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CLAREMONT

REVIEW OF BOOKS

A Journal of Political Thought and Statesmanship

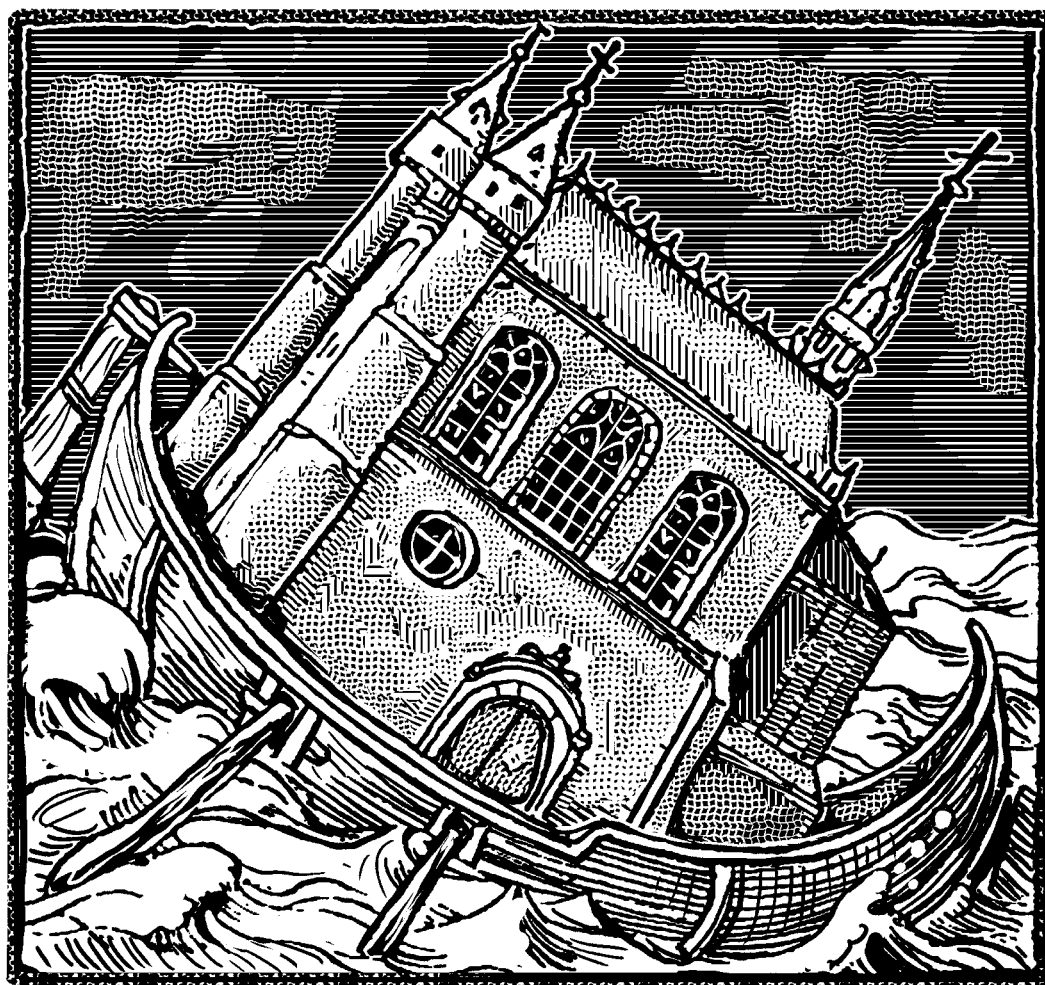
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Book Review by Joshua Dunn

MASTERS OF DISASTERS

Shall We Wake the President?: Two Centuries of Disaster Management from the Oval Office, by Tevi Troy.
Lyons Press, 264 pages, \$26.95



IN 1887, PRESIDENT GROVER CLEVELAND vetoed a bill providing seeds to drought-stricken Texas farmers, finding “no warrant for such an appropriation in the Constitution.” Obviously, things have changed. Today, asking whether the Constitution authorizes an action sounds quaint—think of Nancy Pelosi incredulously squealing, “Are you serious? Are you serious?”, when asked about Obamacare’s constitutionality. As George W. Bush put it, “We have a responsibility that when somebody hurts, government has got to move.”

Tevi Troy recounts Cleveland’s constitutional fidelity in his *Shall We Wake the President?: Two Centuries of Disaster Management from the Oval Office*. Troy plumbs past disasters to find lessons for presidents who will undoubtedly face new disasters. But really he has written two books. Embedded in *Shall We Wake the President?* is another book that could have been called *Should You Wake Up?: How to Survive When Disaster Strikes*. This other book contains advice on what to do before and after a catastrophe to increase your odds of surviving.

Troy spends so much time on this question that you might reasonably wonder if you’ve wandered onto a survivalist website. His repeated, and wise, admonition is that “in times of crisis, there is often little our country can do for us.” You shouldn’t count on the government to save you, so you’d better be ready to save yourself. If you were at all awake during Hurricane Harvey and Irma, it shouldn’t take much to convince you of this. Troy’s treatment of what presidents and individuals can do is largely successful but somewhat disjointed. Most readers will be left wanting more, particularly in his analysis of presidential disaster management.

THE CEO OF THE AMERICAN HEALTH Policy Institute and former deputy secretary of Health and Human Services, Troy divides disasters into “Acts of God” and “Acts of Man.” The former includes pandemics, food and water crises, weather, and economic collapse; the latter terrorism, disruptions to the power grid, and civil unrest. One could quibble with some of these choices. For in-

stance, understanding “economic collapse” as an act of God seems peculiar. Economies are made up of humans making choices within a legal and social framework. Even if economic collapse is the result of millions of individuals making small decisions that cumulatively have a large effect, it’s not clear why God should be blamed. Including it under Acts of God could lead readers to think that “stuff just happens” in the economy and, therefore, that sound economic policy doesn’t matter.

Nevertheless, Troy’s advice for presidents should prove useful to occupants of the Oval Office and their staff. Most importantly, and obviously, it is better to prepare ahead of time for disasters. As the old saw goes, an ounce of prevention is worth a pound of cure.

Troy’s treatment of presidential disaster management should be read carefully by anyone interested in constitutional government. For government, incompetence is often its own reward. Failure is evidence that more money was needed—witness failing school districts that extract ever more funding based

on the dubious premise that poor results prove the districts are underfunded. Incompetence in times of crisis can even be used to justify blasting through constitutional limits on government power. Stopping this requires, at the very least, competent resource managers.

UNFORTUNATELY, OTHER DIFFICULTIES appear more intractable. After Congress began subsidizing flood insurance in 1968 more people moved to low lying coastal areas and floodplains without bearing the full cost of their risky behavior. Naturally, the budget for the National Flood Insurance Program ballooned, and before Hurricanes Harvey and Irma was nearly \$25 billion in debt. Reforming this monster has met significant political backlash, and individual congressmen have incentives to preserve benefits for their constituents. Political decisions in effect induced more people to live in disaster prone zones, which in turn has made natural disasters more destructive. Politics also appears to intrude into the Federal Emergency Management Agency's (FEMA's) disaster declarations. "In nine of the last fifteen presidential election years," Troy notes, "the number of disaster declarations increased from the year before, and on a number of occasions by more than double." Research indicates that

swing states are more likely to receive disaster declarations in an election year than non-swing states. Not surprisingly, voters are likely to reward those who have just cut them a check. Bill Clinton understood this: he issued 58 FEMA declarations in 1993 compared to 158 in 1996.

Politics also corrupts the language we use to describe crises, particularly through what can be called euphemism creep. Troy rightly criticizes former Secretary of Homeland Security Janet Napolitano's suggestion to call terrorism "man-caused disaster," and the Obama Administration's decision to call Nidal Hasan's Fort Hood terrorist rampage "workplace violence." Government seems to generate this kind of double-speak. But just because it comes naturally to bureaucrats doesn't make it any less harmful.

TROY OFFERS A TEN-POINT CHECKLIST to determine if presidents should get involved in future disasters:

1. Is there a widespread consensus among experts that the event will take place?...
2. Is a significant percentage of the population in danger?...
3. Can the source of the warnings be trusted?...
4. Does the short-term cost of the event exceed the cost of prevention?...
5. Does

the long-term cost of the disaster exceed the cost of prevention?... 6. Are the needed actions affordable?... 7. Will the preventative measures work?... 8. Is the threat increasing?... 9. Are there long-term benefits to the preventative measures?... 10. Will the psychological impact on the American people resonate negatively nationwide?

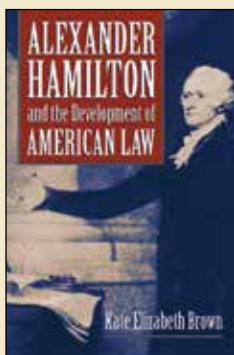
All of these questions strike me as prudent ones that presidents would be well-advised to ask. However, one question is conspicuously absent: does the president have the constitutional or statutory authority to intervene? There is, of course, no going back to the days of Grover Cleveland—but that doesn't mean we are left with Bush's regrettable "when somebody hurts" criterion. Troy discusses the danger and implausibility of Bush's statement: "Somebody always hurts," he notes, "and government cannot realistically address the pain of every single one of its citizens." But he doesn't discuss how to ensure that presidential actions can be brought into line with constitutional norms. That absence is reinforced by his list of best and worst presidents at dealing with disasters. Topping the "best" list is Franklin Roosevelt, whom Troy contrasts with Herbert Hoover, his second worst. Their policies were

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Alexander Hamilton and the Development of American Law

Kate Elizabeth Brown

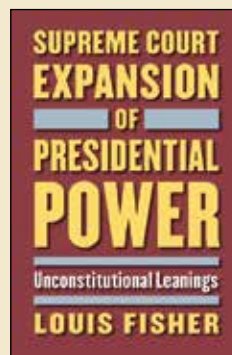
"Brown's ambitious study of Alexander Hamilton's statesmanship as revealed through 'the lens of the law' is long overdue. Brown sees Hamilton as a father of American law and 'recasts' him as a founder dedicated to solving the problems of the uniquely American system of federalism. Brown rejects the simplistic notion that Hamilton sought to consolidate all power at the national level and thereby restores a more nuanced understanding of his principles and practices. Brown's groundbreaking examination of Hamilton's legal legacy is essential reading for students of the American founding, of American legal history, and of Alexander Hamilton himself."—Stephen F. Knott, author of *Alexander Hamilton and the Persistence of Myth*
320 pages, Cloth \$34.95



Supreme Court Expansion of Presidential Power Unconstitutional Leanings

Louis Fisher

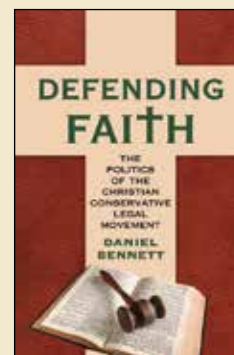
"In this authoritative account, Louis Fisher demonstrates that federal courts since the 1930s have greatly expanded presidential power, and have done so beyond any fair reading of the original intent of the Framers and the text of the Constitution. Fisher is the dean of public law scholars, and he has produced a hugely valuable study of the non-use and misuse of judicial power in legitimizing the vast expansion of presidential powers."—Richard M. Pious, Adolph and Effie Ochs Professor Emeritus, Barnard College and Columbia University
352 pages, Cloth \$39.95



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Daniel Bennett

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224 pages, 1 illustration, Cloth \$34.95



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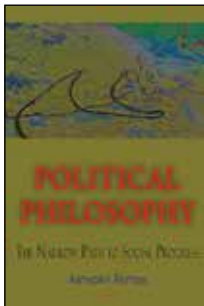


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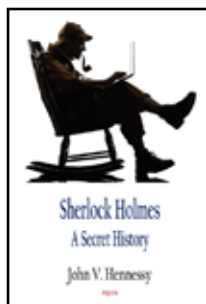
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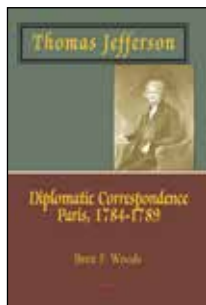
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largely similar, but Roosevelt alone was successful at "mastering the public relations battle." Yet surely Roosevelt's public relations successes must be weighed against his disdain for constitutional limits and, therefore, his erosion of constitutional government itself?

TROY ISN'T JUST CONCERNED WITH PRESIDENTS. He's also concerned with you. "Reading this book," he hopes, "will make you better equipped to understand and overcome whatever disaster the world might throw at us." His advice in case of disaster ranges from the obvious, to the helpful, to the impractical and less than helpful. Readers of the book, for instance, likely do not need to be reminded to wash their hands thoroughly: "The standard recommendation is that one scrubs long enough to sing the song 'Happy Birthday' twice." And "riots," we are told, "are dangerous places"—so best avoid them.

On the more helpful side of the ledger, Troy recommends keeping a supply of food and water, sufficient to last a few days, along with an emergency kit, and to avoid water fountains (did you know their spigots have more germs than a toilet?). Families, he also advises, should discuss *before* disaster strikes where they will meet should they become separated. Don't count on cell towers working in the event of a major catastrophe.

Less helpfully, he advises growing a garden in the event of a long-term food supply disruption. If you've read Thomas Hobbes's *Leviathan* or watched *The Walking Dead* you probably suspect that if the food supply were disrupted long enough for you to need your suburban garden to survive, property rights wouldn't be widely respected. Far better would be to take advantage of your Second Amendment rights now so you can protect that garden when the zombie apocalypse arrives. As well, Troy suggests having a generator should the power grid go down, which is certainly reasonable and within the ability and budget of most of us. However, he follows that with the suggestion that should the grid go down because of an Electromagnetic Pulse, or EMP, attack, you would need to have the generator enclosed in a Faraday cage. If you've got the know-how, you can build one yourself, but for the "rest of us, purchasing a premade one is the way to go." Maybe I'm underestimating Troy's readers, but I'm not predicting a run on Faraday cages anytime soon. Of course, in the event of an EMP attack Troy will have the last laugh, and we should all try to crash at his place. But that points back to the primary problem: should there be a successful EMP attack is it reasonable to think that others will respect your property rights? After all,

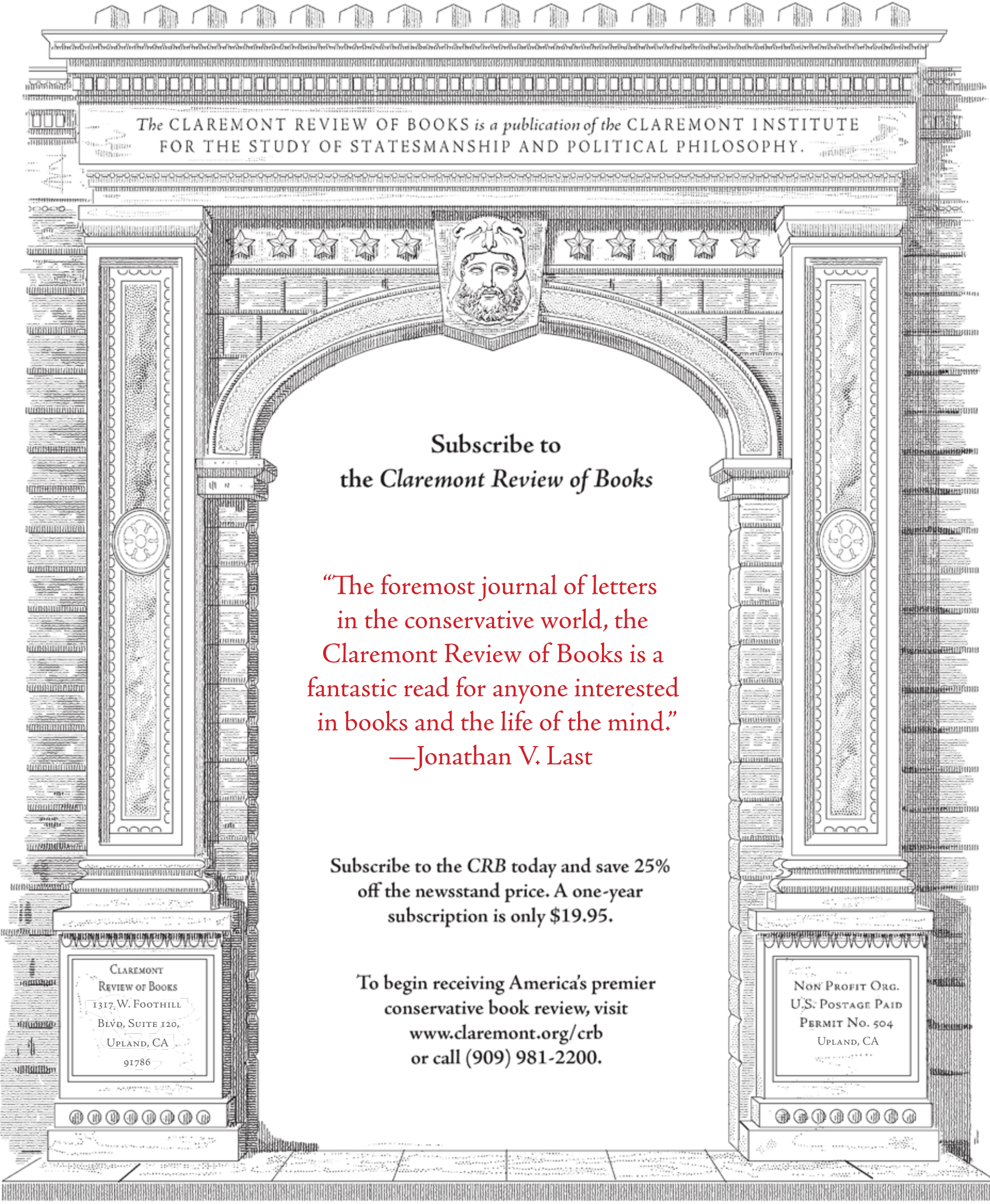
looters didn't even wait for Hurricane Irma to hit Florida before they began liberating shoes and televisions from their owners.

Ultimately, Troy's discussion of these worst-case scenarios reminds us of the potential fragility of today's society. *Shall We Wake the President?* illustrates how we have increasingly come to rely not on anti-fragile systems (defined by risk-analyst Nassim Taleb as ones that grow stronger when exposed to stress and shocks), but on systems that appear vulnerable to fatal collapse, such as our internet driven economy and the power grid.

LURKING IN THE BACKGROUND OF THIS book is the question of how constitutional government's erosion contributes to our fragility. Certainly, states at times lack the capacity to respond effectively to disasters, making the national government's resources indispensable. But our ever-increasing reliance on the national government has, as President Cleveland predicted, weakened our relationship to our fellow citizens. "Federal aid," he noted when vetoing the drought bill for Texas, "encourages the expectation of paternal care on the part of the government and weakens the sturdiness of our national character, while it prevents the indulgence among our people of that kindly sentiment and conduct which strengthens the bonds of a common brotherhood." Anti-fragile systems have redundancies built into them. Under our Constitution, federalism was that redundancy. Had federalism not withered under the national government's power, the states' capacity to counter disasters would be more robust. And perhaps our individual and communal resources would not have eroded under the false assumption that we can count on the government to save us when disaster strikes.

As Tevi Troy is at pains to emphasize, our "level of individual preparedness is far from adequate." Then again, perhaps certain pockets of the country might be more resilient than we think. The selfless and heroic actions of the "Cajun Navy" (based on their pictures I'm guessing many of them would qualify as one of Hillary Clinton's "deplorables") the last two years in Louisiana and Texas shows that sturdiness still survives in some of us. They also show that the ultimate redundancy is a population of prepared citizens. We should all remember that, when seconds count, the government is always minutes away. And in a disaster, it may not arrive at all.

Joshua Dunn is professor of political science at the University of Colorado, Colorado Springs, where he directs the Center for the Study of Government and the Individual.



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