while simultaneously creating new markets for their goods and services. At the same time, the argument goes, the beneficiaries are able to fast-track their development by building bridges, railways, ports and other critical infrastructure with Chinese investment.

However, the picture becomes significantly less rosy when considering the terms often placed on these investments by Beijing, as well as the threat to national sovereignty when the finances go awry.

Sri Lanka illustrates a telling example of the risks that could come with accepting Chinese money. In 2010, Beijing invested $1.5 billion to fund the development of a strategically vital port in Sri Lanka’s Hambantota district, despite the fact that it was largely seen as an economically unviable project from the get-go. By 2017, Sri Lanka’s debt had skyrocketed and the loan went unpaid. That year, Sri Lanka was forced to come to the bargaining table with China to discuss terms of repayment. While the full details of the plan have not been made public, we do know that by December 2017, Sri Lanka formally ceded control of its port to China in a 99-year lease.

This granted Beijing a long-term strategic asset by adding a ‘pearl in its string of pearls’ – it allowed them to have a presence in the Indian Ocean, an area with key shipping lanes through which much of the world’s trade passes en route to China. More importantly, it allowed China to project their power to India, with whom they are engaged in a shadow boxing match for the future of Asia’s trade; Sri Lanka long has been a key ally of India.

The economic benefits from the Belt and Road Initiative are closely intertwined with China’s national security interests. At a recent SIPA event, Dr. Andrew Nathan, renowned China expert and professor of political science at Columbia, described how China’s willingness to invest in other countries benefits the country politically when “nobody else is playing the game – there’s only Chinese money available – and so there’s only upsides in it for Beijing.”

One of the biggest advantages of the initiative for China is the excuse to create new strategic military bases, as China did in Djibouti for the first time in 2016. The base, which was financed through a $1.4 billion investment package under the Belt and Road Initiative, houses critical military infrastructure such as barracks, storage and maintenance units, as well as docking facilities for China’s naval fleet. Due to Djibouti’s location at the southern entrance of the Red Sea on the route to the Suez Canal, the opening of the base establishes China as a central player in Africa. The base allows China to take the lead in the region’s top security issues, such as combating piracy, peacekeeping, and counterterrorism.

Countering this Chinese dominance requires a sea change from this current Administration’s approach to international development, and will likely require leadership from Congress. A well-crafted development plan must include funding for critical infrastructure, such as roads, railways, canals, as well as for key needs such as power and medicine. When done currently, such a plan has the potential to address some of the root causes of the problems facing the United States, such as migration patterns from Central America and extremism in parts...
of Asia and Africa. When done correctly, strategic international aid has the potential to stimulate economic progress, increase security cooperation, and promote democratic values around the world.

Describing the recently-initiated Marshall Plan in 1949, President Harry S. Truman affirmed his belief that the Marshall Plan was an investment on peace, when he said that "in years to come, we shall look back upon this undertaking as the dividing line between the old era of world affairs and the new—the dividing line between the old era of national suspicion economic hostility, and isolationism, and the new era of mutual cooperation to increase the prosperity of people throughout the world." In the years to come, Truman's prediction would prove true. Following World War II, President Truman and Secretary Marshall decided to help rebuild Western Europe and counterbalance Soviet threats with the Marshall Plan. At the same time, Truman and Marshall sent aid to allies in Asia, and tens of thousands of even more Americans ended up giving their lives fighting communist threats in Asia throughout the Cold War. This great sacrifice in blood and treasure ultimately led to the rise of powerful European and Asian allies who rebuilt themselves and helped the US win the Cold War, uphold liberal international order, and reap economic benefits immeasurably higher than the amount of aid the US had provided.

International aid programs are proven to be one of the most successful tenets of United States foreign policy by consistently producing the highest dividends for the investment; in short, the aid program is the most cost-effective way of securing America’s long-term interests and cementing our position of leadership in the world.

We are quickly eroding that position of leadership, as the Trump Administration retreats from the world and allows our competitors to set the global agenda. Unless we propose our own robust and comprehensive strategy for international development, we may look back at this time as the defining line between the old and new era was again redefined – and we ended up on the wrong side.

The United States must offer its own robust and comprehensive strategy for international development, or risk losing its economic, security, and leadership advantages around the world.

No Amnesty for Americans

By Amanda Schmitt

As the "court of last resort" for trying individuals for crimes against humanity, war crimes, and genocide, the International Criminal Court (ICC) has been criticized for having a Western bias since its inception with the Rome Statute in 2002. This assertion, however, may be refuted finally, as the Court takes on one of the most contentious cases yet. ICC Prosecutor Fatou Bensouda submitted her Request for Authorization to the designated Pre-Trial Chamber to begin a formal investigation into the "situation" of Afghanistan on November 20, 2017. This investigation could lead to arrest warrants against Afghans and Americans. The world awaits the Chamber's determination.

When the ICC conducts a preliminary investigation on any country situation, the Prosecutor assesses potential crimes under its jurisdiction. The three categories of parties and associated crimes determined in the preliminary investigation in this Request include: crimes against humanity and/or war crimes by the Taliban, Haqqani Network, and affiliated armed groups; war crimes by members of the Afghan National Security Forces; and war crimes by members of United States armed forces (in Afghanistan) and members of the Central Intelligence Agency (in "black site" detention facilities in Afghanistan, Poland, Romania, and Lithuania).

Many Americans claim moral superiority, yet hypocritically justify actions like torture for a presumed greater global good. We can never again allow popular sentiment around American exceptionalism extend to inhumane conduct amounting to accountability for war crimes. Torture techniques have not yielded helpful intelligence, so even from a pragmatic, utilitarian standpoint, such tactics should be eliminated.

While the US is not a State Party to the ICC, the Statute grants the Court jurisdiction over any crimes within the territories of states that are party to the Statute. These crimes must meet its standards for gravity (severity) and complementarity (a lack of relevant national proceedings).

Afghanistan, Poland, Romania, and Lithuania are State Parties to the ICC, so the ICC has jurisdiction over any conduct related to the situation in Afghanistan on these territories. This parameter also indicates that the ICC does not have jurisdiction over any Afghan detainees in Guantanamo Bay, Cuba, as neither the US or Cuba are State Parties.

The war crimes charges currently stated against the members of US armed forces and members of the Central Intelligence Agency (CIA) include torture and cruel treatment, outrages upon personal dignity, and rape and other forms of sexual violence.

The 181-page Request includes nauseating details of the gross abuses of detainees by some American intelligence officials and service members. Worse, some detainees suffered these injustices without the benefit of due process; numerous individuals may have been innocent or forced to collaborate with the Taliban, Haqqani network, or Al Qaeda by threats to themselves or others.
“Last year, I just felt kind of angry and impassioned. This year, I just feel like I’m in it for the long haul.” These words, spoken by Ann Dee Allen from Wisconsin at the second annual Women’s March held this past weekend, encapsulate the political potential, which over the past year, has emerged as the greatest strength behind this progressive groundswell. Themed #PowerToThePolls, this year’s March not only provided a much needed dose of inspiration in the midst of the usual chaotic, depressing storm of Trump-era headlines and troubling policies, it—more importantly—proved that this female-fuelled movement has staying power.

Emboldened by the #MeToo movement against sexual violence and the recent electoral victories over Republicans in Virginia, Wisconsin and Alabama, the one million people who demonstrated last weekend sent a crystal clear message that feminists can no longer be silenced in the U.S.. Progressives are extremely motivated and prepared to transform their passion into real political change by “flipping those seats” in this year’s forthcoming calendar of midterm elections, which will culminate November 6 when all 435 seats in the U.S. House of Representatives and 33 of the 100 U.S. Senate seats will be contested. The Women’s March organizers used the March as an opportunity to launch a massive national voter registration campaign to register over 1 million new voters in time for the midterm elections, and the momentum is palpable.

Yet, despite the positive buzz, not everyone was happy with last weekend’s Women’s March. Disillusionment with the Democratic Party persists amongst many disenfranchised, marginalized groups—such as some members of the Black Lives Matter and the LGBTQ+ community—who feel that the march events do not accurately represent women’s liberation and intersectional feminism, but rather liberalism and the Democratic political agenda. To put it bluntly, many people feel that this march is for middle-class liberal white people. While I certainly cannot argue that there is some truth in this sentiment—having attended...
Days before the Fourth of July, as you planned your barbecue or dreamed of poolside bliss, the Federal Court ruled that there was no evidence that the Trump Administration had not acted with “a strong showing of bad faith.”

The citizenship question on the upcoming 2020 census has critics arguing that the question will depress the count amongst immigrant communities fearing the census due to threats of targeting or deportation. As a result, the question poses a threat to an accurate and fair count, targets immigrant communities, and undermines democracy.

While the Federal government’s actions are likely to depress participation, municipalities are incentivized to ensure the most accurate census count possible, and are working to encourage people to participate.

On July 3rd, Judge Jesse Furman, of the Southern District Court of New York challenged the Department of Justice to provide more documents by July 23rd to prove that the question was not ill-founded. This ruling comes as a response to the legislative action and leadership of a myriad of civil groups and local governments that argue the citizenship question is unconstitutional.

Following the 23rd deadline, Judge Furman allowed the lawsuit to proceed. Advocates, activists, and local governments now wait to hear if the question will remain on the census and further exacerbate an undercount of vulnerable communities.

An undercount in the census is nothing new but has grave repercussions on governance, particularly in cities. In what some say is a politically motivated decision, the census threatens the functioning of cities as they are reliant on federal funds, to the tune of approximately $675 billion in fiscal year 2019, to support programs like social services, affordable housing, infrastructure and more, the appropriation of which is dependent on the census.

The census also plays a vital role in the redistricting of electoral districts across the country and as a result the apportionment of elected officials to each state, city, and district. By virtue of the census being every ten years, decisions and counts of city populations will have an impact for years after the census. The repercussions of the citizenship question then goes far beyond the immediate threat of an undercount and results in the lack of representation and in turn disenfranchisement of immigrants for generations to come.

While the majority of the legislative action is taking place at the Federal level, cities are stepping up to protect their constituents, an increasing portion of whom are noncitizens due to inaction on immigration reform at the federal level. The bipartisan US Conference...
of Mayors has already filed a lawsuit to block the Trump Administration from adding the citizenship question onto the census, but the decision may be too little and worse, too late. In the present, cities and civic bodies are taking action to mitigate the negative impact of the question through a variety of education, outreach, and data initiatives.

The Mayor’s Office of Immigrant Affairs (MoIA) is leading the charge in New York City by coordinating community engagement and outreach initiatives across departments. First, with the launch of the Get Counted NYC campaign in advance of the census, the department will work with the Census Bureau to find local communities with low response rates and prioritize them as outreach areas. Studies like this one conducted by two academics from Princeton University in 2011 show that when leaders encourage participation within their own community, the decision may be too little and worse, too late. In the present, cities and civic bodies are taking action to mitigate the negative impact of the question through a variety of education, outreach, and data initiatives.

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Miami has a different approach entirely to mitigate the harm posed to immigrant communities. In an editorial for a community newspaper, Councilmember Anna Hochhammer urged her constituents to leave the citizenship question blank regardless of their citizenship status to “send a message to Washington D.C.” and protest the “politicization of the census.” Another mayor, Mayor Garcetti of Los Angeles has signed a series of twenty-one executive directives among other things creating Census Liaison roles in each municipal department dedicated to ensuring an accurate count of the city.

Cities are also uniquely capable of fighting back because of the diversity of civic actors they play host to. Universities like the University of Chicago have historically played a vital role in providing the data necessary to run effective public education campaigns that encourage people to complete the census. Furthermore, philanthropic organizations in Chicago, like Forefront, are working to increase 2020 census funding for outreach at the regional and local level.

Civic groups are also crucial in this fight. Director of the CUNY Mapping Service, Steven Romalewski, is one of the people behind the Hard to Count map. Mapping “hard to count” communities by documenting record low response rates across the country, the project provides assistance to local elected officials, community organizers, and State governments seeking funding for census outreach. To date, the Hard to Count map has worked with the California and Washington state governments, local municipalities and community organizations and even public libraries to create and distribute education and census material. New York Immigration Coalition too are running an initiative called New York Counts 2020, led by Elizabeth OuYang encouraging New Yorkers to submit a public comment and sign a petition to oppose the citizenship question.

There are numerous challenges between now and April 1st, census day, 2020. First, as Tom Wolf from the Brennan Center sees it, right now the problem is a moving target. Waiting for the Federal Court’s final decision, civic actors and advocates are in the dark about whether the question will remain on the census. Moreover, this uncertainty stops them from doing the work right now, on the ground, to get mobilized and ensure their constituents get counted.

Another challenge is that in conducting outreach to and identifying local immigrant, more specifically undocumented, communities to mobilize, civic groups and local government are vulnerable to federal intervention. The recent revelation that the 1940 Census data was used by the Federal government to intern Japanese-Americans did not surprise many disenfranchised communities, but it certainly increased their distrust of the government, already at an all time high according to Pew Research Center, and their tools like the census. Moreover, any outreach or canvassing attempts to map immigrant communities may be stored insecurely. Representatives from the Mozilla Foundation spoke earlier this Spring at RightsCon, a conference on human rights and technology, about the need for civic advocacy groups that work with vulnerable populations and collect information on them to prioritize shrewd data initiatives. These data initiatives look like securing networks, creating better digital infrastructure, and running data security trainings at the local level to ensure that any email they send to a fellow advocacy body or phone number they collect from an immigrant community leader is not vulnerable to misuse.

The citizenship question is more than just a decision made in bad faith for cities — it is an existential threat to their core functioning and the livelihoods of many of their constituents. Many of them are stepping up to fill the void the Federal government has left when it abdicated its constitutional mandate of a fair and accurate representation. Whether or not the question stays on the census, municipalities are building infrastructure and using a mix of initiatives to bolster an accurate census and protect vulnerable populations. A mix of education, outreach, and data initiatives will help cities ensure and bolster an accurate census in 2020 and protect vulnerable populations, but they need the public on their side too. If you’re reading this before or on August 7th, 2018, you may still have time to have your say and uphold what is as inherently American and constitutional as supporting your neighbor and apple pie. Consider submitting a public comment today to ban the citizenship question on the census.
Eric Hughes, co-founder of the Cypherpunk Movement, made the following declaration in 1993: “We cannot expect governments, corporations, or other large, faceless organizations to grant us privacy out of their beneficence. We must come together and create systems which allow anonymous transactions to take place. We the Cypherpunks are dedicated to building systems. In his manifesto, Hughes argued for strong and open access cryptography as well as networked systems independent of the modern Internet. Hughes believed that the responsibility for securing free speech and democracy in the digital age would fall to the programmer rather than the government. Hughes’ manifesto is unapologetically idealistic, a naive view of the future technology policies. If policymakers have only recently recognized the importance of HTTPS, two decades after the protocol’s inception, how can we expect them to develop policies for technology as esoteric as artificial intelligence, quantum cryptography, or blockchain technology?

Let’s be clear, I am not suggesting lawmakers are unintelligent. What I am arguing, is that Congress currently lacks the specific technical knowledge necessary to develop an informed policy concerning emerging technology. For example, as of 2016, only 4 of the 535 members of Congress had possessed any formal education in computer science. Unfortunately, we have seen the results of this dearth of technological knowledge manifest in the FBI-Apple encryption dispute. In the aftermath of the 2015 San Bernardino shooting, encryption debates garnered renewed mainstream attention. As the FBI grappled with Apple in the courts, policymakers explored options to obviate the need for litigation in the future. The loudest voices, however, were often the most uninformed. As a result, the “Golden Key Law,” a concept that called for legally mandating the creation of digital “backdoors” in personal devices, gained traction in Congress. The basic idea was that the good guys would have special access to mobile devices to gather evidence, thus protecting Americans from the bad guys. The idea, unfortunately, has two glaring weaknesses. First, malicious actors could simply switch to open source encryption applications, making the proposed law irrelevant. Second, it assumes that mistakes never occur, and the proverbial “golden key” would remain out of the reach of malicious actors. History, however, demonstrates that mistakes do happen. In 2016, Microsoft failed to patch a bug in its software, resulting in the leak of Microsoft’s “Golden Keys” for Windows Secure Boot. Simply put, a basic understanding of encryption and some perfunctory research would have made it clear that a “Golden Key Law” wouldn’t stop malicious actors, but would endanger regular users.

The point is simple: technology has left our policymakers behind both in the technical and philosophical sense. For example, the open-source encryption previously mentioned is wholly consistent with Eric Hughes’ mantra, albeit with results Hughes may not have intended. His philosophy, which was likely ignored in 1993, is having real-world policy implications in 2018. Additionally, the Cypherpunk ideology is not the only tech movement shaping the course of technological advancement and usage. For example, The Free Software Movement, notable for its hand in developing the Linux operating system, advocates for the free and open study, manipulation and redistribution of all software. Mark Zuckerberg has pushed the idea that greater connectivity and transparency, facilitated by Facebook, could bring about positive global change. There are numerous tech-focused ideologies and as the Cambridge Analytica scandal has demonstrated, each one can affect our politics and our society. It is no longer enough for policymakers to wax poetic about Ayn Rand or quibble over the merits of socialism versus capitalism. The Digital Age is here. Policymakers can continue to ignore the techies and their idealism, however, to do so risk politicians regalating themselves to irrelevance.
Making North Korea WannaCry

BY JONATHAN SONG

On December 18, 2017, Assistant to the President for Homeland Security and Counterterrorism Thomas Bossert publicly attributed the massive “WannaCry” cyberattack to North Korea in a Wall Street Journal article1. He followed up his published piece with a White House press briefing the following morning.

Why did the United States government decide to make the public announcement seven months after the attack, after U.S. and British intelligence agencies had already attributed WannaCry to North Korea back in June 20172?

As of May 17, 2017, the ransomware strain known as “WannaCry” infected more than 400,000 victims across the world3 by using the ETERNALBLUE exploit as a propagation method4. Simply put, the strain of malware encrypts the files of the victims’ computers, rendering the files unreadable and the computers unusable unless a ransom was paid in Bitcoin, a common cryptocurrency.

In general, actors carry out ransomware attacks to make a profit. Sanctions seem to be ineffective, considering North Korea’s continuous violations of international nuclear non-proliferation agreements. In response to additional economic sanctions, the regime’s appetite for cryptocurrencies also increases as it seeks to increase its liquidity. This justifies the motive assessment in the attribution of the attack.

However, the attack was actually only successful at clearing approximately $116.00 from 302 separate Bitcoin payments5.

Among the Five Eyes countries plus Japan who endorsed Mr. Bossert’s attribution, Britain was the most impacted victim. WannaCry had infected 48 National Health Service (NHS) healthcare centers, amounting to 20% of the nation’s total. The attack’s impact forced medical authorities to cancel and delay patient treatments. Although patient data was not compromised, hospitals scrambled to find new slots for patients who were denied treatment as a result.

According to representatives at the NHS, there were “a lot of ramifications” such as a knock-on effect on all waiting times in healthcare centers, causing people to wait up to six weeks longer6. Although the shutdown

4 An earlier version of the malware before the global epidemic leveraged Mimikatz to dump passwords and then spread through a network. https://www.symantec.com/en/us/enterprise/blog/security-news/wannacry-ransomware-attacks-show-strong-links-lazarus-group
6 Neville, NHS fights to restore services after global
of hospital systems had not been the direct cause of patient deaths, Mr. Bossert asserted that indirect repercussions from the delay in treatments “had put lives at risk.”

**WHY PUBLIC ATTRIBUTION IS ABNORMAL**

At first blush, public attribution is odd considering that past condemnations were generally met with North Korean denial and not much else. It can be further argued that past strategies of naming and shaming via indictments of malicious cyber actors from other nation states and criminal organizations have proven to be more of a badge of honor for the actors’ cohort in their home countries. Between May and December 2017, there was a series of nuclear and ballistic missile tests by North Korea, international sanctions leveled against North Korea, and even threats of “fire and fury” by President Trump. The U.S. had seemingly already engaged in North Korea’s game of brinkmanship prior to Mr. Bossert’s announcement.

On the same day that Mr. Bossert’s piece was published in the Wall Street Journal, the White House released the new National Security Strategy (NSS)1. The 2017 NSS’s Deter and Disrupt Malicious Cyber Actors Section states the following.

> “THE UNITED STATES WILL IMPOSE SWIFT AND COSTLY CONSEQUENCES ON FOREIGN GOVERNMENTS, CRIMINALS, AND OTHER ACTORS WHO UNDERTAKE SIGNIFICANT MALICIOUS CYBER ACTIVITIES. WE WILL WORK WITH ALLIES AND FRIENDS TO EXPAND OUR AWARENESS OF MALICIOUS ACTIVITIES... WITH A FOCUS ON STRATEGIC DETERRENCE.”

Furthermore, the NSS lays out its commitment to “swift and costly consequences on foreign governments.”

In line with the new strategy, Mr. Bossert mentioned in his White House press briefing that the governments of Five Eyes (U.S., Canada, Australia, New Zealand, and Japan) and Japan have agreed to publicly denounce North Korea for WannaCry.

However, we have not seen a public response or retaliation from the Five Eyes plus Japan. There are two possible reasons for this: one is covert operation, and the other is a buildup of justification for further actions against North Korea. First a potential way to indirectly claim cover operations against North Korea, or second -and more likely- an attempt to build a case against North Korea for future action.

**CLAIMING COVERT OPERATIONS**

In conflict, it is always difficult to assess what the adversary sees and believes. Therefore, if members of the Five Eyes were to launch a covert operation against North Korea in retaliation, it would be prudent not to publicly indicate who was most likely behind the attack.

With covert action, one can manipulate the adversary’s perception without repercussion or condemnation from the international community. If we look at a timeline of relevant events we observe the following:

- North Korea launches the WannaCry ransomware attack
- U.S. publicly declares that North Korea wantonly and recklessly conducted the attack
- The U.S., in a public document, declares says that cyberattacks will be met with consequences

Following this timeline, hypothetically if North Korea were to be hit with a cyber response covertly, it would be logical for them to conclude with a decent degree of confidence that it was the U.S. and/or the Five Eyes operating jointly based on circumstantial evidence correlating the statements with the NSS and accusations made a high ranking official from the Department of Homeland Security who is tasked with protecting U.S. critical infrastructure, instead of a representative from the U.K. who was the most severely impacted in the attacks.

**BUILDING A CASE AGAINST NORTH KOREA**

A more likely reason behind the public attribution would be to build confidence in the U.S.’s cyber intelligence competency as well as to provide a different dimension of justification of further action against North Korea outside of the scope of their current violations.

The case for North Korea as a dangerous nuclear state has already been well established in the international community. North Korea has demonstrated a continued and blatant disregard for international norms with the significant number of nuclear and ballistic missile test between November 2016 and July 2017. The NSS mentions North Korea 13 times, with most mentions embedded in sections with titles of “Priority.” By treating the attacks against critical infrastructure and “putting [civilian] lives at risk,” the public attribution could add fuel to the justification for a form of limited military action against North Korea.

It is key to note that the Mr. Bossert did not assert that North Korea is an irrational actor, but rather that they are “reckless.” This type of language presents a distinct image of North Korea as unable to properly control or consider negative externalities as a result of their actions, ultimately creating a potential danger for those who would not consider themselves a primary target of North Korean operations.

In sum, the joint NSS publication and public attribution is a new avenue for the U.S. to build a case that North Korea is a rogue state that must be stopped at all costs.

**CONCLUSION**

In the past, naming and shaming worked against Russia or Chinese affiliated Persistent Threats (APTs) because it could force the attackers to shift their tactics, techniques, or procedures after realizing they had been discovered. The tactic could also serve as a basis for bilateral negotiations to deescalate tensions. However, this does not seem to be the case with North Korean APTs, let alone the regime’s general behavior. It seems that the U.S. government has attributed the WannaCry attacks to North Korea as tactic of minimal escalation in conjunction with an attempt at diplomatic deterrence.

Nevertheless, the next attributable cyberattack is likely to be met with a response in line with the NSS’s promise to “impose swift and costly consequences.”

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1 Source: “Financial Times,” May 13, 2017, https://www.ft.com/content/fa5ed73a-37e7-11e7-ac89-b01cc67cfeec
BOOK REVIEW

The Perfect Weapon

War, Sabotage, and Fear in the Cyber Age • BY JEENHO HAHN

What makes cyberweapons “perfect”? They are cheap to acquire, easy to deny, and can be tailored for various purposes. It can be used to paralyze critical infrastructure, steal money and data on an ever-greater scale, and sow distrust and fear, all without having to fire a shot. The digital revolution that has transformed billions of lives for the better also marks a new era of conflict with few boundaries or rules. As the revolution continues to affect everyone “at digital speed”, what comes next?

What sets this book apart from the rest on the subject are the rare glimpses inside the world’s most powerful offices that are not only intriguing and alarming, but also instructive. The decision-making quandaries and clash of perspectives that many government, business, and key mission leaders had to face in recent times will only amplify in the future. And there is already a historical guide available for better policymaking.

Each nation’s largest cyber operation tends to reflect its highest priority to date. The US and Israel opened the Pandora’s box when they used cyberweapons to sabotage Iran’s nuclear weapons program. China pulled off “the greatest transfer of wealth in history” by stealing state secrets, intellectual property, and personal data. Russia conducted “the greatest covert operation in history” by undermining democratic institutions in the West. Iran targeted American banks and Saudi oil supply. After trying to block the release of a movie lampooning its leader, North Korea has since built a world-class cyber program as its “all-purpose sword.” And none of these nations admit to their cyber operations.

The chapters on Russia’s information warfare expanded on the reporting that had earned the author and his team a Pulitzer. Russia used its neighbors as the “petri dish” for cyber experimentation before deploying the weapons against others. “Baby steps were conceived and born” between the time the FBI first notified the Democratic National Committee (DNC) of network infiltrations and the time DNC finally looked into it; but that was just one of many “fumbles” documented. What the US failed to understand – but Russia did – was that, cyberattacks can be used to “fray the civic threads that hold together democracy itself.”

The US has been unsuccessful at cyber deterrence despite having the most robust cyberwarfare program on earth. It is the US that has been setting cyberattack precedents, and also had its weapons leaked to others. The US is particularly vulnerable to cyberattacks due to its embrace of innovation and connectivity. President Obama exercised caution, but his continuous inaction against years of cyberattacks may have led Putin and others to keep testing how much they could get away with. President Trump had demonstrated little knowledge of cyberwarfare in his interviews with the author, but has been quicker with public attributions after major attacks. At this point, many agree that adversaries “don’t fear” the US.

Contrary to the “Cyber Pearl Harbor” warning since 1991, the most common and effective forms of cyberattacks have turned out to be subtle disruptions of daily life. The private sector, not the government, is the key player in cyberspace, and many in Silicon Valley have decided to prioritize the interests of their user base over the government’s. Individual users are the first line of defense since they are the primary targets. The world is already sliding toward indiscriminate cyberattacks on populations with no one fully in control of the weapons.

The author provides some prescriptions for managing cyberwarfare. He is pushing for the US government to start opening up about some of its cyber capabilities. Understandably, while certain parts needs to remain classified for national security reasons, the government also has a duty to present the evidence of threats to those would be most affected by them. If the US wants to establish a “red line” or an arms control agreement on cyberattacks, then it must admit to its infiltration into critical infrastructure of other nations. It is also crucial to demonstrate one’s control over cyberweapons in order to avoid miscalculations that could escalate into shooting wars. As cyberattacks are about to become even more creative and destructive with the rise of quantum computing and artificial intelligence, staying silent is no longer viable.

The word “cybernetics” was first used in ancient Greece to denote “the study of self-governance.” More than two thousand years later, humanity is living in the cyber age of unprecedented achievements. Although it had sparked the hope that more interconnectivity would lead to more freedom, openness, and democracy, authoritarians, terrorists, and criminals have been adept at exploiting cyberspace for their agenda. The next phase is uncertain.

The key aspect of the cyber revolution lies not in loss of control, but rather empowerment of the individual to affect changes on a greater scale. If you wish to understand what the future of governance might look like, then you might want to pick up this book.
Janow and Christensen Discuss Great Power Relations in the 21st Century

BY JEENHO HAHM

The Columbia Public Policy Review was invited to the 2018 annual US-China Relations Conference at the Alfred Lerner Hall on Sunday, October 7th, 2018. Merit Janow, dean of SIPA, gave opening remarks and moderated the panel on the growth and tension between the world’s two most powerful economies. Thomas J. Christensen, professor at SIPA and director of the Columbia-Harvard China and the World Program, gave the keynote address and joined Janow’s panel. Other speakers included Peter B. Walker, former Senior Partner at McKinsey and Company, and Yansheng Huang, professor of political economy and international management at Massachusetts Institute of Technology (MIT) Sloan School of Management.

Janow welcomed over 500 people by touting Columbia’s “long-standing commitment to the study of China and Asia.” She expressed her concerns on the “increasing tensions” between the U.S. and China, which is a sharp departure from her time as the former U.S. trade negotiator for China. She ended on a positive note by highlighting that 15 to 20 percent of SIPA’s student body comes from China, and that they all “make an extraordinary contribution” to the school.

In the keynote speech titled “The Rise of China and U.S. Security Challenges in Asia”, Christensen laid out a variety of factors that would shape geopolitics in Asia and in turn, the rest of the world. China is unlikely to surpass American power, but it is in the interest of the U.S. to have China play a bigger role in global affairs in order to help combat transnational issues such as nuclear nonproliferation and counterterrorism. He was optimistic that the tension between the U.S. and China is unlikely to reach the levels seen at the height of the Cold War due the unprecedented magnitude of interdependence. However, he was also chary of the lines of cooperation and competition blurred between the two major powers, which would create a new set of quandaries for the 21st century.

During the panel, Huang said that the Trump administration was going after China’s export because that is “the most productive sector” of the latter’s economy. China is currently vulnerable to a huge bubble after the government injected has money into the banking sector to increase liquidity as a response to the 2007-8 financial crisis. Although Huang is skeptical that China would meet its ambitious goal of “Made in China 2025”, which is a transition from the current cheap labor export-driven model to the high-tech consumption-driven one, the current situation has only reinforced China’s sense of urgency.

Walker, who had traveled to China more than 80 times as the head of McKinsey’s global insurance operations, focused on the “fundamental differences” between the U.S. and China. He said that the western media’s portrayal of the Chinese people as “unhappy” was wrong. Unlike the United States, which was founded on the belief that the government had to be small and leaders need to be changed, China has been ruled under centralized and meritocratic governments for centuries. Thus, the Chinese public’s source of happiness are stability and competent leadership, which the U.S. needs to accept.

The speakers debated the decline of civil liberties in China since 2008 and whether the trade disputes between are less likely to be resolved if the Democratic Party wins in the upcoming U.S. midterm elections due to the party’s stronger protectionist views than the Trump administration’s. In the end, all the speakers agreed on the importance of welcoming more number of Chinese to come study (and work) in the U.S. and vice-versa.

As the relationship between the United States and China turns more precarious and leads to larger implications for the rest of the world over time, it will be crucial for the next generation of leaders on both sides to establish a deep mutual understanding and common goals in order to avoid miscalculations in the 21st century.
opening to expand his authority. Nathan continued that, more importantly, for Trump’s rhetoric of focusing on trade, Chinese leaders are relieved that the Trump administration would not press them hard on much more sensitive issues such as human rights and Tibet, unlike Clinton.

On the topic of Trump’s plan to impose over $100 billion in tariffs against China, the two experts held somewhat differing views. According to Lü, China was extremely frustrated by Trump’s negotiating style, where he stated one thing on Twitter, while another administration official would say another. This led to confusion on the part of the Chinese over whose word to believe. Nathan argued in response that the actions of the Chinese showed they believed they had free range to pursue their long term strategies.

A student asked the panel what types of unused leverage the United States had over China. Nathan pointed to tourism and education sector as America’s underused leverage, especially from the view of the Chinese youth. If that’s the case, then instead of picking fights over agricultural or electronic products, America must directly appeal to future leaders of China by setting the very best example of itself.

Photo by Jasneet Hora
State of the Field Workshop at SIPA

A Regime Complex’s Approach to the Digital Transformation

By Rodrigo Octavio

Introduction

On June 15th, Columbia SIPA held the 2018 State of the Field on the Digital Transformation (SOTF) workshop. SOTF is the fourth edition of an annual gathering that engages leading scholars, technologists, and policy experts to assess the “state of the field” of current academic and policy research related to the digital transformation.

Over the course of the day, participants examined select policy issues of our digital age - notably platforms and governance; international trade; antitrust and the platform economy; internet of things and governance; as well as policy issues related to crypto-economics, digital identities, elections and online political advertising.

Regime Complex’s Framework

For the first time since its inception, the event organized a workshop style to invite active participation by all attendees. Moreover, given the broad nature of the areas discussed regarding the digital transformation, the event engaged speakers and participants to frame the discussions using a modern, and flexible policy tool known as the regime complex framework.

In order to explain this terminology, the definition of ‘regime’ by Joseph S. Nye in his CIGI paper would set the context - “A regime is a subset of norms, which are shared expectations about appropriate behavior.” Following on that definition, a “regime complex is a loosely coupled set of regimes.” “On a spectrum of formal institutionalization, a regime complex is intermediate between a single legal instrument at one end and fragmented arrangements at the other.” Accordingly, evaluating the policy areas presented during SOTF through the lenses of regime complexes seemed both, natural and adequate since there is no single regime for governance in the digital space. On the contrary, there is a "set of loosely coupled norms and institutions that ranks somewhere between an integrated institution that imposes regulation through hierarchical rules, and highly fragmented practices and institutions with no identifiable core and non-existent linkages.”

Following that formatting, SOTF panels focused on the governance components of each field, which significantly varied in degrees of formalization in governance models and normalization, the mix of participation of state and non-state actors, as well as levels of compliance of norms from these actors.

Overview of Discussions

Discussions addressed both, areas where there are a pre-existing set of rules and behaviors in place, as well as emerging areas where there’s a vacuum of governance structures. They hoped to identify qualifying precedents (governance regimes) that we can build upon and understand technologies prerequisites we need to build governance structures.

The first panel on Platforms and Governance discussed the leading role which giant tech companies (non-state actors) took regarding global governance challenges (data privacy, access to information, human rights, etc.) formerly managed by states and international institutions, as well as the increasing presence in mainstream debates about how to regulate these platforms.

The session on International Trade examined how the current rules of international trading systems barely address issues related to digital trade and expanded on how to advance such arrangements in a convergent way, thus lowering tension between nations.

The panel on crypto-economics and digital payment systems then considered the potential impact cryptocurrencies, and digital money might have on the governance of monetary systems and the need for Central banks and financial policy regulators to understand and develop new frameworks for thinking about these changes.

The Internet of Things and Governance panel explored how the rapid expansion of connected IoT devices creates and exacerbates various governance challenges related to compliance with different national and international laws and regulations (e.g., for privacy, security, lawful access, safety, etc.) which may bring high-cost burdens to firms and halt innovation efforts.

The session on Digital Identities discussed how nation-states all over the world are struggling with the challenges of creating the technological underpinning for digital identity systems, in a reliable, secure and privacy-preserving manner and how these come with a new set of issues related to their scope, use, as well as regulation.

The last panel on Elections and Online Advertising considered how social media have a profound impact on how citizens engage in the public debate in electoral process, an essential building block of modern democracies, and how is it possible to conduct free and fair elections, with transparency and accountability in the age of social media and online advertising.

Conclusion and Further Developments

Overall, the outcome of this year’s SOTF greatly benefited from the workshop formatting which introduced the regime complex approach to policy issues regarding the digital transformation.

This powerful policy tool is adequately flexible to adjust to both, the newness and volatility of technology, as well as the rapid changes in economic, social and political interests. It also represents a useful corrective to the usual polarized versus multi-stakeholder dichotomy as an approach to governance issues.

Regarding future work, following a full day of comprehensive assessments on the diverse areas concerning our digital age, a summary report will be prepared with an expected release in Fall 2018 in the State of the Field Report on the Digital Transformation. This report will serve as starting point for the development of policy recommendations and the basis for further research to better inform policymakers on digital issues from a global perspective.
The Future of DACA

WHERE WE GO FROM HERE  ●  BY JASNEET HORA

On April 19th, 2018 SIPA students gathered to discuss the future of the Deferred Action for Childhood Arrivals (DACA) policy at The Future of DACA, co-hosted by the Columbia Public Policy Review, Migration Working Group, LASA, and the Urban and Social Policy Concentration. The panelists included Pamela Chomba, Northeast Organizing Director at FWD.us, and Professor Van Tran, Assistant Professor of Sociology at Columbia University.

Pamela started by giving a general timeline of DACA and the various setbacks the policy had suffered in recent months. DACA is a program started by the Obama Administration in 2012 to allow individuals who were brought to the United States as children to receive a work permit and two-year reprieve from deportation if they meet certain background requirements. As of September 5th, 2017, the Trump Administration had revoked the policy and allowed Congress a 6-month window to address the problem. Congress had failed to pass four bills addressing the issue during that time, and so the program had expired by the March 5th deadline. However, the legality of the Trump Administration’s rescission had also been challenged during that time, and a lower court had issued an injunction ordering the federal government to reinstate the program while they assessed this, allowing DACA to essentially remain in place until late 2018.

It was in this context that Pamela began to speak about what DACA meant to her, both personally and professionally through the work she did at FWD.us. As a DACA recipient herself, she shared her story of moving from Peru to New Jersey at age 11. She described the moment where she obtained DACA status as "one of the first times when I felt safe." DACA allowed her to pursue her first job, as an aide on then-Newark Mayor Cory Booker’s successful run for the United States Senate. In her current advocacy work at FWD.us, she is working to pass immigration reform, and "save the American Dream, one story at a time."

Professor Tran continued the discussion by sharing his own immigration story, and the effect that it had on his present work. As a second generation refugee, he shared his story of growing up in refugee camps in Thailand before settling in Pelham Bay Park in the Bronx. After going to school in Hunters College and Harvard University, for his BA and PhD, respectively, he joined the Columbia faculty, where he now focuses his work on the perspectives of second generation immigrants. The current immigration debate on DREAMers, he argued, was not rooted in solid fact. While many critics of DREAMers argue that these young immigrants would not be able to assimilate to American culture, Tran shared that his research demonstrated precisely the opposite. The current wave of immigrants, especially Latino immigrants, are in fact assimilating at rates much faster than previous generations of immigrants - by the second generation, instead of by the third generation - as was the case in past waves, partially on the basis of language acquisition.

Why, then, does this bias against immigrants continue to persist? Tran argued - and Chomba agreed - that entrenched interest against immigrants wielded significant political power through their decades of mobilization. The three groups he named - the Federation for American Immigration Reform, NumbersUSA, and Center for Immigration Studies - have the ability to organize a small, motivated minority of the US population to flood congressional phone lines and mailboxes any time a significant window for immigration reform opens up, effectively scaring lawmakers into inaction.

To counter this, Chomba suggested the best way to take meaningful action for immigration reform, and for DACA, is for the public to call their Members of Congress in the short term, and elect pro-immigrant lawmakers in the long-term. To that end, she listed the numbers of the SIPA students’ lawmakers - including Senators Schumer and Gillibrand, and Rep. Jerry Nadler - on the board, and the students got busy calling.

Photo by Huffington Post
ALIYA BHATIA, MPA '19, is the Managing Editor of the Journal of International Affairs, and interested in immigration and technology. Prior to SIPA, she worked in local politics in Toronto and was the Director of Stakeholder Engagement at the Toronto Youth Cabinet.

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