

ILLUMINATION

THE UNIVERSITY OF VIRGINIA'S MILLER CENTER

FALL 2021

REBUILDING DEMOCRACY
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WHY I GIVE

THE MILLER CENTER SWITCHED FROM IN-PERSON TO ONLINE EVENTS AT THE START OF THE COVID-19 PANDEMIC. YOU HAVE ATTENDED EVERY ONE OF THOSE EVENTS WHICH BY JUNE 2021 NUMBERED NEARLY 70. HOW DID YOU DO IT?

I didn't set it out as a goal, but I subscribed to the email newsletter and always signed up for the events I read about. I've been retired since 1998. I was still pretty active in the high technology community and signed up for many courses and discussions. When the pandemic hit, I could no longer do in-person events. Fortunately the Miller Center did a fabulous job of filling in the gaps with interesting content.

HOW DID YOU DISCOVER THE MILLER CENTER?

Shortly after my late wife and I moved to Crozet from Northern California in 2008, we attended a luncheon where [former Miller Center board member and renowned journalist] Jim Lehrer was one of the speakers. It was fascinating. When I got home, I went to the website and shortly after attended my first presentation at the Miller Center.

WHAT DOES THE MILLER CENTER MEAN TO YOU?

I've always been interested in public policy. The Center consistently has expert panelists and is able to engage in dialogue that is civil. The discussions include people who are clearly on opposite sides of the issue, but are always very respectful of one another.

WHY SUPPORT THE CENTER?

I've always believed that if you take advantage of programs, you have an obligation to support them. These things don't materialize out of thin air. They require funding.

I also believe in the mission. It's easy to become polarized and siloed. I've always appreciated that the Miller Center provides a place for discussion, and I've tried to support that to the extent that I can.



BOB BOND

Retired software executive

MILLER CENTER SENIOR FELLOWS ARE TAPPED FOR THE BIDEN ADMINISTRATION

CHRIS LU AND ASHLEY DEEKS ARE NOMINATED FOR ROLES IN THE EXECUTIVE BRANCH



Chris Lu is President Biden's nominee to be the representative to the United Nations for management and reform, with the rank of ambassador at the Department of State. As a Miller Center senior fellow from 2017 to 2021, Lu brought high-quality insights to the day-to-day rough-and-tumble of the political world. Over his term with the Center, he became a fixture on TV news programs (always proudly displaying a Miller Center logo). He was also a prodigious op-ed writer and event participant.



Ashley Deeks of the UVA School of Law was named White House associate counsel and deputy legal advisor to the National Security Council. An expert in national security who previously served as a legal advisor to the State Department and was director of UVA Law's National Security Law Center, Deeks has taken a leave of absence from the Law School while remaining on the faculty.



A LETTER FROM THE DIRECTOR

By BILL ANTHOLIS *Director & CEO*

Plato wasn't a fan of democracy. He considered it an unstable form of government, one that would lead to chaos and, eventually, tyranny. Our founders held the opposite view, but they also worried that democracy was vulnerable to a range of challenges: balancing national needs against local self-governance, providing for the common defense, and protecting the rights of individuals.

These concerns are very much with us today. Can our system of government provide individual freedoms while delivering stability and security? Can we offer opportunities for advancement so that all people can share in the benefits of our society? On a variety of issues—from the COVID pandemic to public investments to matters of war and peace—we must find policy solutions that align with our democratic values and institutions.

The University of Virginia was designed to educate citizen leaders for the challenges of self-governance—a new and world-changing idea. The Miller Center is excited to play a critical, supportive role in UVA's efforts to examine, critique, and renew our democracy. To that end, we have done the following:

- Worked with UVA's Democracy Initiative and its co-director, Melody Barnes, to stand up the new Karsh Institute of Democracy, with her as executive director. Melody will remain the Miller Center's J. Wilson Newman Professor of Governance and will continue to work collaboratively across UVA. (page 13)

- Partnered with the Karsh Institute and the Democracy Initiative to produce the inaugural UVA Democracy Biennial in September—featuring leaders in government, media, academia, business, nonprofits, and more. (page 12)
- Collaborated with UVA President Jim Ryan, the Karsh Institute, the UVA School of Law, and the Democracy Initiative to host "Democracy Dialogues," an ongoing series of discussions designed to bring reasoned debate to the toughest issues facing our nation. (page 13)

On these pages, you'll also read about our ongoing work to understand and reconsider the most powerful position in our democracy: the U.S. presidency.

- Faculty Senior Fellow Saikrishna Prakash offers an excerpt from his new book on the expanding powers of the presidency. (page 4)
- A recording from the Secret White House Tapes of President Lyndon Johnson shows how a president negotiates with legislators. (page 8)
- The 2021 Ambassador William C. Battle Symposium on American Diplomacy provides an in-depth look at presidential decision-making in the 20 years since 9/11. (page 11)

History tells us that democracy is not a natural state of affairs. It must be invested in, worked at, and earned. At the Miller Center—with your generous support—we are thrilled to take up this important task every day.



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THE EVER- EXPANDING PRESIDENCY

Why have executive
powers ballooned since
our nation's founding?

By Saikrishna Prakash



*Excerpted from The Presidency: Facing Constitutional Crossroads
(University of Virginia Press), edited by Miller Center scholars
Michael Nelson and Barbara A. Perry*

The U.S. presidency arose from the most consequential of crossroads: the Philadelphia Constitutional Convention. Although James Madison is often deemed the father of the Constitution, he was a perplexed uncle when it came to Article II, which addresses executive power.

On the eve of the convention, Madison had apparently given little thought to the executive. In “Vices of the Political System of the United States,” he listed 12 “defects” of the Articles of Confederation. While noting the lack of sanctions for breaking national laws, he ignored the absence of a vigorous, independent national executive to enforce the laws.

Despite his reputation for preparation, Madison was unsure about which “authorities” should be vested in the executive. Some of Madison’s convention allies were far surer. Over the course of the convention, the executive crystallized into an American version of European monarchies, one whose resemblance to the British kingship could not be gainsaid. This republican, limited monarchy was hardly foreordained when the delegates first met in May 1787. Rather, the executive acquired power as the convention unfolded, a pattern of accretion that would become familiar to later generations.

At almost every junction at the convention, the state delegations tilted toward an energetic executive. The delegates settled on a single executive and rejected a triumvirate, presumably because they agreed with those who warned of violent dissensions and the diffusion of responsibility.

Why did the powers of the executive expand over the course of the convention? Credit (or blame) George Washington and the determined delegates who relentlessly pressed for a robust executive. Washington’s sterling character caused those fearful of executive power to let down their guards.

When Americans received the proposed Constitution, discerning minds peered behind the document’s trappings to see that the president would be far more powerful than contemporaneous state executives, whom James Madison had denigrated as “cyphers.” Thomas Jefferson said the office was a “bad edition of a Polish King”—hardly words of flattery. His aide said the Constitution would create a “mixed monarchy,” for despite “the humble title of president,” the office “will have greater powers than several monarchs have.”

The monarchical cast of the original presidency is utterly lost on modern readers of the Constitution. For many, the claim might seem downright bizarre. Article II never mentions a crown or throne, and specifically bars the United States from granting titles of nobility. Our executive is elective, while monarchies are typically hereditary.

But the Founders were more sophisticated when it came to monarchy. That generation knew that monarchs could be elected because many storied monarchies were, including the pope and the Holy Roman emperor. They were also well aware that some governments—so-called mixed monarchies—had elements of both monarchy and republic.

The specter of an increasingly regal president loomed, especially during Washington’s second term. Although detractors were often reluctant to attack Washington directly, some complained that the presidency was slowly being monarchized. As Jefferson observed, the early fights over presidential power were in part about what type of government America had and what type it would have in the future.

THE MODERN PRESIDENCY

As a general matter, our modern system looks more and more like the English system of an unwritten, evolving, common law Constitution—what moderns call a “living Constitution.” The modern executive, at once more republican and more monarchical than the original presidency, has become a mutable, living presidency.

We have nothing like an absolute monarchy. And even though we twice have had sons follow their fathers into the office, we do not have a hereditary monarchy. Yet no one doubts that presidential powers have grown over time.

Where once the office was weak, it is now strong. Where it was strong, it is stronger still. Some of these practical, informal amendments to Article II are somewhat familiar. Others are so much a part of the fabric of the modern presidency that we can scarcely detect that features of the original presidency have been amended.

Like our burgeoning military, the president’s military authority has swollen with the times. Via the repeated violation of constitutional norms, the president has acquired additional authority over the armed forces.

The power of the commander-in-chief has advanced on two related fronts. One concerns the initiation of war. The most infamous violation of existing norms was Harry Truman’s “police action” in Korea, when the president asserted that no congressional authorization was necessary because, after all, there was no war on the Korean peninsula.

From this unprecedented presidential war sprung forth a monumental, unwritten amendment to the Constitution. Since Korea, presidents have claimed constitutional authority to start wars, large and small, in Grenada, Kosovo, Bosnia, Libya, and a host of other nations.

Some executive branch lawyers (joined by some in Congress) assert that presidents can start any sort of war they wish. Others reject this argument. But if practice is the yardstick of presidential power, as many lawyers insist, the Korean War helps establish that presidents can wage war without restriction. The last 70 years of practice seem to have amended the Constitution and vested in the presidency a parallel power to declare war.

The second military innovation arises from executive insistence that Congress cannot micromanage the armed forces. This claim would come as a shock to the Founders, who granted Congress broad power to make rules governing and regulating the army and navy.

For instance, during the presidency of John Adams, Congress specified which French vessels could be

**Since Korea,
presidents have claimed
constitutional authority
to start wars, large and
small, in Grenada, Kosovo,
Bosnia, and Libya.**

(continued on pg. 6)

(continued from pg. 5)

attacked and where. Neither Adams, nor George Washington, nor anyone else uttered any constitutional misgivings. Today, presidents routinely denounce far less intrusive restrictions as unconstitutional and refuse to honor them. We have forgotten that the original Constitution granted Congress almost plenary authority over the military.

With respect to the broader category of foreign relations, changes have been less noticeable. The biggest transformation is a modern president's power to bypass the Treaty Clause, which requires the president to secure a two-thirds vote of the Senate before ratifying a treaty. Under the original Constitution, treaties encompassed significant, long-term contracts in which the United States pledged its honor to another nation.

In the 1930s, however, Franklin D. Roosevelt helped marginalize the Treaty Clause. He made treaties after securing congressional consent in ordinary legislation. Initially, the textual hook was Congress's power to regulate commerce, a power that no one at the Founding supposed encompassed authority to conclude commercial treaties. Nor did anyone suppose that presidents might cite the Commerce Clause as a means of evading the Treaty Clause's requirements.

When it comes to the presidency's principal function—execution of the laws—we are in the midst of a fundamental overhaul. Modern presidents are increasingly prone to regard themselves as lawmakers as they go about supplementing, misconstruing, and flouting laws.

Congress's irresponsible grants of broad lawmaking power to executive agencies are a central example. All too often, Congress endows an agency with the broadest of mandates—to legislate in the public good—over some subject, be it trade or the environment. Congress delegates freely because it



values flexibility, lacks expertise, and seeks to escape responsibility for regulatory burdens. Because executive agencies labor under the president's direction, in practice and in law, their rulemaking powers are essentially his.

The most interesting feature of unfaithful execution—baldly spurious interpretation of the laws—is more exceptional and less frequent. It tends to arise when the president feels deeply invested in a matter. During the Great Recession, President George W. Bush used a statute appropriating funds for the bail-out of “financial institutions” to rescue General Motors and Chrysler. No plausible reading of the statute permitted treating automobile manufacturers as if they were financial institutions.

More recently, President Donald J. Trump signaled a willingness to dismantle the Affordable Care Act (ACA) administratively through executive order, something that seems far removed from faithful execution. The president boasted that rather than repealing the ACA, “I think we may be better off the way we’re doing it. It’s piece by piece by piece. Obamacare is just being wiped out.”

If a judge boasted of wiping out a constitutional statute in a judicial decision, many would be scandalized. Executive repeal is less disreputable precisely because of congressional delegations and a long history of creative and ingenious interpretations enhancing executive discretion.



Saikrishna Prakash, a Miller Center faculty senior fellow, is the James Monroe Distinguished Professor of Law and Paul G. Mahoney Research Professor of Law at the University of Virginia Law School.

STUDENT OPPORTUNITIES

Miller Center programs offer a window into how public policy is shaped

The Miller Center hosts dozens of students each year in a variety of programs:

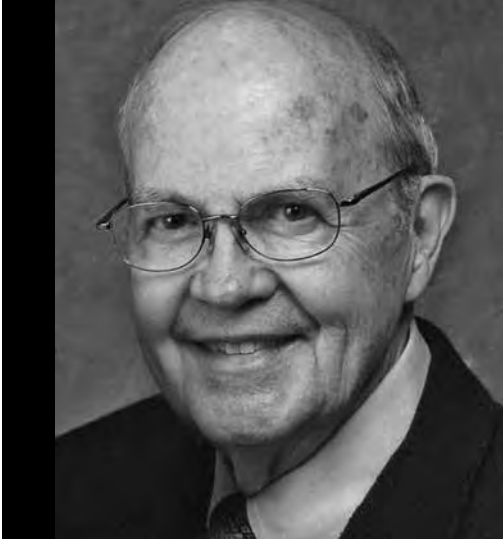
Leonard D. Schaeffer Fellows program Ten undergraduate UVA students were exposed to government work and its impact through high-level internships with federal, state, and local agencies. Named for Leonard Schaeffer, a former assistant secretary of health and human services who later became a successful healthcare CEO, the program helps students become engaged citizens and develop an informed view of government service.

UVA Democracy Biennial Student Advisory Committee Nine undergraduates worked to help shape the UVA Democracy Biennial in September. They offered speaker suggestions, engaged their peers, and raised awareness on Grounds for the event.

22nd-Century Scholars This summer internship program—generously funded by the Jefferson Trust—promotes greater inclusivity in public service by offering mentorship and research experiences to students from under-represented groups. Interns work with a variety of institutions across UVA.

Anselmi family internship Each year, one UVA undergraduate serves as a paid research assistant for Bill Antholis, the Miller Center's director and CEO. The internship is supported by the Anselmi family, whose twin sons, Nick and Luke, each spent a summer at the Miller Center in a similar role.

TO GIVE A GIFT TO THE MILLER CENTER, VISIT
millercenter.org/donate



A STALWART SUPPORTER

LONGTIME MILLER CENTER VOLUNTEER PASSES AWAY

Charles Holden Smith Jr. died on April 8 at age 94. A University of Virginia graduate and World War II veteran, Smith enjoyed a successful career in real estate and also served for many years as the UVA public address announcer for men's football and basketball games. He was known for saying: "There will be no smoking in UHall except by the red-hot Cavaliers."

The Miller Center became his passion. As his obituary so eloquently stated: "Charlie loved greeting Miller Center event attendees and was known for his knowledgeable questions for the speakers. In 2008, he received the Miller Center's Elizabeth Scott Exemplary Leadership Award."

INSIDE THE HILLARY CLINTON

ORAL HISTORY PROJECT

100 interviews will create a detailed narrative of Clinton's service

"Every interview has given us stories that nobody has heard before," said historian Allida Black, who along with Barbara Perry and Stefanie Georgakis Abbott, co-directs the Hillary Clinton Oral History Project for the Miller Center. "I'm not interested in rehashing stories that are in the public domain."

With 80 participants scheduled to be interviewed, and another 20 dedicated interviews with Secretary Clinton herself in the planning stages, there are more stories to come. And when all is said and done, the project will rank among the premier oral histories on women, peace, and security.

Rigorously researched interviews are the basis for this project, thanks to the project's research director,

Sheila Blackford. The goal: understanding the personal and policy dimensions of leadership that shaped the early 21st century. But simply asking questions based on U.S. press reports is not enough. Many of the important moments were not the subject of popular interest. And many official documents are not yet available. So the team has to use national and international sources to home in on the most salient topics and elicit the most revealing responses. "What's so totally cool about this project is that it is a blend of the best personal side of oral history," said Black. "What you learned, your regrets, your fun stories, your challenges—and the nuts and bolts, in unadulterated form, of how decisions are presented, debated, and made."



TRACKING THE BIDEN ADMINISTRATION

INNOVATIVE DATABASE FOLLOWS THE TOP 100 INFLUENCERS AND DECISION MAKERS

Of the top 100 influencers on the president, 57 are women.

"The women and men who work for the president rank among the most influential unelected government employees," said Kathryn Dunn Tenpas, a Miller Center practitioner senior fellow and expert on presidential transitions and staffing.

Thanks to Tenpas's efforts, we have launched a database to track key leadership positions in the Biden administration.

The ongoing project follows 100 individuals and provides not only their current role but also information on race, gender, education, and

previous roles in the campaign and other administrations. Users can drill down on specific positions or individuals to learn more, and they can find links to Miller Center presidential oral histories for anyone who has held a similar position in a previous administration.

"Providing information on their backgrounds and tenure in the White House expands our understanding of the American presidency," Tenpas said, "and our understanding of its performance in the 21st century."

EXPLORE THE BIDEN ADMINISTRATION TRACKER AT

millercenter.org/biden-tracker

'FOR GOD'S SALES, DON'T GET SUCKED INTO IT'

LBJ FIGHTS WITH FELLOW DEMOCRATS TO PASS HIS EDUCATION BILL

"I just sure thought I had better leadership on that committee than what I've got," President Lyndon Johnson told House Education and Labor Committee chair Adam Clayton Powell Jr. (D-New York) on March 1, 1965, after Powell failed to advance the elementary and secondary education bill through his committee.

Frustrated by Powell's attempt to gain funding for other priorities as a price for reporting the education bill, Johnson dismisses Powell's concern about an education clause in the administration's Appalachia bill.

ADAM CLAYTON POWELL JR.: How's my friend?

PRESIDENT JOHNSON: Fine, Adam. What the hell's been happening in your committee? I thought you told me two months ago that you were going to pass a bill for me.

POWELL: That's right. Well, what happened, all hell has broken loose, because—

PRESIDENT JOHNSON: Well, what the hell are you blackmailing me on a 400—

POWELL: *[speaking under President Johnson]* I'm not blackmailing you.

PRESIDENT JOHNSON: Well, the hell you didn't. You want a \$400,000 appropriation for you, [but] we couldn't pass a billion, 200 million [dollars] for the schoolkids. Now, you know I'm for you, and you know that I'm going to help you any way I can. . . . You've damn near defeated the best education bill I've got, *[Powell attempts to interject]* and I hope you're going to be proud of it.

POWELL: No. No. Do you know in your Appalachia bill that there is—

PRESIDENT JOHNSON: Well, Appalachia ain't got a damn thing to do with you. If you handle your committee and let us handle the other one!

POWELL: Yes, but there's a clause in there, Mr. President—

PRESIDENT JOHNSON: There's a clause been in there all the time, and if you're going to let [William H. "Bill"] Ayers [R-Ohio] and Edith [L. S.] Green [D-Oregon] lead you off the reservation, *[Powell acknowledges throughout]* well, then I ran for nothing last year with 15 million votes. If you're going to tie up this Congress and screw it up, which you've done for three weeks, by running off till you got 400,000 [dollars] appropriation, well, we never can get anywhere. And you defeat this, and you hold it up, and you delay it, and you get us in this kind of shape, why, we can't pass anything, and that's all right. *[Powell attempts to interject.]* But I think that—I think you'll be the hell of a bunch of your liberal Democrats. And I'm going to be here; it's not going to bother me. But I just sure thought I had better leadership on that committee than what I've got without even talking.

POWELL: Well . . .

PRESIDENT JOHNSON: And I'm awfully disappointed *[unclear]*. Just very disappointed *[unclear]*.


POWELL: Now, Mr. President. Don't you think I'm entitled to the money?

PRESIDENT JOHNSON: No, I don't think you're entitled to a damn thing that you did. *[Powell attempts to interject and acknowledges.]* I think you told me, and looked me straight in the eye, and said, "I'll report this bill, and I'll get it on the floor," and you didn't do it.

POWELL: March 1st.

PRESIDENT JOHNSON: And you did not do it.

POWELL: Now, what's wrong with an amendment tomorrow on Appalachia, so the secretary of commerce cannot arbitrarily change the formula for education bills? *[Unclear]*—



PRESIDENT JOHNSON: Well, if you can't—listen to me, if you can't trust me on Appalachia, you damn sure can't trust an amendment or the secretary of commerce or anybody else.

POWELL: Mm-hmm. [*Unclear.*]

PRESIDENT JOHNSON: If there's anything going to happen in Appalachia that's anti-Negro, I won't let it happen. Period.

POWELL: Well, I'm not talking about Negro. I'm talking about—

PRESIDENT JOHNSON: Well—

POWELL: —the formulas for the education bill [*unclear*]

PRESIDENT JOHNSON: Well, they're not going to do anything with education. What . . . Listen, Adam, don't try to cover everything.

POWELL: No—

PRESIDENT JOHNSON: Just let us . . . They're trying to beat Appalachia. They're trying to beat education. [*Powell acknowledges.*] They're trying to do everything they can, and, for God's sakes, don't get sucked into it. But I want that bill reported out tomorrow morning like the administration wanted and what you want me to do, I'll try to do.

POWELL: OK.

PRESIDENT JOHNSON: And you [*unclear*]

POWELL: Your word is my word. I'll have it—I'll [*unclear*] 11 o'clock tomorrow.

PRESIDENT JOHNSON: Thank you, Adam.

This conversation was transcribed by the Miller Center's Presidential Recordings Program with the generous support of the National Historical Publications and Records Commission.

LISTEN TO THE AUDIO AT millercenter.org/LBJ-powell

LBJtapes.org

NEW WEBSITE LETS THE PUBLIC LISTEN IN ON PRESIDENT JOHNSON'S IMPORTANT OVAL OFFICE CONVERSATIONS

The Miller Center has partnered with the Lyndon B. Johnson Presidential Library and Foundation to create a new website, lbjtapes.org, featuring conversations from President Johnson's recordings during his time in office. It provides extraordinary access to Johnson's thinking on a range of matters, both foreign and domestic.

By highlighting salient excerpts from more than 100 conversations and embedding each automated scrolling transcript within a wider set of historical resources, the site offers a curated experience for visitors.

The full, annotated transcripts for many of these conversations are available from the University of Virginia Press (prde.upress.virginia.edu). Support for these transcripts was provided by the National Historical Publications and Records Commission.

FOR MORE, VISIT lbjtapes.org

'TERRORISM

CAN TOUCH THE VERY SOUL OF

AMERICAN SOCIETY'

FOR TWO DECADES, THE MILLER CENTER HAS FOCUSED ON UNDERSTANDING THE EVENTS OF 9/11 AND THEIR AFTERMATH

Sid Milkis was preparing to discuss President George W. Bush's first 300 days in office when the first hijacked airliner struck the World Trade Center at 8:46 a.m. on September 11, 2001.

As would happen so often in the wake of that fateful day, he had to rethink his message, trying to make sense of it all in a disorienting and emotional moment.

At first, Milkis, the Miller Center's White Burkett Miller Professor of Governance and Foreign Affairs, demurred. But Ken Thompson, who served as the Center's director from 1978 to 1998, convinced him to carry on with the talk previously scheduled for September 12. Milkis began by comparing the attacks to a similar moment nearly 60 years earlier:

The lessons of Pearl Harbor were that we no longer can isolate ourselves from the terror in Europe and Asia. The lesson of yesterday may be that we can no longer isolate ourselves from terrorism. What yesterday showed in a way that previous terrorist incidents had not is that terrorism can touch the very soul of American society.

**'THERE IS NO SUCH THING AS
IMPREGNABLE DEFENSE AGAINST
POWERFUL AGGRESSORS WHO
SNEAK UP IN THE DARK AND
STRIKE WITHOUT WARNING.'**

**—PRESIDENT FRANKLIN ROOSEVELT,
DECEMBER 9, 1941**

defense officials in issuing a clear warning about the threat of catastrophic terrorism. "Like Pearl Harbor," the officials noted, "this event would divide our past and future into a before and after. The United States might respond with draconian measures, scaling back civil liberties, allowing wider surveillance of citizens, detention of suspects, and use of deadly force. More violence could follow, either further terrorist attacks or U.S. counterattacks."

Noting that President Bush now had a mandate for action that had likely eluded him following the contested 2000 election, Milkis was also quick to point out that the challenges facing Roosevelt and Bush were not the same: "There is a difference between total war and a war against terrorism."

Milkis's observations that day proved prescient. And the program was merely the first of many about 9/11 and its aftermath produced by the Miller Center in the two decades since 9/11. Philip Zelikow was the Center's director at the time of the attacks. Three years before, Zelikow had joined other leading intelligence and

Zelikow's words, like Milkis's, were prophetic, and his study of the issue was critical when he went on to lead the 9/11 Commission as its executive director. Miller Center audiences benefited from his unparalleled expertise when he returned to the Center to review the road to 9/11 and the path forward.

Over the last two decades, the Center has hosted more than 20 events on the attacks and their aftermath, looking at them from all angles: U.S. intelligence, civil liberties, Islam, military action, and more. The exploration of this singular event in contemporary American history continues to this day.

**FOR ACCESS TO THE MILLER CENTER'S
MANY PROGRAMS ON 9/11, VISIT
millercenter.org/remembering-september-11**

**'IT IS THE COMBINATION OF
MODERNISM AND ISLAMISM
WHICH HAS PRODUCED CHARACTERS
SUCH AS OSAMA BIN LADEN.'**

**—FARHANG RAJAEI, PROFESSOR OF POLITICAL
SCIENCE AND HUMANITIES AT CARLETON UNIVERSITY
AND AUTHOR OF ISLAMISM AND MODERNISM:
THE CHANGING DISCOURSE IN IRAN, AT THE
MILLER CENTER, APRIL 23, 2003**

9/11: TWENTY YEARS LATER

HOW THE ATTACKS CHANGED US AS A PEOPLE

“At its core, the 9/11 operation was an effort to deform the nature of a struggle going on within the Muslim world,” said Philip Zelikow, who took leave as director of UVA’s Miller Center in 2003 to become the executive director of the 9/11 Commission, which was set up to prepare an account of the day that changed the world.

Memories of September 11 were woven throughout the Miller Center’s 2021 Ambassador William C. Battle Symposium on American Diplomacy, where Zelikow and other scholars and senior government officials spoke just before the 20th anniversary of the attacks, attracting the largest Battle Symposium audience ever. But even with emotions still raw, rational analysis of the American response, both abroad and at home, took center stage.

Far from a clash between the West and Islam, said Zelikow, “these particular groups of Islamic extremists were relatively powerless in their particular world. They sought to elevate themselves by waging war against the United States.” Americans at the time felt they were at the center of a new conflict. But what was really happening, said Zelikow, was a continuing

“generational struggle within the Muslim world about how to cope with modernity and globalization”—and it continues to this day.

In one part of the two-day virtual gathering—organized by a team led by professor Marc Selverstone—national security experts Richard Haass and Tom Donilon discussed the U.S. response with former ABC News White House correspondent Ann Compton. Donilon, who served as President Obama’s national security advisor, noted that following 9/11 “the central operating principal of American foreign policy became the Global War on Terror” and it was “the centerpiece of our relationships all over the world.”

Haass, a seasoned diplomat who has led the Council on Foreign Relations for nearly two decades, added, “What’s interesting to me is what we largely didn’t do during these 20 years: We have not made meaningful change to the ‘international system’ to deal with global challenges. Think of it: proliferation, global health challenges, climate change, cyber... The United States squandered a unique opportunity to recast international relations after the Cold War and after 9/11.”

TO WATCH BOTH DAYS OF THE 2021 BATTLE SYMPOSIUM, VISIT millercenter.org/battle-2021

A FOCUS ON DEMOCRACY

THE INAUGURAL UVA DEMOCRACY BIENNIAL ENGAGED CITIZENS—AND A CRITICAL ISSUE OF OUR AGE



"This may be the most urgent moment for democracy we've faced, certainly in our lifetimes," declared **UVA President Jim Ryan** at the 2021 UVA Democracy Biennial in September. Thirty speakers and panelists offered a wide range of experiences and opinions during the two-day virtual event, which was viewed live by nearly 1,200 attendees, more than a quarter of them students.

The variety of views and the conversational format of the Biennial provided not only insights but also a model of how democracy can function. Asking questions was as valuable as finding answers, and identifying real differences modeled an important step in moving forward together. "If the intellectual effort launched here is going to be serious," said **Larry Diamond** of Stanford's Hoover Institution, "we have got to confront hard and painful truths."



Rodney Slater, secretary of transportation under President Bill Clinton, echoed those sentiments. "There's a lot more commonality here when we pull back the veil, when we speak honestly and openly, and when we are a bit vulnerable, because it encourages others to be vulnerable. And that is where you find the common ground."

One recurring theme of the event was America's continued racial divide and recent efforts to overcome it. "Democracy is not just a word that measures racial justice; racial justice is also a solution, a driver for major improvement in our democracy itself," said **Rashad Robinson**, co-founder of Color of Change.



The state of the American Dream—the ability to advance economically and pass on success to future generations—was another touchstone. "We have a system that works," said **Robert Hugin**, former CEO and chairman of the biopharmaceutical company Celgene. "It's not perfect; it's failed some communities."

But, he said, recognizing the power of programs such as government incentives is essential to redressing the divide.



Panelists also focused on the role of education in a democracy—a concern that led Thomas Jefferson to found the University of Virginia. "It's about the quality of education and the rationing of rigor and resources that we often see in our public schools," asserted **Margaret Spellings**, education secretary under President George W. Bush.

"America's public school system, rather than lifting up our children, is really holding them down," added **Thomas Baltimore**, the chairman and CEO of Park Hotels and Resorts.



Unsurprisingly, politics was a key consideration, and the Biennial concluded with an in-depth assessment. "I'm as worried as anybody about [our] democracy," said **Angela Glover Blackwell**, founder in residence at PolicyLink. "But at the same time, I am super excited about the possibilities . . . we really are in a time where we have a shot at a true, multiracial democracy. There is an outcome we could have that would be terrific. Now, whether or not we're going to have it is an unknown."

"These students are wonderful in their hopes and ambitions to make politics better than what they've known as they were growing up. And that is where I pin my hopes," concluded **Larry Sabato**, the director of UVA's Center for Politics. "It's the best shot we have for the future in America."



WATCH THE 2021 UVA DEMOCRACY BIENNIAL AT
uvademocracybiennial.com

SEE "BY THE NUMBERS" ON PAGE 14

DEMOCRACY DEMANDS DIALOGUE

Though many despair at America's polarized political climate, one of democracy's most salient features is disagreement: the opportunity for those with different needs and perspectives to coexist and solve problems together. It is the way we disagree—via attacks and division—that causes our democracy to suffer.

UVA's "Democracy Dialogues"—a program initiated by UVA President Jim Ryan in coordination with the Democracy Initiative and the Miller Center—models a more productive method, by bringing together a variety of viewpoints. The Miller Center hosted two of these sessions: The first featured U.S. Senators Tim Kaine (D-VA) and Shelley Capito (R-WV). The second, in conjunction with UVA's Karsh Center for Law and Democracy, included current U.S. Homeland Security Advisor Elizabeth Sherwood-Randall in conversation with Frances Townsend, who held the same title during the George W. Bush administration (and who is also a member of the Miller Center's board).

Kaine and Capito, who come from opposite sides of the aisle, rejected partisanship, citing their collaboration on a wide range of legislation. "Polarization leads to stagnation," Capito said, "and that leads to frustration. There is a lot more back-and-forth among unlikely comrades than you might imagine."

The key, Kaine said, is more dialogue. "Give somebody an open-ended opportunity: I have a question for you. What did you mean by that? I want to understand what you just said."

'LET THE EXPERT ASSESSMENT GUIDE US.'

Elizabeth Sherwood-Randall
U.S. homeland security advisor

Sherwood-Randall addressed another threat to American democracy: domestic terrorism. She sought to explain the Biden administration's recently released National Strategy for Countering Domestic Terrorism, whose guiding principle is to "start with the facts and analyze them rigorously."

Sherwood-Randall said that the issue is an "inside-out problem," with foreign adversaries and actors not significantly influencing domestic terrorists—though they are trying. "Domestic violent extremists motivated by a range of ideologies pose an elevated threat to our country," she said, "with racially or ethnically motivated violent extremists and antigovernment militia violent extremists posing the most lethal threat."

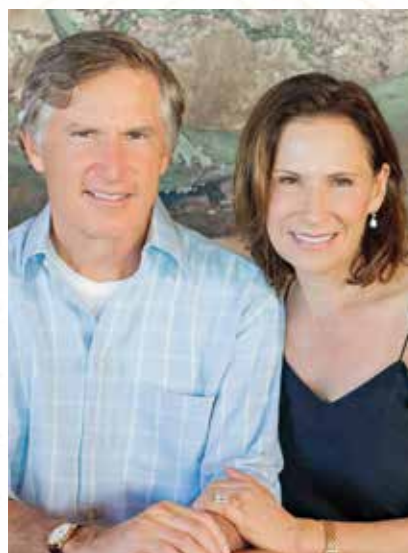
WATCH THESE TWO CONVERSATIONS AT

millercenter.org/capito-kaine AND

millercenter.org/homeland-security

A HOME FOR THE STUDY OF DEMOCRACY

To sustain our democracy, we must avoid taking it for granted. That understanding lies behind the University of Virginia's new Karsh Institute of Democracy, launched in June 2021. The Miller Center has a key role to play in the Institute, bringing its study of the U.S. presidency and history. Other UVA partners include the Democracy Initiative in the College of Arts & Sciences, the Center for Politics, the Frank Batten School of Leadership and Public Policy, the Weldon Cooper Center for Public Service, the Sorensen Institute for Political Leadership, and the teaching and research of many faculty members across Grounds.



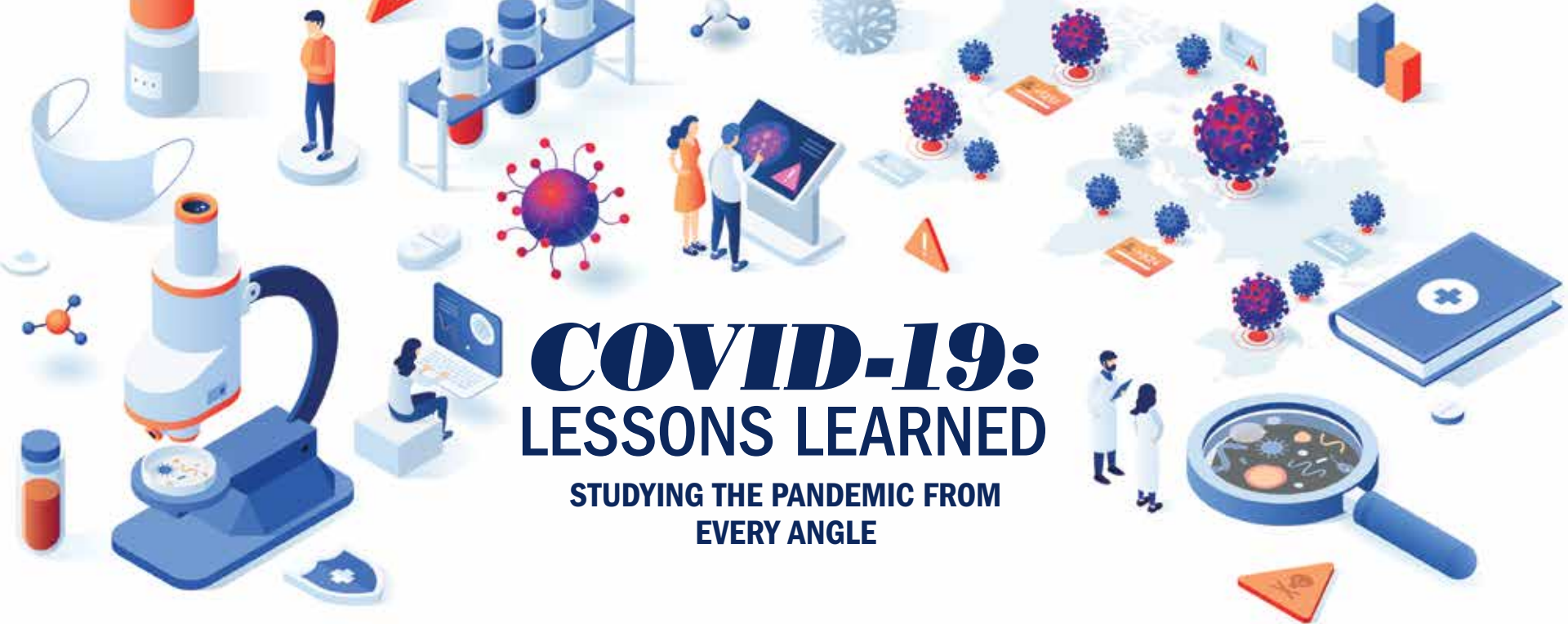
"The success of our American democracy depends upon the actions we take to build a strong and thriving culture of participation and active citizenship," said UVA President Jim Ryan. "Thanks to the extraordinary generosity of Martha and Bruce Karsh, UVA is making a major new investment establishing the Karsh Institute of Democracy. This Institute will highlight the critical role of higher education in strengthening democracy and UVA's aspiration and intention to lead nationally on this front."

The Karsh Institute will take full advantage of UVA's position as one of the nation's top public universities and its unique historical link to the nation's founding to serve as a nonpartisan catalyst for action. It will feature a new physical building in the emerging "Emmet/Ivy Corridor," which sits at the crossroads between Central Grounds and North Grounds. The Institute will help convene the units of UVA that focus on various dimensions of our democracy. It will foster participation and civil debate on issues of national importance; support and amplify research, study, and discussion of the underpinnings of democracy; and engage in public outreach focused on practical impact and action for students, citizens, policy makers, and leaders.

Melody Barnes, the Miller Center's J. Wilson Newman Professor of Governance and co-director of the Democracy Initiative, will serve as the Karsh Institute's inaugural executive director. "From Congress to our public squares, the times demand vigorous efforts to sustain democracy and fully realize its aspirations," she said.

Bill Antholis, Miller Center director and CEO, praised Ms. Barnes's appointment. "I couldn't be happier for Melody, for the University, and for the Miller Center. We all have been so lucky to have Melody's unique talents and expertise on our team. Her experiences in Congress, in the White House, and in academia are perfectly suited for the Institute."

Martha and Bruce Karsh are both UVA alumni and met as students at the School of Law. "For a healthy democracy to thrive, its core principles, institutions, and processes must not only be studied and understood, but also vigilantly protected and strengthened," they said. "We believe higher education is ideally suited for this responsibility, and we're delighted to support the University of Virginia's ambitious effort to lead in this work."



COVID-19: LESSONS LEARNED

STUDYING THE PANDEMIC FROM EVERY ANGLE

Last year, as deaths from COVID-19 first spiked, Philip Zelikow began contemplating the enormity of the crisis.

As the director of the 9/11 Commission tasked with leading the inquiry into America's worst terror attack, a decorated American diplomat, a gifted historian, and the former director of the Miller Center, Zelikow was uniquely positioned to imagine an effective national commission that could discover and preserve the hard-won lessons of the pandemic.

Enlisting the help of some of the country's most accomplished virologists, public health experts, clinicians, and government officials, Zelikow sketched a compelling blueprint for a nonpartisan "COVID Commission Planning Group." With the support of four major financial

sponsors—Schmidt Futures, the Skoll Foundation, the Rockefeller Foundation, and Stand Together—he brought the project to the Miller Center to manage the start-up process.

The first phase of the Planning Group's effort is now largely complete, including crucial contributions from Miller Center staff and scholars. Its leaders have determined that it will now leave the Miller Center and become an independent entity, perhaps joining forces with the bipartisan COVID Collaborative, which has amassed a team of experts to develop recommendations regarding the pandemic.

In its next phase, the Planning Group and its sponsors will determine the best way to launch a large-scale commission. If a commission is not chartered by Congress or the White House,

the Planning Group effort could evolve into an independent commission that would be privately sponsored and large in scope.

The Miller Center is proud to have played an integral role in realizing Zelikow's vision to create the COVID Commission Planning Group and to have laid the foundation for the formation of a national COVID Commission.

And our efforts in this area are far from concluded: Leveraging the health-policy expertise of Miller Center faculty and senior fellows—including Guian McKee, J. Stephen Morrison, Margaret Riley, and Shirley Lin—we are planning focused work on the implications of COVID-19 for health policy in the United States and around the world.

READ MORE AT millercenter.org/covidcpg

BY THE NUMBERS

UVA DEMOCRACY BIENNIAL
CRISES. OPPORTUNITIES. FREEDOMS.

26%
OF AUDIENCE
WERE STUDENTS

30
SPEAKERS AND PANELISTS

4:17:32
TOTAL DISCUSSION TIME

1,181 ATTENDEES

16
SPONSORS AND
PARTNERS

NEW *FACES* AT THE MILLER CENTER

WELCOMING A NEW CLASS OF FELLOWS, CHAIRS, AND BOARD MEMBERS

ENDOWED PROFESSORSHIPS

Our endowed professorships provide resources for UVA faculty members to conduct extensive research or supervise projects that support our academic mission.



Melody Barnes is the J. Wilson Newman Professor of Governance at the Miller Center, a distinguished fellow at the UVA School of Law, W.L. Lyons Brown Family director for policy and public engagement at the Democracy Initiative in UVA's College of Arts & Sciences, and was just named executive director of the UVA Karsh Institute of Democracy.



Margaret Foster Riley, Dorothy Danforth Compton Professor at the Miller Center, is professor of law at UVA Law School, professor of public health sciences at the UVA School of Medicine, and professor of public policy at the University's Frank Batten School of Leadership and Public Policy.

SENIOR FELLOWS

This newest class of scholars and practitioners will contribute to our research, engage with UVA students and faculty, and help us design and deliver public discussions on the challenges facing our nation.

FACULTY SENIOR FELLOWS



Danielle Citron is the Jefferson Scholars Foundation Schenck Distinguished Professor in Law at the UVA School of Law and the vice president of the Cyber Civil Rights Initiative. She was named a MacArthur Fellow in 2019 based on her work on cyber stalking and sexual privacy.



Kristen Eichensehr is the Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professor and Director of the National Security Law Center at the UVA School of Law. She writes and teaches about cybersecurity, foreign relations, international law, and national security law.



Kimberly Robinson is the Elizabeth D. and Richard A. Merrill Professor of Law, a professor at UVA's School of Education, and a professor of law,

education, and public policy at the Batten School of Leadership and Public Policy.

NON-RESIDENT SENIOR FELLOW



Spencer Bakich is a professor of international studies and the director of the National Security Program at the Virginia Military Institute.

PRACTITIONER SENIOR FELLOWS



Stephen Mull is UVA's vice provost for global affairs. He spent more than three decades as a foreign service officer, including as U.S. ambassador to Lithuania (2003–06) and Poland (2012–15), and as acting undersecretary of state (2018).



Sarah Wilson is a partner at Covington & Burling and chairs the firm's market-leading product safety practice group. She has successfully represented clients in safety-related investigations, including airbags, fire extinguishers, and liquid laundry packets.

RESEARCH FELLOW



Scott Miller is a lecturer and research associate at UVA's Darden School of Business. Previously, he held a postdoctoral fellowship in economic and business history at the Yale School of Management's International Center for Finance.

MILLER CENTER GOVERNING COUNCIL

The Miller Center is an integral part of the University of Virginia, with maximum autonomy within the University system. Under the bylaws of the Miller Center, the Governing Council exercises oversight of the Center's work and mission. New members include the following:



Mary Vee Connell comes from a distinguished career in the intelligence community, most of which was at the Central Intelligence Agency. She also served as deputy under secretary of intelligence in the Department of Homeland Security.



Pete Geren is president and CEO of the Sid W. Richardson Foundation and was the secretary of the Army under President George W. Bush. He also was a Democratic member of the House of Representatives from Texas's 12th Congressional District.



John Harris is the founder of *POLITICO* and served as its editor in chief until 2019. He began his career at *The Washington Post*, covering local, state, and national politics.



Tricia Hoefling is an adjunct professor of law at Georgetown University. She also taught at Washington & Lee School of Law, practiced at Cravath, Swaine & Moore LLC in New York, and worked as a consultant for Whole Woman's Health Alliance.

MILLER CENTER FOUNDATION BOARD

The Miller Center Foundation was established in 1987 to support the work of the Center and function as an ambassador to the public. The Foundation raises funds on behalf of the Miller Center, holds endowment and custodial funds, and follows standard policies and procedures for nonprofits because it is a 501(c)(3). The Foundation Board has named a new chair and appointed one new member:



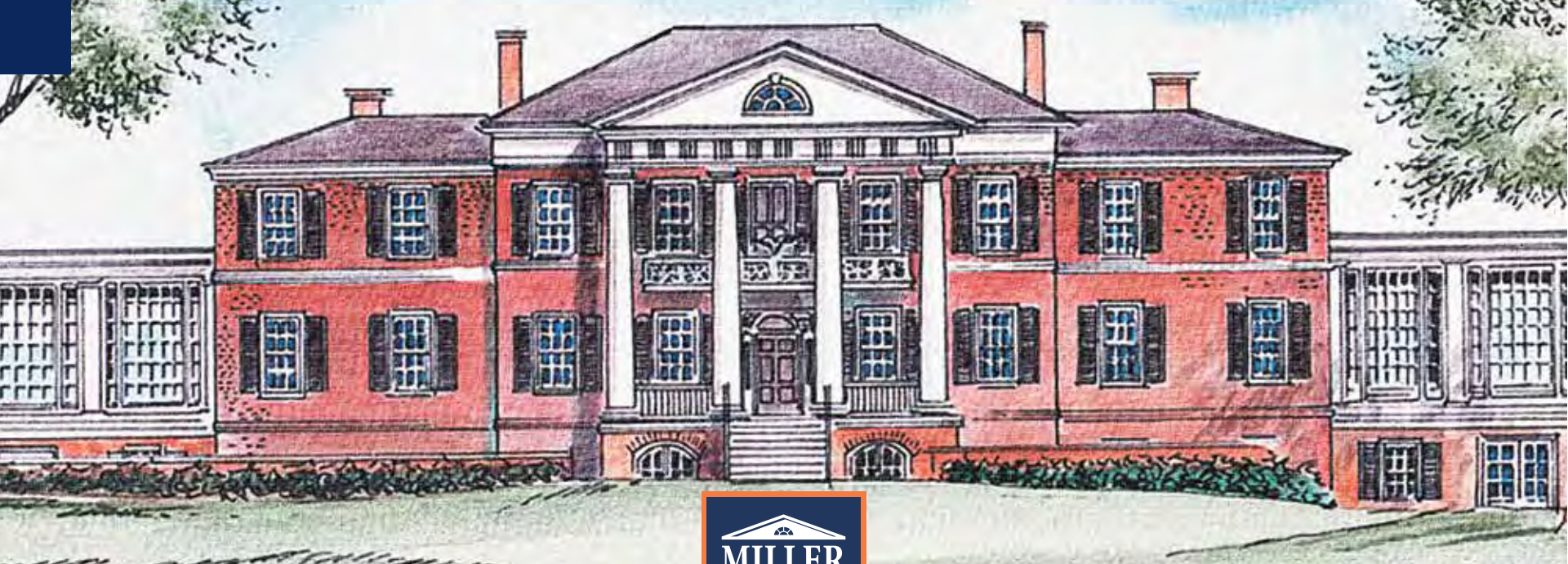
John C. Jeffries Jr. (chair) is the David and Mary Harrison Distinguished Professor of Law and counselor to the UVA president. His primary research and teaching interests are civil rights, federal courts, criminal law, and constitutional law.



Jennie Hantzmon has an undergraduate degree from the University of Chicago and a master's degree in elementary education. She taught in Evanston, Illinois, and then raised four boys in Charlottesville, VA, spending time volunteering for local and national organizations.

FINANCIAL ACTIVITIES AND ASSETS

The Miller Center and Miller Center Foundation ended fiscal year 2021 with positive net income and with a higher ending cash balance than for the prior year, primarily due to an increase in recognized deferred revenue.



The Miller Center, as a unit of the University of Virginia, operates on a July 1 to June 30 fiscal year. The Miller Center Foundation, a section 501(c)(3) nonprofit organization and a supporting University-associated organization, follows the same fiscal year. The Center has financial assets held by the University, including endowment and operating funds, and follows University policies and procedures for its fiscal operations. The Foundation receives and holds funds on behalf of the Center and transfers those funds to the Center for use as needed. The Foundation also holds endowments in support of the Center. The Foundation follows standard policies and procedures for nonprofit organizations.

Generous funding from donors and vital support from the University of Virginia bolster the Miller Center's programs and operations. Funding received in one fiscal year but intended for use in another fiscal year is deferred until the year of its use and is recognized as revenue in that year. Beginning and ending cash balances, therefore, include funds that are restricted by program or time and are not necessarily available for use in a given fiscal year. In fiscal year 2021, the Center recognized \$1.67 million of revenue secured in previous years and secured \$2.4 million in revenue to be recognized in future years.

Endowments comprise the largest financial asset for both the Miller Center and the Miller Center Foundation. For fiscal year 2021, endowment distributions constituted 46 percent of total income for programs and operations. All endowments are managed by the University of Virginia Investment Management Company (UVIMCO) in its long-term pool. Endowment distribution rates follow

those set by the University's Board of Visitors; the rate for fiscal year 2021 was 4.845 percent.

UVIMCO realized an overall rate of return for the fiscal year ending June 30, 2021, of 49 percent, a three-year annualized rate of return of 18.4 percent, and a five-year annualized rate of return of 15.8 percent. Total market value for Center and Foundation endowments increased from \$80.9 million on June 30, 2020, to \$115.6 million on June 30, 2021. This increase represents new contributions of \$449 thousand and market performance, less distributions and other expenses.

For the fourth year in a row, the Miller Center ended FY2021 with a positive net income for programs/operations.

The University of Virginia allocates central services costs to its individual units and also charges those units for the actual costs of their utilities usage. In some cases, the University partially offsets these costs with a subvention. The central services and utilities costs totaled \$1.17 million for the Miller Center in fiscal year 2021. The subvention offset totaled \$925 thousand.

The Miller Center and Miller Center Foundation ended fiscal year 2021 with positive net income and with a higher ending cash balance than for the prior year, primarily due to an increase in recognized deferred revenue.

The Miller Center Foundation holds a long-term commercial lease in Washington, D.C., for an office the Miller Center formerly used. This space is now subleased.

The reporting of financial activities here is derived from preaudit statements and internal working papers.

MILLER CENTER AND MILLER CENTER FOUNDATION
SUMMARY OF FINANCIAL ACTIVITIES

INCOME FOR PROGRAMS/OPERATIONS	FY2021	FY2020
Endowment Distribution	\$ 3,619,230	\$ 3,583,604
Gifts & Grants	4,084,666	3,679,338
University of Virginia	817,772	1,176,460
Other	1,123	18,062
Deferred Revenue, Recognized	1,669,533	1,168,105
Deferred Revenue, Unrecognized	(2,404,553)	(2,700,604)
TOTAL	\$ 7,787,771	\$ 6,924,965

EXPENSE FOR PROGRAMS/OPERATIONS	FY2021	FY2020
Presidential Studies	\$ 1,982,148	\$ 2,278,353
Democracy & Governance Studies	1,727,090	906,856
Library & Information Services	212,232	247,540
Marketing & Communications	1,152,004	1,172,901
Executive Office & Governing Council	779,786	859,153
Administration & Operations	581,055	680,173
Advancement	504,998	525,811
Foundation Operations	83,006	83,130
TOTAL	\$ 7,022,320	\$ 6,753,916

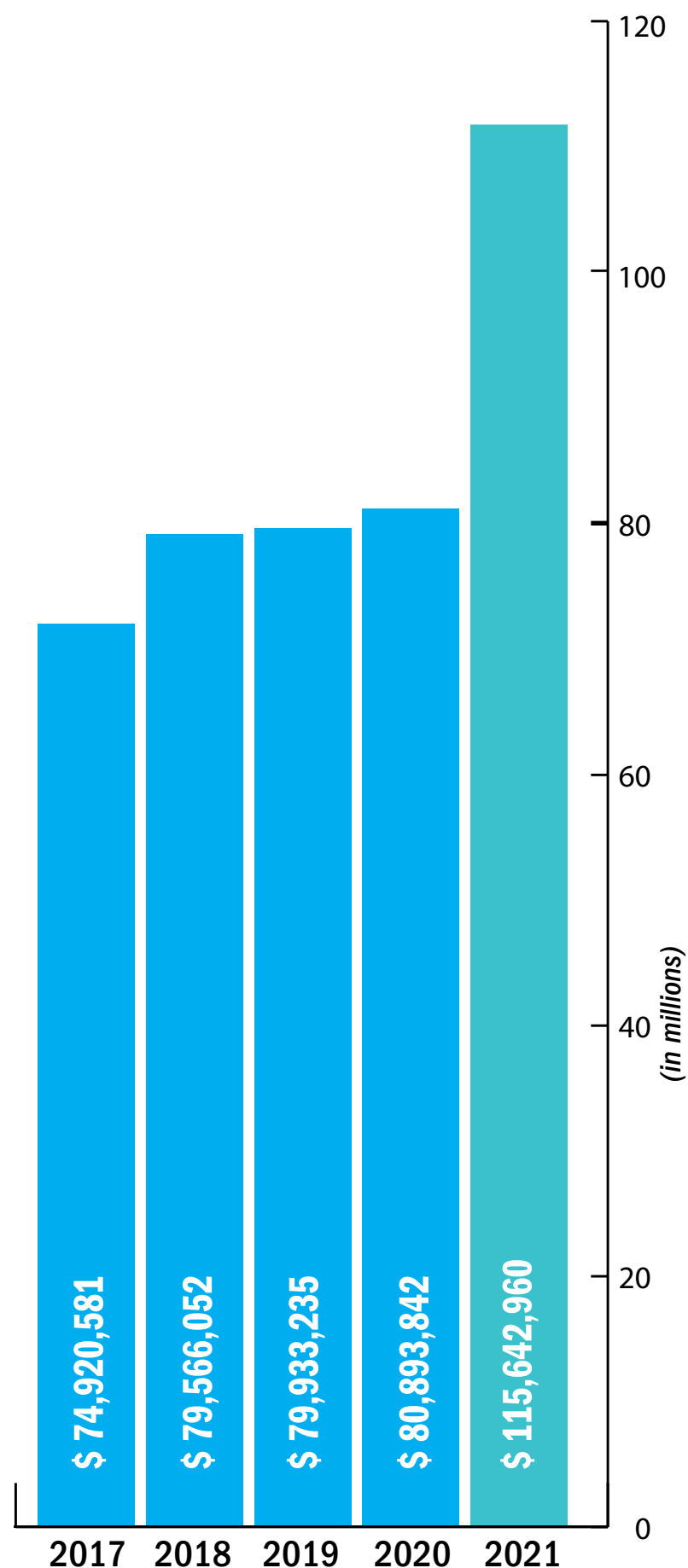
NET INCOME FOR PROGRAMS/OPERATIONS	\$ 765,452	\$ 171,049
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[Plus] Additional Deferred Revenue, Recognized	\$ 42,549	\$ 0
[Plus] Sublease Income	249,810	240,202
[Less] Lease Obligation	374,313	361,810
[Plus] University of Virginia Central Services Allocation	924,559	1,147,885
[Less] University of Virginia Central Services Assessment	1,167,160	1,222,972
[Plus] New Contributions Designated for Endowment	448,800	1,539,396
[Less] Transfers of Contributions Designated for Endowment	357,369	1,534,396
TOTAL NET INCOME	\$ 532,328	\$ (20,646)

Cash Balance, Beginning	\$ 4,324,223	\$ 2,812,370
[Less] Deferred Revenue, Recognized	1,712,082	1,168,105
[Plus] Deferred Revenue, Unrecognized	2,404,553	2,700,604
CASH BALANCE, ENDING	\$ 5,549,022	\$ 4,324,223

MILLER CENTER AND MILLER CENTER FOUNDATION
ENDOWMENT AND QUASI-ENDOWMENT
RESERVE FUNDS, MARKET VALUE

As of June 30 each year



PHILANTHROPIC SUPPORT

Thanks to your generosity, fiscal year 2021 ended on a high note for the Miller Center! This past fiscal year, we received \$4,027,484 in philanthropic commitments. We welcomed gifts to our Miller Center Annual Fund, the UVA Democracy Biennial, the Hillary Rodham Clinton Oral History Program, the COVID Commission Planning Group, and other special Center programs. We are grateful for the generosity of the Miller Center Governing Council, longtime local and national donors, as well as over 300 new donors

we welcomed into the fold this year. Our webinars expanded our reach nationally and globally, and we are thankful for the resulting influx of new audience members. Your philanthropy allows us to continue what we do best: explore history's lessons to see how they apply to today's problems. Thank you for seeing the importance of history, democracy, and respectful discourse.

THE MILLER CENTER FUND

The Miller Center Foundation is grateful to its generous donors for having made contributions to benefit the Miller Center during fiscal year 2021 (July 1, 2020–June 30, 2021).

SPECIAL GIFTS

The following donors made gifts of \$10,000 and above to special programs and funds at the Miller Center Foundation such as the Hillary Rodham Clinton Oral History Project, the Democracy and Capitalism project, the COVID Commission Planning Group, and other operating and endowment funds. We are grateful for their generosity.

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The Burkett Miller Society honors those donors who have arranged planned gifts such as bequests, gift annuities, charitable trusts, gifts of insurance, and real property for the benefit of the Miller Center.

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The Miller Center thanks the following for their matching support:

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Because we take special effort to ensure the accuracy of this list, we do wish to be informed of any errors. Please contact Karen McGrath at the Miller Center Foundation at 434-924-0775 or karenmcgrath@virginia.edu.

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The Miller Center appreciates and recognizes gifts in memory of and in honor of the following Miller Center friends:

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*deceased

NOTES FROM THE *PRESIDENCY*

"This will not stand, this aggression against Kuwait" has been called the most famous line of George H. W. Bush's presidency. Ann Compton, ABC News's chief White House Correspondent, was one of several journalists peppering the commander in chief with questions on August 5, 1990, after Iraq invaded Kuwait. Now retired from the Miller Center's Governing Council, she says this note, handed to her the following day, was short but spoke volumes about a man who was willing to issue, in her words, "an apology to the press at a critical moment in his presidency."

WATCH ANN COMPTON TELL THE STORY AT

millercenter.org/bush-compton



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8-6-90

Dear Ann -

You did a great job yesterday
I hope my response during
our press to-and-fro was not
offensive. I wasn't too happy
with my reply to you. ☹️. All Best
GB,