

OPINION

Every Protester Has a Reason



BUSINESS WORLD
By Holman W. Jenkins, Jr.

If you think the riots don't have something to do with the virus, you are probably one of many Americans living in a comfortable suburban or country house, with independent means or a high-paying job that can be done from a laptop, who have forgotten previous periods of your own life: what the lockdowns would have been like if you were 15 and stuck at home, or 20 and booted from college, or suddenly jobless in a crummy studio apartment or in a group home full of equally unemployed roommates. Never mind being a member of a large immigrant family jammed in a creaky high-rise or a single parent without savings or safety net.

At my current stage of life, the lockdown has been quite tolerable but it would have severely taxed my mental and emotional health at 20, 30 or even 40.

It also is well to remember that in any community some are criminally disposed. Psychopaths are estimated to constitute 1% of the population. There is a compulsion at such moments for just-so explanations. It all comes down to systemic racism. I doubt events are so neatly explained.

On the video the actions of Officer Derek Chauvin appear

to be egregious and unjustified but neither do they suggest intentional killing the way a police officer pulling out his gun and shooting would. According to the criminal charges filed against Mr. Chauvin, Mr. Floyd was saying "I can't breathe" before being pinned to the ground. Racial animus may or may not have played a role. We don't know. Inferring motive from the participants' skin color on TV, of course, would be ill-advised.

If Mr. Chauvin receives due process and Mr. Floyd's killing is fairly adjudicated, that's the only victory likely to arise from this incident. In the long history of civil disturbances, it's hard to argue their effects were often good, bringing about social amelioration. At the end of tumultuous periods in our domestic history, the best we usually have been able to boast is that our personal rights and democracy survived, instead of being thrown on the trash heap to deal with the emergency and then never gotten back.

This is why the lockdowns in some ways may have been more of a harbinger than this year's 401st officer-involved killing of a member of the public. One Minneapolis resident of an afflicted neighborhood told the *New York Times*: "With the Covid pandemic people are hungry and homeless. With no job, what do you expect. I think that's going to happen to masses of people across this country."

Indeed, whatever else is going on, a large part of the

public has sped up the re-opening of America, voting with their feet (and rocks and bottles) in a way that a handful of dissenters were forbidden to vote with their words back in March, when their posts raising questions about logic and arithmetic behind the shutdowns were removed from blog and video sites.

I'll bet the Covid shutdowns have something to do with the plague of riots.

It's a reminder that fascism doesn't arise from men with funny mustaches. It arises from institutions buckling to the mob. Three years ago the press reveled in the Charlottesville riot but ignored an expert report that arrived five months later with a shocking story to tell if anybody bothered to pay attention. In keeping with what it judged to be its constitutional obligations, the city issued a permit to a group of white supremacists and then allowed the local police chief deliberately to withhold protection from the demonstrators and the public so a riot could develop that the state police would be justified in breaking up.

In Minneapolis this week, a metro reporter for the *Star Tribune* visited neighborhoods abandoned by the police trying to erect barriers and protect themselves. "At the end

of us making sure that we're standing up against the senseless, reckless and inhumane taking of our brother's life, we still want to make sure that our grandmas, our aunts, our uncles, our nephews are gonna have banks to go to, grocery stores to go inside of and shop," a local activist told her.

He's right. The rot sometimes run deeper than you think.

* * *

Please read today's letter from David Axelrod, responding to my May 11 column. His missive is absurd. He did not need secret transcripts released by Adam Schiff this month to know in February, when he interviewed Mr. Schiff for his CNN-sponsored podcast, that the Russia collusion theory had collapsed. Nor did my column suggest he should have violated the laws of time and space. It is a complete invention on his part so he can give a reason why he didn't ask Mr. Schiff about the unraveling of the collusion canard.

This is lame. When he sat down with Mr. Schiff, the Mueller report had been out for 11 months. The Justice Department inspector general's report gutting the FBI over the Steele dossier had been out for two months. There's no law that says Mr. Axelrod needed to tax Mr. Schiff over these matters but if he's going to offer an explanation for why he didn't, let him at least offer an explanation that isn't weaselly and disingenuous.

I've Never Been So Afraid for America



POLITICS & IDEAS
By William A. Galston

Along with millions of Americans, including President Trump, I watched the video in which former Minneapolis police officer Derek Chauvin knelt on George Floyd's neck for nearly nine minutes before Floyd died. Although Mr. Chauvin knew he was being recorded, he appeared not to care. He must have believed that he could act with impunity. And why not? The 18 complaints previously filed against him had led to nothing more than two letters of reprimand.

This is part of a larger pattern. Civilians have lodged more than 2,600 complaints against Minneapolis police officers since 2012, the *Journal* reports. Only 12 have resulted in disciplinary action, and the most severe penalty was a 40-hour suspension from duty. It is hard to believe that the facts underlying so many complaints warranted no more than this.

Writing in these pages on Monday, Robert L. Woodson, a veteran African-American leader, recalls his work decades ago with the National Black Police Association, which recommended requiring police officers to restrain or even arrest other officers who were using undue force against civilians. "Loyalty and commitment to the rule of law should prevail over loyalty to

fellow officers," Mr. Woodson writes.

This did not happen in Minneapolis last week. The three other officers on the scene did nothing to restrain Mr. Chauvin and said almost nothing to persuade him to alter his conduct. It is hard to believe that they would have behaved this way if Mr. Woodson's unarguable principle had been an enforceable rule in their department.

In some ways, Minneapolis was ripe for this incident. The city's income gap between white and African-American households is among the widest in the country. Minorities are significantly underrepresented in its police force. Only 8% of its officers live in the city—almost none in minority communities—compared with a nationwide average of 40%.

Although Minneapolis has had its share of reformist police chiefs and elected officials, change has come haltingly. As in many other cities, the police union has protected its members against discipline and dismissal. The current head of the Police Officers Federation of Minneapolis was named in a racial-discrimination lawsuit brought by a group of black officers, including the city's current police chief.

Despite its special history, Minneapolis is far from unique, which helps explain the eruption of protests across the country. The U.S. has a pervasive problem. Bolstering federal criminal and civil laws against police mis-

conduct is part of the solution—if the attorney general is committed to enforcing them vigorously. But the bulk of the response must take place at the state and local level, starting with Mr. Woodson's proposal. And while officers charged with misconduct are entitled to due process, police unions should be deprived of the power to thwart needed disciplinary action.

The pandemic, racial crisis and recession—it's enough to make 2020 surpass 1968.

Sadly, Americans' response to these episodes has become routinized. We repeat, accurately, that most officers are dedicated public servants doing their best, under difficult conditions, to protect local residents and preserve public order. We insist, as we should, on preserving a bright line between peaceful protest, which is the right of every citizen, and violence against lives and property. And we recognize, rightly, that when arson and looting occur, minority-owned businesses are often the principal victims.

But Americans have been mouthing these sentiments for decades, and nothing has changed. A structural problem requires a structural response. We need one urgently.

I have long regarded 1968 as the worst year for America

since the Civil War. The assassination of Martin Luther King Jr. and the violent protests it sparked; the killing of Robert F. Kennedy and the Democratic Party's subsequent self-immolation at the Chicago convention; intensifying controversy over the Vietnam War, which divided classes and generations; George C. Wallace's racist and populist presidential campaign, which garnered 13.5% of the popular vote and 46 electoral votes—these were but some of the milestones in that *annus horribilis*.

April 1968. Smoke was billowing in the distance—from the South Side—as I drove in Chicago, where I was a student at the time. I remember saying to myself: *It can't get worse than this*. For more than half a century it didn't—until now. A health crisis, an economic crisis, and a racial crisis have converged to produce a clear and present danger to American democracy. U.S. enemies abroad cannot contain their glee; America's friends regret our plight—and fear for the future of a world order that was built on a foundation of American power, principles and persistence.

Adam Smith famously remarked that there is "a lot of ruin in a nation." But there are limits, and we are testing them. Previous crises have always summoned the leadership the U.S. needed. Will our current crisis do the same? I'm not sure. I fear, as never before, for the future of my country.

BOOKSHELF | By Adrian Woolfson

The Soulfulness Of a New Machine

Girl Decoded

By Rana el Kaliouby with Carol Colman
(Currency, 338 pages, \$28)

What if the disinterested machines that surround us and encroach on every aspect of our lives were sensitive to our emotional states? Imagine fridges reprimanding us for our furtive late-night snacks. Or cars decelerating when we are anxious, or preventing us from driving when we are distracted. Consider laptops offering gentle words of consolation or praise, or washing machines groaning with indignation and wristwatches chastising us for our misdemeanors and lack of attention.

In "Girl Decoded," Rana el Kaliouby's compelling vision of an emotionally imbued future for artificial intelligence, indifferent machines are elevated into magnificent humanlike creations. While lacking—for now—the authentic emotions of their human counterparts, emotionally enhanced automatons might nevertheless do a perfectly good job of imitating them.

Such devices, in addition to invigorating human-machine relations, have the potential to convey emotional awareness to people—such as those with autism—who struggle to navigate routine emotions. They may also help track emotional states, predict depressive crises and detect the loss of emotional expression that often accompanies diseases like

Parkinson's. Marketing companies could engage them to evaluate reactions to new products. Had Shakespeare's Othello possessed such a device, he might have been better equipped to understand Desdemona's intentions. But how might such an imagined world of machine-facilitated emotional enlightenment be brought to fruition?

Ms. el Kaliouby's brilliance is demonstrated in the simplicity of her solution. While earning her doctorate at Cambridge University, she learned the importance of nonverbal information as she communicated with her geographically distant family back home. She suspected the intricate facial muscles that enable us to grimace, smile, laugh and frown might provide a conduit into the lexicon of human emotions. Once a range of expressions is defined, they could be incorporated into the anatomical structures of emotionally enabled automatons.

Former archivists of the anatomy of emotions, such as Charles Bell in "Essays on the Anatomy of Expression in Painting" (1806) and Charles Darwin in "The Expression of the Emotions in Man and Animals" (1872), established the foundations of the science of emotions. Darwin's unique use of photographic representations was itself rooted in artistic exposition, perhaps influenced by the drawings of the Renaissance painter Giovanni Agostino da Lodi, whose early-16th-century "A Man With Eyes Shut Tight" documented a dystonic facial expression in a remarkable level of detail.

In his "Handbook of American Indian Languages" (1911), the anthropologist Franz Boas noted that the lexicon of Inuit tribes contained multiple words to describe snow, including a term for softly falling snow. Might machines similarly enable us to address our emotional blindness, allowing us to detect concealed emotions conveyed by subtle deployments of facial muscles? If machines could be taught to read the minutiae of facial movements and capture the process by which raw emotions are translated into facial expressions, it might be possible to construct an extended compendium of human emotions.

The author taught a device how to 'read' facial features and thereby recognize a rudimentary palette of human emotions.

Such a resource could help identify emotions that slip between the cracks of more dominant ones. We might, for example, discern a "mirk" as a plausible intermediate between a smile and a smirk. The augmentation of our emotional sensitivities may also provide a basis for addressing Ludwig Wittgenstein's conundrum, articulated in his "Tractatus," pertaining to things about which "we cannot speak" and must therefore "pass over in silence." Inspired by Rosalind Picard's seminal book "Affective Computing" (1997)—which emphasized the importance of emotions to intelligence, rational decision-making, perception and learning, and reimagined our relationship with machines—Ms. el Kaliouby set out to construct a "mind-reading machine" or "emotion decoder" based on the deciphering of facial features. Given the potential universality of emotions, such a device would need to be relevant to all ethnic groups and cultures.

A fortuitous encounter with Simon Baron-Cohen, a leading autism expert, led Ms. el Kaliouby to his unique archive of videos that captured people displaying a wide range of emotions. With the help of sophisticated machine-learning algorithms, and later innovations while she was a research scientist at the MIT Media Lab, Ms. el Kaliouby's machines eventually learned to recognize a rudimentary "emotional palette" encompassing six different human emotional categories.

The story of how Ms. el Kaliouby invented the first series of machines capable of decoding human emotions is made all the more poignant by the details of her own life. Born into a highly educated, middle-class and relatively strict Muslim family in Cairo, there was nothing in her early life to suggest that she would escape the conventional role that had been cast for her. We encounter her at one moment, in her naive innocence within the idyll of an Egyptian summer, picking scented Ewesi mangos from the trees in her grandmother's garden, and at another, in a spontaneous act of rebellion, undergoing a personal metamorphosis and deciding to remove her hijab.

Both a candid memoir and a confession, Ms. el Kaliouby's intriguing book lays bare the emotional complexities of "a nice Egyptian girl" while displaying the steely strength, perseverance and naked willpower that has propelled her to imagine a different type of future for both herself and humankind. As the girl decodes herself, she opens up new hope to address the emotional blindness and "empathy crisis" that affects us all.

Mr. Woolfson is the author of "Life Without Genes."

Will Lawyers Act With Honor After Covid?

By Joel Webber

A physician friend told me a man in his 60s once called his office reporting chest pains, tingling in his left arm, and shortness of breath. To my friend's amazement, his new receptionist replied without urgency: "The doctor can see you Tuesday at 10." That careless answer reminds me of my own profession. Watching lawyers associations keep silent as the pandemic threatens livelihoods, I feel a similar disbelief.

As economies reopen, attorneys should step up to help block the tsunami of opportunistic negligence litigation that threatens to derail the recovery. Specifically, national and state bar groups can help federal authorities design and defend safe-harbor rules to protect companies against coronavirus-related negligence lawsuits. President Trump, White House aide Larry Kudlow and

Senate Majority Leader Mitch McConnell have already urged such a measure.

Doctors have acted under pressure with incomplete knowledge, doing the best they can. So are policy makers. But out of fear of lawsuits, many businesses won't

My profession should support safe-harbor rules, not capitalize on uncertainty.

reopen as quickly as the country needs. The U.S. Chamber of Commerce has called liability "the largest area of concern for the overall business community."

Imagine an auto dealer's service department reopening in careful compliance with federal and state protocols on masks, testing, distancing and all the rest. Then an employee, customer or

vendor becomes infected. It may or may not be the company's fault. The infection may not even have been contracted on-site. But the lawsuit arrives and the auto dealer is forced to spend months or more racking up legal costs.

The fault may not ever become clear, but in any case it will take time: responsive pleadings, document production, depositions, motion papers, motions argued to the judge, and "status hearings" in which the lawyers travel to the courthouse to check in with the judge on scheduling or squabble with opposing counsel. All the while, the lawyers' meters are running, to the tune of hundreds of dollars an hour, to say nothing of the cost of going to trial or settling.

For my first 10 years after law school, working in a Wall Street law firm and then trying cases before juries, I didn't realize how broken the justice system was. Only

when I found myself on the other side of the table, as a general manager of a corporation, did I recognize how ruinous my profession can be to honest enterprise.

That's true during normal times, and these are anything but. We are in a war against a deadly enemy; an honorable profession would look beyond profit per partner and other metrics of self-interest to do whatever it can to help. Business clients are doing so: 28 Mile Distilling Co. has shifted from vodka to hand-sanitizer; Cascade Maverik Lacrosse has retrofitted from helmets to medical face shields; General Motors is making ventilators.

If companies can pivot and doctors and nurses can risk their lives to help, we lawyers should be able to dial back our greed and put our country first.

Mr. Webber, a Chicago-area attorney, was an executive at Whirlpool and General Electric.