

HAPPY HOLIDAYS FROM THE EMPTYWHEEL BLOG: A YEAR TO REMEMBER, A YEAR TO FORGET AND AN OPEN FORUM FOR COOKING, TRASH AND OTHER TALK

What a long strange trip 2021 has been. January 6 is still less than a year ago. Joe Biden's Presidency is only eleven months old. The DOJ and 1/6 Committee are working away nicely on an unprecedented case that is multitudes more complicated and difficult than most all seem to comprehend (although we have been warning of that here from the start). So, as we reach this tumultuous Christmas and New Years' season, amid the sudden (but quite predictable in spite of anything Biden and Harris say) emergence of Omicron, let's chill a bit and take stock of it all.

First off, and I used to do this yearly on or about Christmas Eve, a remembrance of our dearly departed friend and colleague, Mary. Mary Perdue was not just a colleague, but a friend to both me, Marcy and most all of our contributors here. Mary left us on Christmas Eve 2011. Our long time regulars know this story, but there are a lot of new people here that should know, because this is the epitome of who we are at Emptywheel and what we have done and stood for from our beginning. I used to copy and repost the entire *in memoriam*, but will just link today for brevity. If you are new here, check it out.

Okay, on to the food! Because Mrs. bmaz is Italian at root, we always have, like at Thanksgiving, ridiculously awesome homemade spaghetti, meatballs, sausage and sauce instead of the traditional turkey and fixings. We will

again. As much as I hate pumpkin pie, our daughter simply loves it, so there will be that too. That will be Christmas Day though, for Christmas Eve, probably steak, or homemade pizza, in the Ooni pizza oven. So, what are all of you eating, from where, and how? Marcy taught me long ago to seek out local and fresh ingredients, whether meat, vegetables or other, and we try to do that. Holiday food is fun!

And, now, for a bit of Trash Talk. Last night the Titans beat the 49ers and all but clinched a playoff spot and division title. Niners are still alive, but a little wounded. The Saturday game of Colts at Cardinals has all kinds of playoff implications. Both would likely still make the playoffs, but the seeding is absolutely critical. The other Christmas Day game of Cleveland at Green Bay is kind of a throwaway, hard to see the banged up and sinking Brownies going the Pack a game at Lambeau. There are too many permutations after the Sunday slate is played to go through here, but ESPN has a nice synopsis.

There is so much more going on, and let's talk about it. In closing, I'd just like to say thank you for being part of this community, it means everything to all of us here. So, to all of you and yours, have the happiest of holidays and New Year.

This year's holiday music is "Don't Shoot Me Santa Claus" by the incomparable Killers. It is really a great tune. I do suggest you click on the full screen button to embiggen it.

And for Eureka, Scribe and all our Pennsylvania friends:



PRESSURE DROP TRASH TALK

Lot of stuff in the last couple of days, and things that have people hot and bothered. So, let's chill it out a bit with some late trash talk.

First off, a bit of credit to Fernando Alonso, who finished on the podium in Qatar for the first time in a long time. The Spaniard is still one of the fastest and best drivers in F1, the problem has long been his quality of equipment. So, that is fantastic.

In the college ranks, too many BIG teams, hi Ohio State and Michigan, won yesterday, as did those darned Domers. The Pac-12 truly sucks, and ASU is in serious need of a new head football coach and athletic director. The Cincinnati Bearcats truly deserve to be in the CFB Playoffs, and if they are not let fire engulf the entire NCAA.

In the pros, the Patriots seem to have reloaded with Mac Jones a lot faster than expected, though they are doing it against not the best competition. Their next four games are tough though, so we shall see. The Packers at Vikings

may be the most interesting game of the day given that Kyler Murray seems unlikely to play as the Cards are in Seattle. Bengals at Rayduhs looks pretty interesting, though both a little flimsy right now. Lot of people taking the Cowboys over the Chefs, not sure about that. I will go with the Chefs with the game in KC. If Big Ben plays, and it looks like he will, Scribe's Stillers at the Bolts looks to be an excellent SNF game.

That's it. Trash this joint immediately. Music by Toots. Currently, Mrs. bmaz is playing Here Comes The Sun on her newish piano, the summer heat has broken, and I hope life is as good for every one of you.

THE RITTENHOUSE VERDICT

This will be quick, but I did not want Marcy's thread overcome by Rittenhouse discussion. So, just as a lead in, I'll quote a comment on the other thread by Rugger:

"Indeed, that's been the chatter elseweb for a while especially after Judge Schroeder ditched the gun charge because of the barrel size.

However, does Rittenhouse have any liability for transporting his gun across state lines in federal court?

Somehow there is something wrong with a justice system that allows killings to be washed away, no foul. This time it's Rittenhouse, but the Breonna Taylor case as well has a potential similar outcome (the boyfriend reasonably considered the plainclothes cops as intruders, and the cops reasonably considered themselves in danger once they were fired upon) of no

one held accountable as if it were a traffic accident. That's not right."

I am not sure the facts support that he transported the weapon across state line. The evidence is that a friend bought it for him in Wisconsin.

Self defense is what led Breona Taylor's boyfriend to be a free man. This case was about one defendant in one set of facts. It is not about anything else, and should not be painted as such. A serious jury deliberated, reached a verdict and delivered it. It should be respected and not made a stalking horse for the brazen claims of either side.

Have at it.

ROCKY RACCOON, NFL, NCAA AND F1 TRASH TALK

Okay, the big news at Casa de Bmaz is that a full blown giant raccoon has taken up residence somewhere in our front. We have always had families of little ground squirrels living in some of our cactus patches, but this thing is huge. Our 92 pound Doodle, MissCue, has discovered it and is close to breaking through the front window to get to it. We, of course, call our new friend Rocky. It is pretty amusing so long as giant doodle doesn't break through the window.

Some excellent NFL games this weekend. The Rams already clobbered the SeaSquaks, and Seattle has lost Russell Wilson in the process from a hideous middle finger injury on his throwing hand. But, wait, there's more! The Cardinals, shockingly the only unbeaten team left in the

league, travel to face the San Jose 49ers, who will be without Jimmy G already. Young Trey Lance takes over, and it could be a very interesting game. Pack goes to the Bungles, but Cincinnati is starting to maybe gel for once. Denver at Steelers is interesting. Steelers are flailing a bit, and if Bridgewater plays, this could be a great game, as could Cleveland at the Bolts. Then there is the Sunday Night game on NBC, the Buffalo Wildcats at the Chiefs. The Chiefs have struggled, but think I'll take the Chiefs with some home cooking.

In the junior pro football league, which is all that the NCAA is after adoption of the NIL insanity, The Sun Devils dispatched the Trees of Stanford in the PAC-12 after dark game in Tempe. If you don't watch PAC-12 after Dark, you are missing out, it is usually very good. The best game today is arguably number 4 Penn State at number 3 Iowa. Go Hawkeyes! LSU at Kentucky could be a real sleeper, but nobody ever made money betting on Kentucky Football. Same for the ND Dopers at West Virginia. Georgia at Auburn looks interesting, but I'll take the Dawgs.

That leaves F1 of the major sports. Hamilton is on pole, but has a ten place grid penalty, so will start eleventh. Verstappen will start in P2 alongside Hamilton's Merc teammate, Bottas. There are not a lot of great passing opportunities in Istanbul, so we shall see how the race plays out. This has turned into a pretty interesting F1 season.

In other sports, the WNBA playoffs have been simply spectacular. Last night, the Phoenix Mercury beat out the Las Vegas Aces, in Vegas, behind timeless performances by Diana Taurasi and Brittney Griner. Griner has a last second block that sealed it with less than a second to go. Really good stuff. The Mercury will face Candace Parker, Courtney Vandersloot and the Chicago Sky in the finals.

Also, too, the MLB playoffs are ongoing. Jim Whie's Tampa Bay Rays looked to be world beaters until the Sox lit them up toward the end of the

game, and now the series is tied up. Giants beat the Dodgers in their first playoff meeting ever.

So, there is the sporting scene. It has been a while since we have done Trash Talk, so let your hair down and chat it up about anything. Today's music is All Along The Watchtower. Most people think it is a Hendrix song, but it originally is a Bob Dylan song. And if you have never seen Dylan play it electrified, you are in for a treat, and it also includes Highway 61. Rock this joint.

THERE IS GOING TO BE A GAME TONIGHT

Some former New England Patriot QB is going back to Foxborough. No, it is not Jacoby Brissett. It's the other guy.

Gronk is out with fractured ribs, which really sucks. But Antonio Brown is back from Covid, the Bucs are not without weapons on offense.

The football talkers are all gabbing about how Bill Belichick will know how to defend Brady. And that may be true. But having had the opportunity to watch Bruce Arians a few years, he can game plan on offense pretty well too.

It will be interesting to watch.

The Cincinnati Bearcats took out the Oklahoma Sooners, UK beat Florida and ASU trashed UCLA.

Weird week, and have at anything and everything.

MONZA, US OPEN, NFL AND OTHER SPORTS TRASH TALK

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piece on the ten year anniversary of my 2011 50 year anniversary post on the 1961 Italian Grand Prix, first American Champion in history (there have only ever been two), on the weekend of the 60th anniversary of the same. But we often scold people for wasting electrons and column inches needlessly. So, here is a link to my September 10, 2011 post "Italian Grand Prix 1961-2011: Monza, Death of von Trips & A Yankee Champion". Everything is there. If you like F1 and have not seen it before, think you will like it. Tomorrow may be the 12th of September, but it is truly the 60th anniversary for the Italian GP at Monza. Qualifying was lackluster, but Monza truly is the Temple Of Speed on the F1 circus.

The NFL kicked off Thursday night with a fantastic game between the 'Boys and Bucs. Both teams played really well, but never give the ball back to Brady with 1:20 left on the clock. Lot of great games on tap for Sunday.

Talk about anything and everything, sports or not. The relentless 9/11 hagiography is mind numbing. Thanks goodness for college football and the absolutely amazing Women's Final at the US Open that is about to, in minutes, come off between two amazing and captivating teenagers, Leyla Fernandez, a 19 year old (only by less than a week!) takes on former Canadian and current Brit, Emma Raducanu. They are truly amazing players and young personalities.

Captivating is actually an understatement. Take a look at them, you will not be sorry.

THE END OF ROE V. WADE

Is the title of this post alarmist? No, not really



. That is effectively what the new Texas law has done, and has now been fulsomely endorsed by the Supreme Court, without even the courtesy of full briefing, oral argument and a merits decision. It was known this was coming when SCOTUS let this bunk take effect yesterday morning without action, it was just a question of what the backroom dynamics were in that regard. Now we know.

Here is the “decision”. As anti-climatic as it is, it is important. This is decision on a law, and the words count.

It is madness upon not just in Texas, but the entire country. These earth shattering decisions used to come only after full briefing and argument. No longer, now the shadow path is supreme.

Agree with Mark Joseph Stern in Slate when he says this:

At midnight on Wednesday, in an unsigned, 5–4 decision, the Supreme Court effectively overturned *Roe v. Wade*. The five most conservative

Republican-appointed justices refused to block Texas' abortion ban, which allows anyone to sue any individual who "aids or abets" an abortion after six weeks, when the vast majority occur. There is no exception for rape or incest. The decision renders almost all abortions in Texas illegal for the first time since 1973. Although the majority did not say these words exactly, the upshot of Wednesday's decision is undeniable: The Supreme Court has abandoned the constitutional right to abortion. Roe is no longer good law.

Texas' ban, known as SB 8, constitutes a uniquely insidious workaround to Roe. It outlaws abortion after six weeks, but does not call on state officials to enforce its restrictions.

Instead, as Justice Sonia Sotomayor wrote in dissent, the law "deputized the state's citizens as bounty hunters, offering them cash prizes for civilly prosecuting their neighbors' medical procedures." Random strangers can sue any "abettor" to an abortion anywhere in Texas and collect a minimum of \$10,000, plus attorneys' fees. The act's language is incredibly broad, encompassing any friend, family member, clergy member, or counselor who facilitates the abortion in any way. Every employee of an abortion clinic, from front-desk staff to doctors, is liable as well. And when an individual successfully sues an abortion provider, the court must permanently shut it down.

What other questions does this action, really inaction, by SCOTUS generate? A lot. Peterr asked this elsewhere:

Next up, perhaps, in the Texas legislature, now that SCOTUS has affirmed (5-4) their new approach to enforcement of state laws . . .

Texas declares that black and hispanic people shall not be allowed to vote, and delegates enforcement to any citizen, allowing them to sue for at least \$10,000 if they can prove a black or hispanic person voted.

Texas declares that marriage is reserved to one man and one woman, and delegates enforcement to any citizen, allowing them to sue any same-sex couple who presents themselves in any form or fashion as “married” for at least \$25,000 . . .

etc. etc. etc.

Again, not hyperbole. For now though, it is crystal clear that Roe is gone. There will be different laws in different states, at best. That is it.

What happens when states like Texas/their citizen plaintiffs start trying to enforce their craven law as to conduct occurring in other states? I don't know, but that is the next horizon.

At any rate, this is going to be a problem for a very long time. If SCOTUS will do this though, given their clear previous precedent contrary to today's order, means you can kiss voting rights cases goodbye.

It is a not so brave, nor honorable, new Supreme Court world.

**MIRRIAM SEDDIQ,
DULLES JUSTICE AND**

NEW EFFORT FOR AFGHAN EVACUEES

Woke up to see that one of our favorite commenters, Eureka, noted Marcy's retweet of MirriamZary from



late last night. There are so many new folks here, and such a hurricane of strife, in the four and a half years since Trump set the first Muslim Travel ban that I thought a little backstory would be good about now. So, here we go.

@MirriamZary is her Twitter handle, but her real name is Mirriam Seddiq, and she is totally kick ass. I've twitter known her forever, there are a certain group of criminal defense attorneys that have long known and interacted with each other, on and off of twitter, and she has very long been one.

The day Trump instituted the Muslim ban in 2017, Mirriam, her partner at Seddiq Law, Justin Eisele, and some local attorney colleagues founded Dulles Justice and camped out at Dulles airport protesting the way Muslims were being detained and denied legal immigration assistance. They gave advice to families concerned, and laid a lot of the initial basis that soon got the Muslim ban set aside. Also inspired similar efforts in international airports all over the country, including here.

It was so inspiring that, after getting some tips from her work, I got off my butt and went and joined some other friends at our local Sky Harbor airport to do the same. That occurred all over the country. Thankfully, it was not that much of a legal problem here, and most of our time went into protesting (and it was a pretty big one) for news cameras and reporters, and not into having to address legal issues and problems. Soon the travel ban was set aside, and a lot of the impetus on the ground started with

Miriam and Dulles Justice. She is a hero, and is clearly now back at it. By necessity, yet again.

So, that is the back story of MiriamZary. Updates will likely be necessary as events are unfolding quite fast. How the Afghan evacuees are treated in the US, and elsewhere, will be an ongoing story and concern for quite some time.

As a coda, for now anyway, I'd like to point out how awesome women criminal defense attorneys are. You may remember me mentioning it here at EW. I took after Kathleen Walsh almost immediately on Twitter because I was so outraged and disgusted by her demeaning article. That was just the start, I kept on for a bit, because Walsh deserved it. Another one of the evil criminal defense attorneys, my pal Scott Greenfield, did a fantastic post on Walsh's uninformed nonsense. What Kathleen Walsh doesn't understand is what defense attorneys, and women are a core part of them, really do. They kick ass and take names, and Miriam Seddiq is a prime example of that.

CHARLIE WATTS

Was sitting in an oral surgeon's chair this morning, waiting for the anesthesia to take hold, when Mrs. Bmaz texted me that Charlie Watts had died. I managed some kind of "RIP" tweet before being totally out of it. But it seriously hurt.

For those that have been here a long time, you know my affinity for the Stones. It is only my opinion, but to my eye, they really are the Greatest Rock And Roll Band In The World. Certainly the most durable, and nobody can dispute that, irrespective of any other discussion.

The last Stone to die was Brian Jones, and that

was 1969. Bill Wyman left the band in 1993, but is still alive and kicking. But Charlie is now gone. The Glimmer Twins, Mick and Keef, have always been the faces of the Stones, but Charlie Watts was the constant backbone. Charlie never missed a gig. Ever. Over effectively sixty years. That is something. Watts was not a loud and noisy drummer, he was understated and perfect until the end.

I first saw the Stones on a 15 inch or so black and white TV when they pissed off Ed Sullivan on American national CBS TV. I was hooked and never looked back. Saw them, and Charlie, live nine times, all of them spectacular. The last was two years ago tomorrow, and, yeah, they were still all that. Seriously great. Not going to post any video, but here is a link. The audio and video leaves very much to be desired, sorry about that, I did not take it, but was not far from where it was taken from.

But that video, while not horrible, still is kind of lousy. So I am attaching a high quality video that, while Charlie and the boys are already old, displays exactly how good they still were. Embiggen it by clicking on the YouTube option, because this is really good. Charlie is perfect. Cheers, and RIP Charlie Watts.

SPACE COWBOYS

Well, today there will be another Billionaire Blastoff. First went Sir Richard Branson and Virgin Galactic; today will come Jeff Bezos and Blue Origin. Musk will come last, but as much as he is dislikable, and he really is, he has sent a rocket into real space to the ISS. He just wasn't on it, which is okay in the Billionaire Blastoff races.

There is a lot of discussion in the social media

and press as to whether these vanity flights are worth it, or whether the relative money should be spent on domestic efforts and climate change, child poverty etc. Strikes me that is a valid discussion.

It is pretty hard to argue with the “spend your cash now” on this or that. Very valid arguments. The side that, sure it is vanity by these Billionaire Blastoffers, but there is value here long term, is also right. Maybe it is not such a simple dichotomy.

I will also add, that as a former pilot, I more love the fact that actual pilots had to drive Virgin Galactictic. Bezos vehicle is the proverbial space monkeys in pre-Mercury criticisms.

There are a multitude of questions on the Billionaire Blastoffs. All, and maybe more, valid to be discussed. Personally only, I think the net good in advancement of engineering and US space capability militates in the positivities column. But that is not an easy question.

Use this thread for any launch things. Featured above is the great Steve Miller. And with plaudits to our once, and forever, Roving Reporter Rosalind.