

## Has the Russian Invasion of Ukraine Already Begun?

**Plus: CDC withholds data, court upholds nutritionist licensing, Ottawa police break up Freedom Convoy, and more...**

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**War is nigh...or already here?** The rift between Russia and Ukraine got more extreme on Monday, as Russian President Vladimir Putin said he was sending Russian troops into eastern Ukraine. While that might sound like an invasion is already starting, onlookers have been cautious about describing it as such.

"Europe edged closer to war on Monday," wrote Yahoo News White House Correspondent Alexander Nazaryan. The Associated Press reported that "a long-feared Russian invasion of Ukraine appeared to be imminent Monday, if not already underway."

The confusion seems to have come from Putin's wording, which did not make clear if the troops were already on their way into separatist regions in Eastern Ukraine or simply about to be and, regardless, described their presence not as an invasion but a "peacekeeping" mission. "The developments came during a spike in skirmishes in the eastern regions that Western powers believe Russia could use as a pretext for an attack," notes the A.P.

Fighting between Ukrainian forces and Russia-backed separatists in Ukraine's Donbas region has been going on since 2014.

"I consider it necessary to take a long-overdue decision: To immediately recognize the independence and sovereignty of Donetsk People's Republic and Luhansk People's Republic," Putin said on Monday.

Putin's "combative address" was "a nearly hourlong recitation of decades worth of historical grievances and an unmistakable challenge by Moscow to the post-Cold War international order dominated by the West," says the *Wall Street Journal*. "The speech, ostensibly aimed at recognizing the independence of two breakaway statelets that Russia carved from Ukraine in 2014, outlined Mr. Putin's view that Ukraine was a historical accident that the U.S. has turned into a launchpad to attack Russia."

(For a play-by-play of Putin's speech, see this [Twitter thread](#) from Dmitri Alperovitch, the Russian-American founder of CrowdStrike and The Alperovitch Institute at Johns Hopkins University.)

**The U.S. responds.** In response to Putin's Monday announcements, President Joe Biden issued [an executive order](#) banning trade and investment between Americans and those in "the so-called Donetsk People's Republic (DNR) or Luhansk People's Republic (LNR) regions."

"This E.O. is distinct from the swift and severe economic measures we are prepared to issue with Allies and partners in response to a further Russian invasion of Ukraine," the White House said in a [statement](#). "The United States will not hesitate to use its authorities to target those supporting efforts to undermine Ukraine's sovereignty and territorial integrity."

*Update:* On Tuesday morning, the [White House began calling](#) what Russia is doing in Ukraine an invasion. "We think this is, yes, the beginning of an invasion, Russia's latest invasion into Ukraine," Jon Finer, principal deputy national security adviser, said. "An invasion is an invasion and that is what is underway."

European Commission president Ursula von der Leyen [called](#) Putin's announcement "a blatant violation of international law."

**The bigger picture.** *Washington Post* columnist Robert Kagan—a senior fellow at the Brookings Institute, prominent hawk, and ardent defender of the U.S.-led postwar order—offers a depressing analysis for what this *could* mean: first, a full takeover of Ukraine and then a realignment of the international order. "It is wishful thinking to imagine that this conflict stops with Ukraine," Kagan writes:

The map of Europe has experienced many changes over the centuries. Its current shape reflects the expansion of U.S. power and the collapse of Russian power from the 1980s until now; the next one will likely reflect the revival of Russian military power and the retraction of U.S. influence. If combined with Chinese gains in East Asia and the Western Pacific, it will herald the end of the present order and the beginning of an era of global disorder and conflict as every region in the world shakily adjusts to a new configuration of power.

His predictions are far from assured, but represent a common thread in centrist-hawk concerns.

The *Post* editorial board also [offers](#) a gloomy short-term prognosis:

This is the way the postwar world ends, and the post-Cold War world, too: not yet with a bang, and not with anything close to a whimper, but with a rant.

The Cato Institute's Alex Nowrasteh points out that European countries are going to see a surge of Ukrainian refugees:

**FREE MINDS**

**The Centers for Disease Control and Prevention (CDC) has kept a ton of COVID-19 data out of the public eye, *The New York Times* reports.** This includes data on coronavirus hospitalizations broken down by age, race, and vaccination status, as well as data on COVID-19 in wastewater. One of the reasons the agency offered as an explanation was worries that people might draw conclusions from the information that officials didn't want them to—which is to say, our national public health agency withholds public health information that doesn't conform to political messaging standards.

Scientists quoted in the *Times* piece are understandably upset about this. "I mean, you can't find out anything from them," said Yvonne Maldonado, chair of the American Academy of Pediatrics's Committee on Infectious Diseases.

## **FREE MARKETS**

**Licensing requirements for dietitians and nutritionists don't violate the First Amendment, court says.** The U.S. Court of Appeals for the 11th Circuit held on Friday that Florida's Dietetics and Nutrition Practice Act, which mandates licensing for dietitians and nutritionists, does not violate an unlicensed nutritionist's right to free speech. The case involves Heather Kokesch Del Castillo, who ran a health-coaching business called Constitution Nutrition.

"She started her business in California, which did not require her to have a license to operate it," the court explained in its decision. "After moving to Florida in 2015, Del Castillo continued to run her business—meeting online with most of her clients and meeting in person with two clients who lived in Florida. She described herself as a 'holistic health coach' and not as a dietician. Del Castillo tailored her health coaching to each client, which included dietary advice."

To make its decision, the court cited a previous decision related to interior designers: "a statute that governs the practice of an occupation is not unconstitutional as an abridgment of the right to free speech, so long as any inhibition of that right is merely the incidental effect of observing an otherwise legitimate regulation."

Law professor and blogger Eugene Volokh disagrees with the decision: "Regulation of (say) surgery or the distribution of pharmaceuticals is regulation of conduct, and the speech between surgeon and patient might well be incidental to that conduct," he writes at *The Volokh Conspiracy*. "But the regulation of people who give advice about diet (or who give psychotherapeutic advice, without prescribing drugs) is all about regulating speech."

"And the government is regulating the dietary coach's speech precisely because it communicates information to people—information on which the people might act in ways the government might think is harmful to themselves (or perhaps, as to some professions, to others)," adds Volokh. "The government is thus regulating the speech, and the assessments and research involved in producing the speech, precisely because of what the speech communicates. This is a speech restriction, and relabeling it a conduct restriction strikes me as just obscuring the matter."

## FOLLOWUP

**The Canadian Freedom Convoy has been pushed out of Ottawa.** "As of Sunday, police had arrested more than 190 protesters, issued 389 charges, towed nearly 80 vehicles, and fenced or cordoned off large swaths of the capital as law enforcement entered what Ottawa interim police chief Steve Bell called the 'maintenance phase' to keep out demonstrators deemed illegal," reports *The Washington Post*:

Even as residents celebrated the start of a return to normalcy, Canada's Parliament debated Prime Minister Justin Trudeau's invocation of the Emergencies Act. Members are set to vote Monday to accept or reject use of the special powers authorized under that law.

The act is expected to pass, though critics from both the left and the right have objected to its use. Trudeau said no other efforts to quell the "illegal and dangerous activities" affecting the country's economy and security were working.

## QUICK HITS

- The FBI seized nearly \$1 million from Carl Nelson and Amy Sterner Nelson and never charged them with a crime.
- England is ending COVID-19 policies related to isolation periods, testing requirements, and contact tracing. And, in April, the country will also stop providing free rapid tests and requiring people to carry proof of vaccination.
- Donald Trump's new social media platform, called Truth Social, has launched.
- A "fuck the police" shirt isn't sufficient cause for arrest, the U.S. Court of Appeals for the 6th Circuit reminds Ohio cops.
- How anti-smut activists made the 1950s rock song "Louie, Louie" famous.
- There's little evidence that mask mandates made a difference during the omicron surge.
- Colombia has decriminalized abortion. "The ruling by Colombia's Constitutional Court follows years of organizing by women across Latin America for greater protections and more rights, including access to abortion, and significant shifts in the legal landscape of some of the region's most populous countries. Mexico's Supreme Court decriminalized abortion in a similar decision in September and Argentina's Congress legalized the procedure in late 2020," notes *The New York Times*.
- The Associated Press looks at skyrocketing U.S. rental prices. "In the 50 largest U.S. metro areas, median rent rose an astounding 19.3% from December 2020 to December 2021, according to a Realtor.com analysis of properties with two or fewer bedrooms. And nowhere was the jump bigger than in the Miami metro area, where the median rent exploded to \$2,850, 49.8% higher than the previous year. Other cities across Florida—Tampa, Orlando and Jacksonville—and the

Sun Belt destinations of San Diego, Las Vegas, Austin, Texas, and Memphis, Tennessee, all saw spikes of more than 25% during that time period."