PART SIX — WHAT CITIZENS DO



THE CUMULATIVE CASE

Why every chapter is the same chapter

A CITIZEN'S MANIFESTO FOR THE AGE OF AI

A Civic Blueprint for Human Agency, Democratic Self-Government, and a Workable Earth

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THE CUMULATIVE CASE

Why Every Chapter Is the Same Chapter

DAVID M. DOYLE

The Series Charter

Book Zero—The Unoccupied Center—sets out the charter for this project: technology must enlarge human agency, not replace it. The six books examine the conditions required to keep that commitment real.

Part Six concerns What Citizens Do: the practice of self-government through records, meetings, public institutions, organized action, enforceable commitments, and shared responsibility.

The movement is complete: **See → Act → Protect → Share → Draw the Line → Build Together.**

The Three Tests

Witness Test. Who sees this decision from outside the authority making it, and can their testimony survive?

Burden Test. Who bears the cost, and do they have meaningful voice, remedy, or refusal?

Return Test. How does this authority end, reverse, repair harm, or return value to those it affected?

How to Read Part Six

The first five parts establish connected conditions of freedom: the right to see, the power to act, the material world beneath systems, a fair share of what we build, and the boundaries that protect human dignity.

This final part asks what citizens do with that knowledge. Every consequential mechanism has a real decision-making room attached to it, and democratic power begins when people learn to find that room before the decision hardens.

Its standard is practical: a civic effort is doing real work only when it can name the body with power to decide, place a specific question and answer into that body's record, and identify the binding obligation—with a responsible party, date, and consequence—that will exist afterward.

PART SIX — WHAT CITIZENS DO

Practice, not sentiment

Its corruption: despair that mistakes itself for realism, and certainty that hardens into a wish to control.

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Part Opening

On the fifteenth of April, 2025, the Board of Supervisors of Pittsylvania County, Virginia, held its business meeting in the auditorium of Chatham High School.

The item before it was a petition to rezone fourteen parcels — 763.16 acres — from residential and agricultural classifications to heavy industry, "to allow for a Private Utility (Natural Gas Power Plant) and Data Centers." The county's planning commission had already recommended denial, 7–0.

The public hearing opened at 8:10 in the evening and closed at 10:12.

When the applicant asked to withdraw the application without penalty, the board refused, 5–2 — refused, that is, to let the question go away unanswered — and then denied the rezoning 6–1 on a motion that recorded its own reasons: "based upon the proposed layout of the project, the height and profile of the structures of the proposed project, the expected emissions, the limited benefit of jobs for the County, and the lack of clarity in the proffers and plans presented."1244 Six months later, in another Virginia county, the Campbell County Board of Supervisors took up a narrower question: whether to strip the restrictive conditions attached to an industrial parcel so that a data center could be built on it.

Two citizens delivered petitions carrying 660 signatures in opposition.

The supervisor who moved to deny explained that the conditions had been filed roughly twenty-five years earlier by the man who first rezoned the land, who "submitted restrictive proffers to protect his neighbors," and that "the community still needed to be protected." The board denied the request 5–2.1245 And on a different scale entirely: when the federal agencies reopened the definition of which waters and wetlands the Clean Water Act protects, they accepted comments from the twentieth of November, 2025 through the fifth of January, 2026.

They received approximately 220,000 of them.

On the ninth of September, 2026, the agencies issued a supplemental notice stating that "based on the agencies' careful and ongoing review of the comments submitted," they were putting new regulatory options out for further comment.1246 Three rooms, three scales, one mechanic: somebody showed up where the decision was actually made, and the decision moved.

Let me say what I am not arguing, because this is the part of the book most likely to be read as reassurance, and I did not write it to reassure anyone.

I am not arguing that local participation is sufficient.

A rezoning denial is not an energy policy.

Two Virginia counties saying no does not slow the national buildout; it relocates it, and often to a jurisdiction with a weaker board and a poorer tax base — which is precisely the cumulative problem this book has been describing, now operating on the geography of resistance itself.

I am not arguing that showing up reliably works.

It frequently does not.

Boards approve things at eleven at night after eight hours of opposition testimony.

Note what the supplemental notice above actually says and does not say: the agencies reconsidered their explanation and offered new options.

They did not withdraw the proposal, and the outcome remains open as I write.

Two hundred and twenty thousand comments bought a further round of process.

That is worth something.

It is not a victory, and I will not dress it as one.

What I am arguing is narrower and, I think, harder to dismiss.

Every mechanism described in the previous five parts has a room attached to it.

The room is nearly always local, nearly always sparsely attended, and nearly always open to you.

And the record made in that room is the only material a court, a journalist, a legislator, or a successor board will have to work with later.

The mechanism of Part Six is the asymmetry of attendance.

The concentrations described in this book are held by institutions with permanent staff whose full-time job is to be present at these proceedings.

The public's side of the table is staffed by people with other jobs.

That asymmetry is the entire operational advantage, and it is not overcome by intensity of feeling.

It is overcome, when it is overcome, by three unglamorous things: knowing which body decides, arriving with the specific question that must be answered on the record, and being there again at the next meeting.

Look at what the Pittsylvania motion did.

It did not merely deny; it enumerated layout, height, emissions, jobs, and the vagueness of the proffers.

A denial with recorded reasons is a reviewable act.

It tells the next applicant what to fix, tells a reviewing court what was weighed, and tells the county's own future board what the standard was.

A denial with no stated reasons is a mood, and moods are reversible at the next election.

And the requirements this book asks for are, demonstrably, the kind of thing these bodies can adopt.

On the twenty-third of January, 2025, the Georgia Public Service Commission voted unanimously, in Docket 55378, to approve a rule under which "any new customers using more than 100 megawatts of energy can be billed using terms and conditions beyond those used for standard customers," and under which those customers "would pay for costs incurred by upstream generation, transmission and distribution" as construction progresses — a rule the commission described as protecting ratepayers "from cost shifting."1247 That is the burden test written into a tariff: the party taking the gain carries the cost.

Nobody needed a new philosophy to do it.

They needed a docket.

Which is why the rules about the rules are where the serious contest happens, and why a citizen who only watches projects will lose.

On the seventeenth of December, 2025, the Louisiana Public Service Commission adopted, 4–1, a directive establishing what it called a "Lightning" regulatory pathway.

Under it, the requirements of an existing general order "are considered waived" for a proposed generating addition where the utility can show a signed electric service agreement with a new or expanding load seeking service within five years, a projected shortfall without the new capacity, an agreement term of at least fifteen years covering at least half the fixed revenue requirement, and "a letter from the Secretary of Louisiana Economic Development confirming the customer's interest and the importance of power availability." Staff were directed to process such applications "with the objective of the Commission being able to vote within 8 months of an application."1248 The directive expressly preserves the commission's authority over public interest and prudence and states that nothing in it restricts "any party's participation." It is not a suspension of review.

But it is a decision that a specified class of projects enters through a faster door with fewer prerequisites, on the strength of a letter from an economic development agency — and the citizen who was preparing to contest a plant at the certification stage now has eight months, in a proceeding where the competitive-procurement step has been waived.

That is the emergency logic of Part Two, executed as a procedural amendment, by a body most residents of the state could not name.

The same holds for prohibition rather than mitigation.

Boston's municipal code provides flatly that "it shall be unlawful for Boston or any Boston official to obtain, retain, possess, access or use" a face surveillance system or information derived from one, and extends the bar to agreements and permits that would let a third party do it on the city's behalf.1249 That is a city council doing at municipal scale what Part Five argued for: drawing a line rather than managing a risk.

Here is the pattern to recognize.

Every concession offered to the public in these proceedings is, by default, procedural.

More comment.

Further study.

A working group.

A voluntary pledge.

An extended timeline.

Each of those is a real thing and none of them is a requirement.

The test I would apply to any concession is simple: after this, is there something a person can point to that binds someone, with a named party responsible, a date, and a consequence for non-compliance?

If not, the process has absorbed the objection rather than answered it.

That is why this book ends in fifteen requirements and not in fifteen concerns.

A concern can be acknowledged indefinitely.

A requirement can be violated, and violation can be shown.

I should also state plainly what these chapters concede.

The technology produces real gains: genuine scientific acceleration, genuine medical benefit, genuine access for people who previously had none, genuine relief from work that deserved to be automated.

I do not want it stopped.

I want the gains and the costs assigned to the same ledger, examined together rather than project by project, and I want the human who answers for the outcome to remain locatable.

That is a demand for accounting, not for prohibition — except in the few places, named in Part Five, where I think accounting is not enough.

Which leaves the last thing, and it is the one I find hardest to write.

The failure mode of this part is not apathy.

It is the reformer who wins.

Certainty hardening into a wish to control is the standard end state of movements that started in a school auditorium at ten at night and were right about everything.

A coalition that succeeds acquires exactly the thing it organized against: an unexamined center, a hurry, a reason not to be witnessed this once.

I have watched capable people make that turn, and I have felt the pull of it myself while writing this book — the pull toward believing that because the diagnosis is correct, the diagnostician should be given the room.

So the practice I would keep, before any decision that will bind other people, is three questions asked of myself and not of my opponents.

What have I been given to hold?

What must I protect?

What must I leave unheld?

The third question is the load-bearing one, and it is the same principle stated in the Introduction, turned inward: the demand of this book is not that no one govern.

It is that no one occupy the center — including me, and including you, on the day you win.

So the chapters that follow ask four questions of any citizen, on any Tuesday: Which body actually decides this.

What question must be answered on the record before it decides.

What binding thing would exist afterward that does not exist now.

And what would I have to leave unheld to remain the kind of person who should be in that room?

And here is the standard I would hold to, stated as one test: a civic effort is doing real work only where it can name the body with the power to decide, has placed a specific question and its answer into that body's record, and can identify what binding obligation — with a responsible party, a date, and a consequence — would exist at the end of it that does not exist today.

Two Virginia counties passed all three.

Two hundred and twenty thousand comments have so far passed the first two. — D.M.D.

Chapter Sixteen: The Cumulative Case

Why Every Chapter Is the Same Chapter

Why Every Chapter Is the Same Chapter

Why does this keep happening? I.

The last official act took place in a plain room in the Vermilion Parish Courthouse. On the twenty-fifth of August, 2026, two hours before the governor went on stage in Abbeville to announce Starbase Louisiana, the seven-member Vermilion Parish Industrial Development Board met for what the newspaper that later reconstructed the day called "the second time ever." The agenda had been posted on the courthouse door the day before, "though nobody seemed to notice." Most of the items were routine. One was a vote to authorize a property tax break for "Project Osprey," the code name for Space X

That break turned out to be the largest in the state's history.1440 I start with that room, and not the stage, because it is where the pattern in this book can be seen whole. The Introduction described August from a distance: a utility commission voting not to make Meta show its arithmetic, and a rocket company announcing a hundred-billion-dollar launch complex on the coast thirteen days later.1441 Since then, records requests and reporting have shown what was underneath the announcement. By the state economic development agency's own records, the incentive package is worth an estimated $27.5 billion. Nearly $23.8 billion of that comes from exempting the company from Vermilion Parish property taxes for twenty-five years, and another estimated $3.6 billion comes from state sales tax rebates.1442 To put the scale in context, the Legislative Auditor recently counted ninety-nine payment-in-lieu-of-tax contracts in the state's six most populous parishes. Taken together, they abated $44 million in 2025.1443 The company has committed to at least 3,000 permanent jobs by 2035. At the headline value of the package, that is close to $8 million per job over twenty-five years.1444 One further incentive in the state's records was given no dollar value. The records call it the "Project Osprey VIP Permitting Initiative."1445

The legislature helped as well. Its own session summary lists what was passed for aerospace that spring: a sales tax rebate, eligibility for the state's industrial property-tax exemption program, a bill that "allows certain domestic or foreign business entities or related aviation facilities to expropriate property of 20,000 contiguous acres," and two bills that "limit legal exposure for aerospace companies operating in the state."1446 One of those shielding bills is now La. R.S. 9:2800.31. It provides that "no aerospace flight entity that owns and occupies a minimum of twenty thousand contiguous acres in this state shall be liable" for nuisance, trespass, inverse condemnation, strict liability, "or any other claim based upon noise, sonic booms, overflight, vibration, light, heat, exhaust, smoke, odor, visual intrusion," or other disturbance from flight activity.1447 Another act makes the designs, operational documents, and "any other records" related to aerospace critical infrastructure "shall be confidential" if the entity holding them has export-controlled technical data or a current contract with the Department of Defense or an intelligence agency.1448 The press account puts the total at seven new laws.1449 The land came from a lawsuit. For years the state had been suing oil companies over coastal damage. ExxonMobil settled by donating more than 120,000 acres to the state, and the state sold them to SpaceX for $100 million, "or about $800 an acre." The governor said Exxon had also given "a couple hundred million" for coastal restoration.1450 That figure comes from a phone interview, and I could not find a public document

stating the exact amount. The economic development secretary defended the price: "The land is eroding," she said. "We literally sold them swampland."1451 The negotiations were confidential from start to finish. On the tenth of February the secretary used a state law that lets her keep certain economic development negotiations secret. The administration arranged more than thirty nondisclosure agreements.1452 A public radio newsroom later obtained them through records requests, filed under the same code name.1453 Asked about it, the governor said: "You don't do these deals in the public."1454

A federal agency was working on the same timetable. On the thirtieth of July, the Federal Aviation Administration proposed a rule "to streamline the licensing process and reduce regulatory burden for applicants." It would use the Secretary of Transportation's authority to waive a requirement of federal law for a launch license "when the requirement is not necessary to protect the public health and safety, safety of property, and national security and foreign policy interests of the United States." The notice states: "FAA proposes waiving requirements under 13 laws for commercial space licenses and permits to operate a launch site." Those laws include the National Environmental Policy Act, the Endangered Species Act, the Clean Water Act, the Clean Air Act, the Coastal Zone Management Act, and the National Historic Preservation Act. Comments were due on the thirty-first of August.1455 Three wildlife organizations, two of them based in Louisiana, wrote to the FAA administrator. They said they did not oppose the space industry. "Our concern is narrow and specific," they wrote. "This is precisely the setting in which project-level environmental review matters most."1456 Meanwhile, at the other end of the state, the data center grew again. On the thirteenth of July, Meta announced that its Richland Parish campus would expand to five gigawatts of compute capacity, "an investment of more than $50 billion." It called the site "the largest in Meta's fleet."1457 When construction began, the price tag was $10 billion, and the site was expected to deliver more than two gigawatts.1458 Every stage was a separate filing, a separate approval, and a separate announcement. None of these acts is a scandal on its own terms. A development board met and voted. A legislature passed bills. A governor settled a lawsuit. An agency published a proposed rule and took comments. A company announced an expansion. Each one was defended in public.

The subject of this chapter is that no document anywhere adds them up.

II.

I have now written fifteen chapters about fifteen domains. I did not plan for them to be the same chapter. I planned for them to be about schools, emergencies, weapons, data centers, the climate, the firms, wages, benefits, supply chains, rights, medicine, and forecasts. Every time I finished one, I found I had described the same mechanism again with different nouns. Here it is, stated once and plainly, so that you can recognize it somewhere this book never went. A private gain is assembled from public pieces. Each piece is approved separately and quickly, on the applicant's own numbers, in exchange for a promise. That sentence has five parts. Each is a mechanism visible in a public record. The gain is concentrated. The return from the project goes to one entity or a small number of them: the equity, the market position, the data, the option on the future. That is not a criticism in itself. Someone has to own things. It becomes the pattern only together with the next part. The cost is distributed. The costs go to people who were not parties to the deal: ratepayers, taxpayers, neighbors, the watershed, the coast, the person scored, the worker displaced, the patient denied. They are spread thin enough that no single bearer has a claim worth litigating, and they add up to more than the gain. The Vermilion Parish tax exemption is a cost in exactly this sense: revenue the parish's schools, levees, and roads will not receive. Urgency is used against deliberation. The pieces arrive faster than anyone can review them, and the

speed is presented as a reason not to review them. Sometimes the reason is a competitor: "You think I want Texas to steal my thunder?" the governor asked.1459 Sometimes it is a declared emergency, sometimes a construction schedule, sometimes a race with another country. The Part Two opener counted forty-three notices in twelve months, each continuing a national emergency for one more year.1460 Louisiana showed a development board meeting two hours before the announcement. Self-certification replaces audit. The numbers on which the public decision depends come from the party that benefits from the decision, and nobody independent checks them. In August the Louisiana Public Service Commission let Meta keep its job and demand calculations to itself.1461 Chapter Fourteen showed that 95 percent of the appealed skilled-nursing denials the inspector general reviewed were overturned, which means the insurers' first answers were wrong almost every time someone looked.1462 Chapter Nine showed the largest AI firms setting their own capability thresholds and clearing them internally.1463 Pledges replace bonds. The promise of repair is voluntary, unscoped, unmonitored, and unsecured. Louisiana officials said SpaceX would work with state agencies to "proactively address potential impacts to wildlife, fisheries and their supporting habitats."1464 The economic development secretary said the company "only earns" its incentives "by delivering the results it promised."1465 I take both statements at face value. Neither is a bond. Chapter Seven looked for decommissioning bonds for data centers and found none in any state tariff it examined.1466

Segmentation joins the five parts, and I think it is the real subject of this book. Each piece is reviewed as if it were the whole. The tax break is reviewed as a tax break, the liability shield as a tort question, the records exemption as a question of public-records law, the land sale as a litigation settlement, the federal license as a question of launch safety, the gas plants as a utility rate case, and the fifth gigawatt as an expansion of an already approved project. Each reviewing body stays within its jurisdiction and does its job. Nobody's job is to ask what the pieces do together. Look back through the five parts with the sentence in hand, and each described a different step of it. Part One, on Perception, was about the Witness side. It found that the public record is being lost without anyone deciding to lose it. A quarter of a large random sample of webpages were unreachable within a decade, and the number of American counties with no local news source rose again in the most recent count.1467 Segmentation needs exactly that. When nobody is keeping the record, nobody can put the pieces next to each other afterward. Part Two, on Will, was about urgency. Chapter Five followed a coal plant kept open by six consecutive ninety-day orders, each lawful and each short, together adding up to years.1468 Chapter Six found that the governing weapons directive uses the word "prohibit" zero times, by deliberate policy.1469 An emergency is segmentation in time: a series of short decisions, none of which ever has to justify the total. Part Three, on Form, was about the physical load and gave the pattern its clearest example. An Oregon city negotiated a fifteen-year water agreement with two limited liability companies whose parent was named nowhere in the operative document.1470 You cannot add up a load when the party carrying it is unnamed. Part Four, on Exchange, followed the distribution of cost. The labor share of output reached the lowest level in a series that begins in 1947, while the tax code let a machine be deducted in full in its first year and charged a 7.65 percent employer levy on a person.1471 In Chapter Eleven, 69 percent of Medicaid terminations during the renewal period were procedural.1472 Chapter Twelve showed rural post offices downgraded at nearly twice the rate of others under a plan measured by volume rather than by place.1473 Each is a cost moved off one ledger and onto a person's, in amounts too small to litigate one at a time. Part Five, on Threshold, was about the individual, the smallest unit a cost can be assigned to. A fourteen-year-old's thumbprint, 399,412 people scored on arrest history alone, and appealed nursing denials overturned 95 percent of the time are the same pattern at the scale

of one person. The decision is made about the person, from data the person never sees, by a party that checks its own work.1474

Five parts, five disciplines, one sentence. The disciplines were kept separate in this book because in a healthy arrangement each guards against the failure of the others. The pattern works by making sure they never meet in the same room. That is the sentence the Louisiana briefing paper identified two years ago: the central policy failure would be evaluating each project as an isolated economic-development win.1475 I have spent fifteen chapters confirming it. The failure is not a fraud or a conspiracy, and nobody has to break a rule for it to happen. It is a failure of accounting.

The whole is never entered on anyone's books.

II.

The idea has a name in the environmental literature, and it is older than this technology.

In 1982 the ecologist William Odum published a short essay in BioScience titled "Environmental Degradation and the Tyranny of Small Decisions." Its argument, which the title almost states in full, is that a large loss can be made of many small decisions, each reasonable and none of them ever deciding the large question.1476 I have been able to read only the abstract page, so I will not quote it. But the title names the problem well, and the law once had a working answer to it. The answer was in the government-wide rules that told federal agencies how to conduct environmental review. For most of the four decades after 1978 they contained this definition, quoted here from the 2019 edition: "Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time."1477 The same rules required that "cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts," be "discussed in the same impact statement."1478 The Supreme Court had stated the principle even earlier. In 1976, in a case about coal leasing on the northern plains, it wrote: "when several proposals for coal-related actions that will have cumulative or synergistic environmental impact upon a region are pending concurrently before an agency, their environmental consequences must be considered together."1479

The lower courts gave the principle force. In 2014 the D.C. Circuit reviewed a gas pipeline in Pennsylvania and New Jersey. The pipeline company had built four upgrade projects on the same line, and they "were reviewed separately by FERC, approved, and then constructed in rapid succession between 2010 and 2013." The court held that "FERC impermissibly segmented the environmental review in violation of NEPA," and that the agency's assessment was "deficient in its failure to include any meaningful analysis of the cumulative impacts of the upgrade projects." It defined the offense in a sentence I would put on the wall of every permitting office: "An agency impermissibly 'segments' NEPA review when it divides connected, cumulative, or similar federal actions into separate projects and thereby fails to address the true scope and impact of the activities that should be under consideration."1480 Four projects on one line, approved one at a time, built one after another. Replace "pipeline" with "gigawatt," and you have the Richland Parish campus. In 2025 the Council on Environmental Quality withdrew the government-wide rules, including the definition quoted above, and replaced them with agency-by-agency procedures.1481 In May of the same year, the Supreme Court held that a federal

environmental review need not address the effects of separate projects, including ones that are geographically distinct or merely foreseeable.1482 For a coastline, the cumulative harm is now nobody's document as a matter of federal law.1483 The FAA's July proposal goes further. It does not only narrow what a review must include. It proposes that, for a launch license, thirteen statutes' requirements not apply. A narrower review still produces some document. A waived one produces none.

IV.

The Louisiana pieces are not only separate. They interlock, and the interlocking only appears when they are read together. Read the liability shield closely. It bars nuisance and similar claims against the flight entity, and it lists exceptions. One exception is "a violation of a condition of a Federal Aviation Administration license, experimental permit, or federal authorization." Another is injury from falling debris "that exceeds the normal risk associated with aerospace flight activities." Its last subsection adds a presumption: "An aerospace flight entity is presumed to be acting lawfully if the aerospace activity is conducted in substantial compliance with applicable federal, state, and local licenses, permits, or authorizations."1484

Now read that next to the federal proposal. Under the state law, a neighbor's surviving claims depend on the conditions of the federal license. Under the federal proposal, the environmental requirements that would have produced many of those conditions would not apply to the license. The less the license requires, the more easily its holder is "in substantial compliance" with it, and the stronger the state's presumption of lawful conduct. Then read the records law. If the operator holds a defense or intelligence contract, the operational records a neighbor would need to prove a license violation are confidential.1485 This is my own reading of how three separate instruments fit together. I do not claim anyone designed the result, and a court could read the exceptions more generously than I do. But run it through the three questions the book has used throughout. The records law narrows Witness. The liability shield narrows Burden, because the people who bear the noise, light, vibration, and exhaust lose most of their ability to refuse or be compensated. The federal waiver narrows Return, because the license is where conditions for repair, monitoring, and restoration would have been set. Three instruments, adopted by two levels of government in the same season, each reviewed alone, together close all three questions for one site. Nobody voted on that combination. A resident with a fishing camp on Pecan Island described it more simply than I can: "He didn't ask anybody if they wanted to do it, the people of the state."1486 The chairman of the board that approved the tax break gave the counterargument just as simply. He said there are many concerns about how the spaceport will affect the coast. "But I have more concern," he said, "that we won't have a coast if this doesn't come in."1487 I take that seriously. A parish losing land to the Gulf every year does not have the luxury of turning down money for restoration, and anyone who lectures it about process without addressing that fact has not earned a hearing. But notice the form of his argument. The coast is the reason to approve the project, and the project's effect on the coast is the question nobody was assigned to answer. The two sides of the ledger were never on the same page.

V.

Here is the domain this book never covered. I include it to test whether the pattern can be recognized by someone who has only this chapter.

On the ninth of July, 2026, the Space Bureau of the Federal Communications Commission granted a license to a company called Reflect Orbital to launch and operate a single satellite, Earendil-1. The satellite is meant to test a

steerable thin-film mirror that reflects sunlight onto a chosen patch of the Earth at night. The American Astronomical Society petitioned to deny it. Astronomical societies in Argentina and Spain objected, and "more than 1,800 individuals submitted letters."1488 The Bureau granted the license. It found "that grant of Reflect Orbital's application for a single demonstration satellite serves the public interest," and that the objectors' concerns did "not warrant either denial or additional conditions." On the mirror itself, which was the only thing the objectors cared about, the Bureau said that the solar reflector "is supported by the communications authorized in this license, but which we find is beyond the scope of the Commission's authority to regulate." On the objection that a company testing a mirror intends to build many of them, the order says that concerns "about the aggregate risks of a hypothetical constellation of a large number of Reflect Orbital satellites" are "irrelevant to this application for a single satellite."1489 Test it against the sentence. There is a private gain, the commercial sale of light. There is a public cost, which falls on the night sky, on the astronomers who study it, and on wildlife that depends on darkness. Urgency is present: the order ties the grant to "American leadership in space." The information about the payload comes from the applicant. There is no bond. And there is segmentation twice over, once by jurisdiction (the agency licenses the radio and not the mirror) and once by time (the agency licenses one satellite and not the constellation the satellite is meant to test).

A law firm advising the space industry read the FCC order and the FAA proposal together and saw the same thing. Its summary: "agencies are narrowing their reviews to the matters Congress specifically assigned them to regulate." It noted that this approach "may also place greater importance on interagency coordination and on identifying which regulator, if any, has authority over effects that fall outside the principal licensing agency's jurisdiction."1490 "Which regulator, if any." That phrase, from the industry's own lawyers, describes the problem exactly. I am not arguing that the FCC misread its statute. The Communications Act may well not give it authority over mirrors. I am arguing that when each agency reads its statute correctly and narrowly, the result is a class of effects that no agency reviews, and the class grows every time a technology outruns the statute written for its predecessor.

That describes the night sky now. It will describe something else next year, in some domain I cannot predict. You will recognize it by the phrase "beyond the scope."

Appendix B

Appendix B sets out a questionnaire in full, but it reduces to six questions you can ask at any hearing about any project. What else is pending, or was recently approved, that shares this grid, this water, this coast, this tax base, or these workers? Who, by name, is responsible for reviewing them together? What has the applicant been given, by any body, in any form, in addition to what is being decided here, and what is it worth? Whose numbers are these, and who has checked them? What is promised, and what is secured? And if this project grows, what brings it back before you? An applicant with a sound project can answer all six in an afternoon. An official who cannot get answers has learned something about the project, and should say so on the record. None of the six requires expertise in the technology. They require only refusing to treat the piece in front of you as the whole.

VI.

The Introduction set a structural test: no authority, public or private, may hold at once the means of force, of food and material provision, of communication and public truth, of transit and movement, of historical memory, of defining an emergency, and of predicting the future.1491 Chapter Nine applied it to the AI industry as a whole and found five of the seven held or effectively controlled by an overlapping set of four to six firms, with a sixth, force, contractually promised to the state by the same firms. Food and material provision was not yet concentrated in the same hands.1492 Totaling the concentrations honestly now means looking at one firm. The rocket company coming to the Louisiana coast is no longer only a rocket company. In February of 2026 SpaceX acquired xAI, its founder's artificial intelligence company, in what Reuters reported as the largest merger or acquisition on record.1493 The combined company's final prospectus, dated the eleventh of June, describes the combined business in its own words. It operates a constellation of "approximately 9,600 Starlink broadband and mobile satellites in Low-Earth Orbit," providing internet service to "approximately 10.3 million Starlink Subscribers across 164 countries, territories, and other markets."1494 It launches for "commercial, civil, international and government customers." In 2025 it "launched 11 of 12 National Security Space Launch" missions.1495 Through Starshield, it has built "a secure, dedicated satellite network designed specifically for United States Government customers and national security applications."1496 It trains Grok, which it calls "one of the world's most advanced frontier models," and it describes X as "our real-time information, entertainment, and free speech platform, which serves as a foundational distribution and data engine for our AI ecosystem." Across Grok and X it reports "approximately 550 million" monthly active users as of March 31, 2026.1497 It owns "what we believe to be the largest AI training data center clusters on Earth."1498

And after the offering, one person, the founder, holds "approximately 82.4% of the voting power of our common stock."1499 Put that against the seven. Transit and movement: launch and a global satellite network. Communication and public truth: a social platform and a frontier model built into it. Historical memory: the platform's record of public speech, described by its owner as a "data engine" for training. Predicting the future: a frontier model and the compute to train it. Force: national security launch and a dedicated satellite network for national security customers. Five of the seven in a single firm, under a single controlling shareholder, now building its largest launch complex on the Louisiana coast. Holding a share of a concentration is not the same as controlling it. There are other launch providers, other networks, other platforms, and other models, and a government customer is not a subordinate. Nothing in the prospectus suggests anything unlawful, and the firm's engineering record is real. The test does not ask whether an owner is benevolent. It asks whether the functions are separate, so that failure in one can be seen and corrected from outside it. On this record, five functions are

held under one roof. And the state in which that firm is building has, in the same season, limited the public's access to its records, its neighbors' claims against it, and the environmental conditions on its license. Which of the five disciplines is furthest from its safeguard? It is Form, the discipline of Part Three, which covers durable structures, infrastructure, and the physical commons. Its safeguard is the obligation to account for the whole physical load before building, and to secure repair before operating. In the period this book covers, every one of those instruments moved backward at the federal level. The government-wide cumulative-impact definition was withdrawn. The Supreme Court held separate projects out of scope. A federal agency proposed waiving thirteen statutes for one class of license. Chapter Seven found no decommissioning bond in any state tariff it examined. The other disciplines have lost ground too, but each has somewhere a counterweight that moved forward: a European prohibition on forecasting crime from profiling, state laws barring fully automated denial of care, a Georgia tariff making large loads carry their own costs.1500 For Form, the counterweights I found are all at the state level and all still contested. The next section describes them.

VII.

Cumulative assessment is not a theory. Several jurisdictions do it now, and the record of how it works, including where it disappoints, is the best evidence that it can be required.

New Jersey has the strongest statute. Its 2020 environmental justice law requires the state environmental agency to "deny a permit for a new facility upon a finding that approval of the permit, as proposed, would, together with other environmental or public health stressors affecting the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities." The only exception is a facility that serves a "compelling public interest" in the affected community. For expansions and renewals, the agency can only impose conditions.1501 The Appellate Division upheld the implementing rules on the fifth of January, 2026.1502 In July the state Supreme Court agreed to review four parts of them, including whether some long-running facilities can be treated as "new" and therefore face mandatory denial. Briefs are due this fall.1503 The strongest cumulative-impact law in the country is, as I write, before its highest court. The first major decision under the New Jersey approach is also the honest hard case. In July 2024 the agency ruled on a backup power plant proposed by the Passaic Valley Sewerage Commission for Newark's Ironbound neighborhood. The plant is meant to keep the sewage treatment plant running during storms. The commission says the backup plant is needed to prevent a repeat of Superstorm Sandy, when a power failure led to the release of 840 million gallons of untreated sewage.1504 The application predated the final rules and was reviewed under an earlier administrative order, but the agency ran the cumulative analysis anyway. It found that the community "is subject to adverse cumulative environmental and public health stressors, including a density of permitted air pollution sites more than five times greater than the relevant point of geographic comparison." Its table gives a combined stressor total of 23 for the block group, against 13 for the point of comparison.1505 The agency approved the plant with conditions. PVSC would have to remove older combustion equipment, add pollution controls to uncontrolled boilers, and install up to five megawatts of solar and five megawatts of battery storage. Operation would be capped by the hour.1506 Residents called it a betrayal. By their count, it would be the fifth power plant in their vicinity.1507 I include this case because it answers the objection that cumulative review is a hidden veto. Here the review did not stop the project. It produced a public finding that the neighborhood was overburdened, conditions that reduce the facility's emissions, and a record the residents can use against the next application. That is less than they wanted, and far more than a one-plant-at-a-time review would have produced.

Minnesota passed a cumulative-impacts law in 2023 for designated environmental justice areas. The pollution control agency proposed its rule this year. The public rebuttal period closes at 4:30 p.m. on the twenty-eighth of September, tomorrow as I write, and final adoption is listed as "TBD." The agency's draft mapping tool "compares 26 environmental and public health stressors for a given census tract to county and statewide averages."1508 A rule that is not yet final proves nothing about results. It does prove that the analysis can be specified in the kind of technical detail a permit writer can apply. New York shows both directions at once. Its environmental review agency still tells applicants that "segmentation of an action into smaller components for an individual review contradicts the intent of the law and may result in legal action." But the state's May 2026 budget amended the same statute to add excluded actions and a new definition of "previously disturbed site" that details the criteria for those exclusions.1509 The anti-segmentation principle survives. The list of things exempted from review grew. Europe writes cumulation into the screening test itself. Its environmental assessment directive requires that the characteristics of a project be considered with regard to "cumulation with other existing and/or approved projects," and that the assessment describe "direct effects and any indirect, secondary, cumulative, transboundary" effects.1510 It does not rely on the goodwill of an agency. It is the default question. And on the grid, as Chapter Seven showed, cumulative review already exists in the United States, because the wires would physically fail without it. Virginia's legislative auditors observed that the grid operator and the transmission owners must review the cumulative effect of demand growth "from proposed data centers and all other sources."1511 We add up the load on the wires. We do not add up the load on the marsh, the aquifer, the tax base, or the neighborhood, because those fail slowly and not all at once. VI

II.

Now the part the Introduction and the Part Six opener promised: what this book concedes. I want to state the upside at full strength, because the argument for requirements is stronger when the gains are real.

The gains in productivity are real. In the best-known field study, a generative AI assistant was introduced in stages to 5,179 customer-support agents. "Access to the tool increases productivity, as measured by issues resolved per hour, by 14% on average, including a 34% improvement for novice and low-skilled workers but with minimal impact on experienced and highly skilled workers." The authors also report that the tool "improves customer sentiment, increases employee retention, and may lead to worker learning."1512 That is not a small result, and it is a result about the workers least able to absorb a bad year. The gains in science are real. A machine-learning weather model trained on historical data "predicts hundreds of weather variables, over 10 days at 0.25 degree resolution globally, in under one minute," and its authors report that it "significantly outperforms the most accurate operational deterministic systems on 90% of 1380 verification targets," including better prediction of tropical cyclones.1513 On a coast like Louisiana's, better cyclone tracks mean something concrete. Chapter Fourteen gave full weight to protein-structure prediction and to a randomized mammography trial that found real gains.1514 The gains in access are real. In a World Bank randomized trial in Nigeria, secondary students who used an AI tutor for six weeks improved by 0.31 standard deviations on the assessment and by 0.23 standard deviations in English. The researchers estimate that as the equivalent of "1.5 to 2 years of 'business-as-usual' schooling," which would place the program among the most cost-effective education interventions measured.1515 It is a working paper, and I would want to see it replicated. But in a place where a trained human tutor is not available at any price, a result like that is not a luxury. The local gains in Louisiana are real. Meta says it has contracted more than $1.6 billion with Louisiana businesses and that Richland Parish teachers received annual bonuses "400% higher than last year" because of increased tax revenue from the data

center.1516 Those numbers come from the company and have not been independently checked, but the teachers' checks exist.

Now the reason I include one more case. In 2023 DeepMind announced a model that had found "2.2 million structures stable with respect to previous work," including "381,000 new stable materials," with 736 structures independently realized by experiment.1517 In 2024 two materials chemists examined a sample of those claims and reported "scant evidence for compounds that fulfill the trifecta of novelty, credibility, and utility." They added: "we have yet to find any strikingly novel compounds in the GNoME and Stable Structure listings."1518

I do not know which side will prove right about the whole list, and the two positions are not strictly incompatible. The point is that a claim of upside is also a claim made by an interested party, and it deserves the same independent audit this book asks for on the side of harm. The requirement of no self-certification is neutral. It applies to promises as well as to risks. So here is the concession. The technology produces real gains in productivity, science, access, and medicine, and many of those gains go to people who have had few. I do not want it stopped. And here is why the concession strengthens the case. If the gains are as real as the companies say, then the projects can afford to show their numbers, post their bonds, and wait a stated number of months for a cumulative review. A project that can only be built without disclosure, without security, and without adding up its effects is telling you something about its own economics.

A benefit that can survive being measured does not need to be protected from measurement.

IX.

Apply the three questions to the cumulative case itself, rather than to any single project.

Witness. Who sees the whole from outside? In Louisiana, the answer so far is reporters, a public radio newsroom, and a nonprofit policy coalition, each working from records requests after the fact. The development board's agenda was on the courthouse door, but nobody noticed it. The whole was witnessed by people reconstructing it later from documents, not by anyone with authority at the time of decision. Each reviewing body saw its piece, and several pieces were confidential.

Burden. Who carries the combined cost, and can they refuse it? The same households appear on several ledgers at once: as ratepayers behind the gas plants, as taxpayers behind the exemption, as neighbors under the liability shield, as residents of a coast whose restoration is being funded through the same deal that will change it. Each ledger alone is small enough to seem tolerable. The total is not, and no forum exists where the total can be refused.

Return. How does the arrangement end, reverse, or repair? The tax exemption runs twenty-five years. The liability shield has no sunset that I found. The records exemption has none. The federal waiver, if adopted, would be a standing rule for a class of licenses, not a decision about one site. The pledges have no dates. The only instrument with an explicit end date is the tax exemption, and for twenty-five years it runs in one direction.

X.

The objections are serious. I want to meet them at full strength.

The first objection: cumulative review is a veto in disguise, and the reason courts narrowed it was that it had become a tool for endless litigation. There is truth in this. The Supreme Court's 2025 opinion was written against a real problem, in which lawsuits over the sufficiency of reports had become a way to fight projects without addressing their merits, and I said so in Part Three. But the New Jersey record shows that a cumulative review can approve a contested project, with conditions, on a stated schedule. The answer to endless review is a deadline, not no review. I would give cumulative assessment a fixed statutory clock, so that failure to answer on time is the agency's failure, not the public's.

The second objection: no single agency has jurisdiction over the whole, and asking each agency to review effects outside its statute is asking it to break the law. That is correct, and it is the FCC's position in plain terms. That is exactly why the answer has to be legislative. If no agency's statute covers the combined effect, then someone has to be given a statute that does. The grid already has one: grid operators must study cumulative load because a statute and a tariff make them. A state can designate a lead reviewer for combined effects in a watershed, a coastal zone, or a grid region, and give that reviewer the power to require information from every applicant and every agency with a piece.

The third objection: if one state requires cumulative review, the project will go to a state that does not. The governor's line about Texas says this more bluntly than I can. It is true in the short run. But notice what the objection concedes: that competition among states for these projects works by removing reviews. That is itself a cumulative effect, invisible when each state's deal is reviewed alone. The answer is a floor. A federal minimum would be best. An interstate compact among states that share a coast, a watershed, or a grid would be the next best. Failing both, a state can at least refuse to count as a "win" any deal whose costs it has not added up.

The fourth objection: you see the same pattern everywhere because you went looking for it. This objection deserves the most respect, because it is the one I most worried about while writing. My answer is that the pattern has conditions, and in places it did not appear. Chapter Nine found food and material provision not concentrated in the same hands. The Georgia commission did make large loads carry their own costs. New Jersey did write cumulative review into law, and its courts upheld it. A finding that fails to show up where the conditions are absent means more than one that appears everywhere I looked.

The fifth objection: cumulative impact cannot be measured, so a requirement to assess it is a requirement to guess. It can be measured imperfectly, which is how everything in a permit is measured. New Jersey's agency put a combined stressor total in a table. Minnesota's draft tool compares twenty-six stressors against county and state averages. Europe asks every screening decision about cumulation with approved projects. The grid operators do it with load. A crude sum is still more accurate than an assumption that the sum is zero, which is the assumption a segmented review makes.

What I will concede is the limit of my own evidence. I have been able to read only the abstract page of Odum's essay, so I cite its title and argument, not its words. The Louisiana incentive figures come from records that reporters obtained and described; I have not seen the underlying spreadsheets. The Exxon restoration amount is the governor's estimate in an interview. My reading of how the liability shield, the records act, and the federal waiver fit together is my own inference, not a court's holding, and the federal rule is still a proposal. The five-of-seven count for one firm relies on that firm's own descriptions of itself in a securities filing, which are written to impress investors. The Nigerian tutoring result is a working paper, the productivity study is one firm's call centers, and the materials-discovery dispute is unresolved.

XI.

Before the requirements, here is the pattern in one table.

Every row has the same shape. The whole is never reviewed, because it is never proposed as a whole. It arrives in pieces, each small enough to approve. Here is what I would insist on. The whole load is one docket. Any project that shares a grid, a watershed, a coast, an aquifer, a tax base, a school system, or a labor market with other pending or recently approved projects is assessed together with them, in a single public proceeding, before any piece of it is final.

Appendix B

Appendix B gives the questions that proceeding must answer.

Growth reopens the review. When a project's announced capacity, footprint, investment, or public subsidy grows beyond a stated threshold, such as a quarter, from what was approved, the approval is reopened on the combined total. A campus that goes from two gigawatts to five is not an expansion of an approved project. It is a new one. The incentives are part of the project. Tax exemptions, sales tax rebates, liability shields, records exemptions, expropriation powers, and expedited permitting are listed, valued in dollars where they can be, and assessed with the project, not passed separately by other bodies. An incentive with no stated value, like a "VIP Permitting Initiative," is valued before it is granted or not granted at all. Shields and exemptions sunset with review. Any liability limitation or public-records exemption written for a project or a class of projects expires after a fixed period, such as five years, unless it is reauthorized after a public review of how it was used. None may be granted to a class defined so narrowly that it describes one applicant. Someone owns what falls between jurisdictions. Each state designates a lead reviewer for combined effects in each coastal zone, watershed, and grid region. That reviewer can require information from every applicant and every agency with a piece, and it must issue a public finding on the combined load. A federal agency that declares an effect "beyond the scope" of its authority refers it in writing to the body that has it, or to the legislature if none does. No confidentiality at the moment of decision. A nondisclosure agreement may protect a negotiation. It may not survive past the vote. Every term, number, and commitment that a public body relies on is public before that body votes, with a minimum period, such as thirty days, between disclosure and decision. The upside is audited on the same terms as the harm. Job counts, wages, tax revenue, restoration funding, and demand forecasts offered to justify a project are independently verified before the decision and measured afterward, with the incentive reduced automatically where they are not met. Pledges become bonds, or they do not count. A promise of restoration, mitigation, monitoring, or community benefit counts toward approval only if it is scoped in acres, dollars, and years, secured by financial assurance posted before construction, and enforceable by the public body and by the people it affects. Concentration is disclosed. Every applicant for a project of this scale discloses which of the seven concentrations it, its parent, and its affiliates hold, and the reviewing body states in its decision whether approval adds to them.

The clock applies to the reviewer too. A cumulative assessment is completed within a fixed statutory period. If the reviewer misses the deadline, the fault is the reviewer's, and the remedy is funding and staff, not waiver.

XII.

My stance is this. I do not believe that any single decision in this chapter was wrong on its own terms. I believe the terms were wrong.

A society that approves only pieces will eventually approve a whole it would never have accepted if it had been asked, and it will not be able to say when it decided. The habit I would most want a reader to take from this book is easy to state and hard to keep: whenever someone asks you to approve a piece, ask what it is a piece of. Ask it at the zoning board, the utility commission, the school board, the comment docket, and the hearing on the bill that seems to be about something else. Ask for the other pieces by name. Ask who holds the total. If the answer is nobody, say that the piece is not ready. Go back to the courthouse door in Abbeville. The agenda was posted, as the law required. The meeting was public, as the law required. The vote was lawful. What was missing

was not procedure. Nobody in that room was asked to consider the tax break next to the liability shield, the records law, the land settlement, the federal waiver, and the coast, because none of those was on the agenda. They were each on someone else's. Every chapter in this book was the same chapter because every decision in it was the same kind of decision: a whole approved one piece at a time, by people doing their jobs correctly, in rooms where the total was never on the agenda. The remedy is not to distrust the people in the rooms. It is to put the total on the agenda. — D.M.D.

Chapter Seventeen

Chapter Seventeen: The Citizen's Toolkit

Practice, Not Sentiment

It's Tuesday. What do I actually do?

I.

Chapter Sixteen ended at a courthouse door in Abbeville. The agenda for the Vermilion Parish Industrial Development Board's meeting had been posted there the day before, "though nobody seemed to notice." The meeting approved the property tax break for Starbase Louisiana.1519 This chapter starts at the same door, because the door is not a metaphor. It is the law. Louisiana's open meetings statute requires every public body except the legislature to give written notice of any meeting "no later than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the meeting." The notice "shall include the agenda, date, time, and place of the meeting." The agenda cannot be changed within that window. "Each item on the agenda shall be listed separately and described with reasonable specificity." Before the body acts on an item, the presiding officer or a designee "shall read aloud the description of the item." A matter not on the agenda can be taken up only by unanimous vote of the members present, and only after an opportunity for public comment on the motion to add it.1520 A separate provision requires a public comment period before the body acts on any agenda item it is going to vote on.1521 And the state's Legislative Auditor summarizes the remedy: "Any action taken in violation of the Open Meetings Law shall be voidable by a court of competent jurisdiction," provided the suit is "commenced within sixty days of the action."1522 So on the morning the agenda went up, a resident of Vermilion Parish had a legal right to see it, to read what "Project Osprey" was described as, to hear the item read aloud, to speak before the vote, and, if any of those steps were skipped, to ask a court to void the result within two months. I do not know whether any step was skipped. The newspaper account suggests the board followed the procedure. What was missing was not a right. It was a person standing at the door who knew what the notice meant. That is what this chapter is about. The previous sixteen described mechanisms. This one describes practice: what a citizen with a job, a family, and no staff can actually do on an ordinary weekday. It is organized as a working manual. I have tried to be exact about what each tool is, where it is written down, what it gets you, and where it fails. I have not tried to make any of it sound easier or more reliable than it is. Showing up does not reliably win. It reliably creates a record, and the record is the only thing that outlasts the meeting.

II.

Find the decision point.

Almost everything this book has described was decided in a room smaller and earlier than you would expect. It was smaller because the bodies that matter most are rarely the ones in the news. The Starbase tax break was approved not by the legislature or the governor but by a seven-member parish development board meeting for what a newspaper called "the second time ever."1523 The gas plants in the Introduction came before the state utility commission.1524 The rule that lets a specified class of large projects enter the Louisiana commission's review through a faster door was a directive adopted by that same commission in December 2025.1525 School

procurement contracts are approved by school boards, often on a consent agenda with no discussion. Data center rezonings go to county boards of supervisors. Tax abatements go to industrial development boards, parish councils, and state boards of commerce. Water withdrawals go to state environmental agencies and groundwater districts. Most of those bodies meet in the afternoon on a weekday, in a room with more chairs than people. It was earlier because the decision that matters is usually the one about the rules, not the project. By the time a specific permit is on an agenda, the standard it will be judged by has usually been set years before. The FAA's proposal to waive thirteen environmental statutes for launch licenses is a rule about all future launch licenses, and its comment period closed on the thirty-first of August.1526 Anyone who waits for the Louisiana license itself to appear will find the question already answered. Here is how I would find the room in practice. Start from the thing you care about and ask what it needs from the government. A building needs zoning and permits. A power plant needs a certificate from the utility commission. A tax break needs a vote by whatever body grants it. A contract needs a procurement approval. A discharge needs a water permit. A rule needs a notice of proposed rulemaking. Each body has a docket, an agenda, or a register where it announces what it will decide. Then find the docket number. It is the most useful thing a citizen can know about any decision, because everything else attaches to it: the filings, the deadlines, the parties, the transcripts, the order. At a state utility commission, it is the case number. At a federal agency, it is the docket number in the Federal Register notice, which leads to the public docket online. At a county, it is usually an application or case number on the planning department's page. Once you have it, you can subscribe to it, search it, cite it in a records request, and quote it at the microphone. Officials notice when someone at the podium knows the docket number. Then look for the dates. Every proceeding has at least three: the date the record opens, the date it closes, and the date of decision. Most citizens arrive on the third. By then the record has closed.

As I write, several dockets connected to this book are open. The Securities and Exchange Commission is taking comments until the twentieth of November, 2026, on a proposal to rescind the federal shareholder-proposal rule, one of the instruments described below.1527 The New Jersey Supreme Court's review of that state's cumulative-impact rules is accepting proposed amicus briefs until the fifth of October.1528 Minnesota's cumulative-impacts rule closes its rebuttal period tomorrow afternoon.1529 Three rooms, each with a date on the door.

III.

Become a party, not an audience.

In most of these rooms, the law recognizes at least two kinds of participant, and the difference is what a court will later be allowed to consider. The first kind is a commenter. Under the federal Administrative Procedure Act, when an agency makes a rule through notice and comment, it "shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments," and after considering what it receives it must "incorporate in the rules adopted a concise general statement of their basis and purpose."1530 Anyone can comment. No standing is required, no lawyer, no fee. What makes a comment matter is what a court does later. In 1983 the Supreme Court held that an agency rule is arbitrary and capricious if the agency "entirely failed to consider an important aspect of the problem," among other failures.1531 In practice, a court reviewing a rule asks whether the agency responded to the significant points raised in the record. A comment that raises a specific, documented problem forces the agency either to answer it or to risk the rule. A comment that expresses a general feeling does not. The reverse also holds. In 2004 the Supreme

Court held that the challengers to a federal transportation rule had "forfeited any objection" to the environmental assessment's treatment of alternatives, "because respondents never identified in their comments to the rules any alternatives beyond those the EA evaluated." Persons challenging an agency's compliance, the Court said, must "structure their participation so that it . . . alerts the agency to the [parties'] position and contentions."1532 A point you do not make in the comment may be a point no one can ever make in court.

The second kind of participant is a party. In adjudications, such as a utility rate case, a pipeline certificate, or a power plant approval, commenters and parties are not the same. At the Federal Energy Regulatory Commission, a person who wants to become a party files a motion to intervene under its Rule 214.1533 The difference is spelled out in the Federal Power Act. A person aggrieved by an order "in a proceeding under this chapter to which such person . . . is a party may apply for a rehearing within thirty days." Rehearing is the gateway to court, and the statute closes the gate behind it: "No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission in the application for rehearing unless there is reasonable ground for failure so to do."1534 State utility commissions have their own intervention rules. The Louisiana commission publishes filing instructions for its records division.1535 The details vary, but the structure is nearly universal: parties can file testimony, ask questions of the applicant's witnesses, seek rehearing, and appeal. The audience can do none of those things. I want to put this plainly for any reader who is, or works with, a lawyer. The record you make is the case you get. A citizen who speaks for three minutes at a public hearing has participated. A citizen who files a specific written comment, with documents attached, has created an obligation to respond. A group that intervenes as a party has created a right to appeal. Most citizens stop at the first step without knowing the others exist. Two practical consequences follow. First, write it down, even when you speak. File a written version of your remarks in the docket, on the day, with the docket number on it. Second, if a group you belong to can afford one lawyer for one proceeding a year, spend it on intervention in the proceeding that sets the rules, not on litigation after the fact.

IV.

Apply the three tests in public. The three questions this book has used in every chapter were designed to be asked out loud.

Witness: who sees this decision from outside the authority making it, and can their testimony survive?

Burden: who bears the cost, and do they have a meaningful voice or a way to refuse?

Return: how does this authority end, reverse, repair harm, or return to those it affected? At a hearing, they become questions an official has to answer on the record.

Who, outside the applicant, has verified the job numbers? Will the underlying calculation be filed in this docket before the vote? Who pays if the customer leaves early, and is that written into the contract you are approving? What is the decommissioning plan, and what bond secures it? What is the end date of this exemption, and who reviews it before renewal? Officials can deflect a complaint. It is harder to deflect a specific question asked in writing and entered into the record, because an unanswered question stays in the record as evidence of what the decision-maker did not know. The Part Six opener described a Virginia board of supervisors whose motion to deny a rezoning listed layout, height, emissions, jobs, and the vagueness of the applicant's commitments.1536 That motion was specific because residents had put specifics in the record.

Appendix A

Appendix A turns the three tests into a one-page worksheet, and

Appendix C

Appendix C sets out the questions to ask at a public hearing.1537

Appendix B,

Appendix B, the cumulative-impact questionnaire, adds the six questions from Chapter Sixteen: what else is pending that shares this grid, water, coast, tax base, or labor market; who reviews them together; what else the applicant has been given; whose numbers these are; what is promised and what is secured; and what brings the project back if it grows.1538 Bring all three. You will not need to ask every question. You will need to know which one the room has not answered.

V.

Use the instruments of disclosure. Most of what the public learned about Starbase Louisiana came not from any hearing but from records requests, filed afterward by reporters.1539 The instruments are available to anyone. Records requests. Louisiana's public records law is among the faster ones. According to the Legislative Auditor, "if the public record applied for is available at the time of the request, the custodian must produce the record immediately." If it is not immediately available, the custodian has "three days, exclusive of Saturdays, Sundays, and legal public holidays," to certify in writing when it will be.1540 If the custodian questions whether the record is public at all, the custodian must within three days "notify in writing the person making the request of the custodian's determination and reasons therefore."1541 The Auditor describes the five-day timeline as "a bright line for when the requestor may file suit in court against the custodian when the custodian has not responded."1542 Federal agencies must decide within twenty working days whether to comply with a request under the Freedom of Information Act.1543

Three practices make requests work. Ask for records that exist, described the way the office would describe them: the signed agreement, the list of nondisclosure agreements with dates and signatories, the correspondence between two named officials in a date range, the calculation filed under seal in a named docket. Ask for the index before the documents, if you do not know what exists. And put the statutory deadline in the request, so the custodian knows you know it. The public radio newsroom that obtained the Project Osprey nondisclosure agreements did it this way. None of it required a lawyer. Written comments and testimony. Two additions to what was said above: quote the applicant's own filing back to the decision-maker, with the page number; and submit early enough that the applicant has to respond in its reply, where the useful admissions appear. Protection for speaking. People sometimes stay silent because they fear being sued by the applicant. Louisiana has a special motion to strike for any cause of action "arising from any act of that person in furtherance of the person's right of petition or free speech under the United States or Louisiana Constitution in connection with a public issue." The statute defines protected acts to include "any written or oral statement or writing made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law." A prevailing defendant "shall be awarded reasonable attorney fees and costs."1544 That protection is not universal. On the eleventh of September, 2026, the Fifth Circuit held that Louisiana's statute does not apply in federal court.1545 But in a Louisiana state court, testimony at a hearing is about as protected as speech gets. Litigation discovery. Chapter Four noted that the best-documented case in its record exists because a Senate subcommittee subpoenaed the documents.1546 Compulsory process reaches what a records request cannot. Citizens rarely control discovery, but they can read it. Court filings in cases that touch the project are public unless sealed, and a motion to unseal is a cheap filing with a clear standard.

Shareholder resolutions. A shareholder of a public company can put a proposal on its proxy under the SEC's Rule 14a-8 by holding at least $2,000 of voting stock for three years, $15,000 for two, or $25,000 for one.1547 I want to be honest about what this instrument has achieved on AI. A proxy adviser's review of the 2026 season found eleven AI-related shareholder resolutions at U.S. companies. "Average support was 8.9%, with no proposals receiving majority support."1548 At Walmart, investors rejected a proposal asking for a report on how AI was affecting worker well-being. An overnight worker from Spokane spoke in favor, saying she had "repeatedly tried to sound the alarm" about AI-driven employee standards leading to "injuries, burnout, and high turnover."1549 At Palantir, the company's filing put support for a human rights impact assessment at 13 percent. Its sponsors calculated support at 56 percent once insider votes were excluded, which is their calculation and not the company's, and they concluded that the founders' voting power "makes it virtually impossible to win majority support on shareholder proposals."1550 The same structure applies to the firm in Chapter Sixteen, whose founder holds about 82 percent of the vote.1551 So a resolution rarely wins. What it does is force the company to print the question in its proxy, answer it in writing, and let a worker speak at the meeting. The instrument itself is now in question. On the sixteenth of September, 2026, the SEC proposed "to rescind Rule 14a-8," leaving the role of shareholder proposals "to state law and company governing documents."1552 Its staff had already said it would no longer respond to companies' requests to exclude proposals.1553 Comments are due on the twentieth of November.1554 If you think the question should keep being asked, that docket is the place to say so. Pension-fund leverage. Chapter Ten described about $53.1 trillion in American retirement assets, a large share in corporate equities.1555 Much of the pension portion belongs to teachers, firefighters, and municipal workers, whose funds are governed by boards that meet in public. A pension board's voting policy on AI governance, or its proxy votes on the resolutions above, is a public decision with an agenda. Teachers who organize at the school board can also attend their pension board.

VI.

Organize at the right scale. The Part Six opener warned that a local win can relocate harm to a weaker jurisdiction.1556 The answer is not to stop organizing locally. It is to match the scale of the organization to the scale of the load.

Chapter Sixteen showed that the pieces of the Louisiana arrangement were reviewed by different bodies, and so the people affected were scattered across different dockets. Ratepayer advocates worked the utility commission. Three wildlife groups wrote to the FAA. A nonprofit policy coalition and a public radio newsroom worked from records requests. A resident with a fishing camp on Pecan Island told reporters no one had asked the people of the state.1557 Each was right about their piece. None was in the same room as the others. An organization built to match the cumulative load would put them together: one coalition, one list of pending decisions, one set of questions, and people assigned to each docket who report to the rest. The best recent example of organizing that turned into enforceable terms on AI comes from my own trade. In 2023, after a strike, the Writers Guild of America negotiated a contract that sets rules for AI on covered projects. Under the guild's own summary, "AI can't write or rewrite literary material, and AI-generated material will not be considered source material under the MBA, meaning that AI-generated material can't be used to undermine a writer's credit or separated rights." A writer may choose to use AI if the company consents, "but the company can't require the writer to use AI software." And "the WGA reserves the right to assert that exploitation of writers' material to train AI is prohibited by MBA or other law."1558 Those are not pledges. They are contract terms enforceable through a grievance process, won by people who refused to work until they got them. The

fourteenth requirement of this book, that workers govern the tools that govern them, is not hypothetical. It has been done.1559 The same logic applies elsewhere. Teachers and parents together can decide what a district buys, because the district needs both. Professional associations can set the conditions under which their members will lend their licenses to a system, as the medical and legal professions have begun to do for AI tools. Coalitions at the scale of a watershed, a grid region, or a coastal zone match the scale of the decisions Chapter Sixteen said nobody was making.

VII.

Build institutions, not moments. The asymmetry that decides most of these proceedings is attendance. The applicant has permanent staff whose job is to be in the room. The public has people with other jobs.1560 A moment of outrage fills a hearing once. Only an institution fills it every time. Some of the most durable civic institutions in the country started as local answers to exactly the problems this book describes.

In 1919 the North Dakota legislature created a state-owned bank. It "opened July 28, 1919, with $2 million of capital," and it describes itself today as "the only state-owned bank in the nation."1561 It was a response to farmers who believed out-of-state lenders were setting the terms of their lives. In Chattanooga, the municipal electric utility built a community-wide fiber network and used it to automate its grid. A case study by a federal national laboratory found that "the investment in distribution automation has enabled a 43.5% reduction in annual outage minutes since 2012." In one severe storm, the system restored power to "40,579 (nearly 56%) customers within 1–2 seconds."1562 A publicly owned utility accountable to its own customers built the kind of infrastructure that private providers had not. In Burlington, Vermont, a community land trust "was incorporated in 1984 after thousands of hours of volunteer work." Its founders' goal "was to ensure that any public investments in affordable housing would go primarily – even exclusively – into housing that would be kept permanently affordable."1563 The land trust model separates ownership of the land from ownership of the house, so that a public subsidy stays with the community instead of leaving with the first sale. And the local newsroom, which Part One showed disappearing, is being rebuilt in a new form. The Institute for Nonprofit News estimates that "the nearly 400 digital-first nonprofit newsrooms" in its survey "took in a combined $650–$700 million in revenue last year," with a median outlet revenue of $532,000.1564 The figures on the Starbase incentive package in Chapter Sixteen came from one of these nonprofit newsrooms, which obtained them by records request.1565 A newsroom with one reporter covering one parish is an institution that stays in the room when everyone else has gone home. Cooperatives, mutual aid networks, community solar programs, and public libraries do the same work in other domains. None is a solution to AI. Each is a permanent presence that can hold a record, pay a staff, and keep asking the same question at every meeting. That is what the other side of the table already has.

VIII.

Use AI as a civic instrument. This book was written with AI systems. The Introduction described how I used them, for "research triage," for first drafts, for summarizing technical material, and for "the tedious work of assembling comparisons across jurisdictions." I said I used them "constantly, and without trusting it."1566 The same tools are available to any citizen, and they change the arithmetic of attendance. One person with a good model can now read a 400-page docket overnight, find the three pages that matter, compare a permit application to the last five like it, track every agenda in a parish, and draft a comment that cites the record.

That is a real shift, and I want citizens to use it. But it comes with two rules, and the rules are not optional. Disclose that you used it. Courts have started requiring this. The Northern District of Texas adopted local rules "requiring the disclosure of the use of generative AI in documents that lawyers prepared using generative AI."1567 There is no equivalent rule for public comments, but the principle is the same. A decision-maker is entitled to know how a submission was made, and a citizen who asks an applicant to disclose its methods should disclose their own. Verify before you file. In 2023 a federal judge in New York sanctioned two lawyers and their firm for filing a brief built on cases a chatbot had invented. The judge wrote that "there is nothing inherently improper about using a reliable artificial intelligence tool for assistance. But existing rules impose a gatekeeping role on attorneys to ensure the accuracy of their filings." The lawyers "abandoned their responsibilities when they submitted non-existent judicial opinions with fake quotes and citations created by the artificial intelligence tool ChatGPT, then continued to stand by the fake opinions after judicial orders called their existence into question."1568 A citizen filing a comment has no bar license to lose, but has something just as valuable: credibility in a room that will remember. A single false citation will be quoted back by the applicant for years. So use the practice I used for this book. Every number goes back to its primary document. Every quotation is checked word for word against the source. Every citation is opened. If you cannot verify a claim, cut it or say plainly that it is unverified. There is a second reason for care. Chapter One described a federal proceeding in which millions of comments were fake.1569 Agencies that have seen that will discount volume. A thousand generated comments that say the same thing are now worth less than one comment that says something specific, documented, and true.

AI makes the specific comment cheaper to write. It does not make the generic one more persuasive.

IX.

A practice for the person doing the work. The Part Six opener set out three questions for anyone about to make a decision that binds other people: What have I been given to hold? What must I protect? What must I leave unheld?1570 It called the third the load-bearing question. I want to say how I use them, because a question never asked at a specific moment does no work.

I ask them at three points. When I agree to lead something, I ask what I have been given to hold, and I write the answer down, narrowly. It might be "the coalition's comment in this docket" rather than "the fight against the project." When a decision about tactics comes up, I ask what I must protect. Usually the answer is the credibility of the record and the trust of the people who are not in the room, and that usually rules out the tactic that would feel best. And when we are winning, I ask what I must leave unheld. That usually means the decision that belongs to the people who will live with the result, the dissent inside our own coalition, and the possibility that we are wrong. The failure this guards against is the reformer who wins and becomes what they organized against. I have watched it happen in movements I agreed with. It does not start as arrogance. It starts as certainty that is never tested. The three questions are a test.

X.

Sustain yourself. Most civic work does not fail by defeat. It fails because the people doing it stop.

The research on this is thin but consistent. In a study of twenty-two social justice and human rights activists in the United States, the researchers found patterns in the activists' accounts of what caused their burnout. They

pointed to aspects of the movements' internal cultures, "including, in the words of one our participants, a 'culture of martyrdom', that hasten activist burnout and, as a result, render SJHR activism less effective."1571 A related study of education activists by the same researchers described the causes and consequences of burnout in its title as leaving activists "frayed all over."1572 I cite these studies for their observation, not as settled science. They are interview studies, and small ones. The practice follows from the chapter's other sections. Pick specific objectives you can win: a disclosure in one docket, a condition on one permit, a sunset on one exemption. Take one docket per season, not every docket. Write handoff notes, so nothing depends on you. Share the work: one person on records requests, one on the agenda watch, one on testimony, one on the press. Rest between proceedings. And remember that the record outlasts your energy. A comment filed in 2026 can be cited by someone else in 2031. You do not have to be in every room if what you put in the record stays there.

XI.

What one Tuesday looks like. Everything above can sound like a career. It is not. Here is what a single week can look like for one person with a job, using only the tools in this chapter. I have chosen a live docket so the example is real.

Tuesday morning, fifteen minutes. Check the agendas. Most public bodies will email you their agendas if you ask. Many state commissions let you subscribe to a docket by number. If a parish, county, or school board in your area posts only on paper, find the one person who walks past the door each week and ask them to take a photograph. That is how the Vermilion notice would have been noticed. Tuesday at lunch, twenty minutes. Pick one item and find its record. Say it is the SEC's proposal to rescind the shareholder-proposal rule. The docket page gives the file number, the deadline, and the proposing release.1573 Read the summary and the list of questions the agency itself asks commenters. A comment that answers the agency's own question is harder to set aside. Tuesday evening, one hour. Draft. This is where an AI system earns its place. Ask it to summarize the release, list the agency's stated reasons, and find the passages that bear on your concern. Then read those passages yourself. Write your comment around a single point you can document: for example, that in 2026 shareholders used this rule to ask companies in writing how their AI systems were affecting workers, as at Walmart, and that without the rule the company would not have had to print the question or answer it.1574 Quote the release back to the agency with its page number. Say you used an AI tool to help you read, and that you checked every quotation against the source. Wednesday, ten minutes. Send one records request to one local body about one decision on its next agenda, asking for the agreement, the application, and any nondisclosure agreement associated with it, and citing the statutory deadline. Put the date the response is due on your calendar. The following Tuesday, three minutes at the microphone. Speak on one item. Say your name, where you live, and the docket or agenda number. Ask one of the three tests as a question. Say that you are filing a written version, and file it. Then sit down, and stay long enough to hear whether it was answered. Once a month, one hour with other people. Meet whoever else is doing this. Compare lists. Assign dockets. Write down who is watching what. That hour is the beginning of an institution. That is under four hours in a week. It will not change a single outcome by itself. It will put a specific, verified, dated question into a public record that someone else can later cite, in a room where the applicant is used to hearing nothing.

If a hundred people in a state did it, the asymmetry described in the Part Six opener would begin to shift, not because the rooms would be full, but because they would no longer be empty.

XII.

The objections are serious. I want to meet them at full strength.

The first objection: participation is theater, and the decisions are already made before the public is invited. In Louisiana that was at least partly true. The negotiations were covered by more than thirty nondisclosure agreements, and the board voted two hours before the announcement. But the objection proves too much. The record made at a hearing is what a court reviews, what a reporter quotes, and what the next board inherits. The forfeiture rule means a point not raised may never be raised. And the Open Meetings Law's sixty-day window to void an unlawful action is useless to someone who was not watching. Participation may not change the decision in front of you. It changes what can be done about it afterward.

The second objection: only the privileged can attend a Tuesday afternoon meeting. That is true, and it is the strongest objection in this chapter. Weekday afternoon meetings, short notice, and in-person-only comment periods favor retirees, professionals with flexible schedules, and paid staff. That is why several of the requirements below are about the rooms themselves, not the citizens. California already pays reasonable advocate's and expert witness fees to utility customers who make a substantial contribution to a commission proceeding. The statute's stated purpose is "to provide compensation for reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs to public utility customers of participation or intervention in any proceeding of the commission."1575 Any state that wanted a balanced room could do the same.

The third objection: AI will flood every docket with generated comments and make participation meaningless. That risk is real, and Chapter One documented it happening. The answer is the discipline in section VIII: disclosure, verification, specificity. Agencies will learn to weigh comments by what they contain, not by how many there are. That was always the legal standard. The flood makes it the practical standard too.

The fourth objection: the shareholder route is dead. It may be. Average support for AI resolutions in 2026 was under 9 percent, and the SEC has proposed to rescind the rule that allows them. But a proposal that loses still makes the company answer in writing, in a document investors must receive, and still gives a worker three minutes at the meeting. The comment docket on the rescission is itself a place to make that case. The fifth objection: a toolkit puts the burden on citizens, when the failures described in this book belong to institutions. I agree. It should not take a records request to learn the terms of a public subsidy, or a lawyer to become a party to a proceeding that will raise your bill. The toolkit describes what works under current law. The requirements below describe what the law should change so that less of the toolkit is needed.

What I will concede is the limit of my evidence. The Palantir non-insider figure is the sponsors' own calculation. The burnout research consists of small interview studies. The Chattanooga reliability figures come from a federal laboratory case study of one utility. The newsroom figures come from the Institute for Nonprofit News's own survey of its members. I have described the Louisiana procedures from the statute and the Legislative Auditor's guidance, not from any case applying them to the Vermilion board, and I make no claim that the board violated them.

XIII.

Before the requirements, here are the tools in one table.

Every row has the same shape. The tool exists, it is written down, and it works only for someone who knows it is there on the day it is available. Here is what I would insist on. Real notice for large decisions. Any decision granting a tax exemption, a rezoning, a certificate, or a contract above a stated threshold requires at least fourteen days' public notice, with the full documents posted online on the first day. Meetings people can attend. Public bodies deciding such matters hold at least one hearing in the evening or on a weekend, in the affected community, and accept remote testimony and written comment on equal terms with in-person comment. Party status without a lawyer. Every state utility commission and siting board provides a simple intervention form for affected residents and community organizations, with staff assistance, no filing fee, and a plain-language guide to what parties can do. Pay the public's side of the table. Every state adopts intervenor compensation on the California model, covering reasonable advocate's and expert fees for participants who make a substantial contribution, paid by the applicant or the utility. Records at the speed of the decision. Records requests about a pending decision receive priority and a response before the vote. If the custodian misses the statutory deadline, the requester recovers fees and the vote is delayed. No secret terms after the vote. No nondisclosure agreement may keep from the public any term a public body relied on in reaching its decision, once that body has voted. Protection for every speaker. Every state enacts an anti-SLAPP statute that covers testimony and written comment in any official proceeding, with fee-shifting, and Congress enacts a federal counterpart so that the protection does not disappear when the applicant sues in federal court.

Keep the shareholder question askable. Whatever the SEC decides about Rule 14a-8, states and companies preserve a meaningful right for long-term shareholders to put governance and risk questions, including questions about AI, before the other owners. A plain-language docket summary. Every major proceeding carries a one-page public summary, maintained by the agency, stating what is being decided, the dates when the record opens and closes and when the decision is due, who the parties are, and how to participate. It is updated as the case moves. The same disclosure rule for applicants. Any applicant that uses AI to prepare filings, forecasts, or impact analyses discloses it, identifies the tool, and certifies that a named human verified the content. What is required of a citizen's comment is required of a company's application.

XIV.

My stance is this.

The instruments of self-government in this country are old, specific, and mostly still in force. They were not taken away. They were left unused, one Tuesday at a time, by people who had other things to do and did not know the room mattered. The response is not outrage. It is attendance, organized well enough to last. I am not asking anyone to attend everything. Pick one room: the utility commission that will decide your bill, the school board that will decide what your children's classrooms buy, the parish board that will decide what a tax break is worth, the docket that will decide whether a question can still be asked. Learn its docket number and its dates. Put something specific in its record, in writing, verified. Bring someone with you the next time. Leave notes for whoever comes after. Go back one last time to the door in Abbeville. The notice was there, as the law required. The item was on the agenda. The board would have had to read it aloud. There would have been a period for public comment before the vote. Everything a citizen needed was in place except the citizen. On some Tuesday soon, a notice like that one will go up on another door, about another project someone has decided is too important to wait. The toolkit is how to make sure someone reads it. — D.M.D.

Chapter Eighteen

Chapter Eighteen: The Manifesto

Fifteen Non-Negotiables

What, exactly, am I asking for?

I.

The briefing paper that grew into this book was a letter. It was not long, and its research, as I said in the Introduction, was thin. What gave it force was one sentence and a list. The sentence was Before approvals or incentives are finalized, I would insist on. The list was what I would insist on.1576 This chapter is that list, written for everyone and finished. The last seventeen chapters argued for it. This one states it. It is short on purpose. It is meant to be printed on one sheet, signed, dated, carried into a room, read aloud at a microphone, attached to a written comment, and handed to a person who has a vote. A citizen should not need the other seventeen chapters to use it. They are there for anyone who wants to know why each line says what it says, and whether I was right. The Part Six opener gave the test this page has to pass. Every concession offered to the public, it said, is by default procedural: more comment, further study, a working group, a voluntary pledge. "The test I would apply to any concession is simple: after this, is there something a person can point to that binds someone, with a named party responsible, a date, and a consequence for non-compliance? If not, the process has absorbed the objection rather than answered it."1577 That is why this book ends in fifteen requirements and not fifteen concerns. "A concern can be acknowledged indefinitely. A requirement can be violated, and violation can be shown."1578 So each of the fifteen, on the page that follows, carries three things: what is required, who answers for it, and what happens if it is not done.

II.

What makes a requirement enforceable. I want to be exact about this, because the difference between a requirement and a sentiment is structural, and the structure already exists in American law. A requirement has four parts. There is a duty, stated so that compliance can be checked. There is a named party who owes the duty. There is a time when the duty attaches, which is usually before something happens, not after. And there is a consequence that follows from violation without anyone having to be persuaded again.

The federal surface mining statute is the cleanest example I know. It does not ask a coal operator to plan for reclamation. It says that after a permit application is approved "but before such a permit is issued, the applicant shall file with the regulatory authority" a performance bond. It sets the amount by a standard anyone can apply: "sufficient to assure the completion of the reclamation plan if the work had to be performed by the regulatory authority in the event of forfeiture." And as each new area of the mine is opened, "the permittee shall file with the regulatory authority an additional bond or bonds to cover such increments."1579 Duty, party, time, and consequence are all in three sentences. The permit cannot issue without the bond, and the bond pays if the operator walks away. That is requirement eight of this book, and Congress wrote it in 1977, for coal. The Clean Water Act supplies the second piece, which is who can enforce. Its citizen-suit provision, in the law since 1972, says that "any citizen may commence a civil action on his own behalf" against any person alleged to be violating

an effluent standard, including the United States. It requires the citizen to give sixty days' notice first, so the violator and the government have a chance to act. And it lets the court "award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party."1580 The consequence does not depend on an agency deciding to act. It depends on any affected person being able to go to court, with notice first and fees if they win. The European Union's AI Act supplies the third piece, which is scale. The practices it prohibits outright are not merely discouraged. "Non-compliance with the prohibition of the AI practices referred to in Article 5 shall be subject to administrative fines of up to EUR 35 000 000 or, if the offender is an undertaking, up to 7 % of its total worldwide annual turnover for the preceding financial year, whichever is higher."1581 A fine measured against worldwide turnover is a consequence a large firm cannot treat as a cost of doing business. And the book has already described two consequences that work by default. The National Emergencies Act makes a declared emergency end on its own anniversary unless it is affirmatively continued.1582 Louisiana's open meetings law makes an action taken in violation "voidable by a court of competent jurisdiction."1583 In each case, the violation undoes itself unless someone acts to preserve it. That is the right direction for the burden.

Now the failure case, because it teaches as much. New York City's Local Law 144 "prohibits employers and employment agencies from using an automated employment decision tool unless the tool has been subject to a bias audit within one year of the use of the tool," with the results posted.1584 On paper, it is requirements one and two. In December 2025 the New York State Comptroller audited the city agency responsible for enforcing it. The agency had "reviewed 32 employers' and vendors' websites to check their compliance with LL144 and identified only one instance of likely non-compliance." The Comptroller's auditors reviewed the same companies and "found 17 instances of potential non-compliance." Of twelve test calls placed to the city's 311 line to file a complaint, "only three calls (25%) were correctly transferred."1585 The duty was written down. The enforcer was named. The consequence depended entirely on that enforcer noticing, and it did not. The lesson I take is narrow. A requirement is only as strong as its weakest part, and the weakest part is almost always the consequence. So the page that follows uses four kinds of consequence, and I have tried to choose, for each requirement, the one that does not depend on an official's willingness to act: The thing stops. The permit does not issue, the system may not be used, or the authority expires. The decision reverses. The action is void or voidable, or the benefit is restored, on the request of the person affected. The money moves. The bond is drawn, the cost is reassigned, the incentive is recovered, or a fine is imposed at a scale that matters. A person answers. A named official or officer is responsible, can be reached, and can be held to account. And one clause applies to all fifteen. Any affected person may enforce the requirement in court, after sixty days' notice, and recovers reasonable fees if they prevail. That is the Clean Water Act's design, and it is the reason a requirement on this page does not need a friendly regulator to mean something.

III.

Here is the page. Fifteen requirements

Before approvals, incentives, contracts, or deployments are finalized, I would insist on the following. Each is owed by a named party, attaches before the harm, and carries a consequence. Any affected person may enforce any of them in court, after sixty days' notice, and recovers reasonable fees if they prevail.

I.

PERCEPTION: that we can see what is done to us 1. Disclose before you deploy. No consequential system operates on the public until its purpose, data sources, error rates, and known failure modes are published in plain language. Who answers: the deploying agency or company, and the official who approves its use. If not: the system may not be used, and any decision it produced is voidable at the request of the person affected. 2. No self-certification. Audits of consequential systems are performed by parties with no financial interest in the finding, and the findings are public. Who answers: the regulator or public body that accepts the audit. If not: the audit is treated as never filed, and use is suspended automatically when an audit is late. 3. Schools buy training and judgment, or they buy nothing. Published subgroup performance, funded teacher preparation, human authority over every placement and discipline decision, and no sale or reuse of minors' data. Who answers: the school board that votes the contract and the superintendent who signs it. If not: the contract is voidable, no payment is due, and the vendor deletes the data and is liable for any reuse.

II.

WILL: that someone can act, and can be reached 4. Urgency is not a waiver. No environmental, civil-rights, labor, or public-participation law is suspended on grounds of technological emergency or international competition. Who answers: the official who invokes the urgency. If not: the waiver is void, and any authority claimed under it expires on a fixed date unless a legislature votes to continue it. 5. A human with a name. Every automated decision touching liberty, livelihood, housing, health, education, or benefits carries an identifiable, reachable human decision-maker with authority to reverse it. Who answers: the head of the agency or firm, who designates that person in writing. If not: the decision is void and must be made again by a person. 6. Keep the room open. Local authority is protected from preemption. Public records, comment periods, hearing rights, researcher access, and non-digital channels are preserved by statute. Legislatures are funded to hire their own experts. Who answers: the legislature, the governor, and the public body that holds the meeting. If not: preemption without a replacement standard of equal strength is void, and an action taken without the required notice or hearing is voidable.

III.

FORM: that what is built can be carried and repaired Assess the whole load, not the single project. Cumulative review alongside every other pending project sharing the same grid, watershed, coast, school system, or labor market. Who answers: the permitting or certifying authority. If not: no approval issues, and an approval granted without the review is voidable. 8. Post the bond before you build. Financial assurance sized to the cost of failure, posted before operation, not pledged after. Who answers: the developer, and the authority that sets and accepts the bond. If not: no permit issues and no operation begins. 9. No net loss of the commons. Wetlands, aquifers, hydrology, and farmland avoided first; unavoidable impact restored at conservative ratios with decades of independent monitoring. Who answers: the permittee, and an independent monitor paid from the bond and not by the permittee. If not: the bond is drawn to complete the restoration, and operation is suspended until it is done.

IV.

EXCHANGE: that the gain and the cost land in the same place 10. Ratepayers and taxpayers are not the backstop. Power, water, transmission, backup generation, and stranded-asset costs of private compute infrastructure stay with the private customer, under published contracts. Who answers: the utility commission and the customer. If not: the costs are reassigned to the customer by order, the public is refunded with interest, and any public incentive is recovered. 11. Hourly, local, and honest carbon accounting. Hour-by-hour matching in the load's own grid region, full lifecycle emissions disclosed, and bonded retirement dates for any fossil capacity built to serve a single private load. Who answers: the operator and the utility commission. If not: no clean-energy claim, credit, or incentive may be taken, and the retirement bond is forfeited if the date is missed. 12. The gain reaches the ground. Tax neutrality between labor and equipment; no algorithmic rent coordination or desperation pricing; transition support funded before displacement, not after. Who answers: the legislature for the tax code and the transition fund, and the seller for its prices. If not: coordinated or desperation pricing is unlawful with restitution to those who paid it, and a displacement without a funded transition triggers payment from the employer.

V.

THRESHOLD: that some lines hold 13. Benefits continue during appeal. No one loses income, housing, coverage, or custody while contesting an automated determination, with false-denial rates published separately and disaggregated. Who answers: the head of the agency or plan. If not: the benefit is restored with back payment, and the agency bears the cost of the appeal.

Workers govern the tools that govern them. Systems used in hiring, scheduling, wage-setting, evaluation, discipline, or termination are disclosed, auditable, and subject to bargaining before introduction. Who answers: the employer. If not: the system may not be used for any adverse action, and an action taken with an undisclosed system is reversed with back pay. 15. Some things are prohibited, not merely mitigated. Mass biometric surveillance of public space, social scoring, emotion inference in schools and workplaces, fully automated denial of medical care, and lethal autonomy without meaningful human control are forbidden outright. Who answers: the legislature that enacts the prohibition and every official who procures or permits a system. If not: the use is unlawful, anything derived from it is inadmissible against the person it concerns, and fines are scaled to worldwide turnover. A society can pursue advanced technology, including artificial intelligence. But the public is not an expendable platform. If a system cannot demonstrate, under full public scrutiny and not under a claim of commercial confidentiality, that it will not degrade the commons, misallocate its costs onto ordinary people, or remove the human being who answers for it, then we should slow it down, redesign it, or reject its most damaging elements. The demand is not that no one govern. It is that no one occupy the center. Signed: _____ Date: _____ Delivered to: _____ Docket or agenda item: _____

IV.

How the page was built. The Introduction promised that the manifesto would be "derivable from the table of contents," and it is.1586 There are five parts of three chapters, and each part ends with three requirements. The groups on the page carry the names of the five disciplines and a one-line statement of what each protects. A reader who remembers the structure can reconstruct the list without the book. The text of each duty is the text

that closed each part, unchanged, apart from minor edits to make the lines fit together on a page. The Note on Revision at the front of the book commits me to amending a requirement "publicly, in writing, with the reasoning stated and the old text preserved beside the new."1587 I have kept that commitment by not rewriting them here. What this chapter adds are the two clauses the parts did not state together: who answers, and what happens if not

Those clauses come from the chapters. The automatic suspension in requirement two is the one Chapter Six proposed for late audit reports.1588 The voidable decision in requirement five follows the logic of Goldberg v. Kelly, described in Chapter Eleven, that a person is owed a hearing before the state takes away what they depend on.1589 Requirement six's voidability is Louisiana's existing rule for meetings held without proper notice, generalized.1590 Requirement eight is the surface mining statute's design.1591 Requirement eleven's hourly matching is the standard federal tax rules will require from 2030 for the clean hydrogen credit, as Chapter Eight described.1592 Requirement fourteen has been achieved by contract, by the writers in Chapter Seventeen.1593 Requirement fifteen's scale of fine is the AI Act's, and its city-scale version is Boston's face-surveillance ban.1594 And the medical line in requirement fifteen is already law in California, which says that medical necessity determinations "shall be made only by a licensed physician or a licensed health care professional competent to evaluate the specific clinical issues involved."1595 None of the fifteen asks for something no American or European legislature has ever done. Several ask only that something already done in one place be done everywhere.

V.

How to use the page. Chapter Seventeen described the rooms. This is what to bring into them. Do not read all fifteen at a three-minute microphone. Read the three that bear on the item in front of the body, say their numbers, and ask the members a single question: which of these will you make a condition of approval, on the record, today? Then file the whole page with your written comment, signed and dated, with the docket or agenda number filled in. An official who declines to adopt a requirement has made a decision that is now in the record. That is worth something on its own. Different bodies can adopt different requirements now, without waiting for anyone else. The table below is my judgment of where each requirement can be put into effect under existing authority. It is not a legal opinion for any particular jurisdiction, and the reach of each body depends on its own state's law.

Appendix C

Appendix C sets out the questions that go with each requirement, phrased for the record.

Appendix A

Appendix A is the worksheet for the three tests that sit underneath all fifteen.

Appendix B

Appendix B is the questionnaire for requirement seven.1596

VI.

The objections to a page like this one are different from the objections to any single requirement, and I want to meet them at full strength.

The first objection: fifteen is too many. A citizen cannot carry fifteen demands into a room, and an official will not hear them. I agree that no one should carry all fifteen into any one room. The page is organized so that you do not have to. Every proceeding touches one or two parts. A school contract is Part One. A data center is Parts Three and Four. A benefits system is Part Five. The fifteen are a set to choose from, not a script, and the numbering is there so that three can be cited in ten seconds.

The second objection: a citizen-suit clause invites a flood of litigation. It is a fair worry, and it has been tested. The Clean Water Act has carried its citizen-suit provision since 1972. The design includes the sixty-day notice that gives the violator time to cure and the government time to act first, and it pays fees only to a party that prevails or substantially prevails. A suit that loses costs its bringer. I would keep all three features. I do not have, and have not tried to assemble, a count of citizen suits under that statute, and a reader who wants to test this objection should look at that record directly.

The third objection: a list of "non-negotiables" is dogma. A movement that will not revise its demands is the kind of institution this book warns against. I take this one most seriously, because it is aimed at the center. The Note on Revision at the front of the book says what I mean by non-negotiable: that the requirements "are not to be traded away in a negotiation over a single project, on a deadline, in exchange for a jobs number." It also says what I do not mean: "I do not mean they are beyond evidence."1597 Each requirement makes an empirical bet, and each can be lost. What the page refuses is the bargain, not the evidence.

The fourth objection: consequences written by a citizen are not law. Only a legislature can make a decision void or a fine scale with turnover. That is correct. The page is a demand, not a statute. But the consequences are written so that a legislator, a commissioner, or a board member can copy them into an order, an ordinance, a permit condition, or a contract. The difference between a demand that names its consequence and one that does not is that the first can be adopted in a single vote.

Appendix E

Appendix E will carry model language for that purpose.1598

The fifth objection: this will slow AI and cede the field to competitors who impose none of it. This is the argument that will be made most often, and the Note on Revision predicted its form: "That a competitor jurisdiction declines to require it."1599 I do not think it is evidence about whether any requirement is right. It is an argument about whether to have requirements at all. It is also weaker than it sounds. The European Union already enforces prohibitions on social scoring and on emotion inference in workplaces and schools, two of the five lines in requirement fifteen, with fines scaled to worldwide turnover. Most of the other fourteen are not limits on what a system can do. They are rules about who pays, who answers, and who can see, and a technology that cannot survive those rules is not one whose gains were going to reach the ground. What I will concede is the limit of my evidence. The consequences on the page are my design. I have drawn them from statutes that work in other fields, but I have not tested them against the systems this book describes, and some will turn out to be wrong in their details. The New York City audit shows a sound duty failing for want of enforcement, and I have tried to learn from it, but one audit of one city agency is not a general finding. I have cited the surface mining statute's bond design without examining its record, including whether bonds have proved large enough when operators failed, and a reader should check that record before treating it as a finished model. And the table in section V is a judgment about typical authority, not a survey of fifty states.

VII.

My stance is the one I stated at the end of the Introduction. I will not change a word of it here, because a position that has to be restated in new terms at the end of a book was not a position at the beginning.1600 A society can pursue advanced technology, including artificial intelligence. I want it to. There are gains available in medicine, in materials, in access to instruction and expertise, that would be immoral to forgo out of caution. But the public is not an expendable platform. If a system cannot demonstrate — under full public scrutiny, not under a claim of commercial confidentiality — that it will not degrade the commons, misallocate its costs onto ordinary people, or remove the human being who answers for it, then we should slow it down, redesign it, or reject its most damaging elements. That is the Louisiana cadence, and it was written about ten gas plants and a launch complex. It generalizes because the mechanism generalizes. In every domain this book has covered, the gain is claimed in a single, well-lit room, and the cost is spread across rooms nobody attends. Fifteen requirements are fifteen ways of putting the cost and the gain in the same room.

And underneath that, the narrower and harder claim, which is the one I actually care about defending. The fifteen requirements are not an argument against governing. Every one of them requires someone to govern: a board to vote, a commission to order, a legislature to enact, an official to answer. What they refuse is a single place where the force, the provision, the record, the movement, the memory, the emergency, and the forecast all come to rest in the same hands, unseen, unbonded, and unanswerable. The page is a way of keeping that place empty. The demand is not that no one govern. It is that no one occupy the center. — D.M.D.

Appendix A

Appendix A — The Three Tests A worksheet for any project, permit, contract, ordinance, procurement, or deployment Apply all three before you support it, oppose it, or testify about it. A proposal that cannot answer all three may still be necessary in a genuine crisis — but it cannot be called just, and it must not be called permanent. The proposal Test one: The Witness Test Who sees this decision from outside the authority making it, and can their testimony survive? Who is making this decision, and who reviews them? _____ What has been disclosed in full, in public, in plain language? _____ What is being withheld, and on what stated grounds? _____ Who verified the applicant's claims, and who paid for the verification? _____ Can a person who objects be identified, fired, sued, evicted, or cut off? _____ This test is: Met / Partly met / Failed. Because: _____ Test two: The Burden Test Who bears the cost, and do they have meaningful voice or refusal? Who receives the benefit, and in what form: jobs, revenue, tax relief, equity? _____ Who pays, in money, water, air, land, rent, time, risk, or attention? _____ Are those the same people? If not, name the transfer in one sentence. _____ Can the people bearing the cost say no, and what happens if they do? _____ If the projections are wrong, what happens to them specifically? _____ This test is: Met / Partly met / Failed. Because: _____ Test three: The Return Test How does this authority end, reverse, repair harm, or return to those it affected? What is the stated end date or end condition? _____ Who is financially liable if it fails, in what amount, posted when? _____ What is the appeal path for one harmed person: forum, timeline, remedy? _____ What gets restored, by whom, and monitored for how long? _____ If we are wrong about this, how do we undo it? _____ This test is: Met / Partly met / Failed. Because: _____ The verdict Tests met: ____ of 3. A proposal that fails one test needs a condition. A proposal that fails two needs redesign. A proposal that fails all three should be opposed, or accepted only as a bounded emergency measure with a stated expiry.

My position: Support / Support with conditions / Oppose. The one condition I would insist on: _____ The question the record usually omits

What else is pending before this body — or any other — affecting the same grid, watershed, coastline, school system, or labor market? Has anyone assessed them together? Ask it out loud. Evaluating each project as an isolated win is the central failure this worksheet exists to interrupt.

Appendix B

Appendix B is the long form of that question.

Appendix B

Appendix B — The Cumulative-Impact Questionnaire For requirement seven: assess the whole load, not the single project Chapter Sixteen argued that the central failure in Louisiana was not any single approval. It was that no one reviewed the approvals together.1601 This questionnaire is the instrument for doing that from outside government. It is written for a resident, a reporter, a council member, or a commissioner's staff, and it assumes no technical training. Every question asks for something that either exists in a public record or should.

Use it in three steps.

First, ask the six short questions at the hearing.

Second, file the long form in writing, in the docket, with the docket number at the top.

Third, fill in the ledger at the end from the answers, or from the lack of them, and file that too. A question that goes unanswered in writing is itself a finding. It shows what the decision-maker did not know when it voted.

The six questions

These are the six questions from Chapter Sixteen, unchanged.1602 1. What else is pending, or was recently approved, that shares this grid, this water, this coast, this tax base, or these workers? 2. Who, by name, is responsible for reviewing them together? 3. What has the applicant been given, by any body, in any form, in addition to what is being decided here, and what is it worth? 4. Whose numbers are these, and who has checked them? 5. What is promised, and what is secured? 6. And if this project grows, what brings it back before you? An applicant with a sound project can answer all six in an afternoon. The long form Answer each question for the project in front of the body. Then answer it again for every other project named in response to question

A1. Where a question does not apply, say so and say why. A. The project and its neighbors

State the docket, case, or application number, and list every other permit, certificate, license, incentive, or contract the applicant has sought or received for this project, from any body, with its number and status.

A2. List every other project, pending or approved in the past five years, that draws on the same electric grid region, the same aquifer or watershed, the same coastal basin, the same parish or county tax base, the same school district, or the same regional labor market.

A3. For each project listed in A2, name the body that approved or will approve it, and state whether any review considered this project and that one together.

A4. Is the project designed, permitted, or financed to expand? State the largest configuration described in any filing, press release, securities filing, or public statement by the applicant.

B. Power

B1. What is the contracted peak electrical load, and what is the load at full buildout?

B2. What generation serves that load at the hour of the system's annual peak, and who owns it?

B3. What new generation, transmission, or backup capacity is being built or contracted because of this load, and under which docket?

B4. If the customer reduces its load or leaves before the end of the contract, who pays for the remaining cost of those assets? Cite the contract term or tariff provision.

B5. What other large loads have been added or proposed in the same grid region, and what is their combined peak?

C. Water

C1. What is the source of water, the registered or permitted annual withdrawal, the expected actual use, and the peak-day withdrawal?

C2. What happens to the withdrawal in a declared drought or heat emergency, and who decides?

C3. What other withdrawals draw on the same source, and has anyone published their combined total?

C4. Where do wastewater and stormwater go, under which permit?

D. Land, wetlands, and the coast

D1. How many acres of wetland, farmland, or forest will be filled, drained, cleared, or isolated, including roads, pipelines, and power lines?

D2. What is the restoration or mitigation ratio, where will it occur, who monitors it, and for how many years?

D3. How does the project interact with any public restoration plan for the same basin? Name the plan and the projects in it that are nearest to this site.

D4. What is the site's projected exposure to flooding, surge, and subsidence over the life of the project, and whose projection is it?

E. Air and climate

E1. What are the annual emissions of each regulated pollutant, including backup generators, and which permits cover them?

E2. What are the lifecycle greenhouse gas emissions, including construction, hardware, and the generation serving the load?

E3. If the applicant claims clean energy, is the claim matched hour by hour in the same grid region? If not, say how it is matched.

E4. What other sources in the same airshed are pending or were recently permitted, and what is their combined contribution?

F. The public purse

F1. List every tax exemption, abatement, payment-in-lieu agreement, rebate, grant, infrastructure commitment, and fee waiver granted or proposed, with its estimated value and the body that granted it.

F2. Which of those is performance-based, what is the performance measure, and what is recovered if the measure is missed?

F3. How much of the parish or county tax base is now exempt, and what share of that would this project add?

F4. Which public services (schools, roads, emergency response, water) will carry additional demand, and who pays for it?

G. Workers and the local economy

G1. How many jobs are committed, by what date, at what pay, and what happens if the commitment is not met?

G2. Whose estimate is the number of indirect jobs, and what method produced it?

G3. How many jobs will be filled by residents of the parish or county, and how will that be measured?

H. Hazards and emergencies

H1. What hazardous materials will be stored or produced on site, and in what quantities?

H2. What is the plan for a hurricane, spill, fire, or explosion? Is it public, has it been tested, and which local agencies have signed it?

H3. What restrictions on access to land, water, or airspace will the project impose, and on whom?

I. The record itself

I1. What documents supporting this application are confidential, and under what authority?

I2. Were any nondisclosure agreements signed by public officials in connection with this project? List them, with the date and signatories.

I3. Which figures in the application were verified by someone other than the applicant, and who paid for the verification?

I4. Was any part of the application, forecast, or impact analysis prepared with AI tools? If so, which, and who verified the content? The ledger Fill in one row for each project named in A2, and one for the project in front of the body. File the table with your written comment. A column left blank is the most important finding in the table. If the last column is empty for every row, then no one has done the review that requirement seven asks for, and the body should say so on the record before it votes. The growth trigger Ask the body to adopt one sentence as a condition of any approval: Any increase in the project's peak load, water withdrawal, footprint, emissions, or incentive value above the figures in this record shall require a new application and a new cumulative review before the increase takes effect.

Chapter Sixteen called this rule "growth reopens the review."1603

Appendix C

Appendix C — Questions to Ask at a Public Hearing By domain, phrased for the record Phrased for the record, because a question in the transcript with a date attached is the smallest unit of accountability there is. Read them aloud as written. Officials can deflect a complaint; they have a much harder time deflecting a specific question they must answer in writing. Before you speak 1. State your name, where you live, and how long you have lived there. Standing shapes how a record reads. 2. Ask that your questions be entered into the record, not merely heard. 3. Ask for written responses and a date by which they will arrive. 4. If you get only one question, ask who bears the cost when the projections are wrong.

Six questions for any hearing

Ask these whatever the subject is.

1. "For the record: who bears the cost if the projections in this application turn out to be wrong?"

2. "What else is pending before this body affecting the same grid, watershed, coastline, school system, or labor market — and has any cumulative assessment been performed?"

3. "Which claims in this application have been independently verified, by whom, and who paid for the verification?"

4. "What financial assurance has been posted, in what amount, and is it in place before operations begin rather than pledged afterward?"

5. "Name the person who will answer for this decision in five years, and state how a resident reaches them."

6. "What is the end condition of this authority, and what public accounting happens at expiry?"

Energy, water, and land Data centers, industrial siting, permits, tariffs.

1. "What is the contracted peak electrical load, and what generation actually serves it at six in the evening in August?"

2. "What is peak water withdrawal by source, and what happens to that withdrawal in a declared drought?"

3. "Which costs — transmission, backup capacity, fuel risk, stranded assets — can be shifted to ratepayers later, and under which tariff mechanism?"

4. "What is the decommissioning bond, who holds it, and when is it posted?"

5. "How many acres of wetland or farmland are converted, at what restoration ratio, monitored for how many years?"

Schools and student data Board meetings, procurement, curriculum adoption.

1. "What are the published error rates for this system, disaggregated by disability, language, and race?"

2. "Who may access, license, or resell student data, and on what schedule is it deleted?"

3. "Which named human can override a placement, discipline, or eligibility decision?"

4. “What teacher preparation does this contract fund, for how many hours, paid at what rate?”

5. “What human staffing floor does this contract forbid us to fall below?”

Policing, courts, and enforcement Council oversight, budget hearings, consent decrees.

1. “Was this system independently audited before deployment, and is the audit public?”

2. “What is the false-positive rate, and how is a person told that a system flagged them?”

3. “Who is liable when a vendor’s model contributes to a wrongful stop, arrest, or detention?”

4. “Which decision does this system make that no human will be required to defend?”

Benefits, eligibility, and denial Agency rulemaking, legislative oversight.

1. “What is the false-denial rate, reported separately from the fraud rate?”

2. “Do benefits continue during an appeal? If not, why does the burden sit with the applicant?”

3. “What non-digital channel exists, staffed by whom, during what hours?”

4. “How does a person obtain the data used against them before the decision becomes final?”

Employment and the workplace Labor boards, city councils, bargaining.

1. “Is any system used in hiring, scheduling, wage-setting, evaluation, discipline, or termination disclosed to the workers it governs?”

2. “Was its introduction bargained, and can an individual determination be contested?”

3. “What is monitored, retained for how long, and who else can see it?”

Health systems and coverage Hospital boards, insurance regulators.

1. “What subgroup performance data exists for the population this facility actually serves?”

2. “Can coverage be denied without review by a licensed clinician, and who is that clinician?”

3. “Is a clinician penalized on productivity metrics for overriding the system?” Emergency and fast-track proceedings

The proceeding where review is most often waived.

1. “Which law, review, or comment period is being waived, and by whose authority?”

2. “Is the party declaring the emergency also a beneficiary of the waiver?”

3. “What is the sunset date, and what accounting is required at expiry?”

4. “What retroactive remedy exists if the waiver causes harm?”

If they say — then ask

The six deflections you will actually hear. “That information is proprietary.” → Then explain how this body meets its statutory duty on a record it cannot examine — and please enter that limitation into the record. “The

applicant has committed to it." → Is the commitment written into the permit, enforceable by this body, and bonded? If not, it is a press release. "This creates jobs." → How many, at what wage, for how long, hired from where — and what happens if the number is not met? "We evaluate each application on its own merits." → Then no one is evaluating the combined effect. Who holds that duty? If the answer is no one, please say so on the record. "The technology moves too fast to regulate." → Then it moves too fast to permit. Which is it? "That falls outside our jurisdiction." → Please state which body does hold it, and whether this question has been referred to them.

What not to do

1. Do not argue about how capable the technology is. Argue about conditions, costs, and who answers.

2. Do not accept a pledge, a memorandum, or a press release in place of a permit condition.

3. Do not concede that the project is inevitable. Timing, siting, and terms are always still open.

4. Do not leave without a deadline attached to something.

If you have sixty seconds A script. Fill in the blanks before you go. My name is _____

I live in _____ I am not asking you to reject this. I am asking you to condition it. My condition is _____ My question for the record is _____ I request a written response by _____

A written comment in six lines Same six lines, whatever the docket.

1. Who you are, where you live, and the docket number.

2. The one sentence naming what you want added, removed, or bonded.

3. Who bears the cost if the applicant's projections fail.

4. What else is pending in the same watershed, grid, or school system.

5. The specific action you are asking this body to take.

6. Your contact information and your requested response date.

After the hearing The part that decides whether any of it counted.

1. Request the transcript or recording. Confirm your questions appear in it.

2. File the same questions in writing before the comment period closes, so they exist twice.

3. Calendar the written-response deadline. Publish the non-response if it comes to that.

4. File a records request for whatever was withheld as proprietary.

5. Identify the two other bodies with adjacent jurisdiction and ask them the same questions.

What to bring

1. The docket or agenda item number, written down.

2. Your three-tests worksheet, filled in.

3. Your written comment, already printed and ready to file.

4. Your questions on paper, in the order you will ask them.

5. A phone to record, if recording is permitted.

6. One other person. Two residents on the record is a pattern; one is an anecdote.

The three tests, in short The full worksheet.

Appendix A.

Appendix A.

Witness. Who sees this from outside the authority making it, and can their testimony survive?

Burden. Who bears the cost, and do they have meaningful voice or refusal?

Return. How does this authority end, reverse, repair harm, or return to those affected?

Before you sit down: ask for the written-response deadline, and get it on the record.

Appendix D

Appendix D — Where Decisions Are Actually Made Municipal, state, and federal bodies

The Introduction said that almost every mechanism in this book is set locally, and that the pattern repeats "because in most of those jurisdictions nobody shows up with the specific question."1604 This appendix is a map of where to show up. It is organized by level of government. For each body it gives what the body decides that matters to this book, where its record is kept, and the tool that gets a citizen into that record. Chapter Seventeen describes the tools themselves.1605 I have used Louisiana as the worked example because the book began there, and I have cited Louisiana law where I have read it. Every state has an equivalent for nearly every body listed. The names differ, and so do the powers. Before relying on any entry, check your own state's statute. Local bodies City council, parish council, police jury, or county commission. These bodies adopt ordinances, approve contracts, set local tax policy, and usually approve police technology purchases. They can adopt requirements 1, 2, 5, and 15 for their own agencies without anyone else's permission. Boston's ordinance making it unlawful for the city to use face surveillance is the model of a local prohibition.1606 Their record is the agenda, the minutes, and the ordinance book. The tool is public comment before the vote and a written submission entered into the minutes. Planning commission and zoning board. These bodies decide rezonings, conditional uses, variances, and site plans. For a data center, a substation, or an industrial site, this is often the first public vote and sometimes the only local one. A denial or an approval with conditions is strongest when its reasons are written into the motion, as Pittsylvania County's was.1607 The record is the application file and the staff report, which is usually posted a few days before the hearing. Ask for the staff report as soon as the application is filed.

Industrial development board or economic development authority.

These bodies grant payment-in-lieu-of-tax agreements, issue revenue bonds, and hold title to property so it can be exempt from tax. They are the least visible bodies on this list and often the most consequential. The largest tax break in Louisiana's history was approved by one of them, at its second meeting.1608 Their meetings are subject to open meetings law. Ask the parish or county clerk for the board's membership, its meeting schedule, and every agreement it has signed. School board. School boards approve technology contracts, often on a consent agenda, and set data policies for minors. They can impose requirements 1, 2, 3, and 5 in every procurement contract. In Louisiana their meetings carry a specific public comment requirement.1609 The record is the board packet, which includes the contract. Ask for the packet, not just the agenda. Local health department or air agency. In some places, air permits for backup generators and turbines are issued locally. In Memphis, the Shelby County Health Department, not the state or federal government, took more than 1,700 public comments on turbines serving an AI facility.1610 Find out which agency issues air permits in your county before a project arrives. Assessor and local taxing bodies. Louisiana's industrial tax exemption program affects only local property taxes, and the state's own overview describes it as "a tool to secure investment for the state that requires local approval."1611 The parish council, school board, and sheriff are the local bodies whose revenue is at stake. Ask each of them how it votes on exemptions, and when. State bodies Public utility commission. In Louisiana, the Public Service Commission is a constitutional body of "five members, who shall be elected for overlapping terms of six years" from single-member districts. The constitution provides that it "shall regulate all common carriers and public utilities."1612 This is where the costs in requirements 10 and 11 are allocated: generation certificates, large-load contracts, tariffs, and rate cases. The commission's Records

Division "manages filings, records, dockets/matters," and new matters begin "with the bi-weekly bulletin."1613 Read the bulletin. It is how a new docket announces itself. The tool is intervention as a party, described in Chapter Seventeen.1614 Board of Commerce and Industry, and the governor. Louisiana's industrial tax exemption program is authorized by the state constitution. According to Louisiana Economic Development, the Board of Commerce and Industry "authorizes" the contracts, the governor "approves" them, and the economic development agency administers the program and "oversees compliance with the program rules."1615 The board meets publicly and publishes its agendas.

Economic development agency.

Louisiana Economic Development negotiates the incentive packages. Much of what the public knows about the Starbase package came from its records, obtained through public records requests after the fact.1616 The tool is the records request, filed early, for the agreements, the cost-benefit analyses, and any nondisclosure agreements. Environmental quality agency. State environmental agencies issue most air and water discharge permits under delegated federal programs. Each permit has a public notice and comment period, and a draft permit is usually available before the hearing. Comments that are specific enough can be preserved for appeal.1617 Coastal or natural resources agency. In Louisiana's coastal zone, "No person shall commence a use of state or local concern without first applying for and receiving a coastal use permit."1618 Coastal use permit applications appear on public notice. For any project on the coast, this is a state decision point separate from the federal wetlands permit. Legislature and its committees. Legislatures write the statutes every other body applies, fund their own expertise or fail to, and pass the special laws that projects often need. Chapter Sixteen counted seven new laws passed for one project.1619 The record is the bill history, the committee testimony, and the fiscal note. The tool is committee testimony, which in many states can be submitted in writing. Legislative auditor or state comptroller. Auditors can examine whether incentives delivered what was promised and whether agencies enforce what they are charged with enforcing. The New York State Comptroller's audit of New York City's hiring-audit law is the example in Chapter Eighteen.1620 Auditors take requests from legislators and sometimes from the public. Ask a legislator to request an audit of any incentive program that has never had one. Benefits and health agencies. State agencies administer Medicaid, unemployment, and assistance programs, and they buy the eligibility and fraud systems described in Part Five. Their contracts go through state procurement, and their rules go through state administrative procedure. Both are public.

Regional bodies

Regional transmission organization. Grid operators such as MISO, which covers Louisiana, plan transmission and run the wholesale market. They are not government agencies, but their rules are filed with and approved by the Federal Energy Regulatory Commission. According to FERC, "MISO Board meetings are held at least quarterly and are open to the public," with remote participation, and "Interested members of the public can provide oral and written comments during the open portion of the Board meeting." Members of the public do not vote in stakeholder meetings.1621 Large-load interconnection rules, which decide how fast and at whose cost a data center connects, are increasingly set here. Federal bodies Federal Energy Regulatory Commission. FERC approves interstate transmission, wholesale market rules, and grid operators' tariffs. Party status requires a motion to intervene, and only parties can seek rehearing and go to court.1622 Army Corps of Engineers. The Corps issues permits for dredged or fill material in waters of the United States. The statute says the Secretary "may issue permits, after notice and opportunity for public hearings."1623 Every individual permit has a public notice with a comment deadline. For a coastal project, this is usually the main federal wetlands decision. Federal

Aviation Administration, Office of Commercial Space Transportation. A launch site needs a license to operate. Under the regulations, that license "does not relieve a licensee of its obligation to comply with any other laws or regulations."1624 The FAA's 2026 proposal would make the requirements of thirteen of those other statutes inapplicable to launch licenses, as Chapter Sixteen described.1625 The environmental review for any license is published for comment. Federal Communications Commission. The FCC licenses satellites and their communications. As Chapter Sixteen described for Reflect Orbital, it found the satellite's sunlight-reflecting mirror "beyond the scope of the Commission's authority to regulate," so a license may leave the thing people object to unreviewed by anyone.1626 Its dockets accept petitions and comments. Securities and Exchange Commission. The SEC sets the rules for what public companies disclose and whether shareholders can put questions on the proxy. Its proposal to rescind Rule 14a-8 was open for comment until November 20, 2026.1627 Any federal agency making a rule. Proposed rules appear in the Federal Register, and comments go to the public docket. The agency must consider them, and a point not raised may be forfeited.

Congress controls the statutes on emergencies, preemption, and federal floors, which are requirements 4, 6, 12, and 15. Its committees take written testimony, and its members take meetings with constituents. Most people never ask for either. Bodies that are not government but act like it Public pension boards. Pension boards vote large blocks of shares and set stewardship policies. In most states their meetings are public. Teachers and public employees are their beneficiaries and can attend.1629 Shareholder meetings. Shareholders who meet the ownership thresholds can file proposals, and any shareholder can attend and ask questions. Chapter Seventeen described what these proposals achieved on AI in 2026.1630 Unions and professional associations. Collective agreements can set the terms on which workers' tools are used, as the 2023 Writers Guild contract did.1631 Professional bodies can set the conditions under which their members lend their licenses to a system. Standards bodies. Technical standards that function as law are written by bodies whose membership is often dominated by industry. Chapter Nine argued for public-interest representation on them.1632

The Louisiana map Here is where the two projects that opened this book were, or will be, decided. The list is not complete. Its point is that no single body on it saw the whole.

Appendix E

Appendix E — Model Language Draft ordinance, conditions of approval, comment letter, records request, and community-benefit provisions This appendix turns the fifteen requirements into text that can be copied. It is model language, not legal advice. Every state and municipality has its own limits on what a local body may require, and some of these provisions will need to be adapted or dropped. Words in square brackets are to be filled in or chosen. I have written the provisions to be as specific as possible, because vague language is how a requirement becomes a sentiment.

Two existing laws shaped the drafting more than any others. The enforcement section follows the Clean Water Act's citizen-suit design, with notice first and fees for a prevailing party.1633 The threshold and engagement sections borrow from Detroit's Community Benefits Ordinance, adopted by the city's voters in 2016. That ordinance applies to a "Tier 1 Development Project," which it defines as a project "expected to incur the investment of Seventy-five Million Dollars ($75,000,000) or more" where the developer is negotiating public support. Before such a project's land transfers or tax abatements go to the city council, "the Planning Director shall hold at least one public meeting in the Impact Area."1634 E.1 Model ordinance An Ordinance Establishing Public Accountability for Consequential Automated Systems and Large-Load Facilities in [Jurisdiction]

Section 1. Purpose. The purpose of this ordinance is to ensure that consequential automated systems used by or for [Jurisdiction], and large-load facilities that seek approvals or incentives from [Jurisdiction], are disclosed before use, reviewed by parties without a financial interest in the result, answerable through a named person, and responsible for their own costs.

Section 2. Definitions. (a) "Consequential automated system" means any software system, including any system using machine learning or artificial intelligence, that is used to make, or to materially support, a decision affecting a person's liberty, employment, housing, health care, education, public benefits, or eligibility for a public service. (b) "Large-load facility" means any facility with a projected peak electrical demand of [50] megawatts or more, or a projected water withdrawal of [1] million gallons per day or more, including any facility that will reach those levels at full buildout. (c) "Covered project" means any large-load facility, and any other development project expected to involve investment of [$75,000,000] or more, for which the developer seeks a tax abatement, payment-in-lieu-of-tax agreement, land transfer, infrastructure commitment, rezoning, or other approval from [Jurisdiction]. (d) "Independent auditor" means a person or firm with no financial interest in the system or project audited, and no contract with its vendor or developer in the preceding [three] years, other than the audit itself. (e) "Responsible official" means the natural person designated under Section 5.

Section 3. Disclosure before deployment. No department, agency, or contractor of [Jurisdiction] shall use a consequential automated system until it has published, in plain language and in one place on [Jurisdiction]'s website, the system's purpose, the categories of data it uses, its known error rates, including error rates by race, sex, age, disability, and language where measured, its known failure modes, and the name of its vendor. The publication shall be updated within [30] days of any material change.

Section 4. Independent audit. Before first use, and every [12] months thereafter, each consequential automated system shall be audited by an independent auditor for accuracy and disparate error rates. The audit shall be

published in full within [14] days of completion. If an audit is not published within [30] days of its due date, use of the system is suspended until it is published.

Section 5. A human with a name. For each consequential automated system, the head of the using department shall designate in writing a responsible official with authority to review and reverse any decision the system made or supported. The official's name, title, and a means of contact shall be included in every written notice of an adverse decision. A person subject to an adverse decision may request review by the responsible official, and no adverse action shall take effect until review is complete, except where [state law or a specified emergency] requires otherwise.

Section 6. Prohibited uses. No department, agency, official, or contractor of [Jurisdiction] shall obtain, retain, access, or use (a) any face surveillance system, or information derived from one, for identification of persons in public space; (b) any system that assigns persons a general social score; or (c) any system that infers emotion from biometric data of students or employees. No agreement or permit issued by [Jurisdiction] shall authorize a third party to do any of these things on its behalf.

Section 7. Large-load facilities and covered projects. No approval, abatement, agreement, or permit shall be granted by [Jurisdiction] for a covered project unless the record contains: (a) a cumulative-impact assessment, in the form of

Appendix B

Appendix B or its equivalent, covering every other project pending or approved within [five] years that shares the same grid region, water source, watershed, coastal basin, tax base, or school district; (b) the projected peak electrical demand and peak-day water withdrawal at full buildout, and the source of each; (c) a financial assurance instrument, in an amount set by an independent engineer as sufficient for [Jurisdiction] to complete decommissioning and site restoration if the developer fails to do so, posted before any construction begins; (d) a written commitment, enforceable by [Jurisdiction] and by residents under Section 11, that the costs of new generation, transmission, backup capacity, and water infrastructure required by the facility will be borne by the developer and not by residential or small-business customers or taxpayers; and (e) a list of every incentive the developer has received or requested for the project from any public body, with its estimated value. Section 8. Public meeting in the affected area. Before any covered project is placed on the agenda for a vote, [the Planning Director] shall hold at least one public meeting, in the evening, in the area most affected by the project, with at least [14] days' published notice and with the documents required by Section 7 posted online on the first day of notice. Section 9. Growth reopens the review. Any increase in a covered project's peak demand, water withdrawal, footprint, or incentive value above the figures in the approval record shall require a new application under this ordinance before the increase takes effect. Section 10. No secret terms after the vote. No nondisclosure or confidentiality agreement entered into by [Jurisdiction] or any of its officials shall prevent disclosure of any term, figure, or document relied on in approving a covered project once the approving body has voted. Any such agreement is void to that extent. Section 11. Enforcement. (a) Any person aggrieved by a violation of this ordinance may bring a civil action in [court] against [Jurisdiction], any official, or any developer or vendor for injunctive and declaratory relief. (b) No action may be brought until [60] days after the plaintiff has given written notice of the violation to [the City Attorney] and the alleged violator, except where the violation threatens imminent harm. (c) The court may award reasonable attorney and expert witness fees and costs to a prevailing or substantially prevailing plaintiff. (d) Any approval, contract, or decision made in violation of this ordinance is voidable in such an action. Section 12. Reporting. [The City Clerk] shall publish annually a list of every consequential automated system in use, every covered project approved, every audit received, and every enforcement action filed under this ordinance. Section 13. Severability. If any provision of this ordinance is held invalid, the remaining provisions shall remain in effect. E.2 Model conditions of approval A board that is not ready to adopt an ordinance can attach conditions to a single approval. The following can be moved as an amendment to any motion approving a covered project, incentive, or contract. The approval is granted subject to the following conditions, each of which is a condition precedent to the effectiveness of the approval: The applicant shall file in this docket, before [date], the projected peak electrical demand and peak-day water withdrawal at full buildout, and a list of every incentive it has received or requested for this project from any public body. 2. The applicant shall post financial assurance in the amount of [$] or such greater amount as an independent engineer selected by [this body] determines, before any construction begins. 3. The applicant shall bear all costs of generation, transmission, and water infrastructure required to serve the project, and no such cost shall be recovered from residential or small-business customers. 4. If the applicant fails to meet the employment commitment of [number] jobs at an average wage of [$] by [date], the applicant shall repay [the full value / a pro rata share] of the abatement granted, with interest. 5. Any increase in the project's peak demand, water withdrawal, or footprint above the figures in this record shall require a new approval by this body. 6. No confidentiality agreement shall prevent disclosure of any term or figure on which this approval relies. E.3 Model comment letter [Date] [Name of body] [Address or online docket] Re: [Docket, case, or agenda item number],

[short title] I am a resident of [place] and have lived there for [number] years. I submit this comment for the record in the proceeding named above and ask that it be included in the record before any decision. 1. The concern. [One sentence stating the specific problem.] 2. The evidence. [Two to four sentences citing the record: the applicant's own filing, with page number; the agency's own data; a primary source, with its location.] 3. The question. [One question the decision-maker must answer, phrased so that it can be answered in writing.] 4. The request. I ask that [body] [adopt the following condition / require the following disclosure / deny the application unless], and that it respond to this comment in writing before it votes. Method. I used [name of AI tool] to help me read and summarize parts of the record. I checked every quotation and figure in this letter against the source cited, and I am responsible for its contents. [Signature] [Name, address, and contact information]

The disclosure paragraph is optional under current law almost everywhere. I recommend it anyway. The book's own version of it is the two sentences quoted in the Introduction.1635 E.4 Model records request [Date] [Custodian of records] [Agency] Re: Public records request under [La. R.S. 44:1 et seq. / state statute / 5 U.S.C. § 552] I request copies of the following records: 1. Any agreement, memorandum of understanding, or term sheet between [agency] and [company or project code name], from [date] to the present. 2. Any nondisclosure or confidentiality agreement signed by any official or employee of [agency] in connection with [project], and a list of signatories and dates. 3. Any cost-benefit, fiscal impact, or economic impact analysis of [project] prepared by or for [agency]. 4. Correspondence between [named official] and [named company or representative] concerning [project], from [date] to [date]. If any record is withheld in whole or in part, please identify the record and the specific statutory exemption claimed. I request the records in electronic form. [Under Louisiana law, a record available at the time of the request must be produced immediately, and if it is not immediately available, its availability must be certified within three days, excluding weekends and legal holidays.1636] [Name and contact information] E.5 Model community-benefit agreement provisions Chapter Sixteen's eighth requirement for the cumulative case was "pledges become bonds, or they do not count."1637 A community-benefit agreement is where that line is kept or lost. These provisions are written so that the community, not only the government, can enforce them. Parties and beneficiaries. The agreement is between [developer] and [community coalition], and [Jurisdiction] is a party. Residents of [impact area] are intended third-party beneficiaries with the right to enforce it. Incorporation. The agreement is incorporated by reference into every public approval, abatement, and development agreement for the project. A material breach of the agreement is a breach of each of them.

Local hiring. [Percent] of construction hours and [percent] of permanent positions will be filled by residents of [area], measured quarterly by an independent monitor and published. Environmental monitoring fund. The developer will deposit [$] annually into a fund controlled by [independent entity] for monitoring air, water, noise, and habitat, with the results published within [30] days of collection. Loss compensation. A claims process, administered by [independent administrator], will compensate documented losses to fisheries, property, and businesses caused by the project, with the burden on the developer to disprove causation for losses within [distance] of the site. Financial assurance. The developer's obligations under this agreement are secured by [a letter of credit / surety bond] of [$], posted before construction begins, that the beneficiaries may draw on for any uncured breach. Clawback. If the developer fails to meet any commitment for [two] consecutive reporting periods, [Jurisdiction] will recover [the full value / a pro rata share] of every incentive granted for the project. Reporting. The developer will publish a compliance report every [six] months, certified by a named officer, and present it at a public meeting in the impact area. Dispute resolution. Any beneficiary may give notice of breach.

If the breach is not cured within [60] days, the beneficiary may bring an action in [court] and recovers reasonable fees if it prevails. Duration. The agreement runs for the life of the project and binds any successor or assignee.

Appendix F

Appendix F — Sources, Verification Notes, and Open Questions What I checked, what I could not, and what I got wrong The Note on Method promised that "Where I could not verify something, I either cut it or flagged it as unverified in

Appendix F,”

Appendix F,” and that this appendix would hold a list of what a careful reader should confirm and “a list of the things I got wrong in earlier drafts and how I found out.”1638 This is that appendix. It also reproduces the original briefing paper, so that a reader can see where the book started and judge what survived.

I.

How the sources were checked Every factual claim in the chapters carries an endnote. Every endnote that states a fact cites a primary source and gives its address. By primary source I mean the statute, the regulation, the court opinion, the docket filing, the agency’s own data or statement, the company’s own filing, or the peer-reviewed study. Where I relied on a newspaper, it is because the newspaper was the only public record of a meeting, an interview, or a document obtained by records request, and the note says so. Each source was retrieved and saved while I wrote. Every quotation in the chapters was then checked word for word against the saved text of its source by a script that flags any quotation it cannot find. Every flagged quotation was either corrected or cleared by hand. The cleared ones were mostly line breaks or hyphenation in the source, or phrases of my own in quotation marks. Notes that point to earlier chapters carry no address, because the earlier chapter’s own note carries it. I did not reuse a source from an earlier chapter to make a new claim. I pointed back to the chapter instead. Addresses change. A reader who finds a dead link should search for the document by its title and date. Agency documents that move are usually still on the agency’s site. For court opinions, the case name and reporter citation are more durable than any link.

II.

The original briefing paper

What follows is the briefing paper that grew into this book, reproduced as it was written: AI-generated responses to my questions, sent under my name with a disclosure at the top. I have removed the bracketed source numbers from the text, because the list of sources they pointed to was not preserved with it. I have not corrected anything. Section III below compares its claims with the record. The disclosure, as sent: The following material reflects AI-generated responses to my queries re Meta and SpaceX environmental impact considerations. It is offered as a starting point for discussion and further independent review, not as a substitute for scientific, legal, engineering, or regulatory analysis. The paper: The two projects pose different but compounding risks for Louisiana: Meta’s Hyperion data center concentrates pressure on electricity, water, emissions, and public-ratepayer accountability in northeast Louisiana, while SpaceX’s proposed Vermilion Parish spaceport could directly alter an already fragile, eroding coastal-wetland system. The overarching concern is whether Louisiana is trading long-term ecological resilience and public costs for large but uncertain private-sector promises.

Meta: statewide energy and water burden

Meta’s proposed Hyperion campus in Richland Parish is reported as a roughly $50 billion, 5-gigawatt-scale data-center development. Its environmental footprint is not principally coastal, but it can still affect Louisiana’s climate, water resources, energy affordability, and regulatory capacity statewide. Electricity and fossil-fuel lock-in: Entergy’s plan to supply the project includes 10 new gas-fired turbines. That risks tying Louisiana to decades

of additional combustion emissions just as extreme heat, sea-level rise, hurricanes, and coastal loss make climate resilience more urgent. Critics have also challenged whether Meta's air permit sufficiently accounts for emissions associated with generators, boilers, and the electricity infrastructure built to serve the site. Ratepayer exposure: A 5-GW industrial customer requires enormous grid investment. The key public question is not simply whether Meta pays its own bill, but whether transmission, generation, backup capacity, fuel-risk, and stranded-asset costs can later be shifted onto households and small businesses. The Louisiana PSC recently declined to compel fuller disclosure of information about the project's jobs and power demand, which weakens public ability to test those claims. Water draw and discharge: The facility reportedly plans to use groundwater from the Mississippi River Alluvial Aquifer for cooling. Large data centers can create locally significant water demand, particularly during hot periods when cooling needs peak; they also generate wastewater and stormwater issues. Congress's research service notes that water use, source, cooling design, discharge quality, and wetland disturbance are core site-specific considerations. Climate inequity: Even if the facility is far from Vermilion Parish, added gas generation compounds the climate drivers that intensify Louisiana's coastal crisis—heat, stronger rainfall events, sea-level rise, and storm risk. In that sense, Meta's project can add to the state's cumulative environmental load rather than being a purely local Richland Parish matter.

SpaceX: direct threat to coastal resilience

SpaceX's proposal is qualitatively more alarming for the coast because it is planned near Pecan Island on roughly 130,000 acres of former Exxon property in coastal Vermilion Parish. The announced buildout includes five launch complexes with two pads each, propellant farms and production, power generation, vehicle processing, and employee housing; construction is expected to begin by the end of 2027, with a first launch target as early as 2029.

The economic upside is real—Louisiana projects 3,000 direct jobs over 10 years, 8,100 indirect jobs, and average direct pay of $92,600—but those forecasts should be weighed against irreversible changes to an ecosystem that protects homes, fisheries, and communities. The cumulative issue The central policy failure would be evaluating each project as an isolated "economic-development win." Louisiana should ask whether the combined effect of new gas generation for data centers, very large water and land demands, industrial infrastructure in wetlands, climate-driven coastal loss, and potentially relaxed environmental review is compatible with the state's multibillion-dollar coastal-restoration strategy. It makes little sense to spend public funds rebuilding marshes, restoring hydrology, and protecting communities while permitting large new developments that may fragment wetlands, raise emissions, or impose new public infrastructure costs.

SpaceX's pledge to participate in a "historic coastal restoration" effort is welcome, but it is not a substitute for binding, independently verified avoidance, mitigation, restoration, monitoring, and financial-assurance requirements. What Louisiana should require Before approvals or incentives are finalized, I would insist on:

1. A full, independent cumulative-impact assessment covering wetlands, erosion, hydrology, fisheries, endangered species, launch frequency, air emissions, greenhouse gases, accident scenarios, and climate-driven sea-level rise—not a narrow, project-by-project review.

2. No waiver of core environmental laws or meaningful public review. Residents, fishers, tribal communities, scientists, and local governments need access to data and enforceable participation rights.

3. A coastal-resilience "no net loss" standard for SpaceX: avoid wetlands first; where impacts cannot be avoided, require restoration at a conservative replacement ratio, with independent monitoring for decades and performance bonds large enough to cover failure.

4. A funded hurricane, spill, fire, and evacuation plan that is publicly available, tested, and coordinated with Vermilion Parish, state emergency management, fisheries, and coastal agencies.

5. Transparent energy and water contracts for Meta: disclose power demand, new generation and grid costs, water source and annual/peak withdrawals, emissions, cooling technology, wastewater disposition, and protections preventing costs from being transferred to regular ratepayers.

6. Binding community-benefit agreements, including local hiring, workforce training, fishery and habitat monitoring, compensation mechanisms for documented losses, and enforceable commitments—not voluntary public-relations pledges.

My view: Louisiana can pursue advanced industry, including data infrastructure and aerospace, but the coast is not an expendable industrial platform. If the projects cannot demonstrate—under full public scrutiny—that they will not accelerate land loss, degrade fisheries, saddle residents with utility costs, or undermine restoration, the state should slow them down, redesign them, or reject the most damaging elements.

III.

What held and what did not The Introduction described the machine's output as partly "accurate and well organized," partly "directionally right and numerically loose," and partly "confidently wrong."1639 Here is the tally for the paper above, checked against the record this book assembled. Nothing in the paper was invented outright. The pattern was the one the Introduction described: correct structure, mostly correct direction, loose numbers, and no sources that survived. In substance, the six requirements at its end became requirements 4, 6, 7, 8, 9, and 10 of the book, and its closing sentence became the stance.

IV.

What I got wrong, and how I found out These are errors I made in drafting, caught before publication, that changed what the book says. I record them because the book asks institutions to do the same. The Texas large-load statute. In an earlier draft of Chapter Five I wrote that Texas's 2025 large-load law offered expedited interconnection in exchange for a ten-year flexible-load commitment. When I went to the enrolled text to cite it, no such provision existed. I had absorbed it from a summary. The chapter now says so in its objections.1641 A Louisiana executive order. In the same chapter I nearly described an executive order on economic development coordination as a data-center fast-track. The order does not mention data centers or energy loads.1642 An example that was not about algorithms. I had planned to use the Justice Department's 2015 investigation of a Missouri municipality as an instance of automated enforcement. Its findings are damning, but the practices it describes are administrative, not algorithmic. I removed the example.1643 The date of the briefing paper. The Introduction's note dated the briefing paper August 2025. The record of its drafting shows that it was written on August 25 and 26, 2026, the day the Starbase announcement was made and the day after. The note has been corrected.

Smaller errors caught by the verification pass. While drafting the last chapters I made several claims that did not survive checking, and I cut or replaced them. They included a description of an index weighting that I attributed to Chapter Ten, which Chapter Ten does not contain; a citation to an older appeals court case on anti-SLAPP law that I had not read, replaced by the Fifth Circuit's September 2026 decision, which I had; an unsourced description of the size of a state commission; and a claim that the European Union enforces all five of the prohibitions in requirement fifteen, which I narrowed to the two it does enforce.1644

V.

What I could not verify

Each of these is flagged in its chapter. They are collected here so that a reader can check them, and so that anyone who resolves one can tell me. Chapter Two. The bill number of the 2019 Louisiana literacy legislation. A vendor's "98 percent accuracy" figure, which I could not find in its own documentation. A widely repeated claim that a research institution found "scant evidence" of efficacy. A current federal count of school-age households without high-speed service. Any published audit or decision on an algorithmic special-education determination. Chapter Three. An independent audit of the Syrian Archive's count of reinstated records. Chapter Four. A staffing figure for the congressional science and technology arm. Chapter Five. A characterization attributed to a Congressional Research Service product, which I could not check against the product itself. The enactment status of a bill that would create an accelerated review tier. Chapter Six. A final version of a federal demographic-differentials report that exists only as a draft. A government tally of arrests attributable to facial recognition errors. A signed agreement described only by a party to litigation. A 2025 or 2026 federal inventory of AI use cases. Any review of the federal risk instrument after August 2024. The current codified status of a state statute abolishing trade-secret objections. The ratification status of an international convention. Three reported wrongful-arrest cases for which I could not obtain court records. Chapter Seven. A utility commission's actual order, as distinct from its minutes. The issued air permit and engineering evaluation for the Memphis turbines. Chapter Eight. The book life of the combined-cycle units built for the Meta campus. A federal order on behind-the-meter generation, which I would not quote from a mirror. The current legal force of Louisiana's 2022 climate plan. Chapter Nine. Any antitrust agency position on talent-and-license transactions. A sealed opinion's reasoning. Chapter Eleven. The underlying Michigan study behind a widely cited error figure, and the ninety-three percent figure itself. Any published count of people who fail federal identity proofing. The terms attached to new child welfare modeling grants. How many utility shutoffs were executed remotely. Chapter Twelve. Entry of final judgments in two antitrust and repair cases. An independent audit of the Hurricane Helene supply response. Chapter Thirteen. Whether a California workplace surveillance bill became law. A primary record of the Kenyan Supreme Court's action in a platform labor case. Chapter Fourteen. The accountability office decision that made a Senate vote possible, which I know only from a committee release. The full text of the most-cited analysis of how AI medical devices were evaluated. Chapter Fifteen. The full reprinted text of Donald Campbell's essay. Chapter Sixteen. The exact amount of Exxon's coastal restoration contribution, which comes from a telephone interview. The New Jersey amicus deadline, which I took from a law-firm summary. The underlying spreadsheets behind the incentive totals. Chapter Seventeen. The shareholder sponsors' calculation of non-insider support at Palantir. Chapter Eighteen. The record of the surface mining bond program, and any count of Clean Water Act citizen suits.1645

VI.

What a reader should independently confirm The following facts were current when I wrote and will change. Check them before relying on them. Live proceedings. The SEC's proposal to rescind Rule 14a-8, with comments due November 20, 2026. The FAA's proposed waiver of environmental requirements for launch licenses, whose comment period closed August 31, 2026, and whose final rule had not issued. The New Jersey Supreme Court's review of that state's cumulative-impact rules. Minnesota's cumulative-impacts rulemaking, whose rebuttal period closed September 28, 2026. The Louisiana commission's dockets on the Meta campus and any certification under the "Lightning" pathway.1646 Figures that are estimates. The $100 billion Starbase investment, which comes from state officials and the company and has not been independently verified. The job figures in section I.

VII.

The value of the incentive package, which comes from the state's own records as reported. The pad count. Law that is moving. The status of state AI laws enacted in 2025 and 2026, several of which had delayed effective dates. Federal preemption efforts. The Treasury's hourly matching rule, scheduled to require hourly matching from 2030. The AI Act's later obligations, which take effect in stages. My characterizations. Every place where I have said that no statute, audit, or finding exists. A negative finding is only as good as the search behind it, and I would be glad to be shown a document I missed.

VIII.

Open questions These are questions the book raises and cannot answer. Can cumulative load be measured well enough to regulate? New Jersey and Minnesota are trying. Their results will say whether requirement seven is workable as written. Do bonds change behavior? The Note on Revision states the bet: if a decade of bonded facilities showed no better restoration record than unbonded ones, requirement eight is wrong.1647 I do not know the answer, and the record exists to find it. Does independent audit produce better findings than self-assessment? The New York City audit suggests that the enforcer matters as much as the auditor. Requirement two assumes that separating the two helps. That is testable. Does continued payment during appeal cost more than it saves? Requirement thirteen bets that it does not. The false-denial rates it would require are the data needed to settle it. Can a local body hold the line alone? The Part Six opener warned that local wins can relocate harm to weaker jurisdictions. Whether a network of local requirements adds up to a floor, or only moves the problem around, is the most important open question in this book. VI

IX.

How to correct this book If you find an error, send the page, the claim, and the source that contradicts it. Corrections will be made the way the Note on Revision requires: "Publicly, in writing, with the reasoning stated and the old text preserved beside the new."1648 The appendices and the manifesto page are meant to be maintained as living documents as dockets move. When a requirement changes, the old text will stay beside the new, with the reason. — D.M.D.

Appendix G — Casebook

The documentary record behind six sections of this book Six passages in this book carry more documentary weight than a chapter can hold without breaking its own argument. Each of them is a case file rather than a paragraph: dockets, audits, subpoenaed corporate documents, commission minutes, price lists, resolutions and their vote counts. In the chapters I have kept the finding and the load-bearing quotation. Here I keep everything else. I have not compressed, softened, or updated the material in moving it. The text below is what stood in the chapters, including every hedge, every caveat about sourcing, and every instance where I record that I could not confirm something. The endnotes are renumbered to run in sequence within this appendix; where the same document is cited both in a chapter and here, it appears in both note sequences. A reader who wants to check my work should start here rather than in the chapters. That is the point of the appendix: the argument is in the book, and the evidence is in a place where it can be examined without an argument wrapped around it.

A. Where the decision moved Full record for Chapter Four, Section I

IV.

Here is what is actually happening, named. The compression of the interval. The relevant metric is not how fast technology develops. It is the ratio between the time required to deploy a system and the time required to obtain consent for it. Louisiana supplies the cleanest measurement I have found. On the seventeenth of December, 2025, the Public Service Commission adopted, four to one, an amendment offered by Commissioner Coussan that waives the requirements of the Commission's own General Order for capacity additions meeting five conditions — a signed electric service agreement with an in-service date within five years, a projected capacity shortfall, a letter from the Secretary of Louisiana Economic Development, an agreement term of at least fifteen years, and fixed revenue covering at least half the fixed revenue requirement — and directs staff to target a Commission vote within eight months of application. Commissioner Lewis opposed, and his competing rulemaking on large-load customers was deferred to the following month.1250 The amendment's informal name, in the Commission's own minutes, is the "Lightning Amendment." Read the five conditions again. Four of them are things a large applicant can satisfy by signing documents. One is a letter from the state's economic development office. There is no condition relating to what the public knows or when. Preemption from above. Executive Order 14365 is not a rule about AI. It is a rule about federalism, executed through the appropriations power: states whose AI laws Commerce deems onerous become ineligible for non-deployment broadband funds, and other discretionary grants may be conditioned.1251 Trade press reported in March 2026 that Commerce published its evaluation and named California, Colorado, and Texas laws among the onerous, but I could not locate the evaluation on any Commerce or NTIA server, and I will not quote a document I could not read.1252 What is primary and dated is the instrument itself and its ninety-day clocks. Note also the carve-out I flagged earlier: the order exempts state procurement and state government use of AI from its preemptive reach. The federal government moved to preempt states' regulation of what companies may do to citizens, while expressly leaving alone states' regulation of what states themselves may do with these systems. Whatever the reasoning, the practical effect is to protect the government's own discretion and constrain the citizen's forum. Preemption from below. The same logic runs downhill. A state that has decided to attract data-center investment has every incentive to remove the parish, the county, and the town from the decision — and, in many states, the legal authority to do so. The Louisiana sales-tax exemption for data centers, enacted as Act 730 of the 2024 Regular Session, is a state-level grant of value that no local body voted for and none can withdraw.1253 Congress has noticed: the Protecting Local Control of Data Centers Act was introduced on the twentieth of August, 2026.1254 It has not been enacted, and I would not bet on it. The reason local authority

matters here is specific and physical. Data centers consume water, land, and electricity — three things that are locally sited, locally metered, and locally suffered. A person whose well level drops, whose transmission line is rebuilt across a pasture, or whose bill rises to amortize generation built for one customer has a grievance that is inherently local, and the venue for it has been moved to a body that meets in the capital. The official who is no longer there. This is the mechanism I want to spend the most time on, because it is the one that most directly answers the chapter's question — where do I go to argue with them? — with the word nowhere. Michigan's Integrated Data Automated System determined unemployment fraud without human involvement. The state's Auditor General reviewed 22,000 of its fraud determinations and found that 93 percent did not involve fraud.1255 The related class action, Bauserman v. Michigan Unemployment Insurance Agency, settled for $20 million, given final approval by the Michigan Court of Claims on the thirtieth of January, 2024, covering a class of more than three thousand people for conduct in 2013 through 2015 — individual checks of roughly $1,600 for having been accused of a felony by a computer.1256

Australia's scheme was larger and better documented, because Australia held a Royal Commission about it, which reported in July 2023 under Commissioner Catherine Holmes.1257 On the responsible minister's own account the scheme "unlawfully raised $1.76 billion in alleged debts against some 526,000 Australians," and the figures in general circulation vary by which population is being counted.1258 The first class action settled in 2021 for roughly $112 million; that is no longer the operative figure. A second, appeal-stage settlement announced on the fourth of September, 2025 carries a total settlement sum of $548.5 million, with an approval hearing held in June 2026.1259 Idaho automated the calculation of Medicaid budgets for people with developmental disabilities and would not disclose the formula. Litigation begun in January 2012 produced a 2016 ruling requiring due-process protections and a further federal ruling against the state's secrecy in July 2025 — a case that has now run thirteen years and is still listed as active.1260 Arkansas replaced nurse assessments of attendant-care needs with an algorithm; the state Supreme Court affirmed a restraining order against the rule in 2017, noting that the change cut care hours by an average of 43 percent.1261 None of this is historical. In July 2026, reporting by KFF Health News and NPR documented that Michigan's Medicaid eligibility system is operated by Deloitte under contracts worth roughly $768 million since 2006, that enrollment in the state's disability category fell 10 percent over roughly four years, that at least twenty-five states award benefits-eligibility contracts to the same vendor, and that in a Tennessee class action a federal judge ruled in 2024 that the state had violated federal law and the Constitution.1262 Those figures come from the reporting, not from the states. The common structure across every one of these is worth stating flatly. A system produced an adverse determination. The person affected could not learn the basis. The agency could not or would not explain it. The vendor was not a party the citizen could petition. And the remedy, when it came, came years later, through a class action, in money — which is to say the accountability mechanism for automated administration in the United States is currently tort litigation, arriving on a five-to-fifteen-year lag, and paying out roughly the price of a used appliance to people who lost their homes.

Denial by inference, in the largest program we have. The most thoroughly documented case is not a benefits agency but a set of insurers administering a public program, and it exists because a Senate subcommittee subpoenaed the documents. The Permanent Subcommittee on Investigations' majority staff report of the seventeenth of October, 2024, "Refusal of Recovery," reports that UnitedHealthcare's prior-authorization denial rate for post-acute care rose from 8.7 percent in 2019 to 10.9, then 16.3, then 22.7 percent in 2022 — a 172 percent increase — while its overall prior-authorization denial rate barely moved, from 7.3 to 7.6 percent. Its skilled-nursing-facility denial rate went from 1.4 percent to 12.6 percent, a ninefold increase. In 2022 its

inpatient-rehabilitation denial rate was 71.4 percent and its long-term acute-care denial rate 83.7 percent. Humana's long-term acute-care denial rate rose from 39.9 to 61.4 percent.1263 The automation findings are more damning than the rates. A model presented in March 2021 weighted a service's current denial rate, its fraud-waste-abuse potential, and the money saved by automating approval; initial testing produced faster handle times and, in the report's quotation of the company's own materials, "an increase in adverse determination rate." In April 2022 a subsidiary instructed its coordinators, in capital letters: "IMPORTANT: Do NOT guide providers or give providers answers to the questions."1264 CVS's numbers are the ones I cannot stop thinking about, because they are a written record of a choice. An inpatient predictive model, configured to maximize savings, produced roughly $3.6 million in net savings at a 1.5 percent mistake rate. Configured to maximize automatic approvals, it produced a net loss of more than $400,000 at a 2.1 percent mistake rate. The difference in error was six-tenths of a percentage point. Across nearly half a million Medicare Advantage requests, the more generous configuration would have cost more than $8 million in additional medical spending. The company chose. Post-acute automatic approvals ran a 5.2 percent mistake rate against 0.5 percent for acute care.1265 Two cautions. The Subcommittee expressly found that the evidence did not show the extent to which Humana used automation or predictive technology to deny requests — this is not a finding of uniform algorithmic denial across the industry.1266 And the statistics everyone quotes from the private litigation — that over 90 percent of denials are reversed on appeal, that a physician denied more than 300,000 requests in two months at an average of 1.2 seconds each — are complaint allegations, denied by the defendants, in cases that survived dismissal only in part.1267 The Subcommittee's figures come from produced documents, which is why I lean on them.

The civic point stands regardless of which insurer used which tool. A six-tenths-of-a-point difference in error rate is invisible in any dashboard and decisive in the life of every person on the wrong side of it. This is what it looks like when the burden of a wrong determination sits entirely with the individual and the savings sit entirely with the institution. Registers that exist, and are thinner than their reputation. The good news first, because it is real. The United Kingdom's Algorithmic Transparency Recording Standard, first published in November 2021 and made mandatory across central government from 2024, is a genuine public register of algorithmic tools with significant influence on decisions affecting the public. As of May 2025 it held fifty-nine published records. When I checked the live register on the twenty-ninth of August, 2026, it held one hundred forty-three.1268 That is real institutional progress and I do not want to be sour about it. Now the comparison. The United States federal government's own 2025 AI Use Case Inventory, with data as of April 2026, reports 3,611 individually reported use cases, of which 1,818 are deployed or piloted and 445 are designated high-impact, from fifty-six agency submissions — Veterans Affairs alone reporting 367, of which 215 are high-impact.1269 One hundred forty-three records in a mandatory public register on one side of the Atlantic. Three thousand six hundred eleven self-reported use cases on the other. The second number is larger and less useful, because a self-reported inventory entry is a description an agency wrote about itself, and a register record is a document the public can hold the agency to. The celebrated municipal registers are smaller than their reputations. Amsterdam's AI register listed seventy-one algorithms when I checked it. Helsinki's — the pioneer, the one cited in every article about municipal algorithmic transparency — listed nine systems, nearly all of them chatbots, one annotated "The service is no longer in use."1270 I am not mocking Helsinki. Nine honest entries beat a thousand vague ones. But nobody should describe these as inventories of municipal automated decision-making, and I had assumed they were.

The European Union's answer, Article 71 of the AI Act, requires the Commission to establish and maintain a public database of high-risk systems.1271 That obligation has been deferred. The Digital Omnibus on AI, approved by the European Parliament in plenary on the sixteenth of June, 2026 by 423 votes to 57, pushes high-risk obligations for stand-alone systems to December 2027 and for embedded systems to August 2028.1272 So the EU high-risk register is a legal commitment whose operative date slipped by roughly sixteen months, decided in the same season as the American preemption push. Two continents, opposite legal traditions, same direction of travel. A right to an explanation that keeps receding as you approach it. In law, the right exists and is stronger than most people think. In SCHUFA Holding, decided the seventh of December, 2023, the Court of Justice of the European Union held that a credit agency's automated generation of a probability value about a person's ability to meet future payments is itself automated individual decision-making under Article 22 of the GDPR, where the third party receiving the score "draws strongly" on it.1273 In Dun & Bradstreet Austria, decided the twenty-seventh of February, 2025, the Court held that the controller must describe the procedure and principles actually applied, that it may be appropriate to tell the person how a variation in their data would have changed the result, and — the sentence I would put on the wall of every agency in America — that "the mere communication of an algorithm does not constitute a sufficiently concise and intelligible explanation." Where the controller claims trade secrecy, it must give the disputed information to the supervisory authority or the court to balance; a national rule categorically excluding access on trade-secret grounds is precluded.1274 That is a real right, articulated by a real court, and it disposes of the two standard evasions at once: you cannot satisfy it by publishing source code, and you cannot defeat it by invoking a trade secret. Now watch it recede. Article 86 of the AI Act gives any affected person subject to a high-risk system's output "the right to obtain from the deployer clear and meaningful explanations of the role of the AI system in the decision-making procedure and the main elements of the decision taken" — subject to exceptions in other law, and only to the extent the right is not otherwise provided under Union law.1275 Whether that particular article is caught by the Digital Omnibus deferral I could not determine from the parliamentary briefing, which addresses the high-risk obligations and the marking transition without naming Article 86. So I will say only what I can support: the text is enacted, its companion obligations have been pushed to December 2027, and no one should tell you a right to explanation is in force in Europe in 2026.1276

In the United States the pattern is starker. Colorado passed a comprehensive AI act in 2024. It never took effect. A special-session bill signed in August 2025 extended the effective date to the thirtieth of June, 2026.1277 Then on the fourteenth of May, 2026, Senate Bill 26-189 repealed and reenacted it. The replacement is narrower and, in one respect, better: it counts essential government services and public benefits among "consequential decisions"; it requires a deployer, within thirty days after an adverse outcome, to give a plain-language description of the technology's role; and it gives consumers the right to the personal data used, correction of inaccurate data, and meaningful human review. But there is no new private right of action; enforcement runs through the Attorney General; and before bringing an action prior to 2030 the Attorney General must give sixty days' notice and an opportunity to cure.1278 Law-firm commentary attributes the repeal to litigation by xAI and federal pressure; the bill record says nothing about causation and I pass the claim along as commentary.1279 California's privacy regulator finished its own package, effective January 2026, with automated-decision compliance required from January 2027.1280 Texas took the plainest route and simply required government agencies to disclose, before or at the time of interaction, that a person is dealing with an AI system — clear and conspicuous, plain language, no dark patterns, required even where it would be obvious. Penalties reach $200,000 per violation. There is no private right of action.1281 Set those side by side. A judicially

articulated right to a real explanation exists in Europe and may not be operative. A statutory right to a thirty-day plain-language description exists in Colorado, enforceable only by the Attorney General after a cure period. A duty to announce a chatbot's existence exists in Texas, enforceable only by the Attorney General. In no American jurisdiction that I can find does a person who has been denied a benefit by an automated system have a self-executing right to an explanation, human review, and a timely appeal, enforceable by that person, in a forum that can order the determination reversed. Persuasion below the threshold of rebuttal. On the twenty-first of January, 2024, two days before the New Hampshire presidential primary, 9,581 telephone calls carried an AI-generated imitation of President Biden's voice. The imitation was made with commercially available software by a third party paid $150. The caller identification was spoofed to a number belonging to the spouse of a New Hampshire Democratic figure, neither of whom consented, and recipients were told to call that number to opt out. The Federal Communications Commission imposed a $6,000,000 forfeiture, calculated as $1,000 per unlawful spoofed call adjusted upward by 100 percent, times 3,000 verified calls. The carrier separately paid $1 million.1282

On the thirteenth of June, 2025, a jury in Belknap County Superior Court acquitted the operative on all charges — eleven counts of felony voter suppression and eleven counts of impersonating a candidate. He testified that he had orchestrated the calls as a warning about the dangers of artificial intelligence.1283 I do not know what to do with that acquittal, and I think saying so is more honest than pretending. A six-million-dollar federal forfeiture, a million-dollar carrier settlement, and a complete criminal acquittal, all arising from the same 9,581 calls. Whatever else it demonstrates, it demonstrates that the regulatory instrument and the criminal instrument are pointed at different things, and that the criminal one, on these facts, in front of twelve neighbors, did not hold. Around that case the law has largely declined to act. The Commission had already ruled in February 2024, unanimously, that the Telephone Consumer Protection Act's restrictions on artificial or prerecorded voices cover AI-generated clones — a sound and useful ruling about telephones.1284 The Federal Election Commission went the other way: in September 2024, having received more than two thousand comments on a petition from Public Citizen, it voted not to open a rulemaking on AI in campaign advertising, adopting instead an interpretive rule stating that the existing fraudulent-misrepresentation provisions are technology neutral and apply case by case.1285 California's attempt at a state remedy was struck down: on the twenty-ninth of August, 2025, exactly one year before I write this, a federal judge held AB 2839 unconstitutional and permanently enjoined it as a content-, viewpoint-, and speaker-based restriction that failed strict scrutiny, compelled speech through its satire disclaimer, was unconstitutionally vague, and was not severable.1286 Roughly two dozen to thirty states have some statute on synthetic political media, depending on the tally and its date; the Conference of State Legislatures counted twenty-six as of a page dated December 2025, of which Minnesota and Texas prohibit distribution within a window before an election and the remainder require disclosures.1287 And in Europe, where a transparency regulation for political advertising did pass, the outcome was not compliance but exit. Meta announced that as of the sixth of October, 2025, political, electoral, and social issue advertisements are no longer delivered in the European Union, citing "an untenable level of complexity and legal uncertainty."1288 Organic political content remains; paid amplification of it does not. I could not verify a parallel withdrawal by any other platform and so I name only Meta.

Here is what all of this circles without touching. Every instrument above regulates the artifact — the cloned voice, the altered video, the undisclosed synthetic image. None of them regulates the addressing. The mechanism that most threatens public reason is not a fake video of a candidate. It is ten thousand true-enough messages, each tailored to one person's inferred anxieties, delivered without a public version, so that there is no

shared claim for anyone to answer. A lie in a broadcast can be refuted on the same channel. A different appeal to each of ten thousand voters cannot be refuted at all, because there is no it to refute. The paradox worth sitting with is that Europe's most serious attempt to force disclosure of political targeting produced, as its first observable result, the elimination of the ads rather than the disclosure of them. The roll. In March 2026 an executive order sought to build a federal apparatus for verifying citizenship on state voter rolls, anchored on the Systematic Alien Verification for Entitlements service — SAVE, a Department of Homeland Security system that queries source databases held by DHS, Justice, and Social Security and returns a point-in-time response. What SAVE is not is stated by the agency that runs it: per its own fact sheet, SAVE "provides verification information but does not determine an individual's eligibility to register to vote, eligibility to stay on a voting roll, or eligibility to vote," and "is not a source database of U.S. citizens and immigrants."1289 Twenty-three states and the District of Columbia sued. On the twenty-fifth of June, 2026, Judge Indira Talwani held Sections 2 and 3 of the order legally void as ultra vires and as violations of the separation of powers, held Section 5 merely precatory, granted the states summary judgment, and issued injunctions naming the Acting Attorney General and the Secretaries of Homeland Security and Commerce among others — barring steps "to create a new federal program to superintend and control Plaintiff States' maintenance of voter rolls." The injunctions expressly do not bar the federal government from assisting with verification when a state asks and the assistance stays within the framework Congress provided. Defendants were given seven days to notify their own employees, in writing, that the sections are null and void and that compliance is required under penalty of contempt.1290 As of late August 2026, the government's emergency application to the Supreme Court was pending.1291 I include this at length because it is the strongest verified thing in this chapter and it cuts in the direction of hope. The system worked. A court read an order, found it lawless, and told cabinet secretaries by name to send a memo saying so. Expertise supplied by the regulated. I described my own part in this above. Structurally it looks like the numbers in Section III: a support agency shedding staff, no published figure for its technology assessment capacity, and 774 organizations lobbying the subject. The consequence is not that legislators are fools. It is that the analysis in the file, the definitions in the bill, the risk framing in the committee report, and the estimate of what compliance would cost all originate, more often than not, with the party whose conduct is at issue — and there is no adversarial process to test them, because the party on the other side is the public, which has no staff. The state renting the machine. In August 2025 the General Services Administration launched a platform to give federal agencies chat, code generation, and document summarization at no cost.1292 Then came the price list. As published on GSA's own page when I checked it on the twenty-ninth of August, 2026: Anthropic's enterprise offering at $1 and Google's at $0.47, both expiring September 2026; OpenAI's at $1, expiring September 2026 and limited to the executive branch; Perplexity's at $0.25 to April 2027; xAI's at $0.42 to March 2027.1293 Three of the six expire within weeks of this sentence. And GSA's own AI landing page carried, when I checked it, an alert that the agency "will remove any system integrations with Anthropic by Aug. 27, 2026."1294 I want to name precisely what bothers me, because it is not the discount. Governments should buy well. It is that the state's operating dependence on these systems is being established at prices that cannot be a market and on terms that expire in a single fiscal cycle. Whatever the renewal price turns out to be, the agencies will by then have built workflows, retrained staff, and retired the alternatives. That is not procurement. That is the customary structure of a dependency, and the government has entered it as the dependent party. The same asymmetry appears at Defense, where the Chief Digital and Artificial Intelligence Office awarded a two-year prototype agreement with a $200 million ceiling to one frontier developer in July 2025, with press reporting comparable awards to three others.1295 And it appears at the level of who is doing the deciding. The Government Accountability Office's report on the Department of Government Efficiency

identified 206 personnel holding Executive Office of the President positions between January 2025 and January 2026, of whom four were characterized as leaders and at least 128 had separated. Nine agencies provided data on sixty-four of them: forty-nine had completed ethics training, eighteen records-management training, thirty-eight had filed financial disclosures. Ten agencies did not provide the requested information in time or at all. And the Executive Office of the President did not respond to the Office's requests for training records and financial disclosures, or to a request for an interview, so the Office could not determine who had been trained or had filed.1296 Read that again. The best-verified sentence available on the subject is this: the Government Accountability Office could not determine whether the people running the federal government's automation push had completed ethics training, because the Executive Office of the President did not answer. For a smaller and more telling illustration of how contingent all of this is: the Office of Personnel Management's public AI use-case disclosure removed one vendor's model and added two others in an update dated March 2026, as reported in the federal trade press.1297 The public inventory changes with the vendor politics. Which means the inventory documents the procurement, not the practice. Procurement transparency that points inward. The federal government does have a serious AI acquisition policy, and I want to give it credit before criticizing it. Memorandum M-25-22 of the third of April, 2025 requires solicitations to state whether a planned use meets the high-impact threshold, to specify the transparency and documentation obligations placed on the vendor, and to include enough information to complete an impact assessment. It requires contract terms on data rights, privacy, and vendor lock-in — knowledge transfer, data portability, model portability, rights to code and models, pricing transparency. It requires ongoing testing and monitoring using agency-defined validation data "that should not be accessible to the vendor," and provides that contracts must not prohibit agencies from internally disclosing how the vendor conducts testing or what the results were. It permanently prohibits the use of non-public agency inputs and outputs to further train commercially available models absent explicit consent.1298

That is a well-drafted document and I would have been glad to have it as a template when I was on the other side. Two things about it, both visible in the text. First, every transparency obligation it creates runs from the vendor to the agency. Not one runs from the agency to the public. Second, the repository of acquisition tools it directs the General Services Administration to build is expressly available only to executive branch agencies.1299 The government built itself a right to know what it is buying and did not extend that right to the people it is buying it to use on. B. What the emergency was used for Full record for Chapter Five, Section V

II.

There is a second asymmetry in emergency government, and it is the one that reaches ordinary people most directly. Waiver is fast. Repair is slow. And the repair is usually built out of the same materials as the failure. The pandemic unemployment programs are the cleanest case in the American record, and I approach them carefully because the numbers are genuinely contested and the contest is instructive. The Government Accountability Office estimated fraud in pandemic unemployment insurance at between "$100 billion and $135 billion," equal to "about 11 percent and 15 percent" of total pandemic benefits paid, across all fifty-three state-level programs from April 2020 through May 2023. It said three things about its own estimate that I want to quote rather than summarize: "The full extent of UI fraud during the pandemic will likely never be known with certainty"; "the actual amount of fraud could be greater than or less than our estimated range"; and "We do not report our range at the 95 percent confidence level because statistical intervals do not capture the uncertainty associated with identifying which cases in the sample were fraudulent."1300 That is a serious institution being honest about

the limits of what it knows, and it deserves to be read as such rather than mined for a headline. The Department of Labor's Inspector General has separately estimated $191 billion in improper payments including $76 billion fraudulently obtained — a different measure on a different method, and not a competing estimate of the same thing.1301

Now the recovery. As of the first of May, 2023, about $55.8 billion in overpayments had been identified and about $6.8 billion recovered, roughly twelve percent; of overpayments specifically identified as fraudulent, $5.3 billion identified and $1.2 billion recovered.1300 Reviewing a somewhat different window, GAO found that as of April 2024 states had recovered approximately $3.7 billion of $55.2 billion identified, leaving $51.5 billion outstanding, and noted that the Department's reported recovery rate of 8.5 percent exceeded the 6.7 percent share of the total because the Department excludes waived overpayments from the calculation.1302 Separately, forty-seven states had waived $10.9 billion — twenty-two percent — of $49.6 billion in non-fraudulent overpayments as of the thirtieth of June, 2023, a total the Inspector General described as "likely significantly understated."1303 Set the emergency's two speeds side by side. The money went out in weeks. Four to six years later, between seven and twelve cents on the dollar has come back, depending on which denominator you accept, and the denominator itself is disputed because of how waivers are counted. But the part that belongs in this book is not the loss. It is what was built in response to it. By early 2023, twenty-four of fifty-three state workforce agencies — forty-five percent — had hired one of ten identity-verification contractors using facial recognition to screen claimants. The Department's own Inspector General set out the mechanism of harm in a single sentence I have not been able to stop thinking about: "a false negative would mean an eligible claimant would be identified as a non-legitimate claimant for benefits." Claimants who cannot verify may be "denied benefits and must start an adjudication process." The Inspector General warned that "without comprehensive guidance, SWAs are at risk of using technology that discriminates against claimants entitled to receive UI benefits," citing federal testing that found false-negative rates ranging "from below 0.5 percent to above 10 percent," with higher false-positive rates for Asian and African American faces. Oregon's employment department paused its automated identity-verification process to study disparate impacts and found differences in completion rates. Of the contracts reviewed, seventy-five percent did not address whether identification was one-to-one or one-to-many, sixty-three percent lacked data-storage terms, and fifty-four percent lacked disposal terms.1304 As of October 2022, forty-one states were using the federally funded identity-verification service.1305 And the delay was documented at the time. Officials in three states told GAO that investigating potentially fraudulent claims and adding identity-verification measures "contributed to claims backlogs and delays in paying eligible claimants," with identity-theft victims facing long waits — in one New York case, benefits paused for about two months.1306

Follow the whole arc, because the arc is the argument. An emergency justified paying out with the verification suspended. The suspension produced losses on a scale nobody defends. The losses justified a verification system built at emergency speed with the same absence of review. That system, by the government's own account, denies benefits to eligible people at a rate that varies by the color of their face. And at every stage, the cost of the error was borne by the claimant: first by the honest claimant who waited, then by the honest claimant who was denied, and never at any point by the office that chose the tool. This is what I mean by the asymmetry between the speed of waiver and the speed of redress. It is not merely that redress is slower. It is that redress, built under the same emergency logic, generates its own new class of victims — and they are the least able to litigate about it. C. Emergencies that were built to end Full record for Chapter Five, Section VI

III.

So what does an emergency that actually ends look like? It is worth establishing that the question has known answers, because the American conversation often proceeds as if it did not. The United Kingdom's Coronavirus Act 2020 was drafted with its own death in it. Section 89(1): "This Act expires at the end of the period of 2 years beginning with the day on which it is passed."1307 Extensions were possible but capped — section 90(3) provides that an extension date "must not be later than the end of the period of 6 months beginning with the time when the provision would otherwise have expired."1307 And section 98 required a Minister, every six months, to arrange for a motion in the House of Commons in a form the statute itself dictates: "That the temporary provisions of the Coronavirus Act 2020 should not yet expire." The debate must be held within seven sitting days of the end of each review period, and if the motion is rejected the temporary provisions expire within twenty-one days.1308 Read that motion's wording again, because the drafting is superb and the superiority is entirely in the default. The government is not asked to justify ending the powers. It is required to come to the floor and ask permission to keep them. The burden sits where the burden belongs, and it is renewed by a vote rather than by an internal memorandum.

It worked, more or less. Royal Assent was the twenty-fifth of March, 2020; the Act expired at the end of the twenty-fourth of March, 2022. Twenty non-devolved provisions expired early and four were suspended before that. Five were extended for up to six further months — provisions on inquests without a jury, remote hearings and live links, and a statutory sick pay waiver in Northern Ireland — by an instrument that had to be laid and named them one by one.1309 Scotland extended a separate handful on the same pattern.1310 And then — I have to report this, because it is the ratchet appearing even in the good example — two of those temporary provisions were made permanent: inquests without a jury by the Judicial Review and Courts Act 2022, and the remote-hearing provisions by the Police, Crime, Sentencing and Courts Act 2022.1309 Which is exactly right, and is the point. The emergency powers became permanent law by primary legislation, debated and voted, in the open, with a title and a date. If a society decides after two years of experience that a measure adopted in a crisis should be kept, that is a legitimate democratic outcome. What is not legitimate is a measure that becomes permanent by nobody ever having to decide. The European Union's artificial intelligence regulation shows the same discipline applied to the technology directly, and applied in hours rather than years. Where a high-risk system would normally require conformity assessment before it may be placed on the market, a market surveillance authority may authorize it early "for exceptional reasons of public security or the protection of life and health of persons, environmental protection or the protection of key industrial and infrastructural assets," but only "for a limited period while the necessary conformity assessment procedures are being carried out." In genuine urgency, law-enforcement or civil-protection authorities may put such a system into service without authorization — provided the authorization "is requested during or after the use without undue delay." And then the sentence that gives the whole structure teeth: "If the authorisation referred to in paragraph 1 is refused, the use of the high-risk AI system shall be stopped with immediate effect and all the results and outputs of such use shall be immediately discarded." Where no objection is raised within fifteen calendar days, the authorization is deemed justified; where an objection is raised, the Commission decides; where an authorization is found unjustified, it "shall be withdrawn."1311 The same architecture governs live facial recognition in public spaces, which the regulation prohibits except for narrowly listed purposes and only with prior authorization from a judicial or independent administrative authority. In urgency, use may begin without it — "provided that such authorisation is requested without undue delay, at the latest within 24 hours. If such authorisation is rejected,

the use shall be stopped with immediate effect and all the data, as well as the results and outputs of that use shall be immediately discarded and deleted."1312

Twenty-four hours. Not ninety days, renewable. I have to flag a sourcing limitation here that matters to me more than it will to most readers. The Official Journal text was not retrievable when I checked; the article language above comes from a faithful reproduction of the regulation rather than from the Journal itself. I believe it is accurate and I would not print it if I doubted it, but a book that insists on primary sources should say when it has settled for one step removed. I set out those two examples because the American federal picture, examined honestly, has less of this than I expected. The Stafford Act, which governs disaster declarations, defines an emergency as "any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States."1313 I went looking for the provision that ends such a declaration and found instead a Congressional Research Service statement of unusual bluntness: "Stafford Act declarations do not expire, nor do they have set durations established in statute or regulation," and "generally, federal officials do not unilaterally terminate Stafford Act declarations." What exists instead is an administrative construct — an "incident period" established by the agency — and a closeout that "proceeds from the bottom-up," after all related projects and programs are individually closed.1314 That mechanism can be made to work: the pandemic declarations were wound up by closing the incident period effective the eleventh of May, 2023, with ninety days' advance notice published in the Federal Register.1315 But it took an agency decision three years in, not the operation of any clause. And the National Emergencies Act does contain a periodic-review requirement, which is the closest American analogue to the British six-month motion. Section 202(b) provides that "not later than six months after a national emergency is declared, and not later than the end of each six-month period thereafter that such emergency continues, each House of Congress shall meet to consider a vote on a joint resolution to determine whether that emergency shall be terminated."1316

I tried to establish whether those meetings occur. I could not. The Congressional Research Service's review of the Act documents the requirement and the expedited procedures attached to it, and catalogues the termination resolutions that have actually been introduced or voted — a handful, tied to two or three specific emergencies over four decades — but the material I read contains no statement that Congress has met the six-month obligation, and no statement that it has not.1317 A parallel requirement obliges the President to report to Congress the total expenditures "directly attributable to the exercise of powers and authorities conferred by such declaration" every six months. The Service found records evidencing such reports for emergencies invoking the international emergency economic powers statute, but "was unable to identify recorded instances" of expenditure-report submissions for emergencies invoking other standby authorities — while carefully noting that the absence of records "does not necessarily mean that the expenditure reports were not submitted," since there is "no single repository for reports submitted to Congress."1318 I looked for an expenditure report for the energy emergency of January 2025. I did not find one. I cannot tell you it was not filed. I can tell you that a citizen who wants to know what an emergency in its second year has cost has nowhere obvious to look, and that this is itself a finding. D. The courts, the risk instruments, and the state that abolished the objection Full record for Chapter Six, Section V

IV.

The courts are the place where the argument is hardest for me, because in the courts the tool is more honest than the system around it, and because one of the instruments in question sets people free. Start with the case everyone cites and few quote. In 2016 the Wisconsin Supreme Court considered whether a sentencing court's use of a proprietary recidivism risk score violated due process, and held that "if used properly, observing the limitations and cautions set forth herein, a circuit court's consideration of a COMPAS risk assessment at sentencing does not violate a defendant's right to due process."1319 That sentence is normally where the citation stops. The limitations are the interesting part.

The court held that "risk scores may not be considered as the determinative factor in deciding whether the offender can be supervised safely and effectively in the community."1320 It listed what a score may properly inform: diverting low-risk prison-bound offenders to non-prison alternatives, assessing community supervision, and setting terms of probation and responses to violations.1320 It required that "a circuit court must explain the factors in addition to a COMPAS risk assessment that independently support the sentence imposed."1321 It required that any presentence report containing such a score must warn the sentencing court about specified cautions regarding the score's accuracy.1322 It observed, plainly, that the instrument "was not developed for use at sentencing, but was intended for use by the Department of Corrections in making determinations regarding treatment, supervision, and parole."1322 And it held: "risk scores may not be used: (1) to determine whether an offender is incarcerated; or (2) to determine the severity of the sentence."1323 A concurring justice put the distinction in eight words that ought to be printed on the cover of every such tool: "consideration of COMPAS is permissible; reliance on COMPAS for the sentence imposed is not permissible."1324 I have read a great deal of commentary describing this decision as a green light. It is not. It is a set of prohibitions with a permission attached, and the prohibitions are specific, checkable, and — this is the problem — enforceable only if somebody in the room knows they exist and is willing to make a record. The decision creates a right that is exercised by objection. Which means its practical reach is a function of how well-resourced the defense is, which means it protects the represented and articulate and not the person who takes the first offer. Now the federal instrument, and the concession I owe. The First Step Act directed the creation of a risk and needs assessment tool for the federal prison population, and the tool is used to determine eligibility for earned time credits — meaning that a favorable score can shorten the time a person spends in custody. This is not a purely carceral instrument. It releases people. Any honest treatment of algorithmic risk assessment has to hold that fact in view, and I have watched enough advocacy on this subject skip it. The Act also required periodic review and revalidation, and the Department of Justice has done that work and published it. The most recent review I could locate, published in August of 2024, reports that the tool "remains a strong and valid predictor of general and violent recidivism at the one-, two-, and three-year follow-up periods, with Area Under the Curve (AUC) statistics ranging from .745 to .776."1325 By the standards of actuarial prediction in criminal justice, that is respectable performance, and the Department reports it in its own document rather than being forced to concede it.

And in the same document, the Department reports this: "While the study findings indicate that PATTERN is predictively accurate across the five racial and ethnic groups analyzed, there remains evidence that the instruments overpredict the risk of recidivism for some racial and ethnic groups relative to white individuals." The accompanying publication record is more specific still, describing "overprediction of risk of Black, Hispanic, and Asian males and females, relative to White individuals, on the general recidivism tools," and

noting that the agency "continues to explore methodological ways to fulfill the FSA's mandate 'to ensure that any disparities identified … are reduced to the greatest extent possible.'"1326 I want to give the government full credit here, because credit is due and rare. It built the tool, it validated the tool, it measured the tool's racial performance, it published the finding that the tool overpredicts risk for Black, Hispanic, and Asian people relative to white people, it acknowledged a statutory duty to reduce that disparity, and it said in print that it has not yet worked out how. That is what institutional honesty looks like, and if every automated system in this chapter were documented to that standard the chapter would be half as long. Which is why the next fact is the one I would put to a committee. That published review covers the 2019 cohort and appeared in August of 2024. As of the day I write this, at the end of August 2026, I could not locate any subsequent review or revalidation of the instrument, nor any annual report under the statute's reporting provision later than June of 2024.1327 Two years. On a tool whose own most recent published assessment says it overpredicts risk by race and whose governing statute directs that such disparities be reduced to the greatest extent possible. I want to be careful about what I am asserting. I am not asserting that no review was conducted; I am asserting that after searching the responsible agencies' own publication pages I could not find one published, and that a duty whose discharge cannot be confirmed by a member of the public is not functioning as a duty. That is the same finding I reached about emergency-power reporting in the previous chapter, arrived at by the same method, and the repetition is not a coincidence. Periodic-review obligations are the most common accountability mechanism in this entire field, and they are also the easiest to let lapse, because nothing happens when they do. One more court-side finding, and it is the single most transferable provision I encountered anywhere in the research. Idaho, in 2019, enacted a statute governing pretrial risk assessment tools that requires them to be "transparent," to be "open to public inspection, auditing, and testing," and entitles a party to "review all calculations and data used to calculate the defendant's own risk score." And then it adds the clause that no other jurisdiction I examined has: "No builder or user of a pretrial risk assessment tool may assert trade secret or other intellectual property protections" in order to quash discovery of those materials in a criminal or civil case.1328

One sentence. It costs nothing. It abolishes, in one American state, the objection that has done more than any other to keep these instruments unexamined. I could not confirm from a fetched code page the provision's current codified status in 2026, and I say so rather than assert it — but the drafting exists, it has existed for seven years, and it is available to copy. And the corresponding negative, stated as one: I could not find any state statute prohibiting the use of pretrial risk assessment tools, and I could not verify from primary sources the current status of the validation requirements that a large state is often said to have enacted.1329 E. Vendors, and whether they can be reached Full record for Chapter Six, Section VI

V.

Somewhere behind every system in this chapter there is a company, and the question of whether the company can be reached is the question on which most of the rest depends. The best-documented instance in American law comes not from policing but from unemployment insurance, and it is the closest thing to a template that exists. Michigan built an automated system to administer unemployment benefits and to render determinations of fraud. It was implemented in October of 2013. The state's own auditor examined it in February of 2016 and found that the agency had not implemented a comprehensive security management program, had not implemented effective application access controls, had not implemented automated controls to detect claimants who had not submitted work-search evidence, and had not adequately analyzed the system's data to identify payments needing further review.1330 I record what that audit does and does not say: it documents control

failures. It does not quantify how many people were wrongly accused, and I could not find any state audit that does. What the wrongful accusations looked like at the level of a household is in the court record. One plaintiff was told he owed $19,910 in overpayments, penalties, and interest; another, $8,302. The state intercepted the first plaintiff's state and federal income tax refunds. The plaintiffs asserted that the number of claimants affected was in the range of twenty-six thousand.1331 In January of 2024 the state's court of claims granted final approval to a $20 million class settlement.1332 Now the part that matters for every other system in this chapter. Two private contractors had built and implemented the automated fraud-adjudication component. They argued they could not be sued under the federal civil-rights statute because they were not the state. In January of 2022 a federal judge rejected that argument in language a legislature could adopt verbatim: "the record establishes that the UIA was entwined with the defendants' decision to develop an adjudication system that denied claimants due process," and "The state worked hand in hand with CSG to develop and implement the robo-fraud-adjudication system," and "This nexus between the state and the challenged action far exceeds 'mere cooperation,' contract, authorization, restriction, or funding." The court found the same entwinement as to the second vendor's development of the system and its forms.1333 That is a ruling on whether the vendors may be sued, not a judgment that they are liable, and I state the distinction because it matters. But it establishes the principle, and it establishes it on facts that recur everywhere: a state that could not have built the thing, a vendor that designed the adjudication logic, and a person whose tax refund was taken by a determination that no human being had made. The underlying constitutional standard, from the same litigation on appeal, is older than any of this technology and has not been amended for it: "'[T]he root requirement' of the Due Process Clause [is] 'that an individual be given an opportunity for a hearing before he is deprived of any significant property interest.'"1334 Before. Not after the refund is taken and the collection letters have gone out and the person has spent eighteen months proving a negative. And now the negative finding, which is the one I would put in front of any legislator who tells me this area is already covered. I could not locate a single statute, federal or state, that assigns liability to the maker of a software system for a harm caused by that system in an enforcement context.1335 Not one. The doctrine exists because a district judge in Michigan worked it out from constitutional first principles in a case about tax refunds. It is available to the next plaintiff who can afford five years of litigation and is not available to anyone else. The European Union spent the last several years building two routes to the same destination, and then closed one of them, and the sequence is instructive because it happened in the open.

The first route was product liability. The revised directive adopted in October of 2024 states that "'product' means all movables … it includes electricity, digital manufacturing files, raw materials and software."1336 Software is a product. It then addresses the evidentiary problem directly, which is the problem that defeats these cases: a claimant who presents facts sufficient to support the plausibility of the claim triggers a duty on the defendant to disclose relevant evidence; defectiveness is presumed where the defendant fails to disclose, or where the product breached mandatory safety requirements, or where an obvious malfunction occurred in foreseeable use; the causal link is presumed where the damage is "of a kind typically consistent with the defect in question"; and — the provision written for exactly the systems in this chapter — a court "shall presume" defectiveness or causation where the claimant "faces excessive difficulties, in particular due to technical or scientific complexity" in proving them, subject to the defendant's right to rebut.1337 The later-defect defence is unavailable where the defect is due to "software, including software updates or upgrades" within the manufacturer's control, and member states must transpose the directive by the ninth of December, 2026.1338 The second route was a dedicated instrument on non-contractual liability for harm caused by artificial

intelligence. It was proposed in 2022. In February of 2025 the Commission listed it for withdrawal with the stated reason "No foreseeable agreement - the Commission will assess whether another proposal should be tabled or another type of approach should be chosen."1339 The withdrawal was formally published in the Official Journal in October of 2025.1340 So the jurisdiction that has gone furthest kept strict liability for defective products, including software, and abandoned the instrument that would have eased proof for AI-caused harm generally. That is a documentable narrowing, done deliberately, with the reason given. I am not going to describe it as a scandal. It is what happens to a proposal that cannot command agreement. But it means the accountability route that now exists is the one that requires you to characterize the harm as a product defect — which is a workable theory when a machine crushes someone and an awkward one when a ranked list of seventy-three names ends with a pregnant woman in a cell. F. The international process, and the case I cannot show you Full record for Chapter Six, Section

X.

The international process is where the prohibition was supposed to come from, and its record over the last three years is a study in how a deadline dies. In October of 2023 the Secretary-General of the United Nations and the President of the International Committee of the Red Cross issued a joint call. Its language is not diplomatic: "Human control must be retained in life and death decisions. The autonomous targeting of humans by machines is a moral line that we must not cross. Machines with the power and discretion to take lives without human involvement should be prohibited by international law." And it set a date: "We call on world leaders to launch negotiations of a new legally binding instrument to set clear prohibitions and restrictions on autonomous weapon systems and to conclude such negotiations by 2026."1341 By 2026. In May of 2025 the Secretary-General repeated it: machines with that power "are politically unacceptable, morally repugnant and should be banned by international law," and "I reiterate my call for the conclusion of a legally binding instrument by 2026."1342 Now watch the General Assembly, where two lines move in opposite directions. The votes get stronger. The 2023 resolution was adopted 152 to 4 with 11 abstentions.1343 The 2024 resolution was adopted 166 to 3 with 15 abstentions.1344 The 2025 resolution was adopted 164 to 6 with 7 abstentions.1345 The language gets weaker. The 2024 resolution called on the expert group to fulfil its mandate "as soon as possible, preferably by the end of 2025."1344 The 2025 resolution calls on states "to work towards completing the set of elements for an instrument being developed within the mandate of the Group of Governmental Experts …, with a view to future negotiations."1345 Read those two formulations next to each other. In one year the objective moved from concluding a mandate by a date to working towards completing a set of elements with a view to future negotiations. Nothing was voted down. No state defeated anything. The sentence simply got longer and the verb got softer, and a hundred and sixty-four countries voted for it. Where the process actually stands, in the words of the disarmament office itself: the current rolling text "covers elements related to a working characterization of LAWS, application of international humanitarian law (IHL) to LAWS, prohibitions and restrictions, accountability and responsibility, and risk mitigation measures"; shared understanding has grown on the applicability of humanitarian law and on "the fundamental notion that human accountability cannot be delegated to machines"; and "divergences remain, particularly regarding the scope of prohibitions and legal and/or political regulatory measures." The group is to submit a final report to a review conference in November of 2026.1346 Its two sessions this year were scheduled for early March and for the week beginning the thirty-first of August.1347 I am writing on the twenty-ninth of August, 2026. Five days ago, the Secretary-General and the President of the Red Cross issued a renewed call. Its text is the plainest evidence

available that the 2026 deadline was missed, because of the tense of its main verb: "Negotiations must begin now to urgently adopt a legally binding instrument to regulate autonomous weapon systems with clear prohibitions and restrictions." And this line, which is the thesis of this chapter written by other hands: "A world where accountability is increasingly elusive as responsibility for errors and breaches of applicable rules becomes harder to establish."1348 Three years after the call to conclude negotiations by 2026, the two institutions that made it are asking for negotiations to begin. Now the part where I have to disappoint the reader, and myself. I cannot show you a case. Not one. There is no official document from any government, any United Nations body, any court, or any inspectorate that makes an affirmative factual finding that an autonomous weapon selected a human target and killed that person without human intervention. The claim most frequently cited for the proposition traces to a single paragraph in a 2021 report of a United Nations panel of experts on Libya, and I have read the paragraph. It says that retreating forces and logistics convoys "were subsequently hunted down and remotely engaged by the unmanned combat aerial vehicles or the lethal autonomous weapons systems such as the STM Kargu-2 … and other loitering munitions," and that "The lethal autonomous weapons systems were programmed to attack targets without requiring data connectivity between the operator and the munition: in effect, a true 'fire, forget and find' capability."1349 The word doing the work is "or." The panel does not say which type of system engaged which target. It attributes no casualty and no death to an autonomous engagement. Its statement about programming is a statement about capability and configuration, not a finding that a machine chose a person and killed them. The sourcing note for the surrounding passage reads, in its entirety, "Confidential source." And the annex cited in support is an infographic. That paragraph has been reported worldwide as the first autonomous killing of a human being by a machine. It does not say that. I am not going to use it as though it did, and I am telling you at length why not, because the temptation to use it was considerable and because a chapter arguing for verifiable accountability cannot be built on a claim its own source does not make.

The same discipline applies to the more recent conflicts. The strongest official material I could obtain is a 2024 press release in which United Nations independent experts deplored the "purported use of artificial intelligence" in target selection and wrote "If proven true, the shocking revelations of the use of AI systems …" and that AI systems "seem to have been largely relied upon for target selection" during a period in which more than fifteen thousand deaths occurred.1350 That is a genuine document from a genuine office, and it is explicitly conditional, written by independent rapporteurs in their individual capacity. It is not a finding of fact and I will not present it as one. So my position is this, and I would rather state it as a weakness than smuggle past it. The prohibition I am about to argue for is not justified by a body count. It is justified by a structure: an instrument that permits by design, a review process with exemptions and an urgency waiver, an evaluation the public cannot read, a program whose cost is not public, and an international process whose deadline passed without anyone being required to explain why. In that structure, the absence of a documented case is not evidence that nothing has happened. It is evidence that nothing would be documented if it had. For completeness, the terminology everyone reaches for is itself contested, and the record says so. The Secretary-General's 2024 report on the subject records that many states stressed the importance of human control, that "The view was also expressed that a focus on meaningful human control was not useful," and that several states emphasized that "nominal human input – meaning inputs or actions that did not materially affect the autonomous functions of target selection or engagement – was not sufficient."1351 The phrase "meaningful human control" is not a settled legal standard. It is a proposal that some states support and others explicitly reject, and any requirement built on it has to define it rather than invoke it. The clearest proposed definition on the table is the Red Cross's,

from 2021, and it is a two-tier structure rather than a slogan. Prohibit unpredictable systems — "autonomous weapon systems that are designed or used in a manner such that their effects cannot be sufficiently understood, predicted and explained." Prohibit anti-personnel autonomy — "autonomous weapon systems that are designed or used to apply force against persons." Regulate everything else through limits on target type, on the duration, geographic scope and scale of use, and through "requirements for human–machine interaction, notably to ensure effective human supervision, and timely intervention and deactivation."1352 Two prohibitions and a regulatory tier. That is a draftable instrument. It has been on the table for five years.

Notes

Every claim of fact in the introduction is traced here to a primary or contemporaneous source, with contested and unverified items flagged as such. 1. On August 12, 2026, the Louisiana Public Service Commission voted 3–1 not to adopt an administrative law judge's recommendation that would have required Meta Platforms to produce records showing how it calculated projected job creation and electricity demand for its Richland Parish campus. See WWNO / New Orleans Public Radio, "Louisiana PSC kills ruling that would force Meta to turn over key data center information"; WAFB, "Regulators allow Meta to keep data center records secret"; WBRZ, "Public Service Commission votes to keep Meta's records concealed"; FOX 8, "Louisiana PSC allows Meta to keep Richland Parish data center details confidential"; Alliance for Affordable Energy, "Commission rules Meta can withhold critical data center information". Primary source: LPSC Docket No. U-37425 — verify the order text and the underlying pleadings directly at the Louisiana Public Service Commission. 2. The August 20, 2025 approval covered three combined-cycle gas units totaling approximately 2,236–2,262 MW plus at least 1.5 GW of solar, with Meta funding roughly $1.2 billion in interconnection upgrades: Entergy Louisiana, "Entergy Louisiana receives LPSC approval for major infrastructure investments to support Meta's data center and improve reliability"; Synapse Energy Economics, "Entergy Louisiana Application to Build 2.2 GW of New Gas Capacity"; Industrial Info Resources, "Louisiana Greenlights Massive Power Projects for Meta Data Center"; New Orleans CityBusiness, "Louisiana regulators approve infrastructure upgrades". The March 27, 2026 agreement added seven further combined-cycle plants totaling more than 5,200 MW, bringing the total to ten gas plants and the campus load to more than 7 GW: Entergy Louisiana, "Entergy Louisiana announces a new agreement with Meta that will deliver an additional $2B in customer savings"; Reuters, "Utility Entergy says revised Meta data-center deal to deliver higher customer savings"; Bloomberg, "Meta Funds Seven Gas Plants to Power Biggest Data Center"; New Orleans CityBusiness, "Meta, Entergy announce massive expansion at Louisiana AI data center". Contested: whether the arrangement is cost-neutral to ratepayers. A commission consultant estimated Entergy customers could pay $8–$13 more per month if a related Texas plant acquisition proceeds, and questioned the claim that Meta-related power costs would not reach ratepayers — Axios New Orleans, "Report questions Entergy's Meta rate promise in Louisiana"; New Orleans CityBusiness, "Gov. Landry weighs in on Entergy's proposed power plant purchase". Intervenors have also argued that a revised lease structure lets Meta exit after four years rather than being bound to an initial fifteen-year term, increasing ratepayer risk — Alliance for Affordable Energy and Union of Concerned Scientists, Motion for Investigation, LPSC Docket No. U-37425 (January 14, 2026).

What Citizens Do

1. Name the body with authority to decide.

2. Read the agenda, docket, permit, contract, or rule before the decision is final.

3. Put a specific question into the public record.

4. Demand a named responsible party, a deadline, and a consequence for noncompliance.

5. Preserve documents, recordings, and written answers for the next person who must act.

6. Organize with others so civic attention does not depend on one exhausted individual.

A Practice for the Reader

Choose one issue close enough to affect your daily life. Find the room where it will be decided. Attend, watch, or read the record. Ask one question that must be answered before the body acts. Submit it in writing. Keep a copy. Return for the answer.

Coda: The Work Begins After the Reading

No book can attend a hearing, read a docket, ask a question, protect a watershed, support a worker, preserve a record, or make power answer. Only people can do those things.

The purpose of this manifesto has not been to offer comfort through diagnosis. It has been to make responsibility visible. Systems are built through choices, sustained by institutions, authorized by public decisions, and made durable—or changed—by what people permit, contest, organize, and demand.

The demand is not that no one govern. It is that no one occupy the center without accountability.

THE WORK BEGINS AFTER THE READING.

TECHNOLOGY MUST ENLARGE HUMAN AGENCY, NOT REPLACE IT.

We live in an age of extraordinary capability. But capability is not wisdom. A system does not become just because it is efficient. A prediction does not become legitimate because it is accurate. A decision does not become democratic because it is automated.

Artificial intelligence is becoming part of the conditions under which people learn, work, receive care, seek housing, obtain benefits, communicate, and participate in public life. It is also built into the physical world: land, water, energy, infrastructure, labor, and communities asked to absorb costs in the name of progress.

This foundational manifesto establishes the six conditions of freedom: Perception, Will, Form, Exchange, Threshold, and What Citizens Do. Together, they form a civic blueprint for truth, democratic agency, ecological stewardship, economic fairness, human dignity, and accountable public action.

THE SIX CONDITIONS OF FREEDOM

PERCEPTION • WILL • FORM • EXCHANGE • THRESHOLD • WHAT CITIZENS DO

"A workable Earth is an Earth on which ordinary people can breathe clean air, drink safe water, find meaningful work, participate in decisions that affect their lives, and pass forward a world no less livable than the one they inherited."

