

Non-profit Religious Groups Are Choosing Federal Judges and Changing the Country's Future

By WS Editors

The following remarks on stocking the federal courts with judicial candidates chosen by the Religious Right were delivered at the [Council for National Policy](#) meeting held in February, 2020 at the Ritz Carlton Hotel in Dana Point, California. The speaker is Kelly Shackelford, who at the time was President and Chief Executive Officer of the First Liberty Institute (a non-profit that litigates and lobbies on behalf of religious causes based in Plano, Texas), vice president of the Council for National Policy, and chairman of CNP Action.

MY JOB IS TO update you very quickly on the judicial happenings and what's really going on in a little more depth. About three and a half years ago there were a number of people in this room that were with me in New York to meet this new candidate, this Trump guy, it was like a thousand evangelical and Christian leaders, and I was asked to ask him the questions about judges. I didn't just ask about Supreme Court but all the hundreds of lower court judges, and he made a promise to us, he said I'm going to appoint

very strong conservative judges and I'm going to rely on groups like Federal Society, and Heritage, and groups

like, you know, First Liberty on the religious liberty issues.

And so how has he done. This is what I'm here to talk about. Well, I'm gonna tell ya, yeah you know, some people know, but I'm gonna show you a little more detail. I mean some of us opened a whole operation on judicial nominations and vetting, we poured millions of dollars into this to make sure the president has good information, he picks the best judges, and that's what's happening.

Look at the first two years, you see the 85, that's 85 (points to a chart of new federal judicial appointees), these are appointed for life, OK, and these are not like in the past - like, hey, I helped you get elected president and my brother is an attorney, so maybe you want to consider him. That's not how it's working, it's people with strong judicial philosophies, people with the highest credentials we've ever seen, 85 in the first two years. But I want to show you what's happening in the second two years. 85 in the first two years, we plan to be at 250 by the end of this year.

And it's not just the numbers, it's the quality of these people,

I wish I could explain to you, talk through each of these people. I mean for one of the people for instance he picked, a guy who is one of the most conservative, brilliant attorneys I've ever met, he worked for me, he would rather die than ever turn from the Bible or the constitution, and at age 38 the president appointed him to be a federal judge for the rest of his life. OK, start multiplying that many times over.

Let's talk about the Federal Court of Appeals, there are about 179 appellate

judges, this is where all the cases in, there's only 75 cases a year that make the Supreme Court, all the rest die at the Court of Appeals. Who are these people? Well, Obama in eight years confirmed 58, in eight years. In the first three years, Trump's already confirmed 50, in three years, okay, and that is a huge, we're talking about a fourth of all the appellate courts where all these things end. Who was number 50, what kind of person? Lawrence VanDyke, Lawrence VanDyke number one in his class from Harvard Law School, solicitor general the state of Nevada. Lawrence is so conservative that I'm liberal compared to Lawrence VanDyke. He was just confirmed at age 46 for the rest of his life to the ninth circuit. That is change, okay, and Lawrence is just the beginning, there's already been another one since Lawrence,



Image from Documented's video

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there's now 51. Who was 51? 51 was 38 years old, for the rest of their lives on the Federal Court of Appeals. So what is happening is incredible.

I just want to show you, just the Federal Court of Appeals, when we started the average age of the liberal appointed judges, or the Democrat appointed judges, on the Federal Court of Appeals was 61. I think we've got a chart, yeah, okay. The average age at that time, three years ago when Trump took office, of Republican, or more conservative appointed judges, was 71. Now, let's go three years later, three years later the average age of the Democrat went from 61 to 65. Now look at where the Republican went in those three years (chart shows average age of Republican judges is now 58). That is a switch of the future, you can see the future now of what's beginning to happen, instead of like this (points to chart), it's now flipped, and we're literally changing the future of the country, and the judges we're gonna have for our grandkids. And so when we go into the elections which we're going to talk about

in a little bit, this is a long term issue of who gets elected, you know, who is in the Senate confirming these judges, who is the president, you because that's either going to stop all this, or continue this in a way that is incredibly dramatic for the future.

But I wanted to help connect for you a little bit was what this means, okay, we've got these judges changing, and what that's happening is that's changing all of our fundamental principles back to the founding principles. An example I give you is just the area I work in is religious freedom. There are two religion clauses, an establishment clause and a free exercise clause. There is a horrible case under both of those that has been around, maybe one for 50 years, one 30 years, that has caused incredible damage to religious freedom, back in the 60s or 70s, the liberal Warren court. And if you had asked me four years ago can you get rid of those cases? I'd say not in my lifetime, we can chip away at it, maybe get some progress, but no.

I am now in the process of watching both of those things maybe being blown up, and really I'm watching history change. What do I mean. Let's take the Coach Kennedy case, I think a lot of people, I think I've got a picture, I think a lot of people know Coach Kennedy, the coach who was fired for going to a knee after the football game. Unfortunately for Coach Kennedy, he lives in the 9th Circuit. And by the way, we flipped four Circuit Court of Appeals so far with the judges, okay, and at the 9th Circuit we are two seats from flipping for it

to be totally controlled by conservatives. This close. But we're not there yet.

So Coach Kennedy got a 9th Circuit opinion that said coaches are not allowed to pray in public if anyone can see them. That was the ruling. We go to the Supreme Court, and what we didn't want from the Supreme Court was cert denied, which, they get 9000 cases a year, they only take 75, you mostly get cert denied meaning your case is over. Well, we got cert denied and we went Oh no, this is horrible, and then somebody said wait, there's a statement attached to the cert denial which almost never happens. It was the four conservative judges including the two new ones, Kavanaugh and Gorsuch, and they said this is only cert denial *for now*, we want you to go back down, there's some facts we want developed. And then they added this thing at the end, they said by the way we

He would rather die than ever turn from the Bible or the constitution, and at age 38 the president appointed him to be a federal judge for the rest of his life.

noticed that the first claim to reach us in this case was a free speech claim, not a free exercise claim, maybe that's because of the Smith decision which has caused

so much damage to religious freedom over the past 30 years. But we haven't been asked to review that decision, yet. I mean the court, they're basically ready to blow up this horrible case that has strangled religious freedom in this case for decades. I mean, incredible, right?

What about the establishment clause, the establishment clause says Congress shall make no law respecting the establishment of religion. What does that mean? I think most of us know what it means - we don't want there to be a national established church, that then we're forced to support in some way that robs us of our religious freedom. But 50 years ago, liberals in the Warren Court said no, no it means so much more than that, it means separation of church and state, it means offended observer status, it means - what's offended observer status, it means if you walk through a community and you see a religious symbol and you are offended, you can now bring lawsuits. You can't bring lawsuits because you're offended in any area of the law except here. So our whole lifetime what have we seen, nativity scenes under attack, ten commandments under attack, prayer in public under attack, all these religious....do you think the founders thought there was a problem with any of those things? Of course not. But they were perverting the establishment clause, the case was called Lemon, it was aptly named, it was a lemon, okay.

So we have this case, I think many of you saw this, the Bladensburg cross, I've got a picture I

think outside the Supreme Court, you see the cross, that memorial was put up a hundred years ago by mothers who lost their sons in World War I right outside of DC in Prince George's County, Maryland, to honor the 49 young men who died in World War I.

A lawsuit was filed by the American Humanist saying you have to tear this down because this has a cross. And at the Court of Appeals one of the Obama judges, the federal judge we had, literally said why don't we just cut the arms of the cross off 'cause that way nobody will be offended and we won't have to tear it down. So we got a ruling, the two Obama appointees ruled unconstitutional, the Clinton appointee went with us, and they said after 100 years you gotta tear this memorial down.

Well, we went to the Supreme Court, and we could've gone for the bunt single, hey, let's protect all the memorials, and try to win, but we thought look because of who's now on the Supreme Court, let's get rid of Lemon, it's caused all this damage for 50 years, let's see, let's go for the grand slam. And so that's what we argued for. Well, the first person to ask a question was Justice Gorsuch, he said you know, I kind of feel like Lemon is a dog's breakfast and it's lived its day. I said I think Gorsuch is with us (!). And then Kavanaugh said something, and the Chief said something, and we thought we might have 5 votes. The decision was 7-2 protecting this cross and this memorial, but more importantly it was 5-4 saying we're not following Lemon, it's no good. And I just want you to understand for 50 years we've gone in a hostility to religion by the government approach, that is now up blown up and we are now going a whole different direction. We still have to build this other side out, but I am watching history change on its axis. Every American alive in my opinion is about to have more religious freedom than they've ever had in their lifetime. And it's because of what's happening with the judges, so this so important, I could go through other issues, the 5th amendment, property rights, I can show you the same thing, the best thing way I can, when I end here, the best thing I want to tell you is, it's kind of like the continental divide, and the rain was raining over here, and it's just moved and it's now raining over here. It doesn't look like a big move, but this water is going to a totally different ocean, it's going in a totally different direction, we're watching the foundation shift and we're going back to our founding principles. And if we want to keep that, the elections are going to be really, really important.

So, it's now my turn to invite up all of our candidates, we have a time now where the candidates who are here get to spend 30 seconds to introduce themselves, telling you how to support them, so you can see some people you can really get behind. ■

This transcript was developed from a [video](#) of these remarks obtained by Documented, an investigative watchdog and journalism project committed to holding the powerful interests that undermine our democracy accountable.

The Wide Angle: Understanding TESCREAL — the Weird Ideologies Behind Silicon Valley's Rightward Turn

By Dave Troy

FOR DECADES, THE CONVENTIONAL WISDOM ABOUT Silicon Valley was that it leaned progressive. And by many measures (like donations by Big Tech employees to political candidates), the industry has been aligned with the Democratic politics that dominate the San Francisco Bay Area. But contrarian alternate worldviews held by prominent voices like Elon Musk and Sam Bankman-Fried have emerged that not only counter old narratives but are actively merging with right-leaning political movements. And combined with the anxiety and aspirations created by artificial intelligence, these new social currents are taking on a cultish zeal.

Dr. Timnit Gebru, a prominent AI researcher [fired](#) from Google in 2020 for speaking up against what she perceived as the company's lack of proper ethical guardrails, has partnered with other researchers and philosophers to [coin](#) the (somewhat unwieldy) acronym "TESCREAL" to describe the overlapping emergent belief systems that characterize the contrarian, AI-centric worldviews challenging progressivism. It stands for: *Transhumanism, Extropianism, Singularitarianism, Cosmism, Rationalism, Effective Altruism, and Longtermism*.

It's a mouthful. But the various "-isms" overlap in their history and ideology. *Transhumanism* proposes that humans should augment themselves by combining biological and synthetic technologies as a way of evolving our species. *Extropianism* posits that humans can counter entropy, thus ultimately extending the human lifespan — perhaps infinitely. *Singularitarianism* suggests that technology will advance to a point where it begins to design itself, thus accelerating exponentially and leading to the "[singularity](#)," or an irreversible explosion of intelligence and technological advancement. These three ideas have been percolating for decades and popularized by technology evangelists such as Ray Kurzweil, currently heading AI research projects at Google.

Cosmism, the "C" in TESCREAL, is a set of ideologies advanced by Russian scientists and philosophers such as Nikolai Fyodorov, Konstantin Tsiolkovsky, and Vladimir Vernadsky. Prominent Russia scholar Marlène Laruelle found *Cosmism* to be so fundamental to Russian nationalism that she made it the subject of the first chapter of her book on the subject. (See: [Russian Nationalism: Imaginaries, Doctrines, and Political Battlefields](#))

Foundational to *Cosmism* is the idea of trying to maximize space exploration, colonization, and if possible, promote the resurrection of the dead. As we have mentioned previously in [The Wide Angle](#), Putin's Chief of Staff, Anton Vaino, has been [deeply influenced](#) by Vernadsky's idea of the "Noosphere" (the idea that earth will develop a kind of "global brain"). Tsiolkovsky

also developed the formulae needed for rocketry, and [deeply influenced](#) Elon Musk.

Rationalism, the established philosophical idea that reason should be the source of and basis for knowledge, has spawned communities of practice. Most notably, the website Lesswrong.com has been a hotbed of rationalist discourse online. Attracting mostly (but not exclusively) young men, the rationalist community has a tendency for hierarchy and a desire to “perfect” one’s understanding and application of reason. And according to some former members, some rationalist communities have [exhibited signs](#) of cultish behavior and mind control.

Effective Altruism aims to reframe philanthropy in terms of both efficiency and ultimate outcomes. Rather, say, than giving a blanket to the freezing person right in front of you, it might make more sense to devise systems to insure specific people get different resources to maximize their long-term chance of impacting the world. There’s a lot of hand-waving and rationalization here that I won’t attempt to parse now, but it’s a bit like if Ayn Rand was put in charge of a homeless services program.

Sam Bankman-Fried, who famously squandered billions of dollars in FTX, a cryptocurrency Ponzi scheme, was a notable member of the Effective Altruist community. Will MacAskill, an Oxford philosopher and author of the book, [What We Owe the Future](#), about E.A. and adjacent themes, was a frequent collaborator with Bankman-Fried; they directed philanthropic investments together. One of Bankman-Fried’s stated goals was to make massive amounts of money so he could fund [investments](#) in E.A.

Lastly, [Longtermism](#) is a philosophy championed by MacAskill and his Oxford philosopher colleague Nick Bostrom. Mixing ideas from Russian Cosmism and E.A., Longtermism concerns itself with the maximization of future “intelligences” in the universe, and posits that anyone that interferes with that goal is harming countless future (potential) lives.

This leads to some strange priorities, particularly a strong pro-natalist stance (you may recall that Musk has [said](#) that low birth rate is one of the biggest risks to humanity’s survival), but also a belief that in addition to biological intelligences, we should be maximizing *machine* intelligence in the universe. So that means not only should we be promoting biological space exploration and colonization (as per Cosmism), but we should also harness far-away planetary surfaces inhospitable to biologic life to build giant server “farms” from hypothetical materials like [computronium](#) — a kind of “programmable matter” that could host vast pools of mechanical Einsteins that could lead to the next big breakthroughs for intelligent life.

If all of that sounds outlandish and orthogonal to solving

the debt ceiling crisis, dealing with Earth’s climate problems, or otherwise improving conditions here on this planet, that’s because it is.

TESCREAL proponents have an authoritarian “ends justify the means” mindset rooted in the idea that if we do not submit to their urgent demands, we will extinguish billions of potential future intelligent beings. Surely we must not allow that to happen!

Eliezer Yudkowsky, an AI theorist, believes that AI is likely to wipe out humanity and that we should [bomb](#) data centers to stop its advance. Max Tegmark, an AI researcher at MIT, has also called for [halting](#) AI development in order to seek “alignment” — the idea that machine intelligence should work with humanity rather than against it.

Such alarmist arguments, which originate in science fiction and are quite common in the TESCREAL world, are rooted in a hierarchical and zero-sum view of intelligence. The notion is that if we develop machine superintelligence, it may decide to wipe out less intelligent beings — like all of humanity. However, there is no empirical evidence to suggest these fears have any basis in reality. Some suggest that these arguments mirror ideas found in discredited movements like race science and Eugenics, even as others [reject](#) such charges.

TESCREAL is a convergent Venn diagram of overlapping ideologies that, because they often attract contrarian young men, tend to co-occur with other male-dominated reactionary and misogynistic movements. The Men’s Rights movement ([Manosphere](#)), the [MGTOW](#) movement (Men Going Their Own Way), and PUA (Pick Up Artist) communities are near-adjacent to the TESCREAL milieu.

Combining complex ideologies into such a “bundle” might seem to be dangerously reductive. However, as information warfare increasingly seeks to bifurcate the world into Eurasian vs. Atlanticist spheres, traditionalist vs. “woke,” fiat vs. hard currency, it’s difficult not to see the TESCREAL ideologies as integral to the Eurasianist worldview. I also independently identified these overlaps over the last few years, and thanks to philosopher Émile Torres and Dr. Gebru who together [coined](#) the TESCREAL acronym, we now have a shorthand for describing the phenomenon.

As you encounter these ideologies in the wild, you might use the TESCREAL lens, and its alignment with Eurasianism and Putin’s agenda, to evaluate them, and ask whether they tend to undermine or enhance the project of liberal democracy.

TESCREAL ideologies tend to advance an illiberal agenda and authoritarian tendencies, and it’s worth turning a very critical eye towards them, especially in cases where that’s



Photos by Thomas Hawk, RIA Novosti, Cointelegraph

demonstrably true. Clearly there are countless well-meaning people trying to use technology and reason to improve the world, but that should never come at the expense of democratic, inclusive, fair, patient, and just governance.

The biggest risk AI poses right now is that alarmists will use the fears surrounding it as a [cudgel](#) to enact sweeping policy reforms. We should resist those efforts. Now more than ever, we should be guided by expertise, facts, and evidence as we seek to use technology in ways that benefit everyone. ■

Dave Troy is an investigative journalist focused on exposing threats to democracy. Based in Baltimore, his background as a technologist with an interest in studying online extremism affords him a unique perspective. His work has appeared at MoMA in New York, and he is a fellow with New America Foundation's Future Frontlines. Dave writes regularly about information warfare, history, and politics. He is the host of the podcast Dave Troy Presents, and speaks regularly at conferences on disinformation, extremism, and information warfare. Contact information is available at davetroy.com.

Another Banking Crisis in Making?

By Steven Pressman

SILICON VALLEY BANK (AKA SVB) COLLAPSED ON MARCH 10, followed by Signature Bank two days later. Fearing mass panic, the FDIC decided to make whole all deposits at both banks, even though they were insured only up to \$250,000. On March 16, First Republic Bank was saved from bankruptcy when several large banks lent it \$30 billion.

Although things have since quieted down, two questions remain. How many banks are in trouble, and do we face a banking crisis? Paul Krugman, writing in the New York Times on March 13, declared that SVB was not Lehman. But this is the wrong juxtaposition. The issue is whether SVB will be more like Bear Stearns in March 2008-- the canary in the coal mine that dies several months before the financial crisis hits.

Unlike 2008, I am not sure if there will be a banking crisis; but I am worried. SVB looks unique because it was issued numerous warnings before it went under. On the other hand, many banks face problems similar to SVB. Slower growth, due to higher interest rates, makes it harder for borrowers to repay bank loans. And people remain on edge about the safety of their money. One telling study of 4,800 banks found that if uninsured deposits were

withdrawn at these banks, 1,619 would fail.

It also needs to be remembered that bank crises have occurred regularly throughout history. They seem to arise from the very nature of banking. Banks hold money for people and businesses in the form of deposits. Then they lend money to people, business firms, and the government.

Two things can unsettle this process. Since banks hold little cash relative to their deposit liabilities, depositors can't be paid if they come en masse to withdraw their money. This constitutes a liquidity crisis, famously depicted in the Jimmy Stewart movie "It's a Wonderful Life".

Numerous policies have been devised to subdue liquidity problems. Banks in trouble can borrow from other banks, as happened with First Republic. Central banks serve as lender of the last resort, a role the Federal Reserve assumed when SVB and Signature Bank failed. And deposit insurance seeks to reduce depositor fears, so that their money stays in their bank.

The bigger problem is that banks tend to make risky loans that don't pan out, or bad loans that will never get repaid. These banks eventually become insolvent. The best example of this is the 2008 financial crisis, brought on by bad mortgage loans. As home prices fell, and people abandoned their homes, total bank assets dropped below what banks owed their depositors. Like the many homeowners to whom they lent money, many banks were under water.

SVB looks a lot like the run on Jimmy Stewart's bank. It lent the Federal government money by purchasing their long-term bonds. Buying government bonds is the safest thing banks can do with depositor money. However, SVB violated a cardinal rule of finance-- diversify, or don't put all your eggs in one basket.

Although safe, government bonds are not risk-free. SVB valued them at what they would receive when the bond matured in several years. However, when interest rates rise, bonds lose value temporarily. A slowing economy, due to higher interest rates, led to bank withdrawals and forced SVB to sell bonds in order to pay depositors. On March 8, SVB lost \$1.2 billion doing this. A liquidity problem thus became an insolvency problem.

When this became known, via Twitter, we had our first social media bank run. With nearly 95% of SVB deposits not covered by insurance, people scrambled to get their money before nothing was left. The result was a death spiral. As money left SVB, more bonds had to be sold at a loss; and the more money SVB lost, the more deposits left the bank. SVB had to be shut.

Many banks now face problems similar to SVB. Lending money to these banks won't solve the problem because the banks will pay higher interest rates than they receive from their loans. To prevent a bank panic, and large losses when banks sell assets, rate hikes must stop and the Fed needs to consider cutting rates.

Having said this, there is no escape from banking problems.



Photo by futureatlas.com

People and firms need loans to survive; loans keep the economy growing and generate jobs. But lending is a risky business that attracts risk takers. Avoiding future problems requires keeping banks from taking excessive risks with other people's money. Many suggestions have made about how to do this.

Banks can be required to hold more cash and lend less. Alternatively, they can be required to have more skin in the game, or more capital, when lending. This puts investors, or bank owners, at greater risk if the bank goes under. Somewhat ironically, this last suggestion would not have saved SVB, since government bonds are regarded as good as cash and don't require banks to hold capital.

Another possibility is to increase deposit insurance. The FDIC was created in 1933. It insured deposits up to \$2,500 per person, per bank. Today it insures deposits up to \$250,000. Increasing deposit insurance, however, can create problems because it reduces the number of people monitoring bank behavior as depositors don't need to worry about losing their money.

These policies may do some good, but they are mere band-aids. Preventing bank failures requires tougher regulation by the government.

All banks should face regular and rigorous stress tests. These tests model what would happen to the bank under various circumstances; banks must demonstrate that they can weather large shocks. SVB would have failed any reasonable stress test. Its holdings of so many long-term government bonds was a disaster waiting to happen. As noted above, it contradicted the most fundamental principle of finance. SVB should have been forced to diversify its loan portfolio long before a bank run killed it.

Also, stress tests should be performed by an independent organization, preferably the Federal Reserve. Letting SVB perform its own stress tests, using whatever assumptions it wished, contributed to its demise. A 2018 bank reform permitted this. Just as repealing Glass-Steagall let banks make riskier loans and laid the groundwork for the 2008 financial crisis, the Economic Growth, Regulatory Relief and Consumer Protection Act, signed by President Trump in May 2018, let many banks do their own stress test, setting the stage for our current banking problems.

Finally, and most important, bank executives must be held accountable in the only way that matters to them-- their check-book. Many bank crises stem from inept or corrupt managers, who approve loans that never should have been made. Limiting the pay of senior bank executives to some small multiple of median firm pay, would reduce incentives for bank executives to gamble with depositor money in the hope of great financial rewards. And paying executives with a good deal of company stock that cannot be sold for many years would provide an incentive to take a long-term perspective on lending. A policy like this would have either stemmed the risky behavior of SVB, or led to large losses for SVB executives when the bank failed and their stock holdings became worthless.

Even with all this, we are unlikely to avoid bank crises entirely. In the last 45 years we have had the S&L crisis, Long-Term Capital Management's failure, the dot.com bust, and the 2008 financial crisis. Whether a 2023 financial crisis will be added to the list

remains to be seen. The best we can do is reduce the likelihood of a crisis and hope for the best. ■

Steven Pressman is part-time professor of economics at the New School for Social Research, professor emeritus of economics and finance at Monmouth University, and author of Fifty Major Economists, 3rd edition (Routledge, 2013).